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GOVERNMENT OF GUJARAT
LEGAL DEPARTMENT

Gujarat Act No. 23 of 1972

The Gujarat Essential Services Maintenance Act, 1972.

(As modified upto 30th June 1981)

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THE GUJARAT THE GUJARAT ESSENTIAL SERVICES MAINTENANCE ACT,
1972.

C O N T D N T S.

PREAMBLE.

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GUJARAT ACT NO. 23 OF 1972.¹ *

[THE GUJARAT ESSENTIAL SERVICES MAINTENANCE ACT,

1972.] [12th December, 1972.]

Amended by Guj. 34 of 1980.

An Act to provide for the maintenance of certain essential services and the normal life of the community....

It is hereby enacted in the Twenty-third Year of the Republic of India as follows :—

1. (1) This Act may be called the Gujarat Essential Services Maintenance Act, 1972.

of Gujarat.

Short title, extent and commencement. It extends to the whole of

(2)

(3) It shall come into force at once.

2, (1) In this Act, unless the context otherwise requires,—
Definitions:

(a) "essential service" means,—

(i) all employment under the State Government (including all officers and servants of the State Legislature Secretariat and of the High Court) ;

(ii) any other employment or class of employment connected with matters

with respect to which the State Legislature has power to make laws, in respect of which State Government is of opinion that strikes in such employment or class of employment, would prejudicially affect the maintenance of any public utility service, the public safety or the maintenance of supply or service essential to the life of the community or would result in the infliction of grave hardship on the community, and which the State Government declares, by notification in the Official Gazette, to be an essential service for the purpose of this Act.

"Strike" means the cessation of work by a body of persons employed in any service acting in combination or otherwise, concerted refusal or a refusal under a common understanding of any number of persons who are or have been employed to work or accept employment, and includes—

(i) to work overtime when no work is necessary for the maintenance of any service

or retardation of work in any service.

1. For Statement of Objects and Reasons see (Gujarat, Government Gazette, Extraordinary, Part V, dated 11th December, 1972, p. 328, This Act was passed by the Governor on the 12th December 1972.

Essential Services Maintenance Act, 1972 [1972:Guj. 23]

2 Gujarat

(?) Dvory i) under sub-clause (ii) of clause (a) of

Power to prohibit strikes. 3. (1) If the State Government is satisfied that in the public interest it is necessary or expedient so to do, it may, by notification in certain

employments. 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 may calculate and consider best to bring it to the notice of the persons affected by the Order.

(3) An Order made under sub-section (1) shall be in force 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),—
in session, and on the first day of the commencement of the next session of the Legislature if it is not, in the case of the State Legislature, in session, and shall at the expiration of forty days from the date of its being laid or from the date of its presentation to the State Legislature, unless before the expiration of that period a resolution approving the Order is passed by the State Legislature.

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

(b) any breach of the Order, by persons employed in any such service shall be illegal.

Penalty for illegal strikes. 4. 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, on conviction, be punished with imprisonment for a term which may extend to six months, or with fine which may extend to two hundred rupees, or with both.

Penalty for instigation etc. 5. Any person who instigates or incites other persons to take part in, or otherwise acts in furtherance of, a strike which is illegal under this Act shall, on conviction, be punished with imprisonment for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both.

Penalty for 6. Any person who knowingly expends any money in furtherance of the strike or in support of a strike which is illegal under this Act shall, on conviction, be punished with imprisonment for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both.

Section 4, 5 or 6 in addition to disciplinary action. 7. Any action taken under section 4, 5 or 6 shall not affect, and in addition to, any action of disciplinary nature or any consequence which may ensue, and to which any person may be liable by the terms and conditions of his service or employment.

shall be in

of

8. Notwithstanding

in the Code of

suspect, of having committed any offence under this Act",
under this Act shall be non-bailable.

all offences

warrant and
offences to
be non-
bailable

with

9. Nothing contained in this Act shall apply to employment in any industry
being an industry which generates electricity for the public or supplies or

Saving.

distributes electricity (to the public),] which the provisions of the Bombay
Industrial Relations Act, 1946 or the Industrial Disputes Act, 1947 apply.

Born.
of
1947.

Act
No.
of
1947.

Criminal Procedure,

1898*any police officer
arrestPower to

anything contained in the Code

of Criminal Procedure, 1898, shall apply to any

person who is engaged in

1. These brackets and words were inserted by Guj. 34 of 1980, S 2.



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