

MADHYA PRADESH SHRAM KALYAN NIDHI ADHINIYAM, 1982

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CHAPTER 3. 4. 5

6. NIDHI CHAPTER I—PRELIMINARY Short title, extent and . Definitions . IT-CONSTITUTION OF A FUND AND THE BOARD Labour 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-B. 14-c. 52 Unpaid accumulations and claims thereto . Contr ibution. Interest on unpaid accunulations 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 . Deligation of powers of Ehe Board

CHAPTER IV—APPOINTMENT OF OFFICERS AND STAFF 15. 16. 17. 18. 19. 20. •21. Wel fare Corunissioner, Additional or Deputy Welfare Cormissioner . Appointment of Inspectors Appointment of Officers and other staff. Deputation of Government servants . Power to impose punishment. Service Conditions . Limi tat ion on expendi ture . ..CHAPER 53 V—MISCELLANEOUS • 22. 23. 24. 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 propoities . Penal ty for obstructing Inspector in disncarge of Inspector's duties or for failure to produce documents, etc . Provisions relating to jurisdiction . Potier to make rules . Power to make regulations . Power to remove difficulties . 54 PRADEBE ACT No. 36 oe 1983 TEE SERAM KALYAN NXDXI ADXXNIYAM. 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 .] An Ace eo provide Zor the conet{tutlon oz a Zor the Zinancing oz activitiee to promote the veitare OE labour in the seate oe Madhya Pradesh, for conducting such activities Zor ancillary thereto. Be it enacted by the Madhya Pradesh Legislature in the Thirty Third Year of the Republic of India as follows I—PRELIMINMY 1. Shore title, extent and comeacenment .—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 appoined for different areas eStabl ishments or class•es of and for di ferent establislments

2. Definitions .—lâ this Act, otherwise requires, — unless the context (1) n Board" means the Madhya Pradesh Labour Welfare Board Constituted under Section 4 (2) 55 'Contributionn means the sum of money payable _ to the Board in accordance wih the provisions of Section 9 means any person who is employed for hire on reward to do any skilled, semi = skilled or un-skilled, 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 capaci ty; 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 n Ernployer" 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 person , one or more employees in an establishment and includes— (i) in relation to a factory- any person named under . clause (f) of sub-section (1) of Section 7 of the Factories Act, 1948 (No. 63 of 1948) (i i) in relation to any establishment carried on by or under the authority of the State Government the person or authority appointed by Che State Govern.rnent for supervision and control of employees, or where no 56 person or authority has been so appointed, the Head of the Department ; (iii) 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) Es tablishmentn means , — (i) a factory; or (i i) any establishment which carries on any (6) 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 specifiéd by the State Government by notification, but does not include:- (a) an establishment (not being a factory) of the State Government; and (b) an extablishment owned by, or cārri-ed on under the authority of thé Central

Government for which the f. Central Government is the appropriate Government under clause (ay. 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 1948); (7) (8) 57 " 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 establishment or who is not an employee, and (i i) an officer of the State Government nominated (9) (10) (11) (12) (13) as member Industrial Court" means the Court constituted under Section 9 • of the . Madhya Pradesh Industrial Relations Act, :1960 (No. 27 of 1960) • Inspector" means an Inspector appointed under Section 16 "Unpaid accumulations " means all payments due to an employee from an employer but not made to him within a period of three years from the date on which they became due whether before or after the commencement of this Act , including the wages, house rent allowance and gratuity legally payable but not including the amount of contribution, if any payable by an employer to a provident fund established under the Employees ' Provident Funds and Miscellaneous Provisions Act, 1952 (No. 19 of 1952); "Wages n means wages as defined in clause (vi) of Section 2 of the Payment of Wages Act, 1936 (No. 4 of 1936.) Welfare Commissioner" means the Welfare Commissioner appointed under Section 15 .

58 CHAPTER XI-CONSTITUTION OF FUND AND BOARD 3. Labour Welfare Fund The State Government shall constitute a fund which shall be called the Madhya Pradesh Labour • Welfare Fund . (2) The Fund shall consist of,— (b) (c) (e) (g) (h) (i) all fines realised from the employees all unpaid accumulations transferred to the Fund under Section 8 any Contribution paid under Section 9 any penal interest paid under Section 10 any voluntary donations any amount transferred to the Fund under sub-section (3) any sum paid to the Fund as grant-in-aid or subsidy by the State Government any sum borrowed under section 12 any loan advanced by the State Government . (3) If any fund is created or any sum is set apart by the employer of an establishment for the welfare of the employees, it may at the request of the employer and after approval of the State the fund . (4) Notwithstanding other law for any contract accumulations Government be transferred • to anything contained in any the time being in force or in or instrument, all -unpaid shall be paid to the Board at 59 such interval as may be prescribed, which shall keep a separate account thereof until claims thereto have been decided in the manner provided in section 8, and the other sums specified in sub-section (2) of this section shall be paid into the Fund. (5) The sums specified in sub-section (2) shall be 4. (2) (3) paid to, or collected by, such agencies at such intervals and in such manner as may be prescribed . constitution of Board and allowances payable to the . — (1) The State Government shall by notification , constitute the Madhya Pradesh Labour Welfare Board for the whole State for the purpose of administering the Fund and to perform such other functions as may be assigned to the board by or under this Act . The Board shall be a body corporate by the name specified in sub-section (1) having perpetual succession and a common seal, with power to acquire subject to the provisions of this Act property both movable and immovable, and may, by the said name, sue or be sued. The Board shall consist . of the following (a) (b) members , namely Chairman to be nominated by the State Government ; such number, as may be prescribed, of representatives of employers and employees to be nominated by the State Government : 60 , but not more than 12 and 12 employees shall be nominated in equal representation of the Board } but not more than 8 of each . (c) may be • represented by the State Government ; and (d) shall be the welfare (e) 3 s i' -W2 53.' • Cfn '0. , 03 bisal otherwise expressly provided in this Act, the term of office of the Chairman and the members nominated under clauses (b) and (c) shall be 5 years . (e) The term of office of the Chairman and the members nominated under clauses (b) and (c) shall be 5 years . (f) The term of office of the Chairman and the members nominated under clauses (b) and (c) shall be 5 years . (g) The term of office of the Chairman and the members nominated under clauses (b) and (c) shall be 5 years . (h) The term of office of the Chairman and the members nominated under clauses (b) and (c) shall be 5 years . (i) The term of office of the Chairman and the members nominated under clauses (b) and (c) shall be 5 years . (j) The term of office of the Chairman and the members nominated under clauses (b) and (c) shall be 5 years . (k) The term of office of the Chairman and the members nominated under clauses (b) and (c) shall be 5 years . (l) The term of office of the Chairman and the members nominated under clauses (b) and (c) shall be 5 years . (m) The term of office of the Chairman and the members nominated under clauses (b) and (c) shall be 5 years . 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(w) The term of office of the Chairman and the members nominated under clauses (b) and (c) shall be 5 years . (x) The term of office of the Chairman and the members nominated under clauses (b) and (c) shall be 5 years . (y) The term of office of the Chairman and the members nominated under clauses (b) and (c) shall be 5 years . (z) The term of office of the Chairman and the members nominated under clauses (b) and (c) shall be 5 years .

1.1.5. Disqualification and removal. — person shall be nominated as, or continue to be a member of the Board, if he is — (a) a salaried official of the Board, or (b) a person who is or has been declared by a competent authority to be of unsound mind and stands so declared by a competent authority; (c) he is or has been convicted of any offence involving moral turpitude; as provided that: the disqualification under clause (a) shall not apply to Secretary of the Board. • • The State Government may remove • from office any member of the Board constituted under Section 4 who — (a) is or has become subject to any of the disqualifications in sub-section 10 950 - - 20 r.QZ33 (b) is absent without leave 3 of L .the. Board from more than three consecutive meetings of the Board . (c) The opinion of the Government as to the interest of the board . shall be a factor in the selection of members and filling up of casual vacancies • a member may resign his office : by * giving % notice, to the State Government and on such • resignation being

accepted shall be deemed to be vacated by the State Government (2) A casual vacancy in the office ; of (a member shall be filled up, as soon as conveniently may be; by the State Government and a member so nominated shall hold office for such term as may be specified in the rules made by the State Government. (3) The Board shall be deemed to be constituted only if the majority of the members of the Board are persons who have taken part in the proceedings of the Board and had voted in an authorised manner. 7 . Power to appoint committees.—The Board may constitute one or more committees . The constitution and term of office of any committee shall be such as may be prescribed. CHAPTER AND APPLICATION OF ACT 8 . Unpaid accumulations and claims All unpaid accumulations shall be deemed to be abandoned property . (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) to be displayed on the notice board of the factory or establishment in which the unpaid accumulation was earned; and to 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 in section 3, a certificate of the Board that by 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 a claim is rejected by the Board, 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 no claim is made within the time specified in sub-section (3) , or a claim rejected, as aforesaid by the authority, or on appeal by the Industrial Court, the unpaid accumulation in respect of such claim shall accrue to, and vest in, the Board and shall thereafter without further assurance be deemed to be transferred to, and form part of, the Fund. (10) Where the authority, the Industrial Court is unable to give its decision within the period specified in sub-section (5) or subsection as the cases may be, it shall record the reasons therefor. (11) The contribution payable under this Act in respect of an employee in an establishment shall consist of the contribution payable by the employer (hereinafter referred to as the 'employer's contribution') and the employee's contribution (hereinafter referred to as the 'employee's contribution') and the contribution payable by the State Government and shall be paid

to the Fund and form part of the Fund. --, Y.B.I 65 öö (2) If the name of the employee stands on the register. Certificate of 30th 9 4 months payable (One Rupee) OR and by an employer employee shall be (Three Rupees) Payable every six (a) months: 'n..0 2 (Provided & bat. ghe every six months shall not be less than) an hundred fifty Rupees) . Lcm-3 c.r. vd Irua unA (B) ' (3) E Su>.iegt n..to ..the_t , Sha 171. r:-pgy ' s copgributi.on and the ernpÅoye.ehsugoqgr*bugion every year before the 15th day of July Aey pt January. ' ' •] •sd3 hr: fB e ' 9; i3 ' {E, q •: syolqms, ruA ' , V) (prpv.isiqnã.z Rf thi#..e ebe thereunder, , the employer shall be entitled to require the employees contribution by from the employee deduce ipm., gom 'his. wages aqa) such •degmed_ to, Payme.ng Ag i : s: ne Io 9115 paiwodæ•. of 1936•).. 9 L .provided hehatt ne.' be, the .amqunt. of. ky sug ranor. • shali be J Yla4p; ff.p m thdn -the -wag" of %Jgne. Provided ufutureher. •thÅt in*dvertence or {or vecpFded made *amended by Act No. 11 of 1996. I. Inserted by Act No. 11 .f. 1996. 2. 3 Substituted' • by Act- NO". - . rt01 Idoq 11 66 for the months aforesaid, such deduction may be made from the wages of. such employees f9, r any subsequent month or months after intimation in writing to the Inspector . (5) Notwithstanding any contract to the contrary, no employer shall deduct the employer's contribution from wages payable to an employee or otherwise recover it from the employee . (6) Any sum duly deducted by an employer from the wages of an employee under this section shall 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 remitting such contributions to the Board. (8) The Welfare Commissioner shall submit to the State Government as soon as possible after the end of July and January every year in the prescribed form a statement showing the total amount of the employer ' s contribution in respect of his establishment. On receipt of the statement from the Welfare Commissioner, the State Government shall pay to the Board a contribution of an amount equal to the employer ' s contribution in respect of that establishment . 1 [' ' (9) Notwithstanding anything contained in the above sub-sections, the State Government 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

2. Amended by Act No.11 of 1996. 67 10. Increase on unpaid accumulations fine on the ..notice of demand If an employer does not pay to the Board any amount of unpaid accumulations or , fines realised from the employees, or the amount of •the -employer's and employee's contribution under Section 9 within the time he is required by or under the provisions of this Act to pay it, the Welfare Commissioner may cause to be served a notice on the employer to pay the amount within the specified therein, which shall not be less than thirty days from the date of service of such notice. (2) If the employer fails without sufficient cause, to • pay such amount Within the period specified in shall, in addition to that amount, pay to the Board simple interest— (a) for the first three months' at (One\and a half . per cent) of the said amount 'for each complete month after the last date by which he should have paid it according to the notice; and a (Two per cent) of that amount for each complete month thereafter 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 moneys in the fund may be utilised by • 68 • expenditure on .the following no . OJ vsg azob (a) community and . social • 10 ft ' • Including reading room: • , end -i • 13. bliz. } BHE e ' (b) community necessities ; -r.=sozu.: -10 e 1 \$2. (c) educational facilities Édi- •:sa 0.7 E'?.US'.) yer, •. and adults; . bo.L-xsq 03 ev•sE. •, (29 f. Sd (d) "mes and sports; . L.-;ca to e.3E?., Sd:' (_e) i _excursions, tours and holiday homes ; 2.1 b9.Z.:; - Qf. •t raru. •p. (f) - entertainment and other forms' ugg , 3121..., tomz (g) home industries and subsidia'y occupational for. women and unemployed persons ; .6 brit* •e. F.' j (s) r-fos: • Snuom.s (h) *corporate activities of •a social nature; S..sø .ã3ãQf.1 ar {.-j (i r cost of" administering the" Ärzt including allowances of the members of the Board and the salaries and allowances of the officers and staff appointed for the purposes of 'the J • It: jnom 933 J.gmo. •) Acts and Eid: (j) such other objects as would the opinion of the Board improve the standard of living and , ameliorate •the social conditions of r: x naev .i Isa-fi .laboyr : od:t eci I "'ffT . Provided that t:hé 'fund shall) •not be utilised for ' .v•.-l b92.(f -i activity which the employer . is required - .•otyqa .vßßl :iU0 em'

3 03 omr.j •x he.cfl Y 'f.ndGi Provided further that' unpard accu.mulations and fines shall be paid to ehe Board and. be. expended by it, eynder this Äcg tahding anything cÖntaxned ih• the \$0 srfä sd3 (I) noi30se S. 69 Payment OE Wage' Ace. r1936 • • 1936) law • for the being (ii7foree.ri2Ü2 \$d 03 Qd y.r.m (3) • The Board may, with the approval of the State Government; make a ' 'Grähte ouPé88f Ethe? fuhd tb any employer, any •local äÜÉKÖrity in-aid of any activity rfoFlthe7 Welfareloft Iåbour:i 69di (4) If whether any particular expendit'üÉé'ZiE' Hot the Fund} the matter sh'all--i'bu •to {thé -seater Government xand the *decision •giGehT•by •j thet'State -Goveénrriient :shall• be iJ.1 . -tSD'E as.' Einar. • -ibex .to b-xs08 (5) : foEl any activity financed fröm the 'loboun welfare *fund • of any:establishment if -the. said c fund is only-transferred sto, the 4Board 'Under sub-SectiÖn- c (3) of Séctäon 3 . 12 oz , Board to borrov.—The Board may from time to with the previous sanctiori' df {the-State Goverhmént-iand "Subjects to %the provisions:of t:his Ace 'and Etoésuchtjecdnditionsvasl.may be: specified Xin . this behalf bérrow ahy sum required for the purposes.of this Act . ,w•. 20 . U—ÄI i (13 . Inveotaene oz runa.—Where cany portion thereof % cannot be applied at •an fulfilling the ,objectS of theÉ6arä ?nay the same in purchasing the savings (CertificäteETÖr deposit it in • Post Office Saving Bank or •in.any•account E wi th E a Scheduled Bank nor 01 inveso Zi t Government æcurities . , The Board may wigh the approval,of the State eGovernment,id a Isos invest {j any other. mod% of inves tmen t o:' 309 7.0 0-4 —i. — . Su>stituted by, Act No. _ 11 of 1996. 20 .0'.{ yd 70 14. Audle and The Board shall cause •to be maintained such accounts, records and registre as may be prescribed. (2) The Board shall, s06n after the close of the financial year prepare an annual statement ot its accounts in such form and in such rnanner as may be prescribed. ' ' 14-A. Annual Report of ehe 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 ehe Annual Report shall be such as may be prescribed by the regulatiops . (2) A Copy of the re#ort 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 oz aceivltyee by . —Every employer shall send a report to the Wel fare 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 oz powere oe the Boardd.—The Board may, by a special resqlution, delegate any of the powers exercisable by it under this Ace and the rules made thereunder subject to such conditions, as may be specified in the resolution, to the Chairman or the Welfare Cormissioner . Inserted by Act N? . 11 of 1996. 1. 71 (iii) It shall be the .duety of the Welfare Corarnissioner 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 noe inconsistent with the provisions of this Act and the rules made Ehereunder, as he deems fit. (2) The State Government may also appoint one or more persons as Additional or Deputy Wel fare Cornmissioner . The Addi tional or Deputy Welfare Cornmissioner shall exercise such powers and perform such duties as the Welfare Cotmissioner may, with the approval of the Board, by order speci fy. For this pyWose the Board shall be Competent to fix the area or areas wi thin which the Additional or the Deputy Welfare corrnmissioners shall exercise the powers and perform the functions so specified. (3) The Secretary df the Board shall be appointed • by' the State Government

16. Appoinement oz •The State Goyerrunent may appoint Inspectors to inspect records to ascertain and verify the su.ms payable into the fund. Inspect:ors appointed under sub-section of section 40 of 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 respeÖt of the establishments to which the Act applies . (2) Any Inspector may— (a) (b) with such assistance, if any, as he thinks fit, enter at any reasonable eime any premises for carrying out the purposes of this Act; exercise such other powers as may be prescribed. 72 i ot •2 OEZicere pd Other Staff.— The Board shall- have;powers subject..to such conditions jas may. be prescribed, c to app6int executive cstaff th'äh"M eh6se• åßpoint&d iåndéi' tb¯.æarry' out •ähd •sUBeFVise "th'é) aet'i+ities - f from I 'thÜi fufid . n .JIW goc 03 18 -Deputaeioi oe Governmiea Servanee [The Stace Government may; in consultation +h'ith 1 the, Board.depute to the service •of h:he Board any Government Sérvânt) aäd -.the ;terms and conditions of deputation of such servants shall 1.1 be b9' the'. V'Stäte'J Gd+ernmérât in éoäéültaéioflwieh Bdud and thévæt'éfins a •earid •cÖnditioiS' binding on

the Board. - ! icn•e• mzrox::eq * Power eo i puhiehi•ne .•-Notwithstanding anything contained in this act cor the rules .. made thereunder , a if cin=the r opinion State , Governmene . any r officer Serüâne• of *the f Boa•rd his 'dütüés it may - äftér-'iääking' enquifY'in the" éÜSpéhd him or may may E be Eprescribed and if in the opinion of.the State Government he is unfit for his employment," . it m-ay *efilÖve hifn from service . 20. serviÖe 'CondieÄÖäB.—iHe tment em aid) the • •ébn di service including r pay-scales: • 91 (a) Ethe ipersons -under "section : 15 (R -shall': be such : as tmay*be : specified , by, the State • Government ; - Sd 03 (b) q of .the perons- appointed under Section 17 shall . bé süéK'äs may" be Edetekmih'ed by • the 20 Bda•rd -by.' reéula£ions: Ündé? Section 21 . Limieaeion on expendäture. —The expendi ture on the officers. and the servants appointed tinder this rechâpte±: •and 'otKei•' admini trative eid. • expe%di türé shall•bdt• exceed the prescribed peféentäö öf thöanriÜal- income of the Fund . asec.qruq sr 2

3. Subseieüted by r Act.No '11 t of 1996 : 9 ; ; Amended by Act No. 11 •of 1996. Sübstitüted by Ace NO. 11 of 1996. 93B3?. CHA.Piii0 . a c 5E'BÆ1 bsrf EHF-,OU ? i .tr,smrasvcü 3-22 't'Power eo"cairtor: récorde I. 2-The• State GÖvernment ' -'or l'a•uthorisedlby£the.stâte Goverhment)Bin 'IEEhis fok' thé recÖrds Board, üCirispeét3 thétsalie' andiimay Gupervise -working Eof ?d£he BoaYd 'i bn,3 ebse-requa ö:-zog io no 23. Directions by the State eo Board.— no The State Government, may T (giye -to - the b Board such 9&directions as Ein its.opinion.are necessary or. expedient Ndi.n i,connection; from .the , fund. on for encarrying out lthe other purposes of the Act and the Board directions..n 1 ' 24. Mode of recovery of eume payable C €6 ethe , e, Any..sum payable to the Board the N Fund under •p this. Act, e shall artoi ee without . prejudice. to-anyrother mode pf .10 Vd recovery, , be, recoverable. on behalf ...of . the -Board. as uan arrear 3 of land revenue. (2) Tre State Government may , by notificatiofi, author.ise officers of the State Government not below the rank of. Labour Officer to exercxse the powerg of a Tah?ildär under Seét'i6n.147 'Öf PradeÅh Land Revenue 8f. 1959 p for * reéooe.ry 6 sums ,Ünder• Sub-:sectioå • (1) . (3) The of fic•ers und& ¯ eub- —.d91'2 EOOQ• of. demand. •be served on any. defaulter before, the •boot, e i issue of:: any: proces•s : underrSection147 . 2i of the Madhya, Pradesh Land Revenue Code, 1959 (No. 20 of 1959) for the recovery of any arrears . yu) tüA11•tother provisions.-of Chapter XI of the eäbio Codé shall 3 ' apply imutatis e ids 4.0 the sums Sd •payable or into ethel Fund 1. under this Act. ' Substituted by Ace NO. 11 •f 1996. 74 25. Supersession of If the State Government is satisfied that ehe 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 giyert by the State Government under Section 23, the gæate Government may by notification supersede ehe Bqard and may reconstitute it in the manner prescribed. for constitution of the Board Provided that betfore issuing the notification under this sub-section, the State Government shall give a reasonable opportunity to the Board to show cause why ie should not be superseded and shall consider the explanation and objections, if any, submitted by the Board . (2) After the supersession of the Board and until it is reconstituted the powers, duties and functions of the Board under this Act shall be exercised or performed by the State Govern.rnent or by such officer or officers as the State Govern.ment may appoint for this purpose . 26 . Members etc. eo be public servant. — The members of the Board, and the persons appointedd under sections 15, 16, 17, 18 and 25 of this Act shall be deemed to be public servants within the meaning of Section 21 of the Indian Penal Code, 1860 (XLV of 1860),

27. No su*t , against done or 28.Protection to persons acting in good faith.— prosecution or other proceedings shall lie any person for anything which is i h good faith intended to be done under thiS .Ace. Exemption. —The State Government may , by • notification exempt any establishment - or class of establishments from all or any of the provisions of this Act subject to such conditions as may be •specified in the notification. 75 29. of Central Ace, No. 4 OE 1936.—In sub-section (8) of Section 8 of the Payment of Act, 1936 (Nor. 4 of 1936) in its application to the State of Madhya Pradesh, the following proviso shall be inserted, namely ' Provided that. in case -of • •any Factory or establishment €0 which the provisions of the Madhya Pradesh Shram Kalyan Nidhi Adhiniyam, 1982 apply, all such realisation shall be paid into the Madhya Pradesh Labour Welfare Fund constituted under ehe said Act and shall be applied for the pursose of the said Act. ' ' 30. Vesting OE certain properties .—The State Government may by an order transfer to the Board the property, both movable and immovable, belonging to it, and b,eing applied in running the departmental Labour Wel fare/ Centres . 31 . penalty for obseruceing Inepeceor in discharge oz Inepeceor' B duelee or for failure to produce documente eec.—(l) Any person, who wilfully obstructs

an Inspector in the exercise of his powers or discharge of his duties under this Act or fails to produce for inspection on demand by an inspector any registers, records or other documents maintained in pursuance of the provisions of this Act or the rules made thereunder or to supply him on demand true copies of any such documents, (a) (b) shall, on conviction, be punished, — for the first offence, with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both; and for a second or subsequent offence, with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both 76 Provided that where the offender is sentenced to a fine only, the amount of fine shall not be less than one hundred rupees. 1 (2) If an employer— 1. (b) fails to pay the contribution or any sum which he is liable to pay under this Act; or is guilty of any contravention or non-compliance with any of the requirements of this Act or the rules or the regulations made thereunder, in respect of which no penalty is provided; he shall be punishable with imprisonment for a term which may extend to one year or with fine which may extend to two thousand rupees or with both. '



32. Power to make rules .—(1) No Court 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 Act No. 11 of 1996. 77 (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 1. (a) (b) (c) (d) (e) (g) .(h) (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; of (i) the number of representatives 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 (5) 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 statement shall be submitted under sub-section (8) of Section 9; 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 Section 16; Conditions subject 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; Substituted the method of recruitment and conditions of service of the persons under clause (a) of Section 20;] by Act NO. 11 of 1996. (k) (1) 78 the percentage of the annual income of the Fund beyond which the Board may not spend on the staff and other administrative matters ; any other matter which has to be or may be prescribed . If 33.A (1) The Board may with the previous approval of the State Government make regulations not inconsistent with. *his Act and the rules made thereunder for the: purpose of giving effect to the provisions of the Acc. (2) In part (i) and without prejudice to the generality of the foregoing powers, such regulations may provide for all any of the following matters, namely : — (i) the manner of preparation and the contents of the Annual Report under Section 14-A; (i i) determination of the working and service conditions of persons appointed under section 17; (iii) 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 by general or special order published in the Gazette, make such provision not inconsistent with the provisions of this Act as appears to it to be necessary or expedient for the removal of the difficulty Provided that no such order shall be made after the expiration of two Years from the commencement of this Act . (2) Every order made under sub-section (1) shall be laid on the table of the Legislative Assembly

1. Inserted by Acc NO.11 of 1995. 79 No. 346-2692-XVI-B-85. —In exercise of the powers conferred by Section 33 of the Madhya Pradesh Shram Kalyan Nidhi Adhiniyam, 1982 (No. 36 of 1983) , the state Government hereby makes the following rules, the same having been previously published as required by sub-section (1) of Section 33 of the said Act, namely RULES 1 . Shore title and 1) These rules may be called the Madhya Pradesh Shram Kalyan Nidhi Rules, 1984. (2) They shall come into force on such date as the State Government may by notification appoint . 2 . Definition.— In these rules , unless the context otherwise requires,— (a) 'Act' means the Madhya Pradesh Shram Kalyan Nidhi, Adhiniyam, 1982 (No. 36 of 1983) (b) (c) 3. 'Form' means a form appended to these rules ; " Section" means a Section of the Act . Payment Fines and unpaid accumulations 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 first payment made in (2) Subsequent to accordance with sub-rule (1) every employer shall pay to the Board, all fines realised from the employees and all repaid accumulations during the quarter ending 31st March, 30th June, 30th September 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 mentioned in sub-section (2) of Section 3 of the Act shall also be paid to the Board. (5) Every employer shall submit to the Board a statement of employer' s contribution and employees ' contribution in respect of employees whose names stand on the register of the establishment on 30th June and 31st December respectively in form alongwith the payment of contribution under sub-section (3) of section 9 . 4 . Notice for payments due.) The Welfare Commissioner may, after making such enquiries as it may deem fit, and after calling for a report from the Inspector, if necessary, serve a notice on any employer to pay any portion of fines realised from the employees or unpaid accumulations held by him which the employer 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 either by personal service or by registered post acknowledgement due: Provided that in case may employer refuses to receive such notice or it is returned by the postal authorities with the remarks that the employer refused to accept 81 it or it cannot be—served it shall be deemed to have been served if a copy thereof is posted on any public place at or near the main entrance of the Establishment. 5'. Number of members to be nominated.—

The number of members to be nominated on the Board under clauses (b) and (c) of sub-section (3) of Section 4 shall be as under—

- (1) Representatives of the employer—6
- (2) Representatives of the employees—6
- (3) Independent members of whom at least one shall be women—7

5. Allowances: to Chairman and members.—

- (1) The Chairman, if he is a non-official member, shall be entitled to get such allowance and other facilities as may be prescribed by the State Government.
- (2) The other members of the Board excluding the Secretary shall be eligible to receive allowance of Rs 25 for attending each meeting of the Board.
- (3) The Chairman and members of the Board while travelling on duty shall be entitled to travelling and allowances as are admissible to First Grade Officers of State Government.

7. Conduct of business by Board.—

- (1) The Board shall meet at least once every quarter as often as may be necessary.
- (2) All members of the Board shall be given fifteen clear days notice of a meeting specifying the date, time, the meeting and the business to be and place of transacted thereat.
- (3) 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 each shall be from employers, the employees and the independent.
- (3) (a) If a member is unable to attend any meeting of the Board, he may, by a written instrument signed by him addressed to the Chairman of the Board, and 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 for attending that meeting of the Board in his place: Provided that no such appointment shall be valid unless; (i) such appointment has been approved by the Chairman of the Board, and (ii) 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 member, in relation to the meeting of the Board in respect of which he is appointed.
- (4) Every meeting of the Board shall be presided over by the Chairman or if the Chairman is, for any reason, unable to attend it, by such one of the members present, as may be chosen by the meeting, to be the Chairman for the occasion.
- (5) If 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 fix. A Notice 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 off at such meeting whether 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 shall 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 Committee.—

(1) 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.

9. Particulars to be incorporated in the notice under Section 8.—

(3) The notice referred to in sub-section (3) of Section 8 shall contain the following particulars, namely:—

- (a) name and address of the 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 (8).—The statement to be submitted to the State Government by the Welfare Commissioner under sub-section (8) of Section 9 shall be in Form 'B'

11. Accounts of the Fund.—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 to be maintained the following registers

(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 8; (e) Register of fines and unpaid accumulations receiVed under rule 3; (g) (i) (j) (k) (l) (m) (n) (o) (p) 85 of contribution received under Section 9; Register of payment of allowances to mernbers under rule 5; Register of immovable properties of the board; Register of movable properties of the board; Register of penal interest paid under Section Register of voluntary donations to the Board; Register of grant in aid or subsidy paid by the State Government; Register of sums borrowed under Section 12 ; Register of loans advanced by the State Government ; Register of grant in aid under Section 11 (3) ; 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 Welfare Commissioner may deem necessary for the proper administration of the Board. accouneg . —The annual B eat emene of 12. Annual statement of accounts of the board shall be prepared in



Form D. 86 13. Budget of Board. —(1) The Welfare Commissioner shall cause the budget estimates 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. (3) 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 of 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 from Fund.—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. Additional powers 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, grade of pay, etc. —the 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 Recruitment to the board's service shall be by the following methods, namely : — (a) by direct recruitment by competitive examination. (b) by direct, recruitment by selection. (c) by promotion of members of the service, and (d) by obtaining State Government Servants on deputation under Section 18. (2) The number of persons to be recruited 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 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 (1) if in the opinion of the Welfare Commissioner the exigencies of the services so required, the Welfare Commissioner may with the approval of the board and the State government, adopt such method of recruitment to 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 appointment except those mentioned in Section 15 and 16 shall be made by the Welfare Commissioner with the approval of the board and no such appointment shall be made except after selection by one of the methods of requirement specified in rule 19. 21. conditions of eligibility of direct recruitment. — In order to be eligible to be selected, a candidate 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 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. (iii) in case of retrenched government servant, temporary services the period of all previously rendered by him upto 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. B. i. a. n. a. e. i. o. n. —the term retrenched government servant shall have the meaning assigned to it in the M. P. Labour Service (Gazetted) Recruitment Rules, 1974. (i v) in case of ex-servicemen, the period of all defence service previously rendered by him shall be allowed to be deducted from his age. B. o. i. a. n. a. t. i. o. n. —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 recommendations 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 of application made otherwise, for employment in the board's service. (c) he must possess the educational qualifications which 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 -qualified a 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 Commissioner's 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 of 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. Disqualification.—Any 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. Examination. — (1) A competitive examination for recruitment to the service shall be held at such intervals as the Welfare Commissioner may, 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 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 may be Provided that if sufficient number of candidates are not available even after examinations or selections to fill all the 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 examinations 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. 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 efficiency of the 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. **Eligibility for Promotion.** The Board shall lay down the criteria for eligibility for promotion to various posts to be filled by promotion under rule 19.

(2) The Board shall constitute a committee of three members of whom two shall be the officers and 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) as 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 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 every year. (6) If in the process of revision, it is proposed that the Committee proposed supersession. (7) The list prepared of 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. 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.

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 if any, of the taking into account the comments, 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 conduct or performance of duties on the part of a person included in the select list, a special list may be made at the instance of the Board and the Committee may, if it thinks fit, remove the name of such person from the list. (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 not 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.

29. **Probation.**—Every person directly recruited to the service of the Board shall be appointed on probation for a period of two years.

30. **Control of Board over persons appointed under Section 17.** 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. **Enquiry 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 wages and fines .—Every employer of an establishment shall maintain and preserve for period of 10 years a consolidated register of unclaimed wages and fines in Form E n Provided that in cases pending before the Appellate Authority the Register shall be preserved till the cases are finally disposed. 34. 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' 'Employee Rule Statement of employee' and Employer's contribution 1. 2. 3. 4. 5. 6. 7. on 30th June and 31st December respectively. 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 December . (a) Employer's contribution @ 50 paise per employee. Rs. (b) Employer's contribution @ 1 rupee per employee. total of sub-entries (a) and (b) of entry 6. Date. Rs. Rs. Signature of employer 98 FORM • Bt Rule 10) given to be filled up by Welfare Commissioner Class of establishments (1) 1 2 3 5 7 8 9 10 under Section 9 (8) No. of establishments (2) Amount of Employer's Contribution received by Welfare Commissioner . (3) Total Rs . Signature of Welfare Commissioner . C.R.P.G-281.- WCLWB.C9Z200t- I (K)OBk5. 91 eligibility or otherwise of a candidate of •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. Disqualification.—Any 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. A competitive examination for recruitment to the service shall be held at such intervals as the Welfare Commissioner may, in consultation with the Board, from time to time determine .(i) the examination including interviews shall be conducted by the Welfare Commissioner in accordance 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 committees 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 . 92 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 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 . Note on welfare Where recruitment is made by a competitive examinations 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 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, 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 efficiency of the maintenance of 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. (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 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) The list so prepared shall be reviewed and revised every year. (6) If in the process of selection, it is proposed that the service be superseded. (7) The list prepared for selection, review or to supersede any members of shall record reasons for the under 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. (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 if any, of the taking into account the comments, 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 conduct or 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, remove the name of such person from the list. (11) Appointment of the persons included in the select list to a particular category of posts; follow the order in which their names appear in the select list in the of any review of the 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 period of years.

30. Control of Board over staff the persons appointed under section 17 shall function under 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. Enquiry 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. Unclaimed wages and fines. —Every employer of an establishment shall maintain and preserve for period of 10 years a consolidated register of unclaimed wages and fines in Form 'ED' 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' t8ee Rule seaemene of Ü•ioyeee' ana coneribuelon on 30th June and 3iee December reepeceiveiy. 1. 2. 3. 4. S. 6

7. Name of the Estâblishmene Name of the employer Class of establishment Address of establishment Total nurnber of employees [as per section 2 (3)) whose names stand on the muster roll of the establishment on 30th June/ 31st December .(a) Ünplyers• contribution @ 50 paise per employee. Rs . (b) contribution @ 1 rupee per empldyee . Rs. total of sub-entries (a) and (b) of entry 6 . Date. Signature of employer 98 FORM 'B' (See Rule 10) seaemene eo be by Welfare co±.iesioner Class of establishments (1) 1 2 3 4 5 8 9 10 Date G.R.P.G-281 ..WCLWB. I under Section 918) No. of establish.rnents (2) Accout of Employers Contribution received by Wel fare Cornmiss i•oner . (3) Total Rs . Signature of Welfare Cominissione

