

Essential Defence Services Act 2021
is an attack on entire working class.

Essential Defence Services Act (EDSA) 2021

- Became an act on 11 Aug 2021 after the President signed and parliament passed it in the 1st week of August 2021.
- Replaced Essential Defence Services Ordinance (EDSO) 2021
- Act effective from 30 June 2021 for one year, as of now.
- Supersedes all other concerned acts (ID Act, IPC, etc.)

Most draconian, anti-worker Act

Wide definition of “Essential Defence Service”

- Any service in any establishment or undertaking dealing with production of goods or equipment required for any purpose connected with defence;
- Any service in any establishment of, or connected with, the armed forces of the Union or in any other establishment or installation connected with defence;
- Any other service, as the Central Government may, by notification in the Official Gazette, declare to be essential defence services.

“Strike” meaning changed to cover every protest action!

- “strike” means the cessation of work, go-slow, sit down, stay-in, token strike, sympathetic strike or mass casual leave, by a body of persons engaged in the essential defence services, acting in combination or a concerted refusal or a refusal under a common understanding of any number of persons,
- refusal to work overtime, where such work is necessary for the maintenance of the essential defence services,
- any other conduct which is likely to result in, or results in, cessation or retardation or disruption of work in the essential defence services.

Power to prohibit “strikes” in essential defence services

- In Public interest
- In interest of sovereignty and integrity of India
- For Security
- For Public order
- For Decency
- For Morality

Dismissal of employees participating in illegal “strikes”

- Who commences a strike which is illegal
- Who instigates or incites other persons to commence, or go or remain on, or otherwise take part in, any such strike, shall be liable to disciplinary action (including dismissal)
- Before dismissing any person, **no inquiry shall be necessary** if the authority empowered to dismiss is satisfied that for some reason, to be recorded by that authority in writing, it is not reasonably practicable to hold such inquiry.

Penalty for illegal “strikes”

- Any person, who commences a strike which is illegal under this Act or goes or remains on, or otherwise takes part in, any such strike, shall be punishable with **imprisonment** for a term which may extend to **one year or with fine which may extend to ten thousand rupees, or with both.**

Penalty for instigation, etc

- Any person, who instigates or incites other persons to take part in, or otherwise acts in furtherance of, a strike which is illegal under this Act, shall be punishable with **imprisonment** for a term which may extend to **two years, or with fine which may extend to fifteen thousand rupees, or with both.**

Penalty for giving financial aid to illegal “strikes”

- Any person, who knowingly expends or supplies any money in furtherance or support of a strike which is illegal under this Act, shall be punishable with **imprisonment for a term which may extend to two years, or with fine which may extend to fifteen thousand rupees, or with both.**

Unlimited power to police

- Any police officer may **arrest without warrant** any person who is reasonably suspected to have committed any offence under this Act.
- All offences punishable under this Act shall be **cognizable and non-bailable**.

Offences to be tried summarily

- All offences under this Act shall be tried in a summary way by any Magistrate of the first class, specially empowered in this behalf by the State Government
- Magistrate will have power to pass a sentence of imprisonment for any term for which such offence is punishable under this Act.

EDSA in line with “The Essential Services Maintenance Act, 1968” (ESMA)

- EAMA used to curb workers’ struggles by declaring certain sectors as Essential Services. Various state governments have promulgated similar laws for the same purpose.
- Recently used against doctors, nurses and other health workers who were denied any right to protest by various state governments like Maharashtra, Uttar Pradesh, and Madhya Pradesh, etc. by declaring their services as Essential Services.
- State Transport workers, Railway and Airlines workers, workers involved in public distribution, teachers, Aasha workers etc. have been the target of ESMA.
- This time too Central government has declared that EDSA is required to safeguard the defence of our country.

But, EDSA is much worse.

- Much wider in scope,
- Covers production and maintenance units,
- Extends to private companies,
- Broad definition of strike,
- No warrant required for arrest,
- Non-bailable,
- Stiff punishment,
- Stiffer punishment for instigation.

Right to strike is one of the most important rights won by workers

- A right won by workers of the world during the first 3-4 decades of last century.
- Striking work means lot of hardship for workers.
- Hence they resort to this step only as a last resort in defence of our rights when all other means are exhausted.

If EDSA is not opposed by every worker

- Rights of workers of all other sectors will be taken away.
- Workers will be back in 19th century, when they had no rights.

Time to stand in solidarity with defence workers and participate in protest actions to protect her/his rights and of our children

Thank you