

**GOVERNMENT OF WEST BENGAL
LEGISLATIVE DEPARTMENT**

West Bengal Act XXIII of 1980

**THE WEST BENGAL LABOUR WELFARE
FUND (AMENDMENT) ACT, 1980.**

[Passed by the West Bengal Legislature.]

[Assent of the Governor was first published in the *Calcutta Gazette*,
Extraordinary, of the 19th June, 1980.]

[19th June, 1980.]

An Act to amend the West Bengal Labour Welfare Fund Act, 1974.

West Ben.
Act
XXXVIII of
1974.

WHEREAS it is expedient to amend the West Bengal Labour Welfare Fund Act, 1974, for the purposes and in the manner hereinafter appearing;

It is hereby enacted in the Thirty-first Year of the Republic of India, by the Legislature of West Bengal, as follows:—

1. This Act may be called the West Bengal Labour Welfare Fund (Amendment) Act, 1980.

Short title.

2. In section 2 of the West Bengal Labour Welfare Fund Act, 1974 (hereinafter referred to as the principal Act),—

Amendment
of section 2
of West Ben.
Act
XXXVIII of
1974.

(a) for clause (8), the following clause shall be substituted:—

‘(8) “independent person” means a person who is not connected with the management of any establishment or who is not an employee, and includes the Welfare Commissioner or any officer of the State Government;’;

(b) after clause (11), the following clause shall be inserted:—

‘(11a) “regulations” means regulations made by the Board under this Act;’.

3. In section 3 of the principal Act, in sub-section (2), after clause (h), the following clause shall be inserted:—

Amendment
of section 3.

“(hh) any sum paid by the Central Government or the State Government or any local authority for implementation of any scheme for the welfare of labour not employed in any establishment;”.

*The West Bengal Labour Welfare Fund
(Amendment) Act, 1980.*

[West Ben. Act

(Section 4.)

Amendment
of section 4.

4. In section 4 of the principal Act,—

- (a) for sub-section (1), the following sub-section shall be substituted:—

“(1) The State Government shall, by notification in the *Official Gazette*, constitute for the State of West Bengal a Board to be called the West Bengal Labour Welfare Board. The Board shall consist of—

- (a) the Minister-in-charge of the Labour Department, Government of West Bengal, who shall be the *ex officio* Chairman of the Board,
 - (b) a Vice-Chairman to be nominated by the State Government,
 - (c) the Secretary, Labour Department, Government of West Bengal, who shall be an *ex officio* member of the Board,
 - (d) the Welfare Commissioner, who shall be an *ex officio* member of the Board,
 - (e) six persons representing employers to be nominated by the State Government in consultation with the employers' associations,
 - (f) six persons representing employees to be nominated by the State Government in consultation with the employees' associations, and
 - (g) six independent persons, other than the persons referred to in clauses (c) and (d), of whom at least one shall be a woman, to be nominated by the State Government.”;
- (b) for sub-section (2), the following sub-section shall be substituted:—

“(2) Save as otherwise expressly provided in this Act, the members of the Board referred to in clauses (e) and (f) of sub-section (1) shall hold office for a term of three years commencing on the date on which their names are notified in the *Official Gazette*:

Provided that notwithstanding the expiry of the term of office of any such member, he shall continue to hold office until the nomination of his successor is notified in the *Official Gazette*.”; and

*The West Bengal Labour Welfare Fund
(Amendment) Act, 1980.*

XXIII of 1980.]

(Sections 5, 6.)

- (c) for sub-section (3), the following sub-section shall be substituted:—

“(3) The members of the Board referred to in clauses (b) and (g) of sub-section (1) shall hold office during the pleasure of the State Government.”.

5. In section 5 of the principal Act, in sub-section (1), for clause (a), the following clause shall be substituted:—

Amendment
of section 5.

“(a) is a salaried official of the Board other than the Welfare Commissioner; or”.

6. In section 9 of the principal Act,—

Amendment
of section 9.

- (a) for sub-section (2), the following sub-section shall be substituted:—

“(2) For each employee whose name stands on the register of an establishment,—

(a) the employers' contribution shall be one rupee, and

(b) the employee's contribution shall be fifty paise, payable every six months ending on the thirtieth day of June and the thirty-first day of December.”;

- (b) for sub-section (3), the following sub-section shall be substituted:—

“(3) Every employer shall pay to the Board both the employer's contribution and the employee's contribution before the 15th day of July and the 15th day of January of every year.”; and

- (c) for sub-section (7), the following sub-section shall be substituted:—

“(7) The Welfare Commissioner shall submit to the State Government as soon as possible after the end of July and January every year a statement of the total receipts along with such other information as may be prescribed. On receipt of such statement, the State Government shall pay to the Board a contribution of an amount equal to the employers' contribution for every six months ending on the thirtieth June and the thirty-first December.”.

*The West Bengal Labour Welfare Fund
(Amendment) Act, 1980.*

[West Ben. Act XXIII of 1980.]

(Sections 7, 8.)

Amendment
of section
11.

7. In section 11 of the principal Act, in sub-section (2), after clause (f), the following clause shall be inserted:—

“(ff) implementation of any scheme for the welfare of labour not employed in any establishment out of the sum referred to in clause (hh) of sub-section (2) of section 3;”.

Insertion of
new section
24A.

8. After section 24 of the principal Act, the following section shall be inserted:—

“Power to make
regulations.

24A. The Board may, with the previous approval of the State Government, by notification in the *Official Gazette*, make regulations, not inconsistent with the provisions of this Act or the rules made thereunder, for discharging its functions under this Act.”.
