

Maharashtra Shops and Establishment amendment Act

The Government of Maharashtra ,vide Notification dated December19,2017,has notified the **Maharashtra Shops and establishment Act** .The Key features of the Act are as below:-

Registration of Establishments:-

1. The Act states that there will be no registration needed for establishments with less than 10 persons. Only an intimation is to be given with in a period of 60 days by submitting online application in prescribed form, together with such self- declaration and self-certified documents. In case of closure of establishment having less than 10 employees the employer needs to notify to the department within 30 days from the date of the closure of the establishment in prescribed form.

For registration under the Act, employers of every establishment employing 10 or more workers are required to submit an **online application** in a prescribed form for registration containing the prescribed self certified documents.

Establishments already having valid registration or renewal under the Maharashtra Shops and Establishment Act, 1948 need not apply until expiry of their registration or renewal. Employer shall deposit the fees online along with documents for registration of establishments along with the labour Identification Number (LIN). An application for the renewal of a registration certificate shall be submitted online not less than 30 days before the date of expiry of the registration certificate. In case of any change a amended registration certificate or a fresh registration certificate would

be issued online.

2. Employer need to apply for the registration of establishment within a period of sixty days from the date of commencement. Registration certificate shall be valid up to maximum period of Ten years.

Regulations of employment:-

1. No such women shall be required or allowed to work in any establishment except between the hours of 07.00 am & 09.30 pm. However, the Act also allows women to work in night shift from 9.30 pm to 7.00 am with their consensus and with the establishment providing adequate protection of their dignity, honours & safety ,protection from sexual harassment and their transportation from the establishment to the doorstep of their resident as may be prescribed or with authorized representative or manager or supervisor.
2. Total number of overtime shall not exceed 125 hours in a period of 3 months. In commercial establishment the spread-over of an employee shall not exceed 10 and 1/2 hours in any day, in case intermittent nature of work or urgent work, the spread-over shall not exceed 12 hours. Every worker shall be allowed weekly holiday of at least 24 consecutive hours of rest. If a worker is denied weekly holiday, the compensatory leave lieu thereof shall be given within 02 months

of such weekly holiday. Where a worker is required to work on a day of his rest, he shall be entitled to wages at the rate of twice his ordinary rate of wages.

3. Employer to furnish Identity card to worker with all the required details including the **Aadhar Card** Number.
4. Every employee who has been in employment for twenty days will be entitled for one day earned leave for each twenty days. The maximum accumulation of leave can be upto a maximum period of Forty five days. Person will be eligible for 8 days casual leave. Every employee shall also be entitled to 08 paid festival holiday's in a calendar year, namely, i.e. 26th January, 01st May, 15th August & 02nd October and such other festival holidays.

Welfare provisions:-

1. Employer shall take such measures relating to sufficient supply of wholesome drinking water. The employer shall provide sufficient latrine & urinal for men & women separately. In every establishment wherein 50 or more workers are employed, a suitable room or rooms as crèche shall be provided and maintained for all the woman workers for the use of children of such workers. The Crèche shall be maintained within a radius of 01 kilometer from the establishment. The employer to provide and maintain a canteen in the establishment, where not less than 100 workers are employed or ordinarily employed for the use of its workers.

Maintenance of registers and records:-

1. Every employer shall maintain register or records **electronically** or manually.

Provision for Penalty:-

1. **Contravention of provisions of this Act** or the rules made there under shall be punishable with fine may extend to one lakh rupees and in the case of continuing contravention, with an additional fine which may extend to Two hundred rupees every day during which such contravention continues.
2. **Penalty for obstructions or refusal to provide** register, any inspection, examination, inquiry or investigation authorized by or under this Act in relation to an establishments, shall, on conviction, be punished with fine may extend to Two Lakh Rupees.