

THE WEST BENGAL LABOUR WELFARE FUND RULES, 1976

1. Short title, extent and commencement.—(1) These rules may called the West Bengal Labour Welfare Fund Rules, 1976.

(2) They extend to the whole of West Bengal.

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

2. Definitions.—(1) In these rules, unless there is anything repugnant in the subject or context—

- (a) "Act" means the West Bengal Labour Welfare Fund Act, 1974 (West Bengal Act XXXVIII of 1974);
- (b) "form" means a form appended to these rules ;
- (c) "notification" means a notification published in the Official Gazette ;
- (d) "register of establishment" means—
 - (i) in relation to a factory, a register of adult workers or a register of child workers maintained under section 62 or section 73 respectively, of the Factories Act, 1948 (63 of 1948),
 - (ii) in relation to a motor transport undertaking, a register of workers maintained under rule 26 of the West Bengal Motor Transport Workers Rules, 1963,
 - (iii) in relation to a commercial establishment, a register of employees maintained under rule 52 of the West Bengal Shops and Establishments Rules, 1964,
 - (iv) in relation to a tramway undertaking or any other class of establishment, the register or muster roll or employees maintained by such undertaking :

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

(e) "section" means a section of the Act.

(2) All words and expressions used in these rules, unless otherwise defined, shall have the same meaning as in the Act.

3. Notice of applicability, change of particulars or closure.— (1) Within thirty days of these rules becoming applicable to a factory, tramway, motor

transport undertaking, commercial establishment or any other class of establishment, as the case may be, a notice in Form A shall be served by the employer concerned on the Welfare Commissioner :

Provided that in the case of factory, tramway, motor transport undertaking or commercial establishment already in existence to which these rules are applicable with effect from the coming into force of these rules, such notice shall be served on the Welfare Commissioner within such longer period as may be specified by the State Government by a notification in this behalf.

(2) Within thirty days of any change taken place in regard to any information furnished in Form A, the employer concerned shall 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 change in respect thereto may, with the approval of the Welfare Commissioner, be served within fifteen days from the closing of each half year ending 30th June and 31st December.

(3) Where an employee intends to close down his business for good, he shall serve a notice of such intended closure in Form C on the Welfare Commissioner at least sixty days before the date of the intended closure.

(4) All notices to be 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 acknowledgment due.

4. Payment of unpaid accumulations and fines realised from employees.—

(1) Within fifteen days from the date of enforcement of the Act in any area, every employer in such area shall pay to the Welfare Commissioner or to such employee or employees of the Board as may be specified by him in this behalf,—

- (a) all fines realised from the employees of his establishment before the date of enforcement of the Act and remaining unutilised 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 all fines realised from the employees of his establishment and unpaid accumulations during the quarters ending 31st March, 30th June, 30th September and 31st December within fifteen days from the closing 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.

5. Payment of employer's and the employee's contributions.— The employer of every establishment operating for any length of period during the six months next preceding the 30th June and the 31st December every year shall pay to the Welfare Commissioner or to such employer employees of the Board as may be specified by him in this behalf the employer's contribution and the employee's contribution before the 15th day of January and the 15th day of July every year in respect of all his employees whose names stand on the register of establishment on the preceding 31st December and 30th June respectively along with a statement giving full particulars in Form D.

6. Statement for obtaining State Government's contribution.—The Statement to be submitted to the State Government by the Welfare Commissioner under sub-section (7) of Section 9 shall be in Form E.

7. Realisation of fines imposed on employers by courts.—(1) Within fifteen days from the closing of each quarter ending 31st March, 30th June, 30th September and 31st December the Chief Officers or authorities concerned with the administration of the labour laws mentioned in items (i) to (vi) of clause (c) of sub-section (2) of Section 3 of the Act shall send a statement in Form F giving particulars about fines imposed under such laws to the Welfare Commissioner.

(2) Within thirty days from the date of receipt of the statement in Form F under sub-rule (1) the Welfare Commissioner shall take necessary steps for crediting the amount of fines realised by the court concerning the Welfare Fund.

8. Notice to employers for payment of dues.—(1) If any employer not pay in time the whole or any part of the amount due from him in accordance with Rule 4 or 5, the Welfare Commissioner may, after making such enquires 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.

(2) The notice under sub-rule (1) shall be served on the employer either by personal service after taking receipt or by registered post with acknowledgment due.

Provided that in case any employer refuses to receive such a notice it shall be deemed to have been served properly for the purposes of this rule if a copy thereof is posted on any suitable place at or near about the main entrance of the establishment or, in case 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 exhibited by the Board, under sub-section (2) of Section 8 shall contain the following particulars, namely—

- (1) name and address of the establishment in which the unpaid accumulation was earned;
- (2) wage period during which the unpaid accumulation was earned ;
- (3) amount of the unpaid accumulation ;
- (4) list of employees and the amount of unpaid accumulation in respect of each of them paid to the Board.

10. Special manner of notice in certain cases of unpaid 'accumulation.—If in any case the total amount of unpaid accumulation paid by an employer to the Board does not exceed one thousand rupees, the Board may, if it thinks fit so to do, decide not to publish the notice under sub-section (2) of section 8 in any newspaper, and invite claims from employees for any payment due to them in such other manner as it may consider appropriate.

11. Remission of penalty.—(1) Applications for remission of penalty shall be made to the Welfare Commissioner within thirty days from the date of payment of penalty and such application shall clearly specify the grounds on which the remission is claimed.

(2) Where the Welfare Commissioner is satisfied that the penalty imposed is likely to cause undue hardship to the employer concerned or that the employer has suffered financially on account of riots, war or through natural calamities or that the delay caused in the payment of unpaid accumulations or fines was due to circumstances beyond his control, he may, by order in writing and specifying the exact reasons therefor, remit in part or whole the penalty payable under sub-section (2) of Section 10.

Provided that no remission shall be made without prior sanction of the Board if the amount of penalty to be remitted exceeds five hundred rupees.

12. Mode of payment of dues by employers.—(1) Any amount payable by an employee to the Welfare Commissioner may be paid either in cash or by bank cheque or in case the amount payable is less than two hundred rupees and the establishment is situated at a distance of more than fifteen miles from the office of the Welfare Commissioner, by money order.

(2) The Welfare Commissioner or such employee or employees as may be specified by him in this behalf shall issue and appropriate receipt as a token of payment to each such employer.

- (i) in case payment is made in the office of Welfare Commissioner in cash or by bank cheque immediately ; and

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- (ii) in case payment is made by postal money order or by cheque sent through postal service, by post within fifteen days of the receipt of such money order or cheque by post:

Provided that the receipt issued against payment by cheque shall be valid subject to realisation of the amount from the relevant bank and in case a cheque is dishonoured by the bank concerned, the employer concerned shall be deemed to be a defaulter.

Provided further that in case of payment by postal money order the receipt issued by the post office shall be preserved by the employer concerned as a token for payment till such time as the formal receipt from the Welfare Commissioner is received by him.

(3) In case of payment by money order, the postal commission shall be borne by the employer, and in case of payment by cheque on a branch of a bank situated at a place other than where the office of the Welfare Commissioner is situated, an amount equivalent to bank's commission to be paid for its encashment shall be added to the amount payable under Rule 5 or 6.

13. Maintenance and audit of accounts of the Fund.—(1) The accounts of the Fund shall be prepared and maintained by the Accounts Officer of the Board and shall be audited by such auditor or auditors as may be specified by the State Government in this behalf once a year on payment of such fees as may be approved by the State Government. The Welfare Commissioner shall be responsible for the disposal of the audit note.

(2) The Board shall maintain complete and accurate accounts and the procedure in this regard shall be such as may be decided by the Board with the approval of the State Government. The accounts of the Board shall be balanced on the 31 st March of each year but the State Government may, by order in writing, extend this date by a period not exceeding thirty days on receipt of an application to this effect from the Board.

(3) The annual accounts shall be set out and produced before the auditor or auditors specified by the State Government under sub-rule (1) for scrutiny on or before the fifteenth day of June each year following the closing of the financial year to which they relate.

Provided that on the application of the Board, the State Government may extend the said date by a period not exceeding thirty days.

(4) The annual accounts shall be authenticated by affixing the common seal of the Board together with the auditor's report and four copies thereof shall be submitted to the State Government not later than the 1st November next following the year to which it relates. A copy of the accounts together

with the auditor's report shall be laid before the State Legislative Assembly by the State Government as early as possible.

(5) The auditor or auditors appointed in accordance with these rules shall be given access to all the books maintained by the Board relating to accounts and vouchers thereto and thereafter he or they, as the case may be, shall sign the auditor's declaration indicating separately in the form of a statement appended thereto, under his signature or their signatures, whether the accounts of the Board are found in any way incorrect, unvouched or not in accordance with their Rules or the Act, and if so, such a statement shall incorporate the following particulars, namely :

- (i) every payment which appears to be unauthorised or contrary to the provisions of the Act or these rules ;
- (ii) the amount of any deficiency or loss which appears to have been incurred by the negligence or misconduct of any person; and
- (iii) the amount of any sum which ought to have been but not brought to account by any person.

14. Budget of the Board.—(1) The Welfare Commissioner shall cause the budget estimates of the Fund for every 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 the fifteenth day of January next for approval.

(2) The State Government may amend, modify or alter the budget estimates submitted for its approval under sub-rule (1) in any respect or manner it may deem fit and shall return the same, after recording its approval in writing with or without amendment, modification, or alteration, within thirty days from the date of receipt of the budget estimate or any clarification necessary in relation thereto, whichever may be later.

(3) The budget estimates 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 officer or officers of the Board duly authorised in this behalf.

(4) Authenticated copies of the approved budget of a financial year shall be forwarded to the State Government before the 28th day of February of the financial year next preceding and the State Government shall place such an authenticated copy of the Budget before State Legislative Assembly.

15. Additional expenditure.—(1) If during the course of the financial year it becomes necessary to incur expenditure over and above the provisions made in

the budget, the Welfare Commissioner shall, with the approval of the Board, immediately submit to the State Government a statement giving 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 statement under sub-rule (1), the State Government shall by order in writing, either approve the proposed additional expenditure in full or part with such modifications as it may deem necessary or without modification or reject it totally, and a copy of such order shall be communicated to the Welfare Commissioner and the auditor, if any, appointed under Rule 13.

(3) The additional expenditure approved by the State Government under sub-rule (2) shall be incurred subject to the approval of the Board.

16. Application for grant from fund.—(1) The application for grant from the fund under sub-section (3) of Section 11 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 subsection (3) of Section 11, the Welfare Commissioner 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 prayer 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 State Government for approval by the Welfare Commissioner within fourteen days from the date of the decision of the Board.

17. Mode of payment from fund.—Payment from the fund shall made—

- (a) where the amount payable is less than fifty rupees, in cash, and
- (b) where the amount payable is fifty rupees or more, in bank cheque issued by the Welfare Commissioner.

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

Provided further 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.

18. Constitution of Board.—(1) The Board shall consist of twenty members, including the Chairman, selected in the manner specified below :

- (a) six persons representing the employees shall be selected in consultation with such organisation of the employers functioning in West Bengal and in such manner as may be deemed fit by the State Government.
- (b) six persons representing the employees shall be selected in consultation with such organisations of the employees functioning in West Bengal and in such manner as may be deemed fit by the State Government.
- (c) eight independent persons to be selected by the State Government who shall include not less than two women and may include as many Government Officials as the State Government may deem fit.

(2) With the time-limit specified in this behalf in the notification constituting the Board, the Welfare Commissioner shall arrange a meeting of the Board specifically for electing its Chairman. The meeting will be presided over by the Secretary to the Government of West Bengal, Labour Department. The Chairman shall be elected by the members present in this meeting either by consensus or by a simple majority, if there is a contest, through voting by show of hands on the basis of one member one vote.

Provided that no meeting of the Board for the purpose of electing its Chairman shall be valid unless not less than fourteen members are present, and in case this number of members is not present in the meeting, a fresh meeting shall be arranged by the Welfare Commissioner for this purpose within seven days of the lapsed meeting :

Provided further that if there is equality of votes between candidates, the matter shall be referred to the State Government for a decision and j the decision of the State Government in the matter shall be final.

(3) The Chairman of the Board elected under sub-rule (2) shall hold tenure till the expiry or termination of his term of office as a member of the Board.

(4) The same procedure as in this rule shall be followed in the matter of reconstituting the Board or electing a new Chairman.

19. Allowance.—The members of the Board and the members of the Committees constituted under section 7 of the Act, who are not Government officials, shall be eligible to payment of daily allowance at the rate of twenty-five rupees and travelling allowance at the same rate as is admissible to a State Government Officer drawing a salary of fifteen hundred rupees or above per month, for every meeting attended.

20. Procedure regarding Board meetings.—(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 under sub-rule (2) of Rule 18.

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

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

(3) The Chairman shall preside over all the meetings of the Board other than those held for his election under sub-rule 2 of Rule 18 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 members present shall choose one among them to 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 a 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 the same agenda fixed for the original meeting, at a date not earlier than seven days from the date of that meeting, with notice in this behalf to all the members, bid it shall thereupon be lawful to dispose of the business included in such agenda in the meeting thus re-held irrespective of the number of members present.

(5) All matters at the meeting of the Board shall be decided by a 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 at the meeting of the Board shall be taken by show of hand and the names of persons voting in favour of (word in italics supplied) and against any proposal shall be recorded only if any member requests the Chairman to do so.

21. 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 there 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 minute-book and the Welfare Commissioner shall send a copy of such authenticated minutes of the proceedings of each meeting to the state Government for information as early as possible.

22. Qualifications and term of office of members of Committee.—The Board shall determine the qualification, and terms of office of the members of the Committee or Committees constituted under section 7 of the Act.

23. Terms and conditions of service of Welfare Commissioner.—

(1) Appointment to the post of Welfare Commissioner shall be made either—

(a) by notification, after inviting applications through press advertisement with a time margin of not less than ten days from among persons,—

- (i) who are not less than 35 years of age on the date of nomination;
- (ii) who hold an Honours or a Second Class Master's Degree' in Sociology or any of the Social Sciences of any University recognised by the State Government in this behalf;
- (iii) who have sufficient knowledge of Bengali and are able to read, write and speak fluently in that language ;
- (iv) who are well-versed with the economic and social conditions of the State through long residence in the State ;
- (v) who have not less than ten years' experience in responsible capacity in labour or social welfare administration ; or

(b) by promotion from amongst the highest ranking officer appointed by the Board, whether designated Deputy Welfare Commissioner or otherwise, who have put in continuous service of not less than five years in that post;

(c) by deputation of an officer from the cadre of officers whose names are borne on either the Indian Administrative Service or the West Bengal Higher Labour Service or the West Bengal Civil Service or the West Bengal Higher Education Service and who are, as the case may be, either in the senior scale of the Indian Administrative Service or in the Senior Selection Grade of the West Bengal Civil Service or West Bengal Higher Education Service or have put in a continuous service of not less than three years as an Additional Labour Commissioner

Provided that in case of appointment under clause (a), Diploma in Labour or Social Welfare from any Institute recognised by the State Government and sufficient experience of organising physical, cultural and other

recreational activities will be treated as an additional qualification and may get preference :

Provided further that no one shall either be appointed or retained in service as a Welfare Commissioner on completion of 58 years of age :

Provided further that the State Government may, if it thinks it necessary in public interest, extend the period of reduction in service of a Welfare Commissioner by a period not exceeding two years on his completion of the age of 58 years.

(2) A candidate appointed by nomination, shall be on probation for a period not exceeding one year.

(3) The post of Welfare Commissioner shall carry—

(a) the pay scale of Rs. 1200-50-1,300-60-1,600/-E.B.-60-1,900-100-20007- per month, and

(b) same allowances and at the same rates are admissible to an Officer of the State Government drawing equal wages, or in the case of a person appointed by deputation from the cadre of the Indian Administrative Service, same allowances and at the same rates as are admissible to an Officer of that cadre drawing equal wages :

Provided that a candidate appointed by nomination shall; during the period of his probation, be eligible to draw a fixed pay of Rs. 1,200 per month and such allowances and at such rates as are admissible to an Officer of the State Government drawing an equal pay.

(4) The Welfare Commissioner shall also function as the Secretary of the Board and may also participate in the discussions of its meetings without having a voting right.

24. Appointment of staff.— The Board may appoint such number of officers and other employees as may be necessary for carrying out its functions under the Act and shall have disciplinary and administrative control over them.

25. Terms and conditions of service of Inspectors.—(1) The State Government may; by notification, appoint such persons or such class of persons as it thinks fit to be Inspectors for the purposes of the Act.

(2) The State Government may, by notification, divide the Inspectors into as many classes as it may deem fit and one class of Inspectors may be made subordinate to another for administrative control or other purposes,

(3) An Inspector shall exercise jurisdiction within the local limits for which he is appointed.

26. Duties and powers of Inspectors.—(1) An Inspector appointed under section 16 shall generally make such inspection as may appear to him necessary

for satisfying himself that the provisions of the Act and these rules and of any orders issued by the State Government under the Act are duly observed.

(2) In addition to the powers conferred by clause (a) of sub-section (3) of section 16 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 proceeding 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 the rules regarding the payment of contribution and unpaid accumulations and fines are observed,
 - (ii) the prescribed registers are properly maintained, and
 - (iii) the returns and registers to be maintained under these rules are properly maintained and duly sent to the appropriate authority ;
- (d) note how far the defects or irregularities pointed out in course of previous inspections have been removed and how far orders issued previously have been complied with ;
- (e) point out and either to record on the establishment's register or to 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 State 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) of this sub-rule, within thirty days of the receipt of such an order, assigning specific reasons thereof.

27. Limitation of expenditure towards staff.—The total annual expenditure of the Board towards staff, including the staff employed for carrying out the programmes of the Board, and other administrative expenses shall not exceed fifty per cent of the annual income of the fund, provided that the Board may for reasons beyond control and with previous approval of the State Government incur expenditure beyond the limit specified in this rule.

28. Financial transactions.—(1) The Board shall be free to undertake any 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 movable property belonging to the Board or grant for any term not exceeding twelve months a lease of any immovable property belonging to the Board ;

- (b) with the sanction of the State Government, lease, sell or otherwise dispose of other moveable or immoveable property belonging to the State :

Provided that no financial deal shall be transacted or executed without the prior approval of the State Government if it involves anything of which the money exceeds ten thousand 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 to effect.

Provided that the prior sanction of the State Government shall be obtained in respect of any contract involving an expenditure exceeding ten thousand 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 authorise.

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

(2) The Statement and the report received under sub-rule (1) shall be laid as soon as may be, after these are approved by the State Government, before the State Legislative Assembly while it is in session for a period of not less than thirty days.

(3) After the statement and the report are laid before the State Legislative Assembly under sub-rule (2), these may be published in such manner as it may deem fit.

30. Maintenance of registers by employers.—(1) Every employer shall maintain and preserve for a period of ten years—

- (a) a register of wages in Form G except in cases where a similar register is maintained under any other law for the time being in force; and
(b) a consolidated register of unclaimed wages and fines in Form H;

Provided that in cases pending before appellate authorities such records/ registers shall be preserved also beyond ten years till the cases are finally disposed of.

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

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, West Bengal,
.....
(Give here the address.)

Take notice that the West Bengal Labour Welfare Fund Act, 1974 and the Rules framed thereunder are applicable to my establishment with act from
.....
(Mention the date here.)

1: Necessary particulars regarding my establishment are given in statement below :—

STATEMENT

- (1) Name or description of the establishment with full address.
- (2) Address in full for communication.
- (3) If a proprietary undertaking, names and full residential addresses of the owners/ partners.
- (4) If a joint stock company—
 - (a) Name and full residential address of every director;
 - (b) Name and full residential address of every person owning or controlling twenty *per centum* or more of the share.
- (5) Number of employees.
- (6) Whether a factory or a tramway or a motor transport undertaking or a commercial establishment or any other establishment specified by the State Government through notification.
- (7) Articles produced or dealt with or services rendered.
- (8) Date of opening.

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

Place..... (Signature of the employer with name
Date..... and designation or rubber stamp)

FORM-B

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

Notice of Change

From:

(Here give name and designation of the signatory and name and address on the establishment concerned.)

To: The Welfare Commissioner, West Bengal,

.....

(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 dated with effect from.....

(Mention the date here.)

Changes effected

(Here specify the details of the changes)

Place.....

(Signature of the employer with name)

Date.....

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, West Bengal,
.....
(Give here the address.)

As required under sub-rule (3) of the West Bengal Labour Welfare Fund Rules, 1976, 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).

STATEMENT

1. Reasons for closure.
2. Address for communication.
3. If a proprietary undertaking, names and full residential addresses of owners/partners including extent of each one's share.
4. If a joint stock company
(a) Name and residential address of every employer.
(b) Name and residential address of every person person owning or controlling twenty per centum or more of the company's shares. . .
5. Number of employees on the date of notice
6. Whether the employer's and the employees contributions for the preceding half year ending 30th June or 31st December, as the case may be, have been paid.
7. Whether the employer's as well as employees' contributions for the half yearly period during which the closure takes effect have been paid.
If not, when will it be paid ?

I hereby declare that the particulars mentioned in the beforementioned 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 Rule 5)

Statement regarding contributions

From:.....

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

To : The Welfare Commissioner, West Bengal,

.....
(Give here the address.)

As required under Rule 5 of West Bengal Welfare Fund Rules, 1976, I am furnishing below the necessary particulars in relation to the amount of Rs..... (Rupees.....) tendered herewith as the total amount(in words here) payable by my establishment both as employees' and employer's contribution for the half year ending *30th June/*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/tramway 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 dates preceding *31st December/*30th June (as the case may be).
4. Total number of employees from whom contribution has 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' and the employer's contribution 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 therefor.
10. Mode of payment whether in cash or by bank cheque or money order ? If by money order, mention postal receipt number and date thereof. If by bank cheque, mention name, branch and address of the bank on which drawn, with cheque number and date.
11. Remarks, if any.

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

place.....

(Signature with designation or description

Date.....

of the post held with official seal)

*Note : Strike out the word or words not applicable.

FORM-E

(See Rule 6)

**Statement about employer's contributions received
by Welfare Commissioner**

From :
(Name here)

To : The Welfare Commissioner, West Bengal
.....
(Address here)

To
The Secretary to the Government of West Bengal,
Labour Department, Writers' Buildings,
Calcutta 700 001.

Sir,

Necessary particulars about the employer's contribution received from
different establishments numbering.....

(Specify number here.)

PARTICULARS

Sl. No.	Name and full address of each establishment	Class of establishment, i.e., whether factory/tramway/motor transport undertaking or commercial establishment or other class of establishment specified by Government notification
(1)	(2)	(3)

Number of employees in respect of whom contribution is payable	Amount payable as employer's contribution	Amount paid as employee's contribution
(4)	(5)	(6)

(Signature of Welfare Commissioner
with Seal)

FORM-F

(See sub-rule 1 of Rule 7)

Statement of fines imposed on employers

From :
(Here specify the full name and address of authority/officer concerned)

To : The Welfare Commissioner, West Bengal,
.....
(Address here)

STATEMENT

As required under sub-rule 1 of Rule 7 of the West Bengal Labour Welfare Fund Rules, 1976, particulars about the fines imposed on the employers are furnished in the statement below.

Sl. No.	Name of the Act under which fine has been imposed	Name of the Court and date of its judgement imposing fine	Name of the Company on which fine has been imposed	Amount of fine imposed	Whether fine has been realised and, if so, date of payment	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)

Place.....

(Signature of the Official Authority with

Date.....

Office Seal)

West Bengal Labour Welfare Fund Rules, 1976

FORM-G

(See Clause (a) of sub-rule 1 of Rule 30)

Register of Wages

For the month of 19.....

Sl. No.	Name of employee	Ticket No. & Badge No.	Occupation	Amount payable during the month				Amount deducted during	
				Basic Wages	Overtime	Dearness allowance & other allowances	Bonus	Fines	Other deductions
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
Total									

Amount actually paid during the month				Balance due to the employee			
Basic Wages	Overtime	Dearness allowance & other allowance	Bonus	Basic Wages	Overtime	Dearness allowance & other allowances	Bonus
(11)	(12)	(13)	(14)	(15)	(16)	(17)	(18)
Total							

(Signature of Employer or Officer making payment)

FORM-H

(See Clause (b) of sub-rule (1) of Rule 30)

Register of fines and unpaid accumulations for the year.....

Name of the Establishment.....

Details of fine and unpaid accumulations	Quarter ending 31st March	Quarter ending 30th June	Quarter ending 30th September	Quarter ending 31st December
(1)	(2)	(3)	(4)	(5)

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

Total of 1 and 2.....

*See definition of "unpaid accumulation" under sub-section (12) of Section 2 of the Act.