



The Orissa Labour Welfare Fund Act, 2005

Act No. 14 of 2005

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***THE ORISSA LABOUR WELFARE FUND ACT, 1996**

(ORISSA ACT 14 OF 2005)

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AN ACT TO PROVIDE FOR THE CONSTITUTION OF A FUND FOR THE FINANCING OF ACTIVITIES TO PROMOTE WELFARE OF LABOUR IN THE STATE OF ORISSA AND FOR THE ESTABLISHMENT OF BOARD FOR CONDUCTING SUCH ACTIVITIES AND FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO

BE it enacted by the legislature of the State of Orissa in the Fifty-sixth Year of the Republic of India as follows:-

Short title and commencement.

1. (1) This Act may be called the Orissa Labour Welfare Fund Act, 2005.

(2) It shall come into force on such date as the State Government may, by notification, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,-

(a) **“Board”** means the Orissa Labour Welfare Board established under Section 4;

(b) **“Employee”** means-

(i) any person who is employed for hire or reward to do any work, skilled or unskilled, manual, supervisory, clerical or technical, in an establishment for a period of thirty days during the period of twelve months, whether the terms of employment be expressed or implied, but does not include any person-

(a) who is employed mainly in a managerial capacity ; or

(b) who, being employed in a supervisory capacity, 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 : or

(c) who is employed as an apprentice or on part-time basis.

Explanation- An apprentice means a person who according to the certified Standing Orders applicable to the establishment is an apprentice or who is declared to be an apprentice by the authority specified in this behalf by the Government , and

(ii) any other person employed in any establishment whom the Government may notification , declare to be an employee for the purposes of this Act :

(c) **“employer”** means any person who employees either directly or through another person either on behalf of himself or any other person, one or more employees in an establishment and includes-

(i) in a factory, any person named under clause (f) of sub-section (1) of Section 7 of the Factories Act, 1948 as the manager;

(ii) in any establishment ,any person responsible to the owner for the supervision and control of the employees or for the payment of wages;

(d) **“establishment”** means-

(i) a factory as defined in clause (m) of section 2 of the 63 of 1948. Factories Act, 1948;

(ii) a motor transport undertaking as defined in clause (g) of section 2 of the Motor Transport Workers Act, 1961; 27 of 1961

(iii) any other establishment as defined in clause (8) of section 2 of the Orissa Shops and Commercial Establishment Act, 1956 and includes a society registered under any law in force in the State relating to registration of Societies, and a charitable or other trust, whether registered or not, which carries on any business or trade or any work in connection with or ancillary thereto and which employs, or on any working day during the preceding twelve months employed, twenty or more persons, but does not include an establishment, not being a factory, belonging to or under the control of the Central or any State Government; Orissa Act 30 of 1956.

(e) **“fund”** means the Orissa Labour Welfare Fund constituted under section 3:

(f) **“Government”** means the Government of Orissa :

(g) **“Inspector”** means an Inspector appointed under section 18:

- (h) **“Prescribed”** means prescribed by rules:
- (i) **“rules”** means the rules made under this Act :
- (j) **“unpaid accumulations”** means all payments due to an employee but not paid to him within a period of five years from the date on which they become due, whether before or after the commencement of this Act, including the wages and gratuity legally payable, but not including the amount of contribution, if any paid by an employer to a provident fund established under the Employees:” Provident Funds and Miscellaneous Provisions Act, 1952 and the contribution payable under the Employees State insurance Act, 1948 : 19 of 1952
34 of 1948.
- (k) **“Wages”** means all remuneration capable of being expressed in terms of money which would, if the terms of the contract of employment express or implied were fulfilled the payable to an employee in respect of his employment and work done on such employment and includes bonus payable under the Payment of Bonus Act,1965 but does not include- 21 of 1965.
- (i) the value of any house accommodation supply of light, water, medical attendance or any other amenity or any service excluded from the computation of wages by general or special order of the Government:
 - (ii) any contribution paid by the employer to any pension fund or provident fund or under any scheme of social insurance;
 - (iii) any traveling allowance or the value of any traveling concession:
 - (iv) any sum paid to the employee to defray special expenses entailed on him by the nature of his employment :
 - (v) any gratuity payable on termination of employment ;
- (l) **“Welfare Commissioner”** mean the Welfare Commissioner appointed under Section 17.

Constitution
of Fund

3. (1) The Government shall constitute a fund to be called the Orissa Labour Welfare Fund and, notwithstanding anything contained in any other law for the time being in force or in any contract or instrument, all unpaid accumulations shall be paid, at such intervals as may be prescribed, to the Board, and be credited to the fund and the board shall keep a separate account therefore until claims thereto have been decided in the manner provided in Section 8.

(2) There shall also be credited to the Fund-

- (a) unpaid accumulations paid to the Board under section 8 ;
- (b) all fines including the amount realized under Standing Order issued under the Orissa industrial Employment (Standing Order) Rules, 1946 from

the employees by the employers, notwithstanding anything contained in any agreement between the employer and the employee ;

(c) Deduction made under the proviso to sub-section (2) of section 9 of the payment of wages Act, 1936; 4 of 1936.

(d) contribution by employers and employees;

(e) any interest by way of penalty paid under section 9;

(f) any voluntary donations;

(g) any amount raised by the Board from other sources to augment the resources of the Board;

(h) any fund transferred under sub-section (6) of section 12 ;

(i) any sum borrowed under Section 13;

(j) grants, subsidies or advances made by the Government;

(k) any money deposited under sub-section (1) of section 8 of the Workmen's Compensation Act, 1923 as compensation in respect of a deceased workmen where the Commissioner for Workmen's Compensation is satisfied after necessary enquiry that no dependant exists, subject however, to the deductions permissible under the said sub-section, as also any amount remaining undisbursed out of such deposits. 8 of 1923.

(3) The sums specified in sub-section(2) shall be paid to, or collected by such agencies, at such intervals, and in such manner, and the accounts of the fund shall be maintained and audited in such manner, as may be prescribed.

Establishment and functions of Board

4. (1) The Government shall, by notification, establish a Board for the whole of the State of Orissa to be called the Orissa Labour Welfare Board for the purpose of administering the Fund and to carry on such other functions as are assigned to the Board by or under this Act.

(2) The Board shall be body corporate by the name of the Orissa Labour Welfare Board having perpetual succession and a common seal with power to acquire hold dispose of property both movable and immovable and shall by the said name, sue and be sued.

(3) The Board shall consist of the Following members, namely:-

(i) Minister, Labour & Employment who shall be the Chairman:

(ii) Secretary to Government, Finance Department, *ex officio*;

(iii) Secretary to Government, Finance Department, *ex officio*;

- (iv) Secretary to Government, Industries Department , *ex officio*;
- (v) Secretary to Government, Welfare Department, *ex officio*;
- (vi) Secretary to Government, Women & Child Development Department, *ex officio*;
- (vii) Secretary to Government, Panchayati Raj Department, Higher Education Department, *ex officio*;
- (viii) Secretary to Government, Higher Education Department, *ex officio*;
- (ix) Special Secretary or, in absence, Additional Secretary to Government, Planning & Co-ordination Department, *ex officio*;
- (x) Labour Commissioner, Orissa who shall be the Member-Secretary;
- (xi) Director of Employment, Orissa, *ex officio*;
- (xii) Director, Employees' State Insurance Scheme, Orissa *ex officio*;
- (xiii) Representatives of employers and employees in equal proportion, to be nominated by Government;
- (xiv) a woman member, to be nominated by Government.

(4) The members constituting the Board shall be notified in the Gazette.

(5) The term of office of the members, except the Chairman and *ex officio* members of the Board shall be three years commencing on the date on which their names are notified under sub-section (4).

(6) The allowances, if any, payable to the members of the Board other than the *ex officio* members and the number and conditions of nomination of the representatives of the employers and employees shall be such as may be prescribed.

Disqualifications and removal.

5. (1) No person shall be nominated as, or continue to be, a member under clauses (xii) and (xiv) of sub-section (3) of section 4 of the Board who-

- (a) is a salaried official of the Board : or
- (b) is, or at any time has been, adjudged insolvent or has suspended payment of his debts or has compounded with his creditors ; or
- (c) is found to be of unsound mind ; or
- (d) is or has been, convicted of any offence involving moral turpitude, unless such conviction has been set aside ; or

(e) is in arrears or any sum due to the Board.

(2) The Government may remove from office any nominated member who-

(a) is, or has become, subject to any of the disqualifications mentioned in sub-section (1) ; or

(b) is absent without leave of the Board for more than three consecutive meetings of the Board ;

Resignation
of office by
members
and filling
up of
casual
vacancies.

6. (1) A nominated member may resign his office by giving notice thereof in writing to the Government and on the resignation being accepted, he shall be deemed to have vacated his office as such.

(2) A casual vacancy in the office of a nominated member shall be filled by nomination of another person from the concerned category and a member so nominated shall hold office for the unexpired portion of the term of the office of his predecessor.

(3) No act or proceedings of the Board shall be invalid on the ground merely of the existence of any vacancy in or any defect in the constitution of the Board.

Power to
appoint
Committees

7. For the purpose of advising the Board in the discharge of its functions and in particular for carrying into effect any of the matters specified in sub-section (3) of Section 12, the Board may constitute one or more Committees consisting of at least one member of the Board and equal number of representative of employees and employers.

Unpaid
accumulations
transferred
to the fund
and claims
thereto.

8. (1) All unpaid accumulations shall, subject to other provisions of this section be deemed to be abandoned property and be transferred to the control and administration of the Board and shall vest in the Board.

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

(3) As soon as possible, after the transfer of any unpaid accumulations to the Board, the Board shall publish a notice, containing such particulars as may be prescribed.

(4) Such notice shall be published ordinarily in the months of June and December of every year for a period of three years from the date of the transfer of the unpaid accumulations to the Board, in the following manner –

(a) by exhibiting on the notice board of the establishment in which the unpaid accumulations were earned ;

(b) by Publishing in the Gazette : and

(c) by publishing in any two newspapers having wide circulation and in the language commonly understood, in the area in which the establishment in which the unpaid accumulations, were earned, is situated, or in such other manner as may be prescribed, regard being had to the amount of the claim, and shall invite claims by employees for any payment due to them.

(5) Where any question arises whether the notice referred to in sub-section (3) was given publicity as required by sub-section (4). A certificate to that effect given by the Board shall be conclusive proof of such publication.

(6) Where a claim is received whether in pursuance of the notice aforesaid or otherwise, within a period of five years from the date of first publication of the notice in respect of such claim, the Board shall transfer such claim to the authority appointed under Section 15 of the payment of wages Act, 1936 having jurisdiction in the area in which the establishment is situated, and the said authority shall processed to adjudicate upon, and decide, such claim, and in hearing such claim, the said authority shall have the same powers conferred by, and follow he same procedure, in so far as it is applicable, laid down by or under the provisions of that Act.

4 of 1936

(7) If the said authority, after making the enquiry into the validity of any claim, is satisfied that any such claim is valid and the employee is entitled to receive payment, it shall pass an order directing that the unpaid accumulation or any part thereof in relation to which the claim is made shall cease to be deemed to be abandoned property and to be transferred to the Board and that the Board shall pay the whole or such part of the accumulation as the authority decides to be the property due to the employee, and the Board shall make the payment accordingly:

Provided that the Board shall not be liable to pay any sum in excess of that transferred under sub-section (1) of Section 3 to the Board as unpaid accumulation in respect of the claim.

(8) Where a claim for payment is refused by the said authority, the employee shall have a right of appeal to the Court of the District Judge which shall lie within ninety days from the date of communication of the order of refusal of the said authority, and the Board shall comply with any order made by the Court in such appeal.

(9) The decision of the said authority if no appeal is filled, and the decision of the Court in appeal, where appeal, has been filled, shall be final and conclusive as to the right to receive payment, as to the liability of the Board to pay and also as to the amount, if any, so payable.

(10) Where no claim is made within the time specified in sub-section (6) or a claim made has been refused as aforesaid by the said authority and no appeal has been filled within the time allowed for such appeal or an appeal filled has been dismissed by the Court, as the case may be, then the unpaid accumulations in respect of such claim shall accrue to, and vest in, the State as bona vacantia, and shall thereafter, without further enquiry and declaration, be deemed to be transferred to, and from part of the Fund.

Interest on
unpaid
accumulations
of lines after
notice of
demand.

9. (1) If an employer does not pay to the Board any amount of unpaid accumulations, fines realized from the employees, within the time specified therefore by or under this Act,

the Welfare Commissioner may serve or cause to be served a notice on such employer to pay the amount within the period 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 any such amount within the period specified in the notice, he shall, in addition to the amount, pay by way of penalty to the Board simple interest-

(a) for the first three month, at one per centum of the said amount for each complete month or part thereof after the last date by which he should have paid it according to the notice , and

(b) for each complete month or part thereof thereafter, at one and half percentum of that amount during the time he continues to make default in the payment of that amount.

Contribution to the Fund by employee and employer.

10. (1) Every employee shall contribute such sum, exceeding ten rupees, for every year and every employer shall, in respect of each employee. Contribute such sum, exceeding twenty rupees, for every year to the Fund, as may be prescribed.

(2) Notwithstanding anything contained in any other law for the time being in force, the employer shall be entitled to recover from the employee. The employee's contribution by deduction from his wages in such manner as may be prescribed and such deduction shall be deemed to be a deduction authorized by or under the payment of Wages Act, 1936.

4 of 1936.

(3) Notwithstanding anything contained in any other law for the time being in force, any sum payable by the employer as its contribution including the sum recovered by the employer from the employees under sub-section (2) shall, in case the sum is not deposited into the fund within a reasonable period of time as may be prescribed be recoverable from the employer as if it is a claim under Section 15 of the Payment of Wages Act, 1936.

4 of 1936.

Grants and advances by the Government.

11. The Government may, from time to time, make grants or advance loans to the Board to the extent of the Fund available for the purposes of this Act on such terms and conditions as the Government may, in each case, determine.

Vesting and application of Fund.

12. (1) The fund shall vest in, and be held and applied by, the Board as trustees subject to the provisions and for the purposes of this Act.

(2) The moneys in the Fund shall be utilized by the Board to defray the cost of carrying out measures which may be specified by the Government from time to time for promoting the welfare of labour and of their dependants.

(3) Without prejudice to the generally of the provisions in sub-section (2) the money in the Fund may be utilized by the Board to defray expenditure on the following :-

(a) Labour Welfare Centre under the control of the labour & Employment Department of the Government ;

- (b) Reading rooms and libraries ;
- (c) Games and sports :
- (d) Community necessities ;
- (e) Excursion, tours and holiday homes ;
- (f) Entertainment and other forms or recreation ;
- (g) Home industries and subsidiary occupations for women and unemployed persons ;
- (h) Corporate activities of social nature ;
- (i) Vocational training ;
- (j) Convalescent homes for tuberculosis patients ;
- (k) Pre-schools ;
- (l) Nutritious food to children of employees ;
- (m) Construction and maintenance of the labour welfare center buildings ;
- (n) Cost of administering this Act including the salaries and allowance of the staff appointed for the purposes of this Act ;
- (o) Medical aid to employees for specialized treatment in deserving cases ;
and
- (p) Such other objects as would , in the opinion of the Government improve the standard of living and ameliorate the social conditions of labour ;

Provided that the Fund shall not be utilized in financing any measure which the employer is required under any law for the time being in force to carry out;

Provided further that unpaid accumulations and fines shall be paid to the Board and be expended by it, under this Act, notwithstanding anything in the payment of Wages Act, 1936 or any other law for the time being in force.

4 of 1936

(4) The Board may, with the approval of the Government make a grant out of the Fund to any employer, any local authority or any other body in aid of any activity for the welfare of labour, approved by the Government.

(5) If any question arises whether any particular expenditure is or is not debatable to the Fund, the matter shall be referred to the Government, whose decision thereon shall be final.

(6) It shall be lawful for the Board to continue any activity financed from the labour welfare fund of any establishment, if the said fund is duly transferred to the Board.

Power of Board to borrow.

13. Subject to the other provisions of this Act, the Board may, from time to time with the previous sanction of the Government and subject to such conditions as may be specified by the Government in this behalf, borrow any sum required for the purposes of this Act.

Deposits of Fund and placing of accounts and audit report before Government.

14. (1) All moneys and receipts forming part of the Fund shall be deposited in the Reserve Bank of India constituted under the Reserve Bank of India Act, 1934 or in the State Bank of India constituted under the State Bank of India Act, 1955 or any corresponding new Bank as defined in the Banking companies (Acquisition and Transfer of Undertakings) Act, 1970, or any other scheduled Bank or the State Co-operation Bank or such other Co-operative Bank as the Government may, by notification, specify, and the Bank account shall be operated upon by such officers of the Board as may be authorised.

2 of 1934
23 of 1955
5 of 1970

(2) The accounts of the Board as certified by the auditor, together with the audit report thereon shall be forwarded yearly to the Government and the Government may issue such instructions to the Board in respect thereof as they may deem fit and the Board shall comply with all such instructions. A copy of the accounts of the Board as certified by the Auditor, together with a copy of the audit report thereon, shall also be laid before the State Legislature.

Investment of Fund.

15. Where the Fund or any portion thereof can not be utilized within a period of ninety days for fulfilling the objects of this Act, the Board shall invest the same in any of the securities specified in clauses (a) to (d) of section 20 of the Indian Trusts Act, 1882 or in fixed deposited bonds of the State Co-operative Bank or such other Co-operative Bank as the Government may, by notification specify from time to time, or in such other security as may be expressly authorized by the Government in this behalf.

2 of 1882

Directions by Government to Board.

16. The Government may give to the Board such direction as in their opinion are necessary or expedient in connection with the expenditure from the Fund or for carrying out the purposes of this Act and the rules, and it shall be the duty of the Board to comply with all such directions.

Appointment and powers of Welfare Commissioner.

17. (1) The Board shall, with the previous approval of the Government appoint an officer of the Labour Department of the Government not below the rank of Joint Commissioner who shall be the Chief Executive Officer of the Board.

Provided that the first Welfare Commissioner shall be appointed by the Government as soon as may be practicable after the commencement of this Act, for such period not exceeding five years, and on such conditions, as the Government may think fit.

(2) It shall be the duty of the Welfare Commissioner to ensure that the provisions of this Act and the rules are duly carried out. And for this purpose, he shall have the power to issue such orders, not inconsistent with the provisions of this Act or the rules, as he deems fit. Including any order implementing the decisions of the Board taken under this Act.

Appointment of Inspectors.

18. (1) The Board, with the prior approval of Government may appoint inspectors to inspect records in connection with the sums payable into the Fund.

(2) Any inspector may-

(a) with such assistance as he thinks fit, enter at any reasonable time any premises for carrying out the provisions of this Act ;

(b) exercise such other powers as may be prescribed ;

(c) make such examination and hold such inquiry, as may be necessary for ascertaining whether the provisions of the Act have been and are being complied with ;

(d) require the production of any prescribed register and any other document in possession of the employer in connection with the sums payable to the Fund.

Appoint
ment of
officers
and staff
by the
Board.

19. The Board shall have power to appoint such officers and staff as it thinks fit to carry out its functions under this Act and to supervise and control the activities of any other body financed from the Fund;

Provided that the expenditure on account of the officers and staff so appointed and any other administrative expenses to be incurred by the Board shall not exceed fifteen per centum of the annual income of the Fund.

Deputatio
n of
certain
officers
and staff
to Board.

20. (1) As soon as may be after the commencement of this Act. The Government may after consulting the Board direct by general or special order published in the Gazette that such of the officers and employees serving immediately before the notified date in connection with the affairs of the State as are specified in the order shall be deputed to the Board on and with effect from such date and subject to such terms and conditions, if any as may be specified in the order.

Provided that no such order shall be issued in respect of any officer or employee without his consent for such deputation.

(2) The Officers and employees so deputed to the Board may permanently be absorbed in the services of the board provided they give consent to that effect in writing.

(3) On and with effect from the date the officers and other employees give consent as aforesaid shall become employees of the board and shall cease to be officers or employees of the Government;

Provided that the conditions of service as applicable to any such person immediately before the date specified in the order made under sub-section (1) shall not be varied to his disadvantage.

(4) The moneys standing to the credit under the provident Fund account of any officer or employee permanently absorbed in the Board shall stand transferred to and vest in the Board.

(5) The Board shall as soon as may be , constitute, in respect of the moneys transferred to and vested in it under sub-section (4) a similar fund and may invest the accumulations under the fund in such securities and subject to such conditions as may be specified by the Board with the approval of the Government.

Powers of Government of authorised officer to call for records.

21. The Government or any officer authorized by them in this behalf, may call for and examine the records of the Board for the purpose of supervising the working of the Board any may pass such orders as they or, as the case may be he may think fit.

Mode of recovery of sums payable to Fund.

22. Any sum Payable into the Fund under this Act shall without prejudice to any other mode of recovery be recoverable on behalf of the Board as an arrear of land revenue:

Provided that Government May confer power as it may feel expedient so to do on such officers as it deems fit to realize dues payable to the fund under the provision contained under section 15 of the Payment of Wages Act, 1936 to the extent the dues are recoverable from the employer.

4 of 1938.

Penalty for obstructing inspection or for failure to produce documents, etc.

23. Any person who willfully obstructs an Inspector in the exercise of his powers or discharge of his duties under this Act and the rules or falls to produce for inspection on demand by an inspector any register, record or other document maintained in pursuance of the provisions of this Act or the rules or to supply to him on demand true copies of any such document shall, on conviction, be punished,-

- (a) for the first offence, with imprisonment for a term which may extend to three months or with the fine which may extend to five hundred rupees or with both; and
- (b) 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

Provided that in the absence of special and adequate reasons to the contrary to be mentioned in the judgment of the Court in any case where the offenders is sentenced to fine only, the amount of shall not be less than fifty rupees.

Cognizance of offence

24. (1) No Court shall take cognizance of any offence punishable under this Act except on a complaint by, or with the previous sanction in writing of the Welfare Commissioner.

(2) No Court interior to that of a Magistrate of First Class shall try any offence punishable by or under this Act.

Offences by Companies.

25. (1) If the person committing an offence under this Act is a company, every person who, at the time the offence was committed, was in charge of and was responsible to, the company for the conduct of the business of the company as well as the company shall be deemed to be guilty of the offence, and shall be liable to be proceeded against and punished accordingly:-

Provided that nothing contained in this sub-section shall render such person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge, or that he exercised all due diligence to prevent the commission of the offence.

(2) Notwithstanding anything in sub-section (1) where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation- For the purposes of this section,-

- (a) ‘**company**’ means a body corporate and includes a firm or other association of individuals; and
- (b) ‘**director**’ in relation to a firm, means a partner in the firm.

Limitation of prosecution.

26. No court shall take cognizance of an offence punishable by or under this Act, unless a complaint thereof is made within six months of the date on which the offence is alleged to have been committed.

Power to supervise the welfare activities of an establishment.

27. In regard to any money set apart in any establishment specifically for the purpose of promoting the welfare of the employees in such establishment, the Board shall have power-

- (i) to require the production of any document in possession of the employer of the establishment in connection with such money to satisfy itself as to whether such money is being applied for such purposes;
- (ii) to call for any such information from the employer of the establishment as it may deem relevant; and
- (iii) to issue such directions to the employer of the establishment as it may deem fit for the purpose of utilizing the Fund for promoting the welfare of the employees in the establishments.

Penalty for non-compliance with the direction of Board.

28. Any person who willfully falls to produce any document required by the Board or to furnish any information called for by Board or to comply with any direction issued by the Board under Section 27 shall, on conviction, be punished with-

- (i) 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
- (ii) for a second or subsequent offence, with imprisonment for a term which may extend to six months, or with fine which may extend one thousand , or with both; and

Provided that in the absence of special and adequate reason to the contrary, to be mentioned in the judgment of the Court, in any case where the offender is sentenced to fine only, the amount of fine shall not be less than fifty rupees.

Annual report.

29. The Board shall, as soon as may be after the end of each year, prepare and submit to the Government before such date and in such form as may be prescribed, a report giving an account of its activities during the previous year and the report shall also give an account of the activities, if any, which are likely to be undertaken by the Board in the next year. A copy of such report shall be laid before the State Legislature.

Earlier reconstitution of Board in certain cases.

30. If the Government are of opinion that the Board is unable to perform or has persistently made default in the performance of the duty imposed on it by or under this Act or has exceeded or abused its powers, they may, by notification, reconstitute the Board at any time notwithstanding anything in sub-section (5) of section 4.

Delegation of powers.

31. (1) The Board may, by general special order in writing, delegate to the Welfare Commissioner or any other officer of the Board such of its powers and functions under this Act, except the power to make regulations under section 36, as it may deem necessary, and it may in like manner withdraw such delegation.

(2) The exercise of any power delegated under sub-section (1) shall be subject to such restrictions and conditions as may be specified in the order and also subject to the control and revision by the Government or by such officers as may be empowered by the Government in this behalf or, as the case may be, by the Board or such officer as may be empowered by the Board in this behalf.

(3) The Government or the Board, as the case may be, shall also have the power to control and revise the acts and proceedings of any officer so empowered.

Officers and employees of Board to be public servants.

32. All officers and employees of the Board shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code, 1860.

Protection of action taken in good faith

33. (1) No suit, prosecution or other legal proceedings shall lie against any person for anything which is in good faith, done or intended to be done in pursuance of this Act or any rules or order made thereunder.

(2) No suit or other legal proceedings shall be against the Government or the Board for any damage caused or likely to be caused by anything which is, in good faith, done or intended to be done in pursuance of this Act or any rules or order made thereunder.

Powers of the Government to make rules.

34. (1) The Government may, by notification, make rules to carry out all or any of the purposes of this Act.

(2) In particular and without prejudice to the generally of the foregoing power, such rules may provide for all or any of the following matters, namely:-

- (a) the agency for and the manner of collection of sums referred to in sub-section (3), of Section 3, and the period within which the same shall be paid to the credit of the Fund;
- (b) the manner in which the accounts of the Fund shall be maintained and audited under sub-section (3) of Section 3;
- (c) the procedure for making grants out of the Fund;
- (d) the procedure for defraying the expenditure incurred in administering the Fund;
- (e) the number of representatives of the employers and employees on the Board;
- (f) the allowances, if any, payable to them under Section 4;
- (g) the procedure to be followed at the meetings of the Board and the manner in which the Board shall conduct its business;
- (h) the particulars in the notice regarding unpaid accumulations;
- (i) the duties and powers of the Welfare Commissioner and the Inspectors and the conditions of service of the Welfare Commissioner and the Inspectors and other staff appointed by the Board under this Act;
- (j) the registers and records to be maintained by the Board or its officers and staff under this Act including the register to be kept separately for the account of unpaid accumulations;
- (k) the publication of the report of the activities of bodies financed from the Fund together with a statement of receipts and expenditure of the Fund and statement of accounts;
- (l) any other matter which is required to be , or may be, prescribed.

Power of Board to make regulations.

35. (1) The Board may, by notifications, make regulations, not inconsistent with this Act and the rules, for the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such regulations may provide for:-

- (a) all matters expressly required or allowed by this Act or the rules, to be made by regulations;
- (b) the terms and the conditions of appointment and service and the scales of pay of officers and staff of the Board, including the payment of traveling and daily allowances in respect of journeys under taken by such officers and staff of the Board;

- (c) the supervision and control over the acts and proceedings of the officers and staff of the Board and the maintenance of discipline and conduct among the officers and staff of the Board;
- (d) the procedure in regard to the transaction of business at the meeting of the Board including the quorum;
- (e) the purpose for which and the manner in which temporary association of persons may be made;
- (f) the duties, the functions, the terms and conditions of service of the members of the Committee;
- (g) the manner and the form relating to the maintenance of the accounts of the Board;

(3) No regulation or its cancellation or modification shall have effect until the same has been approved by the Government.

(4) The Government may, by notification, rescind any regulation made under this section and, thereupon, the regulation shall cease to have effect.

The Odisha Gazette

EXTRAORDINARY
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LABOUR & ESI DEPARTMENT NOTIFICATION

The 27th January, 2016

S.R.O. No.73/2016— In exercise of the powers conferred by Section 34 of the Odisha Labour Welfare Fund Act, 2005, (Odisha Act 14 of 2005), the Governor of Odisha do hereby make the following rules namely:—

1. Short title and commencement :—

- (a) These rules may be called the Odisha Labour Welfare Fund Rules, 2015.
- (b) They shall come into force on the date of their publication in the *Odisha Gazette*.

2. Definition:—

- (1) In these rules, unless the context otherwise requires,—
- (a) “Act” means the Odisha Labour Welfare Fund Act, 2005 ;
 - (b) “Board” means the Odisha Labour Welfare Board established under section 4 of the Act ;
 - (c) “Form” means form appended to these rules ;
 - (d) “notification” means a notification published in the official Gazette ; and
 - (e) ‘Register of establishment’ means:-
 - (i) in relation to a factory, a register of adult workers or a register of child workers maintained under sections 62 and 73 respectively of the Factories Act, 1948 (LXIII of 1948);
 - (ii) in relation to a motor transport undertaking, a combined muster roll cum register of wages maintained under the Odisha Motor Transport Workers’ Rules, 1966, and
 - (iii) in relation to any other establishment, the combined muster roll cum register of wages maintained under the Odisha Shops and Commercial Establishments Rules, 1958 :

“Provided that where any establishment is not required to maintain such register, ‘register of establishment’ shall mean any other register in which names of the employees employed in the establishment every day or every month of the year are ordinarily shown.”

(2) The words and expressions used but not defined herein shall have the same meaning as respectively assigned to them in the Act.

3. Notice of Applicability, Change of Particulars or closure:—

(1) Every employer of an establishment shall give a notice of opening in Form A to the Welfare Commissioner or to such other officer as may be authorized in this behalf within,—

(a) sixty days of commencement of these rules, in respect of establishments existing as on the date of commencement of these rules; and

(b) thirty days of commencement of other establishments;

(2) Every employer shall within thirty days of any change taking place in regard to any information furnished in Form – ‘A’, serve a notice of such change to the Welfare Commissioner, in Form B:

Provided that in case a particular type of information changes frequently in any establishment, the notice of such change may, with the approval of the Welfare Commissioner, be served within fifteen days from the closing of each half year ending the 30th June and the 31st December.

(3) Where an employer intends to close down his business for good and sufficient reasons, he shall serve a notice of such intended closure in Form C on the Welfare Commissioner at least, sixty days before the date on which the intended closure is effective :

Provided that any such closure shall be in accordance with the provisions of law.

(4) All notices served under this rule shall be served either personally on a person specified for the purpose by the Welfare Commissioner with receipt therefor or by registered post with acknowledgement due.

4. Maintenance of Registers by employers:—

(1) Every employer of an establishment shall maintain and preserve for a period of five years—

(a) a register of wages in Form D except in cases where a combined muster roll cum register of wages is maintained under any other law for the time being in force, and

(b) a consolidated register of unclaimed wages and fines in Form E :

Provided that in respect of any case pending before any appellate authority under any Law is in force such record or register shall be preserved till the case is finally disposed of.

(2) The employer of an establishment shall by the 31st January of every year forward to the Welfare Commissioner a copy of the extract from the register in Form E pertaining to the previous year.

5. Payment of unpaid accumulations and fines realized from employees by the employer,—

(1) Within 15 (fifteen) days from the date of commencement of these rules, every employer shall pay to the Welfare Commissioner or to such employee or employees of the Board as may be authorized-

(a) all fines realized from the employees of his establishments before the date of commencement of the Act and remaining unutilized on that date; and

(b) all unpaid accumulations held by the employer on the date of enforcement of the Act.

(2) Subsequent to the first payment as required under sub-rule (1), every employer shall pay to the Welfare Commissioner or to such employee or employees of the Board as may be authorized all fines realized from the employees of his establishment and unpaid accumulations during the quarters ending the 31st March, the 30th June, the 30th September and the 31st December within fifteen days from the closing of each quarter.

(3) The payments under sub-rules (1) and (2) shall, in each case, be accompanied by a statement giving full particulars of the amounts paid.

6. Payment of employer's and employee's contributions —

(1) Every employee shall contribute twenty rupees per year to the Fund and every employer shall, in respect of each employee, contribute forty rupees per year to the Fund.

(2) Every employer of an establishment operating for any length of period during the twelve months preceding the 31st December of every year, shall pay to the Welfare Commissioner or such officer as may be authorized in this behalf, the employer's contribution and also the employee's contribution before the 15th day of January and the 15th day of July of every year in respect of all employees whose names stand on the register of establishment preceding the 31st December and the 30th June respectively, along with a statement showing full particulars in Form F.

7. Submission of statement to the Government,—

The Welfare Commissioner shall submit to the Government by 31st March of each year, a statement of employer's and employee's contributions received by him by 31st January of the year in Form G.

8. Notice to employers for payment of dues,—

(1) Where the employer does not pay the whole or any part of the amount, due from him in accordance with rules 5 and 6 within the stipulated time, the Welfare Commissioner may, after making such enquiries as he may deem fit and after calling for a report from the Inspector, if necessary, serve a notice on such employer to pay the amount due from him within fifteen days from the date of receipt of the notice and the employer shall comply with the same.

(2) The notice under sub-rule (1) shall be served on the employer either in person after taking receipt or by registered post with acknowledgements due :

Provided that if an employer refuses to receive such a notice, it shall be deemed to have been served properly for the purpose of this rule, if a copy thereof is pasted on the outer door or some other conspicuous part of the establishment or where such notice was sent by post, if it was returned by the Postal Authorities with such remarks as would indicate that it could not be served owing to refusal to accept or negligence on the part of the employer concerned.

9. Particulars to be incorporated in Board's notice about unpaid accumulation —

The notice required to be published under sub- section (3) of Section 8 of the Act 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 unpaid accumulation ; and
- (d) the list of employees and the amount of unpaid accumulation in respect of each of them paid to the Board.

10. Mode of payment of dues by the employers', —

(1) Any amount payable by an employer to the Welfare Commissioner may be paid either in cash or by Demand Draft or any other mode specified by the Welfare Commissioner from time to time. In case the amount payable is less than two hundred rupees and the establishment is situated at a distance of more than 15 (fifteen) k.ms from the office of the Welfare Commissioner the amount may be paid by Money Order.

(2) The Welfare Commissioner or such other officer as may be authorized by him in this behalf shall issue an appropriate receipt as a token of payment to each such employer –

(i) in case payment is made in the office of the Welfare Commissioner in cash or by Demand Draft, immediately, and

(ii) in case payment is made by Postal Money Order or by Demand Draft sent through postal service within fifteen days of the receipt of such money order or Demand Draft by post.

Provided that in case of payment by Money Order, the receipt issued by the post office shall be preserved by the employer as a token of payment till such time as the formal receipt from the Welfare Commissioner is received by him; and

(iii) in case of payment by Money Order, the postal commission shall be borne by the employer.

11. Committees of the Board:—

(1) The Board shall determine the term of office of the Committee or Committees constituted under-section 7 of the Act.

(2) The Committee shall meet at such time and at such place as the Chairman of the said Committee may decide and the Committee shall observe such rules of procedure in regard to the transaction of the business at its meeting as it may deem proper.

12. Procedure regarding Board meeting,—

(1) The Board shall meet as often as may be necessary but not less than once in every three months commencing from the first meeting convened.

(2) The Welfare Commissioner shall in consultation with the Chairman fix a date, time and place as well as agenda for, each meeting of the Board and give not less than seven days notice thereof to each member:

Provided that seven days notice shall not be necessary where in the opinion of the Chairman that the business to be transacted at the meeting is of a very urgent nature requiring immediate attention and the members are informed accordingly—

(3) The Chairman shall preside over all the meetings of the Board and no matter other than those included in the agenda shall be discussed at any meeting except with the permission of the Chairman:

Provided that if for any reason the Chairman is unable to attend a meeting, the Vice-Chairman and in the event both Chairman and Vice-Chairman are unable to attend the meeting, a member chosen from among the members present shall preside over and carry on the functions of the Chairman for that meeting.

(4) No business shall be transacted in any meeting of the Board unless there is quorum of not less than one third of the number of members of the Board:

Provided that if a meeting is adjourned by the Chairman for lack of quorum even after waiting for not less than thirty minutes from the appointed time, the Welfare Commissioner may, with concurrence of the Chairman, convene another meeting with the same agenda as fixed for the original meeting, at a date not earlier than seven days from the date of that meeting and give notice in this behalf to all members, and it shall thereupon be lawful to dispose of the business included in such agenda in the meeting irrespective of the number of members present.

(5) All matters at the meeting of the Board shall be decided by majority of votes of the members present and voting :

Provided that in case of equality of votes, the Chairman shall have a casting vote or a second vote—

(6) Votes on any issue shall be taken by show of hands at the meeting of the Board and the names of the persons voting in favour and against on any proposal be recorded only if any member requests the Chairman to do so.

13. Minutes of the meeting:—

(1) The Welfare Commissioner shall arrange for preparing the minutes of the proceedings of each meeting of the Board showing, *inter alia*, the names of the members present and shall forward a copy of such minutes to each member of the Board as soon after the meeting as possible.

(2) The minutes of the proceedings of each meeting shall be confirmed with such modification, if any, as may be decided upon at the next meeting of the Board and signed by the Chairman at that meeting by way of authentication.

(3) The minutes of the Proceedings of each meeting of the Board authenticated by the Chairman under sub-rule (2) shall be kept in a separate minutes book and the Welfare commissioner shall send a copy of such authenticated minutes of the proceedings of each meeting to the Government for information as early as possible.

- (4) The minutes book shall be kept in safe custody of the officer authorized by the Welfare Commissioner who shall be responsible for recording the minutes of the meetings.

14. Allowance of Members,—

- (1) Travelling allowance and daily-allowance of an official member shall be governed by the rules applicable for journey performed by him on official duties and shall be paid by the authority paying his salary.
- (2) Each non-official member of the Board shall be entitled to receive travelling and daily allowance for any journey performed by him in connection with the performance of his duties at the rate as decided by the Government from time-to-time.

15. Budget of the Board,—

The Welfare Commissioner shall cause the budget estimates of the fund for every financial year to be prepared and laid before the Board by 31st January of every year and the Board shall approve the budget before the 15th March of the year.

16. Additional Expenditure, —

If during the course of financial year it becomes necessary to incur expenditure over and above the provisions made in the budget, the Welfare Commissioner shall submit additional demands immediately to the Board for its approval.

17. Application for Grant from the Fund,—

- (1) The application for grant from the fund under sub-section (3) of Section 12 of the Act, shall be submitted to the Welfare Commissioner in triplicate with full details about the purposes for which such a grant is necessary.
- (2) Within thirty days of the receipt of an application under sub-section (3) of Section 12 of the Act, the Welfare Commission shall place it with his own views on the justifiability of the claim before the Board for consideration. The Board may call for such additional information from the applicant for consideration of the grant as it may deem necessary.
- (3) The Board may recommend with or without modification any application placed before it under sub-rule (2), and every such application recommended by the Board shall be sent to the Government for approval within fourteen days from the date of the decision of the Board.

18. Mode of payment from the Fund,—

Payment from the fund shall be made:—

- (1) Where the amount payable is less than one hundred rupees in cash;

- (2) Where the amount payable is one hundred rupees and more the payment shall be made either by cheque issued by Welfare Commissioner or such other officer as may be authorized in this behalf, or through direct credit to the specified bank account:

Provided that if the payee so desires, payment may be made in bank cheque or account transfer in respect of any amount not less than twenty rupees:

19. Maintenance and Audit of Accounts of the Fund: —

- (1) The Board shall maintain proper accounts and other relevant records and prepare annual statement of accounts including balance sheet.
- (2) The accounts of the Board shall be balanced on the 31st March of each year.
- (3) The Accounts of the fund shall be maintained by the Accounts officer of the Board and shall be audited by a Chartered Accountant's firm appointed by the Government.
- (4) The Government may, also at any time, order special audit of the accounts of the Board.

20. Appointment of officers and staff by the Board and their service conditions:—

- (1) With the previous approval of the State Government, the Board may create all posts and appoint such number of officers, executives, clerical and other staff as may be necessary for carrying out its functions under the Act. It shall also have disciplinary and administrative control over them.
- (2) The Board may make regulations specifying the terms and conditions of appointment, service and the scales of pay of officers and other staff of the Board including the payment of travelling and daily allowance in respect of journeys undertaken by the officers and other staff of the Board.
- (3) The total annual expenditure of the Board towards staff and other administrative expenses shall be subject to the provisions contained in Section 19 of the Act.

21. Duties and powers of Inspectors:—

- (1) An Inspector appointed under section 18 of the Act shall generally make such inspection as may appear to him necessary for satisfying himself that the provisions of the Act and rules and any orders issued by the Government under this Act are duly complied with.

(2) In addition to the powers conferred by clause (a) of sub-section (2) of Section 18 of the Act, an Inspector shall for the purpose of giving effect to the provisions of the Act, have power to:—

- (a) prosecute, conduct or defend before a Court any complaint or other proceedings arising under the Act;
- (b) require any employer to supply or send any return or true copy of any document or information relating to the provisions of the Act ;
- (c) make inspection in such manner as he deems fit to satisfy himself that :—
 - (i) the provisions of the Act and Rules regarding the payment of contribution and unpaid accumulations and fines are observed;
 - (ii) the registers are properly maintained ; and
 - (iii) the returns and registers under these rules are properly maintained and duly sent to the appropriate authority.
- (d) the defects or irregularities pointed out in the course of previous inspection have been removed and the orders issued have been complied with ; and
- (e) point out and either to record on the establishment register or inform the employer through a letter all such defects or irregularities as he may have observed in course of an inspection and to give orders for their rectification in the manner he deems fit and proper :

Provided that the employer concerned shall have the right to prefer an appeal to the Government or such other authority as may be specified by the State Government in this behalf against an order given by an Inspector under clause (e) within thirty days of the receipt of such an order, assigning specific reasons thereof.

22. Financial Transactions:—

- (1) The Board shall be free to undertake financial transactions within its budgetary limits for carrying out the purposes of the Act and for this purpose it may—
 - (a) dispose of by sale or exchange, any immovable property belonging to the Board or grant lease of any immovable property belonging to the Board of any term not exceeding twelve months;
 - (b) with the approval of the Government lease, sell or otherwise dispose of other movable or immovable property belonging to the Board:

Provided that no financial deal shall be transacted or executed without the prior approval of the Government if it involves anything of which the money value exceeds one lakh rupees.

- (2) The Board may enter into or execute all such contracts as it may consider necessary or expedient for bringing the provisions of the Act into effect:

Provided that prior approval of the Government shall be obtained in respect of any contract involving an expenditure exceeding one lakh rupees.

- (3) Every contract made under or for any purpose of the Act shall be made on behalf of the Board-

(a) by the Welfare Commissioner, or

(b) subject to such condition as the Board may specify by such member or Officer of the Board as it may authorize.

23. Publication of annual report of the Board:—

(1) The Board shall, within three months of the date of closing of each financial year, submit to the Government for approval an audited statement of receipts and expenditure together with an annual report giving the relevant details about its activities during the year.

[No. 581–LL-II-CHL-79/14 /LEIS.]

By order of the Governor

G. SRINIVAS

Principal Secretary to Government

FORM-A

[See sub-rule (1) of rule 3]

Notice of opening

From :

(here give name and designation of the signatory and name and address of the establishment concerned)

To

The Welfare Commissioner,
Odisha
(give here the address)

Take notice that the Odisha Labour Welfare Fund Act, 1996 and the rules framed there under are applicable to my establishment with effect from (date here)

Necessary particulars regarding my establishment are given in the statement below:-

Statement

1. Name or description of the establishment with full address:
2. Address in full for communication:
3. (a) Indicate whether it is a company or a Proprietary Undertaking:
(b) If it is a company indicate it's registration and name of the Chief Executive of the company and his address:
(c) If it is a proprietary concern indicate the name and address of the proprietor or proprietors:
4. Number of employees:
5. Whether it is a factory or a motor transport undertaking or a commercial establishment or any other establishment specified by the State Government through notification:
6. Articles produced or dealt with or services rendered:
7. Date of opening:

I declare that the particulars mentioned in the preceding statement are true and correct to the best of knowledge and belief.

Place:

Signature of the Employer with

Date:

name and designation or rubber stamp

FORM – B

[See sub-rule (2) of rule 3]

Notice of Change

From:

(Give here the name and designation of the signatory and name, address of the establishment concerned)

To

The Welfare Commissioner, Odisha.

.....

(give here the address)

Take notice 'that following changes have occurred in the particulars furnished in relation to my' establishment in the notice in Form A, dt. with effect from (mention date here)

Changes effected

(Here specify the details of the changes)

Place:

Date:

**Signature of the employer
with name and designation or rubber
stamp**

FORM-C

[See sub-rule (3) of rule 3]

Notice of Closure

From :

(Here give the full name of the person(s) signing the notice with description of the position he holds, the name of the establishment and full postal address thereof.)

To

The Welfare Commissioner, Odisha.

.....

(Address here)

As required under sub-rule(3) of rule 3 of the Odisha Labour Welfare Fund Rules, 2015, I/We hereby give notice on behalf of the before-mentioned establishment that a final decision has been taken to close the establishment for good with effect from (here insert the date).

The reasons for such closure and other necessary information are furnished in the statement below.

Statement

1. If it is a proprietary or partnership undertaking and if so, the name and full-residential address of owner/partners of the concern.
2. If it is a company under Company's Act and if so, indicate the name of the Chief Executive of the company and his address.
3. Address for communication :
4. Number of employees on the date of notice.....
5. Whether employer's and the employees' contributions for the preceding year ending 31st December, have been paid.
6. Whether the employer's as well as employees' contributions for the period during which the closure takes effect have been paid. If not, when will it be Paid.
7. Reasons for closure.

I hereby, declare that the particulars mentioned in the before mentioned statement are true and correct to the best of my/our knowledge and belief.

Place :

Date:

**Signature with official seal or description
of the post or position held**

FORM-D

[See sub-rule (1)) of rule 4]

Register of Wages

For the month of.....20.....

| Sl. No. | Name of the employee | Ticket/ Badge No. | Occupation | Amount payable during the month | | | | |
|---------|----------------------|-------------------|------------|---------------------------------|-----------|--|-------|-------|
| | | | | Basic wages | Over time | Dearness allowance & other allowances. | Bonus | Total |
| (1) | (2) | (3) | (4) | (5) | (6) | (7) | (8) | (9) |
| | | | | | | | | |

| Amount deducted during the month | | | Amount actually paid during the month | | | | |
|----------------------------------|------------------|-------|---------------------------------------|-----------|--|-------|-------|
| Fines | Other deductions | Total | Basic wages | Over time | Dearness allowance & other allowances. | Bonus | Total |
| (10) | (11) | (12) | (13) | (14) | (15) | (16) | (17) |
| | | | | | | | |

| Balance due to the employee | | | | |
|-----------------------------|-----------|---------------------------------------|-------|-------|
| Basic wages | Over time | Dearness allowance & other allowances | Bonus | Total |
| (18) | (19) | (20) | (21) | (22) |
| | | | | |

Signature of Employer or Officer making payment

FORM-E

[See sub-rule (2) of rule 4]

Register of Fines and unpaid Accumulations for the year

Name of the establishment

| Sl. No. | Details of fine and unpaid accumulations | Quarter ending the 31st March | Quarter ending the 30th June | Quarter ending the 30th Sept. | Quarter ending the 31st Dec. |
|---------|--|-------------------------------|------------------------------|-------------------------------|------------------------------|
| (1) | (2) | (3) | (4) | (5) | (6) |

1. Total realisations under fines
2. Total amount bearing "unpaid Accumulations" of-
 - (i) Basic wages
 - (ii) Overtime
 - (iii) Dearness Allowance.....
 - (iv) Other Allowances
 - (v) Gratuity, and
 - (vi) Any other item
3. Total of 1 and 2 :-

(See definitions of "unpaid Accumulation" under clause (j) of Section 2 of the Act.)

Signature of Employer or Officer making payment

FORM-F

(See rule 6)

Statement regarding contribution

From

(Here give the full name of the person signing the statements with description of the position he holds).

To

The Welfare Commissioner, Odisha.

.....

(Address here)

As required under rule 6 of Odisha Welfare Fund Rules, 2015. I am furnishing below the necessary particulars in relation to the amount of Rs. (Rupees) tendered herewith as the total amount payable by my establishment both as employees' as well as employer's contribution for the half year ending the 30th June / the 31st December..... (mention the year here).

A separate list containing the names of employees engaged for the period, amount of monthly wages drawn, by each of them as also designation of each of them is attached herewith.

Particulars

1. Name of the establishment with full address :
2. Whether a factory or motor transport undertaking or commercial establishment/or any other class of establishment specified by a Government notification:
3. Total number of employees' employed on preceding the 31st December; or the 30th June(as the case may be)
4. Total number of employees' from whom contributions have been deducted for the period:
5. Total amount of employees' contribution tendered for the period:.....
6. Total amount of employer's contribution tendered for the period:
7. Grand total of both the employees' as well as the employer's contributions deducted and tendered respectively for the period:
8. Whether full payment of the amount due to the period has been tendered :

9. Amount of unpaid balance; if any, and the reasons there for.
10. Mode of payment whether in cash or by Bank Demand Draft or Money Order ? If by Money Order, mention postal receipt number and date thereof. If by Demand Draft, mention name, Branch and address of the Bank on which drawn, D.D. number and date:
11. Remarks, if any:

I hereby declare that the before mentioned particulars are true and correct, to the best of my knowledge and belief.

Place:

Date:

**Signature with designation or
description of the post held with official
seal.**

FORM-G

(See rule - 7)

**Statement of employer's and employees'
contributions received by the Welfare Commissioner**

From

The Welfare Commissioner, Odisha.

.....

(Address here)

To

The Secretary to Government,
Labour & ESI Department, Odisha,
Bhubaneswar.

Sir,

Necessary particulars about the employer's and employee's contributions received from different establishments numbering for the period ending the 30th June....., and the 31st December, are furnished below as required under rule 7 of the Odisha Labour Welfare Fund Rules, 2015.

Particulars

| Sl. No. | Name and full address of each establishment | Class of establishments, i.e., whether factory / motor transport undertaking / commercial establishment or other class of establishment specified by Government notification | No. of employees in respect of whom contribution is payable by the employer | Amount payable as employer's contribution | Amount paid as employer's contribution |
|---------|---|--|---|---|--|
| (1) | (2) | (3) | (4) | (5) | (6) |