The Essential Services Maintainance (Arunachal Pradesh) Act, 1993

Act 4 of 1994

Keyword(s):
Essential Service, Strike
THE ESSENTIAL SERVICES MAINTENANCE (ARUNACHAL PRADESI) ACT, 1993
(Act No. 4 of 1994)

(Received the assent of the Governor on 3-1-94)

An Act

to provide for the maintenance of certain essential services and the normal life of the community

BE it enacted by the Legislative Assembly of Arunachal Pradesh in the Forty-fourth Year of the Republic of India as follows:

Short title, extent and commencement.

1. (1) This Act may be called the Essential Services Maintenance (Arunachal Pradesh) Act, 1993.

(2) It extends to the whole of the State of Arunachal Pradesh.

(3) It shall come into force at once.

Definitions.

2. In this Act, unless the context otherwise requires—

(a) "essential service" means—

(i) any transport service for the carriage of passengers or goods by land or water with respect to which the State Legislature has power to make laws;

(ii) any service connected with the supply of water, electricity or any other essential commodity;

(iii) any service connected with the maintenance of public health and sanitation, including hospitals and dispensaries;

(iv) any public service and posts in connection with the affairs of the State; and also persons appointed to the secretariat staff of the State Legislative Assembly;

(v) any other service or employment or class thereof, connected with matters with respect to which the State Legislature has
power to make laws and which the
State Government is of opinion that
strike in such service, employment, or
class thereof, would prejudicially affect
the maintenance of any public utility
service, public safety or the maintenance
of supplies (including air supplies)
or services essential to the life of the
community or would result in the inflic-
tion of grave hardship on the community,
and which the State Government by no-
ification in the official Gazette declares
to be an essential service for the purposes
of this Act;

(2) "strike" means the cessation of work by a
body of persons employed in any essential service acting
in combination or a concerted refusal or a refusal under
a common understanding of any number of persons who
are or who have been so employed to continue to work
or to accept employment, and includes—

(i) failure to attend at, or absence from,
the place of work on any working day
or during any working hours, with out
obtaining the necessary permission there-
fore of the authority competent to grant
such permission;

(ii) refusal, to work overtime where such
work is necessary for the maintenance of
any essential service;

(iii) any other conduct is likely to result in,
or results in cessation or substantial re-
tardation or work in, any essential service.

3. (1) If the State Government is satisfied that in the
public interest, it is necessary or expedient so to do, it
may, by general or special order, prohibit strikes in
any essential service specified in the order.

(2) An order made under sub-section (1) shall be
published in such manner as the State Government con-
siders best calculated to bring it to the notice of
the person affected by the order.

(3) An order made under sub-section (1) shall be in
force for six months only, but the State Government
may, by a like order published in like manner, extend
it for any period, not exceeding six months if it is
satisfied that in the public interest it is necessary or
expedient so to do.
(4) Upon the issue of an order under section (1)—

(a) no person employed in any essential service
to which the order relates shall go or re-
main on strike;

(b) any strike declared or commenced, whether
before or after the issue of the order, by
persons employed in any such service shall
be illegal.

(5) Any order made under this section may at any
time be rescinded by the State Government by a like
order, but such rescission shall not affect the previous
operation of anything done or suffered thereunder, and
shall not affect any obligation or liability incurred, or
incurred, or any penalty or punishment incurred in res-
pect of any offence committed against this Act before
such rescission.

(6) No order under sub-section (1) or sub-section (5)
shall be made in respect of persons appointed to the
Secretariat staff of the House of the State Legislature,
except at the request of the Speaker of the Legislative
Assembly.

Penalty
for ile-
gal strikes.

4. Any person who commences a strike which is illegal
under this Act or goes or remains on or otherwise takes
part in, any such strike shall be punishable with impris-
sonment for a term which may extend to 6 months, or
with fine which may extend to one thousand rupees, or
with both.

Penalty
for insti-
gation
etc.

5. Any person who instigates or incites other persons
to take part in, or otherwise acts in furtherance of, a
strike which is illegal under this Act shall be punishable
with imprisonment for a term which may extend to one
year, or with fine which may extend to two thousand
rupees, or with both.

Penalty
for giving
financial
aid.

6. Any person who knowingly extends or supplies
any money in furtherance or support of a strike which
is illegal under this Act shall be punishable with impris-
sonment for a term which may extend to one year, or
with fine which may extend to two thousand rupees, or
with both.

Disciplin-
ary
action
besides
above
penalty.

7. Any action taken under Sections 4, 5 or 6 shall
not affect, and shall be in addition to any action of
a disciplinary nature or any consequence which may ensue
and to which any person may be liable by the terms
and conditions of his service or employment.
8. Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), any police officer may arrest without warrant any person who is reasonably suspected of having committed any offence under this Act, and may seize any vehicle or other conveyance, which is used by any person who is reasonably suspected of having committed an offence under Section 5. Offences under this Act shall be non-bailable.

9. The provisions of section 102 of the Code of Criminal Procedure, 1973 relating to seizure shall, so far as may be, apply in relation to every seizure made under section 8.

10. The provisions of this Act and of any order issued thereunder shall have effect notwithstanding anything inconsistent therewith contained in the Industrial Disputes Act, 1947 (14 of 1947) or in any other law for the time being in force.

11. No suit, prosecution or other legal proceedings shall lie against any person for anything which is in good faith done or intended to be done, under this Act or the orders made thereunder.