

# The Bombay Labour Welfare Fund Act 1953

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## **Section 1: Short title, extent and commencement**

- (1) This Act may be called the Bombay Labour Welfare Fund Act, 1953.
  - (2) It extends to the whole of the State of Maharashtra.
  - (3) It shall come into force in such area and on such date as the State Government may, by notification in the Official Gazette, appoint in this behalf.
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## **Section 2: Definition**

In this Act, unless the context otherwise requires-

- (1) "Board" means (the Maharashtra Labour Welfare Board) constituted under section 4 ;
- (1A) "contribution" means the sum of money payable as contribution to the Board in accordance with the provisions of section 6BB";
- (2) "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 -
  - (i) who is employed mainly in a managerial capacity, or
  - (ii) who, being employed in a supervisory capacity, draws wages exceeding three thousand and five hundred rupees per mensem or exercises, either by the nature of duties attached to the office or by reason of the powers vested in him, functions mainly of a managerial nature" :
  - (iii) who is employed as an apprentice under the Apprentice Act 1961
- (3) "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-
  - (i) in a factory, any person named under section 7(i) (f) of the Factories Act, 1948 (LXIII Act 1948), as the manager;
  - (ii) in any establishment, any person responsible to the owner for the supervision and control of the employees or for the payment of wages;
- (4) "Establishment" means -
  - (i) a factory ;

(ii) a tramway or motor omnibus service or a motor transport undertaking to which the Motor Transport Workers Act applies; and

(iii) any establishment within the meaning of the Bombay Shops and Establishments Act, 1948 (Bom, LXIII of 1948), which employees, or on any working day during the twelve months, preceding the specified date employed, five or more persons including the establishments which have been granted exemption partly or wholly under the proviso to section 4 of the act.

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 five 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 commercial 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.

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.

(5) "Factory" means a factory as defined in section 2(m) of the Factories Act, 1948 and includes any place wherein five or more persons are employed or working (LXIII of 1948);

(6) "Fund" means the (Labour Welfare Fund) constituted under section 3 ;

(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, and includes an officer of Government nominated as a member ;

(8) "Inspector" means an Inspector appointed under section 12;

(9) "Prescribed" means prescribed by rules made under this Act ;

(10) "Unpaid accumulations" means all payments due to the employees but not made to them within a period of three years from the date on which they become due 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 (XIX of 1952) ;

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

(12) "Welfare Commissioner" means the Welfare Commissioner appointed under section 11.

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### **Section 3: Welfare Fund**

(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 at such intervals as may be prescribed to the Board which shall keep a separate account therefore 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 ;

(2) The Fund shall consist of :-

(a) all fines realised from the employees;

(b) unpaid accumulations transferred to the Fund under Section 6A;

(bb) any penal interest paid under section 6B

(bbb) any contribution paid under Section 6BB

(c) any voluntary donations ;

(d) any fund transferred under sub-section (5) of section 7;

(e) any sum borrowed under section 8.

(f) Any loan, grant-in-aid or subsidy paid by the State Government

(3) The sums specified in sub-section (2) shall be paid or 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.

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### **Section 4: Board**

(1) The State Government shall, by notification in the Official Gazette, constitute a Board for the whole of the State of Maharashtra for the purpose of administering the Fund, and to carry on other functions assigned to the Board by or under this Act; The Board shall consist of the following members not exceeding 26 in number, namely :-

(a) Such number as may be prescribed of representatives of employers and employees to be nominated by the State Government :

Provided that both employers and employees shall have equal representation on the Board:

(b) Such number of independent members as may be prescribed, nominated by the State Government ;

(c) Such number of independent members as may be prescribed, nominated by the State Government to represent women.

(d) the principal secretary or Secretary (Finance) or his nominee shall be the ex-officio member; and

(e) the principal secretary or Secretary (Labour) or his nominee shall be the ex-officio member;

(2) The member of the Board shall elect one of its independent members as the Chairman of the Board.

(3) Save as otherwise expressly provided by this Act, the term of office of the members of the Board shall be three years commencing on the date on which their names are notified in the Official Gazette.

(4) The allowances, if any, payable to the members of the Board shall be such as may be prescribed.

(5) The Board shall be a body corporate by the name of the Maharashtra Labour Welfare Board having perpetual succession and a common seal, with power to acquire property both moveable and immovable; and shall by the said name sue and be sued.

(6) Notwithstanding anything contained in this section, until the Board for the State of Maharashtra 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 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 that area, and on the constitution of the Board for the whole of the State of Maharashtra under sub-section (1),-

(a) such exiting 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 right 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 constitute 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 then while in service of the existing Board.

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**Section 5: Disqualifications and removal**

(1) No person shall be chosen as, or continue to be a member of the Board who-

(a) is a salaried official of the Board, or

(b) is or at any time has been adjudged insolvent or has suspended payment of his debts or has compounded with his creditors; or

(c) is found to be a lunatic or becomes of unsound mind; or

(d) is or has been convicted of any offence involving moral turpitude.

(2) The State Government may remove from office any member who-

(a) is or has become subject to any of the disqualifications mentioned in sub-section (1); or

(b) is absent without leave of the Board for more than three consecutive meetings of the Board.

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**Section 6: Resignation of office by members and filling up of casual vacancies**

(1) A member may resign his office by giving notice thereof in writing to the State Government, and on such resignation being accepted he shall be deemed to have vacated his office.

(2) 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.

(3) No act or proceeding 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.

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**Section 6AA: 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

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**Section 6A: Unpaid accumulations and claim thereto**

(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, the Board shall by notice containing such particulars as may be prescribed

(a) affixed on the notice board of the factory or establishment in which the unpaid accumulations were earned.

(b) \*\*\*\*

(c) Published in any two newspapers in the language commonly, understood in the area in which the factory or establishment in which the unpaid accumulation was earned 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 accumulation 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 to the effect that it was given shall be conclusive evidence thereof.

(5) If a claim is received, whether in answer to the notice or other-wise within a period of four years from the date of the 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 shall follow the procedure (in so far as it is applicable) followed in giving effect to the provisions of that Act.

(6) , it shall decide that the unpaid accumulation in relation to which the claim is made shall, to the extent to which the claim is allowed, cases 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 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.

(7) If a claim for payment is refused, the employee shall have a right of appeal in Greater Bombay to the Court of Small Cause and elsewhere 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

(8) 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 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.

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### **Section 6BB: Contribution**

(1) There shall be paid to the Board for the purposes of this Act 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 hereafter provided and every such contribution shall form part of the Fund.

(2) The amount of employee's contribution payable every six months in respect of every employee and an employer of such employee shall be at the following rates, namely:-

(a) (i) in respect of an employee drawing wages upto and inclusive of three thousand rupees per mensem - 6 rupees

(ii) in respect of an employee drawing wages exceeding three thousand rupees per mensem, twelve rupees.

Only if the name of the employee stands on the register of an establishment on the 30th June and 31st December respectively,

Provided that the State Government may, on receipt of a proposal from the board, by notification in the Official Gazette, increase once in every 3 years the rate of employees contribution so however that such increase shall not exceed 30 per cent of the rates of contribution.:

(3) Every employer shall pay to the Board both the employer's contribution and the employee's contribution in accordance with the provisions of sub section (2) before the 15th day of July and 15th day of January as the case may be.

(4) 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 contribution by deduction from his wages, and not otherwise and such deduction shall be deemed to a deduction authorised by or under the Payment of Wages Act, 1936 (IV of 1936).

Provided that no such deduction shall be made in the excess of the amount of the contribution payable by such employee, not 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 the 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.

(5) Notwithstanding any contract to the contrary no employer shall deduct the employer's contribution from any wages payable to employee or otherwise recover it from the employee.

(6) 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.

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

(8) 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 and the employees contribution in respect of employees in each establishment. On receipt of the statement form the Welfare Commissioner, the State Government shall pay to the Board a contribution of an amount equal to half the employee's contribution for the period from the 31st December 2000 to the 31st March 2003 and an amount equal to twice the employee's contribution with effect from the 1st April 2003, in respect of every employee referred to in sub-clauses (i) and (ii) of clause (a) of sub-section (2).

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**Section 6B: Interest on unpaid accumulations, fines contributions after notice of demand**

(1) Where an employer does not pay to the Board any amount of unpaid accumulations or fines realised from the employee or any amount of the employer's or employees 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 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 -

(a) in case of a failure to pay any amount of unpaid accumulations or fines realised from the employees

(i) For the first three months at one and a half per cent of the said amount for each completed month after the last date by which he should have paid it according to the notice and

(ii) thereafter at two percent of that amount for each completed month during the time he continues to make default in the payment of that amount.

(b) in case of a failure to pay any amount of the employer's or employees contributions under section 6BB

(i) For the first three months at one and a half 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.

(ii) thereafter at two 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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### **Section 7: Vesting and application of Fund**

(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 utilised 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 dependents.

(2) Without prejudice to the generality of sub-section (1) the moneys in the Fund may be utilised by the Board to defray expenditure on the following :--

- (a) community and social education centres including reading rooms and libraries;
- (b) community necessities;
- (c) games and sports ;
- (d) excursions, tours and holiday homes;
- (e) entertainment and other forms of recreations;
- (f) home industries and subsidiary occupations for women and unemployed persons;
- (g) Corporate activities of a social nature;
- (h) Cost of administering the Act including the salaries and allowances, pension, provident fund and gratuity and any other fringe benefits of the staff appointed for the purposes of the 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 utilised 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 anything contained in the Payment of Wages Act, 1936, (IV of 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 out of the Fund to any

employer, any local authority or any other body in aid of any activity for the welfare of labour approved by the State Government.

(4) If any question arises whether any particular expenditure is or is not debitable to the Fund, the matter shall be referred to the State Government and the decision given, by the State Government shall be final.

(5) It shall be lawful for the Board (5) to continue any activity financed from the labour welfare fund of any establishment, if the said fund is duly transferred to the Board.

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#### **Section 8: Power of Board to borrow**

The Board may from time to time 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.

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#### **Section 9: Investment of Fund**

Where the Fund or any portion thereof cannot be applied at an early date for fulfilling the objects of the Act, the Board shall invest the same in any of the securities specified in clauses (a) to (d) and (f) of section 20 of the Indian Trusts Act, 1882 (II of 1882).

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#### **Section 10: Direction by State Government to Board**

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 the Act. It shall be the duty of the Board to comply with such directions.

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#### **Section 11: Appointment and powers of Welfare Commissioner**

(1) (i) The Welfare Commissioner shall be appointed by the Board with the previous approval of the State Government.

(ii) The Welfare Commissioner shall be the principal executive officer of the Board.

(iii) It shall be the duty of the Welfare Commissioner to ensure that the provisions of this Act and rules made thereunder are duly carried out for this purpose he shall have the power to issue such orders not inconsistent with the provisions of this Act and rules made thereunder as he deems fit including any order implementing the decisions taken by the Board under the Act or rules made thereunder.

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#### **Section 12: Appointment of Inspectors**

(1) The State Government may appoint Inspectors to inspect the records in connection with the sums payable into the Fund. Inspector appointed, whether by a local authority or the State Government under the Bombay Shops and Establishments Act, 1948 (Bom. LXXIX of 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.,  
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(2) Any Inspector may -

(a) with such assistance, if any, as he thinks fit, enter at any reasonable time any premises for carrying out the purposes of this Act ;

(b) exercise such other powers as may be prescribed.

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### **Section 13: Absorption of the existing staff under Commissioner of Labour**

(1) 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 Bombay Labour Welfare Board  
shall be subject to the provisions of this Act and the rules made thereunder :

Provided that --

(a) during the period of such employment 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 Bombay Civil Services Rules or such other rules as may from time to time be made by the State Government;

(b) every such member shall have a right of appeal to the State Government against any order of reduction, 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 the conditions of service of the staff appointed by the Board under this Act and on his electing to do so the provisions of the first proviso shall cease to apply to him.

(2) On the coming into force of this Act in any area to which it is extended by the Bombay Labour Welfare Fund, 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).

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### **Section 14: Appointment of clerical and other staff by Board**

(1) 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 the expenses of the staff thus appointed and other administrative expenses shall not

exceed a prescribed percentage of the annual income of the Fund.

(2) The board shall with the approval of the State Government make regulations regarding the method of recruitment, pay and allowances, and other conditions of service of the members of its staff (other than the Welfare Commissioner and the Inspectors).

Provided that until the regulations are so made, the conditions of service of such staff shall be governed by rules made by the State Government in this behalf.

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**Section 15: Power of State Government to remove any person on staff of Board**

The State Government shall have the power to remove any person whom it may deem unsuitable, from the service of the Board and to make an appointment in respect of whom more than one-third of the members of the Board have not agreed.

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**Section 16: Power of State Government or authorised officer to call for records, etc.**

The State Government or any officer authorised by the State Government may call for the records of the Board, inspect the same and may supervise the working of the Board.

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**Section 17: Mode of recovery of sums payable (to the Board or) into Fund, etc.**

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

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**Section 17A: Penalty for obstructing inspectors exercising powers or discharging duties, etc.**

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.

(a) for the first offence, with imprisonment for a term which may extent to three months, or with fine which may extent 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 judgment 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.

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**Section 17B: Provisions relating to jurisdiction**

(1) No court inferior to that of a Metropolitan Magistrate or a judicial Magistrate of the first class shall try any offence punishable under this Section 17A

(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

(3) No court shall take cognizance 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.

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### **Section 18: Supersession of Board**

(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 in the Official Gazette supersede and reconstitute the Board in the manner specified in sub-section (1) of section 4 of the constitution of the Board.

Provided that before issuing the notification under this sub-section, the State Government will give a reasonable opportunity to the Board to show prescribed why it should not be superseded and the shall consider the explanations and objections, if any, of the Board.

(2) After the supersession of the Board and until it is reconstituted the powers, duties and functions of the Board under this Act shall be exercised or performed by the Board or by such officer or officers, as the State Government may appoint for this purpose.

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### **Section 19: Rules**

The State Government may by notifications in the Official Gazette and subject to the condition of previous publication, make rules to carry out the purposes of this Act.

(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 intervals at which or the period within which any of the sums referred to in Section 3 shall be paid to the Board or into the fund, the manner of making such payment and the agency for the manner of collection of any such sum

(b) the manner in which the accounts of the Fund shall be maintained and audited under sub-section (3) of section 13,

(c) the procedure for making grants from the Fund under section 7;

(d) the procedure for defraying the expenditure incurred in administering the Fund;

(e) The number of representatives of employers and employees, independent members and representatives of women on the Board, and the allowances, if any, payable to them, under section 4 ;

(f) the manner in which the Board shall conduct their business;

(g) the duties and powers of the Inspectors and the conditions of service of the Welfare Commissioner and Inspectors appointed under this Act;

(ga) The delegation of the powers, and functions of the Board to the Welfare Commissioner and the conditions and limitations subject to which the powers may be exercised or functions discharged;

(h) the percentage of the annual income of the Fund beyond which the Board may not spend on the staff and on other administrative measures;

(i) the registers and records to be maintained and returns to be sent to the Board under this Act;

(j) the publication of the report of the activities financed from the Fund together with a statement of receipts and expenditure of the Fund and statement of accounts;

(k) any other matter which under this Act is or may be prescribed.

(3) Every rule made under this Act shall be laid as soon as may be after it is made, before each house of the State Legislature while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is to be so laid or the session immediately following, both houses agree in making any modification in the rule or both houses or both houses agree that the rule should not be made, the rule shall, from the date of publication of a notification in the official gazette of such decision, have effect only in such modified form or be of no effect as the case may be; so however that any such modification or annulment shall be without prejudice to the validity of anything previously done or omitted to be done under the rule.

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#### **Section 20: Members of Board, welfare Commissioners, Inspectors and all officers and servants of Board to be public servants**

The members of the Board, the Welfare Commissioner, Inspectors and all officers and servants of the Board shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

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#### **Section 21: Protection to persons acting in good faith**

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.

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#### **Section 22: Exemption**

The State Government may, after consulting the Board by notification in the Official Gazette, exempt any class of establishment from all or any of the provisions of this Act subject to such conditions as may be specified in the notification.

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#### **Section 23: Amendment of section 8 of Act IV of 1936**

In section 8 of the Payment of Wages Act, 1936, (IV of 1936) to sub-section (8) the following shall be added, before the Explanation, namely :--

"but in the case of any factory or establishment to which the Bombay Labour Welfare Fund Act,

1953, (Bom. XL of 1953) applies all such realisations shall be paid into the Fund constituted under the said Act"

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