

INDUSTRIAL DISPUTES (WEST BENGAL AMENDMENT) ACT, 1971

(Jatrliltta (bazrttr Extraordinary Published by At.lthority BHADRA 6] No. 410A(V) (1893 PART V.— Acts of the Parliament of India assented to by the President and Acts enacted and Ordinances promulgated by the President. GOVERNMENT OF INDIA MINISTRY OF LAW AND JUSTICE (Lezislative Department) Nc' te Delhi , 28th 1893 sak-o). The ing P! Act enacted on lthe August; is publihed in format ion 31 of 1971. THE INDUSTRIAL DISPUTES (WEST BENGAL AMENDMENT) ACT'. 1971. No. 8 OF 1971 Enacted by the President in the 'ltwenlv•second Year the Republic of India. Acl furt.he.r antenna the Industrial Disputes Act. 1947, nt Its to the State oj VVesi., Bengal* [n Ot the poxvers conferred by section VVcsl Bengal State atupe (Delegation 0k' P0V%'ers) Act. 1971k the lh•vsident is (o enact as follows Act tvjay be called thc Bengal Anvendtnent) Act. 1 97 i , 'f'he L)isinutes 2. to as the principal Ari). State of Bengal* be amended (hc man er hereinafter provided, Industrial Disputesi (VVest Shoph title. 1947 (hereinaftet' ret'e•cl'- Applieaw in its to the Lion. the eurpos.e 1632(b) THE CALCUTTA GAZETTE. EXTRAORDINARY, AUGUST 28. 1971 [PART V Insertion ot secti on In.-jert ion 01' new sect ion 3. After section 25FF of the principal Act, the int' section shall be inserted. nannelv : '-Sixty clays' notâce to be giveD of inten. t ion to close dow-z, any akina. 25FFA. (l) An employer who in Lends to close an undertaking shall least si.xty days before the serve, at date on the intended closure is to become effective, in the prescribed a notice, manner, on the State Government srating clearly the reasons for the intended closure of the under- l»rovided that nothing in this section shall apply Lo— (a) an undertaking in which not inore than fil'Ly work- men are employed or employed on any day of the preceding ovelve months ; (b) a branch establishntent, in the State of West Bengal, of (i) an establ ishment, being a cotnpany reuislered under the Companies Act, 1956. having regis- tered outside the said State, or (ii) any other establishment. having head office oui- side the said State, the closure of such branch establish ntent ha» become necessary consequent on the closure of the regis- tered office or Che head office. as the case may be, of that estälblishment or that other establish menl. (2) Notv,'ithstanding anything contained in sub-sectionl 11), the Stale Government tnay, if it is satisfied that owinu to such exceptional circumstances as accident in the undertaking or death of the em- ployer or the like it is necessary so to do. by order. direct that provisions of sub-section (1) shall not apply in relation to such undel taking fora such peciod as may be specified in the order. • •

4. After section 30 of the principal Act, section shall be inserted.natnely. • •Penaltv for closure q-ithonf not ice. 30A. Any employer (doses down undertaking cojnplying anv *vvith the provisions of section 25FFA. shall be punishable with im prisonnunt: lor term which Inay extend to six months ond with fine s.vhich inay extend to five Lhousand I u pres.' President N. D. P. NAMBOODIRIPAD. Joint Secy. Io the Govt. of •India

PART V •E THE CALCUTTA GAZETTE, EXTRAORDINARY, AUGUST 28, 1971 REASONS FOR THE ENACTMENT ntnnber of industrial establishments In the recent past a have closed dosvn in 'Vest Bengal leading to loss of produc- hardsh ips to the workers. There is at Zion and great present no legal bar to the unemploy-ers declarin(' sudden closures ; under the Industrial Disputes Act, they are requir- ed to Oive either one Inont h's notice or pay Wages in lieu of notice to the workanen. Govcrrunent consider that it should have an opportunity to go into the causes of closures and Eak•e such steps as it tnay think necessary for avoidino the closures. A eonipulsory notice of sixty days for this purpose is bei ng provided ror by suitable amendlnent or the industrial Disputes Act. •r he of prior notice before closure shall not appi.v. in respect of (a) small establishments less than tit•r.v n•orkmen. (b) closure of branch establish nients sit uated in the State of S•Vest Bengal in cone sequence of the closure of registered office or the head oftee, as the case may be, of establi.sh:nents situated outside tha t State. Provision is also being Inade to orant e.exemptions frotn the requirement of prior not ice in certain exceptional cn•culn- stances. such accident in the undertaking. death of the einployer Or the Eike. The propo.sed section 30A lays down the penal for closing dcnvn anv underta k ing the prescribed not ice

3. The C,onunit tee constitutcel under the proviso to sub- section (2) of section 3 of the West Bengal State Legislature' (Delegation of P03s•ers) Act.1971 (31 of 1971) , has been eon- sulted before the en•lcunent of this Illeasure as a P resident's Act. M. NAYAK. Secret to the Goel of India. oi l.ubour ond E7np10U7nent. IJ.v tho Superintelident. Government tinw 1632(c)