

Rajasthan Essential Services Maintenance Act, 1970

(Act No. 22 of 1970)

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

1. **Short title, extent and commencement.**- (1) This Act may be called the Rajasthan Essential Services 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;

(b) "*strike*" means any cessation of work (including any authorised 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 or 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.

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 in, 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.**- 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 over-ride 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 Act of the State of Rajasthan after the time being in force.
9. **Repeal and Saving.**- (1) The Rajasthan Essential Services Maintenance Ordinance, 1970 (Ordinance 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.