

Goa, Daman And Diu Labour Welfare Fund Rules, 1990

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Goa, Daman And Diu Labour Welfare Fund Rules, 1990

1. Short title and commencement :-

- (i) These rules may be called the Goa Labour Welfare Fund Rules, 1990.

(ii) They shall come into force at once.

2. Definitions :-

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

(i) "Act" means the Goa, Daman and Diu Labour Welfare Fund Act, 1986 (Act 4 of 1987);

(ii) "establishment register" means in relation to:-

(a) a factory, a register of adult workers or a register of child workers maintained under section 62 or section 73 respectively, of the Factories Act, 1948 (Central Act 63 of 1948);

(b) a motor omnibus service, a register of workers maintained under rule 34 of the Goa, Daman and Diu Motor Transport Workers Rules, 1965;

(c) any other establishment, a register of employment maintained under the Goa, Daman and Diu Shops and Establishment Rules, 1975: Provided that, where any establishment is not required to maintain such register, any other register in which names of workers of the establishment employed every day or every month of the year are ordinarily shown.

(d) "Form" means a form appended to these Rules;

(e) "section" means a section of the Act;

(f) "Secretary" means the Secretary of the Board appointed under section 20;

(g) Words and expressions not defined in these rules shall have the

meanings as assigned to them under the Act.

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

(1) Within fifteen days from the date on which this Act shall come into force in any area, every employer in such area shall pay by cheque, money order or cash to the Secretary-

(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 alongwith such payment submit a statement to the Secretary giving full particulars of the amounts so paid.

(3) Thereafter all fines realised from the employees and all unpaid accumulations during the quarter ending 31st March, 30th June, 30th September and 31st December shall be paid by the employer in the manner aforesaid to the Secretary on or before 15th April, 15th July, 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 alongwith such payment to the Secretary.

4. Submission of statement to Secretary :-

Every employer shall submit to the Secretary on or before the 31st day of July and 31st of January a statement of employers contribution and employees contribution in respect of employees whose names stand on the establishment register on 30th June and 31st December respectively in Form A.

5. Submission of statement to Government :-

The Secretary shall submit to the State Government not later than 31st August and 28th February, respectively, a statement of employers contributions received by him on 30th June and 31st December respectively in Form B.

6. Notice for payment of fines and unpaid accumulations by Secretary :-

The Secretary 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 employer or unpaid accumulations held by him which the employer has not paid in accordance with rule 3. The employer shall comply with the said notice within 14 days of the receipt thereof.

7. Particulars of unpaid accumulations to be published under section 12(3) (b) :-

The notice referred to in sub-section (3) of section 12 shall contain the following particulars, namely:-

(1) Name and address of the factory or establishment in which the unpaid accumulations were earned;

(2) Wage period during which the unpaid accumulations was earned;

(3) Amount of the unpaid accumulations;

(4) A declaration that a list containing the names of employees and the amount due to them and paid to the Board has been pasted on the notice board of the factory or establishment in which the unpaid accumulation was earned.

8. Application for remission of penalty :-

(i) Application for remission of penalty shall be made to the Secretary within thirty days from the date of payment of penalty, and shall clearly specify the grounds on which the remission is claimed.

(ii) Where the Secretary is satisfied that the penalty imposed is

likely to cause undue hardship to the employer concerned or that the employer has suffered financially on account of riots, war, through natural calamities or that delay caused in the payment of unpaid accumulations or fines was due to circumstances beyond his control, the Secretary may remit in part or whole the penalty payable under sub-section (2) of section 13: Provided that if the amount of penalty to be remitted exceeds Rs. 500/-, the remission not be made without the prior sanction of the Board.

9. Maintenance and audit of accounts :-

The accounts of the funds shall be prepared and maintained by the Accounts Officer of the Board in Form C and shall be audited by the Director of Accounts, Local Fund Accounts, Goa State, once a year. The Secretary shall be responsible for the disposal of the audit note.

10. 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 the budget before the 15th January after making such amendments and alterations 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 budget shall be forwarded to the State Government before the 28th February.

11. 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 proposes 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.

12. Applications for grant from Fund :-

Any employer, local authority or any other body, may make an application to the Secretary for a grant under sub-section (3) of section 16. Such application shall be placed by the Secretary before the Board within a month of its receipt with his remarks, and the recommendations of the Board shall be forwarded for approval of the State Government by the Secretary.

13. 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 Secretary:

Provided that the Board may, in any particular case for special reasons, authorise such payment also in cash.

14. Constitution of Board :-

The Board shall consist of twenty-six members including the Chairman, out of which six shall be the representatives of employers and employees each, eight being independent members and six members being representatives of women.

15. Allowance of Members :-

The members shall hold their offices in an honorary capacity provided that each member shall be eligible to a sitting fee of Rs. 30/- for attending each meeting of the Board and to travelling and daily allowances admissible to first grade officers of the State

Government.

16. Allowances of members of committees :-

The members of the committees constituted under section 9 shall be eligible to a sitting fee of Rs. 30/- for attending each meeting of the committee and to travelling and daily allowances admissible to first grade officers of the State Government.

17. 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 days notice of a meeting specifying the date, time and place of the meeting and business to be transacted thereat: Provided that, seven clear days notice shall not be necessary where, in the opinion of the chairman, business of an emergent nature has to be transacted.

18. Quorum :-

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

19. Chairman to preside :-

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

20. Adjournment of meeting :-

If there is no quorum as laid down in rule 18, 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 a meeting, whether there be a quorum or not.

21. 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 cases of equality of votes.

22. 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.

23. Minutes of 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.

24. Delegation of powers :-

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

(1) Under sub-section (2) of section 33, subject to the provisions of any rules 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 account, 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 employments.

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

(2) Under section 22 (a) to appoint the necessary clerical and executive staff to carry out and supervise the activities financed from the Fund, on the posts the salary of which shall be ¹[based on recommendations of Pay Commission as adopted and made applicable by the Government to its employees from time to time];

(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 reasons;

(iii) powers of imposing any of the following penalties -

(a) censure;

(b) withholding of increments or promotion including stoppage at an efficiency bar;

(c) reduction to 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 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.

1 Substituted by the Amendment Rules, 2010.

25. Additional powers of Inspection :-

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.

26. Percentage of annual income of fund towards staff :-

The Board shall ensure that the expenses of the staff including the staff employed for carrying out the programmes of the Board, and other administrative expenses, shall not exceed 60% of the annual income of the Fund.

27. Publication of annual report of the 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 in the year. The statement and report shall be laid as soon as may be after they are approved by the State Government before the House of the State Legislature while it is in session for a period of one month. After they are so laid, the Board shall cause the same to be published in such manner as it may deem fit.

28. Maintenance of registers by employers :-

(1) Every employer of an establishment shall maintain and preserve for a period of 10 years -

(a) a register of wages in form D.

(b) a consolidated register of unclaimed wages and fines in Form E. However, in case pending before the appellate authorities the record shall be preserved till the cases are finally disposed.

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

29. Authority :-

⁶[29. Authority.-

The Commissioner of Labour shall be the authority for the purpose of deciding any question as to whether or not any of the provisions of the Act apply to an establishment or to an employee therein.]

⁶ Inserted by the Amendment Rules, 1991 published in the Official Gazette, Sr. I No. 29 dtd. 18-9-1991.