

# Sikkim Essential Services Maintenance Act, 1978

SIKKIM

India

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### Act 7 of 1978

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Sikkim Essential Services Maintenance Act, 1978(Sikkim Act No. 7 of 1978)Last Updated 12th March, 2020The following Act of the Sikkim Legislative Assembly having received the assent of Government on the 31st day of March, 1978 is hereby published for general informationAn Act to make provisions for the maintenance of certain essential services and the normal life of the community.Where as it is expedient to make provisions for the maintenance of certain essential services and the normal life of the community.It is hereby enacted in the Twenty-ninth Year of the republic of India by the Legislature of Sikkim, as follow:-

#### 1. Short title.

(1)This Act may be called the Sikkim Essential Services Maintenance Act, 1978.(2)It shall remain in force for a period of three years from the date of its Commencement.

#### 2. Definitions.

- In this Act, unless the context otherwise requires;-(a)"Essential Service" means -(i)any service connected with the supply of water;(ii)any service connected with any department of the State Government or any local authority relating to procurement, storage, distribution and supply of food and other essential commodities;(iii)any service connected with the supply of electricity;(iv)any service connected with medical aid, treatment or administration of hospitals Dispensaries and other similar establishments or institutions;(v)any service connected with any department of the State Government or any local authority or other organization or institution relating to fire-service, extinguishment or control of fire, or conservancy or drainage or sanitation;(vi)any transport service for the carriage of passenger or goods;(vii)any service connected with the loading, unloading or storage of goods;(viii)any other service which the State government, being of opinion that strikes therein would pre-judicially affect the maintenance of any public service, the public safety or the maintenance of supplies and service necessary for the life of the community or would result in the infliction or grave hardship on the community, may, by notification in the official Gazette declare to

be an essential service for the purpose of this Act.(b)"Strike" means the cessation of work by persons employed in any essential service acting in combination or a concerted refusal or a refusal under common understanding or any number of persons who are or have been so employed to continue to work or to accept employment, and includes -(a)refusal to work over time where such work is necessary for the maintenance of any essential service;(b)any other conduct which is likely to result in, or results in, cessation or substantial retardation of work in any essential service.

### **3. Power to prohibit Strikes in essential Services.**

(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 under sub-section (1) shall be published in the Official Gazette or in such manner remain in force for a period of six months only from the date of the Order unless any shorter period is specified therein.(3)Upon the issue of an Order 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 commence, whether before or after the issue of the Order, by persons employed in any such service shall be illegal.

### **4. Punishment.**

- 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 take part in or otherwise acts in furtherance of a strike which is illegal under this Act, or(c)who knowingly expends or supplies any money in furtherance or support of a Strike which is illegal under this Act, or(d)who, by the use of force or show of force or otherwise, prevents or attempts any other person employed in any essential service, specified in the Order issued under sub-section (1) of Section 3, from performing his duties under such employment, 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.

### **5. Offence to be cognizable and non-bailable.**

- Any offences under this Act shall be cognizable and non-bailable.

### **6. Repeal.**

- The Sikkim Essential Services Maintenance Ordinance, 1977, is hereby repealed.