

**GOVERNMENT OF WEST BENGAL
LABOUR DEPARTMENT
I.R. BRANCH**

NOTIFICATION

No. 971-IR/Eil/IA-II/07(Pt.)-10th September, 2008—In exercise of the power conferred by sub-section (1) of section 22 of the West Bengal Unorganised Sector Workers Welfare Act, 2007 (West Ben. Act XXIV of 2007), the Governor is pleased hereby to make, after previous publication as required under sub-section (1) of section 22 of the said Act, the following rules, namely the West Bengal Unorganised Sector Workers Welfare Rules, 2008 :—

Rules

CHAPTER-I

Preliminary

1. Short title and commencement.

- (1) These rules may be called the West Bengal Unorganized Sector Workers Welfare Rules, 2008.
- (2) They shall come into force on the date of their publication in the *Official Gazette*.

2. Definition.

In these rules, unless the context is otherwise required,-

- (a) 'Act' means the West Bengal Unorganized Sector Workers Welfare Act, 2007 (West Ben. Act XXIV of 2007);
- (b) 'Board' means the West Bengal Unorganized Sector Workers Welfare Board constituted under section 4 of the Act;
- (c) 'Form' means a form appended to these rules;
- (d) 'Fund' means the West Bengal Unorganized Sector Workers Welfare Fund constituted by the Board under section 11 of the Act;
- (e) 'Secretary' means the Secretary of the Board who shall not be a member of the Board.

3. Interpretation of words not defined.

Words and expressions not defined in these rules but defined or used in the Act shall have the same meaning as assigned to them in the Act.

CHAPTER II

Board, Executive Council, Fund and Schemes

4. Term of Office for Chairperson, Vice-Chairperson and Members of the Board.

The term of office of the Chairperson, Vice-Chairperson and the Members of the Board shall be three years from the date of their appointment:

Provided that the members may continue in office till their successors are appointed; but in no case the members shall continue in office beyond a period of five years from the date of their appointment:

Provided further that the State Government may reconstitute the Board at any point of time if it thinks fit to do so.

5. Cessation of Membership.

If any non-official member of the Board fails to attend three consecutive meetings of the Board without obtaining leave of the Chairperson for such absence, he shall cease to be a member of the Board :

Provided that the Chairperson if he so considers that there is sufficient cause for such absence can restore the membership.

6. Resignation.

A non-official member of the Board may resign his office by tendering his resignation in writing to the Chairperson and his membership shall cease on acceptance of the resignation by the Chairperson and his office shall become vacant on and from the date of acceptance of such resignation.

7. Filling up the vacancy.

A member nominated to fill up vacancy shall hold office for the remaining period of the term of the office of the member in whose place he is nominated.

8. Meeting of the Board.

The Board shall ordinarily meet once in three months :

Provided that the Chairperson shall, within fifteen days of the receipt of the requisition in writing from not less than one third of the members of the Board call a meeting thereof.

9. Notice of meeting and list of business.

Notice intimating the date, time and venue of every meeting together with a list of business to be transacted at the meeting shall be sent by registered post or by special messenger or by e-mail fifteen days before the date of meeting by the Secretary of the Board :

Provided that when the Chairperson calls a meeting for considering any matter which in his opinion is urgent, notice of not less than three days shall be deemed sufficient.

10. Quorum.

No business shall be transacted at a meeting of the Board unless at least one third of the total number of members are present, of whom one shall be from amongst the members representing the Unorganized Sector Workers :

Provided that in the event of lack of quorum in any meeting, the Chairperson may adjourn the meeting to another date informing the members present and giving notice to the other members that he proposes to dispose of the business at the adjourned meeting whether there is prescribed quorum or not and which shall thereupon be lawful to dispose of the business at the adjourned meeting irrespective of the number of members attending.

11. Chairperson to preside the meeting.

Chairperson shall preside over every meeting of the Board in which he is present and if, for any reason the Chairperson is unable to preside over the meeting the Vice-chairperson shall preside over the meeting.

12. Transaction of business.

Every question considered at a meeting of the Board shall be decided by a majority of the votes of the members present and voting and in the event of any equality of votes, the Chairperson or in his absence the Vice-chairperson presiding over the meeting shall have a casting vote.

13. Minutes of the meeting.

The Minute Book shall be a permanent record wherein every decision taken at a meeting of the Board shall be recorded at the same meeting by the Secretary of the Board and signed by the Chairperson.

14. Salaries and allowances of Board member.

(1) Every non-official member of the Board may be paid a sitting allowance as may be fixed by the Board from time to time for attending a meeting of the Board.

(2) The Chairperson may be paid an honorarium as may be fixed by the State Government:

Provided that no honorarium will be paid to the Chairperson holding any office of the State Government.

(3) Every non-official member shall be paid travelling allowance and daily allowance for attending the meeting of the Board at such rates as are admissible to Group A officers of the State Government.

- (4) The travelling allowance and daily allowance of an official member shall be governed by the rules applicable to him for journey performed on official duties and shall be paid by the Board.

15. Officer and employee of the Board.

Subject to the approval of the State Government, the Board may engage its own official and employees, regular or otherwise, as it considers necessary and shall decide on their salary, allowance and remuneration from time to time and with the approval of the State Government the Board may also utilize the services of the officers and staff of the Labour Department and its Directorates or any other Department of the State Government for implementation of the provisions of the Act.

16. Executive Council.

(1) The Executive council shall function as part and parcel of the Board and shall be responsible for:-

- (a) implementation of all decisions taken by the Board;
- (b) all matters connected with the administration of Fund;
- (c) submission of annual budget, annual report, audited accounts-on behalf of the Board;
- (d) proper maintenance of accounts and their annual audit, proper maintenance of registers and records of beneficiaries enrolled under different schemes introduced by the Board including maintenance of records relating to the administration of the Act;
- (e) proper and timely recovery of amounts due to the Board;
- (f) any other function that may be entrusted upon the Executive Council by the Board for the purpose of carrying out the provisions of the Act.

(2) The Board shall, with the approval of the State Government appoint an officer not below the rank of Joint Secretary to the Government of West Bengal as Chief Executive Officer of the Board who shall be the Member Secretary of the Executive Council.

17. West Bengal Unorganized Sector Workers Welfare Fund.

Fund shall vest in the Board and be administered by the Executive Council under the Board.

18. Investments.

All money belonging to the fund may be invested in the Scheduled Commercial banks duly approved by the Reserve Bank of India or in securities referred to in clauses (a) to (d) of section 20 of the Indian Trusts Act, 1882. (2 of 1882)

19. Expenditure Limit.

The Board may incur, in any financial year, expenditure towards salaries, allowances and other remuneration and towards other administrative expenses within the limit not exceeding 12% of the committed expenditure.

Explanation. Committed expenditure shall include any fund which is set aside for payment to the beneficiaries in future.

20. Budget.

(1) The Board shall prepare and approve, before 7th March every year its budget for the next financial year, showing its estimated receipts and expenditure.

(2) The budget shall be prepared in Form 1 and after approval by the Board, shall be forwarded to the State Government, so as to reach them by 15th March.

21. Annual report.

(1) A report on the functioning of the Board during every financial year shall be approved by the Board before 15th June of the following financial year and shall be submitted to the State Government by the 15th July of that year.

(2) The annual report shall include the following:-

(a) General:-

(i) administrative Report;

(ii) overall Fund Position of the Board;

(iii) total number of beneficiaries covered under different scheme;

(iv) observation, if any,

(b) Total number of schemes introduced by the Board mentioning the names of each scheme;

(c) Details on implementation of each scheme along with following particulars :-

(i) total number of workers who applied for enrolment under each scheme;

(ii) total number of beneficiaries enrolled under each scheme;

(iii) total amount of benefits granted to the beneficiaries under each scheme;

(iv) amounts spent towards administrative expenses for implementation of each scheme;

(v) fund position under each scheme;

(vi) difficulties, if any faced in implementation of each scheme;

(vii) suggestions to remove the difficulties mentioned at (vi) above.

22. Maintenance of accounts and audit.

- (1) The Board shall maintain a consolidated cash book showing its receipts and payments on day to day basis and also maintain subsidiary cash book for each scheme showing day to day receipts and payments in Form II.
- (2) The consolidated cash book including subsidiary cash books should be balanced daily and the balance to be carried forward on the next day.
- (3) The Board shall prepare a receipt and payments account and income and expenditure account for every financial year ending on 31st March in Form III and IV respectively.
- (4) The Board shall also prepare a balance sheet showing assets and liabilities of the Board as on 31st March of every financial year in Form V.
- (5) The Board may also maintain such other registers and records as it may decide from time to time.
- (6) The Board shall furnish audited copy of the accounts together with the auditors' report of every financial year to the State Government by 30th September of the following financial year.

CHAPTER III

Registration of Unorganized Sector Workers as beneficiaries.

23. Manner of making applications for registration of beneficiaries.

- (1) The application referred to in sub-section (2) of section 15 of the Act shall be made in Form VI to the officer authorized by the Board.
- (2) Every application under sub-rule (1) shall also be accompanied by attested copies of school certificates or certificate from the Registrar of Birth and Death, or certificate from the local authorities, or MLA or MP or Municipal Commissioners or Corporation Councillors of the Municipality, regarding the proof of date of birth of the applicant worker together with a certificate from the authorized person as appended in the Form VI regarding eligibility of the applicant workman for enrolment under any scheme.
- (3) Every such application shall be made along with fees for registration fixed by the Board.
- (4) After receipt of the application referred to in sub-rule (1), the officer authorized by the Board shall, after noting thereon the date of receipt of the application, grant an acknowledgment to the applicant and shall also issue a receipt of the registration fees, if any.

24. Grant of registration of worker as beneficiaries and issue of Identity Card.

- (1) The officer authorized by the Board after receiving the application under rule 23 shall register the name of the worker as a beneficiary under any scheme under the Act, if such applicant workman has complied with all the requirements as laid down in these rules and shall issue an Identity card with his photographs duly affixed thereon in Form VII.
- (2) The Officer authorized by the Board shall also maintain an area wise and scheme wise register of workers registered as beneficiaries in Form VIII.

25. Contribution to the Fund.

A beneficiary registered under any scheme introduced by the Board under the Act shall contribute to the fund at the rate as fixed by the Board under any scheme

FORM I
(See rule 20)

West Bengal Unorganized Sector Workers Welfare Board

Budget for the financial year

Part - I

Receipts

| Head | Actual Receipts in the Previous financial Year | Budget estimate for the current financial Year | Revised Budget estimate for the current financial Year | Estimated Receipts the next Financial year |
|------|---|--|---|---|
| (1) | (2) | (3) | (4) | (5) |

- (1) Contribution from the beneficiaries under different scheme :
(Separate column for separate schemes)
- (2) (a) Contribution from the employers/establishments :
(b) Registration and Renewal fees of the establishments ;
- (3) Grants from the State Government: (Scheme wise grants to be mentioned :)
- (4) Special grants from State Government, if any :
- (5) Grants from Central Government, if any :
- (6) Interest:
- (7) Loan received by the Board :
- (8) Recovery of Loan :
- (9) Other Miscellaneous Receipts :

Part II
Expenditure

| Head | Actual expenditure in the previous financial Year..... | Budget estimate for the current financial Year..... | Revised Budget estimate for the current financial year..... | Estimated expenditure for the next financial year..... |
|--------------------|--|---|--|---|
| (1) | (2) | (3) | (4) | (5) |
| (1) | Expenses on meeting of the Board: | | | |
| (2) | Expenses on staff: | | | |
| (3) | Office expenses: (Item wise details should be mentioned) | | | |
| (4) | Capital expenses, if any: | | | |
| (5) | Scheme wise expenses on benefits rendered to the beneficiaries under section 9 read with section 11(2) of the West Bengal Unorganised Sector Workers Welfare Act, 2007: | | | |
| (6) | Other miscellaneous expenses: | | | |
| <hr/> | | | | |
| Total Expenditure: | | | | |
| <hr/> | | | | |

Part III
Summary

| Head | Amount |
|-------|------------------------------|
| (1) | (2) |
| (1) | Estimated Total Receipts: |
| (2) | Estimated Total Expenditure: |
| (3) | Estimated Surplus/deficits: |
| <hr/> | |

Place:

Date: Signature of the Chief Executive Officer
West Bengal Unorganized Sector Workers Welfare Board

FORM II

[See rule 22(1)]

West Bengal Unorganized Sector Workers Welfare Board

Cash Book

| Receipts | | | Payments | | |
|----------|-----------------------------|--------|----------|-----------------------------|--------|
| Date | Particulars of transactions | Amount | Date | Particulars of transactions | Amount |
| | | | | | |
| | | | | | |

FORM III

[See rule 22(3)]

West Bengal Unorganized Sector Workers Welfare Board

Receipts and payments Account for the year ending 31st March

.....

| Receipts | | Payments | |
|---|--------|---|--------|
| Details of receipts under different heads | Amount | Details of payments under various heads | Amount |
| | | | |
| | | | |

FORM IV

[See rule 22(3)]

West Bengal Unorganized Sector Workers Welfare Board

Income and Expenditure Account for the year ending 31st March

.....

| Expenditure | | Income | |
|------------------------|--------|-------------------|--------|
| Details of Expenditure | Amount | Details of Income | Amount |
| | | | |
| | | | |

FORM V

[See rule 22(4)]

West Bengal Unorganized Sector Workers Welfare Board

Balance sheet as on 31st March

| Liabilities | | Assets | |
|------------------------|--------|-------------------|--------|
| Details of Liabilities | Amount | Details of Assets | Amount |
| | | | |
| | | | |

FORM VI

[See rule 23(1)]

Application for registration as a beneficiary

1. (a) Name of the Unorganised sector Worker :

(b) Father's Name / Husband's Name

(c) Date of Birth / Age.....
(attested copies of certificate showing proof of age to be enclosed)

(d) Permanent Address :

(e) Present address :

(f) Marital Status :

(Married / unmarried / Widow / Widower)

2. (a) Name and address of the Employer / if self-employed, write self-employed :

(b) Place of Work :

(c) Nature of Employment / Job :

(d) Monthly Income :

I am not covered under the Employees Provident Fund and Miscellaneous Provisions Act, 1952.

I hereby apply for enrolment in my name in.....
.....scheme.....introduced by the
West Bengal Unorganised Sector Workers Welfare Board.

one small size photograph duly attested by any person authorized to issue a certificate as mentioned in this application form to be pasted in this space and other two identical photographs to be enclosed with the application.

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I agree to pay registration fees and monthly contribution as fixed by the Board in relation to the scheme referred to above.

My nominee for the purpose of the scheme will be as follows :

| Name & address of the Nominee(s) (1) | Signature of the Nominee (s) (2) | Relationship with the worker (3) | Percentage to be paid to each nominee (4) |
|---|-------------------------------------|-------------------------------------|--|
| | | | |
| | | | |

Signature / L.T.I. of the applicant

Date:

Place:

Certificate

(to be given by MP/MLA/Sabhadhipati-Zila Parishad/Siliguti Mahakuma Parishad/Sabhapati of Panchayat Samiti / Pradhan of Gram Panchayet / Mayor / Chairman of the Municipal Corporation or Chairman of the Borough Committee / Councillor of the Corporation / Chairman/ Vice-Chairman / Commissioner of Municipality / Councillor of Darjeeling Gorkha Hill Council for the respective areas / Employer)

I know the applicant Shri / Smt.....
and hereby certify that the statements made by him / her above are true to the best of my knowledge and belief.

Date:

Signature:

Name:

Designation:

Seal:

.....
Received the Application in Form VI from Sri
of (address) for enrolment in the (Name of the
scheme) under West Bengal Unorganised Sector Workers
Welfare Board.

Signature of the officer
Authorized by the Board with date
SEAL

FORM VII

[See rule 24 (1)]

**Identity Card of the Unorganized Sector Workers registered as beneficiary
Under the West Bengal Unorganized Sector Workers Welfare Board**

Identity Card No.....

Registration No..... Date

1. Name of the Worker :
2. Age / Date of Birth :
3. Name of the Father / Husband :
4. Marital Status :
5. Permanent Address :
-
-
6. Present Address :
-
-
7. Place of work with location :
8. Nature of the job performed :
9. Whether wage earner or self employed :
10. Name of the Scheme in which the workman is registered :



Date:

Signature of the Officer
authorized by the Board.

Signature of the registered
Beneficiary

Seal & Stamp

FORM VIII

[See rule 24 (2)]

West Bengal unorganized Sector Workers Welfare Board
Register of workers registered as beneficiaries.

Name of the Area :

Name of the Scheme :

1. Name of the Worker :
2. Registration No. of the worker :
3. Identity Card issued No :date.....
4. Age/Date of Birth :
5. Name of the Father/Husband :
6. Marital Status :
7. Permanent Address :
-
8. Present Address :
-
9. Place of work with location :
10. Nature of the job performed :
11. Whether wage earner or self employed :
12. Name and designation of the persons certifying the particulars of the application :
13. Name and address of the nominee and their relationship with the worker :
14. Any other particulars as may be required for the scheme
-



By order of the Governor,

TRILOCHAN SINGH,

Principal Secretary to the Government of West Bengal.