

See also in website
[Signature]

SIKKIM

GOVERNMENT



GAZETTE

(EXTRAORDINARY)

PUBLISHED BY AUTHORITY

Gangtok ,

Tuesday 18th April , 2000

No . 134

**GOVERNMENT OF SIKKIM
LAW DEPARTMENT
GANGTOK.**

No. 13/LD/2000.

Dated : the 17th April , 2000

NOTIFICATION

The following Act of the Sikkim Legislative Assembly having received the assent of the Governor on 7th day of April, 2000 is hereby published for general information:-

**THE SIKKIM ESENTIAL SERVICES MAINTENANCE ACT,2000
(ACT NO. 13 OF 2000)
AN
ACT..**

To provide for the maintenance of certain essential services and the normal life of the community state of Sikkim.

Be it enacted by the Legislature of Sikkim in the Fifty – first Year of the Republic of India as follows:-

- | | |
|--------------------------------|--|
| Short title | 1. This Act may be called the <u>Sikkim Appropriation Act 2000.</u> |
| Extent and commencement | 2. In this Act, unless the context otherwise requires:-
(a). "Essential Service" means- |

- (i) any service connected with the production , storage, supply or distribution, as the case may be, of gas or water;
- (ii) any services connected with the maintenance of drainage, conservancy including scavenging , slaughter-houses, markets and all medical facilities provided by the State and transport service appurtenant to any such service:
- (iii) any service connected in any establishment or undertaking dealing with the production, supply or distribution of electricity:
- (iv) any service connected with the procurement, storage, distribution and supply of food and other essential commodities:
- (v) any service connected with the maintenance of law and order in the State.
- (vi) any service connected with education , teaching and administration and school , colleges and other establishments imparting education.
- (vii) any services connected with the maintenance of public health and sanitation , including hospitals and dispensaries; " [REDACTED] "
- (viii) any service connected with any department of the State Government or any local authority or other organizations , institution relating to fire services extinguishment or control of fire or conservancy or drainage or sanitation.
- (ix) any transport service for the carriage of passengers or goods:
- (x) any service connected with the loading, unloading or storage of goods.
- (xi) any service in connection with election to the legislatures of the State.
- (xii) any other service which the State Government being of opinion that strikes therein would prejudicially affect the maintenance of any public utility services 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 hard-ship on the community may, by notification in the Official Gazette, declare to be essential service for the purpose of this Act.
- (b) "government" means the Government of Sikkim.

(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 numbers of persons who are or have been so employed to continue to work or to accept employment, and includes:-

(i) casual leave or other leave enmasse in pursuance of a common understanding among the persons who avail themselves of such leave or under the direction of any other person or any body of persons.

(ii) refusal to work overtime where such work is necessary for the maintenance of any essential services:

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

**Power to prohibit
Strikes in essential
services**

3. (1) If the 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 any essential service specified in the order.
- (2) An order made under sub-section(1) shall be published in the Official Gazette or in such manner as the State Government considers best calculated to bring it to the notice of the persons to be affected by the order.
- (3) An order made under sub-section (1) shall be in force for six months only, but the Government may, by a like order, extend it for any period not exceeding six months if they are satisfied that in 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, wheather before or after the issue of the order, by persons employed in any such service shall be illegal.

Penalties.

4. Any person who:-
- (a) Commences a strike which is illegal under this Act or goes or remains on or otherwise takes part in , any such strike , or
 - (b) Instigates or incites other persons to take part in otherwise acts in furtherance of a strike which is illegal under this Act or
 - (c) knowingly expends or supplies any money in furtherance or support of a strike which is illegal under the Act or
 - (d) by the use office or show of force or otherwise, prevents any other persons employed in ay essential service, specified in the order issued under sub-section (1) of section 3 , from performing his duties under such employment, shall be punished with simple imprisonment for a term which may extend to one year, or with fine which may extend to five thousand rupees , or with both.

Power to arrest Without warrant

5. 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.

Offence to be tried summarily

6. 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 any Judicial Magistrate of First Class and provisions of sections 262 to 265 (both inclusive) of the said code shall, as far as maybe, 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.

Act to override Other laws.

7. The provisions of this Act and of any notification order issued there under shall have effect notwithstanding anything inconsistent therewith in any law for the time being in force.

By Order of the Governor,

**T.D.RINZING
SECRETARY TO THE
GOVT OF SIKKIM
LAW DEPARTMENT
FILE NO. 16(82) LD/2000.**

SIKKIM



GOVERNMENT

GAZETTE

EXTRAORDINARY
PUBLISHED BY AUTHORITY

Gangtok

Monday 18th May, 2020

No. 103

GOVERNMENT OF SIKKIM
LAW DEPARTMENT
GANGTOK

No. 2 /LD/2020

Dated: 18 .05.2020

NOTIFICATION

The following Ordinance promulgated by the Governor on 16th day of May, 2020 is hereby published for general information:-

**SIKKIM ESSENTIAL SERVICES MAINTENANCE
(AMENDMENT) ORDINANCE, 2020
ORDINANCE NO. 2 OF 2020
AN
ORDINANCE**

further to amend the Sikkim Essential Services Maintenance Act, 2000

Whereas the House of the State Legislature is not in session;

And Whereas the Governor of Sikkim is satisfied that circumstances exist which render it necessary for him to take immediate action further to amend the Sikkim Essential Services Maintenance Act, 2000, for the purposes hereinafter appearing;

Now, Therefore, in exercise of the power conferred by clause(1) of article 213 of the Constitution of India, The Governor of Sikkim is hereby pleased to promulgate the following Ordinance, namely:-

Short title and commencement

1. (1). This Ordinance may be called the Sikkim Essential Services Maintenance (Amendment) Ordinance, 2020.
- (2). It shall come into force at once.

Insertion of new provisio

2. In Section 2 clause (vii) of the Sikkim Essential Services Maintenance Act, 2000, after the word "dispensaries", the following shall be Inserted, namely:-

"as well as manufacturing, packaging, distribution and transportation of pharmaceutical products and components thereof".

As the House of State Legislature is not in session and the Governor of Sikkim is satisfied that circumstances exist which render it necessary for him to take immediate action further to amend the Sikkim Essential Services Maintenance Act, 2000 (Act No.13 of 2000), for the purposes aforesaid, this Ordinance is promulgated.

Gangtok,
Dated the 16th May 2020.

Ganga Prasad
Governor of Sikkim.

By order and in the name of the Governor of Sikkim.

Jagat B. Rai (SSJS)
LR-cum-Secretary,
Law Department.

SIKKIM

GOVERNMENT



GAZETTE

EXTRAORDINARY
PUBLISHED BY AUTHORITY

Gangtok

Thursday 08th October, 2020

No. 236

GOVERNMENT OF SIKKIM
LAW DEPARTMENT
GANGTOK

No. 18/LD/2020

Dated: 07.10.2020

NOTIFICATION

The following Act passed by the Sikkim Legislative Assembly and having received assent of the Governor on 21st day of September, 2020 is hereby published for general information :-

SIKKIM ESSENTIAL SERVICES MAINTENANCE (AMENDMENT) ACT, 2020 (ACT NO. 18 OF 2020)

AN

ACT

further to amend the Sikkim Essential Services Maintenance Act, 2000.

BE it enacted by the Legislature of Sikkim in the Seventy-first Year of the Republic of India as follows :

- | | |
|------------------------------|---|
| Short title and commencement | 1. (1) This Act may be called the Sikkim Essential Services Maintenance (Amendment) Act, 2020.
(2) It shall come into force at once. |
| Amendment of section 2 | 2. In the Sikkim Essential Services Maintenance Act, 2000, in section 2, in clause (vii), after the words "hospitals and dispensaries", the following words shall be inserted, namely :-
"as well as manufacturing, packaging, distribution and transportation of pharmaceutical products and components thereof". |
| Repeal and Saving | 3. (1) The Sikkim Essential Services Maintenance (Amendment) Ordinance, 2000 is hereby repealed. |

- (2) Notwithstanding such repeal, anything done or any action taken in exercise of the powers conferred by or under that Ordinance shall be deemed to have been done or taken in exercise of the power conferred by or under this Act as if this Act was in force on the day on which such thing was done or such action was taken.

Jagat B. Rai (SSJS)
L.R-cum-Secretary
Law Department