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GOVERNMENT OF MANIPUR
SECRETARIAT: LAW & LEGISLATIVE AFFAIRS
DEPARTMENT

NOTIFICATION

Imphal, the 22nd November, 1984

No. 2/46/84-Leg/L.—The following Act of the Legislature, Manipur which received assent of the President of India on 8-11-84 is hereby published in the Manipur Gazette.

I. BIJOY SINGH,
Secretary (Law) to the Govt. of
Manipur.

THE MANIPUR ESSENTIAL SERVICE MAINTENANCE
ACT, 1984

(Manipur Act No. 14 of 1984)

AN
ACT

*to provide for the maintenance of certain essential services
and the normal life of the community in Manipur.*

BE it enacted by the Legislative Assembly of Manipur
in the Thirty-fifth Year of the Republic of India as
follows:—

1. (1) This Act may be called the Manipur Essential
Services Maintenance Act, 1984. Short title
and extent.

(2) It extends to the whole of the State of Manipur.

2. In this Act, unless the context otherwise requires,— Definitions.

(a) "essential service" means—

(i) any transport service for the carriage of
passengers or goods, by land or water, with
respect to which the Legislative Assembly of
the State of Manipur has power to make laws;

- (ii) any service connected with the production, storage, supply or distribution, as the case may be, of gas or water;
- (iii) any service connected with the maintenance of public health and sanitation, including hospitals, dispensaries, Primary Health Centres and Primary Health Sub-Centres;
- (iv) any service in any establishment or undertaking dealing with the production, supply or distribution of power;
- (b) "Government" means the Government of the State of Manipur;
- (c) "strike" means the cessation of work by a body of persons while 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 work assigned, 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 results in, cessation or substantial retardation of work in any essential service;
- (d) words and expressions used in sections 8 and 9 and not defined, but defined in the Industrial Disputes Act, 1947 shall have the meanings respectively assigned to them in that Act,

Power to
prohibit
strikes in
certain
employment.

3. (1) If the 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 any essential service specified in the Order.

(2) An Order made under sub-section (1) shall be published in such manner as the 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 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 commenced, whether before or after the issue of the Order, by persons employed in any such service shall be illegal.

4. 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 strike, or
- (b) who instigates or incites other persons to commence, or go or remain on, or otherwise take part in, any such strike,

Dismissal of employees participating in illegal strikes.

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 condition of service applicable to him in relating to his employment.

5. Any person who commences a strike which is illegal under this Act, or goes or remains on, 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 illegal strike,

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 instigation, etc.

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.

Penalty for giving financial aid to illegal strikes.

Power to
prohibit
lock-outs
in certain
establishment.

8. (1) If the 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 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 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;

(b) 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 for 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 in
certain esta-
blishments.

9. (1) If the 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, on any ground other than shortage of power or natural calamity, of any workman (other than a badli workman or a casual workman) whose name is borne on 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 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 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 employer in relation to an establishment to which the Order applies shall lay-off or continue the lay-off of any workman (other than a badli workman or a casual workman) whose name is borne on the muster rolls of such establishment unless such lay-off is due to shortage of power or to natural calamity and any laying-off or continuation of laying-off shall, unless such laying-off or continuation of laying-off is due to shortage of power or to natural calamity, be illegal;

(b) a workman whose laying-off is illegal under clauses (a) shall be entitled to all the benefits under any law for the time being in force as if he had not been laid-off.

(5) Any employer in relation to an establishment who lays-off or continues the laying-off of any workman shall, if such laying-off or continuation of laying-off is illegal under this section, 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.

10. Notwithstanding anything contained in the Code of Criminal Procedure, 1973, any police officer may arrest without warrant any person who is reasonably suspected of having committed any offence under this Act.

Power to arrest without warrant.

11. Notwithstanding anything contained in the Code of Criminal Procedure, 1973, all offences under this Act shall be tried in a summary way by a Chief Judicial Magistrate or any Judicial Magistrate of the first class specially empowered in this behalf by the 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:

Offence to be tried summarily.

Provided that in 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 the Act.

12. 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. 14 of 1947

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