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 गजंत
असाधारण अंक
बिहार सरकार द्वारा प्रकाशित

30 कालिक 1941 (शो)
(सं 0 पटना 1279) पटना, बृहस्पतिवार, 21 नवम्बर 2019

विभिन्न विभाग

अधिसूचना
21 नवम्बर 2019
सं 0 एल०जी०-01-13/2018-8351/लेज—बिहार विधान मंडल द्वारा यथायोग्यता का निम्नलिखित अधिनियम,
बिस्मिल्लाहिस्सलाम राष्ट्रपति दिनोक 28 अक्टूबर 2019 को अनुसूचि दे चुके हैं, इसके द्वारा सर्व-साधारण की
सूचना के लिये प्रकाशित किया जाता है।

बिहार-राज्यपाल के आदेश से
मनन किशोर कौशिक,
सरकार के सचिव।
(Bihar Act 17, 2019)
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) It shall extend to the whole of the State of Bihar.

2. 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.

21 नवंबर 2019
सं. एल.जी-01-13/2018-8352/लेज बिहार विधान मंडल द्वारा यथाप्राप्त और महामहिम राष्ट्रपति द्वारा दिनांक 28 अगस्त 2019 को अनुमान और अधिनियम (बिहार संशोधन) अधिनियम, 2018 का निर्माणित अंशजी अनुवाद बिहार राज्यपाल के प्रारंभिक से इसके द्वारा प्रकाशित किया जाता है, जिसे भारतीय संविधान के अंतर्गत 348 के खंड (3) के अधीन उक्त अधिनियम का अंशजी भावा में प्रभावित पात समझा जायेगा।

बिहार-राज्यपाल के आदेश से मदत किशोर कौरिशक,
सरकार के सचिव।

[Bihar Act 17, 2019]
(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.

अधीक्षक, सचिवालय मुद्रणालय,
बिहार, पटना द्वारा प्रकाशित एवं मुद्रित।
बिहार गजट (असाधारण) 1279-571+400 -डी0टी0पी0।
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बिहार सरकार द्वारा प्रकाशित

27 कार्तिक 1942 (श०)
(सं ० पटना ८९७) पटना, बुधवार, १८ नवम्बर २०२०

अभिसूचना

18 नवम्बर 2020
सं ० एलजी०-०१-२०/२०२०/६३३५/लेख—बिहार विधान मंडल द्वारा व्यापारिक का निम्नलिखित अधिनियम, जिसपर महामहिम राष्ट्रपति दिनांक 20 अक्टूबर 2020 को अनुमति दे चुके हैं, इसके द्वारा सरकारी अंक की सूचना के लिये प्रकाशित किया जाता है।

बिहार-राज्यपाल के आदेश से,
पीसीरूधीरी,
सरकार के सचिव।
विहार गजट (अप्राप्ति), 18 नवम्बर 2020

सं॰ एलजी-01-10/2020/6336/लेख—विहार विधान मंडल द्वारा यथाप्रविधि और महामहिम राष्ट्रपति
द्वारा दिनांक 20 अक्टूबर 2020 को अनुमत viśiṣṭād dekhi faqih | लहलह स्वभावके ए] 2020 का
स्थापित अंग्रेजी अनुवाद विहार राज्यपाल के प्राथमिक से इसके द्वारा प्रकाशित किया जाता है, जिसे भारतीय
संविधान के अनुच्छेद-348 के खंड (3) के अंतिम उक्ति अभिविन्याम का अंग्रेजी भाषा में प्राथिक्ष पाद समझा
जायेगा।

विहार-राज्यपाल के आदेश से,

पी॰सी॰बी॰एची,
सर्कार के सचिव।

(BIHAR ACT 15, 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 undertaking 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 purpose 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.*

अधीक्षक, सचिवालय मुद्रणालय,

बिहार, पटना द्वारा प्रकाशित एवं मुद्रित।

बिहार गजट (असाधारण) 897-571+400-डी000पी0।

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