



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

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बिहार गजट

असाधारण अंक

बिहार सरकार द्वारा प्रकाशित

30 कार्तिक 1941 (श10)
(सं0 पटना 1279) पटना, वृहस्पतिवार, 21 नवम्बर 2019

विधि विभाग

अधिसूचना

21 नवम्बर 2019

सं० एल०जी०-01-13/2018-8351/लेज—बिहार विधान मंडल द्वारा यथापारित का निम्नलिखित अधिनियम, जिसपर महामहिम राष्ट्रपति 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
मदन किशोर कौशिक,
सरकार के सचिव।

(बिहार अधिनियम 17, 2019)

औद्योगिक विवाद (बिहार संशोधन) अधिनियम, 2018

औद्योगिक विवाद अधिनियम, 1947 (अधिनियम 14, 1947) का संशोधन करने के लिए अधिनियम।

भारत-गणराज्य के उनहत्तरवें वर्ष में बिहार राज्य विधान मंडल द्वारा निम्नलिखित रूप में यह अधिनियमित हो -

1. संक्षिप्त नाम, विस्तार एवं प्रारंभ।- (1) यह अधिनियम औद्योगिक विवाद (बिहार संशोधन) अधिनियम, 2018 कहा जा सकेगा।

(2) इसका विस्तार संपूर्ण बिहार राज्य में होगा।

(3) यह इसके राजपत्र में प्रकाशन की तिथि से प्रवृत्त होगा।

2. केन्द्रीय अधिनियम 14, 1947 की धारा-2 में संशोधन -औद्योगिक विवाद अधिनियम, 1947 की धारा-2 का खंड-(घ) निम्नलिखित द्वारा प्रतिस्थापित किया जाएगा :-

(घ) "कर्मकार" से अभिप्रेत है कोई ऐसा व्यक्ति (शिक्षु सहित), जो किसी उद्योग में भाड़े या इनाम के लिए कोई शारीरिक, अकुशल, कुशल, तकनीकी, संक्रियात्मक, लिपिकीय या पर्यवेक्षी कार्य या विक्रय संवर्धन के लिए नियोजित हो, चाहे नियोजन के निबंधन अभिव्यक्त हों या विवक्षित, और किसी औद्योगिक विवाद के संबंध में इस अधिनियम के अधीन की किसी कार्यवाही के प्रयोजनार्थ उसमें कोई भी व्यक्ति शामिल है जो उस विवाद के संबंध में या उनके परिणामस्वरूप पदच्युत या उन्मोचित कर दिया गया हो या जिसकी छंटनी कर दी गई हो अथवा जिसकी पदच्युति, उन्मोचन या छंटनी किए जाने से वह विवाद उत्पन्न हुआ हो, किन्तु उसमें कोई ऐसा व्यक्ति शामिल नहीं है जो-

(i) वायु सेना अधिनियम, 1950 (1950 का 45) या सेना अधिनियम, 1950 (1950 का 46) या नौसेना अधिनियम, 1957 (1957 का 62) के अध्यधीन हो; अथवा

(ii) पुलिस सेवा में या किसी कारागार के अधिकारी या अन्य कर्मचारी के रूप में नियोजित हो; अथवा

(iii) मुख्यतः प्रबंधकीय या प्रशासनिक हैसियत में नियोजित हो; अथवा

(iv) पर्यवेक्षी हैसियत में नियोजित होते हुए प्रतिमास दस हजार रुपये से अधिक मजदूरी लेता हो अथवा या तो पद से संलग्न कर्तव्यों की प्रकृति के या अपने में निहित शक्तियों के कारण ऐसे कृत्यों का प्रयोग करता हो जो मुख्यतः प्रबंधकीय प्रकृति के हैं।

मदन किशोर कौशिक,

सरकार के सचिव।

21 नवम्बर 2019

सं० एल०जी०-01-13/2018-8352/लेज बिहार विधान मंडल द्वारा यथापारित और महामहिम राष्ट्रपति द्वारा दिनांक 28 अक्टूबर 2019 को अनुमत औद्योगिक विवाद (बिहार संशोधन) अधिनियम, 2018 का निम्नलिखित अंग्रेजी अनुवाद बिहार राज्यपाल के प्राधिकार से इसके द्वारा प्रकाशित किया जाता है, जिसे भारतीय संविधान के अनुच्छेद 348 के खंड (3) के अधीन उक्त अधिनियम का अंग्रेजी भाषा में प्राधिकृत पाठ समझा जायेगा।

बिहार-राज्यपाल के आदेश से

मदन किशोर कौशिक,

सरकार के सचिव।

[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.

अधीक्षक, सचिवालय मुद्रणालय,
बिहार, पटना द्वारा प्रकाशित एवं मुद्रित।
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बिहार गजट

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बिहार सरकार द्वारा प्रकाशित

27 कार्तिक 1942 (श10)

(सं0 पटना 897) पटना, बुधवार, 18 नवम्बर 2020

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अधिसूचना

18 नवम्बर 2020

सं० एल0जी0-01-10/2020/6335/लेज—बिहार विधान मंडल द्वारा यथापारित का निम्नलिखित अधिनियम, जिसपर महामहिम राष्ट्रपति दिनांक 20 अक्टूबर 2020 को अनुमति दे चुके हैं, इसके द्वारा सर्वसाधारण की सूचना के लिये प्रकाशित किया जाता है।

बिहार-राज्यपाल के आदेश से,
पी०सी०चौधरी,
सरकार के सचिव ।

18 नवम्बर 2020

सं० एल०जी०-०१-१०/२०२०/६३३६/लेज—बिहार विधान मंडल द्वारा यथापारित और महामहिम राष्ट्रपति द्वारा दिनांक २० अक्टूबर २०२० को अनुमत *vks kfxd fookn fcgkj l akku½ vf/kfu; e* २०२० का निम्नलिखित अंग्रेजी अनुवाद बिहार राज्यपाल के प्राधिकार से इसके द्वारा प्रकाशित किया जाता है, जिसे भारतीय संविधान के अनुच्छेद-३४८ के खंड (३) के अधीन उक्त अधिनियम का अंग्रेजी भाषा में प्राधिकृत पाठ समझा जायेगा ।

बिहार-राज्यपाल के आदेश से,
पी०सी०चौधरी,
सरकार 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 puposes of this section, the expression "new industrial establishment or new undertaking or class of new industrial establishment or new undertakings" means such industrial establihsment or undertaking or class of industrial establishemnts 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.

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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.—

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- (2) It shall extent to the whole of the State of Bihar
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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 establihsment or undertaking or class of industrial establishemnts or undertakings which are established within a period of one thousand days after the commencement of the Industrial Disputes (Bihar Amendment) Act, 2020.

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By Order of the Governor of Bihar,
P.C.Choudhary,
Secretary to the Government.

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