

**Essential Service Maintenance Act, 1981**

**Section 9 - POWOR TO PROHIBIT LAY-OFF IN CERTAIN ESTABLISHMENTS**

1) If the Central Government is satisfied that in the public interest it is necessary or expedient so to do, it may, by general or special Order, prohibit layoff, on any ground other than shortage of power or natural calamity, of any workman (other than a badli workman or a casual workman) whose name is borne on the muster rolls of any establishment pertaining to any essential service specified in the Order. (2) An Order made under sub-section (1) shall be published in such manner as the Central Government considers 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 Central 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 employer in relation to an establishment to which the Order applies shall lay-off or continue the lay-off of any workman (other than a badli workman or a casual workman) whose name is borne on the muster rolls of such establishment unless such lay-off is due to shortage of power or to natural calamity and any laying-off or continuation of laying-off, unless such laying-off or continuation of laying off is due to shortage of power or to natural calamity, be illegal; (b) a workman whose laying off is illegal under clause (a) shall be entitled to all the benefits under any law for the time being in force as if he had not been laid-off. (5) Any employer in relation to an establishment who lays off or continues the laying-off of any workman shall, if such laying-off or continuation of laying-off is illegal under this section, 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.