

THE SINDH WORKERS' CHILDREN EDUCATION CESS (UTILIZATION) RULES, 1994.

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RULES.

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PART-I
GOVERNMENT OF SINDH
LABOUR AND TRANSPORT DEPARTMENT

NOTIFICATION

Karachi, dated the 7th August, 1994

NO.L-II-2-7/89.- In exercise of the powers conferred by section of the Worker's Children (Education) Ordinance, 1972, the Government of Sindh are pleased to make the following rules:-

1. (1) These Rules may be called the Sindh Workers' Children Education Cess (Utilization) Rules, 1994. **Short title and commencement.**
(2) They shall come into force at once.
2. In these rules, unless there is anything repugnant in the subject or context:- **Definitions.**
 - (a) "Board" means the Board of Management constituted under rule 3;
 - (b) "Chairman" means the Chairman of the Board or as the case may be, the Committee;
 - (c) "Committee" means a District Committee constituted under rule 4;
 - (d) "Education" means and includes all types of education, whether general, vocational technical or professional in a recognized school, college, university or any other institution provided by awarding a scholarship or stipend or other facilities such as text-books, stationary, fees and funds payable to the school, college, university or other institution or hotel and any other facility which the government may deemed necessary for the purpose;
 - (e) "form" means a form appended to these rules;
 - (f) "Government" means the Government of Sindh;
 - (g) "Member" means a member of the Board or, as the case may be, a Committee;
 - (h) "Non-official Member" means a member other than an official member;
 - (i) "Official Member" means a Member who has been appointed as such by virtue of his office;
 - (j) "Ordinance" means the Worker's Children (Education) Ordinance, 1992;

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- (k) "Scholarship" means and includes any financial aid to be given on monthly basis to a given on monthly basis to a student child of the worker for such periods as the Committee may deem fit;
- (l) "Secretary" means the Secretary of the Board or, as the case may be, the Committee;
- (m) "Stipend" includes any assistance or facility in the shape of cash or text books, stationery to be, given to a student child of the worker or payment of fees and dues payable by him to the institution or hostels in which he is studying or putting up.
- (2) Any expression used but not defined in these rules shall have the meanings respectively assigned to them by the Ordinance.
3. (1) As soon as may be after the commencement of these rules, Government shall, by a notification in the official Gazette, constitute a Board of Management. **Constitution of Board.**
- (2) The Board shall consist of:-
- | | | |
|--------|---|--------------------------------|
| (i) | The Secretary to Government of Sindh, Labour Department. | Chairman |
| (ii) | The Secretary to Government of Sindh Finance Department or his representative not below the rank of Deputy Secretary. | Official Member |
| (iii) | The Secretary to Government of Sindh, Planning and Development Department, representative not below the rank of Deputy Secretary. | Official Member |
| (iv) | The Secretary to Government of Sindh Education Department or his representative not below the rank of Deputy Secretary. | Official Member |
| (v) | The Commissioner, Sindh Employees Social Security Institution. | Official Member |
| (vi) | The Director of Labour, Sindh. | Official Member |
| (vii) | The Deputy Secretary, Government of Sindh, Labour Department. | Official Member/
Secretary. |
| (viii) | Three representatives from the workers appointed by the government | Non-Official
Member. |
| (ix) | Three representatives from the employers appointed by the Government. | Non-Official
Member |

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- (3) The Board may coopt any person as a member for a particular purpose.
4. (1) For Facilitating the functioning of the Board, Government shall, by notification in the official Gazette, constitute a Committee for each District where Education Cess is being collected. **Constitution of District Committees.**
- (2). The District Committee shall consist of:-
- (a) The Deputy Commissioner of the District concerned; Chairman
 - (b) The Director(s) Social Security of the District and where there is no Director, the Social Security Officer of the area; Official member(s).
 - (c) The District Education Officer(s) of the District;
 - (d) Two representatives of the employers approved by the Chairman; Non-Official Members.
 - (e) Two representatives of the Workers approved by the Chairman;
 - (f) The Joint Director, Labour and where there is no Joint Director, Officer of the Labour Department in the District and where there is no such officer, the Chairman may nominate any other official member to act as Secretary. Official Member/Secretary.
- (3) No act or proceedings of the Board or the Committee shall be invalid by reason only of existence of vacancy or defect in the constitution of the Board or the Committee.
5. (1) An official member appointed by virtue of his office shall cease to be the member on vacating such office. **Tenure of office of Members of the Board and the Committee.**
- (2) A non-official member shall, unless removed earlier, hold office for a period of two years from the date of notification appointing him as such and shall be eligible for re-appointment.
- Provided that an out-going member may continue in office until his successor is appointed.
- (3) A person appointed as member to fill a casual vacancy shall hold office for the un-expired period of predecessor.

- (4) A non-official member may by writing in his own hand addressed to the concerned Chairman, resign his office or he may be removed by the Government if he is convicted of any offence which in the opinion of the Government involves moral turpitude or if he has been absent for three consecutive meetings without leave of absence obtained from the concerned Chairman, or has lost eligibility to become member or is otherwise considered unfit to continue as member.

6. The Board shall have powers to:-

Powers of the Board.

- (a) decide the manner, extent and the quantum of facilities and financial assistance to be given to the workers' children in connection with their education and for the purpose utilize the amount placed at its disposal;
- (b) incur expenditure on the management and administration of the Board and Committees;
- (c) scrutinize the budgetary proposal made by the Committee and allocate the funds to the Committee in the personal ledger Account in the name of the Chairman of the Committee;
- (d) scrutinize and approve for development schemes proposals/made by the Committee or presented by any member of the Board and allocate funds for such schemes;
- (e) prepare and approve the annual budget in respect of the Board and the Committee;
- (f) convey the sanctioned budget to the Committee;
- (g) call for any information and give directions to the Committees under these rules and the Committees shall comply with such requisitions or as the case may be, directions;
- (h) collect the statistics of the children of the workers through the employers, and due consideration shall be given thereto in the framing of the scheme for utilization of the amount for the purposes of these rules;
- (i) appoint such number of persons as may be necessary to assist the Secretary in maintaining record and accounts of the Board;

- (j) to do any other thing necessary for or concerned with or incidental to the discharge of its functions under the Ordinance and rules;

7. (1) A Committee shall have powers to—

Powers and functions of the Committee.

- (a) utilize the amounts placed at its disposal by board in connection with the education of the workers children in accordance with the provisions of these rules, guidelines laid down or instructions issued by the Board;
- (b) place its demands for the next financial years with the Board by the 1st of March every year in the form of budget estimates statements containing information regarding the amount of estimated expenditure various items under these rules;
- (c) withdraw or reduce the assistance given to a student on or before the expiry of an academic year on any of the following grounds:-
 - (i) completion of the prescribed course;
 - (ii) dismissal or termination of the worker concerned: or
 - (iii) where the student fails tin a class in two successive attempts or is found guilty of mis-conduct;
- (d) prepare development scheme for providing education including transport or any other facility for the purpose;
- (e) obtain on quarterly basis, information from each industry or establishment paying education cess in respect of the number of workers, cess collected and the number of workers children to be benefited and shall maintain such record upto date;
- (f) ensure that industry or establishment, the workers of which are being benefited is paying the education cess;
- (g) appoint such number of persons as approved by the Chairman of the Board to maintain the record and accounts of the Committee.

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- (2) A workers aggrieved by the decision of the Committee may prefer a review petition to it within 30 days of the communication of the decision.
8. (1) Applications for nomination of two children of a worker to receive education under these rules shall be invited by the Committee through the employer of such worker twice a year, i.e. in the months of April and September, in Form E-I, from every worker employed in the establishment, located within the District. **Nomination of children for education.**
- (2) The Committee shall decide the facility or financial assistance that may be given to the workers children in connection with his/her education.
- (3) The decision of the Committee under sub-rule (1) shall be communicated forthwith to the worker concerned, his employer, and the school or institution where the child is getting education.
- (4) The amount of scholarship or stipend or other facilities shall be provided to the child concerned through the head of his school or institution or through the employer concerned, as may be decided by the committee in the interest of the child's education who will submit such quarterly reports as may be described by the Committee.
- (5) The Committee shall, by the 10th of each month, submit to the Board a monthly return relating to the preceding months showing the amount of allocation in hand at the begining of the month, the amount of further collection, if any received and the disbursement made during the month.
- (6) The Committee shall furnish to the Board quarterly as well as annual reports giving the following information:--
- (i) Number of workers' children provided with education facilities during the period under report;
 - (ii) types of facilities provided;
 - (iii) the amount spent on each of such facilities during the period under report; and
 - (iv) the progress of development schemes.
- (7) The Sindh Employees Social Security Institution or any other agency so authorized by the Government which collects education cess shall:--

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- (i) credit 2% of the cess to the head "0290000-Other Indirect Taxes-0293100-Education Cess-Collection Fee on account of Education Cess; and
- (ii) credit the remaining 98% of the proceeds in account to be open by the Board in pursuance of these rules which may be notified to the agency collecting the cess.

9. (1) The Chairman shall exercise the powers specified in these rules or perform such functions as may be assigned to him by the Board, or, as the case may be, the Committee.
- (2) The Chairman shall be the drawing and Disbursing Officer for the purpose of these rules:

Power and functioning of the Chairman and Secretary.

Provided that the Chairman may delegate his powers of withdrawal money to any member of the Committee.

- (3) The Chairman may appoint such person as may be necessary to run the establishment of the Board, or as the case may be, the Committee.

Provided that in the case of a Committee prior approval of the Chairman of the Board shall be obtained.

- (4) The Secretary shall look after and supervise the administration and establishment of the Board and perform the duties specified in these rules or assigned to him by the Chairman and shall be paid such amount of honorarium as may be decided by the Board.

10. (1) All decisions of the Board and the Committees shall be taken in their respective meeting which may be convened as and where necessary by the Secretary under the directions of the Chairman:

Meeting of the Board and Committees.

Provided that at least one meeting shall be held in every three months.

- (2) The quorum for the meetings of the Board shall be its Chairman and five Members and for the meetings of a Committee, its Chairman and three Members.

Provided that in each case at least one member from the workers is present.

- (3) In the absence of the Chairman a person nominated by him shall act as the Chairman.

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- (4) The decisions in a meeting shall be taken by the majority of votes, and in case of equality of votes the Chairman shall have a casting vote.
- (5) The minutes of the meeting shall be recorded by the Secretary in a minutes Book to be kept for the purpose, signed by the Chairman, circulated amongst the members present and confirmed in the next meeting.
11. (1) Every question which the Board or a Committee is required to take into consideration shall be considered in its meeting provided that in emergent administrative matter, the Chairman may take a decision and thereafter refer to it to the Board or as the case may, be, the Committee in its next meeting for ratification. **Disposal of Business.**
- (2) A resolution relating to a matter not on the agenda may be moved by any member with the permission of the Chairman and if the resolution is seconded, it shall be discussed in the meeting.
- (3) The Board or a Committee, the case may be, may appoint a Sub-Committee and refer any particular matter to the Sub-Committee for consideration and report and may also appoint a technical advisor to assist Sub-Committee.
- (4) The Business of a Sub-Committee shall be conducted in its meeting which may be convened and presided over and held in such manner as may be decided by the Sub-Committee.
- (5) The Secretary shall place the findings of the Sub-Committee and the opinion if any, of the Adviser before the Board or Committee, as the case may be for consideration.
12. The education cess shall be utilized for providing educational facilities to workers' children and improvement of schools or institutions located in or attached to the industrial under-taking or other establishments and on administration of the Board and Committee. **Utilization of Funds.**
- (2) The amount of the cess excluding the expenditure on the administration of the Board and Committee may be utilized in the following manner:-
- (i) ten percent of the amount on the improvement of schools or institutions by providing teachings aid, equipments, furniture and other things

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ancillary thereto to schools or institutions located in the industrial/commercial area or attached to the industrial undertakings/establishments;

- (ii) ninety percent of the amount for providing educational facilities and financial help for such purpose to the workers children upto any level of education.
 - (3) The amount of the cess may also be utilized. For establishment and operation of educational institution which may include school, college, technical o vocational institute, library or any other facility for the purpose of providing fee education to workers' children.
13. The Board and the Committee shall maintain proper accounts of the funds at their disposal, land the funds will be audited in the same manner as the accounts of a Government Office are audited. **Maintenance of Account.**
14. The Sindh Worker's Children (Education) (Disbursement of Benefits) Rules, 1976 are hereby repealed. **Repeal.**

FORM E-I
(See rule 8(1))

I, Mr. _____ resident of _____
employed as _____ in _____ hereby
Nominate my son/daughter following children as may
nominees for the grant of facilities of Free Education under the
Worker's Children (Education Ordinance, 1972, and the Rules
made thereunder.

1. (a) Name of the Nominee _____
(b) Relationship with the applicant _____
(c) Date of Birth of the Nominee _____
(d) Class in which the Nominee _____
(e) Name of the School/Institution in which the Nominee is
studying _____
(f) Facilities desired (Give details) _____

2. (a) Name of the Nominee _____
(b) Relationship with the applicant _____
(c) Date of Birth of the Nominee _____
(d) Class in which the Nominee _____
(e) Name of the School/Institution in which the Nominee is
studying _____

I certify that the above particulars are true to the best of
my knowledge and belief. I further certify that I have not
nominate any other son/daughter previously, photographs of
the nominee are attached herewith.

Dated _____ 1999
Applicant.

Signature of the

**CERTIFICATION/VERIFICATION BY THE HEAD OF THE
INSTITUTION (SEPARATELY FOR EVERY CHILD).**

Verified that Mr./Miss. _____ son/daughter of
Mr. _____ is/was a bona-fide student of _____
Class of _____ of (name of educational institution)
during the academic year _____.

Signature of Head of the
Institution.

Verified that Mr./Miss. _____ son/ daughter
of Mr. _____ is/was a bona-fide student
of _____ cases of _____ (name of
Education as institution) during academic year _____.

Signature of Head of the
Institution

CERTIFICATE BY THE EMPLOYER.

It is verified that the applicant is employed this
establishment for the last _____ months/years. It is
also certified that the worker is not already enjoying the facility
under the Workers' Children (Education) Ordinance, 1972, and
that this establishment has not previously verified any
nomination paper of this worker.

Dated: _____ 1994

Signature of Proprietor/Manager

CERTIFICATION BY THE AUTHORISED OFFICER

Forwarded to the Secretary, District Education Cess Committee_____. It is certified that the aforesaid establishment to which the worker belongs has been regularly paying the Cess under the Sindh Worker Children (Education) Cess Rules, 1974, and that its workers are entitled to the benefits provided under the Workers Children (Education) Ordinance, 1972.

Dated:_____1994.

Director, Social Security/
Authorised Officer of the agency
collecting Education Cess.

Secretary to the Govt. of Sindh
Labour & Transport Department.