

## Clarification on Registration Requirements under the OSHWC Code, 2020 vis-à-vis the Maharashtra Shops and Establishments Act, 2017

On April 30, 2026, Government of Maharashtra released a clarification to address the confusion among employers regarding the requirement of obtaining separate registration under the Maharashtra Shops and Establishments (Regulation of Employment and Conditions of Service) Act, 2017 (MSEA) following the enactment of the Occupational Safety, Health and Working Conditions Code, 2020 (OSHWC Code or Code).

- The OSHWC Code is a central legislation intended to provide a consolidated framework governing safety, health, and working conditions of workers across establishments. Under Section 3 of the OSHWC Code, establishments employing 10 or more workers are required to obtain registration under the Code. *However, it is important to note that the Code is not yet fully operational, as the relevant rules and effective date of enforcement are awaited.*
- The circular clarifies that once the OSHWC Code is brought into force and registration is obtained thereunder, separate registration under the MSEA would not be required for such establishments, to the extent of overlapping requirements. This position is supported by Article 254 of the Constitution of India, which provides that in case of inconsistency between central and state laws on subjects in the Concurrent List, the central law prevails to the extent of such inconsistency. *That said, until the OSHWC Code is fully enforced, establishments are required to continue obtaining registration under the MSEA and comply with its provisions.*
- Further, even after the OSHWC Code becomes operational, establishments must continue to comply with provisions of the MSEA that are not inconsistent with the Code.
- Additionally, establishments employing less than 10 workers will continue to be governed by the MSEA and are required to submit an intimation of commencement of business under Section 7 of the MSEA.

### ELP Comments

*The clarification issued by the Government of Maharashtra is a welcome step to reduce confusion among employers following the introduction of the new labour codes. However, in practice, it may increase the compliance burden in the short term. Since the OSHWC Code is not yet fully in force, employers will need to continue complying with the MSEA while also preparing for the new regime. This means businesses may have to review both laws together to understand which provisions apply and where there is an overlap.*

*Further, identifying inconsistencies between the two frameworks may not always be straightforward, leading employers to take a cautious approach and comply with both sets of requirements which could result in additional effort in updating policies, tracking compliance under multiple frameworks, and managing legal uncertainty until full clarity emerges.*

We hope you have found this information useful. For any queries/clarifications, please write to us at [insights@elp-in.com](mailto:insights@elp-in.com) or write to our authors:

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