

India Code

The Essential Services Maintenance (Assam) Act, 1980

(ACT NO. 41 OF 1980)

[*As on the* 1*st October,* 2026]

LIST OF AMENDING ACTS

1. The Essential Services Maintenance Act, 1981 (40 of 1981).

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LIST OF ABBREVIATIONS USED

Cl., cls.	*for*	Clause, clauses.
Ins.	,,	Inserted.
Notifn.	,,	Notification.
S., ss.	,,	Section, sections.
Sch.	,,	Schedule.
Subs.	,,	Substituted.
w.e.f.	,,	with effect from.

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ESSENTIAL SERVICES MAINTENANCE (ASSAM) ACT, 1980

ARRANGEMENT OF SECTIONS

SECTIONS

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ESSENTIAL SERVICES MAINTENANCE (ASSAM) ACT, 1980

ACT NO. 41 OF 1980

[19*th July*, 1980.]

An Act to provide for the maintenance of certain essential services and the normal life of the community in Assam.

BE it enacted by Parliament in the Thirty-first Year of the Republic of India as follows:—

1. Short title and extent.—(*1*) This Act may be called the Essential Services Maintenance (Assam) Act, 1980.

(*2*) It extends to the whole of the State of Assam.

2. Definitions.—(*1*) In this Act, unless the context otherwise requires,—

[1][***]

[2][(*b*) "essential service" means—

(*i*) any transport services for the carriage of passengers or goods, by land or water, with respect to which the Legislative Assembly of the State of Assam has power to make laws;

(*ii*) any service connected with the production, storage, supply or distribution, as the case may be, of gas or water;

(*iii*) any service connected with the maintenance of public health and sanitation, including hospitals and dispensaries;

(*iv*) any public services and posts in connection with the affairs of the State, and also persons appointed to the secretarial staff of the Legislative Assembly of the State of Assam;

(*v*) any other service or employment or class thereof, connected with matters with respect to which the Legislative Assembly of the State of Assam has power to make laws and which the State Government, being of opinion that strikes therein would prejudicially affect the maintenance of any public utility service, the public safety or the maintenance of the 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;

(*bb*) 'State Government' means the State Government of Assam;]

(*c*) "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 who have been so 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;

1. Omitted by Act 40 of 1981, s. 13, for cl. (*a*) (w.e.f. 23-9-1981).
2. Subs. by s. 13, *ibid.* for cl. (*b*) (w.e.f. 23-9-1981).

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

(*2*) Every notification issued [1][under sub-clause (*v*)] of clause (*b*) 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 re-assemble 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 of the State of Assam 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.

3. Power to prohibit strikes in certain employments.—(*1*) If the [2][State 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 the State of Assam in any essential service specified in the Order.

(*2*) An Order made under sub-section (*1*) shall be published in such manner as the [2][State 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 [2][State 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 person employed in any essential service to which the Order relates shall go or remain on strike;

(*b*) any strike declared or commenced, whether before or after the issue of the Order, by persons employed in any such service shall be illegal.

4. Dismissal of employees participating in illegal strikes.—Any person who commences a strike which is illegal under this Act, or goes or remains on, or otherwise takes part in, any such strike, shall be liable to disciplinary action (including dismissal) in accordance with the same provisions as are applicable for the purpose of taking such disciplinary action (including dismissal) on any other ground under the terms and conditions of service applicable to him in relation to his employment.

5. Penalty for illegal strikes.—Any person who commences a strike which is illegal under this Act, or goes or remains on, or otherwise takes part in, any such strike shall 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.

6. Penalty for instigation, etc.—Any person who instigates or incites other persons to take part in, or otherwise acts in furtherance of, a strike which is illegal under this Act shall be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to two thousand rupees, or with both.

7. Penalty for giving financial aid to illegal strikes.—Any person who knowingly expends or supplies any money in furtherance or support of a strike which is illegal under this Act shall be punishable

1. Subs. by Act 40 of 1981, s. 13, for "under sub-clause (*xiv*)" (w.e.f. 23-9-1981).
2. Subs. by s. 13, *ibid.,* for "appropriate Government" (w.e.f. 23-9-1981).

with imprisonment for a term which may extend to one year, or with fine which may extend to two thousand rupees, or with both.

8. Power to arrest without warrant.— Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), any police officer may arrest without warrant any person who is reasonably suspected of having committed any offence under this Act.

9. Offences to be tried summarily.— Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), all offences under this Act shall be tried in a summary way by a Judicial Magistrate of the first class specially empowered in this behalf by the [1][State Government] and the provisions of Sections 262 to 265 (both inclusive) of the said Code shall, as far as may be, apply to such trial:

Provided that in a case of conviction for any offence in a summary trial under this section, it shall be lawful for the Magistrate to pass a sentence of imprisonment for any term for which such offence is punishable under this Act.

10. Act to override other laws.—The provisions of this Act and of any Order issued there under shall have effect notwithstanding anything inconsistent therewith contained in the Industrial Disputes Act, 1947 (14 of 1947), or in any other law for the time being in force.

11. Repeal and saving.—(*1*) The Essential Services Maintenance (Assam) Ordinance, 1980 (2 of 1980), is hereby repealed.

(*2*) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under this Act, as if this Act had come into force on the 6th day of April, 1980.

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1. Subs. by Act 40 of 1981, s. 13, for "appropriate Government" (w.e.f. 23-9-1981).

STATEMENT OF OBJECTS AND REASONS

The mass movement in Assam in connection with the foreign nationals issue had been taken advantage of by disruptive forces to seriously affect the maintenance of supplies and services essential to the life of the community, especially the production and distribution of petroleum and petroleum products. The agitation had also led to large-scale and deliberate abstention from work by employees of the Central and Assam Governments and those of the Central and State public sector undertakings, thus aggravating the situation. The movement of both goods and passengers in the railways had also been affected by this agitation. The local authorities were considerably handicapped in effectively tackling the disturbed situation in Assam in the absence of a law enabling the prohibition of strikes in any essential service in Assam either by the Union or the State Government. As the State of Assam was under President's rule, the Essential Services Maintenance (Assam) Ordinance, 1980 was premulgated by the President on 6th April, 1980, which specified certain essential services and empowered both the Central and State Governments to prohibit strikes in the State of Assam in any essential service. The Ordinance also provided for penalties for persons participating in such strikes as well as for persons instigating and financing such strikes.

2. The agitation in Assam is still continuing and it is considered necessary that the above Ordinance is replaced by an Act of Parliament.

3. The Bill seeks to achieve the aforesaid object.

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NEW DELHI; YOGENDRA MAKWANA.

The 19*th June*, 1980.