



# THE ASSAM GAZETTE

অসাধাৰণ

EXTRAORDINARY

প্ৰাপ্ত কৰ্তৃত্বৰ দ্বাৰা প্ৰকাশিত

PUBLISHED BY THE AUTHORITY

নং 72 দিশপুৰ, সোমবাৰ, 18 ফেব্ৰুৱাৰী, 2019, 29 মাঘ, 1940 (শক)

No. 72 Dispur, Monday, 18th February, 2019, 29th Magha, 1940 (S. E.)

GOVERNMENT OF ASSAM

ORDERS BY THE GOVERNOR

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

## NOTIFICATION

The 5th February, 2019

No. GLR (RC) 55/2016/126.- Whereas the draft certain Rule further to amend the Plantations (Welfare Officer) Assam Rules, 1977, hereinafter referred to as the principal Rules were published as required under sub-section (1) of section 43 of the Plantation Labour Act, 1951 (Act 69 of 1951) in the Assam Gazette, Extra Ordinary No. 52, dated 14<sup>th</sup> February, 2018, inviting objections or suggestions from all persons likely to be affected thereby till the expiry of the period of 6 (six) weeks from the date of publication of the Notification in the Official Gazette.

And whereas, certain suggestions/ objections were received from various stakeholders which have been considered by the Governor of Assam and thereafter it is decided to make the rules;

Now, therefore, in exercise of the powers conferred by section 43 of the Plantations Labour Act, 1951 (Assam Act 69 of 1951), the Governor of Assam is hereby pleased to make the following rule further to amend the principal Rules, after having been published previously as mentioned hereinabove, namely :-

Short title and commencement

- (1) These rules may be called the Plantations (Welfare Officers) Assam (Amendment) Rules, 2019.
- (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 (b), the following new clauses 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.
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 along with 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. The names and educational qualifications of the selected candidates shall be forwarded to the Labour Commissioner, Assam by the concerned company/ employer for ratification prior to appointment.”

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 by 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/-** per month alongwith increments, perks and facilities etc. as per company norms. The employer would notify the terms of service offered to the Welfare Officer with intimation to the Labour Commissioner, Assam.’

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.”;

(iv) existing sub-rule (4) shall be deleted;

(v) in sub-rule (4) as renumbered ,-

(a) in between the words, “The” and “conditions of service”. The word “other” shall be inserted;

(b) the proviso shall be deleted;

(vi) in sub-rule (5), for the existing provision, the following shall be substituted, namely :-

“No penalty shall be imposed upon a Welfare Officer by the management unless he/ she been first informed in writing, of the grounds on which it is proposed to take action against him/ her and he/she has been afforded an adequate opportunity for depending himself/ herself.”

- 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 if any party aggrieved by the decision of the Appellate Authority he/ she may file an appeal before the court of the Magistrate 1<sup>st</sup> Class.”
- Substitution of rule 7
8. In the principal Rules, for rule 7, the following shall be substituted, namely :-  
 “7. Duties of a Welfare Officer,- A Welfare Officer or Chief Welfare Officer, as the case may be shall,-  
 (i) assist and aid as per direction of the Head of Plantation 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) 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) 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) 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. The Management may engage the Welfare Officer in any other duties provided it does not affect his normal duties as specified under rule 7.”

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 30<sup>th</sup> June and 31<sup>st</sup> 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 31<sup>st</sup> July and the second return before the 31<sup>st</sup> January of every succeeding year.”

Half yearly Return for the period ending on .....

**FORM NO. 1**  
(See Rule 10)

1. Full Name and Designation of the Employer :

2. Postal Address  
(i) P.O. ....  
(ii) T.O. ....  
(iii) P.S. ....  
(iv) Dist. ....

Name of plantation with registration Number under the Plantations Labour Act, 1951	Name of out garden (s)	Total No. of workers ordinarily employed on the last date of the quarter	No. of vacancy of Welfare Officer required to be appointed	No. of existing Welfare Officer(s) as on the date of submission of return	Name and permanent address of Welfare Officer as in column 5	Date of appointment	Scale of pay and total emoluments at present	Educational qualification	Remarks
1	2	3	4	5	6	7	8	9	10

Signature of the Employer with Designation

No. .... Dated ..... 20 .....

Copy to :- 1. The Secretary to the Government of Assam, Labour & Employment Department, Dispur, Guwahati- 6.  
2. The Chief Inspector of Plantation, Assam, Gopinathnagar, Guwahati- 16.  
3. The Assistant Labour Commissioner of the area.

**J. BARUA,**

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