

THE EAST PUNJAB ESSENTIAL SERVICES (MAINTENANCE) ACT, 1947

1941 East pb. Act XII] ESSENTIAL SERVICES 131 THE EAST PUNJAB ESSENTIAL SERVICES (MAINTENANCE) ACT, 1947. TABLE OF CONTENTS. Sections. 1. Short title, extent and commencement. 2. 3. 4. 5. 6. 7. 8. 9

10. Interpretation. Employment to which this Act applies. power to order persons engaged in certain employments to remain in specified areas. Offences. Regulation of wages and conditions of service. Penalties and procedure. Bar of legal proceedings. Effect of orders, rules, etc., made under this Act. Repeal 1947: East Pb. Act XIII] ESSENTIAL SERVICES (MAINTENANCE) 133 THE EAST PUNJAB ESSENTIAL SERVICES (MAINTENANCE) ACT, 1947. EAST PUNJAB ACT XIII OF 1947. [Received the assent of His Excellency the Governor-General of India on the 12th December, 1947 and was first published in the East Punjab Government Gazette (Extraordinary), dated the 13th December, 1947. 2 No. 3 Short title The East Punjab Essential Services (Maintenance) Act, 1947 4 affected by legislation Amended in part by the East Punjab Amendment of 1948 Amended in part by the Adaptation of Laws Order, 1950 Extended to the territories which were comprised in the state of Patiala and East Punjab States Union, by Punjab Act 23 of 1960. a Amended by the Punjab Reorganisation (Chandigarh) (Adaptation of Laws on State and Concurrent Subjects) Order, 1968 An Act to make Provisions for the maintenance of certain essential services. It is hereby enacted as follows . 1. (1) This Act may be called the East Punjab Essential Services (Maintenance) Act, 1947. (2) It extends to the whole of the 41 Union territory of Chandigarh. (3) It shall come into force at once

2. In this Act, unless there is anything repugnant in Interpretation, the subject or context, "Employment" includes employment of any nature and whether paid or unpaid. For Statement of Objects and Reasons, see East Punjab Government Gazette (Extraordinary), 1947, page 45 ; for proceedings in Assembly, see East Punjab Legislative Assembly Debates, Volume I, 1947, pages 18-19. 2 For Statement of Objects and Reasons, see East Punjab Government Gazette (Extraordinary), dated 14th October, 1948, page 616; for proceedings in Assembly see East Punjab Legislative Assembly Debates, 1948, Volume III, pages 206-07. For Statement of Objects and Reasons, see Punjab Government Gazette (Extraordinary), 1960, page 594. Substituted for the word "Punjab" by the Punjab Reorganisation (Chandigarh) (Adaptation of Laws on State and Concurrent Subjects) Order, 1968. 134 ESSENTIAL SERVICES [1947: East Pb. Act XIII (MAINTENANCE) 3. This Act shall apply to all employment under the to Employment which this Act [Central Government] and to any employment or class of employment which the [Central Government], being of opinion that such employment or class of employment is essential for securing the public safety, the maintenance of public order, health or sanitation, or for maintaining supplies or services necessary for the life of the community may, by notification in the Official Gazette, declare to be an employment or class of employment to which this Act applies. 4. (1) The [Central Government] or an officer authorised in this behalf by the [Central Government] may in respect of any employment or class of employment to which this Act applies, by general or special order, Offences. section 3 applies, by general or special order that any person or persons engaged in such employment shall not depart out of such area or areas as may be specified in such order. (2) An order made under sub-section (1) shall be published in such manner as the Government or officer making the order considers best calculated to bring it to the notice of the persons affected by the order

5. Any person engaged in any employment or class of employment to which this Act applies who— (a) disobeys any lawful order given to him in the course of such employment, or (b) without reasonable excuse abandons such employment or absents himself from work, or (c) departs from any area specified in an order under sub-section (1) of section 4 without the consent of the authority making the order, Substituted for the words "State Government" by the Punjab Reorganisation (Chandigarh) (Adaptation of Laws on State and Concurrent Subjects) Order, 1968. 2 See East Punjab Government Notification No. 9347-PG-48/50258, dated 7th September, 1948, by which classes of employment were added to which the provisions of this Act applied. c East 1941] ESSENTIAL SERVICES 135 (MAINTENANCE) d any employer of a person engaged in an employment or class of employment declared under section 3 to be an employment to which this Act applies, who without reasonable cause (i) discontinues the employment of such person, or (ii) by closing

an establishment in which such person is engaged, causes the discontinuance of is guilty of an offence under this Act. Explanation I. The fact that a person apprehends that by continuing in his employment he will be exposed to increased physical danger is not a reasonable excuse within the meaning of clause (b). Explanation 11. A person abandons his employment within the meaning of clause (b) who, notwithstanding that it is an express or implied term of his contract of employment that he may terminate his employment on giving notice to his employer of his intention to do so, so terminates his employment without the previous consent of his employer. 6. (1) The [Central Government] may make rules Regulation of regulating or empowering a specified authority to regulate wages and other conditions of service of persons or of any class of persons engaged in any employment declared under section 3 to be an employment or class of employment to which this Act applies. (2) When any such rules have been made or when any directions regulating wages or conditions of service have been given by an authority empowered by such rules to give them, any person failing to comply therewith is guilty of an offence under this Act. 7• (1) Any person found guilty Of an offence under Penalties and pro. this Act shall on conviction by a competent criminal court be punishable with imprisonment for a term which may extend to 2[three years] and shall also be liable to fine. ISubstituted for the words "State Government" by the Punjab Reorgani- stion (Chandigarh) (Adaptation of Laws on State and Concurrent Subjects) Order, secti02SubStituted for the words "one year" by East Punjab Act, XXXVII of 1948, 136 ESSENTIAL SERVICES 1947 : East Pb. Act XIII] (MAINTENANCE) (2) Where the person accus d of an offence under this Act is a company or other body corporate, every director, manager, secretary or other officer thereof shall unless he proves that the offence was committed without' his knowledge or that he exercised due diligence to pre- vent the commission of the offence, be liable to the punish. ment provided for the offence. (3) No court shall take cognizance of any offence under this Act except upon complaint in writing made by a person authorised in this behalf by the[Central Govern- ment]. (4) Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (V of 1898), an offence under this Act shall be cognizable. Any magistrate or bench of magistrates em- powered for the time being to try in a summary way the offences specified in sub-section (1) of section 260 of the Criminal Procedure Code, 1898, may, if such magistrate or bench of magistrates think(s) fit, on application in this behalf made by the prosecution, try any offence under this Act in accordance with the provisions contained in sec- tions 262 to 265 of the said Code.] 8. No suit , prsecution or other legal proceedings Bar of 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 rules made thereunder. Effect of orders, 9. Any declaration, order, rule or regulation made rule;, etc., rmde under this Act. and any direction given under this Act shall have effect notwithstanding anything contained in any law other than this Act

10. The East Punjab Essential Services (Mainten- Repeal of Ordi- nance No.VIII ance) Ordinance, 1947, is hereby repealed. f 1947. 1Substituted for lthe words "State Government" by the Punjab Reorg anisation (Chandigarh) (Adaptation Oi Laws on Stale Government Subjects-