

## **MICA MINES LABOUR WELFARE FUND RULES, 1948**

### CONTENTS

1. Short title and extent
2. Definitions
3. Composition of Advisory Committees
4. Terms of office
5. Power to co-opt
6. Resignation
7. Absence from India
8. Vacation of office
9. Disposal of business
10. Time and place of meetings
11. Remuneration of members
12. Notice of meetings and list of business
13. Advisory Committee to be informed of expenditure
14. Other matters to be considered by Advisory Committee
15. Presiding at meetings
16. Quorum
17. Recommendation by majority
18. Minutes of meetings
19. Headquarters of the Advisory Committees
20. Staff of the Advisory Committee
21. Finance Sub-Committee
22. Duties of the Finance Sub-Committee
23. Budget
24. Schemes of expenditure
25. Distribution of cess
26. Credit to the Fund
27. Refund and recovery of cess
28. Conditions of grant to the Government of Madras
29. Statement of accounts
30. Statistical and other information to be furnished

## **MICA MINES LABOUR WELFARE FUND RULES, 1948**

<sup>1</sup>1. Published in the Gazette of India, Pt. 1 . See. 1, p. 58. dated 10th .January. 1948. and applies to whole of India as amended by S. R. O.2054. dated 30th December, 1951, Gazette of India Pt. 11. dated 19th January, 1952. In exercise of the powers conferred by Sec. 6 of the Mica Mines Labour Welfare Fund Act, 1946 (XXII of 1946), the Central Government is pleased to make the following rules, namely:

### **1. Short title and extent :-**

(1) These rules may be called the Mica Mines Labour Welfare Fund Rules, 1948.

(2) They extend to the whole of India except the State of Jammu and Kashmir.

### **2. Definitions :-**

In these rules, unless there is anything repugnant in the subject or context,-

(1) "The Act" means the Mica Mines Labour Welfare Fund Act, 1946 ;

(2) "Advisory Committee" means the Advisory Committee constituted under Section 4 of the Act;

(3) "member" means a member of the Advisory Committee present in India.

### **3. Composition of Advisory Committees :-**

(1)

(a) The Committee for the Province of Bihar shall consist of the following members, namely :

<sup>1</sup>[(i) The Labour Minister of the State :

(i-a) an officer to be appointed by the Central Government called the Welfare Commissioner;]

(ii) the Mica Controller. Bihar ;

(iii) <sup>2</sup>[the Regional Labour Commissioner, Government of India, Dhanbad]:

(iv) a member of the Bihar Legislative Council or Assembly nominated by the Central Government on the recommendation of the Government of Bihar:

(v) three persons nominated by the Central Government, in consultation with the association, if any, representing mica mine owners of Bihar ;

(vi) three persons nominated by the Central Government to represent the Interests of workmen employed in the mica-mining industry of Bihar :

(vii) a woman nominated by the Central Government on the recommendation of the Government of Bihar, if no woman has been nominated under C1. (vi) ;

<sup>3</sup>[(vii) an officer of the Mica Mines Labour Welfare Fund of the State shall be the Secretary].

(b) The <sup>4</sup>[Labour Minister of the State] shall be the Chairman of the Advisory Committee for the Province of Bihar and the Vice-Chairman of the Committee shall be appointed by the Central Government from among the other members.

(2)

(a) The Advisory Committee for the Province of Andhra shall consist of the following members, namely:

<sup>4</sup>[(i) the Labour Minister of the State :

(i-a) the Collector of Nellore ]:

(ii) the Chairman of the Zila Parishad, Nellore:

(iii) a member of the Andhra Legislative Council or assembly nominated by the Central Government on the recommendation of the Government of Andhra:

(iv) two persons nominated by the Central Government in consultation with the associations, if any, representing mica mine owners of Andhra:

(v) two persons nominated by the Central Government to represent the

(vi) a woman nominated by the Central Government on the recommendation of the Government of Andhra, if no woman has been nominated under C1, (v) ;

<sup>6</sup>[(vii) an officer of the Mica Mines Labour Welfare Fund of the State who shall be the Secretary].

(b) The <sup>5</sup>[Labour Minister of the State] shall be the Chairman of the Advisory Committee for the State of Andhra and the Vice-Chairman of the Committee shall be appointed by the Central Government from among the other members.

(3) (a) The Advisory Committee for the State of Rajasthan shall consist of the following members, namely:

<sup>8</sup>[(i) the Labour Minister of the State:

(i-a) the Welfare Commissioner, Mica Mines Labour Welfare Fund, Rajasthan ]:

(ii) one representative of the Central Government :

(iii) a member of the Rajasthan Legislative Assembly nominated by the Central Government on the recommendation of the Government of Rajasthan:

(iv) two persons nominated by the Central Government, in consultation with the associations, if any, representing mica-mine owners of Rajasthan:

(v) two persons nominated by the Central Government to represent the interests of the workmen employed in the mica-mining industry of Rajasthan:

(vi) a woman nominated by the Central Government on the recommendation of the Government of Rajasthan, if no woman has been nominated under Cl. (v) :

<sup>5</sup>[(vii) an officer of the Mica Mines Labour Welfare Fund of the State who shall be the Secretary].

(b) The <sup>6</sup> [Labour Minister of the State] shall be the Chairman for the Advisory Committee for the State of Rajasthan and the Vice-Chairman of the Committee shall be appointed by the Central Government from among the other members.

(4)

(a) The Advisory Committee for the State of Ajmer shall consist of the following members, namely:

(i) the Deputy Commissioner, Ajmer ;

(ii) the Labour Officer. Ajmer :

(iii) one representative of the Central Government :

(iv) a member of the Ajmer Legislative Assembly (when It is constituted), nominated by the Central Government on the recommendation of the Government of Ajmer;

(v) two persons nominated by the Central Government, in consultation with the association, if any ,representing mica-

mineowners of Ajmer :

(vi) two persons nominated by the Central Government to represent the interests of workmen employed in the mica-mining industry of Ajmer :

(vii) a woman nominated by the Central Government, if no woman has been nominated under Cl. (vi).

(b) The Deputy Commissioner, Ajmer, shall be the Chairman of the Advisory Committee for the State of-Ajmer and the Vice-Chairman of the Committee shall be appointed by the Central Government from among other members.

1. Subs. by S.O. 2627, dated 21st June. 1969.
2. Subs. by G.S.R. 1825. dated 25th November, 1966.
3. Ins. by S.O. 2627. dated 21st June, 1969.
4. Subs. by S.O. 2627. dated 21st June, 1969.
6. Ins. by S.O. 2627, dated 21st, June , 1969.
8. Subs. by S.O. 2627, dated 21st, June , 1969.

#### **4. Terms of office :-**

(1) A nominated member shall, unless he resigns his

(2) A member nominated 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.

<sup>1</sup> [(3) If a nominated member is unable to attend a meeting of the 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 that meeting. Such nominated or deputed member shall have all the rights of a member in respect of that meeting].

1. Ins by S. O. 2717. dated 4th November, 1961.

#### **5. Power to co-opt :-**

(1) The 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.

## **6. Resignation :-**

A non-official nominated member may resign his office by letter addressed to the Chairman.

## **7. Absence from India :-**

(1) Before a non-official nominated member leaves India,-

(a) he shall intimate to the Chairman the date of his departure from and date of his expected return to India, or

(b) if he intends to be absent from India for a period longer than six months, he shall tender his resignation.

(2) If any nominated member leaves India without taking action as required by sub-rule (1) he shall be deemed to have resigned with effect from the date of his departure from India.

## **8. Vacation of office :-**

A nominated member shall be deemed to have vacated his office-

(a) if he becomes insolvent : or

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

(c) if he is absent from meeting of the Advisory Committee for three consecutive meetings without leave of absence, from the Chairman : or

(d) if, in the opinion of the Central Government, it is undesirable that he should continue to be a member of the Committee.

## **9. Disposal of business :-**

(1) Every question which the Advisory Committee is required to take into consideration shall be considered either at a meeting or, if the Chairman so directs, sending the necessary papers to every member for opinion.

(2) When a question is referred to the 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 five or more members shall, direct that it be so considered.

## **10. Time and place of meetings :-**

The Advisory Committee shall meet at such places and times as

may be appointed by the Chairman.

**11. Remuneration of members :-**

Each non-official member, including a non-official member co-opted under rule 5 shall be paid an allowance of Rs. 10 for each meeting of the Advisory Committee or Finance Sub-Committee attended by him. subject to maximum of Rs. 30 for any one calendar month and his travelling expenses subject to the condition that they shall not exceed the rates admissible to Central Government servants of the first grade for a journey or tour. Where the journey is performed entirely by road, mileage at the rates admissible to Central Government servants of the first grade shall be paid subject to the condition of furnishing a certificate to the effect that the journey was undertaken by road to avoid loss of time which the journey by rail would have entailed and subject also to the condition that the distance travelled did not exceed 75 miles In a single journey. (Sic.)

**12. Notice of meetings and list of business :-**

(1) Notice of not less than 15 days from the date of posting shall be given to every member of the time and place fixed for each ordinary 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.

**13. Advisory Committee to be informed of expenditure :-**

A memorandum detailing any grants made or expenditure Incurred from the Fund since last meeting shall be laid before each meeting of the Advisory Committee.

**14. Other matters to be considered by Advisory Committee :-**

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

(2) The Advisory Committee shall also consider the budget and any matter that may be laid before It by the Chairman. It shall be obligatory on the Chairman to place before the Advisory Committee

any matter at the request of not less than five members.

**15. Presiding at meetings :-**

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

**16. Quorum :-**

No business shall be transacted at a meeting of the Advisory Committee whether an ordinary or emergency meeting, unless at least three members 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 such members attend, the Chairman may adjourn the meeting to a date not less than seven days later Informing the members present and notifying 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.

**17. Recommendation by majority :-**

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

(2) Every question referred to the member for opinion shall, unless the Chairman In pursuance of sub-rule (2) of rule 9 reserves it for consideration at a meeting, be decided in accordance with opinion of the majority recording opinion within the time allowed.

(3) In the case of an equal division of votes or opinions, the Chairman shall give an additional vote or opinion.

**18. Minutes of meetings :-**

(1) The proceedings of each meeting of the Advisory Committee shall be circulated to all members and thereafter recorded In a minute book, which shall be kept for permanent record.

(2) The record of the proceedings of each meeting shall be signed by the Chairman or Vice-Chairman, as the case may be.

**19. Headquarters of the Advisory Committees :-**

(1) The headquarters of the Advisory Committee for he State of Bihar shall be at such place as may be fixed by the Central

Government and of the Advisory Committee for any other State at such places as may be fixed by the State Government concerned

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(2) The <sup>1</sup> [\* \* \*] Vice-Chairman and Secretary of the Advisory Committee shall be the executive of the Committee and exercise the executive functions of the Committee on behalf of the Committee.

1. The word "Chairman" omitted by S.O. 2627, dated 21st June, 1969.

## **20. Staff of the Advisory Committee :-**

(1) Subject to the budget provision and the provisions of rule 24, the <sup>1</sup>[Vice-Chairman] of each Advisory Committee may fix the scale of establishment and the salaries and allowances and determine other conditions of service of officers and servants employed by him including the security to be taken from them: Provided that the creation of a post carrying a salary exceeding Rs.100 per month for more than six months and appointment thereto shall require the previous sanction of the Central Government : Provided further that the scales of pay of servants appointed by the <sup>1</sup>[Vice- Chairman] under this sub-rule shall be In accordance with the scales sanctioned by the Central Government for similar posts.

(2) Persons appointed by the <sup>1</sup>[Vice-Chairman] and paid from the Fund shall not be deemed to the Government servants notwithstanding that the Central Government may direct that any service rules applicable to Government servants may apply with or without modifications to such persons.

(3) The <sup>1</sup> [Vice-Chairman] may authorize the technical and secretarial staff to give technical and secretarial assistance to the Finance Sub-Committee or to any other authority exercising advisory functions In connexion with the Act or to any person or authority expending grants obtained from the Fund.

1. Subs. by S.O. 2627, dated 21st June, 1969.

## **21. Finance Sub-Committee :-**

(1) The Advisory Committee shall elect from among its members four persons, of whom two shall be persons representing mica-mine owners and two representing mica-mine workers, to be a Finance Sub-Committee, or which the Vice-Chairman of the Advisory

Committee who shall be an additional member shall be the President.

(2) The Advisory Committee may, at any time, co-opt persons to the Finance Sub-Committee and a person 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 the Advisory Committee.

(3) Notice of every meeting to 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 In sub-rule (1) preside and shall be entitled to vote.

(4) The meetings and proceedings of the Finance Sub-Committee shall be governed by the provisions herein contained for regulating the meetings and proceedings of the Advisory Committee in so far as the same are applicable thereto.

## **22. Duties of the Finance Sub-Committee :-**

The duties of the Finance Subcommittee shall be to frame schemes of expenditure, to advise on the budget drawn up by the Executive of the Advisory Committee and also In regard to all expenditure debi le to the Fund and to consider all schemes referred to in proviso (ii) to rule 24.

## **23. Budget :-**

(1) The annual budget of the Fund as prepared by the Executive of the Committee shall be considered by the Advisory Committee for each year. The budget as approved by the Advisory Committee, shall be submitted (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 suitable: Provided that the Advisory Committee of a State other than the State of

.

(2) The budget to be forwarded to the Central Government shall be accompanied by detail self-contained notes explaining any new schemes Included therin.

## **24. 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 the schemes included in the budget.

(2) The <sup>1</sup>[Vice-Chairman] shall have power, subject to the provisions in the sanctioned budget, to incur expenditure on administrative staff and welfare schemes: Provided-

(i) that he shall have no power to sanction any scheme not included in the budget and involving a non-recurring expenditure exceeding Rs. <sup>2</sup>[20,000] or a recurring cost exceeding Rs. <sup>2</sup> [2,500] a year, and

(ii) that any new scheme within these limits shall require the approval of the Finance Sub-Committee before any expenditure on it is incurred.

1. Subs. by S. O. 2627, dated 21st June, 1969.

2. Subs. by S.O. 279. dated 17th January. 1962.

#### **25. Distribution of cess :-**

(1) The proceeds of the cess available for distribution shall be distributed by the Central Government among micaproducing areas in proportion to their production or in such manner as may be decided in consultation with the Governments of those areas.

#### **26. Credit to the Fund :-**

(1) The total amount of cess collected shall, after deduction of such percentage towards the cost of collection as the Central Government may fix by notification in the Official Gazette, be credited to the Central Government revenues as soon as possible after the close of the financial year by such officer as the Central Government may appoint in this behalf.

(2) An amount equivalent to the amount of cess credited to the Central Revenue under sub-rule (1) shall be transferred to the Fund in a special account under the Central Government.

#### **27. Refund and recovery of cess :-**

Refund of cess erroneously levied or paid and recovery of cess short levied or erroneously refunded, shall be made in accordance with the provisions of the Sea Customs Act, 1878 and the rules made thereunder relating to refund, remission and recovery of customs duties under that Act so far as the same may be applicable.

#### **28. Conditions of grant to the Government of Madras :-**

(1) The Central Government shall furnish the Government of (any State other than State of Bihar), not later than the 1st day of July, each year with an estimate of the proceeds of the cess likely to be made available for expenditure during the following financial year in the State. The Government of such State shall inform the Advisory Committee accordingly

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(2) The Government of such State shall forward to the Central Government the budget submitted by the Advisory Committee not later than the 1st day of October, each year. The Central Government may sanction the budget with or without modifications.

(3) The Central Government may give general or specific directions to the Government of such State for ensuring co-ordination and uniformity in the preparation of welfare schemes and for proper administration thereof.

**29. Statement of accounts :-**

The accounts of the Fund shall be maintained and audited in such manner and by such officers as may be approved by the Central Government.

**30. Statistical and other information to be furnished :-**

(1) The owner, agent or manager of a mica-mine shall furnish such statistics or other information, as the Central Government or any other person authorized by the Central Government in writing in this behalf may, by written order require for the purpose of the Act. in such form or manner and within such time as may be specified in the order

.

(2) Any owner, agent or manager of a mica-mine who without reasonable excuse fails to furnish the statistical or other information as required under subrule (1) of furnish statistical 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 five hundred rupees.