

Sikkim Essential Services Maintenance Act, 1985

SIKKIM

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Act 7 of 1985

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Sikkim Essential Services Maintenance Act, 1985(Act No. 7 of 1985)Last Updated 10th June, 2020[Dated 28.6.1985.]An Act to make provisions for the maintenance of certain essential services and the normal life of the community.Whereas it is expedient to make provisions for the maintenance of certain essential services and the normal life of the community.Be it enacted in the Thirty-sixth Year of the Republic of India by the Legislative Assembly of Sikkim as follows:

1.

(1)This Act may be called the Sikkim Essential Services Maintenance Act 1985.(2)It extends to the whole of Sikkim.(3)It shall be deemed to have come into force on the 27th day of April, 1985.(4)It shall remain in force, for a period of four years from the date of its commencement:Provided that the said period may be extended by the Government, by notification in the Official Gazette, for 'a period of two years not exceeding one year at a time.

2.

In this Act unless the context otherwise requires.(1)"Essential service" means.(a)any service connected with the supply of water;(b)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;(c)any service connected with the supply of electricity;(d)any service connected with medical aid treatment or administration of hospitals and dispensaries and other similar establishments or institutions;(e)any service connected with any department of the State Government or any local authority or other organisation or institution relating to fire service, extinguishment or control of fire or conservancy or drainage or sanitation;(f)any transport service for the carriage of passengers or goods;(g)any service connected with the loading, unloading or storage of goods;(h)any other service which the State Government, being of opinion that strikes therein would pre-judicially effect 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 Official Gazette, 'declare to be an essential service for the purpose of this Act;(2)"Strike" means the cessation of work by persons employed in any: essential -service acting in combination or a concerted refusal or a refusal under a common understanding 818 of 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 overtime 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 any essential service.

3.

(1)If the State Government is satisfied that in the public interest it is necessary or expedient so to do so 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, effected 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 a like order 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.

4.

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 ill illegal under this Act, or.(d)who by the use of force or show of force- or otherwise, prevents 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. Offences to be cognisable and non-bail able.

- Any offence under this Act shall be cognisable and non bail able.

6. Act to override other laws.

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

7. Repeal and Saving.

(1)The Sikkim Essential Services Maintenance Ordinance, 1985 is hereby repealed.(2)Notwithstanding such repeal, anything done or any action taken under the Ordinance so repealed, shall be deemed to have been done or taken under the corresponding provisions of this Act.