



# ALL INDIA BANK EMPLOYEES' ASSOCIATION

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## **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**

