

The Goa Essential Services Maintenance (Amendment)

Bill, 2020

(Bill No. 6 of 2020)

A

BILL

to amend the Goa Essential Services Maintenance Act, 1988 (Goa Act No. 20 of 1989).

BE it enacted by the Legislative Assembly of Goa in the Seventy-first Year of the Republic of India, as follows:-

1. **Short title and commencement.** - (1) This Act may be called the Goa Essential Services Maintenance (Amendment) Act, 2020.

(2) It shall come into force on such date as the Government may, by notification in the Official Gazette, appoint.
2. Amendment of section 4.- In section 4 of the Goa Essential Services Maintenance Act, 1988 (Goa Act No. 20 of 1989) (hereinafter referred to as the “principal Act”),-
 - (i) for the words “six months”, the words “three years” shall be substituted;
 - (ii) for the words “fine which may extend to two hundred rupees”, the words “ minimum fine of rupees one thousand” shall be substituted.
3. Amendment of section 5.- In section 5 of the principal Act,-
 - (i) for the words “one year”, the words “three years” shall be substituted;
 - (ii) for the words “fine which may extend to one thousand rupees”, the words “minimum fine of rupees five thousand” shall be substituted.

4. Amendment of section 6.- In section 6 of the principal Act,-
- (i) for the words “one year”, the words “three years ” shall be substituted;
 - (ii) for the words “fine which may extend to one thousand rupees”, the words “minimum fine of rupees five thousand” shall be substituted.
5. Amendment of section 9.- In title and in section 9 of the principal Act, for the word “non-bailable”, wherever it occurs, the expression “cognizable and non-bailable” shall be substituted.

Statement of object and Reasons

The Bill seeks to amend sections 4,5, and 6 of the Goa Essential Services Maintenance Act, 1988(Goa Act No. 20 of 1989), so as to increase the punishment provided in said sections to have deterrent effect and prevention of offence. Amendment to section 9 is consequential in nature.

This Bill seeks to achieve the above objects.

Financial Memorandum

No Financial implications are involved in this Bill.

Memorandum regarding Delegated Legislation

Clause 1(2) of the Bill empowers the Government to issue Notification in the Official Gazette for appointing a date to bring the Act into force.

This delegation is of normal character.

Porvorim- Goa
01/ 2/2020

Dr. Pramod Sawant
Home Minister

Assembly Hall
Porvorim-Goa.
01/2/2020.

Secretary to the Legislative
Assembly of Goa.

Annexure

Goa Essential Services Maintenance Act, 1988 (Goa Act 20 of 1989)

Statement showing Existing provisions

Sr. No.	Section	Existing provision	Justification
1	Sec.4	<p>Penalty of 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 two hundred rupees, or with both.</p>	<p>The present provision of the Act are non cognizable in nature which limits Police action as they have no powers to arrest the perpetrators without warrant. This results in cessation of work from the persons employed in any essential services thereby inflicting grave hardship to public at large. Also, the period of prescribed</p> <p style="text-align: right;">Cont...</p>
2.	Sec. 5.	<p>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 one thousand rupees, or with both, and any vehicle or other conveyance which is used by such person while committing such offence, shall, if having regard to all the circumstances the Court considers it just and proper so to order, be forfeited to the Government.</p>	

<p>3.</p>	<p>Sec. 6</p>	<p>Penalty for giving financial aid to illegal strikes Any person who knowingly extends or supplies any money in furtherance or support 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 one thousand rupees, or with both.</p>	<p>From pre-page</p> <p>punishment is on the lower side which is required to be enhanced in order to prevent strikes for maintenance of public utility services.</p> <p>The Bill seeks to amend sections 4, 5 and 6 of the Goa Essential Services Maintenance Act, 1988(Goa Act No. 20 of 1989), so as to increase the punishment provided in said sections to have deterrent effect and prevention of offence. Amendment to section 9 is consequential in nature.</p>
<p>4.</p>	<p>Sec. 9</p>	<p>Offences under Act to be non-bailable. Notwithstanding anything contained in the Code of Criminal procedure, 1973 (Central Act 2 of 1974), all offences under this Act shall be non-bailable.</p>	

