

THE FACTORIES (BIHAR AMENDMENT) ACT, 2020

BIHAR

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Act 16 of 2020

- Published in Bihar Gazette on 18 November 2020
- Commenced on 18 November 2020
- [This is the version of this document from 18 November 2020.]

(An Act further to amend the Factories Act, 1948)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;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 Factories (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 factories act, 1948 .—

(1)In the Factories Act, 1948, in section 2, in clause(m) will be substituted as follows(i)in sub-clause (i), for the word "ten", the word "twenty" shall be substituted;and(ii)in sub-clause (ii), for the word "twenty", the word "forty" shall be substituted.(2)In the Factories act, 1948, in section 5, the following section shall be iserted namely:-"5-A (Power to exempt new factories in public interest)- Where the State Government is satisified in the public interest that it is neccessary to create more economic activites and employment opportunities, it may, by notification in the official Gazette, exempt, subject to such conditions as it may think fit, any new factory or class or description of news factories which are established and whose commercial production start, from all or any of the provisions of this Act for a period of one thousand days from the date on which such commercial production start."Explanation.— For the purpose of this section the expression"New Factory or class or description of new factories" means such factory or class or description of facotries which are established and whose commercial production start within a period of one thousand days after the commencement of the Factories (Bihar Amendment) Act, 2020.(3)In the Factories Act, 1948, in the Clause (i) of sub section 1 of Section-85 of the Act, for the word "ten", the word "twenty"and for the word "twenty", the word "forty" shall be substituted.

3. Validation.—Notwithstanding amendment in Clause (m) of section 2, section 5 and in the Clause (i) of sub section-1 of Section-85 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 Clause (m) of section 2, section 5 and in the Clause (i) of sub section-1 of Section-85 of the Act.

4. Repeal and Savings.—

(i) The Factories (Bihar Amendment) Ordinance, 2020. (Bihar Ordinance No-08- 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.