

PUNJAB LABOUR WELFARE FUND ACT, 1965

1965 : Pb. Act 17] LABOUR FUND 409 THE PUNJAB LABOUR WELFARE FUND ACT, 65 (PUNJAB ACT No. 17 OF 1965) ARRANGEMENT OF SECTIONS Sections 2. 2A. 3. 4. 5. 6- 7. 8. 9. 9k 11. 12. 13. 14. 15. 16. 17. 18. 19. 20, 21. Short title, extent and commencement. Definitions. Construction of certain references in the Act. Welfare Fund. Establishment of Board. Power of State Government to remove members from office in certain cases. Vacancies, etc.. not to invalidate proceedings of Board. Term of office, casual vacancies and resignation. Members to hold office during the Pleasure of the State Government. Procedure at the meetings of the Board. Unpaid accumulations and claims thereon. contribution to Fund by employers and employees. Vesting and application of Fund. Power of Board to Borrow Investment of Fund. Power of State Government to give directions to the Board. and powers of Welfare Commissioner. Appointment of Inspectors. Absorption of the existing staff under Labor Commissioner. Appointment of clerical and other staff by Board. Power of State Government to remove any person on staff of Board. Power of State Government or Authorised Officer to call for records, etc. Mode of recovery of sums payable into fund. etc. Supersession of Board. 410 22. 23. 24. 25. 26. 26k 26B

27. LABOUR WELFARE FUND [1965 Pb. Act 17] Members of the Board, Welfare Commissioner, Inspectors and all officers and servants of Board to be public servants. Delegation. Protection of persons acting in good faith. Exemptions. Application of Act to certain establishments of Central and State Governments. Penalty. Cognizance of offences. Power to make rules. 1965 : Pb. Act 17] LABOUR WELFARE FUND 411 1965 PUNJAB LABOUR WELFARE FUND ACT, (PUNJAB Act No. 17 OF 1965) [Received the assent of the President of India on the 17th July, 1965, and first published for general information in the Punjab Government Gazette (Extraordinary), Legislative Supplement, Part 1, of July 27, 1965.] 1 Year 1965 2 No. 17 3 Short title The Punjab Labour Welfare Fund Act, 1965 4 'Whether repealed or otherwise affected by Legislation Amended by the Punjab Labour Welfare Board (Reconstitution and Reorganisation) Order, 1969 Amended by Haryana Act 14 of 1971 Amended by Haryana Act 9 of 1978* Amended by Haryana Act 19 of 1981 Amended by Haryana Act 19 of 1988 Amended by Haryana Act I of 2002 ACT to provide for the constitution of a Fund for the financing of activities to promote welfare of labour in the State of Punjab and for conducting such activities and for certain other purposes. As it enacted by the Legislature of the State of Punjab in the Sixteenth Year of the Republic of India as follows :- 1965. L. 2. 3. 4. 5. 6 7. 1. (1) This Act may be called the Punjab Labour Welfare Fund Act, Short title, extent and commencement. For Statement of Objects and Reasons, see Punjab Government Gazette (Extraordinary), 1965, page 452. See Government of India. Ministry of Home Affairs, S.O. 1302, dated the 28th March 1979. published in Gazette of India (Extra.). Part section 3(ii). of 31st March. [1969. For Statement of Objects and Reasons see Haryana Government Gazette (Extraordinary), 1971. page 198. For Statement of objects and % Reasons. see dated the 1 K -3-1978. page 340. For Statement of object} and Reasons, see dated the 21-9-1981. page 1400. For Statement of objects and Reasons. see dated the 2]-3-1988. page 364, For Statement of Objects and Reasons. see (Extraordinary). dated the 8-1 1-2001. page 1541. Haryana Haryana Haryana Haryana Government Government Government Government Gazette Gazette Gazette Gazette 412 LABOUR WELFARE FUND [1965 : Pb. Act 17 Definitions. It extends to the territories which, immediately before the 1st day of November, 1966, were comprised in the State of Punjab, excluding the territory transferred to the Union Territory of Himachal Pradesh under section 5 of the Punjab Reorganisation Act, 1966 (31 of 1966).] (3) shall come into force on the first day of July, 1965

2. In this Act, unless the context otherwise requires,—2 [(1) "Board" means the Labour Welfare Board established and constituted under section 4 for each of the States of Punjab and Haryana and the Union Territory of Chandigarh (2) 'employee' means any person who is employed for hire or reward to do any work, skilled or unskilled, manual or clerical, in an establishment ; (3) 'employer' means any person who employs, either directly or through another person on behalf of himself or any other person one or more employees in an establishment, and includes,— (i) in a factory. any person named under clause (f) of sub-section (1) of section 7 of the Factories Act, 1948, as the manager ; (ii) in any establishment, other than a factory, any person responsible to the owner of the establishment for the supervision and control of the employees or for the payment of wages ; (4) *'establishment' means— (i) a factory ; (ii) a motor omnibus

service ; or (äi) any establishment, including a society registered under the Societies Registration Act, 1860, and a charitable or other trust, which carries on any business or trade or any work connected therewith or ancillary thereto and has been employing on any working day during the preceding twelve months more than twenty persons ; (5) 'factory' means a factory as defined in clause (m) of section 2 of the Factories Act, 1948, or any place which is deemed to be a factory under sub-section (2) of section 85 of that Act ; "Fund" means the Labour Welfare Fund constituted under section 3 for each of the States of Punjab and Haryana and the Union territory (7) 'independent member' means a member of the Board who is not connected with the management of any establishment or who is not an employee ; (8) 'Inspector' means an Inspector appointed under section 15 (9) 'prescribed' means prescribed by rules made under this Act ; (10) 'unpaid accumulations' means payments due to the employees but not made to them within a period of two years] from the date on which they became due, whether before or after the commencement of this Act, including the wages, bonus 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 Fund Act, 1952. (11) 'wages' means wages as defined in clause (6) of section 2 of the Payment of Wages Act, 1936 ; (12) 'Welfare Commissioner' means the Welfare Commissioner appointed under section 14: 3[2A. (1) In the application of the provisions of this Act to the Union Territory of Chandigarh, any reference therein to the State or State Government shall be construed as a reference to the Administrator of the Union territory of Chandigarh. Substituted by the Punjab Labour Welfare Board (Reconstitution and Reorganisation) Order, 1969, Schedule (with effect from 1st April, 1969). , 2 Substituted by Haryana Act I of 2002. Section 2-A added by the Punjab-Labour Welfare Board (Reconstitution and Reorganisation) Order, 1969, Schedule (with effect from 1st April, 1969. 414 LABOUR WELFARE FUND [1965 : Pb. Act 17 Welfare fund. (2) Sub-section (3) of section 27 shall not apply in relation to the Union territory of Chandigarh but shall apply to the State of Haryana with the modifications that for the words "each house of the State Legislature", the words "the Legislative Assembly" and for the words "both Houses agree" at both the places where they occur, the words "the Legislative Assembly agrees" shall be substituted." 3. (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 or in any contract or instrument, all unpaid accumulations shall be paid to the Board which shall keep a separate account therefor until claims thereto have been decided in the manner provided in section 9, and the other sums specified in sub-section (2) shall be paid into the Fund. (2) The Fund shall consist of— (a) (c) (d) (f) all fines realized from the employees ; unpaid accumulations transferred to the Fund under section 9 ; grants and subsidies to the Board made by the State Government ; any voluntary donations ; any fund transferred under sub-section (5) of section 10 ; any sum borrowed under section 1 ; any contribution of employers and employees ;] (3) The sums specified in sub-section (2) shall be collected by such agencies and in such manner and the accounts of the Fund shall be maintained and audited in such manner as may be prescribed. The employer shall be required to pay interest at the rate of twelve per cent per annum on the amount of unpaid accumulations in case he fails to deposit the same within a period of one year from the prescribed date. The rate of interest thereafter shall be twenty per cent per annum. 1. Omitted by Haryana Act I of 2002. 2 Added by Haryana Act I of 2002

2. Substituted for sub-section (1) by ibid., Schedule (with effect from [1969]. 1965 : Pb. Act 17] LABOUR WELFARE FUND 413 day during the preceding twelve months more than twenty persons ; (5) 'factory' means a factory as defined in clause (m) of section 2 of the Factories Act, 1948, or any place which is deemed to be a factory under sub-section (2) of section 85 of that Act ; "Fund" means the Labour Welfare Fund constituted under section 3 for each of the States of Punjab and Haryana and the Union territory (7) 'independent member' means a member of the Board who is not connected with the management of any establishment or who is not an employee ; (8) 'Inspector' means an Inspector appointed under section 15 (9) 'prescribed' means prescribed by rules made under this Act ; (10) 'unpaid accumulations' means payments due to the employees but not made to them within a period of two years] from the date on which they became due, whether before or after the commencement of this Act, including the wages, bonus 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 Fund Act, 1952. (11) 'wages' means wages as defined in clause (6) of section 2 of the Payment of Wages Act, 1936 ; (12) 'Welfare Commissioner' means the Welfare Commissioner appointed under section 14: 3[2A. (1) In the application of the provisions of this Act to the Union Territory of Chandigarh, any reference therein to the State or State Government shall be construed as a reference to the Administrator of the Union territory of Chandigarh. Substituted by the Punjab Labour Welfare Board (Reconstitution and Reorganisation) Order, 1969, Schedule (with effect from 1st April, 1969). , 2 Substituted by Haryana Act I of 2002. Section 2-A added by the Punjab-Labour Welfare Board (Reconstitution and Reorganisation) Order, 1969, Schedule (with effect from 1st April, 1969. 414 LABOUR WELFARE FUND [1965 : Pb. Act 17 Welfare fund. (2) Sub-section (3) of section 27 shall not apply in relation to the Union territory of Chandigarh but shall apply to the State of Haryana with the modifications that for the words "each house of the State Legislature", the words "the Legislative Assembly" and for the words "both Houses agree" at both the places where they occur, the words "the Legislative Assembly agrees" shall be substituted." 3. (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 or in any contract or instrument, all unpaid accumulations shall be paid to the Board which shall keep a separate account therefor until claims thereto have been decided in the manner provided in section 9, and the other sums specified in sub-section (2) shall be paid into the Fund. (2) The Fund shall consist of— (a) (c) (d) (f) all fines realized from the employees ; unpaid accumulations transferred to the Fund under section 9 ; grants and subsidies to the Board made by the State Government ; any voluntary donations ; any fund transferred under sub-section (5) of section 10 ; any sum borrowed under section 1 ; any contribution of employers and employees ;] (3) The sums specified in sub-section (2) shall be collected by such agencies and in such manner and the accounts of the Fund shall be maintained and audited in such manner as may be prescribed. The employer shall be required to pay interest at the rate of twelve per cent per annum on the amount of unpaid accumulations in case he fails to deposit the same within a period of one year from the prescribed date. The rate of interest thereafter shall be twenty per cent per annum. 1. Omitted by Haryana Act I of 2002. 2 Added by Haryana Act I of 2002

3. Added by Haryana Act 14 of 1971 and further substituted by Haryana Act 19 of 1988. 1965 : Pb. Act 17] LABOUR WELFARE FUND 415 (5) An employer who has already incurred the liability of payment of fine at the rate of twenty-five per cent at the time of commencement of the Punjab Labour Welfare (Haryana Amendment) Act, 1988, shall be liable to pay interest at the rate of twenty per cent per annum from the date of commencement or from the expiry of two years from the date of incurring the liability of payment of fine, whichever is later. (1) For the purpose of administering the Fund and for performing Establishment of such other functions as are assigned to it by or under this Act, the State Board, Government shall by notification establish a Board to be known as "the Labour Welfare Board for Punjab or Haryana or the Union territory of Chandigarh" as the case may be. (2) The Board shall be a body corporate with the name aforesaid, having perpetual succession and a common seal with power,

subject to the provisions of this Act, to acquire, hold or dispose of property, and to contract, and may by that name sue or be sued. (3) Board shall consist of the following members, including the Chairman, to be nominated by the State Government, namely : (a) such equal number of representatives of employers and employees as may be prescribed ; and (b) such number of independent members, whether official, non-official or both, as may be prescribed. (4) No person shall be nominated as a member of the Board who— (a) is a salaried official of the Board, or (b) has been adjudged as an insolvent ; or (c) is of unsound mind and stands so declared by a competent court or is, in the opinion of the State Government, physically or mentally unfit to be appointed as a member or is substituted by the Punjab Labour Welfare Board (Reconstitution and Reorganisation) Order, 1969, Schedule (with effect from 1st April, 1969, Govt. of India, S.O. No. 1302, dated the 28th March, (Extra.) , page 405, (with effect from 1st April, 1969). 416 LABOUR WELFARE [1965 : Pb. Act 17 (d) has been convicted of an offence which, in the opinion of the State Government, involves moral turpitude.' 5. - The State Government may remove from office the Chairman or any member of the Board who— remove members from office in certain cases. Vacancies etc., (a) absents himself from three consecutive meetings of the Board without of the Chairman of the Board in the case of a member and of the State Government in the case of the Chairman ; (b) is or has been subject to any of the disqualifications mentioned in sub-section (4) of section 4 or (c) so abuses his position as to render his continuance in office detrimental to the public interest

6. No act done, or proceeding taken, under this Act by the Board not to invalidate shall be invalid merely on the ground—proceedings of Board. Term of office, (a) of any vacancy or defect in the constitution of the Board ; or (b) of any defect or irregularity in the nomination of a person acting as a member thereof ; or (c) of any defect or irregularity in such act or proceeding, not affecting the merits of the case. 7. (1) The term of office of a member of the Board shall be three casual vacancies years commencing on the date on which his nomination is notified in the Official and Resignation Gazette : Provided that a member nominated to fill a casual vacancy shall hold office for the unexpired portion of the term of office of the member in whose place he is nominated- (2) A member of the Board, including the Chairman thereof, may resign his office by notifying in his intention to do so to the State Government, and on such resignation being accepted by the State Government, he shall be deemed to have vacated his office. (3) - If a vacancy arises in the office of the Chairman or a member of the Board, whether by death, resignation, removal or otherwise, the vacancy shall be filled up by the State Government in accordance with the provisions of section 4. 1965 : Pb. Act 171 LABOUR FUND 417 (4) An outgoing member, including the Chairman shall be eligible for re-nomination. [7A. Notwithstanding anything to the contrary contained in this Act, the members of the Board shall hold office during the pleasure of the State Government.] 8. (1) The Chairman, and in his absence, a member of the Board nominated by the State Government shall preside at a meeting of the Board (2) All questions at a meeting of the Board shall be decided by a majority of the members of the Board present voting : Provided that in the case of an equality of votes, the Chairman or the person presiding, as the case may be, shall, in addition to his vote as a member have a second casting vote. (3) The quorum at a meeting of the Board and the manner in which the business of the Board shall be conducted shall be such as may be prescribed- 9. (1) All unpaid accumulations shall be deemed to be abandoned pro rata. (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, to the succeeding provisions of this Act be deemed to be transferred to the Board. (3) 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)— (a) exhibit on the notice board of the establishment in which the unpaid accumulations were earned ; (b) published in the Official Gazette and also in any two newspapers in both the regional languages of India. Inserted by Haryana Act 19 of 1981. Members to hold office during the pleasure of the State Government. Procedure at the meetings of the Board. Unpaid accumulations and claims thereon. 418 LABOUR WELFARE FUND [1965 Pb. Act 17 the State having large circulation in the area in which the establishment is situated 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 of the payment of the unpaid accumulations to the Board. (4) 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. (5) If a claim is received, whether in answer to the notice or otherwise, within a period of four years from the date of first publication of the notice in respect of such claim, (a) where the amount of claim so received is equal to the amount deposited by the management with the Board, the amount of the claim shall be paid by the Board to the employee concerned; and (b) in any other case, the Board shall transfer such claim to the Authority appointed under section 15 of the Payment of Wages Act, 1936, having jurisdiction in the area in which the establishment is or has been 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) followed in giving effect to the provision of, that Act. (6) If the Authority aforesaid is satisfied that any such claim is valid so that the right to payment is established, it shall decide that the unpaid accumulations 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 employee; 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. 1965 : Pb. Act 17] LABOUR WELFARE FUND 419 (7) If a claim for payment is refused, the employee shall have a right of appeal to the Court of District Judge and the Board shall comply with any order made in an appeal shall lie within sixty days of the decision of the Authority. (8) The decision of the Authority subject to the appeal aforesaid, and the decision in appeal 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. (9) If no claim is made within the time specified in sub-section (5) or a claim has been duly refused as 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, and form part of, the Fund. IL 9A. (1) Every employee shall contribute one rupee per month to the Contribution to the Fund and every employer shall contribute Fund by employers and two rupees per month to the Fund. Explanation.—For the purpose of sub-section (1), "employee" means an employee on the register of an establishment on the last working day of the month. (2) Every employer shall pay to the Fund both his contribution and the contribution of the employee before the 31st December of every year by crossed cheque or demand draft in favour of Welfare Commissioner. (3) The employer shall be entitled to recover from the employee the employee's contribution by deduction from his wages and not otherwise: Provided that no such deduction shall be made in excess of the amount of the contribution payable by such employee: Provided further that, if through inadvertence or on account of some other reason no such deduction has been made from the wages of an employee for any month, such deduction may be made from the wages of such employee in any subsequent month after intimation in writing to the employee and the Inspector: 1. Inserted by Haryana of 2002. 420 LABOUR WELFARE FUND- [1965 : Pb. Act 17 Vesting and application of Fund. Provided further that it shall be no excuse for the employer for non-payment of contribution to the Fund that he had not the contribution of the employee from his wages.] 10. (1) The Fund shall vest in and be held and applied by, the Board as trustees subject to the provisions and for the purposes of this Act. The moneys therein shall be utilized by the Board to defray the cost of carrying out measures which may be specified by the State Government from time to time to promote the welfare of labour and of their (2) Without prejudice to the generality of the money in the Fund may be utilized by the Board to defray expenditure on the following (a) (b) (c) (d) (e) (f) community and social education centers including reading rooms and libraries; community necessities; games and sports; excursions, tours and holiday homes; entertainment and other forms of recreation; home industries and subsidiary occupations for women and unemployed persons corporate activities of a social nature; (h) cost of administering this Act including the allowances, if any, payable to the Chairman and members of the Board and the salaries and allowances of the staff appointed for the purposes of this Act; and (i) such other objects as would in the opinion of the State Government improve the standard of living and ameliorate the social conditions of labour: Provided that the Fund shall not be utilized in financing any measure which the employer is required under any law for the time being in force to carry out: Provided further that unpaid accumulations and fines shall be paid to the Board and be expended by it under this Act notwithstanding 1965 : Pb. Act 17] LABOUR WELFARE FUND 421 anything contained in the Payment

of Wages Act, 1936, or any other law for the time being in force. (3) The Board may, with the approval of the State Government make a grant of the Fund to any local authority or any other body except an employer in aid of any activity for the welfare of labour and of their dependents approved by the State Government. (4) If any question arises whether any particular expenditure is or is not debatable out of the Fund, the matter shall be referred to the State Government and the decisions of the State Government on such reference shall be final. - (5) for the Board to continue any activity financed from the welfare fund of any establishment if the said fund is duly transferred to the Board. I I. The Board may, with the previous sanction of the State Government, and subject to the provisions of this Act and to such conditions as may be specified in this behalf, borrow any sum required for the purposes of this Act

12. Where the Fund or any portion thereof cannot be applied for some time for the purposes of this Act, the Board shall invest the same in such manner and in such securities as may be prescribed

13. The State Government may give the Board such directions as in its opinion are necessary or expedient in connection with expenditure from the Fund or for carrying out the other purposes of this Act ; and it shall be the duty of the Board to comply with such directions.

14. (1) There shall be a Welfare Commissioner to be appointed by the Board with the previous approval of the State Government who shall be the principal executive officer of the Board (2) Notwithstanding anything contained in sub-section Welfare Commissioner shall be appointed by the State Government as soon as practicable after the passing of this Act for a period not exceeding five years and on such conditions as the State Government thinks fit. (3) It shall be the duty of the Welfare Commissioner to ensure that the provisions of this Act and the rules made thereunder are duly carried out and for this purpose he shall have the power to issue such orders not inconsistent with the provisions of this Act and rules made Power of Board Investment of Fund. Power of State Government to give directions to the Board. Appointment and powers of Welfare Commissioner. 422 LABOUR WELFARE FUND (1965 : Pb. Act 17 Appointment of Inspectors. Absorption of thereunder as he deems fit, including any order authenticating and implementing the decisions taken by the Board under this Act or rules made thereunder- IS. (1) The State Government may appoint Inspectors to inspect records in with the sums payable into the Fund. (2) Any Inspector may— (a) with such assistance, if any, as he thinks fit, enter at any reasonable time any premises (or carrying out the purposes of this Act ; and (b) exercise such other powers as may be prescribed

16. The Board shall take over and employ such of the existing staff under the control of Labour Commissioner [Haryana], as under Labour the State Government may direct and every person so taken over and Commissioner employed shall be subject to the provisions of this Act and the rules made thereunder : Provided that— (a) all matters relating to pay, leave, retirement* allowances, pensions, provident fund and other conditions of service of the said staff shall be regulated by the Punjab Civil Service Rules or such other rules as may from time to time be made by the State Government ; and (b) every such member of the said staff shall have a right of appeal to the State Government against any order of education, dismissal or removal from service, fine or any other punishment : Provided further that person so taken over may elect within the prescribed period that he desires to be governed by the rules made under this Act in respect of conditions of service of the staff appointed by the Board under this and on his electing to so governed the provisions of this proviso shall cease to apply to him. 1. Substituted by the Haryana Adaptation of Laws Order. 1968. 1965 : Pb. Act 171 LABOUR WELFARE FUND) 423 17. The Board shall have power to appoint the necessary clerical and executive staff to carry out and supervise the activities financed from the Fund : Provided that if any appointment is not agreed to by the majority of the total number of members of the Board, the Appointment shall be made by the State Government : Provided further that the expenses of the staff thus appointed and other administrative expenses shall not exceed a percentage of the annual income of the Fund

18. The State Government shall have the power to remove any person whom it may deem unsuitable from the service or the Board

19. The State Government or any officer authorized by the State Government in this may call for records of any which are pending before, or have disposed of, by the Board for purpose of satisfying itself or himself, as the case may be, as to the legality or propriety of such proceedings or of any order made therein and may pass such orders in relation thereto as the State Government or such officer may

It is provided that no order adversely affecting any person shall be made under this section without giving such person a reasonable opportunity of being heard

20. Any sum payable into the Fund under this Act, shall, without prejudice to any other mode of recovery, be recoverable on behalf of the Board as an arrear of land revenue.

21. (1) If the State Government is satisfied that the Board has made default in performing any duties imposed on it by or under this Act or has abused its power, the State Government may by notification supersede and reconstitute the Board in the prescribed manner: Provided that before issuing such notification, the State Government shall give a reasonable opportunity to the Board to show cause why it should not be superseded and shall consider the explanation and objections, if any, of the Board. (2) After the Board and until it is reconstituted, the powers, duties and functions of the Board shall be exercised or performed by such officer or officers as the State Government may appoint for this purpose, of clerical and other staff. The State Government may remove any person from the staff of the Board. Power of State Government authorised Officer to call for records, etc. Mode of recovery or sums payable into Fund, etc. Supersession of Board. 424 Members of LABOUR WELFARE FUND [1965 : Pb. Act 17] 22. The members of the Board, including the Chairman thereof, the Board, the Welfare Commissioner, Inspectors and all officers and servants of the Welfare Board, shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code. All officers and servants of the Board to be public servants. Delegation

23. The Board may, by resolution passed by it at a meeting of the Board, direct that any power or duty which by this Act or by any rule made under this Act is conferred or imposed upon the Board shall, in such circumstances and under such conditions, if any, as may be specified in the direction, be exercised or discharged also by the Welfare Commissioner

24. No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act. Exemptions

25. The State Government may by notification and in public interest exempt any class of establishments from all or any of the provisions of this Act subject to such conditions, if any, as may be specified in the notification. Application of 26. This Act shall apply to such establishments belonging to the Central Government or any State Government as are referred to in sub-clauses (i) establishments and (ii) of clause (4) of section 2. of Central and State Governments. Penalty. [26A. Save as otherwise provided, any person, who contravenes any of the provisions of this Act or any rule made thereunder or who willfully obstructs an Inspector in the exercise of his powers or discharge of his duties under this Act or any rule made thereunder or fails to produce for inspection on demand by an Inspector any registers, records or other documents maintained in pursuance of the provisions of this Act or the rules made thereunder or to supply to him on demand. Inserted by Haryana Act 9 of 1978. 1965 : Pb. Act 17] LABOUR WELFARE FUND 425 demand true copies of any such document, shall, on conviction, be punished— (a) for the first offence, with fine which may extend to five hundred rupees; and (b) for a second or subsequent offences, with imprisonment for a term which may extend to three months, or with fine which may extend to one thousand rupees or with both. 26B. (1) No court inferior to that of a Judicial Magistrate of the first class shall try any offence punishable under this Act. Offences. (2) No court shall take cognizance of any such offence except on a complaint made by the Inspector.] 27. (1) The State Government may, by notification and subject to the condition of previous publication, make rules to carry out the purposes of this (2) In particular: and without prejudice to the generality of the foregoing power, such rules may be made for all or any of the following matters, namely (a) the agency for and the manner of collection of sums specified in sub-section (3) of section 3; and the period within which the same shall be paid to the credit of the (b) the manner in which the accounts of the fund shall be maintained and audited under sub-section (3) of section 3; (c) the number of representatives of employers, employees and independent members of the Board and the allowances, if any, payable to the Chairman and members thereof; (d) the quorum at meetings of the Board and the manner in which it shall conduct its business; (e) the particular which shall be contained in the notice referred to in sub-section (3) of section 9, and the other manner of publication of such notice; 426 LABOUR WELFARE FUND [1965 : Pb. Act 17] (f) the procedure for making grants from the Fund under sub-section (3) of section 10 and the securities in which the Fund may be invested and the manner of investment; (g) the procedure for defraying the

1969. GAZ. APR. 1929 .SAK;u 137 LEGISLATIVE DEPARTMENT Notification 4th April, 2007 No. Leg. 8/2007.—The (ottowing Act of the LegislaLure or the State of Haryana received the assent the Governor of Haryana on the 28th March.. 2007. and is hereby published for generat information . HARYANA ACT NO. 7 OF 2007 -THE PUN.IAIB LA BOUR WELFARE FUND (HARYAiNf, AMENDNIENT) ACT, 2007 further It.) tnnend rhe Punjab lÆtbour Wem,' rc Fund A c', 196.'.- application Io lthe Slate of Bc it enacted by the Legi.statute the Slale or Haryana iii the Fifty- eighth Year or lthe Republic India as rollows . i. This Act Rlay be caided the Punjab Labour NVeTarc Ft rr; (Haryana Amendsne.nl} Act

2. In section 2 of the Punjab Labour Weir•are Fund 1 965 (i:ereinarter rct•erred to as the ptincipal Act).lor ch»usc f 2). following, clause. Shai I bc fiübstill! pamcly:— "(2) •employee* means any person einpoyed. diricrly by through any agency (including a contractor) with or wiKhout the knowledge or the principal employer, tk.)t reni .nefatinn in any factory or establishment to do any work connecied with ils (ii) for clause (4). khe following cla use shall bc bsIiruled. namety:— "(4) •establishrncn(' means a factory and includes any pre.lüise.s inclildir,g the precincts thereof whercin and in any putt of which any industry within the mc•aninp of clause (j) of section 2 0)' the industrial Disputes Act. 1947 (ACI 14 1947). carried on and also includes a shop or a commercial establishrnen(within Lhe rneaning of the Punjab Shops and Co Short titte. Afltcndmt•nl scenon 2 of

14. SARA) Act. 1958 Act Ifi • K: e•nprieved welc enli)nyed 3. clause (b) ot' (3) sect 'Di) 9 of she principal Act.— of of Putuab ACI) 7 Amendment Punjab Act 57 26 of Ponjab Act 17 Arne. udtucut seclioti 2f'A of lhe words • 'Junc and' • shall be ornitted. (or the 'Ihrec years' the words substituted. section 9A of the principai Act.. "two years"* shall he 4. S. 6. (i) In (n Gi) in sub-section () for the words "one rupee* • and • 'two rupees", the words "five rupees*" and f 'ten rupees" shall respectively be substituted*. after sub-section (3). [lie fotlowing sub-section shall be added the end. namelv:— "(4) Any employer who faits cc. the contribuüon aEnounl within a period of one lb. 2 date sppcified under sub* section shall be liabl'e pay inlerest al the rate of twelve percent pct ;,nnutti the said dale until such ti)nc the amount is acutaty deposited with the Wellat-e (ornn}issioner. . Seelion 26 014 the principal .\ct shall be onlilled- In section 26A principat Act.— in clause 1!!'..: words ve huncfred rupces'*. lhe worëis • Lt'ive thousand rupees but less lhan ! wo thousand rupces'l shall bc substituted; in clause for the words • 'one lhc•usanel rupees", the words • •ten Lhousand rupees but not fess Ihrec thousand rupees" shall bc substituted. S. SUL.LAR. (Govern;nent. f-laryana. Legislative Department. HARYANA GOVT. GAZ. (EXTRA.), APR. 11, 2012 (CHTR. 22, 1934 SAKA) PART-I HARYANA GOVERNMENT LAW AND LEGISLATIVE DEPARIMENT Notification The 1 lthApril, 2012 71 No. Leg. 10/2012.—The following Act of the Legislature of the State of Haryana received the assent of the Governor of Haryana on the 29th March, 2012, and is hereby published for general infomation:— HARYANA ACT NO. 8 OF 2012 THE PUNJAB LABOUR WELFARE FUND (HARYANA AMENDMENT) ACT, 2012 Acr further to amend the Punjab Labour Welfare Fund Act, 1965, in its application to the State of Haryana. BE it enacted by the Legislature of the State of Haryana in the Sixty-third Year of the Republic of India as follows : 1. This Act may be called the Punjab Labour Welfare Fund (Haryana Amendment) Act, 2012

2. In sub-section (1) of section 9A Punjab Labour Welfare Fund Act, 1965, for the words "five rupees" and "ten rupees", the words "ten rupees" and "twenty rupees" shall respectively be substituted. MANJIT SNGH, Secretary to Government Haryana, Law and Legislative Department. Short title. Amendment of section 9A of Punjab Act 17 of 1965. HARYANA GOVT. GAZ. (EXTRA.), APR. 9, 2013 (CHTR. 19, 1935 SAKA) PARTI HARYANA GOVERNMENT LAW AND LEGISLATIVE DEPARTMENT Notification The 9th April, 2013 47 No. Leg. 8/2013.— The following Act of the Legislature of the State of Haryana received the assent of the Governor of Haryana on the 19th March, 2013 and is hereby published for general information:— HARYANA ACT NO. 6 OF 2013 THE PUNJAB LABOUR WELFARE FUND (HARYANA AMENDMENT) ACT, 2013. ACT further to amend the Punjab Labour Welfare Fund Act, 1965, in its application to the State of Haryana. Be it enacted by the Legislature of the State of Haryana in the Sixty- fourth Year of the Republic of India as follows : 1. This Act may be called the Punjab Labour Welfare Fund (Haryana Amendment) Act, 2013

2. In sub-section (3) of section 4 of the Punjab Labour Welfare Fund Act, 1965 (hereinafter referred to as the principal Act), for the word "Chairman", the words "Chairperson and the Vice-Chairperson" shall be substituted

3. In section 5 of the principal Act,—(i) for the existing marginal heading, the following marginal heading shall be substituted, namely:— "Power of State Government to remove Chairperson, Vice-Chairperson and member from office in certain cases."; (ii) for the word "Chairman", the words and signs "Chairperson, the Vice-Chairperson" shall be substituted; (iii) for clause (a), the following clause shall be substituted, namely:— "(a) absents himself from three consecutive meetings of the Board without permission of the Chairperson of the Board in the case of a member and of the State Government in the case of the Chairperson or Vice-Chairperson.". Short title. Amendment of section 4 of Punjab Act 17 of 1965. Amendment of section 5 of Punjab Act 17 of 1965. 48 Amendment of section 7 of Punjab Act 17 of 1965. Amendment of section 1A of Punjab Act 17 of 1965. Amendment of section 8 of Punjab Act 17 of 1965. Amendment of section 10 of Punjab Act 17 of 1965. Amendment of section 10A of Punjab Act 17 of 1965. Amendment of section 27 of Punjab Act 17 of 1965. Chd. 4. S. 6

7. HARYANA GOVT.GAZ. (EXTRA.), APR. 9, 2013 (CHTR. 19, 1935 SAKA) In section 7 of the principal Act,— (i) in sub-section (2), for the word "Chairman", the words "Chairperson or the Vice-Chairperson" shall be substituted; (ii) in sub-section (3), for the word "Chairman", the words and sign "Chairperson, the Vice-Chairperson" shall be substituted; (iii) in sub-section (4), for the word "Chairman", the words "Chairperson or the Vice-Chairperson" shall be substituted. In section 7A of the principal Act,— (i) for the existing marginal heading, the following marginal heading shall be substituted, namely:— "Chairperson, Vice-Chairperson and members to hold office during the pleasure of the State Government."; (ii) for the existing section, the following section shall be substituted, namely:— "7 A. Notwithstanding anything to the contrary contained in this Act, the Chairperson, Vice-Chairperson and the members of the Board shall hold office during the pleasure of the State Government.". In section 8 of the principal Act,— (i) for sub-section (1), the following sub-section shall be substituted, namely:— "(1) The Chairperson and in his absence, the Vice-Chairperson and in the absence of both, a member of the Board nominated by the State Government shall preside at a meeting of the Board."; (ii) in the proviso to sub-section (2), for the word "Chairman", the word "Chairperson" shall be substituted. In clause (h) of sub-section (2) of section 10A of the principal Act, for the word "Chairman", the words and sign "Chairperson, the Vice-Chairperson" shall be substituted

8. In section 22 of the principal Act, for the word "Chairman", the words "Chairperson and Vice-Chairperson", shall be substituted. 9. In clause (c) of sub-section (2) of section 27 of the principal Act, for the word "Chairman", the words and sign "Chairperson, Vice-Chairperson" shall be substituted. RAJ RAHUL GARG, Secretary to Government, Haryana, Law and Legislative Department. 1