

CHHATTISGARH LABOUR WELFARE FUND ACT 1982

(i) 34fVfi-q•q 36 1983 1982 2. 3, 4. 6, 7. 8. 9. 37fi_Rrq 4 6 7 8 8 10 10. 11. 12. fifia 13. 14. 14-71. 16. fifi 17. 18. 19. 20, 21. 5—vaâuf 22. 23. 24. 25. 12 12 14 14 14 15 15 15 15 16 17 17 17 18 18 18 18 26. 27. 28. 29. 30, 31. 32. 33. 33 34. 2. 1936 4 -cq-<q •.rm—2 fû 1984 19 19 19 19 20 20 21 21 23 23 24 2 36 1983. fif@ 31ß.rfiq•q, 1982 (æiüßß) 1983 18 1983 " atr fiF-fiF (1) (2) .3-1fi.râa 4 311.iT7 (3) (E) (4) 2 tzitäd -t :— 1948 (1948 63) (1) (O) (6) (7) (S) ÉRI, 3 1947 (1947 u) 1948 (1948 63) "fift" 3 (iü-qâz) (9) (70) (11) (12) (13) 4 3-f4fiztq, 1960 27 19±0) 9 t 16 1952 (1952 19) 1936 (1936 15 2 —fifi fifü , (2) fifu 8 3Fdfr.« (71) 5 10 ; fifi.r ii (3) , fifi4 12 fifi* fifü Bfû 6 (2) (i) f<fifëtz q•rq a-Tqu (2) (11) 6. 31Tfi1 *TN. 8 3—fifr ü, at-a Q) WIL, Rita AT 9 (4) (3) fif& 1936 (1936 G. 4) 15 a..F7fi7 t gr8 G-m 3.71F:n Q, *fiq; 10 trq t, fifü '-m (10) avi 3*fi-1fû-a 3-+«rzi " (2) 31 t, a.fiq•rq] qra -a 15 15 11 3. 39 (4) 31fûfiuq, 1936 (1936 vi. 4) (5) 12 10. .3trq ur fif@ 36-1* 1. 11 2. 11 1996 13 (2) (1) fifi 3ih ; fû•a 1936 (1936 4) 14 fifi.l . (4) 12. zn qr aft 14. (3) fifi fifi 1973 43 197.3) 15 J:tfiüa *711. fifi, gm] (2) 14-19. tzi•tr 14-1". üfif& 1. 11 1996 16 fri Q, za Rz•rd graq 16. fifi 1958 25 1958) 40 31fûfiQ VH S.Q4..N.& 'E 9641 •u.d* H.l.k.u b-lk€ kh.æ P.L Q.B.W k..gaE b..l..Y•E ' 44-4 P. ?JQ k.ne.u 2..u.i.ne.E W.N.E. a.a.akl 'D.E k.hp.4 i.n» kW.V.2.w *k.e..l.æ IDL2 ' 1.hE.æ.E P.U.I&..ÄJ.E k..gu€ st u.h h.i k..gi.zu•e 9661 9661 VH L L -L I.h h!2hE (b) (6S6L ot 6S6L _lt-tqu> OZ 6S6t (1) 1_U.ÄhE tan-k l.nk&h 23 31•.frq qu-g-a (2) fr•za 26. 15, 16, 17, 18 , 1860 ('860 i. 45) 21 27. 28. 29. 1936 (1936 i. 4) 8 (8) q, fitu 1.982 20 fifi 30. 31. za gra qin t. avi 1996 21 32. 1) 31 76. 33. *Ifi. faql, (3) (e) (4) (z) 22 fififü•zü ; a ü•ü, 14 (1) 14 (2) 16 (2) 17 yea *711 , 20 • 23 RQi zn -a (Ena) 17 •q•rrgq 34. 31fûfi•zæ yrt'4 GTIRITI. 1. n 1996 24 fifü 1984 22 1986 36 q 1983) t, 33 (1) 1. 1984 afii-d fifix 1982 36 1983); ' 'em-l" um. 3. 25 t.nfrd 31 30 30 31 (3) (4) (5) 31 Vt-q • ' 9 (3) fit:hé (2) fz•qvfi ü;zn, t 26 fififU—6 vfififü—6 (1) (2) (3) 6. Buffia (2) (3) 7. (2) 21 (3) 7. (3) (31) tLOZM fdü (6) 2B qtefi. (2) 3rafi.r 10. (8) (a) (0) (3) 29 8 fiq•zn 3 azy • IO , 11(3) 1k.u lh .4Q.E.b2 L>.uu.e (0 u.,p R.P. I.I.,æ kQ.1.m.hhQD e.i.:h2 Pilg.lh.hhJ_e z.L±E '@11» p.lL (f) ILLQ_i.p.e•, kP_e ot (e) 16. 5 16 18. (71) 32 18 (3) fifif GRI 20, 19 21. 30. -a. 33 1974 (q•r) gro 1974 35 U.I.V.Ä1h.*J '2 en.ü.u•e 'Pipe IP*e (11) 35 fat *Tti. 26. (1) 19 (I) (a) tal 27 q•rzpfi 36 27. qxi qvi 24 (2) (3) fifi 28, 37 üfiF* (7) (8) *111. (10) 38 æfifr, qti zfi 29. 30. 17 31. fiqq,Ä1966 32. fifi 50 39. 33. "Z" 10 fiqzü 34. 30 31 1. 2. 3. 4. 5. 6. 30 31 2. 3. 4. 6, 7. 8. 9. 10. 40 19-@i 3) 7 «TI•BT Qtr. (fiZIR 10 *figq) E.IRT 9 (8) ft-&q_ 43 zvT((9) {2} 12 güä (U) (21) (24) (26) (31) (12) (46) 1. s. 10 s. 9. 12 10. 11. 12, 13. (ft-qq 12 3. 6. 7. 8. 9. 11. 12. (8) (11) (Q) 46 (g) (1) 2. 3. 4. 5. 2. 3. 4. 5. (5 47 (2) 33 (3) firql t— (3) 31 (S) 31 a-qqTA (2) (4) 48 25 1995 W. 4 (f) 3-9* 1982 16 , 25 1995 4 1995 m. fifi 1982 36 1983) 1 2 (5), (11) 11 1987 q, 1995 49 12 9 Q. Nc_ F. i4-3-94-XVi-B.—In exercise of ghe powers conferred by sub- section (3) of Sectioa ofthe Madhya Shram Wayan Nilhi Adhiniyam, 1982 (No. 36 of 1983) read with ctause (ii)of sub-section (5) ot Section 2 thereof, and in contu•uation of Labour Dcptt's previous notification No. 14-1-84-XVI- B, dated the I th November 1987 the State Govemment hereby appoin:s day of lune 1995 the on which the pmvisioas of the said shall come m to force in respect pf such establishments in the State of Madhya Pradesh. which carry on any bl.\$ir•es or any work in connection with or ancillary thereto, and which employ or *m'e employed oa any working day during the• preceding twelve move than 9 person . 199' 25 1996 4 (*) 1982 •ur: 16 (1) , 7 a•ü-« 2000 27 2000 1982 36" 1983) 24 (2) 24 (1) 1959 20, 1959) 147 No. F. exercise of the pbwers conferred by sub: section (2) Section 24 of the Madhya Pradesh.Shram Kalayan Nidhi Adhiniyam, 1982 (No. 36 of 1983), the State Govemmcnihercby authorise all the Assistant labour Commissioners and Labour Officers go exercise the powers of Tahsildar under Section 147 of the Madhya Pradesh Land Revenue Code, 1959 (No. 20 of 1959) for recovery of payable under sub-section (1) of Section 24 of the said Adhiniyaöin their respective jurisdiction. (2) This notification shall come into force with effect from the date o! publication of this notification in the Madhya Pradesh Gazette. MADHYA 51 MADHYA PRADESH ACT No. 36 of 1983 PRADESH SHRAM KALYAN ADHINIYAM, 1982. TABLE OF CONTENTS THE sectione . 1

2

CHAPTER 3. s

6. NIDHI , CHAPTER I-PRELIMINARY Short title, extent and .Defini e ions . IT—
CONSTITUTION OF A FUND AND THE BOARD Labur wel fare Fund. Constitution of Board and

allowances payable to the members . Disqualification and removal. Resignation of office by member and filling up of casual vacancies. Power to appoint Committees

CHAPTER III—VESTING AND APPLICATION OF FUND 8. 9. 10. 11. 12. 13. 14. 14-A 14-B. 14 -c . 52 Unpaid accumulations and claims thereto. Contribution . Interest on unpaid accumulations or fine on the notice Of demand. Vesting and application Of fund. Power of Board to borrow. Investment Of Fund . Audit and. Accounts . Annual Report of the Board. Report of activities by employers. Delegation of powers Of the Board. CHAPTER IV—APPOINTMENT OF OFFICERS AND STAFF 15. 16 17. 18. 19. 20. welfare Commissioner, Additional or Deputy Welfare Commissioner . Appointment of Inspectors . Appointment Of Officers and Other staff . Deputation of Government servants . Power to impose punishment. Service Conditions . Limitation on expenditure . CHAPTER 53 V-MI 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 33-A

34. Power to call for records . Directions by the State Government to Board . Mode of recovery of sums payable to the Board . Supersession of Board. Members, etc. , to be public servant. Protection to persons acting in good faith. Exemption . Amendment of Central Act No. 4 of 1936. Vesting of certain properties . Penalty for obstructing Inspector in discharge of Inspector's duties or for failure to produce documents, etc . Provisions relating to jurisdiction power to make rules. Power to make regulations . Power to remove difficulties 54 MADHYA PRADESH ACT No. 36 of 1983 THE MADHYA PRADESH SHRAM KALYAN NIDHI ADHINIYAM 1982. [Received the assent of the president on the 6th November, 1983; assent first published in the "Madhya Pradesh Gazette (Extraordinary)" dated the 18th November, 1983 .] Act provide for the constitution of a Madhya Pradesh Labour Welfare Board for the welfare of labour in the State of Madhya Pradesh, for conducting business and ancillary thereto . Be it enacted by the Madhya Pradesh Legislature in the Thirty Third Year of the Republic of India as follows . CHAPTER I—PRELIMINARY 1 . Short title, extent and commencement . —This Act may be called the Madhya Pradesh Shram Kalyan Nidhi Adhiniyam, 1982 . (2) It extends to the whole of the State of Madhya Pradesh. (3) It shall come into force on such date or dates as the State Government may, by notification, appoint and different dates may be appointed for different areas establishments or classes of and of different establishments

2. Definitions .—In this Act, otherwise requires, unless the context (1) "Board" means the Madhya Pradesh Labour Welfare Board constituted under Section 4 (2) (3) 55 • Contribution means the sum of money payable to the Board in accordance with the provisions of Section 8 • Employee means any person who is employed for hire or reward to do any skilled, semi-skilled or unskilled manual, clerical, supervisory or technical work in an establishment but does not include any person— (a) who is employed mainly in a managerial or administrative capacity; or (b) who, being employed in a supervisory capacity, draws wages exceeding one thousand and six hundred rupees per mensem or exercises, either by the nature of the duties attached to the office, or by reason of the powers vested in him, functions mainly of a managerial nature "Employer" means any person who employs either directly or through another person either on behalf of himself or through another person either on behalf of himself or any other one or more employees in an establishment and includes— in relation to a factory any person named under clause (f) of sub-section (1) of Section 2 of the Factories Act, 1948 (No. 63 of 1948) in relation to any establishment carried on by or under the authority of the State Government the person or authority appointed by the State Government for supervision and control of employees, or where no person or authority has been so appointed, the Head Of the Department; (i) in any other case, the person, who, or the authority which, has the ultimate control over the affairs of the establishment and where the said affairs are entrusted to any other person, whether called a manager managing director or by any other name such person , (5) "Establishment" means (i) a factory; or (ii) any establishment which carries on any business or trade or any work in connection with or ancillary thereto which employs or has employed on any working day during the preceding twelve months more than such number of persons as may specified by the State Government by notification, but does not include— (a) an establishment (not being a factory) of the State Government; and (b) an establishment owned by, or carried on under the authority of the Central Government for which the Central Government is the appropriate Government under clause of section 2 • of the Industrial Disputes Act, 1947 (XIV of 1947) for purposes of industrial disputes; Factory* means a factory as defined in clause (m) of section 2 of the Factories Act, 1948 (No. LXIII of 1949); (7) "Fund" means the Madhya Pradesh Labour Welfare Fund constituted under Section 3; Independent member" means , — (i) a member of the Board not connected with the management of any

Board may constitute one or more committees. The constitution and term of office of any committee shall be such as may be prescribed.

CHAPTER III APPLICATION OF SECTION 3

(2) Any unpaid accumulations paid to the Board in accordance with the provisions of Section 3 shall, on such payment, discharge an employer of the liability to make payment to an employee in respect thereof, but to the extent only of the amount paid to the Board; and the liability to make payment to the employee to the extent aforesaid shall, subject to the succeeding provisions of this section, be deemed to be transferred to the Board.

(3) As soon as possible after the payment of any unpaid accumulation is made to the Board, the Board shall by notice (which shall contain such particulars as may be prescribed) — (a) be displayed on the notice board of the factory or establishment in which the unpaid accumulation was earned; and be published in a newspaper in the language commonly understood in the area and having circulation in the area in which the establishment in which the unpaid accumulation was earned — is situated invite claims to be filed, within a period of one hundred and eighty days from the date of such display or publication of the notice, by employees for any payment due to them. The notice shall continue to be displayed on the notice Board continuously for a period of one hundred and eighty days from the date it is so displayed.

(4) If any question arises whether the notice referred to in sub-section (3) was given as required by that sub-section, a certificate of the Board that it was so given, shall be conclusive.

(5) If a claim is received in answer to the notice under sub-section (3), the Board shall transfer such claim to the authority appointed under Section 15 of the Payment of Wages Act, 1936 (No. 4 of 1936) having jurisdiction in the area in which the factory or establishment is situated, and the authority shall proceed to adjudicate upon, and decide, such claim within a period of ninety days from the date on which the claim is transferred to it by the Board. In hearing such claim the Authority shall have the power conferred by and follow the procedure (in so far as it is applicable) laid down for giving effect to the provisions of that Act.

(6) If the Authority aforesaid is satisfied that any such claim is valid and the right to receive payment is established, it shall decide that the unpaid accumulation in relation to which the claim is made shall cease to be deemed to be abandoned property and shall order the Board to pay the whole of the dues claimed, or such part thereof as the Authority decides as properly due, to the employees; and the Board shall make payment accordingly. Provided that, the Board shall not be liable to pay any sum in excess of that paid under sub-section (4) of Section 3 to the Board as unpaid accumulations, in respect of the claim.

(7) If for payment is made to the employee shall have a right of appeal to the Industrial Court, and the Board shall comply with any order made, in appeal. An appeal shall lie within sixty days of the decision of the Authority. The Industrial Court shall give its decision ordinarily within a period of sixty days from the date on which the appeal is presented before it.

(8) The decision of the Authority, subject to appeal, shall be final and conclusive as to the right to receive payment; the liability of the Board to pay and also as to the amount, if any.

(9) If a claim is made within the time specified in sub-section (3), or a claim has been duly rejected as aforesaid by the authority, or on appeal by the Court then unpaid accumulation in respect of such claim, shall accrue to, and vest in, Board vacantia, and shall thereafter whether further assignment be deemed to be transferred to, and form part, of the Fund.

(10) Where the authority or the Industrial Court is unable to deliver its decision within the period (5) or sub-section as the case may be; it shall record reasons therefor.

(11) The contribution payable under this Act in respect of an employee in any establishment shall consist of the contribution payable by the employer (hereinafter referred to as the employer's contribution) payable by the employee (hereinafter referred to as the employee's contribution) and the contribution payable by the State Government and shall be paid to the Board and form part, of the Fund.

(12) If the name of the employee stands on the list of employees payable every six months (One Rupee) only and by an employer employee shall be (Three Rupees) Payable every six months. No other contribution shall be less than fifty Rupees.

(13) Every employer, his contribution and the employee's contribution shall be paid before the 15th day of July or January.

(14) If any employer or employee fails to pay the contribution under this Act, the employer shall be entitled to recover from the employee the employee's contribution by deducting the same from the employee's wages payable to him under the Payment of Wages Act, 1936, or by such other means as may be prescribed.

(15) If any employer or employee fails to pay the contribution under this Act, the employer shall be liable to pay the contribution to the Board and the employee shall be liable to pay the contribution to the employer.

...J.æne. .Proyided e tgnr.Qpgh in\$dvrtence or no Jd#uceioni made fzpmvthe.yages_of_ by Act No. 11 of 1996. i

2. Inserted by Act No.11 1996, 3 Substituted" by ' Act- NO': - • • • . evoivozq for the months atoresaid, such deduction may be made from the wages of. such employees E9r any subsequent month or months after intimation in writing to the Inspector . (5) Notwithstanding any contract eo the contrary, no employer shall deduct the employer's contribution from wages payable to an employee or otherwise recover it from che employee. (6) Any sum duly deducted by an employer from the wages of an employee under this section shali be deemed to have been entrusted to him by the employee for the purpose of paying the contribution in respect of which it was deducted. (7) An employer shall pay the employer's and the employee'S contributions to the Board by Cheque, Bank Draft, Money order or in cash and shall himself bear the expenses of remi t ting such contributions to the Board . (8) The welfare commissioner shall submit eo the State Government as soon as possible after the end of July and January every year in the prescribed from a seacement showing the total amount Of the employer •s contribution in respect of his establishment. On receipt of the statement from the Welfare Commissioner, che State Government shall pay to the Board a contribution of an amount equal to the employer ' s contribution in respect of that establishment. I [' ' (9) Notwithstanding anything contained in the above sub-sections, the State Governrndnt may revise the rate of contribution payable by the •employee and the employer by notification subject to the condition of previous publication

1. Inserted by Ace No.11 OE 1996. Amended by Act No. 11 OE 1996. 67 IO. Interest on accumulations fine on Ehe .uotice ot If an employer does not pay to the Board any amount of unpaid accu.mulations or fines realised from the employees. or the amount of •the -employer's and ernployee•s contribution under Sect ipn 9 within the time he is required by or under the provisions of this Ace to pay it, the Wel fare Commissioner may cause to be served a notice on the employer to pay the amount within the period specified therein, which shall not be less than thirty days f Eom the date of service of such notice. (2) If the employer fails without sufficient. cause, te pay such amount Within the period specified in the-notice-he shall, in addition to that amount, pay to the Board simple interest— (a) for the first three months• at L (One\and a half . per céne) of the said amount for eaéh compl#e month after the last date by which he should have paid it according to the notice; and a (No per cent) of that amount for each at complete month e hereafter during the time he continues _ to make default in the payment of that amount

11. Vesting and application of THe fund shall vest in and be held and applied by the Board as a Trustee subject to the provisions and for • the purposes, of this Act.The moneys therein shall be utilised by the Board to defray the cost of carrying out activities which may be specified by the State Government from time to time to promote the welfare of labour and of their dependents . (2) Without prejudice to the generality of sub- section (1) the moneyg in the fund may be utilised by • 68 03 30m azob • (a) and . sociél' so includingq reading roams 'and'l e [gas (b) corununrty necessä tie's 10 e 1 _ eduga'€iogall facilities v:.'drnrei-rg ar5ä adults; 05 evBß v.-.tzid3 e-29i. od (d i \$ames and sports.; a.3E:: (e) . holiday homes; (eri€eftaicinient•u- and öthei-: fokris•Öf ?Ecteatih;•) (g) home industrxes and subs- Idz'äry for, women and unem210yed persons ; {h j corpora ce •a%tiüiti'es OT • a . social nature; •adj Qi' r.rxib-ro.-)äß : i 29€,::' (i cost of administer i ng the includinÉ allowances of the o? éhe Board and the salaries and allowances OE the officers end s"t'â-fÉ appdirited for the' puré'oses of E be ÄctG •and (j) such other object" ás"ü\$öulb if the opinion of the Beard .improye the standard of living and of t, -s s 08 .•'agv •labour: . Provided . that fund shâlVIJtbot be utilised i'n 07 .V.I b92 f. J -i -l 'J financing any activity which the evployer . i s required 03 : e' • under: fierqg l n force to carry_oue : Provided further that unpaid accu.rnulations and fines be paid to the Board and. be. expended by i g under this . Act : notwi tandxng anything cdntaxned i h' the sa (I) no i 5 ose Paymeht OE • •1936) 'Eoi "thé ' b&iig• iFP foyce. .d 03 {3) • The Board may, with the approval of the State Goierment; make ou'éeéf r the? fuhd any employer, any •local' äÜéhGrity Oitanyrothenbodyl in-aid of any uelEaze10ft labour: i (4) If 'äny,,qgetion whether any particular expendi -i.S• hot the the matter sh'äl1SbEYéfeFtéð : thé Government I and the 'decision •givEö'bythe•IState iGoveérurient :shali• be Fina) . (S) : I t fokl any activity •fröri the 'Idbouri wel fare r fund of any: establishment if -the. said fund is only _ transferred Ehe 'Under , sub-SectiÖn• (3) of _tSéCe'ion 3 . 12 . • of. Board borrow .-?The Board' may fröm time to with the previous sanetion• of the' - State G&rerrhméne eo ".the provisions: of Ethis Ace •and . this behalf bérrow any' su.m for the purposes .of this Act 20 . (13 . of -puÄa.—Where the cany . portion •thUreÖf *tan.nLdt be •applied at •an

1. The Board may, with the approval of the State Government, also, invest any other mode or invest in
 1. Substituted by: Act No. 11 of 1996. 14. The Board shall cause to be maintained such
 accounts, records and registers as be prescribed. (2) The Board shall, soon after the close of the financial
 year prepare an annual statement of its accounts in such form and in such number as may be prescribed. [14-A. Report of the Board The Secretary of the Board shall prepare an Annual Report in respect of the
 affairs of the Board and the fund for the financial year. The report shall be laid before the Board at the first
 meeting of the next financial year. The manner and contents of the Annual Report shall be such as may be
 prescribed by the (2) A Copy of the report which is to be laid before the Board under sub-section (1),
 shall be sent to every member of the Board together with the annual statement of accounts and the audit
 report, if available. (3) A Copy of the report, as approved by the Board, shall be sent to the State
 Government duly signed by the Secretary. 14-B. Report of act by. —Every employer shall send a
 report to the Welfare Commissioner on the welfare activities conducted by him during the financial year
 in such form and in such manner as may be provided in the regulations made under Section 33-A. 14-C.
 Delegation of powers to the Board.—The Board may, by a special resolution, delegate any of the powers
 exercisable by it under this Act and the rules made thereunder subject to such conditions, as may be
 specified in the resolution, to the Chairman or the Welfare Commissioner. Inserted by Act No. 11 of 1996.
 1. 11 it shall be the duty of the Welfare Commissioner to ensure that the provisions of this Act and the
 rules made thereunder are duly carried out and the decisions of the Board under this Act or the rules made
 thereunder are implemented. He shall therefore have the powers to issue orders not inconsistent with the
 provisions of this Act and the rules made thereunder, as he deems fit (2) The State Government may also
 appoint one or more persons as Additional or Deputy Welfare Commissioner. The Additional or
 Deputy Welfare Commissioner shall exercise such powers and perform such duties as the Welfare
 Commissioner may, with the approval of the Board, by order specify. For this purpose the Board shall be
 competent to fix the area or areas within which the Additional or the Deputy Welfare commissioners
 shall exercise the powers and perform the functions so specified. (3) The Secretary of the Board shall be
 appointed by the State Government

16. Appointment of The State Government may appoint Inspectors to inspect records to ascertain and verify the sums payable into the fund. Inspectors appointed under sub-section of section 40 OE the Madhya Pradesh Shops and Establishments Act, 1958 (NO. 25 of 1958) shall also be deemed to be Inspectors for purposes of this Act in respect of the establishments to which the Act applies. (2) Any Inspector may— (a) with such assistance, if any, as he thinks fit, enter at any reasonable time any premises for carrying out the purposes of this Act; exercise such other powers as may be prescribed. 72 (or 2 OE) Other Staff.— The Board have powers subject to such conditions -as may be prescribed, c to appoint executive v, staff To Éke-r- th'ää- Ündéi' out • áhd "supervise aet'i+i t-i@' finahædl f EuRd:' 18 beputaeioi oz servanee EThe Stage Government may . in consultation .with , the Board depute to the service of 'the Board any Government S&-vant) ääd ..ehe : eems and conditions of deputation of such servants shall be r, déttërräinéð• by w • the" S eate• GóVernniérie in " the b *and E the-ozÉérins a-ea-rid - conditionis sordetéFmin'éð binding on the Board. "19? to .—Notwithseanding anything contained in this fAce eor dhe rules . made -thereunder , , opinion of CChe State Government . any-. officer Eerüane• of •the r Boård is. neglig-erie.in-thé his 'dütiés it may aftër- itbkng enquiry • i a the éúSpénd him or may Ebe k prescribed and if in the opinion of.the State Government he is untie for his employment," . it m-ay remove him from servxce . servic_e 'coadie'GäB .—The Géehéd: ement afld the eoFlid e i oas sexo ice including —r (a) '8 persons 'appointed . under J section 215 shall". be such , by 2 the Stace • Goverarnent;- sd (b) , the perone- appointed Section' 17 shäll .b@süéh'. 'äs may 'be • deteEmihUd the Boa•rd -by T regulations • mådu<-Ündéf Section 21 . Lim-I eaeion on expend±ture. —The expenditure on the officers and the servants appointed under this 'Chapter-and 'other' admihierative expe•nditÜfé shälYbdt• exceed the prescribed 20 pefc•eatäëüf thu-a.nriual income of the Fund . 'Subseizüted by 1936: 9; , Amended by Ace No. 1996. substituted by Ace NO. k 1 of 1996

CHAPTER 5E'Bas b-srl ? i 122 N. ('Power eo-cal'i'Zo€ recorde 2-The State GÖvernment -or any-officeer •authorised 7 by •the.'Stâte Government 3Bin Ehis :behâ1Éhmây fck: the recÖrds Board, üCirispectâ t hé salie and may C Supervise 'f the E of *'lehe BoaYd # his is ertn:r..x bnt3 ebse-requa ö:-zog to no 23.

Directions by ehe geace government eo Board.— The State Government. may T (give -to the b Board such no 5@irections as i in its.opinion are necessary or.expedient Yd in .,connection; with , expenditu±e Erom the , fund. or. for gr.carrying out lthe other purposes of thé Act and the Board shall comply, with* such directions bas 1 [• 24. Mode of recovery of payable C e" e ehe . , payable to Che Board 'h; into [the-Fund under•.this.Act, r shall acoi without . prejudice to -any . other mod%0f recovery , Obej recoverable. on k *the -Eoard,as arrear % of land revenue. (2) The State Government may , by , authorise officers of the State Goveernment not below the rank of. Labour Officer to exercise the powérS •of a Tah?ilda-r under ttv. K SEét-i6n.147 Gf thZ'Mäd%ya Qrade&h Land Revenue r '20 Bf_ 1959 p for reéoÜery of , sums ,Linder• Sub:-sectioF1 . (3) • The officers kilthoriæed under gub— —.d91c.± .b002 of. demand _ . -be served on anyr defaulter before r the issue of:: any: proces•s . ei of the Madhya, Pradesh Land Revenue Code, 1959 {No. 20 of 1959) for the recovery of any arrears . 2. provisions.•of Chapter XI of the aforesaid:- Codé Shal 1 3 ' apply mutatis rufor the 5: recovery -'i of?.l sums Sd ' payable or into Sthe] Pund under chis Act. ' ' .] . rOIi3G.ont1cf1 Substituted Act No. 1996. 1. 74 Supergeesion of If Che State 25. Government is satisfied that the Board had made default in performing any duties imposed on it by or under this Act or has abused its power or has failed to comply with any direction given by the State Government under Section 23, ehe S'Eate Goveernunene rrEY by notification supersede ehe Board and may reconsti it in the manner prescribed. for constitution of the Board Provided ehat betfore issuing Che notification under this sub-section, the State Government Shall give a reasonable opportuniy eo the Board to show cause why i e should not be superseded and shall consider ehe explanation and objections, if any, submitted by Che Board. (2) After ehe supersession of the Board and until it is reconseieueed the powers, duties and functions OE ehé Board t.mder this Act shall be exercised or performed by the State Goveernment or by such officer ot officers as State Government may appoint for this purpose . 2 6 . etc. eo be public ex-va.ne. —The members of the Board, and the persons appointedd under sections 18 and 2S of this Act shall be deemed to be public servants within the meaning of section 21 of ehe Indian Penal Code, 1860 {XLV of 1860) 27. No , against done or 28. PEOteeuon to persons acting {n geod faieh.— prosecution or other proceedings shall lie any person for anything which is ih good faith intended to be done thiS .Äee. Exempeion.—The S eat e Goveernmene may , by notification exempt any establ i shment . or class of establishmenes fram all or any of the provis•iQns of this Act subject to such conditions as may be •specified in the notification. 75 29. of Central Act, No. 4 of 1936. —In sub—section (8) of Section 8 of t: he Payment ot Act. 1936 (No; 4 of 1936) in its application to the State of Madhya Pradesh. the following proviso shall be i nserted, namely • • Provided that in case _of any Factory or establi shment to which the provisions of the Madhya Pradesh Shram Ka Iyan Nidhi Adhi niyam, 1932 appiy, .11 such reel i Sati On shall be paid into the Madhya Pradesh Labour Welfare Fund consrituted under ehe said Acc and shall be applied Eor the pursose of ehe said Act. 3 0 . Veaing of certain pzopereieg —THE S eate Government ITtay by an order transfer to the Board the property, both movable and irmuovable, belonging to it. and being applied in running the departmental Labour Wc1 fare/ Centres 3 1 . Penalty E or obstructing Inevactor diacharg• oz logp•ctorts dutiee ot .tor failure to produce etc Any person, who wil fully obseruces an Inspector in the exerc:-se OE his powers or discharge of his duties under this Aet or fails ee produce for inspection on demand by an inspeceoz• any registers . records or other documents maintained in persuance of the provisions of this Act or the rules made thereunder or to supply him on demand crue copies of any such documents, (b) shall, on conviction, be punished, — for the Erse offence, with imprisonment for a term which may extend '0 three months, or with fine which may extend ro five hundred rupees, or with boeh; and for a second or subsequent offence, with imprisonment for a eerm which may extend to six months, or Vieh Eir.e which may extend to me thousand rupees, or with both Provided that where the offender is sentenced to a fine only, the amount of Eine shall noe be less Zhan one hundred rupees . 1 [' (2) If an employer— 1. (a) (b) fails to pay ehe contribution or any sum whith he is liable to pay under this Ace; or is guilty of any contravention or non- compliance with any of the requirements of this Act or the rules or the regulations thereunder, in respect of which no penalty is provided; he shall be punishable with imprisonment for a ternn which rmay extend eo one year or with fine whic rmay extend to two thousand rupees or with both. 32 . Power eo make) No Coure inferior to that of a Judicial Magistrate of the first

class shall try any offence punishable under Section 31 . (2) NO prosecution for such offence shall be instituted except by an Inspector with the previous sanction of the welfare Commissioner . {3 No Court shall take cognizance of such offence unless complaint thereof is made within six months of the date on which the offence is alleged to have been committed. (1) The State Government may, by notification, 33.

and subject to the conditions of previous publication, make rules to carry out the purposes of this Act. Inserted by Acc No. 11 of 1996. (2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely (b) (c) (d) (e) (g) (i) { i) the intervals at which unpaid accumulations shall be paid under sub- section (4) of Section 3 ; the agency which shall collect the sums and the intervals at which and the manner in which such sums shall be paid or collected under sub—section {5) of Section 3 ; (i) the number of representatives of employers, employees and independent members on the Board under sub-section (3) of Section 4; the allowance, if any, payable to members of the board under sub-section (S) of Section 4 ; the constitution and term of office of the member of a committee under Section 7 ; the particulars which a notice under sub— section (3) of Section 8 shall contain: the



form in which tement shal 1 be submiteed under sub-section (8) of Section the accounts, records and registers to be maintained under sub-section {1) and the form in which annual statement of accounts shall be prepared under sub—section (2) of Section 14; powers which an Inspector shall exercise under -clause (b) of sub-section (2) of Sections 16; Conditions subj ect to which the Board may appoint officers, clerical and executive Staff under Section 17; the manner in which enquiry shall be made under Section 19; (j) the method of recruitment and conditions 1. of of Substituted by service of the persons under clause (a) section 20;) Act NO. of 1995. (k) (1) 78 the percentage of Ehe a.n.nual income of the Fund beyond which the Board may not spend on the staff and other adrninieeraeive matters; any other matter which has to be or may be prescribed . 1 {33. A {1) The Board may with the previous approval of the Stace government make regulations noe inconsis tent wi *his Act and the rules made thereunder for the: iurpose of giving effect eo the provisions of thé Acc. (2) In parcie'ùlar and without prejudice to the generality of •the foregoing powers, such regulations may provide for all any of the following matters, namely — (i) Che manner of preparation and the contents of the Annual Report under Section 14-A; (ii) determination of the working and service condi t ions of persons appointed under section 17; (ii preparation and maintenance of confidential records relating to officers and staff working under the Board and preparation and maintenance of other records of the Board; (i v) any other matter which has to be or may be required to be made by regulations . 34. (1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by general or special order published in the Gazette. make such provision not inconsistant with the provisions of this Act as appears to i e to be necessary or expedient fox he removal ot the difficulty Provided that no such order shall be made after the expiration of cwo Years from the coznmcement of this Act . {2) Every order made under sub-section (1) shall be laid on the_ table of ehe Legislative Assembly. Inserted by Acc No. 11 of 1995. 79 No. 346-2692 -WI-B-85. —In exercise of the powers conferred by Section 33 of the Madhya Pradesh Shram Kalayan Nidhi Adhi niyam. 1982 (No. 36 of 1983) e he state Goveernment hereby makes the Eollowing rules, the same having been previously published as required by sub-section (1) OE Section 33 of the said Ace, namely RULES 1 . Shore title ana) These rules may be called the Madhya Pradesh Shra.m Ka I yah Nidhi Rules, 1984. (2) Théy shall come i neo force on such daee as the State Government may by notification appoint . 2 . Dez {nielee.— In these rules . unless the context otherwise requi e, — '(b) (c) 3. • ' Act mãans the Madhya Pradesh Shram Kalayan Nidhi Adhi}-uiyam, 1982 (No. 36 of 1983) means a form appended to these rules ; Form " section" means a Section of the Act. Payment OE ana) Within thirty days from the date on which the Act comes into force in any area in respect of the establishments specified therein, every employer of such establishments in such area shall pay to the Board by cheque, bank draft, money order or cash. (a) all fines realised from the employer before the said date and remaining unutilised on that date: and (b) all unpaid accumulations held by the the aforesaid date. 80 the Eirst payment made in (2) Subsequent to accordance with sub-rule (1) every employer shall pay to the Board, all fines realised Erom the employees and all repaid accumulations during the quarter ending 31st March, 30th June, 30th Septernber and •31st December within fifteen days from the • close of each quarter . (3) The payment under sub-rules (1) and (2) shall, In each case, be accompanied by a statement giving full particulars of the amounts paid. (4) all other amounts meneioned in sub-section (2) of section 3 of the Act shall also be paid to the Board. (5) Every employer shall submit the Board a statement of employer 's contribution and employees contribution in respect of emplydees whose names stand on the register of che establistment on 30th June and 3 Ise December respectively in form alongwi th the payment Of contribution under sub-section (3) of sect Ion 9 . 4 . Notice Eor paymente due . 1) The Welfare Commissioner may, after making such enquiries as it may deem fit, and after calling for a repore from the InSpector, if oecessary, serve a notice on any employer to pay any portion of fines realised from the employees or unpaid accumulations held by him which the employers has not paid in accordance with rule 3 or the contributions payable by him under Section 9 within the period specified therein, which shall not be less than 30 days from the date of service of such notice. (2) The notice under sub-rule (1) shall be served on the employer ei ther by persona 1 service or by registered post acknowledgement due : Provided that in case may employer refuses tofeceive such notice or it is returned by the poseal authorities with the remarks that the employer refused to accept 81 it or it cannot be—served it Shal be deemed to have been served if a copy thereof is posted obn any -Épitable place at or near the.main entrance of the ESta>u'shment. S'. OE eo be —The number of men%ers to be nominated on _ thé Board under clauses (b) and (c) of sub-section (3) of Section 4 shall be as under (1) Representatives OE the employer—6 t 2)

Representatives of the employees—6 (3) Independent members of whom at least shall be women—7 5.
 Allowances • eo Chairman and (1) one The Chairman, if he is a non-official member he will be entitled to
 get such allowance and _ - other facilities as may be. prescribed time to . time by the State Government .

(2) the other members of the Board excluding..Secretary shall be eligible to an allowance of Rs. 25 for it Cending each meeting of the Board. (3) The Chairman and members of the board while : ravelling on duty shall be entitled to tzavelling and allowances as are admissible eo pirst Grade Officers of Se•ate•

Government. 7. 'f by the Board shall meet •t least once every quarter as often as may be necessary . (2) All members the Board shall be given • fifteen clear days notice of a meeting specifying the dace, time and place of the meet L ng and Che business to be transacted thereac 82 provided that, a shorter notice may be

given if in the opinion of the Chairman, business of an emergent nature has to be transacted. (3) the number of members necessary to constitute a quorum at a meeting of the Board shall be seven. Of whom at least one shall be from the employees and the independent members. (3) (a) If a member is unable to

attend any meeting of the Board, he by a written instrument signed by him addressed to the Chairman of the Board, End explaining the reasons for his inability to attend the meeting, appoint any representative of the organisation which he represents on the Board, as his substitute attending that meeting of the board in

this place : provided that no such appointment shall be valid unless; (i) such appointment has been approved by the Chairman of the Board, and (i i) the instrument making such appointment has been received by the Chairman at least seven days before the date fixed for the meeting A substitute validly

appointed shall have all the rights and powers of a director in relation to the meeting of the Board in respect of the OE in which he is appointed. (4) Every meeting of the board shall be called by the Chairman or if the Chairman is, unable to attend it, by such one of the directors as may be chosen by the meeting, to be held on the occasion. He presided

over for any reason, men-bers present, the Chairman for 33 (S) IE there is no quorum present as. laid down in sub— rule (3) the chairman shall, after- waiting for thirty minutes from the time fixed for the meeting, adjourn the meeting to such hour on some other day as he may tix. A Nocice of such adjourned meeting

shall be sent to every member of the Board and the business fixed for the original meeting shall be brought before the adjourned meeting and may be disposed of at such meeting where there is quorum or not. (6) All questions placed before the meeting of the Board shall be decided by a majority of the

members present and voting, at the meeting the chairman have a second or casting vote in case of equality of votes. (7) the Secretary, and in his absence any other officer of the board authorised by the Chairman, shall record the minutes of the proceedings of the meeting of the Board and shall include therein the

names of the members present. A copy of such minutes shall be submitted to the State Government as soon as they are confirmed by the Board. 8. constitution of a Committee which may be constituted' under Section 7 shall consist of members not exceeding 7, out of which at least 3 shall be

members of the Board. (2) The term of members of a committee appointed for a specific job shall be the period taken for completing the said job, provided that in no case which term shall exceed the term of nominated members under sub-section (4) of Section 4 of the act. (3) the term of members of other

committees shall be coterminous with the term of the nominated members under sub—section (4) of Section 4 . 84 9 . paxieuiarg eo be {aeor»oxaed ebe noeice sece{on (3) .—Éhé noeiee referred eo in sub—seceiJn {3} of Section 8 shall contain the folioving particulars, namely:— (a) name and address of che

establishment in which the unpaid accumulation was earned (b) wage period during which the unpaid accumulation was earned (c) amount of the unpaid accumulation; (d) list of employees and the amount of unpaid accumulation in respect of each of them paid to the Board

10. Statement under section 9 (9) .—the. statement eo be submi tted to the State Government by the Welfare Cornmissioner under sub—section (8) of Section 9 shall be in Form . 11 . oz ehe —The accounts of the Fund for each financial year ending 31st March. shall be prepared and maintained in Form • C' . (2) the. Borad shall cause eo be maintained following registers the (a) Fees register separately for different welfare activities (b) Unpaid accumulations account register; (c) Register of quarterly receipts of unpaid accumulations from the establishment and publication of notices; {d) Register of payments towards sttlement Of claims to unpaid accumulations under Section (e) Register of fines and unpaid accu.mulations received under rule 3 ; es (f) Register of contribution received under Section (g) Register of payment of al lowances to mernbers under rule S; (h) Register of irrmovable properties of the board; t i) Register of movable properties of the board; (j) Register of penal interest paid under Section (k) Regis ter of voluntary donations to the Board; (l) Register of grant in aid or subsidy paid by the State Government; (m) Register of sums borrowed under Section 12; (n) Register ot loans advanced by the State Government ; (o) Register of grane in aid under Section 11 (3) ; (p) Separate registers on expenditure in providing Welfare facilities mentioned in -sub-section (2) of Section 11; {q) Registers relating to strength of staff, their Attendance, earned leave, casual leave , salary advance, loans and such other registers as the Wel fare Commissioner may deem necessary for 12. stateement of in



Form D. the proper administration of the Board. account a . —The annual statement of accounts of the board shall be prepared 86 13. Budget of Board. The Welfare Commissioner shall cause the budget estimate for each financial year to be prepared and laid before the Board on or before the first day of December of the financial year next preceding for its acceptance and thereafter the budget estimates as accepted by the Board shall be forwarded to the State Government on or before 30th December. (2) The State government may amend, modify or alter the estimates submitted for its approval under sub—rule (1) in any respect or manner it may deem fit and shall return the same with its approval with or without amendment, modification or alteration, within thirty days of the receipt of the budget estimates. () the budget estimate approved by the State government under sub-rule (2) 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 Chairman, the Welfare Commissioner and the Secretary. An authentic copy of the budget shall be forwarded to the State Government before the end of February

14. Additional during the course of the financial year it becomes necessary to incur expenditure over and above the provisions 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 such additional expenditure. (2) On receipt of the proposal under sub-rule (1) the State Government may either approve the proposed additional expenditure in full or in part with such modifications as it may deem necessary or without modifications or reject it totally. A copy of the order passed by the State government on the proposal shall be communicated to the board

15. Mode of payment.—Payment from the Fund shall be made.— (a) where the amount payable is less than Rs. 250 in cash, and (b) Where the amount payable is more than Rs. 250 by Bank Draft or through Cheques issued by the Welfare Commissioner: Provided that in any particular case the Board may, for special reasons to be recorded, authorise payment in cash in respect of any amount payable by it. 16. 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

17. Strength of staff etc.—Besides of Officers to be appointed by the State Government under Sections 15 and 16 of the Act the Board shall have such number of officers, clerical, executive and other staff as may be determined by the board with the previous approval of the State Government: Provided that whenever it is necessary to alter the strength so determined, the board shall send necessary proposal with jurisdiction to the State Government for approval 18. Classification, scale of pay, etc Classification, the pay scales and allowances of the posts determined under rule 17 shall be such as may be determined by the board, from time to time with the previous approval of the State Government. 19. Method of recruitment. service shall be by boards namely : — (b) (c) the Recruitment to the following methods, by direct recruitment by examination. by direct recruitment by selection. by promotion of members of the service, and by obtaining State Government Servants on deputation under section 18. (2) The number of persons to be recruited through direct recruitment and promotion shall not exceed the percentage of determined by the board with the previous approval of the State Government. (3) Subject to the provisions of these rules, the method or methods of recruitment to be adopted for the purpose of filling any particular vacancy of posts in the service as may be required to be filled during any particular period of recruitment and the number persons to be recruited by each method shall be determined on each occasion by Welfare Commissioner (4) Notwithstanding anything contained in sub—rule (1) in the opinion of the Welfare Commissioner the exigencies of the services so required, the commissioner may with the approval of the board and the State government, adopt such method of recruitment for the service other than those specified in the said sub—rule as he may, by order issued in this behalf, specify

20. Appointment to the service.—All except those mentioned in Section 15 and made by the Welfare Commissioner with the board and no such appointment shall be after selection by one of the methods of specified in rule 19. appointment shall be made except requirement 21. conditions of eligibility of direct recruitment - selected. a candidate In order to be eligible to be must satisfy the following conditions, namely (a) he must have attained the age of 18 years and not attained the age of 30 years on the first day of January next following the date of commencement of the selection. (b) the upper age limit shall be relaxed as follows (i) in case of Scheduled Castes and Scheduled Tribes candidate up to

35 years; (i) if a candidate holding a post of the board's service applies for another post being filled through competitive examinations he will be allowed to deduct from his age the period of total service rendered by him up to the maximum of 7 years, subject, however, to the resultant age not exceeding the upper age limit by more than five years. In case of retrenched government servant, the period of all temporary services previously rendered by him up to a maximum limit of 7 years shall be allowed to be deducted from his age provided that the resultant age does not exceed the upper age limit by more than three years. —the term retrenched government servant shall have the meaning assigned to it in the M. P. Labour Service (Gazetted) Recruitment Rules, 1974. In case of ex-servicemen, the period of all defence service previously rendered by him shall be allowed to be deducted from his age. Explanation. —the term 'ex-servicemen' denotes a person who belonged to any of the categories mentioned in rule 8 of the Madhya Pradesh Labour Service (Gazetted) Recruitment rules, 1974 and who was employed under the Government of India for a continuous period of not less than 6 months and who was retrenched or declared surplus as a result of the re-organisations of the economy with or without normal reduction in the establishment not more than three years before the date of his registration at any employment exchange or application made otherwise, for employment in the board's service. (c) he must possess the educational qualifications which may be laid down by the Board for different posts with the previous approval of the State Government Provided that in exceptional cases and in the exigencies of service the board may on the recommendation of the Welfare Commissioner treat as a qualified candidate, who though not possessing any of the qualifications specified in this clause has passed examination conducted by other institutions by a standard which in the opinion of the Board justifies admission of the candidate to the examination and selection. (d) He must pay the fees fixed by the Board

22. Finality of Welfare decision.— Subject to the provisions of clause (c) of rule 21 the decision of the Welfare Commissioner as to the eligibility or otherwise of a candidate for selection shall be final and no candidate to whom a certificate of admission has not been issued by the Welfare Commissioner shall be allowed to appear at the examination or be interviewed. 23. attempt on the part of a candidate to obtain support for his candidature by any means may be held by the Welfare Commissioner to disqualify him for selection. 24. —Explanation. — (1) A competitive examination for recruitment to the service shall be held at such intervals as the welfare Commissioner in consultation with the Board, from time to time determine. (i) the examination including interviews shall be conducted by the welfare commissioner in accordance with as may be determined by the Board

25. Direct recruitment by selection to the service shall be held at such intervals as the Welfare commissioner may in consultation with the Board, from time to time determine. (2) For purposes of selection under, sub-rule (1) names of persons having prescribed qualifications shall be obtained from the Employment Exchange: (3) For selection of candidates for service shall be made by the Welfare Commissioner or other officer or Selection Committee, as may be determined by the board, after interviewing them; Provided that a written test may also be held before interview to ascertain the candidates' writing or typing capabilities. 26. — Reservation for Scheduled Castes and Scheduled Tribes. —Fifteen percent. and eighteen per cent of the available vacancies direct recruitment under clause 3 (a) & (b) of sub-rule (1) of rule 19 shall be reserved for candidates who are members of the Scheduled Castes and Scheduled Tribes respectively. (2) In filling the vacancies so reserved, candidates who are members of the Scheduled Castes and Scheduled Tribes shall be considered for appointment in the order in which their names appear in the list referred to in rule 27 irrespective of their relative rank as compared with other candidates (3) If sufficient number of candidates belonging to the Scheduled Castes and Scheduled Tribes are not available for filling all the vacancies reserved for them the remaining vacancies shall not be filled from the general candidates but re-advertise immediately and in the case of direct recruitment by selection, fresh names shall be obtained from the Employment Exchange. If any vacancies are still left unfilled they may be filled up from the general candidates and an equivalent number of additional vacancies shall be reserved for candidates belonging to the Scheduled castes or Scheduled Tribes for the subsequent two examinations or selections, as the case Provided that if sufficient number of candidates are not available even after examinations or selections to fill all the available the two reserved vacancies including the additional vacancies or such of them as are not filled shall lapse

27. List of qualified candidates Where recruitment is made by a competitive examination the Welfare commissioner shall prepare a list arranged in order of merit of the candidates who

have qualified by such standard as be determined by the Board, under sub- rule (2) of rule -24 and of the candidate belonging to the Scheduled Castes and Scheduled Tribes, who though not qualified by the standard are declared by the Welfare Commissioner to be suitable for appointment to the Board's service with due regard to the maintenance of efficiency of Board's administration. The list shall be pasted on the Notice Board of the Administrative Officer of the Board. (2) Subject to the provisions of these rules candidates will be considered for appointment to the available vacancies in the order in which their names appear in the list. (3) Where recruitment is made by selection, the Welfare Commissioner shall prepare a list of candidates whom he considers most suitable on the basis of written test and interview or only interview. as the case may be arrange in order of preference and of candidates belonging to Scheduled Castes and Scheduled Tribes. •Who though not qualified by the standard laid down are declared by the Welfare Commissioner to be suitable for appointment to the service with due regard to the maintenance of the Efficiency of the Board's Administration. The List shall be pasted on the Notice board of Administrative Office of the Board. (4) the inclusion of a candidate's name in the list confers no right to appointment unless the Welfare Commissioner is satisfied after such enquiry as he may consider necessary that the candidate is suitable in all respect for appointment to the service

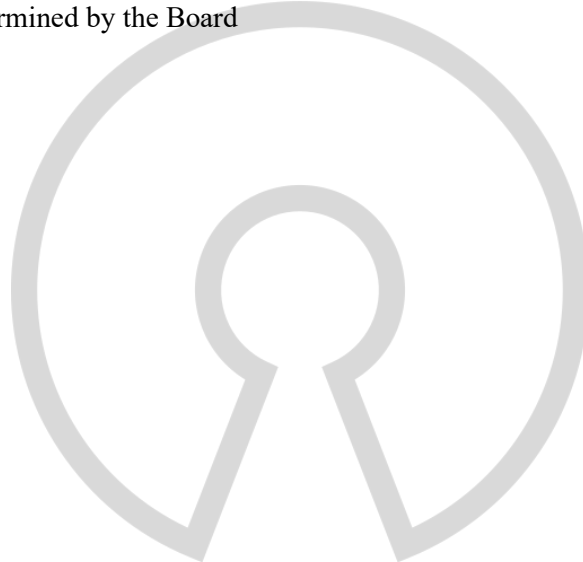
28. The Board shall lay down the criteria for eligibility for promotion to various posts to be filled by promotion under rule 19 . 94 (2) The Board shall constitute a committee of three members of whom two shall be the officers one a member of the Board for making a preliminary, selection for promotion of eligible candidates . Different committees may be constituted for different categories of posts. (3) The Committee shall prepare a list of such person as satisfy the criteria laid down under sub-rule (i) as laid down by the Committee to be suitable for promotion to the service based on merit with due regard to Seniority: • This list shall be sufficient cover probable vacancies for two years • the names of the person included in the list shall be arranged in order of seniority in the service: Provided that any junior person who, in the opinion of the committee, is of an exceptional merit and suitability may be assigned in the list a higher place than that of persons senior to him. (5) the list so prepared shall be reviewed and revised every year . (5) In the process revision, it is proposed the service the Committee proposed supersession. • (7) The list prepared selection, review or so supersede any members of shall record reasons for the under this rule shall be forwarded by the Committee to the Board. • (8) The Board, shall consider the list prepared by the Committee along with other documents received from the Committee and, unless it considers any change necessary, approve the list . 95 (9) If the Board considers it necessary to make any change in the list received from the committee, it shall inform the committee of the change proposed and, after taking into account the comments , if any, of the committee may approve the list finally with such modification, if any, as may in its opinion be just and proper. (10) The list as finally approved by the Board, shall form the select list for promotion of the members of the service to a particular category of posts. This list shall ordinarily be in force until it is reviewed or revised under sub—rule (5) : Provided that in the event of a grave lapse of performance of duties on the part of a person included in the select list, a special of the select list may be made at the instance of the Board and the Committee may, if it thinks, fit, the name of such person from the list. in the event of any review of the remove (11) Appointment of the persons included in the select list to a particular category of posts, shall follow the order in which their names appear in the Select list Provided that, where administrative exigencies so require a person whose name is not included in the Select list or who is next in order in the Select list, may be appointed to the Service if the board is satisfied more that the vacancy is not likely to last for months

29. Probation.—Every person directly recruited to the service shall be appointed on probation for a period of three years. the service of probation for a period of three years. — (1) the persons appointed under section 17 shall function under the administrative supervisory and disciplinary control of the Board . (2) the provisions of the Madhya Pradesh Civil Services (Classification, control and Appeal) rules, 1966 shall apply mutatis mutandis for disciplinary action against a person appointed under Section 17 of the Act

31. Under section 19 .—An enquiry contemplated under Section 19 shall be made in accordance with the provisions of the Madhya Pradesh Civil Services (Classification, control and Appeal) Rules, 1966 by an officer specified by the State government for the purpose . 32 . Limitation of expenditure. —the Expenditure on officers and the servants appointed under Chapter IV of the Act and other administrative expenditure shall not exceed 50 per cent. of the annual income of the fund . 33 . Register of unclaimed

wagee ana Zines. —every eméloyér OE an establ i shmeat shall rnaintain and preserve for period of IO years a consolidated register of unclaimed wages and fines in Form E" Provided tae in cases pending before the Appellate Authority the Register shall be preserved till the cases are finally disposed

34. Interpretation.—If any question relating to the interpretation of these rules arises . It shall be referred to the State Government whose decision shall be final. 97 POR* 'A' Rule 3(5)] State.nene of Äloyeee• 1. 2. 3. 4. S. 6. 7. on 30th June ana 318t December reepecE{vely. Name of the Establishment Name , of the employer Class of establishment Address of establishment Total number of employees (as per section 2 (3)) whose names stand on the muster roll of the establishment on 30th June/ 31st Decerber . (a) &nplyers• contribution @ 50 paise per employee . Rs. (b) &ployers contribution e 1 rupee per employee. total of sub-entries (a) and (b) of entry 6. Date. Signature of employer 98 FORM • B' Rule 10) to be euhleeeea b? welfare crÅss of establishments (1) 1 2 3 5 8 9 10 unair 9 (8) No. of estabishmenes (2) Total Accout of Employers Contribution received by fare Corrrnmissioner . (3) Rs. Signature OE Welfare Corrrünissioner . - I (MBks. 91 eligibility or otherwise of a candidate ot selection • shall be final and no candidate to whom a cértificate af admission has not been issued by the Welfare c&nnrmissioner shal I be al lowed to appear at ehe examiniori or be interviewed. 23. Diß0a1ifâcaieion.—Any aeternpt on the •paft of a candidate to obtain support for his candidature by any. means may be held by the Wel fare CouuiisSioner Co disqualify him for selection. 24. 1) A competitive examination Eor recruitment to the service shall be held at such intervals as the Welfare Commissioner may, in consultation with ehe Board. from time to time determine . the examination including interviews shall be cooducted by the Welfaare conunissioner in accordance thé *fiütEDURE as may be determined by the Board



25. Direct recruitment by selection to the service shall be held at such intervals as the Welfare Commissioner in consultation with the Board, from time to time determine. (2) For purposes of selection under sub-rule (1) names of persons having prescribed qualifications shall be obtained from the Employment Exchange/ (3) For Selection of candidates for service shall be made by the Welfare Commissioner or other officer or Selection Committee as may be determined by the board, after interviewing them; Provided that a written test may also be held before interview to ascertain the candidates writing or typing capabilities. 26. Reservation for Scheduled Castes and Scheduled Tribes.—Fifteen percent, and eighteen per cent of the available vacancies direct recruitment under clause 3 (a) & (b) of sub-rule (1) of rule 19 shall be reserved for candidates who are members of the Scheduled Castes and Scheduled Tribes respectively. (2) In filling the vacancies so reserved, candidates who are members of the Scheduled Castes and Scheduled Tribes shall be considered for appointment in the order in which their names appear in the list referred to in rule 27 irrespective of their relative rank as compared with other candidates. (3) If sufficient number of candidates belonging to the Scheduled Castes and Scheduled Tribes are not available for filling all the vacancies reserved for them the remaining vacancies shall not be filled from the general candidates but re-advertise immediately and the case of direct recruitment by selection, fresh names shall be obtained from the Employment Exchange. If any vacancies are still unfilled they may be filled up from the general candidates and an equivalent number of additional vacancies shall be reserved for candidates belonging to the Scheduled castes or Scheduled Tribes for the subsequent two examinations or selections, as the case may be. Provided that if sufficient number of candidates are not available even after examinations or selections to fill all the available the two reserved vacancies including the additional vacancies or such of them as are not filled shall lapse. 27. Use of qualified candidates where recruitment is made by a competitive examination the Welfare Commissioner shall prepare a list arranged in order of merit of the candidates who have qualified by such standard as may be determined by the Board, under sub-rule (2) of rule 24 and of the candidate belonging to the Scheduled Castes and Scheduled Tribes who though not qualified by the standard are declared by the Welfare Commissioner to be suitable for appointment to the Board's service with due regard to the maintenance of efficiency of Board's administration, The list shall be pasted on the Notice Board of the Administrative Officer of the Board. (2) Subject to the provisions of these rules candidates will be considered for appointment to the available vacancies in the order in which their names appear in the list. (3) Where recruitment is made by selection, the Welfare Commissioner shall prepare a List of candidates whom he considers most suitable on the basis of the written test and interview or only interview, as the case may be arranged in order of preference and of candidates belonging to Scheduled Castes and Scheduled Tribes though not qualified by the standard laid down are declared the Welfare Commissioner to be suitable for appointment to the service with due regard to the maintenance of efficiency of Board's Administration. The list shall be pasted on the Notice board of Administrative Office of the Board. (4) the inclusion of a candidate's name in the list confers no right to appointment unless the Welfare Commissioner is satisfied after such enquiry as he may consider necessary that the candidate is suitable in all respect for appointment to the service. 28. The Board shall lay down the criteria for eligibility for promotion to various posts to be filled by promotion under rule 19. 29 (2) The Board shall constitute a committee of three members of whom two shall be the officers one a member of the Board for making a preliminary selection for promotion of eligible candidates. Different committees may be constituted for different categories of posts. (3) The Committee shall prepare a list of such persons as satisfy the criteria laid down under sub-rule (1) and as are held by the Committee to be suitable for promotion to the service based on merit with due regard to seniority. This list shall be sufficient cover probable vacancies for two years. (4) the names of the person included in the list shall be arranged in order of seniority in the service: Provided that any junior person who, in the opinion of the Committee is of an exceptional merit and suitability may be assigned in the list a higher place than that of persons senior to him. (5) This list so prepared shall be reviewed and revised (6) If in the process of revision, it is proposed that the service be continued by the proposed supersession. 7) The list prepared for selection, review or of to supersede any members of shall record reasons for the same. This rule shall be forwarded by the Committee to the Board. The Board shall consider the list prepared by the Committee along with the other documents received from the Committee and, unless it considers any change necessary, approve the list. 30 (9) If the Board considers it necessary to make any change in the list reserved from the committee, it shall inform the

committee of the charge proposed and, after taking into account the comments, if any, of the committee, may approve the list finally with such modification, if any, as, in its opinion, be just and proper. (IO) The list as finally approved by the Board, shall



form the select list for promotion of the members of the service to a particular category of posts. This list shall ordinarily be in force until it is reviewed or revised under sub-rule (5): Provided that in the event of a grave lapse of conduct or performance of duties on the part of a person included in the select list, a special review of the select list may be made at the instance of the Board and the Commission may, if it thinks fit, remove the name of such person from the list. In the event of any review of the select list, the removal of a person from the select list to a particular category of posts; shall follow the order in which their names appear in the select list provided that where administrative exigencies so require a person whose name is not included in the select list or who is next in order in the select list, may be appointed to the service if the board is satisfied that the vacancy is not likely to last for more than three months. The service of probation for a month. — Every person directly recruited to the service shall be appointed on probation for a period of three years. 96 30. Control of Board over staff. — (1) the persons appointed under section 17 shall function under the administrative supervisory and disciplinary control of the Board. (2) the provisions of the Madhya Pradesh Civil Services (Classification, Control and Appeal) Rules, 1966 shall apply mutatis mutandis for disciplinary action against a person appointed under Section 17 of the Act

31. Under Section 19.—An enquiry contemplated under Section 19 shall be made in accordance with the provisions of the Madhya Pradesh Civil Services (Classification, Control and Appeal) Rules, 1966 by an officer specified by the State government for the purpose. 32. Limitation of expenditure.—The expenditure on officers and the services appointed under Chapter IV of the Act and other administrative expenditure shall not exceed 50 per cent. of the annual income of the fund

33. Register of unclaimed wages and fines.—Every employer of an establishment shall maintain and preserve for a period of 10 years a consolidated register of unclaimed wages and fines in Form Provided that in cases pending before the Appellate Authority the register shall be preserved till the cases are finally disposed

34. Interpretation.—If any question relating to the interpretation of these rules arises. It shall be referred to the State Government whose decision shall be final. 97 FORM 'A' Rule 3(5)] Beaten by the contribution 1. 2. 3. 4. 5. 6. 7. on 30th and 31st respectively. Name of the Establishment Name of the employer Class of establishment Address of establishment Total number of employees [as per section 2 whose names stand on the muster roll of the establishment on 30th June/ 31st December. (a) employer's contribution @ 50 paise per employee. Rs. (b) contribution @ 1 rupee per employee. total of sub-entries (a) and (b) OE entry 6. Date Rs. Rs. Signature of employer FORM 'B' scheme to be by Welfare Class of establishments (1) 1 2 3 4 5 8 9 10 G.R.P.G-281 ..WCI.WB. Index Section 918) NO, of establishments (2) Total Account of Employers Contribution received by Welfare Commissioner. (3) RS. Signature of Welfare Commissioner ..rmBks. 114-009/2003/20-01-03." dt. 2-22-04 Q71ZTBZ/38 Q. 30-s-2001 6 15, 1929 6 2007 9S2S/Er. 223/21 -WYT./Ø. 29-70-2007 630 (s) 630 (6) 2. 14 2007) () 2007 1982 (36 1983) 2007 1982 36 (3) -Erg (Qi) "3-Tür" 6 2007 75. 223/21-+YI./Ü. 348 (3) fifia (#047) 2007 14 2007) CHHATTISGARH ACT (No. 14 of 2007) THE CHHATTISGARH SHRAM KALYAN NIDHI (SANSODHAN) ACT, 2007 An Act Further to amend the Chhattisgarh Shram Kalyan Nidhi Adhiniyam, 1982 (No. 36 of 1983). Be it enacted by the Chhattisgarh Legislature in the Fifty-Eighth Year of the Republic of India, as follows : Short title. Amendment Section 4

2. This Act may be called the Chhattisgarh Shram Kalyan Nidhi (Sanshodhan) Adhiniyam, 2007. In clause (a) of sub section (3) of section 4 of the Chhattisgarh Shram Kalyan Nidhi Adhiniyam, 1982 (No. 36 of 1983), after the word "Chairman" the words "and Vice- Chairman" shall be inserted. FTtra—2007. %8RFRM/09/2013-2015." Er.2-22-06RFT< / 38 Q. 30-05-2001. 274] zruy, 11 2016 — 20, 1938 11 2016 6540M 195/ 21•/IF./Ø.7T./ 16. 21-01-2016 26-06-2016 i. 547 548 2. 3. 11 gaü2016 26 2015 1982 (z 36 1983) (1) 2015 (2) 1982 i) 9 •pan:- 30 31 11 2016 6540Ä 195/21-WYF./Ø. q./16. — 348 (3) 11-07-2016 t. 2016 CHHATTISGARH ACT (No. 26 of 2016) CHHATTISGARH SHRAM KALYAN NIDHI (SANSODHAN) ADHINIYAM, 2015 An Act further to amend the Chhattisgarh Shram Kalyan Nidhi Adhiniyam, 1982 (No. 36 of 1983). Be it enacted by the Chhattisgarh Legislature in the Sixty-sixth Year of the Republic of India, as follows :- 548 (1) Short title and commencement. 1. 2. 3. (1) (2) This Act may be called the Chhattisgarh Shram Kalyan Nidhi (Sanshodhan) Adhiniyam, 2015. It shall come into force from the date of its publication in the Official Gazette. After clause (3) of Section 2 of the Chhattisgarh Shram Kalyan Nidhi Adhiniyam, 1982, (hereinafter referred to as the Principal Act), the following shall be

inserted , namely "(3-A) "Registered Employee" means any employee who contributes under Section 9 and who is registered by Board under Section 9-A;" After Section 9 of the Principal Act, the following shall be inserted, namely "9-A. Registration Of Employee.-(1) For registration of employee as defined in clause (3) of Section 2, every employer shall submit to the Board details in prescribed format of such employees whose names are recorded in register Of establishment on 30th June and 31st December, respectively. (2) Board will register the employees as per rules and with the prior approval of the State Government." - 2016. Amendment Section 2. Of Insertion Of New Section 9-A.

