

KARNATAKA LABOUR WELFARE FUND RULES, 1968

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KARNATAKA LABOUR WELFARE FUND RULES, 1968

In exercise of the powers conferred by Section 19 of the Karnataka Labour Welfare Fund Act, 1965 (Karnataka Act 15 of 1965), the Government of Karnataka hereby makes the following rules, the draft of the same having been published in the Karnataka Gazette,

dated 8th September, 1966 in Notification No. LMA 274 LLE 65, dated 23rd August, 1966, as required by sub-section (1) of the said section, namely:

1. Title and commencement :-

(1) These Rules may be called the Karnataka Labour Welfare Fund Rules, 1968.

(2) They shall come into force at once.

2. Definitions :-

In these rules, unless the context otherwise requires,

(1) "Act" means the Karnataka Labour Welfare Fund Act, 1965;

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

(3) "Section" means a section of the Act.

3. Payment of fines and of unpaid accumulations by employers :-

(1) Every employer in any area in which the Act has come into force shall, within fifteen days from the date of such coming into force, pay to the Welfare Commissioner, by cheque, money order or cash all fines realised from the employees before the said date and in like manner transfer all unpaid accumulations held by such employer on the said date.

(2) The employer shall along with the payment or transfer under sub-rule (1) submit a statement to the Welfare Commissioner furnishing full particulars of the payments made.

(3) All fines realised from the employees and all unpaid accumulations accruing after the coming into force of the Act shall be paid by the employer in the manner specified in sub-rules (1) and (2) to the Welfare Commissioner once in every quarter on or before 15th of April, 15th of July, 15th of October and 15th of January.

3A. Submission of statement of payment of contribution by the employer :-

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(1) Every employer shall submit to the Welfare Commissioner on or before 15th of January, of every year a statement in Form 'D' of the contributions by the employers and the employees paid during

the preceding year.

(2) The Welfare Commissioner shall submit to the State Government on or before 15th of February of every year a statement in Form 'E' of the contributions by the employers and the employees received by him during the preceding year.]

1. Rule 3-A inserted by Notification No. SWL31 LBW 80, dated 27-8-1981, w.e.f. 27-8-1981.

4. Notices for payment of fines and unpaid accumulation 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 all or any portion of the fines realised from the employees or unpaid accumulations held by him which the employer has not paid as required by Rule 3.

(2) The employer shall comply with the notice within fourteen days of the receipt thereof.

(3) The particulars of notice inviting claims for unpaid accumulations shall be in Form C.

5. Maintenance and Audit of Accounts :-

(1) The accounts of the Fund shall be prepared and maintained by the Accounts Officer of the Board and shall be audited by the Controller, State Accounts Department, once a year. The Welfare Commissioner shall be responsible for the disposal of the Audit Note.

(4) The annual accounts shall be authenticated by affixing the common seal of the Board together with the Auditor's report and four copies thereof shall be submitted to the State Government not later than the 1st November next following the year to which it relates.

6. Procedure for defraying expenditure :-

(1) The budget estimates for every 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, the same shall be forwarded to the State Government for approval on or before the 15th December. The State Government shall

approve the budget before the 15th January, after making such amendments and alterations as it considers necessary.

(2) The budget, amended or altered and approved shall constitute the budget of the Board for the 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.

(3) An authenticated copy of the approved budget shall be forwarded to the State Government before the 28th February.

7. Additional expenditure :-

(1) 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.

(2) A copy of the order passed by the State Government under sub-rule (1) shall be communicated to the Board and the auditor, if any, appointed by the State Government.

(3) The expenditure shall be incurred subject to the approval of the Board.

8. Application for grant from Fund :-

(1) Any employer, local authority or any other body, may make an application to the Welfare Commissioner for a grant under sub-section (3) of Section 8.

(2) The Welfare Commissioner shall place every such application before the Board within a month of its receipt along with his remarks.

(3) The Welfare Commissioner shall forward the recommendations of the Board to the State Government for approval.

9. Mode of payment :-

All payments from the fund amounting to:

(a) less than rupees fifty, may be made in cash;

10. Constitution of Board :-

(1) The Board shall consist of fourteen members, out of whom four shall be the representatives of employers and four of employees; four shall be persons of independent calling and two shall be representatives of women.

(2) The representatives each of employer and employee shall be appointed in consultation with such organisations of employers and employees as may be recommended for the purpose by the State Government.

11. Reconstitution of the Board :-

The procedure to reconstitute the Board shall be the same as that prescribed for the Constitution of the Board under Rule 10.

12. Allowances payable to Chairman and other members :-

13. Meetings of Board :-

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

14. Quorum :-

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

15. 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 such member as the members present may choose at the meeting.

16. Adjournment of meeting :-

Where there is no quorum, the Chairman shall after waiting for thirty minutes after the expiration of the appointed hour adjourn the meeting to such hour on some other future day as he may reasonably fix. A notice of such adjourned meeting shall be sent to every member of the Board and the business which would have been brought before the 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.

17. All questions to be decided by majority :-

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

18. Mode of exercising votes :-

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

19. Minutes of the meeting :-

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.

20. Limit of expenditure on the Staff, etc :-

The Board shall not spend towards the expenses of the Staff appointed by it and other administrative expenses any sum exceeding twenty per cent of the average annual income of the fund.

21. Conditions of service of the staff of the Board :-

The conditions of service of the staff of the Board shall be the same as are applicable to the staff of the State Government governed by the Karnataka Civil Services Rules except to the extent specifically provided for in these rules.

22. Welfare Commissioner :-

The Welfare Commissioner shall be appointed from among officers of the Department of Labour not below the rank of an Assistant Commissioner of Labour, on deputation, ¹ [or on part-time basis].

1. Added by GSR 400, dated 11-11-1969, w.e.f. 11-11-1969, KGD 27-11-1969.

23. Delegation of powers to the Welfare Commissioner :-

The Welfare Commissioner may exercise the following powers in addition to powers conferred under Section 12 of the Act,

(i) Sanction of earned leave, half pay leave, combined leave or maternity leave to non-gazetted staff upto two months.

(ii) Appointment of temporary staff of Class III and Class IV grade in leave vacancies upto a period of two months.

(iii) Purchase of stationery and equipment upto a limit of Rs. 25 at a time subject to Rs. 100 per annum.

(iv) Repairs to furniture and other equipment such as typewriters, clocks, etc., upto a limit of Rs. 50 in each case.

- (v) Sanction of travelling allowance advance to non-gazetted staff.
- (vi) Countersigning of travelling allowance bills of non-gazetted staff.
- (vii) Sanction of expenditure not exceeding Rs. 50 towards the publication of notifications in newspapers including advertisements.
- (viii) Sanction of purchase of diaries.
- (ix) Purchase of Government publications from Government Book Depot.
- (x) Sanction of charges for printing and publication and hand-books, leaflets in regard to the activities of the Department at a cost not exceeding Rs. 100 at a time and Rs. 500 per annum.
- (xi) Sanction of increments to non-gazetted staff.
- (xii) Sanction of medical charges to non-gazetted staff.
- (xiii) Sanction of expenditure for community necessities not exceeding Rs. 100 at a time.
- (xiv) Sanction of expenditure for games and sports at a cost not exceeding Rs. 100 at a time.
- (xv) Sanction of expenditure for entertainments and other forms of recreation at a cost not exceeding Rs. 100 at a time.

24. Duties of Inspectors :-

An Inspector shall make such examination as may appear to him to be necessary for the purpose of satisfying himself that the provisions of the Act and of the rules and any order passed by the Government under the Act are duly observed. In particular, he shall satisfy himself and make,

- (i) such examination of the premises and of any prescribed registers, records and notices and take on the spot or otherwise, evidence of any person as he may deem necessary, for carrying out the purposes of this Act; and

25. Expenses of the staff and other administrative expenses of the Board :-

The expenses of the clerical and executive staff appointed by the Board and other administrative expenses shall not exceed twenty per cent of the annual income of the fund:

Provided that the Board may with the previous sanction of the State Government incur such expenses in excess of the percentage specified above.

26. Disposal of property :-

The Board may

(a) dispose of by sale or exchange, any moveable property belonging to the Board, the value of which does not exceed ten thousand rupees in each case, or grant for any term not exceeding 12 months a lease of any immovable property belonging to the Board;

(b) with the sanction of the State Government, lease, sell or otherwise dispose of other moveable or immovable property belonging to the Board.

27. Procedure for execution of contracts :-

(1) The Board may enter into and perform all such contracts as it may consider necessary or expedient for carrying into effect the provisions of the Act.

28. Publication of annual report of Board :-

The Board shall within three 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 during 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 each House of the State Legislature as soon as may be after they are published.

29. Maintenance of Registers by certain employers :-

(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.