

ASSAM TEA PLANTATIONS EMPLOYEES'(WELFARE FUND) RULES, 1960

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ASSAM TEA PLANTATIONS EMPLOYEES'(WELFARE FUND) RULES, 1960

In exercise of the powers conferred by S. 14 of the Assam Tea Plantations Employees' Welfare Fund Act, 1959 (Assam Act No. XVI of 1960), the Governor is pleased to make the following rules, the same having been previously published :

1. Short title :-

These rules may be called the Assam Tea Plantations Employees' Welfare Fund Rules, 1960.

2. Definitions :-

In these rules, unless there is anything repugnant in the subject or context

- (i) "Act" means the Assam Tea Plantations Employees' Welfare Fund Act, 1959;
- (ii) "Form" means a form appended to these rules ;
- (iii) "Section" means a section of the Act;
- (iv) Words and expressions in these rules shall have the meanings assigned to them under the Act.

3. Payment of fines and of unpaid accumulations by employer :-

(1) Within such time as may be notified by Government after the enforcement of the Act, every employer shall-pay by cheque, money order or cash to the Welfare Commissioner

(a) all fines realised from the employees before the date of the enforcement of the Act and remaining unutilized on the date; and

(b) all unpaid accumulations held by the employer on the aforesaid date.

(2) The employer shall along with such payment submit a statement to the Welfare Commissioner giving full particulars of the amounts so paid.

(3) Thereafter all fines realised from the employees and all unpaid accumulations during the year ending 31st December shall be paid by the employer in the manner aforesaid to the Welfare Commissioner on or before the 15th January of each succeeding year and a statement giving particulars of the amounts so paid shall be submitted by him along with such payment to the Welfare Commissioner.

(4) The employer of every tea plantation establishment operating for any length of period during the six months preceding the 30th June and the 31st December every year shall pay to the Welfare Commissioner the employer's contribution and the employee's contribution as provided in the Act, before the 15th day of July and the 15th January every year in respect of all his employees whose name stand on the Register of Establishment on the preceding 30th June and the 31st December respectively along with a statement giving full particulars in Form C.

(5) The statement to be submitted to the State Government by the Welfare Commissioner under sub-S. (8) of S. 3-A shall be in Form

D.

4. Notice for payment of fines, unpaid accumulations and contributions by the Welfare Commissioner :-

The Welfare Commissioner may, after making such enquiries as may deem fit, if necessary, serve a notice on any employer to pay any portion of fines realised from the employees or unpaid accumulations of the amount of employees' contribution held by him which the employer has not paid in accordance with R.3. The employer shall comply with the notice within 14 days of the receipt thereof.

5. Maintenance and audit of accounts :-

The accounts of the fund shall be prepared and maintained by Accounts Officer of the Board in such manner as may be determined by the Board with the approval of the State Government and shall be audited by the Examiner of Local Accounts, Assam, once a year. The Welfare Commissioner shall be responsible for the disposal of the audit note.

6. Budget of the Board :-

(1) The budget estimates for each financial year shall be prepared and laid before the Board on or before the 1st day of December of the previous financial year and after it is approved by the Board, shall be forwarded to the State Government for approval on or before the 15th December. The State Government shall approve of the budget before the 15th January, after making such amendments and alterations as it considered necessary.

(2) The budget thus amended or altered and approved shall constitute the budget of the Board for the ensuing financial year and shall be issued under the seal of the Board and signed by the officer or officers of the Board duly authorised in this behalf. An authenticated copy of the budget shall be forwarded to the State Government before the 28th February.

7. Additional expenditure :-

If during the course of the financial year, it becomes necessary to incur expenditure over and above the provision made in the budget, the Board shall immediately submit to State Government the details of the proposed expenditure, and specify the manner in which it is proposed to meet the additional expenditure. The State Government may either approve the proposed expenditure after making such modifications as it considers necessary or reject it. A

copy of the order passed by the State Government on every such proposal to incur additional expenditure shall be communicated to the Board and the auditor, if any, appointed by the State Government.

8. Mode of payment :-

All payments from the fund amounting to

- (a) less than Rs. 50 may be made in cash;
- (b) Rs. 50 or more shall be made by cheque issued by the Welfare Commissioner; provided that the Board may in any particular case for special reasons, authorise such payment also in cash.

9. Constitution of the Board :-

(1) In the matter of nomination of member for the constitution of the Board as provided in sub-S. (1) of S. 4 of the Act there shall be three representatives of employers and employees each and three members of the Assam Legislative Assembly.

(2) The Board shall elect a Vice-Chairman to perform the duties of the Chairman in his absence.

9A. Sub-Committee :-

(i) The Board may constitute a Sub-Committee or Sub-Committees as and when necessary from among the members of the Board constituted under sub-R.(1) of R. 9 above for the purpose of administering the fund and carrying on such other functions assigned to the Board under the Act. A Sub-Committee or Sub-Committees shall consist of four members including the Chairman, one representative from each group of the Board and one of them shall be a woman. The Chairman of the Board shall remain as Chairman of the Sub-Committee or Sub-Committees.

(ii) A Sub-Committee or Sub-Committees shall meet as often as may be necessary.

(iii) A Sub-Committee or Sub-Committees shall advise the Board on such other matters as the Board may refer to it.

(iv) The Vice-Chairman elected under R. 9 (2) of the rules may perform the duties of the Chairman in the Sub-Committee or Sub-Committees in his absence.

10. Allowances of members :-

The members shall hold their offices in an honorary capacity; provided that each member shall be eligible to travelling and daily allowances admissible to first grade officers of the State Government.

11. Meetings of the Board :-

(1) The Board shall meet at least once in every six months.

(2) AH members of the Board shall be given seven clear days' notice of a meeting specifying the date, time and place of the meeting and business to be transacted thereat:

Provided that no such notice shall be necessary where, in the opinion of the Chairman, business of an emergent nature has to be transacted.

12. Quorum :-

The number of members necessary to constitute a quorum at a meeting of the Board shall be five including the Chairman.

13. Chairman to preside :-

Every meeting of the Board shall be presided over by the Chairman, or if the Chairman is, for any reason, unable to attend it, by the Vice-Chairman and if both the Chairman and Vice-Chairman are, for any reason unable to attend it, by such one for the members present as may be chosen by the meeting to be Chairman for the occasion.

14. Adjournment of meeting :-

If there is no quorum as laid down in R. 12, the Chairman shall adjourn the meeting to some other future day as he may reasonably fix. A notice of such adjourned meeting shall be sent to every member of the Board and the business which would have been brought before the original meeting had there been a quorum thereat, shall be brought before the adjourned meeting and may be disposed of at such meeting, whether there be a quorum or not.

15. All questions to be decided by majority :-

All questions coming before the meeting of the Board shall be decided by a majority of the members present and voting at the meeting, the Chairman having a second or casting vote in all cases of equality of votes.

16. Mode of exercising votes :-

Votes shall be taken by show of hands and the names of persons

voting in favour and against any proposition shall be recorded only if any member requests Chairman to do so.

17. Minutes of the meeting :-

The Board shall keep minutes of the proceedings of each meeting of the Board, and shall include therein the names of the members present. Such minutes shall be placed before the next meeting of the Board for confirmation and when so confirmed, a copy thereof shall be submitted by the Board to the State Government.

18. Additional powers of Inspector :-

Every Inspector shall, for carrying out the purposes of the Act, have the powers to require any employer to produce any document for his inspection, to supply him a true copy of any such document and to give him a statement in writing.

19. Publication of Annual Report of Board :-

The Board shall within three months of the date of closing of each financial year, submit to the State Government for approval an audited statement of receipts and expenditure together with an Annual Report giving its activities in the year. After the statement and report are approved by the State Government the Board shall cause the same to be published in such manner as it may deem fit. Every such statement and report shall be laid before the State Legislature as soon as may be after they are published.

20. Maintenance of Registers by employers :-

(1) Every employer of plantation shall maintain

(a) a Register of Wages in Form A ; and

(b) a consolidated register of fines realised and unpaid accumulations in Form B :

Provided that where any register maintained by the employer gives the particulars required under this rule in respect of the workers employed, it may be treated as the register under the rule.

(2) Such employer shall, by the 31st January every year, forward to the Welfare Commissioner a copy of the extract from the Register in Form B pertaining to the previous year.