

Essential Service Maintenance Act, 1981

Section 2 - DEFINITION

1) In this Act, unless the context otherwise requires,- (a) "essential service" means- (i) any postal telegraph or telephone service, including any service connected therewith; (ii) any railway service or any transport service for the carriage of passengers or goods by air or any other transport service for the carriage of passengers or goods by land or water with respect to which Parliament has power to Make laws; (iii) any service connected with the operation or maintenance of aerodromes, or with the operation, repair or maintenance of aircraft or any service in the International Airports Authority of India constituted under sections 3 of the International Airports Authority Act, 1971; 43 of 1971. (iv) any service in, or in connection with the working of, any major part, including any service connected with the loading, unloading, movement or storage of goods in any such port; (v) any service connected with the clearance of goods or passengers through the customs or with the prevention of smuggling; (vi) any service in any establishment of or connected with, the armed forces of the Union or in any other establishments or instalations connected with defence; (vii) any service in any establishment or undertaking dealing with the production of goods required for any purpose connected with defence; (viii) any service in any section of any industrial undertaking pertaining to a scheduled industry on the working of which the safety of such undertaking or the employees employed therein depends.

Explanation.- For the purposes of this. sub-clause, the expressions "industrial undertaking" and "scheduled industry" shall have the meanings respectively assigned to them in clauses (d) and (i) of section 3 of the Industries (Development and Regulation) Act, 1951. 65 of 1951 (ix) any service in, or in connection with, the working of any under- taking owned or controlled by the Central Government being an under taking engaged in the purchase, procurement, storage, supply or distribution of foodgrains; (x) any service in, or in connection with the working of, any system of public conservancy, sanitation or water supply, hospitals or dispensaries, in any Union territory, centonment area or undertaking owned or controlled by the Central government (xi) any service in connection with or relation to banking; (xii) any service in any establishment or undertaking dealing with the production, supoly or distribution of coal, power, steel or fertilizers; (xiii) any service in any oil filed or refinery or in a any establishment or undertaking dealing with the production, supply or distribution of petroleum and petroleum products; (xiv) any service in any mint or security press; (xv) any service in connection with election to Parliament or to the Legislatures of the States; (xvi) any service in connection with the affairs of the union, not being a service specified in any of the foregoing sub-clauses; (xvii) any other service connected with matters with respect to which Parliament has power to make laws and which the Central 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 Official Gazette, declare to be an essential service for the purposes of this Act: (b) 'strike' means the cessation of work by a body of persons while 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 work assigned, and includes- (i) refusal to work overtime where such work is necessary for the maintenance of any essential service; (ii) any other conduct which is likely to result in, or results in, cessation or substantial retardation of work in any essential service; (c) words and expressions used in sections 8 and 9 and not defined, but defined in the Industrial Disputes Act, 1947, shall have the meanings respectively assigned to them in that Act.14 of 1947. (2) Every notification issued under sub-clause (xvii) of clause (a) of sub-section (1) shall be laid before each House of Parliament immediately after it is made if it is in session and on the first day of the commencement of the next session of the House if it is not in session, and shall cease to operate at the expiration of forty days from the date of its being so laid or from the re-assembly of Parliament, 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 Parliament. Explanation.- Where the Houses of Parliament are summoned to reassemble on different dates,

the period of forty days shall be reckoned, from the later of those dates. (3) Any reference in this Act to any law which is not in force in any area 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.

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