

THE ESSENTIAL SERVICES MAINTENANCE
(ARUNACHAL PRADESH) ACT, 1993
(Act No. 4 of 1994)
AN
ACT

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

BE it enacted by the Legislative Assembly of Arunachal Pradesh in the Forty-fourth Year of the Republic of India as follows :—

Short title,
extent and
commence-
ment.

1. (1) This Act may be called the Essential Services Maintenance (Arunachal Pradesh) Act, 1993.

(2) It extends to the whole of the State of Arunachal Pradesh.

(3) It shall come into force at once.

Definitions.

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

(a) "essential service" means—

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

(ii) any service connected with the supply of water, electricity or any other essential commodity ;

(iii) any service connected with the maintenance of public health and sanitation, including hospitals and dispensaries ;

(iv) any public service and posts in connection with the affairs of the State ; and also persons appointed to the secretariat staff of the State Legislative Assembly ;

(v) Any other service or employment or class thereof, connected with matters with respect to which the State Legislature has power to make laws and which the State Government is of opinion that strikes in such service, employment, or class thereof, would prejudicially affect the maintenance of any public utility service, public safety or the maintenance of supplies (including air supplies) or services essential to the life of the community or would result in the infliction of grave hardship on the community, and which the State Government by notification in the official Gazette declare to be an essential service for the purposes of this Act ;

(b) "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 who have been so employed to continue to work or to accept employment, and includes—

- (i) failure to attend at, or absence from, the place of work on any working day or during any working hours, without obtaining the necessary permission therefore of the authority competent to grant such permission ;
- (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 or work in any essential service.

3. (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 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 State Government considers best calculated to bring it to the notice of the person affected by the order.

Power to prohibit strikes in certain employments.

(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 published in like manner, 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 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.

(5) Any order made under this section may at any time be rescinded by the State Government by a like order, but such rescission shall not affect the previous operation of anything done or suffered thereunder, and shall not affect any obligation or liability accrued or incurred, or any penalty or punishment incurred in respect of any offence committed against this Act before such rescission.

(6) No order under sub-section (1) or sub-section (5) shall be made in respect of persons appointed to the Secretarial staff of the House of the State Legislature, except at the request of the Speaker of the Legislative Assembly.

Penalty for
illegal
strikes.

4. Any person who commences a strike which is illegal under this Act or goes or remains on or otherwise takes part in, any such strike shall be punishable with imprisonment for a term which may extend to 6 months, or with fine which may extend to one thousand rupees, or with both.

Penalty for
instigation
etc.

5. 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.

6. Any person who knowingly extends 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.

7. Any actions taken under Section 4, 5 or 6 shall not affect, and shall be in addition to any action of a disciplinary nature or any consequence which may ensure and to which any person may be liable by the terms and conditions of his service or employment.

Disciplinary action besides above penalty.

8. Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), any police officer may arrest without warrant any person who is reasonably suspected of having committed any offence under this Act, and may seize any vehicle or other conveyance, which is used by any person who is reasonably suspected of having committed an offence under Section 5. All offences under this Act shall be non-bailable.

Power to arrest without warrant and to seize vehicles. Offences non-bailable.

9. The provisions of Section 102 of the Code of Criminal Procedure, 1973 relating to seizure shall, so far as may be, apply in relation to every seizure made under Section 8.

Provisions of section 102 of Act 2 of 1974 to apply to seizure.

10. The provisions of this Act and of any order issued thereunder shall have effect notwithstanding anything in consistent therewith contained in the Industrial Disputes Act, 1947 (14 of 1947) or in any other law for the time being in force.

Act to override other laws.

11. No suit, prosecution of 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 orders made thereunder.

Bar of legal proceedings.