

**Rajasthan Essential Services Maintenance Act, 1970**

**22 of 1970**

**[10 December 1970]**

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**Rajasthan Essential Services Maintenance Act, 1970**

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PREAMBLE

An Act, to provide for the maintenance of certain essential services in Rajasthan and for matters connected therewith.

Be it enacted by the Rajasthan State Legislature in the Twenty first Year of the Republic of India as follows.-

1. Notification dated December 11, 1970. Pub. in Raj. Gaz. Extra-Ordinary, Pt. IV-A, dated 11.12.1970, w.e.f. at once i.e. 5.9.1970 the date of Raj. Ordinary No. 12 of 1970.

**1. Short title, extent and commencement :-**

(1) This Act may be called the Rajasthan Essential Service Maintenance Act, 1970.

(2) It extends to the whole of the State of Rajasthan.

(3) It shall come into force at once.

## **2. Definitions :-**

(1) In this Act, unless the context otherwise requires,-

(a) "essential service" means-

(i) any public service in connection with the affairs of the State of Rajasthan;

(ii) any service under the educational institutions recognised by the Director of Education, Rajasthan, or by the Board of secondary Education, Rajasthan;

(iii) any service under a local authority;

<sup>1</sup>["(iv) any other service connected with matters with respect to which the State Legislature has power to make laws and which the State Government being of opinion that strikes therein would prejudicially affect the maintenance of any public utility service, the public safety or the maintenance of supplies and services necessary for the life of the community or would result in the infliction of grave hardship on the community, may, by notification in the official Gazette, declare to be an essential service for the purposes of this Act-

Provided that the State Government shall not make a declaration under this sub-clause in respect of a service connected with matter enumerated in List III in the Seventh Schedule of the Constitution if the Central Government has made any declaration under sub-clause (xvii) of clause (a) of sub-section (I) of section 2 of the Essential Services Maintenance Act, 1981 (Central Act No. 40 of 1981) in respect of such service;"]

(b) "strike" means any cessation of work (including any

unauthorised absence from duty) by a body of persons employed in any essential service acting in combination or a concerted refusal or a refusal under a common understanding of any number of persons who are or have been so employed to continue to work or to accept employment, and includes-

(i) refusal to work over-time where such work is necessary for the maintenance of any essential service;

(ii) any other conduct which is likely to result in or results in cessation or substantial retardation of work in any essential service.

<sup>1</sup>["(2) Every notification issued under sub- clause (iv) of clause (a) of sub-section (I) shall be laid before the House of the State Legislature immediately after it is made if it is in session and on the first day of the commencement of the next session of the House if it is not in session, and shall cease to operate at the expiration of forty days from the date of its being so laid or from the re-assembly of the State Legislature, as the case may be, unless before the expiration of that period a resolution approving the issue of the notification is passed by the House of the State legislature."]

1. Inserted by section 2 of the Rajasthan Essential Services Maintenance (Amd.) Act 1982 (Raj. Act 5 of 1982) vide Notification No. F. 2(6) vidhi-82, dated 25.3.1982, Pub. in Raj. Gaz. Ex. Ordinary Pt. IV-A. dated 25.3.1982.

### **3. Power to prohibit strike in certain employments :-**

(1) If the State Government is satisfied that in the public interest it is necessary or expedient so to do, it may, by general or special order prohibit strikes in any essential service specified in the order.

(2) An order made under sub-section (1) shall be published in such manner as the State Government considers best calculated to bring it to the notice of the persons affected by the order.

(3) An order made under sub-section (1) shall be in operation for six months only, but the State Government may, by a like order, extend it for any period not exceeding six months if it is satisfied that in the public interest it is necessary or expedient so to do.

(4) Upon the issue of an order under sub-section (1)-

(a) no person employed in any essential service to which the order relates shall go or remain on strike;

(b) any strike declared or commenced, whether before or after the issue of the order, by persons employed in such service shall be illegal.

#### **4. 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 six months, or with fine which may extend to two hundred rupees, or with both.

#### **5. 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 or would be illegal under this Act, shall be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both.

#### **6. 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 or would be illegal under this Act, shall be punishable 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. Power to arrest without warrant :-**

<sup>1</sup>[Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (Central Act No.2 of 1974) any police officer may arrest without warrant any person who is reasonably suspected of having committed any offence under this Act.]

1. Substituted by Raj. Act 5 of 1982 dated 20.1.82.

## **8. Act to over-ride other laws :-**

<sup>1</sup>[The provisions of this Act and of any order issued there under shall have effect notwithstanding anything inconsistent therewith contained in the Industrial Disputes Act, 1947 (Central Act 14 of 1947), or in any other law for the time being in force.]

1. Substituted by Raj. Act 5 of 1982 dated 20.1.82.

## **9. Repeal and Saving :-**

(1) The Rajasthan Essential Services, Maintenance Ordinance, 1970 (Ord. 12 of 1970) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under this Act as if this Act had come into force on the 5th day of September, 1970.