

## **LABOUR WELFARE FUND (GUJARAT) RULES, 1962**

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## **LABOUR WELFARE FUND (GUJARAT) RULES, 1962**

In exercise of the powers conferred by section 19 of the Bombay Labour Welfare Fund Act: 1953 (Bom.XL of 1953), the Government of Bombay is pleased to make the following rules, namely:-

## **1. Short title and application :-**

(1) These rules may be called the Labour Welfare Fund (Gujarat) Rules, 1962.

(2) They shall apply to the areas of the State of Gujarat in which the Act is or comes into force.

## **2. Definitions :-**

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

(i) "Act" means the Bombay Labour Welfare Fund Act, 1953;

(i-a) "establishment register" means in relation to

(a) a factory, a register of adult workers or a register of child worker maintained under section 62 or section 73 respectively, of the Factories Act, 1948 (LXIII of 1948);

(b) a motor omnibus service, a register of workers maintained under rule 31 of the Gujarat Motor Transport Workers' Rules, 1965;

(c) any other establishment, a register of employment maintained under rule 31 of the Gujarat Shops and establishments Rules, 1962:

Provided that where any establishment is not required to maintain such register, any other register in which names of workers of establishment employed every day or every month of the year are ordinary shown:

(ii) "Form" means a form appended to these rules;

(iii) "Section" means a section of the Act:

(iv) Words and expressions not defined in these rules shall have the meanings assigned to them under the Act.

## **3. Collection and payment of fines and of unpaid Accumulations by employers :-**

(1) Within fifteen days from the date on which the Act shall come into force in any area, every employer in such area shall collect as agent of the Board and shall pay by cheque, money order or cash to the Welfare Commissioner,

(a) all fines realised from the employees before the said date and remaining unutilized on that date; and

(b) all unpaid accumulations held by the employer on the aforesaid date

(2) The employer shall along with such payment submit a statement to the Welfare Commissioner giving full particulars of the amounts so paid.

(3) Therefore, all fines realised from the employees and all unpaid accumulations during the quarters ending 31st March, 30th June, 30th September and 31st December shall be collected and paid by the employer in the manner aforesaid to the Welfare Commissioner on or before 15th of April, 15th of October and 15th of January succeeding such quarter and a statement giving particulars of the amounts so paid shall be submitted by him along with such payment to the Welfare Commissioner.

**3A. Particulars to be contained in public notice under Sec.6A(3) :-**

The public notice issued under sub-section (3) of section 6-A of the Act shall contain the following particulars, namely: -

(1) the name and place of the establishments which has credited the unpaid accumulations:

(2) the amount of unpaid accumulations credited by each establishment:

(3) the place where the list containing the names of employees in respect of whom the unclaimed accumulations are so credited and the amount standing in the name of each employees shall be available for inspection.

**3AA. Maintenance of registers etc. by Employers :-**

**1**

(1) Every employers of an establishments shall maintain and preserve for a period of ten years,

(a) a register of wages in Form 'A', except in case where the employer maintain muster roll-cum-Wages register under the Payment of Wages Act, 1936, and the rules made thereunder, and

(b) a consolidated register in Form 'B' in respect of unclaimed wages and fines, and

(c) a register in Form 'C' showing the particulars of employees in

whose respect the unpaid accumulations are held by him.

(2) The employer shall forward to the Welfare Commissioner, a copy of the extract from the register maintained in Forms B and C pertaining to the respective quarter with fifteen days at the end of every quarter.]

1. Inserted by Notfn. d. 8-7-1992 [20-8-92].

**3B. Form of statement regarding contribution to be submitted by employer :-**

<sup>1</sup> Every employer shall submit to the Welfare Commissioner every year on or before 31st day of July and 31st day of January a statement of employers, contribution and employees, contribution for six months in respect of employees whose names stand on establishment register on preceding 30th June and 31st December respectively, in Form A-I.

1. Rr. 3B and 3C ins. vide Notfn. dated 2-5-1974.

**3C. Form of statement under Sec.6B(9) :-**

The Welfare Commissioner shall submit to the State Government every year not later than 31st August and 28th February respectively, a statement under subsection (9) of section 6-B showing the total amount of employees' contribution for six months ending on 30th June and 31st December respectively in Form A-2]

**4. Notice for payment of fines and unpaid accumulations by Welfare Commissioner :-**

(1) The Welfare Commissioner may, after making such enquiries as he may deem fit, and after calling for a report from the Inspector, if necessary, serve a notice on any employer to pay any portion of fines realised from the employees or unpaid accumulations held by him which the employer has not paid in accordance with Rule 3. The employer shall comply with the notice within <sup>1</sup>[thirty] days of the receipt thereof.

<sup>2</sup> [(2) The Welfare Commissioner shall serve a notice to the employer liable to pay the amount of the interest due. and if the employer fails to the receipt of the notice, the same shall be recovered in the manner provided in section 17 of the Act.

(3) Where the Welfare Commissioner on being application made to him is satisfied that interest imposed is likely to cause undue financial hardship to the employer either on account of riot, war or

other natural calamities, or that delay caused in the payment of unpaid accumulation or fines realised from employees or any amount of employers contribution or as the case may be, employees contribution was due to the circumstances beyond the control of employer he may after recording reasons in writing, remit whole or part of the amount of the interest payable under sub-section (2) of section 6C:

Provided that no such application shall be entertained by the Welfare Commissioner unless the employer has already paid the amount of interest due and the application for remission is made within sixty days from the date of such payment stating the reasons in full for the grant of such remission:

Provided further that where the amount of interest to be remitted exceeds the amount of Rs. 1,000/-, the remission shall not be made without the prior sanction of the Gujarat Labour Welfare Board.]

1. Subs, by Notfn. d. 8-7-1992 [20-8-1992].
2. Inserted by Notfn. d. 8-7-1992 [20-8-92].

#### **5. Maintenance and Audit of Accounts :-**

The accounts of the fund shall be prepared and maintained by the Accounts Officer of the Board in such manner as may be prescribed by the Board with the approval of the State Government and shall be audited by the Examiner of Local Fund Accounts. Ahmedabad, once a year. The Welfare Commissioner shall be responsible for the disposal of the Audit note.

#### **6. Budget of Board :-**

(1) The budget estimates for each financial year shall be prepared and laid before the Board on or before the 1st day of December of the previous financial year and. after it is approved by the Board, shall be forwarded to the State Government for approval on or before the 15th December. The State Government shall approve of the budget before the 15th January after making such amendments and alteration as it considers necessary.

(2) The budget thus amended or altered and approved shall constitute the budget of the Board for the ensuing financial year and shall be issued under the seal of the Board and signed by the officer or officers of the Board duly authorised in this behalf. An authenticated copy of the budget shall be forwarded to the State

Government before the 28th February.

### **7. Additional Expenditure :-**

If during the course of the financial year it becomes necessary to incur expenditure over and above the provision made in the budget, the Board shall immediately submit to the State Government the details of the proposed expenditure, and specify the manner in which it is proposed to meet the additional expenditure. The State Government may either approve the proposed expenditure after making such modifications, as it considers necessary or reject it. A copy of the order passed by the State Government on every such proposal to incur additional expenditure shall be communicated to the Board and the Auditor, if any, appointed by the State Government.

### **8. Application for grant from Fund :-**

Any employer, local authority or any other body, may make an application to the Welfare Commissioner for a grant under section 7 (3) of the Act. Such application shall be placed by the Welfare Commissioner before the Board within a month of its receipt with his remarks and recommendations of the Board shall be forwarded to the State Government by the Welfare Commissioner for obtaining the approval of the State Government.

### **9. Mode of Payment :-**

All payments from the fund amounting to (a) less than Rs.50 may be made in cash: (b) Rs.50 or more shall be made by cheque issued by the Welfare Commissioner: provided that the Board may in any particular case for special reasons, authorise such payment also in cash. Vide GN. D. D. No. 2509/48-K, dated 16th November 1954.

### **10. Constitution of Board :-**

(1) The Board shall consist of fourteen members including the Chairman, out of which four shall be the representatives of employers and employees, four independent members and two representatives of women.

(2) The Board shall elect a Vice-Chairman to perform the duties of the Chairman in his absence.

### **11. Allowance of Members :-**

<sup>1</sup> The members shall hold their offices in an honorary capacity provided the each member shall be eligible to an honorarium of

Rs.50/- for attending each meeting of the Board and to draw travelling and daily allowance or conveyance allowance, as the case may be, for the journey performed by him in connection with the work of the Board at such rate and on the same terms and conditions as admissible to the pay scale of the post of the Deputy Secretary to the Government of Gujarat, fixed by the Government from time to time.]

1. Subs, by Notfn. d. 8-7-1992 [20-8-92].

## **12. Meetings of Board :-**

(1) The Board shall meet at least once every quarter and as often as may be necessary.

(2) All members of the Board shall be given seven clear day's notice of a meeting specifying the date, time and place of the meeting and business to be transacted thereat:

Provided that no such notice shall be necessary where in the opinion of the Chairman, business of an emergent nature has to be transacted.

## **13. Quorum :-**

The number of members necessary to constitute a quorum at a meeting of the Board shall be five including the Chairman.

## **14. Chairman to preside :-**

Every meeting of the Board shall be presided over by the Chairman or if the Chairman is, for any reason, unable to attend it, by the Vice-Chairman and if both the Chairman and Vice Chairman are, for any reason, unable to attend it, by such one of the members present as may be chosen by the meeting to be Chairman for the occasion.

## **15. Adjournment of meeting :-**

If there is no quorum as laid down in rule 13, the Chairman shall, after waiting for thirty minutes after the expiration of the appointed hour, adjourn the meetings to such hour on the same or some other future day as he may reasonably fix. A notice of such adjourned meeting shall, unless it is fixed on the same day be sent to every member of the Board and the business which would have been brought before the original meeting, original meeting, had there been a quorum thereat, shall be brought before the adjourned meeting and may be disposed of at such meeting whether there be a quorum or not.

**15A. Transaction of the business of the Board by circulation**

:-

The Chairman may direct that any proposition may, instead of being brought up for discussion at a meeting of the Board, be circulated to the members for opinion. The proposition if circulated shall be replied by each member within seven days from the date of its receipt by him and shall be decided by a majority of votes of the members from whom the replies have been received in time, the Chairman having a second or casting vote in each case of equality of votes.

**16. All questions to be decided by majority :-**

All questions coming before the meeting of the Board shall be decided by a majority of the members present and voting at the meeting, the Chairman having a second or casting vote in all case of equality of votes.

**17. Mode of exercising votes :-**

Votes shall be taken by show of hands and the names of person voting in favour and against any proposition shall be recorded only if any member requests the Chairman to do so.

**18. Minutes of meetings :-**

The Board shall keep minutes of the proceedings of each meeting of the Board, and shall include therein the names of the members present. A copy of such minutes shall be submitted by the Board to the State Government as soon as they are confirmed by the Board.

**18A. Delegations of powers to the Welfare Commissioner :-**

The Board may delegate its powers and functions to the Welfare Commissioner in relation to the following matters, subject to the conditions and limitations specified below, namely:

(1) Under Section 7, subject to the provisions of any rule made in this behalf

(a) to sanction expenditure within the budget grants approved by the State Government;

(b) to transfer funds among the following detailed heads of accounts namely: (i) Community and social education centres; (ii) Reading rooms at centres; (iii) Libraries at centres; (iv) Circulating Libraries; (v) Community necessities; (vi) Games and Sports; (vii) Excursions, tours and holiday homes; (viii) Entertainment and other forms of recreation; (ix) Home industries; (x) Subsidiary

occupations for women and unemployed persons: (xi)  
Remunerative employment;

(c) to write off any loss when its value is not more than Rs.250.

(2) Under Section 14

(a) to appoint the necessary clerical and executive staff to carry out and supervise the activities financed from the Fund, <sup>1</sup> [on all the posts of the Board except the post of Welfare Commissioner];

(b) to exercise powers of administration and taking disciplinary action against such staff as stated below:

(i) Power to transfer, sanction increment, fix pay, grant joining time depute on foreign service, sanction leave, relax qualifications;

(ii) Powers of discharging a person

(a) on probation, during the period of such probation:

(b) appointed, otherwise than under contract to hold a temporary appointment, on the expiration of the period of that appointment or for any other reason;

(c) engaged under contract, in accordance with the terms of his contract;

(d) appointed otherwise than under a contract, to hold a permanent appointment, on the abolition of that post or for any other reason;

(iii) Powers of imposing any of the following penalties: -

(a) censure:

(b) with-holding of increments or promotion, including stoppage at an efficiency bar;

(c) reduction to a lower post or time-scale or to a lower stage in a time-scale;

(d) recovery from pay of the whole or part of any loss caused to the Board by negligence or breach of orders:

(e) fine;

(f) suspension;

(g) removal from the service of the Board, which does not

disqualify from the future employment:

(h) dismissal from the service of the Board, which ordinarily disqualifies from future employment;

(i) any other punishment with the approval of the Board:

Provided that every member of such staff shall have a right to appeal to the Board against any order of reduction, dismissal or removal from service, fine or any other punishment, within a period of sixty days from the receipt of such order

1. Subs, by Notfn. d. 8-7-1992 [20-8-1992].

**19. Additional powers of Inspector :-**

Every Inspector shall, for carrying out the purposes of the Act, also have the powers to require any employer to produce any document for his inspection, to supply him a true copy of any such document and to give him a Statement in writing.

**19A. Duties of Inspector :-**

(1) Every Inspector shall visit at least once in every six months, all establishments to verify whether the statements required to be submitted by the employer under the rules have been submitted and if so whether the information submitted is complete and correct.

(2) Every Inspector shall send intimation to the Welfare Commissioner about every new establishments as soon as it is established in the area within his jurisdiction.

**19B. Conditions of service of the Welfare Commissioner and other staff :-**

The provisions of the Bombay Civil Services Rules (except Chapter XI thereof) as amended from time to time by the Government of Gujarat <sup>1</sup>[as well as the Gujarat Civil Services (Conduct) Rules, 1971 and the Gujarat Civil Services (Discipline and Appeal) Rules] shall be applicable to the Welfare Commissioner and other staff appointed under the Act:

<sup>2</sup> [Provided that the terms and conditions of the services of the officers and staff on deputation to the Board shall be as fixed by the Government from time to time.]

1. Inserted by Notfn. d. 8-7-1992 [20-8-1992].

2. Subs, by Notfn. d. 8-7-1992 [20-8-1992].

**20. Publication of annual report of Board :-**

The Board shall within Six months of the date of the closing of each financial year, submit to the State Government for approval an audited statement of receipts and expenditure together with an annual report giving its activities in the year. After the statement and report are approved by the State Government the Board shall, cause the same to be published in such manner as it may deem fit. Every such statement and report shall be laid before the State Legislature as soon as may be after they are published.

**21. Maintenance of registers by certain employers :-**

(1) Every employer of an establishment to which the Payment of Wages Act, 1936, does not apply shall maintain,

(a) a register of wages in Form A: and

(b) a consolidated register of unclaimed wages and fines in Form B

(2) Such employer shall by the 31st January every year forward to the Welfare Commissioner a copy of the extract from the register in Form B pertaining to the previous year.

**22. Penalty for breach of the rule :-**

<sup>1</sup> Any breach of the rules made under the Act shall be punishable with a fine of exceeding two thousand rupees and when the offence is a continuing one, with daily fine not exceeding one hundred rupees during the continuance of the offence].

1. Subs, by Notfn. d. 8-7-1992 [20-8-1992].