



The West Bengal Factories and Mines (Control of Dismantling) Act, 1948

Act 13 of 1948

Keyword(s):

To Dismantle, Factory, Machinery, Mine

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West Bengal Act XIII of 1948¹

THE WEST BENGAL FACTORIES AND MINES (CONTROL OF DISMANTLING) ACT, 1948.

ADAPTED The Adaptation of Laws Order, 1950.

[22nd April, 1948.]

An Act to provide for the control of dismantling of factories and mines.

WHEREAS it is expedient to provide for the control of dismantling of factories and mines;

It is hereby enacted as follows:—

1. (1) This Act may be called the West Bengal Factories and Mines (Control of Dismantling) Act, 1948.

(2) It extends to the whole of West Bengal.

(3) It shall come into force at once.

Short title,
extent and
commence-
ment.

2. In this Act, unless there is anything repugnant in the subject or context,—

(a) "to dismantle" a factory or a mine means to remove from its position the machinery or part of the machinery of the factory or the mine, where by such removal, the factory or the mine is rendered wholly or partly useless for its purpose; but does not include any temporary removal of the machinery or part of the machinery for purposes such as adjustment, cleaning and repairs;

(b) "factory" means a factory as defined in clause (j) of section 2 of the Factories Act, 1934,² but includes also any premises which were at any time whether before or after the commencement of this Act a factory as so defined;

(c) "machinery" has the meaning assigned to that word in clause (k) of section 2 of the Factories Act, 1934;² and

(d) "mine" has the meaning assigned to that word in clause (f) of section 3 of the Indian Mines Act, 1923³.

Definitions.

3. (1) No person shall, without the written permission of the [State] Government, or of an officer authorised⁴ in this behalf by the [State] Government, dismantle any factory or mine or remove from

Dismantling
a factory
or a mine.

XXV of
1934.

IV of 1923.

¹For Statement of Objects and Reasons, see the *Calcutta Gazette, Extraordinary*, dated the 12th March, 1948, Part IV, page 263; for proceedings of the West Bengal Legislative Assembly, see the proceedings of the meeting of the West Bengal Legislative Assembly held on the 23rd March, 1948.

²The Factories Act, 1934 (XXV of 1934) was repealed and re-enacted by the Factories Act, 1948 (LXIII of 1948).

³The Indian Mines Act, 1923 (IV of 1923) was repealed and re-enacted by the Mines Act, 1952 (XXXV of 1952).

⁴This word within the square brackets was substituted for the word "Provincial" by para. 4(1) of the Adaptation of Laws Order, 1950.

⁵For notification authorising the Director of Industries, West Bengal, to grant the permission referred to in section 3 of the Act, see notification No. 6850 Com., dated 9.12.48, published in the *Calcutta Gazette* of 1948, Part I, page 1655.

*The West Bengal Factories and Mines (Control of Dismantling)
Act, 1948.*

[West Ben. Act

(Sections 4, 5.)

a factory or a mine any spare parts kept for maintaining the machinery of the factory or the mine in order:

Provided that no such permission shall be required for removing spare parts from one factory or mine for use in another factory or mine within the ¹[State] of West Bengal:

Provided further that intimation in respect of such removal shall, be given to the ²[State] Government within seven days from the date of such removal.

(2) Any person who contravenes any of the provisions of sub-section (1) shall be punishable with imprisonment for a term which may extend to two years or with fine or with both.

Offences by corporations or firms.

4. Where a company or other corporate body, or a firm contravenes any of the provisions of sub-section (1) of section 3, every director of such company or corporate body, every partner of such firm and every manager or secretary or other officer or agent of such company or corporate body or firm, shall, unless he proves that the contravention took place without his knowledge or that he exercised all due diligence to prevent such contravention, be deemed to be guilty of such contravention.

Powers of entry, examination, taking evidence, etc.

5. (1) Subject to any rules made by the ²[State] Government, any officer authorised in this behalf by that Government, may, if he has reason to believe that any person has contravened any of the provisions of sub-section (1) of section 3 within the local limits for which he is so authorised,—

- (a) enter with such assistants (if any), being persons in the service of the ³[Government] as he thinks fit, any place;
- (b) make such examination of the place and of any machinery, books or documents therein and take on the spot or otherwise such evidence of any persons as he may deem necessary for carrying out the purposes of this Act; and
- (c) exercise such other powers as may be necessary for carrying out the purposes of this Act:

Provided that no one shall be required under this section to answer any question or give any evidence tending to criminate himself.

¹This word within the square brackets was substituted for the word "Province" by para. 4(1) of the Adaptation of Laws Order, 1950.

²See foot-note 1 on page 31, *ante*.

³This word within the square brackets was substituted for the word "Crown" by para. 4(1) of the Adaptation of Laws Order, 1950.

XIII of 1948.]

(Sections 6-8.)

(2) Any person who wilfully obstructs an officer authorised under sub-section (1) in the exercise of any power conferred by that sub-section, or fails to produce on demand any book or document in his custody or to comply with any demand for information, or knowingly or recklessly makes to such officer a statement false in a material particular shall be punishable with imprisonment for a term which may extend to two years or with fine or with both.

6. No prosecution for any offence under this Act shall be instituted except by or with the previous sanction of the ¹[State] Government or the officer authorised by the ¹[State] Government for the purposes of sub-section (1) of section 3.

Cognizance
of offences.

7. No suit, prosecution, or other legal proceeding shall lie against any person for anything which is in good faith done, or intended to be done, under this Act.

Bar of legal
proceedings.

8. (1) The ¹[State] Government may make rules for carrying out the purposes of this Act.

Power to
make rules.

(2) In particular and without prejudice to the generality of the foregoing power such rules may provide—

- (a) for the procedure for the grant of the permission referred to in sub-section (1) of section 3;
- (b) for an appeal against a refusal to grant the permission referred to in sub-section (1) of section 3 when such refusal is by an officer authorised in pursuance of that section; and
- (c) for regulating the manner in which officers authorised under sub-section (1) of section 5 shall exercise their powers.

¹See foot-note 4 on page 29, ante.