

ALL INDIA BANK EMPLOYEES' ASSOCIATION

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CIRCULAR LETTER No. 28/145/2019/29

26-10-2019

TO ALL OFFICE BEARERS, STATE FEDERATIONS AND ALL INDIA BANKWISE ORGANISATIONS

Dear Comrades,

Banking Industry & Public Utility Service

Whenever, there is a Notification by the Labour Ministry or Finance Ministry declaring Banking Industry as public utility service, a lot of our units and members circulate such notifications and raise queries as though banking sector has been put under ESMA rules and no strike is possible, etc. Especially during our strikes, some people try to create confusion and scare and spread all types of news in social media.

Under the Industrial Disputes Act, 1947, Section 2 (n) deals with public utility services and certain sectors and industries like railway service, any transport service, port and dock, postal, telephone service, power and water supplies to public, public conservancy and sanitation, etc. are defined as public utility service.

In addition, Section 2 (n) (vi) of Industrial Disputes Act provides as under:

2 (n) (vi): Any industry specified in the **First Schedule** which the appropriate Government may, if satisfied that **public emergency or public interest so requires**, by notification in the Official Gazette, declare to be a public utility service for the purposes of this Act, for such period as may be specified in the notification:

Provided that the period so specified shall not, in the first instance, exceed six months but may, by a like notification, be extended from time to time, by any period **not exceeding six months, at any one time**, if in the opinion of the appropriate government, public emergency or public interest requires such extension.

The **First Schedule** contains the following services:

- 1. Transport (other than railways) for the carriage of passengers or goods, by land or water]
- 2. Banking.
- 3. Cement.
- 4. Coal.
- 5. Cotton textiles.
- 6. Foodstuffs.
- 7. Iron and Steel.
- 8. Defence establishments.
- 9. Service in hospitals and dispensaries.
- 10. Fire Brigade Service.
- 11. India Government Mints.
- 12. India Security Press.
- 13. Copper Mining.
- 14. Lead Mining.

- 15. Zinc Mining.
- 16. Iron Ore Mining.
- 17. Service in any oil-field.
- 18. Service in the Uranium Industry.
- 19. Pyrites Mining.
- 20. Security Paper Mill, Hoshangabad.
- 21. Services in the Bank Note Press, Dewas.
- 22. Phosphorite Mining.
- 23. Magnesite Mining

Under this provision, Labour Ministry periodically declares banking industry also as a public utility service. It is different from essential services covered under ESMA – Essential Service Maintenance Act.

Under Section 22 of the I D Act, in a public utility service, strikes can be undertaken by giving 14 days' Notice to the employer. Strikes are not banned or prohibited. AIBEA has gone on strike so many times so far.

Our units and members are to take note and not circulate such notifications in the social media, especially during our agitations and calls for strikes which is creating avoidable confusions to our general members.

With greetings,

Yours comradely,

C.H. VENKATACHALAM GENERAL SECRETARY

F.No. 6/22/95-IR Government of India Ministry of Finance Department of Financial Services 3rd floor, Jeevan Deep Building Parliament Street, New Delhi-110001 Dared 19 Cotober, 2019 Tion 1. Governor, Reserve Bank of India, Central Office, Mumbai 2. Chairman, State Bank of India 3. Managing Director and CEO Nationalised Banks 4. Chief Executive, Indian Banks' Association, Mumbai Subject Declaration of banking industry as a public utility service under the provisions of the Industrial Disputes Act, 1947, Sie/Madam, Please find enclosed a copy of notification no. S-11017/5/97-IR(PL), dated 17.10.2019, issued by the Ministry of Labour and Employment, Government of India, in exercise of the power conferred by the proviso to sub-clause (vi) of the clause (n) of Section 2 of the Industrial Disputes Act, 1947, declaring Banking Industry as a public utility service for a period of six months with effect from 21.10.2019. Yours faithfully, Endl: as above Kn - My (K.M. Nandaleumar) Under Secretary to the Government of India Tele: 011-23748760 Email: manic.in