

Telangana Essential Services Maintenance Act, 1971

TELENGANA

India

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Act 20 of 1971

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Telangana Essential Services Maintenance Act, 1971(Act No. 20 of 1971)Last Updated 17th January, 2020The Andhra Pradesh Essential Services Maintenance Act, 1971 received the assent of the President on the 26th August, 1971. The said Act in force in the combined State, as on 02.06.2014, has been adapted to the State of Telangana, under section 101 of the Andhra Pradesh Reorganisation Act, 2014 (Central Act 6 of 2014) vide. the Telangana Adaptation of Laws Order, 2016, issued in G.O.Ms.No.45, Law (F) Department, dated 01.06.2016.

1. Short title, extent and commencement.

(1)This Act may be called the [Telangana] [Substituted by G.O.Ms.No.45, Law (F) Department, dated 01.06.2016.] Essential Services Maintenance Act, 1971.(2)It extends to the whole of the State of [Telangana] [Substituted by G.O.Ms.No.45, Law (F) Department, dated 01.06.2016.].(3)It shall be deemed to have come into force on the 10th April, 1971.

2. Definitions.

(1)In this Act, unless the context otherwise requires,-(a)"Essential service" means-(i)any service connected with the affairs of the State in relation to the maintenance of water supply and distribution thereof;(ii)any service connected with the affairs of the [Greater Hyderabad Municipal Corporation] [Substituted by Act No. 13 of 2008.] and all other municipal councils, in relation to the maintenance of drainage, conservancy including scavenging, slaughterhouses, markets and all medical facilities provided by the said local authorities, and transport service appurtenant to any such service;(iii)any service in the [Telangana] [Substituted by G.O.Ms.No.45, Law (F) Department, dated 01.06.2016.] Medical and Public Health Subordinate Services, including the service consisting of last grade employees and drivers attached to the medical and public health institutions;(iv)any service connected with the working of the Integrated Milk Project, Hyderabad and Vijayawada and other milk supply schemes in the districts;(v)any service under the Telangana State Electricity Board constituted under the Electricity (Supply) Act, 1948; (Central Act 54 of 1948). and such other

service connected with the production, supply or distribution of electricity, as the Government may, by notification in the [Telangana] [Substituted by G.O.Ms.No.45, Law (F) Department, dated 01.06.2016.] Gazette, declare to be an essential service for the purposes of this Act;(vi)any other service connected with matter with respect to which the Legislature of the State has power to make laws and which the 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, in the [Telangana] [Substituted by G.O.Ms.No.45, Law (F) Department, dated 01.06.2016.] Gazette, declare to be an essential service for the purposes of this Act;(b)"Government" means the State Government;(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 number 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 en masse in pursuance of a common understanding among the persons who avail themselves of such leave, or under the direction of any other person or any body of 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-clauses (v) and (vi) of clause (a) of sub-section (1) shall, immediately after it is issued, be laid before each House of the State Legislature if it is in session and if it is not in session, in the session immediately following, for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if, before the expiration of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the notification or in the annulment of the notification, the notification shall, from the date on which the modification or annulment is notified in the [Telangana] [Substituted by G.O.Ms.No.45, Law (F) Department, dated 01.06.2016.] Gazette, have effect only in such modified form or shall stand annulled, as the case may be; so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that notification.

3. Power to prohibit strikes in certain employments.

(1)If the Government are satisfied that in the public interest it is necessary or expedient so to do, they 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 Government may consider 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 Government may, by a like order, extend it for any period not exceeding six months, if they are 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;(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.

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 be punished with imprisonment for a term which may extend to six months, or with fine which may extend to two hundred rupees, or with both.

5. Penalty for instigation etc.

- 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 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.

6. Penalty for giving financial aid to illegal strikes.

- Any person who knowingly extends or supplies any money in furtherance or support of a strike which is illegal under this Act, shall 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.

7. Power to arrest without warrant.

- Notwithstanding anything in the [Code of Criminal Procedure 1898, (Central Act 5 of 1898).] [See now, the Code of Criminal Procedure, 1973 (Central Act No.2 of 1974).] any police officer may arrest without warrant any person who is reasonably suspected of having committed any offence under this Act.

8. Act to override other laws.

- The provisions of this Act and of any notification and order issued thereunder shall have effect notwithstanding anything inconsistent therewith in the Industrial Disputes Act, 1947, (Central Act 14 of 1947). or in any other law for the time being in force.

9. Repeal of Andhra Pradesh Ordinance 1 of 1971.

- The Andhra Pradesh Essential Services Maintenance Ordinance, 1971, is hereby repealed.