

ODISHA ESSENTIAL SERVICES (MAINTENANCE) ACT, 1988

Short title, extent and commencement. Definition. The Orissa Gazette EXTRAORDINARY PUBLISHED BY AUTHORITY ORISSA ACT 9 OF 1992 *THE ORISSA ESSENTIAL SERVICES (MAINTENANCE) ACT, 1988 [Received the assent of the President on the 17th January, 1992 first published in an extraordinary issue of the Orissa Gazette, dated the 4th February 1992] AN ACT TO PROVIDE FOR THE MAINTENANCE OF CERTAIN ESSENTIAL SERVICES AND THE NORMAL LIVING OF THE COMMUNITY IN ORISSA ENACTED BY THE LEGISLATURE OF THE STATE OF ORISSA IN THE THIRTY-NINTH YEAR OF THE REPUBLIC OF INDIA, AS FOLLOWS; 1. (1) This Act may be called the Orissa Essential Services (Maintenance) Act, 1988. (2) It shall extend to the whole of the State of Orissa. (3) It shall come into force at once. 2. In this Act, unless the context otherwise requires,— (a) "essential service" means— (i) any service connected with the supply or distribution of water and with the maintenance of water-works; (ii) any service connected with the maintenance of public health and sanitation, including hospitals and dispensaries; (iii) any service connected with the production, supply or distribution of electricity including any service under the Orissa State Board constituted under the Electricity (Supply) Act, 1948; 54 of 1948. (iv) any service connected with transportation of persons/goods: Power to prohibit strike. (b) "strike" means the refusal 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 have been so employed, to continue to work or to accept employment and includes— (i) unauthorised absence from duty in pursuance of a common understanding among the persons who unauthorisedly absent themselves from duty or under the direction of any other person or persons; (ii) refusal to work overtime where such work is necessary for the maintenance of any essential service; (iii) any other conduct which is likely to result in, or results in, cessation or substantial retardation of work in any essential service. 3. (1) If the State Government is satisfied that in the public interest it is or expedient so to do, it may, by general or special order, prohibit strike 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 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) no person employed in any essential service to which the order relates shall go or remain on strike; and (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. (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 lock-outs in any establishment pertaining to 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 so to do. (4) Upon the issue of an order under sub-section (1) — (a) no employer in relation to an establishment to which the order applies shall commence any lock-out declared or commenced, whether before or after the issue of the order by any employer in relation to an establishment to which the order applies shall be illegal. (5) Any employer in relation to an establishment who commences, continues or otherwise acts in furtherance of a lock-out which is illegal under this section shall be punishable with imprisonment or a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both. Power to prohibit lay-off. Penalty for strike. Penalty for instigation. Power to arrest without warrant. override other laws. 29 S. (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 lay-off in any ground other than shortage of power or natural calamity. If any workman (other than a badli workman or a casual workman) whose name is borne in the muster rolls of any establishment pertaining to 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

forec for six months only, but the State•Goyernment may, by 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) Upou the issue or an ordcrutder sub-section (I) — (a) ao emp'oyer in relation to an establiöhment to which the order applies shall lay-off of or continue the lay-off of any workman (other than a badli workman or a casual workman) whose name is bome on the muster rolls of such establishment unless such lay-offis due to shortage of power or to natural calamity and •any laying-off or continuation of laying-off Shal), unless such laying-off or continuation of raying-off ie due to shortage of power or to natural calamity, be illegal; (b) a workman whose laying-off is illegal under clause (a) shall be entitled to 911 the benefits under aoy law for the time being •inTorce as if he bad aot been laid off. (3) Any employer in relation eto an establishmeot who lays-off or continue the laying-off of any workman shall, if such or continuation of laying-off is illegal under •this sectioni be punishable with imprisonment for a term which may extend to six months; or with fine which may extend to ono thousand tupees-, or with both

6. Any person who commences 8 strike which is illegal under this Act or goes or rem*ins, an, or otherwise takes part in aiy euch strike shall bc punishable *ith imprisonment for a t;rm Which may _extend to six months, or with firie which may extend to five hundted rupees, ot with both

7. Any person who instigates or incites other persons to take patt in, or other- wise acts in furtherance of, or does any act preparatory to, a strike which is illegal under this Act shall be punishable with imprisonment tot a term which may exteod to one year, or with fine which may extood to one thousand rupees or with both. 8, Notwith8taodiog anything contained in the Code of Criminal Procedure, a af 1974 1973, any police officer not below the rank of 'Sub-Iospector of Police may arrest *without warrant any person who is reasonably suspected of having committed aoy such offenw

9. The provisions of this Act and of any order issued thereunder shall have effect notwithstanding aoythiug incon8isteot- therewith contained in the Industrial Disputes Act.1947, or in aay otht,,r law for the time being in force. 14 or 1B74