

ORISSA ACT 3 OF 1984
THE ORISSA RELIEF UNDERTAKINGS (SPECIAL PROVISIONS) ACT, 1983

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ORISSA ACT 3 OF 1984

THE ORISSA RELIEF UNDERTAKINGS (SPECIAL PROVISIONS) ACT, 1983

[Received the assent of the President on the 12th March 1984, first published in an extraordinary issue of the *Orissa Gazette*, dated the 14th March 1984.]

AN ACT TO MAKE SPECIAL PROVISIONS FOR A 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

B it enacted by the Legislature of the State of Orissa in the Thirty-fourth Year of the Republic of India, as follows: —

Short title,
extent and
application.

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 in that behalf.

(3) Nothing in this Act shall apply to industries, the control of which by the Union has been declared by Parliament by Law to be expedient in the public interest or to be necessary for the purpose of defence or for the prosecution of war.

Definition

2. 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 or 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

* For Bill, see *Orissa Gazette Extraordinary*, dated the 16th September 1983 (No. 1203)

**Come into force with effect from, dated the 30th May 1984 (*Orissa Gazette Extraordinary* No. 925 dated the 30th May 1984).

(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.

Declaration
of relief
undertaking.

3. 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.

Application
of certain
enactments,
agreements,
etc. to relief
undertaking.

4. 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 enactments 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.

Overriding
effect
of notification
under
section 4.

5. 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.

Suspension or modification of certain remedies, rights, etc. stay of proceedings, their revival and continuance.

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 proceedings 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 in force from the stage which had been reached when the proceeding was stayed.

Period of limitation.

7. 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.

Power to make rules.

8. (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 undertaking 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 relief undertaking.

SCHEDULE**[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).