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C I R C U L A R

No.FER.1192/172/VII

Bombay,

12 February, 1995.

Attention of all the Superintendents of State Excise is invited to the provision of section 33(3) of the Bombay Shops & Establishment Act, 1948 which provides that "no women shall be required or allowed to work in any shop after 8.30 P.M". In view of this the presence of women after 8.30 P.M. in any Permit Room/Beer Bars or Hotel is a violation of provision of section 33(3) of the said Act unless such establishments are specifically exempted under section 4 of that Act. The general exemption granted in favour of Hotels or Restaurants have been specified in entries 20 and 21 of Schedule-II of the Shops and Establishment Act, 1948 which exempts female employees or attendants for women (cloak rooms or lavatories, employees doing household work like cleaning, washing utensils, cooking, female housekeepers and female artist in cabaret or entertainment shows.

Certain Hotels or Restaurants in Bombay have also been exempted from section 33 of the said Act vide entries 171, 173, 175, 211, 242, 248, 250 etc. It is very essential to note here that while granting exemption a condition has been stipulated that in the bar room no women shall be put on duty as attendant or no female employee should be posted in the Permit Room. The schedule being part of the Act itself it is quite evident that the spirit of law is to restrict women employees from working in Permit Rooms.

Any agent or servant carrying on the business of selling foreign liquor at a Hotel or Club on behalf of such licensee is required to be authorised by the licensee vide nokarnama in Form FL-XIV to be signed by himself and

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countersigned by the State Excise Officer not lower in rank than a Sub-Inspector under rule 49 of the Bombay Foreign Liquor Rules, 1953. It is, therefore, obligatory on the part of the licensee to ensure that such authorisation is made by the licensee not in violation of any other law or rules in force for the time being. At the same time it is also the duty of State Excise Officers responsible for counter signature on Nokarnama to ensure that such women employees are not allowed to work in Permit Rooms/Beer Bars in violation of provisions of Bombay Shops and Establishment Act, 1948. As a matter of fact provisions of the Bombay Prohibition Act, 1949 and rules made thereunder cannot be inconsistent with any other law in force and as such all authorisations/Nokarnamas issued by the licensee under rule 49 (2) and approved by Excise Officers are subject to the provisions of section 33(3) of the Bombay Shops and Establishment Act, 1948.

All the Superintendents of State Excise are, therefore, hereby directed to enforce this provision of law very rigidly in their respective jurisdictions and to ensure strict action against the licensees committing breach of these rules and licence conditions.

A receipt of this circular should be promptly acknowledged.

Baldev Chand
(BALDEV CHAND)
Commissioner of State Excise,
Maharashtra State., BOMBAY.

To

- 1) All Collectors,
- 2) All the Divisional Dy. Commissioners of State Excise.
- 3) All Superintendents of State Excise.
- 4) All the Gazetted Officers in this Commissionerate.
- 5) Record section with 5 spare copies.