

The M.P. Atyavashyak Seva Sandharan Tatha Vichchinnata Nivaran Adhiniyam, 1979

MADHYA PRADESH

India

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Act 10 of 1979

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The M.P. Atyavashyak Seva Sandharan Tatha Vichchinnata Nivaran Adhiniyam, 1979(No. 10 of 1979)[Dated 17 April, 1979]Received the assent of the Governor on the 17th April, 1979 assent first published in the Madhya Pradesh Gazette (Extraordinary), dated 17th April, 1979.An Act to provide for maintenance of essential services and to provide a penalty for disruption of such services in the State of Madhya Pradesh.Be it enacted by the Madhya Pradesh Legislature in the Thirtieth Year of the Republic of India as follows:-

1. Short title, extent and commencement.

(1)This Act may be called The Madhya Pradesh Atyavashyak Seva Sandharan Tatha Vichchinnata Nivaran Adhiniyam, 1979.(2)It extends to the whole of Madhya Pradesh.(3)It shall come into force at once.

2. Application of Act.

- This Act shall apply to scientific, technical, executive, operative and ministerial personnel connected with essential service.Explanation. - In this Section personnel connected with essential service shall include:-(i)persons engaged on contract;(ii)persons not in whole time employment;(iii)persons paid out of contingencies; and(iv)persons employed in work charged establishments.

3. Definitions.

- In this Act, unless the context otherwise requires,-(a)"essential service" means the service specified in the Schedule;(b)"refusal to work" in relation to personnel connected with an essential service

means commission of any act by such personnel which is prohibited under Section 5.

4. Power to prohibit refusal to working certain essential services.

(1) If the State Government is satisfied that in the public interest or in the interest of public order, it is necessary or expedient so to do, it may, by general or special order, prohibit refusal to work in such essential service and from such date as may be specified in the order. (2) An order under sub-section (1) shall be in force for a period of three months only, but the State Government may, by a like order, extend it, from time to time, for any period not exceeding three months at a time, if it is satisfied that in the public interest it is necessary or expedient so to do. (3) An order made under sub-section (1) shall be published in such manner as the State Government consider fit to bring it to the notice of all concerned.

5. Prohibition of certain activities in essential service.

- As from the date specified in the Order made under sub-section (1) of Section 4, no person connected with an essential service shall, whether singly or acting in a concerted manner, - (i) resort to a total or partial cessation of work by refusal or otherwise; or (ii) refuse to work beyond normal working hours where such work is necessary for the maintenance of the essential service; or (iii) cause deterioration, damage or destruction to any installation, machinery, plant, vehicle, building, office record or any other property or attempt or abet the doing of such act; or (iv) absent himself from duty without prior sanction of leave; or (v) resort to any activity such as pendown, telephone-down, tool-down, chakka jam, go slow or any other activity by whatever name called, resulting in cessation or retardation of work; or (vi) take recourse to acts of commission or omission resulting in disruption of normal working; or (vii) prevent or obstruct any person from attending or discharging his duties.

6. Cognizance of suits or proceedings by the Court of District Judge.

- The Court of District Judge shall have, and any Court subordinate to it shall not have jurisdiction to entertain any suit or proceeding calling in question the validity of any order made under sub-section (1) of Section 4. (2) In a suit or proceeding under sub-sections (1) the Court of District Judge shall not make ex-parte order granting stay or injunction.

7. Penalties.

(1) Whoever contravenes, abets or attempts to contravene any of the provisions of Section 5, except clause (iii) thereof, 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. (2) Whoever contravenes, abets or attempts to contravene any of the provisions of clause (iii) of Section 6 shall, without prejudice to any penalty that may be imposable under any other enactment for the time being in force, be punishable with imprisonment for a term which may extend to three years and with fine which may extend to five thousand rupees.

8. Penalty for incitement or inducement or giving any financial aid or support for disruption.

- Whoever-(i) instigates, incites or induces any person serving in connection with an essential service to resort to any activity prohibited under Section 5; or(ii) expends or supplies any money or material to any person or body of persons serving in connection with an essential service in furtherance or support of any activity prohibited under Section 5, shall be deemed to have contravened the provisions of that Section and shall be liable to be proceeded against and punished accordingly.

9. Cognizance of offences.

- Every offence under this Act shall be cognizable.

10. Trial of offences etc.

(1) Every offence punishable under this Act shall be tried by a Judicial Magistrate of the first class. (2) The provisions of the Code of Criminal Procedure 1973 (No. 2 of 1974) shall apply to prevention, investigation, inquiry and trial of all offences under this Act.

11. Repeal.

- The Madhya Pradesh Lok Seva Vichchinnata Nivaran Adhyadesh, 1978 (No. 6 of 1978) is hereby repealed.

Schedule

[See Section 3 (a)] A. Scientific, technical, executive, operative and ministerial personnel connection with-(i) Electricity generation, transmission and distribution, (ii) Public and State motor transport and workshops, (iii) Public health, (iv) Public Health Engineering, (v) Municipal Corporations, Municipal Councils, Notified Area Committees and Special Area Development Authorities. [AA.] [Inserted by Madhya Pradesh Act No. 19 of 1987 (w.e.f. 11-2-1987).] Scientific, technical, executive, operative and Ministerial personnel connection with-(i) public distribution system of fair price shops; (ii) procurement under public distribution system of-(a) food grains; and (b) other essential commodities as defined under the Essential Commodities Act, 1955; (iii) distribution of milk, live-stock and Veterinary and Animal Husbandry and Poultry Services; (iv) plantation and conservation of forest and preservation, transportation, storage and distribution of forest produce; (v) the Madhya Pradesh Secretariat Services governed by the Madhya Pradesh Secretariat Services Recruitment Rules, 1976; (vi) the services of the Madhya Pradesh Vidhan Sabha Sachivalaya; and (vii) the services under the Heads of Departments and their subordinate office. [B. Personnel appointed for conduct of examinations by the following:-

1. Board of Secondary Education, Madhya Pradesh;

2. All Universities in the State of Madhya Pradesh;

3. Professional Examination Board, Madhya Pradesh;

Explanations. - The expression 'conduct of examination' includes invigilation and supervision, proper setting, paper moderation, paper valuation and any other activity required to be undertaken by the Board or University in connection with examination.] [Substituted by Madhya Pradesh Act No. 21 of 1999, Section 2 (w.e.f. 4-8-1999).][C. Personnel appointed for conduct of Elections to Parliament or to the State Legislature.] [Inserted by Madhya Pradesh Act No. 3 of 1990, Section 4 (w.e.f. 4-2-1990).][D. Personnel entrusted with the work relating to assessment and valuation of loss caused and relief, rehabilitation and resettlement of persons affected due to earthquake or other natural calamity or any other calamity or crisis.] [Inserted by Madhya Pradesh Act No. 37 of 1997, Section 2 (w.e.f. 15-9-1997).][Notification Under Atyavashyak Seva Sandharan Tatha Vichchinnata Nivaran Adhiniyam, 1979] [Notification No. 3/15/79-/3/1 dated 27th December, 1979, published in Madhya Pradesh Gazette (Extraordinary), dated 27-12-1979, p. 3497.]Whereas the State Government is satisfied that it is necessary and expedient in the public interest to prohibit refusal to work in the essential services specified in the Schedule below with immediate effect;Now therefore, in exercise of the powers conferred by sub-section (1) of Section 4 of the Madhya Pradesh Atyavashyak Seva Sandharan Tatha Vichchinnata Nivaran Adhiniyam, 1979 (No. 10 of 1979), the State Government hereby prohibits refusal to work in the essential services specified in the Schedule below with immediate effect.

Schedule 2

(1)Personnel appointed in connection with the administration of prisons in the State.(2)Personnel appointed to public services and posts in connection with the affairs of the State-(i)Who are made available to the Election Commission to discharge the functions conferred on the Election Commission under clause (1) of Article 324 of the Constitution of India;(ii)Who are appointed as District Election Officers, Returning Officers, Assistant Returning Officers, Presiding Officers, Polling Officers and as Officers to perform any duty in connection with the receipt of nominations, withdrawal of candidatures, or the recording or counting of votes at an election aforesaid or any matter incidental and consequential thereto; and(iii)who are entrusted with the work of transport of election material and election personnel for conduct of the Election.(3)Personnel made available to any returning officer by a local authority for the performance of any duty in connection with election under the Representation of the People Act, 1951 (No. 43 of 1951).(i)Notification No. F. 35-57-98-C-I, dated the 13th May, 1998, Published in Madhya Pradesh Rajpatra (Asadharan) dated 14-5-98 page 454. - Whereas, the State Government is satisfied that it is necessary and expedient in the public interest to prohibit refusal to work in the essential service specified in the Schedule below-Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 4 of the Madhya Pradesh Atyavashyak Seva Sandharan Tatha Vichchinnata Nivaran Adhiniyam, 1979 (No. 10 of 1979) the State Government hereby prohibits refusal to work in the essential service specified in the said Schedule with effect from 13 May, 1998 namely :-

Schedule 3

Scientific, technical, executive, operative and ministerial personnel connected with-Plantation and conservation of forest and preservation, transportation, storage and distribution of forest produce.(ii)Notification F. No. 31-40-98-C-I, dated the 14th April, 1998, Published in Madhya Pradesh Rajpatra (Asadharan) dated 12-3-98 page 146. - (ii) Whereas, the State Government is satisfied that it is necessary and expedient in the public interest to prohibit refusal to work in the essential service specified in the Schedule below-(2)In Schedule I, serial number 4 and entries relating thereto shall be omitted.(3)In Schedule II, serial numbers 7 and 8 and entries relating thereto shall be omitted.(iii)Notification F. No. 35-21-98-C-I, dated the 19th March, 1998, Published in Madhya Pradesh Rajpatra (Asadharan) dated 19-3-98 page 166. - Whereas, the State Government is satisfied that it is necessary and expedient in the public interest to prohibit refusal to work in the essential service specified in the Schedule below;Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 4 of the Madhya Pradesh Atyavashyak Seva Sandharan Tatha Vichchinnata Nivaran Adhiniyam, 1979 (No. 10 of 1979), the State Government hereby prohibits refusal to work in the essential service specified in the Schedule with effect from 19th March, 1998 :-

Schedule 4

"Personnel appointed for all the work relating to the examinations of the Board of Secondary Education in the State."(iv)Notification F. No. 35-37-99-C-I, dated the 13th February, 1999, Published in Madhya Pradesh Rajpatra (Asadharan) dated 13-2-98 page 144. - Whereas, the State Government is satisfied that it is necessary and expedient in the public interest to prohibit refusal to work in the essential service specified in the Schedule below :Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 4 of the Madhya Pradesh Atyavashyak Seva Sandharan Tatha Vichchinnata Nivaran Adhiniyam, 1979 (No. 10 of 1979), the State Government hereby prohibits refusal to work in the essential service specified in the Schedule with effect from 16th February, 1999 :-

Schedule 5

Scientific, technical, operative and ministerial personnel connected with electricity generation, transmission and distribution of NTPC Vindhyachal Super Thermal Power Project, Sidhi.(v)Notification F. No. 35-38-99-C-I, dated the 16th February, 1999, Published in Madhya Pradesh Rajpatra (Asadharan) dated 16-2-99 page 156. - Whereas, the State Government is satisfied that it is necessary and expedient in the public interest to prohibit refusal to work in the essential service specified in the Schedule below :Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 4 of the Madhya Pradesh Atyavashyak Seva Sandharan Tatha Vichchinnata Nivaran Adhiniyam, 1979 (No. 10 of 1979), the State Government hereby prohibits refusal to work in the essential service specified in the schedule with effect from 16th February, 1999 :-

Schedule 6

Scientific, technical, operative and ministerial personnel connected with electricity generation, transmission and distribution of Korba Super Thermal Power Station and Balco Captive Power Plant, Distt. Korba.(vi)Notification No. 1-67-79-II-A(2), dated 24th December 1979 Published in Madhya Pradesh Gazette (Extraordinary), dated 24-12-1979, p. 3491. - Whereas the State Government is satisfied that it is necessary and expedient in the public interest to prohibit refusal to work in the essential services specified in the Schedule below with immediate effect; Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 4 of the Madhya Pradesh Atyavashyak Seva Sandharan Tatha Vichchinnata Nivaran Adhiniyam, 1979 (No. 10 of 1979), the State Government hereby prohibits refusal to work in the essential service specified in Schedule below with immediate effect;

Schedule 7

Scientific, technical, executive, operative and Ministerial personnel connected with public and State motor transport and workshops.