

Act No. XCVI Of 1958¹

Amended by Bom. I of 1960.²

Adapted and modified by the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

Amended by Mah. 26 of 1964.³

Amended by Mah. 11 of 1969.

An Act to make temporary provisions for industrial relations and other matters to enable the State Government ⁴[to conduct, or to provide loan, guarantee or financial assistance for the conduct of, certain industrial undertakings as a measure of preventing unemployment or of unemployment relief.]

Whereas it is expedient to make temporary provisions for industrial relations and other matters to enable State Government [to conduct, or to provide loan, guarantee or financial assistance for the conduct of certain industrial undertakings as a measure of preventing unemployment or of unemployment relief]; It is hereby enacted in the Ninth Year of the Republic of India as follows:

Footnotes:

1. For Statement of Objects and Reasons, see Bombay Government Gazette, 1958, Part. V, pp.206 and 207,
2. Bombay Ordinance No. V of 1959 was repealed by Bom. 1 of 1960, s.6.
3. Maharashtra Ordinance No. III of 1964 was repealed by Mah. 26 of 1964, S.3.
4. These words were substituted for the words "to conduct industrial undertakings as a measure of unemployment relief" by Bom. I of 1960, ss.2 and 3.

These words were substituted for the words "State of Bombay" by Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

1. Short title and extent

(1) This Act may be called the **Bombay Relief Undertakings (Special Provisions) Act, 1958.**

(2) It extends to the whole of the ⁵[State of Maharashtra].

2. Definitions

In this Act unless the context of otherwise requires,

(1) "**Industry**" means any business, trade, undertaking, manufacture or calling of employers and includes any calling, service, employment, handicraft or Industrial occupation or vocation of workmen, and the word "industrial" shall be Construed accordingly;

(2) "**Relief undertaking**" means an industrial undertaking in respect of which a declaration under section 3 is in force.

3. Declaration of relief undertaking

(1) If at any time it appears to the State Government necessary to do so, the State Government may, by notification in the Official Gazette, declare that an industrial undertaking specified in the notification, Whether started, acquired or otherwise taken over by the State Government, and carried on Or proposed to be carried on by itself or under its authority, ¹[or to which any loan, guarantee or financial assistance has been provided by the State Government shall, with effect from the date specified for the purpose in the notification, ²[be conducted) to serve as a measure ³[of preventing unemployment or] of unemployment relief and the undertaking shall accordingly be deemed to be a relief undertaking for the purposes of this Act.

(2) A notification under sub-section (1) shall have effect for such period not exceeding twelve months as may be specified in the notification; but it shall be renewable by like notification from time to time for further periods not exceeding ⁴ [twelve months] at a time, so however that all the periods in the aggregate do not exceed ⁵[fifteen years.]

Footnotes:

1. These words were inserted by Bom. 1 of 1960, s.4 (1)
2. These words were substituted for the words "be so carried on" by Bom. I of 1960, s.4 (1) (b).
3. These words were substituted for the words "to conduct industrial undertakings as a measure of unemployment relief" by Bom. 1 of 1960, ss.2 and 3.
4. These words were substituted for the words "six months" by Bom. 1 of 1960. s.4(2).
5. These words were substituted for the words "ten years" by Mah. 11 of 1969. s.2.

4. Power to prescribe industrial relations and other facilities temporarily for relief undertakings:-

(1) Notwithstanding any law, usage, custom, contract, instrument, decree, order, award, submission, settlement, standing order or other provision

whatsoever, the State Government may, by notification in the Official Gazette, direct that-

(a) in relation to any relief undertaking and in respect of the period for which the relief undertaking continues as such under sub-section (2) of section 3-

(i) All or any of the laws in the Schedule to this Act or any provisions thereof shall not apply (and such relief undertaking shall be exempt there from), or shall, if so directed by the State Government, be applied with such modifications (which do not however affect the policy of the said law) as may be specified in the notification-

(ii) All or any of the agreements, settlements, awards or standing orders made under any of the laws in the Schedule to this Act, which may be applicable to the undertaking immediately before it was acquired or taken over by the State Government ¹[or before any loan, guarantee or other financial assistance was provided to it by, or with the approval of the State Government,) for being run as a relief undertaking, shall be suspended in operation or shall, if so directed by the State Government, be applied with such modifications as may be specified in the notification;

(iii) Rights, privilege, obligations and liabilities shall be determined and be enforceable in accordance with clauses (i) and (ii) and the notification;

(iv) Any right, privilege, obligation or liability accrued or incurred before the undertaking was declared a relief undertaking and any remedy for the enforcement thereof shall be suspended and all proceedings relative pending before any court, tribunal, officer or authority shall be stayed;

(b) The right, privilege, obligation and liability referred to in clause (a) (iv) shall, on the notification ceasing to have force, revive and be enforceable and the proceedings referred to therein shall be continued:

Provided that, in computing the period of limitation for the enforcement of such right, privilege, obligation or liability, the period during which it was suspended under clause (a) (iv) shall be excluded notwithstanding anything contained in any law for the time being in force.

(2) A notification under sub-section (1) shall have effect from such date, not being earlier than the date referred to in sub-section (1) of section 3, as may be specified therein, and the provisions of section 21 of the Bombay General Clauses Act, 1904 (Bom. I of 1904), shall apply to the power to issue such notification.

Footnotes:-

1. These words were instated Bom I of 1960, s.5

Schedule

Central Acts.

1. The Industrial Employment (Standing Orders) Act. 1946 (XX of 1946).
2. The Industrial Disputes Act, 1947 (XIV of 1947).

Bombay Acts

3. The Bombay Industrial Relations Act, 1946 (Bom. XI of 1947)
4. The Bombay Shops and Establishments Act, 1948 (Bom. LXXIX of 1948).

Madhya Pradesh Acts

5. The Central Provinces and Berar Shops and Establishments Act, 1947 (CP. and Berar Act No. XXII of 1947).
6. The Central Provinces and Berar Industrial Disputes Settlement Act, 1947 (CP. and Berar Act No. XXIII of 1947).
7. ¹[***]

Hyderabad Act

8. The Hyderabad Shops and Establishments Act, 1951 (Hyd. Act X of 1951).

Notes:

Certain industrial undertakings requiring financial assistance by the State Government which is necessary as a measure for preventing unemployment are required to be declared as relief undertakings under the Act. Exclusion from certain statutes and/or from the rigor of certain agreements and settlements are provided for as set out in Section 4 in respect of relief undertakings.

Footnote:-

1. Entry 7 was omitted by the Maharashtra Adaptation of laws (state and concurrent subjects) order, 1960.