

ASSAM TEA PLANTATION PROVIDENT FUND AND PENSION FUND AND DEPOSIT LINKED INSURANCE FUND SCHEME (AMENDMENT) ACT, 1976

53 Noe 53 Registered Now-cA 12 The Assam Gazette E*TRAORDINARY Rfyv PUBLISHED BY AUTHORITY 20 1976, 30 qt5t,. 1898 ispur,: Thursday, 20th May/ 1976, 30th Vaisakha, 1898 (S. E.) GOVERNMENT OF ASSAM ORDERS BY THE GOVERNOü LAW DEPARTMENi • VDTIFICATION The•18th May 1976 No. LJL519/74/23—The fol(owing Act of the Legislative Aseexiribly y which He(rived, the assént• of the e President of India 'is 'hereby general incormatiön: 330 34. THE ASSAM GAZETTE, EXTRAORDINARY, MAY 20, ASSAM ACT IX OF 1976 1976 (Received the assent of the President on the 4th May, 1976) THE ASSAM TEA PLANTATIONS PROVIDENT FUND (AND PENSION FUND) SCHEME (AMENDMENT) ACT, 1975 an 'Act Further to amend the Assam Frea Plantations ProvV dent Fund (and Pension Fund) Scheme Act, 1955. Be it enacted by the Legislature of Assam in the Twenty-sixth -Year of the Republi&of India as follows 1. (I) This Act may be called the Tea Planta• tions Provident Fund (and Pension Fund), Scheme (Amendment) Act, 1975. Short title and com- mencemen t Amendment of Section 7, (1), (2) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint

2. In Section 7 of the principal Act, after sub-section the following sub-section shall be inserted, namely "(IA) An employer Who contravenes, or makes default in complying with the provisions of Section 3 of the Scheme in so far as it relates to the payment of administrative charges, -shall be punishable with imprisonment for, a term which may .extend to months, but (a) which shall not be less than three months in case of default im payment of the employees' contribution which has been deducted by the employer from the employees' wages ; (b) which shall not be less than one month, in any other case ; and shall also be liable to fine which may extend to -two thousand 'rubees : Provided that the Court may, for any adequate and special reasons to be recorded in the judgement, impose a sentence of imprisonment for a lesser term or of fine only in lieu of imprisonment." THE ASSAM GAZETTE EXTRAORDINARY, MAY 20, 1976 331 3, After -Section 7 of the principal Act, the follqwing lasertie sf ghan be iniertedA namely t'7A. Whoever, having been cönvlted by a Court of Egbanceå punishment an offence punishable under this Act, the S'cheme or the Pension commits the same offence shall be sub- after ject- for every such subsequent offence to imprisonment previous conviction. for a term which may e*tend one year but whic*I shall not be less than three months and shall also be liable to fine which may extend to four thousand rupees. Certain 7AA. (1) Notwithstanding anything contained in the Qfence Code of Criminal procedure, 1973, an offence relating to be made default in payment of contribution by the employer punishable under this Act shall be cognisable. Orense. Amendment of Setien i' of Seetin 1.6' (2) No Court inferbt to that of a -Magistrate of the First Class shall try any offence under this Act or the Scheme or the Pension Scheme. " 4. Section -IO of the principal Act shall be re-number ed as sub-section (1) thereof, and— (a) in sub-section (1), as re-numbered, 'for the words and figures tfSection 230 of the Indian Companies Act, 1913 (Act VII of 1913)" the words and figures "Section 530 of the Companies Act, 1956" shall be substituted. (b) after sub-section (1), as re-numbered, the fol- lowing sub-sectionou•x shall be inserted, namely :— "(2) Without prejudice to the provisions of gub- section (1), if -any amount is due from an employer in respect of the employees contribution (deducted from the vages of the employees) for a period of more than six months, the amonnt so due. Shall be deemed -fo be the first-charge on the assets of the establishment, and shall notwithstanding anything contained in any other law for the time being in force, be paid in priority to åll other debts"

5. In Section 16 of the principal Act—The figure arid the words per cent of" shall be deleted. 6. Åfter Section 16 of the principal Act, the follow- Secti0Bing section shall' be inserted, namely rewet ef Court to mare order; "16A. (i) Where an employer is convicted of an offence ot making default in the payment of any contribution tc the Fund or the Pension Fund or in the transfer of accumulatiOns required be trans-ferred by him ufider •Section 14, the Court may, in addition to awarding any punishment, by order in writing, require him within a period specified in the order (which the Court may, if it thinks fit and on 332 THE ASSAM GAZETTE EXTRAORDINARY, MAY 20, 197(j application in that behalf, from -time to time, extend)x to pay the amount of qonCribution or3 transfer the accumulations, as the case may ' be, in reSp'ect u of -which the ofienée was (2) sWhere an order is made under sub-sectionv (1) the employer

shall not be liable under this Act in respect of the continuation of the offence during the period of extended period, if any, allowed by the court, but if, on expiry of such period or as the case may be, the order of the Court has not been duly complied with, the employer shall be deemed to have committed a further offence and shall be punished with imprisonment in. resiseeV thereof under Section, s 7 and shall also be liable to pay fine? Which may extend to one hundred rupees for every day after such expiry on which order has not been complied with"- 'ft: After Section 16 A Of the Act as amended Insertion'of following Section shall be inserted, namely 16B. Liability in case of transfer of establishment— Where, an employer, in relation to an establishment, transfers that establishment in whole or in part, by sale, gift, lease or licence in any other manner whatsoever, the employer and the person to whom the so transferred shall jointly and severally be liable to pay the contribution and other sums due from employer under any provision of this Act or the Scheme or the Pension Scheme, as the case may be in respect of the period upto the date of such transfer."

MD. SAADULLAH, Joint Secretary, to the Govt. of Assam, Law Department. and published. by Klie Printipg Press Directorate. of Sty. Government of Assam (Ex-Gazette) 105—19580 + 1,000--20-5-76.

