

THE ASSAM SHOPS AND ESTABLISHMENT (AMENDMENT) BILL, 2026

A

BILL

further to amend the Assam Shops and Establishment Act, 2022

Preamble

Whereas it is expedient further to amend the Assam Shops And Establishments Act, 2022, hereinafter referred to as the principal Act, in the manner hereinafter appearing:

Assam
Act. No.
III of
2025

It is hereby enacted in the Seventy-seventh Year of the Republic of India as follows :-

Short title, extent
and
commencement

1. (1) This Act may be called the Assam Shops And Establishment (Amendment) Act, 2026.
- (2) It shall have the like extent as the principal Act.
- (3) It shall come into force at once.

Amendment of
title

2. In the principal Act, in the title, for the words "Establishment", the word "Establishments" shall be substituted.

Amendment of
long title

3. In the principal Act, for the long title, the following shall be substituted, namely:-
"to provide for regulation of conditions of employments and other conditions of service of workers and employees in shops and establishments and for matters connected therewith and incidental thereto."

Amendment of the
Preamble

4. In the principal Act, for the Preamble, the following shall be substituted, namely:-
"Whereas it is expedient to provide for the regulation of conditions of work and employment in shops and establishments and for matters connected therewith and incidental thereto."

Amendment of
section 1

5. In the principal Act, in section 1, in sub-section (1), for the word "Establishment" the word "Establishments" shall be substituted.

Amendment of
section 2

6. In the principal Act, in section 2 ,
 - (i) for clause (1), the following shall be substituted, namely:-
"(1) "Appellate Authority" means the Labour Commissioner, Assam;"
 - (ii) after clause(1), the following new clause (1a) shall be inserted, namely:-
"(1a) "Adjudicating Authority" means the Deputy Labour Commissioner, Assam;"
 - (iii) for clause (2), the following shall be substituted, namely:-
"(2) "Chief Inspector-cum-Facilitator" means the Chief Inspector-cum-Facilitator appointed under section 23 of the Act."
 - (iv) in clause (3), in between the word "midnight" and the punctuation mark ";" the words and figures "provided that in case of a person employed, whose hours of work is extended beyond midnight, the period of twenty-four hours shall begin from the time when such employment commences" shall be


VETTED BY THE
LEGISLATIVE DEPARTMENT
ON 04.07.2026

inserted;

- (v) after clause (3), a new clause (3a) shall be inserted, namely:-

“(3a) "employee" means in respect of an establishment, a person (other than an apprentice engaged under the Apprentices Act, 1961) employed on wages by an establishment to do any skilled, semi-skilled, unskilled, manual, operational, supervisory, managerial, administrative, technical, clerical or any other work, whether the terms of employment be express or implied or a person declared to be an employee of the Government, but does not include any member of the Armed Forces of the Union.”;

Central
Act No.
52 of
1961

- (vi) in clause(4), sub-clause(iii) shall be deleted;

- (vii) in clause(5) ,

- (a) the first paragraph, in the second line, in between the words and punctuation mark “any business,” and “trade” , the word, brackets and punctuation mark “manufacture (not being a factory),” shall be inserted ;

- (b) for sub-clause (iii) , the following shall be substituted , namely:-

“(iii) shop, residential hotel, restaurant, cafes, eating house or any other similar places, cinemas, theatre, place of public amusement or entertainment to whom the provisions of Part VII of the Occupational Safety, Health and Working Conditions Code, 2020 do not apply;

Central
Act No.
37 of
2020”

- (c) after sub-clause (iii), the following new sub-clause (iii) (a) shall be inserted, namely:-

“(iii) (a) commercial establishments, including those engaged in advertising, commission, forwarding or commercial agency, clerical departments of industrial or commercial undertakings (including public transport services) where, even if any manufacturing process is carried on but, not covered by Part VII of the Occupational Safety, Health and Working Conditions Code, 2020;”;

Central
Act No.
37 of
2020”

- (viii) clause (6) shall be deleted;

- (ix) for clause (7), the following shall be substituted, namely:-

“(7) “Inspector-cum-Facilitator” means the Inspector-cum-Facilitator appointed under section 23 of this Act;”

- (x) for clause (8) , the following shall be substituted, namely:-

“(8) “factory” means any premises and the precincts thereof under clause (w) of sub-section (1) of section (2) of the Occupational Safety, Health and Working Conditions Code, 2020.”

Central
Act No.
37 of
2020

- (xi) after clause (11) , the following new clause (11) (a) shall be inserted, namely :-

“(11) (a) "intermittent work" means an act or event occurring occasionally or at irregular intervals, rather than continuously or regularly:

Provided that the work performed in a shop or an


VETTED BY THE
LEGISLATIVE DEPARTMENT
ON 04.07.2026

establishment shall not be deemed to be intermittent work,

- (a) if it was performed for more than one hundred and twenty days in the preceding twelve months, or
 - (b) if it is of a seasonal character and is performed for more than sixty days in a year.”
- (xii) in clause (15), in the third line, the words and punctuation mark “,by or with the help of any worker of or” appearing in between the words ‘work’ and “connected” shall be deleted;
- (xiii) clause (17) shall be deleted;
- (xiv) clause (18) and clause (19) shall be deleted;
- (xv) for clause (20), the following shall be substituted, namely:-
“(20) “shift” means a time-period where work of the same kind is carried out by two or more sets of employees working during different periods of the day.”;
- (xvi) in clause (21), in the third line, for the word “customers” appearing in between the words “rendered to” and “and”, the word “customer” and in the fourth line, for the word “or” appearing in between the words “warehouse” and “work place”, the words “and any” shall be substituted; and in the fifth line, the word “mainly” appearing in between the word and punctuation mark “otherwise,” and “used” shall be deleted;
- (xvii) in clause (22), in the third line, for the words “a worker” appearing in between the words “work of” and “on any day” the words “an employee” shall be substituted ;
- (xviii) for clause (23), the following shall be substituted, namely:-
“(23) “wages” means all remuneration whether by way of salary, allowances or otherwise, expressed in terms of money or capable of being so expressed which would, if the terms of employment, express or implied, were fulfilled, be payable to a person employed in respect of his employment or of work done in such employment, and includes,—
- (i) Basic pay;
 - (ii) Dearness allowance; and
 - (iii) Retaining allowance, if any, but shall not include—
 - (a) any bonus payable under any law for the time being in force, which does not form part of the remuneration payable under the terms of employment;
 - (b) the value of any house-accommodation, or of the supply of light, water, medical attendance or other amenity or of any service excluded from the computation of wages;
 - (c) any contribution paid by the employer to any pension or provident fund and the interest which may have accrued thereon;
 - (d) any conveyance allowance or the value of any travelling concession;

- (e) any sum paid to the employed person to defray special expenses entailed on him by the nature of his employment;
- (f) house rent allowance;
- (g) remuneration payable under any award or settlement between the parties or order of a Court or Tribunal;
- (h) any overtime allowance;
- (i) any commission payable to the employee;
- (j) any gratuity payable on the termination of employment;
- (k) any retrenchment compensation or other retirement benefit payable to the employee or any ex gratia payment made to him on the termination of employment:

Provided that for calculating the wages under this clause, if payments made by the employer to the employee under clauses (a) to (i) exceeds one-half, or such other per cent as may be notified by the Central Government, of the all remuneration calculated under this clause, the amount which exceeds such one-half, or the per cent. so notified, shall be deemed as remuneration and shall be accordingly added in wages under this clause:

Provided further that where an employee is given in lieu of the whole or part of the wages payable to him, any remuneration in kind, approved by Chief Inspector-cum-Facilitator, the value of such remuneration in kind shall not exceed fifteen percent or such other percent as may be notified by the Government of the total wages payable to him."

(xix) in clause (24), in the last line, for the word "Chief Facilitator", the word "Chief Inspector-cum-Facilitator" and for the word "Facilitator" the words "Inspector-cum-Facilitator" shall be substituted;

(xx) for clause (25), the following shall be substituted, namely:-
 "(25)"worker" means any person including a person engaged through agency (except an apprentice under the Apprentices Act, 1961) employed to do any manual, unskilled, skilled, technical, operational or clerical work for hire or reward, whether the terms of employment be express or implied."

Central
Act 52 of
1961

Amendment of
section 3

7. In the principal Act, in section 3,
 - (i) in sub-section (1), sub-clauses (a), (e) and (g) shall be deleted and sub-clauses (b),(c), (d) and (f) shall be renumbered as clauses (a),(b), (c) and (d) respectively;
 - (ii) sub-section (2) shall be deleted.

Amendment of
section 5

8. In the principal Act, in section 5, in the second line, for the words "a worker" the words "an employee" and in the fourth line, for the words "the worker" the words "an employee" shall be substituted and in the

VETTED BY THE
LEGISLATIVE DEPARTMENT
ON 04.07.2026

third line, the words “to at the date of commencement of this Act” appearing in between the words “entitled” and “under” shall be deleted.

Amendment of heading of Chapter-II 9. In the principal Act, in Chapter-II, in the heading, for the words “Registration of Shops and Establishments” the words “Commencement, Changes and Closure” shall be substituted.

Omission of section 6 10. In the principal Act, section 6, shall be omitted.

Amendment of section 7 11. In the principal Act, for section 7, and the marginal heading, the following shall be substituted, namely:-

“Intimation by establishment having less than ten workers

7. Within a period of sixty days from the date of the commencement of this Act or the date on which the establishment commences its business, the employer of every establishment employing less than ten workers shall give an online intimation in such form as may be prescribed of having commenced the business to the Chief Inspector-cum-Facilitator and the Inspector-cum-Facilitator in whose jurisdiction the establishment is located, along with such self-declaration and self-certified documents as may be prescribed. The Inspector-cum-Facilitator shall issue to the employer of such establishment a receipt of such intimation in such form and manner as may be prescribed. The details of the intimation of such receipts shall be recorded in a register maintained in such form as may be prescribed:

Provided that all provisions of this Act, not included in Occupational Safety, Health and Working Conditions Code, 2020, shall be applicable for establishments having ten or more employees.

Central Act No. 37 of 2020”

Omission of section 8 12. In the principal Act, section 8 shall be omitted.

Amendment of section 9 13. In the principal Act, for section 9, the following shall be substituted, namely:-

“9. (1) Every employer shall inform the Chief Inspector-cum-Facilitator and Inspector-cum-Facilitator in such form as may be prescribed, any change in any of the particulars contained in the application submitted under section 6 of this Act within thirty (30) days along with such fees as may be prescribed. The Inspector-cum-Facilitator shall, on receipt of such notice and the fees along with the self-declaration of the employer and self-certified documents under section 7, make the changes in the register of establishments in accordance with such notice and shall issue a fresh registration certificate online within a period of fifteen (15) days.

(2) Every employer employing less than ten workers shall inform Chief Inspector-cum-Facilitator and Inspector-cum-Facilitator in such form as may be prescribed any changes in any particulars contained in the form intimating commencement of business under section 7 of this Act.”

namely:-

"10. (1) Every employer intending to close down the establishment shall give 60(sixty) days prior written notice to the Chief Inspector-cum-Facilitator and Inspector-cum-Facilitator and affected employees of Shops and Establishments, specifying the following, namely:-

- (i) Reasons for closure;
- (ii) Number of employees likely to be affected;
- (iii) Proposed date of closure;
- (iv) Details of statutory dues and settlement of employees.

In cases of temporary closure exceeding seven day, a 30-day notice shall be required. The notice shall include valid reasons for the temporary closure.

(2) Where an establishment is closed down for any reason whatsoever, every employee who has been in continuous service for not less than one year in that establishment immediately before such closure shall be entitled to notice and compensation in accordance with the provisions of sub-section (3), as if the employee had been retrenched:

Provided that where the establishment is closed down on account of unavoidable circumstances beyond the control of the employer, the compensation to be paid to the worker under clause (b) of sub-section (3), shall not exceed his average wage for three months.

Explanation —An establishment which is closed down by reason merely of—

- (i) Financial difficulties (including financial losses);or
 - (ii) Accumulation of un-disposed stocks; or
 - (iii) the expiry of the period of the lease or license granted to it; shall not be deemed to be closed down on account of unavoidable circumstances beyond the control of the employer within the meaning of the proviso to this sub-section.
- (3) No employee employed in any establishment who has been in continuous service for not less than one year shall be retrenched by that employer until—
- (i) the employee has been given one month's prior notice in writing indicating the reasons for retrenchment and the period of notice has been expired, or the employee has been paid in lieu of such notice, wages for the period of the notice;
 - (ii) the employee has been paid, at the time of retrenchment, compensation which shall be equivalent to fifteen days' average wage, or average wage of such days as may be notified by the Government, for every completed year of continuous service or any part thereof in excess


 VETTED BY THE
 LEGISLATIVE DEPARTMENT
 ON 04.07.2018

of six months;

- (iii) notice shall be provided in such manner as may be prescribed to be served to the Government or such authority as may be specified by the Government by notification.

- (4) Where any employee in an establishment is to be retrenched and he belongs to a particular category of workers in that establishment, then, in the absence of any agreement between the employer and the employee in this behalf, the employer shall ordinarily retrench the employee who was the last person to be Employed in that category, unless for reasons to be recorded the employer retrenches any other employee.”

Amendment of
section 12

15. In the principal Act, for section 12, the following shall be substituted, namely:-

“12. (1) Every employer shall take the following measures relating to the health and safety of the workers and shall,

- (i) ensure that suitable arrangements for daily collection, storage, disposal of waste are made under the effective supervision;

- (ii) ensure that all places in the establishment including passageways are provided during time of use with adequate natural or artificial lighting or both;

- (iii) adopt and implement all safety measures mentioned in the Assam Fire and Emergency Services Act, 2025;

Assam
Act No.
53 of
2025

- (iv) ensure that surfaces of walls and ceilings, including windows and skylights, are always kept clean and maintained in a hygienic condition;

- (v) that where an adequate supply of fresh air cannot be obtained by natural ventilation or where it is difficult to get the desired amount of air to the workplaces including passageways mechanical ventilation is provided.

- (2) Every employer shall be responsible for providing constant adequate supervision of the workers employed in the shop or establishment and to ensure the compliance of the provisions relating to health and safety made under sub-section (1) and for taking necessary steps to prevent accidents.”

Amendment of
section 14

16. In the principal Act, for section 14, the following shall be substituted, namely:-

“14. There shall be paid wages at the rate of twice the rate of wages in respect of overtime work, where a employee works in an establishment for more than such hours of work in any day or in any week and the period of overtime work shall be calculated on a daily basis or weekly basis, whichever is more favourable to such worker:

Provided that a worker shall be required to work overtime by the employer subject to the consent of such employee for such work.”


VETTED BY THE
LEGISLATIVE DEPARTMENT
ON 04.07.2028

Amendment of
section 15

17. In the principal Act, in section 15,

- (i) in the marginal notes , for the words "Shift working and overtime work" the words "Shift working and weekly off" shall be substituted;
- (ii) for the words "worker" wherever occurring, the words "employee" shall be substituted;
- (iii) for sub-section (1), the following shall be substituted, namely:-
"(1) A department or any section of a department of the shop or establishment may work in more than one shift."
- (iv) in sub-section (4), in the fourth line, for the word "Facilitator" appearing in between the words "to the" and "electronically" , the words "Inspector-cum- Facilitator" shall be substituted."

Amendment of
section 16

18. In the principal Act, for section 16, in the marginal heading, the following shall be substituted, namely:-

"Issuing of
Appointment
letter and
Identity Card to
employee

16. (1) The employer of a shop or an establishment shall issue a letter of appointment to every employee with such information and in such form as may be prescribed on his appointment in the establishment, where an employee has not been issued such appointment letter on or before the commencement of this Act, he shall, within three months of such commencement, be issued such appointment letter.

(2) The employer of a shop or an establishment shall issue to every employee an identity card which shall be produced by the employee on demand by Inspector cum Facilitator. Such Identity Card shall contain particulars as may be prescribed."

Amendment of the
heading in
Chapter IV

19. In the principal Act, in Chapter IV, in the heading, the words "Pay and Payment" shall be deleted.

Amendment of
section 17

20. In the principal Act, in section 17,

- (i) for the words "worker" wherever occurring, the words "employee" shall be substituted;
- (ii) sub-section (1) shall be omitted;
- (iii) for sub-section (3), the following shall be substituted, namely:-
"(3) "Every employee who has worked for a period of ninety days or more in a shop or establishment in six months shall be allowed earned leave with wages for the number of days calculated at the rate of one day for every twenty days of work."
- (iv) in sub-section (5),

- (a) in the first line, for the words "to sanction" appearing in between the words "refuses" and "the level" shall be deleted and in the second line, for the words "fifteen


VETTED BY THE
LEGISLATIVE DEPARTMENT
ON 04.07.2016

days in advance" appearing in between the words "applied" and "then the" shall be deleted;

- (b) in the proviso, in the seventh line, in between the words "full wages" and "for the period", the words "and in case of his death to his legal heir" shall be inserted.

- (v) in sub-section (7),

in the proviso , in the third line, the words "for such work" appearing between the words "that" and "the worker" shall be deleted and in the last line, for the word "compulsory" appearing in between the words "the" and "holiday" the word "festival" shall be substituted;

- (vi) in sub-section (8), in clause (i), in the fourth line, for the words, brackets and figures "Industrial Employment (Standing Orders) Act, 1946;" the words and figures "Industrial Relations Code, 2020; or "shall be substituted;

Central
Act No.
35 of
2020

Amendment of
section 18

21. In the principal Act, in section 18 , in the third line, for the word "workers" appearing in between the words "for all" and "employed" the word "employees" shall be substituted.

Amendment of
section 19

22. In the principal Act, in section 19,
- (i) in the second line, for the words "men and women as may be prescribed" , the word "employees" be substituted;
- (ii) in the proviso, in the second line, the word "separate" appearing in between the words "facilities of" and "latrines" shall be deleted and for the words "men and women" the words "employees" shall be substituted."

Omission of
section 20 and 22

23. In the principal Act, section 20 and 22 shall be omitted.

Amendment of
section 23

24. In the principal Act, for section 23, and the marginal heading, the following shall be substituted, namely:-

"Appointment
of Chief
Inspector cum
Facilitator and
Inspector cum
Facilitators and
their powers

23. The Government may by notification in the Official Gazette appoint the Chief Inspector-cum-Facilitator who shall be not below the rank of Group-"A" Officer and Inspector -cum - Facilitator for the purposes of this Act as it may think fit:

Provided that in the absence of the Inspector-cum- Facilitator , the Chief Inspector-cum-Facilitator shall in addition to the powers of a Chief Inspector-cum-Facilitator shall also exercise the powers of an Inspector-cum- Facilitator:

Provided further that the Chief Inspector-cum -Facilitator may assign to the Inspector-cum-Facilitator such area(s) or district(s) for the purpose of implementation of the Act, as he may think fit."

Amendment of
section 24

25. In the principal Act, in section 24 ,

- (i) in the marginal notes, for the words "Powers and duties of the Chief Facilitator and the Facilitator" the words "Powers and duties of the Chief Inspector-cum-Facilitator and the Inspector-

VETTED BY THE
LEGISLATIVE DEPARTMENT
ON 04.07.2026

cum-Facilitator” shall be substituted;

- (ii) in sub-section (1), in the first line, for the word “prescribe” appearing in between the words “may” and “a scheme” , the word “notify” shall be substituted and in the fourth line, in between the words “Inspection” and “Schedule” the words “and Compliance” shall be inserted;

- (iii) for sub-section (2), the following shall be substituted, namely:-
“(2) Every Chief Inspector-cum-Facilitator and Inspector- cum-Facilitator appointed under section 23 of this Act shall be deemed to be public servant within the meaning of sub-section (28) of section 2 of the Bharatiya Nyaya Sanhita, 2023”.

Central
Act No.
45 of
2023

- (iv) in sub-section (3),

- (a) in the first line, for the words and punctuation mark “prescribed, the Facilitator ” the words “notified, the Inspector-cum-Facilitator” shall be substituted;

- (b) in clause (i), in the last line, in between the words “Act” and “effectively” , the words “and rules” shall be inserted;

- (c) in clause (ii), in sub-clause (c), in the third line, for the word “Facilitator” appearing in between the words “the” and “has” the words “Inspector-cum-Facilitator” shall be substituted;

- (d) in clause (ii), in sub-clause (g), the proviso shall be deleted and after the word “prescribed”, for the punctuation mark “:”, the punctuation mark “.” shall be substituted;

- (v) for sub-section (4), the following shall be substituted, namely:-
“(4) Any person required to produce any document or to give any information required by Chief Inspector-cum-Facilitator or the Inspector-cum-Facilitator appointed under section 23 shall be deemed to be legally bound to do so under the provisions of the Bharatiya Nyaya Sanhita, 2023.”

Central
Act No.
45 of
2023

- (vi) for sub-section (5), the following shall be substituted, namely:-
“(5) The provisions of the Bharatiya Nagarik Suraksha Sanhita, 2023 shall, so far as may be, apply to the search or seizure under sub-clause (e) of clause (ii) of sub-section (3) as they apply to the search or seizure made under the authority of a warrant issued under the provisions of the Bharatiya Nagarik Suraksha Sanhita.”

Central
Act No.
46 of
2023

- (vii) after sub-section (5), the following sub-section (6) shall be inserted, namely:-

“(6) In the event of any doubt or difference of opinion between an employer and the Inspector-cum-Facilitator with respect to any provisions of this Act, the Inspector- cum -Facilitator shall refer the matter to the Chief Inspector-cum-Facilitator who shall, after inquiry as he thinks proper, decide the matter and its decision shall be final for the purposes of this Act.”

Amendment of
section 25

26. In the principal Act, in section 25,

- (i) in sub-section (2), in the proviso, in the second line, for the word “Facilitator” appearing in between the words “inspection by a” and “a hard” the words “Inspector-cum-Facilitator” shall

VETTED BY THE
LEGISLATIVE DEPARTMENT
ON 04.07.2023

be substituted and in between the words “hardcopy” and “of such”, the words “or soft copy” shall be inserted ;

- (ii) in sub-section (3), for the word “Facilitator” appearing in between the words “inspection of” and “all registers”, the words “Chief Inspector-cum-Facilitator or Inspector-cum -Facilitator” shall be substituted.

Amendment of
section 26

27. In the principal Act, in section 26 , in the third line, for the words “such authority” appearing in between the words “to” and “as may” the words “Chief Inspector-cum-Facilitator and Inspector -cum – Facilitator” shall be substituted.

Amendment of
section 27

28. In the principal Act, for section 27, the following shall be substituted , namely:-

“27. (1) If an employer contravenes the provisions of this Act other than section 7 and sub-section (2) of section 10 and the rules made thereunder, he shall be punishable with fine which may extend to rupees fifty thousand and in the case of a continuing contravention, with an additional fine which may extend to rupees two thousand for every day during which such contravention continues.

(2) If an employer contravenes the provisions of this Act other than section 7 and sub-section (2) of section 10 and the rules made thereunder, he shall be punishable with fine which may extend to rupees ten thousand and in the case of a continuing contravention, with an additional fine which may extend to rupees one hundred for every day during which such contravention continues.

(3) For the purpose of imposing penalty for the contravention of provisions given in section 29 of the Act, the Government may appoint any officer not below the rank of Deputy Labour Commissioner or equivalent for holding enquiry for imposing penalty.”

Amendment of
section 28

29. In the principal Act, in section 28 , for the punctuation mark “.” appearing after the last words “or with both”, the punctuation mark “:” shall be substituted and thereafter the following new proviso shall be inserted, namely :-

“Provided that while imposing the fine under this section, the court may direct that a portion of the fine, which shall not be less than fifty per cent thereof, shall be given as compensation to the victim or to the legal heirs of the victim, in the case of his death.”

Amendment of
section 29

30. In the principal Act, for section 29 , the following shall be substituted, namely:—

“29. (1) Whoever willfully obstructs the Chief Inspector-cum - Facilitator or Inspector-cum-Facilitator in exercise of any powers conferred on him by or under this Act or refuses or willfully neglects to afford the Chief Inspector-cum-Facilitator or Inspector-cum-Facilitator any reasonable facility for making any inspection, examination, inquiry or investigation authorised by or under this Act in relation to a shop or an establishment, shall be punishable with fine which may extend to rupees one lakh or with imprisonment for a term which may extends upto three months or both.


VETTED BY THE
LEGISLATIVE DEPARTMENT
ON 04.07.2026

- (2) Whoever wilfully refuses to produce on the demand of the Chief Inspector-cum-Facilitator or Inspector -cum-Facilitator any register or other document kept in pursuance of this Act or the rules made there under, or prevents or attempts to prevent or does anything which he has reason to believe to prevent any person from appearing before, or being examined by the Chief Inspector- cum -Facilitator or Inspector-cum-Facilitator acting in pursuance of his duties under this Act, shall be punishable with fine which may extend to rupees two lakhs or with imprisonment for a term which may extends upto three months or both.”

Amendment of
section 30

31. In the principal Act, in section 30,
- (i) in the marginal notes , for the words “Cognizance of Offences”, the words “Offences by companies” shall be substituted;
 - (ii) in sub-section (2), in the explanation(a), in the first line, for the word “and” appearing in between the words “corporate” and “includes”, the word “ or” shall be substituted.

Amendment of
section 31

32. In the principal Act, in section 31 ,
- (i) for sub-section (1), the following shall be substituted, namely:-
“(1) No court shall take cognizance of any offence punishable under sections 27, 28, 29 and 30 made by or with the previous sanction of the Chief Inspector- cum -Facilitator within six months of the date on which the alleged commission of the offence came to the knowledge of the Inspector- cum -Facilitator.”
 - (ii) sub-section (3) shall be deleted.

Amendment of
section 32

33. In the principal Act, in section 32, in sub-section (1),
- (i) in the first line, for the words , figures and punctuation mark “Code of Criminal Procedure, 1973” the words , figures and punctuation mark “Bharatiya Nagarik Suraksha Sanhita, 2023.” shall be substituted;
 - (ii) in the side note, for the words and figures “Central Act No. 2 of 1974” the words and figures “Central Act No. 2 of 2023” shall be substituted;

Central
Act No.
46 of
2023

Insertion of section
32A and 32B

34. In the principal Act, after section 32, the following new sections 32A and 32B shall be inserted, namely—

“Adjudication
of penalties

- 32A. (1) The State Government for the purpose of determining the penalties under sections 27, 28, 29 and section 30 shall authorise the Deputy Labour Commissioner having jurisdiction over that area, to be the Adjudicating Officer for holding an inquiry and imposing penalty in such manner as may be prescribed, after giving a reasonable opportunity of being heard:

Provided that the State Government may appoint as many Adjudicating Officers as may be required.

- (2) The adjudicating officer may summon


VETTED BY THE
LEGISLATIVE DEPARTMENT
ON 04.07.2023

and enforce the attendance of any person acquainted with the facts and circumstances of the case to give evidence or to produce any document, which in the opinion of the adjudicating officer, may be useful for, or relevant to, the subject-matter of the inquiry, and if, on such inquiry, he is satisfied that the person concerned has failed to comply with the provisions of sections 27, 28, 29 and 30, he may impose penalty:

Provided that no such penalty shall be imposed without giving the person concerned a reasonable opportunity of being heard.

Appeal 32B. (1) Whoever aggrieved by any order of section 32A of the Adjudicating Officer may prefer an appeal to the Labour Commissioner, Assam within a period of three months from the date of receipt of the order of the imposition of such penalty in such form and manner as may be prescribed:

Provided that the Labour Commissioner, i.e. Appellate Authority may, if it is satisfied that the appellant was prevented by sufficient cause from preferring an appeal within the aforesaid period of three months, allow such appeal to be preferred within a further period of three months.

(2) The Appellate Authority may, after giving the appellant an opportunity of being heard, if he so desires, and after making such further inquiry, if any, as it may consider necessary, pass such order as it thinks fit confirming, modifying or reversing the order appealed against or may send back the case with such directions as it may think fit for a fresh decision.

(3) Notwithstanding anything contained in this Act, if penalty imposed by the adjudicating officer under sections 32A as the case may be, is not deposited, the amount shall be recovered as an arrear of land revenue under the provisions of the Revenue Recoveries Act, 1890 and the Bengal Public Demand Recovery Act, 1913 as applicable.

Central
Act No.
1 of 1890
Bengal
Act 3 of
1913

(4) An appeal under sub section (3) shall be disposed of within ninety (90) days from the date of filing."

Amendment of
section 33

35. In the principal Act, in section 33, in the third line, for the words "Central or the State" appearing in between the words "under the" and "Government" shall be deleted.

VETTED BY THE
LEGISLATIVE DEPARTMENT
ON: 04.07.2016

Amendment of
section 34

36. In the principal Act, for section 34, the following shall be substituted, namely:-

“34. Notwithstanding anything contained in this Act, the Government may, fix, by notification in the Official Gazette, in the public interest, such hours for opening and closing of different classes of establishments and for different premises, shopping complex or mall or for different area or areas and for different period.”

Amendment of
section 35

37. In the principal Act, in section 35, in the fifth line, for the word “worker” the word “employee” and for the word “workers”, the word “employees” shall be substituted.

Amendment of
section 38

38. In the principal Act, in section 38, in sub-section (2), for sub-clauses (a) to (q) the following shall be substituted, namely:-

- “(a) form of intimation, self declaration, self certified documents; form and manner of receipt of intimation, details and form of register under section 7;
- (b) form and amount of fees of notice of change of particulars under section 9;
- (c) manner of notice under clause (iii) of sub-section (3) of section 10;
- (d) conditions subject to which the provisions of sub-section (1) and (2) of section 13 shall apply to certain class of workers under sub-section (5);
- (e) form and particulars of appointment letter and Identity Card under section 16;
- (f) provision of first-aid facilities under section 21;
- (g) form and manner of maintaining the registers and records by the employers under sub-section (1) of section 25;
- (h) form and manner (including electronic form) for furnishing of annual return and the authority to such returns shall be furnished under section 26;
- (i) manner of compounding of offences under sub-section (1) and the form and manner for making application for such compounding under sub-section (4) of section 32;
- (j) any other matter which is required to be, or may be prescribed.”


VETTED BY THE
LEGISLATIVE DEPARTMENT
ON 04.07.2016