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ORISSA ACT 3 OF 1983

***THE ARBITRATION (ORISSA AMENDMENT) ACT, 1982**

[Received the assent of the President on the 21st March, 1983 first published in an extraordinary issue of the *Orissa Gazette*, dated the 26th March 1983]

AN ACT TO AMEND THE ARBITRATION ACT, 1940 IN ITS APPLICATION TO THE STATE OF ORISSA

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

Short title

1. This Act may be called the Arbitration (Orissa Amendment) Act, 1982.

Amendment of section 2.

2. In section 2 of the Arbitration Act, 1940 (hereinafter referred to as the 10 of 1940 principal Act),—

(i) after clause (a), the following new clause shall be inserted, namely:—

“(a-1) “Arbitration Tribunal” means the Arbitration Tribunal constituted under this Act;”;

(ii) after clause (c), the following new clause shall be inserted, namely:—

“(c-1) “Government Company” means a Government Company 1 of 1956 as defined in section 617 of the Companies Act, 1956 in which not less than Fifty-one per cent of the paid up share capital is held by the State Government;”;

(iii) after clause (e), the following new clause shall be added, namely:—

“(f) “Statutory Corporation” means any Corporation established by law which is controlled or managed by the State Government”.

Insertion of new section 41-A.

3. After section 41 of the principal Act, the following new section shall be inserted, namely:—

Constitution of and references to the Arbitration Tribunal.

“41-A. (1) Notwithstanding anything contained in this Act or in any contract or any other instrument, but without prejudice to the provisions contained in section 47, in all cases where the State Government, a local or other authority controlled by the State Government, a statutory corporation or a Government Company is a party to the dispute, all references to arbitration shall be made to the Arbitration Tribunal.

(2) The State Government shall constitute an Arbitration Tribunal consisting of the following members, namely:—

(a) One member chosen from among the officers belonging to the Orissa Superior Judicial Service (Senior Branch);

(b) One member chosen from among the officers of the Public Works Department of the State Government not below the rank of a Superintending Engineer;

(c) One member chosen from among the officers belonging to the Orissa Finance Service not below the Superior Administrative Cadre in Class-I.

(3) The member chosen from the Superior Judicial Service (Senior Branch) shall be the Chairman of the Tribunal.

(4) The terms and conditions of appointment of the members of the Tribunal and the headquarters thereof shall be as may be determined by the State Government from time to time.

*For the Bill see *Orissa Gazette, Extraordinary*, dated the 21st September 1982 (1353).

(5) The business of the Arbitration Tribunal shall be conducted in such manner as the Tribunal may determine.

(6) The Arbitration Tribunal constituted by the State Government under the Arbitration Tribunal Rules, 1979 with its members holding office immediately prior to the commencement of the Arbitration (Orissa Amendment) Act, 1982 shall be deemed to be the Arbitration Tribunal constituted under this Act and shall continue to hold office till the Tribunal is reconstituted by the State Government.

(7) All arbitration proceedings relating to a dispute of the nature specified in sub-section (1) which are pending before any arbitrator on the date of commencement of the Arbitration (Orissa Amendment) Act, 1982 and in which no award has been made by the said date, shall stand transferred to and disposed of by the Arbitration Tribunal".
