

**Madhya Pradesh Shops And Establishments (Amendment)
Ordinance, 2014**

7 of 2014

[25 October 2014]

CONTENTS

1. Short title and commencement
2. Madhya Pradesh Act, No. 25 of 1958 to be temporarily amended
3. Amendment of Section 6
4. Substitution of Section 33
5. Amendment of Section 41
6. Substitution of Section 53
7. Amendment of Section 54
8. Amendment of Section 59

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Promulgated by the Governor in the Sixty-fifth year of the Republic of India.

An Ordinance further to amend the Madhya Pradesh Shops and Establishments Act, 1958.

Whereas the State Legislature is not in session and the Governor of Madhya Pradesh is satisfied that circumstances exist which render it necessary for him to take immediate action;

Now, therefore, in exercise of the powers conferred by clause (1) of article 213 of the Constitution of India, the Governor of Madhya Pradesh is pleased to promulgate the following Ordinance :-

1. Short title and commencement :-

(1) This Ordinance may be called the Madhya Pradesh Shops and Establishments (Amendment) Ordinance, 2014.

(2) It shall come into force on the date of its publication in the Madhya Pradesh Gazette.

2. Madhya Pradesh Act, No. 25 of 1958 to be temporarily amended :-

During the period of operation of this Ordinance, the Madhya Pradesh Shops and Establishments Act, 1958 (No. 25 of 1958) (hereinafter referred to as the principal Act), shall have effect subject to the amendments specified in Sections 3 to 8.

3. Amendment of Section 6 :-

In Section 6 of the principal Act, in sub-section (3) for the full stop occurring at the last place, the colon shall be substituted and thereafter the following proviso shall be inserted, namely :-

"Provided that if no adverse order is passed by the Inspector within the prescribed period from the date of submission of application under sub-section (2), then the registration shall be deemed to be duly granted."

4. Substitution of Section 33 :-

For Section 33 of the principal Act, the following Section shall be substituted, namely:-

"33. Precaution against fire and hazards.

In every establishment except such establishment or class of establishment, as may be prescribed, such precaution against fire and such measures for ensuring health and safety of employees shall be taken as may be prescribed."

5. Amendment of Section 41 :-

In Section 41 of the principal Act, after sub-section (2), the following new sub-section shall be added, namely :-

"(3) Notwithstanding anything contained in sub-section (1), no Inspector shall exercise his powers, in an establishment where less than ten employees are employed, except with the permission of the Labour Commissioner or an officer so authorised by him."

6. Substitution of Section 53 :-

For Section 53 of the principal Act, the following Section shall be substituted, namely:-

"53. Composition of offence.

Notwithstanding anything contained in any other provisions of this Act, an officer authorized by the State Government in this behalf

by notification may, subject to any general or special order of the State Government in this behalf, compound any offence committed for the first time or after expiry of a period of two years of commitment of previous offence (if any), either before or after institution of the prosecution, on realization of such amount of composition fee, as he thinks fit, not exceeding the maximum amount of fine but not less than half of the maximum amount of fine for the offence as composition fee; when the offence is so compounded--

(i) before the institution of the prosecution, the offender shall not be liable to prosecution and shall, if in custody, be set at liberty;

(ii) after the institution of prosecution, the composition shall amount to acquittal of the offender.".

7. Amendment of Section 54 :-

In Section 54 of the principal Act, for the full stop occurring at the last place, the colon shall be substituted and thereafter the following provisos shall be inserted namely :-

"Provided that the Government, by order, may devise or notify consolidated forms for maintaining registers and records in lieu of the forms prescribed above :

Provided further that the Government may allow the registers and records to be maintained in computerised or digital formats.".

8. Amendment of Section 59 :-

In Section 59 of the principal Act, in sub-section (2), in clause (e), for the words "Precautions against fire", the words "Precautions against fire and hazards" shall be substituted.