



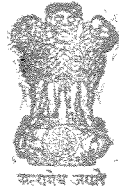
**The Bombay Labour Welfare Fund (Gujarat Extension and Amendment) Act,  
1961**

47 of 1961

**Keyword(s):**  
**Labour, Welfare, Fund**

**Amendments appended: 8 of 1963, 29 of 1973, 36 of 1980, 5 of 2005**

**DISCLAIMER:** This document is being furnished to you for your information by PRS Legislative Research (PRS). The contents of this document have been obtained from sources PRS believes to be reliable. These contents have not been independently verified, and PRS makes no representation or warranty as to the accuracy, completeness or correctness. In some cases the Principal Act and/or Amendment Act may not be available. Principal Acts may or may not include subsequent amendments. For authoritative text, please contact the relevant state department concerned or refer to the latest government publication or the gazette notification. Any person using this material should take their own professional and legal advice before acting on any information contained in this document. PRS or any persons connected with it do not accept any liability arising from the use of this document. PRS or any persons connected with it shall not be in any way responsible for any loss, damage, or distress to any person on account of any action taken or not taken on the basis of this document.



# The Gujarat Government Gazette

## EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. II ] WEDNESDAY, DECEMBER 6, 1961/AGRAHAYANA 15, 1883

Separate paging is given to this Part in order that it may be filed as a separate compilation.

### PART IV

Acts of the Gujarat Legislature and Ordinances promulgated  
and Regulations made by the Governor.

#### CONTENTS

	PAGES
<b>GUJARAT ACT No. XLVII OF 1961.—</b> An Act to amend the Bombay Labour Welfare Fund Act, 1953, for extending it to and bringing it into force in the rest of the State of Gujarat and for certain other purposes.	243-248

The following Act of the Gujarat Legislature having been assented to by the President on the 24th November 1961, is hereby published for general information :—

M. G. MONANI,  
Secretary to the Government of Gujarat,  
Legal Department.

#### GUJARAT ACT No. XLVII OF 1961

( First published, after having received the assent of the President in the "Gujarat Government Gazette" on the 6th December 1961 ).

An Act to amend the Bombay Labour Welfare Fund Act, 1953 for extending it to and bringing it into force in the rest of the State of Gujarat and for certain other purposes.

It is hereby enacted in the Twelfth Year of the Republic of India as follows :—

1. (1) This Act may be called the Bombay Labour Welfare Fund (Gujarat Extension and Amendment) Act, 1961. Short title and commencement.

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Amendment of long title and preamble of Bom. XL of 1953. 2. In the Bombay Labour Welfare Fund Act, 1953 ( hereinafter referred to as " the principal Act " ) in the long title and preamble, — Bom. XL of 1953.  
 (a) for the word " Bombay " the word " Gujarat " and  
 (b) for the words " and for conducting such activities " the words " for conducting such activities and for certain other purposes ", shall be substituted.

Amendment of section 1 of Bom. XL of 1953. 3. In section 1 of the principal Act, for sub-section (2), the following shall be substituted, namely :—

" (2) It extends to the whole of the State of Gujarat. "

Amendment of section 2 of Bom. XL of 1953. 4. In section 2 of the principal Act,—

(a) in clause (1), for the words " any of the Labour Welfare Boards " the words " the Gujarat Labour Welfare Board " shall be substituted ;  
 (b) clause (1a) shall be deleted ;

(c) in clause (4), for the words " but does not include an establishment " the words and brackets " but does not include an establishment ( not being a factory ) " shall be substituted ;

(d) in clause (6), for the words " any of the Labour Welfare Funds " the words " Labour Welfare Fund " shall be substituted ;

(e) clauses (8a) and (8b) shall be deleted ;

(f) in clause (10), after the words " legally payable " the words and figures " 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 " shall be inserted. XIX of 1952.

Deletion of section 2A of Bom. XL of 1953. 5. Section 2A of the principal Act shall be deleted.

Amendment of section 3 of Bom. XL of 1953. 6. In section 3 of the principal Act,—

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

" (1) The State Government shall constitute a fund called the Labour Welfare Fund and notwithstanding anything contained in any other law for the time being in force, the sums specified in sub-section (2) shall, subject to the provisions of sub-section (4) and section 6A be paid into the Fund. "

(b) after sub-section (3) the following sub-section shall be added, namely :—

" (4) Notwithstanding anything contained in any other law for the time being in force or any contract or instrument, all unpaid accumulations shall be collected by such agencies and in such manner as may be prescribed and be paid in the first instance to the Board which shall keep a separate account therefor until claims thereto have been decided in the manner provided in section 6A. "

7. In section 4 of the principal Act, —

(a) in sub-section (1), for the portion beginning with the word "The State Governments of Bombay" and ending with the words "the Karantak area respectively" the following shall be substituted, namely :—

Amendment  
of section 4  
of Bom.  
XL of 1953.

"The State Government shall, by notification in the *Official Gazette*, constitute a Board for the State of Gujarat for the purpose of administering the Fund, and to perform other functions assigned to the Board by or under this Act";

(b) in sub-section (5) for the portion beginning with the words "The Board shall be known" and ending with the words "a body corporate", the words "The Board shall be a body corporate by the name of the Gujarat Labour Welfare Board" shall be substituted;

(c) for sub-sections (6) and (7), the following sub-section shall be substituted, namely :—

"(6) Notwithstanding anything contained in this section, until the Board for the State of Gujarat is duly constituted in accordance with the provisions of sub-section (1), the existing Board functioning and operating immediately before the commencement of the Bombay Labour Welfare Fund (Gujarat Extension and Amendment) Act, 1961, in any area of the State, shall continue to function and operate in that area and shall be the Board for the purposes of this Act for that area; and on the constitution of the Board for the State of Gujara under Sub-section (1), —

Guj.  
XLVII  
of  
1961.

(a) such existing Board shall stand dissolved, and the members thereof shall vacate office;

(b) all properties, funds and dues which are vested in or realisable by the existing Board shall vest in, and be realisable by, Board so constituted;

(c) all rights and liabilities which are enforceable by or against the existing Board, shall be enforceable by or against the Board so constituted, and where in any proceedings in any Court or Tribunal the existing Board is a party thereto, the Board so constituted shall be deemed to be substituted as a party to those proceedings; and

(d) the Welfare Commissioner and the other officers and servants of the existing Board shall continue to be the Welfare Commissioner and officers and servants of the Board so constituted; but the terms and conditions of service of the Welfare Commissioner and other officers and servants shall not, until duly altered by a competent authority, be less favourable under the Board so constituted than those admissible to them while in service of the existing Board."

8. Section 4A of the principal Act, shall be deleted.

Deletion of  
section 4A  
of Bom. XL  
of 1953.

Insertion of  
new section  
6A in Bom.  
XL of 1953.

9. After section 6 of the principal Act, the following new section shall be inserted, namely :—

Unpaid  
accumula-  
tions and  
claims  
thereto.

“ 6A. (1) All unpaid accumulations shall be deemed to be abandoned property.

(2) Any unpaid accumulations paid to the Board in accordance with the provisions 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 of 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.

(3) As soon as possible after any unpaid accumulation is paid to the Board under sub-section (4) of section 3 the Board shall by a public notice call upon interested employees to submit to the Board their claims for any payment due to them.

(4) Such public notice shall contain such particulars as may be prescribed and it shall be —

(a) affixed on the notice board, or in its absence on a conspicuous part of the premises, of each establishment in which the unpaid accumulations were earned,

(b) published in the *Official Gazette*, and

(c) published in any two newspapers in the language commonly understood in the area in which such establishment is situated and circulating therein or in such other manner as may be prescribed, regard being had to the amount of claim.

(5) After the notice is first affixed and published under sub-section (4) it shall be again affixed and published from time to time for a period of three years from the date on which it was first affixed and published, in the manner provided in that sub-section in the months of June and December each year.

(6) A certificate of the Board to the effect that the provisions of sub-sections (4) and (5) were complied with shall be conclusive evidence thereof.

(7) Any claim received, whether in answer to the notices or otherwise, within a period of four years from the date of the first publication of the notice in respect of such claim, shall be transferred by the Board to the Authority appointed under section 15 of the Payment of Wages Act, 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 shall follow the procedure ( in so far as it is applicable ) followed in giving effect to the provisions of, that Act. IV of 1936.

(8) If in deciding any claim under sub-section (7), the Authority allows the whole or part of such claim, it shall declare that the unpaid accumulation in relation to which the claim is made shall, to the extent to which the claim is allowed, cease to be abandoned property and shall order the Board to pay to the claimant the amount of the claim as allowed by it ; 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 (4) of section 3 to the Board as unpaid accumulations, in respect of the claim.

(9) An appeal shall lie in the City of Ahmedabad to the Court of Small Causes and elsewhere to the District Court against a decision under sub-section (7) rejecting any claim or part thereof, if made within a period of sixty days from the date of such decision.

(10) The Board shall comply with any order made in appeal.

(11) The decision of the Authority, subject to an appeal as aforesaid, and the decision in appeal of the Court of Small Causes, or as the case may be, 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.

(12) If no claim is made within the time specified in sub-section (7) or a claim or part thereof has been rejected under the foregoing provisions 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, and form part of, the Fund.”.

10. In section 11 of the principal Act, sub-section (2) shall be deleted. Amendment  
of section  
11 of Bom.  
XL of 1953.

11. In section 13 of the principal Act. — Amendment  
of section  
13 of Bom.  
XL of 1953.

(1) in sub-section (1), for the words beginning with the words “ The Board shall take over ” and ending with the words “ the rules made thereunder ” the following shall be substituted, namely :—

“ Any staff under the control of the Commissioner of Labour, Bombay, which was —

(i) taken over by a Labour Welfare Board constituted under this Act and existing on the date of such taking over, and

(ii) allotted to the Gujarat Labour Welfare Board established under the Bombay Welfare Board ( Reorganisation Order ), 1960,

shall be subject to the provisions of this Act and the rules mad thereunder ” ;

(2) after sub-section (1), the following sub-section shall be inserted, namely :—

“(2) On the coming into force of this Act in any area to which it is extended by the Bombay Labour Welfare Fund (Gujarat Extension and Amendment) Act, 1961, the Board shall take over and employ such of the existing staff under the control of the Commissioner of Labour, Ahmedabad as the State Government may direct, and every such person so taken over and employed shall be subject to like terms and conditions and to the same provisions as in sub-section (1).”

**Amendment of section 19 of Bom. XL of 1953.** 12. To section 19 of the principal Act, the following sub-sections shall be added, namely :—

“(3) All rules made under this section shall be laid for not less than thirty days before the State Legislature as soon as may be after they are made, and shall be subject to such modifications as the State Legislature may make during the session in which they are so laid or the session immediately following.

(4) Any modifications made by the State Legislature shall be notified in the *Official Gazette* and shall, thereupon take effect.”

**Amendments made by sections 2(b), 6 and 9 to have retrospective effect.** 13. The amendments made in the principal Act by sections 2(b), 6 and 9 of this Act, shall be deemed always to have been made in the principal Act.



# The Gujarat Government Gazette

## EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. IV] TUESDAY, FEBRUARY 5, 1963/ MAGHA 16, 1884

Separate paging is given to this Part in order that it may be filed as a separate compilation

### PART IV

Acts of the Gujarat Legislature and Ordinances promulgated and Regulations made by the Governor.

#### CONTENTS

	PAGES
GUJARAT ACT NO. VIII OF 1963.—An Act to amend the Bombay Labour Welfare Fund Act, 1953	21—22

The following Act of the Gujarat Legislature, having been assented to by the President on the 1st February 1963, is hereby published for general information.

M. G. MONANI,  
Secretary to the Government of Gujarat,  
Legal Department.

#### GUJARAT ACT NO. VIII OF 1963.

(First published, after having received the assent of the President in the "Gujarat Government Gazette" on the 5th February 1963).

An Act to amend the Bombay Labour Welfare Fund Act, 1953.

It is hereby enacted in the Thirteenth Year of the Republic of India as follows:—

1. This Act may be called the Bombay Labour Welfare Fund (Gujarat Amendment) Act, 1962.

2. In section 6A of the Bombay Labour Welfare Fund Act, 1953, after sub-section (12), the following sub-section shall be inserted and shall be deemed always to have been inserted, namely:—

Amendment of section 6A of Bom. XI of 1953.

Bom. XL of 1953.



“(13) Nothing in the foregoing provisions of this section shall apply to unpaid accumulations not already paid to the Board,

(a) in respect of which no separate accounts have been maintained so that the unpaid claims of employees are not traceable, or

(b) which are proved to have been spent before the sixth day of December 1961

and accordingly such unpaid accumulations shall not be liable to be collected and paid under sub-section (4) of section 3.”



The Gujarat Government Gazette  
**EXTRAORDINARY**  
 PUBLISHED BY AUTHORITY

Vol. XIV ] FRIDAY, NOVEMBER 30, 1973/AGRAHAYANA 9, 1895

Separate paging is given to this Part in order that it may  
 be filed as a separate compilation.

**PART IV**

Acts of Gujarat Legislature and Ordinances promulgated  
 and Regulations made by the Governor.

The following Act of the Gujarat Legislature having been assented to by the President on the 22nd November, 1973 is hereby published for general information.

S. S. SHAH,  
 Secretary to the Government of Gujarat,  
 Legal Department.

**GUJARAT ACT NO. 29 OF 1973.**

(First published, after having received the assent of the President in the "Gujarat Government Gazette" on the 30th November, 1973).

An Act further to amend the Bombay Labour Welfare Fund Act, 1953.

It is hereby enacted in the Twenty-fourth Year of the Republic of India as follows:—

1. (1) This Act may be called the Bombay Labour Welfare Fund (Gujarat Amendment) Act, 1973. Short title and Commencement.

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

2. In section 2 of the Bombay Labour Welfare Fund Act, 1953 (hereinafter referred to as "the principal Act"),— Amendment of section of Bom. X of 1953.

(1) after clause (1), the following clause shall be inserted, namely:—

"(1A) "contribution" means the sum of money payable as contribution to the Board in accordance with the provisions of section 6B;"

(2) in clause (2)—

(i) for the words "manual or clerical" the words "manual, clerical, supervisory or technical" shall be substituted;

(ii) the following shall be added at the end, namely:—

"but does not include any person—

(a) who is employed mainly in a managerial capacity, or

(b) who, being employed in a supervisory capacity, draws wages exceeding seven hundred and fifty 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;"

(3) in clause (4), for the portion beginning with the brackets, figures and words "(ii) any establishment" and ending with the words "or any State Government" the following shall be substituted, namely:—

"(iii) any establishment within the meaning of the Bombay Shops and Establishments Act, 1948, which employs, or on any working day during the twelve months preceding the specified date employed, ten or more persons: Bom. LXX. IX of 1948.

Provided that, any such establishment shall, subject to the provision contained in the succeeding proviso continue to be an establishment for the purposes of this Act, notwithstanding a reduction in the number of persons to less than ten at any subsequent time:

Provided further that, where for a continuous period of not less than three months the number of persons employed therein has been less than ten, 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, and the employer shall, within one month from the date of such cessation, intimate by registered post the fact thereof to such authority as the State Government may specify in this behalf;"

(4) after clause (9), the following clause shall be inserted, namely:—

"(9A) "specified date" in relation to any establishment for the purpose of payment to the Board of any sum specified in item (a), (b) or (bb) of sub-section (2) of section 3 shall be the date on or before which any such sum becomes payable to the Fund;"

(5) for clause (11), the following shall be substituted, namely:—

"(11) "wages" means wages as defined in clause (vi) of section 2 of the IV of Payment of Wages Act, 1936;" 1936.

Amendment  
of section 3  
of Bom. XL  
of 1953.

3. In section 3 of the principal Act,—

(1) in sub-section (1), for the word, figure and letter "section 6A" the words, figures and letters "sections 6A and 6B" shall be substituted;

(2) in sub-section (2),—

(a) after item (b), the following shall be inserted, namely :—

“(bb) any contribution paid under section 6B;”;

(b) in item (d), the word “and” shall be deleted;

(c) after item (e), the following items shall be added, namely :—

“(f) any loan, grant-in-aid or subsidy paid by the State Government or any local authority or statutory corporation;

(g) all sums received in any other manner or from any other source.”.

4. After section 6A of the principal Act, the following new section shall be inserted, namely :—

Insertion of  
new section  
6B in Bom.  
XL of 1958.

“6B. (1) There shall be paid to the Board for the purposes of this Act **Contribution.** a contribution payable by the employer in respect of an employee in an establishment (hereinafter referred to as “the employer’s contribution”), a contribution payable by such employee (hereinafter referred to as “the employee’s contribution”) and a contribution payable by the State Government, as hereinafter provided and every such contribution shall form part of the Fund.

(2) The amount of employee’s contribution shall be payable every six months in respect of every employee whose name stands on the register of the establishment concerned on 30th June and 31st December respectively, at the rate of 25 paise for every such employee and the amount of employer’s contribution shall be payable every six months at the rate of 50 paise for each such employee:

Provided that the State Government may, by notification in the *Official Gazette*, increase the said rate of employee’s contribution to such amount not exceeding 50 paise if it considers necessary to do so to enable the Board to fulfil the objects of this Act :

Provided further that where the rate of employee’s contribution is so increased by the State Government, the rate of employer’s contribution shall be twice the rate of employee’s contribution as so increased.

(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 15th day of January, every year.

(4) Notwithstanding anything contained in sub-sections (2) and (3), the employer’s contribution and the employee’s contribution payable for the first time after the date of the coming into force of the Bombay Labour Welfare Fund (Gujarat Amendment) Act, 1973, (hereinafter referred to as “the appointed date”) shall be payable before such date, and at the respective

rates as aforesaid for every employee whose name stands on the register of the establishment concerned on such date as may be specified by the State Government by notification in the *Official Gazette* and such contributions payable next thereafter shall be paid in accordance with the provisions of this Act, irrespective of whether the period of six months as specified in sub-section (2) has passed or not.

(5) Notwithstanding anything contained in any other enactment but subject to the provisions of this Act and the rules made thereunder the employer shall be entitled to recover from any such 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 :

IV of  
1936.

Provided that no such deduction shall be made in excess of the amount of the contribution payable by such employee, nor shall any such deduction except the deduction in respect of the employee's contribution payable for the first time after the appointed date 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 month or months with the permission in writing of the Inspector appointed under this Act.

(6) 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.

(7) 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.

(8) An employer shall pay the employer's and the employee's contribution to the Board by cheque, money-order or in cash, and he shall bear the expenses of remitting to the Board such contribution.

(9) The Welfare Commissioner shall submit to the State Government 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 employer's contribution in respect of his establishment for the period to which the statement relates and on receipt of the statement from the Welfare Commissioner, the State Government shall pay to the Board a contribution of an amount equal to the employer's contribution in respect of that establishment:

Provided that the statement in relation to the employee's contribution payable for the first time after the appointed date referred to in sub-section (4) shall be submitted as soon as possible after the specified date in relation to that contribution."

5. In section 12 of the principal Act, to sub-section (1), the following shall be added at the end, namely:—

Amendment  
of section 12  
of Bom. XL  
of 1953.

Bom.  
LXX-  
IX of  
1948.

“Inspector appointed, whether by a local authority or the State Government under the Bombay Shops and Establishments Act, 1948 in relation to any area, shall be deemed to be also Inspector for the purposes of this Act, in respect of establishments, to which this Act applies and the local limits within which such Inspector shall exercise his functions under this Act shall be the area for which he is appointed under the said Act.”

6. In section 18 of the principal Act, in sub-section (1), for the words “in the prescribed manner” the words “in the manner specified in sub-section (1) of section 4 for constitution of the Board” shall be substituted.

Amendment  
of section 18  
of Bom. XL  
of 1953.



The Gujarat Government Gazette  
**EXTRAORDINARY**  
PUBLISHED BY AUTHORITY

Vol. XXI] FRIDAY, DECEMBER 26, 1980, PAUSA 5, 1902

Separate paging is given to this Part in order that it may be filed as a separate Compilation.

**PART IV**

Acts of the Gujarat Legislature and Ordinances promulgated and Regulations made by the Governor.

The following Act of the Gujarat Legislature having been assented to by the President on the 20th December, 1980 is hereby published for general information.

J. P. VASAVDA,  
Joint Secretary to the Government of Gujarat,  
Legal Department.

**GUJARAT ACT NO. 36 OF 1980.**

(First published, after having received the assent of the President in the "Gujarat Government Gazette" on the 26th December, 1980).

An Act further to amend the Bombay Labour Welfare Fund Act, 1953.

It is hereby enacted in the Thirty-first Year of the Republic of India as follows:—

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

Short title and commencement.

(2) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

Bom. XL of 1953.

2. In the Bombay Labour Welfare Fund Act, 1953 (hereinafter referred to as "the principal Act"), in section 3, in sub-section (2), after clause (bb), the following clause shall be inserted, namely:—

Amendment of section 3 of Bom. XI of 1953.

"(bbb) any interest paid under section 6C:".

Insertion  
of new  
section  
50 in Bom.  
XL of 1953.

3. In the principal Act, after section 6B, the following new section shall be inserted, namely:—

Interest on  
unpaid  
accumula-  
tions,  
fines and  
contributions  
after  
notice of  
demand.

“6C. (1) Where an employer does not pay to the Board any amount of unpaid accumulations or fines realised from the employees or any amount of the employer's or, as the case may be, employee's contributions within the time he is required by or under the provisions of this Act to pay such amount, the Welfare Commissioner may cause to be served a notice on such employer to pay to the Board the amount within the period specified therein, which shall not be less than thirty days from the date of service of such notice.

(2) Where the employer on whom a notice is served under sub-section (1), fails without sufficient cause to pay any such amount within the period specified in the notice, he shall, without prejudice to any penalty which may be imposed on him under this Act be liable to pay to the Board simple interest on that amount for the period commencing on the date of expiry of the period specified in the notice and ending on date of the payment of that amount—

(a) in respect of the period falling within the first three months after such expiry, at the rate of twelve percent per annum, and

(b) in respect of the other period, at the rate of eighteen percent per annum.

(3) The amount of interest payable to the Board under sub-section (2) shall be collected by the Welfare Commissioner in such manner as may be prescribed:

Provided that the Welfare Commissioner may, subject to such conditions as may be prescribed, remit the whole or any part of the amount of interest in respect of any period.”.

Amendment  
of section 17  
of Bom. XL  
of 1953.

4. In the principal Act, in section 17,—

(1) after the words “Any sum payable” the words “to the Board or” shall be inserted;

(2) in the marginal note, after the words “sums payable” the words “to the Board or” shall be inserted.

Insertion of  
new sections  
17A, 17B,  
17C, 17D  
and 17E  
in Bom. XL  
of 1953.

5. In the principal Act, after section 17, the following new sections shall be inserted, namely:—



“17A. Any employer who fails to pay any amount of unpaid accumulations or fines realised from employees or any amount of the employer's or, as the case may be, employee's contributions, within the period specified in a notice served on him under sub-section (1) of section 6C, shall, on conviction, be punishable with imprisonment which may extend to six months or with fine which may extend to one thousand rupees or with both.

Penalty for failure to make payment of unpaid accumulations etc.

17B. Any employer who deducts the whole or any part of the employer's contribution from the wages payable to an employee or otherwise recovers it from the employee shall, on conviction, be punishable with imprisonment which may extend to six months or with fine which may extend to one thousand rupees or with both.

Penalty for unlawful deduction.

17C. Any person who wilfully obstructs an Inspector in the exercise of his powers or discharge of his duties under this Act or fails to produce for inspection on demand by an Inspector any document maintained in pursuance of the provisions of this Act or the rules made thereunder or to supply to him on demand true copies of any such document, shall, on conviction, be punishable—

Penalty for obstructing inspectors exercising powers or discharging duties, etc.

(a) for the first offence, with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both; and

(b) for a second or subsequent offences, with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both:

Provided that in the absence of special and adequate reason to the contrary to be mentioned in the judgement of the Court, in any case where the offender is sentenced to a fine only, the amount of fine shall not be less than fifty rupees.

17D. (1) Where an offence under this Act is committed by a company every person who at the time when the offence was committed was in charge of and was responsible to, the company for the conduct of the business of the company as well as the company shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Offences by companies.

Provided that nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to, any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

**Explanation.**—For the purpose of this section—

(a) “company” means any body corporate and includes a firm or other association of individuals; and

(b) “director” in relation to a firm, means a partner in the firm.

17E. (1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973—<sup>2 of 1974,</sup>

(a) no court inferior to that of a Metropolitan Magistrate or a judicial Magistrate of the first class shall try any offence punishable under this Act; and

(b) no court shall take cognisance of any offence punishable under this Act, unless a complaint thereof is made within six months of the date on which the offence is alleged to have been committed.

(2) No prosecution for any offence under this Act shall be instituted, by any person except an Inspector and no prosecution shall be instituted by the Inspector except with the previous sanction of the Welfare Commissioner.”

6. In the principal Act, in section 19,—

(1) in sub-section (2), after clause (b), the following clause shall be inserted, namely:—

“(bb) the manner in which the Welfare Commissioner shall collect under sub-section (3) of section 6C the amount of interest payable under sub-section (2) of that section to the Board, and the conditions subject to which the Welfare Commissioner may remit the whole or any part of the amount of interest under the proviso to sub-section (3) of that section;”;

(2) after sub-section (2), the following sub-section shall be inserted, namely:—

“(2A) In making any rules under this section, the State Government may direct that a breach thereof shall be punishable with fine not exceeding two thousand rupees, and when the offence is a continuing one, with a daily fine not exceeding one hundred rupees during the continuance of the offence.”

Provisions relating to jurisdiction.

Amendment of section 19 of Bom. XL of 1953.



सत्यमेव जयते

# The Gujarat Government Gazette

EXTRAORDINARY

PUBLISHED BY AUTHORITY

---

Vol. XLVI] FRIDAY, FEBRUARY 25, 2005/PHALGUNA, 6, 1926

---

Separate paging is given to this Part in order that it may be filed as a Separate Compilation.

---

## PART-IV

### Act of Gujarat Legislature and Ordinances Promulgated Regulations made by the Governor.

The Following Act of the Gujarat Legislature, having been assented to by the Governor on the 24<sup>th</sup> February, 2005 is hereby published for general information.

**S. S. PARMAR,**  
Secretary to the Government of Gujarat,  
Legislative and Parliamentary Affairs Department.

### GUJARAT ACT NO. 5 OF 2005.

(First published, after having received the assent of the Governor in the "Gujarat Government Gazette", on the 25<sup>th</sup> February, 2005).

### AN ACT

further to amend the Bombay Labour Welfare Fund Act, 1953.

It is hereby enacted in the Fifty-sixth Year of the Republic of India as follows :—

1. (1) This Act may be called the Bombay Labour Welfare Fund (Gujarat Amendment) Act, 2005.

Short title  
and  
commencement.

(2) It shall be deemed to have come into force on the 31<sup>st</sup> December, 2004.

**Amendment of section 2 of Bom. XL of 1953.**

2. In the Bombay Labour Welfare Fund Act, 1953 (hereinafter referred to as "the principal Act"), in section 2,-

**Bom.XL of 1953.**

- (1) in clause (2), in sub-clause (b), for the words "seven hundred and fifty rupees", the words "three thousand and five hundred rupees" shall be substituted;
- (2) in clause (10), for the words "three years", the words "one year" shall be substituted.

**Amendment of section 6A of Bom. XL of 1953.**

3. In the principal Act, in section 6A,-

- (1) in sub-section (5),
  - (i) for the words "three years", the words "one year" shall be substituted;
  - (ii) the words "each year" shall be deleted;
- (2) in sub-section (7), for the words "four years", the words "two years" shall be substituted.

**Amendment of section 6B of Bom. XL of 1953.**

4. In the principal Act, in section 6B, for sub-section (2) and provisos thereunder, the following shall be substituted, namely:-

"(2) The amount of employee's contribution shall be payable every six months in respect of every employee whose name stands on the register of the establishment concerned in the month of June, or as the case may be, in the month of December, at the rate of three rupees for each such employee and the amount of employer's contribution shall be payable at every six months at the rate of six rupees for each such employee:

Provided that the State Government may, by notification in the *Official Gazette*, increase the said rate of employee's contribution to such amount not exceeding six rupees if it considers necessary so to do to enable the Board to fulfill the objects of this Act:

Provided further that where the rate of employee's contribution is so increased by the State Government, the rate of employer's contribution shall be twice the rate of employee's contribution as so increased."

**Repeal and savings.**

5. (1) The Bombay Labour Welfare Fund (Gujarat Amendment) Ordinance, 2004 is hereby repealed.

**Guj. Ord. 3 of 2004.**

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act, as amended by this Act.