

**ASSAM INDUSTRIAL ESTABLISHMENTS
(CONFERMENT OF PERMANENT STATUS
OF WORKMEN) RULES, 1995***

1. Short title and extent.

- (1) These rules may be called the Assam Industrial Establishment of Permanent Status of Workmen) Rules, 1995.
- (2) They shall come into force on the date of their publication in the official Gazette.

2. Definitions.

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

- (a) **“Act”** means the Assam Industrial Establishments (Conferment of Permanent Status to Workmen) Act, 1985 (Assam Act IX of 1994);
- (b) **“Form”** means a form appended to these rules;
- (c) **“Inspector”** means a person appointed as Inspector under sub. S. (1) of S. 4 of the Act;

- (d) **“Section”** means a section of the Act;
- (e) **“Year”** means the calendar year;
- (f) **“maintained”** means in an efficient state, in efficient working order and good repair;
- (g) all other words and expressions used herein and not defined shall have the meanings respectively assigned to them in the Act;
- (h) all other words and expressions used herein and not defined shall have the meanings respectively assigned to them in the Act.

3. Duties of Inspector.

An Inspector shall, for the purpose of the giving effect to the provisions of the Act, have the power to do all or any of the following acts, namely:

- (i) to satisfy himself at each inspection that the prescribed registers and forms are properly maintained;
- (ii) to point all such defects or irregularities as he may have observed and to give orders for their rectification and to record and furnish to the employer a summary of the defects or irregularities and of his orders;

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- (iii) to note how far defects pointed at previous inspections have been removed and how far orders previously issued have been complied with;
- (iv) to require any employer to supply or send any return or true copy of any document or information relating to the provisions of the Act;
- (v) to prosecute, conduct or defend a Court any complaint or other proceedings arising under the Act.

4. Information required by an Inspector.

The employer of an Assam industrial establishments shall furnish any information that an Inspector may require for the purpose of satisfying himself whether any provision of the Act or rules made thereunder has been complied with or whether any order of an Inspector has been carried out. Any demand by an Inspector of any information if made during the course of an inspection shall be complied with forthwith if the information is available in the industrial premises or if

made in writing shall be complied with within seven days on receipt thereof.

5. Authorities for according previous sanction for the prosecution of offences under the Act.

The authority mentioned in column (1) of the Table below shall be prescribed authority under sub-S. (2) of S. 6 of the Act in respect of Assam Industrial Establishments mentioned in the corresponding entries in column (2) thereof:

THE TABLE

Authority	Industrial Establishments
1. Chief Inspector of Factories	Industries establishments as defined in Cl.(a) of sub-S (3) of S.2 of the Act.
2. Deputy Labour Commissioners	Industrial establishments as defied in having jurisdiction over the area Cls. (b) ,(c),(d), (e) and (f) of sub -S (3) of 2 of the Act.

6. Maintenance of registers by employers.

- (1) Every employer of an industrial establishment shall maintain a register of workmen in Form 1 and shall produce the register whenever it is required by the Inspector having jurisdiction over the industrial establishment.
- (2) Every employer shall compile an up-to-date list in Form 1 except column (1) thereof at the end of each half-year ending on the thirtieth day of June and thirty first day of December and exhibit the list prominently at a conspicuous place at the main entrance of the office of the factory or industrial establishment, as the case may be , for perusal of the list by the workmen during working hours on a day.
- (3) Every employer shall send a copy of the up-to-date list so compiled under sub-R. (2) to the Inspector concerned within a fortnight from the expiry of the half-year ending with June and December of every year with a declaration that the list has been exhibited for the perusal of workmen of the industrial establishment as required under sub- R. (2). He shall send particulars for each half year in Form 2 along with the particulars in Form 1 as required this sub-rule to the Inspector concerned. He shall obtain acknowledgement for furnishing the particulars in Form1 and Form 2 to the Inspector under this rule either by registered post or otherwise.

- (4) Any employee who finds his name not entered in the list referred to in sub-R. (2) or finds the entries have not been made correctly finds that though entries regarding his service have been made correctly but he has not attested the entries in the Register of Workmen in Form 1 may make a representation to the Inspector concerned. The Inspector after examining the representation or affect making enquiries may issue suitable directions to the employer for the rectification of the register in Form 1 or for the issue of orders conferring permanent status to the workman concerned.
- (5) Every employer shall preserve the register of Workmen in Form 1 and the Half Yearly Return in Form 2 for a period of three years from the date of the last entry noted in it and shall produce before the Inspector on demand by him.

7. Language of register, Form or statement.

The Registers, Forms and statements required to be maintained or sent under these rules shall be in English.

FORM 1

[See sub-Rule (1) under Rule 6]

Register of Workmen

To be maintained by the employer of industrial establishment

Serial No.	Name and address of the workmen	Designations of the workmen	Whether permanent, temporary, casual, Badli or apprentice (other than those covered under the Apprentices Act, 1961)	Date of the first entry into service	Date on which he completed 180 days of service	Date on which made permanent	Remarks	Signature of the workmen with date (to attest the entries)
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)

FORM 2

[See sub-Rule (3) under Rule 6]

Half –Yearly Return for the half-year ending 30thJune/31st December, 19.....

(To be sent to the Inspector having jurisdiction over the industrial establishment by the employer)

- (1) Name and address of the establishment.....
- (2) Nature of industry and date of commencement of business.....
- (3) Total number of workmen in the establishment.....
- (4) Number of workmen shown in Form 1.....
- (5) Total number of working days in the year.....
- (6) Number of non-permanent workmen who have completed 180 days of service during the half-year ending 30th June/31st December.....

- (7) Number of workmen made permanent during the half-year ending 30th June /31st December.....
- (8) Number of workmen yet to be made permanent as on 1st July/1st January.....
- (9) Reasons for delay.....
- (10) Remarks, if any.....

Note. The details under items 6 to 8 should be supported by Statement showing names of workmen.