

THE RAJASTHAN RELIEF UNDERTAKINGS (SPECIAL PROVISIONS) ACT, 1961

(Raj. Act No. 9 of 1961)

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SCHEDULE

THE RAJASTHAN RELIEF UNDERTAKINGS (SPECIAL PROVISIONS) ACT, 1961

(Raj. Act No. 9 of 1961)

[Received the assent of the President on the 31st day of March, 1961. Assent published in Raj. Gaz. Ext. Pt. IV-A, d. 4-4-1961]

As amended by Raj. Act No. 20 of 1999, w.e.f. 30-9-1999.

¹[An Act to make special provisions to enable certain industrial undertakings to attain revival and to offer continued employment to their employees, by declaring them as Relief Undertakings, and for other matters connected therewith].

Be it enacted by the Rajasthan State Legislature in the Twelfth Year of the Republic of India as follows:-

1. Short title, extent and commencement.-(1) This Act may be called the Rajasthan Relief Undertakings (Special Provisions) Act, 1961.

(2) It extends to the whole of the State of Rajasthan.

(3) It shall come into force at once.

C O M M E N T A R Y

[1] The Act is not unconstitutional. See *Jaysynth Deyechem v. Mewar Textile Mills Ltd.*, AIR 1988 RAJ.16=1987 (1) RLR 513=1987 (1) WLN 627

[2] M/s Jaipur Metal & Electricals Ltd., a company declared as a relief undertaking within the meaning of the Act is an "authority" and thereby a "State" within the enlarged meaning of the expression in Art.12. It is amenable to writ jurisdiction. *Ishaq Mohd. v. Jaipur Metals*, 1988 (1) RLR 157.

2. Definitions.-In this Act, unless the context otherwise requires,-

¹ Subs. by Raj. Act 20 of 1999, w.e.f.30-9-1999].

(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, or in respect of which a notified order under section 18-A of the Industries (Development and Regulation) Act, 1951 (Central Act 65 of 1951) is in operation, and carried on, or proposed to be carried on, by itself, or under its authority, or to which any loan, guarantee, or other financial assistance has been provided by the State Government, shall, with effect from the date specified for the purpose in the notification, be a relief undertaking for the purposes of this Act.

¹[Explanation.-The issuance and publication of a notification under sub-section (1) in respect of any industrial undertaking shall not have the effect of treating the employees of that industrial undertaking as Government Servants unless they are specifically appointed as such, in writing, by a special order of the State Government, issued subsequent to the said notification, to manage the affairs of that industrial undertaking.]

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

COMMENTARY

Notifications.- The various notifications issued under the Act so far have all been outdated, hence not reproduced.

4. Power to specify industrial relation and other facilities temporarily for relief undertaking.-(1) Notwithstanding any law, usage, custom, contract, instrument, decree, order, award, submission, settlement, standing order or other provisions 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:-

¹ Ins. by Raj. Act 20 of 1999, w.e.f.30-9-1999].

² Subs. by Raj. Act 20 of 1999, w.e.f.30-9-1999].

- (i) all or any of the laws mentioned in the Schedule to this Act or any provisions thereof shall not apply (and such relief undertaking shall be exempted therefrom) or shall, if so directed by the State Government, be applied with such modifications (which do not however affect the policy of the said laws) as may be specified in the notification: and
- (ii) all or any of the agreements, settlements, awards or standing orders, made under any of the laws mentioned 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 or before the issue of the notified order in respect thereof under section 18-A of the Industries (Development and Regulation) Act, 1951 (Central Act 65 of 1951), or before any loan, guarantee, or other financial assistance was provided to it, by the State Government, 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: and
- (b) no suit or other legal proceeding shall be instituted or commenced, or, if pending, shall be proceeded with, against any industrial undertaking during the period in which it remains a relief undertaking.

¹[Provided that a notification issued under this Act shall have no effect in respect of any law, legal proceedings, agreement, settlement, award, standing order or the like relating to the payment of wages to the workmen of the industrial undertaking specified in the said notification:

Provided further that with the issuance and publication of notification under section 3 or section 4 of the Act, the State Government shall, in no case, be liable for payment of the wages or any other financial obligations or otherwise on behalf of the industrial undertaking specified in the said notification.]

Explanation.—"Legal proceeding" means any proceeding under any law before any court, tribunal, officer, authority or arbitrator, started on a plaint, petition of appeal, application, reference; or otherwise.

(2) The period, during which any suit or legal proceeding cannot be instituted or commenced because of the provisions of clause (b) of sub-section (1), shall be excluded in computing the period of limitation prescribed by the Indian Limitation Act, 1908 (Central Act 9 of 1908), or any other law for the time being in force, for such suit or proceeding.

¹ Ins. by Raj. Act 20 of 1999, w.e.f.30-9-1999].

(3) 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.

5. Repeal.-Rajasthan Relief Undertakings (Special Provisions) Ordinance, 1960 (Rajasthan Ordinance 16 of 1960), is hereby repealed.

SCHEDULE

(Section 4)

1. The Industrial Employment (Standing Orders) Act, 1946 (Central Act 20 of 1946).
 2. The Industrial Disputes Act, 1947 (Central Act 14 of 1947), as amended by the Industrial Disputes (Rajasthan Amendment) Act, 1958 (Rajasthan Act 34 of 1958).
 3. The Minimum Wages Act, 1948 (Central Act 11 of 1948).
 4. The Rajasthan Shops and Commercial Establishments Act, 1958 (Rajasthan Act 31 of 1958).
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