

Essential Services Maintenance Act, 1968

Section 2 - Definitions

(1) In this Act,--

(a) "essential service" means--

(i) Any postal, telegraph or telephone service.

(ii) any railway service or any other transport service for the carriage of passengers or goods by land, water or air 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;

(iv) any service connected with the loading ,unloading, movement or storage of goods in any 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 mint or security pras

(vii) any service in any defence establishment of the government of India;

(viii) any service in connection with the affair of the Union; not being a service specified in any of the foregoing sub-clauses;

(ix) any other service connected with matter with respect to which Parliament has power to make laws and which the Central Government being of opinion that strikes therein would pre judicially 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 purpose of this Act;

(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 have been 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 service;

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

(2) Every notification issued under sub-clause (ix) 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 its 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 re-assemble on different date the period of forty days shall be reckoned from the later of those dates.
