

THE WEST PAKISTAN ESSENTIAL SERVICES, (MAINTENANCE) ACT, 1958.

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**¹THE WEST PAKISTAN ESSENTIAL SERVICES
(MAINTENANCE) ACT, 1958.**

***(West Pakistan Act XXXIV of 1958)**

[24th April, 1958.]

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

Whereas it is expedient to provide for the maintenance of certain essential services in West Pakistan: Preamble.

It is hereby enacted as follows:—

1. (1) This Act may be called the West Pakistan Essential Services (Maintenance) Act, 1958. Short title, extent and commencement.

²["(2) It extends to the whole of the ³[Province of the Khyber Pakhtunkhwa], except the tribal Areas]".

(3) It shall come into force at once.

2. In this Act, unless there is anything repugnant in the subject or context— Definitions.

(i) "employment" means any service for which remuneration is received;

(ii) "essential service" means a service to the employment of which this Act, applies;

(iii) "Government" means the Government of ⁴[Khyber Pakhtunkhwa].

¹ For Statement of Objects and Reasons see Gazette of West Pakistan, 1957, Extraordinary, p. 130; and for Proceedings in Assembly, see West Pakistan Assembly Debates, Vol. III, pp 1327 to 1336.

*This Act has been extended to the District of Karachi subject to certain modification. See, the West Pakistan Laws (Extension to Karachi) Ordinance, 1964 (Ordinance No. VII of 1964), s. 2 Schedule, with effect from 25th May, 1964.

² Subs, by W. P. Ord. VII of 1964, s.2, sch.

³ Substituted vide Khyber Pakhtunkhwa Act. No. IV of 2011.

⁴ Substituted vide Khyber Pakhtunkhwa Act. No. IV of 2011.

3. ¹[(1) This Act shall apply to all employment under the Government or any agency set up by it or a local authority or any service relating to transport or civil defence. Employment to which this Act applies.

²[(2) Government may, by notification in the official Gazette, apply this Act to the employment in any autonomous body, including a University, the Board of Intermediate and Secondary Education, the Board of Technical Education, or any part thereof].

4. (1) The Government or an officer authorised in this behalf by the Government may ³[if the public interest so required] general or special order, direct that any person or persons engaged in any employment or class of employment to which this Act applies shall not depart out of such area or areas and for such period not exceeding three months as may be specified in such order. Power to order persons engaged in certain employments to remain in specified areas.

(2) An order made under sub section (1) shall be published in such manner as the Government, or the officer making the order, considers best calculated, to bring it to the notice of the persons affected by the order".

5. Any person engaged in any employment or class of employment to which this Act, applies who— Offences.

(a) disobeys any lawful order given in the course of such employment, or attempts to persuade any person, to disobey any such order, or

(b) without reasonable excuse abandons such employment or absents himself form work, or

(c) departs from any area specified in an order under sub-section (1) of section 4 without the consent of the Government or the authority making that order,

and any employer of a person engaged in an employment or class of employment to which this Act applies who without reasonable excuse—

(1) discontinues the employment of such person, or

(2) by closing an establishment in which such person is engaged, causes the discontinuance of his employment, or

¹ Section 1. re-numbered as subsection (1), by Khyber Pakhtunkhwa Act No. VI of 1974, s. 2.

² Sub-section (2), ins. by Khyber Pakhtunkhwa Act VI of 1974.

³ Ins. by W. P. Ord. No. XXXIV of 1965.

- (3) discontinues or causes the discontinuance of an essential service,

is guilty of an offence under this Act.

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

Explanation 1.—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 terminate his employment on giving notice to his employer of his intention to do so, so terminates his employment without the previous consent of his employer.

6. (1) The Government may make rules regulating or empowering specified authorities to regulate the wages and other conditions of service of persons or of any class of persons engaged in any employment of class of employment to which this Act applies.

Regulation of wages and conditions of service.

(2) When any such rules have been made, or when any directions regulating wages or conditions of service have been given by the authority empowered by such rules to give them, any person failing to comply therewith is guilty of an offence under this Act.

7. (1) Any person found guilty of an offence under this Act, shall be punishable with imprisonment for a term which may extend to one year and shall also be liable to a fine.

Penalties and procedure.

(2) Where the person accused of an offence under this Act is a company or other body corporate, every director, manager, secretary or other officer thereof shall, unless he proves that the offence was committed without his knowledge or that he exercised due diligence to prevent the commission of the offence, be liable to the punishment provided for the offence.

(3) No court shall take cognizance of an offence under this Act except upon complaint in writing made by an officer empowered by the Government in this behalf.

8. No suit, prosecution or other legal proceeding shall lie against any person for anything which is, in good faith, done or intended to be done under this Act, or the rules made thereunder.

Bar of legal proceedings.

9. Nothing contained in this Act, or in any declaration or order made thereunder, shall have effect in derogation of any provision of law which is or may be for the time being in force, imposing upon a person engaged in an employment or class of employment to which this Act applies any liability to be called up for national service or to undertake employment in the national service.

Saving of effect of laws imposing liability to national service.

10. The ¹[Khyber Pakhtunkhwa] Essential Services (Maintenance) Repeal Act, 1946, and the West Pakistan Essential Services (Maintenance) Ordinance, 1957. are hereby repealed.

¹ Substituted vide Khyber Pakhtunkhwa Act. No. IV of 2011.