

**THE ESSENTIAL SERVICES LAWS (AMENDMENT)
ACT, 1974**

ACT NO. XXXVI OF 1974

[15th June, 1974]

An Act further to amend the Essential Services (Maintenance) Act, 1952, the Essential Services (Second) Ordinance, 1958 and the Services (Temporary Powers) Ordinance, 1963.

WHEREAS it is expedient further to amend the Essential Services (Maintenance) Act, 1952 (LIII of 1952), the Essential Services (Second) Ordinance, 1958 (E. P. Ord. No. XLI of 1958), and the Services (Temporary Powers) Ordinance, 1963 (E. P. Ord. No. II of 1963), for the purposes hereinafter appearing;

It is hereby enacted as follows:-

Short title and commencement

1. (1) This Act may be called the Essential Services Laws (Amendment) Act, 1974.

(2) It shall be deemed to have come into force on the 28th day of February, 1974.

Amendment of Act LIII of 1952

2. In the Essential Services (Maintenance) Act, 1952 (LIII of 1952),-

(a) section 6 shall be *omitted*; and

(b) for section 7A the following shall be *substituted*, namely:-

“7A. Overriding power of the Act.- The provisions of this Act shall have effect notwithstanding anything to the contrary contained in the Industrial Relations Ordinance, 1969 (XXIII of 1969), or any other law for the time being in force.”.

Amendment of E. P. Ord. XLI of 1958

3. In the Essential Services (Second) Ordinance, 1958 (E. P. Ord. No. XLI of 1958),-

(1) section 3 shall be re-numbered as be-section (1) of that section, and-

- (a) in sub-section (1) as so re-numbered, the words and comma “under any local authority,” shall be *omitted*; and
- (b) *after* sub-section (1) as so re-numbered, the following new sub-section shall be *added*, namely:-

“(2) A declaration under sub-section (1) shall remain in force for a period of six months; but the Government may, by notification in *official Gazette*, successively extend it for further periods not exceeding six months at a time.”;

- (2) in section 4, the Explanation shall be numbered as Explanation 1, and after Explanation 1 as so numbered the following new Explanation shall be added, namely:-

“**Explanation 2.**- Absence from work in pursuance of any notice of strike given or purported to be given under any law shall not be deemed to be a reasonable excuse within the meaning of this section”; and

- (3) *after* section 5, the following new section 5A shall be *added*, namely:-

“**5A. Overriding Power of the Ordinance.**- The provisions of this Ordinance shall have effect notwithstanding anything to the contrary contained in the Industrial Relations Ordinance, 1969 (XXIII of 1969), or any other law for the time being in force.”.

4. In the Services (Temporary Powers) Ordinance, 1963 (E. P. Ord. II of 1963),- Amendment of E. P. Ord. II of 1963

- (1) in section 2, *for* the words “of a local authority” the words “of any body or establishment” shall be *substituted*; and
- (2) in section 3, in sub-section (1), *for* the words, commas and figures “the East Pakistan Trade Union Act, 1965, or the East Pakistan Labour Disputes Act, 1965” the words, commas, brackets and figures “the Industrial Relations Ordinance, 1969 (XXIII of 1969),” and *for* the words “in offices by any employee of the Government or of a local authority” the words “by any employee” shall be *substituted*.

Repeal and
Savings

5. (1) The Essential Services Laws (Amendment) Ordinance, 1974 (Ord. II of 1974), is hereby repealed.

(2) Notwithstanding such repeal, anything done, any action taken or any declaration made under any of the laws amended by the said Ordinance shall be deemed to have been done, taken or made, as the case may be, under the corresponding provisions of such law as amended by this Act.
