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## **The Delhi Shops & Establishments Act, 1954**

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## **The Delhi Shops and Establishments Act, 1954**

An Act to amend and consolidate the law relating to the regulation of hours of work, payment of wages, leave, holidays, terms of service and other conditions of work of persons employed in shops, commercial establishments, establishments for public entertainment or amusement and other establishments and to provide for certain matters connected therewith.

It is hereby enacted as follows: -

**1. Short title, extent, commencement and application.-**

(1) This Act may be called the Delhi Shops and Establishments Act, 1954.

(2) It extends to the whole of Union Territory of Delhi.

(3) It shall come into force on such date as Government may, by notification in the Official Gazette, appoint in this behalf.<sup>1</sup>

(4) It shall apply in the first instance only to the municipal areas, Notified Areas and Cantonment limits of Delhi, New Delhi, Shahdara, Civil lines, Mehrauli, Red Fort and Delhi Cantonment but Government may, <sup>2</sup>(by notification in the Official Gazette), direct that it shall come into force in any other local area or areas or shall apply to such shops or establishment or class of shops and establishments in such other areas as may be specified in the notification.

**1. The Act came into force w.e.f 1.2.55 vide Notification No. F. 23(5)/51 L. dated 17.1.55.**

**2. Subs. by Act 6 of 1955.**

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

(1) “Adult” means a person who has completed his eighteenth year of age;

<sup>1</sup>[(1A) “Apprentice” means a person, who is employed, whether on payment of wages or not, for the purpose of being trained in any trade, craft or employment in any establishment;]

- (2) “Child” means a person who has not completed his twelfth year of age;
- (3) “Close day” means the day of the week on which a shop or commercial establishment remains closed;
- (4) “Closing hour” means the hour at which a shop or commercial establishment closes;
- (5) “Commercial establishment” means any premises wherein any trade, business or profession or any work in connection with, or incidental or ancillary thereto, is carried on and includes a society registered under the Societies Registration Act, 1860 (XXI of 1860) and charitable or other trust, whether registered or not, which carries on any business, trade or profession or work in connection with or incidental or ancillary thereto, journalistic and painting establishments, contractors and auditors establishments, quarries and mines not governed by the Mines Act, 1952 (XXXV of 1952), educational or other institution run for private gain and premises in which business of banking, insurance, stocks and shares, brokerage or produce exchange is carried on, but does not include a shop or a factory registered under the Factories Act, 1948 (LXIII of 1948), or theatres, cinemas, restaurants, eating houses, residential hotels, clubs or other places of public amusement or entertainment;
- (6) “Day” means a period of twenty-four hours beginning at mid-night;

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

<sup>2</sup>[(7) “Employee” means a person wholly or principally employed, whether directly or otherwise, and whether for wages, (payable on permanent, periodical, contract, piece-rate or commission basis) or other consideration, about the business of an establishment and includes an apprentice and any person employed in a factory but not governed by the Factories Act, 1948 (LXIII of 1948), and for the purpose of any matter regulated by this Act, also includes a person discharged or dismissed whose claims have not been settled in accordance with this Act;]

(8) “Employer” means the owner of any establishment about the business of which persons are employed, and where the business of such establishment is not directly managed by the owner, means the manager, agent, or representative of such owner in the said business;

(9) “Establishment” means a shop, a commercial establishment, residential hotel, restaurant, eating house, theatre or other places of public amusement or entertainment to which this Act applies and includes such other establishments as Government may, by notification in the Official Gazette, declare to be an establishment for

the purposes of this Act;

(10) “Factory” means a factory as declared or registered under the Factories Act, 1948 (LXIII of 1948);

(11) “Family” means the husband, wife, son, daughter, father, mother, brother, sister or grand-son of an employer, living with and wholly dependent on such employer;

(12) “Government” means the Chief Commissioner, Delhi;<sup>3</sup>

(13) “Holiday” means a day on which an establishment shall remain closed, or on which an employee shall be given a holiday under the provisions of the Act;

(14) “Hours of work” or “working hours” mean the time during which the persons employed are at the disposal of the employer exclusive of any interval allowed for rest and meals and “hours worked” has a corresponding meaning;

(15) “Inspector” means an Inspector appointed under section 36 of the Act;

(16) “Leave” means leave as provided for under this Act;

(17) “Occupier” means a person owning or having charge or control of the establishment and includes the manager, agent or representative of such occupier;

(18) “Opening hour” means the hour at which <sup>4</sup>[a shop or commercial establishment] opens for the service of a customer;

(19) “Prescribed” means prescribed by rules made under this Act;

(20) “Register of Establishments” means a register maintained for the registration of establishment under this Act;

(21) “Registration Certificate” means a certificate showing the registration of an establishment;

(22) “Religious festival” means any festival, which the Government may by notification in the Official Gazette declare to be a religious festival for the purposes of this Act;

1. **Ins. by Act 33 of 1970.**
2. **Subs. by Act 33 of 1970.**
3. **Now, Lt. Governor of Delhi (Author’s Comments).**
4. **Subs. by Central Act 21 of 1961.**

(23) “Residential hotel” means any premises in which business is carried on for the supply of dwelling accommodation and meals on payment of a sum of money by a traveller or any member of the public or a class of the public and includes a club;

(24) “Restaurant” or “eating-house” means any premises in which is carried on wholly or principally the business of the supply of meals or refreshment to the public or a class of the public for consumption on the premises;

(25) “Retail trade or business” includes the business of a barber or hair-dresser, the sale of refreshment of intoxicating liquors, and retail sales by auction;

(26) “Schedule” means a schedule appended to this Act;

(27) “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 workhouse or work place, whether in the same premises or otherwise, used in or in connection with such trade or business but does not include a factory or commercial establishment;

(28) “Spread over” means the period between the commencement and the termination of the work of an employee on any day;

(29) “Summer” means the period covering the months of April, May, June, July, August and September;

(30) “Wages” means wages as defined in section 2 of the Minimum Wages Act, 1948 (XI of 1948);



- (31) “Week” means a period of seven days beginning at midnight on Saturday;
- (32) “Winter” means the period covering the months of October, November, December, January, February and March;
- (33) “Year” means the calendar year;
- (34) “Young person” means a person who is not a child and has not completed his eighteenth year of age.

**3. Rights and privileges under other law, etc. not affected.** -Nothing in this Act shall affect any rights or privileges which an employee in any establishment is entitled to at the date this Act comes into force, under any other law, contract, custom or usage applicable to such establishment or an 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.

**4. Exemptions.** -Notwithstanding anything contained in this Act, the provisions of this Act mentioned in the third column of the Schedule shall not apply to the establishment, employees and other persons mentioned against them in the second column of the said Schedule:

Provided that the Government may, by notification published in the Official Gazette, add to, omit or alter any of the entries of the said Schedule, and on the publication of such notifications the entries in either column of the said Schedule shall be deemed to be amended accordingly.

**\*5. Registration of establishments. -**

- (1) Within the period specified in sub-section (5), the occupier of every establishment shall send to the Chief Inspector a statement in a prescribed form, together with such fees as may be prescribed, containing--
- (a) The name of the employer and the manager, if any;
- (b) The postal address of the establishment;

- (c) The name, if any, of the establishment,
- (d) The category of the establishment, i.e., whether it is a shop, commercial establishment, residential hotel, restaurant, eating house, theatre or other place of Public amusement or entertainment;
- (e) The number of employees working about the business of the establishment; and
- (f) Such other particulars as may the fees, the Chief Inspector shall, on being satisfied
- (2) On receipt of the statement and the fees, the Chief Inspector shall, on being satisfied about the correctness of the statement, register the establishment in the Register of Establishment in such manner as may be prescribed and shall issue, in a prescribed form, a registration certificate to the occupier.
- (3) The registration certificate shall be shall be prominently displayed at the establishment and shall be renewed at such intervals as may be prescribed in this respect.
- (4) In the event of any doubt or difference of opinion between an occupier and the Chief Inspector as to the category to which an establishment should belong, the chief Inspector shall refer the matter to the Government which shall after such enquiry, as it may think proper, decide the category of each establishment and the decision thereto, shall be final for the purpose of this Act.
- (5) Within ninety days from the date mentioned in column 2 below in respect of the establishment mentioned in column 1, the statement together with fees shall be sent to the Chief Inspector under sub-section (1).

Establishments	Date from which the period of 90 days is to commence
(i) Establishment existing in municipal areas, notified areas & cantonment limits of Delhi, New Delhi, Shahdara, Civil Lines, Mehrauli, Red Fort and Delhi Cantonment.	The date on which this Act comes into force
(ii) Establishment existing in local areas in which this Act is brought into force by notification under sub-section (4) of section 1.	The date on which this Act comes into force in the local areas concerned
(iii) New establishment in areas mentioned in clauses (i) and (ii) of this sub-section.	The date on which the establishment commences its work

**\*As per a news item appearing in Hindustan Times New Delhi dt. 4.1.1990, Delhi Administration had decided to do away with the registration of shops/commercial establishments in the Union Territory of Delhi and is approaching the Government of India to amend Section (5), (6) and (7) of the Delhi Shops and Establishments Act, 1954. Till the Act is amended the requirement of registration/renewal/amendment has been kept in abeyance.**

**6. Change to be communicated to the Chief Inspector.** -It shall be the duty of the occupier to notify to the Chief Inspector, on a prescribed form, any change in respect of any information contained in his statement under sub-section (1) of section 5 within <sup>1</sup>[thirty days after the change has taken place]. The Chief Inspector shall on the receipt of such notice and the prescribed fee and on being satisfied about its correctness make the change in the register of establishments in accordance with, such notice and shall amend the registration certificate, or issue a fresh registration certificate, if necessary.

**1. Subs. by Act 33 of 1970.**

**7. Closing of establishment to be communicated to the Chief Inspector.** -The occupier shall within fifteen days of his closing the establishment, notify to the Chief Inspector in writing accordingly. The Chief Inspector shall, on receiving the information and being satisfied about the nature of closure, remove such establishment from the register of establishments and cancel the registration certificate.

Provided that the Chief Inspector may not, if satisfied that the establishment is likely to re-start within a period of six months, remove it from the register of establishments and cancel the registration certificate.

**8. Employment of adults, hours of work.** -No adult shall be employed or allowed to work about the business of an establishment for more than nine hours on any day or 48 hours in any week and the occupier shall fix the daily periods of work accordingly.

Provided that during any period of stock taking or making of accounts or any other purpose as may be prescribed, any adult employee may be allowed or required to work for more than the hours fixed in this section, but not exceeding 54 hours in any week subject to the conditions that the aggregate hours so worked shall not exceed 150 hours in a year.

Provided further that advance intimation of at least three days in this respect has been given in the prescribed manner to the Chief Inspector and that any person employed on overtime shall be entitled to remuneration for such overtime work at twice the rate of his normal remuneration calculated by the hour.

**Explanation.** - For the purpose of calculating the normal hourly wage the day shall be reckoned as consisting of eight hours.

**9. Restriction on double employment.** -No person shall work about the business of an establishment or two or more establishments or an establishment and a factory in excess of the period during which he may be lawfully employed under this Act.

**10. Interval for rest and meals.** -

(1) The period of work of an adult employee in an establishment each day shall be so fixed that no period of continuous work shall exceed five hours and that no employee shall be required or allowed to work for more than five hours before he has had an interval for rest and meals of at least half an hour.

(2) The time for such interval shall be fixed by the employer and intimated to the Chief Inspector a week before such fixation and shall remain operative for a period of not less than three months.]

**1. Subs. by Act 33 of 1970.**

**11. Spread over.** -The periods of work on any day of an adult person shall be so arranged that inclusive of his interval for rest or meals as required under Section 10, they shall not spread over for more than ten and a half hours in any commercial establishment or for more than twelve hours in any shop.

**12. Prohibition of employment of children.** -No child shall be required or allowed to work whether as an employee or otherwise in any establishment notwithstanding that such child is a member of the family of the employer.

**13. Employment of young persons-hours of work.-**

(1) No young person shall be required or allowed to work about the business of an establishment for more than six hours a day.

(2) No young person shall be employed continuously for more than three and a half hours without an interval of at least half an hour for rest or meals and the spread over shall not exceed eight hours on any day.

**14. Young persons and women to work during day time.** -No young person or woman shall be allowed, or required to work, whether as an employee or otherwise in any establishment between 9 P.M. and 7 A.M. during the summer season and between 8 P.M. and 8 A.M. during the winter season.

**15. Opening and closing hours of shops and commercial establishment. -**

(1) No shop or commercial establishment on any day, be opened earlier than such hour or closed later than such hour, as may be fixed by the Government by general or special order made in that behalf.

Provided that any customer who was being served or was waiting to be served in any shop or commercial establishment at the closing hour so fixed may be served during the period of fifteen minutes immediately following such hour.

(2) Before making an order under sub-section (1), the Government shall hold an inquiry in such manner as may be prescribed.

(3) The Government may, for the purposes of this section, fix different opening hours and different closing hours for different classes of shops or commercial establishments or for different areas or for different times of the year].

**1. Subs. by Central Act 21 of 1961.**

**16. Close day. -**

(1) Every shop and commercial establishment shall remain closed on a close day.

(2) In addition to the close day every shop and commercial establishment shall remain closed on three of the National holidays each year as the Government may <sup>1</sup>[by notification in the Official Gazette] specify.

<sup>2</sup>[(3) (i) The Government may, by notification in the Official Gazette, specify a close day for the purposes of this section and different days may be specified for different classes of shops or commercial establishments or for different areas.

(ii) Notwithstanding anything contained in sub-section (1), the occupier of any shop or a commercial establishment may, open his shop or commercial establishment on a close day, if such a day happens to coincide with a religious festival, “or the Mahurat day”, the day of the commencement of the financial year of the establishment concerned, provided a notice to this effect has been given to the Chief Inspector at least twenty-four hours before the close day and that in lieu thereof the shop or the commercial establishment is closed on either of the two days immediately preceding or following that close day].

**2. Subs. by Delhi Act 6 of 1955.**

**3. Subs. by Act 33 of 1970.**

**17. Period of rest (weekly holiday).** -Every employee shall be allowed at least twenty-four consecutive hours of rest (weekly holiday) in every week, which shall, in the case of shops and commercial establishments required by this Act to observe a close day, be on the close day.

**18. Wages for the holiday.** -No deduction shall be made from the wages of any employee on account of the close day under section 16 or a holiday granted under section 17 of this Act.

If an employee is employed on a daily wage, he shall nonetheless be paid his daily wage for the holiday and where an employee is paid on piece rates, he shall receive the average of the wages received during the week.

**19. Time and conditions of payment of wages. -**

(1) Every employer or his agent or the manager of any establishment shall fix periods in respect of which wages to the employee shall be payable and such person shall be responsible for the payment to persons employed by him of all wages required to be paid under this Acts

(2) No wage period, so fixed, shall exceed one month.

(3) The wages of every employee in any shop or establishment shall be paid on a working day before the expiry of the seventh day of the last day of the wage period in respect of which the wages are payable.

(4) All wages shall be paid in cash.

(5) Where the employment of any person is terminated by or on behalf of the employer, the wages earned

by him shall be paid before the expiry of the second working day after the day on which his employment is terminated.

## 20. Deductions, which may be made from wages. -

(1) The wages of an employed person shall be paid to him without deduction of any kind except those specified in subsection (2).

**Explanation.** -Every payment made by the employed person to the employer or his agent or the manager shall for the purpose of this Act be deemed to be a deduction from wages.

(2) Deductions from the wages of an employee shall be of one or more of the following kinds, namely: -

(i) Fines;

(ii) Deductions for absence from duty;

(iii) Deductions for damage to or loss of goods expressly entrusted to -the employed person for custody, or for loss of money for which he is required to account, where such damage or loss is directly attributable to his neglect or default;

(iv) Deductions for house accommodation supplied by the employer;

(v) Deductions for such amenities and services supplied by the employer as the Government may by general or special order authorise;

**Explanation.** -The words 'amenities and services' in this clause do not include the supply of tools and protectives required for the purpose of employment.

(vi) Deductions for the recovery of advances or for adjustment of over-payments of wages, provided that such advances do not exceed an amount equal to wages for two calendar months of the employed person and, in no case, shall the monthly instalment of deduction exceed one-fourth of the wages earned in that month.

- (vii) Deductions of income-tax payable by the employed person;
  - (viii) Deductions required to be made by order of a Court or other competent authority;
  - (ix) Deductions for subscription to, and for repayment of advances from, any provident fund to which the Provident Fund Act, 1952 (XIX of 1952) applies or any recognized provident fund as defined in section 2(38) of Income Tax Act, 1961 (43 of 1961) or any provident fund approved in this behalf by the Government during the continuance of such approval;
  - (x) Deductions for payment to co-operative societies or to a scheme of insurance approved by the Government.
- (3) Any employer desiring to impose a fine on an employed person or to make a deduction for damage or loss caused by him shall explain to him personally and also in writing the act or omission or the damage or loss, in respect of which the fine or deduction is proposed to be imposed or made, and give him an opportunity to offer any explanation in the presence of another person. The amount of the said fine or deduction shall also be intimated to him.
- (4) The amount of fine or deduction mentioned in sub-section (3) shall be such as may be specified by the Government. All such deductions and realizations thereof shall be recorded in a register maintained in a form as may be prescribed.
- (5) The amount of fine imposed under sub-section (3) shall be utilised in accordance with the directions of the Government.
- (6) Nothing in this section shall be deemed to affect the provisions of the Payment of Wages Act, 1936 (IV of 1936).

## **21. Claims relating to wages. -**

- (1) The Government may, by notification in the Official Gazette, appoint any Commissioner for Workmen's Compensation Act or other officer with experience as a Judge of a Civil Court or as a Stipendiary Magistrate to be the authority to hear and decide all claims arising out of delayed payment or non-payment of earned wages of an employee employed in any establishment.



(2) Application for any such claim may be made to the authority appointed under sub-section (1) by the employee himself <sup>1</sup>[or any official of a registered trade union authorised in writing to act on his behalf] or any legal practitioner or the Chief Inspector for a direction under subsection (3).

Provided that every such application should be presented within <sup>2</sup>[one year] from the date on which the claim for such wages has become payable under this Act:

Provided further that an application may be admitted after the said period of <sup>3</sup>[one year] when the applicant satisfies the authority that he had sufficient cause for not making the application within such period.

(3) When any application under sub-section (2) is entertained, the authority shall hear the applicant and the employer, or give them an opportunity of being heard and after such further enquiry, if any, as it may consider necessary may, without prejudice to any other penalty to which employer may be liable under this Act, direct the payment to the employee of the amount due to him together with the payment of such compensation as the authority may think fit, not exceeding half the amount so due or Rs. 100, whichever is less.

(4) If the authority hearing any application under this section is satisfied that it was either malicious or vexatious, it may direct that a penalty not exceeding hundred rupees be paid to the employer by the person presenting the application.

(5) Any amount directed to be paid under this section may be recovered:

(a) If the authority is a magistrate, by the authority as if it was a fine imposed by the authority as a magistrate, or

(b) If the authority is not a magistrate, by any magistrate to whom the authority makes application in this behalf, as if it were a fine imposed by such magistrate.

(6) Every direction of the authority under this section shall be final.

(7) Every authority appointed under subsection (1) shall have all powers of a Civil Court under the Code of Civil Procedure, 1908 (V of 1908) for the purpose of taking evidence and of enforcing the attendance of

witnesses and compelling the production of documents, and every such authority shall be deemed to be a Civil Court for all the purposes of Section 195 and Chapter XXXV of the Code of Criminal Procedure, 1898 (V of 1898).

1. **Ins. by Act 33 of 1970.**
2. **Sub. by *ibid.***
3. **Subs. by Act 33 of 1970.**

## 22. **Leave. -**

<sup>1</sup>[(1) Every person employed in an establishment shall be entitled:

- (a) After every twelve months', continuous employment, to privilege leave for a total period of not less than fifteen days;
- (b) In every year, to sickness or casual leave for a total period of not less than twelve days;

Provided that:

- (i) An employee who has completed a period of four months in continuous employment, shall be entitled to not less than five days privilege leave for every such completed period; and
- (ii) An employee who has completed a period of one month in continuous employment shall be entitled to not less than one day's casual leave for every month.

Provided further that a watchman or caretaker who has completed a period of twelve months in continuous employment and to whom the provisions of Section 8, 10, 11, 13 and 17 do not apply by virtue of an exemption granted under Section 4, shall be entitled to not less than thirty days' privilege leave.

(1A) (i) Privilege leave to which an employee is entitled under clause (a) of sub-section (1) or under any such law, contract, custom or usage, award, settlement or agreement as is referred to in section 3, or any part of such leave, if not availed of by such employee, shall be added to the privilege leave in respect of any succeeding period to which he is so entitled, so however, the total period of such privilege leave which may be accumulated by such employee shall not at any one time exceed three times the period of privilege leave to

which he is entitled after every twelve months' employment under that clause or under such law, contract, custom or usage, award, settlement or agreement.

(ii) Leave admissible under clause (b) of sub-section (1) shall not be accumulated].

(2) If an employee entitled to leave under clause (a) of sub-section (1) of 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 before he has been allowed the leave, the employer shall pay him full wages for the period of leave due to him.

**1. Subs. by Act 33 of 1970.**

**23. Wages during leave.** -Every employee shall be paid for the period of his leave at a rate equivalent to the daily average of his wages for the days on which he actually worked during the preceding three months, exclusive of any earnings in respect of overtime but inclusive of dearness allowance.

**1[24. Contracting Out.** -Any contract or agreement, whether made before or after the commencement of Delhi Shops and Establishments (Amendment) Act, 1970, whereby an employee relinquishes any right conferred by this Act, shall be null and void in so far as it purports to deprive him of such right].

**1. Subs. by Act 33 of 1970.**

**25. Cleanliness.** -The premises of every establishment shall be kept clean and free from effluvia arising from any drain or privy or other nuisance and shall be cleaned at such times and by such methods as may be prescribed. These methods may include lime washing, colour washing, painting and disinfecting.

**26. Lighting and ventilation. -**

(1) The premises of every establishment shall be kept sufficiently lighted and ventilated during all working hours.

(2) Suitable arrangements shall be made for supply of drinking water to the employees.

**27. Power to enforce cleanliness, etc.**-If it appears to an Inspector that the premises of any establishment within his jurisdiction are not sufficiently lighted, cleaned or ventilated, he may serve on the employer an order in writing specifying the measures which in his opinion should be adopted and requiring them to be carried out before a date specified in the order.

The Government may prescribe standards in respect of any of these matters.

**28. Precautions against fire.** -In every establishment, except such establishments or class of establishments as may be prescribed, such precautions against fire shall be taken as may be prescribed.

**29. Accidents.** -The provisions of Workmen's Compensation Act, 1923 (VIII of 1923) and of rules made thereunder, shall apply mutatis mutandis to every employee of an establishment.

**30. Notice of dismissal. -**

(1) No employer shall dispense with the services of an employee who has been in his continuous employment for not less than three months, without giving such person at least one months' notice in writing or wages in lieu of such notice:

Provided that such notice shall not be necessary where services of such employee are dispensed with for misconduct, after giving him an opportunity to explain the charge or charges against him in writing.

(2) No employee who has put in 3 months continuous service shall terminate his employment unless he has given to his employer a notice, of at least one month, in writing. In case he fails to give one month's notice, he will be released from his employment on payment of an amount equal to one month's pay.

(3) In any case instituted for a contravention of the provisions of sub-section (1), if a Magistrate is satisfied that an employee had been dismissed without any reasonable cause or discharged without proper notice or pay in lieu of notice, the Magistrate may, for reason to be recorded in writing, award, in addition to one month's salary, compensation to the employee as follows:

(a) When immediately before his discharge or dismissal, the employee was in receipt of a salary not exceeding Rs. 100 per month, such amount of compensation not exceeding his month's salary, as the Magistrate may direct

- (b) When immediately before his dismissal or discharge, the employee was in receipt of a salary exceeding hundred rupees per mensem, such amount of compensation not exceeding hundred rupees, as the Magistrate may direct.
- (4) The amount payable as compensation under this section shall be in addition to any fine payable under section 40.
- (5) No person who has been awarded compensation under this section shall be at liberty to bring a civil suit in respect of the same claim.

**31. Provisions in respect of shops and commercial establishments where more than one business is carried on.** -Where any retail trade or business, which is exempted from all or any of the provisions of the Act, is carried on along with other retail trade or business, the exemption shall not apply to that part of trade or business, which is not exempted from the provisions of the Act.

**32. Provisions as to trading elsewhere than in shops.** -No person shall carry on any retail trade or business of any class near any shop or commercial establishment at any time before the opening and after the closing hours and on the close day, and if any person carries on any such trade or business in contravention of this section, this Act shall apply as if he were the occupier of the shop or commercial establishment which was being kept open in contravention of this Act.

**33. Records.** -

- (1) The occupier of every shop or commercial establishment shall, in the prescribed form and in the prescribed manner, keep exhibited in the shop or establishment a notice setting forth the close day.
- (2) The occupier of any shop or establishment, about the business of which persons are employed, shall in the prescribed form and in the prescribed manner keep a record of the hours worked and the amount of leave taken by, and of the intervals allowed for rest and meals to, every person employed about the business of the shop or establishment, and particulars of all employment overtime shall be separately entered in the record.
- (3) The occupier of any shop or establishment, about the business of which persons are employed, shall in the prescribed form and in the prescribed manner keep exhibited in the shop or establishment notices setting forth the number of hours in the week during which persons may in accordance with the provisions of this Act be employed about the business of a shop or establishment and such other particulars as may be prescribed.

(4) The occupier of every shop or establishment shall for the purpose of this Act maintain such other records and registers and display such other notices as may be prescribed.

**34. Employer to furnish letters of appointment to employees.** -The employer shall furnish every employee with a letter of appointment. Such letters of appointment shall contain the following and such other particulars as may be prescribed, namely:

- (a) The name of employer,
- (b) The name, if any, and the postal address of the establishment,
- (c) The name, fathers name and the age of the employee,
- (d) The hours of work,
- (e) Date of appointment.

**35. Inspection of Registers and calling for information.** - It shall be the duty of every occupier of a shop or establishment to produce for inspection of an Inspector, all accounts or records required to be kept for the purpose of this Act, and to give any other information in connection therewith as may be required.

**36. Appointment of Inspectors.** -The Government shall appoint a Chief Inspector and such inspectors as may be necessary for the purpose of carrying out the provisions of this Act. The Chief Inspector and the Inspectors so appointed shall carry identity cards.

**37. Powers and duties of the Inspector.** -Subject to any rules made by the Government in this behalf the Chief Inspector or an Inspector may:

- (a) Enter at all reasonable times with such assistance as may be necessary any place which is, or which is being used as an establishment;
- (b) Make such examination of the premises and of any prescribed registers, records and notices and take on the spot or otherwise evidence of any person as he may deem necessary for carrying out the purpose of this Act;

(c) Make copies of or take extracts from any book, registers or other documents maintained for the purpose of this Act;

(d) 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 to give any evidence tending to incriminate himself.

**38. Inspectors to be public servants.** -The Chief Inspector and every Inspector appointed under section 36 shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code (Act XLV of 1860).

**39. Protection to 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 this Union Territory, acting under the 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 any rule or order made thereunder.

**40. Penalties.** -

(1) If in any shop or establishment there is any contravention of any provisions of this Act, or any rule or order made there under except sections 33, 41 and 42 the proprietor, the employer or the manager thereof as the case may be shall, on conviction, be punished with fine which shall not be less than twenty-five rupees and which may extend to two hundred and fifty rupees.

(2) If any person contravenes the provisions of section 33, he shall be liable, on conviction, to a fine of Rs. 5 for every day on which the contravention occurs or continues.

**41. Wilfully making false entries.** -If any person with intent to deceive makes or causes or allows to be made in any record, register, or notice prescribed under section 33 an entry which is to his knowledge false in any material particular, or wilfully omits or causes or allows to be omitted from any such record, register or notice an entry required to be made therein, he shall be liable on conviction to an imprisonment for a term not exceeding three months or to a fine which shall not be less than fifty rupees and which may extend to two hundred and fifty rupees or to both.

**42. Penalty for obstructing Inspector.** -Whoever wilfully obstructs an Inspector in the exercise of any power under Section 37 or conceals any employee in an establishment from appearing before or being examined by an Inspector shall, on conviction, be punished with fine which shall not be less than fifty rupees and which may extend to two hundred and fifty rupees.

**43. Determination of employer for the purpose of this Act.** -

(1) Where the owner of an establishment is a firm or other association of individuals, any one of the individual partners or members thereof may be prosecuted and punished under this Act for any offence for which an employer in an establishment is punishable:

Provided that the firm or association may give notice to the Inspector that it has nominated one of its members who is resident in the Union Territory to be the employer for the purposes of this Act and such individual shall so long as he is so resident, be deemed to be the employer for the purposes of this Act until further notice cancelling the nomination is received by the Inspector or until he ceases to be a partner or member of the firm or association.

(2) Where the owner of an establishment is a company, any one of the directors thereof, or in the case of a private company any one of the shareholders thereof, may be prosecuted and punished under this Act for any offence for which the employer in the establishment is punishable.

Provided that the company may give notice to the Inspector that it has nominated a director or, in the case of a private company, a shareholder who is resident in the Union Territory to be the employer in the establishment for the purposes of this Act, and such director or share-holder shall so long as he is so resident be deemed to be the occupier in the establishment for the purposes of this Act, until further notice cancelling his nomination is received by the Inspector or until he ceases to be a director or share-holder.

**44. Exemption of occupier from liability in certain cases.** -Where the occupier of a shop or commercial establishment is charged with an offence against this Act or the rules or orders made thereunder, he shall be entitled, upon complaint duly made by him, to have his agent or servant whom he charges as the actual offender brought before the court at the time appointed for hearing the charge; and if, after the commission of the offence has been proved, the occupier proves to the satisfaction of the court:-

(a) That he had used due diligence to enforce the execution of this Act and the rules or orders made thereunder, and

(b) That the said agent or servant committed the offence in question without his knowledge, consent or connivance, or wilful neglect or default, that agent or servant shall be convicted of the offence and shall be



liable to the like fine as if he were the occupier, and the occupier shall be discharged from any liability for the offence.

**45. Cognizance of offence. -**

- (1) No prosecution under this Act or the rules or orders made thereunder shall be instituted except by or with the previous sanction of the Chief Inspector appointed under the Act.
- (2) No Court inferior to that of a Magistrate of the First Class shall try any offence under this Act or any rule or order made thereunder.

**46. Savings. -** Nothing in this Act shall apply to--

(a) Any office of or under the Central Government, or Delhi Administration;

<sup>1</sup>[(b) Any office of any local authority, any Railway Administration, the Reserve Bank of India, <sup>2</sup>[the Delhi Development Authority, the Delhi Water Supply and Sewage Disposal Undertaking, the Delhi Electric supply Undertaking and the Delhi Transport Undertaking' of the Municipal Corporation of Delhi], the Delhi University or Airlines Corporation;]or

(c) Any telegraph, telephone or postal service.

**1. Substituted by the Delhi Shops and Establishments (Amendments) Act 1955 (Act No. VI of 1955).**

**2. Subs. by Central Act 21 of 1961.**

**47. Power to make rules. -**

<sup>1</sup>(1) The Government may after, previous publication makes, by notification in the official Gazette, rules to carry 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 matters, namely: -

- (a) The manner and form in which the registers shall be kept;
- (b) The manner and form in which any notice required by this Act shall be given;
- (c) The conditions subject to which any exemption under this Act may be granted;
- <sup>2</sup>[(cc) The manner in which inquiry under sub-section (2) section 15 shall held;].
- (d) The manner in which the occupier of a shop or a commercial establishment shall keep exhibited in the premises the notice of close day, closing and opening hours and such other particulars as may be prescribed;
- (e) Deductions that may be made from the wages of the employee;
- (f) Fines and dismissals;
- (g) The form of submitting a statement, the fees and other particulars under sub-section (1) of section 5, the manner in which the registration certificate under sub-section (2) of section 5, and the form for notifying a change and the fees under section 5;
- (h) Further particulars to be prescribed for the letter of appointment under section 34;
- (i) Fixing time and method for cleaning the establishment under section 25 and prescribing such establishments as are to be exempted from the provisions of and precautions against fire to be taken under section 28;
- (j) Qualification of the Chief Inspector and Inspectors appointed under section 36 and their powers and duties;
- (k) Any other matter, which is or may be prescribed.

<sup>1</sup>[3. Every rule made under this Act shall be laid as soon as may be after it is made before each house of

Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if before the expiry of session in which it is so laid or the session immediately following, both houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule 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 rule].

**1. Subs. by Central Act 21 of 1961.**

**2. Ins. by Ibid.**

**\*. Now, Delhi Transport Corporation (Author's Comments).**

**48. Repeal of Punjab Trade Employees Act, 1940, as extended to the Union Territory of Delhi. -** On and from the date of the commencement of this Act, the Punjab Trade Employees Act, 1940 (Punjab Act No. X of 1940) as extended to Union Territory of Delhi shall be repealed;

Provided that-

(a) Every appointment, order, rule, bye-law, regulation, notification or notice made, issued or given under the provisions of the Act so repealed shall, in so far as it is not inconsistent with the provisions of this Act, be deemed to have been made, issued or given under the provisions of this Act, unless and until superseded by any appointment, order, rule, bye-law, regulation notification or notice made, issued or given under this Act;

(b) Any proceedings relating to the trial of any offence punishable under the provisions of the Act so repealed shall be continued and completed as if the said Act had not been repealed but had continued in operation and any penalty imposed on such proceedings shall be recovered under the Act so repealed.

**<sup>1</sup>[49. Application of General Clauses Act, 1897. -**The provisions of the General Clauses Act, 1897 (X of 1897), shall apply for the interpretation of this Act as they apply for the interpretation of a Central Act].

**1. Added by the Delhi Shops and Establishments (Amendments) Act 1955 (No. VI of 1955).**

## **SCHEDULE<sup>1</sup>**

### **(Section 4**

## **EXEMPTIONS**

Sl. No.	Establishment, Employees or other persons	Provision of the Act
1	2	3

## 1. Establishment

1.	Establishment for the treatment or the care of the infirm or the mentally unfit, which provide indoor treatment, hospitalization for the care of the sick.	Second proviso to section 8(in Respect of advance intimation regarding overtime), section 10,11, 14, 15 and 16 2
2.	Establishment of doctors and medical practitioners.	All provisions.
3.	Establishment of legal practitioners.	All provisions.
4.	Banks bound by the awards of the National Tribunal (Bank Disputes) popularly known as Desai Award published in the Gazette of India dated 30. 6. 1962.	All provisions.
5.	Foreign News Agencies.	All provisions.
6.	Stall of Central and State Government at Fairs or Exhibitions, which are organized mainly for showing development of industries, arts and science and are primarily meant to be educative and informative to the public.	All provisions.
7.	Stalls other than those of Central and State Government at Fairs or Exhibitions, which are organized mainly for showing development of industries, arts and science and are primarily meant to be educative and informative to the public.	15 and 16
8.	Shops of barbers and hair dressers.	15
9.	Retail shops dealing exclusively in meat, fish, poultry eggs, milk and milk-products (excluding ghee) ice cream, cooked food, flowers, bet-leaves, tobacco products like cigarettes, biri and cigar, beverages, fruits and vegetables.	15 and 16
10.	Halwai shops.	15 and 16

11.	Retail shops dealing exclusively in medicines or medical or surgical requisites or appliances.	15 and 16
12.	Shops dealing in articles for funeral, burial or cremation.	15 and 16

13.	News paper offices, news agencies and shops dealing in newspaper or periodicals.	15 and 16
14.	Automobile service stations (not being repair workshops) and depots and petrol pumps for the retail sale of petrol.	15 and 16
15.	All military canteens, canteen stores department (India) Installations and regimental shops located in or outside cantonment area.	15 and 16
16.	Tanneries.	15 and 16
17.	Bricks and lime kilns.	15 and 16
18.	Stall and refreshment rooms at railway stations or airports.	15 and 16
19.	Establishments of auditors or registered accountants.	15 and 16
20.	Shops engaged in the supply on hire of gaslight, crockery, shamianas, furniture, temporary illumination (by licenced Electric Contractors) bands, orchestra etc., on marriage or other ceremonial occasions.	15 and 16
21.	Establishments of transport.	15 and 16
22.	Excise shops.	15
23.	Air service companies.	11,14,15,16 and 2 <sup>nd</sup> proviso to Sec. 8.

24.	Delhi Cloth Mills Co. Ltd. Delhi.	20 (2) (vi)
25.	All shops and commercial establishment situated on the route of the Ram Lila procession i.e., on Esplanade Road, Dariba Kalan, Chandni Chowk, Egerton Road, Chawri Bazar, Ajmere Gate and Circular.	Section 8 (in so far as restrictions for working hours are concerned) 11, 15 and 16 for the period from Asuj Sudi Parwa to Assuj Sudi Akadeshi every year.
26.	All shops and commercial establishments.	Section 8 (in so far as restrictions for working hours are concerned) Sections 11, 15 and 16 for three days ending with Dewali and Id every year.
27.	Establishment dealing in raw skin and raw wool.	15 and 16
28.	Establishment dealing in fodder.	15 and 16
29.	Establishments of press, 'photo-graphers' accredited by the press information Bureau, Government of India.	15 and 16

30.	All establishments situated in the President's Estate, New Delhi.	15
31.	Travel agencies assisting the travel arrangements of passengers by railway or by other means of transport	15 and 16
32.	(i) Private educational institutions other than those teaching short-hand and typewriting.  (ii) Private institutions teaching short-hand and type-writing.	11, 15, 16 and 17  15
33.	Establishments engaged in the manufacture of aerated water.	16 (from 1st March to 31st October every year)
34.	Cloak room attendants, girl telephone operators, Ayaas Lady house-keepers and artists in cabaret and entertainment shows except children, in hotels, and other pieces of public amusements.	14
35.	Establishments of chartered accountants, Income-tax practitioners, bakeries, railway catering concerns, and salt refineries.	15 and 16
36.	Establishments engaged in teaching music and fine arts and conducting classes for other public examinations	15
37.	Shops dealing mainly in Parched grams or grams etc., commonly known as bar-buhjas shops.	15
38.	Establishments of M/s. Band Box Pvt. Ltd., Dyers & Dry Cleaners situated in the premises of Ashoka Hotel, New Delhi.	15 and 16
39.	Railway City Booking Agencies.	10,15 and 16
40.	Cycle Stands.	15 and 16
41.	Break-down Service of the Automobile Association of Upper India, New Delhi.	15 and 16
42.	Shops mainly engaged in the supply on hire of charpies and beddings to bonafide passengers and shops working as cloak rooms.	15 and 16
43.	State Trading Corporation of India.	Section 15 and 16
44.	All shops exclusively dealing in cooking gas.	Section 16

45.	Steel Stockyard of the Indian Iron and Steel Company Ltd., on main Mathura Road, Industrial Estate, Okhla.	15 and 16
46	M/s. Union Carbide India Ltd., 5-Parliament Street, New Delhi.	Section 15
47.	M/s. Electric Construction and Equipment Co. Ltd. United Commercial Bank Building, Parliament Street, New Delhi	Sec. 15 and 16 (only for maintenance staff
48.	M/s. Fertilizer Corporation of India, Ltd. New Delhi.	15 and 16
49	M/s. Bharat Aluminium Co. Ltd., F-41, New Delhi South Extn. Phase -1, New Delhi.	2 <sup>nd</sup> proviso to Sec. 8 (relating to advance intimation) 15 & 16.
50.	Khadi Gramudyog Bhawan, New Delhi.	15 and 16
51.	Night service Department of M/s. Otis Elevator Co. (India) Ltd., Parliament Street, New Delhi.	15 and 16
52.	M/s. Export India Corporation, B1/30 A, Hauz Khas, Main Mehrauli Road, New Delhi.	Section 16
53.	[Omitted].	

54.	Glaxo Laboratories (I) Pvt. Ltd., new Delhi.	Proviso to clause (vi) of sub-section (2) of section 20.
55.	All offices of the Life Insurance Corporation of India in the Union Territory of Delhi.	2 <sup>nd</sup> proviso to section 8 relating to advance intimation section 15, 16 & 19 (3) in so far as the payment of over-time allowances is concerned.
56.	All Shops And Commercial Establishment situated on the route of Ramlila Procession organised by Shri Dharmic Lila Committee i.e. Parade Ground, Chandni Chowk, Fatehpuri, Khaari Boali, Naya Bans, Lal kuan, Hauz Kazi, Chawri Bazar, Nai Sarak and back to Parade Ground via Chandni Chowk, Delhi.	Section 11, 15, 16 every year on the day of Asau judi Dewadshi.
57.	[Omitted].	
58.	Depots of Food Corporation of India situated at Naraina, Ring Road, New Delhi, New Pusa, New Delhi Gonda (Shahdara) and Shakti Nagar.	2 <sup>nd</sup> Proviso to section 8 (relating to advance intimation) Section 15 and 16 subject to the conditions that employees in accordance with the provisions of the Delhi Shops & Establishments Act and weekly off will be given to employees (who are called to duty on close day) in rotation.`

59.	Industrial Finance Corporation of India, 16, Parliament Street, New Delhi.	1 <sup>st</sup> Proviso to Section 8 (relating to limit of overtime) 2 <sup>nd</sup> proviso to section 8 (relating to advance intimation) and section 15 & 16 subject to the condition that overtime payable to the employees will not be less than the rate prescribed in section 8 of the Act.
60.	[Omitted].	
61.	National Agricultural Co-op. Marketing Federation Ltd., New Delhi.	15 and 16
62.	National Building Construction Limited, New Delhi.	2 <sup>nd</sup> Proviso to Section 8 (provision relating to advance intimation) sections 15 and 16.
63.	Indian Oil Corporation Ltd., (Refineries and Pipelines Division) Indian Oil Bhawan, Janpath, New Delhi.	Section 20 (2) (vi) relating to advancement of loans only.
64.	[Omitted].	
65.	Dharamkanta used for weighing heavy vehicles.	15 and 16
66.	(i) Amar Medica, Rajouri garden, New Delhi.	Section 15 and 16 subject to the conditions that overtime wages will be paid to the employees in accordance with the provisions of the Act and weekly of day will be allowed to the employees in rotation
	(ii) M/s. Rangila Chemists, Gandhi Nagar, Delhi.	-Do-
	(iii) M/s. Kemp and Company, Connaught Place, New Delhi.	-Do-
	(iv) M/s. Smarak Sons, Lajpat Nagar, New Delhi.	-Do-
	(v) M/s. Sewak Medical Store I. N. A. Super bazaar, New Delhi.	Section 15 and 16 subject to the conditions that overtime wages will be paid to the employees in accordance with the provisions of the Act and weekly of day will be allowed to the employees in rotation
	(vi) M/s. Super Stores, Greater Kailash, New Delhi.	-Do-
	(vii) M/s. Satish Chemists, Defence Colony, New Delhi.	-Do-
	(viii) M/s. Gainda Mull Hem Raj 11, Regal Bldg., Parliament Street, New Delhi.	-Do-
67.	[Omitted].	
68.	[Omitted].	



69.	[Omitted].	
70.	Sona shops of the handicrafts and handlooms Export Corporation India Ltd. at:	Section 15 and 16 subject to the conditions that overtime wages will be paid to the employees in accordance with provisions of the Act and weekly off day will be allowed to the employees in rotation.
	(i) Akbar Hotel, Chankaya Puri, New Delhi.	
	(ii) Hotel Ashoka, Chankaya Puri, New Delhi.	
71.	The Handicrafts and Handlooms Exports Corporation of India Ltd., Lok Kalyan Bhawan, Rouse Avenue Lane, New Delhi.	-Do-
72.	Shops located in the Red Fort Market, Delhi.	Section 15 and 16 from 9 <sup>th</sup> November 1965 till the function Son Et, Lumire.
73.	All shops in Mehrauli.	Section 15 and 16 for the final day of the annual celebration of Phool- Wallon- Ki Sair.
74.	Groceries and Toiletries Deptts. Of Super Bazar, Connaught Circus Branch, New Delhi.	Section 16 with the condition that weekly off day will be allowed to the employees in rotation.
75.	The National Seed Corporation Ltd. South Extension, Part II, Ring Road New Delhi.	Section 15, 16, 33 and 2 <sup>nd</sup> proviso to Section 8.
76.	The World Science News Press, 1104, Abdul Rehman Road, New Delhi.	Section 2, 15 and 16 during 6.00A.M. And 9.00 P.M. and further subject to the conditions that during exempted hours no other work except printing of Doorandesh Daily will be done and all overtime wages will be paid to the employees in accordance with provisions of the Act and weekly off day allowed to the employees in rotation.
77.	Steel Authority of India Ltd. 10, parliament Street New Delhi.	1 <sup>st</sup> Proviso of Section 8 and 2 <sup>nd</sup> Proviso to Section 8 (relating to advance intimation) Section 15 and 16 subject to conditions that overtime wages will be paid to the employees in accordance with the provisions of the Delhi Shops & Estts. Act, 1954 and weekly off will be allowed in rotation.
78.	Shops of wholesale fruit, vegetables and flower merchants situated in fruit and vegetable markets of New Subzi Mandi, Azadpur and phool Mandi (Daryaganj).	16

79.	M/s. Raina Hair Dressing Saloon, Ashoka Hotel, New Delhi.	16
80.	Indian Petrochemicals Corp. Ltd. Himalaya House, 2nd Floor, 23, Kasturba Gandhi Marg, New Delhi.	2 <sup>nd</sup> proviso to Section 8 (relating to advance intimation regarding overtime) Section 15 and 16 subject to conditions that overtime wages will be paid to the employees in accordance with the D.S.E. Act and weekly off will be given to employees (who are called for duty on close day) in rotation.
81.	Punjab Haryana and Delhi Chamber of Commerce and Industry, Connaught Place, New Delhi.	2 <sup>nd</sup> proviso to Section 8 (relating to advance information) subject to conditions that overtime wages will be paid to the employees in accordance with the provisions of the D.S.E. Act and weekly off will be allowed in rotation.
82.	National Co-operative Consumers Federation Ltd; 1-38, Lajpat Nagar-III, New Delhi.	15, 16 and 2 <sup>nd</sup> proviso to Section 8 (in so far as advance intimation is concerned).
83	M/s. Eastern Bulk Services, 9B, Atma Ram House, 1, Tolstoy Marg, New Delhi.	Section 15 and 16 subject to the conditions that overtime wages will be paid to the employees in accordance with provisions of the Act and weekly off day will be allowed to the employees in rotation.
84.	Introcean Shipping Co., 9B, Atma Ram House, 1, Tolstoy Marg, New Delhi.	-Do-
85.	Establishment of Architects.	2 <sup>nd</sup> Proviso to Section 8 (in so far as the advance intimation regarding overtime is concerned) Section 10, 11, 15, 16 and 17 subject to the conditions that the overtime wages will be paid to the employees in accordance with the provisions of the D.S.E. Act, 1954.
86.	All Branches of Central Govt. Employees Consumer Co-operative Society Ltd.	16
87.	Cement Corporation Ltd., New Delhi.	15 and 16
88.	Indian Oil Corporation Ltd. (Refineries Division) Link house, Bahadur Shah Zafar, Marg, New Delhi.	15, 16 and 2 <sup>nd</sup> proviso to section 8 (in so far as advance intimation is concerned).
89.	Gardener (Male) of M/s. Glaxo Laboratories (India) Pvt. Ltd., Mathura Road, Okhla, New Delhi-20.	Section 8 (in so far as restriction for working hours is concerned) and Sec. 11.

90.	Shops mainly dealing in Education Books for Schools and Colleges.	Sec. 15 relaxed up to one hour before and one hour after the prescribed opening and closing time section 16 for the period from 1 <sup>st</sup> May to 15 <sup>th</sup> may and 10 <sup>th</sup> July to 25 <sup>th</sup> July every year.
91.	[Omitted].	
92.	[Omitted].	
93.	National Fertilizers Ltd., 27, Community Centre, East of Kailash, New Delhi.	Second proviso to section 8 (in so far as the advance intimation regarding overtime is concerned) sections 15 and 16 subject to the condition that overtime wages will be paid to the employees in accordance with the provisions of the Act and weekly off day will be allowed to the employees in rotation.
94.	Indian Telephone Industries, Daryaganj, New Delhi.	15 and 16.
95.	[Omitted].	
96.	(i) M/s. Ivory Mart, Northern Gate, Jama Masjid, Delhi	Section 16
	(ii) M/s. Indian Handicraft Emporium, 5, Mehrauli Road, New Delhi.	-Do-
	(iii) M/s. Jagat Narain & Sons, 64, Janpath, New Delhi & at Ashoka Hotel, New Delhi.	-Do-
	(iv) M/s. Cottage Emporium, 8-A, Connaught Place, new Delhi.	-do-
97.	Hindustan paper Corporation Ltd., 95, Nehru Place, New Delhi.	Section 8 (in so far as advance intimation regarding overtime) See 16 subject to the conditions that the overtime wages will be paid to the employees in accordance of DSE Act, 1954 and weekly off-day will be allowed to the employees in rotation.

98.	Head Quarters office of M/s. National Textile Corporation Ltd., 8 <sup>th</sup> Floor, Surya Kiran Building, 19 Kasturba Gandhi Marg, New Delhi.	Sec. 15, 16 and second proviso to section 8 (relating to advance intimation).
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99.	Bharat Heavy Electricals Ltd., 18-20 Kasturba Gandhi Marg, New Delhi.	2 <sup>nd</sup> proviso to Sec. 8 (advance intimation regarding overtime) Secs. 15, 16 and 19 (4) subject to the conditions that the management is authorised in writing by the workers to make payment of salary by cheques or credit salary to their bank account.
100.	Projects and Equipment Corporation of India Ltd., Chanderlok, 36 Janpath, New Delhi.	Section 15 and 16.
101.	M/s. State Chemical and Pharmaceuticals Corp. of India Ltd., Chanderlok 36, Janpath, New Delhi.	Section 15 and 16.
4102.	Electronics Trade and Technology Develop. Corp. Ltd., 15/48, Malcha Marg, New Delhi.	Second proviso to section 8 relating to advance intimation Section 15 and 16 subject to the conditions that overtime wages will be paid to the employees in accordance with the provisions of Delhi Shops and Establishments Act, 1954 and weekly off will be allowed in rotation.
103.	International Trading Co., 6B, Hansalya, 15-Bara Khambha Road, New Delhi-1.	Section 15 subject to the conditions that overtime wages will be paid to the employees in accordance with the provisions of Delhi Shops & Establishment Act, 1954.
104.	M/s. Delhi Consumers, Cooperative Whole Sale Store Ltd., Karampura Road, Motinagar, New Delhi.	Section 16 subject to the conditions that the weekly off will be given to employees in rotation.
105.	Indian Petro Chemicals Corporation Ltd., 10 <sup>th</sup> Floor, Ashoka Estate, 24, Bara Khambha Road, new Delhi-100001.	2 <sup>nd</sup> proviso to section 8 (relating to advance intimation regarding overtime) sections 15 and 16 subject to the conditions that overtime wages will be paid to the employees in accordance with the provisions of the Delhi Shops and Establishment Act and weekly off will be given to employees (who are called for duty) in rotation.

106.	[Omitted]	
107.	[Omitted]	
5108.	Trade Fair Authority of India, Pragati Maidan, Lal Bahadur Shastri Marg, New Delhi.	Section 15 & 16 subject to the conditions that overtime wages will be paid to the employees in accordance with the provisions of the Delhi Shops and Establishments Act, 1954.  Section 17 relating to period of rest subject to the conditions that employees will be allowed weekly holiday by rotation.  Section 30 so far as notice of dismissal is concerned.
109.	[Omitted].	
110.	Unit Trust of India, Reserve bank Building, 6, Parliament Street, New Delhi.	All provisions.
111.	Industrial Development Bank of India, 1, Red Cross Road, New Delhi.	All provisions.
112.	Taj Trade and Transport Co. Ltd., 1, Man Singh Road, New Delhi.	Section 14 so far as employment of female staff is concerned subject to the conditions that conveyance is provided to female staff working at Khazona and required to work beyond normal closing and before opening hours. (Ss. 15 & 16).
113.	[Omitted].	
114.	Hindustan Copper Ltd., Ansal Bhawan, Kasturba Gandhi Marg, New Delhi.	Second proviso to S. 8, 15 and 16.
115.	Water and Power Development Consultancy Services India Ltd., New Delhi.	2 <sup>nd</sup> Proviso to Section 8 relating to advance intimation, S. 15 and 16.
116.	[Omitted]	
117.	Delhi Financial Corpn. Saraswati Bhawan, Connaught Place, New Delhi.	2 <sup>nd</sup> proviso to S. 8 and S. 8 and S. 15, 16 and 33 read with rule 14.

118.	[Omitted].	
119.	[Omitted].	
120.	Hindustan Copper Ltd., Ansal Bhawan, Kasturba Gandhi Marg, New Delhi.	1 <sup>st</sup> proviso to S. 8 so far as limit of overtime of 54 hours in a week or 150 aggregate hours in a year is concerned.

121.	Delhi Nagrik Sehkari Bank Ltd., Janakpuri.	Section 16 so far as restriction for close day is concerned.
122.	[Omitted].	
123.	[Omitted].	
124.	M/s. M.A. Ramzona, Jewellers, Ashoka Hotel, New Delhi.	Ss. 11 and 16 subject to the condition that weekly off will be given to employees who are called for duty by rotation.
125.	[Omitted].	
126.	[Omitted].	
127.	M/s. Kashmir Gift Emporium, K-5, Connaught Circus, new Delhi.	Section 16, subject to the condition that weekly off will be given to employees in rotation.
128.	[Omitted].	
129.	[Omitted].	
130.	Electric Construction Equipment Company Ltd., ECE House, 28-A Kasturba Gandhi Marg, New Delhi.	Section 15 and 16, subject to condition that overtime wages will be paid to the employees in accordance with the provisions of Delhi Shops & Estts. Act and weekly off will be given to employees in rotation.
131.	Guru Ravidas Birthday 18. 2. 1981	Section 15, for 18. 2. 1981. (Temporary).
132.	Handloom House, 9A, Connaught Place, New Delhi.	Section 16, (so far as restriction for weekly close days, falling during the period when special rebate is allowed) subject to the condition that advance intimation will be sent to the Chief Inspector of Shops & Establishments regarding- Special rebate period- close days with dates on which shop will be kept open, over time wages will be paid to the employees in accordance with the provisions of Delhi Shops & Establishments Act and weekly off will be given to employees in rotation.

133.	Steel Authority of India, Ispat Bhawan, Lodhi Road, New Delhi.	1 <sup>st</sup> proviso to section 1 (reg. Weekly limit of working hours including overtime of 54 hours and annual limit of over time of 150 hours), 2 <sup>nd</sup> proviso to section 8 (reg. Advance intimation of overtime, subject to condition that overtime, wages will be paid to the employees in accordance with the provisions of the Act.
134.	BHEL, Vikram Tower, 16 Rajinder Place, New Delhi.	1 <sup>st</sup> proviso to section 8 (in r/o staff car driver) & 2 <sup>nd</sup> proviso to section 8 (relating to advance intimation of overtime) subject to the condition that the employees are paid overtime according to the provisions of the Delhi Shops and Establishment Act, 1954, Sections 15, 16 and (19) 4 subject to the condition that the management is authorised in writing by the workers to make payment of salary by cheques or credit salary to their bank account.
135.	Maruti Udyog Limited, 6 <sup>th</sup> Floor, Hansalaya, 15-Barakhamba Road, New Delhi.	1 <sup>st</sup> proviso to section 8 (in respect of staff car drivers only) subject to the conditions that overtime wages will be paid to the employees according to the provisions of Delhi Shops & Establishment Act, 1954, besides general exemption given to staff car drivers in Schedule II at entry No. 13.
136.	Bharat Heavy Electricals Ltd., Power Projects and Service Division, Ashoka Estate, 24-Barakhamba Road, New Delhi-1.	1 <sup>st</sup> proviso to section 8 (in respect to staff car drivers) subject to the condition that the employees are paid overtime according to the provisions Delhi Shops & Establishments Act 1954. Section 15 and 16 and 19 (4) subject to the condition that the management is authorised in writing by the workers to make payment of salary by cheques or credit salary to their Bank Accounts.
137.	[Omitted].	

138.	[Omitted].	
6139.	Bharat Heavy Electricals Ltd., Thermal Projects Group-projects Division (Spares and Service), 801-Ashoka Estate, New Delhi.	As at serial No. 133.
140.	The Fertilizer Corp. of India Limited, Central Office, 'Madhuban' 55, Nehru Place, New Delhi.	Section 20 (2) (vi)
7141.	The Alkali and Chemical Corp. of India Ltd., P.O. Box No. 107, Hamilton House, Connaught Place, New Delhi.	Section 15 and 16.
142.	All Offices of the Bharat Heavy Electricals Ltd. (a Govt. of India Ltd. Undertaking), located in Delhi.	As at Sl. No. 133.
143.	Maruti Udyog Limited, 15-Barakhamba Road, New Delhi.	Section 15 and 16.
144.	Export Import Bank of India, Chanakya Bhawan, Africa Avenue, New Delhi.	All provisions.
145.	[Omitted]	
146.	British Aerospace, Aircraft Group, Warton Division, 20, Golf Links, New Delhi-110003.	All provisions.
147.	Shri Guru Ravi Das Janamausav Committee (Regd.), Delhi, Jatav Shiv Mandir, Basti Harphool Singh, Sadar Bazar, Delhi.	Section 15.
148.	International Data Processing Co. Ltd., 'Sanchi'77-Nehru Place, New Delhi-110019.	Section 15 and 16.



149.	The National Industrial Development Corporation Ltd., Chanakya Bhavan, Africa Avenue, New Delhi-110021.	8[1st and] 2nd Proviso to section 8 (relating to advance information regarding overtime work subject to the condition that overtime wages will be paid to the employees in accordance with the provisions of Delhi Shops and Establishments Act, Section 15 and 16.
9150.	Rajasthan Handicrafts Emporium, Ashoka Hotel Shopping Arcade, Chanakya puri, New Delhi.	Sections 15 and 16 subject to the condition that overtime wages will be paid to the employees in accordance with the provisions of the Delhi Shops and Establishments Act and weekly off day will be allowed to the employees in rotation.
10151	Tata Consultancy Services, 6, Bahadur Shah Zafar Marg, New Delhi.	Section 15 and 16 subject to the condition that overtime wage will be paid to the employees in accordance with the provisions of Delhi Shops & Establishments Act and weekly off will. Be given to employees by rotation.

1. Revised vide Notification No. F. 20 (29)/61- Lab., dated 12. 1 .1965 published in Delhi

**Gazette(Extra) Part IV.**

2. **Vide Notification No. F2 (14) 80 /LG (5) dated 8.7.1983, Delhi Gazette (Extra) Part IV.**
3. **Notification No. F.9 (120)/75/CIS, dated 7.1.1976.**
4. **Notification No. E-2 (4) /77/LE (S)/ 7201-8, dated 26.6.1978.**
5. **Notification No. F. 2 (17)/78/LC (S)/14303 to 14310, dated 26.12.1978.**
6. **Ins. vide Notification No. F.1(10)/82/LC(s), dated 21.7.1983.**
7. **Ins. vide Notification No. F.2(14)/83/CIS, dated 24.9.1983.**

8. **Ins. vide Notification No. F. 1(33)/85/CIS, dated 24.5.1986 Delhi Gazette (Extra) Part IV.**
9. **Ins. vide Notification No. F.5.1 (19)/86/CIS dated 16.7.1986.**
10. **Ins. vide Notification No. F.2 (14)/91/CIS, dated 9.7.1991.**

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## II. Employees and other Persons

1.	Travellers and canvassers (vide Notification No. F.20 (13) 166 Lab. dated 8th June 1966.)	8, 10, 11, 13, and 17.
2.	Compounders on high duty.	8, 10 and 11.
3.	Members of an employer's family.	8, 10, 11, 13, 17, 18 and 22.
4.	<p>A person occupying position of management or an employee engaged in a confidential capacity.</p> <p>Provided that the number of such persons in any establishment shall not, except with the sanction of the Government, exceed ten per cent of the total number of employees therein, any fraction being rounded upto the next higher digit.</p>	8, 10, 11, 13 and 17.
5.	Employees exclusively employed in any establishment for the collection, delivery or conveyance of goods outside the premises of the establishment or on other outdoor duties including kharidars, bills collectors, travelling agent, cooks, sweepers and other menial servants, tourists and hotel guides.	Provisions relating to advance intimation in sections 8, 10 and 11.

6.	Cooks and sweepers engaged by hotels, which employ one cook and sweeper.	Provisions relating to the limits of overtime and advance intimation in proviso to sections 8 and 17.
7.	Salesmen working in petrol pumps on night duties.	10 and 11.
8.	Teleprinters, Operators, News Agencies.	10.
9.	Liftsmen of the Life Insurance Corporation, New Delhi.	10.
10.	Gardeners of M/s. Phillips India ltd., Delhi.	Section 8 (insofar as Restriction for working hours is concerned) and Section 11.
11.	Chowkidars on duty during the night (vide Notification N. F-20 (12)/65 Lab. Dated 14 <sup>th</sup> March, 1966.	8, 10, 11 and 17.
11A.	Chowkidars on duty during the day.	Section 10 (subject to the condition that he is allowed to take his meals on duty).
12.	Employees who are declared by the State Government by notification published in the Official Gazette in this behalf to be employees whose work is inherently intermittent.	10,11,13 and 17.
13.	Staff Car Drivers.	Section 8, (insofar as advance intimation is concerned) 10, 11 and 17.

**The Delhi Shops and Establishments Rules, 1954.****ARRANGEMENT OF RULES**

1. Short Title
2. Definitions
3. Form of Submitting a statement, the fees and other particulars under sub-section (1) of Section 5
4. Manner of registering establishments and form of registration certificate
5. Renewal of Registration Certificate
- 5A. Issue of Duplicate Registration Certificate
6. Forms of notifying a change and fees
7. Overtime working
- 7A. Manner of enquiry under Section 15(1)
8. Intimation regarding the choice of the close day
9. Deductions from wages & Register of fines & deductions
10. Leave
11. Cleanliness
12. Precautions against fire
13. Acts and omission constituting misconduct
14. Maintenance of Registers and records and display of Notices
- 14A.
15. Letters of Appointment to employees
16. Declaration by Inspectors
17. Duties of Inspector
18. Identification Card for Chief Inspector/Inspector

SCHEDULE I

SCHEDULE II

SCHEDULE III

FORM A Statement under Section 5(1)

FORM B Register of Establishments

FORM C Registration Certificate of Establishment

FORM D Notice of Change

FORM E Notice of close day or a change in close day

FORM G Register of Employment &amp; Remuneration

FORM H Register of Employment and Remuneration of Employees

FORM I Register of Leave

FORM J Notice of Holiday under Section 17

FORM K Notice under Section 33 of the Delhi-Shops and Establishments Act, 1954 to be exhibited conspicuously at the premises of the Establishment.

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**The Delhi Shops & Establishments Rules, 1954**

**1. Short Title.**- These rules may be called the Delhi Shops and Establishments Rules, 1954.

**2. Definitions.**- In these rules unless the context otherwise requires :-

- (a) " Act" Delhi Shops & Establishments Act, 1954;
- (b) "Form " means a form appended to these rules;
- (c) "Section". means a section of the Act;
- (d) "Schedule" means a schedule appended to these rules;
- (e) Words and expressions used in the Act and not defined in these rules shall have the meanings assigned to them in the Act

**3. Form of submitting a statement, the fees and other particulars under sub section (1) of Section 5.**- Within 90 days from the date mentioned in column 2 in respect of Establishments mentioned in column 1, the occupier of the establishment shall send to the Chief Inspector a statement in Form " A " together with <sup>1</sup>[prescribed fee paid in cash not exceeding one hundred rupees] <sup>2</sup>[or a crossed postal order] in token of payment of such fees as are prescribed in Schedule I :-

Establishments	Date from which the period of 90 Days to commence
(i) Establishments existing in areas to which the Act is applicable on the date on which the Act comes into force.	The date on which the Act comes into force
(ii) Establishments existing in local areas on the date on which the Act has been made applicable by notification	The date on which the Act is brought into force by notification in local area or areas
(iii) New establishments in any area to which this Act is applicable	The date on which the establishment commences its work

**4. Manner of registering establishments and form of registration certificate:-** On receipt of the statement and the fees prescribed in Rule 3, the Chief Inspector shall, on being satisfied about the correctness of the statement, register the establishment in appropriate part of the Register of Establishments in Form "B " and shall issue a registration certificate in Form 'C' to the occupier of the establishment

1. Subs. vide Notification No. 1/1/83 CIS, dated 22.11.83.
2. Ins. vide Notification No. F. 13 (218)/54-I&L, dated 23.4.85.

**5. Renewal of Registration Certificate.**- (1) A Registration Certificate shall be renewed at an interval of every <sup>1</sup>[twenty one years] <sup>2</sup>[on payment of fee prescribed in column 4 of Schedule I.]

(2) Every application for renewal shall be made in Form 'L' within 30 days of the expiry of the Registration Certificate originally granted or subsequently renewed.

<sup>3</sup>**[5.A. Issue of Duplicate Registration Certificate.**-In the event of loss or mutilation of a registration certificate issued under Rule 4 or renewed under Rule 5 above, a duplicate Registration Certificate shall be issued in Form 'C' marked 'Duplicate ' on an application made by the occupier of the establishment and on payment of a fee of .[Rs. 3]].

**6. Forms of notifying a change and fees.**- The occupier shall notify to the Chief Inspector in Form 'D' any change in respect of any information contained in part I of his statement prescribed under Rule 3 within fifteen days after the change has taken place. The notice in Form 'D' shall be sent to the Chief Inspector with such fee as are prescribed in Schedule II.]

**7. Overtime working.**- (i) Other purposes for which overtime may be worked-An employer may require an adult employee to work overtime subject to the conditions laid down in section 8, for any of the following additional purposes :-

- (a) Seasonal pressure of work;
- (b) Work in pursuance of any custom or usage observed in the establishment;
- (c) Temporary increase in work due to absence of any other employee or any other emergency;
- (d) Treating of material liable to deterioration, if not treated immediately;
- (e) Work necessitated as a result of any order from Court or any Government authority;

(ii) Advance intimation in respect of requiring adult employees to work overtime in an establishment under the 1st proviso to section 8 shall contain the following information:

- (a) The purpose of overtime;
- (b) Date or dates and the probable time or period for which overtime is proposed to be worked;
- (c) Number of the employees required to work overtime.

*Explanation.* For the purpose of this sub-rule, three days' advance period may be calculated from the day the notice is given to the Chief Inspector.

<sup>5</sup>**[7 A. Manner of enquiry under Section 15 (1).**- (1) Not less than thirty days before making an order under sub section (l) of section 15, the Government shall cause to be published in the Official Gazette a notification that it proposes to make such an order.

(2) A copy of the notification issued under sub-rule (1) shall be sent to every registered Association and Union representing employees and employers of shops and establishments

1. Subs. by Notification No. F. 4 (26)/76/CIS/Lab dt. 2.9.76. Notification No. 2(88)/70 CIS dt. 7.7.72.
2. Subs. by Notification No. F. 4 (26)/CIS/Lab., dt. 19.12.77.
3. Vide Notification No. F. 7(9)/57 I & L of 13.6.57.
4. Subs. by Notification No. F. 1(22)/79 LC (5), dt. 29.1.80.
5. Ins. vide Subs No. F. 20(6)/61. Lab. (i) dt. 6.9.61.

for their comments. The Labour Advisory Board, if any, for the Union Territory of Delhi, shall also be consulted before making the order.

(3) After considering the objections or suggestions, if any, of the associations/unions and the advice tendered by the Labour Advisory Board, the Government may make the order proposed or in such modified form as it may deem fit:

Provided that it shall not be necessary to republish proposals before making the order in the modified form:

Provided further that if in the opinion of the Administrator, it is necessary in public interest he may reduce the period specified in sub-rule (l) to such an extent as he may deem proper and he may also dispense with procedure laid down in sub-rule (2) and (3).

**8. Intimation regarding the choice of the close day.**- (a) Every occupier of a shop or commercial establishment shall, along with Form 'A' furnish intimation regarding the choice of close day in Form 'E' to the Chief Inspector.

<sup>2</sup>[provided that in respect of any shop or commercial establishment which comes into existence on or after the first day of December, 1959, its occupier shall furnish such information in form "E". to the Chief Inspector within thirty days of the date on which shop or commercial establishment comes into existence.]

**9. Deductions from wages and register of fines and deductions.**- (a) The amount of fine shall not exceed <sup>3</sup>[3 paise] per rupee of the wages earned by the employee for any wage period.

(b) (1) Deduction under clause (ii) of sub-section (2) of section 20 may be made only on account of the absence of any employee from the place or places where, by the term of his employment, he is required to work, such absence being for the whole or any part of the period; during which he is so required to work.

(2) The amount of such deductions shall in no case bear to the wages payable to the employee in respect of the wage period for which the deduction is made, a larger proportion than the period for which he was absent bears to the total period, within such wage period, during which by the terms of his employment, he was required to work.

Provided that, subject to any orders made in this behalf by the Government, if ten or more employees or where the total number of employees is 20 or less, one half of the total number acting in concert absent themselves, without due notice (that is to say without giving notice which, is required under the terms of their contract of employment) and without reasonable cause such deduction from any employee may include such amount not exceeding his wages for eight days as may by any such terms be due to the employer in lieu of due notice.

*Explanation:-* For the purpose of this sub-rule, any employee shall be deemed to be absent from the place where he is required to work if although present in such place, here us in pursuance of a stay-in-strike or for any other cause, which, is not reasonable in the circumstances, to carry out his work.

(c) A deduction under clause (iii) of sub-section (2) of section 20 shall not exceed the amount of the damage or loss caused to the employer by the neglect or default, of the employee.

1. Ins. vide Notification No. F. 20(19)/56-1 & L dt. 18.3.60.
2. Subs. vide Notification No. F. 4(16)/74 CIS Lab. dt. 9.3.74.

(d) A deduction under clause (iv) or clause (v) of sub-section (2) of section 20 shall not be made from the wages of an employee unless the house accommodation, amenity or service has been accepted by him, as a term of employment or otherwise, and such deduction shall not exceed an amount equivalent to the value of the house accommodation, amenity or service supplies and in the case of deduction under clause (v) of sub section (2) of section 20, it shall be subject to such conditions as Government may by notification in the Official Gazette impose.

**10. Leave.-** (1) Privilege Sickness or Casual-Every employee who has become entitled to privilege leave under sub-section 1 (a) of section 22 may apply in writing to the employer indicating in advance the date from and the period for which he would like to avail of this leave during the ensuing twelve months, and no such leave would ordinarily be refused by the employer except for valid cause. In all other cases, the employee shall apply in writing ordinarily 15 days in advance and the employer shall pass his orders thereon not later than 7 days from the receipt of the application.

Provided further that no such application would be refused by the employer as would deprive the employee of his right to carry over the accumulated privilege leave.

(2) Casual & Sick leave. (a) (i) Ordinarily, the previous permission of the employer for casual leave shall be obtained by the employee, but when this is not possible, the employer shall be informed in writing as soon as practicable for the grant of such leave. The employer shall record his order on all such applications and shall retain them till the 31<sup>st</sup> March of the following year.

(ii) An employer, however, may refuse an application for casual leave from an employee on grounds of exceptional pressure of work requiring his attendance on the day or days in respect of which casual leave has been asked for:

Provided that leave shall not be refused where it has been asked for on account of an accident, causing physical injury to the employee, death in the family or sickness of the employee, his wife or child-

(iii) Where an application for casual leave is refused by the employer under clause (ii) above, the employer shall record his reasons for refusal on the application, and shall grant equivalent leave on demand by the employee in the same calendar year.

(b) (i) No application from an employee for sickness leave shall be refused, but if in any case, the employer is not satisfied about the correctness of the assertion set out therein, the employer may either (i) require the employee to submit medical certificate in respect thereof from a registered medical practitioner, or (ii) get the employee or the wife or the child of the employee, as the case may be, examined at his (employer's) own expense by a registered medical practitioner (lady doctor in case of females) for the purpose of verifying the facts mentioned in the leave application and may grant or reject the application on the basis of the certificate of such medical practitioner.

(ii) Every such medical certificate shall be retained by the employer till 31st March of the following year.

**11. Cleanliness.-** (1) (a) In every establishment, all the inside walls of, the rooms and all the ceiling tops of such rooms (whether such walls, ceilings and tops be plastered or not) and all the passages and stair-cases shall be lime-washed or colour-washed at least once in two years dating from the time when they were last lime-washed or colour-washed, and shall be maintained in a clean state.

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(b) All beams, rafters, doors, window-frames and other wood-work with the exception of floors, shall be painted at least once in four years dating from the period when last painted and shall be kept in a clean state :

Provided that provisions of this rule shall not apply to,-

- (i) rooms used only for the storage of articles;
- (ii) walls or tops of rooms which are made of galvanised iron-sheets, tiles, asbestos sheets or similar material or glazed bricks;
- (iii) ceiling of rooms in which the lowest part is at least 20 feet from the floor;
- (iv) any other establishment or parts thereof in which lime-washing, colour-washing or painting is, in the opinion of the Chief Inspector, unnecessary to satisfy the requirements of Section 25 in regard to cleanliness.

(2) No rubbish, filth, debris shall be allowed to accumulate or to remain in any premises in an establishment in such position that effluvia therefrom can arise within the establishment. All filth and other decomposing matter shall be kept in covered receptacles.

(3) The area around the place where drinking water is distributed to the employee shall be kept clean and properly drained.

**12. Precautions against fire.-** No persons shall smoke or use a naked light or cause or permit any such light to be used in the immediate vicinity of any inflammable material in any establishment.

**13. Acts and omission constituting misconduct.-** For the purpose of Section 30, misconduct shall include/ the following acts and omission on the part of an employee:

- (a) wilful insubordination or disobedience, whether or not in combination with another, of any lawful and reasonable order of a superior;
- (b) going on an illegal strike or inciting, abetting or instigating or acting in furtherance thereof;
- (c) wilful slowing down in performance of work, or abetment, or instigation thereof;
- (d) theft, fraud, misappropriation or dishonesty in connection with the employer's business or property;
- (e) habitual absence without leave, overstaying the sanctioned leave without sufficient grounds, or proper and satisfactory explanation, or habitual late attendance;
- (f) commission of any act subversive of discipline or good behavior on the premises of establishment, such as, drunkenness, riotous, disorderly or indecent behavior, gambling or holding meetings without previous permission of the employer or taking or giving bribes or any illegal gratification whatsoever;
- (g) habitual neglect of work or gross or habitual negligence;
- (h) wilful damage to work in process or to any property of the establishment;
- (i) disclosing to any unauthorised person any information in regard to the processes of the establishment which may come into the possession of the employee in the course of his work.

**14. Maintenance of Registers and records and display of Notices.-** (1) Over and above the registers and forms prescribed elsewhere in these rules, every employer shall maintain a register of employment and wages in Form 'G'.



<sup>1</sup>[(1A) Every register mentioned in sub-rule (1) shall be duly bound and its pages serially numbered.]

Provided that where the opening and closing hours are ordinarily uniform, the employer may maintain such register in Form 'H' alongwith a separate register of wages and record of leave in Form 'I'.

<sup>1</sup>[provided further that entries relating to a particular date, on which an employee is called upon earlier or detained later than the usual working hours, shall be made immediately in the remarks column of Form "H" before such early or late working commences].

(2) In the case of an establishment which is not required to observe a close day under section 16 of the Act, the occupier shall exhibit in a conspicuous place in his establishment a notice in Form '1' specifying the day or days of the week on which his employees shall be given weekly holidays. The notice shall be exhibited before the employees, to whom it relates, cease work on the Saturday immediately preceding the first week during which it is to have effect.

(3) In any register or record which an employer is required to maintain under the entries relating to any day shall be made on the <sup>2</sup>[mid-day of-throwing day:]

<sup>3</sup>[provided that in the attendance register the entries relating to any day shall be made on the same day.]

Provided <sup>4</sup>[further] that entries in respect of actual commencement of work shall be made immediately where the employee has been called earlier than the hour at which he is ordinarily required to report. All such registers and records shall be maintained at the place of work.

(4) Any notice required to be exhibited under these rules shall be exhibited in such a manner that it can be readily seen and read by any person whom it affects and shall be renewed, whenever it becomes defaced or otherwise ceases to be clearly legible.

(5) The registers, records and notices relating to any calendar year shall be preserved till the end of the following year.

(6) Every occupier shall exhibit in his establishment a notice showing the close day, the daily working hours and the usual period of rest interval fixed for employees in form 'K'.

<sup>5</sup>[14A. If on an application made by an employer in writing the Government is satisfied that any register or record maintained by such employer gives in respect of the person employed by him the necessary particulars required to be shown in form G/H/I to be maintained under these rules, the Government may by order in writing, direct that the register or record so maintained by such employer shall, to the corresponding extent, be deemed to be a register or record maintained under these Rules].

**15. Letters of Appointment to employees.-** The letters of appointment to employees as required under section 34 of the Act shall contain the following further particulars :

(i) the rate of wages or salary ,

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1. Ins. vide Notification No. F. 20(19)/59-1 & L dt. 20.5.60.
  2. Amended vide Notification No. F. 12(23)/55-1 & L of 9.1.57.
  3. Ibid.
  4. Ibid.
  5. Added vide Notification No. 7(9)/571 & L of 13.6.57.

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(ii) designation or nature of work for which employed (whether employed for clerical, supervisory, managerial, manual work, etc.), and

(iii) other concessions or benefits, if any, that may be special to his appointment

<sup>1</sup>**[16. Declaration by Inspectors.-** (1) Every Inspector shall by the end of January each year furnish a declaration that he has no interest directly or indirectly, himself or by any partnership in any establishment to which the Act applies.

(2) No Inspector shall be posted in any area in which any establishment in which he has any interest is situated].

**17. Duties of Inspector.-** (1) The Chief Inspector/Inspector shall make such examination of the premises and of the register, record and notices as may appear to him to be necessary for satisfying himself that the provisions of the Act and of the Rules and of any order or notification issued by the Government under the Act or the Rules made thereunder are being properly observed, and in particular he shall satisfy himself :

- (i) that the establishment is duly registered under the Act;
- (ii) that the registers, records and notices required to be maintained or displayed under the Act or these Rules are properly maintained or displayed;
- (iii) that the intervals of rest and holidays required to be granted or observed under the Act are granted and observed and that the limits of hours of work and spread-over laid down under the Act are not exceeded;
- (iv) that the provisions of the Act relating to the opening and closing hours are duly observed;
- (v) that the provisions of the Act and these Rules regarding leave are properly observed;
- (vi) that the provisions of the Act and these Rules relating to cleanliness and precautions against fire are properly observed;
- (vii) that the provisions of the Act relating to the payment for overtime are duly observed;
- (viii) that the wages and other dues are being paid to the employees in time as required under the Act;
- (ix) that in dispensing with the services of an employee the provisions of the Act and Rules have been complied with and no dues payable under the Act or Rules have been withheld; and
- (x) that no child is allowed to work in any establishment.

(2) In carrying out such examinations, the Chief Inspector or any Inspector concerned may, interrogate such persons on the premises of the establishment as he may consider necessary :

Provided that no such person shall be required under this rule to give answer to any question, the answer to which might tend to incriminate him.

(3) The Chief Inspector or Inspector concerned may require any employer to produce an authentic extract from the records of any school, panchayat, or municipality or in the absence of such extract to produce at his own expense a certificate of age from a registered

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1. Substituted vide Notification No. F. 12(23)/SS I & L « 9.1.51.

Medical Practitioner <sup>1</sup>[or a declaration from either of the parents or if the parents are not alive from the nearest living relations] or any other evidence of age to the satisfaction of the Chief Inspector, or the Inspector as the case may be, in respect of any young person employed whose age he may have reason to doubt.

**18. Identification Card for Chief Inspector/Inspector.**- The Identification Card, for Inspector/Chief Inspector for the purpose of section 36, shall be in the form as per Schedule III.

<sup>2</sup>**19.** All fees payable under these rules shall be paid either in cash, not exceeding one hundred rupees, or by a crossed postal order in the name of the Chief Inspector of Shops and Establishments, Delhi, and wherever an application is required to be accompanied by any such fee, it shall be accompanied by:

(i) the prescribed fee in cash, not exceeding one hundred rupees, having been deposited with the Chief Inspector of Shops and Establishments Delhi, or (ii) a crossed postal order of the requisite value.]

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1. Added vide Notification No. F. 12 (23)/55 I & L of 9.1.57.

2. Subs. by Notification No. 1/1/83-CIS dt. 22.11.83.

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**SCHEDULE I***(See Rule 3 & 5)*

The statement in Form A shall be sent to the Chief Inspector together with fee prescribed in this Schedule:-

Sr. No.	Category of Establishment Certificate	Original Registration	Fee for renewal of Registration	Fee
1	2	3	4	
1.	Establishments engaging no employee	5-00	5-00	
2.	Establishments employing 10 or less than 10 persons	15-00	15-00	
3.	Establishments employing more than 10 but less than 25 persons	30-00	30-00	
4.	Establishments employing 25 persons or above	50-00	50-00	
5.	Hotels, Restaurants, Residential Hotels, Theatres or other places of public Amusement or entertainment employing More than 25 persons	100-00	100-00	

**SCHEDULE II***(See Rule 6)*

Sr.	Category of Establishments	Fee for any change
1	2	3
1.	Establishments employing 25 or more persons	3-00
2.	Other Establishments	3-00

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**SCHEDULE III***(See Rule 19)*

Identification Card-As required under Section 36 of the Delhi Shops and Establishments Act, 1954

Name of holder ..... Photograph  
Father's Name .....  
Date of Birth .....  
Designation .....  
Signature of holder .....

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**Powers and Duties of the Inspector.** - The Chief Inspector/Inspector shall make such examination of the premises and of the registers, records and notices as may appear to him necessary for satisfying himself that the provisions of the Act and the Rules and of any Government order or notification issued under the Act or the Rules made thereunder properly observed.

In carrying out such examination, the Chief Inspector/Inspector concerned may:

- (a) enter at all reasonable times, with such assistance as may be necessary, any place which is, or which is being, used as an establishment;
- (b) make such examination of the premises and of any prescribed register, records and notices and take, on the spot or otherwise, evidence of any person as he may deem necessary for carrying out the purpose of this Act;
- (c) make copies of or take extracts from any book, registers or other documents maintained for the purpose of this Act;
- (d) exercise such other powers as may be necessary for carrying out the purpose of this Act.

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

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## FORM A

(See Rule 3)

## Statement under Section 5 (1)

## PART I

1. Name of the establishment, if any.
2. Postal address of the establishment.
3. Full name of the occupier or the employer [including his father's name]<sup>1</sup>.
4. Full name of the Manager, if any [including his father's name]<sup>1</sup>.
5. Category of the establishment, i.e., whether a shop, commercial establishment, residential hotel, restaurant, eating house, theatre or other place of public amusement or entertainment.
6. Nature of business.

## PART II

7. Names of members of employer's family, working in the establishment (state separately the names of young persons, if any).
8. Names of other persons occupying position of management or employees engaged in confidential capacity.
9. Total number of employees (state separately the number of men, women and/or young persons, if any).
10. Date on which the establishment commenced its work<sup>2</sup>.
11. I hereby declare that the details given above are correct to the best of my knowledge.<sup>3</sup>

Men, Women, Young Persons

Dated .....

Note: This statement shall be sent to the Chief Inspector with such fees as are prescribed in Schedule I.

Signature of the occupier/employer

Received from ..... Form A with Challan No .....

Signature

1. Added vide Notification No. F 12 (17)/56/1 &amp; L of 9.4.56.

2. Deleted vide Notification No. 12 (23)/55-I&L of 9.1.57 but added vide Notification No. F 20(31)/58I&L 2<sup>nd</sup> Sept. 1958.

3. Added vide the Chief Commissioner of Delhi Notification No. F. 20(40)/63. Labour dated 7.8.64.

## FORM B

(See Rule 4)

## Register of Establishments

Part I – Shops

Part II – Commercial Establishments

Part III – Residential Hotels

Part IV – Restaurants and Eating House

Part V – Theatres and other place of Public Amusement or Entertainment

Serial No.	Registration Certificate No.	Name of the Manager if any	Name of occupier/employer	Postal address of the establishment	Name of the establishment, if any.	Name of Business	Numbers of Members of employer's family			Number of other persons management or employees engaged in confidential capacity	Total number of employees			Date of Inspect
							Male	Female	Young Persons		Adults		Young Person	

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## FORM C

(See Rules 4 &amp; 5)

## Registration Certificate of establishment

Name of the establishment, if any .....

Name of the occupier/employer .....

Postal address of the establishment .....

Registration No. ....

It is hereby certified that the establishment as mentioned herein has been registered as a .....  
<sup>1</sup>under the Delhi Shops & Establishments Act, 1954, on this ..... day of .....

Seal

Chief Inspector, Shops &amp; Establishments, Delhi

## Renewals

Date of Renewal	From	To	Signature of the Chief Inspector of Shops & Establishments with Seal
1.			
2.			
3.			

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1. Here insert the category of the Establishment.

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**FORM D****(See Rule 6)****Notice of Change**

1. Name of the establishment and/or name of occupier/employer .....
2. Full Address .....
3. Registration Certificate No. .... Dated the ..... Date of ..... 19 .....

The Chief Inspector under the Delhi Shops & Establishments Act, 1954

Notice is hereby given that the following change has taken place in respect of information relating to Part I of the Form A which please note.

Signature of the occupier/employer

Note – Notice of change in this form shall be sent together with such fees as are prescribed in Schedule II.

**FORM E1****(See Rule 8)****Notice of close day or a change in close day**

To

The Chief Inspector  
Shops & Establishments  
Delhi

Name of Establishment .....

Address .....

Registration Certificate No. ....

Notice is hereby given that with effect from ..... the establishment shall observe .....  
..... as the close day.

Date .....

Signature of occupier/employer

- 
1. This shall apply in the case of notice for change in the close day.

[Note: Form F was printed in the Draft Rules published in the Government Gazette, Delhi State, of Feb. 3, 1955, but was (it appears through oversight) omitted from the rules, published *ibid*, Extraordinary, of March 3, 1955].



## [FORM H – Contd.]

(Rule 14)

## Register of Employment and Remuneration of Employees

## PART II

Name of Establishment .....

Wages Period .....

Registration No. ....

Name of the Employees	Designation	Remuneration Due					Less Deductions			Net Amount deductions	Employees Signature or Thumb Impression	Date of Payment
		Basic Salary of Wages	<sup>1</sup> Dearness Allowance	<sup>1</sup> Other Allowances, if any	Consolidated Salary or Wages	Overtime	Advance taken	Fine and deduction on account of Damage	<sup>1</sup> Other Deduction			

<sup>1</sup>Note – These sub-column may be amended to suit the actual requirement of the Establishment of the Establishment provided the remaining columns and sub-column are not omitted.

## FORM I

(See Rule 14)

## Register of Leave

Name and Establishment .....

Date of Employment .....

Name of Employee .....

Casual or Sickness Leave				Privilege Leave						
Amount of Leave	Date of Application if any	Leave Availed		Total Leave Availed	Date of Application	Whether Application Granted or Refused Fully or Partly	Leave Availed		Total Availed	Balance at the end of the year
		From	To				From	To		

## FORM J

[See Rule 14(2)]

## (Notice of Holiday under Section 17)

Name of Establishment .....

Address .....

The person employed in the establishment shall be given a holiday on the day mentioned below in the week following the date of this and until further notice :-

Serial No.	Name of Employee	Day on which Holiday is Allowed

Date ..... Signature of the Employer or Occupier

**Note:-** Form J. This notice is required to be in the cases of such trades to which section 16 does not apply as stated in Schedule appended to the Act under section 4 of the Act.

## FORM K

(See Rule 14)

## Notice under Section 33 of the Delhi Shops and Establishments Act, 1954, to be Exhibited Conspicuously at the Premises of the Establishment

Please intimate subsequent change if any in this space

- (1) Close Day .....
- Date Effective from .....
- (2) Daily Hours of Work Fixed .....
- (a) On Days other than Saturdays .....
- (b) On Saturdays .....

Signature of Employer or Occupier

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