

Maharashtra Shops and Establishment Rules 1
Simplification of Process to avail Exemption Under Sec – 4,
Government of Maharashtra

Vide Government Circular no MSA -06/2013/section no -217, Labour- 10
Industries, Energy and Labour Dept.

Date – 11/07/2013

Government Circular

1. The Maharashtra Shops and Establishment Rules, 1948 is enacted for the welfare of the daily wage earning labour and the Rules and Regulations there under governed the employment terms and conditions of workers/labourers. Under the presiding Rules the timings regarding opening and closing of shops and establishments are defined and the weekly working hours, lunch hours, weekly off etc. Provisions related to the labour welfare are specified thereunder.
2. In the modern age of globalisation and liberalization, majority of establishments are continuously engaged and focused on expansion of their respective business and trading activities. However due to certain provision made under the said Rules, particularly those related to timings about opening and closing hours of the shops and establishments, are constraining the scope for growth/expansion of these establishments due to said limitations imposed .Therefore, the concerned establishment makes an application to the Government with a view to avail exemptions under the said Rules. The State Govt has discrete powers to grant exemption to such establishments under one or more provisions of Section 4 of the said Rules to those applicant establishments.
3. However,upon receiving such an applications from Mumbai Municipal Corporation or from the other State Local Bodies, verification of the same and preparation of Recommendation /Report to be released by the Labour Commissioner itself is a tedious process. In view of these practical difficulties and to simplify the implementation of the procedure as to make it more transparent; as also to enable the workmen/labourers to avail protection /the benefits provided under the said Act and Rules made thereunder, the applicant establishments are herein after required to attest the documents along with the application made to the government , the documents being as listed below :

- i. A notarized affidavit and taken on the Rs.100/- (Rupees Hundred) stamp paper stating that all the conditions provided under the said Rules for welfare of workmen/labourers are and shall continue to be abide by the applicant.
 - ii. Latest Registration Certificate issued under Maharashtra Shops and Establishment Rules, 1948 and sub- rules made there under.
 - iii. In case of those establishments covered under The Contractual Workers/Labour (Employment And Regularisation) Rules 1970, an interim registration certificate of such an establishment .
 - iv. List containing no. of employees along with the details such as name (regular/contractual, male / female) (to be mentioned in the application and the list of employees to be annexed along with the said application).
 - v. Minimum and Maximum Wages / salary payable to the employees (to be mentioned in the application).
 - vi. The Consent Letter from employees with respect to availing the exemption by the establishment under the said Rules.
 - vii. In case the establishments seeking for exemption to be availed to its one or more branches,the Registration Certificate along with complete address of each such branch of those establishments.
 - viii. Letter of Guarantee undertaking that
 - a) In case if the shop and establishments are to be kept of open for additional working hours, new employees' staff shall be deputed and ;
 - b) The working hours additionally put in by the existent employees shall be eligible for additional/ overtime remuneration payable to them.
4. Upon sufficient of the above mentioned documents, if required the Government may call upon the Report from the Regional Office prior to granting exemption.lif subsequent to granting such exemption, it is revealed that the information produced by the establishment is false or misleading, or the establishment has failed to implement the provisions made under labour welfare enactments or is

found to have violated the same, the exemption granted to such establishment shall be cancelled and shall be liable for criminal action against such an establishment under the relevant provisions of the said Rules to be taken through the regional controlling authorities.

5. This Circular to be communicated /to be brought to the notice of all Regional Offices by Labour commissioners with immediate effect and to issue and publish the said procedure in all the local and widely circulated newspapers of the State and thereby to invite attention of all the listed and registered shops and establishments U/Sec – 2 of the said Rules prevalent applicable /existent in the State.
6. The above referred Circular is accessible on the website of “MAHASHRAM” of the labour dept. and is also available on the website of government of Maharashtra namely www.maharashtra.gov.in bearing the webcode 201307121553196510 the said Circular is published under the digital signature.

Under the name and order of Hon'ble Governor, State of Maharashtra

(Balasaheb Kolse)
Joint secretary,
Government of Maharashtra

Cc To:

1. The Personal Secretary To Honorable Minister (Labour)
2. The Personal Secretary To Honorable State Minister (Labour)
3. Deputy Secretary To Honorable Chief Secretary
4. Personal Assistant To Principal Secretary (Labour)
5. Commissioner Of Labour. State Of Maharashtra, Mumbai
6. Commissioner Municipal Corporation of greater Mumbai, Mahanagar palika marg, Mumbai- 400001.
7. Joint Labour Commissioner, Mumbai.
8. Upper Labour Commissioner, Mumbai/Pune/Nagpur/ Aurangabad.
9. All The Offices Of Deputy Commissioners (Labour).
10. All The Offices Of Assistant Commissioners (Labour).
11. All Presiding Offices (Labour Division), Industry, Energy And Labour Dept, Mantralay, Mumbai.
[Nivad Nasty] (Labour – 10)

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Annexure to the Circular

Specimen of Affidavit

I _____(Complete name and address of the owner of the establishment or authorized representative thereof) do solemnly affirm to undertake as follows:

I, _____ (name and address of the establishment) am the managing director / partner/ owner/ proprietor of the afore said establishment. I hereby confirm that the information recorded in the application about myself, my establishment, about my employees and the other relevant contents thereof/information recorded therein, is true and correct.

I state that:

- a. there are no child workers/labourers employed in my establishment ,
- b. that there is no complaint about sexual harassment by any of the women/female employees,
- c. that my establishment is run and operated under the provisions and rules made under The Maharashtra Shops and Establishment Rules, 1948 and under Minimum Wages Rules ,1948 and other labour welfare enactments.

I state and affirm that all the employees/workmen are observing by the relevant provisions under law in my establishment under the said Rules and shall continue to abide by all those terms and conditions made thereunder,whereupon all the exemptions under the said Rules shall be granted.

So also I state and affirm that I am aware that the facts of contents and information recorded in an application,if found false and misrepresenting, and if any violatations of provisions under any Act are revealed, would be liable for initiation of criminal proceedings against me .

Date :

(Name & Signature of the Owner or
Authorised Representative Deponent)