

**THE PLANTATIONS (WELFARE OFFICERS) ASSAM RULES 1977**

**No. GLR. 146/75/94.** — In exercise of the powers conferred by Section 43 of the plantation Labour Act, 1951, (Act 69 of 51) the Governor of Assam having considered the representation received from the public in response to the notification No.GLR.146/75/72, dated 11<sup>th</sup> August 1975 published under sub-section (i) of the said section is pleased to make the following rules, viz:

**1. Short title and commencement** – (1) These rules may be called the Plantations (Welfare Officers) Assam Rules, 1977 (2) They shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint in this behalf.

**2. Definition** – In these rules, unless the context otherwise requires.

(a) “Act” means the Plantations Labour Act, 1951 (Central Act 69 of 1951),

(b) The expressions, “employer” plantations and “Worker” shall have the meanings respectively assigned to them in the Act.

**3. Number of Welfare Officers** – (1) Within six months of the date specified in the notification issued under sub-rule (2) of Rule 1, the employer in every plantation wherein the number of workers ordinarily employed are three hundred or more shall appoint at least one welfare officer.

(2) Wherein any plantation the number of workers ordinarily employed exceeds one thousand and two hundred, in addition to the Welfare Officer appointed under sub-rule (1) one Welfare Officer shall be appointed for every one thousand and two hundred workers or a fraction thereof in excess of the first one thousand and two hundred workers;

(3) Wherein any plantation the number of workers exceeds one thousand and two hundred by not more than three hundred, the State Government or such other authority as the State Government may specify for the purpose may on application exempt the employer in any plantations from the provisions of sub-rule (2) subject to such conditions as it or he may specify.

(4) Where there are more than one Welfare Officer in a plantation, one of them shall be designated the Chief Welfare Officer and at least one of them shall be a women.

**4. Qualifications** – A person shall not be eligible for appointment as a Welfare Officer in any plantation unless he —

(a) Possesses a Degree of a University recognised by the State Government in this behalf;

(b) Has obtained a Degree or Diploma in any of the Social Sciences from any institution recognised by the State Government in this behalf; and

(c) Has adequate knowledge of the language spoken by the majority of the workers in the plantation where he is to be appointed:

Provided that in the case of a person who is acting as Welfare Officer at the commencement of these rules, the State Government may subject to such conditions as it may specify, relax all or any of the aforesaid qualifications:

Provided further that a person who has not obtained a Degree or Diploma in any of the Social Sciences may be appointed as Labour Welfare Officer, if he is otherwise fit subject to his acquiring such a Degree or Diploma within a period not exceeding three years from the date of his appointment.

**5. Recruitment of Welfare Officers** – The post of a Welfare Officer shall be advertised by the employer in any two newspapers having wide circulation in the State, one of which should be an English Newspaper.

(2) The selection for appointment to the post of a Welfare Officer shall be made from among the candidates applying for the post by a committee constituted by the employer and in which at least one of the members is from among the workers.

(3) The appointment when made shall be notified by the employer to the State Government and the Chief Inspector of Plantations giving full details of the qualifications, age, pay, previous experience and other relevant particulars of the officer appointed and the terms and conditions of his service.

(4) Any vacancy in the post of a Welfare Officer caused by death, dismissal, discharge or resignation or by any other reason shall be filled up within three months of the occurrence of the vacancy.

## 6. CONDITIONS OF SERVICE OF WELFARE OFFICERS

(1) A Welfare Officer shall be given the status of an Executive head of the plantation.

(2) The basic pay of a Welfare Officer shall not be less than Rs 400 per men sum. Provided that the salary of any Welfare Officer, which at the commencement of these rules is higher than the minimum prescribed in this sub-rule, shall not be reduced.

(3) The condition of service of a Welfare Officer shall be the same as those of other executive heads of corresponding status in the plantation:

Provided that in the case of discharge or dismissal the Welfare Officer shall have the right of appeal to the State Government whose decision thereon shall be binding upon the employer Provided further that before disposal of such an appeal the State Government may give a hearing to the employer concerned.

(4) An appeal under the proviso to sub-rule (3) shall be preferred within thirty days from the date of receipt of the order of discharge or dismissal by the Welfare Officer.

(5) No penalty shall be imposed upon a Welfare Officer by the management unless he has been first informed in writing of the grounds on which it is proposed to take action against him and he has been afforded an adequate opportunity for defend himself.

**7. Duties of Welfare Officer** – The duties of a Welfare Officer shall be —

(i) To establish contacts and hold consultations with a view to maintaining harmonious relation between the employer and the workers.

(ii) To bring to the notice of the employer the grievances of the workers regarding welfare measures, individual as well as collective, with a view to securing their expeditious redressal and to act as a Liaison Officer between the employer and the workers;

(iii) To study the point of view of Labour in order to help the employer to formulate Labour policies of the plantation and to interpret their policies to the workers in a language they can understand and comprehend;

(iv) To watch industrial relations with a view to using his influence in the event of a dispute arising between the employer and the workers and to help to bring about a settlement by persuasive methods and to watch the working of collective agreement and the enforcement of industrial awards;

(v) To advise the employer on statutory and other obligations concerning the application of the provision of the Act and the rules made there under as well as other relevant labour laws;

(vi) To promote relations between the employer and workers so as to bring about efficiency in production as well as amelioration in the working condition and to help workers to adjust and adapt themselves to working environments;

(vii) To advise the employer in the matter of making provisions for such amenities as drinking water, sanitation, medical facilities, canteens, crèches, recreational facilities, education facilities for workers, children housing, protection from rain and cold, annual leave, sickness benefit, etc., and supervise the provision so made;

(viii) To help the employer in regulating the spread over, employment of young children, granting of annual leave with wages and other leave privileges and to guide the workers in the matter of submission of applications for leave, certificate of fitness, etc.;

(ix) To encourage the formation of joint production committees, joint management councils, co-operative societies, welfare committees and the like and to supervise their work.

(x) To study absenteeism and labour turnover and to suggest measures to be adopted for their prevention;

(xi) To suggest measures which will serve to raise the standards of living of workers in general and to promote their well being;

(xii) To deal with wage and employment matters by joint consultations with the employers & workers' representative bodies.

(xiii) To perform any other duty connected with the welfare of workers.

8. Welfare Officers not to deal with disciplinary cases or appear on behalf of the employer against workers: —

No Welfare Officers shall deal with any disciplinary case against a worker, or appear before conciliation Officer, or in a Court or Tribunal on behalf of the employer against a worker or workers except when he is required by the Conciliation Officer, Court or Tribunal to appear as an independent witness:

Provided that nothing in this rule shall be deemed to prohibit a worker from approaching the welfare officer in respect of a grievance arising out of any case of disciplinary action against him.

**9. Power of exemption:** — The State Government may, by notification in the official gazette, exempt any plantation or class of Plantation from the operation of all or any of the provisions of these rules except sub-rule (1) of rule-3, subject of such conditions as may be specified.

Sd/-  
Secy. To the Govt. of Assam,  
Labour & Employment Deptt.

**Memo No. GLR.146/75/94-A, Dated Dispur, the 29<sup>th</sup> April 1977**

**Copy forwarded to: —**

1. The Supdt. Assam Govt. Printing Press for publication of the same in the next issue of Assam Gazette and to supply 100 (one hundred) spl. Copies to this Deptt. And 100 (one hundred) copies to Labour Commissioner.

2. Addl. Labour Commissioner for information.

3. The Under Secy. To the Govt. of India, Ministry of Labour & Employment, New Delhi for information.

**By Order etc.,**

Sd/-

**Under-Secy. To the Govt. of Assam,  
Labour & Employment Deptt.**

**GOVERNMENT OF ASSAM**

**LABOUR AND EMPLOYMENT DEPARTMENT (R. CELL)**

**ORDERS BY THE GOVERNOR**

**NOTIFICATION**

**Dated Dispur, the 5<sup>th</sup> August 1983.**

**No. GLR (RC) 42/83/129:** In exercise of the powers conferred by sub-rule (2) of rule 1 one of the Plantations (Welfare Officers) Assam Rules, 1977, which were made vide Govt. Notification No. GLR.146/75/94, dated 29<sup>th</sup> April, 1977 and were published in the Assam Gazette dated 18<sup>th</sup> May 1977, the Governor of Assam is pleased to order that the said Plantations (Welfare Officers) Assam Rules, 1977 shall come into force on and from 15<sup>th</sup> day of August, 1983.

Sd/-

U.C. SARANIA,  
Secretary to the Govt. of Assam,  
Labour and Employment Deptt.

**MEMO NO. GLR (RC) 42/83/129 – A Dated Dispur, the 5<sup>th</sup> August 1983.**

**Copy to:**

1. The Labour Commissioner, Assam, Gopinath Nagar, Guwahati-16.
2. The Chief Inspector of Plantations, Assam, Gopinath Nagar, Guwahati-16.
3. The Under Secretary, Government of Assam, (P&S) Department with a request to issue instruction the Superintendent, Assam Govt. Press, Bamunimaidan, Guwahati-21, for publication of the above Notification in an Extraordinary Gazette dated 15<sup>th</sup> August, 1983.
4. The Supdt. Assam Govt. Press, Bamunimaidan, Guwahati-21 for publication in an Extraordinary Gazette dated 1<sup>st</sup> August 1983 and to supply 100 spare copies to this Deptt.

By Order etc.,  
Sd/-

Illegible, Under Secretary to the Govt. of Assam,  
Labour and Employment Deptt.

**GOVERNMENT OF ASSAM**

**LABOUR & EMPLOYMENT DEPARTMENT: LABOUR (RC) BRANCH:  
ASSAM SECRETARIAT (CIVIL DISPUR, GUWAHATI-781006.  
ORDERS BY THE GOVERNOR**

**NOTIFICATION**

**Dated Dispur, the 5<sup>th</sup> September 1984.**

**No. GLR (RC) 42/83/158 –** Whereas the Governor of Assam is of the opinion that the statutory measures taken for the welfare of the workers in the Tea Plantations has to be expedited in all Tea Gardens of the State;

And whereas, it will not be so expeditiously done unless Welfare Officers are appointed immediately in the Tea Gardens to look after the welfare activities;

And whereas there is a shortage of eligible graduates with degree or diploma in Social Sciences to man the posts of Welfare Officers of the Tea Gardens of Assam as required under Rule (b) of the Plantations (Welfare Officers) Assam Rules, 1977 (hereinafter referred to as the said Rules) and that this shortage is likely to persist for some years to come;

Now therefore, in exercise of the powers conferred by Rule 9 of the Plantations (Welfare Officers) Assam Rules, 1977, framed under section 43 of the Plantations Labour Act, 1951, the Governor of Assam is pleased to exempt until further order all the Tea Plantations in the State from the operation of the rule 4 (b) of the said Rules enabling the Managements to recruit Welfare Officer(s)/ Lady Welfare Officer(s)/ Chief Welfare Officer(s) as the case may be from amongst the eligible graduates without requiring the qualifications of a Degree/Diploma in Social Sciences prescribed under the said sub-rule.

This will come into force at once.

**Sd/-**

**(Prabir Sengupta)**  
**Commissioner & Spl. Secy. To the Govt. of Assam,**  
**Labour & Employment Department.**

**Memo No. GLR (RC) 42/83/158, - A, Dated Dispur, the 5<sup>th</sup> September 1984**

**Copy forwarded for favour of information & necessary action to: —**

1. P.P. Secy. To the Chief Minister, Assam.
2. P.S. to Minister, Labour & Employment/Minister (all)/Minister of State, Assam.
3. P.A. to Chief Secretary to the Govt. of Assam.
4. The Labour Commissioner, Assam, Guwahati-16.
5. The Chief Inspector of Plantations, Assam.
6. The Director of Employment & Craftsmen Training, Assam.
7. Deputy Commissioner (All)
8. Chairman, NETA, Golaghat/Director General, ITA, Jorhat/Chairman, ABITA Gauhati/Chairman ATPA, Jorhat, Chairman/TAI, Jorhat.
9. Dy. Secy. To the Govt. of Assam, General Administration (PS) Deptt. Dispur with a request to instruct the Supdt., Assam Govt. Press for publication of the notification in the Extraordinary Assam Gazette of the next issue.
10. Supdt., Assam Govt. Press for publication of the notification in an Extraordinary Gazette and to supply 1000 copies of the notification to this Deptt. For official use.
11. Guard file.

**By order etc.,**

Sd/-

L.D. Borgohain,  
Research Officer,  
Govt. of Assam,  
Labour & Employment Department.

**GOVERNMENT OF ASSAM  
LABOUR AND EMPLOYMENT DEPTT: LABOUR (R.C.) BRANCH  
ORDER BY THE GOVERNOR**

**NOTIFICATION**

**The 20<sup>th</sup> May 1985**

**No.GLR (RC) 42/83/173.** – Whereas, some of the Tea Employers' Associations have express their difficulty to act wholly upon the provisions of rule 3(4), 5(2) and 6(1) of the Plantations (Welfare Officers) Assam Rules, 1977, and they have requested the State Government to take such appropriate action as may be possible in bringing about certain changes in the aforesaid rules to enable them to appoint the welfare Officers expeditiously.

And whereas, after the examination it is found by the State Government that the difficulty express by the said Tea Employees' Associations are of genuine nature in the matter of operation of above rules in their totality.

Now, therefore, in exercise of the powers conferred by rule 9 of the Plantations (Welfare Officers) Assam Rules, 1977, the Governor of Assam is pleased to exempt until further orders, all the Tea Plantations in the State partially from the operation of the aforesaid rules in the manner indicated below: —

**(1) Rule 5(2)** – Exempted from inclusion of one member from among the workers in the Section Committee.

**(2) Rule 6(1)** – Exempted from giving the Welfare Officer the status of an Executive Head of the Plantation subject to the condition that the Welfare Officer shall be given appropriate status corresponding to the status of other Executive heads of the Deptts. Of the Plantation.

A.K. BARKAKOTY  
Deputy Secy. To the Govt. of Assam,  
Labour and Employment Deptt.

**Memo No. GLR (RC) 42/83/173-A. Dated Dispur, the 5<sup>th</sup> May 1985.**

**Copy to: —**

1. The Labour Commissioner, Assam, Guwahati-16.

2. The Chief Inspector of Plantations, Assam, Guwahati-16.

3. The Supdt. Assam Government Press for publication of the notification in the Official Gazette and to supply 100 spare copies to this Deptt. For official use.

By order etc.,

A.K. BARKAKOTY,  
Deputy Secy. To the Government of Assam ,  
Labour and Employment Deptt.