

ASSAM ACT XXI OF 1974

(Received the assent of the President on the 12th August, 1974)

THE ASSAM SHOPS AND ESTABLISHMENTS ACT, 1971

[Published in the Assam Gazette, Extraordinary dated the 4th Sept. 1974]

An

Act

to consolidate and amend the law relating to the regulations of conditions of work and employment in shops and commercial establishments and establishments for public entertainment or amusement in the State of Assam.

Preamble. Whereas it is expedient to consolidate and amend the law relating to the regulation of condition of work and employment in shops and commercial establishments and establishments for public entertainment or amusement in the State of Assam.

It is hereby enacted in the Twenty-second Year of the Republic of India as follows:—

**Short title
extent and
commence-
ment.**

1. (1) This Act may be called the Assam Shops and Establishments Act, 1971.

(2) It extends to the State of Assam.

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

(4) It shall apply, in the first instance, to the Municipalities as declared or constituted under the provision of the Assam Municipal Act, 1956 and to all such areas and to all shops, commercial establishments and establishments for public entertainment or amusement to which the Assam Shops and Establishments Act, 1948 applied immediately before the commencement of this Act and thereafter it shall apply to such other areas, or to such shops, commercial establishments or establishments for public entertainment or amusement in such other areas on such date or dates as the State Government may, by notification, specify.

Assam Act
XV of 1957

Assam Act
XIII of
1948.

CHAPTER I

PRELIMINARY

Definition. 2. In this Act, unless there is anything repugnant in the subject or context:—

(1) "apprentice" means a person aged not less than twelve years whom an employer employs in his service for training by himself or by any other person for any trade or calling;

(2) "child" means a person who has not completed his fourteenth year;

(3) "closed" means not open for the service of any customer or to any business connected with the establishment;

(4) "commercial establishment" means an establishment in which there is conducted the business of advertising, commission, forwarding or commercial agency, a department of a factory in which persons are employed in a clerical capacity in any room or place where no manufacturing process is being carried on, a clerical department of any industrial or commercial undertaking including one of public transport, an insurance company, joint stock company, brokers' office or exchange, or such other establishment or class thereof as the State Government may, by notification, declare to be a commercial establishment for the purposes of all or any of the provision of this Act, but does not include a shop or an establishment for public entertainment or amusement;

(5) "day" means the period of twenty-four hours beginning at midnight:

Provided that in the case of an employee whose hour of work extend beyond midnight, day means the period of twenty-four hours beginning when such employment commences;

(6) "employee" means a person wholly or principally employed in and in connection with any establishment and includes and apprentice;

(1) "employer" means a person owning or having ultimate control over the affairs of an establishment and includes the manager, agent or other person acting in the general management;

(8) "establishment" means a shop or a commercial establishment or an establishment for public entertainment or amusement ;

(9) "establishment for public entertainment or amusement" means a restaurant, eating house, cafe, cinema, theatre and such other establishment or class thereof as the State Government may by notification, declare to be, for the purposes of this Act, an establishment for public entertainment or amusement, but does not include a shop or a commercial establishment ;

(10) "factory" means a factory as defined in or declared to be a factory under the Factories Act, 1948 ; Central Act No. 63 of 1948.

(11) "half day" means a period of six consecutive hours between the hours of half past seven O'clock ante-meridiem and seven O'clock post-meridiem ;

(12) "Inspector" means an inspector appointed under this Act ;

(13) "leave" means leave provided for in Chapter III of this Act ;

(14) "notification" means a notification published in the official Gazette ;

(15) "opened" means opened for the service of any customer or to any business connected with the establishment ;

(16) "period of work" means the time during which an employee is at the disposal of the employer ;

(17) "prescribed" means prescribed by rules made under this Act ;

(18) "prescribed authority" means the authority prescribed by rules made under this Act ;

(19) "shop" means any premises where any trade or business is carried on or where services are rendered to customers, and includes office, store rooms, godown or warehouse whether in the same premises or otherwise used in

connection with such trade or business but does not include a commercial establishment or a shop attached to a factory where the persons employed in the shop are allowed the benefits provided for workers under the Factories Act, 1948 or an establishment for public entertainment or amusement ;

Central Act
No. 63 of
1948.

(20) "spread over" means the period between the commencement and the termination of the work of an employee on any day ;

(21) "wages" means pay at whatever intervals paid and includes dearness and such other allowances payable in terms of money and includes the value of lodging and such other amenities whose value is capable of being computed in terms of money ;

(22) "week" means the period of seven days beginning at midnight on Saturday night or such other night as may be approved in writing for a particular area by the prescribed authority ;

(23) "year" means a year commencing on the first day of January.

Exemptions. 3. (1) Nothing contained in this Act shall apply to :—

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

(b) person whose work mainly involves travelling, and persons employed as canvassers and care-takers and whose names do not appear in the muster rolls ;

(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 service, or any system of public conservancy or sanitation, any industry, 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) clubs, residential hotels and boarding houses ;

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

(g) establishments for the treatment or care of the sick, infirm, destitute or mentally unfit :

(h) shops or classes of shops dealing mainly in vegetables, meat, fish, dairy products, bread, pastries, sweetmeat and flowers so far as the retail sales of these articles are concerned ;

(i) pharmacies or shops dealing mainly in medicines, surgical appliances, bandages or other medical requisites so far as sales of those articles are concerned ;

(j) shops dealing in articles required for funerals, burials or cremations so far as the sales of those articles are concerned ;

(k) shops dealing in tobacco, cigars, cheroots, cigarettes, biris, pan, liquid refreshment sold in retail for consumption on the premises, ice, newspaper or periodicals so far as the sales of these articles are concerned ;

(l) shops dealing in supplies, stores, or other articles necessary for shops so far as sales of these articles are concerned ;

(m) 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 purposes of such exhibition or show ;

(n) shops or stall in any public fair or bazar held for charitable purposes ;

(o) barber's and hairdresser's shops ;

(p) shops dealing in petroleum products or spare parts for motor vehicles or cycles ;

(q) excise shops ;

(r) establishments in mine and oilfield :

(s) any person employed in a confidential capacity, messenger, watchman or exclusively in connection with the collection, despatch, 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 ;

(t) 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.

Power of Government to apply the Act to exempted persons or establishment. 4. Notwithstanding anything contained in Section 3, the State Government may by notification in the official Gazette apply all or any of the provisions of this Act to any class of persons or establishment mentioned in that Section other than those mentioned in clause (c) of sub-section (1) and modify or cancel any such notification.

Exemptions. 5. The State Government may, if they are satisfied that public interest so requires or that the circumstances of the case are such that it would be just and proper to do so having regard to the nature and capacity of the establishment, by notification in the official Gazette, exempt either permanently or for any specified period, any establishment or classes of establishments in any area or persons or classes of persons to which or to whom this Act applies, from all or any of its provisions subject to such restrictions and conditions as the State Government may deem fit.

CHAPTER II

HOURS OF WORK

Daily and Weekly hours. 6. No employee in any establishment shall be required or allowed to work for more than eight hours in any day and forty-eight hours in any week :

Provided that the total number of hours of work including overtime, shall not exceed ten hours in any day except on days of stock taking and preparation of accounts and the total number of hours of overtime shall not exceed fifty for any quarter.

Extra wages for over time. 7. Where an employee works in any establishment for more than eight hours in any day or for more than forty-eight hours in any week, he shall in respect of such overtime work, be entitled to wages at the rate of twice the ordinary rate of wages.

Explanation For the purpose of this Section "ordinary rate of wages" means the basic wages *plus* such allowances, including the cash equivalent of the advantage accruing through the supply of meals and the concessional sale to employees of food grains and other articles as the employee is for the time being entitled to, but does not include bonus.

Interval for rest. 8. The period of work of an employee in an establishment each day shall be so fixed that no period shall exceed four hours and that no such person shall work for more than four hours before he has had an interval for rest of at least one hour.

Spread over 9. The periods of work of an employee in an establishment shall be so fixed that, inclusive of his interval for rest, they shall not spread over more than ten and half hours in any day.

Opening and closing hours. 10. (1) No establishment shall on any day be opened earlier than and closed later than such hour as may be fixed by a general or special order of the State Government made under subsection (2):

Provided that any customer who was being served or was waiting to be served in any establishment at the hour fixed for its closing may be served during the quarter of an hour immediately following such hour.

(2) The State Government may, by general or special order, fix the time at which any establishment or class of establishments shall be opened or closed in any local area.

Closing of shops and grants of weekly holidays for religious purposes.

11. (1) Every shop shall remain entirely closed for one day in each week.

(2) The State Government may, by notification, require that in addition to one day referred to in sub-section (1), every shop or any specified class of shops shall remain closed between such hours in the afternoon of such days in each week, as may be specified in the notification :

Provided that, when there are conducted in a shop two or more trades or business, any of which is of such character that, if it was the sole trade or business therein conducted, the provisions of this Act would not apply to that shop, such shop shall so far as the conduct of the trade or business is concerned, be exempt from the operation of sub-section (1) :

Provided further that, when in any establishment for which the provision of this Act applies two or more trades or business are conducted, one or more of which are usually conducted in a shop while the others are usually conducted in a commercial establishment, the provision of this Section shall not apply to the establishments so far as the conduct of the trades or business usually conducted in a commercial establishment are concerned.

(3) No deduction on account of any closer of a shop under the provisions of sub-section (1) or sub-section (2) shall be made from the wages of any employee of such shop.

(4) The day on which shop shall be closed in each week under the provisions of sub-section (1) shall be such day as may be specified by the employer in a notice, which shall be displayed in a conspicuous place in the shop :

Provided that no employer shall, more often than once in every three months, alter the day so specified.

(5) Every person employed in a commercial establishment shall be allowed as holidays at least one and a half day in each week :

Provided that, when there are conducted in a commercial establishment two or more trades or business, any of which is of such a character that, if it was the sole trade or business

therein conducted, the provisions of this Act would not apply to that commercial establishment, such commercial establishment shall, so far as the conduct of the trade or business is concerned be exempt from the operation of this sub-section.

(6) No deduction on account of any holiday allowed under the provisions of sub-section (5) shall be made from the wages of any person employed in such commercial establishment.

(7) Notwithstanding anything contained in the Weekly Holidays Act, 1942, every person employed in an establishment for public entertainment or amusement shall be allowed as holidays at least one and a half day in each week :

Act XVIII
of 1942.

Provided that, when there are conducted in an establishment for public entertainment or amusement two or more trade or business, any of which is of such a character that, if it was the sole trade or business therein conducted, the provisions of this Act would not apply to that establishment, such establishment shall so far as the conduct of that trade or business is concerned, be exempt from the operation of this sub-section.

(8) No deduction on account of any holiday allowed under the provisions of sub-section (7) shall be made from the wages of any person employed in such establishment for public entertainment or amusement.

(9) Every person employed in a shop, commercial establishment for public entertainment or amusement shall be entitled to leave of absence for any days, he may select, not exceeding three in number in any one year for the purpose of attending ceremonies or performing functions or duties connected with or enjoined by his religion.

CHAPTER III

LEAVE

Application of chapter. 12. The provisions of this Chapter shall not operate to the prejudice of any right to which an employee be entitled under any other law or under the term of any award, agreement or contract of service :

Provided that where such award, agreement or contract of service provides for a longer leave with wages or weekly holidays than provided in this chapter, the employee shall be entitled to such longer leave or weekly holidays as the case may be.

Explanation :

For the purpose of this chapter, leave shall not, except as provided in Section 13, include weekly holidays or holidays for festivals or other similar occasions.

**Annual leave
with wages.**

13. (1) Every employee in an establishment shall be entitled after twelve months' continuous service in that establishment to privilege leave with wages for a period of 16 days in the subsequent period of twelve months, provided that such privilege leave with wages may be accumulated upto maximum period of 30 days.

(2) Every employee in an establishment shall also be entitled during every twelve months of continuous service to medical leave with wages for a period not exceeding twelve days on the ground of any sickness incurred or accident sustained by him and to casual leave with wages for a period not exceeding twelve days on any reasonable ground.

(3) If an employee entitled to any leave under sub-section (1) is discharged by his employer before he has been allowed the leave, or if having applied for and been refused the leave, he quits his employment before he has been allowed the leave, the employer shall pay him the amount payable under this Act in respect of the leave.

(4) If an employee entitled to any leave under sub-section (2) is discharged by his employer when he is sick or suffering from the result of an accident, the employer shall pay him the amount payable under this Act in respect of the period of the leave to which he is entitled at the time of his discharge, in addition to the amount, if any, payable to him under sub-section (3).

(5) An employee shall be deemed to have completed a period of twelve months' continuous service within the meaning of this section, notwithstanding any interruption in service during those twelve months brought about (a) by sickness, accident, or authorised leave (including authorised holidays and weekly holidays), not exceeding ninety days in the aggregate for all three; or (b) by a lock-out; or (c) by a strike which is not an illegal strike; or (d) by intermittent periods of involuntary unemployment not exceeding thirty days in the aggregate, and authorised leave shall be deemed not to include any weekly holiday allowed under this Act which occurs at the beginning or end of an interruption brought about by the leave.

Wages during leave period.

14. For the leave allowed to him under Section 13, an employee shall be paid at the rate equal to the daily average of his total full time earning exclusive of any overtime earning and bonus, but inclusive of dearness allowance and the cash equivalent of any advantage accruing by the supply of meals and by the sale by the employer of food grains and other articles at concessional rates, for the days on which he worked during the month immediately preceding his leave.

Power of Inspectors to act for employees.

15. Any Inspector may institute proceedings on behalf of any employee to recover any sum required to be paid by an employer under this chapter which the employer has not paid.

Power to exempt establishment.

16. Where the Government are satisfied that the leave rules applicable to employees in an establishment provide benefits which in its opinion are not less favourable than those for which this chapter makes provisions it may, by written order, exempt the establishment from all or any of the provisions of this chapter, subject to such conditions as may be specified in the order.

CHAPTER IV

WAGES

Application and amendment of the Payment of Wages Act.

17. (1) Notwithstanding anything contained in the Payment of Wages Act, 1936, referred to as the said Act, the State Government may, by notification in the official Gazette, direct that, subject to the provision of sub-section (2), the

Central Act
4 of 1956.

said Act or any of the provisions thereof or of the rules made thereunder shall apply to all or any class of employees in establishments to which this Act applies.

(2) On the application of the provisions of the said Act to any establishment under subsection (1), the Inspector appointed under this Act shall be deemed to be the Inspector for the purpose of the enforcement of the provisions of the said Act within the local limits of his jurisdiction.

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18. (2) No employer shall dispense with the service of an employee employed continuously for a period of not less than six months, except for a reasonable cause and without giving such employee at least one month's notice or wages in lieu of such notice, provided however that such notice shall not be necessary where the services of such employee are dispensed with on a charge of misconduct supported by satisfactory evidence recorded at an inquiry held for the purpose.

(2) Any employee whose services are dispensed with may appeal to such authority and within such time as may be prescribed 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.

(3) The appellate authority may, after giving notice in the prescribed manner to the employer and the employee, dismiss the appeal or direct the reinstatement of the employee 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 may deem fit in the circumstances of the case.

(4) In directing the reinstatement of an employee the appellate authority shall also direct the payment of such amount of compensation as may be specified by him in case the employer fails to reinstate the employee in accordance with the directions.

(5) The decisions of the appellate authority shall be final and binding on both the parties, not be liable to be questioned in any Court of law, and be given effect to within such time as may be specified in the order of the appellate authority.

(6) Any compensation required to be paid by the employer under sub-sections (3) and (4) but not paid by him shall be recoverable as arrears of land revenue under the provisions of the Revenue Recovery Act, 1890 (Act 1 of 1890) for the time being in force. ...

CHAPTER V

EMPLOYMENT OF CHILDREN AND WOMEN

Prohibition of employment of children. 19. No child shall be required or allowed to work in any establishment except as an apprentice in such employment as may be specified by the State Government.

Prohibition of employment of women and persons below seventeen years during night 20. No women or any person who has not attained the age of seventeen shall be required or allowed to work whether as an employee or otherwise in any establishment before 6 A.M. or after 7 P.M.

CHAPTER VI

HEALTH AND SAFETY

Cleanliness, ventilation and lighting. 21. (1) The premises of every establishment shall be kept clean and free from affluvia arising from any drain or privy or other nuisance and shall be cleaned at such times and by such methods as may be prescribed and these methods may include lime washing, colour washing, painting, varnishing, disinfection and deodorising.

(2) The premises of every establishment shall be ventilated and sufficiently lighted during all working hours, with such standards and by such methods as may be prescribed.

(3) If it appears to an Inspector that the premises of any establishment within his jurisdiction are not sufficiently kept clean or lighted or ventilated, he may serve on the employer an order in writing specifying the measures which, in his opinion, should be adopted and requiring him to be carried out before a specified date.

Precaution against fire. 22. Every employer shall take proper precaution against fire in such manner as may be prescribed.

Appeals. 23. Against any order of the Inspector under this chapter, an appeal shall lie to such authority and within such time as may be prescribed.

Apportionment of expenses under preceding sections. 24. If any person, being either the owner or the occupier of an establishment who has incurred or is about to incur any expenses for the purpose of securing that the requirements of Section 21 or Section 22 are complied with respect to the establishment, alleges that the whole or any part of the expense ought to be borne by any other person having an interest in the premises, he may apply to the Court of Munsiff having jurisdiction over the area in which the establishment is situated and that Court shall make such order concerning the expenses or their apportionment as it appears to the Court, having regard to all the circumstances of the case, including the terms of any contract between the parties, to be just and equitable, and any order made under this section may direct that any such contract as aforesaid shall cease to have effect in so far it is inconsistent with the terms of the order.

CHAPTER VII

ENFORCEMENT AND INSPECTION

Appointment of Inspectors 25. (1) The State Government may, by notification in the official Gazette, appoint such officer or such persons or class of persons as they think fit to be Inspectors for the purposes of this Act within such local limits as they may assign to them respectively.

(2) The State Government may, by notification in the official Gazette, appoint either the Labour Commissioner or Additional Labour Commissioner of Assam as Chief Inspector for the purposes of this Act.

Powers and Duties of Inspectors. 26. Subject to any rules made by the State Government in this behalf, an Inspector may within the local limits for which he is appointed:—

- (a) enter, at all reasonable times and with such assistants if any, being persons in the service of the Government or any local authority as he thinks fit, any place which is or which he has reason to believe is an establishment
- (b) make such inspection of the premises and of any prescribed registers/records and notice and take on the spot or otherwise evidence of any person as he may deem necessary, for carrying out the purposes of this Act; and
- (c) exercise such other powers as may be necessary for carrying out the purpose of this Act :

Provided that no one shall be required under this section to answer any question or give any evidence tending to incriminate himself.

Inspector to be public servant.

27. Every Inspector appointed under sub-section (1) of Section 25 shall be deemed to be a public servant within the meaning of Section 12 of the Indian Penal Code.

Act XLV of 1860.

Employer to produce registers, records, etc. for inspection

28. Every employer shall on demand produce for inspection of an Inspector all registers, records and notice required to be kept under and for the purposes of this Act.

CHAPTER VIII

OFFENCES, PENALTIES AND PROCEDURE

Penalties

29. (1) Whoever contravenes any of the provisions of Sections 6, 8, 9, 10, 11, 13, 14, 18, 21 and 22 shall, on conviction be punishable with fine, which for a first offence may extend to two hundred and fifty rupees and for a second or any subsequent offence may extend to five hundred rupees.

(2) Whoever contravenes any of the provisions of Sections 7, 19, 20, 28 and 30 shall, on conviction, be punishable with fine which may extend to fifty rupees.

(3) No court shall take cognizance of any offence punishable under this Act or any rule or order made thereunder unless the complaint is made—

- (a) by the employee of an establishment either by himself or through the Union of which he is a member within three months from the date on which the offence is alleged to have been committed; or
- (b) by the Inspection within six months from the date on which the alleged offence comes to his knowledge.
- (4) No Court inferior to that of judicial Magistrate of the first class shall try any offence punishable under this Act or any rules or orders made thereunder.

CHAPTER IX

MISCELLANEOUS

Maintenance of registers and records and display of notices. 30. Subject to the general or special orders of the State Government, an employer shall maintain such registers and records and display on the premises of his establishment such notices as may be prescribed. All such registers and records shall be kept in the premises of the establishment to which they relate.

Saving of certain rights and privileges. 31. Nothing in this Act shall affect any right or privilege which an employee in any establishment is entitled to on the date this Act comes into force, under any other law, contract, custom or usage applicable to such establishment or any award, settlement or agreement binding on the employer and the employee in such establishment, if such rights or privileges are more favourable to him than those to which he would be entitled under this Act.

Indemnity. 32. No suit, prosecution or other legal proceedings shall lie against any person for anything which is in good faith done or intended to be done under this Act.

Delegation of powers. 33. (1) The State Government may, by notification in the official Gazette authorise any officer or authority subordinate to them to exercise all or any of the powers vested in them by or under this Act, except the power mentioned in Section 34, subject to such restrictions and conditions, if any, as may be specified in the notification.

(2) The exercise of the powers delegated under sub-section (1) shall be subject to control and revision by the State Government or by such persons, as may be empowered by them in that behalf. The State Government shall also have power to control and revise the acts or proceedings of any person so empowered.

Powers to make Rules 34. (1) The State Government may, subject to the condition of previous publication by notification in the official Gazette, make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matter, namely:—

- (a) Health, safety, welfare of employees, holiday for occasions ;
- (b) the form and the date for application of registration or renewal of certificate and fees payable for such registration or renewal ;
- (c) the particulars with respect of certificate of registrations or renewal thereof ;
- (d) the manner of taking precaution against fire ;
- (e) the setting up an appellate authority, the limitation for filing appeal and manner of giving notice ;
- (f) any other matter which has to be, or may be prescribed.

(3) The State Government may provide in the rules that a contravention of any of the rules shall be punishable with fine which may extend to fifty rupees and where the breach is a continuing one with a further fine which may extend to ten rupees for every day, after the first during which the breach continues.

(4) All rules made under this section shall be laid as soon as may be, after they are made before the Assam Legislative Assembly while it is in session for a total period of fourteen days

which may be comprised in one session or in two successive sessions and if before the expiry of that session in which it is so laid or the session immediately following, the Assam Legislative Assembly agree in making any modification in the rules or the Assam Legislative Assembly agree that no rules should be made, the rules shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under the rules.

Power of Government to suspend provisions of the Act during fairs and festivals

35. The State Government may, by notifications on account of such holiday or other occasion as may be prescribed, suspend the operation of all or any of the provisions of this Act in respect of any shop or commercial establishment or establishment for public entertainment or amusement or for any class of shops or establishments as aforesaid for such period and subject to such conditions as it may think fit.

Registration of Establishments.

36. (1) Every employer shall have his establishment registered under this Act. The registration shall be renewed every twelve months.

(2) The application for registration or for renewal of registration shall be made to the Chief Inspector or to such other officer as the Chief Inspector may authorise in this behalf in such forms and within such date and containing such particulars as may be prescribed.

(3) The fees payable for registration or for renewal of registration shall be such as may be prescribed by the State Government.

(4) Where an establishment is registered under this Act or when the registration of any establishment is renewed there shall be issued to the employer, a certificate of registration or a renewal certificate of registration, as the case may be containing such particulars as may be prescribed.

(5) The certificate or the renewal certificate, as the case may be, shall be kept prominently displayed at some conspicuous place of the establishment.

(6) If any employer carries on business without a valid registration certificate after the expiry of the last date for submission of application for registration or for renewal, he shall be liable to pay a penalty equal to the fee prescribed for registration or renewal of registration, as the case may be, *plus* an additional penalty at rupee one per day for each day of continued default after the expiry of the last date for submission of an application for registration or renewal, as the case may be, and the said penalty shall be realised by the Collector as an arrear of land revenue on a certificate being issued to that effect by the Chief Inspector appointed under this Act :

Provided that no employer shall be liable for any penalty under this section if he has submitted a valid application for a certificate of registration or renewal thereof within the period prescribed to the proper Authority.

Repeal and Saving. 37. (1) The Assam Shops and Establishments Act, 1948 is hereby repealed. Assam Act XIII of 1948.

(2) Notwithstanding the repeal of the Assam Shops and Establishments Act, 1948 any order made, any notification issued or any action taken under the Act so repealed shall be deemed to have been made or taken under the corresponding provisions of this Act and shall continue to be in operation until cancelled or suspended by order made or notification issued under the corresponding provisions of this Act. Assam Act XIII of 1948.