

ESSENTIAL SERVICES MAINTENANCE (ASSAM) ACT, 1980

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 •spur, Saturday, 19th July 1930, 28th A sadhaj 1±02 OEDERS GOVERNOR LEGISLATIVE
 DEPARTMENT NOTIFICATION The 18th July 1980 - following Act made by the Presi- dent and
 published in the Gazette of India Extraordinary, Part 11 of Section I, dated 19th July 1980 is republished
 for general information. U. TAHBILDAR, Secretary to the Govt. of Assam, Legislative Department. The
 Essential Services Maintenance (Assam) Act, 1980. Parliament- Act No. 41 of 1980 19th July THE
 ASSAM GAZETTE. EXTRAORDINARY Parliament of 1980. THE ESSENTIAL SERVICES ANCE
 (ASSAM) ACT, 1980 [Received f the .t on ly, 1980.] to provide for the essential services and the normal
 life of the community in Assam Be it ÆTGæArty-first Year of the Re- public of India as follows Short title
 1. (1) This Act Fbipggalled the Essen- and extent. tial Services Maintenance (Assam) Act, 1980.
 YRAVUOROAr (2) It extends to the whole of the State of Assam. Aft, unless the context regulrei,—
 (ay uappropriate Government" means— (i) in relation to any service connec- ted with matters relatable to
 any of the entriéSeriUmerated in List I in the Seventh Schedule to the Constitution, the Central
 Government; (ii) in relation to any service connec- ted with matters relatable to any of the entries
 enumerated in List 11 in the Seventh Schedule to the Constitution, the State Government of Assam; and
 (iii) in relation to any service connec- ted with matters relatable to any of the entries enumerated in List III
 in the Seventh Schedule to the Constitution, the Central Government and the State Government of Assam;
 (b) Rtessential service" means— (i) any postal, telegraph or telephone service; EXTRAORDINARY,
 JULY 19, 1980 195 (ii) any railway service or any other -trungpbftß of passengers or goods by dr air;
 (dhh)waftyitSéfVffee the 9rIt to N(.rlß fli b9fli99qa eoiviee g, (iv) any servicé with the operation or
 maintenance of aerodromes rlbVWith9tfié0öp@+âtiöfl Fepair or main- (v) any service connected with the
 Clearance of goods or passengers through the customs or with the prevention of smuggling; (vi) any
 service in any establishment of, or connected with the armed forces of the Union or in any other
 establishments or installations connected with defence; (vii) any service in any section of any industrial
 establishment or undertaking on the working of which the safety of such establishment or undertaking or
 the em- plöyees employed therein depends ; (viii)« any service in, or in coonection with, the working of
 anv undertaking owned on controlled by the Government engaged undertaking afi being in the purchase,
 procurement, stor- age, supply or distribution of foodgrains ; (Tx) any service in any system of public
 con'servancy or sanitation ; (x) any service in connection with or in relation to banking ; (xi) any service in
 any establishment or undertaking dealing with 'the production, supply and distribution of coal ; (xii) anv
 service in any oilfield or re- finery or in any eseablishment or under- taking dealing with the production,
 supplv -196 THÉ ASSAM GAZETTE, EXTRAORDINARY; JULY 19; 198m or distribution of petroleum
 and petro- leum products ; (xiii) any service in connection with the affairs of the Union or the State of
 Assam not being a service specified in any of the foregoing sub-clauses ; (xiv) any other service connected
 with matters with respect to which Pa;nliament or the Legislative Assembly of the State of Assam has
 power to make laws and which the Central Government or the Govern- ment of Assam, as the case may
 be, being of opinion that strikes therein would pre- iudicially affect the maintenance of any public utility
 service, the public safety or the maintenance of supplies and services necessarv for. the life of the
 community or would result in the infliction of grave hardship on the community, may, by noti- fication in
 the Official Gazette, declaré to be an essential service for the purposes of this Act ; (c) ttstrike" means the
 cessation of work by a body of persons employed in any es- sential 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 em- ployed to continue to work or ito accept employment' and includes— (i) refusal +0 work
 overtime where such work is necessary for the maintenance of any essential service; (ii) any other conduct
 which is likely to result in, or results in, cessation or sub- stantial retardation of work in any essen- tial
 service. (2) Every notification issued under sub- clause (xiv) of Clause (b) of sub-section (J) be Jaid before
 each House of Parlia- rne•nf immediately after it is made if it is TME -ASSAM GAZETTE,
 EXTRAORDINARY, JULY 19, 1980 in session and on the first day of the com- mencement of the next
 session of the House if it is not in session, and shall cease to Operate at the expiration of forty days from
 the date of its being so laid or from the re-assembly of Parliament •as the case may be, unless before the

expiration -of that period a resolution approving the issue of the notification is passed by both Houses of Parliament. Explanation.—Where the Houses of Parliament are summoned to re-assemble on different dates, the period of forty days shall be reckoned from the later of those dates. (3) Any reference in this Act to any law which is not in force in any area of the State of Assam 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. (I) If the appropriate 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 the State of Assam in any essential service specified in the Order. (2) An Order made under sub-section (1) shall be published in such manner as the appropriate 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 appropriate 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 to do so. 197 198 THE ASSAM GAZETTE, EXTRAORDINARY (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 commenced whether before or after the issue of the Order, by persons employed in any such service shall be illegal

4. Any person who commences a strike Dismissal of employee **pa- which is illegal under this Act.** or goes or participating in illegal strikes; remains on, or otherwise takes part in any 980 Penalty for illegal strikes Penalty for instigation etc. Penalty for giving financial aid to illegal strikes. 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. 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

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

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. ASSAM GAZETTE, EXTRAORDINARY, JULY 19, 190 195 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

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 Judicial Magistrate of the first class specially empowered in this behalf by the appropriate Government and the provisions of Sections 262 to 265 (both inclusive) of the said Code shall, as far 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 of the first class to pass a sentence of imprisonment for any term for which such offence is punishable under this Act

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 14 of 1941 for the time being in force. 11. (1) The Essential Services Maintenance (Assam) Ordinance, 1980, is hereby repealed. (2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under this Act, as if this Act had come into force on the 6th day of April, 1980, N. SANJIVA REDDY, President. R. V. S. PERI SASTRI, Secy. to the Govt. of India, GAUHATI—Printed and published by the Supdt. i/c., Assam Govt. Printing Press* (Ex-Gazette) 500—19-7-1980.