

(3) Any publication seized under sub-section (1) shall be produced, as soon as may be, before a magistrate of the first class, and any publication seized under sub-section (2) shall be produced, as soon as may be, before the court which issued the warrant.

(4) If in the opinion of the magistrate or court such publication is a harmful publication, the magistrate or court may cause it to be destroyed, but if, in the opinion of the magistrate or court, such publication is not a harmful publication, the magistrate or court shall dispose of it in the manner provided in sections 523, 524 and 525 of the Code of Criminal Procedure, 1898.

7. Notwithstanding anything contained in the Code of Criminal Procedure, 1898, any offence punishable under this Act shall be cognizable.

Offences
under this
Act to be
cognizable.

Rep. by Act of 1960, s. 2 & c. 1 (w.e.f. 26.12.60)

THE EMPLOYEES' PROVIDENT FUNDS (AMENDMENT) ACT, 1956

ACT No. 94 OF 1956

An Act further to amend the Employees' Provident Funds Act, 1952.

[28th December, 1956]

BE it enacted by Parliament in the Seventh Year of the Republic of India as follows:—

1. This Act may be called the Employees' Provident Funds Short title. (Amendment) Act, 1956.

2. For sub-section (3) of section 1 of the Employees' Provident Funds Act, 1952 (hereinafter referred to as the principal Act), the following sub-section shall be substituted, namely:—

“(3) Subject to the provisions contained in section 16, it applies—

(a) to every establishment which is a factory engaged in any industry specified in Schedule I and in which fifty or more persons are employed, and

(b) to any other establishment employing fifty or more persons or class of such establishments which the Central Government may, by notification in the Official Gazette, specify in this behalf:

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Provided that the Central Government may, after giving not less than two months' notice of its intention so to do, by notification in the Official Gazette, apply the provisions of this Act to any establishment employing such number of persons less than fifty as may be specified in the notification."

Substitution of 'establishment', 'an establishment' and 'establishment' for 'factory', 'a factory' and 'factories'.

3. In sub-section (4) of section 1, clauses (f) and (fff) of section 2, sections 5, 8, 11, 12, 13, 15, 16, 17 and clauses (ii) and (iii) of section 19A of the principal Act, for the words "factory", "a factory" and "factories" wherever they occur, the words "establishment", "an establishment" and "establishments" respectively shall be substituted.

Amendments of section 2.

4. In section 2 of the principal Act,—

(a) for clause (a), the following clause shall be substituted, namely:—

'(a) "appropriate Government" means—

(i) in relation to an establishment which is a factory engaged in a controlled industry, or a mine or an oil field, the Central Government, and

(ii) in relation to any other establishment, the State Government;';

(b) for clause (e), the following clause shall be substituted, namely:—

'(e) "employer" means—

(i) in relation to an establishment which is a factory, the owner or occupier of the factory, including the agent of such owner or occupier, the legal representative of a deceased owner or occupier and, where a person has been named as a manager of the factory under clause (f) of sub-section (1) of section 7 of the Factories Act, 1948, the person so named; and

63 of 1948.

(ii) in relation to any other establishment, the person who, or the authority which, has the ultimate control over the affairs of the establishment, and where the said affairs are entrusted to a manager, managing director or managing agent, such manager, managing director or managing agent;';

Substitution of new section for section 3.

5. For section 3 of the principal Act, the following section shall be substituted, namely:—

“3. Where immediately before this Act becomes applicable to an establishment there is in existence a provident fund which is common to the employees employed in that establishment and employees in any other establishment, the Central Government may, by notification in the Official Gazette, direct that the provisions of this Act shall also apply to such other establishment.”

Power to apply Act to an establishment which has a common provident fund with another establishment.

6. In section 19A of the principal Act, for clause (i), the following clauses shall be substituted, namely:—

Amendment of section 19A.

“(i) whether an establishment which is a factory, is engaged in any industry specified in Schedule I;

(ia) whether any particular establishment is an establishment falling within the class of establishments to which this Act applies by virtue of a notification under clause (b) of subsection (3) of section 1.”

THE BANKING COMPANIES (AMENDMENT) ACT, 1956

ACT No. 95 OF 1956

An Act further to amend the Banking Companies Act, 1949.

[28th December, 1956]

See Indian Code Vol. I.

Be it enacted by Parliament in the Seventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Banking Companies (Amendment) Act, 1956.

Short title and commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

10 of 1949.

2. For section 10 of the Banking Companies Act, 1949 (hereinafter referred to as the principal Act), the following section shall be substituted, namely:—

Substitution of new section for section 10.

“10. (1) No Banking company—

(a) shall employ or be managed by a managing agent;

or

(b) shall employ or continue the employment of any person—

Prohibition of employment of managing agents and restrictions on certain forms of employment.

(i) who is, or at any time has been, adjudicated insolvent, or has suspended payment or has compounded

¹14th January, 1957, vide Notification No. S.R.O. 231 dated 11-1-57. see Gazette of India, pt. II, Sec. 3, p. 178.