



news flash

January 2018



MSE Act 2017 notified w.e.f. 19 December 2017

Introduction

The Maharashtra Shops and Establishments (Regulation of Employment and Conditions of Service) Act, 2017 (the “**MSE Act 2017**”) became effective from 19 December 2017 pursuant to notification dated 19 December 2017 issued by the Government of Maharashtra.

Please [click here](#) to refer to our earlier newsflash circulated on 3 October 2017 which gives an overview of the salient features of the MSE Act 2017.

Notifications issued under the MSE Act 2017

The following 3 notifications dated 19 December 2019 have been issued under the MSE Act 2017:

1. The date of commencement of the MSE Act 2017 has been appointed as 19 December 2017 (*notification no. MSA.07/2016/CR-218/Lab-10*).
2. Municipal Corporation of Greater Mumbai has been declared as the authority to perform the duty of enforcing the provisions of the MSE Act 2017 (*notification no. MSA.07/2016/CR-218/Lab-10*).
3. The opening and closing hours of the following classes of establishments in specified areas have been fixed as below (*notification bearing No. MSA.07/2016/C.R. 218/Lab. 10*):

Sr. No.	Class of Establishment	Area	Hours for opening	Hours for closing
1	Permit Rooms, Beer Bars, Dance Bars, Hookka Parlors, Discotheques and all such other establishments where liquor in any kind is served.	Municipal Corporation Area.	11:30 am	01:30 am (next day)
		All Municipal Council Areas.	11:00 am	12:30 am (next day)
		Other remaining Areas.	11:00 am	12:30 am (next day)
2	Wine and all kinds of liquor shops.	Municipal Corporation Area.	11:30 am	11:30 pm
		All Municipal Council Areas.	11:00 am	11:00 pm
		Other remaining Areas	11:00 am	10:30 pm
3	Theatres and Cinema Exhibition houses	All over Maharashtra	---	01:00 am (next day)

ALMT Analysis

The provisions of the MSE Act 2017 shall be effective from 19 December 2017 and it shall extend to the whole of the State of Maharashtra. The MSE Act 2017 will apply to establishments employing 10 or more workers and allows establishments to remain open for 24 hours. However, the 24 hour rule does not apply to certain classes of establishments such as those that serve liquor, wine shops, theatres and cinema exhibition houses.

Presently, no new rules have been framed under the MSE Act 2017. However, various sections of the MSE Act 2017 refer to certain forms and returns to be filed, the amount of fees to be paid, actions to be taken, etc., as may be “*prescribed*”. The term “*prescribed*” has been defined to mean “*prescribed by rules made under this Act*”. It is anticipated that the Government will frame appropriate rules under the MSE Act 2017.

In the meanwhile, it appears that the Maharashtra Shops and Establishment Rules, 1948 will continue to apply in view of the proviso stated in Section 39 of the MSE Act 2017 which makes every appointment order, **rule**, bye-law, regulation, notification, registration or notice issued under the repealed Act to be deemed to have been issued under the MSE Act 2017, as long as it is not inconsistent with the MSE Act 2017, unless superseded.

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