

# **Andhra Pradesh Unorganized Workers' Social Security Rules, 2012**

ANDHRA PRADESH

India

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### **Rule**

### **ANDHRA-PRADESH-UNORGANIZED-WORKERS-SOCIAL-SECURITY-F of 2012**

- Published on 17 February 2012
- Commenced on 17 February 2012
- [This is the version of this document from 17 February 2012.]
- [Note: The original publication document is not available and this content could not be verified.]

Andhra Pradesh Unorganized Workers' Social Security Rules, 2012Published vide Notification No. G.O. Ms. No. 20, Labour Employment Training and Factories (Lab.IV), dated 17.02.2012Last Updated 10th September, 2019No. G.O. Ms. No. 20. - In exercise of the powers conferred by Section 14 of the Unorganized Workers' Social Security Act, 2008 (Act 33 of 2008), the Governor of Andhra Pradesh hereby makes the following rules namely: -

#### **1. Short title and commencement.**

(1)These Rules may be called the Andhra Pradesh Unorganized Workers' Social Security Rules, 2012.(2)They shall come into force on the date of their publication in the Official Gazette.

#### **2. Definition.**

(1)In these rules, unless the context otherwise requires, -(a)"Act" means the Unorganized Workers' Social Security Act, 2008 (Act No.33 of 2008);(b)"Board" means the Andhra Pradesh State Social Security Board constituted under Section 6 of the Act.(c)"Chairperson" means the Chairperson of the Board;(d)"Government" means the State Government;(e)"Member" means a member of the Board;(f)"Section" means a section of the Act.

## **2. Words and expressions used and not defined in these rules but defined in the Act shall have the meaning respectively assigned to them in the Act.**

### **3. Andhra Pradesh State Social Security Board.**

(1)The Government by notification, constitute a Board to be known as Andhra Pradesh State Social Security Board.(2)The Board shall consist of the following members, namely:-(a)Minister of Labour and Employment - Chairperson Ex-officio(b)Principal Secretary / Secretary to Govt., - Member-Secretary Ex-Officio LET & F Department and(c)Twenty eight members to be nominated by the Government, out of whom -(i)Seven representing the Unorganised workers;(ii)Seven representing employers of Unorganised workers;(iii)Two representing Members of the Legislative Assembly;(iv)Five representing eminent persons from Civil Society; and(v)Seven representing State Government Departments concerned.(3)The Chairperson and other members of the Board shall be from amongst the persons of eminence in the fields of Labour Welfare Management, Finance, Law and Administration:Provided that adequate representation shall be given to persons belonging to the Scheduled Castes, Scheduled Tribes, Minorities and Women.

### **4. Term of office of members.**

(1)A member, other than an Ex-officio member, shall hold office for a period not exceeding three years from the date of his nomination.(2)A member nominated under sub-clause (iii) of clause (c) of sub-rule (2) of Rule 3 shall cease to be a member of the Board if he ceases to be a member of the Legislative Assembly.(3)A member nominated under sub-clauses (i), (ii) and (iv) of clause (c) of sub-rule (2) of Rule 3 shall cease to be a Member of the Board if he ceases to represent the category of interest from which he was so nominated.Provided that out of seven persons nominated under sub-clause (i), of clause (c) of sub-rule (2) of Rule 3 one member each from the Scheduled Caste, the Scheduled Tribe, the Minorities and the Women shall be represented.(4)A Member shall be eligible for renomination.

### **5. Resignation.**

(1)A member of the Board, not being an ex-officio member, may resign his office by a letter in writing addressed to the Chairperson.(2)The seat of such a member shall fall vacant from the date on which his resignation is accepted or on the expiry of thirty days from the date of receipt of intimation of resignation, whichever is earlier.(3)The power to accept the resignation of a member shall vest in the Chairperson, who, on accepting the resignation, shall report to the Board at its next meeting.

### **6. Removal of Member.**

- The Government may remove from office any member of the Board, if, in its opinion, such a member has ceased to represent the interest which he purports to represent on the Board.Provided that no such member shall be removed unless a reasonable opportunity is given to him of making

any representation against the proposed action.

## **7. Address of the Members.**

(1) Every Member shall furnish his or her Address to the Member-Secretary of the Board who shall thereupon enter his address in the official records. (2) If a Member changes his address, he shall furnish his new address to the Member-Secretary of the Board who shall thereupon enter his new address in the official records. Provided that, if a member fails to furnish his new address, the address in the official records shall for all purposes be deemed to be the member's correct address.

## **8. Manner of filling vacancies.**

- When a vacancy occurs or is likely to occur on completion of the term of the member in the membership of the Board, the Member-Secretary shall submit a report to the State Government and on receipt of such report, the Government may, by notification, nominate a person to fill the vacancy: Provided, when a vacancy occurs or is likely to occur due to removal or resignation of a member, the Member-Secretary shall submit a report to the Government and on receipt of such report, the Government may, by notification, nominate a person to fill the vacancy and the person so nominated shall hold office for the remaining term of office of the member in whose place he is nominated.

## **9. Allowances of members.**

(1) The travelling allowance of an official member of the Board shall be governed by the rules applicable to him for journey performed by him on official duties and shall be paid by the authority paying his salary. (2) The non-official members of the Board shall be entitled to the payment of travelling and daily allowance as per the provision of payment of travelling allowance to non-official members of a Committee, as per Andhra Pradesh Travelling Allowance Rules.

## **10. Disposal of business.**

- Every matter which the Board is required to take into consideration shall be considered at a meeting of the Board, or if the Chairperson so directs, by sending the necessary papers to every member for opinion, and the matter shall be disposed of in accordance with that decision of the majority. Provided that where there is no opinion of majority on a matter and the members of the Board are equally divided, the chairperson shall have a second or a casting vote. Explanation. - The expression "Chairperson" for the purpose of the above proviso shall include a member nominated or chosen under sub-rule (2) of Rule 3 to preside over a meeting.

## **11. Meetings.**

(1) The Board shall meet at such places and at such times as may be decided by the Chairperson and it shall meet at least once in four months. (2) The Chairperson shall preside over every meeting of the

Board in which he is present and in his absence, he may nominate a member of the Board to preside over such meeting in his place and in the absence of such nomination by the Chairperson, the members of the Board present in such meeting may choose one member from amongst themselves to preside over the meeting.

## **12. Notice of meetings and list of business.**

(1) Ordinarily, two weeks notice shall be given to the members of the Board of a proposed meeting: Provided that the Chairperson, if he is satisfied that it is expedient so to do, may give notice of longer period not exceeding one month for such meeting. (2) No business except which is included in the list of business for a meeting of the Board shall be considered at the meeting without the permission of the Chairperson. (3) The Chairperson may at any time call a special meeting of the Board in case of urgency, after informing the members in advance about the subject-matter of discussion and the reasons of urgency.

## **13. Quorum.**

(1) No business shall be transacted at any meeting of the Board unless at least six members are present in that meeting which shall include at least one member of State Legislative Assembly: Provided that if at a meeting, less than six members are present, the Chairperson may adjourn the meeting to another date informing the members present and giving notice to the other members that he proposes to dispose off the business at the adjourned meeting whether there is prescribed quorum or not, and it shall there upon be lawful for him to dispose of the business at the adjourned meeting irrespective of the number of members attending. (2) The Government may prohibit any member other than ex-officio members, from taking part in the Meeting of the Board if - (a) he absents himself from three consecutive meetings of the Board without written information and consent of the Chairperson: or (b) in the view of the Government, such member has ceased to represent the interest which he purports to represent on the Board.

## **14. Functions of the Board.**

- Functions of the Board shall be as follows: (a) To recommend the Government in formulating suitable schemes for different sections of the Unorganised Sector Workers; (b) To advise the Government on such matters arising out of the administration of the Act as may be referred to it; (c) To monitor such social welfare schemes for Unorganized Workers as are administered by the Government; (d) To review the record keeping functions performed at the District level; (e) To review the progress of registration and issue of cards to Unorganised Sector Workers; (f) To review the expenditure from the funds under various schemes; and (g) To undertake such other functions as are assigned to it by the Government, from time to time.

## **15. Creation of new posts.**

(1) The Government may create new posts as it considers necessary, from time to time, for effective

monitoring of the schemes to be implemented in the field level by the regular field officers of the departments concerned in the Districts and Mandals, based on the proposals received from the Member-Secretary to the Board.(2)The posts if any created under sub-rule (1) above, shall be in the respective departments in which such Social Security Schemes are being implemented / introduced.

## **16. Minutes of the Meeting.**

(a)The Secretary shall arrange for preparing the minutes of the proceedings of each meeting of the Board showing inter alia the names of the members present and shall forward a copy of such minutes to each member of the Board as soon after the meeting as possible.(b)The minutes of the proceedings of each meeting shall be confirmed with such modification, if any, as may be decided upon at the next meeting of the Board and signed by the Chairman at that meeting by way of authentication.(c)The minutes of the proceedings of each meeting of the Board authenticated by the Chairman under clause (b) shall be kept in a separate minutes book and the Secretary shall send a copy of such authenticated minutes of the proceedings of each meeting to the Government for information as early as possible.(d)The minutes book shall be kept in safe custody of the Officer authorized by the Secretary who shall be responsible for recording the minutes of the meetings.

## **17. Budget of the Board.**

- The Secretary shall cause the budget estimates of the fund containing estimated receipts and expenditure for every financial year to be prepared and laid before the Board by 31st January every year and the Board will approve the budget before the 15th March. The details of the all immovable and movable assets of the Board including the Bank deposits, expenditure incurred on Welfare Schemes, administration and other sub-heads against the current year's approved budget, and a detailed progress report on the functioning of the Board during the current year, shall be placed before the Board as annexure to the Budget. Thereafter, the budget copies shall be forwarded to the Central Government and State Government.

## **18. Operation of the Bank Account.**

(1)The Secretary of the Board shall open a P.D. Account in a Nationalized Bank for depositing the subscriptions, etc., after obtaining the prior permission of the Government.(2)The Accounts shall be operated by the Secretary, who is the chief executive of the Board.(3)The Accounts with each of the Bank shall be reconciled once in every quarter with the Cash Book of the Board. The consolidated debits and credits of Bank Accounts shall tally with the Income and Expenditure of the Fund. A Bank Reconciliation Statement shall be made as at the end of every quarter to explain in inconsistencies between the fund Account maintained in the Board and the Bank Accounts.(4)The Secretary of the Board shall prepare, at the end of every quarter, an estimated cash inflow and outflow statement for the next quarter and accordingly invest the amounts lying to the credit of savings Bank accounts in fixed deposit for appropriate period which yield higher rate of interest.(5)In the contingency of non-availability of the Secretary and in case of emergencies, for reasons to be recorded in writing and communicated to the Bank, the accounts may be operated by another two officers of the Board or the State Labour Department approved by the Board for this

purpose on the recommendations of the Commissioner of Labour. However, such transactions shall be ratified by the Secretary, as soon as he is available, under intimation to the concerned Bank.

## **19. Maintenance and Audit of Accounts of the Fund.**

(a)The Board shall maintain proper accounts and other relevant records and prepare annual statement of accounts including statement of Income and Expenditure and balance sheet, in such form as may be notified by the Government in consultation with the Comptroller and Audit General of India.(b)The accounts of the Board shall be balanced on the 31st March of each year.(c)The Accounts of the fund shall be maintained by the Secretary of the Board and shall be audited by the Comptroller and Auditor General of India.(d)The Government may, also at any time, order special audit of the accounts of the Board.(e)The expenses for the audit shall be as may be approved by the Government.

## **20. Annual report.**

(a)The Secretary of the Board shall prepare an Annual Report in a descriptive form explaining all the welfare and other activities of the Board during the Financial Year and submit the same to the Central and State Governments along with the Auditor's Report and Balance Sheet, duly approved by the Board, before the 15th July succeeding the Financial Year.(b)The State Government shall cause the Annual Report and Auditor's Report to be laid, as soon as may be after they are received, before the State Legislature.

## **21. Appointment of Secretary, Other Officers, Clerical and other staff by the Board and their service conditions.**

(1)The Board may, create all posts and appoint from among the existing Officers and Staff of the Labour Department of the Government, a Secretary not below the rank of Joint Commissioner of Labour, such number of other officers, clerical and other staff as may be necessary for carrying out its functions under the Act, in the Head Office. The entire field work to carry out the functions under this Act shall be done by regular staff and officers of the Labour Department. All appointments shall be as per the allotment of officers and Staff made by the Government in this regard. In case of clerical and other subordinate staff, the Board may, depending on the exigencies of work, resort to Contract appointments for a specific period in accordance with the Government instructions in force. The Board shall obtain approval of the Government for creation of posts, appointments and other matters incidental thereto.(2)The salaries and other allowances of the Officers and other staff of the Board shall be governed by the existing rules of the Government.(3)The Board may outsource the operations such as Maintenance of Beneficiary Accounts, Issuance of Identify Cards, receipt of contributions, registration fee, Cess etc; and implementation of welfare measures, as a cost effective measure, taking proper care about the safety of funds, control over implementation and such other measures as are essential to effectively implement the provisions of the Act, However, such proposals shall be approved by the Government, before they are implemented.

## **22. Government's Authority to investigate into the matters of the Board/Funding.**

- The Government shall have power to investigate into the matters of the functioning of the Board and its funding at any time, as it feels necessary.(1)The Government may at any time appoint any person to investigate or enquire into the working of the Board or any scheme and submit a report to the Government in that behalf.(2)The Board shall give to the person so appointed all facilities for the proper conduct of the investigation or inquiry, and furnish to him such documents, accounts or information in possession of the Board as he or she may require.(3)Any person so appointed to investigate or in quire into the working of any Board or scheme may also exercise all the powers of an Inspector appointed under this Act.

## **23.**

(1)If the Government on consideration of the report referred to in sub-rule (a) of Rule 19 is of the opinion, -(a)that the Board is unable to perform its functions; or(b)that the Board has persistently made default in the discharge of its functions or has exceeded or abused its powers, the Government may, by notification, supersede the Board in question and reconstitute it in the prescribed manner.(2)When the Board is superseded, the following consequences shall follow:-(a)All the members of the Board shall, from the date of publication of the notification vacate their office.(b)The Vehicle, furniture, stationery or other movable or immovable property under the control or custody of the Chairman or Members of the Board shall immediately be restored to the Secretary under proper acknowledgement.

## **24.**

The Government may give directions to the Board as to the carrying into execution of any provisions of the Act and Rules, schemes and notifications issued and the Board shall be bound by such directions. The Government is competent to call for any records, reports or other particulars pertaining to the functioning of the Board and the Secretary shall furnish such information with reasonable diligence.

## **25.**

The Andhra Pradesh Social Security Board may formulate welfare schemes for Unorganized workers in furtherance of the functions mentioned in Section 6 (8) of the Act. The Board may also adopt such procedures, forms and registers etc., as are required for carrying out the said functions. Such schemes, procedure, forms and registers etc., shall be approved by the Government, before they are implemented.

## 26. Registration of beneficiaries.

(1)The Government shall by notification, appoint any officer of the Labour Department, as Registering Authority for the purpose of Registration of the Unorganized Workers. Provided that, the officers already authorized by different departments in the State for registration of beneficiaries in the unorganized sector falling under their departments under various welfare schemes shall continue to be the Registering Authorities. (2)The Registering authority shall take up registration of unorganized workers. (3)If the Registering Authority is satisfied that, the registration was obtained by misrepresentation, fraud or suppression of any material fact, the registering authority may be revoke, suspend or cancel the registration. (4)Renewal of the registration shall be done by the registration authority. (5)Every unorganized worker who has completed fourteen years of age, but has not completed sixty years of age, and who has been engaged in any unorganized sector work shall be eligible for registration as a beneficiary under the Act/Rules. (6)An application for registration shall be made in Form-I to the Officer as notified by the Government in this behalf. (7)Every application under sub-rule 6 shall be accompanied by such documents together with such fee as may be prescribed. (8)If the Registering Authority is satisfied that the applicant has complied with the provisions of the Act and Rules made there under, he shall register the name of the unorganized worker as a beneficiary under the Act/Rules. (9)Every registration made under sub-rule 8 shall be renewed for a period of 1 (one) year or for such number of years as may be prescribed commencing from the date of its expiry. The renewal of registration shall be made in Form-II so as to reach the Registering Authority not later than 30 days before the date of its expiry. Any of renewal registration made after the date shall not be entertained. (10)The fee for registration of worker shall be Rs. 30/- and fee for renewal shall be Rs. 20/- and fee for any change of nominations and for issue of duplicate Identity Cards shall be Rs. 10/-(excluding Photo of the beneficiary). Provided that an application for registration / renewal shall not be rejected without giving the applicant an opportunity of being heard. (11)Any person aggrieved by the decision under sub-rule (8) & (9) may, within 30 days from the date of such decision, prefer an appeal to the appellate authority. Even if the appeal is barred by the limitation of the time, the appellate authority can entertain such an appeal if he is satisfied that the unorganized worker was prevented by sufficient cause from filing the appeal in time. (12)The appellate authority shall cause to maintain such registers of appeals as may be prescribed.

## 27. Identity Cards.

(1)The Registering Authority shall issue 'Identity Cards in Form-V to every unorganized worker/beneficiary with his/ her photograph duly affixed thereon. (2)A beneficiary who has been issued an identity card under this rule shall produce the same whenever demanded by any Authorized officer of the Government. (3)In case of loss of identity card, destroyed or defaced by the worker a duplicate identity card will be issued in Form-VI by the issuing Officer on an application made to him by the registered unorganized worker on payment of such fee as may be prescribed.



## **28. Register of beneficiaries.**

- The authority of issuing Identity Cards shall cause to maintain a register in such form as may be prescribed showing the particulars of the beneficiaries (Form-IV).

## **29. Nomination.**

(1) Every unorganized worker shall at the time of making the application for his/her registration with the Department, make a nomination, for the purpose of delivery of benefits in case of death of the worker (Form-III). (2) An Unorganized worker may, in his/her nomination, distribute the amount payable under the Act amongst one or more dependents. (3) If an unorganized worker has a family at the time of making a nomination, the nomination shall be made in favour of one or more members of his family, and any nomination made by such unorganized worker in favour of a person who is not a member of his family shall be void. (4) Dependents shall have the same meaning assigned to it under Section 2(1) (d) of the Workmen's Compensation Act, 1923 (Act No. of 1923). When there are no dependents to the unorganized worker, others may be nominated. (5) A nomination may be modified by an unorganized worker in Form-III at any time after giving a written notice of his/ her intention to do so to the concerned Notified Officer of the area. (6) If a nominee predeceases the unorganized worker, such worker shall submit a fresh nomination in Form-III. All the departments concerned who are implementing welfare measures to the Unorganized Workers falling under their departments, shall suitably modify the forms prescribed in the rules in tune with the provisions of the Act and these Rules, to have uniformity.

## **30. Dual Membership & Dual Benefits.**

(1) No unorganized worker shall be entitled to more than one same or similar benefit under this Act, Rules or the Scheme or any other Act conferring the same or similar benefit. (2) The unorganized worker shall be entitled to continue as a beneficiary under one Scheme only depending upon his prime occupation. However, he may transfer his membership from one Scheme to the other and the contribution remitted by him along with employer's matching contribution, if any, should also be transferred to the latter Scheme.

## **31. Scheme Implementing Machinery.**

(1) Each department/agency implementing a Social Security Scheme for a particular segment of Unorganised Sector shall continue to implement such scheme for such workers. (2) The Labour Department shall deal with the matters of registration of the workers and implementation of the Social Security Scheme to those segments who are not covered by any other department. (3) The respective Administrative Department shall issue notifications for registration of the workers and implementation of the Social Security Schemes for effective implementation of the law as and when funds are provided by the respective departments/agencies.

### **32. Appointment of Chief Inspector and Inspectors.**

- The Government may, by notification, appoint a Chief Inspector and such number of Inspectors as may be necessary for the purposes of this Act and fix the local limits of their jurisdiction.

### **33. Power and duties of Chief Inspectors.**

- The Chief Inspector may exercise and perform in addition to the powers and duties conferred and imposed on him by or under this Act, all the powers and duties of an Inspector under this Act. The Chief Inspector and every Inspector shall be deemed to be public servants within the meaning of Section 21 of the Indian Penal Code (45 of 1860).

### **34. Powers and duties of Inspectors.**

- An Inspector may within the local limits, for which he is appointed, - (a) Enter at all reasonable hours in any premises / place where workers in the Organized / Unorganized Sector are engaged. (b) Exercise such other powers necessary for carrying out of the purposes of the Act. (c) Ensure inspection of the premises and record the names of unorganized workers on the spot or otherwise evidence of such persons, as he may deem necessary in the manner prescribed.

### **35. Penalty for obstructing Inspector, etc.**

- Any person who willfully obstructs an Inspector in the exercise of any power conferred on him by or under this Act or any person lawfully assisting such inspector in the exercise of such power, or who fails to comply with any lawful direction made by such Inspector, shall be punishable with fine as may be prescribed and/or imprisonment for a term which may extend to three months or with both.

### **36. Procedure for trial of offence.**

- No court shall take cognizance of a complaint against any person for an offence under rule-35 on a complaint made by or with the previous sanction in writing of an Inspector under this Act within 6 months from the date on which the offence or contravention is alleged to have been committed.

### **37.**

These rules shall be adopted by all the administrative departments/agencies which are implementing the Social Security Schemes to the Unorganised Sector Workers.

### **38. Powers to remove difficulties.**

- If any difficulty arises in giving effect to the rules of this Act, the State Government may, by order published in the Official Gazette, make such rules, not inconsistent with the provisions of this Act, as

may appear to it to be necessary for removing the difficulty. Form - I (See Rule 26 (6)) Name of the unorganized worker: ..... Father's / husband's name: ..... Occupation: ..... Address: ..... Present: ..... Permanent: Dependents: ..... (a) Father: ..... (b) Mother: ..... children: ..... (d) Others: .....

Signature of the unorganized worker

Form - II (See Rule 26 (9)) Application for renewal of membership

1. Registration No: .....
2. Name of the worker: .....
3. Age and Date of Birth: .....
4. Name of Father's / Husband's name: .....
5. Permanent address: .....
6. Present address: .....
7. Present place of work: .....
8. Nature of Employment: .....
9. Bank / Post Office Account No, .....

Name of the Bank / Post Office

Signature of the unorganized worker

Form - III (See Rule 29(1)(5) and (6)) Nomination Form / Change of Nomination I am here by nominate person / persons / change nomination as shown below to receive the claims or amount is due to me under the Unorganized Workers Act, 2008 or the Andhra Pradesh Unorganized Workers Rules, 2012 or the schemes made there under; in the event of my death any amount due to me becomes payable to.

Name and address of the Nominee (S)	Relationship of nominee with the regd. worker	Age of the nominee	Share of the amount to each nominee to be paid
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Signature or left-hand thumb - Impression of the Unorganized Worker

Form - IV(See Rule 28)Register of Beneficiaries

SI. No	Name of the unorganized worker	Name and address of the estt. In which employed(not applicable in case of self employed worker) of theunorganized worker	Date of application	Date of Registration	Registration No.	Remarks and initials of Registering officer
1	2	3	4	5	6	7

Form - V(See Rule 27)Identity CardRegistration Number :Photo :Application Number :Ration Card Number or any ID proof :

**1. Name of the Worker :**

**2. Name of the Father / Husband :**

**3. Age :**

**4. Address :**

**5. Nature of Employment Home based worker / wage worker :**

**6. Bank / Post Office Account No. & Address :**

Signature:Name &Designation of the issuing OfficerDate:Bar Code:

Form - VI(See Rule 27(3))Application For Duplicate Identity

CardToThe.....(Notified Officer)I was issued Identity Card under the Unorganized Workers Social Security Act, 2008 with the Number.....But I have lost the same in the following circumstances:I, therefore request that I may be issued a Duplicate Identity Card for.....Scheme. I will surrender, if, the original is restored to me.

Station Signature

Date Name of the Unorganized Worker