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PART II
GOVERNMENT OF MEGHALAYA
ORDERS BY THE GOVERNOR
LAW DEPARTMENT

NOTIFICATIONS

The 30th October 1980

No.LL.154/80/47.—The following Act of the Meghalaya Legislative Assembly which received the assent of the President is hereby published for general information.

MEGHALAYA ACT 23 OF 1980

THE MEGHALAYA ESSENTIAL SERVICES MAINTENANCE
ACT, 1980

(As passed by the Assembly)

[Received the assent of the President on the 13th October, 1980]
(Published in the *Gazette of Meghalaya*, Extra-ordinary, dated the
31st October, 1980)

An
Act

to provide for the maintenance of certain essential services and the normal life of the community and for matters connected therewith.

Be it enacted by the Legislature of the State of Meghalaya in the Thirty-first Year of the Republic of India as follows:—

Short title, extent and commencement. 1. (1) This Act may be called the Meghalaya Essential Services Maintenance Act, 1980.

(2) It extends to the whole of the State of Meghalaya.

(3) It shall come into force at once.

Definitions

2. (1) In this Act, unless the context otherwise requires :-

(a) "Essential service" means (i) any service in any establishment or undertaking wholly or substantially owned, controlled or managed by the Government of Meghalaya connected with the production, generation, storage, transmission, supply or distribution, as the case may be, of gas water or electricity;

(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 who 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 services ;

(ii) any other conduct which is likely to result in, or results in, cessation or substantial retardation of work in any essential service ;

(c) "State" means the State of Meghalaya.

(2) Any reference in this Act to any law which is not in force in any area of the State and to any authority under such law shall, in relation to that area, be construed as a reference to the corresponding law in force in that area and to the corresponding authority under such corresponding law.

Power to prohibit strikes in certain employments

3. (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 the State 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 consider best calculated to bring it to the notice of the persons affected by the order.

(37) 155
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(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, extend it for any period not exceeding six months if it is 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.

Dismissal of employees participating in illegal strikes.

4. 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 liable to disciplinary action (including dismissal) in accordance with the same provisions as are applicable for the purpose of taking such disciplinary action (including dismissal) on any other ground under the terms and conditions of service applicable to him in relation to his employment.

Penalty for illegal strikes.

5. 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 punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

Penalty for instigation, etc.

6. 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 punishable with imprisonment for a term which may extend to one year, or with fine which may extend to two thousand rupees, or with both.

Penalty for giving financial aid to illegal strikes.

7. Any person who knowingly expends or supplies any money in furtherance or support of a strike which is illegal under this Act shall be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to two thousand rupees, or with both.

Power to arrest without warrant.

8. 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.

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Offences to be tried summarily. 9. Notwithstanding anything contained in the Code of Criminal Procedure, 1973 all offences under this Act shall be tried in a summary way by a Magistrate or Judicial Magistrate of the first class specially empowered in this behalf by the State Government and the provisions of Sections 262 to 265 (both inclusive) of the said Code shall, as far as may be, 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.

Act to override other laws. 10. The provisions of this Act and of any Order issued thereunder, shall have effect notwithstanding anything inconsistent therewith contained in the Industrial Disputes Act, 1947, or in any other law for the time being in force.

Repeal of Ordinance of 1980. 11. The Meghalaya Essential Services Maintenance Ordinance, 1980 is hereby repealed.

D. R. RYMMAL,
Under-Secy. to the Govt. of Meghalaya,
Law Department.