



# THE ASSAM GAZETTE

অসাধাৰণ

EXTRAORDINARY

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No. 111 Dispur, Tuesday, 5th March, 2024, 15th Phalgun, 1945 (S. E.)

GOVERNMENT OF ASSAM

ORDERS BY THE GOVERNOR

LABOUR WELFARE DEPARTMENT ::: LABOUR (RC) BRANCH

## NOTIFICATION

The 21st February, 2024

No.E.380706/68.- The following draft of certain rules further to amend the Assam Industrial Employment (Standing Orders) Rules, 1947 hereinafter referred to as the principal Rules, which the Governor of Assam proposes to make in exercise of the powers conferred by sub-section (1) of section 15 of the Industrial Employment (Standing Orders) Act, 1946 (Central Act 20 of 1946), is hereby published as required under section 15 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 shall be taken into consideration on or after the expiry of the period of thirty days from the date of publication of this notification in the Official Gazette.

Any objections or suggestions which may be received by the undersigned from any person with respect to the said draft rules before the expiry of the period specified above shall be considered by the Government of Assam.

The objections and suggestions, if any, may be sent to the Secretary to the Government of Assam, Labour Welfare Department, Dispur, Guwahati-6.

### **Draft Rules**

Short title and commencement 1. (1) These rules may be called the Assam Industrial Employment (Standing Orders) (Amendment) Rules, 2024.

(2) They shall come into force on the date of their publication in the Official Gazette.

Amendment of rule 2      2. In the principal Rules, in rule 2, after clause (d), the following new clause (e) shall be inserted, namely :-

“(e) ‘Inspector’ means an officer appointed by the State Government by a notification published in the Official Gazette for the purpose of carrying out the provisions of the Act.”

Insertion of new rule 2A      3. In the principal rules, after rule 2, the following new rule shall be inserted; namely:-

“Power of Inspector      "2A (1) For the purpose of the enforcement of the Act, the Rules and the Standing Orders duly certified there under the Inspector shall have the following powers namely :-

- (a) to enter into any place in any time in industrial establishment and examine the premises and all register, records and notices;
- (b) to take photograph or caused to be photographed any place or work or machinery, or to obtain a copy of photograph, shetcher test measurement of any register or documents;
- (c) to inspect any building room or workplace within the industrial establishment;
- (d) to make enquiries from such persons in the premise of the industrial establishment as he may consider necessary;
- (e) to call for explanation for any irregularity found in inspection:

Provided that no such persons shall be compelled under these rule to give an answer to any question, the answer to which may tend to incriminate him;

- (f) to summon and examine the records of any registered trade union or a federation of the trade unions for the purpose of sub-rule 1 of rule 7; and

- (g) to seize any record, register, document, article, which he may consider necessary;
- (h) to hold meeting or meetings of the workers of an industrial establishment within its premises at a place to be determined in consultation with the employer who shall be bound to scarify such a place in the premises, at a specified time fixed by him and intimated to the workmen and the employer for the purpose of electing representatives of workmen under rule 7; and to represent the Certifying Officer before an Appellate Authority and in any other court of law.

(2) Prohibition against disclosing information :-

No person who obtains any information by virtue of the Act shall otherwise than in connection with the execution of the provisions of this Act or of any order made in pursuance thereof shall disclose that information to any other person except with permission granted by or on behalf of the State Government."

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| Amendment of rule 4  | 4. | In the principal Rules, in rule 4, in clause (a), in the sixth line, for the word "registration", appearing in between the words "application for" and "of Standing" the word, "certification" shall be substituted;  |
| Amendment of rule 7  | 5. | In the principal Rules, in rule 7, in clause (i), in the last sentence, for words and brackets "[the Standing Orders shall also be published in the Official Gazette for general information along with a notice in Form D]" the following shall be substituted, namely :-<br>"the Certifying Officer shall if necessary, get the information in Forms B and C through an Inspector and take necessary action on getting his report." |
| Amendment of rule 11 | 6. | In the principal Rules, in rule 11, for the words, "twelve annas for the first two hundred words or less and six annas", the words "Rupees 5.00 (five) and Rupees 2.00 (two)" shall be substituted;   |

- Insertion of rule 13
7. In the principal Rules, after rule 12, the following new rule 13 shall be inserted, namely:-
- “13. Any person applying for a copy of certified Standing Orders shall pay the fees as provided under rule 11 of these rules to the Government Treasury under the Head of Account, "2230-Labour and Employment-101-(f) Fees for the copy of certified Standing Orders under the Assam Industrial Employment (Standing Orders) Rules, 1947" and the original copy of the Challan depositing the requisite amount of fees shall be appended with the application addressed to the Certifying Officer.”
- Amendment of Schedule I
8. In the principal Rules, in Schedule I,-
- (i) in Standing Order No. I,-
- (a) in clause (a), in the fourth line, in between the words, ‘period of and ‘months’, the word ‘three’ shall be inserted;
- (b) in clause (b), in the third line, in between the words, “completed” and “months”, the word ‘three’ shall be inserted;
- (c) after clause (e), the following new clauses shall be inserted, namely :-
- “(f) A ‘badli’ is a workman who is appointed in the post of a permanent workman or probationer who is temporarily absent;
- (g) A ‘casual’ workman is a workman whose employment is of a casual nature;
- (h) A ‘fixed term employment workman’ is a workman who has been engaged on the basis of a written contract of employment for a fixed period of time :
- Provided that,-
- (a) his hours of work, wages, allowances and other benefits shall not be less than that of a permanent workman, and

- (b) he shall be eligible for all statutory benefits available to a permanent workman proportionately according to the period of service rendered by him even if his period of employment does not extend to the qualifying period of employment required in the statute."
- (ii) in standing order No. 4, for the words and figures, "Factories Act, 1934," the words and figures "Factories Act, 1948", shall be substituted.
- (iii) in Standing Order 10, in clause (a),—
- (a) after sub-clause (12), the following new sub-clause (13) shall be inserted, namely :-
- “(13) Sexual harassment which includes such unwelcome sexual determined behaviour (whether directly or by implication) as-
- (i) Physical contact and advances; or
  - (ii) demand or request for sexual favours; or
  - (iii) sexual coloured remarks; or
  - (iv) showing pornography; or
  - (v) any other unwelcome physical, verbal or non-verbal conduct of sexual nature."
- (b) after clause (b), the following new clause (c), shall be inserted, namely :-
- “(c) Service Records:-
- (i) Service Card :- Every establishment shall maintain a service card in respect of each workman in Form A of Schedule III of these rules, wherein particulars of that workman shall be recorded

with the knowledge of the workman and duly attested by the Manager in this behalf with date.

- (ii) Certification of service :- Every Workman shall be entitled to a service certificate, specifying the nature of work (designation) and the period of employment (indicating the days, month, years) at the time of discharge, termination, retirement or resignation from service.
- (iii) Residential address of workman :- A workman shall notify the employer immediately on engagement, the details of his residential address and thereafter promptly communicate to the Manager any change of his residential address and in the event of failure to do so, his last known address shall be treated by the Manager as his residential address for sending any communication
- (iv) Record of age :- Every workman shall at the time of entering service of the establishment, submit the legally recognised certificates of proof of his date of birth and where the exact date of birth is not available and the year of birth is only established, then the 1st July of the said year shall be taken as the date of birth.
- (v) Age of retirement :- The age of retirement or superannuation of a workman shall be as may

be agreed upon between the Manager and the workman under an agreement or as specified in a settlement or award which is binding on both the parties. Where there is no such agreed age, retirement or superannuation shall be on completion of 60 years of age by the workman.

- (vi) Transfer :- A workman may be transferred according to exigencies of work from one department or section of a department to another establishment or from one station to another or from one establishment to another under the same employer:

Provided that the wages, grade, continuity of service and other conditions of service of the workman are not adversely affected by such transfer:

Provided further that a workman shall be transferred from one job to another of which he is capable of doing, and also that where the transfer involves moving from one State to another, such transfer shall take place either with the consent of the workman or where there is a specific provision to that effect in the letter of appointment, and provided that:

- (i) reasonable notice is given to such workman; and

- (ii) reasonable joining time is allowed in case of transfers from one station to another. The workman concerned shall be paid travelling allowance thereof to meet incidental charges.
- (vii) Medical Aid in case of Accidents :- Where a workman meets with an accident in the course of or arising out of his employment, the employer shall at employer's expense make satisfactory medical aid to the injured workman and shall arrange for which further treatment, if considered necessary by the doctor attending him. Wherever the workman is entitled for treatment and benefits under the Employees' State Insurance Act, 1948, or the Workman's Compensation Act, 1923, the employer shall arrange for the treatment and compensation accordingly.
- (viii) Medical examination :- Whenever the recruitment Rules specify medical examination of a workman on his first appointment, the employer shall, at the employer's expense, make arrangement for the



medical examination by a registered medical practitioner and in the case of a female by a registered lady medical practitioner.

(ix) Secrecy :- No workman shall take any papers, books, drawings, photographs, instruments, apparatus, documents or any other property of an establishment out of the work premises except with the written permission of his immediate superior, nor shall he in any way pass or cause to be passed or disclose or cause to be disclosed any information or matter concerning the manufacturing process, trade secrets and confidential documents of the establishment to any unauthorized person, company or corporation without the written permission of the employer.

(x) Exclusive Service :- A workman shall not at any time work against the interest of the establishment in which he is employed and shall not take any employment in addition to his job in the establishment, which may adversely affect the interest of the employer."

(iv) in Standing order 12, in clause (e), for the words and figures, "the Assam Maternity Benefit Act, 1945" the words and figures "the Maternity Benefit Act, 1961" shall be substituted.

(v) after Standing Order 15, the following new Standing Orders shall be inserted, namely "

“16. Service Records :-

- (i) Service Card;
- (ii) Certification of service;
- (iii) Confirmation;
- (iv) Age of Retirement;
- (v) Medical Aid in case of accidents;
- (vi) Medical Examination;
- (vii) Secrecy;
- (viii) Exclusive service.

17. Tickets :-

- (i) Every workman shall be given a permanent ticket unless he is a probationer, badli, or fixed term employment workman temporary, casual worker or learner;
- (ii) Every temporary workman shall be provided with a departmental ticket showing his number, and shall, on being required to do so, show it to any person authorized by the manager to inspect it;
- (iii) Every temporary worker shall be provided with a 'temporary' ticket which he shall surrender on his discharge;
- (iv) Every casual worker shall be provided with a 'casual' card on which shall be entered the days on which he has worked in the estate or establishment;
- (v) Every learner shall be provided with a 'learner' card, which shall be surrendered if he obtains permanent employment;
- (vi) Every badli shall be provided with a badli card, on which shall be entered the days on which he has worked in the estate or establishment, and which shall be surrendered if he obtains permanent employment."

Amendment of  
Schedule II

9. In the principal Rules, in Schedule II,-
- (i) in Standing Order 9, in the second line, for the words and figures 'Chapter IV of the Factories Act, 1934, the words and figures "Chapter VIII of the Factories Act, 1948" shall be substituted.
  - (ii) in Standing Order 14, after clause (k), the following new sub-clause (l) shall be inserted, namely:-

“(l) Sexual harassment which includes such unwelcome sexually determined behaviour (whether directly or by implication) as-

    - (i) Physical contact and advances; or
    - (ii) Demand or request for sexual favours; or
    - (iii) Sexually coloured remarks; or
    - (iv) Showing pornography; or
    - (v) Any other unwelcome physical, verbal or non-verbal conduct or sexual nature.”
  - (iii) after Standing Order 18, the following new Standing Orders shall be inserted, namely :-

“19. Constitution of Internal Committee under The Prevention of Sexual Harassment (POSH) Act, 2013.

## 20. Tickets :-

- (i) Every workman shall be given a permanent ticket unless he is a probationer, badli, or fixed term employment workman temporary, casual worker or learner;
- (ii) Every temporary workman shall be provided with a departmental ticket showing his number, and shall, on being required to do so, show it to any person authorized by the manager to inspect it;
- (iii) Every temporary worker shall be provided with a 'temporary' ticket which he shall surrender on his discharge;

- (iv) Every casual worker shall be provided with a 'casual' card on which shall be entered the days on which he has worked in the estate or establishment;
- (v) Every learner shall be provided with a 'learner' card, which shall be surrendered if he obtains permanent employment;
- (vi) Every badli shall be provided with a badli card, on which shall be entered the days on which he has worked in the estate or establishment, and which shall be surrendered if he obtains permanent employment.

21. Service Records:-

- (i) Service Card :- Every establishment shall maintain a service card in respect of each workman in the FORM A appended to the Standing Orders, wherein, particulars of that workman shall be recorded with the knowledge of the workman and duly attested by the Manager in this behalf with date
- (ii) Certification of service :- Every workman shall be entitled to a service certificate, specifying the nature of work (designation) and the period of employment (indicating the days, months, years) at the time of discharge, termination, retirement or resignation from service
- (iii) Residential address of workman :- A workman shall notify the employer immediately on engagement the details of his residential address and thereafter promptly communicate to the Manager any change of his residential address and in the event of failure to do so his last known address shall be treated by the

Manager as his residential address for sending any communication.

- (iv) Record of age :- Every workman shall at the time of entering service of the establishment submit the legally recognized certificates in proof of his date of birth and where the exact date of birth is not available and the year of birth is only established then the 1<sup>st</sup> July of the said year, shall be taken as the date of birth.
- (v) Age of retirement: - The age of retirement or superannuation of a workman shall be as may be agreed upon between the Manager and the workman under an agreement or as specified in a settlement or award which is binding on both the parties. Where there is no such agreed age, retirement or superannuation shall be on completion of 60 (Sixty) years of age by the workman.
- (vi) Transfer :- A workman may be transferred according to exigencies of work from one department or section of a department to another of the establishment or from one station to another or from one establishment to another under the same employer:
- Provided that the wages, grade, continuity of service and other conditions of service of the workman are not adversely affected by such transfer:
- Provided further that a workman is transferred from one job to another, which he is capable of doing, and provided also that where the transfer involves moving from one State to another such transfer shall take place, either with the consent of the workman or

where there is a specific provision to that effect in the letter of appointment, and provided that,-

- (i) reasonable notice is given to such workman and
  - (ii) reasonable joining time is allowed in case of transfers from one station to another. The workman concerned shall be paid travelling allowance including the transport charges, and fifty percent thereof to meet incidental charges.
- (vii) Medical Aid in case of Accidents :- Where a workman meets with an accident in the course of or arising out of his employment, the employee shall at employer's expense make satisfactory arrangements for immediate and necessary medical aid to the injured workman and shall arrange for his further treatment, if considered necessary by the doctor attending him. Wherever the workman is entitled for treatment and benefits under the Employees' State Insurance Act, 1948, or the Workman's Compensation Act, 1923, the employer shall arrange for the treatment and compensation accordingly.
- (viii) Medical examination :- Whenever the recruitment Rules specify medical examination of a workman on his first appointment, the employer shall, at the employer's expense, make arrangements for the medical examination by a registered medical practitioner and in the case of a female by a registered lady medical practitioner and in the case of a female by a registered lady medical practitioner.

- (ix) Secrecy :- No workman shall take any papers, books, drawings, photographs, instruments, apparatus, documents or any other property of an establishment out of the work premises except with the written permission of his immediate superior, nor shall he in any way pass or cause to be passed or disclose or cause to be disclosed any information or matter concerning the manufacturing process, trade secrets and confidential documents of the establishment to any unauthorized person, company or corporation without the written permission of the employer.
- (x) Exclusive Service :- A workman shall not at any time work against the interest of the establishment in which he is employed and shall not take any employment in addition to his job in the establishment, which may adversely affect the interest of the employer.
- (xi) CCTV or Surveillance Cameras shall be installed in all premises.

Amendment of  
Schedule III

10. In the principal Rules, in Schedule-III,

- (i) in FORM 'A', in column (1), under no serial 11, the following service records shall be provided, namely :
  - (a) Confirmation;
  - (b) Age of retirement;
  - (c) Transfer;
  - (d) Medical Aid in case of accidents;
  - (e) Medical Examination;
  - (f) Secrecy;
  - (g) Exclusive service."

- (ii) In Form 'C' in the heading, for the figure, '14' appearing in between the words "in rule" and "of the Assam", the figure, brackets and alphabets "4(a)" shall be substituted;
- (iii) In FORM D,-
  - (a) in the heading, for the word, figures and brackets "rule 17(i), the words, figure and brackets rule 7(i)" shall be substituted;
  - (b) for the words "P.O SHILLONG", the words and figure "SHRAM BHAWAN, GUWAHATI-7" shall be substituted.
  - (c) for the word "Shillong" appearing after the word "Dated", the word "Guwahati" shall be substituted
- (iv) in FORM F, the word "Shillong" appearing after the word, "Certifying Officer, Assam" shall be deleted.

**BALLEPU KALYAN CHAKRAVARTHY,**  
Principal Secretary to the Government of Assam,  
Labour Welfare Department.