

40TH SESSION OF THE INDIAN LABOUR CONFERENCE (NEW DELHI – 9-10 DECEMBER, 2005)

ITEM I : SOCIAL SECURITY FOR UNORGANIZED SECTOR WORKERS INCLUDING AGRICULTURE SECTOR WORKERS COVERING THEIR SERVICE CONDITIONS, SOCIAL SECURITY AND OTHER BENEFITS.

As per National Sample Survey conducted by the National Sample Survey Organisation (NSSO) during 1999-2000, the total workforce in the country is about 39.7 crore out of which, hardly 2.8 crore are employed in the organized sector and remaining 36.9 crore are engaged in unorganized sector.

Over the years, status of the labour in the country has been studied by several commissions viz; by First National Labour Commission, 1969, National Commission on Self-Employed Women, 1987, National Commission on Rural Labour 1987 etc. All these studies have projected the plight of workers engaged in the unorganized sector and called for substantial measures to improve their labour protection. Considering the enormity of the persisting problems of labour protection in this area, the Second National Labour Commission (SNLC) constituted in 1998 was assigned only two tasks i.e. to recommend a comprehensive legislation for the protection of interest of the workers in the unorganized sector and to recommend rationalization of labour laws in the organized sector.

RECOMMENDATIONS OF 2ND NATIONAL COMMISSION ON LABOUR.

The Second NCL submitted its recommendations in June 2002 which provided a draft of the model legislation for the unorganized sector workers. A bill was drafted for the unorganized sector workers immediately thereafter. Discussions, on a wide range of alternatives were held with the representatives of the State Government, Trade Unions and NGOs and others concerned at various forums including a two-day National Seminar on 7-8 November, 2002 and a workshop at V.V. Giri National Labour Institute. After detailed deliberations with all stakeholders, the Ministry of Labour & Employment drafted the 'Unorganized Sector Workers Bill'. The Cabinet in its meeting of 6th November, 2003 decided that the Ministry of Labour instead of piloting a 'Bill', in the first instance should prepare a comprehensive scheme in consultation with the Ministry of Finance. A scheme was thus prepared viz: the "Unorganised Sector Workers Social Security Scheme-2003" and was launched in February, 2004 by the then Prime Minister. This was to be implemented by EPFO in 50 districts. However, the scheme could not be implemented properly due to the absence of statutory support and non-availability of appropriate implementing infrastructure. The scheme was also not proving viable because contribution from the employers was not forthcoming.

CONSTITUTION OF NATIONAL COMMISSION FOR ENTERPRISES IN THE UNORGANISED SECTOR

The Government has in the meanwhile constituted the National Commission for Enterprises in the Unorganised Sector (NCEUS) to examine the problems being faced by enterprises in the unorganised/informal sector and make recommendations to provide technical, marketing and credit support to these enterprises. The terms of reference of the Commission, inter-alia, include review of social security system available for the workers in the unorganised sector and to make recommendation for expanding their coverage.

THE UNORGANISED SECTOR WORKERS BILL, 2004

The National Common Minimum Programme (NCMP) of the United Progressive Alliance (UPA) Government underlines that “ The UPA Government is firmly committed to ensure the welfare and well being of all workers, particularly those in the unorganized sector who constitute 93% of our workforce. Social Security, health insurance and other schemes for such workers like weavers, handloom workers, fishermen and fisherwomen, toddy tappers, leather workers, plantation labour, beedi workers, etc. will be expanded.”.

The welfare of unorganized workers being one of the thrust areas of the Government, the ‘Bill’ was redrafted immediately after the coming into power of the UPA Government and has undergone the process of consultations with the stake holders. The comments of most of the States as well as central trade unions have been received. Most of the States are of the view that all funds required for providing social security to the workers should be provided by the Central Government. Similarly, Central trade unions are also of the opinion that there should, not only be liberal funding by the Central Government but it should set apart 3% of the GDP for social security schemes for the workers.

SALIENT FEATURES OF THE DRAFT BILL

Definition

- The worker means a person engaged in the Scheduled employment directly or through any agency or otherwise for one or more employers whether simultaneously or otherwise and includes: a casual or temporary worker, a migrant worker, a home based worker whether self-employed or employed for wages and drawing pay/income not exceeding Rs. 5000/- per month.

Establishment of Welfare Boards

- Establishment of a tripartite ‘Central Unorganised Sector Workers’ Welfare Board’ consisting of representatives of Central Government, Central Trade Unions, Employers Organisations and NGOs/Associations.
- Functions of the Board, inter-alia, incorporate advising the Central Government on policy matters relating to formulating schemes on social security measures, etc.

- Constitution of Unorganised Sector Workers' Welfare Fund at Central and State level to meet expenditure on social security & welfare schemes for workers.
- Constitution of tripartite Welfare Boards at State level.

Source of Funding

- These funds would be created by contribution from the workers, employers, central and state governments.
- The rate of contribution is as under:
 - (i) Contribution of registered workers not exceeding 5% of their monthly wages.
 - (ii) Employers' contribution at the rate of 5% of the monthly wages of the registered workers.
 - (iii) In cases where employers are not identified matching contribution by the appropriate State Government at the rate of the contribution made by registered workers not exceeding 5% of monthly wages.
 - (iv) The contribution of the Central Government @ not exceeding 2.5% of the monthly wages of the registered workers in all cases.

Benefits under the proposed legislation

- Provision for formulation of welfare and social security schemes like old age pension, health care, group insurance, personal accident insurance, housing and education etc.
- Provisions relating to hours of work, payment of wages, equal remuneration, maternity benefits, and compensation for injury, welfare measures and penal provisions for contraventions.
- Provision for legal-aid to the workers in the matters connected with the denial of benefits available under the legislation.
- Constitution of Workers' Facilitation Center for registration of workers and employers, issue identity cards to the workers, etc.
- Enabling provisions to merge existing welfare funds at the Center and in States, if required.
- Bulk of the work force in the unorganized sector falls under the States, therefore, most of the implementation work of the schemes would be done by the States.

- Annual administrative expenses of the Boards restricted to 5% of the contribution received.

STATUS OF THE DRAFT BILL

The draft Bill has been circulated to the State Government, Central Trade Unions, Employers' Organizations, and NGOs etc. for their comments. The draft Bill is also available on the web site of the Ministry of Labour & Employment. The central trade unions had made certain suggestions like definition of the unorganized sector worker, tripartite composition of Workers' Facilitation Centers (WFCs), government funding, etc. These suggestions have been taken into account and draft Bill has been revised accordingly. The suggestions like tripartite composition of the WFCs would be looked into at the stage of formulation of the Rules under the proposed legislation.

The NCEUS is also seized of the matter of expanding social security cover to the unorganized sector workers. There have been several rounds of discussions with the Commission in regard to this 'Bill'. The Commission has further constituted a Task Force under the Chairmanship of Dr. K.P. Kannan, Member NCEUS on social security , of which Director General Labour Welfare is also a member.

In the meantime, the Ministry has received a draft Bill namely, "the Unorganised Sector Workers Social Security Bill, 2005 from National Advisory Council (NAC). The NCEUS has also given two bills i.e. (i) Unorganised Sector Workers (Conditions of Work & Liveihood Promotion) Bill, 2005 and (ii) Uniorganised Sector Workers Social Security Bill, 2005. All these Bills are under consideration of the Ministry. The major difference in these Bills are given below in tabulated form:

	Ministry of L&E	NAC	NCEUS
Contribution	Well defined contribution by worker/employer/center/state	Registration/renewal fee from workers	Contribution by workers/ employers/ centre/ state (BPL's share by the centre)
Cess/Tax	No	Cess or tax or to create a mechanism for collection of employers' contribution and cess / tax by centre/ state on goods produced	Cess or tax by centre/state govts.
Social Security	Health, Pension, group insurance maternity benefits, housing etc. (depending upon funds)	Floor level: health, life & permanent disability cover, maternity benefit (fully funded by centre) & contributory pension scheme	Minimum level: health, life & permanent disability cover, maternity benefit & pension

Implementation	Utilisation of state labour department machinery, PRIs, local bodies etc. all in the shape of WFCs	National Social Security Authority through Facilitation Agencies i.e. Post offices, Self help Groups, PRIs, TUs, etc.	National Security Board through WFCs i.e. Self –help Groups, PRI. Tus, etc.
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A presentation has also been made before the Dy. Chairman, Planning Commission on 14.09.2005, which was attended by Shri Jairam Ramesh, Member, NAC. The Ministry is, presently, working on an insurance scheme for these workers in consultation with LIC.

CENTRAL LEGISLATION FOR AGRICULTURAL WORKERS

Agricultural workers constitute a high percentage of the workforce in India. According to the sample survey conducted by the National Sample Survey Organisation in 1999-2000, more than 60% of the workforce in the unorganized sector is engaged in agriculture sector.

A proposal to enact a comprehensive Central legislation for the agricultural workers was under consideration of the Ministry of Labour since 1975 to enact a uniform Central legislation for the agricultural workers on the pattern of Kerala Agricultural Workers' Act, 1974. A draft Bill on Central legislation was prepared as early as in 1980. There were divergent views amongst the State Governments and the matter was left to the State Governments. The matter was again discussed at various forums i.e. many sessions of Indian Labour Ministers' Conference, Standing Labour Committee, Consultative Committees attached to the Ministry of Labour, All Party Meetings etc. The draft Bill was revised in 1996 and comments of the State Governments were invited. There were divergent views of the State Governments. In order to discuss the matter further, a Conference of the State Labour Ministers was held on 18th January 2000. However, no consensus was arrived at during this meeting also. The main reservation of the State Governments was on the creation of a corpus for the implementation of the welfare measures for the agricultural workers. While some States were of the view that enactment of law may lead to social tension, some others were of the view that the legislation may lead to industrial atmosphere in the agricultural sector. Some States wanted the matter to be left to the States and some others were of the view that the Central Government should bring the Central legislation but bulk of provisions be left to the State Governments. In the absence of consensus amongst the State Governments, the proposal for legislation on agricultural workers could appropriately be left to the State Governments to act upon.

POINTS FOR DELIBERATION:

Modalities for adequate social security through the Unorganised Sector Workers Bill may be discussed. Annexure I-IV includes copies of the Draft Bills.

THE UNORGANISED SECTOR WORKERS' BILL, 2004

A

BILL

to regulate the employment and conditions of service of unorganised sector workers and to provide for their safety, social security, health and welfare and matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Fifty-fourth year of the Republic of India as follows:-

**CHAPTER I
PRELIMINARY**

1. (1) This Act may be called the Unorganised Sector Workers' Act, 2004.

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

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

(i) "appropriate Government" means,-

(a) in relation to an establishment in respect of which the appropriate Government under the Industrial Disputes Act, 1947, is the Central Government, the Central Government;

(b) in relation to any such establishment, being a public sector undertaking, as the Central Government may, by notification in the Official Gazette, specify, which employs workers either directly or through a contractor, the Central Government;

(c) in relation to a self-employed worker or any other establishment which employs workers either directly or thorough a contractor, the Government of the State in which that other establishment is situate;

(ii) "Board" means the Unorganised Sector Workers' Welfare Board established under section 3 or section 20;

(iii) "Chairperson" means the Chairperson appointed under section 5;

(iv) "Dispute" means any dispute or difference between employers and employees or between employers and workers, or between workers, which is connected with the employment or non-employment or the terms of employment or with the conditions of labour of workers.

- (v) “employer” means in relation to a person by whom a worker is employed, whether for any remuneration or otherwise and in relation to an establish, the owner of the establishment or any other person who has the ultimate control over the affairs of the establishment.
- (vi) “establishment” means any office or place where any industry, trade, business or occupation is carried on and includes any technical institution or training center including any Deptt/Ministries of Central/State Government/UTs or local authorities, directly without any contractor, the authority specified in this behalf, or where no authority specified, the HOD or the Chief Executive as the case may be.
- (vii) “family” in relation to a worker, means his or her spouse and dependent children and includes dependent parents;
- (viii) “financial year” means the year commencing on the 1st day of April;
- (ix) “Fund” means the Unorganised Sector Worker’s Welfare Fund constituted under section 24;
- (x) “member” means a member of the Board appointed under section 5;
- (xi) “notification” means a notification published in the Official Gazette and the word notified shall be construed accordingly;
- (xii) “prescribed” means prescribed by rules made under this Act;
- (xiii) “record” means the records maintained in the form of books or registers or stored in a computer or in such other form as may be specified, by notification, by the appropriate Government ;
- (xiv) “Schedule” means the Schedule to the Act;
- (xv) “Scheduled employment” means an employment in the unorganised sector as specified in the Schedule;
- (xvi) “scheme” means a scheme notified under section 23;
- (xvii) “worker” means a person engaged in the Scheduled employment directly or through any agency or otherwise for one or more employers whether simultaneously or otherwise and includes:
- a casual or temporry worker
 - a migrant worker
 - a home based worker whether self-employed or employed for wages and drawing pay/income not exceeding Rs. 5000/- per month.
- (xviii) “Workers’ Facilitation Centre” means an unit established under section 21.

CHAPTER II
UNORGANISED SECTOR WORKERS' WELFARE BOARD

3. (1) With effect from such date as the Central Government may, by notification appoint, there shall be established for the purposes of this Act, a Board to be called the Central Unorganised Sector Workers' Welfare Board.

(2) The Board shall be a body corporate by the name aforesaid, having perpetual succession and a common seal, with power subject to the provisions of this Act, to acquire, hold and dispose of property, both movable and immovable, and to contract, and shall, by the said name, sue or be sued.

(3) The office of the Board shall be at Delhi.

4. The Board shall perform the following functions, namely:-

(i) to advise the Central Government on policy matters relating to employment, social security, safety and welfare of workers;

(ii) to formulate schemes and review their implementation and recommend to the Central Government, the changes required from time to time in such schemes;

(iii) to create public awareness about schemes available for workers;

(iv) to collect statistics and information of workers engaged in the scheduled employments under the Central Government;

(v) to collect statistics and information of employers who seek to engage workers;

(vi) to guide workers in respect of social security, safety and welfare activities undertaken by the Central Government and non-governmental organisations or associations.

(vii) organizing the unorganised workers and guide them informing the association/cooperatives/ self-help groups etc.

(viii) to supervise the functioning of Workers Facilitations Centres

5. (1) The Board shall consist of the following (persons as members) namely:-

(a) a Chairperson to be appointed by the Central Government;

(b) the Director General(Labour Welfare), ex-officio member secretary;

(c) five members not below the rank of Joint Secretary to the Government of India, to be appointed by rotation to represent the Central Government and Union territories in such manner, as may be prescribed;

- (d) five members to represent the employers of unorganised sector workers of scheduled employments under the Central Government appointed in such manner, as may be prescribed;
 - (e) five members to represent the unorganised sector workers of scheduled employments under the Central Government appointed in such manner, as may be prescribed;
 - (f) five members to represent non-governmental organisations or associations which are concerned with or are engaged in the welfare activities of the unorganised sector workers of scheduled employments under the Central Government appointed in such manner, as may be prescribed; and
- (2) The members shall be appointed by the Central Government by a notification:
- Provided that an appointment under clause (c) shall be made on the recommendation of the Central Government/ the Union territory concerned, as the case may be.
- (3) The terms, conditions and qualifications of the Chairperson, and members shall be such as may be prescribed.
6. (1) Every member shall hold office for a term of five years from the date of notification under sub-section (2) of section 5 and shall be eligible for re-appointment:
- Provided that no person shall hold office as a member after he has attained the age of sixty-five years.
- (2) Notwithstanding anything contained in sub-section (1), a member may,-
- (a) relinquish his office by giving in writing under his hand to the Central Government a notice of not less than ninety days; or
 - (b) be removed from his office in accordance with the provisions of section 9:
- Provided that a member shall, unless he is permitted by the Central Government to relinquish his office sooner, continue to hold office until the expiry of ninety days from the date of receipt of such notice or until a person duly appointed as his successor enters upon his office or until the expiry of term of office, whichever is the earliest.
- (3) A casual vacancy of a member in the Board shall be filled in accordance with the provisions of section 5 and the person so appointed shall hold office only for the remainder of the term for which the member in whose place he was appointed would have held that office.
- (4) A member shall receive such allowances as may be prescribed.

7. The Chairperson shall have powers of general superintendence over the affairs of the Board established under section (3) of the Act.

8. If a member-

- (a) relinquishes his office under clause (a) of sub-section (3) of section 6; or
- (b) becomes subject to any of the disqualifications mentioned in section 9; or
- (c) is in the opinion of the Board absent, without sufficient excuse, from three consecutive meetings of the Board, his seat shall there upon become vacant.

9. (1) The Central Government may, remove from office, any member who-

- (a) is adjudged an insolvent; or
- (b) is of unsound mind and is so declared by a competent court; or
- (c) has become physically incapable of acting as a member; or
- (d) has been convicted of an offence which, in the opinion of the Central Government, involves moral turpitude; or
- (e) has acquired such financial or other interest as is likely to affect prejudicially his functions as a member; or
- (f) has so abused his position as to render his continuation in office detrimental to the public interest.

(2) No member shall be removed under clauses (c) to (f) of sub-section (1) unless he has been given a reasonable opportunity of being heard in the matter.

(3) A member who has been removed under this section shall not be eligible for re-appointment.

10. (1) The Board shall meet at least once in every six months and shall observe such procedure in regard to transaction of business at its meetings, including quorum at such meeting, as may be prescribed.

(2) If, for any reason the Chairperson is unable to attend a meeting of the Board, any other member chosen by the members present from amongst themselves at the meeting shall preside, at such meeting.

(3) All questions which come up before any meeting of the Board shall be decided by a majority of votes by the members present and voting, and in the event of an equality of votes, the person presiding at the meeting, may exercise a second or casting vote.

- 11.** No act or proceeding of the Board shall be invalid merely by reason of-
- (a) any vacancy in, or any defect in the establishment of, the Board; or
 - (b) any defect in the appointment of a person as a member of the Board; or
 - (c) any irregularity in the procedure of the Board not affecting the merits of the case.
- 12.**(1) The Central Government shall provide the Board with such officers and employees as it may deem fit.
- (2) The officers and employees of the Board shall discharge their functions under the general superintendence of the Chairperson.
- (3) The salaries and allowances and other conditions of service of the officers and other employees of the Board shall be such as may be prescribed.
- 13.** All orders, decisions and other instruments issued or made by the Board shall be authenticated by the signature of the Member-Secretary or any other officer of the Board authorised in this behalf.
- 14.** The Board shall furnish, from time to time, to the Central Government, such returns in such form, as may be prescribed.
- 15.** The members, officers and other employees of the Board shall be deemed, when acting or purporting to act in pursuance of any of the provisions of this Act, to be public servants within the meaning of section 21 of the Indian Penal Code.
- 16.** The Board shall, in each financial year, prepare in such form and at such time, as may be prescribed, its budget for the next financial year and forward the same to the appropriate Government at least three months prior to the commencement of the next financial year.
- 17.**(1) The Board shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form as may be prescribed in consultation with the Comptroller and Auditor-General of India.
- (2) The accounts of the Board shall be audited by the Comptroller and Auditor-General at such intervals as may be specified by him and any expenditure incurred in connection with such audit shall be payable by the Board to the Comptroller and Auditor-General.
- (3) The Comptroller and Auditor-General and any person appointed by him in connection with the audit of the accounts of the Board under this Act shall have the same rights and privileges and the authority in connection with such audit as the Comptroller and Auditor-General generally has in connection with the audit of Government accounts and, in particular, shall have the right to demand the

production of books, accounts, connected vouchers and other documents and papers and to inspect any of the offices of the Board.

18. The Board shall prepare, in such form and at such time, for each financial year, as may be prescribed, its annual report, giving a full account of its activities during the previous financial year and forward a copy thereof to the Central Government.

19. The Central Government shall cause the annual report together with a memorandum of action taken on the recommendation contained therein, and the reasons for the non-acceptance, if any, of any of such recommendations and the audit report to be laid as soon as may be after the reports are received, before each House of Parliament.

20. (1) A State Government may, by notification, establish for the purposes of this Act, a Board to be called the -----(Name of the State) Unorganised Sector Workers' Welfare Board.

(2) The State Board shall consist of the Chairperson, Member Secretary and such other members to be appointed by the appropriate State Government not exceeding twenty representing State Government concerned, employers of the unorganised workers, the unorganised workers, non-governmental organizations or association which are concerned with or engaged in the welfare activities of the unorganised sector workers of scheduled employments and as may be specified, by notification.

(3) The terms conditions and qualifications of the Chairperson, Member Secretary and the members shall be such as may be specified, by notification.

21. The state Board shall perform the following functions, namely:-

- (i) to advise the State Government on policy matters relating to employment, social security, health, safety and welfare of workers;
- (ii) to formulate schemes and review their implementation and recommend to the State Government, the changes required from time to time in such schemes;
- (iii) to create public awareness about schemes available for workers;
- (iv) to collect statistics and information of workers engaged in the scheduled employments under the State Government;
- (v) to collect statistics and information of employers who seek to engage workers;
- (vi) to guide workers in respect of social security, health care, safety and welfare measures undertaken by the State Government and non-governmental organisations or associations.

22. (1) The appropriate Board shall establish Workers' Facilitation Centre at such places as considered necessary for the purposes of this Act.

(2) A Workers' Facilitation Centre shall consist of,-

- (a) an officer not below the rank of Section Officer in the Government of India
- (b) such other employees as may be considered necessary, to be appointed by the appropriate Government on such terms as may be prescribed.

(3) The Workers' Facilitation Centre shall be responsible for, -

- (a) registration of workers;
- (b) registration of the employers of the unorganised sector workers;
- (c) guide the workers in resolution of disputes by conciliation;
- (d) guide the workers about self-help groups;
- (e) guide the workers about the schemes available for their benefits; and
- (f) create awareness about contribution towards Fund.

(4) The Workers' Facilitation Centre shall maintain a register and other records, in such form as may be prescribed, of all workers who have made an application under section 22.

23. (1) Every worker shall make an application, in such form and manner as may be prescribed, to the Workers' Facilitation Centre for registration under the provisions of this Act.

(2) Every worker whose name has been entered in the register under the provisions of sub-section (1), shall be provided by the Workers' Facilitation Centre a social security number and identity card in such form and shall be entitled to such benefit, as may be prescribed.

24. The appropriate Government shall, on the recommendations of the Board, by notification, formulate schemes for ensuring safety, social security and welfare of workers employed in scheduled employments or establishment and other schemes providing for-

- (a) the welfare of workers;
- (b) regulation of the employment in unorganised sector;
- (c) health and medical care, employment injury benefit, maternity benefit, group insurance, housing safety measures and provision and improvement of such other welfare measures;
- (d) frame a pension scheme for the registered workers to be called Unorganised Sector Workers Pension Scheme for the purpose of providing for-
 - (i) superannuation pension, retiring pension or permanent total disablement pension to the registered workers; and

- (ii) widow or widower/s pension, children pension or orphan pension payable to the beneficiaries of such workers.
- (e) The manner in which and the persons by whom the cost of operating the schemes is to be defrayed; and
- (f) administration of the schemes generally.

CHAPTER III
Unorganised Sector Workers' Welfare Fund

25.(1) With a view to providing safety, social security and welfare of workers, the appropriate Government shall constitute a Fund to be called the Unorganised Sector Workers' Welfare Fund and there shall be credited thereto-

- (a) all grants or loans made to the Board by the Central Government or any State Government
- (b) all sums received by the Board from such other source as may be decided upon by the appropriate Government; and
- (c) contributions by the registered employers/establishment and registered worker in such form and in such manner, as may be prescribed.

(2) The Fund shall be applied for meeting-

- (a) the salaries, allowances and other remuneration of the members, officers and other employees of the Board;
- (b) the expenses towards schemes formulated under section 23 of the Act for the registered workers, or such other just and reasonable cause, as may be prescribed; and
- (c) any other expenses of the Board in connection with the discharge of its functions or for the purposes of this Act.
- (d) There shall be established as soon as may be after framing the pension scheme, a Pension Fund out of the Unorganised Sector Workers Welfare Fund
- (e) that all sums received as the contribution of the Central Government shall be credited to the Pension Fund.

(3) No Board shall, in any financial year, incur expenses towards salaries, allowances and other remuneration to its members, officers and for meeting the other administrative expenses exceeding five percent of the contribution received during that financial year.

26. Notwithstanding provisions contained under any other law, the Appropriate Government may merge any existing Welfare Board/Boards and Welfare fund/funds constituted under any other law into the Board and the Fund constituted under Sections (3) and (24) respectively of this Act.

27. (1) The appropriate Government shall, after due appropriation made by Parliament, or the State legislature, as the case may be, by law in this behalf, pay to the Board by way of grants such sums of money as the appropriate Government may think fit for being utilised for the purposes of this Act.

(2) The Board may spend such sums as it thinks fit for performing the functions under this Act, and such sums shall be treated as expenditure payable out of the grants referred to in sub-section (1).

28. the rate of the contribution shall be-

- (a) the contribution of registered worker shall not exceed 5% of the monthly wages.
- (b) the employers' contribution @ 5% of the monthly wages of the registered worker.
- (c) in case where employers are not identifiable, the appropriate State Government shall make a matching contribution @ the contribution made by the registered worker not exceeding 5% of the monthly wages of the registered worker.
- (d) the contribution of the Central Government shall be @ not exceeding 2.5% of the monthly wages of the registered workers in all cases.

29. (1) When any registered worker has not paid his contribution under section 27 for a continuous period of not less than one year, he shall cease to be a beneficiary of the Fund.

(2) Where the registered worker is in a position to prove to the satisfaction of the Workers' Facilitation Centre that the reasons for non-payment of contribution were beyond his normal control, he may be allowed to deposit the arrears of contribution and his registration may be restored on such deposit and on making an application in such form as may be prescribed.

30. Any arrear of amount due under the provisions of this Act from the employer, towards contribution to the Fund, shall be recovered as an arrear of land revenue.

CHAPTER IV **Conditions of Service of Workers**

31. No worker shall be required to work for more than eight hours in a day with half an hour break.

32.(1) Every worker shall be paid such wages within such time as may be prescribed but such wages shall in no case be less than the wages fixed under the Minimum Wages Act, 1948.

(2) Where an unorganised worker is required by the employer to work for more than the hours of work fixed, he shall be entitled in respect of each hour of such over-time work to wages at the rate of twice his ordinary rate of wages for one hour

(2a) For the purposes of this section, "ordinary rate of wages" means the basic wages plus such allowances as the unorganised worker is for the time being entitled to but does not include any bonus.

(3) No employer shall pay to any worker, remuneration, whether payable in cash or kind, at rates less favourable than those at which remuneration is paid by him to the workers of the opposite sex for performing same work or work of a similar nature.

33. Every employer of the worker shall be bound to pay to every worker a minimum bonus @ 8.33% of the salary or wage earned by the worker during the preceding year or Rs. 100 whichever is higher.

34. For every completed year of service or part thereof in excess of six months, the employer shall pay gratuity to a worker at the rate of fifteen days' wages based on the rate of wages last drawn by the worker concerned after completion of the years of the service as prescribed.

35. A woman worker shall be permitted to be absent from work for a period of 30 days and during this period to ex-gratia payment of minimum wages payable to her in the month immediately preceding the date from which she absents herself on account of the delivery of the child.

36. If personal injury is caused to a worker by accident arising out of and in course of his employment, the employer shall be liable to pay compensation in accordance with the provisions of the Workmen's Compensation Act, 1923.

36(a) If five or more unorganised workers employed, the employer shall provide and maintain a room of reasonable dimensions for the use of their children under the age of six years.

36(b) the worker shall be entitled to such basic necessities at work place like first-aid, drinking water, latrines, urinals and washing facilities and rest rooms.

36(c) The worker shall be entitled to free legal aid in the matters connected with the denial of benefits available under the Act.

37. Whoever contravenes the provisions of this Act or of any rules made thereunder shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to two thousand rupees, or with both.

CHAPTER V
Miscellaneous

38. (1) The Central Government may give directions to State Government or the Board established under sections (3) for carrying out the provisions of this Act.

(2) The State Government may give directions to the State Board for carrying out the provisions of this Act.

39. The appropriate Government may, if it considers necessary, amend, by notification, the Schedule by including therein or excluding therefrom any employment.

40. (1) The appropriate Government may, after previous publication, by notification, make rules to carry out the provisions of this Act.

(2) Without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:-

- (a) the manner in which the members may be appointed under clauses (c), (d), (e) and (f) of sub-section (1) of section 5;
- (b) the allowances and remunerations payable to the members under sub-section (5) of section 6;
- (c) the procedure to be followed in the meetings of the Board under sub-section (1) of section 10;
- (d) the allowances and remunerations payable to the officers and employees of the Board under sub-section (3) of section 12;
- (e) form of accounts, records and annual statement of accounts to be maintained under sub-section (1) of section 17;
- (h) the form and the time of preparation of annual report under section 18;
- (i) the allowances and remuneration payable to the members of the Workers Facilitation Centres and other employees under section 21;
- (j) the form of application for registration under sub-section (1) of section 22;
- (k) the form of identity card, social security number and benefits for which a worker may be entitled under sub-section (2) of section 22.
- (l) the form and the manner of contribution by the employer and registered worker under section 26;

(3) Every rule made by the appropriate Government under sub-section (1) and every scheme notified under section 23, shall be laid, as soon as may be after it is made, before each House of Parliament, or the State legislature, as the case may be, while it is in session for a total period of thirty days which may be comprised in one

session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses, or the State legislature, as the case may be, agree in making any modification in the rule or scheme, or both Houses, or the State legislature, as the case may be, agree that the rule or scheme should not be made, the rule or scheme shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or scheme, as the case may be.

41. Nothing contained in this Act shall affect the operation of any other Act or Acts providing for the regulation of the conditions of service or work, welfare and social security measures which are more beneficial to the workers than those provided for them by or under this Act.

Schedule of Employment

Sr.No.	Employment
1.	agriculture and allied activities
2.	construction and other works under Rural Employment schemes
3.	beedi manufacture
4.	brick-kiln work
5.	carpet weaving
6.	cine service
7.	coir processing/manufacture
8.	domestic work
9.	electronics and electrical goods repairs
10.	fire work/crackers production
11.	fishing and allied activities
12.	garment manufacture
13.	gem cutting and gold smithy
14.	glassware manufacturing including bangles making
15.	hair dressing
16.	handloom weaving
17.	hawking and Vending
18.	headload work including coolies/porters
19.	laundry work
20.	leather works
21.	matches manufacture
22.	manufactured of locks/brass ware and other metal works
23.	petrol bunk/pump and allied services
24.	plantation (other than those covered under Plantations Labour Act, 1951 (Act No. 69 of 1951).
25.	plastic manufacture
26.	pottery
27.	powerloom weaving
28.	printing press work
29.	rag picking
30.	rickshaw Pulling
31.	salt pan work
32.	security services
33.	shops & establishments service
34.	stone and sand quarries and allied activities
35.	tailoring.
36.	timber Industry (furniture manufacturing, etc.)
37.	toddy tapping
38.	transport services (driving, conducting, cleaning, etc.)
39.	wayside Mechanics and workshop services
40.	weavers

THE UNORGANIZED SECTOR WORKERS' SOCIAL SECURITY BILL, 2005

STATEMENT OF OBJECTS AND REASONS

The National Common Minimum Programme of the Government of India states that "The UPA Government is firmly committed to ensure the Welfare and well-being of all Workers, particularly those in the Unorganized Sector who constitute 93% of our Workforce". Earlier, the Second National Commission on Labour submitted its report to the Government in June 2002, which inter-alia, contained elements of legislation to ensure a minimum level of protection to the Workers in the Unorganized Sector. This Bill draws upon these recommendations and has given Statutory shape to National Common Minimum Programme's commitments.

THE UNORGANIZED SECTOR WORKERS' SOCIAL SECURITY BILL, 2005

To provide for social security and welfare of unorganized sector workers and to provide for other matters connected therewith or incidental thereto.

BE it enacted by Parliament in the fifty-fifth year of the Republic of India as follows: -

CHAPTER I

PRELIMINARY

1. Short title, extent and commencement

- (a) This Act may be called "**The Unorganized Sector Workers' Social Security Act, 2005**"
- (b) It extends to the whole of India.
- (c) It shall come into force on the date of publication by Union Government in the Official Gazette.

2. Definitions

In this Act, unless the context otherwise requires: -

- (a) "National Social Security Authority for the Unorganized Sector" means an authority constituted by Union Government for the purpose of this Act under section 3(a).
- (b) "Directors" means the persons appointed by Union Government under Section 8(a).

- (c) “Employer” means a company or a person, for whom any unorganized worker is working or association of employers or traders who engage unorganized workers.
- (d) “Existing Acts” means the Acts enacted by the Central and State Governments, which are for the time being in force.
- (e) “Facilitating agencies” means the agency notified by the Authority to run the worker’s facilitation centre under the section 9 of the Act.
- (f) “Family” in relation to that of a worker means and includes the spouse, minor legitimate and adopted children, unmarried daughters and dependent parents.
- (g) “Fund” means the Unorganized Sector Workers’ Welfare fund constituted under sub-section (a) of section 19 of the Act.
- (h) “Identity Card” means the identification document containing the unique identification social security number given to a worker on registration as a member under sub- section (a) of section 13 of the Act.
- (i) “Member” in relation to a welfare funds constituted under this Act means an unorganized worker registered as a member under sub section (a) of Section 13.
- (j) “Notification” means notification published in the official Gazette.
- (k) “Prescribed” means prescribed by rule or scheme made under the Act.
- (l) “Scheme” means a scheme made under the Act.
- (m) “Supervisory Board” means a board constituted under section 4.
- (n) “Unique identification Social Security Number” means the number given to a worker on registration as a member under sub-section (a) of Section 13 under the Act. .
- (o) ‘Unorganized Sector Worker” means a person who works for wages or income; directly or through any agency or contractor; or who works on his own or her own account or is self employed; in any place of work including his or her home, field or any public place; and who is not availing of benefits under the ESIC Act and the P.F Act, individual insurance and pension schemes of LIC, private insurance companies, or other benefits as decided by the Authority from time to time.
- (p) “Workers’ Facilitation Centre” means Centre constituted under section 10 for registration of workers of unorganized sector implementing social security benefits.

CHAPTER II

NATIONAL SOCIAL SECURITY AUTHORITY FOR THE UNORGANIZED SECTOR, WORKERS' FACILITATION CENTRES AND FACILITATING AGENCIES

3. Constitution of National Social Security Authority for the Unorganized Sector

- (a) With effect from such date as the Union Government may notify, an Authority, to be called as National Social Security Authority for the Unorganized Sector (The Authority), shall be constituted for the purposes of this Act
- (b) The Authority shall be a body corporate by the name aforesaid, having perpetual succession and a common seal with power, subject to the provisions of this Act, to acquire, hold and dispose property, both movable and immovable, and to contract and shall by the said name sue or be sued.
- (c) The Authority shall consist of a Supervisory Board and an Executive Office.
- (d) The Authority shall formulate policy and undertake any and all activities to deliver the intent of this Act all over the nation in coordination with various State Governments, Welfare Boards and other agencies responsible for serving workers in the unorganized sector as required in order to ensure effective implementation of the Act.

4. Appointment of Supervisory Board

The Authority shall have a Supervisory Board to be appointed by the Union Government.

- (a) The Union Government shall appoint a Chairperson of the Supervisory Board, who shall be the non-executive Chairperson of the Authority whose normal term shall be of three years.
- (b) The Supervisory Board shall consist of at least fifty percent of members who are representatives of workers in the unorganized sector and at least one third women members in addition to professionals with background in areas of expertise such as finance, insurance, and systems-operations and representatives of Central and State Government
- (c) The normal term of the Supervisory Board shall be three years.

5. Disqualification, removal and resignation of non-official members of Supervisory Board

- (a) No person shall be chosen as or continue to be, a non-official member of the Supervisory Board, who-
 - (i) is or at any time has been adjudged insolvent; or
 - (ii) is found to be a lunatic or of unsound mind, or

- (iii) is or has been convicted of any offence involving moral turpitude
- (b) Any non-official member of the Supervisory Board may at any time resign, by writing under his hand, addressed to the Chairperson of the Supervisory Board and on acceptance of the resignation by the Chairperson. Such member shall cease to be member of the Supervisory Board.

6. Filling up of vacancies of Supervisory Board

In the event of a vacancy in the office of a non-official member on account of death, resignation, disqualification, removal or otherwise, the Supervisory Board shall forthwith communicate it to the Union Government and a person shall be nominated by the Union Government to fill the vacancy, who shall hold the office for the residuary term of the member on account of whom the vacancy has occurred.

7. Executive Office of the Authority

- (a) The Executive office of the Authority shall have a Managing Director, and two Executive Directors who will be appointed directly by the Union Government.
- (b) The Union Government shall provide for the recurring and non-recurring expenditures to be incurred for the functioning of the Authority on recommendation of the Managing Director in consultation with the Supervisory Board.

8. Functions of the Directors and the Supervisory Board:

- (a) The Directors appointed by the Union Government shall be responsible for framing policies, schemes, and procedures for the functioning of the Authority in consultation with the Supervisory Board.
- (b) The Supervisory Board shall advise the Directors on matters of policy and receive quarterly reports from the Managing Director. The Chairman of the Supervisory Board shall send comments and reports regarding the functioning of the Authority and the Directors to the Union Government.
- (c) In the event of a discord between the Directors and the Supervisory Board, the Union Government shall appoint a Special Committee to recommend resolution of the discord and take appropriate action upon considering the opinions of the Committee. The decision of the Union Government will be final in this regard.

9. The Functioning and the Structure of the Authority:

- (a) The Directors will appoint "Facilitating Agencies" to conduct the activities of the Authority in the specifically designated geographical areas or a particular industry in a particular region. The Facilitating Agency will in turn set up, administer, and supervise Worker's Facilitation Centres, which will provide direct service to the worker members of the Facilitation Centre.

- (b) The Facilitating Agency, for all practical purposes shall represent the Authority in the designated area, region, or industry and carry out all executive functions on behalf of the Authority under a specific contract with the Authority.
- (c) The Facilitating Agency shall work wherever necessary with other Welfare Boards, and Departments of the Governments, State or Union or Panchayati Raj institutions in a manner that is prescribed by the Directors.
- (d) The following may be appointed as the Facilitating Agencies by the Directors, or officers appointed by them for the purpose, after inviting proposals from organizations and institutions provided they agree to abide by terms of the contract determined by the Authority:
 - (i) Self Help Groups or their Associations
 - (ii) Post offices
 - (iii) All types of Co-operative societies
 - (iv) Micro-Finance Institutions
 - (v) Trade Unions
 - (vi) District Panchayat
 - (vii) Village Panchayat
 - (viii) Existing Welfare Boards
 - (ix) Urban local body
 - (x) Any other organization or agency dealing directly with unorganized workers as may be prescribed by the Authority.

10. Workers' Facilitation Centres

The Worker Facilitation Centres shall be set up by the Facilitating Agency and shall be operated under its control and supervision.

The core functions of the Centres shall be: -

- (a) Registration of workers and giving them unique identification social security numbers and identity cards.
- (b) Mobilization of workers to become members of the Scheme.
- (c) Securing the contribution of members to the funds.
- (d) Assuring delivery of benefits to the members.

In addition, the centres may undertake the following activities.

- (e) Maintaining a database of members in such form as may be prescribed showing the details of employment of members registered with it.
- (f) Skill upgradation training to increase the skill of workers.
- (g) To maintain and provide information related to employment and marketing opportunities workers. Training and assisting workers to form themselves into cooperatives, unions, federations and into any other appropriate form of organization.
- (h) To constitute employment exchanges for unorganized sector.

- (i) To create public awareness about schemes available for workers.
- (j) To collect statistics and information of workers engaged in the employments of the unorganized sector.
- (k) Other activities as may be prescribed by the Authority.

The financing of the Workers Facilitation Centres shall be through implementation of appropriate schemes. The Workers Facilitation Centres may, with the approval of Facilitating Agencies charge user-fees for specific services that the Workers Facilitation Centres may offer to individual workers or groups or organizations of workers, or it may accept donations or grants for purposes of its objects.

11. Criteria for Appointing Facilitating agencies:

The following criteria shall be observed by the Authority during appointment of Facilitating agencies:

- (a) Registration under an Act of the Union of India or any State Government
- (b) Be in existence for more than three years
- (c) Be directly working with unorganized sector workers or their families
- (d) Produce audited accounts
- (e) Have a track record of effective implementation of welfare schemes
- (f) And any other criteria decided by the Authority.

12. Delegation of powers

The Authority may, by general or special order, delegate to any member of the board or any director or any other officer or employee of the Authority, such of its power and duties under this Act as it may deem necessary for the proper administration of this Act, or any scheme made there under.

CHAPTER III

REGISTRATION OF WORKERS AS MEMBERS

13. Registration of workers as members and for Unique Identification Social Security Number

- (a) Every unorganized sector worker as defined in 2 (o) who has completed eighteen years of age shall on the payment of prescribed fee become eligible for registration as a member and for the purpose, get a Unique Identification Social Security Number and identity card under this Act. No worker shall be eligible for getting more than one social security number. Worker shall be registered as a member once and this registration shall be periodically renewed and updated as decided by the Authority.
- (b) Registration of workers as members shall be done by Workers' Facilitation Centre following such procedures as may be prescribed.

14. Cessation as a member

- (a) An unorganized sector worker who has been registered as a member for more than ten years under this Act shall not be required to pay any membership dues when he attains the age of sixty years excepting for old age benefit including pension. The social security number of a retired or deceased worker shall not be given to any new or other member.
- (b) Notwithstanding anything contained in sub-section (a), if a person had been a member for at least three years continuously immediately before attaining the age of sixty years, he shall be eligible to get such benefits as may be specified under the concerned fund.

CHAPTER IV

SOCIAL SECURITY SCHEMES

15. Framing of Schemes

The Directors will formulate one or more schemes as may be considered necessary for the welfare, health, safety and social security of the unorganized worker or any class of workers in any employment of unorganized sector and seek advice of the Supervisory Board in formulating the same.

Provided that the Authority, while framing schemes under this sub-section, ensure that they are not in contravention of any of the provision of the existing Acts or schemes.

16. Disputes regarding application of schemes

If any question arises regarding the applicability of any scheme to any class or classes or workers in any employment of unorganized sector, the matter shall be referred by the Authority to the Union Government whose decision shall be final.

17. Social Security benefits and welfare measures

The Authority may notify the schemes as under, subject to sustainability of the Fund :

- (a) Medical Care or sickness benefit scheme
- (b) Employment injury benefit scheme
- (c) Maternity benefit scheme
- (d) Old age benefit including pension
- (e) Survivor's benefit scheme
- (f) Integrated Insurance Scheme
- (g) Schemes for Conservation of natural resources on which workers depend for livelihood,
- (h) Housing schemes
- (i) Educational schemes
- (j) Any other schemes to enhance the quality of life of the unorganized worker or her family.

- 18.** (a) There shall be a floor level scheme to be funded by the Union Government directly or through cess or through contribution or through any other means.
- (b) This floor level scheme shall include (i) health, life and permanent disability insurance; and maternity benefits without contribution from the member, and (ii) a contributory old age benefit scheme including pension.
- (c) In case of industries where separate Welfare Boards have been created and/or a cess is being collected for welfare schemes of the workers, the Authority shall function in collaboration with the existing Welfare Boards in order to ensure that the workers registered at the Worker Facilitation Centre receive benefits of the schemes created by the Authority or those of the concerned Welfare Boards, whichever may be more beneficial to the worker.

CHAPTER V

WELFARE FUNDS

19. Constitution of Welfare Funds

- (a) National Social Security Authority shall constitute one or more Welfare Funds consisting of following sources:
- (i) Levy and collection of cess, tax or fees as it may be specified from time to time by notification in the official gazette.
 - (ii) Grants and loans made to the Authority by the Union or State government.
 - (iii) All contribution made by the members and employers;
 - (iv) All sums received by the Authority from such other sources as may be decided by Union Government, including donations.
 - (v) Income generated by registration of member.
 - (vi) All other income as may specified time to time
- (b) The resources referred to in sub-section 19(a) shall be applied for meeting the;
- (i) Expenses on objects and for purposes authorized by this Act.
 - (ii) Expenses of the concerned Authority and/or its agents in the discharge of its function;
- (c) The Authority shall not, in any financial year, incur expenses towards salaries, allowances /and other remuneration to its members, officers and other employees and for meeting other administrative expenses exceeding a limited per cent of its total expenses during that financial year, the limit to be fixed by the Supervisory Board in consultation with the Directors
- (d) All the contributions to the funds shall be exempted from the Income tax.

20. Grants and Loans by the Government

The union or state government may, after due appropriation made by parliament or state legislature, as the case may be, by law in this behalf, make to the Authority or its agents grants and loans of such sum of money, as the appropriate Government may consider fit for being utilized for the purposes of this Act.

21. Contribution to the fund/ schemes

(a) Contribution of workers:

The contributions to the funds shall consist of;

- (i) Registration and renewal fees as decided by the Authority. .
- (ii) Contribution towards schemes as decided by the Authority.
- (iii) Any other contribution as decided by the Authority.

(b) Contribution of employers:

- (i) The Union Government may levy a cess or an appropriate tax, or create an appropriate mechanism for collection of contribution from individual employers (or their contractors wherever applicable) or a class of employers or an industry as a whole in order to partly finance the schemes, programs and projects undertaken by the Authority.
- (ii) The Union or State government may, on the recommendation of the Authority, levy and collect cess, tax or fees, on any goods produced or processed or manufactured or sold or on service rendered, for the purposes of this Act as it may specify from time to time by notification in the official gazette.
- (iii) The Authority, may in specific circumstances levy a contribution on individual employers at a rate decided by it.

22. Effect of non-payment of contribution

(a) Workers' contribution:

When a worker has not paid his/her contribution for a continuous period of not less than one year, he/she shall cease to eligible for future benefits.

Provided that if the Workers' Facilitation Centres or an authority specified by it is satisfied that the non-payment of contribution was for a reasonable ground and that the worker may be allowed to deposit the contribution in arrears and, on such deposit being made, eligibility for future shall be restored.

(b) Employers' contribution:

An employer or an industry found not to be paying its contribution to the cess or an appropriate tax will be liable for action under the appropriate Act. In case an

employer is found defaulting in individual contributions levied by the Authority, the appropriate action will be decided by the Authority in consultation with the Union Government.

23. Budget

The Authority shall prepare, in such form and at such time each financial year as may be prescribed, their budgets for the next financial year showing their estimated receipts and expenditure. The authority shall forward to the Union Government the consolidated budget of itself and the funds constituted by it.

24. Annual Reports and Periodic Reports

- (a) The Directors, Facilitating Agencies, and Workers' Facilitation Centres shall prepare, in such form and at such time each financial year as may be prescribed, their reports, giving an account of their activities during the applicable period.
- (b) The Authority shall submit its periodic reports, within one month of the end of the 1period to which they pertain, to the Union and the State governments and it shall be mandatory to make all such reports public.
- (c) Each facilitating agency will generate its periodic reports as prescribed by the Authority and it shall be mandatory to make these reports public.

25. Accounts and audit

- (a) The Authority, Facilitating Agency and Workers' Facilitation Centre shall maintain proper accounts and other relevant records and prepare annual statements of accounts in such form as may be prescribed.
- (b) The accounts of each facilitation centre shall be audited separately and the audit of the facilitating agency shall include audit reports of all the facilitating centres it is responsible for in addition to its own accounts pertaining to the activities associated with the Authority.
- (c) The Authority shall furnish to the Union Governments, before such date as may be prescribed, the audited copy of the consolidated account of itself and the Funds together with the auditor's report.

26. Investment of the funds

All moneys belonging to the Funds shall be deposited in a Scheduled Bank or any Government securities, or as may be approved by the Supervisory Board.

27. Existing Welfare Board and Fund

- (a) The Authority shall recognize the fact that various Welfare Boards and such other agencies are in existence for a number of industries, and that there are cess and such other provisions for funding the activities for social security and other services for workers in certain industries and certain states. The Authority may, in consultation with appropriate governments

responsible for these Welfare Boards, consider appointing such Welfare Boards as Facilitating Agencies for those particular industries within the limits of the rules and regulations created by the Authority.

- (b) The appropriate governments responsible for the concerned welfare boards, may, with the approval of the Authority, choose to merge or bring under the supervision, direction, and control of the Authority any existing schemes and Welfare Boards and funds that are consistent with the aims and objects of the Authority.

CHAPTER VI

FRAMING OF RULES, DELEGATION OF POWER, EXEMPTIONS, ETC.

28. Power to make Rules

- (a) The Authority may, make rules to carry out the provisions of this Act.
- (b) Without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely-
 - (i) Form of register of members to be maintained.
 - (ii) Rates of registration payable by the members to the Fund.
 - (iii) Forms of accounts and other relevant records to be maintained by the Authority and Fund.
 - (iv) Form for preparation of the annual reports of the concerned Board and Fund and stipulation of dates for submission of the same to the Union government.
 - (v) Form for preparation of annual budgets..
 - (vi) Procedure and power to audit the expenditure incurred by and review the functioning of Workers' Facilitation Centre and Facilitating Agency.
 - (vii) Any other matter, including disqualification of facilitating agencies and centres for non-performance, which has to be, or may be, prescribed by rules under this Act.

29. Exemptions

- (a) The Union government may, in consultation with the Authority, by notification and subject to such condition and for such period as may be specified in the notification, exempt from the operation of all or any of the provisions of this Act or any schemes made there under, all or any class or classes of workers, in any establishment or part of any establishment: -

If in the opinion of the Union government, all the workers or such class or classes of workers, are in enjoyment of benefits which are on the whole not less favorable to such workers than the benefits provided by or under this Act or any scheme framed there under.

- (b) The Union government may by notification, at any time, cancel the exemption granted under sub-section (a), if it feels that the conditions

mentioned therein, are not satisfied, after recording reasons and after providing an opportunity of being heard to such establishment.

30. Rights and privileges under other more beneficial laws not affected

Nothing contained in this Act shall affect the operation of any corresponding law, contract, custom, usage, award, settlement or agreement, regulating the employment and conditions of service of the workers and providing for welfare measures or schemes which are more beneficial to the workers than those provided for them by or under this Act.

31. Power to remove difficulties

- (a) If any difficulty arises in giving effect to the provisions of this Act, the Union Government may, by order published in the official Gazette, make such provisions, not inconsistent with the provisions of this Act, as appears to it to be necessary or expedient for removing the difficulty;

Provided that no such order shall be made after the expiry of two years from the date of commencement of this Act.

- (b) Every order made under this section shall, as soon as may be after it is made, be laid before each House of Parliament.

32. Members of Boards and Officers to be Public Servants

Every Member of the Supervisory Board, the Directors and every officer appointed under this Act shall be deemed to be a public servant within the meaning of Section 21 of the Indian Penal Code (45 of 1860).

33. Protection for action taken in good faith

No suit, prosecution or other legal proceeding lie against Union Government or any Member of the Board or the directors or any officer appointed under this Act for anything, which is in good faith done or intended to be done under this Act or any scheme or rule made thereunder.

34. Bar on civil courts

No civil court shall have jurisdiction in respect of any matter to which any provision of this Act applies and no injunction shall be granted by any civil court in respect of anything, which is done or intended to be done by or under this Act.
