



Delhi Labour Welfare Board
Government of NCT of Delhi

Short Title, Extent and Commencement

Home/ Short Title, Extent and Commencement

The Bombay Labour Welfare Fund Act,1953 (Bombay Act xl of 1953) as Extended to the Union Territory of Delhi

As Extended to The Union Territory of Delhi 1

An Act to provide for the constitution of a Fund for the financing of activities to promote welfare of labour in the State of Maharashtra for conducting such activities and for certain other purposes.

Whereas it is expedient to constitute a Fund for the financing of activities to promote, welfare of labour in the State of Maharashtra for conducting such activities and for certain other purposes. It is hereby enacted as follows:-

Short Title, Extent and Commencement

- This Act may be called the Bombay Labour Welfare Fund Act, 1953.
- It extends to the whole of the Union territory of Delhi.
- It shall come into force on such date 2 as the Administrator may, by notification in the Delhi Gazette, appoint in this behalf.

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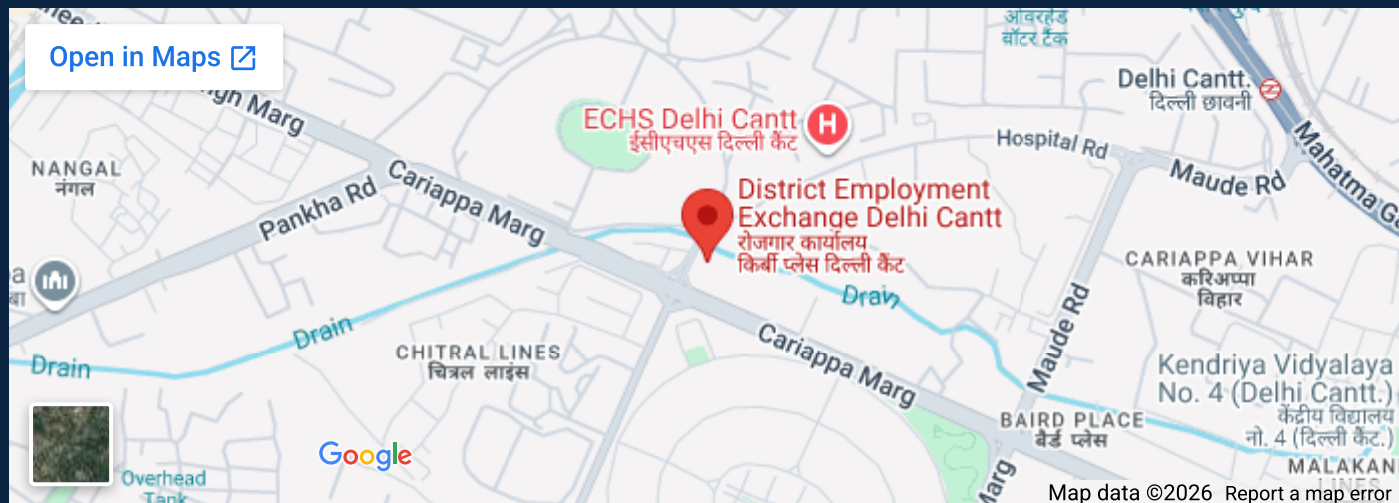
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Omitted

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The bombay labour welfare fund act,1953 (bombay act xl of 1953) as extended to the union territory of delhi

In this act, unless the context otherwise requires :-

- "Administrator" means the administrator of the union territory of delhi appointed by the president under article 239 of the constitution.
 - "Board" means for delhi labour welfare board constituted under section 4
- "Contribution" means the sum of money payable to the board in accordance with the provisions of section 6bb
- "Employee" means any person who is employed for hire or reward to do any work, skilled or unskilled, manual, clerical, supervisory, or technical in an establishment but does not include any person-
 - Who is employed mainly in a managerial capacity, or
 - Who, being employed in a supervisory capacity draw as wages exceeding one thousand and six hundred rupees per Mensem or exercises, either by the nature of the duties attached to the office, or by reason of the powers vested in him, functions mainly of a managerial nature
- "Employer" means any person who employs either directly or through another person either on behalf of himself or any other person, one or more employees in an establishment and includes-
 - In a factory, any person named under section 7(1)(f) of the factories-act, 1948 (lxiii of 1948) as the manager
 - In any establishment, any person responsible to the owner for the supervision and control of the employees or for the payment of wages
- "Establishment" means-
 - A factory
 - A tramway or motor omni bus service or a motor transport undertaking to which the motor transport workers act, 1961 applies and

- Any establishment within the meaning of the delhi shops and establishments act, 1954, which employs, or on any working day during the preceding twelve months, employed five or more persons

Provided that any such establishment shall continue to be an establishment for the purposes of this act not with standing a reduction in the number of persons to less than five at any subsequent time

Provided further that, where for a continuous period of not less than three months the number of persons employed there in has been less than such establishment shall cease to be an establishment for the purposes of this act with- effect from the beginning of the month following the expiry of the said period of three months, but the employer shall within one-month from the date of such cessation, intimate by registered post the fact thereof to such authority as the administrator may specify in this behalf.

Explanation- For the removal of doubt, it is hereby declared that where an establishment has different branches or departments, all such branches or departments whether situated in the same premises or different premises, shall be treated as parts of the same establishment

➤ "Factory" means a factory as defined in section 2(m) of the factories act, 1948, (lxiii of 1948) and includes any place wherein five or more persons are employed or working, and-

- Where in any manufacturing process is being carried on with the aid of power or is ordinarily so carried on
- Which is deemed to be a factory under section 85 of the said act

➤ "Fund" means the labour welfare fund constituted under section 3

➤ "Independent member" means a member of the board who is not connected with the management of any establishment or who is not an employee and includes an officer of government nominated as a members

➤ "Inspector" means an inspector appointed under section 12

➤ "Prescribed" means prescribed by rules made under this act

➤ "Unpaid accumulation" means all payments due to the employees but not made to them within a period of three years from the date on which they became the whether before or after the commencement of this act including the wages, and gratuity legally payable but not including the amount of contribution, if any, paid by an employer to a provident fund established under the employees' provident funds act, 1952 (xiv of 1952)

➤ "Wages" means wages as defined in section 2(vi) of the payment of wages act, 1936 (4 of 1936) and includes bonus payment under the payment of bonus act, 1965 (21 of 1965)

➤ "Welfare commissioner" means the welfare commissioner appointed under section 11

Deleted by Maharashtra Act 36 of (1961) :-

➤ Vide GSR 1286(E) dt. 15/12/1986 as published in GOI Part II 3(i) (E) dt. 15/12/1987

- In exercise of the powers conferred by sub-rule (3) of rule 1 of the Delhi Labour Welfare Fund Rules, 1997 the Government of National Capital Territory of Delhi is pleased to notify August 15th, 1998 as the date on which the Delhi Labour Welfare Fund Rules, 1997 shall come into force vide notification No. F. 9(1) /89-DLC (W)/LC/ (i) /677 dt. 14/08/1998.

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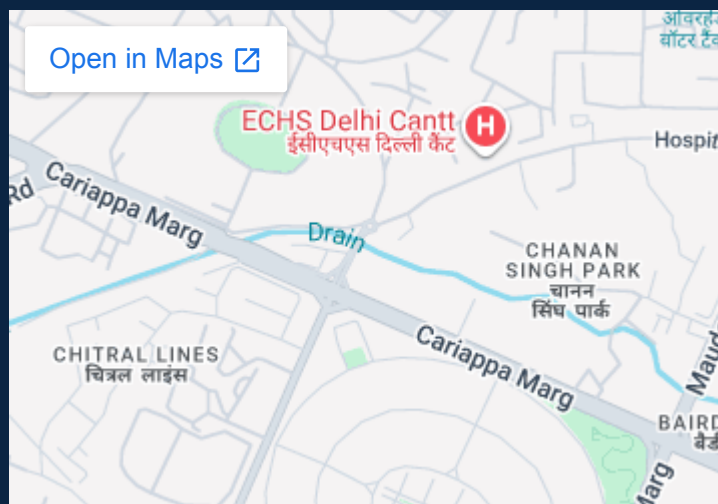
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Delhi Labour Welfare Board
Government of NCT of Delhi

Welfare Fund

Home/ Welfare Fund

The bombay labour welfare fund act,1953(bombay act xl of 1953) as extended to the union territory of delhi

- The administrator shall constitute a fund called the labour welfare fund, and not with standing anything contained in any other law for the time being in force or in any contract or instrument; all unpaid accumulations shall be paid at such intervals as may be prescribed to the board, which shall keep a separate account therefor until claims thereto have been decided in the manner provided in section 6a, and the other sums specified in sub-section (2) shall be paid into the fund.

- The Fund shall consist of-
 - All Fines Realised From the Employees

 - Unpaid Accumulations Transferred to the Fund Under Section 6A

 - Any Penal Interest Paid Under Section 6B

 - Any Contribution Paid Under Section 6BB

 - Any Voluntary Donations

 - Any Fund Transferred Under Sub-section (5) of Section 7

 - Any Sum Borrowed Under Section 8

 - Any Loan, Grant-in-aid or Subsidy Paid by the Government

- The sums specified in sub-section (2) shall be paid, or collected by such agencies, at such intervals and in such manner and the accounts of the fund shall be maintained and audited in such manner as may be prescribed.

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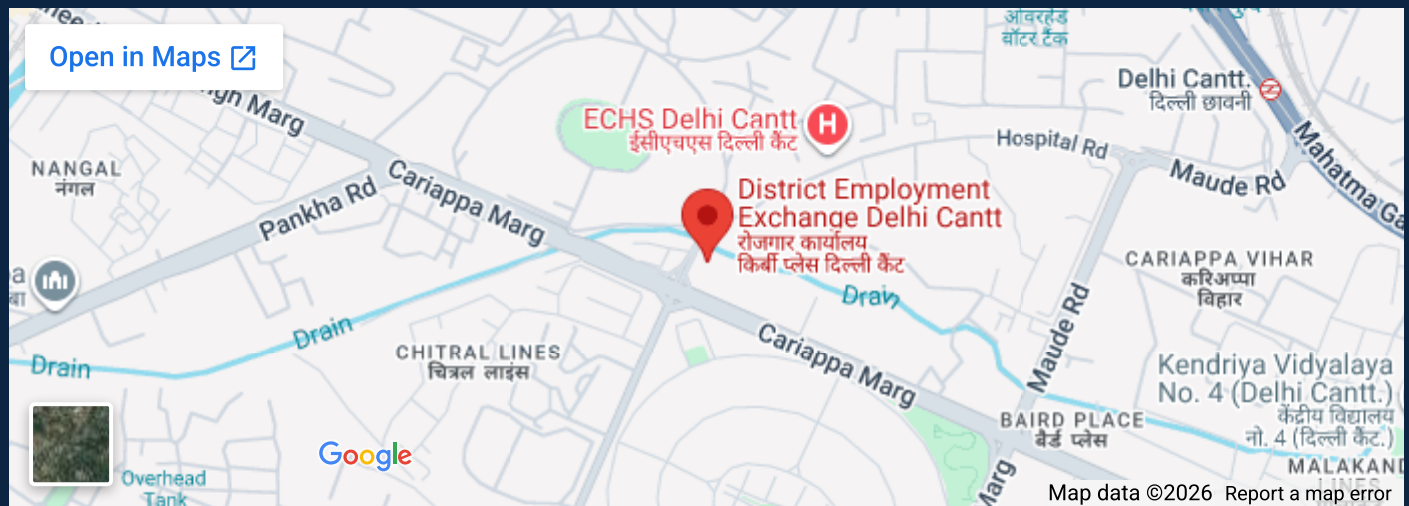
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Delhi Labour Welfare Board
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Resignation of office by member and filling up casual vacancies , power to appoint committees, unpaid accumulations and claims thereto, contributions , interest on unpaid accumulations of fines afte...

Home/ Resignation of office by member and filling up casual vacancies , power to appoint committees, unpaid

The bombay labour welfare fund act,1953 (bombay act xl of 1953) as extended to the union territory of delhi

Resignation of office by member and filling up casual vacancies :-

- A member may resign his office by giving notice thereof in writing, to the administrator, and on such resignation being accepted, shall deemed to have vacated his office.
- A casual vacancy in the office of a member shall be filled up, as soon as conveniently may be, by the authority concerned and a member so nominated shall hold office for the unexpired portion of the term of the office of his predecessor.
- No act or proceedings of the board shall be questioned on the ground merely of the existence of any vacancy in, or any defect in constitution of the board.

Power to Appoint Committees :-

For the purpose of advising the board in the discharge of its functions and also for carrying into effect any of the matters specified in sub-section (2) of section 7, the board may constitute one or more committees, of which at least one on each committee shall be a member of the board.

Unpaid Accumulations and Claims There to :-

- All unpaid accumulations shall be deemed to be abandoned property.
- Any unpaid accumulations paid to the Board in accordance with the provision of section 3 shall on such payment, discharge an employer of the liability to make payment to an employee in respect thereof but to the extent only or the amount paid to the Board, and the liability to make payment to the employee to the extent aforesaid shall subject to the succeeding provisions of this section be deemed to be transferred to the Board.

As soon as possible after the payment of any unpaid accumulations is made to the Board, the Board shall by notice (containing such particulars as may be prescribed)-

- exhibited on the notice-board of the factory or establishment in which the unpaid accumulation was earned and
- deleted by Maharashtra 22 of 1964

- also published in any two newspapers circulating and in the language commonly understood in the area in which the factory or establishment in which the unpaid accumulation was earned is situate, or in such other manner as may be prescribed, regard being had to the amount of the claim, invite claims by employees for any payment due to them. The notice shall be inserted in the manner aforesaid in June and December of every year, for a period of three years from the date or the payment of the unpaid accumulation to the Board.

-
- If any question arises whether the notice referred to in sub-section (3) was, given as required by that sub-section, a certificate of the Board that it was so given shall be conclusive.
-
- If a claim is received whether in answer to the notices or otherwise, within a period of four years from the date of first publication of the notice in respect of such claim, the Board shall transfer such claim to the Authority appointed under section 15 of the payment of Wages Act, 1936 (IV of 1936), having jurisdiction in the area in which the factory or establishment is situated, and the Authority shall proceed to adjudicate upon and decide, such claim. In hearing such claim, the Authority shall have the powers conferred by, and follow the procedure (in so far as it is applicable) for lowed in giving effect to the provisions of that Act.
-
- If the Authority aforesaid is satisfied that any such claim is valid so that the right to receive payment is established, it shall decide that the unpaid accumulation in relation to which the claim is made shall cease to be deemed to be abandoned property, and shall order the Board to pay the whole of the dues claimed, or such part thereof as the Authority decides are properly due, to the employees; and the Board shall make payment accordingly:
Provided that, the Board shall not be liable to pay any sum in excess of that paid under sub-section (1) of section 3 to the Board as unpaid accumulations, in respect of the claim.
-
- If a claim for payment is refused, the employee shall have a right of appeal to the District Court, and the Board shall comply with any order made in appeal. An appeal shall lie within sixty days of the decision of the Authority.
-
- The decision of the Authority, subject to appeal aforesaid, and the decision in appeal of the District Court, shall be final and conclusive as to the right to receive payment, the liability of the Board to pay and also as to the amount, if any.
-
- If no claim is made within the time specified in sub-section (5), or a claims has been duly refused aforesaid by the Authority, or on appeal by the Court, then the unpaid accumulations in respect of such claim shall accrue to, and vest in, the State as bona vacantia and shall thereafter, without further assurance be deemed to be transferred to, form part of, the Fund.

Contributions :-

- The contribution payable under this Act in respect of an employee in an establishment shall comprise contribution, payable by the employers (here-in-after referred to as 'the employers contribution') contribution payable by such employee (here-in-after referred to as 'the employee's contribution') and the contribution payable by the Administrator and shall be paid to the Board and form part of the Fund.
-
- The amount of contribution payable every six months in respect of every employee shall be 75 paise, only if the name of such employee stands on the register of an establishment on 30th June and 31st

December, respectively; and in respect of an employer for each such employee shall be 225 paise payable every six months.

- Every employer shall pay to the Board both the employer's contribution of 225 paise and the employee's contribution of 75 paise, before the 15th day of July and 15th day of January.
- Notwithstanding anything contained in any other enactment but subject to the provisions of this Act and any rules, the employer shall in the case of any such employee be entitled to recover from the employee that employee's contribution by deduction from his wages, and not otherwise; and such deduction shall be deemed to be a deduction authorised by or under the Payment of Wages Act, 1936 (4 of 1936). Provided that, no such deduction shall be made in excess of the amount of the contribution payable by such employee, not shall be made from any wages other than the wages for the months of June and December.
Provided further that, if through inadvertance or otherwise, no deduction has been made from the wages of an employee for the months aforesaid, such deduction may be made from the wages of such employee for any subsequent months or months with the permission in writing of the Inspector appointed under this Act.
- Notwithstanding any contract to the contrary, no employer shall deduct the employer's contribution from any wages payable to an employee or otherwise recover it from the employee.
- Any sum duly deducted by an employer from the wages of an employee under this section shall be deemed to have been entrusted to him by the employee for the purpose of paying the contribution in respect of which it was deducted.
- An employer shall may the employer's and the employee's contribution to the Board by check, money order or in cash, and he shall bear the expenses of remitting to the Board such contributions.
- The Welfare Commissioner shall submit to the Administrator as soon as possible after the end of July and January every year in the prescribed form a statement showing the total amount of the employee's contribution and the employees' contribution in respect of employees in each establishment. On receipt of the statement from the Welfare Commissioner the Administrator shall pay to the Board, a contribution of an amount equal to twice the employees contribution in respect of that establishment.

Interest on Unpaid Accumulations or Fines After Notice of Demand :-

- If an employer does not pay to the Board any amount of unpaid accumulations, or fines realised from the employees or the amount of the employer's and employee's contributions under section 6BB within the time he is required by or under the provisions of this Act to pay it, the Welfare Commissioner may cause to be served a notice on Such employer to pay the amount within the period specified therein, which shall not be less than thirty days from the date of service of such notice.
- If the employer fails, without sufficient cause, to pay any such amount within the period specified in the notice, he shall, in addition to that amount, pay in the Board simple interest-
 - In the case of a failure to pay any amount of unpaid accumulations or fines realised from the employees:-
 - a. For the first three months, at one per cent, of the said amount for each completed months, after the last date by which he should have paid it according to the notice; and
 - b. There after, at one and a half per cent of that amount for each completed month,

during the time he continues to make default in the payment of that amount;

- In the case of a failure to pay any amount of the employer's and employees' contributions under section 6BB,-
 - a. For the first three months, at one per cent of the said amount for each completed month, after the last date by which he should have paid it in accordance with the provisions of sub-section (3) of section 6BB; and
 - b. Thereafter, at one and a half percent of that amount for each completed month, during the time he continues to make default in the payment of that amount; Provided that, the Welfare Commissioner may, subject to such conditions as may be prescribed, remit the whole or any part of the penalty in respect of any period.

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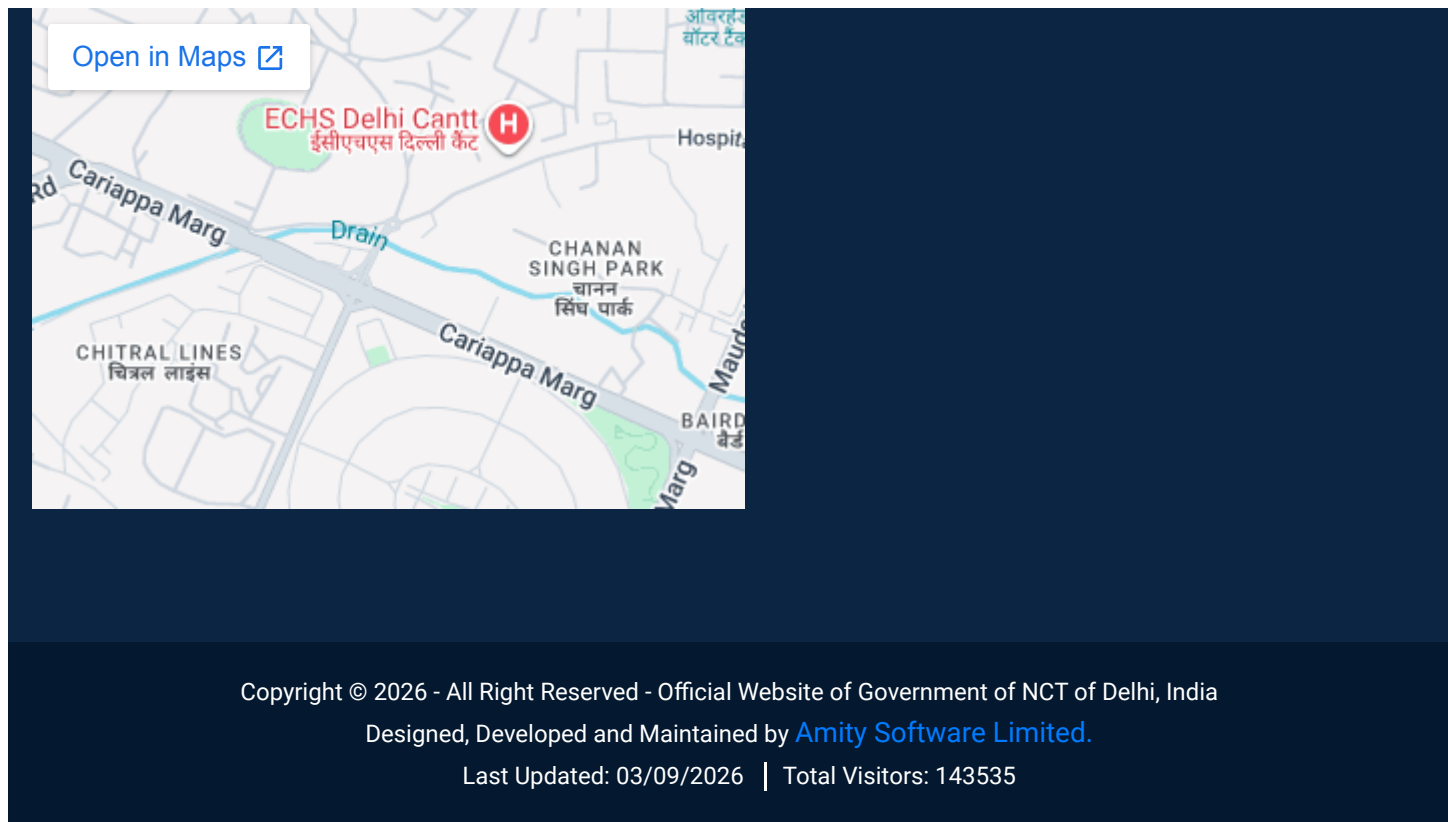
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Modifications In The Bombay Labour Welfare Fund Act, 1953 (Bombay Act XL of 1953)

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Modifications In The Bombay Labour Welfare Fund Act, 1953 (Bombay Act XL of 1953)- Notification I

Ministry of Home, Affairs

No. G.S.R. 1286(E), dt. 15.12.1986- In exercise of the powers conferred by section 2 of the Union Territories (Laws) Act, 1950 (30 of 1950), the Central Government hereby extends to the Union territory of Delhi, the Bombay Labour Welfare Fund Act, 1953 (Bombay Act XL of 1953), as in force in the State of Maharashtra at the date of this notification, subject to the following modifications, namely

Modifications

► The Throughout the Act, -

- For the words "State of Maharashtra ", wherever they occur, the words "Union territory of Delhi " shall be substituted.
- Unless otherwise directed, for the words "State Government", wherever they occur, the word "Administrator" shall be substituted and there shall also be made in any sentence in which those words occur such changes as the rules of grammar require.
- For the words "Official Gazette", wherever they occur, the words "Delhi Gazette" shall be substituted.
- For the words "Maharashtra Labour Welfare Board" wherever they occur, the words "Delhi Labour Welfare Board" shall be substituted.
- For the words and figures "the Bombay Shops and Establishments Act, 1948" wherever they occur, the words and figures "the Delhi Shops and Establishments Act, 1954" shall be substituted.

► In section 1, sub-section (3), the words "in such area and" shall be omitted.

► In section 2, clauses (1) and (1A) shall be renumbered as clauses (1A) and (1AA), respectively, and before the clauses as so renumbered, the following clause shall be inserted, namely:-

- "Administrator" means the Administrator of the Union territory of Delhi appointed by the President under article 239 of the Constitution".

➤ In section 3, in sub-section (2), in clause (f), for the words "State Government", the word "Government" shall be substituted.

➤ In section 4 sub-section (6) shall be omitted.

➤ In section 6A-

- In sub-section (7), the words "in Greater Bombay to the Court of Small Causes and elsewhere" shall be omitted.
 - In sub-section (8), the words "the Court of Small Causes, or as the case may be," shall be omitted.
-

➤ In section 6BB, in sub-sections (1) and (8) for the words "State Government", wherever, they occur, the word "Government" shall be substituted.

➤ In section 12, in sub-section (1), the words, "whether by a local authority or the State Government" shall be omitted.

➤ In section 13

In sub-section (1),

For the words, "Commissioner of Labour, Bombay ", the words "Labour Commissioner, Delhi " shall be substituted.

In clause (a) of the proviso, for the words "the Bombay Civil Service Rules", the words "the rules for the time being applicable: to persons employed in connection with the affairs of the Union territory of Delhi " shall be substituted.

Sub-section (2) shall be omitted.

➤ In section 17B, in sub-section (1), for the 2 words "Presidency Magistrate or a Magistrate of the first Class, the words "Metropolitan Magistrate" shall be substituted.

➤ In section 19, sub-section (3) shall be omitted.

➤ In section 23

- For the words and figures "the Payment of Wages Act, 1936", the words and figures "the Payment of Wages Act, 1936, in its application of the Union territory of Delhi" shall be substituted.
- In the amendment directed by that section, for words and figures "the Bombay Labour Welfare Fund Act, 1953" the words and figures "the Bombay Labour Welfare Fund Act, 1953, as extended to the Union territory of Delhi" shall be substituted.

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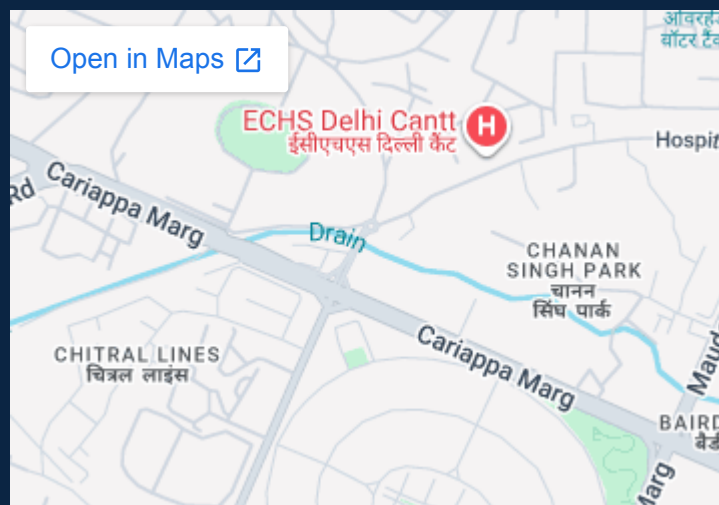
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