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NOTIFICATION

No. F. 13013/1/90-LJD, the 27th April 1995. The following Act of the Mizoram Legislative Assembly, which received the assent of the Governor of Mizoram is hereby published for general information.

The Mizoram Act No. 5 of 1995

The Mizoram Act, 1995. Essential Services Maintenance (Amendment)

Received the assent of the Governor of Mizoram on the 19th 4. 1995.

to provide for the maintenance of certain essential services and normal life of the Community.

Be it enacted by the Legislature of the State of Mizoram in the Forty-sixth year of the Republic of India as follows:-

Short title, extent and commencement

(1) This Act may be called the Mizoram Essential Services Maintenance (Amendment) Act, 1995.

(2) It shall have the like extent as the principal Act.

(3) It shall come into force at once.

Amendment of section 2

2. In the Mizoram Essential Service Maintenance Act, 1990 (Act No 15 of 1990). hereinabove and after referred to as the principal Act for section 2, the following section shall be substituted namely :-

“Definitions 2. In this Act, unless the context otherwise requires :-

(a) “Code of Criminal Procedure” means the Court of Criminal Procedure, 1973 (Central Act No. 2 of 1974

(b) "Essential Service" means

(i) a service in the Police force, Homeguards or such other group of persons as are to assist in the maintenance of law and order or in prevention of offences by virtue of an obligation under a statute, regulation or order;

(ii) any service assigned for administration or protection of prisons, reformatories, borstals and Institution of like nature.

(iii) any service connected with Public Health, Sanitation Hospitals, Dispensaries;

(iv) any service in relation to education;

(v) any service for movement of transportation of public servants, passengers, goods or commodities;

(vi) any service connected with supply of water, electricity or any other essential commodities.

(vii) any service engaged in production, supply, distribution and storage of goods or essential commodities:

(viii) any public service in connection with the affairs of the State in the Secretariat, departments and districts or local administration;

(ix) any service in connection with the affairs of the State not being a service specified in any of the foregoing sub-clauses declared by the State Government, by order, as an essential service;

(c) "principal Act" means the Mizoram Maintenance Act, 1990 (No. 15 of 1990):

(d) "State Government" means the State Government of Mizoram;

(e) "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 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 service;

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

(iii) shawing token strikes and taking of leaves or absence from the place of duty owing to refusal of work to which he is ordinarily employed in any of such essential service.

Amendment of section 5

3. In the principal Act, for section 5, the following section shall be substituted namely

5. Notwithstanding anything contained in the Code of Criminal Procedure, any police officer without not below the rank of Inspector of Police may arrest without warrant any person who is reasonably suspected of having committed any offence under this Act.

Amendment of section 6

4. In the principal Act, for section 6, the following section shall be substituted, namely-

6. Any person-

(a) who commences a strike which is illegal under this Act or goes or remains on, or otherwise takes part in, any such; or

(b) who instigates or incites other persons to commence, or otherwise take 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.

Deletion of section 7 of the Principal Act

5. Section 7 of the principal Act shall stand deleted.

Insertion of new sections

6. After section 6 of the principal Act, the following sections shall be inserted, namely-

Offences to be tried summarily

7. Notwithstanding anything contained in the Code of Criminal Procedure all offences under this Act shall be tried in a summary way by any Judicial Magistrate of the First Class, specially empowered in this behalf by the High Court and the provisions of sections 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.

Provisions of the Code of Criminal procedure Act, 1973 to apply to warrants, arrest trials etc.

8. The provisions of the Code of Criminal Procedure, 1973 (Act No. 2 of 1974) shall as far as may be practicable and not trials etc. inconsistent with the provisions of this Act, to all warrants inquiry and investigation, bail and trial, and disposal of seized item etc. made under this Act.

Act to override
other laws

9. The provisions of this Act and of any other issued thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law on the subject made by the State Legislature for the time being in force.

Renumbering
of section 8

7. Section 8 of the principal Act shall be renumbered as section 10.

P. CHAKRABORTY
Secretary to the Govt of Mizoram,
Law, Judicial & Parliamentary Affairs Deptt.

CERTIFICATE

This Bill was passed by the Mizoram Legislative Assembly on the 3rd April, 1995.

VAIVENGA
Speaker
Mizoram Legislative Assembly.