

## विधि विभाग

## अधिसूचना

12 अगस्त 2025

सं० एल०जी०-01-14/2025/5090 लेज—बिहार विधान मंडल द्वारा यथापारित और माननीय राज्यपाल द्वारा dated-7<sup>th</sup> August, 2025 को अनुमत बिहार बिहार दुकान और प्रतिष्ठान (रोजगार विनियमन और सेवाशर्त) अधिनियम, 2025 (बिहार अधिनियम संख्या-09, 2025) का निम्नलिखित अंग्रेजी अनुवाद बिहार राज्यपाल के प्राधिकार से इसके द्वारा प्रकाशित किया जाता है, जिसे भारतीय संविधान के अनुच्छेद-348 के खंड (3) के अधीन उक्त अधिनियम का अंग्रेजी भाषा में प्राधिकृत पाठ समझा जायेगा।

बिहार-राज्यपाल के आदेश से,  
अंजनी कुमार सिंह,  
सरकार के सचिव।

## [BIHAR ACT 09, 2025]

**THE BIHAR SHOPS AND ESTABLISHMENTS (REGULATION OF  
EMPLOYMENT AND CONDITIONS OF SERVICE) ACT, 2025.**

A

Act

to amend and consolidate the laws relating to regulation of employment and other conditions of service of workers employed in shops and establishments and for matters connected therewith or incidental thereto.

Be it enacted by the Legislature of the State of the Bihar in the seventy six<sup>th</sup> Year of the Republic of India as follows:-

## CHAPTER I

## PRELIMINARY

**1. Short title, extent commencement and application**(1) This Act may be called the Bihar Shops and Establishments (Regulation of Employment and Conditions of Service) Act, 2025.

- (2) It shall extend to the whole of the State of Bihar.
- (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 to such shops and establishments where ten or more workers are employed.

**2. Definitions.** - In this Act, unless otherwise requires in the context -

- (a) **"Chief Facilitator"** means the Chief Facilitator appointed under proviso of sub-section (1) of section 18;
- (b) **"Facilitator"** means the Facilitator appointed under sub- section (1) of section 18;
- (c) **"Day"** means a period of twenty-four hours beginning at mid night;
- (d) **"Employer"** means an owner or a person who has ultimate control over the affairs of a shop or an establishment, and includes-
  - (i) in the case of a firm or association of individuals, partners or members of the firm or association;
  - (ii) in the case of a company, a director of the company;
  - (iii) in the case of a shop or an establishment owned or controlled by the Central Government or a State Government or local authority, the person or persons appointed to manage the affairs of such shop or establishment by the Central Government or the State Government or local authority, as the case may be;

- (e) **"Establishment"** means any premises, not being the premises of a factory or a shop, -
- (i) wherein any trade, business, manufacture, or any work in connection with, or incidental or ancillary thereto, or any journalistic or printing work, or business of banking, insurance, stocks and shares, brokerage or produce exchange, is carried on; or
  - (ii) which is used as theatre, cinema, or for any other public amusement or entertainment, to whom the provisions of the Factories Act, 1948 does not apply; or
  - (iii) or such other establishment as the State Government may, by notification, declare to be an establishment to which the Act applies,
- (f) **"notification"** means a notification published in the Official gazette, under this act,
- (g) **"prescribed"** means prescribed by rules made under this Act;
- (h) **"shop"** means any premises where goods are sold, either by retail or wholesale or where services are rendered to customers, and includes an office, a store-room, godown, warehouse or work house, work place for distribution or packaging or repackaging or where finished goods are carried on;
- (i) **"wages"** means all remuneration (whether by way of salary, allowances or otherwise) expressed in terms of money or capable of being so expressed which would, if the terms of employment, express or implied, were fulfilled, be payable to a person employed in respect of his employment or of work done in such employment, and includes-
- (i) any remuneration payable under any award or settlement between the parties or under any order of a court or tribunal;
  - (ii) any remuneration to which the person employed is entitled in respect of overtime work or holiday or any leave period;
  - (iii) any additional remuneration payable under the terms of employment (whether called a bonus or by any other name);
  - (iv) any sum which by reason of the termination of employment of the person employed is payable under any law, contract or instrument which provides for the payment of such sum, whether with or without deductions;
  - (v) any sum to which the person employed is entitled under any scheme framed under any law, for the time being in force; and
  - (vi) house rent allowance,
- but does not include-
- (A) any bonus payable under Payment of Bonus Act, 1965, which does not form part of the remuneration payable under the terms of employment or which is not payable under any award or settlement between the parties or under any order of a court;
  - (B) the value of any accommodation, or of the supply of light, water, medical attendance or other amenity or of any service excluded from the computation of wages by a general or special order of the State Government;
  - (C) any contribution paid by the employer to any pension or provident fund and Employee State Insurance Corporation, and the interest which may have accrued thereon;
  - (D) any travelling allowance or the value of any travelling concession;

- (E) any sum paid to the employed person to defray special expenses entailed to him due to nature of his employment; or
- (F) any gratuity payable on the termination of employment in cases other than those specified in sub-clause (iv);
- (j) "**week**" means a 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 Chief Facilitator;
- (k) "**worker**" means any person (except an apprentice as defined under clause(aa) of section 2 of the Apprentices Act, 1961) employed in any shop and establishment to do any manual, unskilled, skilled, technical, operational, clerical or supervisory work for hire or reward, whether the terms of employment be express or implied, but does not include any such person—
  - (a) who is employed mainly in a managerial or administrative capacity; or
  - (b) Who is employed in such a shop where workers are entitled to get benefits under the Factories Act, 1948
    - (l) "**Member of the Family**" means close relatives of employer like mother, father, wife, husband, son, daughter, daughter -in-law, son -in- law, brother, sisters, grandson, granddaughter, maternal grandson and maternal granddaughter.
    - (m) "**Managerial**" means worker disposing work related to management of the shop and establishment.
    - (n) "**Supervisory**" means worker disposing work related to supervision of the shop and establishment.
    - (o) "**Misconduct**" means
      - (i) wilful insubordination or disobedience, whether alone or in combination with other, to any lawful order of a superior;
      - (ii) wilful damage or loss of employer's property;
      - (iii) taking or giving bribes or any other illegal gratification;
      - (iv) theft, fraud or dishonesty in connection with the employer's business property;
      - (v) habitual absence without leaves or absence without leave for more than ten days;
      - (vi) habitual breach of any law applicable to the establishment;
      - (vii) habitual late attendance.
      - (viii) riotous or disorderly behaviour during working hours at the establishment or any act subversive of discipline;
      - (ix) habitual or gross negligence or neglect of work;
      - (x) striking work inciting others to strike work in contravention of the provisions of any law or rule having the force of law.
      - (xi) breach of the provisions of the standing orders applicable to the establishment and certified under the Industrial Employment (Standing Orders) Act, 1946

### 3. (I) The provisions of this Act shall not apply to-

- (a) a worker occupying a position of confidential, managerial or supervisory character in a shop or in an establishment;
- (b) a worker whose work is inherently intermittent;
- (c) any office of the Government or the local authority;
- (d) any office of the Reserve Bank of India;

(e) a member of the family of an employer.

(2) A list of the workers referred to in clause (a) of sub-section (1) shall be displayed on the website of the shop or establishment and in absence of the website, at a conspicuous place in the shop or establishment and a copy thereof shall be sent to the Facilitator.

**4. Safeguarding Existing Worker Rights-** Nothing contained in this Act shall adversely affect, any right or privilege to which any worker is entitled, under any law, award, agreement, contract, custom or usage for the time being in force.

## CHAPTER II

### REGISTRATION AND ISSUE OF LABOUR IDENTIFICATION NUMBER

#### 5. REGISTRATION AND ISSUE OF LABOUR IDENTIFICATION NUMBER.-

- (1) On the commencement of this Act, every shop & establishment employing ten or more workers, shall apply for registration within a period of six months from the date of such commencement or the date on which such shop or establishment comes into existence and obtain a Labour Identification Number.
- (2) Every shop and establishment employing ten or more workers shall make an application for registration to such authority and in such form and manner as may be prescribed.
- (3) The authority referred to in sub-section (2) shall, on receipt of an application under sub-section (2) register the shop or establishment and issue it a Labour Identification Number in a week, in such form as may be prescribed.

## CHAPTER III

### DUTIES OF EMPLOYER

#### 6. DUTIES OF EMPLOYER.-

- (1) **Responsibility for payments of wages** - Every employer shall be responsible for the payment all wages required to be paid under this Act, to his employees.
- (2) **Fixation of wage period** - Every employer shall fix period in respect of which such wages shall be payable, however wage period shall not exceed one month.
- (3) **Time of payment of wages**-Wages of every employee shall be paid before the expiry of the seventh day after the last day of the wage period as respect of which the wages are payable:

Provided that if any employee be absent on the last day permissible under this sub-section the wages shall be paid before the expiry of three working days from the day on which he attends for work again or demands payment.

Provided that where the employment of an employee is terminated by or under the order of the employer, the wages earned by such employee shall be paid before the expiry of the second working day from the day on which his employment is terminated.

- (4) **Wages and other Dues to be paid in Bank/Post Office Account of the Employee** - All wages and other dues shall be paid in the bank/post office Account of the Employee who is employed for fifteen or more days in a shop or an establishment. If the employee does not have any bank/post office Account, the Employer shall facilitate the Employee to open such account within thirty days of recruitment.

- (5) **Every employee to be furnished with service card-** Every employee in a shop and establishment shall be furnished by his employer with a service- card in such form as may be prescribed within ten days of employment.
- (6) No woman worker shall be discriminated against in matters of recruitment, training, transfers or promotions or wages.
- (7) No woman shall be required or allowed to work in a shop or an establishment except between the hours of 6 a.m. and 9 p.m.:

Provided that where the Labour Resource Department or any officer, authorised by it in this behalf, is satisfied that the provision of shelter, rest room, night creche, ladies toilet, adequate protection of their dignity, honour and safety, protection from sexual harassment, and their transportation from the shop or establishment to the door step of their residence exists in such shop or establishment, it may, by notification, after obtaining the consent of the woman worker, allow her to work between 9 p.m. and 6 a.m. subject to such conditions as may be specified in the notification.

**7. Employer's Duty for Worker Health and Safety-**

- (1) Every employer shall take such measures relating to the health and safety (including cleanliness, lighting, ventilation and prevention of fire) of the workers as may be prescribed.
- (2) Every employer shall be responsible for providing constant and adequate supervision of the workers employed in the shop or establishment as to ensure the compliance with the rules relating to health and safety made under sub-section (1) and for taking necessary steps to prevent accidents.

**8. Working Hour-**

- (1) No adult worker shall be required or allowed to work in a shop or an establishment for more than forty-eight hours in any week and nine hours in a day or
  - (i) for more than nine hours in any day or for more than forty eight hours in any week, working for six days in any week;
  - (ii) for more than ten hours in any day or for more than forty eight hours in any week, working for five days in any week;
  - (iii) for more than eleven and a half hours in any day working for four days in any week, or works on paid holidays
 -he shall in respect of overtime work, be entitled to wages at the rate of twice his ordinary rate of wages.”  
 and no worker shall be asked to work continuously for more than five hours unless he has been given a break of not less than half an hour:

Provided that the working hours or of weekly rest may be relaxed in case of work of urgent nature with the previous permission of the Facilitator.

- (2) The total number of hours of work in a shift including the rest interval, the spread over shall not exceed twelve hours.
- (3) Any work done beyond the working hours of forty-eight hours in a week shall be treated as overtime and the total hours of overtime shall not exceed one hundred and forty four hours in a period of three months.
- (4) The State Government shall make rules to the following:-

- (a) subject to sub-section (1), fix the number of hours of work which shall constitute a normal working day for the workers employed in the shop or establishment, inclusive of one or more specified intervals;
- (b) provide for a day of rest in every period of seven days which shall be allowed to all workers employed in the shop or establishment and for the payment of remuneration in respect of such days of rest.
- (5) The provisions of sub-section (1) and (2) shall, in relation to the following class of workers employed in such shop or establishment, apply only to such extent, and subject to such conditions, as may be prescribed, namely:-
  - (a) workers engaged on urgent work, or in any emergency which could not have been foreseen or prevented;
  - (b) workers engaged in the nature of preparatory or complementary work which must necessarily be carried on outside the normal hours of work laid down in the rules;
  - (c) workers engaged in any work which for technical reasons has to be completed before the day is over;
  - (d) workers engaged in a work which cannot be carried on except at times dependent on the irregular action for natural forces; and
  - (e) highly skilled workers (such as workers working in the establishments of Information Technology, Bio-Technology and Research and Development Divisions).

**9. Overtime-** Where any worker is required to work on any day in excess of nine hours and forty-eight hours in a week, he shall be entitled to wages at the rate of twice his ordinary rate of wages or such higher amount as may be prescribed.

**10. Working Shift-**

- (1) A department or any section of a department of the shop or establishment may work in more than one shift at the discretion of the employer and if more than one shift is worked, the worker may be required to work in any shift at the discretion of the employer, without any discrimination between the employees.
- (2) A shop or an establishment may work on all days in a week subject to the condition that every worker shall be allowed weekly holiday of at least twenty-four consecutive hours of rest.
- (3) The period and hours of work in a week for all classes of workers in such shift shall be informed to all workers in writing and shall be sent to the Facilitator electronically or otherwise.
- (4) Where a worker is required to work on a day of rest, he shall be entitled to wages at the rate of twice his ordinary rate of wages.

**11. Notice of the dismissal or discharge.-**

- (1) No employer shall dismiss or discharge or otherwise terminate the employment of any employee who has been in his employment continuously for a period of not less than six months, except for a reasonable cause (closure, financial stress, technological changes, etc.) and after giving such employee at least one month's notice or one month's wages in lieu of such notice:

Provided that such notice shall not be necessary where the services of such employee are dispensed with on a charge of such

misconduct as may be prescribed by the State Government, supported by satisfactory evidence recorded at an enquiry held for the purpose:

Provided further that an employee who has been in continuous employment for a year or more and whose services are dispensed with otherwise than on a charge of misconduct shall also be paid compensation equivalent to fifteen days average wages for every completed year of service and any part thereof in excess of six months before his discharge in addition to the notice or pay in lieu of notice as prescribed above.

- (2) Every employee, dismissed or discharged or whose employment is otherwise terminated, may make a complaint in writing in the prescribed manner, to a prescribed authority within 6 months of the receipt of the order of dismissal or discharge or termination of employment to the one or more of the following grounds, namely:-
  - (i) there was no reasonable cause for dispensing with his services; or
  - (ii) no notice was served on him as required by sub-section (1); or
  - (iii) he has not been guilty of any misconduct as held by the employer; or
  - (iv) no compensation as prescribed in sub-section (1) was paid to him before dispensing with his service.
- (3) The prescribed authority may condone delay in filing such a complaint if it is satisfied that there was sufficient cause for not making the application within the prescribed time.
- (4) (a) The prescribed authority shall cause a notice to be served on the employer relating to the said complaint, record briefly the evidence adduced by the parties, hear them and after making such enquiry as it may consider necessary pass orders giving reasons therefor.
- (b) In passing such order the prescribed authority shall have power to give relief to the employee by way of reinstatement or money compensation or both.
- (5) The decision of the prescribed authority shall be final and binding on both the employer and employee.

#### CHAPTER IV

#### LEAVE AND HOLIDAYS

##### 12. Leave and holidays.-

- (1) Every worker shall be allowed a weekly holiday with wages:  
Provided that the State Government may, by notification, fix different days as weekly holiday for different class of shops and establishments or areas.
- (2) Every worker shall be entitled to seven days' sick leave with wages in every calendar year provided medical certificate is submitted to employer for the leave period.
- (3) Every worker shall be entitled to eight days' casual leave with wages in every calendar year which shall be credited into the account of the worker on quarterly basis.
- (4) Every worker who has worked for a period of continuous service of two hundred and forty days or more in a shop or establishment during a calendar year shall be allowed during the subsequent calendar year, leave with wages for a number of days calculated at the rate of one day

for every twenty days of work performed by him during the previous calendar year.

- (5) Every worker shall be permitted to accumulate earned leave up to a maximum of forty-five days.
- (6) Where the employer refuses to sanction the leave due when applied fifteen days in advance, then the worker shall have a right to encash the leave in excess of forty-five days:

Provided that if a worker, entitled to leave under this section, is discharged by his employer before he has been allowed the leave, or if, having applied for and having been refused the leave, he quits his employment on account of retirement, resignation, death or permanent disability, the employer shall pay him or his dependent(s) full wages for the period of leave due to him.

- (7) A worker shall be entitled to eight paid festival holidays in a calendar year, namely, the Independence Day, Republic Day, Gandhi Jayanti and International Labour Day (May Day) and eight such other festival holidays as may be agreed to, between the employer and the workers, before the commencement of the year.
- (8) For the purpose of sub-section (4)
  - (a) any day of lay-off, by agreement or contract or as permissible under the model standing orders of standing order certified under Industrial Employment (Standing Order) Act, 1946;
  - (b) in the case of female worker, the maternity leave under the provisions of the Maternity Benefits Act, 1961;
  - (c) the leave earned in the year prior to that in which the leave is availed; or
  - (d) the absence of the worker due to temporary disablement caused by accident arising out of and in the course of his employment, shall be deemed to be days on which the worker has worked in a shop or establishment for the purpose of computation of the period of two hundred and forty days or more, but shall not earn leave for these days.
- (9) The leave admissible under sub-section (4) shall be exclusive of all holidays whether occurring during or at either end of the period of leave.

## CHAPTER V WELFARE PROVISION

**13 Safe Drinking Water for Workers-** Every employer shall make effective arrangements to provide and maintain at suitable points conveniently situated for all persons employed in the shop or establishment, a sufficient supply of safe drinking water.

**14. Latrine and Urinal for Workers-** Every employer shall provide sufficient latrine and urinal for male and female as may be prescribed which shall be so conveniently situated as may be accessible for the workers employed in the shop or establishment:

Provided that several employers may provide common facilities, in case it is not possible in a shop or establishment due to constraint in space or otherwise.

**15. Creche-** In every shop or establishment wherein thirty or more woman workers or fifty or more workers are ordinarily employed, there shall be provided and maintained a suitable room or rooms as crèche for the use of children of such woman worker:



Provided that if a group of shops or establishments, so decide to provide a common crèche within a radius of one kilometre, then, the same shall be permitted by the Chief Facilitator, by an order, subject to such conditions as may be specified in the order:

**16. First-aid** - Every employer shall provide at the place of work first-aid facilities as may be prescribed.

**17. Canteen** - The State Government shall require the employer to provide and maintain in the shop or establishment, wherein not less than one hundred workers are employed or ordinarily employed to maintain a canteen for the use of its workers:

Provided that if a group of shop and establishments, so decide to provide a common canteen, then the same shall be permitted by the Chief Facilitator by an order, subject to such conditions as may be specified in the order.

## CHAPTER VI

### FACILITATOR AND THEIR POWERS AND FUNCTIONS

#### 18. Facilitator and their powers and functions.-

- (1) The State Government may, by notification, appoint such persons as possess the prescribed qualification to be Facilitator for the purposes of this Act and may assign to them such local limits as it may think fit.

Provided that the State Government may, by notification, appoint a Chief Facilitator who shall, in addition to the powers conferred on a Chief Facilitator under this Act, exercise the powers of a Facilitator throughout the State.

- (2) The State Government may prescribe a process for inspection of shops and establishments which shall provide for generation of a web-based inspection schedule.
- (3) Every Facilitator and Chief Facilitator appointed under sub-section (1) shall be deemed to be public servant within the meaning of sub section 28 of section 2 of the Bharatiya Nyaya Sanhita, 2023 and shall be officially subordinate to such authority as the state Government may specify in this behalf.
- (4) Subject to such conditions as may be prescribed, a Facilitator may, within the local limits for which he is appointed-
  - (i) advice the employers and workers and provide them such information as may be considered necessary for complying with the provision of this Act effectively;
  - (ii) inspect the shop or establishment in accordance with the process for inspection referred to in sub-section (2), and may-
    - (a) examine any person who is found in any premises of the shop or establishment and whom, the Facilitator has reasonable cause to believe, is a worker of the shop or establishment;
    - (b) inquire any person to give any information and grievances which is in his power to give with respect to the names and addresses of the persons;
    - (c) search, seize or take copies of such register, details of payment transaction of workers, record of wages or notices or portions thereof as the Facilitator may consider relevant in respect of an offence under this Act and which the Facilitator has reason to believe has been committed by the employer;
    - (d) bring to the notice of the State Government defects or abuses not covered by the law for the time being in force; and
    - (e) exercise such other power as may be prescribed;

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

- (5) Any person required to produce any document or to give any information required by a Facilitator under sub-section (4) shall be deemed to be legally bound to do so within the meaning of section 210 and section 211 of the Bharatiya Nyaya Sanhita, 2023.
- (6) The provision of the Bharatiya Nagarik Suraksha Sanhita, 2023 shall, so far as may be, apply to the search or seizure under sub-clause (c) of clause (ii) of sub-section (4) as they apply to the search or seizure made under the authority of a warrant issued under section 97 of the said Code.

## CHAPTER VII RECORDS AND RETURNS

### 19. Records-

- (1) Every employer shall maintain such registers and records as may be prescribed.
- (2) The records may be maintained electronically or manually:

Provided that at the time of inspection by a Facilitator, a legible copy of such records if demanded, shall be submitted duly signed by the employer.

**20. Return-** Every employer of a shop or an establishment shall furnish an annual return, in such form and manner (including electronic form), to such authority as may be prescribed.

## CHAPTER VIII OFFENCES AND PENALTIES

### 21. Penalty-

- (1) Whoever contravenes the provisions of this Act or the rules made there under shall be punishable with a fine of ten thousand rupees which may extend to twenty-five thousand rupees.
- (2) If any person who has been convicted of any offence punishable under sub-section (1) is again found guilty of an offence involving a contravention or failure of compliance of the same provision, he shall be punishable on a subsequent conviction with fine which shall not be less than twenty thousand rupees but which may extend to fifty thousand rupees.

**22. Penalties for Workplace Accidents Caused by Employer's Violation-** Save as is otherwise expressly provided in this Act, where an employer on being held guilty of contravention of any of the provision of this Act or any rules made there under which has resulted in an accident causing serious bodily injury or death of a worker, shall be punishable with imprisonment which may extend to six months or with fine which shall not be less than two lakh rupees which may be extended to five lakh rupees or both.

**23. Penalty for obstructing Facilitators, etc.-**Whoever willfully obstructs a Facilitator in exercise of any powers conferred on him by or under this Act or refuses or willfully neglects to afford the Facilitator any reasonable facility for making any inspection, examination, inquiry or investigation or refuses to produce any register or other document kept in pursuance of this Act or the rules made there under, attempts to prevent any person from appearing before, or being examined by, a Facilitator acting in pursuance of his duties under this Act, shall be punishable with a fine of ten thousand rupees which may extend to twenty-five thousand rupees.

**24. Cognizance of offences-**

- (1) No Court shall take cognizance of any offence punishable under this Act and the rules made thereunder unless a complaint in respect thereof is made by the Facilitator within three months of the date on which the alleged commission of the offence came to the knowledge of the Facilitator and a complaint is filed in that regard thereby:

Provided that where the offence consists of disobeying a written order made by a Facilitator, complaint thereof may be made within six months of the date on which the offence is alleged to have been committed.

- (2) Any Judicial Magistrate shall try any offence punishable under this Act or the rules made thereunder.

**25. Compounding of Offences-**

- (1) Notwithstanding, anything contained in this Act or the Bharatiya Nagarik Suraksha Sanhita, 2023 an offence punishable under Sub-section (1) of Section 21 of this Act, may be compounded by an officer, as notified by the State Government on payment of Rs. ten Thousand, in the manner as may be prescribed.
- (2) If the same offender commits offence Second time, it can be compounded by making payment of Rs. Twenty Thousand, in the manner prescribed. No compounding shall be permissible if same offender commits offence third time.
- (3) The designated officer referred to in Sub-section (1) shall exercise the powers to compound an offence, subject to direction, control and supervision of State Government.
- (4) Every application for compounding of an offence shall be made in such form and such manner as may be prescribed.
- (5) Where any offence is compounded before the institution of any prosecution, no prosecution shall be instituted in relation to such offence, against the offender in relation to whom the offence is so compounded.
- (6) Where the composition of any offence is made after the institution of any prosecution, such composition shall be brought by the officer referred to in sub-section (1) in writing, to the notice of the Court in which the prosecution is pending and on such notice of the composition of the offence being given, the person against whom the offence is so compounded shall be discharged.
- (7) Any person who fails to comply with an order made by the officer referred to in sub-section (1), shall be liable to pay a sum equivalent to twenty per cent of the maximum fine provided for the offence, in addition to such fine.
- (8) No offence punishable under the provisions of this Act shall be compounded except under and in accordance with the provisions of this section.

**CHAPTER IX**  
**MISCELLANEOUS**

**26. Protection of persons acting under this Act-** No suit, prosecution or other legal proceeding shall lie against any public servant or any other person in the service of the Central Government or the State Government, acting under direction of any such public

servant, for anything in good faith done or intended to be done in pursuance of the provisions of this Act or of any rule made thereunder.

**27. Exemption under this Act-** The State Government or any officer empowered in this behalf may, by notification, exempt from the operation of all or any of the provisions of this Act for any period it is considered, any shop or establishment or class thereof or any employer or worker or class of employers or workers to whom this Act applies on such terms and conditions as it may think fit.

**28. Complementary nature of the Act with existing Laws-** The provisions of this Act shall be in addition to, and not in derogation of, the provisions of any other law for the time being in force.

**29. Power to make the rules-**

- (1) The State Government may, by notification, make rules for carrying out the provision 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 matters, namely:-
  - (a) the authority to which and the form and manner in which an application shall be made under sub-section (2), the form of Labour Identification Number under sub-section (3), and the manner of obtaining Labour Identification Number under sub-section (4), of section 5.
  - (b) the measures to be taken by the employer relating to the health and safety (including cleanliness, lighting, ventilation and prevention of fire) of the workers under sub-section (1) of section 7;
  - (c) the matters to be provided by rules under sub-section (4) of section 8;
  - (d) the condition subject to which the provisions of sub-section (1) and (2) of section 8 shall apply to certain class of workers under sub-section (5) of that section;
  - (e) rate of higher amount of wages under section 9;
  - (f) the provisions of sufficient latrine and urinals under section 14 and the provision of first-aid facility under section 16;
  - (g) the qualifications of Facilitators under sub-section (1), conditions subject to which a Facilitator shall exercise his powers under sub-section (4), and other powers exercisable by him under sub-clause (e) of clause (ii) of sub-section (4), of section 18;
  - (h) the registers and records to be maintained by the employers under sub-section (1) of section 19;
  - (i) the form and manner (including electronic form) for furnishing of annual return and the authority to such returns shall be furnished under section 20;
  - (j) the manner of compounding of offences under sub-section (1), and form and manner for making application for such compounding under sub-section (4), of section 25;
  - (k) any other matter which is required to be, or may be, prescribed.
- (3) Every rule made by the State Government under this act shall be laid, as soon as may be after it is made, before each House of the State Legislature

**30. Power to remove difficulties-**

- (1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order, published in the Official gazette, make such provision not inconsistent with the provision of this Act as may appear to be necessary for removing the difficulty:

Provided that no order shall be made under this section after the expiry of two years from the date of the commencement of this Act.

- (2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of the State Legislature.

**31. Repeal and Savings-**

- (1) The Bihar Shops and Establishment Act, 1953 is hereby repealed.
- (2) Notwithstanding the repeal of the Act under sub-section (1), anything done or any action taken under the said Act shall, in so far as such thing or action is not inconsistent with the provisions of this Act, be deemed to have been done or taken under the provisions of this.
- (3) The mention of particular matters in this section shall not be held to prejudice or affect the general application of section 6 of the General Clauses Act, 1897 with regard to the effect of repeals.

ANJANI KUMAR SINGH,  
Secretary.

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