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SEPARATE PAGING IS GIVEN TO THIS PART, IN ORDER THAT IT MAY BE FILED AS A SEPARATE COMPILATION

PART V

Acts of the Indian Legislature assented to by the Governor General

HOME DEPARTMENT
NOTIFICATION*The 25th November 1943*

No. 26447-P.—The following Act of the Central Legislature which received the assent of the Governor General on the 13th August 1943 is republished for general information.

By order of the Governor
J. BOWSTEAD

Chief Secretary to Government

ACT No. XIX OF 1943

An Act to amend the Motor Vehicles (Drivers) Ordinance, 1942

WHEREAS it is expedient to amend the Motor Vehicles (Drivers) Ordinance, 1942 (V of 1942), for the purposes hereinafter appearing ;

It is hereby enacted as follows :—

1. Short title—This Act may be called the Motor Vehicles (Drivers) Amendment Act, 1943.

2. Insertion of a new section 6A in Ordinance V of 1942—After section 6 of the Motor Vehicles (Drivers) Ordinance, 1942 (V of 1942) (hereinafter referred to as the said Ordinance), the following section shall be inserted, namely :—

“ 6A. (1) It shall be the duty of any employer by whom a person, who has been required by an order under subsection (1) of section 4 to perform any service, was employed to reinstate him in his former employment on the termination of that service in an occupation and under conditions not less favourable to him than those which would have been applicable to him had he not been required to perform that service :

Provided that if the employer refuses to re-instate such person, or denies his liability to reinstate such person or if for any reason the reinstatement of such person is represented by the employer to be impracticable, either party may refer the matter to the authority authorised in this behalf by the Provincial Government and such

authority shall, after due consideration, pass an order either exempting the employer from the provisions of this sub-section or requiring him to re-employ such person on such terms as it thinks suitable or to pay to such person a sum in compensation for failure to re-employ him not exceeding an amount equal to six months' remuneration at the rate at which his last remuneration was payable to him by the employer.

(2) If any employer fails to obey an order passed under the proviso to sub-section (1) by the authority authorised under that proviso, he shall be punishable with fine which may extend to one thousand rupees, and the Court by which he is convicted may, in addition to any other penalty, order him (if he is not already so required by the said authority) to pay the person whom he has failed to re-employ a sum not exceeding an amount equal to six months' remuneration at the rate at which his last remuneration was payable to him by the employer; and any amount so required by the said authority to be paid or so ordered by the Court to be paid, shall be recoverable as if it were a fine imposed by such Court:

Provided that in any proceedings under this sub-section it shall be a defence for an employer to prove that the person formerly employed by him had not been in his

continuous employment for six months or did not apply to him for reinstatement within a period of two months from the termination of the service which such person was required to perform by an order under sub-section (1) of section 4.

(3) The duty imposed by sub-section (1) upon an employer to reinstate in his employment a person such as is described in that sub-section shall attach to an employer who before such person is actually required to present himself for service or to perform service under this Ordinance terminates his employment in circumstances such as to indicate an intention to evade the duty imposed by that sub-section; and such intention shall be presumed until the contrary is proved if the termination of the employment takes place after the delivery of an order under sub-section (1) of section 4 to such person."

3. *Amendment of section 8, Ordinance V of 1942*—In sub-section (2) of section 8 of the said Ordinance, after clause (c) the following clause shall be added, namely:—

"(d) the manner of making references under the proviso to sub-section (1) of section 6A."

G. H. SPENCE

Secretary to the Government of India