

**THE MADHYA PRADESH SHOPS AND
ESTABLISHMENTS ACT, 1958
(ACT NO. 25 OF 1958)**

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CONTENTS

Sections	Pages
CHAPTER I	
PRELIMINARY	
1. Short title, extent, operation and application.	1
2. Definitions.	2
3. Act not applicable to certain persons and establishments.	4
4. Application of Act to other establishments and persons.	5
5. Suspension of all or an of the provisions of this Act.	5
CHAPTER II	
REGISTRATION OF ESTABLISHMENTS	
6. Registration of establishments.	5
7. Change to be communicated to Inspector.	6
8. Closing of establishment to be communicated to Inspector.	6
CHAPTER III	
SHOPS AND COMMERCIAL ESTABLISHMENTS	
9. Opening and closing hours.	6
10. Hawking prohibited before opening and after closing hours of shops.	7
11. Hours of work in shops and commercial establishments.	7
12. Spread-over in shops and commercial establishments.	8
13. Holidays in a week in shops and commercial establishments.	8
CHAPTER IV	
RESIDENTIAL HOTELS, RESTAURANTS AND EATING- HOUSES	
14. Opening and closing hours of restaurants and eating houses.	9
15. Restriction on selling of goods.	9
16. Hours of work in residential hotels, restaurants and eating houses.	10
17. Spread-over.	10
18. Holidays in a week.	10
18-A. Employers in residential hotel, etc. to furnish identity card to employees.	10
CHAPTER V	
THEATRES OR OTHER PLACES OF PUBLIC AMUSEMENT OR ENTERTAINMENT	
19. Closing hour of theatres or other places of public amusement or entertainment.	11

20.	Theatres or other places of public amusement or entertainment not to sell goods of the kind sold in shops, after the closing hour of shops.	11
21.	Hours of work in theatres or other places of public amusement or entertainment.	11
22.	Spread-over.	11
23.	Holidays in a week.	11
23-A.	Employer in a theatre, etc. to furnish identity card to employee.	12

CHAPTER VI

EMPLOYMENT OF CHILDREN, YOUNG PERSONS AND WOMEN

24.	No child to work in any establishment.	12
25.	Young persons and women to work between 7 a.m. to 9 p.m.	12
25-A.	Daily hours of work for young persons.	12
25-B.	Prohibition of employment of young persons and women in dangerous work.	12

CHAPTER VII

LEAVE WITH PAY AND PAYMENT OF WAGES

26.	Employees right for casual and privilege leave.	12
27.	Pay during leave.	13
28.	Payment when to be made.	13
29.	Power of Inspector to act for workers.	13
30.	Application and amendment of the Payment of Wages Act, 1936.	13

CHAPTER VIII

HEALTH AND SAFETY

31.	Cleanliness.	14
32.	Ventilation.	14
33.	Precautions against fire.	14

CHAPTER IX

ENFORCEMENT AND INSPECTION

34.	Powers and duties of local authorities.	14
35.	Power to make bye-laws.	14
36.	Submission of annual report, etc.	14
37.	Delegation.	14
38.	Power of Government to provide for performance of duties on default by local authority.	15
39.	Expenses of local authority to be paid out of its fund.	15
40.	Appointment of Inspectors.	15
41.	Powers and duties of Inspectors.	15
42.	Inspectors to be public servants.	16
43.	Employer to produce registers, records etc. for inspection.	16

**CHAPTER X
OFFENCES AND PENALTIES**

44.	Contravention of certain provisions and offences.	16
45.	Contravention of section 10.	17
46.	Employeescontravening sections 13(3), 18, 25 and 57.	17
47.	False entries by employer and manager.	17
48.	Enhanced penalty in certain cases after previous conviction.	17
49.	Penalty for obstructing Inspector.	18
50.	Persons who may be liable to be prosecuted against and punished.	18
51.	Cognizance of offences.	18
51-A.	Summary disposal of cases.	19
51-B.	Offences to be tried by Executive Magistrate.	19
52.	Limitation of prosecutions.	20
53.	Composition of offence.	20

**CHAPTER XI
MISCELLANEOUS AND SUPPLEMENTARY**

54.	Maintenance of registers and records and display of notices.	20
55.	Wages for overtime work.	20
56.	Evidence as to age.	20
57.	Restriction of double employment on a holiday or during leave.	20
58.	Notice of dismissal.	21
59.	Rules.	22
60.	Protection to persons acting under this Act.	22
61.	Rights and privileges under other law, etc. not effected.	22
62.	Persons employed in factory to be governed by Factories Act and not by this Act.	22
63.	Provisions of the Workmen's Compensation Act, to apply mutatis mutandis.	22
64.	Provisions of provident fund.	22
65.	Repeal.	22
	SCHEDULE I.	23
	SCHEDULE II.	23
	NOTIFICATIONS.	

THE MADHYA PRADESH SHOPS AND ESTABLISHMENTS ACT, 1958

(ACT NO. 25 OF 1958)

[Received the assent of the President on the 20th September 1958; assent first published in the Madhya Pradesh Gazette on the 3rd October, 1958].

As amended subsequently by the following:—

1. M.P. ACT 19 of 1967,
2. M.P. ACT 10 of 1982,
3. M.P. ACT 23 of 1990, w.e.f. 5.11.1990.
4. M.P. ACT 17 of 1995, w.e.f. 1.8.1995.

An Act to provide for the regulation of conditions of work and employment in shops, commercial establishments, residential hotels, restaurants; eating-houses, theatres, other places of public amusements or entertainment and other establishments.

Be it enacted by the Madhya Pradesh Legislature in the Ninth Year of the Republic of India as follows:—

CHAPTER I PRELIMINARY

1. Short title, extent operation and application.— (1) This Act may be called the **Madhya Pradesh Shops and Establishments Act, 1958.**

(2) It extends to the whole of Madhya Pradesh.

(3) It shall come into force on such date¹ as the Government may, by notification, appoint in this behalf.

²[(4) This Act shall apply in the first instance to the local areas specified in Schedule I. The State Government may, by notification, direct that all or any of the provisions of this Act shall apply to any other local area as may be specified in the notification on such date as may be fixed therein & different dates may be fixed for different provisions of this Act and for different classes of establishments.]

NOTIFICATIONS

[Notification No. 4095-2713-XVI-A-90, dt. 5-11-1990; Pub. in M.P. Rajpatra (Asadharan), dt. 5-11-90, p. 2417].- In exercise of the powers conferred by subsection (2) of section 1 of the Madhya Pradesh Shops and Establishments (Amendment) Act, 1990 (No. 23 of 1990), the State Government hereby appoints the Fifth November 1990 as the date on which the said Act shall come into force.

[No. F.4(1)-91-XVI-A, dated 11th July, 1995, M.P. Rajpatra pt. 1, dated 28th July, 1995, p. 1196]- In exercise of the powers conferred by section 1(2) of the Madhya Pradesh Shops and Establishments (Amendment) Act, 1994 (No. 17 of

- 1 1st January, 1959, See Notification No. 293 dated the 16/17 December, 1958. Published in M.P. Gazette, dated 19th December, 1958 Pt. I, Page 1162.
- 2 Subs. vide Act No. 10 of 1982 vide Notification NO. 3199-2089-XVI-A, dated 26.04.1982 (w.e.f. 01.05.1982)

1995), the State Government has appointed 1st August, 1995, as the date from which the provisions of the said Act will come into force in the State.

2. Definitions.— In this Act, unless there is anything repugnant in the subject or context,—

(1) **“Apprentice”** means a person who is employed, whether on payment of wages or not, for the purpose of being trained in any trade, craft, business or employment in any establishment;

¹[(2) **‘child’** means a person who is below fourteen years;]

¹[(3) **‘closed’** means not open for the service of any customer, or for any business of the establishment or for any work connected with the establishment;]

(4) **“Commercial establishment”** means an establishment which carries on any business, trade or profession or any work in connection with, or incidental or ancillary to, any business, trade or profession and includes—

²(a) a society registered or deemed to have been registered under the Madhya Pradesh Societies Registration Act, 1959 (1 of 1960) and a charitable or other trust, whether registered or not, which carries on whether for gain or not, any business, trade or profession or work in connection with or incidental or ancillary to such business, trade or profession;]

(b) an establishment which carries on the business of advertising, commission agency, forwarding or commercial agency or which is a clerical department of a factory or of any industrial or commercial undertaking;

(c) an insurance company, joint stock company, bank, broker’s office and exchange;

but does not include a factory, shop, residential hotel, restaurant, eating-house theatre or other place of public amusement or entertainment;

(5) **“day”** means the period of twenty-four hours beginning at midnight:

Provided that in the case on 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;

²[(6) **“employee”** means a person wholly or principally employed, whether directly or through any agency, and whether for wages or other consideration, in or in connection with any establishment, and include an apprentice, but does not include a member of the employer’s family;]

(7) **“employer”** means a person owning or having ultimate control over the affairs of an establishment and includes the manager, agent or any other person acting in the general management or control of such establishment;

(8) **“establishment”** means a shop, commercial establishment, residential hotel, restaurant, eating-house, theatre, or other place of public amusement or entertainment to which this Act applies and includes such other establishment of

1. Substituted vide Act No. 19 of 1967, Published in M.P. Rajpatra (Asadharan) dated 28.10.1967 at page 2719.

2. See Now M.P. Society Registrickaran Adhiniyam, 44 of 1973.

like nature as the Government may, by notification, declare to be an establishment for the purposes of this Act;

(9) **"factory"** means any premises which is a factory within the meaning of clause (m) of section 2 of the Factories Act, 1948 (63 of 1948) or which is deemed to be a factory under section 85 of the said Act;

(10) **"goods"** includes all materials, commodities and articles;

(11) **"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 this Act;

(12) **"Inspector"** means an Inspector appointed or deemed to be appointed under the Act, whether by name or by virtue of office;

(13) **"Labour Commissioner"** means the person appointed as such by the Government and includes, for the purposes of such provisions of the Act, and for such areas as the Government may direct, an officer not below the rank of an Assistant Labour Commissioner;

(14) **"leave"** means leave as provided for in Chapter VII of this Act;

(15) **"Local authority"** means a municipal corporation or municipality constituted under any enactment in force for the time being;

(16) **"manager"** means a person declared to be a manager under section 6;

(17) **"member of the family of an employer"** means the husband, wife, son, daughter, father, mother, brother or sister of an employer who lives with and is dependent on such employer;

¹(18) **"opened"** means opened for the service of any customer or for any business of the establishment, or for any work connected with the establishment;

Explanation.-An establishment in the premises of which people are present shall be presumed to be opened unless contrary is proved;]

(19) **"period of work"** means the time during which an employee is at the disposal of the employer;

(20) **"register of establishment"** means a register maintained for the registration of establishments under this Act;

(21) **"registration certificate"** means a certificate showing the registration of an establishment;

(22) **"residential hotel"** means any premises in which a bonafide business is carried on of supplying for payment lodging or board and lodging to travellers and other members or class of members of the public and includes a residential club;

(23) **"restaurant or eating-house"** means any premises in which is arrived on wholly or principally the business of the supply of meals or refreshments to the public or a class of the public for consumption on the premises, and includes a Halwai's shop; but does not include a restaurant or a canteen attached to a factory if the persons employed therein are allowed the benefits provided for workers under the Factories Act, 1948 (63 of 1948);

(24) **"shop"** means any premises where goods are sold, either by retail or wholesale or both or where services are rendered to customers, and includes an

1. Substituted vide Act No. 10 of 1982, Published in M.P. Rajpatra (Asadhara) dated 31.03.1982 at pages 478-482. It shall come into force from 01.05.1982 vide notification No. 3199-2089-XVI-A dated 26.04.1982.

office, a store room, godown, warehouse or workplace, whether in the same premises or otherwise used in connection with such trade or business but does not include a factory, a commercial establishment, residential hotel, restaurant, eating house, theatre or other place of public amusement or entertainment or a shop attached to a factory where the persons employed in the shop are allowed the benefits provided for workers under the Factories Act, 1948 (63 of 1948);

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

(26) “theatre” includes any premises intended principally or wholly for the exhibition of pictures or other optical effects by means of a cinematograph or other suitable apparatus or for a dramatic performance or for any other public amusement or entertainment;

(27) “wages” means wages as defined in the Payment of Wages Act, 1936 (4 of 1936);

(28) “week” means the period of seven days beginning at midnight of Saturday;

(29) “year” means a year commencing on the first day of April; and

(30) “young person” means a person who is not child and has not completed his seventeenth year.

3. Act not applicable to certain persons and establishments.— (1) Nothing in this Act shall apply to—

¹[(a) persons occupying positions of management and declared as such under clause (a) of sub-section (2) of section 6 or employed in a confidential capacity not exceeding ten per cent of the total number of the employees in the establishment or three in number whichever is less;]

(b) persons whose work is inherently intermittent such as traveller, canvasser, a watchman or a caretaker;

(c) persons exclusively engaged in preparatory or complementary work, such as clearing or forwarding clerks, responsible for the despatch of goods by rail or other means of communication and for customs formalities or messengers;

(d) persons exclusively employed in the collection, delivery or conveyance of goods;

(e) offices of the Union or State Government or of local authorities and of the Reserve Bank of India, the State Bank of India and the Life Insurance Corporation;

(f) establishment for the treatment or the care of the sick, infirm, destitute or mentally unfit;

(g) bazars, fairs or exhibition for the sale of works for charitable or other purposes from which no profit is derived;

(h) stalls and refreshment rooms at railway stations, or railway dining cars; :

²[(i) x x x]

1. Substituted vide Act No. 10 of 1967, Published in M.P. Rajpatra (Asadharan) dated 28.10.1967 at page 2719.

2. Omitted by M.P. 19 of 1967.

- (j) clubs not being residential clubs; and
- (k) any other class of establishments or class of persons which the Government may, by notification, exempt from the operation of this Act:

Provided that if in the opinion of the State Government the circumstances existing in any particular class of cases hereinbefore mentioned requires that all or any of the provisions of this Act should be extended thereto, the State Government may, by notification, extend to such class of cases all or any of the provisions of this Act and thereupon such provisions shall apply to such class of cases.

(2) The Government may, by notification, direct that any or all of the provisions of this Act shall, subject to such terms and conditions as may be specified in such direction, not apply to such classes of establishments or class of persons as may be specified therein.

¹[4. **Application of Act to other establishments and persons.**— (1) Notwithstanding anything contained in this Act, the Government may, by notification, declare any establishment or class of establishments to which or any person or class of persons to whom, this Act or any of the provisions thereof does not for the time being apply, to be an establishment or class of establishments or a person or class of persons to which or whom this Act or any provision thereof shall apply from such date as may be specified in the notification.

(2) On such declaration under sub-section (1), any such establishment or class of establishments or such person or class of persons shall be deemed to be an establishment or class of establishments to which, or to be an employee or class of employees to whom this Act applies and all or any of the provisions of this Act, shall apply to such establishment or class of establishments or to such employee or class of employees.]

5. Suspension of all or any of the provisions of this Act.— The Government may suspend by order notified in the Gazette, the operation of all or any of the provisions of this Act for such period and subject to such conditions as it deems fit on account of any festivals or other special occasions.

CHAPTER II

REGISTRATION OF ESTABLISHMENTS

6. Registration of establishments.— (1) Every establishment to which this Act applies shall be registered in accordance with the provision of this section.

(2) Within thirty days from the date on which this Act applies to an establishment, its employer shall send to the Inspector of the area concerned a statement, in the prescribed form, together with such fees, as may be prescribed containing—

- ¹[(a) the name of the employer, the manager and the person holding positions of management, if any;]

-
1. Substituted vide Act No. 10 of 1967, Published in M.P. Rajpatra (Asadharan) dated 28.10.1967 at page 2719.
 2. Substituted vide Act No. 19 of 1967, Published in M.P. Rajpatra (Asadharan) dated 28.10.1967 at page 2719.

¹[(b) the postal address of, and the date of starting the business by, 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; and

(e) such other particulars, as may be prescribed.

(3) On receipt of the statement and the fees, the Inspector shall, on being satisfied about the correctness of the statement, register the establishment in the register of establishments in such manner as may be prescribed and shall issue, in the prescribed form, a registration certificate to the employer. The registration certificate shall be prominently displayed at the establishment.

(4) In the event of any doubt or difference of opinion between an employer and the Inspector as to the category to which an establishment should belong, the Inspector shall refer the matter to the Labour Commissioner who shall, after such inquiry as he thinks proper, decide the category of such establishment and his decision shall be final for the purposes of this Act.

(5) The Government may, by notification, require renewal of registration certificates issued under this section at such intervals not being less than ²[five years], and on payment of such fee as may be prescribed.

(6) The registration fee and the renewal fee shall not exceed ³[two hundred and fifty rupees] per establishment.

7. Change to be communicated to Inspector.— It shall be the duty of an employer to notify to the Inspector, in the prescribed form, any change in respect of any information contained in his statement under section 6 within seven days after the change has taken place. The Inspector shall, on receiving such notice and on being satisfied about its correctness, make the change in the register of the establishments in accordance with such notice and shall amend the registration certificate or issue a fresh registration certificate if necessary.

8. Closing of establishment to be communicated to Inspector.— The employer shall, within ten days of his closing the establishment, notify to the Inspector in writing accordingly. The Inspector shall, on receiving the information and being satisfied about its correctness, remove such establishment from the register of establishments and cancel the registration certificate.

CHAPTER III

SHOPS AND COMMERCIAL ESTABLISHMENTS

9. Opening and closing hours.— (1) No shop or commercial establishment shall on any day—

(a) be opened earlier than such hour as may be fixed by the Government by a general or special order in this behalf;

1. Substituted vide Act No. 10 of 1982. This shall come into force from 01.05.1982 vide Notification No. 3199-2089-XVI-A dated 26.04.1982.

2. For the words "one year" substituted by Act No. 17 of 1995, Published in M.P. Rajpatra (Asadharan) dated 18.05.1995 at page 466-467.

3. For the words "five rupees" the words "two hundred fifty rupees" substituted by Act No. 17 of 1995, Published in M.P. Rajpatra (Asadharan) dated 18.05.1995 at page 466-467.

(b) be kept open later than such hour as may be fixed by the Government by general or special order in this behalf.

Provided that any customer who was being served or was waiting to be served at the closing hour so fixed in any shop may be served in such shop during half hour immediately following such hour.

(2) The Government may fix different opening or closing hours for different classes of shops and commercial establishments or for different area or for different periods of the year.

10. Hawking prohibited before opening and after closing hours of shops.—

(1) No person shall carry on in or adjacent to a street or a public place the sale of any goods before the opening and after the closing hours fixed under section 9 for the shops dealing in the same class of goods in the locality in which such street or public place is situate:

Provided that nothing in this section shall apply to the sale of newspapers.

¹[(2) Any person contravening the provisions of sub-section (1) shall be liable to have his goods seized by an Inspector.

(3) The goods seized under sub-section (2) shall be returned to the person from whom they were seized on his depositing rupees ²[fifty] as security for his appearance in the Court.

(4) If the person fails to make the deposit, the goods seized shall be produced without delay before a Court, who may give such directions as to their temporary custody, as it thinks fit.

(5) Where no prosecution is instituted for contravention of the provisions of sub-section (1) within such period as the Court may fix in this behalf the Court shall direct their return to the person from whom they were seized.

(6) Subject to the provisions of the preceding sub-section, the provisions of Code of Criminal Procedure, 1898 (No. V of 1898)³, shall so far as they may be applicable, apply to the disposal of the goods seized under this section.]

11. Hours of work in shops and commercial establishments. —⁴[(1)(a) No employee in any shop or commercial establishment shall be required or allowed to work for more than 48 hours in a week.

(b) Subject to clause (a) no employee shall be required to work—

(i) in any shop, for more than nine hours on any day;

(ii) in any commercial establishment, for more than ten hours on any day.]

(2) Any employee may be required or allowed to work in a shop or commercial establishment for any period in excess of the limit fixed under sub-section (1) if such period does not exceed ⁵[six] hours in any week.

1. Substituted by M.P. Act No. 10 of 1967, Published in M.P. Rajpatra (Asadharan) dated 28.10.1967 at page 2719.

2. For the word "fifteen" the word "fifty" substituted from 01.05.1982 vide Notification No. 3199-2089-XVI-A dated 26.04.1982 by Act No. 10 of 1982.

3. See now the Code of Criminal Procedure, 1973 (2 of 1974).

4. Substituted by M.P. Act No. 10 of 1967, Published in M.P. Rajpatra (Asadharan) dated 28.10.1967 at page 2719.

5. For the word "three" the word "six" substituted from 01.05.1982 vide Notification No. 3199-2089-XVI dated 26.04.1982 by Act No. 10 of 1982

(3) On not more than six days in a year, which the Government may fix by rules made in this behalf, for purposes of making of accounts, stock-taking, settlements or other prescribed occasions, any employee may be required or allowed to work in a shop or commercial establishment in excess of the period fixed under sub-section (1), if such excess period does not exceed twenty-four hours.

12. Spread-over in shops and commercial establishments.— The spread-over of an employee in a shop or commercial establishment shall not exceed twelve hours on a day:

Provided that in cases where any shop or commercial establishment is on any day entirely closed for a continuous period of not less than three hours, the spread-over shall not exceed thirteen hours on that day:

Provided also that where an employee works on any day in accordance with the provisions of sub-section (2) of section 11, the spread-over shall not exceed fourteen hours on any such day and where he works on any day in accordance with the provisions of sub-section (3) of the said section, the spread-over shall not exceed sixteen hours, on any such day:

Provided further that the Government may increase the spread-over period subject to such conditions as it may think fit either generally in the case of commercial establishments or in the case of a class of commercial establishments.

13. Holidays in a week in shops and commercial establishments.— (1) Every shop and commercial establishment shall remain closed on one day of the week. The employer shall fix such day at the beginning of the year, notify it to the Inspector and specify it in a notice prominently displayed in a conspicuous place in the shop or commercial establishment. The employer shall not alter such day more often than once in three months, shall notify the alternation to the Inspector and make the necessary change in the notice in the shop or commercial establishment:

¹[Provided that where any shop or commercial establishment comes after the beginning of any year within the purview of this Act, for the first time, the employer shall also fix such day of the week on which the shop or commercial establishment shall remain closed and notify it to the Inspector within one month of the date on which the shop or establishment so comes within the purview of this Act].

(2) If any day notified as holiday under sub-section (1) happens to be a day of public festival, the employer may keep the shop or commercial establishment open on such day but in that event he shall keep the shop or commercial establishment closed on some other day within three days before or after the date of such public festival and give notice of the change to the Inspector at least seven clear days before the day of such public festival.

(3) It shall not be lawful for an employer to call an employee at, or for any employee to go to, his shop or commercial establishment or any other place for any work in connection with the business of his shop or commercial establishment on a day on which such shop or commercial establishment remain closed.

1. Inserted by M.P. Act No. 10 of 1967, Published in M.P. Rajpatra (Asadharan) dated 28.10.1967 at Page 2719.

¹(3-A) Notwithstanding any thing contained in sub-section (1), the State Government or any officer authorised by it in this behalf may, if it or he thinks fit so to do in public interest, by notification, fix any day of the week to be the closed day in respect of all or any class of shops or commercial establishments in any or all the local area or part thereof, and the closed day so fixed shall be deemed to have been fixed under sub-section (1):

Provided that the employer shall have no right to alter the closed day so fixed.]

²[(4) No deduction shall be made from the wages of any employee in a shop or commercial establishment on account of any day on which it has remained closed under this section. If any employee is employed on daily wages he shall nonetheless be paid wages for the weekly holiday equal to the average of daily wages earned by him during the preceding six working days. If any employee is paid a piece rate wage, he shall nonetheless be paid his wage for the day on which the shop or commercial establishment remain closed at a rate equivalent to the daily average of his wages for the days on which he has actually worked during the six days preceding such closed day, exclusive of any earning in respect of overtime:

Provided that nothing in this sub-section shall apply to any person whose total period of continuous employment is less than six days.]

CHAPTER IV

RESIDENTIAL HOTELS, RESTAURANTS AND EATING-HOUSES

14. Opening and closing hours of restaurants and eating-houses.- (1) Notwithstanding anything contained in any other enactment for the time being in force, no restaurants or eating-houses shall on any day be opened earlier than 5 a.m. and be kept open later than 1.30 a.m. for service:

Provided that an employee in such restaurant or eating-house may be required to commence work not earlier than 4.30 a.m. and shall not be required to work later than 2 a.m. :

Provided also that any customer who was being served or waiting to be served at the closing hour of such restaurant or eating-house may be served in such restaurant or eating-house during the half hour immediately following such hour.

(2) Subject to the provisions of sub-section (1), the Government may fix later opening or earlier closing hours for different restaurants or eating-houses or for different areas or for different periods of the year.

(3) Notwithstanding anything contained in this section or any other enactment for the time being in force, the Government may, by notification, fix for specific periods in a year on festive or special occasions such opening and closing hours for different restaurants or eating-houses or for different areas, as it thinks proper.

15. Restriction on selling of goods.- Before and after the hours fixed for the opening and closing of shops under section 9, no goods of the kind sold in such shops shall be sold in any restaurant or eating-house except for consumption on premises.

1. Inserted from 01.05.1982 vide Notification No. 3199-2089-XVI-A dated 26.04.1982 by Act No. 10 of 1982.
2. Added by M.P. Act No. 10 of 1967, Published in M.P. Rajpatra (Asadharan) dated 28.10.1967 at Page 2719.

¹**[16. Hours of work in residential hotels, restaurants and eating-houses.–**

(1) No employee in any residential hotel, restaurant or eating-house shall be required or allowed to work for more than forty eight hours in a week and nine hours in a day.

(2) Any employee may be required or allowed to work in a residential hotel, or restaurant or eating-house for any period in excess of the limit fixed under sub-section (1) if such additional period does not exceed six hours in any week.

(3) Notwithstanding anything contained in sub-sections (1) and (2), an employee may be required or allowed to work in a residential hotel, restaurant or eating-house on the day which may be notified under sub-section (3) or section 14 in excess of the period fixed under sub-section (1) if such additional period does not exceed three hours on any day.]

17. Spread-over.– The spread-over of an employee in a residential hotel, restaurant or eating-house shall not exceed fourteen- hours:

Provided that the Government may increase the spread-over period subject to such conditions as it may impose on the days that may be notified under sub-section (3) of section 14.

18. Holidays in a week.– (1) Every employee in a residential hotel, restaurant or eating-house shall be given at least one day in a week as a holiday:

Provided that nothing in this sub-section shall apply to an employee whose total period of employment in any week is less than six days.

(2) It shall not be lawful for an employer to call an employee at, or for an employee to go to, his residential hotel, restaurant or eating-house or any other place for any work in connection with the business of his residential hotel, restaurant or eating-house on a day on which such employee has a holiday.

(3) No deduction shall be made from the wages of any employee in a residential hotel, restaurant or eating-house on account of any holiday given to him under sub-section (1). If any employee is employed on a daily wage, he shall nonetheless be paid wages for the weekly holiday equal to the average of the daily wages earned by him during preceding six working days.

²**[18-A. Employers in residential hotel, etc. to furnish identity card to employees.–** The employers shall furnish every employee in a residential hotel, restaurant or eating-house an identity card which shall be kept by the employee when on duty and shall be produced on demand by an Inspector. Such card shall contain the following and such other particulars as may be prescribed namely:—

- (a) the name of the employer;
- (b) the name, if any, and the postal address, of the establishment;
- (c) the name and age of the employee;
- (d) the hours of work, the interval for rest, if any, and the holiday of the employee;
- (e) the signature (with date) of the employer;

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1. Substituted vide Notification No. 3199-2089-XVI-A dated 26.04.1982 from 01.05.1982. by Act no. 10 of 1982.
 2. Inserted by M.P. Act No. 10 of 1967, Published in M.P. Rajpatra (Asadharan) dated 28.10.1967 at page 2719.

- (f) the identity mark of an employee; and
- (g) signature or thumb impression of the employee.]

CHAPTER V

THEATRES OR OTHER PLACES OF PUBLIC AMUSEMENT OR ENTERTAINMENT

19. Closing hour of theatres or other places of public amusement or entertainment.— Notwithstanding anything contained in any other enactment for the time being in force, in theatre or other place of public amusement or entertainment shall, on any day, be closed later than 1 a.m.

20. Theatres or other places of public amusement or entertainment not to sell goods of the kind sold in shops after the closing hour of shops.— After the hour fixed for the closing of shops under section 9, no goods of the kind sold in shop shall be sold in any theatre or other place of public amusement or entertainment except for consumption on premises.

¹**21. Hours of work in theatres or other places of public amusement or entertainment.**— (1) No employee in a theatre or other place of public amusement or entertainment shall be required or allowed to work for more than forty eight hours in a week and nine hours in a day.

(2) Any employee may be required or allowed to work in a theatre or other place of public amusement or entertainment for a period in excess of the limit fixed under sub-section (1) if such additional period does not exceed six hours in any week.]

22. Spread-over.— The spread-over of an employee in a theatre or other place of public amusement or entertainment shall not exceed twelve hours on any day:

Provided that the Government may increase the spread-over period subject to such conditions as it may impose whether generally or in the case of a particular theatre or other place of public amusement or entertainment.

23. Holidays in a week.— (1) Every employee in a theatre or other place of public amusement or entertainment shall be given at least one day in a week as a holiday:

Provided that nothing in this sub-section shall apply to an employee, whose total period of employment in any week is less than six days.

(2) It shall not be lawful for an employer to call an employee at, or for an employee to go to, his theatre or other place of public amusement or entertainment or any other place for any work in connection with the business of his theatre or place of public amusement or entertainment on a day on which such employee has a holiday.

(3) No deduction shall be made from the wages of an employee in a theatre or other place of public amusement or entertainment on account of any holiday given to him under sub-section (1). If any employee is employed on a daily wage he shall nonetheless be paid wages for the weekly holiday equal to the average of the daily wages earned by him during the preceding six working days.

1. Substituted by Act No 10 of 1982. This shall come into force from 01.05.1982 vide notification No. 3199-2089-XVI-A dated 26.04.1982. by Act no. 10 of 1982

¹[23-A. The employer in a theatre etc. to furnish identity card to employee.—The employer shall furnish every employee in a theatre, or other places of public amusement or entertainment an identity card which shall be kept by the employee when on duty and shall be produced on demand by an Inspector. Such card shall contain the following and such other particulars as may be prescribed, namely:—

- (a) the name of the employer;
- (b) the name, if any, and the postal address of the establishment;
- (c) the name and age of the employee;
- (d) the hours of work, the interval of rest, if any, and the holiday of the employer;
- (e) the signature (with date) of the employer;
- (f) the identity mark of an employee; and
- (g) signature or thumb impression of the employee.]

¹[CHAPTER VI

EMPLOYMENT OF CHILDREN, YOUNG PERSONS AND WOMEN

24. No child to work in any establishment.— 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.

25. Young persons and women to work between 7 a.m. to 9 p.m.— No young person or woman shall be required or allowed to work whether as an employee or otherwise in any establishment before 7 a.m. and after 9 p.m. notwithstanding that such young person or woman is a member of the family of the employer.

25-A. Daily hours of work for young persons.— (1) Notwithstanding anything contained in this Act, no young person shall be required or allowed to work whether as an employee or otherwise, in any establishment for more than five hours in any day.

(2) No young person, shall be required or allowed to work whether as an employee or otherwise, in any establishment for more than three hours in any day unless he had an interval for rest of at least half an hour.

25-B. Prohibition of employment of young persons and women in dangerous work.— No young person or woman working in any establishment, whether as an employee or otherwise, shall be required or allowed to perform such work as may be declared by the State Government, by notification, to be work involving danger to life, health or morals.]

CHAPTER VII

LEAVE WITH PAY AND PAYMENT OF WAGES

26. Employee's right for casual and privilege leave.— (1) A person employed in an establishment to which this Act applies shall be entitled—

- (a) after every 12 months' continuous employment, to privilege leave for a total period of one month; and

1. Substituted by M.P. Act No. 19 of 1967. Published in M.P. Rajpatra (Asadharan) dated 28.10.1967 at page 2719.

(b) in every year to casual leave for a total period not exceeding 14 days :
Provided that the leave under sub-clause (a) shall not at any time accumulate for a total period exceeding 3 months:

Provided further that holidays under section 13, 18 or 23 falling during the period of such leave shall be included in the leave so granted:

Provided further that casual leave shall not be combined with privilege leave.

(2) If an employee entitled to leave under sub-section (1) is discharged by his employer before he has been allowed leave, or if, having applied for and been refused the leave, he quits his employment before he has been allowed the leave, the employer shall pay him the amount payable under section 27 in respect of the leave.

(3) If an employee entitled to leave under sub-section (1) is refused the leave, he may give intimation to the Inspector or any other officer authorised in this behalf by the Government regarding such refusal. The Inspector shall enter such information in a register kept in such form as may be prescribed.

Explanation.— An employee shall be deemed to have completed a period of twelve months' continuous service in an establishment notwithstanding any interruption in the service during those twelve months brought about by sickness, accident or authorised leave not exceeding ninety days in the aggregate for all three, or by a lockout or by a strike which is not an illegal strike, or by intermittent periods of involuntary unemployment not exceeding thirty days in the aggregate and authorised leave shall be deemed not to include any weekly holiday allowed under this Act which occurs at the beginning or end of an interruption brought about by the leave.

27. Pay 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 earning in respect of overtime.

28. Payment when to be made.— An employee who had been allowed leave under section 26 shall, before his leave begins, be paid half the total amount due to him for the period of such leave.

29. Power of Inspector to act for workers.— Any Inspector may institute proceedings on behalf of any employee in an establishment to which this Act applies to recover any sum required to be paid under this Chapter by an employer which the employer has not paid.

30. Application and amendment of the Payment of Wages Act, 1936.—
¹[(1) Notwithstanding anything contained in the Payment of Wages Act, 1936 (No. IV. of 1936), (hereinafter referred to in this section as the said Act), the State Government may, by notification, direct that subject to the provisions of sub-section (2) all or any of the provisions of the said Act shall apply to all or any establishment or to all or any class of employees to which or whom this Act for the time being applied.]

1. Substituted by M.P. Act No. 19 of 1967. Published in M.P. Rajpatra (Asadharan) dated 28.10.1967 at page 2719.

(2) On the application of the provisions of the said Act to any establishment or to any employee under sub-section (1), the Inspector, appointed under this Act, shall be deemed to be the Inspector for the purposes of the enforcement of the provisions of the said Act within the local limits of his jurisdiction.

CHAPTER VIII HEALTH AND SAFETY

31. 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, varnishing, disinfecting and deodorizing.

32. Ventilation.— The premises of every establishment shall be ventilated in accordance with such standards and by such methods as may be prescribed.

33. Precautions against fire.— In every establishment except such establishment or class of establishment, as may be prescribed, such precautions against fire shall be taken as may be prescribed.

CHAPTER IX ENFORCEMENT AND INSPECTION

34. Powers and duties of local authorities.— (1) Save as otherwise provided in this Act, it shall be the duty of every local authority whom the Government may by order empower in this behalf to enforce within the area subject to its jurisdiction, the provisions of this Act, subject to the control of the Government.

(2) The local authority empowered under sub-section (1) may by order delegate any of the powers and functions (other than the powers of making byelaws under section 35), exercisable or performable by it under this Act to any of its officers.

(3) An order empowering a local authority under sub-section (1) may at any time be cancelled by the Government.

(4) To enable Government to exercise effective control over a local authority in the performance of the duties entrusted to it under this Act, Government may authorise any officer, not below the rank of a Labour Officer, to supervise the enforcement of this Act within the area subject to the jurisdiction of the local authority and for this purpose such officer shall have all the powers of an Inspector under this Chapter.

35. Power to make bye-laws.— A local authority empowered under section 34 to enforce the provisions of this Act may, with the previous sanction of the Government, make bye-laws not inconsistent with the provisions of the Act, or the rules or orders made by the Government thereunder, for the purpose of carrying out the provisions of this Act.

36. Submission of annual report, etc.— It shall be the duty of every local authority empowered under section 34 to submit within three months after the close of the year to the Government a report on the working of the Act within the local area under its Jurisdiction during such year. It shall submit to the Government from time to time such annual or periodical returns as may be prescribed.

37. Delegation.— (1) The Government may, by order, direct that any power other than the power to make rules under section 59, or any duty which is conferred

or imposed on the State Government by this Act, shall in such circumstances and under such conditions, if any, as may be specified in that direction be exercised or discharged by any officer or authority subordinate to it.

(2) Nothing in this Act shall derogate from the right of the Government to exercise any or all the functions delegated to any local authority or officer subordinate to it.

38. Owner of Government to provide for performance of duties on default by local authority.— (1) If any local authority makes default in the performance of any duty imposed by or under this Act, the Government may appoint some person to perform it and may direct that the expense of performing it with a reasonable remuneration to the person appointed to perform it shall be paid forthwith by the local authority.

(2) If the expense and remuneration are not so paid, the Government may, notwithstanding anything contained in any law relating to the municipal fund or local fund or any other law for the time being in force, make an order directing the bank in which any moneys of the local authority are deposited or the person in charge of the local Government Treasury or of any other place of security in which the moneys of the local authority are deposited, to pay such expense and remuneration from such moneys as may be standing to the credit of the local authority in such bank or may be in the hands of such person or as may from time to time be received from or on behalf of the local authority by way of deposit by such bank or person; and such bank or person shall be bound to obey such order. Every payment made pursuant to such order shall be sufficient discharge to such bank or person from all liability to the local authority in respect of any sum or sums so paid by it or him out of the moneys of the local authority so deposited with such bank or person.

39. Expenses of local authority to be paid out of its fund.— Notwithstanding anything contained in any enactment in regard to any municipal or local fund, all expenses incurred by a municipality or local authority under and for the purposes of this Act, shall be paid out of the municipal or local fund, as the case may be.

40. Appointment of Inspectors.— (1) Every local authority empowered under section 34 shall appoint a sufficient number of persons with the prescribed qualifications as Inspectors for the area subject to its jurisdiction, as it may deem fit, for the purpose of carrying out the provisions of this Act.

(2) The Government may, by notification, appoint such persons having the prescribed qualifications, as it thinks fit, by name or virtue of office to be Inspector for the purposes of this Act within such local limits and for such classes of establishments, as it may assign to each such person.

41. Powers and duties of Inspectors.— (1) Subject to any rules made by the Government in this behalf, an Inspector may, within the local limits for which he is appointed—

- (a) enter, at all reasonable times and with such assistants, if any, being person in the service of the Government or of any local authority, as he thinks fit, any place which is or which he has reasons to believe is 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 persons, as he may deem necessary, for carrying out the purposes of this Act; and
- (c) exercise such other powers, as may be prescribed or may be necessary for carrying out the purposes of this Act: Provided that no one shall be required under this section to answer any question or give any evidence tending to criminate himself.

(2) For the purposes of investigation of offences under this Act, an Inspector shall have the same powers as an Officer-in-charge of a police station has under the Code of Criminal Procedure, 1898 (V of 1898)¹ for investigation of the cognizable offences except that he shall not have the power of arrest.

42. Inspectors to be public servants.— Every Inspector appointed under section 40 shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code, 1860 (XLV of 1860).

43. Employer to produce registers, records etc. for inspection.— Every employer shall on demand produce for inspection of an Inspector all registers, records and notices required to be kept under and for the purposes of this Act.

CHAPTER X

OFFENCES AND PENALTIES

44. Contravention of certain provisions and offences.— (a) If any employer fails to send to the Inspector of the area concerned a statement within the period specified in section 6 or to notify a change within the period specified in section 7 or to notify the closing of his establishment under section 8; or

(b) if in any establishment there is any contravention of the provisions of section 9, 13, 14, 15, 19, 20, 31, 32 or 33 or any orders made thereunder; or

(c) if in any establishment any person is required or allowed to work in contravention of section 11, 12, 16, 17, 18, 21, 22 or 23; or

²[(d) if in any establishment a child, young person or woman is required or allowed to work in contravention of section 24, 25-A or 25-B; or]

(e) if any employer contravenes the provisions of section 43, 54, 57 or 58; or

(f) if in any establishment there is any contravention of any section, rule or order for which no specific punishment is provided in this Act;

the employer and the manager shall, on conviction, each be punished with fine which shall not be less than ³[fifty rupees] and which may extend to ⁴[five hundred rupees :]

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1. See now the Code of Criminal Procedure, 1973 (No. 2 of 1974).
 2. Substituted by M.P. Act No. 19 of 1967. Published in M.P. Rajpatra (Asadharan) dated 28.10.1967 at page 2719.
 3. For the word "ten rupees" the word "fifty rupees" substituted from 01.05.1982 vide Notification No. 3199-2089-XVI dated 26.04.1982 by Act No. 10 of 1982.
 4. For the word "one hundred rupees" the word "five hundred rupees" substituted from 01.05.1982 vide Notification No. 3199-2089-XVI-A dated 26.04.1982 by Act No. 10 of 1982.

¹[Provided that if the contravention of the provisions of subsections (2) and (5) of section 6 is continued after the expiry of the tenth day after conviction, the employer shall on conviction be punished with a further fine which may extend to ²[fifty rupees] for each day on which the contravention is so continued.]

³[45. **Contravention of section 10.**— If any person contravenes the provisions of section 10, he shall, on conviction, be punished with fine which may extend to ⁴[one hundred rupees.]

46. Employees contravening sections 13(3), 18, 25 and 10.— If an employee contravenes the provisions of sub-section (3) of section 13 or sub-section (2) of section 18 or sub-section (2) of section 25, or section 57 he shall, on conviction, be punished with fine which may extend to fifty rupees.]

47. False entries by employer and manager.— ⁵[(1)] If any employer or manager with intent to deceive, makes or causes or allows to be made, in any register, record or notice prescribed to be maintained under the provisions of this Act, or the rules made thereunder, an entry which, to his knowledge, is false in any material particular, or wilfully omits, or causes or allows to be omitted, from any such register, record or notice, an entry which is required to be made therein under the provisions of this Act or the rules made thereunder, or maintains or causes or allows to be maintained, more than one set of any register, record or notice except the office copy of such notice, or sends or causes or allow to be sent, to an Inspector, any statement, information or notice prescribed to be sent under the provisions of this Act, or the rules made thereunder which to his knowledge is false in any material particular, he shall, on conviction, be punished with imprisonment ⁶[not exceeding one year or with fine which may extend to one thousand rupees or with both.]

⁷[(2) An offence under sub-section (1) shall be triable by a Court of Judicial Magistrate of competent jurisdiction.]

⁸[**48. Enhanced penalty in certain cases after previous conviction.**— If any employer who has been convicted of any offence under sub-section (1) of section 9

1. Inserted by M.P. Act No. 10 of 1967, Published in M.P. Rajpatra (Asadharan) dated 28.10.1967 at page 2719.
2. For the word “ten rupees” the word “fifty rupees” substituted from 01.05.1982 vide Notification No. 3199-2089-XVI-A dated 26.04.1982 by Act No. 10 of 1982
3. Substituted by M.P. Act No. 10 of 1967, Published in M.P. Rajpatra (Asadharan) dated 28.10.1967 at page 2719.
4. For the word “twenty-five rupees” the word “one hundred rupees” substituted by Act No. 10 of 1982 this shall come into force from 01.05.1982 vide Notification No. 3199-2089-XVI-A dated 26.04.1982.
5. Section 47 renumbered as sub-section (1) vide Act No. 10 of 1982 w.e.f. 01.05.182 vide Notification No. 3199-2089-XVI-A dated 26.04.1982.
6. Substituted for the words “not exceeding six months or with fine which may extend of five hundred rupees or with both” from 01.05.1982 vide Notification No. 3199-2089-XVI-A dated 26.04.1982 by Act No. 10 of 1982
7. Inserted by Act No 10 of 1982. w.e.f. 01.05.1982 vide Notification No. 3199-2089-XVI-A dated 26.04.1982.
8. Substituted by M.P. Act No. 19 of 1967, Published in M.P. Rajpatra (Asadharan) dated 28.10.1967, page 2719.

or section 11, 12 or 13 or sub-section (1) of section 14 or section 16, 17, 18, 19, 21, 22, 23, 24, 25, 25-A, 25-B, 43, ¹[49, 54 or 58] is again guilty of an offence, involving contravention of the same provision, he shall be punished on a subsequent conviction with fine which shall not be less than ²[fifty rupees] and which may extend to ³[one thousand five hundred rupees.]

49. Penalty for obstructing Inspector.— Whoever wilfully obstructs Inspector in the exercise of any power under section 41 or conceals or prevents any employee in a establishment from appearing before or being examined by an Inspector, shall, on conviction be punished with fine which shall not be less than ⁴[fifty rupees] and which may extend to ³[one thousand rupees].

⁶[50. Persons who may be liable to be prosecuted against and punished.—

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

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

(3) Notwithstanding anything contained in sub-sections (1) and (2) where an offence under this Act has been committed for the first time the employer or the manager shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.]

51. Cognizance of offences.— (1) No prosecution under this Act or the rules or orders made thereunder shall be instituted except by an Inspector and except with the previous sanction of local authority or any officer authorised by the Government in that behalf.

¹[(2) xxx]

1. For the words “49 or 58” substituted by Act No. 10 of 1982 this shall come into force from 01.05.1982 vide Notification No. 3199-2089-XVI-A dated 26.04.1982.
2. For the words “fifteen rupees” the words “fifty rupees” substituted by Act No. 10 of 1982 this shall come into force from 01.05.1982 vide Notification No. 3199-2089-XVI-A dated 26.04.1982.
3. For the words “five hundred rupees” the words “one thousand five hundred rupees” substituted by Act No. 10 of 1982 this shall come into force from 01.05.1982 vide Notification No. 3199-2089-XVI-A dated 26.04.1982.
4. For the words “twenty five rupees” the words “fifty rupees” substituted by Act No. 10 of 1982 this shall come into force from 01.05.1982 vide Notification No. 3199-2089-XVI-A dated 26.04.1982.
5. For the words “five hundred rupees” the words “one thousand rupees” substituted by Act No. 10 of 1982 this shall come into force from 01.05.1982 vide Notification No. 3199-2089-XVI-A dated 26.04.1982.
6. Substituted by Act No. 10 of 1982 this shall come into force from 01.05.1982 vide Notification No. 3199-2089-XVI-A dated 26.04.1982.
7. Sub-section (2) of section 51 Omitted by Act No. 10 of 1982. This shall come into force from 19.05.1982 vide Notification No. 3199-2089-XVI-A dated 26.04.1982.

¹[51-A. Summary disposal of cases.— (1) The Court taking cognizance of an offence under this Act shall, unless the offence is an offence under section 47, 48 or 49, state upon the summons to be served on the accused person that he—

- (a) may appear by a pleader and not in person; or
- (b) may, by such date prior to the hearing of the charge as may be specified therein, plead guilty to the charge by a registered letter and remit to the Court such sum as the Court may, subject to the minimum and maximum limits of fine prescribed for the said offence, specify.

(2) Where an accused person pleads guilty and remits the sum in accordance with the provisions of sub-section (1), no further proceedings in respect of the offence shall be taken against him.]

²[51-B. Offences to be tried by Executive Magistrate.— Save as provided in section 47, the State Government may confer on an Executive Magistrate, the power of a Judicial Magistrate of the First Class or the Second Class for the trial of offences under this Act, and on such conferment of powers; the Executive- Magistrate, on whom powers are so conferred shall be deemed for the purposes of the Code of Criminal Procedure, 1973 (No. 2 of 1974), to be a Judicial Magistrate of the First Class or the Second Class, as the case may be.]

52. Limitation of prosecutions.—No court shall take cognizance of an offence under this Act or any rule or order made thereunder unless complaint thereof is made within three months of the date on which the alleged commissions of the offence came to the knowledge of an Inspector.]

³[53. Composition of offence.— ⁴{ (1) Subject to the conditions as may be prescribed, the Labour Commissioner or any officer not below the rank of a Labour Officer if so authorised by the Labour Commissioner by notification, may, either before or after the institution of Proceedings under this Act, permit any person charged with an offence punishable under Sections 44, 55 or 46 to compound the offence on payment of such sum which shall not be less than rupees fifty and not more than the maximum amount of fine prescribed for the offence.]

(2) On payment in full of such sum as may be determined by the Labour Commissioner or the Officer authorised by the Labour Commissioner under Sub-section (1),—

- (a) no proceedings shall be commenced against any person as aforesaid; and
- (b) if any proceedings have already been commenced against any person as aforesaid, such proceedings shall not be further proceeded with.]

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1. Inserted by Act No. 19 of 1967. Published in M.P. Rajpatra (Asadharan) dated 28.10.1967 at page 2719.
 2. Inserted by Act No. 10 of 1982. This shall come into force from 01.05.1982 vide Notification No. 3199-2089-XVI-A dated 26.04.1982.
 3. Substituted by Act No. 10 of 1982 this shall come into force from 01.05.1982 vide Notification No. 3199-2089-XVI-A dated 26.04.1982.
 4. Subs. by M.P. Act No. 17 of 1995.

CHAPTER XI
MISCELLANEOUS AND SUPPLEMENTARY

54. Maintenance of registers and records and display of notices.— Subject to the general or special orders of the Government an employer shall maintain or cause to be maintained such registers and records and display on the establishment such notice, as may be prescribed. All such registers and records shall be kept on the premises of the establishment to which they relate.

55. Wages for overtime work.— Where an employee in any establishment is required to work in excess of the limit of hours of work, he shall be entitled, in respect of the overtime work, to wages at the rate of twice his ordinary rate of wages.

¹[**Explanation.**— For the purposes of this section “limit of hours of work” shall mean—

- (a) in respect of establishment to which sections 11, 16 or 21 apply, the limits prescribed in the respective sections; and
- (b) in respect of other establishments, such number of hours of work as may be prescribed.]

56. Evidence as to age.— (1) When an act or omission would, if a person were under or over a certain age, be an offence punishable under this Act, and such person is in the opinion of the Court apparently under or over such age, the burden shall be on the accused to prove that such person is not under or over such age.

(2) A declaration in writing by a qualified Medical Practitioner relating to an employee that he has personally examined him and believes him to be under or over the age set forth in such declaration shall, for the purposes of this Act, be admissible as evidence of the age of the employee.

Explanation.— For the purpose of this section, a qualified Medical Practitioner shall have the same meaning as in the Factories Act, 1948 (LXIII of 1948).

57. Restriction of double employment on a holiday or during leave.— No employee shall work in any establishment, nor shall any employer engage an employee to work in any establishment on a day on which such employee is given a holiday or is on leave in accordance with the provisions of this Act.

²[**58. Notice of dismissal.**—(1) No employer shall dispense with the services of an employee who has been employed for a period of three months or more except for a reasonable cause, and without giving such employee at least one month's notice or wages in lieu of such notice.

Provided that such notice shall not be necessary if the services of such employees are dispensed with on a charge of misconduct supported by satisfactory evidence recorded at an enquiry held by the employer for the purpose.

(2) (a) The employee discharged, dismissed or retrenched may appeal to such authority and within such time as may be prescribed either on the ground that there was no reasonable cause for dispensing with his services or on the ground that he had not been guilty of misconduct as held by the employer or on the ground that such punishment of discharge or dismissal was severe.

1. Substituted by M.P. Act No. 19 of 1967. Published in M.P. Rajpatra (Asadharan) dated 28.10.1967, page 2719.

2. Substituted by Act No. 10 of 1982. This shall come into force from 01.05.1982 vide Notification No. 3199-2089-XVI-A dated 26.04.1982.

(b) the appellate authority may, after giving notice in the prescribed manner to the employer and the employee, dismiss the appeal or direct the reinstatement of the employee with or without wages for the period during which he was kept out of employment or direct payment of compensation without reinstatement or grant such other relief as it deems fit in the circumstances of the case.

(3) The decision of the appellate authority shall be final and binding on both the parties and be given effect to, within such time as may be specified in the order of the appellate authority.]

59. Rules.— (1) The Government may make rules to carry out the purposes of the Act,—

(2) In particular and without prejudice to the generality of the foregoing provision, such rules may be made for all or any of the following matters, namely:—

- (a) (i) the form of submission of a statement to the Inspector, and the fees and other particulars which shall be given along with such statement under sub-section (2) of section 6.
 - (ii) the manner of registration of establishment in the register of establishments and the form in which a registration certificate shall be issued to the employer under sub-section (3) of section 6;
 - (iii) prescribing for renewal of registration certificate under sub-section (5) of section 6;
- (b) the form in which a change shall be notified to the Inspector under section 7;
 - (c) fixing six days in a year for additional overtime and prescription of occasions under sub-section (3) of section 11;
 - (d) the form of register for entering refusal of leave to be kept under section 26;
 - (e) fixing times and methods for cleaning the establishments under section 31; fixing standards and methods for ventilation under section 32; and prescribing such establishments as are to be exempted from the provisions of, and precautions against fire to be taken under section 33;
 - (f) annual or periodical returns which shall be submitted to Government under section 36;
 - (g) the qualifications of Inspectors to be appointed under section 40 and the powers which such Inspectors shall exercise under section 41;
 - (h) the registers and records to be maintained and the notice to be displayed on the premises of the establishment under section 54;
 - (i) the limit of hours of work under clause (c) of the Explanation to section 55;
 - ¹[(j) the authority to which and the time within which an appeal may be filed by a dismissed, discharged or retrenched employee;]
 - (k) any other matter which is to be or may be prescribed. (3) The rules made under this section shall be subject to the condition of previous publication and, when so made shall be deemed, to be part of this Act.

1. Substituted by Act No. 10 of 1982. This shall come into force from 01.05.1982 vide Notification No. 3199-2089-XVI-A dated 26.04.1982.

60. Protection to persons acting under this Act.— No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act.

61. 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 in a local area, under any other law, contract, custom or usage applicable to such establishment or any 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.

¹**[62. Persons employed in factories to be governed by Factories Act, 1948 and not by this Act.**— Nothing in this Act shall be deemed to apply to a factory to which the provisions of the Factories Act, 1948 (No. 63 of 1948) apply:

Provided that, where any shops or commercial establishments situated within the precinct of a factory is not connected with the manufacturing process of the factory, the provisions of this Act shall apply to it:

Provided further that, the State Government may, by notification, apply all or any of the provisions of the Factories Act, 1948 (No. 63 of 1948) to any shop or commercial establishment situate within the precincts of a Factory and on the application of that Act to such shop or commercial establishment, the provisions of this Act shall cease to apply to it.]

²**[63. Provisions of the Workmen's Compensation Act, to apply mutatis mutandis.**—The provisions of the Workmen's Compensation Act, 1923 (VIII of 1923) and of rules made thereunder shall mutatis mutandis, apply to every employee of an establishment].

64. Provisions of provident fund.—Every employer shall, in accordance with the rules made by the Government, provide a provident fund for the benefit of every employee and shall contribute to this fund an amount equal to the amount contributed by the employee not exceeding six and a quarter per cent of his wages:

Provided that this section shall apply only to such places and such classes of employers as may be notified in this behalf by the Government.

65. Repeal.—As from the date appointed under sub-section (3) of section (1), the enactments specified in Schedule II shall stand repealed:

Provided that—

- (a) every appointment, order, rule, bye-law, regulation, notification, or notice made, issued or given under the provisions of any enactment shall in so far as 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 proceeding relating to the trial of any of offence punishable under the provisions of any enactment so repealed shall be continued and completed as if such enactment had not been repealed but had continued in operation and any penalty imposed in such proceedings shall be recovered under the enactment so repealed.

1. Substituted by M.P. Act No. 23 of 1990.

2. Substituted by M.P. Act No. 19 of 1967. Published in M.P. Rajpatra (Asadharan) dated 28.10.1967, page 2719.

SCHEDULE I

[See section 1(4)]

1. Limits of the Jabalpur Corporation.
2. The Municipal limits of Raipur, Rajnandgaon, Khandwa, Burhanpur, Sagar, Raigarh, Bilaspur, Chhindwara, Seoni, Damoh, Katni-Murwara, Itarsi and Durg.
3. Limits of the Sagar Cantonment.
4. Bilaspur Railway Market area.
5. The Municipal (Corporation) limits of Indore and three miles around such limit.
6. The Municipal (Corporation) limits of Lashkar, Gwalior and Morar including the industrial area.
7. The Municipal limits of Ujjain, Madhongar, Ashok Nagar, Mandasaur, Vidisha, Dewas, Morena, Neemuch, Guna, Bad-nagar and Khargone.
8. The Municipal Limits of Ratlam and two miles around such limits.

SCHEDULE II

[See section 65]

No. and Year of enactment	Name of enactment
No. 22 of 1947	The Central Provinces and Berar Shops and Establishments Act, 1947
No. 7 of 1952	The Madhya Bharat Shops and Establishments Act, Samvat 2009.

NOTIFICATIONS UNDER THE ACT

S. 1(3) :

[Notification No. 293/XVI dated 27th December, 1958].-In exercise of the powers conferred by sub-section (3) of section 1 of the Madhya Pradesh Shops and Establishments Act, 1958 (No. 25 of 1958) the State Government are pleased to appoint 1st January, 1959 as the date on which the said Act shall come into force.

Section 1(4) :

In exercise of the powers conferred by sub-section (4) of section 1 of the Act the State Government are pleased to direct all the provisions of the Act shall apply to the towns mentioned below with effect from the date mentioned as under:—

[1] Bhopal, Bhind, Balaghat, Betul, Dhar, Datia, Harda, Hoshangabad, Jaora, Mandla, Mhow, Narsinghpur, Rewa, Sehore, Shiv-puri, Satna, from 29.12.1958, vide Notfn. Published in M. P. Rajpatra, (Asadharan), dated 29.12.1958, p. 1947.

[2] Piparia, district Hoshangabad, from 24.7.1959 vide notfn Published in M. P. Rajpatra, part I, dated 24.7.1959.

[3] Gadarwara district Narsinghpur from 1.1.1960, vide notfn Published in M. P. Rajpatra, part I, dated 1.1.1960.

[4] Jabalpur Cantonment from 15.12.1960, vide Published in M.P. Rajpatra, parti, dated 18.11.1960, p. 1728.

[5] **Tikamgarh** from 12.1.1962, vide Notfn. Published in M.P.Rajpatra, part I, dated 12.1.1962, p.38.

[6] **Bhatapara town** district Raipur, from 1.1.1963, vide notfn. Published in M.P.Rajpatra, part I, dated 7.12.1962, p. 2265.

[7] **Shajapur**, from 21.12.1962, vide Notfn. Published in M.P.Rajpatra, part I, dated 21.12.1962, p.2359.

[8] **Shahdol** from 7.12.1962, vide Notfn. Published in M.P.Rajpatra, part I, dated 7.12.1962, p.2265.

[9] **Sheopur town**, district Morena from 1.1.1963, vide Notfn. Published in M.P.Rajpatra, part I, dated 28.12.1962.

[10] Local area of **Bhilai Nagar** occupied by—

- (a) Sectors 1 to 10 of the Bhilai Steel Works township.
- (b) the Civic Centre of Bhilai Steel Work township.
- (c) administrative offices of the Bhilai Steel Works outside the perimeter wall and not covered by area, (a) and (b) above, from 15.3.1963, vide Notfn. Published in M.P.Rajpatra, part I, dated 15.3.1963, p. 762.

[11] **Bina Etawa Town** district Sagar, from 14.8.1964, vide Notfn. Published in M.P.Rajpatra, part I, dated 14.8.1964, p. 1943. [12] **Bhilai** as under:—

- (1) Khursipar area of Bhilai Nagar.
- (2) Area within the limits of Labour Camp No. 1 and 2 of Bhilai Nagar.
- (3) Supela Market area of Bhilai Nagar.
- (4) Old Bhilai area.

vide Notfn. Published in M.P.Rajpatra, part I, dated 18.6.1965, p. 828. [13] **Bairagarh, Govindpura, Piplani and Barkheda**, district Sehore from 15.12.1965, vide Notfn. Published in M.P.Rajpatra, part I, dated 10.12.1965, p. 1776.

[14] **Burwaha** district Khargone, from 1.11.1970, vide Notfn. Published in M.P.Rajpatra, part I, dated 6.11.1970, p. 1900.

- [15] (1) **Murwara Town Group— A. Kanti-Murwara, B. Tikuri Factory Township, and C. Ordinance Factory Township**, Katni and three kilometers around such limits;
- (2) **Municipal limits of Pandhurna, Barwani, Sironj, Panna, Khurai, Sidhi, Rajgarh, Jhabua, Raisen, Basoda, Mungeli, Sendhwa, Multai, Sehora, Shujalpirr, Kuxsi, Ambah, Umaria, Manendragarh, Maihar, Allirajpur, Champa** and three kilometers around such limits,

from 15th August, 1972. vide Notfn. Published in M.P.Rajpatra, part I, dated 4.8.1972, p. 941.

- [16] (1) Areas comprising within five kilometers around the limits of the Municipal Corporation **Bhopal, Raipur and Ujjain**,
- (2) Areas comprising within three kilometers around the Municipal limits of **Ambikapur, Ashoknagar, Barwah, Betul, Bhatapara, Bilaspur, Bina Etawa, Burhanpur, Dabra, Damoh, Dhamtari, Durg, Harda, Hoshangabad, Itarsi, Jagdalpur, Khandwa, Khargone, Mandsaur, Morena, Neemuch, Piparia, Raigarh, Rajnandgaon, Sagar, Sanawad, Sehore, Shajapur, Sheopur-Kalan & Vidisha**,

from 15th August, 1972, vide Notfn. Published in M.P.Rajpatra, part I, dated 4.8.1972, p. 942.

[17] Municipal limits and three kilometers around Alot, Khachrod, Nagada, Mahasamund, Mahidpur, Naogaon, Dongargarh & Waraseoni, from 28.5.1976 vide Notfn. Published in M.P.Rajpatra, part I, dated 28.5.1976, p. 918.

[18] Hata Town (Damoh), Dhanpuri (Shahdol), Burhar (Shahdol), Agar (Shajapur), Panagar (Jabalpur), Parasia (Chhindwara), Junnardeo (Chhindwara), Jamai (Chhindwara), Saunsar (Chhindwara), Kareli (Narsingpur), Gotegaon (Narsingpur), Manawar (Dhar), Jait-wara (Satna), Tarana (Ujjain), Anjad (Burhanpur), Kaymore (Katni), Deori (Sagar), Chirimiri (Surguja), Biora (Bhopl), Sarangpur (Bhopal), Ashta (Bhopal), Tilda Newra (Raipur), Baloda (Raipur), Dalli Rajhara (Raipur), Nela Janjgir (Bilaspur), Sabalgarh (Morena), Jaura (Morena), Gohad (Bhind), Manasa (Mandsaur), Dongargon, Khairagarh, Kawardha, from 1.1.1988, vide Notfn. Published in M.P. Rajpatra, (Asadharan), dated 1.1.1988, p. 2.

[19] Baloda Bazar (Raipur), Khurasia (Surguja), Nayapara Rajim (Gobra Nawapara) (Raipur), Nepanagar (Burhanpur), -Gadakota (Sagar), Mandleshwar (Burhanpur), from 1.7.1988, vide Notfn. Published in M.P.Rajpatra, part I, dated 15.7.1988, p.1709.

S. 3(1)(k)

[Notification No. 272/8647/XVI dated 12th January, 1960, published in M.P. Rajpatra, Part I, dated 12-2-60, p. 203].-In exercise of the powers conferred by clause (k) of sub-section (1) of section 3 of the Madhya Pradesh Shops and Establishments Act, 1958 (No. 25 of 1958) the State Government are pleased to exempt the Madhya Pradesh Financial Corporation (incorporated under State Financial Corporation Act, 1951), from the operation of said Act.

[Notification No. 844-189-XVI dated 17th February, 1967, published in M.P. Rajpatra, Part I, dated 18-8-67, p. 902].-In exercise of the powers conferred by clause (k) of sub-section (1) of section 3 of the Madhya Pradesh Shops and Establishments Act, 1958 (No. 25 of 1958) the State Government hereby exempt the offices of the Indian Airlines Corporation located in the State of Madhya Pradesh from the operation of the said Act.

[Notification No. 7031-8797-XVI dated 28th October, 1972, published in M.P. Rajpatra, Part I, dated 24-11-72, p. 1632].- In exercise of the powers conferred by clause (k) of sub-section (1) of section 3 of the Madhya Pradesh Shops and Establishments Act, 1958 (No. 25 of 1958) the State Government hereby exempts the offices of the Food Corporation of India located in the State of Madhya Pradesh from the operation of said Act.

[Notification No. 4(B)-2-84-Lab-XVI-A, dated 21st September, 1984, published in M.P. Rajpatra (Asadharan), dated 21-9-84, p. 2211].-In exercise of the powers conferred by clause (k) of sub-section (1) of section 3 of the Madhya Pradesh Shops and Establishments Act, 1958 (No. 25 of 1958) and in supersession of this

department's notification No. 6086-2693-XVI-A, dated 25th August, 1982, the State Government hereby exempts the Establishment of the Banks specified in the Schedule below located in the State of Madhya Pradesh from the operation of said Act:-

SCHEDULE

(1) Scheduled Banks within the meaning of clause (e) of Section 2 of the Reserve Bank of India Act, 1934 (No. 2 of 1934) and all other financing commercial Banks;

(2) Subsidiary Banks within the meaning of clause (k) of Section 2 of the State Bank of India (Subsidiary Banks) Act, 1959 (No. 38 of 1959); and

(3) All Regional Rural Banks, set up under the Regional Rural Banks Act, 1976 (No. 21 of 1976).

[Notification No. 1133-3365-XVI-A-85 dated 1st March, 1986, published in M.P. Rajpatra, Part I, dated 20-6-86, p. 1362].- In exercise of the powers conferred by clause (k) of sub-section (1) of section 3 of the Madhya Pradesh Shops and Establishments Act, 1958 (No. 25 of 1958) the State Government hereby exempts the following offices of the Bharat Aluminium Company Limited Korba (M.P.) from the operation of said Act:—

(1) Aluminium Bhavan comprising of Personnel, Finance and-Accounts, Materials and Purchase, General Administration, Public Relations, General Manager's Secretariat, Office of the Chief Industrial Engineer outside the perimeter wall of the plant.

(2) Township Maintenance comprising Office of Manager, Township and Estate Department, Zonal Engineer (Construction and Maintenance).

(3) Management and Technical Institute.

(4) Site Offices comprising Office of the Accounts and Audit Department, Planning and Co-ordination Department, Security Department, Superintending Engineer (Mech.) Superintending Engineer (Elect.) etc.

(5) Temporary stores Parshabhatha located outside the perimeter wall of the plant.

(6) Guest Houses comprising of Director's Bungalow, Experts Hostel, Guest House Apprentices Hostel, Bachelor Hostel located in Balco Township and outside the perimeter wall of the plant.

(7) Welfare Canteens located in the Aluminium Bhavan and site offices.

(8) Petrol Pump run by Balco Management.

(9) Balco Employees Consumers Co-operative and Thrift Society (run under the Balco Management).

[Notification No. 1871-XVI-A-89 dated 15th September, 1989, published in M.P. Rajpatra, Part I, dated 29-9-89, p. 1872- 73].- In exercise of the powers conferred by clause (k) of sub- section (1) of section 3 of the Madhya Pradesh Shops and Establishments Act, 1958 (No. 25 of 1958) the State Government hereby exempts all the employees employed in the following department/Offices of the South Eastern Coalfields Ltd., Bilaspur and Central Mine Planning and Design

Institute Limited, Bilaspur (Subsidiaries of Coal India Ltd.) from the provisions of the said Act:—

South Eastern Coalfields Ltd.

1. CMD's Secretariat,
2. Director (Tech.) North's Secretariat,
3. Director (Tech.) South's Secretariat,
4. Director (Personnel's) Secretariat,
5. Director (Finance's) Secretariat,
6. General Manager (Personnel's) Secretariat,
7. Electrical & Mechanical Department,
8. Civil Department,
9. Materials Management Department,
10. Administration Department,
11. Production Department,
12. Personnel Department—
 - (i) Manpower, (ii) Recruitment, (iii) Industrial Relations, (iv) Executive Estb., (v) Public Relations, (vi) Non Exec. Estb., (vii) Welfare Department.
13. Vigilance Department,
14. Accounts Department,
15. Projects Department, i
16. Planning Department,
17. Excavation Department,
18. Human Resource Development,
19. Sales Department,
20. Security Department,
21. Legal Department,
22. Hindi Department,
23. Quality Control Department.
24. Revenue Department,
25. Medical Department,
26. Safety Department,
27. Computer Department,
28. Rescue Department,
29. Industrial Engineering Department,
30. Geology Department,
31. Statistical Department,
32. Priyadarshini Kala Mandir,
33. Arpa House,
34. Bilaspur Bhavan
35. Management Development Institute,
36. Dispensary,

37. Town Administration and Civil Engg. Works at Indira Vihar Colony,
38. Located at Nehru Shatabdi Nagar and at Basant Vihar Colony,
39. Educational Institutions, and
40. Other related Offices/Departments.

Central Mine Planning and Design Institute Ltd.

1. Regional Directors Secretariat,
2. Personnel and Administration Department, Comprising of Secretariat, Ministerial, Guest House, Vehicle Staff and Peons.
3. Planning and Design Department, including Drawing and Reprographic Section.
4. Exploration and Drilling Department,
5. Finance and Accounts Department,
6. Electrical and Mechanical Department,
7. Civil Engineering Department.

[Notification No. 1100-491-XVI-A-91 dated 12th March, 1991. Published in M.P. Rajpatra, Part I, dated 13-9-91, p. 1346].— In exercise of the powers conferred by clause (k) of sub-section (1) of section 3 of the Madhya Pradesh Shops and Establishments Act, 1958 (No. 25 of 1958) the State Government hereby exempt all the employees employed in South Eastern Coal Fields Limited, Bilaspur, Central Coal Mine Planning and Design Institute Limited, Bilaspur, Western Coal Fields & Northern Coal Fields Nagpur located in the State of Madhya Pradesh from the provisions of said Act.

[Notification No. 2324-1162-XVI-A-91 dated 4th June, 1991. published in M.P. Rajpatra, Part I, dated 23-8-91, p. 1014].— In exercise of the powers conferred by clause (k) of sub-section (1) of section 3 of the Madhya Pradesh Shops and Establishments Act, 1958 (No. 25 of 1958) the State Government hereby exempts all the employees employed in National Thermal Power Ltd., located in State of Madhya Pradesh from the provisions of said Act.

Notification No. F. 28-49-98-XVI-A dated the 20th January, 1999— In exercise of the powers conferred by clause (K) of sub-clause (1) of Section 3 of the Shop and Establishments Act, 1958 (No. 25 of 1958) the State Government hereby exempt the branch office of National Mineral Development Corporation Ltd., Deposit No. 5, P.O. Becheli, District Bastar (M.P.) located in State of Madhya Pradesh from all the provisions of the said Act.

[Published in M.P. Rajpatra Part I 29-1-99 Page 156].

S. 3(2)

[Notification No. 6398/4857/XVI dated 8th October, 1959, published in M.P. Rajpatra, Part I, dated 23-10-59, p. 1424- 1426].— In exercise of the powers conferred by sub-section (2) of section 3 of the Madhya Pradesh Shops and Establishments Act, 1958 (No. 25 of 1958) and in supersession of all the previous

orders on the subject, the State Government are pleased to direct that the provisions of the sections of the said Act mentioned in column No. (2) of the Table annexed hereto shall not apply to classes of establishments and class of persons mentioned in column No. (1), subject to the terms and conditions specified in column (3) of the said Table until further orders:—

Table

Class of establishments and class of persons	Provisions of the sections of the Act which shall not apply	Terms and conditions
1	2	3
1. Persons carrying on at their residence without the aid of an employee or employees trade of a tailor, a barber, a washerman, a goldsmith, a carpenter, a cobbler a basod, a handloom weaver, a potter and a blacksmith.	All the provisions of the Act.	
2. Shops exclusively dealing in funeral requisite	All the provisions.	
3. Cycle Rickshaw garages run by proprietors themselves without the aid of employees.	Section 9	
4. Co-operative Societies registered under the Cooperative Societies Act and carrying on commercial activities.	Section 12	
5. Shops dealing in milk and perishable milk products i.e. (curd, butter and cream)	Section 9 and section 13(1)	(1) No establishment shall remain open after 12 mid-night and before 5 A.M. (2) Every employee shall be allowed a paid weekly holiday.
6. Pan-bidi-shops.	Section 9 & Section 13(1)	(1) No establishment shall remain open after 12 mid-night and before 5 A.M. (2) Every employee shall be allowed a paid weekly holiday.

1	2	3
7. Bakeries	Section 9 and section 13(1)	(1) No establishment shall remain open after 12 mid-night and before 5 A.M. (2) Every employee shall be allowed a paid weekly holiday.
8. Depots and transshipment sections of oil companies.	Section 9 and Section 13(1)	Every employee shall be allowed a paid weekly holiday.
9. Godowns, store-houses, depots where no sale or service to customers is effected on the premises.	Section 9 and Section 13(1)	Every employee shall be allowed a paid weekly holiday.
10. Hair cutting saloons.	Section 9 and Section 12	No establishment shall remain open after 12 midnight and before 5 A.M.
11. Piece-rated working in tailoring, hair-cutting, cob-biers, printer's and cap-making shops.	Section 9 and Section 12	Every employee required to work in excess of the limit of hours of work prescribed in section 11 shall be paid overtime wages as per section 55 of the Act.
12. Sections of news-paper, news-agency offices pertaining to news collections editing and publishing.	Section 9. section 12 and section 13(1)	Every employee shall be allowed a paid weekly holiday.
13. Establishments solely supplying loud speakers or patromax or lanterns on hire.	Section 9. section 12 and section 13(1)	Every employee shall be allowed a paid weekly holiday.
14. Commercial establishments imparting education or training	Section 9. section 12 and section 13(1)	(1) No establishment shall remain open after 12 mid night and before 5 A.M. (2) Every employee shall be allowed a paid weekly holiday.

1	2	3
15. Establishments dealing in vegetables, fruits, flower-sand animal products (fish and eggs)	Section 9, section 12 and section 13(1)	(1) No establishment shall remain open after 12 mid night and before 5 A.M. (2) Every employee shall be allowed a paid weekly holiday.
16. Establishments solely letting cycles on hire	Section 9 and section 13	Every employee shall be allowed a paid weekly holiday.
17. Petrol Pumps and petrol service station	Section 9	
18. Medical shops (Chemists and Druggists).	Section 9	No article other than medicine shall be sold before and after the opening and closing hours fixed for shops by Government by the general order under section 9 of the Act.
19. Establishment of legal practitioners. provisions of	All the the Act.	

1. In column (2) of the above table the words "section 9" has been added against each of the above items.
2. The closing hours has been raised from "12 midnight" to 1 A.M.
3. Item 17 inserted vide Notification No. 294871636/XVI, dated 3rd May 1960 published in M.P. Rajpatra Part I, dated 3-6-60, p. 920.
4. Item 18 inserted vide Notification No. 3446/2585/XVI, dated 23rd May 1960 published in M.P. Rajpatra Part I, dated 1-7-60, p. 1054.
5. Item 19 inserted vide Notification No. 362/XVI, dated 26th May 1960 published in M.P. Rajpatra Part I, dated 1-7-60, p. 1055.

[Notification No. 192170361XVI dated 9th January, 1960, published in M.P. Rajpatra, Part I, dated 12-2-60, p. 209]. - In exercise of the powers conferred by sub-section (2) of section 3 of the Madhya Pradesh Shops and Establishments Act, 1958 (No. 25 of 1958), the State Government are pleased to direct that the provisions of the sections of the said Act shown in column No. (2) of the Table annexed hereunder shall not apply during the period from November to May (both months

inclusive) every year to class of persons shown in column No. (1), subject to the terms and conditions specified in column (3) of the said Table :-

Table

Class of establishments and class of persons	Provisions of the sections of the Act which shall not apply	Terms and conditions
1	2	3
1. Clerical and Supervisory staff working in Sugar Factories situated in the State of Madhya Pradesh	Section 9, Section 11, Section 12 and Section 13	(1) Every employee shall be allowed a weekly holiday. (2) Every employee shall be given over-time wages in accordance with provisions of section 55 of the said Act.

[Notification No. 945/7371 /XV7 dated 3rd February, 1960, published in M.P. Rajpatra, Part I, dated 25-3-60, p. 357].- In exercise of the powers conferred by sub-section (2) of section 3 of the Madhya Pradesh Shops and Establishments Act, 1958 (No. 25 of 1958), the State Government are pleased to direct that the provisions of the sections of the said Act shown in column No. (2) of the Table annexed hereunder shall apply to class of establishments mentioned in column No. (1) of the said table subject to the terms and conditions mentioned in column (3) of the said Table :-

Table

Class of establishments and class of persons	Provisions of the sections of the Act which shall not apply	Terms and conditions
1	2	3
Establishment solely running Cycle stands	Section 9 and section 13	Every employee shall be allowed a weekly holiday.

[Notification No. 3466/2585/XVI dated 23rd May, 1960, published in M.P. Rajpatra, Part I, dated 1-7-60. p. 1054]- In exercise of the powers conferred by

sub-section (2) of section 3 of the Madhya Pradesh Shops and Establishments Act, 1958 (No. 25 of 1958), the State Government are pleased to direct that provisions of the section 9 of the said Act shall not apply to the following class of persons and classes of establishments subject to the conditions specified against them:—

Piece-rated employees working in tailoring, hair cutting cobblers, printer's and cap-making shops, Petrol Pumps and petrol service stations

Medical Shops (Chemists and Druggists) No article other than medical will be sold before and after the opening and closing hours fixed for shops by Government by general orders under section 9 of the said Act.

[Notification No. 5385/2505/XVI dated 1st July, 1960, published in M.P. Rajpatra, Part I, dated 2-9-60, p. 1404].-In exercise of the powers conferred by sub-section (2) of section 3 of the Madhya Pradesh Shops and Establishments Act, 1958 (No. 25 of 1958), the State Government are pleased to direct that the provisions of the sections of the said Act mentioned in column No. 2 of the Table annexed hereto shall not apply to classes of establishments mentioned in column No. 1, of the said Table :—

Table

Class of establishments and class of persons	Provisions of the sections of the Act which shall not apply	Terms and conditions
1	2	3
1. Powerloom weaving establishments in which no employee is employed.	All provisions of the said Act except Chapter II thereof.	
2. Handloom and powerloom weaving establishments in which one or more employee or employees is/are employed.	Section 9	

[Notification No. 4114/3605/XVI dated 30th July, 1971, published in M.P. Rajpatra, Part I, dated 3-9-71, p. 1121].-In exercise of the powers conferred by sub-section (2) of section 3 of the Madhya Pradesh Shops and Establishments Act, 1958 (No. 25 of 1958), the State Government are pleased to direct that the provisions of the section 9 and 13 of the said Act shall not apply to class of persons mentioned in column No. (1) of the table blow subject to the conditions in column (2) of the said Table :—

Table

Class of persons 1	Conditions 2
1. Certified Goldsmith	Every hired labour engaged in accordance with sub-section (8) of Section 39 of the Gold (Control) Act, 1968 (Central Act No. 45 of 1968) shall be allowed paid weekly holidays.

Explanation. -certified Goldsmith" means a self-employed Goldsmith who holds a valid certificate issued under section 39 of the Gold (Control) Act, 1968.

[Notification No. 7205-XVI dated 17-11-1971, published in M.P. Rajpatra, Part I, dated 3-12-71, p. 1405].-In exercise of the powers conferred by sub-section (2) of section 3 of the Madhya Pradesh Shops and Establishments Act, 1958 (No. 25 of 1958), the State Government, hereby, direct that the provisions of the said Act shown in column No. (2) of the Schedule given below shall not apply to classes of establishments mentioned in column No. (1) of the said Schedule subject to the terms and conditions specified in column (3) thereof:-

Schedule

Class of establishments and class of persons 1	Provisions of the sections of the Act which shall not apply 2	Terms and conditions 3
Establishments solely supplying on hire Tents, Shamianas, Furnitures and other articles such as beddings, utensils and crockery required for ceremonial purposes.	Section 9, section 12 and section 13.	Every employee shall be allowed a paid weekly holiday.

[Notification No. 2065-153-XVI dated 5-4-1972, published in M.P. Rajpatra, Part I, dated 3-12-71, p. 711].-In exercise of the powers conferred by sub-section (2) of section 3 of the Madhya Pradesh Shops and Establishments Act, 1958 (No. 25 of 1958), the State Government, hereby, direct that the provisions of the said Act shown in column No. (2) of the Schedule given below shall not apply to classes of establishments mentioned in column No. (1) of the said Schedule subject to the terms and conditions specified in column (3) thereof:—

Schedule

Class of establishments and class of persons	Provisions of the sections of the Act which shall not apply	Terms and conditions
1	2	3
Establishments solely distributing liquified petroleum Gas at Raipur, Bhilai, Jabalpur, Bhopal, Indore, Ujjain and Gwalior.	Section 13.	Every employee shall be allowed a paid weekly holiday.

[Notification No. 8381-6771-XVI dated 30-12-1972, published in *M.P. Rajpatra, Part I, dated 9-2-73, p. 246*].— In exercise of the powers conferred by sub-section (2) of section 3 of the Madhya Pradesh Shops and Establishments Act, 1958 (No. 25 of 1958), the State Government hereby directs that the provisions of the said Act shall not apply to the persons working in the coffee depots run by the Coffee Board, constituted under the Coffee Act, 1942 (No. 7 of 1942), situated in the State.

[Notification No. 2052-10534-XVI dated 5-4-1972, published in *M.P. Rajpatra, Part I, dated 9-6-72, p. 710*].— In exercise of the powers conferred by sub-section (2) of section 3 of the Madhya Pradesh Shops and Establishments Act, 1958 (No. 25 of 1958), (hereinafter referred to as the said Act), and in supersession of this Department Notification No. 3684-547-XVI dated 23-6-1970, published in *Madhya Pradesh Rajpatra*, dated the 3rd July, 1970, the State Government, hereby directs that:— (a) the provisions of the said Act, shall not apply to “Motor Transport Workers” as defined in clause (b) of section 2 of the Motor Transport Workers Act, 1961 (27 of 1961), and on whom the Motor Transport Workers Act, 1961 (No. 27 of 1961), is applicable; and

(b) the provisions of section 6 of the said Act shall not apply to “Motor Transport Undertakings” as defined in clause (g) of section 2 of the Motor Transport Workers Act, 1961 (27 of 1961) and on whom the Motor Transport Workers Act, 1961 (27 of 1961) is applicable.

[Notification No. 2715-7795-XVI dated 3-5-1978, published in *M.P. Rajpatra, Part I, dated 9-3-79, p. 303*].— In exercise of the powers conferred by sub-section (2) of section 3 of the Madhya Pradesh Shops and Establishments Act, 1958 (No. 25 of 1958), the State Government, hereby, direct that the provisions of section 9 and 13 of the said Act shall not apply to the establishments which keep weighing instruments for public use subject to the conditions that—

- (a) exemption from the provisions of section 9 shall operate only in relation to the employees of such establishments as are entrusted with the duty in connection with such weighing instruments: and

- (b) all employees employed in the establishment shall be allowed one day holiday in a week.

[Notification No. 3782-1528-XVI dated 19-8-1985, published in M.P. Rajpatra, Part I, dated 1-11-85, p. 1776].— In exercise of the powers conferred by sub-section (2) of section 3 of the Madhya Pradesh Shops and Establishments Act, 1958 (No. 25 of 1958) and in supersession of this department notification No. 4783-833-XXI, dated the 6th July, 1963, the State Government, hereby, directs that the provisions of the said Act shown in column No. (2) of the Schedule below shall not apply to classes of establishments mentioned in column No. (1) of the said Schedule subject to the terms and conditions specified in column (3) thereof:—

Schedule

Class of establishments and class of persons	Provisions of the sections of the Act which shall not apply	Terms and conditions
1	2	3
Petrol /Diesel pumps and service stations	Section 13(1).	Every employee shall be allowed a paid weekly holiday.

[Notification No. 244-2924-XVI-Y-88 dated 19-1-1988, published in M.P. Rajpatra, Part I, dated 29-1-88, p. 254].— In exercise of the powers conferred by sub-section (2) of section 3 of the Madhya Pradesh Shops and Establishments Act, 1958 (No. 25 of 1958), the State Government, hereby, direct that the provisions of the said Act shown in column No. (2) of the Schedule given below shall not apply to classes of establishments mentioned in column No. (1) of the said Schedule— subject to the terms and conditions specified in column (3) thereof:—

Schedule

Class of establishments and class of persons	Provisions of the sections of the Act which shall not apply	Terms and conditions
1	2	3
Ice manufacturers and Ice Sales Shop	Section 13.	Every employee shall be allowed a paid weekly holiday.

[Notification No. 4(B)-1-1994-XVI-A-Shram dated 21-1-1994, published in M.P. Rajpatra, Part I, dated 18-2-94, p. 418].— In exercise of the powers conferred by sub-section (2) of section 3 of the Madhya Pradesh Shops and Establishments Act, 1958 (No. 25 of 1958), the State Government, hereby, direct that the provisions of the said Act shown in column No. (2) of the Schedule given below shall not apply to classes of establishments mentioned in column No. (1) of the said Schedule subject to the terms and conditions specified in column (3) thereof :—

Schedule

Class of establishments	Provisions of the sections of the Act which shall not apply	Terms and conditions	Area
1	2	3	4
Telephone Service Shops (S.T.D. Shop)	Section 9.	1. Except Telephone services (S.T.D. Shop) work not other work of articles shall be sold 2. Every employee who had to work after prescribed working hours under S. 11 shall be paid salary according to S. 55 for the additional work.	Whole Madhya Pradesh

[Notification No. 4(B)1-1994-XVI-A dated 29-1-1994, published in M.P. Rajpatra, Part I, dated 18-2-94, p. 417].— In exercise of the powers conferred by sub-section (2) of section 3 of the Madhya Pradesh Shops and Establishments Act, 1958 (No. 25 of 1958), the State Government, hereby, direct that the provisions of section 13(1) of the said Act shall not apply subject to terms and conditions apply to the Medicine shops (Chemist and Druggists):-

Schedule

Class of establishments	Provisions of the sections of the Act which shall not apply	Terms and conditions
1	2	3
(Chemist and Druggists)	Section 13(1)	1. The medicine shops shall be allowed to open in the morning from 9 a.m. to 11 a.m. and evening 7 p.m. to 9 p.m. on the weekly holidays.

1

2

3

2. Articles other than medicines shall not be allowed to be sold.
3. Every employee shall be allowed a paid weekly holiday.

[Notification No. F 28-17-99-XVI-A dated the 28th June. 1999.- In exercise of the powers conferred by sub-section (2) of section 3 of the **Madhya Pradesh Shops and Establishments Act, 1958 (No. 25 of 1958)** the State Government, hereby direct that the provisions of the said Act as specified in column (2) of the Schedule below shall not apply to the establishment as specified in column (1) of the said Schedule subject to the terms and conditions as specified in column (3) of the said Schedule, namely:-

Establishment (1)	Section (2)	Terms & Conditions (3)	Area (4)
Establishments of U.T.I. Bank	Sub-section (1) of Section 13	<ol style="list-style-type: none"> 1. Every employee shall be give one off in a week. 2. No employee shall be called for work more than 48 hours in a week. 3. Female employee shall not be called for work after 9 'O' Clock in the night. 	Whole of Madhya Pradesh

[Published in M.P. Rajpatra Part I dated 9-7-99 Page 1162].

[Notification No. F 4(B) 2-99-XVI-A dated the 25th March. 2000.- In exercise of the powers conferred by sub-section (2) of section 3 of the **Madhya Pradesh Shops and Establishments Act, 1958 (No. 25 of 1958)** the State Government, hereby direct that the provisions of section of the said Act as specified in column (2) of the Schedule below shall not apply to the establishment as specified in column (1) subject to the terms and conditions as specified in column (3) of the area specified in column (4) of the said Schedule, namely:-

Establishment (1)	Section (2)	Terms & Conditions (3)	Area (4)
Establishments of the Informa- tion Technology	Sub-section (1) of Section 9 and subsection (1) Section 13	<ol style="list-style-type: none"> 1. Every employee shall be give one day Holiday in a week 2. No employee shall be called for work more than 48 hours in a week. 	The whole of the State of Madhya Pradesh.

(1)	(2)	(3)	(4)
		3. Female employee shall not be called for work after 9 'O' Clock in the night.	

[Published in M.P. Rajpatra Part I dated 27-3-2000 Page 336].

[Notification No. F. 28-31-96-XVI-A dated the 28th March. 2001. – In exercise of the powers conferred by sub-section (2) of section 3 of the **Madhya Pradesh Shops and Establishments Act, 1958 (No. 25 of 1958)** the State Government, hereby direct that the provisions of the said Act shown in column (2) of the Schedule given below shall not apply to establishment mentioned in column (1) of the said Schedule subject to the terms and conditions specified in column (3) thereof:–

Establishment	Provision of the Act which shall not apply	Terms and conditions
(1)	(2)	(3)
All Shops & Commercial Establishments	Section 13	Every employee shall be allowed a paid weekly holiday.

[Published in M.P. Rajpatra Part I dated 28-3-2001 Page 332].

[Notification No. F. 28-31-96-XVI-A dated the 28th April. 2003. – In exercise of the powers conferred by sub-section (2) of section 3 of the **Madhya Pradesh Shops and Establishments Act, 1958 (No. 25 of 1958)** the State Government, hereby rescind this department Notification No. F. 28-31-96-XVI-A, dated 28th March, 2001 by which the State Government had declared that the provisions of Section 13 of the said Act shall not apply to all shops and establishments.

[Published in M.P. Rajpatra Part I dated 28-4-2003 Page 469].

S. 6(5)

[Notification No. 389614311XVI dated 1-6-1959, published in M.P. Rajpatra, Part I, dated 26-6-59, p. 763]. – In exercise of the powers conferred by sub-section (5) of section 6 of the **Madhya Pradesh Shops and Establishments Act, 1958 (No. 25 of 1958)**, the State Government are pleased to direct that registration certificates issued under the said section shall be renewed every calendar year on payment of fees at the rates prescribed under sub-rule (1) of rule 5 of the **Madhya Pradesh Shops and Establishments Rules, 1959**.

S. 9

[Notification No. 4315-3586-XVI dated 4-8-1970, published in M.P. Rajpatra, Part I, dated 14-8-70, p. 1606]. – In exercise of the powers conferred by section 9 of the **Madhya Pradesh Shops and Establishments Act, 1958 (No. 25 of 1958)**, and in supersession of all the previous order on the subject, the State Government hereby

orders that no shop or commercial establishment situated in the local areas where the said Act is in force shall on any day:

- (a) be opened earlier than 8 a.m.; and °
- (b) be kept open later than 8 p.m.

[Notification No. 2863-14594-XVI dated 28-5-1974, published in M.P. Rajpatra, Part I, dated 5-7-74, p. 1181].- In exercise of the powers conferred by section 9 of the Madhya Pradesh Shops and Establishments Act, 1958 (No. 25 of 1958), and in supersession of this Department notification No. 4(b)-1-73-Lab. XVI dated the 12th April, 1973 the State Government hereby orders that no excise and liquor shops in the State shall on any day-(a) be opened earlier than 10 a.m.; and (b) be kept open during the months of April to September later than 10 P.M. and during the months of October to March later than 9 P.M.

[Notification No. 8209-10062-XVI dated 12-12-1979, published in M.P. Rajpatra, Part I, dated 28-3-80, p. 1025].- In exercise of the powers conferred by section 9 of the Madhya Pradesh Shops and Establishments Act, 1958 (No. 25 of 1958), and in partial modification of this Department notification No. 4315-3586-XVI dated the 4th August, 1970 the State Government hereby orders that no shop or commercial establishment, other than a shop or commercial establishment specified in Schedule below, situated in the local areas where the said Act is in force shall on any day be kept open later than 7 p.m.

Schedule

1. A Printing press, not being a factory within the meaning of clause (m) of section 2 of the Factories Act, 1948 (No. 63 of 1948);
2. Stalls at a place determined under section 76 of the Motor Vehicles Act, 1939 (No. IV of 1939), at which motor vehicles stand or public service vehicles stop;
3. Petrol Pump;
4. Shops or commercial establishments where drugs are sold;
5. Consultation Room of a Registered Medical Practitioner;
6. Pan Stalls.

[Notification No. F. 28-31-96-XVI-A dated the 17th October, 1996]- In exercise of the powers conferred by Section 9 of the Madhya Pradesh Shops and Establishments Act, 1958 (No. 25 of 1958), and in supersession of previous Notification No. F. 28-31-96-XVI-A, dated 11th October 1996, the State Government hereby direct that no shops or commercial establishments (except liquor shops) situated in the local areas where the said Act is in force shall on any day -

- (a) Be opened earlier than 8.00 a.m., and
- (b) Be kept open later than the 7.00 p.m.

(2) These directives shall come into force w.e.f. 22nd October 1996 until further orders.

[Published in M.P. Rajpatra Part I dated 18-10-96 Page 969].

[Notification No. F. 28-31-96-XVI-A dated the 28th March, 2001]— In exercise of the powers conferred by Section XI of the Madhya Pradesh Shops and Establishments Act, 1958 (No. 25 of 1958), and in supersession of previous Notification No. F. 28-31-96-XVI-A, dated the 12th November 2000, the State Government hereby direct that no shops or commercial establishments situated in the local areas where the said Act is in force shall on any day –

- (a) Be opened earlier than 8.00 a.m., and
- (b) Be kept open later than the 7.00 p.m.

[Published in M.P. Rajpatra Part I dated 28-3-2001 Page 331].

[Notification No. F. 28-31-96-XVI-A dated the 27th November, 2001]— In exercise of the powers conferred by Section 9 of the Madhya Pradesh Shops and Establishments Act, 1958 (No. 25 of 1958), and in supersession of previous Notification No. F. 28-31-96-XVI-A, dated the 28th March 2001, the State Government hereby direct that no shops or commercial establishments situated in the local areas where the said Act is in force shall on any day –

- (a) Be opened earlier than 8.00 a.m., and
- (b) Be kept open later than the 7.00 p.m.

These directives shall come into force w.e.f. 28th November 2001.

[Published in M.P. Rajpatra Part I dated 27-11-2001 Page 1281].

S. 9(2)

[Notification No. 2830-4519-XVI dated 8-5-1978, published in M.P. Rajpatra, Part I, dated 9-3-79, p. 303].— In exercise of the powers conferred by sub-section (2) section 9 of the Madhya Pradesh Shops and Establishments Act, 1958 (No. 25 of 1958), and in supersession of this Department notification No. 2863-14594- XVI dated the 28th May, 1974 the State Government hereby orders that with effect from the 1st April, 1978 excise and liquor shops (including shops of F.L. 1 and M.L. 2 licences) in the State shall on any day—

- (a) be opened earlier than 10 a.m.; and
- (b) be kept open later than 10 P.M.

अधिसूचना क्र. एफ. 4(बी) 1-1994-सोलह-ए, दिनांक 29 जनवरी 1994— मध्यप्रदेश दुकान तथा स्थापना अधिनियम, 1958 (क्रमांक 25 सन् 1958) की धारा 3 की उपधारा (2) द्वारा प्रदत्त शक्तियों को प्रयोग में लाते हुए, राज्य शासन द्वारा निर्देशित किया जाता है कि उक्त अधिनियम की धारा 13 की उपधारा (1) के प्रावधान नीचे दी गई तालिका में दर्शायी गई शिथिलताओं, शर्तों तथा प्रतिबंधों के साथ दवाई की दुकान (केमिस्ट्स और ड्रगिस्ट्स) पर लागू होगा :-

तालिका

स्थापनाओं की श्रेणी	मध्यप्रदेश दुकान एवं स्थापना अधिनियम, 1958 का उपबंध जो लागू नहीं होगा	शर्तें एवं प्रतिबंध
(1)	(2)	(3)
दवाईयों की दुकानें (केमिस्ट और ड्रगिस्ट्स)	धारा 13(1)	1. साप्ताहिक अवकाश दिवस में प्रातः 9 बजे से 11 बजे तक तथा सायंकाल 7 से 9 बजे तक दवाई की दुकानें खुली रखने की छूट रहेगी ।

(1)

(2)

(3)

2. दवाईयों के अतिरिक्त अन्य वस्तुओं की बिक्री नहीं की जायेगी ।
3. प्रत्येक सेवायुक्त को सवैतनिक साप्ताहिक अवकाश दिया जायेगा ।

[Published in M.P. Rajpatra Part I dated 18-2-94 Page 417].

S. 13 (3-A)

[Notification No. 4514-2459-XVI-A dated 29-9-1983. published in M.P. Rajpatra. Part I, dated 9-12-83, p. 1782].- In exercise of the powers conferred by sub-section (3-A) of section 13 of the Madhya Pradesh SHOPS AND Establishments Act. 1958 (No. 25 of 1958), the State Government hereby authorises all Assistant Commissioners of Labour and Labour Officers in the State within their respective jurisdiction for purposes of the said sub-section.

S. 30 (1)

[Notification No. 8683 /23151XVI dated 18-12-1961, published in M.P. Rajpatra, Part I dated 19-1-62. p. 237].- In exercise of the powers conferred by sub-section (1) of section 30 of the Madhya Pradesh Shops and Establishments Act. 1958 (No. 25 of 1958) and in supersession of all previous notifications on that subject, the State Government hereby directs that, subject to the provisions of sub-section (2) of the said section, the Payment of Wages Act, 1936 (IV of 1936), shall apply to all establishments or employees to which or to whom the Madhya Pradesh Shops and Establishments Act, 1958, for the time being applies.

S. 34(1)

[Notification No. 610/XVI dated 30-1-1959. published in M.P. Rajpatra. Part I. dated 26-6-59, p. 763].- In exercise of the powers conferred by sub-section (1) of section 34 of the Madhya Pradesh Shops and Establishments Act. 1958 (No. 25 of 1958), the State Government are pleased to empower the Local authorities in Madhya Bharat region mentioned below to enforce the provisions of the said Act, within the areas of their respective jurisdictions, subject to the control of the Government until further orders:—

1. Indore Municipal Corporation, Indore.
2. Gwalior Municipal Corporation, Lashkar, Gwalior & Morar.
3. City Municipality, Ujjain.
4. City Municipality, Ratlam.
5. Municipal Committee, Dewas.
6. Municipal Committee, Badnagar.
7. Municipal Committee, Neemuch.
8. Municipal Committee, Vidisha.
9. Municipal Committee, Guna.

10. Municipal Committee, Morena.
11. Municipal Committee, Mandsaur.
12. Municipal Committee, Khargone.
13. Municipal Committee, Ashoknagar.
14. Municipal Committee, Shivpuri.

S. 34(4)

[Notification No. 1343/4331/XVI dated 27-2-1959, published in M.P. Rajpatra, Part I, dated 29-5-60, p. 621].— In exercise of the powers conferred by sub-section (4) of section 34 of the Madhya Pradesh Shops and Establishments Act, 1958 (No. 25 of 1958), the State Government in supersession of all the previous orders on the subject, are pleased to authorise the following officers to supervise the enforcement of the said Act by the local authorities in the areas as shown below until further orders:—

Officers authorised for supervision	Area of jurisdiction for supervision.
1. Assistant Labour Commissioner, Government of Madhya Pradesh, Indore Division.	Areas subject to the jurisdiction of Indore Government of Madhya Pradesh, Municipal Corporation, City Municipality Indore Division, Ujjain, City Municipality Ratlam, Municipal Committees of Neemuch, Mandsaur and Badnagar.
2. Assistant Labour Commissioner, Government of Madhya Pradesh, Gwalior Division.	Area subject to the jurisdiction of Gwalior Municipal Corporation.
3. Labour Officer, Government of Madhya Pradesh, Indore.	Areas subject to the jurisdiction of the Municipal Committees of Khargone and Dewas.
4. Labour Officer, Government of Madhya Pradesh, Bhopal.	Area subject to the jurisdiction of the Municipal Committee Vidisha.
¹ 5. Labour Officer, Government of Madhya Pradesh, Gwalior.	Areas subject to the jurisdiction of the Municipal Committees of Moreria, Guna, Shivpuri and Ashoknagar.

S. 40(2)

[Notification No. 28-75-95-XVI-Adated 31-8-1995, published in M.P. Rajpatra, Part 7, dated 15-9-95, p. 1513].— In exercise of the powers conferred by sub-section (5) of section 6 of the Madhya Pradesh Shops and Establishments Act, 1958 (No. 25 of 1958), the State Government are pleased to appoint the following officers of the local authorities in Madhya Pradesh to be Inspectors for the purpose of Section 6(2) and 6(5) read with relevant rules framed under the said Act, within the areas of

1. Ins. by Notfn. No. 4241/2594/XVI dated 16th June, 1959, published In M.P. Rajpatra Part I, dated 7-8-59 page 1050.

their respective jurisdiction, subject to the control of the Government until further orders:—

- (1) All the Commissioners of Municipal Corporation in Madhya Pradesh.
- (2) All the Chief Municipal Officers of Municipalities in the Madhya Pradesh.

[Notification No. F. 28-75-95-XVI-A. dated the 31st, August 1995—In exercise of the powers conferred by sub-section (2) section 40 of the Madhya Pradesh Shops and Establishments Act, 1958 (No. 25 of 1958), the State Government are pleased to appoint the following officers of the local authorities in Madhya Pradesh to be Inspectors for the purpose of Section 6(2) and 6(5) read with relevant rules framed under the said Act, within the areas of their respective jurisdiction, subject to the control of the Government until further orders :—

- (1) All the Commissioners, of Municipal Corporation in Madhya Pradesh.
- (2) All the Chief Municipal Officers of Municipalities in the Madhya Pradesh.

[Published in M.P. Rajpatra Part I dated 15-9-95 Page 1513].

S. 51(1)

[Notification No. 3374-1711-XVI-A-85 dated 27-8-1985, published in M.P. Rajpatra, Part I, dated 6-9-85, p. 1414- 15]. - In exercise of the powers conferred by sub-section (5) of section 6 of the Madhya Pradesh Shops and Establishments Act, 1958 (No. 25 of 1958), and in supersession of all notifications issued in the past on the subject, the State Government hereby authorise the officers mentioned in column (2) of the table below to sanction prosecutions within their respective jurisdiction mentioned in column (3) thereof.

TABLE

S. No. (1)	Officer (2)	Jurisdiction (3)
1.	Labour Commissioner, M.P. Indore	Whole of the State of Madhya Pradesh.
2.	Additional Labour Commissioner, M.P. Indore	Whole of the State of Madhya Pradesh.
3.	Dy. Labour Commissioner, posted in the Headquarters of the Labour Commissioner's Organisation, Indore	Whole of the State of Madhya Pradesh.
4.	Dy. Labour Commissioner, Chhatisgarh region, Raipur	Raipur and Bilaspur Labour Divisions.
5.	Divisional Assistant Labour Commissioner.	Respective Labour Division.
6.	Labour Officer and Assistant Labour Officers posted in the Office of Divisional Assistant Labour Commissioner.	Respective Labour Divisions.

(1)	(2)	(3)
7. Sub-Divisional Labour Officers.		Respective Labour Sub-Divisions.
8. Sub-Divisional Assistant Labour Officers.		Respective Labour Sub-Divisions.

S. 53(1)

[Notification No. 3-14-IX-1970-11677 dated 1-8-1970, published in M.P. Rajpatra, Part I, dated 2-10-70, p. 1798].— In exercise of the powers conferred by sub-section (1) of section 53 of the Madhya Pradesh Shops and Establishments Act, 1958 (No. 25 of 1958), I, B.M. Date, Labour Commissioner, Madhya Pradesh, Indore, hereby authorise the Assistant Labour Commissioner, Bilaspur, and Satna within their respective Labour Divisions to exercise powers under the said section and compound offences for breaches under section 6 of the said Act.

S. 58(2)

[Notification No. 4 (e) 10-92-XVI-A(9) dated 2-11-1992, published in M.P. Rajpatra, Part I, dated 20-11-92, p. 3040].— For purpose of subsection (2) of section 58 of the Madhya Pradesh Shops and Establishments Act, 1958 (No. 25 of 1958), read with Rule 14-A of Madhya Pradesh Shops and Establishment Rules, 1959, the State Government hereby till further orders, authorises the officers mentioned in column 2 of the Schedule mentioned below to act as appellate authority for the areas shown in column (3) of the said Schedule.

S. No. (1)	Officer (2)	Jurisdiction (3)
1.	Assistant Labour Commissioner, Sagar Divisions.	Sagar and Bhopal Labour
2.	Assistant Labour Commissioner, Indore Divisions.	Indore and Gwalior Labour
3.	Assistant Labour Commissioner, Raipur Divisions.	Raipur and Bilaspur Labour

NOTIFICATION UNDER THE RULES

R. 20(7)

[Notification No. 2814/6148/XVI dated 27-4-1960, published in M.P. Rajpatra, Part I, dated 3-6-60, p. 918].— In exercise of the powers conferred by sub-rule (7) of rule 20 of the Madhya Pradesh Shops and Establishments Rules, 1959, the State Government are pleased to direct that every employer shall exhibit in his establishment a notice containing the extracts of Madhya Pradesh Shops and Establishments Act, 1958 (No. 25 of 1958) and the said Rules mentioned below in English or in the language of the majority of the persons employed by him.

Madhya Pradesh Shops and Establishments Act, 1958

Extracts of:—

- (1) Sub-sections (2), (3) and (5) of section 6.
- (2) Section 7.
- (3) Section 8.
- (4) Sub-section (1) of section 9.
- (5) Sub-section (1) and (2) of section 11.
- (6) Section 12.
- (7) Sub-section (1) of section 13.
- (8) Sub-section (1) of section 14.
- (9) Sub-section (1) of section 16.
- ¹[(9A) Sub-section (1) of section 18.
- (9B) Section 18A.]
- (10) Section 17.
- (11) Section 19.
- (12) Section 22.
- ²(12A) Sub-section (1) of section 23.
- (12B) Section 23A].
- (13) Section 24.
- (14) Section 25.
- ³[(14A) Section 25A.
- (14B) Section 25B].
- (15) Section 26.
- (16) Section 27.
- (17) Section 31.
- (18) Section 32.
- (19) Section 33.
- (20) Section 43.
- (21) Section 44.
- (22) Section 46.
- (23) Section 47.
- (24) Section 48.
- (25) Section 49.
- (26) Section 55.
- (27) Section 58.

Madhya Pradesh Shops and Establishments Rules 1959.

Extracts of—

- (1) Sub-rule (1) of rule 3.

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1. Ins. by Notfn. 2-4990-XVI, d. 1-1-69, pub. In M.P. Gaz. Pt. IV (Ga) d. 24-1-69, p. 18
 2. Ins. by Notfn. 2-4990-XVI, d. 1-1-1969, published In M.P. Rajpatra Part IV (Ga) d. 24-1-1969, p. 18.
 3. Ins. by Notfn. 2-4990-XVI, d. 1-1-1969, published In M.P. Rajpatra Part IV (Ga) d. 24-1-1969, p. 18.

- (2) Sub-rule (1) of rule 5.
- (3) Rule 7.
- (4) Rule 8.
- (5) Rule 9.
- (6) Sub-rule (2) of rule 13.
- (7) Rule 14.
- (8) Sub-ruled) of rule 15.
- (9) Sub-rules (1), (2), (3), (5), (6), (8) and (13) of rule 20.
- (10) Sub-rule (2) of rule 21.

R. 20(14)

[Notification No. F 4(B)-1-1993-XVI-A. dated 26-5-1993. published in M.P. Rajpatra, Part I, dated 25-6-1993].- In exercise of the powers conferred by rule (14) of rule (20) of the Madhya Pradesh Shops and Establishment Rules, 1959 the State Government hereby directs that registers of leave attendance, overtime and wages maintained by Madras Auto Service, Raipur in this State as prescribed by the said company be, to the corresponding extent allowed to be maintained in place of such registers as are required to be maintained as per form T 'J' and 'N' prescribed under the said rule 20.

**NOTIFICATIONS UNDER CODE OF
CRIMINAL PROCEDURE 1898**

(V OF 1898) S. 14.

[Notification No. 6608/CR-244/XVH/B, dated 18th February, 1964].- In exercise of the powers conferred by section 14 of the Code of Criminal Procedure, 1898 (V of 1898), the State Government is pleased to confer on the presiding officers of Labour Courts named in column 1 of the table below the powers of a Magistrate of the first class for the trial of the cases arising out of the following Acts within the local areas specified in column 2 of the said Table:

1. The Provident Funds Act, 1925 (No. IX of 1925),
2. The Indian Trade Union Act, 1926 (No. IX of 1926),
3. The Payment of Wages Act, 1936 (No. IV of 1936),
4. The Industrial Disputes Act, 1947 (No. XIV of 1947),
5. The Indian Factories Act, 1948 (No. LXIII of 1948),
6. The Motor Transport Workers Act, 1961 (No. XXVII of 1961),
7. The Madhya Pradesh Shops and Establishments Act, 1958 (No. XXV of 1958).

Table

Labour Court	Local Area
1. Gwalior	The revenue districts of the Gwalior, Bhind, Morena, Shivpuri, Guna and Datia.

Labour Court	Local Area
2. Indore	The revenue districts of Dhar, Jhabua, West Nimar, Indore, Dewas and East Nimar.
3. Ujjain	The revenue districts of Ujjain, Ratlam and Mandsaur.
4. Bhopal	The revenue districts of Sehore, Raisen, Vidisha, Hoshangabad, Betul, Rajgarh and Shajapur.
5. Jabalpur	The revenue districts of Jabalpur, Balaghat, Chhindwara, Sagar, Narsimhapur, Seoni, Damoh, Mandla, Rewa, Sidhi, Satna, Panna, Chhatarpur, Tikamgarh and Shahdol.
6. Raipur	The revenue districts of Raipur, Durg, Bastar, Bilaspur, Raigarh and Surguja.

[Notification No. 6-25-73-XXV-B, dated 5-4-1973, published in M.P. Rajpatra. Part I, dated 22-6-73, dated 22-6-73. 743-744].— In exercise of the powers conferred by section 14 of the Code of Criminal Procedure, 1898 (V of 1898), read with section 39 of the said Code and in suppression of this department notification No. 5671-7831-XXI-B, dated the 2nd March, 1972 and notification No. 612-73-XXI-B, dated the 22nd February, 1973 the State Government are pleased to confer on the presiding officers of Labour Courts named in column 1 of the table below the powers of a Magistrate of the first class for the trial of the cases arising out of the following Acts within the local areas specified in column 2 of the said Table:

1. The Employees Provident Funds Act, 1952 (No. 19 of 1952),
2. The Indian Trade Union Act, 1926 (No. 16 of 1926),
3. The Payment of Wages Act, 1936 (No. IV of 1936),
4. The Industrial Disputes Act, 1947 (No. XIV of 1947),
5. The Indian Factories Act, 1948 (No. LXIII of 1948),
6. The Motor Transport Workers Act, 1961 (No. XXVII of 1961),
7. The Madhya Pradesh Shops and Establishments Act, 1958 (No. XXV of 1958).
8. The Minimum Wages Act, 1948 (No. 11 of 1948),
9. The Payment of Bonus Act, 1965 (No. 21 of 1965),
10. The Maternity Benefit Act, 1961 (No. 53 of 1961),
11. The Working Journalists Conditions of Service Miscellaneous Provisions Act, 1955 (No. 45 of 1955).

Table

Labour Court	Local Area
1. Gwalior Labour Court No. 1.	The revenue district of the Gwalior.

Labour Court	Local Area
2. Gwalior Labour	The revenue districts of Bhind, Court No. 2. Morena, Shivpuri, Guna and Datia
3. Indore	The revenue districts of Dhar, Jabalpur, West Nimar, Indore, and East Nimar.
4. Ujjain	The revenue districts of Ujjain, Ratlam and Mandsaur and Dewas.
5. Bhopal	The revenue districts of Bhopal, Sehore, Raisen, Vidisha, Hoshangabad, Betul, Rajgarh and Shajapur.
6. Raipur	The revenue districts of Raipur and Bastar.
7. Bilaspur	The revenue districts of Bilaspur, Raigarh and Surguja.
8. Jabalpur Labour Court No. 1.	The revenue district of Jabalpur.
9. Jabalpur Labour Court No. 2.	The revenue districts of Balaghat, Chhindwara, Sagar, Narsimhapur, Seoni, Damoh and Mandla.
10. Burhar	The revenue districts of Rewa, Sidhi, Shahdol, Satna, Panna, Chhatarpur and Tikamgarh.
¹ [11. Durg	The revenue districts of Durg and Rajnandgaon.]

1. Subs. vide Notfn. F-6-25-73-B-XXI dated 5-9-73.

Madhya Pradesh Shops &
Establishments Rules, 1959

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**THE M.P. SHOPS AND ESTABLISHMENT
RULES, 1959**

Rules		Pages
1.	Short title.....	
2.	Definitions	
	Registration of Establishments	
3.	Registration of establishments.	
4.	Period of validity of registration certificate.	
5.	Renewal of registration certificate.....	
6.	Payment of fee.....	
7.	Notice of Change.	
8.	Notice of closure.	
9.	Fixing six days in a year for additional overtime.	
10.	Notice to be given to Inspector when additional overtime is to be worked.	
11.	Receipt of security money.	
12.	Employment of children and young persons.	
13.	Leave.	
14.	Misconduct.....	
14A.	Appellate Authority and limitation for appeal.	
15.	Fixing time and methods for cleaning the establishments.	
16.	Precaution against fire.	
17.	Qualifications and provisions regarding Inspector.	
18.	Duties of an Inspector.	
19.	Recording of inspection note by Inspector.	
19-A.	Powers of Inspector.	
20.	Maintenance of registers and records and display of notices.	
21.	Overtime.	
22.	Administration of the Act.	
23.	Repeal and saving.	
	FORMS	

THE M.P. SHOPS AND ESTABLISHMENT RULES, 1959

As amended subsequently by the following notifications :

S. No.	Notification No.	Date	M.P. Rajpatra		
			Part	Date	
			Page		
1.	No. 82124-1403-XVI,		IV(Ga)	12-4-1963	371
2.	No. 6395-9162-XVI,	11-11-1970	Ext.	12-11-1970	2128
3.	No. 3342-364-XVI	19-6-1971	IV (Ga)	09-7-1971	295
4.	No. 305-1954-XVI	2-5-1972	IV(Ga)	21-7-1972	336
5.	No. 2167-728-84-XVI-A	11-4-1984	IV (Ga)	26-10-1984	197
6.	No. 4B2-94-XVI-B	16-11-1994	I	02-12-1994	2145
7.	No. 4(b) 1-XVI-A		IV(Ga)	01-12-1995	587

Note.- In the footnotes appearing hereinafter, amending notifications are referred to by serial Nos. as given to them above.

1. Short title.-These rules may be called the **Madhya Pradesh Shops and Establishment Rules, 1959.**

2. Definitions.-In these rules, unless there is anything repugnant in the subject or context,

(a) "Act" means the Madhya Pradesh Shops and Establishment Act, 1958 (Act No. 25 of 1958).

(b) "Form" means a form appended to these rules;

(c) "Section" means a section of the Act.

Registration of Establishments

3. Registration of establishments.- ¹[(1) A statement to be sent to the Inspector of the area concerned under sub-section (2) of section 6 shall be in Form A and shall be accompanied by a fee of ²[amounts as per class of establishment as mentioned in Rule 5].

(2) An establishment shall be registered in the register of Establishments under sub-section (3) of section 6 under the appropriate category to which it belongs. The register of establishment shall be in Form B.

(3) The registration certificate to be issued under sub-section (3) of section 6 shall be in Form C.

(4) In the event of loss or destruction of the registration certificate an application shall be made to the Inspector concerned within seven days of such loss or destruction for a duplicate copy thereof which may be granted on payment of a fee of ³[twenty rupees].

⁴[(5) **Amendment in Registration Certificate.**- The Inspector shall amend the registration certificate on application and payment of fees made to him as per specified below for that class of establishment.

1. Substituted vide Notification No. 6395-9162-XVI, dated 11th November, 1970. Published in M.P. Rajpatra (Asadharan) dated 12.11.1970 page 2128.
2. Substituted for the words "rupees five" by Notification No. 4(b)-1-XVIA dated 21.11.1995.
3. Substituted for the words "two rupees" by Notification No. 4(b)-1-XVIA dated 21.11.1995.
4. Inserted by Notification No. 4(b)-1-XVIA dated 01.12.1995.

Class of establishment	Amendment Fees
1. All establishment having no employee.	Rs. Ten
2. All establishment employing not more than 3 employees	Rs. Twenty five.
3. All establishments employing more than 3 but less than 10 employees.	Rs. Forty.
4. All establishments employing more than 10 employees	Rs. Fifty.]

4. Period of validity of registration certificate.-The registration certificate granted under sub-section (3) of section 6 shall be valid upto the end of the calendar year in which it is granted, and every renewal thereof shall be valid for the calendar year specified in part B of the certificate.

5. Renewal of registration certificate.- ¹[(1) Every registration certificate issued under sub-rule (2) of rule 6 shall be renewed, after the expiry of a period of five calendar years, on payment of a fee specified below for that class of establishments.

Class of establishment	Registration/Renewal Fee Rs.
1. All establishment having no employee.	Hundred
2. All establishment employing not more than 3 employees	One hundred fifty.
3. All establishments employing more than 3 but less than 10 employees.	Two Hundred.
4. All establishments employing more than 10 employees	Two Hundred Fifty.

Provided that application for renewal shall be accompanied by the Registration Certificate and shall be so made as to reach the office of the Inspector not less than 30 days before the date on which the registration certificate is due to expire.] (2) If the application for renewal is not received within the time specified in sub-rule (1) the registration certificate shall be renewed only on payment of a fee of ²[Ten rupees] in excess of the fee ordinarily payable for the purpose unless the Labour Commissioner by general or special order extends the time for application for renewal.

6. Payment of fee.- Any fee prescribed in these rules shall be credited into a Government Treasury in the State under the head ³[XXXII-Miscellaneous Social and Development Organisations- A(1) fees for Registration of Shops and Establishments.]

^{3A}[Provided that if the registration or renewal of the registration certificate is issued by the Municipal Corporation or by Municipality the fees prescribed in these rules shall be deposited in the office of the concerned Municipal Corporation or Municipality, as the case may be, and such local authority shall issue a receipt thereof.]

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1. Substituted by Notification No. 4(b)-1 -XVIA dated 21.11.1995.
 2. Substituted by Notification No. 4(b)-1 -XVIA dated 21.11.1995 for words "Rupee one".
 3. Subs. by Notification No. 82124-1403-XVI, Part IV(Ga) dt. 12.04.1963 Page 371.
 - 3A. Ins. by Notfn. No. 4 (E) 10-95-XVI-A, dated 13-05-1998.

7. Notice of change.— A notice of change to be notified to the Inspector under section 7 shall be in Form D.

8. Notice of closure.— (1) A notice regarding closing of an establishment to be notified to the Inspector under section 8 shall be in Form E and it shall be accompanied by the Registration certificate of such establishment.

(2) If any employer transfers his establishment to any other person he shall, within ten days of such transfer notify the fact to the Inspector.

9. Fixing days in a year for additional overtime.— (1) The following days and not more than three days preceding any of such days, shall be the days for additional overtime for purposes of making of accounts, stock-taking or settlement under sub-section (3) of section 11,—

The 31 day of March;

The 30th day of June;

The 30 day of September;

The day of Dewali;

The 31st day of December; and

The last day of Vikram Samvat;

Provided that in lieu of any day or days mentioned above the employer may substitute any other day or days, as the case may be, which shall be intimated to the Inspector at least three months before the day on which he intends to take excess work.

(2) On any of the days mentioned in sub-rule (1) for the purposes thereof the operation of the provisions relating to closing hours in Section 9 shall be deemed to be suspended.

10. Notice to be given to Inspector when additional overtime is to be worked.— Notice of the intention to require employees in a shop or commercial establishment to work under sub-section (3) of section 11 in excess of the period fixed under sub-section (1) of the said section on any day prescribed under rule 9 shall be given either in English or in Hindi so as to reach the Inspector within whose jurisdiction such establishment is situated at least two days before each day.

11. Receipt of security money.— (1) The Inspector with whom money is deposited by way of security for the return of seized goods under sub-section (2) of section 10 shall pass a serially numbered cash receipts in Form F in respect of the amount so deposited. The amount shall be refunded to the depositor if he is not prosecuted within the period prescribed in section 52, on the expiry of such period, and if he is prosecuted, after the case is finally disposed of.

(2) The Inspector shall, for the goods seized by him under subsection (2) of section 10, issue a seizure memo in Form G to the person from whom such goods have been seized and when such goods are returned to the person concerned shall detain a delivery memo from the said person with his acknowledgment in Part B of Form G.

12. Employment of children and young persons.— An Inspector may require an employer to produce in respect of any person employed by him whom the Inspector suspects to be a child or a young person as proof of his age (1) an authentic extract from the school record, or (2) a certified copy from the Birth Register, or (3) certificate of age from the registered medical practitioners in Form H.

13. Leave.— (1) Every employer of an establishment shall maintain a register of leave in Form I in respect of each employee in the establishment.

(2) The employer shall provide each employee with a book called “Leave Book” in Form J. As soon as any leave is granted or refused an entry shall be made by the employer in the Leave Book and the book returned to the employee. The book shall be the property of the employee and the employer or his manager or other agent shall not demand it except to make entries therein:

Provided that with the consent in writing to be recorded on the Leave Book itself, of an employee whose wages are Rs. 300/-per month or, more the ‘Leave Book’ may be kept in the custody of the employer. If any employee loses his Leave-Book the employer shall provide him with another copy on payment of annas two and shall complete the entries therein from his record.

(3) The register for entering refusal of leave to be maintained under sub-section (3) of section 26 shall be in Form K.

14. Misconduct.— For the purposes of the proviso to sub-section (1) of section 58, the following acts and omissions shall be treated as misconduct on the part of the employees,—

- (a) wilful insubordination to, or disobedience, whether alone or in combination with orders, any lawful and reasonable order of a superior;
- (b) theft, fraud or dishonesty in connection with the employer’s business or property;
- (c) wilful damage to or loss of employer’s goods or property;
- (d) taking or giving bribes or any illegal gratification in connection with the employer’s business;
- (e) habitual absence without leave or absence without leave for more than 10 days;
- (f) habitual late attendance;
- (g) habitual breach of any law applicable to the establishment; (h) riotous or disorderly behaviour during working hours at the establishment or any act subversive of discipline; (i) habitual negligence or neglect of work;
- (j) striking work or inciting others to strike work in contravention of the provisions of any law or rule having the force of law.

¹[14A. **Appellate Authority and limitation for appeal.**— (1) The Divisional Assistant Commissioner of Labour shall be the Appellate Authority for the purposes of sub-section (2) of Section 58.

(2) The employee discharged, dismissed or retrenched may prefer an appeal to the Appellate Authority within a period of one year from the date of the communication of the order of discharge, dismissal or retrenchment, as the case may be:

Provided that the appeal may be entertained even after the expiry of the said period of one year if the employee satisfies the Appellate Authority that he has sufficient reason for not preferring an appeal within the said period.

1. Inserted by Notification No. 2167-728-84-XVI-A dated 11.04.1984.

(3) On receiving the appeal, the Appellate Authority shall give a notice in Form K-1 to the non-appellant (employer) and in Form K- 2 to the appellant (employee) concerned by registered post acknowledgment due.

(4) After perusing the record and after giving an opportunity to the parties of being heard, the Appellate Authority shall decide the appeal. Reasons if brief for the decision shall be recorded in the appellate order.

(5) The appellate authority shall supply a copy of order passed by it in the appeal to the non-appellant (employer) as well as to the appellant (employee) concerned free of cost.]

15. Fixing times and methods for cleaning the establishments.— (1) In every establishment all the inside walls of the rooms and all the ceilings and tops of such rooms (whether such walls, ceiling and tops be plastered or not) and all the passages and staircases shall be lime-washed or colour washed at least once in two years dating from the period when last lime-washed or colour-washed:

Provided that an Inspector may require them to be lime-washed or colour-washed earlier than two years if in his opinion they have become so unclean as to require immediate lime-washing or colour washing. All the beams rafters, doors, window-frames and other wood work with the exception of floors shall be either painted or varnished once in seven years dating from the period when last painted or varnished and shall be kept in a cleanly state. The dates on which lime-washing, colour washing, painting or varnishing is carried out shall be duly entered in a register maintained in Form I, which shall be shown to the Inspector when required:

Provided that the 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 galvanized iron; tiles asbestos sheets or similar material of glazed bricks;
- (iii) any other establishment or parts thereof in which lime-washing or painting is in the opinion of the Inspector unnecessary to satisfy the requirements of section 31 as to cleanliness.

(2) No rubbish, filth or debris shall be allowed to accumulate or to remain on any premises in an establishment in such position that effluvia there from can arise within the establishments.

¹[(2-A) In every establishment or any premises in which the process of cleaning/washing ornaments with the aid of acid is carried on, adequate drainage shall be provided and shall lead to special treatment tanks where deleterious material shall be neutralized or otherwise rendered safe before it is discharged into ordinary drains or sewers.

(2-B) On any premises in an Establishment, adequate ventilation shall be provided and maintained at all times in rooms or buildings where dangerous gas, vapors, fumes or dust may be evolved.

(2-C) In every establishment or any premises in which person employed in processes where dangerous gas, vapour, fumes or dust may be devolved, suitable protective appliances such as hand gloves footwear, breathing mask, goggles shall be maintained for the use of the employed persons/employees.

1. Inserted by Notification No. 4B2-94-XVI-B dated 16.11.1994, Published in M.P. Rajpatra, Part I, dated 02.12.1994 pages 2145-2146.

(2-D) In every establishment or any premises in which the process of cleaning/ washing ornaments with the aid of acid is carried on every person employed shall be medically examined by a qualified medical practitioner within 15 days of his first employment and thereafter at intervals of not more than 6 months and record of such medical examination shall be maintained in respect of each employee in Form K-3.]

16. Precautions against fire.— No person 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.

17. Qualifications and provisions regarding Inspector.— (1) No person shall be appointed to be an Inspector under the Act unless he is able to speak, read and write Hindi and is either a graduate of a recognised University or a matriculate with atleast seven years' experience of service under Government or a local authority:

Provided that this qualification shall not be necessary in the case of persons who may be employed as Inspector of Establishment under the Government or with the local bodies in the State on the first of July, 1958.

(2) No person shall be appointed to be an Inspector under the Act, or having been so appointed, shall continue to hold if he has or acquires, directly or indirectly, by himself or by any partner, any share or interest in any establishment to which the Act applies in the area for which he is to be or has been appointed.

18. Duties of an Inspector.— An Inspector, while making an examination under section 41 of the Act, shall for the purpose of satisfying himself that the provisions of the Act and of these rules and any orders passed by the Government or the local authority under the Act are duly observed, ascertain the following facts:—

- (i) that the establishments are duly registered under the Act;
- (ii) that the establishment have duly renewed their registration under the Act;
- (iii) that the registers, records and notice required to be maintained or displayed under the Act or these rules are properly maintained or displayed;
- (iv) that holidays required to be granted or observed under the Act are granted and observed and that the limits of work and spread over laid down under the Act are not exceeded;
- (v) that the provisions of the Act and any orders issued by Government or the local authority regarding the opening and closing hours are duly observed;
- (vi) that the provisions of the Act and these rules regarding leave are properly observed;
- (vii) that the provisions of the Act relating to the payment for overtime work are duly observed;
- (viii) that the provisions of the Act and these rules relating to cleanliness, sanitation and precautions against fire are properly observed;
- (ix) that no child is allowed to work in any establishment; and
- (x) that no young person works in excess of 5 hours on any day and that he is not required to work before 7.00 A.M. and after 9.00 P.M.

19. Recording of inspection note by Inspector.— The Inspector shall record an inspection note in duplicate in Form M, the original of which shall be handed over to the establishment inspected and the duplicate copy retained on the inspection note book in the running serial order. The employer shall paste the original copy of the inspection note so recorded on a bound visit book which shall be maintained for the purpose on the form of a blank register. The inspection book shall be produced to the Inspector on demand for ascertaining compliance of instructions given on any previous inspection. The Inspector shall record necessary entries in respect of each inspection in the inspection register to be maintained at the Inspectorate and submit such diaries, reports and returns as may be prescribed by departmental instructions.

¹[**19A. Powers of Inspector.**— An Inspector shall, for the purposes of the enforcement of the Act, have powers, subject to the provisions of the Act, to conduct before a Court any complaint or other proceeding arising under the Act or in the discharge of his duties as an Inspector and secure such attendance as may be necessary for the purpose.]

20. Maintenance of registers and records and display of notices.— ²[(1) Every employer shall maintain a register of employees showing attendance, wages, overtime work fines and other deductions and account of wages in respect of each employee under him in Form 'N']

(2) Every employer shall exhibit in his establishment a notice in Form O, specifying the day or days on which his employees shall be given a holiday. The notice shall be exhibited before the persons to whom it relates cease work on the Saturday immediately preceding the first week during which it is to have effect.

(3) Every employer shall exhibit in his establishment a notice specifying the daily hours to be worked and intervals for rest and meals to be allowed to the employees, if any. Such notice shall be in Form P and shall be exhibited not later than the closing hour on the Saturday immediately preceding the first week in which the hours of work shall be as specified in such notice. It shall continue to be exhibited so long as the hours of work specified in it are observed.

(4) Every employer shall maintain a register of leave in respect of each of his employees on a separate page of the register in Form I.

(5) Every establishment shall prominently display in a conspicuous place a notice showing the day of the week on which the establishment shall remain closed. If there is an alteration in such a day the employer shall give notice to the Inspector in Form Q and exhibit a copy of such notice.

(6) If any day notified as holiday under sub-section (1) of section 13 has been substituted being a day of public festival under provisions of sub-section (2) of the said section, the employer shall give notice of the change to the Inspector in Form R and exhibit a copy of such notice.

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1. Inserted by Notification No. 3342-364-XVI dated 09.06.1971, published in M.P. Rajpatra, Part IV (Ga), dated 09.07.1971 page 295.
 2. Substituted by Notification No. 305-1954-XVI dated 02.05.1972, published in M.P. Rajpatra, Part IV (Ga), dated 21.07.1972 at page 336.

(7) Every employer shall exhibit in his establishment a notice containing such extracts of the Act and these rules in English or in the language of the majority of the persons employed by him as the local authority or Government may direct.

(8) Every employer shall exhibit in his establishment in English or in the language of the majority of persons employed by him a copy of leave rules applicable to his employees.

(9) Any notice required to be exhibited under these rules shall be exhibited in such 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;

(10) In any register or record which an employer is required to maintain under these rules the entries relating to any day shall be made on such day.

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

(12) Save as otherwise provided in sub-rule (7) all registers, records, muster rolls and notices required to be maintained, exhibited or given under this rule shall be either in English or in a Language spoken by the majority of employees.

(13) Every employer shall maintain a register in which the original copies of inspection notes handed over by the Inspector to the employer under rule 19 shall be incorporated serially in order of dates and he shall produce it whenever required to do so by an Inspector.

(14) If on an application made by an employer the State Government is satisfied that any muster roll, register or record maintained by such employer gives in respect of all or any of the employees in his establishment the particulars required to be shown in any registers, record or notice prescribed under this rule, the State Government may, by order in writing direct that such muster roll, register or record may to the corresponding extent be maintained in place of such register, record or notice, as the case may be.

21. Overtime.— (1) For purpose of clause (c) of the Explanation to section 55 of the Act, the expression “limit of hours of work” in the case of employees in any other establishment shall mean nine hours on any day and 48 hours in any week.

(2) The employer shall maintain an account of overtime work taken from the employees from day to day and payments for such overtime in the register in Form N.

22. Administration of the Act.— (1) The working of the Act shall be administered by the State through the Labour Commissioner, Madhya Pradesh.

(2) An annual report on the working of the Act shall, within three months of the close of any calendar year, be submitted by the Labour Commissioner to the State Government.

(3) The State Government may from time to time call for such reports and information from the Labour Commissioner and may give such directions to him as it may deem necessary for the purpose of enforcement of the Act.

23. Repeal and saving.— The Central Provinces and Berar Shops and Establishment Rules 1947 and the Madhya Bharat Shops and Establishment Rules, 1953 are hereby repealed:

Provided that any order made or action taken under the rules so repealed shall be deemed to have been made or taken under the corresponding provisions of these rules.

FORM A

[See Rule 3(1)]

Statement under section 6(2)

1. Name of the establishment, if any (in block letters)
2. Full postal address and location of the establishment
3. Situation of office, store-room, godown, warehouse or work place, if any, attached to the establishment but situated in premises different from those of the establishment
4. Category of the establishment, i.e. whether (a) shop; (b) commercial establishment, (c) residential hotel, restaurant or eating-house, (d) theatre or other place of public amusement or entertainment
5. Particulars of persons having interest in the establishment as employer (Applicable only when a nomination is made under section 55)

S. No.	Name and parentage	Designation	Permanent Address	Nature of interest (whether Partner/ Manager/Director/ Shareholder)
1	2	3	4	5

6. Nature of business
7. Name, designation and permanent address of the employer (manager, agent or any other person) who is in the immediate charge of the general management or control of the establishment
8. Particulars of members of employer's family employed in the establishment as defined in section 2(17)

Name Age Sex Relationship
with employer

1.
2.
3.

9. Name of other persons occupying positions
of management or employees engaged in
confidential capacity, if any.

1.
2.

10. Number of employees Male Female Total

1. Adults
2. Young persons

Total

11. Name the day of the week on which
weekly holiday will be observed (in case
of shops Commercial Establishments only)

12. Details of remittance (enclose copy of
challan obtained from Treasury)

	Name of treasury	Challan No. and date	Amount of fee paid
Place Date			

.....
Signature of Proprietor/
Partner/Manager/Secretary/
Managing Director or a
person in charge.

FORM B

[See Rule 3(2)]

Register of Establishment

Part I- Shops

Part II-Commercial Establishments

Part III-Residential hotels

Part IV- Restaurants and eating-houses

Part V-Theatres and other place of public amusement or entertainment.

Note.- This register shall be maintained category-wise separately for each town.

Registration No. of establishment and date of Registration.	Name and address of the establishment (Items 1 & 2 of Form 'A')	Name of the employer	Name of manager or any person other than employer in immediate charge of general management or control of establishment.
1	2	3	4

Nature of business	Number of employees			
	Adults		Young persons	
5	Male	Female	Male	Female
6				

Total	Renewals			
	Year	Year	Year	Year
7	8			

FORM C

[See rule 3(3)]

**The Madhya Pradesh Shops and Establishment Act, 1958
Registration Certificate of Establishment**

Part A

1. Registration mark and number

The M.P. Shops & Establishment Rules, 1959

2. Name of Establishment
 3. Full postal address of the establishment
 4. Nature of business, trade or profession
carried on
 5. Name and designation of the proprietor/
Manager/Agent or any other person in the
immediate charge or control of the establishment
 6. Name and designation of other person(s)
 - having interest *as* employer in the establishment,
if any, with his address in the State
 7. Total number of employees
- | | Male | Female | Total |
|------------------|-------|--------|-------|
| 1. Adults | | | |
| 2. Young persons | | | |
| Total | | | |

This is to certify that the establishment, the particulars of which have been given above, has been registered under the Madhya Pradesh Shops and Establishments Act, 1958(25 of 1958) on the day of 19

SEAL

.....
Inspector under the M.P. Shops and
Establishments Act, 1958

Annual Renewals under rule 5

Part B

No. Date

1. It is hereby certified that the above certificate of Registration has been renewed for the year ending 31st December, 19

.....
Inspector

No. Date

2. It is hereby certified that the above certificate of Registration has been renewed for the year ending 31st December, 19

.....
Inspector

No. Date

3. It is hereby certified that the above certificate of Registration has been renewed for the year ending 31st December, 19

.....
Inspector

No. Date

4. It is hereby certified that the above certificate of Registration has been renewed for the year ending 31st December, 19

.....
Inspector

No.

Date

5. It is hereby' certified that the above certificate of Registration has been renewed for the year ending 31st December, 19

.....
Inspector

FORM D

[See Rule 7]

Notice of Change

Name of the Establishment already registered with full address and name of the Employer/Proprietor/Manager

Registration Mark and Number

To,

The Inspector under the M.P. Shops
and Establishments Act, 1958 :

Sir,

Notice is hereby given that the following change has taken place in respect of information forwarded to you in Form 'A'. The Registration Certificate is forwarded herewith to be returned after recording the necessary changes:-

- 1
- 2
- 3
- 4
- 5
- 6

.....
Signature of the Proprietor
Manager/Partner/Secretary
Managing Director or a
person in charge.

Place

Date

FORM E

[See Rule 8(1)]

Notice of Closure

To

The Inspector of Shops and
Establishments, Madhya Pradesh

The M.P. Shops & Establishment Rules, 1959

Sir,

Please note that my Establishment, the Registration mark and number of which is has been closed/will be closed from for the reason The certificate of registration is surrendered herewith for cancellation.

.....
Signature of employer with name
and address of the establishment.

Date

Place

FORM F

[See Rule 11(1)]

Cash Receipt

Received a sum of Rs. 10/- (Rs. Ten only) from Shri S/o resident of as a deposit by way of security for the return of seized goods/in consideration that his goods may not be seized for contravention of the provisions of section 10 (1) of the Madhya Pradesh Shops and Establishments Act, 1958.

.....
Inspector of Shops and Establishments,
Madhya Pradesh.

Date

Time

Place

.....
Signature of depositor

Note.— The depositor shall prefer his claim for refund only after the case has been finally disposed of.

FORM G

[See rule 11(2)]

Seizure Memo (Part A)

In exercise of the powers conferred on me under sub-section (2) of section 10 of the Madhya Pradesh Shops and Establishments Act, 1958, I hereby seize the goods of the following description belonging to Shri S/o resident of who has been detected hawking the said goods in contravention of the provisions of section 10(1) of the Madhya Pradesh Shops and Establishments Act, 1958.

Particulars of goods seized

.....
.....
.....

The M.P. Shops & Establishment Rules, 1959

Date
Time
Place
Witness –
1.
2.

.....
Inspector of Shops and Establishments,
Madhya Pradesh.

Delivery Memo

[Supradnama Part B]

The goods seized with the description as given under Seizure Memo No.
dated are hereby delivered to their owner Shri
S/o resident of

.....
Inspector of Shops and Establishments,
Madhya Pradesh.

Date
Time
Place

Received the said mentioned goods

.....
(Name of the owner of goods
with signature and date.)

FORM H

[See Rule 12]

Form of Certificate

I hereby certify that I have personally examined (name) residing at
..... and that he/she has completed his/her twelfth/seventeenth year.

His/Her personal marks of identification are

.....
Medical Practitioner

.....
Thumb impression
Or

.....
Signature of the person
examined

.....
Registration No.

Place
Date

FORM I

[See rules 13(1) and 20(4)]

Register of Leave

Privilege Leave						
Accumulated balance brought forward from previous year.	Number of days leave applied for		Leave granted		Balance of carried	If leave refused amount of leave and date and reason of refusal
	From (date)	From (date)	To (date)	To (date)		
1	2	3	4	5		

Name and address of employer/establishment Account for the year

Occupation

Date of entry into service.....

Casual leave

Leave salary paid	Leave salary paid to discharged employee or on his quitting employment after having applied for and having been refused leave.	Due Number of days	Availed of (Number of days with dates).	Balance (number of days.)
Advance of return	Date of discharge etc.	Date and amount of payment made in respect of leave.		
6	7	8	9	10

Note.-A separate page should be allotted in the register in respect of each employee.

Shri has submitted an appeal before me under clause (a) of sub-section (2) of Section 58 of the Madhya Pradesh Shops and Establishments Act, 1958 against the order of his dis-charge/dismissal/retrenchment No. dated A copy of appeal is enclosed herewith. The date of hearing of the appeal has been fixed on month 198 at a.m./p.m. in my office. You are hereby required to appear personally or through your pleader or any person specially authorised to act on your behalf, before me to answer the claims. If you or any other person aforesaid do not appear on the said date, the case will be decided exparte.

You are also hereby informed to produce all the documents and witnesses which you want to prefer in support of your defence, by the said date of hearing.

Issued this day of..... under my hand and seal.

.....
Appellate Authority.

¹[FORM K-2

[See sub-rule (3) of rule 14-A]

Notice to appellant under clause (b) of sub-section (2) of Section 58 of the Madhya Pradesh Shops and Establishments Act, 1958 (No. 25 of 1958).

Appeal No.

..... Appellant (employee)

Vs.

..... Non-Appellant (employer)

The appeal filed by you against the order of discharge/dismissal/ retrenchment No. dated has been fixed on day of 19 at a.m./p.m. You are hereby required to appear personally or through your pleader or any other person specially authorised to act on your behalf before me to prove your claims. If you or any of your representatives aforesaid do not appear on the said date, the case will be decided exparte.

You are also hereby informed to produce all witnesses and documents which you want to prefer in support of your claims, by the said date of hearing.

Issued this day of..... under my hand and seal.

.....
Appellate Authority.]

²[FORM K-3

[See Rule 15(2)-D]

Name and address of the employer.....

Place of work Nature of work

Being done by the Establishment.....

1. Inserted vide Notification No. 2167-728-84-XVI-A dated 11.04.1984.
2. Inserted from 02.12.1994 by Notification No. 4B2-94-XVI-B dated 16.11.1994. Published in M.P. Rajpatra, Part I dated 02,12.1994 Page 2145-2146.

S. No.	Employees name and father's name	Date of joining the establishment	Date of medical examination	Remark
1	2	3	4	5

.....
Signature of the Employer.]

FORM L

[See Rule 15(1)]

Register showing dates of Lime-washing, etc.

Parts of the establishment i.e. name of room	Parts lime-washed, colour-washed, painted or varnished e.g. wall, ceilings, wood-work etc.	Treatment (whether lime washed, colour washed, painted or varnished)	Date on which lime washing, colour washing or varnishing was carried out (according to English Calendar)	Signature of the employer or Manager	Remarks
1	2	3	4	5	6

FORM M

[See Rule 19]

Inspection Note

1. Name and address of establishment
 2. Registration mark and number
 3. Name of employer
 4. Class of establishment
 5. Date and time of inspection
- Remarks
Defects found and directions and orders issued.

The M.P. Shops & Establishment Rules, 1959

¹[FORM N

[See Rules 20(1) and 21(2)]

**Register of Employees Attendance, Wages, Overtime,
Fine or other deductions etc.**

Name and/or the address of the Establishment

For the month of Year

1. Name of Employee
2. Father's/Husband's name
3. Age
4. Address of the Employer
5. Nature of Employment
6. Rate of wages (State whether daily,
monthly or piece rated)
7. Wage period
8. Date of appointment
9. Date of discharge

Date	Time at which employment commenced	Intervals for rest or meals if any		Time at which employment ceased
		From	To	
1	2	3	4	5
1				
to				
31				

Over-time work if any			Wages Earned			Total.
From Hours	To Hours	OT Worked in Hrs.	Basis	DA	OT	
6	7	8	9	10	11	12

Advance Amount Advanced		Amount recovered	Balance	Fine (Details to be given in remarks col.)
Amount	Date			
13	14	15	16	17

1 to 17

1. Subs. by No. 4.

Deductions (Details to be given in remarks col.)	Net. amount	Signature or thumb impression of employee	Remarks
18	19	20	21
18 to 31			

Signature or Thumb Impression of employee for receipt of a wages alongwith date.

Signature of Employer

FORM O

[See Rule 20(2)]

Notice of Holiday to Employees

Name of the establishment

Address

The following persons employed in this Shop/Commercial establishment/ restaurant or eating house/residential hotel/theatre/or place of public amusement shall be given a holiday on the day mentioned against their names in the week following the date of this notice and until further change is notified:—

Serial No.	Name of employee	Day on which holiday allowed
1		
2		
3		
4		
5		

Date

Signature of employer

- Note.— (1) This notice should be prominently displayed on the premises of the establishment.
 (2) The weekly holiday of the employees shall ordinarily, not to be altered more often than once in three months.

FORM P

[See Rule 20(3)]

Notice of Periods of Work

Daily periods of work of employees commencing from 19

Form Q]

Name of the employer of Description of establishment
..... Department (if applicable)

Name of the employees	Whether young person or not	Employment to commence	Day Interval for meals and rest	Employment to cease
1	2	3	4	5

.....
Signature of the employer

Dated

Note.— (1) This notice must be exhibited not later than the closing hour on the Saturday preceding the first week in which it is to take effect and must continue to be exhibited while it is in force, in such a manner that it may be readily seen or read by any person whom it affects.

(2) The hours to be specified in this notice shall be the hours to be worked exclusively of overtime.

(3) The entries under the heading “Intervals for meals and rest” shall be the actual hours at which intervals are to begin and end (e.g. 1 P.M. to 2 P.M.).

FORM Q

[See rule 20(5)]

Notice of closed day or an alteration in closed day

1. Name of the shop or commercial establishment.....
2. Address
3. Registration mark and No.

Notice is hereby given that with effect from the above shop/
commercial establishment shall *(i) observe as the closed day *(ii) observe
..... as closed day instead of..... as previously notified.

.....
Signature of the Employer

Copy forwarded to the Inspector of Shops and Establishments
for information.

Date

.....
Signature of the Employer

* Delete the item inapplicable.

FORM R

[See rule 20(6)]

Notice of substitution of weekly holiday on account of public festival

Name of the Shop/Commercial Establishment

Name of employer.....

Usual weekly holiday	Date on which the said weekly holiday falls	Day and date to be observed as a weekly holiday in substitution.
1	2	3

Forwarded to the Inspector, Shops and Establishments for information.

Signature of the employer

Note- Whenever such a notice has been given a copy thereof should be displayed on the premise for inspection.

.....
Signature.

lawrbit.com