

UNORGANISED WORKERS SOCIAL SECURITY ACT, 2008

NO. The Gazette of India PART 11 — PUBLISHED BY AUTHORITY 31.2008*10.1930 421 No. 421 NEWDELHI WEDNESDAY, DECEMBER 31, 2008/ PAUSA 10, 1930 pging is given to this part in that it may separate MINISTRY OF LAW JUSTICE Nev the 31st December, 2008/Pausa 10.1930 (Saka) The following Act of Parliament received the assent Of the President on the 30th December, 2008 is hereby published for general IME UNORGANISED WORKERS' SOCIAL SECURITY ACT, 2008 No. 33 OF 2008 2008.1 AnAct to provide fir the ofnotWli*d workeß and for other matters connected therewiã and inci&ntal Urreto. BE it enacted by Parliament in the Fifty-ninth Year of the Republic of India as follows•.— CHAPTER 1 PRELIMINARY 1. (1) This Act may be called the Unorganised Workers' Social Security Shon and AcQ008. (2) It extends to the whole ofIndia. (3) It shall come into frce on such date as the Cemral Governmnet my. by in the Official Gazene, appoint. 2 THE GAZETTE OF INDIA EXTRAORDINARY 2. In this Act, unless the cootext otherwise [PMT Framing of scheme. (a) nearB a petøn or an •sociation Of persons, hz or employed an unorganised worker either directly or otixrwie for remutMation; (b) "home-based worker" means a person eng*d in the production of goods or service an employer in his or her home or other premises ofhis het choice other than the workplace Ofthe employer, for remuneration, irrespective of whether or not tlz employer provides the equipment, materials or inputs; (c) "identity card" a CÜd, documen or certificate issued to an un«ganised by District Administration tmder sub-section (3) of section O; (O "National Board"memstheNational Social Security Bord fy unorganised workers under (l) Of section 5; (e) •notification" means a notification published in the Official Gazette; V) "organised sector" means enterprise which is not an unotganizæd sector, (g) prescri*t*d by rules made under this Act by the Central Government or [he State Government, as the case may be; (h) worker mems an unorganised worker registered under sub- section (3) Of section 10; (O "Schedule" means the Schedule annexed to the Act; (j) "State Board" means ttr (name Ofthe State) Sute Social Security Board for unorganisd workers constituted under sub-section (I) of section 6; (k) "self-employed worker" mems any person who is not employed by an employer, but engages himselfor herself in any occupation in the unorganised sector subject to a monthly earning Of an amount as may notified by the Central Government or the State Governunent from time to time or holds cultivable subject to such ceiling as may be notified by the State Government; (O "umrgani*d sector" mems an enterprise owned by individuals or self- employed workers and engaged in the production or sale Of goods Or providing of whatsoever, and where entoprise employs workers. the number of such workers is less than ten; (m) "morgÜlised a bon&-based worker, self-employed worker or a wage worker in the unorpirised sector and includes a worker in the organised secuyr who is not covered by any of mentioned in Scirdule 11 to this Act; and (n) "wage worker means a person employed for remuneration in the unorganised sector, directly by an employer or through any contractor. irrespective of pixe Of work, whether exclusively for one employer or for One or more employers, whether in cash Or in kind, whether as a home-based worker, Or as a temporary or casual worker, or as a migrant worker, or workers employed by households including domestic workers. with a monthly wage of an amount as may be notified by the Central Government and State Government, as the may be, CRAFTER n SOCIAL SECURITY BENEFITS I) The Central Government shall frmulate and noti\$, from time to time, suitable weifre schemes for workers on matters relating to— (a) lift and disability cover; (b) health and maternity benefits; THE CiAm-rE OF INDIA EXTRAORDINARY (c) Old protection; md (d) any off-a as may be determined by the Central Government 3 (2) scheme included Schedule 1 to this Aa shall be to the welfze schemes under sub-section (3) The Central Government may. by amend the Schedules amexed to this Act. (4) •The State Government may formulate and noti&, from time to time. suitable welãre schemes for unorganised workers, including schemes relating to— (a) provident âmd; (b) employment injury benefit; (c) Iwusing; (d) educatimal schemes for children; (e) skill Of workers; funeral assistance; and (g) old age hom—. 4. (I) Any scheme notified by Central Government be— (O wholly fianded by the Central Government; Or Fur&g of Centroi ernment partly fimded by the Central GovernmetR and partly funded by the State Government; or (iii) partly funded by the Central Government, partly funded by the State and partly funded through contributions from beneficiaries of the scheme Or the employers may be prescribed in the scheme by the Central (2) Every scheme notified by the Central Government shall provide for such matters that are necessÜy emcient implecwntation of the s&ne

including matters relating to,— (D Rope Ofthe scheme; (iO of the cherne•. (iiO resources of the scheme; (iv) or agencies that will implement schetw, (v) redressal of grievatrs•. and (vo any other relevant matter, CHAPTER m NATIONAL SOCIAL SECTnm• BOARD UNORGANISED WC*KERS S. (1) TIE Cenral Governmetn shall. by notification, c(Wtitutea National Board to Natioa.al be known as the National Social Security Board to exercise the powers conferred on, and to Social SRurit-y perfrm frnctiolß assigned to, it under this Act. (2) The National Board shall consist Ofthe following members, namely. — (a) Union Minister for Labour and Employment—ChairFrNjn. ex oncio; (b) the Geæral (Labour \$io.• and 4 THE GAZETTE OF INDIA EXTRAORDINARY State (c) thirty-ßur nrrnbers to be nominated by Central Gova•nmem, out (i) seven represalting unorganised sector (iD Even employers Of unorguligd (iii) represarting persons from civil (iv) two representing members from Lok Sabha and cne from Rjya Sabha; (v) five rq•resating Central GovernmeM and [kpaments conc«ned: (VD five representing State Governments. (3) The Chairperøn and other members Of the Board shall be from amongst persons Of emirE:nce in the fields Of labour welfare, management. finance, law and administration. (4) The number of persons to be nominated as members from each ofthe categories specified in clause (c) of sub-section the term of office and other conditions Of service of members, the procedure to be followed in the discharge of their functions by, and the• manner of filling vacancies among the members of, the National Board shall be Sinh as may be prescritrd: Provided that adequate representation shall be given to belongiilg to the Castes, the Scheduled Tribes. the Minorities and Women (5) term Ofthe National Board be thre yeus. (6) The National Board at leag thrice a year. at such time and Piwe and shall observe such rules of procedure relating to the transution of business at its meetings. as may be prescribed. (7) The members may receive such allowances as may be prescribd 6r attending the meetings of the National Board. (8) The National Board shall perRrm the Bllowing functions. nunely.— (a) to the C*ntnal Governrrmt suitable scirrnes for different of unorganised workers; (b) advise the Central Government on such matters arising out Of the of this Act as may be refrrrd to it; (c) monitor such social welfare schemes for unsrganised workers as are administered by the Central Government; (d) review the progress of registration and issue of identity cards to the unorganised workers; (e) review record keeping functions at the State level; V') review the expendinge from the under various schemes; and (g) undertake such Other functions as are assigned to it by the Central Government from time to tin-r

CHAPTER IV STATE SECURITY BOARD FOR UNORGANISED WORKERS 6. (1) Event State Governunent shall, by notification, constitute a State Board to be known as (narne Ofthe State) State Social Security Board to exercise die powers conferred to perform the functions assigned to it, under thu Act (2) The State Board shall consist ofthe members, nanwly•. — (a) Minister of Labour and Employment Of the concerned State—Qairperson. ex (Üicio,• (b) the Principal Secretary Or Secretary ogicio; and 11 THE GAZETTE OF EXTRAORDINARY 5 (c) twenw-eight members to be nominated by the State Government. Out Of (O seven representing the unorganised workers; (ii) seven representing employers of unorÄsed (ito two representing members ofLegislative Assembly Ofthe concerned (iv) five representing eminent persons from civil society, and (v) seven representing State Government Departments concerned. (3) The Chairperson and other members ofthe Board shall be from amongst persons of eminence in the fields of labour welfare, management. finance, law and administration. (4) The number Of persons to be nominated as members from each Of the cdegories specified in clause (c) Of sub-section (2), the term of office and Other conditions ofservice of members, the procedure to be followed in the discharge of their functions by. and the manner of filling vacancies among the members Of, the State Board shall be such may be prescribed: Provided that *dequate representation shall be given to persons belonging to the Scheduled Castes. the Scheduled Tribes. the Minorities and Women. (S) The term ofthe State Board shall be three years. (6) The State Board shall meet atleast once in a quarter such time and place and shall obserw such rules of procedure relating to the transaction ofbusiness at its mneetings, as may be prescribed. (The members may receive such allowance; as may be prescribed for attending the meetings of the State Board. (8) State Board shall perform the following functions, namely:— (a) recommend the State Governtrmt in formulating suitable schemes for different sections of the unorganised sector workers; • (b) advise the State Government on such matters arising out Ofthe administration of this Act as may be referred to it: (c) monitor such social welfare schemes frir unorganised workers as are administered by the State Government; (d) review the record keeping functions performed at the District level; (e) review the progress Ofregistration and issue Of cards to unorganised sector review the expenditure from the funds

under various schemes; and (g) undertake such Mha functions as are assigned to it by the State Government from time to time 7. (I) Any scheme notified by the State Government may be (O wholly funded by the State Government; or (ii) partly funded by the State Government, partly funded through contributions collected from the beneficiaries Of the scheme or the employas as may be prerribed in the scheme by the State Government. (2) The State Government may seek financial assistance frun the Central Government for the schemes formulated by it. (3) The Central Government may provide such financial assistance to the State Governments for the purpose of schemes for such period and on such terms and conditions as it may &ern fit. Funding Of State Government 6 THE GAZEITE OF INDIA EXTRAORDINARY [PART keeping b' Workers centres. Eligibility registration and social Power of Cen Government to directions. a.c., nol to Power to make rules by Cen tral Government

8. The record keeping for the ofthisAct shall be perfonned by the District Administration: Provided that the State Government may direct mat the record keeping function shall be performed by—(a) the District Panchayat in rural areas: and (b) the Urban Local Bodies in urban areas

9. The State Government up wch Workers' caltres as may be considered from time to time perform the Ellowing natnely.— (a) disseminate information on avail±le social security schemes for the unorganised Workers; (b) âcilitate the filling. processing and forwarding Of application frms for registration of unorgmised workers; (c) assist unorganised worker to obtain registration from the District (d) âcilitate the enrollmnt Of the registered unorganised workers in social security schemes

CHAPTER V IO. (I) Every unorganised worker shall be eligible for registration subject to the fulfilment ofthe following conditions, nameb•:— (a) he or she shall have completed fourteen years Ofage; and (b) a self-declaration by him Or bet confirming he or she is unorgmised (2) Every eligible unorganised worker shall make an application in the prescribed form to the DistrictAdministration registration. (3) Every unorganised worker shall be registered and issued an identi w card by the District Admin istration which shall be a smÛt card eartying a unique number and shall be portable. (4) Ifa scheme requires a worker to make a contribution, he or she shall be eligible for social security benefits under the scheme only upon payment of such (S) Where a requires the Central or StateGovernmentt0 make a contribution, the Central or State Government. as the ease may be, Shan make the contribution regularly in terms Of the scheme. CHAFER IL The Central Government may give directions to— (O the National Board; or (iO Government Ofa State or the State Board of that State, in respect Of matters relating to the implementation Ofthe provisions af this Act

12. NO proceedings ofthe National Board or any State Board shall be invalid on the ground merely of the existence of any vacancy or defect in the constitution ofthe National Board or, as the case may be, die State Board.13. (1) The Central Government may, by notification, make rules to carry out the provisions of this Act. (2) In particular. and without prejudice to the generality ofthe foregoing power, such rules may provide all or any of tie following matters. nameiy•.— (a) the contributions to be collected from the beneficiaries ofthe scheme or the employers under sub-section (I) of section 4; SEC. 11 THE GAETTE OF INDIA EXTRAORDINARY 7 (b) the number of persons to be nominated, the term of ofice and other conditions of service of members, the procedure to be followed in the discharge of functions by, and the manner of filling vacancies Of. the National Board under sub- section (4) of section 5: (c) the rul< of procedure relating to the tranSEtion of the business at tie meeting of the National Board under sub-section (O Ofsection 5; (d) the allowances for attending the meetings ofthe National BOÛd under sub-section (7) Of section 5; (e) the form for making an application for registration undersub-section (2) of section IO; and any outer matter which is required to be, or may be. 14. (I) The State Government may, by make rules to carry out the provisions of this Act. (2) In particular, and without prejudice to the generality Of the fregoing power, such rules may provide for all or yoy of the following matters, nameiy:— (d) the number of persons to be nominated, the term Of omce and other conditions of service of members, •the procedure to bc followed in the discharge of functions by, and the manner of filling vacancies of, the State Board under sub- section (4) of section 6; (b) the rules ofprocedure relating to the transaction ofbusiness at the meetings ofthe State Board under sub-section (6) Of section 6; (c) the aliowa1Eß for attending the meetings of the State Board under sub- section (7) of section 6; (O the contributions to be collected from the beneficiaries of the scheme or the employers under sub-section (1) of section 7: (e) in which the application for registration shall be under sub- section (2) Of section 10: and (O any Other matter which is

required to be, or may be, prescribed. IS. (1) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under the rule. (2) Every rule made under this Act by the State Government shall be laid, as soon as may be after it is notified, before the State Legislature

16. Nothing contained in this Act shall affect the Operation of any corresponding law in a State providing welfare schemes which are more beneficial to the unorganised workers than those provided for them by or under this Act.

17. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as may appear to it to be necessary for removing the difficulty: Provided that no such order shall be made under this section after the expiry of a period of two years from the commencement of this Act. (2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament. Laying of Saving or certain removal THE GAZETTE OF INDIA EXTRAORDINARY SCHEDULE 1] 2, 3, 5, 6, 7, 2, 4, 5. SOCIAL SECURITY SCHEMES FOR UNORGANISED WORKERS Name of the Scheme Indira Gandhi National Old Age Pension Scheme, National Family Benefit Scheme, Janani Suraksha Yojana, Handloom Weavers' Comprehensive Welfare Scheme, Handicraft Artisans' Comprehensive Welfare Scheme, Pension to Master craft persons, National Scheme for Fisheriesmen and Training and Extension, Janshree Bima Yojana, Aam Admi Bima Yojana, Rashtriya Swasthya Bima Yojana, SCHEDULE U [See section 21m) Name of the Act The Compensation Act, 1923 (S of 1923), The Industrial Disputes Act, 1947 (14 of 1947), The Employees' Insurance Act, 1948 (34 of 1948), The Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), The Maternity Benefit Act, 1961 (53 of 1961), The Payment of Gratuity Act, 1972 (39 of 1972). By VISWANATHAN, to the Govt. of India PRINTED BY THE GENERAL MANAGER, GOVT. OF INDIA PRESS NEW AND PUBLISHED BY CONTROLLER OF PUBLICATIONS. DH.HJ.—2mq —20-03-2009.