



## The Meghalaya Essential Services Maintenance Act, 1980

Act 23 of 1980

Keyword(s):

Essential Service, Strike

Amendments appended: 3 of 2003, 14 of 2017, 7 of 2018

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MEGHALAYA ACT 23 OF 1980

THE MEGHALAYA ESSENTIAL SERVICES MAINTENANCE ACT, 1980.

(As passed by the Assembly)

[Received the assent of the President on the 13<sup>th</sup> October, 1980]

(Published in the *Gazette of Meghalaya*, Extra-ordinary, dated the 31<sup>st</sup> October, 1980)

**An**

**Act**

**to provide for the maintenance of certain essential services and the normal life of the community and for matters connected therewith.**

Be it enacted by the Legislature of the State of Meghalaya in the Thirty-first Year of the Republic of India as follows:-

Short title, extent and commencement.

1. (1) This Act may be called the Meghalaya Essential Services Maintenance Act, 1980.
- (2) It extends to the whole of the State of Meghalaya.
- (3) It shall come into force at once.

Definitions.

2. (1) In this Act, unless the context otherwise requires:-
  - (a) "Essential service" means (i) any service in any establishment or undertaking wholly or substantially owned, controlled or managed by the Government of Meghalaya connected with the production, generation, storage, transmission, supply or distribution, as the case may be, of gas water or electricity;
  - (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) refusal to work overtime where such work is necessary for the maintenance of any essential services;

(ii) any other conduct which is likely to result in, or results in cessation or substantial retardation of work in any essential service;

(c) "State" means the State of Meghalaya.

(2) Any reference in this Act to any law which is not in force in any area of the State and to any authority under such law shall, in relation to that area, be construed as a reference to the corresponding law in force in that area and to the corresponding authority under such corresponding law.

Power to prohibit strikes in certain employments.

3. (1) If the State Government is satisfied that in the public interest it is necessary of expedient so to do, it may, by general or special order, prohibit strikes in the State 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 considers best calculated to bring it to the notice of the persons 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, 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 sub-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 commented, whether before or after the issue of the order, by persons employed in any such service shall be illegal.

Dismissal of employees participating in 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 liable to disciplinary action (including dismissal) in accordance with the same provisions as are applicable for the purpose of taking such disciplinary action (including dismissal) on any other ground under the terms and conditions of service applicable to him in relation to his employment.

- Penalty for illegal strikes.
5. 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 six months, or with fine which may extend to one thousand rupees, or with both.
- Penalty for instigation etc.
6. 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 to illegal strikes.
7. Any person who knowingly expends 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.
- Power to arrest without warrant.
8. Notwithstanding anything contained in the Code of Criminal Procedure, 1973, any police officer may arrest without warrant any person who is reasonably suspected or having committed any offence under this Act.
- Offences to be trial summarily.
9. Notwithstanding anything contained in the Code of Criminal Procedure, 1973 all offences under this act shall be tried in a summary way by a Magistrate or Judicial Magistrate of the first class specially empowered in this behalf by the State Government and the provisions of Sections 262 to 265 (both inclusive) of the said Code shall as for as may be, apply to such trial:
- Provided that in a case of conviction for any offence in a summary trial under this section, it shall be lawful for the Magistrate to pass a sentence of imprisonment for any term for which such offence is punishable under this Act.
- Act to override other laws.
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, or in any other law for the time being in force.
- Repeal of Ordinance 7 of 1980.
11. The Meghalaya Essential Services Maintenance Ordinance, 1980 is hereby repealed.

**The 10<sup>th</sup> June, 2003**

No. L.B 154/80/225 The Meghalaya Essential Services Maintenance (Amendment) Act, 2003 (Act No. 3 of 2003) is hereby published for general information.

**MEGHALAYA ACT NO. 3 OF 2003**

(As passed by the Meghalaya Legislative Assembly)

(Received the assent of the President on 1<sup>st</sup> June, 2003)

(Published in the Gazette of Meghalaya, Extra-ordinary issue, dated 10<sup>th</sup> June, 2003)

**THE MEGHALAYA ESSENTIAL SERVICES MAINTENANCE (AMENDMENT) ACT,  
2003**

**AN**

**ACT**

To amend the Meghalaya Essential Services Maintenance Act 1980.

Whereas, prior instruction from the President of India has been obtained;

Be it enacted by the Legislature of the State of Meghalaya in the Fifty Fourth Year of the Republic of India as follows:-

Short title and Commencement.	1	(1) This Act may be called the Meghalaya Essential Services Maintenance (Amendment) Act, 2003 (2) It shall be deemed to have come into force on and from the 15 <sup>th</sup> January, 2003
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Amendment of Section 2 of Act 23 of 1980	2	In Section 2 of the Meghalaya Essential Services Maintenance Act, 1980, in sub-section (1)- i) For the existing clause (a), the following shall be substituted namely-
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“(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 (excluding service in any establishment or undertaking owned or controlled by the central Government) connected with the production, generation, storage, transmission, supply or distribution, as the case may be, of gas, water or electricity;

“(iii) any service under the State Government in connection with the maintenance of hospitals and dispensaries, public health, sanitation and public conservancy;

“(iv) any service (excluding service in any establishment of or undertaking owned or controlled by the Centre Government with the purchase, procurement, storage, supply, distribution or carriage of food-grains;

“(v) any service under the State Government in a printing press;

“(vi) any service under the State Government, found an essential Service, including the Service in the Secretariat of the State Legislature;

“(vii) any other service not specified in the foregoing clauses but being a service connected with matters with respect to which the State Legislature has power to make laws and which the State Government, being of the opinion that strike therein would prejudicially affect the maintenance of public safety or services necessary for the normal life of the community or would result in the infliction of grave hardship on the life of the community, may by notification in the Official Gazette, declare to be an essential service for the purpose of this Act”.

ii) After clause (c) the following shall be inserted as new clauses (d) and (e), namely-

“(d) “State Government” means the Government of the State Meghalaya; and

“(e) “State Legislature” means the Legislature of the State of Meghalaya”.

Repeal

3 The Meghalaya essential Services Maintenance (Amendment) Ordinance, 2003 (Ordinance No. 1 of 2003) is hereby repealed.

L.M.SANGMA,  
Deputy Secretary,  
Government of Meghalaya,  
Law Department  
Shillong.



# The Gazette of Meghalaya

EXTRAORDINARY

PUBLISHED BY AUTHORITY

No. 311

Shillong, Thursday, December 28, 2017

7<sup>th</sup> Pausa, 1939 (S. E.)

## PART-IV

GOVERNMENT OF MEGHALAYA

LAW (B) DEPARTMENT

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NOTIFICATION

The 28<sup>th</sup> December, 2017.

**No.LL(B) 154/80/254.** - The Meghalaya Essential Services Maintenance (Amendment) Act, 2017 (Act No. 14 of 2017) is hereby published for general information.

### MEGHALAYA ACT NO. 14 OF 2017

(As passed by the Meghalaya Legislative Assembly)

Received the assent of the Governor on the 21<sup>st</sup> December, 2017

Published in the Gazette of Meghalaya Extra-Ordinary issue dated 28<sup>th</sup> December, 2017.

**THE MEGHALAYA ESSENTIAL SERVICES MAINTENANCE (AMENDMENT)****ACT, 2017****An****Act**

to amend further the Meghalaya Essential Services Maintenance Act, 1980 (Meghalaya Act No. 23 of 1980).

Be it enacted by the Legislature of the State of Meghalaya in the Sixty eighth Year of the Republic of India as follows: -

**Short title and Commencement.** 1. (1) This Act may be called the Meghalaya Essential Services Maintenance (Amendment) Act, 2017.

(2) It shall come into force at once.

**Amendment of Section 2 of the Act No. 23 of 1980.** 2. In Section 2 of the Meghalaya Essential Services Maintenance Act, 1980 in subjection (1), -

after the existing sub-clause {vi} of clause (a), a new sub-clause (via) shall be inserted which is as follows:-

"(via) ground handling services at the airports falling under the jurisdiction of the State of Meghalaya".

**W. KHYLLEP,**

Secretary to the Government of Meghalaya,  
Law Department.





# The Gazette of Meghalaya

EXTRAORDINARY

PUBLISHED BY AUTHORITY

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No. 364

Shillong, Tuesday, October 9, 2018,

17th Asvina-1940 (S. E.)

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## PART-IV

GOVERNMENT OF MEGHALAYA

LAW (B) DEPARTMENT

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### NOTIFICATION

The 9th October, 2018.

**No.LL(B)154/80/263.**—The Meghalaya Essential Services Maintenance (Amendment) Act, 2018 (Act No. 7 of 2018) is hereby published for general information.

### MEGHALAYA ACT NO. 7 OF 2018.

*(As passed by the Meghalaya Legislative Assembly)*

*Received the assent of the Governor on 7th October, 2018.*

*Published in the Gazette of Meghalaya Extra-Ordinary issue dated 9th October, 2018.*

**THE MEGHALAYA ESSENTIAL SERVICES MAINTENANCE  
(AMENDMENT) ACT, 2018**

**An**

to amend further the Meghalaya Essential Services Maintenance (Amendment) Act, 2017 (Meghalaya Act No. 14 of 2017).

Be it enacted by the Legislature of the State of Meghalaya in the Sixty-ninth Year of the Republic of India as follows:-

**Short title and  
Commencement.**

1. (1) This Act may be called the Meghalaya Essential Services Maintenance (Amendment) Act, 2018.
- (2) It shall come into force at once.

**Amendment of  
Section 2 of the  
Act No. 14 of 2017.**

2. In Section 2 of the Meghalaya Essential Services Maintenance (Amendment) Act, 2017, the word 'subjection' occurring after the words '1980 in' shall be substituted by the word 'sub-section'.

**W. KHYLLEP,**  
Secretary to the Govt. of Meghalaya,  
Law Department.