

Ref. by Act 56 of 1974, § 2 and Sch. I

THE DOCK WORKERS (REGULATION OF EMPLOYMENT,
AMENDMENT ACT, 1970

No. 31 OF 1970

[28th August, 1970.]

An Act further to amend the Dock Workers (Regulation of Employment) Act, 1948.

BE it enacted by Parliament in the Twenty-first Year of the Republic of India as follows:—

1. This Act may be called the Dock Workers (Regulation of Employment) Amendment Act, 1970. Short title.

9 of 1948. 2. In section 3 of the Dock Workers (Regulation of Employment) Act, 1948 (hereinafter referred to as the principal Act), in sub-section (2), after clause (g), the following clause shall be inserted, namely:— Amendment of section 3.

“(gg) for the welfare of the officers and other staff of the Board;”.

3. After section 7 of the principal Act, the following section shall be inserted, namely:— Insertion of new section 7A.

“7A. (1) If the person committing an offence made punishable by a scheme or any abetment thereof is a company, every person who, at the time the offence or abetment was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence or abetment and shall be liable to be proceeded against and punished accordingly: Offences by companies.

Provided that nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence or abetment was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence or abetment.

(2) Notwithstanding anything contained in sub-section (1) where an offence made punishable by a scheme or any abetment thereof has been committed by a company and it is proved that the offence or abetment has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any

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director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence or abetment and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section,—

(a) “company” means any body corporate and includes a firm and other association of individuals; and

(b) “director”, in relation to a firm, means a partner in the firm.’