

Tamil Nadu Manual Workers (Regulation of Employment and Conditions of Work) Rules, 1986

TAMILNADU

India

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Rule

TAMIL-NADU-MANUAL-WORKERS-REGULATION-OF-EMPLOYMENT- of 1986

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Tamil Nadu Manual Workers (Regulation of Employment and Conditions of Work) Rules, 1986 Published vide Notification No. G. O. Ms. No. 951, Labour, dated 28th May 1986 - S.R.O. A-100/86 G. O. Ms. No. 951, Labour, dated 28th May 1986 - S.R.O. A-100/86. - In exercise of the powers conferred by sub-section (1) of section 32 of the Tamil Nadu Manual Workers (Regulation of Employment and Conditions of Work) Act, 1982 (Tamil Nadu Act 33 of 1982), the Governor of Tamil Nadu hereby makes the following rules:-

1. Short title and extent.

(1) These rules may be called the Tamil Nadu Manual Workers (Regulation of Employment and Conditions of Work) Rules, 1986. (2) They shall extend to the whole of the State of Tamil Nadu.

2. Definitions.

- In these rules, unless there is anything repugnant in the subject or context, -(a) "Act" means the Tamil Nadu Manual Workers (Regulation of Employment and Conditions of Work) Act, 1982 (Tamil Nadu Act 33 of 1982); (b) "Advisory Committee" means an Advisory Committee constituted under section 15 of the Act; (c) "Board" means a Board established under section 6 of the Act; (d) "Chairman" means the Chairman of the Advisory Committee; (e) "Commissioner" means the Commissioner of Labour; (f) "Form" means a form appended to these rules; (g) "Inspector" means an Inspector appointed under section 16 of the Act; (h) words and expressions not defined in these rules shall have the meaning assigned to them under the Act.

3. Constitution of Advisory Committee.

- An Advisory Committee shall consist of the following members, who shall be nominated by the Government, namely:-(a)a Chairman, representing the Government;(b)Two officials representing the Government of which one shall be the Joint Commissioner of Labour or his nominee and the other shall be an official of the Labour Department not below the rank of a Deputy Commissioner of Labour who shall be the Member-Secretary of the Advisory Committee;(c)two officials representing the Government;(d)four persons representing the employer;(e)four persons representing manual workers;(f)four members representing the Legislature of the State.

4. Term of office.

(1)The official members of the Advisory Committee representing the Government including the Chairman shall hold office during the pleasure of the Government.(2)A non-official member of the Advisory Committee shall hold office for a period of three years commencing from the date on which his appointment is first notified in the Official Gazette:Provided that such a member shall, notwithstanding the expiry of the said period of three years, continue to hold office until his successor is nominated.(3)A non-official member of the Advisory Committee nominated to fill a casual vacancy shall hold office so long only as the member in whose place he is nominated would have held it, if the vacancy has not occurred.(4)If a member is unable to attend a meeting of the Advisory Committee, the Government may, for reasons to be recorded in writing, nominate a substitute to attend the meeting and such a substitute (member) shall have all the rights of a member in respect of that meeting and any decision taken at the meeting shall not become invalid on the ground that the said substitute was a party to the decision.

5. Resignation.

- A non-official member of the Advisory Committee may resign his office by writing under his hand addressed to the Chairman and his office shall, on acceptance of the resignation by the Chairman, become vacant.

6. Cessation of membership.

- If any non-official member of the Advisory Committee fails to attend three consecutive meetings of the Advisory Committee without obtaining the leave of the Chairman for such absence, he shall cease to be a member of the Advisory Committee:Provided that the Chairman may, if he is satisfied that such member was prevented by sufficient cause from attending three consecutive meetings of the Advisory Committee, direct that such cessation shall not take place and on such direction being made, such member shall continue to be a member of the Advisory Committee.

7. Disqualification.

(1) A person shall be disqualified for being nominated as, and for being a member of, the Advisory Committee-(i) if he is declared to be of unsound mind by a competent Court; or (ii) if he is an undischarged insolvent; or (iii) if he has been or is convicted of an offence which, in the opinion of the Government, involves moral turpitude. (2) If any question arises, whether a disqualification has been incurred under sub-rule (1), the decision of the Government thereon shall be final.

8. Removal from membership.

- The Government, on a report from the Commissioner of Labour, may remove from office any non-official member of the Advisory Committee, if in their opinion, such a member has ceased to represent the interest on whose behalf he was nominated.

9. Vacancy.

- When a vacancy occurs or is likely to occur in the membership of the Advisory Committee, the Member-Secretary of the Advisory Committee shall immediately submit a report to the Government and, on receipt of such report, the Government shall take steps to fill up the vacancy.

10. Disposal of business.

- All business shall be considered at a meeting of the Advisory Committee and shall be decided by a majority of the votes of the members present and voting.

11. Disposal of business through circulation.

(1) Where the Chairman considers that a decision has to be taken urgently, he may direct that the proposal may be circulated to all the members of the Advisory Committee. (2) Any decision taken through circulation among the members of the Advisory Committee, shall be valid only if it is supported by not less than two-third of the members.

12. Method of voting.

- Voting shall ordinarily be by show of hands, but if any member asks for voting by ballot or if the Chairman so decides, the voting shall be by secret ballot and shall be held in such manner as the Chairman may decide: Provided that in the case of equality of votes, the Chairman shall have a casting vote.

13. Meetings.

(1) The Advisory Committee shall meet at such intervals not exceeding three months and at such places, and time as may be specified by the Chairman. (2) The Chairman shall preside over every

meeting of the Advisory Committee at which he is present. If the Chairman is absent from any meeting, the members present shall elect one of the members to preside over the meeting and the members so elected shall, at that meeting, exercise all the powers of the Chairman.

14. Notice of meetings and list of business.

(1) Notice shall be given to every member, of the time and place fixed for each ordinary meeting at least fifteen clear days before such meeting and every member of the Advisory Committee shall be furnished with a list of business to be transacted at the meeting: Provided that in the case of an emergency meeting, notice of at least seven clear days shall be given to every member of the Advisory Committee. (2) No business which is not in the list shall be considered at a meeting without the permission of the Chairman.

15. Minutes of the meetings.

- The minutes of each meeting of the Advisory Committee shall be circulated to all members of the Advisory Committee, as soon as possible after the meeting is over. The minutes shall be confirmed at the next meeting of the Advisory Committee, and signed by the Chairman or the member presiding, as the case may be, and shall, thereafter, be recorded in the minutes book maintained for the purpose.

16. Quorum.

- No business shall be transacted at a meeting whether it be an ordinary or emergency meeting of the Advisory Committee, unless at least one-third of the total number of members and at least one representative representing the employer and one representative, representing the manual workers are present: Provided that, if at any meeting, less than one-third of the total number of members are present, the Chairman or, in the absence of Chairman, the member elected to preside over the meeting, may adjourn the meeting to a date not less than seven days from the date of the meeting, informing the members present and giving notice of the meeting to the other members of the Advisory Committee that he proposes to dispose of the business at the adjourned meeting irrespective of the quorum and it shall thereupon be lawful to dispose of the business at the adjourned meeting irrespective of the quorum.

17. Allowances of the members.

(1) The travelling allowance of an official member shall be governed by the rules applicable to him in the service in which he is a member for journeys, performed by him on official duties and shall be paid by the authority paying his salary. (2) A non-official member of the Advisory Committee shall be entitled to draw travelling and daily allowances for any journey performed by him in connection with his duties as such member at the rates and subject to the conditions applicable to non-official member of First Class Committee as laid down by the Government, from time to time.

18. Status of Chairman and Secretary of the Board.

(1)The Chairman of the Board shall be an officer not below the rank of a Deputy Commissioner of Labour or Deputy Director of Tamil Nadu Institute of Labour Studies in the Tamil Nadu Labour Service:(2)The Secretary of the Board shall be an officer not below the rank of a Labour Officer or Inspector of Plantation in the Tamil Nadu Labour Service.

19. Term of office of members of the Board.

(1)The official members of the Board including the Chairman shall hold office during the pleasure of the Government.[Provided that the Government may nominate any member representing the Government as Chairman of the Board.] [Proviso was added by G. O. Ms. No. 159, L & E, dated the 20th November 2006.](2)A non-official member of the Board shall hold office for a period of two years commencing from the date on which his appointment is first notified in the Official Gazette:Provided that such member shall, notwithstanding the expiry of the said period of two years, continue to hold office until his successor is nominated.

20. Application of certain rules to Board.

- The procedure contained in rules 10, 11, 12, 13, 14, 15, 16 and 17 shall, so far as may be, apply to the disposal of the business by the Board as they apply to the disposal of the business by the Advisory Committee.

20A. [Collection of contribution and remittance. [Inserted by G.O. Ms. No. 151, L&E, dated the 24th September 1999.]

(1)The contribution payable under clause (a) of sub-section (1) of section 8A of the Act shall be collected by the local authority while sanctioning the building permit, by means to Demand Draft drawn in favour of the Manual Workers General Welfare Fund of the Tamil Nadu Construction Workers Welfare Board, payable at Chennai. The contribution so collected by the Local Authority shall be remitted to the Tamil Nadu Construction Worker Welfare Board as per sub-section (4) of section 8A of the Act, on or before the 15th of the Month succeeding the month in which such collection of contribution was made along with a statement in Form-III.(2)The contribution payable under clause (b) of sub-section (1) of section 8A of the Act shall be remitted to the Secretary, Tamil Nadu Construction Workers Welfare Board, by the person who undertakes or is in-charge of the construction work, within 30 (thirty day from the date of commencement of such construction work. The contribution shall be remitted as per sub-section (4) of section 8 A of the Act, by means of Demand Draft drawn in favour of the Manual Workers General Welfare Fund of the Tamil Nadu Construction Workers Welfare Board, payable at Chennai, along with a statement in Form IV.]

21. Maintenance of accounts.

- The Board shall maintain its annual statements of accounts and balance sheet in Forms I and II.

22. Qualification of Inspector.

(1) No person shall be eligible for appointment as Inspector unless he is an officer belonging to the Tamil Nadu Labour Subordinate Service. (2) No person shall be appointed under sub-section (1) of section 16 of the Act as Inspector or having been so appointed shall continue to hold office, if he or his family has acquired, directly or indirectly any share or interest in any establishment within the limits of his jurisdiction to which the Act applies: Provided that nothing in this sub-rule shall apply to- (i) any person who has been permitted by the Board to hold or acquire directly or indirectly by himself or by his family any share or interest in any cooperative society registered under any law relating to co-operative societies. (ii) any person who acquires by inheritance any share or interests in any establishment, but who is not a working partner therein and intimates such inheritance of interest as soon as he acquires them.

23. Duties of Inspector.

- The Inspector shall, subject to any directions of the Board, make such examination of establishments of scheduled employment to which the Act applies as may appear to him to be necessary for the purpose of satisfying himself that the provisions of the Act, rules and the schemes framed in relation to such establishments are duly observed.

24. Reconstitution of Board.

- On supersession of a Board, the Government may reconstitute the Board within the period of twelve months from the date of supersession in the manner in which the Board is constituted by the Government under section 6 and, thereupon, the provisions of rules 10 to 19 shall apply to the reconstituted Board. Form I (See rule 21) Form of Income and Expenditure Account for the Year Ending 31st March.

Expenditure		Income	
Details of expenditure	Amount	Details of Income	Amount
(1)	(2)	(3)	(4)
	(Rs.)		(Rs.)
1.		1.	
2.		2.	
3.		3.	
4.		4.	

Form II (See rule 21).....Board Form Of Balance-Sheet As On 31st March

Liabilities Assets

Details	Amount	Details	Amount
(1)	(2)	(1)	(2)
	(Rs.)		(Rs.)

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|----|--|----|--|
| 1. | | 1. | |
| 2. | | 2. | |
| 3. | | 3. | |
| 4. | | 4. | |

[Form III] [Added by GO. Ms. No. 151, L&E (1-1), dated the 24th September 1999.]

1. Serial Number
2. Name and address or the applicant for building permit
3. Building application number
4. Place of construction in respect of which building permit is applied for
5. Total estimated cost of the building
6. 0.3 per cent of the total estimated cost of the construction work
7. Demand Draft number, date, amount and Bank on which Demand Draft is drawn

[Form IV] [Added by GO. Ms. No. 151, L&E (1-1), dated the 24th September 1999.]

1. Serial Number
2. Name of the person in-charge of the construction work
3. Place of construction
4. Total estimated cost of the construction work
5. 0.3 per cent of the total estimated cost of the construction work
6. Demand Draft number, date, amount and Bank on which Demand Draft is drawn