

The Nagaland Essential Services (Maintenance) Act, 1978

NAGALAND

India

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Act 4 of 1978

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The Nagaland Essential Services (Maintenance) Act, 1978 Nagaland Act No. 4 of 1978 Last Updated 17th February, 2020 An Act to provide for the maintenance of certain Essential Services and normal life of the community. It is hereby enacted in the Twenty-Ninth Year of the Republic of India as follows :

1. Short title.

(1) This Act may be called the Nagaland Essential Services (Maintenance) Act, 1978. (2) It extends to the whole of the State of Nagaland. (3) It shall come into force at once.

2. Definitions.

- 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) public services 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 public safety or the maintenance of the 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 have been so employed to continue to work or to accept employment 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.

3. Prohibition of strike.

(1)If the State Government is satisfied that in 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.(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 to do so.(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.(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 (3) or sub- section (5) shall be made in respect of persons appointed by the Secretariat Staff of the House of the State Legislature, except at the request of the Speaker of the Legislative Assembly.

4. Penalty for illegal strikes.

- 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, on conviction, be punished 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. Penalty for instigation.

- 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, on conviction, be punished with imprisonment for a term which may extend to two years or with fine which may extend to two thousand rupees, or with both.

6. Penalty for giving financial aid.

- Any person who knowingly expends or supplies any money in furtherance or support of strike which is illegal under this Act shall, on conviction, be punished with imprisonment for a term which

may extend to two years, or with fine which may extend to two thousand rupees, or with both.

7. Disciplinary action besides above penalty.

- Any action 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 ensue and to which any person may be liable by the terms and conditions of his service or employment.

8. Cognizable and non-bailable offences.

- 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. All offences under this Act shall be non-bailable.

9. Bar of legal proceedings.

- 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.