

The Odisha Gazette

EXTRAORDINARY
PUBLISHED BY AUTHORITY

No. 676, CUTTACK, SATURDAY, APRIL 28, 2018 / BAISAKHA 8, 1940

SECRETARIAT
OF
THE ODISHA LEGISLATIVE ASSEMBLY
NOTIFICATION

The 27th April, 2018

No.4583/L.A.—The following Bill which has been introduced in the Odisha Legislative Assembly on the 27th April, 2018 is herewith published under Rule 68 of the Rules of Procedure and Conduct of Business in the Odisha Legislative Assembly for general information.

**THE ODISHA SHOPS AND COMMERCIAL ESTABLISHMENTS (AMENDMENT)
Bill, 2018**

A

BILL

FURTHER TO AMEND THE ODISHA SHOPS AND COMMERCIAL ESTABLISHMENTS
ACT, 1956

BE it enacted by the Legislature of the State of Odisha in the Sixty-ninth Year of the Republic of India as follows:—

Short title .

1. This Act may be called the Odisha Shops and Commercial Establishments (Amendment) Act, 2018.

Amendment
of section 2.

2. In the Odisha Shops and Commercial Establishments Act, 1956 (herein after referred to as the principal Act), in section 2,—

Odisha
Act 30 of
1956.

(i) after clause (1), the following clause shall be inserted, namely:—

‘(1-a) “adolescent” means an adolescent as defined in the child and adolescent Labour (Prohibition and Regulation), Act, 1986;’ and

61 of
1986.

(ii) after clause (2), the following clause shall be inserted, namely:—

‘(2-a) “child” means a child as defined in the Child and Adolescent Labour (Prohibition and Regulation) Act, 1986;’

61 of
1986.

Amendment
of section 4.

3. In the principal Act, in section 4, after sub-section (2), the following sub-section shall be inserted, namely:—

“(2-a) the name of the establishment shall be displayed in a sign board in front of the establishment in Odia language prominently in addition to other language, if any:

Provided that the establishments displaying any sign board prior to the commencement of the Odisha Shops and Commercial Establishments (Amendment) Act, 2018 shall display the same in Odia language within one month from the date of such commencement.”

Amendment
of section 7.

4. In the principal Act, in section 7, for sub-section (2), the following sub-section shall be substituted, namely:—

“(2) No adolescent shall be allowed to work in any employment for more than six hours in a day.”

Amendment
of section 14.

5. In the principal Act, in section 14, for the words “a child” occurring in sub-sections (1) and (6), the words “an adolescent” shall be substituted.

Amendment
of section 16

6. In the principal Act, in section 16, for the words “a child”, the words “an adolescent” shall be substituted.

Amendment
of section 22.

7. In the principal Act, in section 22, the words “ who has not completed the age of twelve” shall be omitted.

Amendment
of section 23.

8. In the principal Act, in section 23, for the words “ a child between the age of twelve and fifteen” the words “an adolescent” shall be substituted.

Amendment
of section 35.

9. In the principal Act, for section 35, the following section shall be substituted, namely:—

“35. Whoever contravenes any of the provisions of the Act shall, on conviction, be punishable with fine which for the first offence shall not be less than one thousand rupees and may extend to five thousand rupees and for the second or subsequent offence shall not be less than two thousand rupees and may extend to twenty five thousand rupees.”

Amendment
of Section 42.

10. In the principal Act, in section 42, in sub-section (3), for the words, “fifty rupees”, the words “two thousand rupees” shall be substituted.

STATEMENT OF OBJECTS AND REASONS

The Odisha Shops and Commercial Establishments Act, 1956 was enacted to regulate the conditions of work and employment in all shops and commercial establishments in the State of Odisha.

2. As there is no specific provision in the Act to compel the Shops and Commercial establishments of our State to display the signboard in Odia language, the general public at large are facing difficulty when the signboard is not displayed in Odia language. Therefore, it is felt necessary to make it compulsory to display signboards used by all shops and commercial establishments in the State in Odia language in a time bound manner, failure of which will attract penal provisions which necessitates for amendment of the relevant provisions of the Odisha Shops and Commercial Establishments Act, 1956.

3. Further, consequent upon the amendment of the Child Labour (Prohibition and Regulation) Act, 1986 (61 of 1986) in the Central Act 35 of 2016, the short title of the Act was changed to the "Child and Adolescent Labour (Prohibition and Regulation) Act, 1986" and a new concept of adolescent evolved there, enabling the person between the age of fourteen year and eighteen year to work in certain non-hazardous establishment. The same idea is accommodated in the present amendment as a matter of consequential amendment.

4. Year back during 1956 the penalty provision contained in Section 35 of the Act is too meagre in the present day situation for which the penalty is enhanced.

The Bill seeks to achieve the above objectives.

(SUSANTA SINGH)

MEMBER-IN-CHARGE

A.K. SARANGI

Secretary

Odisha Legislative Assembly