

Regd. No. NE 907



The Mizoram Gazette

EXTRA ORDINARY

Published by Authority

Vol. IX Aizawl Friday 31.10.1980 Kartika 9, SE 1902 Issue No 55

NOTIFICATIONS

No. LJA 10/78—79/200, the 31st. October, 1980. The following Act is hereby republished in the Gazette for General information.

Deputy Secretary to the Govt. of Mizoram
Law, Judicial etc. Deptt.

ESSENTIAL SERVICES MAINTENANCE (ORISSA) ORDINANCE, 1980 No. 8 of 1980

Promulgated by the President in the Thirty first Year of the Republic of India. An Ordinance to provide for the maintenance of certain essential services and the normal life of the community in Orrissa.

Whereas by a Proclamation issued on the 17th day of February, 1980, by the President under article 356 of the Constitution, the powers of the Legislature of the State of Orrissa have been declared to be exercisable by or under the authority of Parliament:

And whereas Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action.

Now, therefore, in exercise of the powers conferred by clause (1) of article 123 of the Constitution and of all other powers enabling him in that behalf, the President is pleased to promulgate the following Ordinance:—

Short title extent
and commence-
ment.

1. (1) This Ordinance may be called the Essential Services Maintenance (Orrissa) Ordinance, 1980.

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

(3) It shall come into force at once.

Definitions.

2. (1) In this Ordinance, 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 hospitals and dispensaries ;

54 of 1948

(iii) any service connected with the production, supply or distribution of electricity including any service under the Orissa State Electricity Board constituted under the Electricity (Supply) Act, 1948.

(iv) any service connected with the conduct of general elections for the purpose of constituting a new Legislative Assembly for the State of Orissa.

(v) any service in connection with the affairs of the State not being a service specified in any of the foregoing sub-clauses which the State Government may, by notification, declare to be an essential service for the purposes of this Ordinance ;

(vi) any other service connected with any matter with respect to which the State Legislature has power to make laws and which the State Government, being of opinion that strikes therein would prejudicially affect the maintenance of any public utility service, the public safety or the maintenance of supplies and services necessary for the life of the community or would result in the infliction of grave hardship on the community, may by notification, declare to be an essential service for the purposes of this Ordinance ;

(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 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.

(2) Every notification issued under sub-clause (v) or sub-clause (vi) of clause (a) of sub-section (1) shall be laid before each House of Parliament immediately after it is made if it is in session and on the first day of the commencement of the next session of the House if it is not in session, and shall cease to operate at the expiration of forty days from the date of its being so laid or from the re-assembly of Parliament, as the case may be, unless before the expiration of that period, a resolution approving the issue of the notification is passed by both Houses of Parliament.

Explanation-- Where the Houses of Parliament are summoned to reassemble on different dates, the period of forty days shall be reckoned from the later of these dates.

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.

Power to prohibit strikes in Certain employments.

(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 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; and
- (b) any strike declared or commenced, whether before or after the issue of the Order, by persons employed in any service shall be illegal.

4. Any person who commences a strike which is illegal under this Ordinance 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 six months, or with fine which may extend to five hundred rupees, or with both.

Penalty for illegal strikes.

5. Any person who instigates or incites other persons to take part in, or otherwise acts in furtherance of, or does any act preparatory to, a strike which is illegal under this Ordinance shall be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both.

Penalty for instigation, etc.

6. Any person who knowingly expends or supplies any money in furtherance or support of a strike which is illegal under this Ordinance shall be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both.

Penalty for giving financial aid to illegal strikes.

Power to arrest without warrant.

7. Notwithstanding anything contained in the Code of Criminal Procedure, 2. of 1947 1973, all offences under this Ordinance shall be non-bailable and any police officer having committed any such offence.

Ordinance to override other laws.

8. The provisions of this Ordinance and of any Order issues thereunder 14 of 1947. 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.

N. SANJIVA REDDY.,
President.

R. V. S. PERI SASTRI,
Secy. to the Govt. of India