



অসম ৰাজপত্ৰ

THE ASSAM GAZETTE

অসাধাৰণ

EXTRAORDINARY

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GOVERNMENT OF ASSAM

ORDERS BY THE GOVERNOR

LABOUR AND WELFARE DEPARTMENT :::: LABOUR (RC) BRANCH

NOTIFICATION

The 16th January, 2018

No.GLR(RC)55/2016/93.- The following draft rules further to amend the Plantations (Welfare Officer) Assam Rules, 1977, hereinafter referred to as the Principal Rules, which the Governor of Assam proposes to make in exercise of the power conferred by the Section 43 of the Plantation Labour Act, 1951(Act 69 of 1951) are hereby published as required under sub-section (1) of Sec. 43 of the said Act, for the information of all persons likely to be affected thereby and notice is hereby given that the said draft rules will be taken into consideration on or after the expiry of the period of not less than Six (6) weeks from the date of publication of this Notification in the Official Gazette.

Any objection or suggestion which may be received by the undersigned from any persons with respect to the said draft rules before the expiry of the period specified above will be considered by the Governor of Assam.

Draft Rules

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| Short title and commencement | 1. | (1) | These rules may be called the Plantations (Welfare Officers) Assam (Amendment) Rules, 2018. |
| | | (2) | They shall come into force on the date of their Publication in the Official Gazette. |

- Amendment of rule 2
- In the principal Rules, in rule 2; –
- (i) after clause (b), the following new clause shall be inserted namely:-
- (c) “Committee” means a Committee constituted for selection of Plantations Welfare Officer;
- (d) “Diary” means an account of the monthly routine activities of the Welfare Officer on all working days in a Plantation;
- (e) “section” means the section of the Act ;
- (f) “Welfare Officer” means a welfare officer appointed under sub-section (1) of section 18 of the Act, and includes the Chief Welfare Officer;
- (g) “Appellate Authority” means the Labour Commissioner, Assam.
- Amendment of rule 3.
- In the principal Rules, in rule 3;
- (i) In sub-rule (1), for the words, sign and figure “of the date specified in the notification issued under sub-rule (2) of rule 1” appearing after the words “within six months”, the words “from the date of publication of this notification in the Official Gazette”, shall be substituted;
- (ii) In sub rule (4), in between the words “atleast one of them shall be”, and “a woman” the word “preferably”, shall be inserted,
- Amendment of rule 4 4
- In the principal Rules, in rule 4;
- (i) in the second line, in between the words “in any plantation unless he” and the punctuation mark “,” the words” or she, as the case may be” shall be inserted;
- (ii) in clause (a), for the words “of a University recognised by the State Government in this behalf” the words “in Social Science or a degree in any discipline alongwith Diploma in Social Science of a University recognised by the State Government in this behalf” shall be substituted;
- (iii) in clause (b), for the words and punctuation mark “or diploma in any of the Social Sciences from any institution recognised by the State Government in this behalf; and”, the words and punctuation mark “in Social Science or a degree in any discipline alongwith Diploma in Social Science from any institution recognised by the State Government; and” shall be substituted.
- (iv) in clause (c), for the word “he” appearing between the words “in the plantation where” and “is to be appointed”, the words “he/she” shall be substituted;
- (v) the proviso to clause (c) shall be deleted.
- Amendment of rule 5 5
- In the principal Rules, in rule 5, for sub-rule (2), the following shall be substituted, namely :-

- “ (2) The selection for the post of a Welfare Officer shall be made by a Committee constituted by the employer. In this committee, the concerned Assistant Labour Commissioner/ Labour Officer of the respective District shall be one of the members.”
- Amendment of rule 6 6 In the principal Rules, in rule 6,-
- (i) for sub-rule (1), the following shall be substituted, namely :-
 “ (1) The Chief Welfare Officer shall be given the same status as are enjoyed Departmental heads serving directly under the Chief Head of the Plantation and he / she shall work directly under the control of the same executive of the Plantation under whom other Departmental Heads work”;
- (ii) for sub-rule (2), the following shall be substituted, namely:-
 “ (2) Every other Welfare Officer shall be given appropriate status corresponding to status of an officer holding a position next below other Departmental Heads in the Plantation, but not below the rank of the Assistant Manager of the Plantation.”,
- (iii) existing sub-rule (3) shall be renumbered as sub-rule (4) and the following new sub-rule (3) shall be inserted, namely:-
 “ (3) (a) The basic pay of a Welfare Officer shall not be less than Rs. 15,000/- plus other allowances. In addition, the Welfare Officers shall be entitled to an annual increment @ 3% of the total of basic pay of the incumbent:
- Provided that the salary of any Welfare Officer who is drawing higher salary than the prescribed salary in this clause shall not be lowered or reduced.
- (b) In tea plantations wherein more than one Welfare Officers are appointed, the Senior Welfare Officer shall be entitled to a grade pay of Rs.3,000/- and the Chief Welfare Officer of a Plantation shall be given grade pay of Rs.5,500/- with their basic pay and the annual increment of 3% shall be calculated on the total of basic and grade pay.
- (b) The conditions of service of the Welfare Officers shall be at par with the executives working in that Tea Estate not below the rank of Assistant Manager, insofar as they relate to,-
- i) Dearness Allowance (D.A.);
- ii) Bungalow accommodation;

- iii) Compensatory Travelling Allowance (T.A.) facilities/ Transport/ Vehicle Allowances/ Vehicle Advance;
 - iv) Petrol;
 - v) LTA;
 - vi) Children's Education Allowances;
 - vii) Electricity;
 - viii) Servant facilities;
 - ix) Club facilities;
 - x) Casual leave / Annual leave;
 - xi) Annual increment and incentive;
 - xii) Any other allowances and benefits;
 - xiii) Medical facilities / Medical allowances of treatment.”;
- (iv) existing sub-rule (4) shall be deleted;
- (v) in sub-rule (4) as renumbered ,-
- (a) in between the word “The” and “conditions of service”, the word “other” shall be inserted;
 - (b) the proviso shall be deleted;
- (vi) for sub-rule (5), the following shall be substituted, namely:-
- “(5) (i) In case of any dereliction of duty, misconduct, etc., the management shall initiate disciplinary proceedings against the Welfare Officer. The charges shall be clearly spelt out duly supported by witnesses and documents and the Charges shall be duly served upon the Welfare Officer;
- (ii) On the basis of charges, proper enquiry shall be made by competent authority. During enquiry, sufficient opportunity shall be accorded to the Welfare Officer for defending the charges;
- (iii) If charges are established after the enquiry, any of the following penalties may be imposed by the management depending on the gravity of charges :-
- (a) Censure/warning;
 - (b) Withholding of increment ;
 - (c) Removal or dismissal from service;
- Provided that the penalty of removal/dismissal of the Welfare Officer shall not be imposed without prior approval of Assistant Commissioner of Labour, Assam.
- (iv) In the event of any possibility of tampering of records or influencing any witnesses during inquiry, the management may also place the Welfare Officer under suspension.

(v) (a) A Welfare Officer who is placed under suspension under clause (iv) of sub-rule (5) of this rule, shall during the period of such suspension, be entitled to subsistence allowance at the rate of fifty percent (50%) of the pay and allowances which the Welfare Officer was drawing immediately before suspension:

Provided that where the period of suspension exceeds 6 (six) months due to causes not attributable to the Welfare Officer, the amount of subsistence allowance shall be increased 75 percent of the pay and allowances which the Welfare Officer was drawing immediately before suspension:

Provided further that a Welfare Officer shall not be entitled to any subsistence allowance from the date, if he/she accepts any other employment;

(b) A Welfare Officer shall not in any event be liable to refund any part of the subsistence allowance admissible to him/ her under sub-clause (a) of this clause but when a Welfare Officer is exonerated from the charge which caused his/ her suspension, the subsistence allowance paid to him/ her for any period shall be adjusted against the full pay and allowances admissible to him/ her for the same period;

(c) Subsistence allowance under sub-clause (a) of this clause for any month shall be paid by the employer on the date on which the Welfare Officer would have received his/ her pay and allowances for the month had he/ she not been placed under suspension.”

Insertion of rule 6 A 7.

In the principal Rules, after rule 6, the following new rule 6 A shall.

be inserted, namely :-

“ 6A. In the case of discharge or dismissal or any other punishment inflicted upon the Welfare Officer under sub-rule (5) of rule (6), he/ she shall have the right to appeal before the Commissioner of Labour, whose decision thereon shall be final and binding upon both the parties:

Provided that before disposal of such an appeal, the Appellate Authority shall give a reasonable opportunity of being heard to the employer concerned:

Provided further that in the event of employer’s refusal to carry out the order of the Appellate Authority within 30 days from the date of receipt of the order, the Appellate Authority on the basis of a petition filed in this behalf by the Welfare Officer, supported by a report from the concerned Assistant Labour Commissioner/ Labour Officer of the area under which the

plantation is situated, shall upon hearing, either order for enforcement of the order through the concerned Assistant Labour Commissioner of the area or determine adequate compensation to be paid to the Welfare Officer in respect of the punishment meted out to him/her and recover the same as an arrear of land revenue.”

Substitution of rule 7

8. In the principal Rules, for rule 7, the following shall be substituted, namely :-

“ 7, Duties of a Welfare Officer,- (i) A Welfare Officer or Chief Welfare Officer, as the case may be, shall perform as liaison officer to maintain a harmonious relation between the employer and the workers in all statutory and non-statutory matters;

(ii) Ensure proper and effective implementation of the Safety/Security & Welfare provisions of the Plantation Labour Act, 1951(No.69 of 1951) and other Labour Laws applicable in a plantation;

(iii) To facilitate timely payment of wages/salary, payment/release of P.F./gratuity other benefits due to workers;

(iv) Maintain record of welfare activities initiated by the employer;

(v) Hold monthly meeting with the workers to redress their grievances and discuss development activities;

(vi) Initiate regular awareness activities to educate workers on welfare provision, health, sanitation, social issues and various Government schemes available ;

(vii) To perform as a liaison officer for all Government schemes implemented within the plantation and assist the workers to avail the benefits of such schemes ;

(viii) To perform any other duty not specified under the Rule but connected with a Welfare Officer’s duty.”

Amendment of rule 8

9. In the principal Rules, in rule 8, the proviso shall be deleted.

Amendment of rule 9

10. In the principal Rules, the existing rule 9, shall be renumbered as rule 11 and the following new rule 9, shall be inserted, namely:-

“9. If the Chief Inspector of Plantations, Assam, is of the opinion that the employer has been putting pressure or insisting or compelling a Welfare Officer to do work which is inconsistent with or detrimental to the performance of his/ her duties prescribed under these rules or any other rule made in this behalf, the Chief Inspector of Plantations, Assam, may, by an order, for reasons to be recorded in writing, direct that such Welfare Officer shall not be required or permitted to do such work.”

Insertation of
rule 10

11 In the principal Rules, after 9, the following new rule 10, shall be inserted, namely :-

“10 Every employer shall submit a half yearly return regarding registered plantations with names, total numbers of workers employed, number of Welfare Officers and such other information as per FORM No. I appended to these rules, ending on the 30th June and 31st December every year to the Chief Inspector of Plantations and the Assistant Labour Commissioner of the area in which the plantation is situated with a copy to the Secretary to the Government of Assam, Labour Welfare Department, Dispur, Guwahati- 6. The first half-yearly return should reach all concerned before the 31st July and the second return before the 31st January of every succeeding year.”

M. G. V. K. BHANU,

Addl. Chief Secretary to the Govt. of Assam,
Labour Welfare Department.