

THE WORKERS WELFARE FUND RULES, 1976

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S. R. O. 1011 (I),176, dated October 14, 1976.-In exercise of the powers conferred by section 15 of the Workers' Welfare Fund Ordinance, 1971 (XXXVI of 1971), the Federal Government is pleased to make the following rules, namely :-

1. Short title and commencement-(1) These rules may be called the Workers' Welfare Fund Rules, 1976.

(2) They shall come into force at once.

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

- (a) "Chairman" means the Chairman of the Governing Body ;
- (b) "member" means a member of the Governing Body ;
- (c) "non-official member" means a member of the Governing Body, other than an official member;
- (d) "official member" means a member of the Governing Body who is in the service of Government ; and
- (e) "Ordinance" means the Workers Welfare Fund Ordinance, 1971 (XXXVI of 1971).

3. Tenure of office of members.--(1) Subject to rule 4, a member other than the Chairman shall hold office for a period of two years from the date of the notification appointing him a member of the Governing Body and shall be eligible for renomination

Provided that an outgoing member may continue in office until the appointment of his successor is notified.

(2) A person appointed as member to fill a casual vacancy shall hold office for the unexpired period of the term of his predecessor.

4. Resignation, etc.-A member may, by writing under his hand addressed to the Chairman, resign his office or may be removed by the Federal Government if he-

- (a) is convicted of any offence which in the opinion of the Federal Government involves moral turpitude ; or
- (b) is absent from three consecutive meetings of the Governing Body without leave of absence from the Chairman.

5. Disposal of business.-(1) Every question which the Governing Body is required to take into consideration shall be considered either at its meeting or, if the Chairman so directs, by sending the necessary papers to all members present in Pakistan for their opinion.

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

6. Time and place of meeting.-The Governing Body shall meet at such places and times as may be fixed by the Chairman.

7. Notice and agenda of meeting.-(1) Notice of not less than fifteen days shall be given to every member present in Pakistan of the time and place fixed for each ordinary meeting, and, each member shall be furnished with the agenda of that meeting;

Provided that when an emergent meeting is called by the Chairman such notice shall not be necessary.

(2) Subject to rule 12, no business which is not on the agenda shall be considered at a meeting without the permission of the Chairman.

8. Presiding at meetings.-(1) The Chairman shall preside at every meeting of the Governing Body at which he is present.

(2) If the Chairman is absent from any meeting, the member nominated by the Chairman for the purpose shall preside at the meeting ; and the member so nominated shall at that meeting exercise all the powers of the Chairman.

9. Quorum.-No business shall be transacted at a meeting of the Governing Body, whether ordinary or emergent, unless at least six members are present, of whom at least three shall be official members

Provided that if at any meeting a quorum is not present, the Chairman may adjourn the meeting to a date not less than fourteen days later, informing the members present and notifying other members that the business of the adjourned meeting will be disposed of even irrespective of there being a quorum, and it shall thereupon be lawful to dispose of the adjourned meeting irrespective of the number of members attending.

10. Decision by majority.-The decision of the Governing Body shall be expressed in terms of the opinion of the majority of the members present and voting at a meeting and, in the event of equality of votes, the Chairman or other person presiding shall have a casting vote.

11. Minutes of meeting.-(1) The minutes of each meeting of the Governing Body shall be circulated to all members present in Pakistan and thereafter recorded in a minute book which shall be kept for permanent record.

(2) The record of the minutes of each meeting shall be signed by the Chairman.

12. Other matters to be considered by the Governing Body.-The Governing Body shall, besides carrying out its statutory duties, also consider the budget and any other matter that may be laid before it by the Chairman. The Chairman shall place before the Governing Body any matter if a request to that effect is made by not less than four members.

13. Terms and conditions of appointment of members.-A non-official member shall be entitled to the following allowance for attending a meeting of the Governing Body or of a committee or sub-committee appointed by it .-

(I) Traveling allowance for journey between the place of normal residence of a non-official member to the place of meeting.

(a) In respect of journey by air Actual economy class return air fare.

(b) In respect of journey by rail Actual ACC class return rail fare.

(c) In respect of journey by road-

(i) between places not connected by rail: Rs. 1 per mile.

(ii) between places connected by rail Amount equivalent to the actual ACC class rail fare between these places.

(II) Daily allowance.

(a) A non-official member shall be entitled to receive daily allowance for each day of the meeting and for the days of arrival at and departure from the place of meeting at the rate of Rs.100.

(b) No daily allowance shall be admissible if the meeting is held at a place where a member ordinarily resides. He would, however, be entitled to actual taxi charges from his residence to the place of meeting and back or a conveyance allowance at the rate of Re. 1 per mile in case he uses his private car for the journey,

14. Secretariat of the Governing Body.--(1) The Secretariat of Governing body shall consist of a Secretary and such other employees as the Governing Body may, with the previous approval of the Federal Government, appoint.

(2) The headquarters of the secretariat shall be at Islamabad.

15. Powers and duties of the Secretary.-(1) The duties of the Secretary shall be-

(i) to act as the Chief Executive Officer of the Fund ;

(ii) to convene, under the orders of the Chairman, meeting of the Governing Body, or any committee or subcommittee appointed by the Governing Body, to record minutes of such meetings and to take actions to get the decisions, reached at such meetings, implemented;

(iii) to execute bonds on behalf of the Governing Body in accordance with the general or special instructions of the Governing Body;

(iv) to maintain the books of account of the Fund and furnish all returns and documents, required under the Ordinance or these rules, to the Federal Government and to correspond with the Federal Government and the Provincial Governments upon all matters concerning the Fund ; and

(v) to undertake such other duties and to exercise such other power as may from time to time be entrusted or delegated to him the Governing Body.

(2) Subject to the budget provisions, the Secretary may incur expenditure on administrative staff and miscellaneous office expenses;

Provided that--

(i) he shall have no power to sanction the creation of a post on a salary of more than Its. 200 per mensem and shall have only such powers of re-appropriation as may be approved by the Federal Government on the advice of the Governing Body ;

(ii) He shall, have no power to incur expenditure on miscellaneous office expenses if the cost of any single non-recurring item exceeds Rs. 2,00 or single recurring item exceeds Rs. 500.

(3) The Secretary shall lay before each meeting of the Governing Body a memorandum detailing any grants made or expenditure incurred from the Fund since the last meeting.

16. Conditions of allocations.--(1) Where an allocation is made by the Governing Body from -the Fund to a Provincial Government, any agency of the Federal Government, hereinafter referred to as the agency, or a body corporate for any of the purposes mentioned in clauses (a) and (b) of section 6 of the Ordinance, it may impose such conditions to the allocation as it may consider necessary for ensuring--

(a) that the work for which the allocation is made is duly and promptly executed and the money is not utilised for a purpose other than that for which it is allocated ;

(b) that the date given in the application for grants from the Fund, against which allocation is made, is correct ;

(c) that any particulars which the Governing Body may from time to time require for the proper discharging of its responsibilities are fully and promptly furnished;

(d) that all necessary facilities are accorded for any inspections by persons duly authorised by the Governing Body for the purposes of clause (a) or for checking the correctness of any information that may have been furnished under clause (c) or for the selection of any such information ; and

(e) that proper accounts of the money allocated are kept and submitted, whenever required, to such persons for audit as the Governing Body may authorise in this behalf.

(2) Before making an allocation from the Fund to a Provincial Government, any agency or a body corporate., the Governing Body shall require such Provincial Government, agency or, as the case may be, body corporate to execute a bond for fulfilment of the conditions, if any, imposed by the Governing Body under sub-rule (1).

(3) It shall be a condition of every bond executed under sub-rule (2) that in the event of any Provincial Government, agency or body corporate violating any condition imposed under sub-rule (1), such Provincial Government, agency or a body corporate shall be liable to pay to the Governing Body such sums or sums of money as may be specified in the bond.

17. Budget.--(1) The Governing Body, on a day not later than the tenth November in each

year shall submit to the Federal Government in the form set out in the Schedule to these rules-

(a) estimates of receipts and expenditures for the ensuing financial year ;

(b) revised estimates of receipts and expenditures for current financial year ; and

(c) a statement showing actual figures for the last eight months of the previous financial year and the first four months of this current financial year.

(2) The estimates submitted under sub-rule (1), so far as modified by the Federal Government, shall constitute the sanctioned budget estimates for the ensuing financial year or, as the case may be, the revised estimates for the current financial year for the Governing Body.

16. Maintenance of accounts.-(1) The Governing Body shall keep or cause to be kept accounts of the Fund for each of the heads of receipt in the Fund and for each of the head, on which under the Ordinance or these rules, expenditure is authorised by the Governing Body.

(2) The Provincial Government, any agency or a body corporate which receives an allocation from the Fund shall maintain complete and accurate accounts in such form as the Governing Body may, with the approval of the Federal Government, specify from time to time, and the accounts shall be balanced on the thirtieth day of June each year.

19. Annual statement of accounts.--(1) The Governing Body on the first day of June in each year shall submit to the Federal Government in the form set out in the Schedule to these rules--

(a) figures of actual receipts and expenditure during the first eleven months of the current financial year ;

(b) figures of anticipated receipts and expenditure during the last one month of the current financial year;

Provided that the Governing Body may, immediately after close of the financial year, inform the Federal Government of any variation between the figures under this clause and those of actual.

(2) The Provincial Government, any agency or a body corporate which receives an allocation from the Fund shall prepare annual statement of accounts of the expenditure met out of the allocations received from the Fund during a financial year in such form as the Governing Body may, with the approval of the Federal Government, notify in the official Gazette, as soon as possible after the end of the financial year and in any case not later than the fifteenth day of September.

20. Auditing of accounts.-(1) The accounts of the Fund and of the* expenditure met out of the allocations given to Provincial Government agencies and bodies corporate shall be audited by the Auditor General . Pakistan or by an auditor who is chartered accountant within the meaning *of the Chartered Accountants Ordinance, 1961 (X of 1961), appointed by the Governing Body.

(2) The annual statement of accounts, pertaining to a financial year, prepared under rule 19 shall be produced before the auditors for scrutiny on or before the fifteenth day of September in the next financial year;

Provided that, on the application of the Governing Body, the Federal Government may extend the said date by a period not exceeding ninety days.

21. Powers of auditor.-The auditor may.-

(i) by written notice, require the production before him or before any officer subordinate to him of any document which he may consider necessary for the proper conduct of their audit ;

(ii) by written notice, require any person accountable for or having the custody or control of any such document to appear in person before him or before any officer subordinate to him ; and

(iii) require any person so appearing before him or any officer subordinate to him to make and sign a declaration with respect to such document or to answer any question or prepare and submit any statement,

22. Reports of auditor.-(1) The report of the auditor on the accounts audited under rule 20 shall be submitted to the Governing Body on a day not later than the first day of March in the financial year following the year to which the accounts pertain and its such form as the Federal Government may specify in this behalf and he shall state whether in his opinion the annual statement of accounts is full and fair statement containing all necessary particulars and properly drawn up as to exhibit a true and correct view of the state of affairs of the account and in case he has called for any explanation or information in respect thereof, whether it has been given and whether it is satisfactory.

(2) The auditor shall submit to the Governing Body and the Federal Government a separate statement, if necessary, in regard to---

(i) any material impropriety or irregularity which they may observe in the accounts audited , or .

(ii) any loss or waste of money or other property owned by or vested in the Fund or generated in full or in part from an allocation from the Fund which has been caused by neglect or misconduct, with the names of the persons who in their opinion are directly or indirectly responsible for such loss or waste.

(3) The Governing Body shall forthwith remedy or cause to be remedied any impropriety or irregularity that may be pointed out by the auditors and shall, within nine days of the receipt of the report of the auditors, report to the Federal Government the actions taken by it thereon;

Provided that if there is a difference of opinion between the Governing Body and the auditor, or if the Governing Body does not remedy or cause to be remedied any impropriety or irregularity within a reasonable period the Federal Government may pass such orders in the matter as it may think fit and the Governing Body shall thereafter take action in

accordance therewith within such time as may be specified by the Federal Government.

23. Consideration of report.--(1) The annual report on the work and activities of the Fund and Workers' Welfare Boards shall be placed for adoption at a meeting of the Governing Body to be held before the fifteenth day of December following the close of the financial year to which they pertain.

(2) The annual statement of accounts of financial year prepared under rule 19 together with the report of the auditor thereupon shall be placed for adoption at a meeting of the Governing Body to be held on a day not later than sixty days after the day of submission of the report of the auditor.

(3) The annual statement of accounts together with the report of the auditor thereupon and the annual reports on the work and activities of the Fund and Workers' Welfare Boards as adopted by the Governing Body shall be submitted alongwith minutes of dissent, if any, to the Federal Government not later than the first day of June following the close of the financial year to which they pertain;

Provided that if the report of the auditor is not received by the first day of March following the financial year to which it pertains, the annual accounts together with the report of the auditor thereupon may be submitted to the Federal Government separately from the annual report on the work and activities of the Fund.

24. Publication of accounts.--The Governing Body shall publish the annual statement of accounts together with the report of the auditor thereupon and the replies to each item included in the report within three months of its approval by the Federal Government.

Schedule A'

HEADS AND SUB-HEADS OF ACCOUNT

I-RECEIPTS

Head

1. Tax received under section 4.
2. Tax received under section 4A.
3. Voluntary Contributions (Cash).
4. Contributions/grants made by the Federal Government/Provincial Governments.
5. Income froth Investments in-

(i) 6. Proceeds of sale of assets.

(ii) 7. Loan raised by the Governing Body.

(iii) 8. Interest.

(iv) 9. Other income, if any.

(v) (i)

(vi) (ii)

II-EXPENDITURES

Head

1. At locations to Provincial Governments, agencies of the Federal Government and bodies corporate for (separate account of each Govern*ment, each agency of the Federal Government and each body Corporate)-

(a) The financing of projects connected with the establishment of housing estates, construction of houses or development of plots for workers ;

(b) the financing of other measures for the welfare of worker;

2. Expenditure on administration and management of Fund;-

(a) Pay of Officers.

(b) Pay of establishm*ent.

(c) Allowances, Honoraria, etc.

(d) Other Charges.

(e) Establishment charges paid to / received from other Government Department, etc.

3. Discharge of loans raised by the Government Body.

4. Approved investments.

5. Other expenditure, if any

(i)

(ii)

