

The 17th June 1958

No.LJL.47/56/14.—The following Act of the Assam Legislative Assembly which received the assent of the Governor is hereby published for general information—

(Received the assent of the Governor on the 16th June 1958)

ASSAM ACT XVIII OF 1958

THE ASSAM TEA PLANTATIONS PROVIDENT FUND SCHEME (AMENDMENT) ACT, 1958

(As passed by the Assembly)

[Published in the Assam Gazette, Extraordinary, dated the 18th June 1958]

An

Act

to amend the Assam Tea Plantations Provident Fund Scheme Act, 1955

Preamble.—Whereas it is expedient to amend the Assam Tea Plantations Provident Fund Scheme Act, 1955 (Assam Act X of 1955) hereinafter called the Principal Act, in the manner hereinafter appearing ;

It is hereby enacted in the Ninth Year of the Republic of India as follows:—

1. **Short title, extent and commencement.**—(i) This Act may be called the Assam Tea Plantations Provident Fund Scheme (Amendment) Act, 1958.

(ii) It shall have the like extent as the Principal Act.

(iii) It shall come into force on such date as the State Government may by notification in the Official Gazette appoint.

2. **Definition of "employee".**—(1) Substitute the word "employee" for the word "labourer" wherever it occurs in the Principal Act including its preamble and delete the words "including artisans" in the long title.

(2) **Amendment of Section 2 of Assam Act X of 1955.**—In Section 2 (c) of the Principal Act, add the words "Managing Director, Director" after the word "Superintendent".

(3) In Section 2 of the Principal Act, for clauses (e) and (g), the following shall respectively be substituted, namely—

"(e) 'employee' means any person who is employed (including apprentice) to do any skilled or unskilled, manual or clerical work in or in connection with a plantation including its local head office, office, factory, workshop, school or hospital and who gets his wages directly or indirectly from the employer but does not include a person whose total wages exceed Rs.500 per mensem inclusive of dearness allowance and value of food concession or a person working under a contractor in work not directly connected with cultivation and manufacture of tea :

Explanation.—The expression "employed" means a person who has been or is likely to be employed for a continuous period exceeding six months :

Provided that an employee who during a period of six months has actually worked on the plantation for not less than two-third of the period the plantation was in operation in that year shall be deemed to have completed six months' continuous service in the plantation.

(g) 'plantation' means any tea plantation—

(i) with an area of not less than 25 acres under tea where twenty or more employees are employed or were employed on any day of the twelve months preceding the enforcement of the Scheme and whose crop basis under the Tea Act, 1953 (Act XXIX of 1953) is more than 456 lbs. per acre ; or

(ii) with an area of not less than fifty acres under tea where twenty or more employees are employed or were employed on any day preceding the twelve months of the enforcement of the Scheme."

(4) In Section 2 of the Principal Act the following clause shall be inserted after clause (h) :—

"(i) 'wages' means any amount capable of being expressed in terms of money for the time being payable to an employee by the employer for works in or in connection with a plantation and includes dearness allowance, value of food concessions, amount payable for plucking whether calculated on time or piece

rates or otherwise, and leave with wages and maternity allowance or benefits but does not include—

- (a) Bonus, or
- (b) Commission.”

3. Amendment of Section 3 of Assam Act X of 1955.—(a) In sub-section (1) of Section 3 of the Principal Act, delete the words “residing and”,

(b) For sub-section (3) of Section 3 of the Principal Act, the following sub-section shall be substituted, namely,—

“(3) The Contribution which shall be paid by the employer to the Fund shall be six and a quarter per cent of the total wages including all such allowances as are included within wages as defined in clause (i) of Section 2 for the time being payable to each of the employees and the employee’s contribution shall be equal to the contribution payable by the employer in respect of him :

Provided that where there exists any provident fund in any plantation at the commencement of this Act and the rate of contribution payable by either the employee or employer is higher than what has been prescribed above, the employee shall have the option within such period as may be fixed by the Board in its meeting to elect either to continue to subscribe to the existing fund or join the fund established by this Act, but the election once made shall not be changed except with the permission of the Board :

Provided further that in respect of the employee opting to subscribe to the existing fund as above the obligation of the employer and the employee to contribute to the existing fund shall continue and shall not be affected by the provisions of this Act.”

4. Addition of new sections after Section 13 of Assam Act X of 1955.—After Section 13 of the Principal Act, the following shall be added, namely—

“14. **Accumulation in the provident fund to be transferred to the Fund established under the Scheme.**—On the application of the Scheme to a plantation, the accumulation in any existing provident fund standing to the credit of such employees as become members of the fund established under the Scheme, shall, notwithstanding anything contained in any law for the time being in force or any deed or instrument establishing the provident fund, be transferred to the Fund established under the Scheme.

15. Mode of recovery of moneys due from employers.—Any amount due from the employer in relation to a plantation to which the Act or any Scheme framed thereunder applies in respect of any contribution payable to the fund, damages recoverable under Section 16 of the Act, accumulations required to be transferred under Section 14 or any charges payable by him under any provisions of this Act or of any provisions of the Scheme framed thereunder, may, if the amount is in arrear, be recovered by the Government or a person authorised by it in the same manner as an arrear of land revenue.

16. Power to recover damages.—Where an employer makes a default in the payment of any contribution to the Fund or in the transfer of accumulations required to be transferred by him under section 14 or in the payment of any charges payable under any other provisions of this Act or the Scheme framed thereunder, the Government or any other person authorised by it may recover from the employer such damages, not exceeding 25 per cent of the amount of arrears, as it may think fit to impose.

17. **Power to remove difficulties.**—If any difficulty arises in giving effect to the provisions of this Act, the Government may by order make such other provision or give such direction, not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for the removal of the difficulty. Any provision put in as amendment, addition or explanation of the provisions of the Act will have to be ratified by the State Assembly in the next meeting following the making of such provision by the Government”.

5. **Amendment of the Schedule.**—Paragraph 5(a) of the Schedule appended to the Principal Act shall be substituted by the following:—

“5(a)(i) The manner of investment of the whole or any portion of the Fund in Government Securities by the Board of Trustees.

(ii) The fixation of the rate of interest payable to members.

(iii) The payment by the employer of such sums of money as may be considered necessary by the Board of Trustees to meet the cost of administration of the fund and the rate at which and the manner in which such payment shall be made.”

P. C. DAS,

for Secy. to the Govt. of Assam, Leg. & Judl. Deptt.