



Uttar Pradesh Invokes ESMA | Uttar Pradesh | 20 Feb 2024

Why in News?

The Uttar Pradesh government invoked [the Essential Services Maintenance Act \(ESMA\), 1968](#) banning strikes by government employees in all State government departments, corporations, and authorities for a period of six months.

- The decision **came during ongoing farmers strike called by various union organisations.**

Key Points

- Under **sub section (1) of the section-3** of the **Uttar Pradesh Essential Services Maintenance Act, 1966 (UP Act No 30 of 1966)**, the State government prohibited strike for a period of six months.
- The Act gives the police the **power to arrest the employees violating provisions** without a warrant and **imprisonment for a term** which may extend up to one year or a fine which may extend to ₹1,000 or both, to any person who instigated a strike which was illegal under the Act.
- In the past, the UP government had banned strikes for six months during the peak of the [Covid-19 pandemic](#), and again in May 2021.

The Essential Services Maintenance Act, 1968

- It was **enacted in 1968** to ensure the **delivery of certain services**, which if obstructed would affect the normal life of the people.
- It is a law made by the Parliament of India under **List No. 33 in Concurrent List of 7th Schedule of Constitution of India.**
- Services fall under this category are:
 - Services relating to **public conservation, sanitation, water supply, hospitals, or national defence** are essential.
 - Any establishment involved in producing, delivering, or distributing **petroleum, coal, electricity, steel, or fertilizer** also gets classified as providing essential services. Aside from that, any banking-related service may be subject to ESMA.
 - This statute also applies to communication and transportation services and any government initiative relating to the acquisition and distribution of food grains.