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India

Striking Work in Essential Services Now a Non-Bailable Offense in the State of Karnataka

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Employees who work in 'essential services' will be prohibited from commencing a strike, continuing a strike or taking part in a strike without having served prior notice within six weeks of the intended action in accordance with the provisions of the *Industrial Disputes Act, 1947* ("ID Act"), with such unnotified actions now constituting non-bailable offenses (that is, offenses for which bail is not a matter of right) enabling police officials to arrest employees without requiring a warrant, under the terms of the *Karnataka Essential Services Maintenance Bill, 2013* ("Bill"), passed by the Karnataka Legislative Assembly on December 4, 2013.

The Bill will come into effect once published by the Karnataka State Government, and is proposed to be effective for a period of one year. However, its operation may be extended for a further period of up to six months.

Under the Bill, 'essential services' are defined to include any service connected with the production, generation, storage, transmission, supply or distribution of water or electricity, and any transportation service for carrying passengers or goods by motor vehicle. The Bill enables the Karnataka State Government to declare other services as 'essential services.' The Karnataka I4 Policy introduced by the Karnataka State Government on October 22, 2013¹ also declares information technology and information technology enabled services within the State to be 'essential services.'

Upon conviction, offenders may be punished with imprisonment for one year or with a fine of up to INR 5,000 (approx. US\$ 80) or both. Similar penalties will apply to individuals who instigate or incite any other person to take part in a strike in an essential service or who provide financial assistance to such a strike in contravention of the provisions of the ID Act.

¹See "State of Karnataka's New I4 Policy (IT, ITeS, Innovation and Incentives Policy) Provides for Employment and Labor Law Incentives," above.