

Under Rule 130 of the Tamil Nadu Legislative Assembly Rules, the following Bill which was introduced in the Legislative Assembly of the State of Tamil Nadu on 31st January, 2017 is published together with Statement of Objects and Reasons for general information:—

L.A. Bill No. 10 of 2017

A Bill further to amend the Tamil Nadu Shops and Establishments Act, 1947.

BE it enacted by the Legislative Assembly of the State of Tamil Nadu in the Sixty-eighth Year of the Republic of India as follows:-

Short title and commencement.

1. (1) This Act may be called the Tamil Nadu Shops and Establishments (Amendment) Act, 2017.

Amendment of section 41.

(2) It shall come into force on such date as the State Government may, by notification, appoint.

2. In section 41 of the Tamil Nadu Shops and Establishments Act, 1947 (hereinafter referred to as the principal Act), after sub-section (2), the following sub-sections shall be inserted, namely :-

“(2-A) The appellate authority may, if it considers that any document or the testimony of any person is relevant or necessary for the discharge of its duties under this Act as appellate authority, call for and inspect such document or summon and examine such person. For the aforesaid purposes, it shall have the same powers as are vested in a civil court while trying a

suit under the Code of Civil Procedure, 1908 (Central Act V of 1908), in respect of the following matters, namely:-

- (i) summoning and enforcing the attendance of any person and examining him on oath;
- (ii) compelling the production of documents;
- (iii) issuing commissions for the examination of witnesses.

(2-B) The appellate authority, may, after giving notice in the prescribed manner to the employer and the person employed, dismiss the appeal or direct the reinstatement of the person employed, with or without wages for the period he was kept out of employment or direct payment of compensation without reinstatement or grant such other relief as it deems fit in the circumstances of the case.”

3. For section 45 of the principal Act, the following section shall be substituted, namely :-

Substitution of section 45.

“**45. Penalties.**—Whoever contravenes any of the provisions of sections 7 to 11, 13 to 23, 25, 26, 29 to 41 and 47 shall be punishable for a first offence, with fine which may extend to five thousand rupees and for a second or subsequent offence, with fine which may extend to ten thousand rupees.”

STATEMENT OF OBJECTS AND REASONS

As per sub-section (2) of section 41 of the Tamil Nadu Shops and Establishments Act, 1947 (Tamil Nadu Act XXXVI of 1947), a person employed shall have a right to appeal to the appellate authority within such time either on the ground that there was no reasonable cause for dispensing with his services or on the ground that he had not been guilty of misconduct as held by the employer. In order to effectively deal with the said appeal, the Government have decided to confer on the appellate authority the powers of the civil court while trying a suit under the Code of Civil Procedure, 1908 (Central Act V of 1908) to summon and enforce the attendance of any person and examining him on oath, compel the production of documents and to issue commissions for the examination of witnesses. Further, as the fine amount prescribed for the contravention of the provisions of the said Act was fixed in the year 1947, the Government have decided to enhance the fine amount. Accordingly, the Government have decided to amend the said Tamil Nadu Act XXXVI of 1947 suitably for the aforesaid purposes.

2. The Bill seeks to give effect to the above decisions.

Dr. NILOFER KAFEEL,
Minister for Labour.

A.M.P. JAMALUDEEN,
Secretary.