EXTRAORDINARY

पत्र II—खंड 3—रवि-खंड (1)
PART II—Section 3—Sub-section (1)

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छाड़े मंगलवार

प्रथमप्रमुख

1. इस अधिनियम में संबंधित,
(क) "सरकार" शब्द के स्थान पर, जहाँ कहीं भी भाव प्राप्त है "सरकार" शब्द को जा गए और किसी भी आधार में, जिसमें वह शब्द था,

3. धारा 2 में, कड़ (क) का लोप स्थान पर, जहाँ कहीं भी भाव प्राप्त है "प्राक्तन" शब्द खाली जाएगा और किसी भी आधार में, जिसमें वह शब्द था,

17/1 GI/93 (1)
भारत गणराज्य के प्रमुख वर्ष 1974 से हैं नियोजन राज्य के लिए समृद्धिमंडल होता है।

1. प्रमुख नाम और प्रसार: (1) यह बृहस्पति, वर्ष 1974, जो वापस सकता है, जो भारत के दूसरे राष्ट्रपति राज्य के लिए बनाए थे।

2. परिभाषा: — (i) भारतीय राज्य के लिए नियोजित, जो यह बृहस्पति में, जब तक समय में बनाए रखा गया है।

3. नियोजन, जिसके यह बृहस्पति का लाभ होता है.—यह बृहस्पति राज्य के लिए बनाए रखा जाता है।

4. भारत के लिए समृद्धिमंडल होता है।

(1) सरकार के अधिनी नियोजन;

(2) ऐसा नियोजन या नियोजन-बंध, जिसे यह बृहस्पति जो यहाँ होता है, सरकार के लिए आपूर्ति प्रदान करने के लिए नियोजित रखा गया है।

(3) यह नियोजन या नियोजन-बंध, सरकार के लिए नियोजित रखा गया है।
4. कहानाओं प्रज्ञित हो जो शक्ति (1) के शब्द ऊपर से लिए कि जीवन निम्न हो उपर के शब्द ऊपर से लिए कि जीवन निम्न हो सकता है, क्या (र) के संबंध उपरकुटक है नहीं है?

स्पष्टीकरण :-जो जीवन, इस बात के प्रति उन्हें भी कि उनकी संबंध उपरकुटक का यह शब्द वाला वह निश्चित निश्चित है कि वह अपने संबंध उपरकुटक की निलेखल निलेखल समझ कर सकता है। अपने संबंध उपरकुटक की पूर्व संबंध उपरकुटक के निश्चित निश्चित को देता है, उसके भार में यह समझ आया कि उसने उपरक (र) के अपने संबंध उपरकुटक निश्चित का निश्चित कर दिया है।

(2) उपाधि (1) के प्रावीन किसी रूप से बाद ऐसे साथ में प्रवाहित किया जा रहा जिसे सरकार बालक होंगी संघर्षक व्यक्तियों के मुद्दों में काम के लिए मदद सही और यह यह भाव की बढ़ति के लिए यह भाव करती है, यदि उनसे प्रस्तुत हो तो यह लक्ष्यशाली ऐसा किसी ज्ञान संबंध उपरकुटक या लक्ष्य है।

(3) उपाधि (1) के प्रावीन व्यक्ति जीवनी होते हैं पर नहीं:-

(1) किसी निश्चित या निश्चित प्रायः में जिसे वहूँ व्यक्तिक वाला होता है या जिसके वह अपनी शक्ति होती है, निश्चित निश्चित होती है, निश्चित निश्चित की भावति प्रावीन पर होते आया या होते पर गाय रहता है। और

(2) प्रावीन जीवनी के नक़ल के पूर्ण या वाद ऐसे निश्चित निश्चित में निश्चित व्यक्ति किसी अपनी शक्ति को बढ़ाने की वहूँ भाव करती है।

5. अधीन (1) किसी ऐसे निश्चित या निश्चित के बार में, निश्चित के भाव वित्तिक प्रौद्योगिक संबंध हो उक्ती निश्चित राजनीति राजनीति पर निश्चित किया गया है, को निश्चित होता है तथा कोई भी ऐसा निश्चित (जो) :-

(1) ऐसे निश्चित के निश्चित या निश्चित जीवन को प्रारंभ करता है;

(2) यौवनकुटक प्रतियोगी के निश्चित ऐसे निश्चित को छोड़ देता है उन कारणों से प्रभावित रहता है;

(1) अवसर 4 की उपाधि (1) के यथार्थ किये गए निश्चित जीवन में वित्तिक, निश्चित निश्चित में, यथार्थ किये गए जीवनमयी निश्चित सम्बन्ध के बाद यथार्थ शक्ति है, यह यौवनकुटक के यथार्थ व्यक्ति का दोस्ती होता है।

5. महारूदी का वित्तिक और शीत तथा की स्थान (1) सरकार द्वारा 3 के भावन धृष्टिक निश्चित या निश्चित के बार में, यथार्थ मयिक या व्यक्तिक के निश्चित व्यक्ति की महारूदी तथा दूसरों की अन्य रूपों की विविधता करते वाले निश्चित जीवन के वित्तिक करने के लिए किसी विविधताकारों का सहारा, महत्त्व अन्य साधन है।
(2) The said provisions of the said Act as extended to the National Capital Territory of Delhi shall be substituted.

(5) In exercise of the powers conferred by section 2 of the Union Territories (Laws) Act, 1950 (30 of 1950), the Central Government hereby extends the Haryana Essential Services Maintenance Act, 1974 (Haryana Act 40 of 1974), as in force in the State of Haryana, at the date of this notification, subject to the following modifications, namely:

1. Through-out the Act,
(a) for the word “Government”, wherever it occurs, the word “Administrator” shall be substituted and there shall also be made in any sentence in which that word occurs such changes as the rules of grammar require;
(b) for the words “this Act” wherever they occur, the words “this Extension to the National Capital Territory of Delhi” shall be substituted.

MINISTRY OF HOME AFFAIRS
NOTIFICATION

New Delhi, the 30th July, 1993

G.S.R. 526(E).—In exercise of the powers conferred by section 2 of the Union Territories (Laws) Act, 1950 (30 of 1950), the Central Government hereby extends to the National Capital Territory of Delhi, the Haryana Essential Services Maintenance Act, 1974 (Haryana Act 40 of 1974), as in force in the State of Haryana, at the date of this notification, subject to the following modifications, namely:

MODIFICATION

1. Through-out the Act,
(a) for the word “Government”, wherever it occurs, the word “Administrator” shall be substituted and there shall also be made in any sentence in which that word occurs such changes as the rules of grammar require;
(b) for the words “this Act” wherever they occur, the words “this Extension to the National Capital Territory of Delhi” shall be substituted.
2. In section 1,—

(a) for sub-section (2), the following sub-section shall be substituted, namely:

"(2) It extends to the whole of the National Capital Territory of Delhi".

3. In section 2, clause (b) shall be omitted; and clause (a) shall be relettered as clause (b), and before the clause (b) as so relettered, the following clause shall be inserted, namely:

"(a) “Administrator” means the Administrator of the National Capital Territory of Delhi appointed by the President under article 239 of the Constitution."

ANNEXURE

THE HARYANA ESSENTIAL SERVICES MAINTENANCE ACT, 1974

(Haryana Act No. 40 of 1974)

As extended to the National Capital Territory of Delhi

AN ACT
to provide for the maintenance of essential services in the State of Haryana and for matters connected therewith or incidental thereto.

Be it enacted by the Legislature of the State of Haryana in the Twenty-Fifth year of the Republic of India as follows:

1. Short title and extent.—(1) This Act may be called the Haryana Essential Services Maintenance Act, 1974, as extended to the National Capital Territory of Delhi;

(2) It extends to the whole of the National Capital Territory of Delhi.

2. In this Act as extended to the National Capital Territory of Delhi, unless the context otherwise requires:

(i) “Administrator” means the Administrator of the National Capital Territory of Delhi appointed by the President under article 239 of the Constitution;

(ii) “employment” includes employment of any nature whether paid or unpaid;

(iii) “prescribed” means prescribed by rules made under this Act as extended to the National Capital Territory of Delhi;

(iv) “strike” means the cessation of work by a body of persons employed in any employment or class of employment to which this Act as extended to the National Capital Territory of Delhi 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 as extended to the National Capital Territory of Delhi 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 as extended to the National Capital Territory of Delhi applies.

3. Employment to which Act applies.—This Act, as extended to the National Capital Territory of Delhi, shall apply—

(i) to all employment under the Administrator;

(ii) to any other employment or class of employment which the Administrator being of the opinion that such employment or class of employment is essential for securing the public safety, the maintenance of public order, health or sanitation, or for maintaining supplies or services necessary for life of the community, may, by notification, declare.

4. Power to order persons engaged in certain employment to remain in specified areas.—(1) The Administrator or an Officer authorised by him in this behalf may, in respect of any employment or class of employment to which section 3 applies, by general or special order, direct that any person or persons engaged in such employment shall not depart from such area or areas as may be specified in such order.

(2) An order made under sub-section (1) shall be published in such manner as the Administrator or the officer making the order considers fit to bring it to the notice of the persons affected thereby.

4A. Power to prohibit strike.—(1) If the Administrator is satisfied that in the public interest it is necessary or expedient so to do, he may, by general or special order, prohibit strikes in any employment or class of employment to which this Act as extended to the National Capital Territory of Delhi applies.

(2) An order made under sub-section (1) shall be published in such manner as the Administrator 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 Administrator may, by a like order, extend it for any period not exceeding six months, if he is satisfied that in the public interest it is necessary or expedient so to do.
(3) Upon the issue of the order under subsection (1),—
   (a) no person employed in any employment or class of employment to which this Act, as extended to the National Capital Territory of Delhi, 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.

5. Offences.—(1) Any person engaged in any employment or class of employment to which this Act, as extended to the National Capital Territory of Delhi applies, who—
   (a) disobeys any lawful order, given to him in the course of such employment;
   (b) without reasonable excuse abandons such employment or absents himself from work;
   (c) departs from any area specified in an order made under sub-section (1) of section 4 without the consent of the authority making the order;
   (d) himself takes part in, instigates, 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;

shall be guilty of an offence under this Act, as extended to the National Capital Territory of Delhi.

Explanation 1.—The fact that a person apprehends that by continuing in his employment he will be exposed to increased physical danger is not a reasonable excuse within the meaning of clause (b).

Explanation 2.—A person abandons his employment within the meaning of clause (b) who, notwithstanding that it is an express or implied term of his contract of employment that he may not terminate it on giving notice to his employer of his intention to do so, abandons his employment without the previous consent of his employer.

(2) Any employer of a person engaged in an employment or class of employment declared under section 3 to be an employment to which this Act as extended to the National Capital Territory of Delhi applies, who—
   (a) discontinues the employment of such person; or
   (b) by closing an establishment in which such person is engaged causes the discontinuance of his employment;

shall be guilty of an offence under this Act as extended to the National Capital Territory of Delhi.

6. Regulation of wages and conditions of service.—
   (1) The Administrator may make rules regulating or empowering a specified authority to regulate wages and other conditions of service of persons or any class of persons engaged in any employment or class of employment declared as such under section 3.

   (2) When any such rules have been made or when any directions regulating wages or conditions of service have been given by an authority empowered by such rules to give such directions, any person failing to comply with them shall be guilty of an offence under this Act as extended to the National Capital Territory of Delhi.

7. Penalties and Procedure.—(1) Any person found guilty of an offence under this Act, as extended to the National Capital Territory of Delhi, shall on conviction, be punishable with imprisonment for a term which may extend to three years and shall also be liable to fine.

   (2) Where an offence under this Act as extended to the National Capital Territory of Delhi has been committed by a company, every person in charge of, or responsible to, the company for the conduct of its business at the time of the commission of the offence shall be liable to be proceeded against and punished accordingly.

Provided that nothing contained in this subsection shall render any such person liable to any punishment if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(3) Notwithstanding anything contained in subsection (2), where an offence under this Act as extended to the National Capital Territory of Delhi has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or that the commission of the offence is attributable to any neglect on the part of, a director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be proceeded against and punished accordingly.

Explanation.—For the purposes of this section,—
   (a) "company" means any body corporate, and includes a firm or other association of individuals; and
   (b) "director" in relation to a firm means a partner in the firm.

4. The offences under this Act, as extended to the National Capital Territory of Delhi, shall be cognizable and non-bailable.
Any magistrate or bench of magistrates empowered for the time being to try in a summary manner the offences specified in sub-section (1) of section 260 of the Code of Criminal Procedure, 1973, may, if such magistrate or bench of magistrates think fit, on an application made, in this behalf, by the complainant, try any offence under this Act, as extended to the National Capital Territory of Delhi in accordance with the provisions contained in section 262 to 265 of the said Code.

8. Indemnity.—No suit, prosecution or other legal proceedings shall lie against any person for anything which is in good faith done or intended to be done under this Act as extended to the National Capital Territory of Delhi or the rules made thereunder.

9. Overriding effect of orders, rules, etc. made under the Act.—Any declaration, order, rule or regulation made and any direction given under this Act as extended to the National Capital Territory of Delhi shall have effect notwithstanding anything contained in any other law for the time being in force.

[F. No. U-110154/92-UTL(180)]

M. L. MEHTA, Addl. Secy.