

Assam Shops And Establishments (Amendment) Act 1979

10 of 1979

[26 April 1979]

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PREAMBLE

An

Act

to Amend the Assam Shops and Establishments (Act, 1979 Assam Act XXI of 1974.)

Whereas it is expedient to amend the (Assam Shops and Establishments Act, 1971 (Assam Act XXI of 1974), hereinafter called the principal Act, in the manner hereinafter appearing;

It is hereby enacted in the Thirtieth Year of the Republic of India as follows

1. Short title and commencement :-

(1) This Act may be called the Assam Shops and Establishments Amendment Act, 1979.

(2) It shall come into force at once.

2. Amendment of Section 3 :-

In the principal Act, the Section 3 shall be substituted by the following namely:--

"3. (1) The provisions of Sections 10 and 11 shall not apply to

(a) shops or classes of shops dealing mainly in dairy product, bread,

pastries, sweetmeat and flowers;

(b) pharmacies or shops dealing mainly in medicines surgical appliances, bandages or other medical requisites;

(c) shops dealing mainly in articles required for funerals, burials or cremations as may be specified by the Inspectors within their respective jurisdictions;

(d) shops dealing in tobacco, cigars, cheroots, cigarettes, bidis, pan, liquid refreshment sold in retail for consumption on the premises, ice, news paper or periodicals;

(e) barbers and hairdressers shops.

(2) Nothing contained in this Act apply to--

(a) persons employed in any establishment in a position of management;

(b) persons whose work mainly involves traveling, and persons employed as canvassers and caretakers;

(c) establishments under the Central or any State Government, local authorities, the Reserve Bank of India or any other Bank, any Railway Administration and cantonment authorities;

(d) any water transport service, or motor transport service, or any system of public conservancy or sanitation, any industry or business or undertaking which supply power, light or water to the public and such other public utility companies or associations or classes thereof as the State Government may, by notification, exempt from the operation of this Act;

(e) stalls and refreshment rooms at railway station, docks, wharves and airports;

(f) establishment for the treatment or care of the sick, infirm, destitute or mentally unfit;

(g) shops or stalls in any public exhibition or show so far as such shops or stalls deal in retail trade which is solely subsidiary or ancillary to the main purpose of such exhibition or show;

(h) shops or stalls in any public fair or bazar held for charitable purposes;

(i) shops or classes of shops dealing mainly in vegetables, meat and fish;

(j) establishments in mine and oilfields;

(k) any person employed in a confidential capacity, messenger, watchman or exclusively in connection with the collection, dispatch, delivery and conveyance or customs formalities of goods or such other persons or classes of persons as the State Government may, by notification, exempt from the operation of all or any of the provisions of this Act;

(l) such seasonal commercial establishments engaged in the purchase of raw jute or cotton ginning or cotton or jute pressing and the clerical department of such seasonal factories and such other establishments as the State Government may, by notification, exempt from the operation of all or any of the provisions of this Act.

3. Amendment of Section 11 :-

In the principal Act, in subsection (4) of Section 11, after the existing proviso, the following proviso shall be inserted namely :--

"Provided further that the Inspectors may, by a written order, require the shops in a particular area within their respective jurisdiction, to be kept closed on a particular day as specified in the order."

4. Amendment of Section 29 :-

In the principal Act, in Section 29,--

(a) the sub-sections (1) and (2) shall be substituted by the following namely :--

"(1) Whoever contravenes any of the provisions of this Act or of any rules made thereunder shall, on conviction, be punishable with imprisonments for a term which may extend to six months or with fine which may extend to one thousand rupees.

Provided that for any second or subsequent offence, the employer shall be punishable with imprisonment only for a term which shall not be less than two months but may extend to six months,"

(b) the sub-sections (3) and (4) shall be respectively renumbered as sub-sections (2) and (3).

5. Amendment of Section 34 :-

In the principal Act, in Section 34, the sub-section (3) shall be deleted and subsection (4) shall be renumbered as subsection (3)