

WEST BENGAL WORKMEN'S HOUSE- RENT ALLOWANCE RULES, 1975

THE WEST BENGAL WORKMEN'S HOUSE-RENT ALLOWANCE RULES, 1975, framed under the Government of West Bengal, Department, Notification, 14-EJ LEILIR-3/75, IR, Of 27th September 1975. / I. Short title and commencement.—(1) These rules may be called the West Bengal Workmen's House-rent Allowance Rules, (2) They shall come into force on the first day of October, 1975.

2.. Definitions—(1) In these rules, unless there is anything repugnant in the subject or context,— (a) "Act" means the West Bengal Workmen's House-rent 1974 (West Bengal Act 60 of 1974) (b) "Appellate Authority" means the Government or such other authority as may be appointed by the Government in this behalf under sub-section (4) of Section 3, (c) "Form" means form appended to these (d) "Inspector" means any person appointed as Inspector under sub-section (1) of Section and (e) "Section" means Section (2) All words and expressions used in these rules, unless otherwise defined, shall have the same meaning as assigned to them in Act, 3, Manner and time of House-rent allowance payable to a workman under Section any month shall be paid within ten days of the month following. Shall maintain a register of house-rent allowance in Form A: Provided that it will be sufficient compliance with the provision of this rule if the employer maintains record of payment of house-rent allowance in any other register to payment of wages which he is required to maintain for the being in force and the maintenance of such register is intimated to the Controlling Authority concerned, 54 Application for recovery of House-rent The application under sub-section (1) of Section 5 for recovery of unpaid house-rent allowance shall be in form H and each workman shall submit a separate application Provided that where a large number of workmen are involved single application may be made by a person authorised by different workmen or their legal representatives. The application in Form B shall be served on the Authority 268 1975 in triplicate and by service with receipt therefore or by registered post with 6. Procedure for dealing with applications for recovery of House-rent receipt; application under The Controlling Authority issuing in Form C, call upon both as well the employer concerned, to appear before him on date specified in the notice, being less than 14 days of Service Of the notice, either personally or through his authorised representative together with all relevant documents and witnesses. if any Provided that the date fixed for hearing may be extended by the Controlling Authority either by either of the parties. (2) Any person desiring to act on employer or workman, his authorised representative or legal representative, as the case may be, to present to the Controlling Authority or authority from the employer or the workman as case on whose behalf he seeks to together with his interest in the matter and praying for permission so to the Controlling Authority to record thereon an order either his approval Of specifying, in the case of refusal to the permission prayed for. (3) [CLWO:LS for the refusal. After the hearing on the date fixed under (1) or after such further evidence, of witnesses and hearing, as may be deemed necessary, the Controlling Authority shall record his as to whether wage is payable to the applicant under the Act and copy of the finding given to each of the parties, if the employer concerned fails to appear on specified date of hearing without sufficient cause, the Controlling Authority may proceed to hear the application ex-parte and if the applicant fails to appear on the specified date of hearing without sufficient ground, the Controlling Authority may dismiss the application Provided that under this sub-rule may, on cause being shown within thirty days of the said order, be reviewed and the applicant giving 14 days' notice to the opposite party and the date fixed for rehearing the application

7. Direction for payment of house-rent finding is recorded sub-rule of Rule that the applicant is entitled payment of house-rent allowance under the Act the Controlling Authority shall issue a to employer concerned in Form specifying amount payable and directing payment thereof to the

intimation to the Controlling Authority thirty days from the date receipt of the notice a copy of the notice shall be endorsed to the applicant employee, his authorised person or his legal representative. as the may be, West Bengal (Volume II) S. Appeal from the orders of Controlling under sub-section of Section 5 shall in the following [orth concisely the facts of 'the grounds of objection to the order against which the appeal is preferred and the relief sought for. and every such memorandum of appeal shall be accompanied by a certified copy of the Controlling Authority's order or direction. which the subject of the appeal, (2) A copy memorandum of appeal under sub-rule served by the appellant on all the opposite parties including Controlling Authority, either by personal service after obtaining receipt or by registered post with acknowledgement due. Within fourteen days of the receipt of Copy of memorandum of appeal— the Controlling Authority forward the records of the case against which the appeal has been preferred, 'the appellate authority; 4-0 d the opposite party shall submit his written statement containing comments on each paragraph of the memorandum of appeal and additional pleas. if any, to the authority opposite party shall serve copy of his written statement to the appellant either by personal service after obtaining receipt or by registered with acknowledgement due, The appellate authority shall give its decision after giving the parties to the appeal a reasonable opportunity of being heard and shall forward a copy of the decision to the parties concerned and the Controlling Authority and the records of the Controlling Authority received under (3) Shall be returned to him by the appellate authority while forwarding copy of the decision to him under this rule : Provided if the appeal is disposed of or dismissed for default, the Appellate Authority can, within 30 days from date of order, restore it to file if sufficient cause be shown for non-appearance on the date of the hearing of the appeal of the respondent or of the as the case may be. (5) On receipt of the decision of the appellate authority. the Controlling Authority shall, if required under that decision, issue a direction under Rule 7 and issue a notice in Form E specifying the amount payable and directing payment thereof to the applicant, under intimation to the Controlling Authority within fifteen days of receipt of the notice by the employer and a copy of the notice shall be endorsed to the applicant his authorised person or representative, as the be, to the appellate West Bengal Workmen's House-Rent 1975 9.

Maintenance of records or cases by the Controlling Authority shall record the particulars of each case in Form F and the time of order shall sign and date the particulars so recorded, (2). The Controlling Authority while in each record substance of evidence in accordance to the order. Any other than a record of any order or direction which required by these to be Signed the Controlling Authority. he his behalf under his direction by any subordinate officer appointed in writing for this purpose by Controlling Authority. Copies of decision, records and Any or employer or Of the workman or employers shall be entitled to any application, or record filed Controlling Authority in relation to a case of the fees specified in the Schedule appended to these rules; (2) application for copy under sub-rule shall be in Form G and shall be presented in person to the Controlling Authority or shall be sent to it by registered post and shall with a fee of one rupee which shall be paid in cash or by stamp affixed to the application. (3) All copies shall be made on folios, and if it be not possible once inform the applicant what court-fee folios; will be in respect of the copies applied for. requisite information shall be applicant as may be possible but not more than seven days from the date on which the is received by noting the counterfoil portion of the application, (4) the cases certified copies. the Court-fee under the West Bengal Court-fees Act, 1970 (West Bengal Act X of 1970), shall be levied affixing the necessary stamp to the first folio of the copy. (5) On receipt of the information referred to in sub-rule the applicant present requisite folios and court-fee stamps to the Controlling Authority along the counterfoil of his original application, which the of the court-fee stamps and folios filed shall be acknowledged, The date on copy will be ready for delivery shall be returned to the applicant, if requisite folios and court-fee stamps filed within seven days from the date on the information referred to in sub-rule (3) communicated to the applicant, application shall be liable to be struck and an application so off shall not be but in such case. fresh application may be made. 231 West Bengal 2011 17} Urgent copies shall ordinarily be ready the day following the of payment of the urgent fees specified in [his behalf in the Schedule and compliance with other requisites, 11. Register of application for for copies shall be and in register maintained in

Form 11

12. Register or Court-fee Register shall in Form 1 by IIC Authority, Court-fee stamps shall be cancelled by punching, in the in of Section 44 of Bengal court-fees Act, (West Act X of 1970), Register of Workmen.—Every employer shall maintain Register Of Workmen in Form J showing therein the names of his workmen the day* the on which such workmen were in service or for which such workmen earned wages: Provided it shall be the provision of this if the under this is maintained in any other is required to for the time being in force the fact of of such is intimated to the Authority

14. Duties of Inspectors—(1) The duties of an Inspector under Section shall generally to such inspection as may be required for satisfying himself that the provisions of the Act and of any orders issued by the Government under the Act are duly observed within the for which he is appointed, it shall be the duty of Inspector to satisfy himself that— (i) the registers required to be the Act or these properly maintained, and the provisions of the Act and rules payment rent shall be duly observed. (2) For the purpose making the Inspector may interrogate such persons he may deem necessary, premises of place has in any industry: Provided no such shall be required under this rule to question answer any which might tend to incriminate him, An Inspector shall visit the industry he in every three months

15. Submission of diary by Every Inspector keep Of the records inspections—(1) A diary in Form J K and West Bengal Workmen's House-Rent Rules, submit copy thereof to the Controlling Authority of his area by the fifteenth day of the following the which the diary is a Visit Book.—(2) Every employer shall maintain a Visit Book in which an Inspector visiting the industry having any defect may enter at the time of his visit any documents required to be maintained or produced under the provisions of the Act these rules, and if the Inspector has no remarks to pass he will simply sign the Visit Book giving the date time of his visit. There shall be a bound book the pages of which shall be consecutively numbered: Provided that no separate Visit Book be necessary in the case of an employer who is required to maintain Visit Book the provisions of the West Bengal Shops and Establishments Rules

1964. West Behgal 14bourGuzerre—2011 FORM A Register of House-rent Allowance Name of Industry of employer Address in full Month and to which the house-rent allowance relates— SL Name of for which is payable House, Rent paid This to certify I have in the presence of witnesses testifying herewith paid the amount of, house-rent allowance to workmen employed by me and that each workman has received from me amount house-rent specified against his name above, Witnesses 2, Signature of employer When the payment is by money order the may be stated in the table column, 214 West Bengal Workmen's House-Rent Allowance Rules, FORM B {See Rule 5} Application for Recovery of House-rent Allowance Before the Controlling Authority under 'The West Bengal Workmen's House-rent Allowance Act, 1974 (West Bengal Act LVI of 1914), *Application NO— Between (Name in full of the Applicant with full address) in full the employee concerned with full address) The applicant is a workman of the above-mentioned employer/ person authorised by a workman of the 'above-mentioned employer, the 'employee' representative of the Who working Of above mentioned employee, and is entitled to the payment of allowance under Section 4 of the West Workmen's House-rent Allowance Act, LVI of 4] Allowance to the said workman for the period from.. X The applicant estimates the Value of relief by him}' at the sum of Rs per month below* (Here insert details of the amount is The Applicant prays for recovery and payment of the house-rent allowance due to him/ the workman from the employer. A why the application could not be made within one year from the (When the money became due to the said workman is enclosed. Enclose (true copies to prove that he is the authorised by the aforesaid workman/ the legal representative of the aforesaid workman is enclosed.

Dated, Signature or thumb impression of the Applicant, 235



FORM C {See sub-rule (1) of Rule 6) Notice for Appearance before the Controlling Authority From: — The Controlling Authority under the West Bengal Workmen's House-rent Act- 1974 {West Bengal Act LVI of 1974). Nilme and address of....., you workman under you a person WHEREAS authorised by shli .awocknoan Eega) representative was Under you have filed under the West Bengal Workmen's House-rent Allowance Rules, alleging that— (copy of the said application is enclosed) Now.. therefore, you are hereby called upon to appear before me personally or through person duly authorised in this for the Of unwetung reälifig IO [he Lpplic.dtioi'l in on the in support answer the allegation. AS the fixed for your is eplTJtoted final disposal of the application, you must be prepared to produce that day witness upon evidence, utu;] the upon which you intend to rely in support your allegation, therefore. •rake nt}tice of' your appearance on the day before mentioned the application will be dismissed/heard and determined in your absence, I Given under my hand 19.... Controlling Authority, Note words are; 1. paragraph not applicable. 270 Bengal j 975 FORM Rule Notice for Payment of House-rent (Name address of employer, Where 5 . underyot. Bu person Shrir a workman under you/Lh.e tepresa[ive of workman under you. filed on application under Rule 5 of the West Bengal Workmen's House-rent Rules, 1973 before And heard your on oral hearing I have IO know that the said entitled to a payment of EW as house-rent the West Bengal House-rent 1974 LVI of Now, therefore, hereby direct you pay [the said sum of thirty days the receipt this intice an intimation under my and Controlling Authority Copy to •(ApT!heunt under Rule is advised to contact employer for collecting payment, 277 house-rent under the West Bengal Workmen's House-rent Allowance Act, 1974 And whereu, q you] the applicant preferred an appeal *authority *Ad the appellate authority has decided that an amount of is payable to allowance under the West Bengal Workmen's House-rent Allowance Act, 1974. I hereby direct you to pay the said sum to Shri fifteen days the receipt of West' Gazette—20j West Bengal FORM E sub-rule CS) or Rule Notice for Payment of House-rent Allowance as determined by appellate Authority (Name and address of employer) Whereso you 00 you to ij'j'lke to Shri- duly Form this notice an intimation thereof to Given under my hand and seal, this..... Copy Controlling (1) Applicant. He is advised contact the employer for collecting the payment. (2) Appellate Authority. He the portion applicable to the 27B 2, 3, -4. 7. 8, 9. West Bengal House-Rent Allowance Rules. 1975 (See sub-rule (1) of Rule 9) Particulars of application under Section 5 Serial of the application Name address Of applicant Name and address of the employer Amount house-rent allowed Plea of the employer and his if any finding and brief statement reasons therefor be enclosed on a separate sheet of paper, if necessary), Amount Cost. if any. awarded to the witnesses. expenses. Signed- I Am on a separate sheet the substance of the evidence) 219 West Bengal Labour Gazette- 201/ { Volume FORM G (See (2) or Rule Application for copies (To be preserved for one year) The Controlling Authority under the House-rent Allowance Act 1974. (Here insert the address) Sir, I require certified copy of the documents mentioned below. which may be supplied. Signature of the applicant Description of which copy is required. Description, Number year of the date of which it forms part, of the parties, etc, Report of the of the records, Folios and Court-fees required. Signature of the Clerk-in-charge, Received copy and unused and stamp. Signature Of the (Counterfoil of application for copies) Received application for copies being serial Folios and Court-fees required, Signature of the Clerk-in-charge, West Bengal Workmen's House-Rent Allowance Rules. 1975 FORM see Rule Register or Application copies (To be preserved for three years) Serial of which required 2 3 riled (with serial of each) 1. rwd 4 filed (with NC'. pnce A .r,ouni cd' filed 12. (or certified which we. •c No. see adhesive which far 'ale" i "iry Seri" No. and of Oamp and FORM Register of Court-fees received (To be preserved three years) Fees cop•ic» fees incbxiin.g West Bengal Labour IO FORM j 13) Register or Employees Name of the industry—e Address, SC; iJe Of pay, if 1k: a:ress Wetn:tno daily/' Srptcmb:•r Oc nnlurr o f won •11 •raence Date:' cd workman wu"ed earned Signu:ure Auguht Rmar•k' Note one page should be '[lowed every workman:ut, Signature of employer FORM K Diary of Inspector for the month ending i "spec gee 2 Purpose ins THE SCHEDULE 10) of defects orders i.*soed The application for copies of documents be presented to the Controlling Authority together with fees prescribed in this Schedule. Category of documents. 1, DocumentK containing 150 words or less. Fees payable, 1, An impressed Stamped paper per of 25 paise (i.e. a folio). 282 West Bengal/ Workmen House-Rent Allowance Rules. 1975 Contingent Of 3. Documents containing 151 words. containing more than 300 words

3. Fees payable. An impressed stamped paper 25 paise (i.e. with an adhesive stamp of 25 paise affixed thereto, In to fees payable under item 2 above for the first words. additional impressed paper of 25 paise

(i.e.a. folio) an adhesive stamp of 25 paise for every part thereof in excess of 150 words. Provided that it is payable for each 150 words or part thereof and shall not exceed 25 paise. Each folio will contain up to 300 words; but when the number of words does not exceed 150, no adhesive stamp of 25 paise (ii) The adhesive court-fee required for the copies be to the folio the perforated with the figure heads perforated line in such a way that the portion below may clearly show the value of the court-fee stamps. Urgent fee (in addition to normal fees)- Category of documents. 1. Documents containing words or less

2. Documents containing more than 600 words 2, Additional fees 25 paise for every 150 words and any fraction thereof (four figures counting as one word). GOVERNMENT OF WEST BENGAL Labour Department NOTIFICATIONS Act from the October, 1975 No. 13.E.I.I IA-JCY74. dated. the 27th September, 1975. In exercise of the power conferred by section (1) of the West Bengal Workmen's House-rent Act, 1974 (West Act LVI) Of the Governor is pleased hereby to appoint from the 1st October, 1975 on and from which the said Act shall come into force: e. Exemption classes of on by or under the of Govt. or the of which has been taken over by Govt. No. 27th 1975, WHEREAS Governor thinks fit So do in the public interest; THEREFORE, in by 8 West Bengal Workmen's House-rent Allowance Act, 1974 (West Bengal Act LVI of 1974), the Governor pleased hereby exempt all classes of industries carried by or under the authority of my department of the Government of India and (ii) all classes of industries the management of which have been taken over by the Government of India under any for the time being in force, from the operation of the provisions of the Act. with effect from the 1st October, 1975,

