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NOTIFICATION

No. H. 12018/214/2010-LJD, the 5th October, 2020. The following Act is hereby published for general information.

“The Mizoram Shops and Establishments
(Regulation of Employment and Conditions of Service) (Amendment) Act, 2020”
(Act No. 10 of 2020)

(Received the assent of the Governor of Mizoram on 8.9.2020)

THE MIZORAM SHOPS AND ESTABLISHMENTS (REGULATION OF EMPLOYMENT AND CONDITIONS OF SERVICE) (ADMENDMENT) ACT, 2020

AN ACT

To amend the Mizoram Shops and Establishments Act, 2010.

It is enacted by the Legislative Assembly of Mizoram in the Seventy First Year of the Republic of India as follows, namely:-

- 1. Short title and Commencement:-**
 - 1) This Act may be called the Mizoram Shops and Establishments (Regulation of Employment and Conditions of Service) (Amendment) Act, 2020.
 - 2) It shall come into force from the date of publication in the Official Gazette.
- 2. Amendment of Section 1:-**
 - 1) In sub-section (1) of section 1 of the Mizoram Shops and Establishments Act (herein after referred to as the Principal Act) for the words and figures “the Mizoram Shops and Establishments Act, 2010, the words, brackets and figures “the Mizoram Shops and Establishments (Regulation of Employment and Conditions of Service) Act, 2010” shall be substituted.

- 2) Sub-section (2) of section 1 of the Principal Act, shall be substituted by the following namely-“(2) *It shall apply to the Shops and Establishments employing 5 (five) or more workers*”
3. **Amendment of Section 2:-**
- 1) Clause (7) of section 2 of the Principal Act, shall be substituted by the following, namely-
“(7) *“employer” means an owner or a person who has ultimate control over the affair of a shop or an establishment, and includes-*
(i) *In the case of a firm or association of individuals, a partner or member of the firm or association*
(ii) *In case of a company, a director of the company*
(iii) *In the case of a shop or an establishment owned or controlled by the Central Government or a State Government or local authority, the person or persons appointed to manage the affairs of such shop or establishment by the Central Government or the State Government or local authority, as the case may be”.*
- 2) After clause (27) of section 2 of the Principal Act, the following clause 28 shall be added namely- “28) *Chief Facilitator” means the Chief Inspector appointed under the Act”.*
4. **Amendment of Section 3:-**
- In section 3 of the Principal Act, the following sub-clause (1) shall be inserted after sub-clause (k), namely- “(1) *any office of the Reserve Bank of India*”
- Insertion of Section 12A:-**
- After section 12 of the Principal Act, section 12A (1) and (2) shall be inserted as follows, namely-
- “Prohibition of Discrimination woman worker**
- 12A (1) *No woman worker shall be discriminated against in matters of recruitment, training, transfer or promotion or wages.*
- (2) *No woman shall be required or allowed to work in a shop or establishment except between the hours of 6 a.m and 9 p.m:*
- Provided that where the State Government or any person, authorized by it in this behalf, is satisfied that the provision of shelter, rest room, night crèche, ladies’ toilet, adequate protection of their dignity, honour and safety, protection from sexual harassment, and their transportation from the shop or establishment to the door step of their residence exists in such shop or establishment, it may, by notification, after obtaining the consent of the woman worker, allow her to work between 9 p.m and 6 a.m subject to such conditions as may be specified in the notification.”*
5. **Amendment of Chapter VII:-**
- The Title of Chapter VII shall be substituted as-
“Employment of Children and Welfare Provisions”.
6. **Insertion of Section 20A, 20B, 20C:- 20D and 20E**
- After Section 20 of the Principal Act, section 20A, 20B, 20C, 20D and 20E shall be inserted as follows, namely-

- “Drinking Water* **20A** *Every employer shall make effective arrangements to provide and maintain at suitable points conveniently situated for all persons employed in the shop or establishment, a sufficient supply of wholesome drinking water.*
- Latrines and urinals* **20B** *Every employer shall provide sufficient latrine and urinal for male and female as may be prescribed which shall be so conveniently situated as may be accessible for the workers employed in the shop or establishment:*
Provided that several employers may provide common facilities, in case it is not possible in a shop or establishment due to constraint in space or otherwise.
- Creche facility* **20C** *In every shop or establishment wherein thirty or more woman workers or fifty or more workers are ordinarily employed, there shall be provided and maintained a suitable room or rooms as crèche for the use of children of such woman workers:*
Provided that if a group of shops or establishments, so decide to provide a common crèche within a radius of one kilometer, then, the same shall be permitted by the Chief Facilitator, by an order, subject to such conditions as may be specified in the order.
- First – aid* **20D** *Every employer shall provide at the place of work first-aid facilities as may be prescribed.*
- Canteen* **20E** *The State Government shall require the employer to provide and maintain in the shop or establishment, wherein not less than one hundred workers are employed or ordinarily employed to maintain a canteen for the use of its workers:*
Provided that if a group of shops or establishments, so decide to provide a common canteen, then the same shall be permitted by the Chief Facilitator by an order, subject to such conditions as may be specified in the order.
- 7. Amendment of Section 24:-** Section 24 of the Principal Act, shall be substituted by the following, namely:-
- “Penalty for contravention of the provisions of this Act* **24** (1) *Whoever contravenes the provisions of this Act or the Rules made thereunder shall be punishable with fine which may extend to two lakh rupees and in the case of a continuing contravention, with an additional fine which may extend to two thousand rupees for every day during which such contravention continues:*
Provided that the total amount of fine shall not exceed two thousand rupees per worker employed.
- (2) *If any person who has been convicted of any offence punishable under sub section (1) is again guilty of an offence involving a contravention or failure of compliance of the same provision,*

shall be punishable on a subsequent conviction with fine which shall not be less than one lakh rupees but which may extend to five lakh rupees.

8. Insertion of Section 24B:-

After Section 24 of the Principal Act, Section 24B (1) and (2) shall be inserted as under-

Penalty for obstructions, refusal to provide register etc.

24B (1) *Whoever willfully obstructs the Inspector in exercise of powers any conferred on him by or under this Act or refuses or willfully neglects to afford the Inspector any reasonable facility for making any inspection, examination, inquiry or investigation authorized by or under this Act in relation to a shop or an establishment, shall be punishable with fine which may extend to two lakh rupees.*

(2) *Whoever willfully refuses to produce on the demand of the Inspector any register or other document kept in pursuance of this Act or the rules made thereunder 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 Inspector acting in pursuance of his duties under this Act, shall be punishable with fine which may extend to two lakh rupees:*

Provided that the total amount of fine shall not exceed two thousand rupees per worker employed.

9. Insertion of Section 27A and 27B:-

After section 27 of the Principal Act, 27A and 27B shall be inserted as follows, namely:-

“Power to grant **27A**

The State Government or any officer empowered in this behalf exemptions may, by notification, exempt from the operation of all or any of the provisions of this Act for any period it is all considered, any shop or establishment or class thereof or any employer or worker or class of employers or workers to whom this Act applies on such terms and conditions as it may think fit.

Application of other laws not barred **27B**

The provisions of this Act shall be in addition to, and not in derogation of, the provisions of any other laws for the time being in force.

Secretary,
Law and Judicial Deptt.
Govt. of Mizoram.