

***Rajasthan Essential Services Maintenance (Amendment) Act, 1982***

***(Act No. 5 of 1982)***

1. **Short title, extent and commencement.**- (1) This Act may be called the Rajasthan Essential Services Maintenance (Amendment) Act, 1982.

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

(3) It shall be deemed to have come into force on the 20<sup>th</sup> day of January, 1982.

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 matters 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 (1) of section 2 of the Essential Services Maintenance Act, 1981 (Central Act No. 40 of 1981) in respect of such service;” and

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<sup>1</sup> Inserted by notification dated 25.03.1982

(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.

<sup>1</sup>(2) Every notification issued under sub-clause (iv) of clause (a) of sub-section (1) 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."

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.

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<sup>1</sup> Inserted by notification dated 25.03.1982

(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. **<sup>1</sup>Power to arrest without warrant.-** 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 punishable under this Act.
8. **<sup>2</sup>Act to over-ride other laws.-** 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 for the time being in force.
9. **<sup>3</sup>Repeal and Saving.-** (1) The Rajasthan Essential Services Maintenance (Amendment) Ordinance, 1982 (Ordinance 1 of 1982) is hereby repealed.

<sup>4</sup>(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the Principal Act as amended by this Act.

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<sup>1</sup> Inserted by notification dated 25.03.1982

<sup>2</sup> Ibid

<sup>3</sup> Ibid

<sup>4</sup> Ibid