

Essential Services Maintenance Act, 1994

Section 2 - Definitions

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

(a) "essential service" means,--

(i) any service connected with production, generation, storage, transmission, supply or distribution, as the case may be, of water or electricity;

(ii) any transport service for the carriage of passengers or goods by motor vehicles.

Explanation.-- For the purpose of this clause, the expression "motor vehicle" shall have the meaning assigned to it in clause (28) of section 2 of the Motor Vehicles Act, 1988 (Central Act 59 of 1988).

(iii) any other service or employment or class thereof connected with any matter with respect to which the State Legislature has power to make laws under List II of the Seventh Schedule to the Constitution and which the Government being of the opinion that refusal to work therein would prejudicially affect the maintenance of any public utility services or the public safety or the maintenance of supplies and service necessary for the life of the community or would result in the infliction of grave hardship on the community, may, by notification, declare to be an essential service for the purpose of this Act;

(b) "Government" means, the State Government;

(c) "refusal to work" in relation to any person or persons, means his or their failure to attend at, or absence from the place of work on any working day or during any working hour, without obtaining permission therefor of the authority competent to grant such permission under the relevant terms and conditions of service or his or their refusal to work or to accept work during any working day or working hour or any other conduct on his or their part which results in or is likely to result in cessation or substantial retardation of work, in any essential service, and the words "refuse to work" with all their grammatical variations and cognate expressions shall be construed accordingly.

(2) (a) Every notification issued under sub-clause (iii) of clause (a) of sub-section (1) shall be laid before each House of the State Legislature within a week after it is made, if the House is in session, and within a week after the commencement of the next session of the House, if it is not in session and shall cease to operate at the expiration of sixty days from the date of its being so laid or from the re-assembly of the State Legislature as the case may be, unless before the expiration of that period a resolution approving the issue of the notification is passed by both Houses of the State Legislature;

(b) Where any notification ceases to operate by or under this sub-section, the ceaser shall be without prejudice to anything done or omitted to be done before such ceaser.

Explanation.-- Where the two Houses of the State Legislature are summoned to re-assemble on different dates the period of sixty days shall be reckoned from the latter of these dates.