

Payment Of Wages (West Bengal Amendment) Act, 1981

19 of 1981

[04 July 1981]

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PREAMBLE

An Act to amend the Payment of Wages Act, 1936, in its application to West Bengal.

WHEREAS it is expedient to amend the Payment of Wages Act, 1936, in its application to West Bengal, for the purpose and in the manner hereinafter appearing;

It is hereby enacted as follows: -

1. Assent of the President was first published in the Calcutta Gazette. Extraordinary, of the 4th July, 1981.

1. Short title :-

This Act may be called the Payment of Wages (West Bengal Amendment) Act, 1981.

2. Application of the Act :-

The Payment of Wages Act, 1936 (hereinafter referred to as the principal Act) shall, in its application to West Bengal, be amended in the manner hereinafter provided.

3. Amendment of section 7 of Act 4 of 1936 :-

In section 7 of the principal Act, in sub-section (2),-

(a) clause (p), as added by section 3 of the Payment of Wages (West Bengal Amendment) Act, 1975, shall be renumbered as clause (ee);

(b) in clause (ee), as so renumbered, for the words "dependants of a deceased employed person", the words "nominees of a deceased employed person nominated in such manner as may be prescribed" shall be substituted: and

(c) for the Explanation to clause (ee), as so renumbered, the following Explanations shall be substituted:-

"Explanation I.-(1) Where the employed person has a family, a member of the family shall be nominated.

(2) Where the employed person has no family, any person may be nominated.

Explanation II-For the purpose of Explanation I,-

(1) the family of a male employed person shall include his wife, legitimate children, dependent parents, the widow and legitimate children of his, predeceased son:

Provided that if such employed person proves that his wife has ceased, under the personal law governing him or the customary law of the community to which the spouses belong, to be entitled to maintenance from him, the wife shall not be regarded as a member of his family:

Provided further that such employed person may subsequently by a notice in writing to such authority as may be specified by the State Government by notification in this behalf declare that his wife may continue to be regarded as a member of his family;

(2) the family of a female employed person shall include her husband, legitimate children, dependent parents, husbands dependent parents, the widow and legitimate children of her predeceased son:

Provided that such employed person may by a notice in writing to such authority as may be specified by the State Government by notification in this behalf declare that her husband and his dependent parents have been excluded from her family:

Provided further that such employed person may subsequently by a notice in writing to such authority cancel the aforesaid notice; and

(3) if a legitimate child of an employed person or of a predeceased son, of an employed person is validly adopted by any other person under any law in force for the time being, such child shall not be a member of the family of such employed person."