

**THE KARNATAKA STATE CIVIL SERVICES (PREVENTION OF
STRIKES) ACT, 1966**

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STATEMENTS OF OBJECTS AND REASONS

I

Act 30 of 1966.- As it was apprehended that certain organised bodies of Government employees would cause dislocation of work by resorting to strikes, it was considered necessary to provide for prevention of strikes by Government employees of the State. Since both the Houses of Legislature were not in session an Ordinance for this purpose was promulgated.

(Published in the Karnataka Gazette (Extraordinary) Part IV-2A as No. 187 dated 9-11-1966.)

II

Amending Act 6 of 1967.- In order to enforce the provisions of the Mysore State Civil Services (Prevention of Strikes) Act, 1966 effectively, it was found necessary to provide for punishment for an offence of instigation of a strike both with fine and imprisonment, and for the prosecution being given an opportunity to oppose an application for release on bail of persons accused or convicted of instigation of strikes. Provision was also considered necessary to ensure speedy trial of offences of this kind. An Ordinance was accordingly promulgated on 25th January 1967. This Bill is intended to replace the Ordinance.

(Published in the Karnataka Gazette (Extraordinary) Part IV- 2A as No. 80, dated 27-3-1967.)

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¹[KARNATAKA]¹ ACT No. 30 OF 1966

(First published in the ¹[Karnataka Gazette]¹ Extraordinary on the Seventh day of December, 1966)

THE ¹[KARNATAKA STATE]¹ CIVIL SERVICES (PREVENTION OF STRIKES) ACT, 1966

(Received the assent of the Governor on the Seventh day of December 1966)

(As amended by Act 6 of 1967)

An Act, to provide for the prevention of strikes by civil servants of the ¹[State of Karnataka]¹.

WHEREAS it is expedient to provide for the prevention of strikes by civil servants of the ¹[State of Karnataka]¹.

BE it enacted by the ¹[Karnataka]¹ State Legislature in the Seventeenth Year of the Republic of India, as follows :-

1. Adapted by the Karnataka Adaptations of Laws Order 1973 w.e.f. 1.11.1973

1. Short title, extent and commencement.- (1) This Act may be called the ¹[Karnataka State]¹ Civil Services (Prevention of Strikes) Act, 1966.

1. Adapted by the Karnataka Adaptations of Laws Order 1973 w.e.f. 1.11.1973

(2) It extends to the whole of the ¹[State of Karnataka]¹.

1. Adapted by the Karnataka Adaptations of Laws Order 1973 w.e.f. 1.11.1973

(3) It shall come into force at once.

2. Definitions.- In this Act,-

(1) "State Civil Servant" means a person who is a member of a civil service of the ¹[State of Karnataka]¹ or holds any civil post under the ¹[State of Karnataka]¹;

1. Adapted by the Karnataka Adaptations of Laws Order 1973 w.e.f. 1.11.1973

(2) "strike" means a cessation of work (including any unauthorised absence from duty) by a body of State civil servants acting in combination, or a concerted refusal, or a refusal under a common understanding, of any number of State civil servants to work.

3. Prohibition of strike.- No State civil servant shall resort to strike.

4. Penalty for strikes.- Any State civil servant who commences, continues or otherwise acts in furtherance of a strike shall be punished with imprisonment for a term which may extend to six months or with fine which may extend to five hundred rupees or with both.

5. Penalty for instigation, etc.- Any person who instigates or incites State civil servants to take part in, or otherwise acts in furtherance of a strike, shall be punished with imprisonment for a term which may extend to one year ¹[and with fine which may extend to one thousand rupees]¹.

1. substituted by Act 6 of 1967 w.e.f. 20.4.1967

6. Penalty for giving financial assistance.- Any person who knowingly expends or applies any money in furtherance or support of a strike shall be punished with imprisonment for a term which may extend to one year or with fine which may extend to one thousand rupees or with both.

7. Attempts, etc., to commit offence.- Any person who attempts to commit, or does any act preparatory to commission of any offence under this Act, shall be deemed to have committed such offence.

8. Offences by associations.- (1) Where an offence under this Act has been committed by an association, every person who at the time the offence was committed was in charge of, and was responsible to, the association for the conduct of the business of the association, as well as the association, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly :

Provided that nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or he has exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where any such offence has been committed by an association and it is proved that the offence has been committed with the consent or connivance of, or is attributable to, any neglect on the part of, any member of the executive or managing committee of the association or any manager, secretary or other officer of the association such member, manager, secretary or other officer shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation :- For the purpose of this section, "association" means any body of individuals whether incorporated or not.

9. Power to arrest without warrant.- Any police officer may arrest without warrant any person who is reasonably suspected of having committed any offence punishable under this Act.

1[9A. Special Provision regarding bail.- No person accused or convicted of an offence under section 5 of this Act shall, if in custody, be released on bail or on his own bond unless the prosecution has been given an opportunity to oppose the application for such release and where the prosecution opposes the application, the court is satisfied that there are reasonable grounds for believing that he is not guilty of such offence.

9B. Precedence for trials.- The trial of any offence under this Act in any court shall have precedence over the trial of any other offence pending in such court.]¹

1. Section 9A & 9B inserted by Act 6 of 1967 w.e.f. 20.4.1967

10. Repeal of 1[Karnataka]1 Ordinance No.1 of 1966.- The 1[Karnataka State]1 Civil Services (Prevention of Strikes) Ordinance, 1966, is hereby repealed.

1. Adapted by the Karnataka Adaptations of Laws Order 1973 w.e.f. 1.11.1973

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