

The Assam Tea Plantations Provident Fund and Pension Fund And Deposit Linked Insurance Fund Scheme (Amendment) Bill, 2023.

A

BILL

further to amend the Assam Tea Plantations Provident Fund and Pension Fund and Deposit Linked Insurance Fund Scheme Act, 1995.

Preamble

Whereas it is expedient further to amend the Assam Tea Plantations Provident Fund and Pension Fund and Deposit Linked Insurance Fund Scheme Act, 1955, hereinafter referred to as the principal Act, in the manner hereinafter appearing;

Assam
Act No.
X of
1955

It is hereby enacted in the Seventy-fourth year of the Republic of India as follows :-

Short title,
extent and
commencement

1. (1) This Act may be called the Assam Tea Plantations Provident Fund and Pension Fund and Deposit Linked Insurance Fund Scheme (Amendment) Act, 2023.
- (2) It shall have the like extent as the principal Act.
- (3) It shall come into force at once.

Amendment of
section 2

2. In the principal Act, in section 2, for clause (d), the following shall be substituted namely :-

“(d) “Employee” means any person who is employed for wages to do any skilled or unskilled work, manual or clerical work, in connection with the work of a tea garden or a tea factory including its local head office, factory, workshop, school or hospital and who gets his wages directly or indirectly from the employer, and includes any person,-

- (i) employed by or through a contractor in or in connection with the work of the tea estate or tea factory;
- (ii) engaged as an apprentice, not being an apprentice engaged under the Apprentice Act, 1961.”

Central
Act No.
52 of
1961

W. S. Guha
CHECKED BY THE
LEGISLATIVE DEPARTMENT
30/8/2023


Statement of Objects & Reasons

The definition of "employee" as defined in section 2 (d) of Assam Tea Plantations Provident Fund and Pension Fund & Deposit Linked Insurance Fund Scheme, Act, 1955, does not consider a worker as employee once their wages/salary exceeds Rs.15,000/-. Presently, all the staff and sub-staff workers of any garden draws more than Rs.15,000/- per month as salary. Therefore, many garden managements has stopped deduction of PF from employees drawing salary above Rs.15,000/-, which is causing unrest amongst such workers and litigations have started in the said dispute. Further the definition of "Employee" as stated in Assam Tea Plantations Provident Fund and Pension Fund and Deposit Linked Insurance Fund Scheme, Act, 1955 is also not in the line of the definition of "employee" as defined in Employees Provident Funds and Miscellaneous Provisions Act, 1952 causing much inconsistency between the two legislations regarding deduction of P.F from the employees drawing salary above Rs. 15,000/-.

As such, it is considered desirable to amend the aforesaid provision in the line of Employees Provident Funds and Miscellaneous Provisions Act, 1952, as proposed regarding P.F deductions over and above the Salary of Rs.15,000/- to remove the ambiguity and inconsistency regarding deduction of PF from employees drawing wages/salary more than Rs.15,000/- per month .

Hence the proposed amendment.


Minister,
Labour Welfare, Assam.


Principal Secretary,
Assam Legislative Assembly,
Dispur

FINANCIAL MEMORANDUM

There is no financial involvement in the proposed Bill.

MEMORANDUM OF DELEGATED LEGISLATION

There is no delegation of legislative powers to the executive in the proposed Bill.

**THE ASSAM TEA PLANTATIONS PROVIDENT FUND AND PENSION FUND AND
DEPOSIT LINKED INSURANCE FUND SCHEME (AMENDMENT) BILL, 2023**

The proposal includes amendment of Section 2(d) under the Assam Tea Plantations Provident Fund and Pension Fund and Deposit Linked Insurance Fund Scheme Act, 1955

Section	Extract of existing provision	Extract of proposed provision
2(d)	<i>“Employee” means any person who is employed (including apprentice) to do any skilled or unskilled work, 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 wages exceeds Rs. 15,000/- (Rupees Fifteen Thousand) 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.</i>	<i>“Employee” means any person who is employed for wages to do any skilled or unskilled work, manual or clerical work, in connection with the work of a Tea Garden or a Tea Factory including its local head office, factory, workshop, school or hospital and who gets his wages directly or indirectly from the employer, and includes any person,-</i> <i>(i) Employed by or through a contractor in or in connection with the work of the Tea Estate or Tea Factory.</i> <i>(ii) Engaged as an apprentice, not being an apprentice engaged under the Apprentice Act, 1961 (52 of 1961).</i>