The Industrial Disputes (Bihar Amendment) Act, 2018

Act 17 of 2019

Keyword(s):
Central Act Amendment, The Industrial Disputes Act, 1947

Amendment append: 15 of 2020
बिहार गजर
असाधारण अंक
बिहार सरकार द्वारा प्रकाशित

30 कार्तिक 1941 (शो)
(सं0 पटना 1279) पटना, वृहतपतियार, 21 नवम्बर 2019

विभिन्न विभाग

अधिसूचना
21 नवम्बर 2019

सं0 एल०जी0-01-13/2018-8351/लेज—बिहार विधान मंडल द्वारा यथापति का निम्नलिखित अधिनियम,
विसपर महामहिम राज्यपाल दिनांक 28 अक्टूबर 2019 को अनुमति दे चुके हैं, इसके द्वारा सर्व-साधारण की
सूचना के लिये प्रकाशित किया जाता है।

बिहार-राज्यपाल के आदेश से
मलन किशोर कौशिक,
सरकार के सचिव।
Industrial Disputes (Bihar Amendment) Act, 2018

Be it enacted by the Legislature of the State of Bihar in the sixty ninth year of the Republic of India as follows :-

1. Short title, extent and commencement.— (1) This Act may be called The Industrial Disputes (Bihar Amendment) Act, 2018;

2. (i) It shall extend to the whole of the State of Bihar.

2. Bihar Act 17, 2019

Industrial Disputes (Bihar Amendment) Act, 2018

AN
ACT

To amend The Industrial Disputes Act, 1947 (Act 14 of 1947).

Be it enacted by the Legislature of the State of Bihar in the sixty ninth year of the Republic of India as follows :-

1. Short title, extent and commencement.— (1) This Act may be called The Industrial Disputes (Bihar Amendment) Act, 2018;

2. It shall extend to the whole of the State of Bihar.
(3) It shall come into force from the date of its publication in official gazette.

2. (2) Amendment of Section 2 Central Act 14 of 1947: Clause (s) of Section 2 of the Industrial Disputes Act, 1947, shall be substituted by the following :-

“ (s) ‘workman’ means any person (including an apprentice) employed in any industry to do any manual, unskilled, skilled, technical, operational, clerical or supervisory work or for the promotion of sales for hire or reward, whether the terms of employment be express or implied, and for the purposes of any proceeding under this Act in relation to an industrial dispute, includes any such person who has been dismissed, discharged or retrenched in connection with, or as a consequence of, that dispute, or whose dismissal, discharge or retrenchment has led to that dispute, but does not include any such person -

(i) Who is subject to the Air Force Act, 1950 (45 of 1950), or the Army Act, 1950 (46 of 1950), or the Navy Act, 1957 (62 of 1957); or

(ii) Who is employed in the police service or as an officer or other employee of a prison; or

(iii) Who is employed mainly in a managerial or administrative capacity; or

(iv) Who, being employed in a supervisory capacity, draws wages exceeding ten thousand rupees per mensem or exercises, either by the nature of the duties attached to the office or by reason of the powers vested in him, functions mainly of a managerial nature.

MADAN KISHORE KAUSHIK,
Secretary to Government of Bihar.
बिहार गजट
असाधारण अंक
बिहार सरकार द्वारा प्रकाशित

27 कार्तिक 1942 (शो)
(सं0 पटना 897) पटना, वुधवार, 18 नवम्बर 2020

अभिसूचना
18 नवम्बर 2020

सं0 एल0जी0–01–10/2020/6335/लेख—बिहार विधान मंडल द्वारा कथापारित का निम्नलिखित अधिनियम, जिसपर महामहिम राष्ट्रपति दिनांक 20 अक्टूबर 2020 को अनुमति दे चुके हैं, इसके द्वारा सरकारी की सूचना के लिये प्रकाशित किया जाता है।

बिहार-राज्यपाल के आदेश से,
पी०सी०चौধरी,
सरकार के सचिव।
18 नवम्बर 2020

Bihar Act (Amendment), 18 नवम्बर 2020

THE INDUSTRIAL DISPUTES (BIHAR AMENDMENT) ACT, 2020
(An Act further to amend the Industrial Disputes Act, 1947)

Whereas, the Covid-19 pandemic has deteriorated the Industrial and Economic activities in the State of Bihar and for providing impetus to the Industrial and Economic activities in the State, it is important to provide new opportunities for Industrial investment in the State;

And whereas, the Governor is satisfied that circumstances exist which render it necessary for him to take immediate action;

And whereas, it has been promulgated as an Ordinance in the light of the instruction received from the President:

Be it enacted by the Legislature of the State of Bihar in the Seventy First year of the Republic of India as follows:-

1. Short Title, Extent and Commencement.—

(1) This Act may be called the Industrial Disputes (Bihar Amendment) Act, 2020.

(2) It shall extent to the whole of the State of Bihar

(3) It shall come into force at once.

2. Amendment of the Industrial Disputes Act, 1947.—

(1) In the Industrial Disputes Act, 1947, in section 25 K, for the words "one hundred", the words "three hundred" shall be substituted.

(2) In the Industrial Disputes Act, 1947, after the sub section 36 (B), the following section shall be added, namely:-

"36-C (Power to exempt new industries in public interest)- Where the State Government in satisfied in relation to any new industrial establishment or new undertaking or class of new industrial establishments or new undertaking that it is necessary in the public interest to do so, it may, by notification in the official Gazette, exempt, conditionally or unconditionally, any such new establishment or new undertaking or class of new establishments or new undertakings from all or any of the provisions of this Act for a period of one thousand days from the date of the establishment of such new industrial establishment or new undertaking or class of new establishments or new undertakings, as the case may be"

Explanation:- For the purposes of this section, the expression "new industrial establishment or new undertaking or class of new industrial establishment or new undertakings" means such industrial establishment or undertaking or class of industrial establishments or undertakings which are established within a period of one thousand days after the commencement of the Industrial Disputes (Bihar Amendment) Act, 2020.

3. Validation.— Notwithstanding such amendment in section 25 K and the section 36 of the Act, anything done and decision and action taken prior to it shall be deemed to have been validly done or taken and shall not be questioned on the ground of amendment of section 25 K and the section 36 of the Act.
4. Repeal and Savings.—

(i) The Industrial Disputes (Bihar Amendment) Ordinance, 2020. (Bihar Ordinance No-07- 2020 is hereby repealed.

(ii) Notwithstanding such repeal, any thing done or any action taken in exercise of any power conferred by or under the said ordinance shall be deemed to have been done or taken in exercise of the powers conferred by or under this Act as if this Act were in force on the days on which such thing was done or action taken.

By Order of the Governor of Bihar,
P.C.Choudhary,
Secretary to the Government.
बिहार गजट
असाधारण अंक
बिहार सरकार द्वारा प्रकाशित

27 कार्तिक 1942 (श०)
(सं० पटना 897) पटना, वुधवार, 18 नवम्बर 2020

अभिसूचना
18 नवम्बर 2020
सं। एलजी-01-10/2020/6335/लेख—बिहार विधान मंडल द्वारा यथापारित का निम्नलिखित अधिनियम,
जिसके महामहिम राष्ट्रपति विनोबा 20 अक्टूबर 2020 को अनुमति दे चुके हैं, इसके द्वारा सरकारियों की सूचना के
लिए प्रकाशित किया जाता है।

बिहार-राष्ट्रपति के आदेश से,
चौराहा
सरकार के सचिव।
THE INDUSTRIAL DISPUTES (BIHAR AMENDMENT) ACT, 2020
(An Act further to amend the Industrial Disputes Act, 1947)

Whereas, the Covid-19 pandemic has deteriorated the Industrial and Economic activities in the State of Bihar and for providing impetus to the Industrial and Economic activities in the State, it is important to provide new opportunities for Industrial investment in the State;

And whereas, the Governor is satisfied that circumstances exist which render it necessary for him to take immediate action;

And whereas, it has been promulgated as an Ordinance in the light of the instruction received from the President:

Be it enacted by the Legislature of the State of Bihar in the Seventy First year of the Republic of India as follows:

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   (1) This Act may be called the Industrial Disputes (Bihar Amendment) Act, 2020.
   (2) It shall extent to the whole of the State of Bihar
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2. Amendment of the Industrial Disputes Act, 1947.—
   (1) In the Industrial Disputes Act, 1947, in section 25 K, for the words "one hundred", the words "three hundred" shall be substituted.
   (2) In the Industrial Disputes Act, 1947, after the sub section 36 (B), the following section shall be added, namely:-

   "36-C (Power to exempt new industries in public interest)- Where the State Government in satisfied in relation to any new industrial establishment or new undertaking or class of new industrial establishments or new undertaking that it is necessary in the public interest to do so, it may, by notification in the official Gazette, exempt, conditionally or unconditionally, any such new establishment or new undertaking or class of new establishments or new undertakings from all or any of the provisions of this Act for a period of one thousand days from the date of the establishment of such new industrial establishment or new undertaking or class of new establishments or new undertakings, as the case may be"

   Explanation:- For the puposes of this section, the expression "new industrial establishment or new undertaking or class of new industrial establishment or new undertakings"means such industrial establishment or undertaking or class of industrial establishments or undertakings which are established within a period of one thousand days after the commencement of the Industrial Disputes (Bihar Amendment) Act, 2020.

3. Validation.— Notwithstanding such amendment in section 25 K and the section 36 of the Act, anything done and decision and action taken prior to it shall be deemed to have been validly done or taken and shall not be questioned on the ground of amendment of section 25 K and the section 36 of the Act.
4. **Repeal and Savings.**—

(i) The Industrial Disputes (Bihar Amendment) Ordinance, 2020. (Bihar Ordinance No-07-2020) is hereby repealed.

(ii) Notwithstanding such repeal, any thing done or any action taken in exercise of any power conferred by or under the said ordinance shall be deemed to have been done or taken in exercise of the powers conferred by or under this Act as if this Act were in force on the days on which such thing was done or action taken.

By Order of the Governor of Bihar,

P.C. Choudhary,

*Secretary to the Government.*