

The Bihar Factories Welfare Officers Rules, 1952

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Rule

THE-BIHAR-FACTORIES-WELFARE-OFFICERS-RULES-1952 of 1952

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The Bihar Factories Welfare Officers Rules, 1952 Published vide Notification No. 2/F1-1089/62-50 - 105, dated 5th August, 1952 These Rules came into force on 1.3.1953, vide Notification No. FI.-1024/53L-2423 dated 14.2.1953. Notification No. II/F1-1089/62-L-105 the 5th August, 1952. - In exercise of the powers conferred by Sections 49 and 112 of the Factories Act, 1948 (XLIII of 1948), the Governor of Bihar is pleased to make the following Rules, which is considered expedient in order to give effect to the purposes of the Act, the same having been previously published as required by Section 115 of the said Act:-

1. Short title and commencement.

- (i) These Rules may be called The Bihar Factories Welfare Officers Rules, 1952. (ii) [These Rules shall come into force with immediate effect.] [Substituted by S.O. 734 dated 5.5.1977.]

1A. [Definitions. [Substituted by S.O. 734 dated 5.5.1977.]

- In these Rules unless the subject or context otherwise requires-(a)"Act" means the Factories Act, 1948 (63 of 1948);(b)"Form" means Form so appended to these Rules;(c)"Inspector" means Inspector appointed under Section 8 of the Act and includes Chief Inspector and Deputy Chief Inspector.(d)"Labour Commissioner" means Labour Commissioner appointed by the Government of Bihar;(e)"Management" means the Occupier of the factory and includes the Manager notified under sub-section (1) of Section 7;(f)"Section" means section of the Factories Act, 1948;(g)"State" means the State of Bihar;(h)"Welfare Officer" means a whole time Officer by whatsoever designation known employed in a factory under sub-section (1) of Section 49 exclusively to carry out any or all of the duties and functions specified in Rule 3;(i) Words and expressions defined in the Act, and used in these Rules shall be deemed to have the same meaning as in the Act.]

2. [Employment of Welfare Officers. [Substituted by Notification No. 11/Fl.-201/62-L & E-9830, dated 22.12.1962.]

- The minimum number of Welfare Officers to be employed by the [management] shall be as follows :- (i) where the number of workers [ordinarily] [Inserted by S.O. 734 dated 5.5.1977.] employed in the factory [* * *] [Omitted by S.O. 734 dated 5.5.1977.] is not less than 500 or more than 1000-one Welfare Officer of Grade III; (ii) where the number of workers [ordinarily] [Inserted by S.O. 734 dated 5.5.1977.] employed in the factory [* * *] [Omitted by S.O. 734 dated 5.5.1977.] exceeds 1,000 but does not exceed 1,500-one Welfare Officer of Grade II; (iii) where the number of workers [ordinarily] [Inserted by S.O. 734 dated 5.5.1977.] employed in the factory [* * *] [Deleted by S.O. 734 dated 5.5.1977.] exceeds 1,500 but does not exceed 2,500-Two Welfare Officers; one of Grade I and the other of any grade; (iv) where the number of workers [ordinarily] [Inserted by S.O. 734 dated 5.5.1977.] employed in the factory [* * *] [Deleted by S.O. 734 dated 5.5.1977.] exceeds 2,500 but does not exceed 4,000-Three Welfare Officers; one each of Grade I, II and III; (v) where the number of workers [ordinarily] [Inserted by S.O. 734 dated 5.5.1977.] employed in the factory [* * *] [Deleted by S.O. 734 dated 5.5.1977.] exceeds 4,000 but does not exceed 6,000-Four Welfare Officers; one each of Grades I and II and two of Grade III; (vi) where the number of workers [ordinarily] [Inserted by S.O. 734 dated 5.5.1977.] employed in the factory [* * *] [Deleted by S.O. 734 dated 5.5.1977.] exceeds 6,000 but does not exceed 8,000-Five Welfare Officers, one of Selection Grade, one of Grade I, one of Grade II and two of Grade III; and (vii) where the number of workers [ordinarily] [Inserted by S.O. 734 dated 5.5.1977.] employed in the factory [* * *] [Deleted by S.O. 734 dated 5.5.1977.] exceeds 8,000-Seven Welfare Officers-one Selection Grade and two each of Grades I, II and III: Provided that where the number of workers [ordinarily] [Inserted by S.O. 734 dated 5.5.1977.] employed in a factory [* * *] [Deleted by S.O. 734 dated 5.5.1977.] exceeds 11,000 there shall be employed one Additional Welfare Officer of any grade for every 2,000 workers in excess of 11,000.]

3. [Duties and functions of Welfare Officers. [Substituted by S.O. 734 dated 5.5.1977.]

- Without any prejudice to the ultimate responsibility and liability of the management the duties of Welfare Officer shall be to advice and assist the management on matters specified below and to carry out and execute the directions, orders and policies of the management in respect of the following matters-(i) Establishing contact and consultations and helping in maintaining harmonious relations between the management and the workers; (ii) Taking up with the management the individual and collective grievances of the workers with a view to securing their expeditious redress and carrying on negotiations with the workers and trade unions; (iii) Assisting the management in formulating labour policies and interpreting those policies to the workers; (iv) Watching Industrial Relations, with a view to use his influence in the event of any dispute arising between the management and the workers and to get effected a settlement by persuasive efforts; (v) Dealing with wages and employment matters; (vi) Advising management in respect of fulfilment of statutory or other obligations on their part concerning application of Factories Act, 1948, Payment of Wages Act, 1936, Maternity Benefit Act, 1961 Workmen's Compensation Act, 1923 and other Labour and allied

legislations;(vii)Where there is no separate industrial or plant, health and medical officer, establishing and maintaining liaison with Certifying Surgeon and other medical and health authorities concerning medical examination of worker and other matters relating to industrial health and hygiene;(viii)Where there is no separate Safety Officer, making arrangement for accident prevention, first-aid, safety committee and other matters related to accident prevention;(ix)Promoting healthy relationship between management and workers for ensuring productive efficiency as well as for amelioration in the working conditions and helping workers to adjust and adapt themselves to their working environments;(x)Constituting and encouraging Joint Production Committee, Emergency Production Committee, Works Committee, Canteen Committee, Cooperative Society, Safety Committee and other Welfare Committees and exercising supervisions upon the working of such committees;(xi)Securing provision for amenities such as canteens, shelters, rest rooms and lunch rooms, creches; sanitary facilities, supply of drinking water, ambulance rooms and ambulance vans, primary health unit and safe and healthy working conditions;(xii)Introducing benevolent and social security schemes like Provident Fund, Insurance, Pension, Superannuation and Gratuity schemes, grants of loans, leave, Family Planning and Saving Schemes, etc. and giving guidance and advice to workers in such matters;(xiii)Securing welfare facilities, like housing, fair price shops, social and recreational facilities, general sanitation and advising on individual personal problems like education of children etc;(xiv)Where there is no separate training officer, advising the management on personal problems like training of new entrants, apprentices, instructors, supervisors and of workers on promotion and transfer from one trade or department to other trade or department;(xv)Exercising supervision over maintenance of Notice Boards and issue of new Bulletins and encouraging vocational and general education of workers and co-operating with workers education schemes;(xvi)Taking measures for raising the standard of living of the workers and promoting their general well-being;(xvii)Carrying out such other duties and functions in connection with the welfare of workers and industrial relations as have not been specifically mentioned in the sub-clauses above, but this will not include representing the management before a Court or Tribunal in labour disputes.]

4. [Qualifications. [Substituted by S.O. 734 dated 5.5.1977.]

- A person shall not be eligible for appointment as Welfare Officer unless-(a)he has obtained a [degree or diploma] in Labour and Social Welfare or in Personnel Management or in any allied course from any institution recognised by Government [* * *] [Deleted 'and has qualified at viva-voce test conducted by the Labour Commissioner, Bihar' by Notification No. 567, dated 11.11.2009.];(b)he has thorough knowledge of Hindi:Provided that in the case of candidates who have not read Hindi upto Matriculation stage, the Commissioner of Labour shall hold an examination to test the knowledge of the candidates in Hindi;(c)he is not less than 21 years and not more than 40 years of age :Provided that the State Government may, by an order in writing and subject to such conditions as may be specified in the said order, exempt any person from any or all of the provisions of this rule who in the opinion of the State Government is otherwise fit to hold the post of a Welfare Officer by virtue of his exceptional academic attainments and experience in the field of Personnel Management and/or Labour Relations:Provided further that a person who did not have Hindi as one of his subjects in Matriculation Examination or in any equivalent examination shall not be deemed to have a thorough knowledge of Hindi unless he has passed a test conducted by

the Labour Commissioner and has been granted a certificate :Provided further that if a Government Officer having enough experience in administering labour laws is deputed to any industrial establishment then during the period of such deputation the officer shall be deemed to have been exempted by the State Government.]

5. [Condition of service. [Substituted by S.O. 734 dated 5.5.1977.]

(1)(a)Every post of Welfare Officer, except when appointment is made by promotion or transfer, shall be advertised in at least two daily newspapers of the State and a copy of the advertisement shall be sent to the Labour Commissioner, Chief Inspector and Inspector, respectively.(b)Every appointment of Welfare Officer, shall be notified in the prescribed Form A to the Labour Commissioner, Chief Inspector and Inspector within seven days of the appointment.](2)[All appointments shall be made on a permanent basis except those in the temporary and leave vacancies, but candidates appointed on a permanent basis may initially be kept on probation for a period exceeding one year.] [Substituted by S.O. 734 dated 5.5.1977.](3)A Welfare Officer, whose work is found unsatisfactory during the period of probation shall be liable to be discharged after one month's notice by the [management] [Substituted for 'occupier' by S.O. 734 dated 5.5.1977.] of the factory after intimation to the Labour Commissioner, Bihar.(4)No Welfare Officer, shall be discharged, dismissed or otherwise punished except with the previous approval of Labour Commissioner, Bihar obtained on proceedings drawn up against the officer:Provided that the [management] [Substituted for 'occupier' by S.O. 734 dated 5.5.1977.] of a factory may impose any, one, or more of the following punishment upon a Welfare Officer without the previous approval of the Labour Commissioner, Bihar:-(i)Warning;(ii)Censure;(iii)Withholding of increments including stoppage at an efficiency bar:Provided further that no punishment of any kind shall be inflicted unless the officer has first been informed in writing of the grounds on which it is proposed to take action and has been afforded an adequate opportunity of defending himself:Provided also that every Welfare Officer, who is subjected to punishment under sub-rule (4) shall be entitled to appeal to the Labour Commissioner, Bihar, against the order of punishment within 30 days of the communication of the order to him. The decision of the Labour Commissioner in such appeal shall be final binding on the parties.(5)[No Welfare Officer shall be transferred from the factory in which he is employed to any other factory, place or post, falling outside the jurisdiction of the State of Bihar, without his consent obtained in writing.] [Inserted by 'occupier' by S.O. 734 dated 5.5.1977.]

6. Grades of Welfare Officers and their pay scales.

(1)There shall be the following grades of Welfare Officers, with the minimum scale of pay as mentioned against each grade, namely-(a)[Grade III-Rs. 880-35-1370-35-1510 [See now the revised new pay scale.](b)Grade II-Rs. 1000-50-1700-60-1820(c)Grade I-Rs. 1575-50-1775-75-2300(d)Selection Grade-Rs. 1900-75-2500.][The revised pay-scales shall come into force from the 1st April, 1981 :] [See now the revised new pay scale.]Provided that existing Welfare Officer shall draw, as initial pay, at the stage in the revised scale of the post next above the amount arrived at by adding a 15 per cent (fifteen percent) of his substantive pay in the old scale, subject to the minimum of Rs. 60 and maximum of Rs. 75 to his substantive pay but no employee shall be placed below the minimum in the revised pay-scale of the grade to which he belongs. All

disputes relating to the fitment in the revised scale of pay shall be referred to the Chief Inspector of Factories Bihar, whose decision in this regard shall be final.(2)Over and above the scales of pay prescribed in sub-rule (1), every Welfare Officer shall be entitled to get dearness and other allowances and such other benefits and privileges under any scheme or otherwise as may be admissible to officers or employees of similar rank or status, or receiving similar scale of pay in the establishment to which the Welfare Officer belongs.

7.

The State Government may, by notification in the Official Gazette, exempt any factory, or class or description of factories from all or any of the provisions of these Rules, subject to compliance with such alternative arrangements as may be approved by it.[Form A] [Inserted by S.O. 784 dated 5.5.1977.]Notice of Appointment of Welfare Officer[Rule 5 (b)]

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| 1. Name and address of the Factory | ... |
| 2. Registration number under the Factories Act, 1948 | ... |
| 3. Name of Welfare Officer appointed | ... |
| 4. Place of birth | ... |
| 5. Permanent address | ... |
| 6. Present address | ... |
| 7. Qualifications | ... |
| 8. Grade in which appointed | ... |
| 9. Scale of pay- | ... |
| Basic | ... |
| D.A. | ... |
| Other allowances | ... |
| Initial pay offered | ... |
| 10. Reference of advertisement | ... |
| 11. Date on which Welfare Officer joined service | ... |
| 12. Temporary or permanent | ... |
| 13. Whether on probation and period of probation | ... |
| 14. Any other relevant informations | ... |

Dated.....Signature of ManagerNotificationsThe 11th August, 1982S.O. 1268 dated the 23rd August, 1982. - The Government of Bihar, for the purposes of clause (a) of Rule 4 of the Bihar Factories Welfare Officers Rules, 1952, is pleased to recognise the two years Post-graduate Diploma in Labour and Social Welfare awarded by the Institute of Labour Studies, Jamshedpur to be equivalent to a degree of M.A. in Labour and Social Welfare for the purposes of the said Rules.The 10th March, 1987S.O. 1118 dated the 8th November, 1988. - The Governor of Bihar, for the purposes of clause (a) of Rule 4 of the Bihar Factories Welfare Officers Rules, 1952 is pleased to make the following amendments in the Labour, Employment and Training Department's Notification No. S.O. 96 dated the 27th January, 1983 regarding the recognition of M.B.A. degree awarded by Lalit

Narayan Mishra College of Business Management, Muzaffarpur with specialisation in the 3rd Semester:-AmendmentIn the said notification :- (1) For Personal Management and Industrial Relations (Group 'C') and Labour Relations (Group 'J') the words Personnel Management and Industrial Relations (Group 'C') shall be substituted. The 23rd November, 1987 S.O. 941 dated the 18th May, 1988. - The Government of Bihar for the purposes of clause (a) of Rule 4 of the Bihar Factories Welfare Officers Rules, 1952 is pleased to recognise the two years M.B.A. degree with specialisation in Personnel Management and Industrial Relations awarded by the Indian Institute of Business Management, Patna for the purposes of the said Rules. Notification No. 2/F1-204/90 L, E & T/217, dated 4.4.1994. - In exercise of the powers conferred by Sections 6 and 112 of the Factories Act, 1948 (63, 1948) the Governor of Bihar is pleased to make the following amendment to the Bihar Factories Welfare Officer's Rules, 1952 the same having been previously published vide Government Notification No. S.O. 418 dated 30.9.93 in the extra ordinary issue of the Bihar Gazette dated 30th Nov. 1993 as required by Section 115 of the Act. Amendments In the said rules :- For Rule (6) the following shall be substituted, namely:- "6. Grade of welfare officers and their pay-scales. - (1) There shall be the following grade of welfare officers with the minimum scale of pay as mentioned against each grade, namely :-

- (a) Grade-III Rs. 1640-60-2600-75-2900
- (b) Grade-II Rs. 2000-60-2300-75-3200-100-3800
- (c) Grade-I Rs. 3000-100-3500-125-4500
- (d) Selection grade Rs. 3700-125-4700-150-5000

(2) The revised pay scales shall come into force from 1st January, 1986 but the financial benefit will be given from 1st March, 1989. (3) Pay of Welfare Officer's working on 1st January, 1986 will be fixed from 'B' in the above mentioned grade and pay scale. (4) All disputes relating to the fitment in the revised scale of pay shall be referred to the Chief Inspector of Factories, Bihar, whose decisions in this regard shall be final. (5) Over and above the scales of pay prescribed in sub-rule (1), every Welfare Officers shall be entitled to get dearness allowance as admissible to the State Government servant employed in such scales from time to time. (6) Besides dearness allowances as mentioned in para (5) above, every Welfare Officer shall be entitled to get any other allowances and such other benefits and privileges under any scheme or otherwise may be admissible to officer or employees of similar ranks of pay in the establishments to which the Welfare Officers belong. (7) Those Welfare Officers who will reach on maximum stage of their pay scales they will automatically be placed in the next higher scale and will get all benefits of such higher scale.