

PART I
LEGISLATIVE DEPARTMENT

Notification

The 16th April, 1981

No. Leg. 15/81.—The following Act of the Legislature of the State of Haryana received the assent of the Governor of Haryana on the 16th April, 1981 and is hereby published for general information —

Haryana Act No. 12 of 1981

THE HARYANA ESSENTIAL SERVICES MAINTENANCE (AMENDMENT) ACT, 1981

AN

ACT

to amend the Haryana Essential Services Maintenance Act, 1974

Be it enacted by the Legislature of the State of Haryana in the thirty-second Year of the Republic of India as follows :

Short title : This Act may be called the Haryana Essential Services Maintenance (Amendment) Act, 1981.

2 Amendment of section 2 of Haryana Act 40 of 1974 : In section 2 of the Haryana Essential Services Maintenance Act, 1974 (hereinafter referred to as the principal Act), after clause (c), the following clause shall be inserted, namely :—

- (d) "strike" means the cessation of work by a body of persons employed in any employment or class of employment to which this Act applies 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 employment, and includes—
- (i) mass casual leave in pursuance of a common understanding among the persons who avail themselves of such leave, or under the direction of any other person or persons ;
- (ii) refusal to work overtime where such work is necessary for the maintenance of work in any employment to which this Act applies ; or
- (iii) any other conduct which is likely to result in, or results in, cessation or substantial retardation of work in any employment to which this Act applies'.

4 Insertion of Section 4-A in Haryana Act 40 of 1974 After section 4 of principal Act, the following section shall be inserted, namely—

"4A. Power to prohibit strike:—(1) If the 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 any employment or class of employment to which this Act applies.

(2) An order made under sub-section (1) shall be published in such manner as the Government considers sufficient to bring it to the notice of the persons affected by the order and shall remain in force for a period of six months.

Provided that the Government may, by like order, extend it for any period not exceeding six months, it is satisfied that in the public interest it is necessary or expedient so to do.

(3) Upon the issue of the order under sub-section (1),—

- (a) no person employed in any employment or class of employment to which this Act applies and to whom the order relates shall go, or remain on strike ; and
- (b) any strike declared or commenced, whether before or after the issue of the order, by persons employed in any such employment, shall be illegal".

4 Amendment of section 5 of Haryana Act 40 of 1974—In sub-section (1) of section 5 of the principal Act,—

(i) in clause (b), the word "or" occurring at the end shall be omitted ; and

(ii) after clause (c), the following clauses shall be inserted, namely :—

- "(d) himself takes part in, instigate or incites other persons, to take part in, or otherwise acts in furtherance of, any illegal strike ; or

(e) knowingly expends or supplies any money in furtherance or support of any illegal strike,."

5. *Amendment of section 7 of Haryana Act 40 of 1974*—For sub-section (4) of section 7 of the principal Act, the following sub-section shall be substituted, namely :—

"(4) The offences under this Act shall be cognizable and non-bailable."

6 *Repeal*—The Haryana Essential Services Maintenance (Amendment) Ordinance, 1981 (Haryana Ordinance No. 3 of 1981), is hereby repealed.

A. N. AGGARWAL,
Assistant Legal Remembrancer and
Under Secretary to Government, Haryana
Legislative Department.