

ASSAM TEA PLANTATIONS EMPLOYEES' WELFARE FUND 1959

The 6th May 1960 No.LJL.42/58. —The following Act of the Assam Legislative Assembly which received the assent of the President is hereby published for peral information. (Received the assent of the President on the 27th April 1960) ASSAM ACT No.XVI OF 1960 THE ASSAM TEA PLANTATIONS EMPLOYEES WELFARE FUND ACT, 1959 (As passed by the Assembly) EtPublished -in the Assam Gazette, Extraordinary, dated the 6th May 1960] An Act to provide for the constitution of a Fund for the financing of activities to Promote welfare of Tea Plantation employees in the State of Assam and for conducting such wtwtetese Preamble.—Whereas it is expedient to constit Ate a Fund for the *Gnancing of activities to promote welfare of ten plannbn employees in the fiате of Assam and for conducting such activities ; It is hereby enacted in the f i'enLh year of the Republic o/ India iöllovvs 1. Short tide, exteaã cuczanxencenieni. (i) i lus Act rmay be called the Assaili - l'ea i'lÄiÆ,ilioas Act, 1959. (2) It extends [O (Q) IL shall c:onxe into a; (lovrment may, by notification in the "ilictal to, ili this behalf

2. Definitions.—Ili this Act, unless the context otlncwig requires (1) i?ilitploeys AV elfare consti tuted rrtell\$ i he untier section 'l (2) ('Ernploeys' Incans any pea soo who ig employed in or in connec• tion with a plantation hire or to dj)' any kind of li'0i'k in or in :warcl conneaion with a 1,1Alitat10ti but does not i nclncle those (l cawing wages more than Rupees 500 per (3) ' 'Ernployer" lilt-oatl.S a IIV person who ernploys either dire.ctly or indirectlv- any person to (lo any V'ork in or in connection With a plantation and include a Manager, Sitpcrin tendent, Proprietor, Agent, Director or Managing Director in-charge of or having the ultimate control over a plantation. (4) "Fund" means tile Assarru Ernploeys Welf•cue Fund consti tuted under section 3 (5) iieabiS au inspector appointed under section i l; "l ns pect(C'l)lanlation" means lea plantation shall include all tea estates registered under the 'Tha Ac t, (A(0 29 of 1953). a iujid as defined in sec.lion 2(j) of the I rovi(lent Fund' Assam Tea Plantations liroviclelil. i '(Old Scheme Act, 1955 (Assam Act X of 1955) ; "Prescl ibed5' means prescribed by rules mane under this Act (8) (9) ('Unpaid accumulation" means all payiitents due to the employee but not made to [henl wil hill a of three years frolii the date they become due whether or cf this Act includ- ing the wages, bonces or (10) "Wages" means wages defined in section 2(h) of the Minimum Wages Act, 1918 ('xn 11 , jneans the Welfare Commissioner apa (11) "VVelfare pointed under section IO I 'herc shall be constituted a Fund called the 3. Welfare Fund. Assam Tea Plantations Iliiiloloyees SVelfare and notwi thstanding anything contained in any othcc laws for the tirne being in force, the sums specified in sub *section (2) shall be paid into the Fund. (2) The Fund shall consist of (a) all fines realised the employees in the course of management of the plantation; (b) all unpaid. acci.iilihllat ions ; (c) all grants li'0iij the Stale or Central Government or the Tea Board constituted under lbe Tea Act, 1953 (Act 29 of 1953) • 3 (d) any voluntary donations; (e) any sum borrowed under section 8; (f) any sum unclaimed or forfeited in the Provident Fund Account of the employees. (3) The sums specified in subsection (2), shall be collected by such agencies and in such manner and the accounts of the bund shall be main• tained and audited in such manner as rmay bc prescribed : Provided that any amount drawn by the Fund during a financial year shall not be refundable even if the said amount is not spent within the financial year

4. Constitution of the The State Government shall, by notification in the Official Gazette, constitute the Board for the purpose of administering the fund and to carry on such other functions assigned to the Board by or under this Act.The Board shall consist of the following Members, namely:— VI) such number as may be prescribed, of representatives of employ. ers and employees to be nominated by the State Government : Provided that both employers and eruploeys sh ill have equal represen- tation on the Board ; (b) such numi of independent LY embers as may bc prescribed nominated by the State Govern ment of which at least (Vie shall be woman • (c) such number of officials as may loc prescribed, nominated by Government of whom one vqhall be Chairman ; Provided that the number of officials should r:ot exceed one-third the total number of members of the Board (2) Save as otherwise expressly provided by this Act, the term Of offi€:e• of the Members of the Board shall be. three years commencing on the Aa e on which their narnes are notified in the Official Gazette. (3) The allowances, if any, payable to the Membelfi of the Board and the conditions of appoin•ment of the reyneselitatives of the employers and employees shall be such as may be prescribed. 'l"he Board shall be abody corporate by the name of the

Assam Tea Employees Welfare Board, having perpetual succession and a Common seal, with power to acquire property both movable and immovable, and shall by the said name sue and be sued

5. Disqualification and removal.(1) No person shall be chosen as, or continue to be a Member of the Board who— (a) is a salaried official of the Board ; or (b) is or at any time has been adjudged insolvent or has suspended payment of his debts or has compounded with his creditors ; or (c) is found to be a lunatic or becomes of unsound mind ; or (d) has been convicted of any offence involving moral turpitude (2) The State Government may remove from office any member who (a) is or has become subject to any of the disqualifications mentioned in sub-section (1) ; or (b) is absent without leave of the Board for more than three consecutive meetings of the Board

6. Resignation of office by member and filling up A member may resign his office by giving notice thereof in writing to the State Government, and on such resignation being accepted shall be deemed to have vacated his office.(2) A casual vacancy in the office of a member shall be filled as soon as conveniently may be, by nomination by the State Government, and a member so nominated shall hold office for the unexpired portion of the term of the office of his predecessor, (3) No act or proceedings of the Board shall be questioned on ground merely of the existence of any vacancy in, or any defect in constitution of the Board

7. Vesting and application of The Fund shall vest in and be held and applied by the Board as Trustees subject to the provision, and for the purposes of this Act.The Fund shall be applied to expenditure in connection with measures which in the opinion of the State Government are necessary for promoting the welfare of employed in plantations in Assam. (2) On such vesting of the fund in the Board as provided in section (1) the liabilities of the employer to the employee in respect of unpaid accumulation shall be discharged and transferred to the Board (3) Without prejudice to the generality of sub-section (1), the moneys in the Fund may be utilized by the Board to defray expenditure on following— (a) Adult education and literacy drive ; (b) community and social education centres including reading rooms and libraries ; (c) community necessities ; (d) games and sports ; (e) excursions, tours and holiday homes ; (f) entertainment and other forms of recreations ; (g) home industries and subsidiary occupations for women- a unemployed persons ; (h) corporate activities of a social nature ; (i) cost of administering the Act including the salaries and allowances of the staff appointed for the purposes of the Act ; and (j) such other objects as would, in the opinion of the State Government, improve the standard of living and ameliorate the social conditions of employees : Provided that the Fund shall not be utilized in financing any measures which the employer is required under any law for the time being in force to carry out : Provided further that unpaid fines shall be paid to the Board and be expended by it under this Act notwithstanding anything contained in the Payment of Wages Act, 1936 (Act of 1936), or any other law for the time being in force. e. Power of Board to borrow and invest the Fund.—The Board may, from time to time, with the previous sanction of the State Government and subject to the provisions of this Act and to such conditions as may be specified in this behalf, borrow and invest any sum required for the purpose of this Act

9. Direction by State Government to Board.—The State Government may give the Board such directions as in its opinion are necessary or expedient in connection with expenditure from the Fund or for carrying out the other purposes of the Act. It shall be the duty of the Board to comply with such directions

10. Appointment of Welfare Commissioner and his he Board may employ a Welfare Commissioner with the previous approval of the State Government and on such condition and for such period as the State Government may specify. The Welfare Commissioner shall be the principal executive officer of the Board. (2) The Board shall have power to appoint the necessary clerical and executive staff to carry out and supervise the activities financed from the Fund. (3) The Board may set up such number of Regional Offices as is considered suitable. (4) The Board, with the approval of the State Government may make regulations regarding recruitment, pay and allowances, discipline, superannuation benefits, and other conditions of service of the member of the staff

11. Appointment of Inspectors.—(1) The State Government may appoint Inspectors to inspect records in connection with the sums payable into the Fund. (2) Any Inspector may— (a) with such assistance, if any, as he thinks fit enter at any reasonable time any premises for carrying out the purposes of this Act ; (b) exercise such other powers as may be prescribed. of payable into Fund, etc under this Act shall,

15. Members of Board, Welfare Commissioner, Inspectors and all officers and servants of Board to be public servants.—The Inspector and all members of the Board, the Welfare Commissioner, officers and servants of the Board shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code, 1860 (Act 45 of 1860)

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