

The



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PART IV—Bills introduced in the West Bengal Legislative Assembly; Reports of Select Committee presented or to be presented to that Assembly; and Bills published before introduction in the Assembly.

GOVERNMENT OF WEST BENGAL

LAW DEPARTMENT

Legislative

NOTIFICATION

No. 745-L.—10th June, 2015.—The Governor having been pleased to order, under rule 66 of the Rules

of Procedure and Conduct of Business in the West Bengal Legislative Assembly, the publication of the following Bill, together with the Statement of Objects and Reasons which accompanies it, in the *Kolkata Gazette*, the Bill and the Statement of Objects and Reasons are accordingly hereby published for general information:—

Bill No. 21 of 2015

**THE INDUSTRIAL DISPUTES (WEST BENGAL
AMENDMENT) BILL, 2015.**

A

BILL

to amend the Industrial Disputes Act, 1947, in its application to the State of West Bengal.

WHEREAS it is expedient to amend the Industrial Disputes Act, 1947, in its application to the State of West Bengal, for the purposes and in the manner hereinafter appearing; 14 of 1947.

It is hereby enacted in the Sixty-sixth Year of the Republic of India, by the Legislature of West Bengal, as follows:—

1. (1) This Act may be called the Industrial Disputes (West Bengal Amendment) Act, 2015.

*The Industrial Disputes (West Bengal
Amendment) Bill, 2015.*

(Clauses 2-9.)

(2) It shall come into force on the date of its publication in the *Official Gazette*.

Application of
the Act.

2. The Industrial Disputes Act, 1947 (hereinafter referred to as the principal Act) shall in its application to West Bengal, be amended for the purposes and in the manner hereinafter, provided.

Amendment of
section 7 of Act
14 of 1947.

3. In sub-section (3) of section 7 of the principal Act,—

(i) in clause (g), for the words 'the State Public Service Commission.', the words 'the State Public Service Commission; or' shall be substituted;

(ii) after clause (g), the following clauses shall be inserted:—

“(h) he is an officer of the West Bengal Legal Service with sixteen years' experience in that service; or

(i) he is a practising Advocate with specialisation in labour laws and issues for more than fifteen years.”.

Amendment of
section 7A.

4. In sub-section (3) of section 7A of the principal Act,—

(i) in clause (c), for the words 'in the grade.', the words 'in the grade; or' shall be substituted;

(ii) after clause (c), the following clauses shall be inserted:—

“(d) he is an officer of the West Bengal Legal Service with sixteen years' experience in that service; or

(e) he is a practising Advocate with specialisation in labour laws and issues for more than fifteen years.”.

Amendment of
section 25U.

5. In section 25U of the principal Act, for the words “one thousand rupees”, the words “twenty-five thousand rupees” shall be substituted.

Amendment of
section 26.

6. In sub-section (2) of section 26 of the principal Act, for the words “one thousand rupees”, the words “ten thousand rupees” shall be substituted.

Substitution of
new section for
section 29.

7. For section 29 of the principal Act, the following section shall be substituted:—

“Penalty for
breach of
settlement or
award.

29. Any person who commits a breach of any terms of any settlement or award, which is binding on him under this Act, shall be punishable with imprisonment for a term which may extend to six months, or with fine of ten thousand rupees or with both, and where the breach is a continuing one, with a further fine which may extend to two thousand rupees for every day during which the breach continues after the conviction for the first, and the court trying the offence, if it fines the offender, may direct that the whole or any part of the fine realized from him shall be paid, by way of compensation, to any person who, in its opinion has been injured by such breach.”.

Amendment of
section 30.

8. In section 30 of the principal Act, for the words “one thousand rupees”, the words “ten thousand rupees” shall be substituted.

Amendment of
section 30A.

9. In section 30A of the principal Act, for the words “five thousand rupees”, the words “ten thousand rupees” shall be substituted.

*The Industrial Disputes (West Bengal
Amendment) Bill, 2015.*

(Clause 10.)

Amendment of
section 31.

10. In section 31 of the principal Act,—

- (a) in sub-section (1), for the words “one thousand rupees”, the words “twenty-five thousand rupees” shall be substituted.
- (b) in sub-section (2), for the words “one hundred rupees”, the words “ten thousand rupees” shall be substituted.

STATEMENT OF OBJECTS AND REASONS.

The Industrial Disputes Act, 1947 (Act 14 of 1947), referred to as the said Act has been enacted with the object to make provision for the investigation and settlement of industrial disputes, and for certain other purposes.

2. It has been considered necessary to amend the said Act in the public interest.

3. This Bill *inter alia* seeks to amend:—

- (a) sub section (3) of section 7 of the said Act to incorporate two additional sources for filling up the vacancy of Labour Court constituted under the said Act;
- (b) sub-section (3) of section 7A of the said Act to incorporate two additional sources for filling up the vacancy of Industrial Tribunal constituted under the said Act;
- (c) section 25U, sub-section (2) of section 26, section 29, section 30, section 30(A) and sub-sections (1) and (2) of section 31 to enhance the penalty which may be imposed for violation of various provisions of the said Act.

4. This Bill has been framed with the above objects in view.

5. There is no financial implication involved in giving effect to the provisions of the Bill.

KOLKATA,

The 9th June, 2015.

MOLOY GHATAK,

Member-in-Charge.

By order of the Governor,

MADHUMATI MITRA,
Secy. to the Govt. of West Bengal,
Law Department.