



THE PAKISTAN ESSENTIAL SERVICES (MAINTENANCE) ACT, 1952



CONTENTS

1. Short title extent and Commencement
2. Interpretation
3. Employment to which this Act applies
- 4.. Power to order persons engaged in certain employments to remain in specified areas
5. Offences
6. Regulation of wages and conditions of service
7. Penalties and Procedure
8. Bar on legal proceedings
9. Saving of effect of laws imposing liability to national service
10. Omitted by Federal Laws

THE PAKISTAN ESSENTIAL SERVICES (MAINTENANCE) ACT, 1952.

¹ACT NO. LIII OF 1952

[14th December, 1952]

An Act to provide for the maintenance of certain essential services.

WHEREAS ²* * * it is expedient to make provision for the maintenance of certain essential services :

It is hereby enacted as follows :—

1. Short title extent and Commencement.—(1) This Act may be called the Pakistan Essential Services (Maintenance) Act, 1952.

3* * * * *

(3) It shall come into force at once.

2. Interpretation. In this Act, unless there is anything repugnant in the subject or context, “employment” includes employment of any nature ⁴[whether paid or unpaid, and whether in or out of Pakistan].

¹For Statement of Objects and Reasons, see Gaz. of P., 1952, Pt. IX, p. 20.

The Act has been applied to Baluchistan with effect on and from the 14th day of December, 1952 see Gaz. of P., 1953, Pt. I, p. 32; and extended to the Leased Areas of Baluchistan, by the Leased Areas (Laws) Order, 1950 (G. G. O. 3 of 1950).

It has also been applied in—

(i) the Federated Areas of Baluchistan, see Gaz. of P., 1953, Pt. I, P. 152.

It has also been extended to—

(i) the Baluchistan States Union, by the Baluchistan States Union (Federal Laws) (Extension) Order, 1953 (G. G. O. 4 of 1953) and ;

(ii) the Khairpur State, by the Khairpur (Federal Laws) (Extension) Order, 1953 (G. G. O. 5 of 1953).

This Act has been and shall be deemed to have been brought into force in Gwadur with effect from the 8th September, 1958, by the Gwadur (Application of Central Laws) Ordinance, 1960 (37 of 1960), s. 2.

This Act has been applied to the Provincially Administered Tribal Areas or to the parts of those areas to which it does not already apply, see Regulation No. I of 1972 Para 2 and Sch.

²The original words, commas and figures “the Declaration of emergency made by the Governor-General under section 102 of the Government of India Act, 1935, continues in force and” omitted by the Essential Services Maintenance (Adaptation) Order, 1956 (P. O. No. 13 of 1956), Art. 2 and Sch.

³The original sub-section (2) omitted by the Pakistan Essential Services (Maintenance) (Amdt.) Act, 1958, (9 of 1958), s. 2.

⁴Subs. *ibid.*, s. 3, for “and whether paid or unpaid”.

¹**[3. Employment to which this Act applies.]**—(1) This Act shall apply to every employment under the ²[Federal Government] and, subject to the provisions of subsection (2), to any employment or class of employment which the ²[Federal Government] may, by notification in the official Gazette, declare to be an employment or class of employment to which this Act applies.

(2) No declaration under sub-section (1) shall be made in respect of any employment or class of employment unless the ²[Federal Government] is of opinion that such employment or class of employment is essential :

(a) for securing the defence or the security of Pakistan or any part thereof, or

(b) for the maintenance of such supplies or services as relate to any of the matters with respect to which the ³[Central Legislature] has power to make laws and are essential to the life of the community.

(3) A declaration under sub-section (1) shall remain in force for a period of six months which the ²[Federal Government] may, by notification in the official Gazette, extend for further periods not exceeding six months at any time.]

4. Power to order persons engaged in certain employments to remain in specified areas.—(1) In respect of any employment under ⁴[the ²[Federal Government] [and in respect of any employment or class of employment ⁵[declared] under section 3 to be an employment or class of employment to which this Act applies, the ⁶[Federal Government], or an officer authorised⁷ in this behalf

¹ Subs. by the Pakistan Essential Services (Maintenance) (Amdt.) Act, 1958 (9 of 1958), s. 4, for original section 3, as amended by the Essential Services Maintenance (Adaptation) Order, 1956 (P.O. No. 13 of 1956).

² Subs. by the F.A.O., 1975 for Central Government 1975 Art, 2 and Table.

³ Subs. by A. O., 1964, Art. 2 and Sch., for "Parliament".

⁴ Subs. by P. O. No. 13 of 1956, Art. 2 and Sch., for certain original words.

⁵ Ins. *ibid.*

⁶ Subs. *ibid.*, for "Government making the declaration".

⁷ For notifi. authorising certain officers of Posts and Telegraphs Department to exercise certain powers, see Gaz. of P., 1958, P. I, pt. 411, and for notifi. authorising Accountant General, Pakistan Revenues, to exercise certain powers, see Gaz. of P., Ext., p 625c.

by that Government may, by general or special order, direct that any person or persons engaged in such employment shall not depart out of 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 ¹[²Federal Government or the officer] making the order considers best calculated to bring it to the notice of the persons affected by the order.

³**[5. Offences:—(1)]** Any person engaged in any employment or class of employment to which this Act applies who:—

- (a) disobeys any lawful order given in the course of such employment, or attempts to persuade any person to disobey any such order to, or
- (b) without reasonable excuse abandons such employment or absents himself from work ⁴[or refuses to work or to continue to work, whether or not acting in combination with, or under a common understanding of, any other person engaged in such employment]; or
- (c) departs from any area specified in an order under sub-section (1) of section 4 without the consent of the authority making that order,

and any employer of a person engaged in an employment or class of employment declared under section 3 to be an employment or class of employment to which this Act applies, who without reasonable excuse—

- (i) discontinues the employment of such person, or

¹ Subs. by P.O. No. 13 of 1956, Art. 2 & Sch. for Govt or Officer.

² Subs. by F.A.O. 1975, Art. 2 and Table.

³ Section 5 renumbered as subsection (1) of that section by the Pakistan Essential Services (Maintenance) (Amdt.) Act, 1958 (9 of 1958), s. 5.

⁴ Certain words, ins., *ibid.*