

# The Sikkim Essential Services Maintenance Act, 2000

SIKKIM

India

## The Sikkim Essential Services Maintenance Act, 2000

### Act 13 of 2000

- Published in Gazette 13 on 19 May 2017
- Assented to on 19 May 2017
- Commenced on 19 May 2017
- [This is the version of this document from 19 May 2017.]
- [Note: The original publication document is not available and this content could not be verified.]

The Sikkim Essential Services Maintenance Act, 2000(ACT NO. 13 OF 2000)AN ACT To provide for the maintenance of certain essential services and the normal life of the community state of Sikkim.Be it enacted by the Legislature of Sikkim in the Fifty – first Year of the Republic of India as follows:-

#### 1. Short title

This Act may be called the Sikkim Appropriation Act 2000.

#### 2. Extent and commencement

In this Act, unless the context otherwise requires:-(a)“Essential Service” means-(i)any service connected with the production, storage, supply or distribution, as the case may be, of gas or water;(ii)any services connected with the maintenance of drainage, conservancy including scavenging , slaughter-houses, markets and all medical facilities provided by the State and transport service appurtenant to any such service;(iii)any service connected in any establishment or undertaking dealing with the production, supply or distribution of electricity;(iv)any service connected with the procurement, storage, distribution and supply of food and other essential commodities;(v)any service connected with the maintenance of law and order in the State.(vi)any service connected with education, teaching and administration and school, colleges and other establishments imparting education.(vii)any services connected with the maintenance of public health and sanitation, including hospitals and dispensaries;(viii)any service connected with any department of the State Government or any local authority or other organizations, institution relating to fire services extinguishment or control of fire or conservancy or drainage or sanitation.(ix)any transport service for the carriage of passengers or goods:(x)any service connected with the loading, unloading or storage of goods.(xi)any service in connection with election to the legislatures of the State.(xii)any other service which the State Government being of opinion that

strikes therein would prejudicially affect the maintenance of any public utility services 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 hard-ship on the community may, by notification in the Official Gazette, declare to be essential service for the purpose of this Act.(aa)"employment" includes employment of any nature whether paid or unpaid(b)"government" means the Government of Sikkim.(c)"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 numbers of persons who are or have been so employed to continue to work or to accept employment , and includes:-(i)casual leave or other leave enmasse in pursuance of a common understanding among the persons who avail themselves of such leave or under the direction of any other person or an body of persons.(ii)refusal to work overtime where such work is necessary for the maintenance of any essential services:(iii)any other conduct which is likely to result in< or results in cessation or substantial retardation of work in any essential service.

## **2A. Employment to which Act applies**

This Act shall apply:-(i)to all employment under the Government;(ii)to any other employment or class of employment which the Government, being of the opinion that such employment or class of employment is essential for securing the public safety, the maintenance of public order, health or sanitation, or for maintaining supplies or services necessary for the life of the community, may, be notification, declare.

## **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 made under sub-section(1) shall be published in the Official Gazette or in such manner as the State Government considers best calculated to bring it to the notice of the persons to be affected by the order.(3)An order made under sub-section (1) shall be in force for six months only, but the Government may, by a like order , extend it for any period not exceeding six months if they are satisfied that in 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.(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.

## **3A. Power to order persons engaged in certain employment to remain in specified areas.**

(i)The Government or an officer authorized by it in this behalf, may, in respect of any employment or class of employment to which section 2A applies by general or special order, direct that any person or persons engaged in such employment shall not depart out of such area or areas as may be specified in such order.(ii)An order made under sub-section (1) shall be published in such manner as the Government or the officer making the order considers fit to bring it to the notice of the

persons affected hereby.

#### **4. Penalties.**

Any person who:-(a)Commences a strike which is illegal under this Act or goes or remains on or otherwise takes part in , any such strike , or(b)Instigates or incites other persons to take part in otherwise acts in furtherance of a strike which is illegal under this Act or(c)knowingly expends or supplies any money in furtherance or support of a strike which is illegal under the Act or(d)by the use office or show of force or otherwise, prevents any other persons employed in ay essential service, specified in the order issued under sub-section (1) of section 3 , from performing his duties under such employment, shall be punished with simple imprisonment for a term which may extend to one year, or with fine which may extend to five thousand rupees, or with both.

#### **5. Power to arrest without warrant**

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.

#### **6. Offence to be tried summarily**

Notwithstanding anything contained in the code of Criminal Procedure, 1973 (2 of 1974) , all offences under this Act shall be tried in a summary way by any Judicial Magistrate of First Class and provisions of sections 262 to 265 (both inclusive) of the said code shall, as far as maybe, apply to such trial.Provided that in a case of conviction for any offence in a summary trial under this section, it shall be lawful for the Magistrate to pass a sentence of imprisonment for any term for which such offence is punishable under this Act.

#### **7. Act to override Other laws.**

The provisions of this Act and of any notification order issued there under shall have effect notwithstanding anything inconsistent therewith in any law for the time being in force.