



The Essential Services Maintenance (Arunachal Pradesh) Act, 1993

Act 4 of 1994

Keyword(s):

Essential Service, Strike

DISCLAIMER: This document is being furnished to you for your information by PRS Legislative Research (PRS). The contents of this document have been obtained from sources PRS believes to be reliable. These contents have not been independently verified, and PRS makes no representation or warranty as to the accuracy, completeness or correctness. In some cases the Principal Act and/or Amendment Act may not be available. Principal Acts may or may not include subsequent amendments. For authoritative text, please contact the relevant state department concerned or refer to the latest government publication or the gazette notification. Any person using this material should take their own professional and legal advice before acting on any information contained in this document. PRS or any persons connected with it do not accept any liability arising from the use of this document. PRS or any persons connected with it shall not be in any way responsible for any loss, damage, or distress to any person on account of any action taken or not taken on the basis of this document.

THE ESSENTIAL SERVICES MAINTENANCE (ARUNACHAL
PRADESH) 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 1. (1) This Act may be called the Essential Services
extent and Maintenance (Arunachal Pradesh) Act, 1993.
commence-
ment.

(2) It extends to the whole of the State of Aruna-
chal 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 infliction of grave hardship on the community, and which the State Government by notification in the official Gazette declare to be an essential service for the purposes of this Act;

(b) "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, without obtaining the necessary permission therefore 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 retardation 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.

Power to prohibit strikes in certain employments.

(2) An order made under sub-section (1) shall be published in such manner as the State Government considers 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 remain 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 accrued, or incurred, or any penalty or punishment incurred in respect 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 illegal 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 imprisonment for a term which may extend to 6 months, or with fine which may extend to one thousand rupees, or with both.

Penalty for instigation 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 imprisonment for a term which may extend to one year, or with fine which may extend to two thousand rupees, or with both.

Disciplinary action besides above penalty.

7. Any actions 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. All offences under this Act shall be non-bailable.

Power to arrest without warrant and to seize vehicles. Offences 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.

Provisions of section 102 of Act 2 of 1974 to apply to seizure.

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.

Act to override other laws.

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.

Bar of legal proceedings.