

Orissa Relief Undertakings (Special Provisions) Act, 1983

3 of 1984

[14 March 1984]

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SCHEDULE 1 :- SCHEDULE I

Orissa Relief Undertakings (Special Provisions) Act, 1983

3 of 1984

[14 March 1984]

AN ACT TO MAKE SPECIAL PROVISIONS FOR LIMITED PERIOD IN RESPECT OF INDUSTRIAL RELATIONS, FINANCIAL OBLIGATIONS AND OTHER LIKE MATTERS IN RELATION TO INDUSTRIAL UNDERTAKINGS THE RUNNING OF WHICH IS CONSIDERED ESSENTIAL AS A MEASURE OF PREVENTING, OR OF PROVIDING RELIEF AGAINST UNEMPLOYMENT. Enacted by the Legislature of the State of Orissa in the Thirty fifth Year of the Republic of India as follows.

1. Short Title, Extent And Application :-

(1) This Act may be called the Orissa Relief Undertakings (Special Provisions) Act, 1983.

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

[Deleted vide Orissa Gazette Ext. No. 631/24-4-1985-Notfn.No.4

2. Definitions :-

In this Act unless the context otherwise requires

- (1) "Government company" has the meaning assigned to it in Section 617 of the Companies Act. 1956 (1 of 1956);
- (2) "industry" means any business, trade, undertaking, manufacture, calling of employers and includes any calling, service, employment handicraft of industrial occupation or avocation of workmen, and the word "industrial" shall be construed accordingly;
- (3) "relief undertaking" means a State industrial undertaking in respect of which a declaration under Section 3 is in force;
- (4) "State industrial undertaking" means an industrial undertaking,
 - (a) which is started, or which, or the management of which, is under any arrangement or agreement acquired or otherwise taken over by the State Government, or by a Government Company, and is run or proposed to be run by or under the authority of the State Government or a Government Company; or
 - (b) to which any loan, advance, or grant has been given, in respect of any loan whereof, a guarantee has been given by the State Government or a Government Company.

3. Declaration Of Relief :-

The State Government may, if it is satisfied that it is necessary or expedient so to do in the public interest, with a view to enabling the continued running or restarting of a State Industrial undertaking as a measure of preventing loss of production, working loss, loss of capital, unemployment, declare, by notification, that the State Industrial undertaking shall on and from such date and for such period as may be specified in the notification, be a relief undertaking: Provided that the period so specified shall not, in the first instance, exceed one year but may by a like notification, be extended from time to time by period not exceeding one year at any one time, so however, that such period shall not exceed ten years in the aggregate.

4. Application Of Certain Enactments, Agreements, Etc. To Relief Undertaking :-

The State Government may, if it is satisfied that it is necessary or

expedient so to do for the purpose specified in Section 3, direct, by notification

(a) that in relation to any relief undertaking all or any of the enactment specified in the Schedule to this Act shall not apply or shall apply with such adaptations, whether by way of modification, addition or omission without, however, affecting the objectives of the said enactments, as may be specified in such notification: or

(b) that the operation of all or any of the contracts, assurances of property agreements, settlements, awards, standing orders or other instruments in force (to which any relief undertaking is a party or which may be applicable to any relief undertaking) immediately before the date on which the State Industrial undertaking is declared to be a relief undertaking shall remain suspended or that all or any of the rights, privileges, obligations and liabilities accruing or arising thereunder before the said date, shall remain suspended or, shall be enforceable with such modification and in such manner as may be specified in such notification.

5. Overriding Effect Of Notification Under Section 4 :-

A notification issued under Section 4 shall have effect notwithstanding anything to the contrary contained in any other law, agreement or instrument or any decree or order of a Court. Tribunal officer or other authority.

6. Suspension Or Modification Of Certain Remedies, Rights, Etc., Stay Of Proceedings, Their Revival And Continuance :-

Any remedy for the enforcement of any right, privilege, obligation or liability referred to in Clause (b) of Section 4 and suspended or modified by a notification under that section shall, in accordance with the term of the notification, be suspended or modified, and all proceeding relating thereto pending before any Court, tribunal, officer or other authority shall accordingly be stayed or be continued subject to such modification, so however, that on the notification ceasing to have effect

(a) any right, privilege, obligation or liability so suspended or modified shall revive and be enforceable as if the notification was never issued; and

(b) any proceeding so stayed shall be proceeded with subject to the provisions of any law which may then be force from the stage which had been reached when the proceeding was stayed.

7. Period Of Limitation :-

In computing the period of limitation for the enforcement of any right, privilege obligation or liability referred to in Clause (b) of Section 4, the period during which it or the remedy for the enforcement thereof was suspended, shall be excluded.

8. Power To Make Rules :-

(1) The State Government may, subject to the condition of previous publication, make rules to carry out the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power such rules may provide for all or any of the following matters, namely :

(a) the rates of wages payable to the workmen and their workloads and the salary payable to the staff, the payment of bonus, gratuity, compensation and other benefits;

(b) the manner in which the relief undertaking should be run;

(c) the strength of staff and labour to be employed for running the relief understanding economically;

(d) the manner in which the net profits or net: losses or surplus fund should be appropriated or disposed of;

(e) the percentage of profits to be utilised for the benefit of the persons employed in the undertaking and the manner of its utilisation; and

(f) the manner in which, and the extent to which the representatives of the workmen may be associated with, or may participate in the management of the undertaking.

[Vide Orissa Gazette Ext. No. 631/24.4.1985-Notification. No. 4709-L.24.4.1985-O.A.No. 6 of 1985]

[Validity of things done, actions taken and notifications issued Notwithstanding anything contained in the Principal Act, anything done, any action taken or any notification issued by the State Government in the belief or purported belief that while doing such thing, taking such action or issuing such notification, the principal Act was in full force and application and contained provisions enabling the State Government to do such thing, take such action and issue such notification, shall not be questioned in any Court of law or otherwise open to challenge merely on the ground that the Act was not in force or application or did not contain provisions enabling the State Government to do the things, to take the

actions or to issue the notifications and such things done, actions taken or notifications issued shall be deemed to have been validly done, taken or issued in exercise of the powers conferred by the provisions of the principal Act.

9. Repeal And Savings :-

(1) The Orissa Relief Undertakings (Special Provisions) (Amendment and Validation) Ordinance II of 1984 is hereby repealed.

SCHEDULE 1

SCHEDULE I

[See Section 4 (a)]

1 Industrial Disputes Act, 1947 (14 of 1947).

2 The Orissa Shops and Commercial Establishments Act, 1956 (Orissa Act 30 of 1956).