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**Uttar Pradesh Essential Services Maintenance Act, 1966****30 of 1966****[30 December 1966]****CONTENTS**

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**Uttar Pradesh Essential Services Maintenance Act, 1966****30 of 1966****[30 December 1966]**

An Act to provide for the maintenance of certain essential services in Uttar Pradesh and for matters connected therewith It is hereby enacted in the Seventeenth Year of the Republic of India as follows: 1. Received the assent of the Governor on December 30, 1966 and was published in U.P. Gazette, Extra., dated 31st December, 1966.

**1. Short Title And Extent :-**

- (1) This Act may be called the Uttar Pradesh Essential Services Maintenance Act, 1966.
- (2) It extends to the whole of Uttar Pradesh.

**2. Definition :-**

In this Act, unless the context otherwise requires,--

(a) "essential service" means--

(i) any public service in connexion with the affairs of the State of Uttar Pradesh;

1[(ii) any service under an educational institution recognised by the Director of Education, or by the Board of High School and Intermediate Education, Uttar Pradesh, or service under a University incorporated by or under an Uttar Pradesh Act including any affiliated college, associated college, autonomous college, constituent college or Institute of any such University;]

(iii) any service under a local authority;

(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;

2[(iv) any service in connection with the U.P. State Co-operative Land Development Bank or any other State Level Co-operative Society, mentioned in clause (a-4) of Section 2 of the Uttar Pradesh Co-operative Societies Act, 1965, or its member cooperative societies, registered under the said Act;

(v) any service in connection with any Government Company, in which not less than fifty-one per cent, paid-up share capital is held by the State Government, or other statutory body (by whatever name called) established or -constituted by or under any Uttar Pradesh Act;

(vi) any other service connected with matters with respect to which 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 great hardship on the community, may, by notification declare to be essential service for the purpose of the Act.]

1. Substituted by U.P. Act 16 of 1982, Section 2 (w.e.f. 1st December, 1981).

2. Inserted by U.P. Act 24 of 1983, Section 2 (w.e.f. 2nd July, 1983).

### **3. Power To Prohibit Strikes In Certain Employments :-**

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) During the period of operation of an order under sub-section (1), any strike by persons employed in any essential service to which the order relates shall, whether it is declared or commenced before or after the commencement of the order, 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 five 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 :-**

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

#### **8. Act To Override Other State Laws :-**

The provisions of this Act and of any order issued thereunder shall have effect notwithstanding anything inconsistent therewith

contained in any other Uttar Pradesh Act for the time being in force.

**9. Repeal And Saving :-**

(1) The Uttar Pradesh Essential Services Maintenance Ordinance, 1966 (U.P. Ordinance VI of 1966), 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 commenced on the twenty-eighth day of August.