

ODISHA RELIEF UNDERTAKINGS (SPECIAL PROVISIONS) ACT, 1983

Short title, extent and application. Definition. The Orissa Gazette EXTRAORDINARY PUBLISHED BY AUTHORITY : -ORISSA, ACT OF: 1984 ORISSA RELIEF UNDERTAKINGS (SPECIAL PROVISIONS) ACT, 1983] (first published in the 12th Number, first published in an extraordinary Issue of the Orissa Gazette the 14th Number -1984.) AN ACT TO MAKE SPECIAL PROVISIONS FOR A LIMITED PERIOD IN RESPECT OF INDUSTRIAL RELATIONS* FINANCIAL OBLIGATIONS AND LIKE MATTERS IN RELATION, TO INDUSTRIAL UNDERTAKINGS THE RUNNING OF WHICH IS CONSIDERED AS A MEASURE OF PREVENTING. OR OF PROVIDING AGAINST, UNEMPLOYMENT. BE it enacted by the Legislature of the State of Orissa in the Thirty-fourth Year of the Republic of India, as follows:— 1. (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 that behalf, (3) In this Act unless the context otherwise requires— (a) Government has the meaning assigned to it in section 617 of 1956 of the Companies Act, 1956. "industry" means any business, trade, undertaking, manufacture, calling of employers and includes any calling, service, employment, handicraft or industrial occupation or avocation of workmen, and the word "industrial" shall be construed accordingly; "relief undertaking" means an industrial undertaking in respect of which a declaration under section 3 is in force "State industrial undertaking" means an industrial undertaking;— 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. For Statement of Objects and reasons see Orissa Gazette, Extraordinary, dated the 16th 1983 (1203). Enacted by, the Orissa Relief Undertakings (Special Provisions) Act (Orissa Act 6 of 1983) s

2. Come into force with effect from the 30th May, 1984 vide Orissa Gazette Extraordinary dated the 16th May, 1984 (1203). Declaration of relief undertaking. Application of certain enactments, etc. to relief undertaking. Overriding effect of notification under section 4. Suspension or modification of certain remedies, rights, etc. stay of proceedings, their revival and continuance. Period of limitation. THE ORISSA RELIEF UNDERTAKINGS (SPECIAL PROVISIONS) ACT, 1983 - 3(7) 3.. The State Government may, if it is satisfied that it is necessary or expedient so to do in public interest to enable the continued functioning of State industrial undertaking 'a's a measure to prevent 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 but may, by a like notification, be extended from time to time by a period not exceeding one year at any one time, so however, that such period shall not exceed three years in the aggregate. 4. The State Government may, if it is satisfied that it is necessary or expedient so to do, direct, by (a) that in relation to any relief undertaking all or any of the enactments specified in the Schedule to this Act shall, not apply or shall apply with modification, or, however, affecting the said as may be specified in such 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) from the date on which the State industrial undertaking relief undertaking, shall remain suspended or that all or any of the rights, privileges, obligations and liabilities accruing thereunder before the said date shall remain suspended or shall be deemed to have been modified in manner as may be in the notification

5. A notification issued under section 4 shall have effect notwithstanding anything to the contrary contained in any other law, agreement, instrument or any decree or order of a court, tribunal, or other authority

6. 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 terms of the notification, be suspended or modified, and -all Véciding before any'.court, •tribunal, or rotner. •' authority shall accordiii&ly be• coüued--subject to such modification, so, howevet; ihat• on the notificätiOn;ceasinglto have efect,r— (a) any right, ptivilege, obligation or iiabliiiy- so suspended or 'modified shall revive and be enforceable as if the notification was never issued ; and (b) 3 ny proceeding so stayed shall bé procéd9d subject to the pnovi;ions of any law which may then be in force from- the stage which had been reached when the proceeding was stayed

1. In computing the period of limitation for the enforcement of au} right privilege, obligation or liability refered to in clauses (b) of sectic,n 4, the period during, which it or the remedy for the enforcement thereof was suspended, shall be excluded.P*wer to THE ORISSA RELIEF uNbiÄmÖtGS (SPECIAL PROVISÄONS) ACT, '15/411 8. V) 'TheState Government may, subject to the conditign of pl.evigu_s publication, make gules to Out the ' provisions of this -Act. (2) In pattigular jand without prejudice- to the of-the - foregoing *uch provide. for all or any of the following matters, e namely (a) the mtes of wages payable to thc, workmen and their. workloåds and the salary payable to the staff , the payment ofbonus,• gratuity, compensation and •othere benefits ; (b} •the manner In which relief undertåking •should be runi (6) the Strength of staff and labour to be employed for running the relief under- taking economically ; (d) the manner in which the net profits or net losses or surplus fund should b' appropriated or disposed of; (e) thc percentage of profits to beutilised for the benefit of the pasone employed in the undertaking and the manner of its utilisauion ; and C) the manner in which, and the extent to wnich the representatives ot tho workmen may be associated With, or may participate in the management 9t the relief undertaking. SCHEDULE See Section 4 (a) I l. Industrial Disputes Act, 1947 (14 of 1947) 2. The Orissa Shops and Commercial Establishments Act, of 1956). 195' (Orissa Act 30 210 ANNEXURE PROVISION OF THE ORISSA- RBLIÉF UNDERTAKINGS (SPECIAL PROVISIONS) AND VALDATION) S (ORISSA ACT 6 OF 1985) INCORPORATED IN THE ORIGINAL Aer Validity öf 3. Notwithstanding any Ching contained in the principal Act, anything- done, things done, anyaction taken orany issued bythe State Govern..ment inthe belief or purpor• nad notiBca- ted belief •that while doing such thing, taking such action or. issuing such : ihe principal Act was in full forceand contained provisions enablingthe Stace Government to do iucll thing, take such action and issue such notification, ahau not be questioned in any court of law or otherwise open to challenge merely onthe Sound -'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 juch things done, actions taken Ör n0tificationS issued shill- be deemed to have been validly doge, taken,or issued in exercise of the powers Conferred by the provisioog of the prin#al 'Ack.