

THE EAST PUNJAB ESSENTIAL SERVICES
(MAINTENANCE) ACT, 1947.

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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.]

| 1 | 2 | 3 | 4 |
|---------|------|--|--|
| Year | No. | Short title | Whether repealed or otherwise affected by legislation |
| 1947 .. | XIII | The East Punjab Essential Services (Maintenance) Act, 1947 | Amended in part by the East Punjab Act XXXVII 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. Short title, extent and commencement.

(2) It extends to the whole of the ⁴[Union territory of Chandigarh].

(3) It shall come into force at once.

2. In this Act, unless there is anything repugnant in the subject or context, "Employment" includes employment of any nature and whether paid or unpaid. Interpretation.

¹For 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.

²For 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.

³For Statement of Objects and Reasons, see Punjab Government Gazette (Extra-ordinary), 1960, page 594.

⁴Substituted for the word "Punjab" by the Punjab Reorganisation (Chandigarh) (Adaptation of Laws on State and Concurrent Subjects) Order, 1968.

Employment
which this
applies.

to
Act

3. This Act shall apply to all employment under the ¹[Central Government] and to any employment or class of employment which the ¹[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 ²notification in the Official Gazette, declare to be an employment or class of employment to which this Act applies.

Power to order
persons engaged
in certain employ-
ments to remain
in specified areas.

4. (1) The ¹[Central Government] or an officer authorised in this behalf by the ²[Central Government] may in respect of any employment or class of employment to which section 3 applies, by general or special order, direct 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.

Offences.

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,

¹Substituted for the words "State Government" by the Punjab Reorganisation (Chandigarh) (Adaptation of Laws on State and Concurrent Subjects) Order, 1968.

²See 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.

and 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 his employment,

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 II. 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 ¹[Central Government] may make rules 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.

Regulation of wages and conditions of service.

(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 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.

Penalties and procedure.

¹Substituted for the words "State Government" by the Punjab Reorganisation (Chandigarh) (Adaptation of Laws on State and Concurrent Subjects) Order, 1968.

²Substituted for the words "one year" by East Punjab Act, XXXVII of 1948, section 2(a).

(2) Where the person accused 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 prevent the commission of the offence, be liable to the punishment 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 the¹[Central Government].

(4) Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (V of 1898), an offence under this Act shall be cognizable.

²[(5) Any magistrate or bench of magistrates empowered 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 sections 262 to 265 of the said Code.]

Bar of legal
Proceedings.

8. No suit, prosecution or other 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,
rules, etc., made
under this Act.

9. Any declaration, order, rule or regulation made and any direction given under this Act shall have effect notwithstanding anything contained in any law other than this Act.

Repeal of Ordinance No. VIII
of 1947.

10. The East Punjab Essential Services (Maintenance) Ordinance, 1947, is hereby repealed.

¹Substituted for the words "State Government" by the Punjab Reorganisation (Chandigarh) (Adaptation of Laws on State Government Subjects-Order, 1968.