

In pursuance of clause (3) of Article 348 of the Constitution of India, the following translation in English of the Government Notification, Industries, Energy & Labour Department No. MSA-11/2014/C.R.271/Lab.-10, dated 14/11/2014 is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra


(Balasaheb Kolase)
Joint Secretary to Government

NOTIFICATION

INDUSTRIES, ENERGY AND LABOUR DEPARTMENT
Mantralaya, Mumbai 400032, dated the 14/11/2014.

The
Maharashtra
Shops and
Establishments
Act, 1948

No. MSA-11/2014/C.R.271/Lab.-10.- The following draft of rules further to amend the Maharashtra Shops and Establishments Rules, 1961, which the Government of Maharashtra proposes to make in exercise of the powers conferred by section 67 of the Maharashtra Shops and Establishments Act, 1948 (LXXIX of 1948), and of all other powers enabling it in that behalf, is hereby published as required by sub-section (3) of section 67 of the said Act for the information of all persons likely to be affected thereby, and notice is hereby given that the said draft will be taken into consideration by the Government of Maharashtra on or after the expiry of the period of thirty days.

2. Any objections or suggestions, which may be received by the Commissioner of Labour, Maharashtra State, C-20, Kamgar Bhavan, Bandra Kurla Complex, Mumbai -400051 on or before the aforesaid date from any person with respect to the said draft, will be considered by the Government.

DRAFT RULES

1. These rules may be called the Maharashtra Shops and Establishments (First Amendment) Rules, 2014.
2. For rule 6 of the Maharashtra Shops and Establishments Rules, 1961 (hereinafter referred to as "the principal Rules") the following rule shall be substituted, namely:-

"6.(1) On receipt of the statement or an application and the fees specified in rule 5, the inspector shall, on being satisfied about the correctness of the statement, register or renew the registration of the establishment in the appropriate part of the register of establishment in Form C and shall issue a registration or renewal certificate in Form D to the employer within three working days from the date of the receipt of the application subject to the terms and conditions or reject the same

and communicate it to the applicant within the said period of three working days, failing which the copy of the receipt of application with copy of payment of fees shall be treated as registration or renewal certificate.

After issuing registration or renewal certificate, the inspector shall make enquiry about the correctness of the statement and the information in the application, and if,-

(a) there is breach of any terms and conditions mentioned in the registration or renewal certificate; or

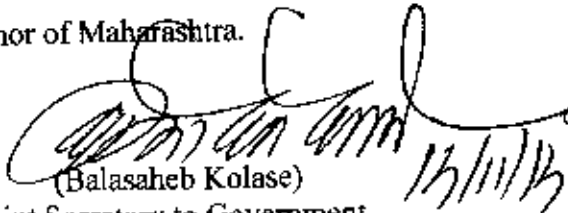
(b) registration or renewal certificate granted has been obtained by misrepresentation or suppression of any material facts; or

(c) the provisions of the Act and Rules made thereunder are not observed by the employer,

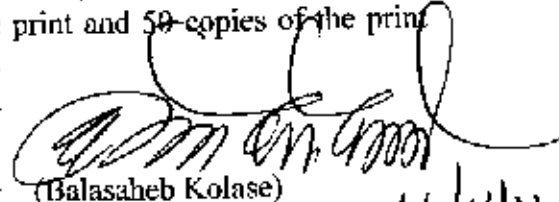
the inspector may take action as per the provisions of the Act.

(2) The Government shall, from the date as may be notified by the Government in the *Official Gazette* make available online facility for application and issuance of registration or renewal certificate so that computer generated registration or renewal certificate can be issued online. Till then manual process of application and issuance of registration or renewal of registration certificate shall continue as mentioned sub-rule (1). Online processing software shall be so designed to ensure that if order of rejecting the application is not communicated within the period stated in sub-rule (1), the receipt of online application attached with the copy of the payment of fees online shall be deemed to be the Certificate of Registration for the purpose of the said Act."

By order and in the name of the Governor of Maharashtra.


(Balasaheb Kolase)
Joint Secretary to Government

To be published in the Maharashtra Government Gazette, Part I-L. Extra Ordinary, dated the 14/11/2014 and to be returned with 20 copies the print and 50 copies of the print may be sent to the Commissioner of Labour, Mumbai, direct.


(Balasaheb Kolase)
Joint Secretary to Government

Copy to :

1. The Commissioner of Labour, Bandra Kurla Complex, Bandra East, Mumbai - 51.
2. Select File (Lab-10)