

LIMESTONE AND DOLOMITE MINES LABOUR WELFARE FUND RULES, 1973

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**LIMESTONE AND DOLOMITE MINES LABOUR WELFARE FUND
RULES, 1973**

G.S.R. 1273, dated the 15th November, 1973¹ Whereas the draft of the Limestone and Dolomite Mines Labour Welfare Fund Rules, 1973, was published as required by sub-section (i) of Section 16 of the Limestone and Dolomite Mines Labour Welfare Fund Act, 1972 (62 of 1972), at pages 1278 to 1295 of the Gazette of India, Pt. II, Sec. 3, sub-section (i), dated the 30th June, 1973, under the notification of the Government of India in the Ministry of Labour and Rehabilitation (Department of Labour and Employment) No. G.S.R. 689, dated the 12th June, 1973, inviting objections and suggestions from all persons likely to be affected thereby, till the 15th August, 1973; And whereas the said Gazette was made available to the public on the 30th June, 1973; And whereas the objections and suggestions received from the public on the said draft have been considered by the Central Government; Now, therefore, in exercise of the powers conferred by Sec. 16 of the said Act, the Central Government hereby makes the following rules, namely :

CHAPTER 1

General

1. Short title and commencement :-

(1) These rules may be called the Lime- stone and Dolomite Mines Labour Welfare Fund Rules, 1973.

(2) They shall come into force on the 1st day of December, 1973.

2. Definitions :-

In these rules, unless the context otherwise requires,-

(1) "the Act" means the Limestone and Dolomite Mines Labour Welfare fund Act, 1972 (62 of 1972);

(2) ¹ [***]

(3) "Central Advisory Committee" means a Committee constituted under Section 7 of the Act;

- (4) "Chairman" means the Chairman of an Advisory Committee or the Central Advisory Committee, as the case may be;
- (5) "Commissioner" means a Limestone and Dolomite Mines Welfare Commissioner appointed by the Central Government under Section 8, for the State or States concerned;
- (6) "Form" means a form appended to these rules;
- (7) "Fund" means the Limestone and Dolomite Mines Labour Welfare Fund;
- (8) "Member" means a member of an Advisory Committee or the Central Advisory Committee, as the case may be;
- (9) "Schedule" means a schedule appended to these rules;
- (10) "Section" means a section of the Act;
- (11) "Treasury" means any Government Treasury or sub-treasury.
1. Omitted by G.S.R. 1063, dated 26th August, 1978.

CHAPTER 2

Central Advisory Committee, Advisory Committees and Sub-committees

3. Composition :-

(1)

(a) The Central Advisory Committee shall consist of the following persons, to be appointed by the Central Government, namely : [

1 (i) Chairman;

(ii) an officer of the Central Government, who shall be the Vice-chairman, ex-officio;

(iii) two officers of the Central Government to be nominated by the Government, ex-officio,

(iv) Three Welfare Commissioners to be nominated by the Central Government ex-officio;

(v) such number of persons to represent the owners of Limestone and Dolomite Mines as are equal in number of the aggregate of those

(vi) such number of persons, of whom one shall be a woman, to represent the persons employed in Limestone and Dolomite Mines

are equal in number to those provided in sub-clause (v) to be appointed, after consultation with such organisations, if any, of persons so employed as may be recognised by the Central Government in this behalf.]

(b) An officer of the Central Government shall be the Secretary of the Central Advisory Committee and shall be entitled to attend and take part in the meetings of the Committee, but shall not be entitled to vote.

(2)

(a) Each Advisory Committee constituted under Section 6 shall consist of the following persons, to be appointed by the Central Government, namely :

(i) the Chairman;

(ii) an officer called the Limestone and Dolomite Mines Welfare Commissioner, who shall be the Vice-Chairman-ex-officio,

(iii) one representative of the Central Government-ex-officio;

(iv) a Member of the Legislative Assembly appointed in consultation with the Government of the State concerned;

(v) two persons to represent the owners of the Limestone and Dolomite Mines, to be appointed, after consultation with the organisations of the owners, if any, as may be recognised by the Central Government;

(vi) two persons to represent the persons employed in the Limestone and Dolomite Mines, to be appointed after consultation with the organisations of the persons employed, if any, as may be recognised by the Central Government;

(vii) a woman; if no woman has been appointed under sub-clause (vi).

(b) An officer of the Limestone and Dolomite Mines Labour Welfare Organisation of the State or States concerned shall be the Secretary of the Advisory Committee and shall be entitled to attend and take part in the meetings of the Committee, but shall not be entitled to vote.

1. Subs. by G.S.R. 42(E), dated 22nd January, 1991 (w.e.f. 22nd January, 1991).

4. Term of office :-

(1) A member shall, unless he resigns his office or dies at an earlier date, hold office for a period not exceeding three years, as may be determined by the Central Government in each case, from the date of publication of the notification appointing him a member of the Advisory Committee or the Central Advisory Committee as the case may be, and shall be eligible for reappointment : Provided that an outgoing member may continue in office until the appointment of his successor is notified in the Gazette of India.

(2) A member appointed to fill a casual vacancy shall hold office for as long as the member whose place he fills would have been entitled to hold office if the vacancy had not occurred.

(3) If a member is unable to attend a meeting of the Advisory Committee or the Central Advisory Committee the Central Government may nominate, or the body which is represented by him may, by notice in writing signed on its behalf and by the said member, addressed to the Chairman of the Committee, depute a substitute in his place to attend the meeting and such nominated or deputed member shall have all the rights of a member in respect of that meeting.

Comments The word "or"-Meaning of.-The expression "or" must be given its plain and ordinary meaning. It is a disjuncture. It indicates that the powers contained in the rule before and after the word "or" were meant to lay down two distinct powers relating to the discretion of the Court and it could adopt either depending upon the peculiar facts of the case.¹Rules and their legislative character.-Since the rules are legislative in character, they must harmoniously be interpreted as a connected whole giving life and force to each word, phrase and rule and no part thereof should be rendered nugatory or a surplusage. Resort to iron out the creases could be had only when the construction of the relevant rule, phrase or word would lead to unintended absurd results.²Rules-Construction of.-Whenever the rules are plain and unambiguous and precise words have been used while framing the rules, it has always been the wellsettled law that the Court is bound to construe such words in their ordinary sense and give them full effect.³

1. Abdul Gani Mir v. Mst Sakina Bano. A.I.R.1991 J. and K. II at p. 13.

2. KeshavChandraJosIiv.UnionofIndia. 1991 Lab. L.C. 216 atp. 219(S.C.).

3. Raj Kumar v. State Board of Technical Education. Punjab. Chandigarh, A.I.R. 1991 P. and H. I at p. 5.

5. Resignation :-

A non-official member may resign his office by letter addressed to the Chairman and the resignation shall take effect from the date of its acceptance or on the expiry of thirty days from the date of its receipt by the Chairman whichever is earlier.

6. Absence from India :-

(1) Before a non-official member leaves India he shall intimate to the Chairman the date of the departure from and the date of his expected return to India, and if he intends to be absent from India for a period longer than six months, he shall tender his resignation.

(2) If any such member leaves India without taking action as required under sub-rule (L), he shall be deemed to have resigned with effect from the date of his departure from India.

7. Vacation of office :-

A non-official member shall be deemed to have vacated his office,-

(a) if he becomes of unsound mind or is declared insolvent: or

(b) if he is convicted for any offence which in the opinion of the Central Government involves moral turpitude: or

(c) if he is absent from three consecutive meetings of the Advisory Committee or the Central Advisory Committee without leave of absence from the Chairman; or

(d) if, in the opinion of the Central Government it is not desirable that he should continue to be a member of the committee: or

{e) if he ceases to represent the interest for representing which he was appointed.

8. Power to co-opt :-

(1) An Advisory Committee or the Central Advisory Committee may, at any time and for such period as it thinks fit, co-opt any person or persons to the Advisory Committee.

(2) A person co-opted under sub-rule (1) shall exercise all the powers and functions of a member under these rules, but shall not be entitled to vote.

9. Power to invite persons to attend meetings :-

An Advisory Committee or the Central Advisory Committee or its Chairman may at any time and for such meeting or meetings as is

or are considered necessary, invite any person or persons to attend the meeting or meetings of the Committee and a person or persons so invited shall exercise all the powers of a member under these rules. except that he or they shall not be entitled to vote on any question coming before the Committee.

10. Remuneration to members :-

(1) Every non-official member, including a non-official member co-opted under rule 8, shall be entitled to receive travelling allowance and daily allowance in accordance with the instructions contained in the Ministry of Finance Office Memorandum No.F 6(26)-E.IV/59, dated the 5th

(2) Non-official members who are resident at the places where the meetings are held shall be entitled only to the actual cost of conveyance hire subject to a maximum of Rs. 10 per day.

(3) The allowances under this rule shall be admissible only on production of a certificate' by the non-official members to the effect that they have not claimed or drawn travelling or daily allowance in respect of the journeys and halts from any other source.

11. Disposal of business :-

(1) Every question which an Advisory Committee or the Central Advisory Committee is required to take into consideration shall be considered either at a meeting or, if the Chairman so directs, by sending the necessary papers to every member for opinion : Provided that the papers may not be sent to a member who is absent from India.

(2) When a question is referred to an Advisory Committee or the Central Advisory Committee for opinion, any member may request that the question be considered at a meeting and thereupon the Chairman may, and if the request is made by three or more members, shall, direct that it be so considered.

(3) If not less than three members of an Advisory Committee or the Central Advisory Committee request the Chairman thereof to refer any matter to the Committee, the Chairman shall refer that matter to it accordingly.

12. Time and place of meetings :-

An Advisory Committee or the Central Advisory Committee shall meet at such places and times as may be appointed by the

Chairman.

13. Notice of meetings and list of business :-

(1) Notice shall be given to every member present in India at the time and place fixed for each ordinary meeting at least fifteen days before such meeting and every member shall be furnished with a list of business to be considered at the meeting : Provided that when an emergency meeting is called by the Chairman such notice shall not be necessary.

(2) No business which is not on the list shall be considered at a meeting without the permission of the Chairman.

14. Presiding at meetings :-

The Chairman shall preside at every meeting at which he is present and in his absence, the Vice-Chairman shall preside.

15. Quorum :-

No business shall be transacted at a meeting of an Advisory Committee or the Central Advisory Committee whether an ordinary or emergency meeting unless at least three members in the case of an Advisory Committee and ten members in the case of the Central Advisory Committee having the right to vote are present, of whom the Chairman or Vice-Chairman shall be one: Provided that if at any meeting less than three or ten, as the case may be, of such members attend, the Chairman may adjourn the meeting to a date not less than seven days later, informing the members present and sending notice to (he other members that he proposes to dispose of the business at the adjourned meeting whether there is a (quorum or not and It shall thereupon be lawful to dispose of the business at the adjourned meeting irrespective of the number of members attending it.

16. Recommendation by majority :-

(1) Every question at a meeting of an Advisory Committee or the Central Advisory Committee shall be decided by a majority of votes of the members present and voting on that question: but the minority shall in all cases have the right of requiring their dissent to be noted.

(2) Every question referred to the members for opinion shall, unless the Chairman in pursuance of sub-rule (2) of rule 11 reserves it for consideration at a meeting, be decided in accordance with the

opinion of the majority of members recording opinion with (he time allowed.

(3) In (he case of an equal division of votes or opinion, the Chairman shall be given an additional vote or opinion.

17. Minutes of meetings :-

The proceedings of each meeting of an Advisory Committee or the Central Advisory Committee shall be circulated to all members present in India, as soon as possible after the meeting, shall be read out and confirmed at the next meeting of the Committee, shall be signed by the Chairman or the Vice-Chairman presiding, as the case may be, and shall thereafter be recorded in a minute book. which shall be kept for permanent record.

18. Headquarters of an Advisory Committee or the Central Advisory Committee :-

The Headquarters of an Advisory Committee shall be at such place or places as may be Fixed by the Central Government and the Headquarters of the Central Advisory Committee shall be in New Delhi.

19. Executive of an Advisory Committee :-

(1) The Commissioner shall be the Chief Executive of an Advisory Committee and exercise the executive functions of the Committee on its behalf.

(2) The Secretary of an Advisory Committee shall carry out routine duties and shall exercise such powers and discharge such duties as the Commissioner may, with the approval of the Central Government, delegate to him.

20. Staff : Powers of the Commissioner :-

(1) Subject to the provisions in the budget and the provision of rule 22 and also subject to such powers as may be delegated to him by the Central Government, the Commissioner may create and fill technical and other posts to assist him In carrying out his duties, may Fix the scale of establishment and the salaries and allowances and determine the other conditions of service of officers and staff employed by him including the security to be taken from them :
Provided that:

(i) the salaries and allowance of the staff appointed by the Commissioner under this rule shall be in accordance with the scales

sanctioned by the Central Government for similar posts: and

(ii) the creation of a post with a maximum salary exceeding Rs. 500 per month shall require the previous sanction of the Central Government.

(2) The Commissioner may authorise the staff to give assistance to any Member of an Advisory Committee or a sub-committee of that committee or to any other authority exercising executive or advisory functions in connection with the Act.

21. Conditions of service of persons appointed under Sec. 8 of the Act :-

Until other provision is made in this behalf, persons appointed under Section 8 of the Act shall be governed by such rules relating to the terms and conditions of service of Government servants generally, as may be made applicable, with modification, if any, to such persons by the Central Government.

22. Schemes of expenditure :-

(1) The sanction of the Central Government to the budget shall, if no specific mention is made to the contrary, be deemed to include sanction to expenditure on all approved schemes included in the budget.

(2) The Commissioner shall have power, subject to the provision in the sanctioned budget, to incur expenditure on administrative staff and welfare schemes: Provided that:

(i) he shall have no powers to sanction any scheme, not included in the budget, if it involves expenditure exceeding Rs. 50,000 non-recurring and Rs. 5,000 recurring a year; and any new scheme within these limits shall require the approval of the Finance Sub-Committee before any expenditure on it is incurred.

(3) The Commissioner may sanction, without reference to the Advisory Committee, expenditure on contingencies, supplies and services and purchases of articles required for the running of the organisation under him subject to financial provision in the sanctioned budget and to the condition that the expenditure on any single object shall not exceed Rs. 2,000 non-recurring and Rs. 400 recurring.

23. Budget :-

(1) The annual budget as prepared by the executive in consultation with the Finance Sub-Committee shall be considered by the Advisory Committee concerned each year and thereafter a copy of the budget, as approved by the Advisory Committee, shall be forwarded not later than the 1st day of October each year for sanction to the Central Government which may make such alterations therein as it considers necessary before according its sanction.

(2) The budget to be forwarded to the Central Government shall be accompanied by detailed self-contained notes explaining new schemes included therein.

24. Other matters to be considered by the Advisory Committee :-

(1) An Advisory Committee shall, besides carrying out its statutory duties, consider and advise upon any matter concerning these rules referred to it by the Central Government or State Government for advice.

(2) An Advisory Committee shall also consider the budget and any other matter that may be laid before it by the Commissioner.

25. Committee to be informed of expenditure :-

A memorandum setting forth any grant made or expenditure incurred since the last meeting shall be laid at each meeting of an Advisory Committee.

26. Finance Sub-Committee :-

(1) An Advisory Committee shall elect from among its members two persons of whom one shall be a person representing the owners of the limestone mines or dolomite mines or of both and the other representing the workers of the limestone mines or dolomite mines or of both. to constitute a Finance Sub-Committee of which the Commissioner shall be an additional member and president.

(2) An Advisory Committee may at any time co-opt a person or persons to the Finance Sub-Committee and any person so co-opted shall exercise all the powers and functions of a member of such sub-committee, but shall not be entitled to vote and shall not solely by reason of being so co-opted be a member of that Advisory Committee.

(3) Notice of every meeting of the Finance Sub-Committee shall be

sent to the Chairman of the Advisory Committee who may attend such meeting if he so desires, and if he does so attend, he shall, notwithstanding anything contained in sub-rule (1), preside and shall be entitled to vote.

27. Duties of the Finance Sub-Committee :-

The duties of the Finance Sub- committee shall be to frame schemes of expenditure, to advise on the budget drawn up by the Executive of the Advisory Committee and on the accounts of the Advisory Committee and also in regard to all expenditure and to consider all schemes referred to in proviso (ii) to rule 22.

28. Other Sub-Committees :-

Any Advisory Committee, may, as and when considered necessary, constitute from among its members, as many sub- committees as it may deem necessary for considering and reporting on such matters as may be specifically assigned to it.

29. Meetings of Sub-Committees :-

The meetings and proceedings of the Finance Sub-Committee and any other sub-committee which may be constituted under rule 28 shall be governed by the provisions herein contained for regulating the meetings and proceedings of an Advisory Committee in so far as the same are applicable.

CHAPTER 3

Grants and Welfare Standards

30. Grants :-

(1) In each case in which a grant is made by or with the approval of the Central Government to a State Government, a local authority, the owner of a limestone or dolomite mine. or any other person, in aid of any scheme approved by the Central Government for the purposes of the Act, the Central Government may impose conditions necessary for ensuring :

(a) that the work for which the grant is made is duly and promptly executed and the money is actually utilised for the purpose for which it is granted:

(b) that the data on which the grant is calculated are in accordance with facts:

(c) that any particulars which the Central Government may from time to time require for the proper discharge of its responsibilities

are promptly supplied:

(d) that all necessary facilities for inspection are accorded to persons duly authorised by the Central Government for the purpose of Cl. (a.) or for checking the correctness of any particulars supplied under Cl. (c) or for the collection of any such particulars:

(e) that proper accounts of the money granted are kept and are submitted for audit by such persons as the Central Government may authorise in this behalf: and

(f) that an additional statement of accounts together with a certificate of a Registered Accountant or other recognised body of auditors to the effect that the accounts are correct, is furnished by the grantee.

(2) Before making a grant to a local authority, or the owner of a limestone or dolomite mine or any other person the Central Government shall require such local authority or owner, or such person, to execute a bond for the fulfilment of conditions imposed by the Central Government under sub-rule (1).

(3) It shall be the condition of every bond executed under sub-rule (2) that in the event of the local authority or owner of the mine or such person violating any condition imposed under sub-rule (1) such local authority or owner or person shall be liable to pay to the Central Government such sum by way of penalty as may be specified in the bond in addition to the refund of the entire remaining grant-in-aid.

31. Standard of dispensary services :-

(1) The standard of dispensary services to be provided by owners of limestone or dolomite mines for the purpose of getting the grants-in-aid envisaged in Cl. (d) of sub-section (2) of Section 5 of the Act shall be as specified in Sch. I, hereinafter. In this rule and in rule 32 and rule 33 referred to hereinafter as the prescribed standard.

(2) There shall be maintained an independent dispensary at the site of each limestone or dolomite mine according to the prescribed standard : Provided that a common main dispensary may be maintained for several limestone or dolomite mines with branch dispensaries attached to each limestone or dolomite mine subject to the following conditions, namely :

(i) the common main dispensary shall maintain the standards prescribed for the aggregate number of workers of all the limestone or dolomite mines served by it or the standard maintained by it during the year 1972. whichever is higher:

(ii) every branch dispensary shall have a qualified doctor and a qualified compounder:

(iii) the common main dispensary shall be so situated that none of the limestone or dolomite mines served by it is more than fifteen kilometres away from it: and

(iv) the common main dispensary shall maintain an ambulance van for (aking serious cases of injury and sickness from the branch dispensaries to the common main dispensary.

(3) The Commissioner may, if he is satisfied that any dispensary Is being efficiently run and serves the purpose for which it is established, waive any of the requirements specified in the prescribed standard : Provided that no such dispensary shall contain any room other than a store room which is less than four metres by three metres in area : Provided further that a medical licentiate may be appointed to be in-charge of a dispensary catering to more than 250 workers only if he has ten years' experience as a medical officer in independent charge of a mine dispensary.

32. Inspection of dispensary or hospital. :-

The dispensary or hospital maintained by owners of Limestone or Dolomite Mines shall be inspected annually by the Welfare Commissioner of the region and the Senior Most Medical Officer jointly. They shall, if the dispensary or hospital conforms to the prescribed standard of the dispensaries or hospitals of the labour Welfare Organisation, as the case may be, issue a certificate in Form A which shall be valid for a period of one year from the date of the issue."

33. Submission of periodic returns :-

Every owner of a limestone or dolomite mine who maintains a dispensary service according to the prescribed standard shall submit to the Commissioner,-

(i) in January and July of each year a statement showing the total amount of limestone or dolomite produced in his mine during the preceding six months: and

(ii) in January of each year a certified statement of expenditure incurred on the dispensary during the preceding twelve months.

34. Standard of maternity centre :-

(1) The standard of maternity centre to be provided by owners of limestone or dolomite mines for the purpose of getting the grants-in-aid envisaged in Cl. (c) of sub-section (2) of Section 5 of the Act shall be as specified in Sch. II, hereinafter in this rule and in rule 35, rule 36 and rule 37 referred to as the prescribed standards.

(2) There shall be maintained an independent maternity centre at each limestone or dolomite mine according to the prescribed standard : Provided that a common main maternity centre may be maintained for several limestone or dolomite mines with branch maternity centres attached to each limestone or dolomite mine subject to the following conditions, namely :

(i) the common main maternity centre shall maintain the standards prescribed for the aggregate number of workers of all the limestone or dolomite mines served by it or the standard maintained by It during the year 1972. whichever is higher:

(ii) every branch maternity centre shall have a qualified doctor and a qualified compounder,

(iii) the common main maternity centre shall be so situated that none of the limestone or dolomite mines served by it is more than fifteen kilometres away from it: and

(iv) the common maternity centre shall maintain an ambulance van for taking serious cases from the branch maternity centres to the common maternity centre.

(3) The Commissioner may, if he is satisfied that a maternity centre is being efficiently run and serves the purpose for which it is established, waive any of the requirements specified in the prescribed standard : Provided that the functions of a lady health visitor may be performed by a fully qualified and registered mid-wife who has not less than ten years' experience as a mid-wife : Provided further that a lady medical licenciale may be appointed to be in- charge of a maternity centre catering to more than 1,000 workers if she has ten years' experience as a medical officer in independent charge of a mine maternity centre.

35. Inspection of maternity centre. :-

The maternity centre maintained by owners of Limestone or Dolomite Mines shall be inspected annually by the Welfare Commissioner of the region and the Senior Most Medical Officer jointly. They shall, if the maternity centre conforms to the prescribed standard of the maternity centre of the Labour Welfare Organisation, issue a certificate in Form B which shall be valid for a period of one year from the date of the issue."

36. Submission of periodic returns :-

Every owner of a limestone or dolomite mine who maintains a maternity centre according to the prescribed standard shall submit to the Commissioner in January of each year a certified statement of the expenditure incurred on (he maternity centre during the preceding twelve months.

37. Extent of grant-in-aid :-

Every owner of a limestone or a dolomite mine who maintains a dispensary or a maternity centre for the benefit of labour employed in his mine. which conforms to the prescribed standard under rule 31 or rule 34, as the case may be, and is subject to inspection under rule 32 or rule 35, as the case may be, shall, if he desires, to carry on improvement on the facilities existing on (he 1st April. 1973, be eligible, for such grant-in-aid in respect of nonrecurring expenditure on such improvement as the Central Government may decide, subject to the condition that it will not exceed 50 per cent. of the said expenditure.

38. Standard of facilities for education and recreation :-

(1) The standard of facilities for education and recreation of workers to be provided by owners of limestone or dolomite mines for the purpose of getting grants-in-aid as envisaged in Cl. (c) to subsection (2) of Section 5 of the Act shall be as specified in Sch. III. hereinafter in this rule and in rule 39 and rule 40referred to as the prescribed standard.

(2) There shall be maintained an independent welfare centre at each limestone or dolomite mine according to the prescribed standard.

(3) The Commissioner may, if lie is satisfied that the centre is being efficiently maintained and serves (he purpose for which it is established, waive any of the requirements specified in the prescribed standard.

39. Inspection :-

The welfare centre maintained by owners of limestone or dolomite mines shall be inspected at intervals not exceeding one year by such officer as may be authorised by the Commissioner for the purpose or by the Commissioner himself whenever he considers it necessary and the inspecting officer or (he Commissioner, as (he case may be. shall, if (he cen(re conforms to (he prescribed standard, issue a certificate in Form C which shall be valid for a period of one year from the date of issue.

40. Submission of periodic returns :-

Every owner of a limestone or dolomite mine who maintains a welfare centre according to the prescribed standard shall submit to the Commissioner :

(i) immediately on the establishment of the welfare centre, adequate proof to the satisfaction of (he Commissioner showing the capital expenditure incurred on the construction and equipment of the welfare centre, and

(ii) in January each year a certified statement of the expenditure Incurred on the welfare centre during the preceding twelve months : Provided that the statement shall not include expenditure, if any. incurred on repairs and replacements.

41. Extent of grant-in-aid :-

Every owner of a limestone or a dolomite mine who maintains a welfare centre for the benefit of the labour employed In his mine which conforms to the prescribed standard under rule 38 and Is subject to inspection under rule 39 be eligible to a grant-in-aid which shall not exceed 50 per cent. of the amount spent by the owner of the mine in the construction and equipment of the welfare centre subject to a maximum of Rs. 10.000.

CHAPTER 4

Assessment and Recovery

42. Assessing and collecting authority for duty of excise :-

The Commissioner shall be responsible for the assessment and collection of the cess levied under the Act.

43. Maintenance of registers :-

(1)

(a) Every owner of a limestone or dolomite mine shall maintain in

Form D a date-wise register of production and disposal of limestone or dolomite.

(b) At the close of each month, the entries made against each date in the register shall be totalled and the total production and disposal during the month shall be entered therein.

(c) The duty of excise, as fixed under Section 3 , payable by the owner of the mine to the Central Government on the limestone or dolomite used by such owner for any purpose in connection with the manufacture of cement, iron or steel shall be worked out and recorded in the register itself. Explanation.-In calculating the duty of excise payable, a fraction of less than half a tonne in the total of limestone or dolomite used during the month shall be Ignored and a fraction of half or more than half of a tonne shall be reckoned as one tonne.

(2)

(a) Every occupier of a factory receiving limestone or dolomite shall maintain in Form E a date-wise register of receipt of limestone or dolomite and the amount of duty of excise collected under Cl. (a) of sub-section (1) of Section 4 , in the manner specified In sub-rule (4) of rule 47.

(b) At the close of each month, the entries made against each date In the register shall be totalled and the total quantity of limestone or dolomite and amount of duty of excise collected during the month shall be entered therein.

44. Submission of returns :-

(1) Every owner of a limestone or dolomite mine and every occupier of a factory receiving limestone or dolomite shall submit to the Commissioner, in duplicate, a return in Form D and Form E. respectively for each month in accordance with the entries made In the register maintained under sub-rule (1) or sub-rule (2) of rule 43. as the case may be, duly signed by him or any other person authorised by him In this behalf, so as to reach the Commissioner not later than the last day of the month following the month to which the return pertains.

(2) If by reason of the fact that no limestone or dolomite was produced or disposed of in any manner by the owner of a mine. or likewise no limestone or dolomite was received or no duty of excise

collected by the occupier of the factory during any month, such owner or the occupier, as the case may be, shall submit to the Commissioner, in duplicate, a nil return for that month, accompanied by a certificate to the effect duly signed by him or any other person duly authorised by him in this behalf, so as to reach the Commissioner not later than the last day of the month following the month to which the return pertains.

(3) Notwithstanding anything contained in sub-rule (1), or sub-rule (2), If the Commissioner is satisfied with respect to the owner of any mine that no limestone or dolomite was produced or disposed of by him, or respect to the occupier of any factory that no limestone or dolomite or duty of excise was received by him, during the preceding twelve months, he may by a permit in writing allow such owner or occupier to submit In place of monthly return, a consolidated return in Form D and Form E, as the case may be, for such period not exceeding one year as may be specified in the permit and the consolidated return so submitted shall reach the Commissioner not later than the last day of the month Immediately following the period specified In the permit.

(4) A return under sub-rule (1). (2) or (3) shall be sent by registered post with acknowledgment due.

45. Penalty for delay in submission of returns :-

If the return for any month or period does not reach the Commissioner within the time specified In rule 44, the owner of the limestone or dolomite mine or the occupier of the factory, as the case may be. shall be punishable with fine which may extend to five hundred rupees.

46. Late returns and revision of returns :-

If the owner of any mine or the occupier of any factory has not furnished the return under rule 44 within the specified date or having furnished it, discovers any omission or wrong statement therein, he may furnish the return or revised return, as the case may be, at any time before the order of final assessment under rule 49 or rule 50. as the case may be, Is passed.

47. Provisional assessment and payment of duty of excise :-

(1) The amount of duty of excise payable by the owner of a mine for any month and recorded in the register specified in sub-rule (1) of rule 43 shall be deemed to be a provisional assessment of the duty of excise for that month and shall be subject to final

assessment under rule 49.

(2) The owner of the mine shall pay the duty of excise assessed under sub-rule (1) ¹ [by sending to the Commissioner crossed cheque and crossed demand draft drawn in his favour and payable at the station of which the Commissioner is stationed] not later than the last day of the month following the month for which the duty of excise is payable.

(3) The duty of excise on the limestone or dolomite, as fixed under Section 3 , payable to the occupier of a factory, by the person by whom such limestone or dolomite is sold or otherwise disposed of to such occupier, shall be worked out by the said occupier and shall be deemed to be a provisional assessment of the duty of excise and shall be subject to a final assessment under rule 50. Explanation.- In calculating the duty of excise payable, a fraction of less than half a tonne in the total of the limestone or dolomite sold or otherwise disposed of to the occupier of any factory at a time shall be ignored and a fraction of half or more than half of a tonne shall be reckoned as one tonne.

(4) The amount so worked out shall be deducted by the said occupier from the bill of payment of the person concerned, unless already paid by him to such occupier in cash or by bank draft, and the fact shall be Intimated forthwith by the said occupier to the person concerned in Form F, a copy of which shall also be endorsed to the Commissioner and despatched to him by registered post, acknowledgment due.

(5) The amount received or collected by the occupier of any factory under sub-rule (4) shall be paid by him '(by sending to the Commissioner crossed cheque and crossed demand draft drawn In his favour and payable at the station of which the Commissioner is stationed] not later than the last day of the month following the month for which the duty of excise is payable.

1. Subs. by G.S.R. 1063. elated 26th August. 1978.

48. Manner of payment of duty :-

(1) The payment of the duty of excise by the owner of a mine under sub-rule (2) of rule 47, or of the amount collected by the occupier of any factory under sub-rule (4) of Rule 47, shall be made by sending to the Commissioner a crossed cheque or crossed demand draft drawn in his favour and payable at the station at

which he is stationed along with a treasury challan duly filled in indicating the head of Account as "038-Union Excise Duties-Cess on commodities-Limestone and Dolomite Cess" creditable to the account of P.A.O. (Main Secretariat), Ministry of Labour, New Delhi.

(2) The cheque or bank draft shall be credited by the Commissioner in favour of the P.A.O. (Main Secretariat), Ministry of Labour, New Delhi, in the branch of the State Bank of India or its subsidiary with which the Commissioner has been placed in account.

]

49. Final assessment of duty of excise payable by owner of a mine :-

(1)

(a) If the Commissioner is satisfied that the return submitted by any owner of a mine is correct and complete, he shall confirm the provisional assessment referred to in sub-rule (1) of rule 47 as final and send an intimation to that effect to the owner of the mine in Form G within ninety days of the date of receipt of the return.

(b) If the Commissioner is not so satisfied or no return is filed by the owner of a mine. he may issue a notice in Form H on the owner of the mine requiring him to submit a return or a revised return in Form D, as the case may be, within such rule 44 with reference to the books and accounts and other relevant records of the mine at its premises.

(c) The officer deputed by the Commissioner shall be afforded all necessary facilities at the premises of the mine for the purpose of verification.

(d) If on consideration of the return or the revised return received in compliance of the notice in Form H or after verification of the return as aforesaid, or if no such return is received within the specified time, on the basis of the information in his possession, the Commissioner is satisfied that any amount on account of duty of excise is due from the owner of the mine, he shall issue on him a Demand Notice In Form I requiring him the payment of the amount due within the time specified therein and the owner shall further be punishable with fine which may extend to five hundred rupees as provided in rule 45, for non-submission of the return in Form D.

1 [(2) The mode of payment of the amount specified in Demand

Notice In Fonn I shall be the same as laid down in rule 48 and the crossed cheque or crossed demand draft sent to the Commissioner shall be accompanied by a covering letter quoting reference to the Demand Notice.]

1. Subs. by G.S.R. 1063, dated 26th August. 1978.

50. Final assessment of duty of excise payable by persons selling or otherwise disposing limestone or dolomite to the occupier of any factory :-

(1)

(a) If the Commissioner is satisfied that the amount of duty of excise received or collected by the occupier of the factory from the person by whom the limestone or dolomite Is sold or otherwise disposed of to such occupier, is the total amount of the duty of excise payable by him as fixed under Section 3 . he shall confirm the provisional assessment referred to in sub-rule (3) of rule 47as final and send an intimation to that effect to the said occupier in Form J within ninety days of the receipt of the intimation in Form F.

(b) If the Commissioner is not so satisfied or no return in Form E Is filed or information in Form F for any month furnished by the occupier of any factory by the specified date in the manner laid down in rule 44 and rule 47, the Commissioner may issue a notice in Fonn K on the occupier of the factory concerned requiring him to submit a return or revised return m Form E, or information or revised information in Form-F, or both, as the case may be, within such time as may be specified in the notice and he may also depute an officer for the purpose of verification of the correctness and completeness of the return or- the Information furnished by the occupier concerned in Form F, with reference to the books and accounts and other relevant records of the factory at its premises.

(c) The officer deputed by the Commissioner shall be afforded all necessary facilities at the premises of the factory for the purpose of verification,

(d) If no consideration of the return or revised return, or Information or revised information or both, received in compliance of the notice in Form K or after verification of the return or information or both. as aforesaid, or if no such return or revised return, or information or revised information, or both. Is or are received within the specified time. on the basis of the information

in his possession, the Commissioner is satisfied that any amount on account of duty of excise is due from the occupier of the factory, he shall issue on him a demand notice in Form L requiring him the payment of the amount within the time specified therein and the occupier of the factory shall further be punishable with fine which may extend to five hundred rupees as provided in rule 45 for non-submission of the return in Form E or information in Form F.

1 [(2) The mode of payment of amount specified in Demand Notice in Form L shall be the same as laid down in rule 48 and the crossed cheque or crossed demand draft sent to the Commissioner shall be accompanied by a covering letter quoting reference to the Demand Notice.]

1. Subs. by G.S.R. 1063, dated 26th August. 1978.

51. Penalty for non-payment of duty or excise :-

The penalty under Section 12 shall be Imposed by the Commissioner after giving notice to the defaulter in Form M and the Demand Notice shall be issued in Form N.

52. Recovery of duty of excise on limestone or dolomite which has escaped assessment :-

If,-

(a) the Commissioner has reason to believe that by reason of the concealment, by the owner of a mine or by the occupier of any factory, of any particulars of any limestone or dolomite on which duty of excise is payable under Section 4 of the Act, has escaped the levy of duty of excise; or

(b) notwithstanding any such concealment of particulars as Is mentioned in Cl. (a), the Commissioner has in consequence of information in his possession, reason to believe that any limestone or dolomite on which duty of excise is payable has escaped levy of the duty of excise; the Commissioner may, in cases falling under Cl. (a), at any time within four years, and in cases falling under Cl. (b) at any time within two years of the end of the month during which the duty of excise should have been paid, assess the duty of excise payable thereon and all the provisions of these rules shall apply to the duty of excise so assessed as if assessment were Included in the final assessment order as provided under rule 49 or rule 50 as the case may be : Provided that the Commissioner, before exercising the powers conferred upon him under this rule. shall give the owner or the occupier, as the case may be, a reasonable

opportunity of being heard.

53. Recovery of unpaid duty of excise and penalty :-

(1) The Commissioner shall (in order to recover the unpaid amount of the duty of excise, interest and the penalty) apply to the Collector of the district in which the mine or the factory is situated, as the case may be, for the recovery of the amount remaining unpaid as arrears of land revenue under Section 13 .

(2) The Collector of the district shall send a report to the Commissioner by the 10th day of each month showing the amount recovered, by him as arrears of land revenue during the preceding month.

54. Review :-

(1) Within 30 days from the date of issue of a Demand Notice, any owner of the mine or any occupier of a factory, as the case may be, may submit a petition to the Central Government with a copy to the Commissioner, asking for a review of such assessment or orders under Section 11 or Section 12 : Provided that no such petition shall be entertained unless the Central Government is satisfied that the amount demanded has been paid as required under rule 49 or rule 50, as the case may be.

(2) Every petition for review shall be accompanied by a memorandum setting forth clearly the principal grounds of objection against the assessment made ¹[quoting the number and date of crossed cheque or crossed demand draft and number and date of letter with which it was forwarded to the Commissioner] showing that the amount assessed has been paid.

(3) The Central Government shall after making such enquiry as necessary pass such order in writing as it thinks fit, which shall be final.

(4) The petitioner shall be entitled to a copy of such order on the petition for review free of cost and it shall be furnished to him as soon as possible after the orders are passed.

(5) So much of the amount originally demanded and paid by the owner of the mine or the occupier of (he factory, as the case may be, as is found not to be due from him as a result of review under sub-rule (1) shall be refunded to the petitioner.

1 (6) Any refund under sub-rule (5) shall be made by the Commissioner by

1. Subs. by G.S.R. 106.3. dated 26th August, 1978.

55. Records of collection :-

(1) For the proper accounting of duty collected under these rules, the Commissioner shall maintain records to show the following particulars along with any other particulars required, namely :

(a) Assessment and collection of duty:

(b) interest payable under Section 11 :

(c) penalty imposed for non-payment of duty under Section 12 :

(d) particulars of petitions and orders thereon: and

(e) refunds.

(2) All the papers relating to the assessment of duty in respect of a mine or factory shall be kept together and shall form an assessment case record.

56. Liability of owner of mine selling or otherwise disposing of limestone or dolomite to the occupier of a factory :-

In these rules, the reference of the person by whom limestone or dolomite is sold or otherwise disposed the owner of a mine where such owner happens to be the person selling or otherwise disposing of limestone or dolomite produced in the mine to the occupier of the factory and shall be liable as such.

CHAPTER 5

Miscellaneous

57. Maintenance of the accounts :-

(1) The amount of the cess collected under the Act shall be credited to Major Head ¹(038-Union Excise Duties- Cess on commodities-]

(2) The proceeds of the cess, reduced by the cost of collection as may be determined by the Central Government, shall, after due appropriation made by Parliament by law. be transferred to [Limestone and Dolomite Mines Labour Welfare Fund in Section-J- Reserve Funds: (b) Reserve Funds not bearing Interest under the Major Head "829-Development and Welfare Funds-Mines Welfare Funds] in the Public Account of the Central Government for

expenditure on measures for the welfare of labour employed In the Limestone and Dolomite Mining industries.

(3) The miscellaneous receipts accruing from the investment of the account of the Fund and other moneys received in connection with manufacturers for the welfare of the labour employed in the limestone and dolomite mining industry shall be credited In the first instance to the Head ¹ [B-Non-Tax Revenue (ci Other Non-Tax Revenue-(ii) Social and Community Services-087-Labour and Employment-Receipts under Labour Laws] and subsequently transferred, after due appropriation made by Parliament by law, to the Reserve Fund referred to in sub-rule (2).

1. Subs. by G.S.R. 1063. dated 26th August. 1978.

58. Allocation :-

The proceeds of the cess transferred to the Limestone and Dolomite Mines Labour Welfare Fund every year and such other moneys as may be received in the Fund shall be distributed by the Central Government for expenditure in limestone and dolomite producing areas in proportion to their production or in such manner as may be decided in consultation with the Government of those areas.

59. Statistics and other information :-

(1) The owner of a limestone or dolomite mine and the occupier of any factory shall furnish such statistics or other information as the Central Government or any other person authorised by the Central Government in writing in this behalf, may by written order, require

(2) Any owner of a limestone or dolomite mine or the occupier of a factory who, without reasonable excuse, fails to furnish the statistics or other information required under sub-rule (1) or furnishes statistics or other information containing a statement, entry or detail which is not to the best of his knowledge or belief true, shall be punishable with fine which may extend to Rs. 500.

60. Prosecution :-

No Court shall take cognizance of any offence punishable under rule 45. sub-rule (d) of sub-rule (1) of rule 49, sub-clause (d) of sub-rule (1) of rule 50, and rule 59 save on a written complaint made by or under the authority of the Commissioner.

SCHEDULE 1

Standard of dispensary services

1. Dispensary catering for 1.000 workers or less :-

Three rooms to be used as follows:

- (i) Consulting room (5 metres x 4 metres)
- (ii) Dressing room (5 metres x 4 metres)
- (iii) Dispensary and store room (5 metres x 4 metres) covered waiting accommodation-15 Square metres. Two latrines (flush type) each 2 metres x 3 metres.

2. Dispensary catering for 1.001 to 2.000 workers :-

Six rooms to be used as follows :

- (i) Consulting room for males (5 metres x 4 metres)
- (ii) Consulting room for females (5 metres x 4 metres)
- (iii) Minor Operation room (5 metres x 4 metres)
- (iv) Dispensary room (5 metres x 4 metres)
- (v) Laboratory room (15 to 18 square metres)
- (vi) Store room (5 metres x 4 metres) Covered waiting accommodation-20 square metres. Two latrines (flush type) each 2 metres x 3 metres.

3. Dispensary Catering for 2.001 workers or more :-

Nine rooms to be used as follows :

- (i) Consulting room for males (5 metres x 4 metres)
- (ii) Consulting room for females (5 metres x 4 metres)
- (iii) Minor Operation room (5 metres x 4 metres)
- (iv) Dispensary room (5 metres x 4 metres)
- (v) laboratory room (15 to 18 Square metres)
- (vi) Dressing room (3 metres x 4 metres)
- (vii) Dark room (3 metres x 3 metres)
- (viii) Registration and Record Office (15 square metres)
- (ix) Store room (5 metres x 4 metres) Covered waiting accommodation-25 square metres. Three latrines (flush type) each 2 metres x 3 metres. Each dispensary shall provide emergency beds for treatment of simple and emergency cases at the rate of

one bed for every 250 workers subject to a minimum of two beds. one for males and one for females. For this purpose separate rooms shall be provided for males and females. The rooms shall have air space of 18 cubic metres per bed and door and window space not less than one- third of the floor space with varandah 2.5 metres wide along the front of the rooms. Limestone or Dolomite mines which have no provision for emergency beds on the lines mentioned above at their dispensaries at the commencement of the Limestone and Dolomite Mines Labour Welfare Fund Rules, 1973, may within a period of three years from such commencement provide for such beds. Such of those mines which fail to provide emergency beds within such period shall not be entitled to any subsidy thereafter even if they shall be otherwise qualified for It.

SCHEDULE 2

Standard of Maternity Centres

1. Maternity Centre for a mine employing upto 1,000 workers :-

- (i) Consulting and office room (5 metres x 4 metres)
- (ii) Labour room (5 metres x 4 metres)
- (iii) Annexe to the labour room for sterilizing (3 metres x 3 metres)
- (iv) Dispensary room (5 metres x 4 metres)
- (v) Store room (3 metres x 3 metres)
- (vi) Ward for two beds (5 metres x 4 metres)
- (vii) Bath room and latrines (flush) two (2 metres x 3 metres)
- (viii) Annexe to the bath room for bathing babies (2 metres x 3 metres)
- (ix) Washing room (2 metres x 3 metres)
- (x) Kitchen (2 metres x 3 metres)
- (xi) Covered waiting shed (15 square metres).

NOTE.-A part of the ward may be screened off to provide for work room for nursing staff.

2. Maternity Centres for a mine employing upto 2.000 workers :-

- (i) consulting room (5 metres x 4 metres)

- (ii) Labour room (5 metres x 4 metres)
- (iii) Annexe to the labour room for sterilizing (3 metres x 3 metres)
- (iv) Dispensary room (5 metres x 4 metres)
- (v) Work room for nursing staff for storage of medicines, maintenance and preparation of supplies and maintenance of records and reports (5 metres x 4 metres)
- (vi) Store room (3 metres x 3 metres)
- (vii) Ward for four beds (6 metres x 5 metres)
- (viii) Bath room and latrine (two flush) (2 metres x 3 metres)
- (ix) Annexe to the bath room for bathing babies (2 metres x 3 metres)
- (x) Washing room (2 metres x 3 metres)
- (xi) Kitchen (2 metres x 3 metres)
- (xii) Laboratory room (10 square metres)
- (xiii) Covered waiting accommodation (15 square metres)

3. Maternity Centre for a mine employing over 2,000 workers :-

- (i) Consulting room (5 metres x 4 metres)
- (ii) Labour room (5 metres x 4 metres)
- (iii) Annexe to the labour room for sterilizing (3 metres x 3 metres)
- (iv) Dispensary room (5 metres x 4 metres)
- (v) Work room for nursing staff for storage of medicines, maintenance and preparation of supplies and maintenance of records and reports (5 metres x 4 metres)
- (vi) Minor operation room (5 metres x 4 metres)
- (vii) Store room (3 metres x 3 metres)
- (viii) Ward for six beds (7 metres x 3 metres)
- (ix) Bath room and latrines (three-flush) (2 metres x 3 metres)
- (x) Annexe to the bath room for bathing babies (2 metres x 3 metres)

(xi) Washing room (2 metres x 3 metres)

(xii) Kitchen (2 metres x 3 metres)

(xiii) Laboratory room (15 square metres)

(xiv) Covered waiting accommodation (25 square metres)

SCHEDULE 3

Standard of Facilities for Education and Recreation Centre