

Assam State Industrial Relief Under Takings (Special Provisions) Act, 1984

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Act 7 of 1984

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Assam State Industrial Relief Under Takings (Special Provisions) Act, 1984(Assam Act No. 7 of 1984)Last Updated 12th June, 2020[Dated 7.4.1984.]An Act to enable the State Government to make special provisions for industrial undertakings for providing relief against unemployment, -Preamble. - Whereas it is expedient to take steps to enable the State Government 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 prevention or of providing relief against unemployment, in the manner hereinafter appearing ;It is hereby enacted in the Thirty-fifth Year of the Republic of India as follows :-

1. Short title, extent and commencement.

(1)This Act may be called the Assam State Industrial Relief Undertakings (Special Provisions) Act, 1984.(2)It extends to the whole of the State of Assam.(3)It shall come into force at once.

2. Definitions.

- 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 or calling of employees and includes any callings, services, employment, handicraft or industrial occupation or avocation of workmen but shall not include tea plantation and the word "industrial" shall be construed accordingly.(3)"Notification" means a notification published in the Official Gazette ;(4)"Relief Undertaking" means a State industrial undertaking in respect of which a declaration under Section 3 is in force.(5)"State Industrial Undertaking" means an industrial undertaking:-(a)which is started or which, or the management of which is under any law or agreement acquired or other-wise 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 or in respect of any loan whereof, a guarantee has been given, by the State Government or a Government Company.

3. Declaration of relief Undertaking.

- 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 re-starting of a State Industrial Undertaking as a measure of prevention or of providing 'relief against un-employment, 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 any period not exceeding one year at a time so, however, that no notification issued under this section shall in any case remain in force for more than five years in the aggregate.

4. Application of certain enactments and contracts agreements etc. to relief undertaking.

- 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 (which does not, however, affect the policy 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, obligation and liabilities accruing or arising thereafter before the said date, shall remain suspended or shall be enforceable with such modifications and in such manner as may be specified in such notification,

5. Overriding effect of notification under Section 4.

- A notification issued under Section 4 shall have effect notwithstanding any thing to the contrary contained in any other law, agreement or instrument or any decree or order of a court, tribunal, officer or other authority.

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

- 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, officer or Other authority shall accordingly be stayed or be continued subject to such modification, so, however, that (in 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 had never been 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.

7. Period of limitation.

- 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.

8. Power to make rules;

(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 funds 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 ;(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 under-taking ;(3) Every rule made under this Section shall be laid, as soon as may be after it is made, before the Assam. Legislative Assembly while it is in session for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, the Assam Legislative Assembly agree in making any modification in the rule or the Assam Legislative Assembly agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

9. Repeal and Savings.

(1) The Assam State Industrial Relief Undertakings (Special Provisions) 'Ordinance, 1983 (Assam Ordinance No. VI of 1983) is hereby repealed. (2) Notwithstanding such repeal any action taken or any order passed any proceedings commenced or anything whatsoever done under the Ordinance so repealed shall be deemed to have been taken, passed, commenced or done under the corresponding provisions of this Act, as if this Act had commenced on the 30th day of December, 1983 (the date of

promulgation of the Ordinance).The Schedule[See Section 4 (a)]

- 1. The Industrial Employment (Standing Orders) Act, 1946 (20 of 1946).**
- 2. The Industrial Disputes Act, 1947 (14 of 1947).**
- 3. The Assam Shops and Establishments Act, 1971 (XXI of 1974).**