

tea workers welfare fund act, 2016 — summary

The Tea Workers Welfare Fund Act, 2016 was enacted to establish a legal framework for the creation and management of a welfare fund dedicated to improving the quality of life of tea garden workers and their families in Bangladesh. The law outlines how the fund will be collected, administered, and utilized to promote the health, education, housing, and social security of tea workers in both public and private tea estates.

The fund is governed by a central Welfare Fund Management Committee, chaired by the Secretary of the Ministry of Labour and Employment. This committee is responsible for supervising all expenditures from the fund, ensuring that all disbursements align with the purpose of uplifting the socio-economic conditions of tea workers. Section 4 states that the fund shall be used exclusively for welfare-related purposes and not for any administrative or commercial use.

According to Section 5, contributions to the fund come from multiple sources, including government grants, allocations from tea garden owners, donations from individuals or organizations, and a percentage of the profit earned by tea estates. The fund also includes money recovered from unused prior allocations or fines collected from violations under this Act. The government may, by gazette notification, revise the amount or percentage of mandatory contributions from the industry as needed.

Section 6 of the Act mandates that tea garden owners must contribute to the fund annually. Failure to do so within the stipulated time may result in penalties. Section 14 empowers the government to impose fines or take legal action against owners who neglect their obligations. The exact penalty amount may vary based on the volume of unpaid contributions, and repeated non-compliance may lead to cancellation of garden licenses under other applicable laws.

Section 7 specifies the approved areas where the fund may be used, which include establishing and maintaining schools for tea workers' children, constructing housing, providing healthcare facilities, offering maternity benefits, supporting skill development programs, and assisting in emergencies or natural disasters. The fund may also be used to provide scholarships or stipends to meritorious students from tea worker families.

The Welfare Fund Management Committee also includes representatives from the tea garden owners, worker unions, and relevant government departments. Section 8 outlines that decisions are made through majority voting, with a quorum requiring at least half of the members. Meetings are held at least twice a year to approve budget allocations and review project progress.

The tea garden management must cooperate with the government in implementing welfare projects. Section 10 authorizes inspection of records and sites by officials to ensure that fund disbursements are used correctly. Any refusal to cooperate or obstruction of an investigation may lead to penal action under Section 14, which includes fines of up to 50,000 BDT and possible court prosecution for repeated offenses.

Under Section 11, a separate audit of the Welfare Fund is conducted annually by the Comptroller and Auditor General of Bangladesh. This ensures financial transparency and accountability. The audit report must be submitted to the Ministry of Labour and Employment and discussed in committee meetings for further action if necessary.

Section 13 provides immunity for actions done in good faith under the Act, meaning that officials or committee members cannot be sued or prosecuted for decisions taken honestly in the course of executing their duties. However, if an official misuses the fund for personal gain, separate criminal charges under the Penal Code or Anti-Corruption laws may be initiated.

Section 15 gives the government power to make rules by gazette notification to ensure effective implementation of the Act. These rules may include procedures for collecting contributions, format for reporting expenditures, and codes of conduct for committee members. This flexibility allows the law to remain responsive to changing economic and social needs in the tea industry.

Finally, Section 16 states that the provisions of this Act will take precedence over any conflicting laws or rules. It gives overriding power to this welfare law to ensure that tea workers' rights and needs are not undermined by loopholes in other legislation.