

The Punjab Shops and Commercial Establishments Act, 1958

[PUNJAB ACT NO. 15 OF 1958]

(Received the assent of the President on the 25th. April, 1958 and was published in the Punjab Government Gazette on the first May, 1958 for general information)

An Act to provide for the regulation of conditions of work and employment in Shops and commercial establishments.

Be it enacted by the Legislature of the State of Punjab and Commercial Establishments Act, 1958.

1. Short Title, extent, commencement and application. -- (1) This Act may be called the Punjab Shops and Commercial Establishments Act, 1958.

(2) It extends to the whole of the State of Punjab.

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

(4) It shall apply in the first instance to the areas specified in the Schedule, but the Government may by notification direct that it shall also apply to such other area on such date as may be specified in the notification.

2. Definitions. -- (1) In this Act, unless the context otherwise requires;

- (i) “**closed**” means not open for the service of any customer or for any other purpose whatsoever relating to business;
- (ii) “**closed day**” means the day of the week on which a shop or commercial establishment remains closed;
- (iii) “**closing hours**” means the hour at which a shop or commercial establishment closed;
- (iv) “**Commercial establishment**” means any premises wherein any business, trade or profession is carried on for profit and includes journalistic or printing establishment and premises in which business of banking, insurance, stocks and shares, brokerage and produce exchange is carried on or which is used as hotel, restaurant, boarding or eating house, theatre, cinema or other place of public entertainment or any other place which the Government may declare, by notification in the official Gazette, to be a commercial establishment for the purposes of this Act;
- (v) “**day**” means the period of twenty-four hours beginning at mid night;

Provided that in the case of any employee whose hours of work extend beyond mid night, day means the period of twenty hours beginning from the time when such employment commences.

- (vi) **“employee”** means a person wholly or principally employed in, or in connection with, an establishment, whether working on permanent, periodical, contract or piece-rate wages or on commission basis even though he receives no reward for his labour, but does not include a member of employee’s family;
- (vii) **“employer”** a person having charge of or owning or having ultimate control over the affairs of an establishment and include members of the family of an employer, a manager, agent or other person acting in the general management or control of the establishment;
- (viii) **“establishment”** means a shop or a commercial establishment;
- (ix) **“factory”** has the meaning assigned to it in the Factories Act, 1948;
- (x) **“family”** in relation to an employer, means --
 - (i) spouse
 - (ii) children and step children; and
 - (iii) parents, sisters and brothers if residing with and wholly dependent upon him;
- (xi) **“festival”** means any festival which Government may, by notification declare to be a festival for the purposes of this Act;
- (xii) **“government”** means the Punjab Government;
- (xiii) **“hours of work, or working hours”** means the time during which the persons employed are at the disposal of the employer exclusive of any interval for rest and meals;
- (xiv) **“inspector”** means an Inspector appointed under this Act;
- (xv) **“leave”** means leave provided for in section 14;
- (xvi) **“manager”** in relation to an establishment where five or more persons are employed on an establishment whose owner does not ordinarily carry on the business personally, means a person declared as such by the employer in the prescribed manner;
- (xvii) **“night”** means a period of at least twelve consecutive hours which shall include the interval between 8 p.m. and 6 a.m.;

- (xviii) **“opened”** in relation to a shop or commercial establishment whose entrance is the only entrance to the residence, means, opened for the service of any customer or for any business connected with the establishment;
- (xix) **“opening hour”** means the hour at which an establishment opens;
- (xx) **“prescribed”** means prescribed by rules made under this Act;
- (xxi) **“prescribed authority”** means the authority prescribed under the rules made under this Act;
- (xxii) **“retail trade or business”** includes the business of a barber or hair dresser, the sale of refreshments or intoxicating liquors, and retail sales by auction;
- (xxiii) **“register of establishments”** means a register maintained for the registration of establishments under this Act;
- (xxiv) **“registration certificate”** means a certificate showing the registration of an establishment;
- (xxv) **“shop”** means any premises where any trade or business is carried on or where services are rendered to customers and includes offices, store-rooms, godowns, sale-depots or ware-houses, whether in the same premises or otherwise, used in connection with such trade or business but does not include a commercial establishment 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 (LXIII of 1948);
- (xxvi) **“spread over”** means a period between the commencement and termination of work of an employee on any day;
- (xxvii) **“wages”** shall have the meaning assigned to it in the Payment of Wages Act, 1936 (IV of 1936);
- (xxviii) **“wage period”** means the period after which the wages of an employed person shall be paid;
- (xxix) **“week”** means the period between mid-night on Saturday and mid-night on the following Saturday;
- (xxx) **“young person”** means a person who has attained the age of fourteen but has not attained the age of eighteen years; and
- (xxxi) **“year”** means a year commencing on the first day of April.

(2) For the purposes of this Act, any employment in the service of the employer of an establishment upon any work, whether within the establishment or outside it, which

relates to, or is connected with or is ancillary to the business carried on at the establishment shall be deemed to be employment about the business of the establishment.

SECTION 3

3. Act not applicable to certain establishment and persons. -- Nothing in this Act shall apply to. –

- (a) offices of or under the Central or State Governments, (except commercial undertakings), the Reserve Bank of India, any railway administration or any local authority;
- (b) any railway service, air service, water transport service, tramway, postal, telegraph or telephone service, any system of public conservancy or sanitation or any industry business or undertaking which supplies power, light or water to the public;
- (c) railway dining cars;
- (d) offices of lawyers;
- (e) any person employed about the business of any establishment mentioned in paragraphs (a) to (d) aforesaid;
- (f) any person whose hours of employment are regulated by or under the Factories Act, 1947, except the provisions of sub-sections (3), (4), and (5) of section 7 of this Act in so far as they relate to employment in a factory;
- (g) any person whose work is inherently intermittent;
- (h) establishments of stamp vendors and petition writers.

SECTION 4

4. Provisions of section 9 and sub-section (1) of section 10 not applicable to certain establishments.

(1) Nothing in section 9 and sub-section (1) of section 10 shall apply to--

- (a) clubs, hotels, boarding houses, stalls and refreshment rooms at the railway stations;
- (b) shops of barbers and hair dressers;

- (c) establishments dealing exclusively in meat, fish, confectionery, poultry, eggs, dairy produce [except ghee], bread sweets, chocolates, ice, ice-cream, cooked food; fresh fruits, flowers or vegetables;
- (d) shops dealing exclusively in medicines or medical or surgical requisites or appliances and establishments for the treatment or care of the sick, infirm, destitute or mentally unfit.
- (e) shops dealing in articles required for funerals, burials, or cremations.
- (f) shops dealing exclusively in pans (betel leaves), biris or cigarettes of liquid refreshment sold in retail for consumption on the premises.
- (g) shops dealing exclusively in newspapers or periodicals, editing and dispatching sections of the newspaper office and office of the news agencies;
- (h) places of public entertainment except cinema houses;
- (i) establishment for the retail sale of petrol and petroleum products used for transport;
- (j) shops in regimental institutes, garrison shops and troop canteens in cantonments;
- (k) tanneries;
- (l) establishments engaged in retail trade carried on at an exhibition or show, if such retail trade is subsidiary or ancillary only to the main purpose of the exhibition or show;
- (m) oil mills not registered under the Factories Act, 1948;
- (n) brick and lime kilns;
- (o) commercial establishments engaged in the manufacture of bronze and brass utensils so far as it is confined to the process of melting in furnace;
- (p) saltpeter refineries;
- (q) establishments of commercial; colleges of short hand or type writing and other educational academies;
- (r) booking offices of the passenger and goods transport companies;
- (s) establishments dealing exclusively in green and dry fodder and chaff cutting; and
- (t) cycle stands, and cycle repair shops;

(2) Nothing in sub-section (1) of section 10 shall apply to: --

- (i) establishments of Cinema houses.
- (ii) Establishments dealing in hides and skins;
- (iii) ice factories;
- (iv) establishments engaged exclusively in repairs of cycles or Motor vehicles or the service of motor vehicles, not being an establishment dealing in cycle or motor vehicle or exclusively in spare parts thereof;
- (v) establishments dealing exclusively in providing on hire tents, *Chhaldaries* and other articles such as crockery, furniture, loud speakers, gas lights and fans required for ceremonial purposes and
- (vi) establishments, dealing exclusively in retail sale of *phulians*, *murmura*, sugar coated gram, *reories* or other similar commodities.

5. Power of Government to extend the provision of Act. – (1) Notwithstanding anything contained in section 3 or section 4, Government may by notification declare that any class of establishments or persons specified therein shall not be exempt from the operation of such provisions of this Act as may be specified in the notification and that provisions of this Act specified such notification shall apply to such class of establishments or persons as the case may be.

(2) Every notification made under sub-section (1) shall as soon as possible after it is made, be laid before the *both Houses of the State Legislature.

6. Conditions of employments for young persons. -- (1) The total number of hours worked by a young person employed about the business of an establishment, exclusive of intervals for meals and rest, shall not exceed thirty hours in any one week or five hours in any one day.

(2) A young person employed about the business of an establishment shall not be employed continuously for more than three hours without an interval of at least half an hour for meal or rest.

(3) Government may prescribe further conditions in respect of the employment of young persons employed about the business of establishments or any class of them, including if it thinks fit, conditions with respect to the daily period of employment of those persons, and no such person shall be employed otherwise than in accordance with those conditions.

* But see *Adaptation of Laws Order, 1968*.

(4) In the case of any contravention of, or failure to comply with the provisions of this section, the employer shall, be liable, on conviction, to a fine which shall not be less than fifty rupees but which may extend to two hundred rupees.

(5) Where, in proceedings for an offence under this section, the person in respect of whom the offence was committed was a young person, and he appears to the court to have been at the date of the commission of the offence a young person he shall, for the purposes of this Act, be presumed at that date to have been a young person unless the contrary is proved.

7. Hours of employment. – (1) Subject to the provisions of this Act, no person shall be employed about the business of an establishment for more than forty-eight hours in any one week and nine hours in any one-day.

(2) On occasion of seasonal or exceptional pressure of work a person employed in an establishment may be employed about the business of the establishment in excess of the working hour specified in sub-section (1);

Provided that—

- (a) the total number of overtime hours worked by an employee does not exceed fifty within a period of any one quarter; and
- (b) the person-employed overtime shall be paid remuneration at twice the rate of his normal wages calculated by the hour.

Explanation. – ‘Normal Wages’ for the purposes of proviso (b) means basic wages plus such allowances including the cash equivalent of the advantages accruing through the Concessional sale to workers of foodgrains and other articles as the worker is for the time being entitled to, but does not include bonus.

(3) No employer shall, on any day or in any week, employ about the business of the establishment any person who has been previously employed on that day or in that week in another establishment or a factory for a longer period than shall, together with the time during which he has been previously employed on that day or in that week in such other establishment or factory exceed the number of hours permitted by this Act.

(4) In any proceedings against the employer of the establishment for a contravention of the provisions of sub-section (3) it shall be a defence to prove that the employer did not know and could not with reasonable diligence ascertain that the person was previously employed by the employer of the other establishment or factory.

(5) No person shall work about the business of an establishment of two or more establishments or an establishment and a factory in excess of the period during which may be lawfully employed under this Act;

8. Intervals for rest and meals. – (1) Subject to the provisions of section 6, no employee except a chaukidar, watchman or guard, shall be allowed to work in an establishment for more than five hours before he has had an interval for rest of at least half an hour: -

Provided that Government may by notification fix such interval for rest in respect of any class of establishments for the whole of the State or any part thereof as it may consider necessary.

(2) The period of work of an employee in an establishment shall be so fixed that, inclusive of his interval for rest, the spread over shall not be more than ten hours in a day.

9. Opening and closing hours. -- Government shall by notification fix the opening and closing hours of all classes of establishments; and different opening and closing hours may be fixed for different classes of establishments and for different areas;

Provided that Government may allow an establishment attached to a factory to observe such opening and closing hours as the Government may direct.

10. Close day. -- (1) Save as otherwise provided in this Act every establishment shall remain closed on every Sunday;

Provided that, in the case of an establishment attached to a factory the employer may substitute the close day of such establishment so as to correspond to the substituted close day of the factory in the same manner and subject to the same conditions as are laid down in this behalf in the Factories Act, 1948;

Provided further that Government may by notification fix any other day to be the close day in respect of any class of establishments for the whole of the State or any part thereof.

(2) (i) The employer of an establishment shall in the prescribed form intimate to the prescribed authority the working hours, the day in a week referred to in clause (b) of section 11 and the period of interval of the employed person within fifteen days of the date of registration of the establishment..

(ii) The employer of an establishment may change the working hours and the period of interval once in a quarter of the year by giving intimation in the prescribed form to the prescribed authority at least fifteen days before the change is to take place.

(3) Notwithstanding anything contained in sub-section (1), the employer of an establishment may open his establishment on the close day if. –

(a) such day happens to coincide with a festival, and

(b) employees required to work on that day are paid remuneration at double the rate of their normal wages calculated by the hour.

11. 'Employees' off day in a week -- No employees shall be allowed or required to work-

- (a) on a close day, in any establishment which is required to observe a close day; and
- (b) on one day in a week, in any other establishment; and
- (c) before the opening hour of the establishment and after closing hour of the establishment;

Provided that a watchman may be allowed or required to work on an off day under this section if he is allowed another off day in the week.

12. Holidays. – Every employee in an establishment shall be allowed –

- (a) a holiday with wages on the Independence day, Republic day, and Mahatma Gandhi's birthday; and
- (b) three other holidays with wages in a year in connection with such festivals as Government may declare from time to time by notification.

Provided that an employee required to work on any such holiday should be paid remuneration at double the rate of his normal wages calculated by the hour.

13. Registration of establishments. – (1) Within the period specified, in sub-section (3), the employer of every establishment shall send to the prescribed authority concerned a statement in the prescribed form containing: -

- (a) the name of the employer and the manager, if any;
- (b) postal address of the establishment;
- (c) the name, if any; of the establishment;
- (d) number of persons employed;
- (e) such other particulars as may be prescribed.

(2) (i) On receipt of the statement, the authority shall on being satisfied about the correctness of the statement, register the establishment in the register of establishments in such a manner as may be prescribed and shall issue in a prescribed form a registration certificate to the employer. The registration certificate shall on demand by the inspector, be shown to him by the employer.

(ii) The registration certificate shall be renewable by the 31st. March, every year. Thirty days grace time shall, however, be allowed for the renewal of the certificate.

(3) Within thirty days from the date mentioned in column 2 below in respect of the establishment in column 1 the statement shall be sent to the prescribed authority under sub-section (1).

Establishment

(1)

*Date from which the period of
30 days is to commence*
(2)

(i) Establishments existing in areas to which this Act applies or where this Act is extended.

The date on which this Act comes into force or the date on which the Act is extended, as the case may be.

(ii) New establishment in such area

The date of which the establishment commences its work.

(4) It shall be the duty of the employer to notify to the prescribed authority in the prescribed form any change in respect of any information contained in his statement under this section within seven days after the change has taken place. The authority shall on receiving such notice and on being satisfied about its correctness make the change in the register of establishments in accordance with such notice and shall amend the registration certificate, if necessary.

(5) The employer shall, within ten days of his closing the establishment, notify to the prescribed authority in writing accordingly. The authority shall, on receiving the information and being satisfied about the correctness remove the name of such establishment from the register of establishments and cancel the registration certificate.

14. Leave. -- (a) Every employee who has been in employment for not less than twenty days in a year shall be entitled to one day's earned leave for every such twenty days:

Provided that a young person shall be entitled to one day's earned leave for every fifteen days of employment during the year.

(b) if an employee is discharged or dismissed from or leaves service during the course of the year he shall be entitled to leave with wages or wage in lieu of un-availed leave at the rates laid down in clause (a).

(c) In calculating leave under this section, fraction of half a day or more shall be treated as one day's leave and fraction of less than half a day shall be ignored.

(d) If an employee does not in any one year take the whole of the leave allowed to him under clause (a), any leave not taken by him shall be added to the leave to be allowed to him in the succeeding year:

Provided that—

- (i) Subject to any specific agreement between the employer and the employee, the total number of days of leave that may be carried forward to a succeeding year shall not exceed forty in the case of a young person or thirty in any other case;
- (ii) The provisions of this section shall not operate to the prejudice of any rights to which an employee may be entitled under any other law or under the terms of any award, agreement or contract of service;
- (iii) Where such award, agreement or contract of service provides for a longer leave with wages or weekly holidays than those provided under this section the employee shall be entitled to only such longer leave or weekly holidays as the case may be.

(2) Leave period in clause (a) of sub-section (1) shall, when applied for be granted except for a valid reason to be communicated in writing by the employer to the employee within fifteen days of the application:

Provided that the leave so refused shall, if applied for again, be allowed during the year.

(3) (a) For the purpose of computing the period during which an employee has been in employment within the meaning of sub-section (1) (a), the period during which he was on leave under this section and the off days in a week referred to in section 11, shall be included.

(b) The un-availed leave of an employee shall not be taken into consideration in computing the period of any notice required to be given before discharge, removal or dismissal.

(4) Notwithstanding anything contained in the foregoing sub-section every employee in an establishment shall be allowed with wages seven days casual leave and seven days sick leave in a year.

15. Wages for close days and during leave period. – (1) Any person employed in or about an establishment for a period of fifteen days, or more shall receive, for every off day in a week referred to in section 11, wages at the rate of not less than the average daily wages earned by him for the days on which he worked during the week immediately preceding every such off day.

(2) For the leave allowed to him under section 14, an employee shall be paid at the rate of equal to the daily average of his total full time earnings for the days on which he worked

during the month immediately preceding his leave exclusive of any overtime and bonus but inclusive of dearness allowance and the cash equivalent of the advantage accruing through the Concessional sale to the employee of food grains and other articles.

(3) An employee who has been allowed leave for not less than five days in the case of a young person and four days in any other case shall, on demand, before his leave begins, be paid the wages due for the period of leave allowed.

16. Wage period. -- (1) Every person responsible for the payment of wages to an employee shall fix a period in respect of which such wages shall be payable.

(2) No wage period shall exceed one month.

(3) The wages of every person employed shall be paid before the expiry of the seventh day from the date on which the wages become due.

(4) Where the employment of any person is terminated by or on behalf of the employer the wages earned by him and the remuneration in lieu of un-availed period of due leave shall be paid before the expiry of the second working day after such termination and where an employee quits his employment, on or before the next pay day:

Provided that no claim under this section shall be entertained unless it is preferred within six months from the date of its accruing except under special circumstances at the discretion of the Chief Inspector of Shops and Commercial Establishments Punjab.

17. Deduction from wages. -- The wages of an employee shall be paid to him without deductions of any kind except those authorized by or under the Payment of Wages Act, 1936, in so far as such deductions are applicable to the employee and in such manner, to such extent and to subject to such conditions as are specified in that Act.

18. Realisations of compensation. -- (1) In case of contravention of the provisions of section 16, if a judicial Magistrate is satisfied that the employee has not been paid his due wages, he shall direct the employer to pay the wages along with compensation not exceeding eight times the amount of wages withheld.

(2) The amount of wages withheld and compensation payable under this section shall for the purposes of its recovery, be deemed to be a fine imposed under this Act in addition to the penalty imposed under section 26 and shall be realised as such.

19. Enforcement and inspection. -- (1) Government may, by notification appoint such persons or such class of persons as it thinks fit to be inspecting officers for the purposes of this Act within such local limits as it may assign to them, respectively.

(2) Subject to any rules made by Government in this behalf an inspecting officer may, within the local limits for which he is appointed—

- (a) enter at all reasonable times and with such assistants, if any being persons in the service of Government or of any local authority as he thinks fit, any place which is or which he has reason to believe to be 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 purposes of this Act;
- (c) exercise such other powers as 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 incriminate him.

(3) Every inspecting officer appointed under this section shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

20. Record.— (1) The employer of every establishment shall, in the prescribed form and manner keep exhibited in the establishment a notice setting forth the close day, the working hours and the period of interval of employed persons, if any, and such other particulars as may be prescribed.

(2) The employer of any establishment, about the business of which persons are employed, shall in the prescribed form and manner keep a record of working hours, rest intervals and the amount of leave taken by every person employed about the business of an establishment and particulars of all overtime employment shall be separately entered in the record.

⊛(2A) The employer of every establishment, about the business of which persons are employed, shall mark the attendance of every employee in the register maintained for the purpose within one hour of the start of duty and in the case of overtime every entry regarding the commencement or closure of overtime shall respectively be made before or after such commencement or closure.

(3) The employer of every establishment shall keep a photograph of each employee who has completed three months continuous service in the establishment:

Provided that where such employee fails to supply such photograph to the employer within fifteen days of the completion of such service, his failure so to do shall be recorded by the employer under the signature of the employee.

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

⊛ Pb. Act I of 1964.

(5) In the case of any contravention of the foregoing provisions of this section, the employer of an establishment shall be liable, on conviction to a fine not exceeding five rupees for everyday on which the contravention occurs or continues.

(6) If any person with intent to deceive makes, or causes or allows to be made, in any such record, register or notice as aforesaid an entry which is to his knowledge false in any material particular or willfully omits or causes or allows to be omitted from any such record, register or notice an entry required to be made therein, he shall be liable, on conviction, to imprisonment for a term not exceeding three months or to a fine which shall not be less than twenty five rupees and may extend to two hundred rupees or both.

21. Inspection of registers and calling for information. -- (1) It shall be the duty of every employer of an establishment to make available for inspection of such officers as may be prescribed, all accounts or other records required to be kept for the purposes of this Act; and to give to such officer any other information in connection therewith as may be required.

(2) Whoever contravenes the provisions of sub-section (1) or willfully obstructs the inspecting authority in the exercise of the power under this Act or conceals or prevents any employee in an establishment from appearing before or being examined by the authority shall be liable, on conviction to a fine which shall not be less than twenty five rupees and may extend to two hundred rupees.

22. Notice of removal. -- (1) No employee shall be removed from service unless and until one month's previous notice or pay in lieu thereof has been given to him:

Provided that –

- (a) no employee shall be entitled to the notice or pay in lieu thereof if he is removed on account of misconduct established on record;
- (b) no employee shall be entitled to one month's notice or notice pay unless and until he has been in the service of the employee continuously for a period of three months.

(2) In any case instituted for a contravention of the provisions of sub-section (1), if a Judicial Magistrate is satisfied that an employee has been removed without reasonable cause, the Judicial Magistrate shall, for reason to be recorded in writing, award compensation to the employee equivalent to two month's salary;

Provided that no such claim shall be entertained unless it is preferred by the employee within six months from the date of his removal.

(3) The amount payable as compensation under this section shall be in addition to, and recoverable and fine payable under section 26.

(4) No person who has been awarded compensation under this section shall be entitled to bring a civil suit in respect of the same claim.

23. Notice by employee. -- (1) No employee, who has been in the service of the employer continuously for a period of three months shall terminate his employment unless he has given to his employer seven days previous notice or pay in lieu thereof.

(2) Where an employee contravenes the provisions of sub-section (1) his employer may forfeit his unpaid wages for a period not exceeding seven days.

24. [Omitted vide Punjab Act, 1 of 1964]

25. Provisions as to trading elsewhere than in establishment. -- Save as otherwise provided by any law for the time being in force, it shall not be lawful in any locality to carry on in any place not being an establishment, retail trade or business of any class at any time if it is unlawful in that locality to keep an establishment open for the purpose of such retail trade or business, and if any person carried on any trade or business in contravention of this section, this Act shall apply as if he were the employer of the establishment which was being kept open in contravention of the Act.

26. Penalties. -- Subject to the other provisions of this Act whoever contravenes any of the provisions of this Act or the rules made thereunder and no penalty has been provided for such contravention in this Act, shall be liable, on conviction, to a fine, not exceeding one hundred rupees for the first offence, and three hundred rupees for every subsequent offence:

Provided that the fine in respect of every subsequent offence within the same year shall not be less than one hundred rupee in any case.

27. Protection of officers and their agents from personal liability. -- No suit, prosecution or other legal proceeding shall lie against any public servant or any other person in the service of the Central or State Government, acting under direction of any such public servant, for anything in good faith done or intended to be done in pursuance of the provisions of this Act or of any rule made thereunder.

28. Power to grant exemptions. -- Government or any officer empowered by the Government in this behalf may, by notification in the official Gazette, exempt from the operation of all or any of the provisions of this Act for any period it considers desirable any establishment or any class thereof or any employer or employees or class of employers or employees to whom this Act applies on such conditions as it may think fit.

29. Prohibition of employment of children. -- No child who has not completed the age of fourteen years shall be employed in any establishment.

30. Condition of Employment of women. -- (1) No woman shall be required or allowed to work whether as an employee or otherwise in any establishment during night:

Provided that nothing in this sub-section shall apply to an establishment which is engaged in the treatment or care of the sick, the infirm, the destitute or the mentally unfit.

(2) No employee of any establishment shall knowingly employ a woman and no woman shall engage in employment in any establishment during six weeks following the day of her confinement or miscarriage.

(3) Government may prescribe further conditions in respect of employment of women employed about the business of establishment or any class of them, including if it thinks fit, conditions with respect to the daily period of employment, leave, and other matters and no woman shall be employed otherwise than in accordance with these conditions.

31. Maternity benefit. -- (1) Every woman employed in an establishment who has been continuously employed in that establishment or in establishments belonging to the employer of that establishment for a period of not less than six months preceding the date of her delivery shall be entitled to receive, and the employer shall be liable to make to her, a payment of maternity benefit which shall be prescribed by the Government for everyday during the six weeks immediately preceding and including the day of her delivery and for each days of six weeks following her delivery:

Provided that no such payment shall be made for any day on which she attends work and receives payment thereof during the six weeks preceding her delivery.

32. Bar of Legal Practitioners in certain proceedings. – Notwithstanding anything contained in the law relating to legal parishioners for the time being in force, no legal practitioner shall be permitted to appear, plead or act for the employer or the employee in any proceedings, before a court between an employer or the employee, arising out of the contravention of any of the provisions of this Act.

33. Saving of certain rights and privileges. – Nothing in this Act shall affect any rights or privileges to which an employee in any establishment is entitled on the date this Act comes into force 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 could be entitled under this Act.

***33A. Cognizance of offences.** -- No court shall take cognizance of any offence punishable under this Act or any rule made thereunder or of the abetment of or attempt to commit, such offence, save on a complaint made by the employee concerned or by such officer, save on a complaint made by the employee concerned or by such officer as may be authorized in writing in this behalf by the Government.

34. Power to make Rules. -- (1) Government may make rules for the purpose of giving effect to the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely: --

- (a) the manner and form in which the registers and notice shall be kept;
- (b) the officers who may be empowered to inspect registers and call for information as required by this Act;
- (c) the agency by which and the manner in which the prosecution shall be instituted;
- (d) the form of submitting a statement, the particulars under sub-section (1) of section 13, the manner in which registration of establishment is to be made and the form of registration certificate under sub-section (2) and the form of notifying a change under sub-section (4) of section 13;
- (e) the authority to and the manner in which any notice required by this Act shall be given;
- (f) the conditions subject to which any exemption under this Act may be granted;
- (g) the manner in which the employer of an establishment shall keep exhibited in the premises a close day, closing and opening hours and such other particulars as may be prescribed; and
- (h) to safeguard health, safety and welfare of the employees while on duty; and

(3) All rules made under this section shall, as soon as possible after they are made, be laid before the State Legislature.

35. Repeal. -- The Punjab Trade Employees Act, 1940, is hereby repealed:

Provided that –

- (a) every appointment order, rule, bye-law, regulation, notification or notice made, issued or given under the provisions of the Act so repealed shall in so far as it is not inconsistent with the provisions of this Act, be deemed to have been made, issued or given under the provisions of this Act, unless and until superseded by any other appointment order, rule, bye-law, regulation, notification or notice made issued or given under this Act;
- (b) any proceeding relating to the trial of an offence punishable under the provisions of the Act so repealed, shall be continued and completed as if the said Act has not been repealed but has continued in operation, and any penalty imposed in such proceeding shall be recovered under this Act as repealed.

The Punjab Shops & Commercial Establishments Rules, 1958

LABOUR DEPARTMENT

NOTIFICATION 13th May, 1958

No. 5089/5644-C-Lab-58 - In exercise of the powers conferred by section 34 of Punjab Shops and Commercial Establishments Act, 1958, and all other powers enabling him in this behalf, the Governor of Punjab is pleased to make the following rules:

RULES [Applicable to Punjab and Haryana]

1. **Short title** - These rules may be called the Punjab Shops and Commercial Establishments Rules, 1958.

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

(a) "Act", means the Punjab Shops and Commercial Establishments Act, 1958;

(b) "Chief Inspector" means the Chief Inspector of Shops and Commercial Establishments, [Punjab] [Haryana - in Hr.];

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

(d) "Inspector" means an inspecting officer appointed under section 19 of this Act.

¹(2A) **Further conditions in respect of young persons** - Subject to provisions of section 6 of the Act, the period of work of a young person in an establishment shall be so fixed, that inclusive of his interval for rest, the spreadover shall not be more than seven hours in a day. - in Pb only.)

3. **Form of intimation under section 10 of the Act** - (1) An intimation under clause (i) of sub-section (2) of section 10 of the Act shall be sent by the employer in Form 'A' to the Inspector within local limits and establishment is situated:

Provided that such intimation need not be sent by an employer within whose establishment no employee is working.

(2) If any employer referred to under the proviso to sub-rule (1) employs in his employment any person at any subsequent time, he shall send the intimation in Form 'A' to the Inspector within one week of the employment of such person.

¹ The HP rules have been given later.

² Vide H.G. No. GSR 147/..... J.Amd (i) 74, dated 19-4-74.

³ New rule 2A inserted vide Punjab Government notification No. G.S.R. 120/P A. 5/58/S. 74/Amd (i) 68, 120, dated the 4th December, 1968.

4. **Form of notice under section 20(1) of the Act** - The notice under sub-section (1) of section 20 of the Act to be exhibited by the employer in his establishment shall be in Form B.

5. **Maintenance of registers** - The employer of every establishment about the business of which persons are employed shall maintain the following register namely:

(a) a register of employees in Form C;

(2) a register of wages of employees in Form D; and

(3) a register of deductions in Form E.

6. **Language, etc. in which records and registers are to be kept** - (1) Every register, form or record required to be maintained or furnished under the Act and these rules shall be in [English and Punjabi - in Pb.] [English and Hindi - in Hr.] and all entries therein shall be legibly made in ink.

(2) Every such register shall be duly bound and page marked in serial number.

²(3) Every such register shall be signed by the employer and the Inspector concerned - in Hr. only.

7. **Preservation of records etc.** - All registers and records required to be maintained under the Act and these rules shall be preserved by the employer for a period of [two - in Pb.] [three - in Hr.] years to be calculated from the date to which such record or registers relate.

8. **Payment of over time** - The payment in respect of overtime shall be made by the employer to an employee on the next pay day under section 16 of the Act.

9. **Utilization of fines imposed on employees** - Acts and omissions on the part of employees for purposes or imposition of the fine and the manner in which the amount of fine so imposed is to be utilized as laid down in section 8 of the Payment of Wages Act, 1936, shall be approved by the Chief Inspector on an application duly made by the employer in that behalf.

10. **Powers of Inspector** - For carrying out the purpose of the Act an Inspector may -

(i) cause to be taken a photograph of any employee or the premises of any establishment, and

(ii) call for any information, document or record, and obtain a copy thereof or take into possession any register, form, document or record maintained under the Act and these rules.

¹ Substituted by H.G. nom. No. GSR 18/PA 15/58/S. 34/72 dated 28-2-72.

² Sub-rule (3) inserted by *ibid*.

³ Substituted for "two" by *ibid*.

11. Omitted - [vide Pb Govt. No. 251/P.A. 15/58/S. 34/Amd. (2)/64 dt. 16.11.64]

12. Maternity benefit - (1) The maternity benefit payable to a woman under section 31 of the Act shall be at the rate of her average daily wages earned during the three months immediately before the period of six weeks preceding the day of her delivery.

[(2) The payment of maternity benefit accruing to a woman employee shall be made to her at any time not later than one week after the date of her delivery - in Pb].

[(2) The payment of maternity benefit accruing to a woman employee shall be made to her after one week from the date of demand after delivery. If the employer fails to make the payment within the said period he shall pay to her an additional amount at the rate of 50 per centum of the maternity benefit as penalty - in Hr.]

The amount payable to a woman employee as maternity benefit in accordance with the foregoing rules shall for the purpose of its recovery be deemed to be a part of her wages illegally withheld.

13. Registration - (1) A statement required under Section 13 of the Act for registration of an establishment or its renewal shall be submitted by the employer to the Inspector of the area within whose jurisdiction the establishment is situated in triplicate in Form F, and the Inspector shall issue the registration certificate as required under clause (1) of sub-section (2) of section 13 of the Act in the same Form within 15 days of the receipt of the statement by him.

(2) The notice about any changes as required under sub-section (4) of section 13 shall be given to the Inspector referred to in sub-rule (1) in Form G and the registration certificate shall be sent along with such notice.

(3) The registration certificate shall be returned by the Inspector to the employer after making the necessary amendment therein, within 15 days of receipt of the notice referred to in sub-rule (2).

(4) A register of establishment in Form H shall be maintained in the office of the Inspector.

(5) The notice of closing the establishment as required under section (5) of section 13 shall be given by the employer to the Inspector within whose area the establishment is situated.

14. Authority competent to prosecute : A prosecution under this Act may be instituted on a complaint in writing, before a court of competent jurisdiction by the Chief Inspector of Shops or by a Labour Officer of the Labour Department, Punjab in whose jurisdiction the offence is committed or with the permission in writing of the Chief Inspector of Shops, [Punjab in Pb] [Paryana - in Hr.] or of a court of competent jurisdiction by any contractor or by the employee concerned - in Hr. only.

Sub-section (1) of section 13 of the Act, 1958, (15/58/S. 34) Amd. (2) 64 dt. 16.11.64.

[Note - The Government of Punjab has omitted rule 14 by Punjab Govt. Labour Department Notification No. GSR 99/PA 15/58/S. 34, Amd. (3) 67, dated the 25th November, 1967]

15. Condition for grant of exemptions - [(1) - in Hr] No application for the grant of an exemption under section 28 of the Act shall be entertained unless received by the Chief Inspector within one month before the date of commencement of the period in respect of which the exemption is required.

[(2) Any exemption to be granted under section 28 of the Act shall be subject to the following conditions, namely:

(i) the spread-over inclusive of interval for rest in any establishment shall not exceed twelve hour on any one day;

(ii) the total number of hours of over time work shall not exceed sixty in any one quarter and the person employed for over-time work shall be paid remuneration at double the rate of normal wages payable to him.

(iv) no woman shall be required or allowed to work whether as an employee or otherwise in any establishment during the hours from 8.00 p.m. to 5.00 a.m.

Explanation - For the purpose of this rule 'Quarter' means a period of three consecutive months beginning on the First day of January the first day of April, the first day of July or the first day of October - in Hr. only]

16. Health - The premises of every establishment shall be-

(i) kept clean and free from accumulation of dirt and refuse;

(ii) kept sufficiently lighted during all working hours;

(iii) properly ventilated so as to permit sufficient air and light into the premises;

(iv) white washed and varnished at least once in a year and notice indicating the date of last white-washing and varnishing shall be exhibited on the premises.

(2) Where the floor of the premises of an establishment is liable to become wet in the course of any manufacturing process effective means of drainage shall be provided and maintained.

(3) In every establishment proper agreement shall be made for providing sufficient supply of drinking water to the persons employed in the establishment. The water supplied shall be fit for human consumption and shall be stored in a sheltered place and kept properly covered.

(4) The employer of every establishment will provide and maintain at a convenient place at least one spittoon in a clean and hygienic condition with a disinfectant in it which may be liquid or sand covered with lime. The disinfectant shall be replaced daily.

¹ Existing rule 15 renumbered as sub-rule (1) and sub-rule (2) added vide HC notn. No. GSR. 14/PA 15 58/S.24 Amd. (1) 14 dated 19-4-74.

(5) In every establishment which is a workshop or in which articles are produced, adapted or manufactured with a view of their use, transport or sale, adequate washing facilities shall be provided and maintained for the use of employees such as soap, towel, nail brush etc.

(6) In every establishment in which, by reason of manufacturing process carried on, there is given off any dust or fume or other impurity of such nature and to such an extent as is likely to be injurious or offensive to the persons working therein or any dust in substantial quantities, effective measures shall be taken to prevent its inhalation and accumulation in the premises and if any exhaust appliance is necessary for the purpose, it shall be applied as near as possible to the point of origin of the dust, fume or other impurity and such point shall be enclosed so far as possible.

(7) No stationary internal combustion engine shall be operated in any establishment unless the exhaust is conducted into the open air and no other internal combustion engine shall be operated in any room unless effective measures have been taken to prevent such accumulation of fumes therefrom as are likely to be injurious to the employees working in the establishment.

17. Safety - (1) Every dangerous part of a machinery in an establishment shall be securely fenced by safeguards of substantial construction which shall be kept in position while the parts of machinery they are fencing are in motion or in use.

(2) In every establishment, where manufacturing process is carried on with the aid of electric power, suitable devices of cutting off power in emergencies from running machinery shall be provided and maintained.

(3) No employee with loose fitting clothes shall be allowed or made to work near the moving machinery or belt and the tight fitting clothes for the purpose will be provided by the employer.

Haryana Amendments

17-A. Protection of eyes. The employer shall provide suitable goggles for the protection of eyes of the employees engaged on or in the immediate vicinity of the manufacturing process which is in any way open to-

(a) risk of injury to the eyes from the particulars or fragments thrown off in the course of the process.

(b) risk to the eyes by reason of exposure to excessive light - in Hr. only

18. Precautions in case of fire. Every establishment shall be provided with adequate means of escape in the case of fire.

(2) In every establishment the doors affording exit from any room shall not be locked or fastened so that they can be easily and immediately opened from inside while any person is within the room.

(3) In every establishment buckets and chemical fire extinguishers shall be provided in suitable number and at suitable sites according to the nature of work carried on and the size of the premises.

19. Welfare - (1) In every establishment a first-aid box with the following contents shall be maintained:

(i) six medium sterilized dressings; (ii) six 2.5" inches bandages; (iii) one ounce bottle containing 2 percent alcoholic iodine; (iv) one ounce bottle containing salvolatile having the dose and mode of administration indicated on the label; (v) one pair of scissors; (vi) one tube of burnol; (vii) one ounce olive oil to be used as eye drops; (viii) one roll of sticking plaster; (ix) one copy of the first aid leaflet issued by the Chief Inspector.

(2) The employer of every establishments, where smoke is produced in the course of carrying out its business, will take effective measures to exhaust out the smoke in order to safe-guard the health of the persons employed in the premises.

(3) The employer of every establishment where food, drink and beverage is served to the customers will have all the persons employed in connection with the business of the establishment including the employer, medically examined at least once in a year by the certifying surgeon or by doctor incharge of civil dispensary, where certifying surgeon is not available. A certificate in Form 1 to the effect that the person so examined is free from communicable diseases shall be obtained and produced before the Inspector on demand:

Provided that if an employee shifts to another concern before the expiry of one year from the date of medical examination, it will not be necessary for him to get a fresh medical certificate and a copy of the certificate already issued will be considered sufficient for the purpose of these rules.

20. Application of rules 16, 17, [17-A - in Hr.] 18 and 19-- Rules 16, 17, [17-A - in Hr.] 18 and 19 shall apply to those establishments only in which persons are employed by the employer.

21. Power of Chief Inspector to decide the adequacy of measures (1) If any dispute arises with regard to the adequacy of the measures adopted in accordance with rules 16, 17 [17-A - Hr] 18 and 19 it shall be referred to the Chief Inspector whose decision shall, subject to the provisions of sub-rule (2) be final.

(2) An appeal shall lie against the decision of the Chief Inspector in respect of matters specified in sub-rules (6) and (7) of rule 16 and rule 17 to the Labour

¹ Figures "(1) to (9)" substituted by figures "(1) to (ix)" respectively in Haryana only by H.G. No. CSR 18, PA 15, S. 34, 72, dated 28-2-72.

Commissioner, (Punjab) (Haryana) within a period of one month from the date on which the decision of the Chief Inspector is received by the employee.

Explanation: Dispute means difference of opinion between an employer or an employee and the Inspector under the Act.]

22. Period for supplying information required by Inspector. Any information or document required by the Inspector for carrying out the purpose of the Act and these rules shall be furnished to him by the employer of every establishment within one week from the date on which such requisition is received by the employer - in Hr. only]

For Punjab Omitted vide Pb. Govt. Notification No. GSR 257/P-A 15/ 58/ S. 34/ Amd (2)/64 dt. 18.11.1964.

FORM A

Intimation under section 10 (2)(i) of the Punjab Shops and Commercial Establishment Act, 1958

(Rule 3 of the Punjab Shops and Commercial Establishments Rules, 1958)

To

The Inspector of Shops and Commercial Establishments,
Circle.....

I hereby furnish the following information which is correct to the best of my knowledge.

The working hours and the period of interval of the persons employed in my establishment are fixed below and shall take effect from (date)

Name of the employee and father's name ¹ [or husband's name]	Working hours		Interval for rest	
	From	To	From	To
1	2		3	
Young persons				

Other Persons				

Sd.....

Name & Present address of employer with full address

FORM B

Notice to be exhibited under section 20 (1) of the Shops and Commercial Establishments Act, 1958

(Rule 4 of the Punjab Shops and Commercial Establishments Rules, 1958)

1. Close day, if any _____ Year _____
2. Opening hours of the establishment _____ Closing hours of the Establishment _____
3. Name & Parentage of the Employer _____
4. Name of the Manager, if any _____
5. Name of the Establishment _____
6. Name of the Business _____
7. Full address _____

8 Name of the employee and father's Name (for husband's name)	Working hours		Interval for rest		Weekly of day
	From	To	From	To	
1	2	3	4		
Young Persons					
1					
2					
3					
4					
Other persons					
1					
2					
3					
4					
5					
6					
7					
8					
9					
10					

9. Date of declaration _____
10. Inspections by authorities _____

Signature of the employer
(Name & full address)

FORM C

Register of Employees

(Rule 5 of the Punjab Shops and Commercial Establishments Rules, 1958)

Name of establishment _____ Year and month _____
 Name of employee _____ Father/Husband's name _____
 Age _____ Name of work _____
 Whether employed on daily, monthly, contract or piece-rate wages, with rate _____
 Date of appointment _____

Date From to Total	Interval for rest and meals From to Total	Total working hours	Overtime From to Total	Leave Remuneration due duration Date of application Date of grant	Signature of		
					Employer	Employer	Employer
1							
2							
3							
4							
5							
6							
7							
8							
9							
10							
11							
12							
13							
14							
15							
16							
17							
18							
19							
20							
21							
22							
23							
24							
25							
26							
27							
28							
29							
30							
31							

1. Total hours of overtime employment during the month _____

2. Leave availed during the month _____

Note:

_____ with a regular employer, the hours worked with him may be

FORM D

Register of wages of employees

(Rule 5 of the Punjab Shops and Commercial Establishments Rules, 1958)

Name of employer (and father's name or husband's name) month year wages fixed.
 Advances from last month Wages due in Register D Signature of Employer
 Wages earned Ordinary Advance made on Signature of Employee
 during the month Overtime (date) of employer

Total
 Balance Carried Over

Stamp

FORM E

Register of Deductions

(Rule 5 of the Punjab Shops and Commercial Establishments Rules, 1958)

Name of the establishment Year A its and commissions approved by the authorities.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
S.No.	Name of employee	Percentage	Wage Period	Wages Payable	Amount deducted	Rate for which deduction made	Date of deduction	Whether employee shown against	Amount of deduction for which authorized	Date of utilization	Balance with the employer	Signature of the employer	Signature of employee	Remarks

Added by P.G. notification No. G.S.R. 2577 A-15758-S-14 April 21/64. Dated the 16th November, 1964

FORM F

Statement for registration of establishment under section 13 of the Punjab Shops and Commercial Establishments Act, 1958.

(Rule 13 of Punjab Shops and Commercial Establishments Rules, 1958)

To
 The Inspector of Shops and Commercial Establishments,
 Circle

I hereby submit this statement for the registration/renewal of my establishment for the year The information furnished hereunder is correct to the best of my knowledge.

1. Name and percentage of employer
2. Name of manager if any
3. Name of the establishment
4. Full postal address of the establishment
5. Nature of business
6. No. of employees if any : Young persons
 Date Other Person

Signature of employer

(to be filled in by the authority)
 R. No. The establishment mentioned above is hereby registered till
 31st March, 19

Inspector,
 Shops and Commercial Establishments,
 Circle

FORM G

Form of change in respect of information contained in statement required by sub-section (4) of section 13 of the Punjab Shops and Commercial Establishments Act, 1958.

(Rule 13 of the Punjab Shops and Commercial Establishments Rules, 1958)

To
 The Inspector of Shops and Commercial Establishments,
 Circle

I hereby notify that the following change has with effect from (date) taken place in respect of the information relating to my establishment as supplied by me in my statement dated

My registration certificate number is dated
 (Here mention the change)

Dated Signature of the employer

Note:- Please see sub-section (4) of section 13 of the Punjab Shops and Commercial Establishments Act, 1958 which requires that any change made in the statement of information has to be notified to the employer within seven days after the change has taken place.

Asst. Labour Commissioner
 Punjab Chandigarh

FORM II

Registration of establishments required under section 13 (2)(f) of the Punjab Shops and Commercial Establishment Act, 1958.

(Rule 13 of the Punjab Shops and Commercial Establishments Rules, 1958)

Name of Circle..... Name of Town.....

Registration				Number of employes					
S.No	No. Date	Name of the employer	Name and address of establishment	Young Persons	Other persons	Total	Date of renewal at 19	Date of renewal at 19	Date of renewal at 19
1	2	3	4	5			6	7	8

FORM I

See rule 19 (3) of the Punjab Shops and Commercial Establishments Rules, 1958

I hereby certify that Shri.....son of/daughter of.....
age.....resident of.....district.....has
 been thoroughly examined by me and is considered to be free from any
 communicable diseases and is fit for being employed, where food, drink
 and beverage is served to customers.

His/Her mark of identification.....
 Signature or thumb-impression of the Person examined.

Signature and the designation
 of the competent authority

Dated.....

Himachal Pradesh Shops & Commercial Establishment Rules, 1972

No. 136/61-SI dated 2-9-1972 - In exercise of the powers conferred by section 34 of the Himachal Pradesh Shops and Commercial Establishments Act, 1969 [Act No. 10 of 1970], the Governor, Himachal Pradesh is pleased to make the following rules for the purposes of the said Act, the same having been previously published by this Government notification of even number dated the 21 June, 1971.

1. **Short Title:** These rules may be called the Himachal Pradesh Shops and Commercial Establishments Rules, 1972.

2. **Definitions:** (i) In these rules, unless there is anything repugnant in the subject or context:

(a) "Act" means the Himachal Pradesh Shops and Commercial Establishments Act, 1969;

(b) "Chief Inspector" means the Chief Inspector of shops and Commercial Establishments, Himachal Pradesh;

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

(d) "Section" means a form appended to these rules;

(ii) Words and expressions used in the Act and not defined in these rules shall have the meaning assigned to them in the Act.

3. **Application for Registration and Grant of Registration Certificate:** The employer of every establishment shall submit to the Inspector concerned a statement as required by section 13 in Form No. 1 for the registration fee as prescribed in Schedule 1.

4. **Manner of registering of establishment and Form of Registration Certificate:** On receipt of the statement and fees, the Inspector shall, on being satisfied about the correctness of the statement register the establishment in the Register of Establishment in Form No. 2 and shall issue a registration certificate in form No. 3 to the employer of the establishment.

5. **Notice of change:** (1) The employer shall give notice to the Inspector of the area concerned in Form 4 of any change in respect of any information contained in his statement submitted in Form No. 1 within seven days after the change has taken place together with the registration certificate.

(2) The fee for such change shall be one rupee plus the amount, if any, payable as specified in Schedule 1 having regard to the increase in the number of employees.

1) On receipt of notice of change in Form 4 along with fee as provided in sub-rule 2, the Inspector shall amend the registration certificate or issue a fresh one if necessary and send it to the employer.

Renewal of Registration Certificate: (1) A registration certificate may be renewed by the Inspector.

1) Every application for the renewal of registration certificate shall be in form 1 prescribed under rule 3 and shall be made by 31st March every year, and if the application is so made the premises shall be deemed to be duly certified until the Inspector renews the registration certificate.

2) The same fee shall be charged for the renewal of registration certificate, as for the grant thereof.

Provided that if the application for renewal of a registration certificate is not received within thirty days after the expiry of the date of the registration certificate, the registration certificate shall be renewed only on payment, of fee 50 per cent in excess of the fee ordinary payable for registration.

Transfer of Certificate: (1) A registration certificate issued under these rules shall not be transferable and if ownership of any shop or establishment is transferred, the employer shall, within fifteen days of such transfer, notify the fact of transfer and surrender the certificate of registration to the Inspector of the area and he shall submit to the Inspector statement signed by himself specifying the name and address of the transferee.

2) The Inspector on receipt of information required to be sent under sub-rule (1) shall cancel the certificate of registration and amend the register of establishment accordingly.

3) The transfer shall apply for new registration certificate within thirty days from the date of transfer.

4) The notice of closing the establishment as required under sub-section (5) of section 13 shall be given by the employer to the Inspector within whose area the establishment is situated.

8. Procedure on death or disability of employer: If the employer dies or becomes insolvent the person carrying on the business of such employer shall not be liable to any penalty under the Act of exercising the power granted to the employer by the registration certificate during a period of 90 days to enable him to make an application for the amendment of the registration certificate under rule 5 in his own name for the unexpired portion of the original registration certificate.

9. Loss of Registration Certificate: Where a registration certificate granted under these rules is lost, destroyed or defaced a duplicate copy may be granted on payment of fee of Rs. 2.

10. Payment of fees: (1) All fees payable under these rules shall be paid either into the local treasury under the head of account XXXH Miscellaneous - Social Development Organisation - Labour and Employment - Fee Realised under the

Act, 1969, or by un-crossed postal order in the name of Inspector of Shops and Commercial Establishments of the area concerned and wherever an application is required to be accompanied by any such fee, it shall be accompanied accordingly:

(a) a treasury receipt in token of such fee having been paid into treasury, or

(b) an un-crossed postal order of the requisite value.

(2) The fee once remitted shall under no circumstances be refunded.

(3) The amount of fees received in pursuance of sub-rule (1) by way of un-crossed postal order, shall be deposited into treasury by the Inspector during the week following the one to which the fees relate, under head XXXVII - Miscellaneous - Social Development Organisation - Labour and Employment - Fee Realised under the Himachal Pradesh Shops and Commercial Establishments Act, 1969.

(4) The Inspector shall submit the monthly cash report to the Chief Inspector in Form No. 5.

11. Closed day: Every establishment to which the Act applies shall remain closed on one day in a week as provided in Schedule II.

12. Form of intimation under section 10 of the Act: (1) An intimation under clause: (i) sub-section 10 of the act shall be sent by the employer in form No. 6 to the Inspector within whose local limits the establishment is situated.

Provided that such intimation need not be sent by an employer within whose establishment no employee is working.

(2) If any employer referred to under the provision to sub-rule (1) employees in his establishment any person at any subsequent time, he shall send the intimation in Form No. 6 to the Inspector within one week of the employment of such person.

13. Form and display of notice under section 20 of the Act: (1) The notice under sub-section (1) of section 20 of the Act to be exhibited by the employer in his establishment shall be in Form No. 7.

(2) The registration certificate obtained in Form No. 3, shall be displayed by the employer at a conspicuous place.

14. Maintenance of registers: The employer of every establishment about the business of which person are employed shall maintain the following registers, namely:

(1) A register of employees in Form No. 8.

(2) A register of wages of employees in Form No. 9.

(3) A register of deduction in Form No. 10.

(4) A register of fines with wages in Form No. 11.

15. **Language etc. in which records and registers are to be kept:** (1) Every register, form or record to be maintained or furnished under the act and these rules shall be in English or Hindi and all entries therein shall be legibly made in ink.

(2) Every such register shall be duly bound and page marked in serial number.

16. **Preservation of records:** All registers and records required to be maintained under the act and these rules shall be preserved by the employer for a period of three years to be calculated from the date to which such record or register relate.

17. **Payment of over time:** The payment in respect of overtime work shall be made by employer to an employee on the next pay day.

18. **Utilization of fines imposed on employees:** Acts and commissions on the part of the employees for purpose of imposition of the fine and the manner in which the amount of fine so imposed is to be utilised as laid down in section 8 of the Payment of Wages Act 1935, shall be approved by the Chief Inspector on an application duly made by the employer in that behalf.

19. **Powers of inspector:** For carrying out of the purposes of the Act an Inspector only.

(i) cause to be taken a photograph of any employee or of the premises of any establishment; and

(ii) call for any information, document or records and obtain a copy thereof or take into possession any register, form document or record mentioned under the Act and these rules;

(iii) prosecute conduct and defend before a court any complaint and other proceedings arising under the act or in discharge of his duties as an Inspector.

20. **Maternity benefit:** (1) The maternity benefit payable to a woman under section 30 of the act shall be at the rate of her average daily wages earned during the three months immediately before the period of six weeks proceeding the day of her delivery.

(2) The amount payable to a woman employee as maternity benefit in accordance with the foregoing rules shall for the purposes of its recovery be deemed to be a part of her wages illegally withheld.

21. **Conditions of grant of exemption:** No application for the grant of an exemption under section 27 of the act shall be entertained unless received by the Chief Inspector within one month before the date of Commencement of the period in respect of which the exemption is required.

22. **Health:** The premises of every establishment dealing exclusively in meals, fish dairy produce, bread, confectionary, sweets, ice cream, cooked food, beverage, drink and refreshment shall be:-

(i) kept clean and free from accumulation of dirt and refuse,

(ii) properly ventilated so as to permit sufficient air and light into the premises.

(iii) kept sufficiently lighted during all working hours;

(iv) white washed and varnished at least once in a year and notice indicating the date of last white-washing and varnishing shall be exhibited on the premises.

(2) Where the floor of the premises of an establishment is liable to become wet in the course of any manufacturing process effective means of drainage shall be provided and maintained.

(3) In every establishment which is a workshop or in which articles are produced or manufactured with a view to their use, transport or sale, adequate washing facilities shall be provided and maintained for the use of employees such as soap, towel, nail, brush, etc.

(4) In every establishment which by reason of the manufacturing process carried on, there is given off any dust or fume or other impurity of such nature and to such an extent as is likely to be injurious or offensive to the persons working therein, or any dust in substantial quantities, effective measure shall be taken to prevent its inhalation and accumulation in the premises and if any exhaust appliance is necessary for this purpose, it shall be applied as near as possible to the point that be enclosed so far as possible.

23. **Safety:** (1) Every dangerous part of machinery in an establishment shall be securely fenced by safeguards of substantial construction which shall be kept in position while the part of machinery they are fencing are in a motion or in use.

(2) In every establishment where manufacturing process is carried on with the aid of electric power, suitable devices for cutting off power in emergencies from running machinery shall be provided and maintained.

(3) No employee with loose, fitting clothes on shall be allowed or made to work near the moving machinery or belt and the tight fitting clothes for the purpose will be provided by the employer.

24. **Precautions in case of fire:** (1) Every establishments shall be provided with adequate means of escape in the case of fire.

(2) 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.

25. **Welfare:** (1) The employer of establishment, where smoke is produced in the course of carrying out its business will take effective measure to exhaust out the smoke in order to safeguard the health of the persons employed in the premises.

(2) The employer of establishment where food, drink and beverage is served shall ensure that his employees are free from any infectious/contagious disease. A certificate in Form No. 12 to the effect that the person is free from

communicable disease shall be obtained and produced before the Inspector on demand.

26. **Period for supplying information required by Inspector.** Any information or document required by the Inspector in his office for carrying out the purposes of the act and these rule shall be furnished to him by the employer of every establishment within one week from the date on which such requisition is received by the employer.

27. **Authority competent to prosecute:** A prosecution under this act shall be instituted on a complaint in writing before a court of competent jurisdiction by the Chief Inspector appointed under this Act or by an Inspector in whose jurisdiction the offence is committed, with the prior approval of the Chief Inspector.

The Punjab Shops and Commercial Establishments Rules, 1958

Published vide Punjab Notification No. 6089/5544-C-Lab-58, dated 13th May 1958

pu631

1. Short title. - These rules may be called the Punjab Shops and Commercial Establishments Rules, 1958.

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

- (a) "Act" means the Punjab Shops and Commercial Establishments Act, 1958;
- (b) "Chief Inspector" means the Chief Inspector of Shops and Commercial Establishments, Punjab;
- (c) "Form" means a form appended to these rules;
- (d) "Inspector" means an inspecting officer appointed under section 19 of the Act.

[2A. Further conditions in respect of young persons. - Subject to the provisions of section 6 of the Act, the period of work of a young person in an establishment shall be so fixed that, inclusive of his interval for rest, the spread over shall not be more than seven hours a day.]

3. Form of intimation under section 10 of the Act. - (1) An intimation under clause (i) of sub-section (2) of section 10 of the Act shall be sent by the employer in Form 'A' to the Inspector within whose local limits the establishment is situated :
Provided that such intimation need not be sent by an employer within whose establishment no employee is working.

(2) If any employer referred to under the proviso to sub-rule (1) employs in his establishment any person at any subsequent time, he shall send the intimation in Form A to the Inspector within one week of the employment of such person.

4. Form of notice under section 20(1) of the Act. - The notice under sub-section (1) of section 20 of the Act to be exhibited by the employer in his establishment shall be in Form B.

5. Maintenance of registers. - The employer of every establishment about the business of which persons are employed shall maintain the following registers, namely :-

- (1) a register of employees in Form C;
- (2) a register of wages of employees in Form D; and
- (3) a register of deductions in Form E.

6. Language, etc. in which records and registers are to be kept. - (1) Every register, Form or record required to be maintained or furnished under the Act and these rules shall be in English and Punjabi and all entries therein shall be legibly made in ink.

(2) Every such register shall be duly bound and page-marked in serial number.

7. Preservation or records, etc. - All registers and records required to be maintained under the Act and these rules shall be preserved by the employer for a period of two years to be calculated from the date to which such records or registers relate.

8. Payment of overtime. - The payment in respect of overtime shall be made by the employer to an employee on the next pay day under section 16 of the Act.

9. Utilization of fines imposed on employees. - Acts and omissions on the part of employees for purposes of imposition of fine and the manner in which the amount of fine so imposed is to be utilised as laid down in section 8 of the Payment of Wages Act, 1936, shall be approved by the Chief Inspector on an application duly made by the employer in that behalf.

10. Powers of Inspector. - For carrying out the purposes of the Act an Inspector may-

- (i) cause to be taken a photograph of any employee or the premises of any establishment; and
- (ii) call for any information, document or record, and obtain a copy thereof or take into possession any register, Form, document or record maintained under the Act and these rules.

11. Condition under section 24 of the Act. - Omitted vide Punjab Government No. 251/P.A.15/58/S. 34/Amd (2)/64 dated 16.11.64.

12. Maternity benefit. - (1) The maternity benefit payable to a woman under section 31 of the Act shall be at the rate of her average daily wages earned during the three months immediately before the period of six weeks preceding the day of her delivery.

For Punjab - (2) The payment of maternity benefit accruing to a woman employee shall be made to her at any time not later than one week after the date of her delivery.

(3) The amount payable to a woman employee as maternity benefit in accordance with the foregoing rules shall for the purposes of its recovery be deemed to be a part of her wages illegally withheld.

13. Registration. - (1) A statement required under section 13 of the Act for registration of an establishment or its renewal shall be submitted by the employer to the Inspector of the area within whose jurisdiction the establishment is situated in triplicate in Form F, and the Inspector shall issue the registration certificate as required under clause (i) of sub-section (2) of section 13 of the Act in the same Form [within fifteen days of the receipt of the statement by him.]

(2) The notice about any change as required under sub-section (4) of section 13 shall be given to the Inspector referred to in sub-rule (1) in Form G and the registration certificate shall be sent along with such notice.

(3) The registration certificate shall be returned by the Inspector to the employer [after making the necessary amendment therein, within 15 days of the receipt of the notice referred to in sub-rule (2).]

(4) A register of establishments in Form H shall be maintained in the office of the Inspector.

(5) The notice of closing the establishment as required under sub-section (5) of section 13 shall be given by the employer to the Inspector within whose area the establishment is situated.

14. [-]

15. Condition for grant of exemption. - No application for the grant of an exemption under section 28 of the Act shall be entertained unless received by Chief Inspector within one

month before the date of commencement of the period in respect of which the exemption is required.

16. Health. - (1) The premises of every establishment shall be -

- (i) kept clean and free from accumulation of dirt and refuse;
- (ii) kept sufficiently lighted during all working hours;
- (iii) properly ventilated so as to permit sufficient air and light into the premises;
- (iv) white-washed and varnished at least once in a year and notice indicating the date of last white-washing and varnishing shall be exhibited in the premises.

(2) Where the floor of an establishment is liable to become wet in the course of any manufacturing process effective means of drainage shall be provided and maintained.

(3) In every establishment proper arrangements shall be made for providing sufficient supply of drinking water to the persons employed in the establishment. The water so supplied shall be fit for human consumption and shall be stored in a sheltered place and kept properly covered.

(4) The employer of every establishment will provide and maintain at a convenient place at least one spittoon in a clean and hygienic condition with a disinfectant in it which may be liquid or sand covered with lime. The disinfectant shall be replaced daily.

(5) In every establishment which is a workshop or in which articles are produced, adapted or manufactured with a view to their use, transport or sale, adequate washing facilities shall be provided and maintained for the use of employees such as soap, towel, nail brush, etc.

(6) In every establishment in which, by reason of the manufacturing process carried on, there is given off any dust or fume or other impurity of such nature and to such an extent as is likely to be injurious or offensive to the persons working therein or any dust in substantial quantities, effective measures shall be taken to prevent its inhalation and accumulation in the premises and if any exhaust appliance is necessary for this purpose, it shall be applied as near as possible to the point of origin of the dust, fume or other impurity, and such point shall be enclosed so far as possible.

(7) No stationary internal combustion engine shall be operated in any establishment unless exhaust is conducted into the open air, and no other internal combustion engine shall be operated in any room unless effective measures have been taken to prevent such accumulation of fumes therefrom as are likely to be injurious to the employees working in the establishment.

17. Safety. - (1) Every dangerous part of a machinery in an establishment shall be securely fenced by safeguards of substantial construction which shall be kept in position while the parts of machinery they are fencing are in motion or in use.

(2) In every establishment, where manufacturing process is carried on with the aid of electric power, suitable devices for cutting off power in emergencies from running machinery shall be provided and maintained.

(3) No employee with loose fitting clothes on shall be allowed or made to work near the moving machinery or belt and the tight fitting clothes for the purpose will be provided by the employer.

18. Precautions in case of fire. - (1) Every establishment shall be provided with adequate means of escape in case of fire.

(2) In every establishment the doors affording exit from any room shall not be locked or fastened so that they can be easily and immediately opened from inside while any person is within the room.

(3) In every establishment buckets and/or chemical fire extinguishers shall be provided in suitable number and at suitable sites according to the nature of work carried on and the size of the premises.

19. Welfare. - (1) in every establishment a first-aid box with the following contents shall be maintained -

- (1) six medium sterilized dressings;
- (2) six 2½" bandages;
- (3) one ounce bottle containing 2 per cent alcoholic iodine;
- (4) one ounce bottle containing selvolatile having the dose and mode of administration indicated on the label;
- (5) one pair of scissors;
- (6) one tube of Burnol;
- (7) one ounce olive oil to be used as eye drops;
- (8) one roll of sticking plaster;
- (9) one copy of the first-aid leaflet issued by the Chief Inspector.

(2) The employer of every establishment, where smoke is produced in the course of carrying out its business, will take effective measures to exhaust out the smoke in order to safeguard the health of the persons employed in the premises.

(3) The employer of every establishment where food, drink and beverage is served to the customers will have all the persons employed in connection with the business of the establishment including the employer, medically examined at least once in a year by certifying surgeon or by doctor incharge of civil dispensary, where certifying surgeon is not available. A certificate in Form 1 to the effect that the person so examined is free from communicable diseases shall be obtained and produced before the inspector on demand : Provided that if an employee shifts to another concern before the expiry of one year from the date of medical examination, it will not be necessary for him to get a fresh medical certificate and a copy of the certificate already issued will be considered sufficient for the purposes of these rules.

20. Application of rules 16, 17, 18 and 19. - Rules 16, 17, 18 and 19 shall apply to those establishments only in which persons are employed by the employer.

21. Power of Chief Inspector to decide the adequacy of measures. - (1) If any dispute arises with regard to the adequacy of the measures adopted in accordance with rules 16, 17, 18 and 19 it shall be referred to the Chief Inspector whose decision shall, subject to the provision of sub-rule (2), be final.

(2) An appeal shall lie against the decision of the Chief Inspector in respect of matters specified in sub-rules (6) and (7) of rule 16 and [-] rule 17 to the Labour Commissioner, Punjab, within a period of one month from the date on which decision of the Chief Inspector is received by the employee.

[Explanation. - 'Dispute' means any difference of opinion between an employer or an employee and the Inspector under the Act.]

22. [-]

Form A

Intimation under section 10(2)(i) of the Punjab Shops and Commercial Establishment Act, 1958

(Rule 3 of the Punjab Shops and Commercial Establishments Rules, 1958)

To

The Inspector of Shops and
Commercial Establishments,
Circle _____.

I hereby furnish the following information which is correct to the best of my knowledge. The working hours and the periods of interval of the person employed in my establishment are fixed below and shall take effect from (date) _____

Name of the employee and father's name *[or husband's name]	Working Hours		Interval for rest	
	From	To	From	To
1	2		3	
Young persons				
1				
2				
3				
4				
Other persons				
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				

(Sd.) _____

Name and Parentage of employer
with full address

* Added by Punjab Government Notification No. G.S.R. 257/P.A. 15/58/S.34/Amd (2)/64, dated the 16th November, 1964.

Form B

Notice to be exhibited under section 20(1) of the Shops and Commercial Establishments Act, 1958

(Rule 4 of the Punjab Shops and Commercial Establishments Rules, 1958)

1. Close day, if any _____ Year _____
2. Opening hour of the Establishment _____ Closing hour of the Establishment _____

3. Name and Parentage of the Employer _____

4. Name of the Manager, if any _____

5. Name of the establishment _____

6. Nature of business _____

7. Full Address. _____

8. Name of the employee and father's name *[or husband's name]	Working Hours		Interval for rest		Weekly off days
	From	To	From	To	
1	2		3		4
Young persons					
1					
2					
3					
4					
Other persons					
1					
2					
3					
4					
5					
6					
7					
8					
9					
10					

9. Date of declaration _____

10. Inspections by authorities _____

Signature of the employer
(Name and Full Address)

* Inserted by Punjab Government Notification No. G.S.R. 557/P.4 15/58/S.34/ Amd. (2)/64, dated the 16th November, 1964.

Form C
Register of Employees

(Rule 5 of the Punjab Shops and Commercial Establishments Rules, 1958)

Name of establishment _____ Year and month _____

28														
29														
30														
31														

1. Total hours of over-time employment during the month _____
 2. Leave availed during the month _____

Note. - If an employee has worked with a previous employer, the hours worked with him may be shown in 'Remarks' column.

Form D
Register of Wages of Employees

(Rule 5 of the Punjab Shops and Commercial Establishments Rules, 1958)

Name of an employee [and father's name or husband's name] _____
 Month _____ Year _____ Wages fixed _____

Arrears from last month		Wages due	Deduction as shown in Register - E	Advances made on (Date)	Payment made	Signature of employee	Signature of Employer	Remarks
Wage earned during the month	Ordinary							
	Overtime							
			Total Balance carried over		Stamp			

Form E
Register of Deductions

(Rule 5 of the Punjab Shops and Commercial Establishments Rules, 1958)

Name of the establishment _____ Year _____ Acts and omission approved by the authorities _____

Serial No.	Name of employer	Parentage	Wage period	Wages payable	Amount deducted	Fault for which deduction made	Date of deduction
1	2	3	4	5	6	7	8
Whether employee	Amount of deduction	Date of utilisation	Balance with employer	Signature of employee	Signature of employer	Remarks	

showed cause against deduction	and purpose for which utilised					
9	10	11	12	13	14	15

Form F

**Statement for Registration of Establishment under section 13 of the Punjab Shops
and Commercial Establishments Act, 1958**

(Rule 13 of the Punjab Shops and Commercial Establishments Rules, 1958)

To

The _____ Inspector of _____ Shops _____ and
Commercial _____ Establishments
_____ Circle.

I hereby submit this statement for the registration/renewal of my establishment for the year _____ . The information furnished hereunder is correct to the best of my knowledge.

1. Name and parentage of employer _____

2. Name of manager, if any _____

3. Name of the establishment _____

4. Full postal address of the establishment _____

5. Nature of Business _____

6. No. of employees, if any : Young persons _____

Other persons _____

7. No. and date of previous registration certificate surrendered _____

8. Date _____

Signature of employer

(To be filled in by the authority)

R. No. _____ . The establishment mentioned above is hereby registered till 31
March, 19 _____

Inspector,
Shops and Commercial Establishment
_____ Circle

Dated :

Form G

Form of change in respect of information contained in statement required by sub-section (4) of section 13 of the Punjab Shops and Commercial Establishments Act, 1958

(Rule 13 of the Punjab Shops and Commercial Establishments Rules, 1958)

To
The Inspector of Shops and
Commercial Establishments,
Circle _____

I hereby notify that the following change has with effect from _____(date) taken place in respect of the information relating to my establishment as supplied by me in my statement date _____.

My registration certificate number is _____dated _____.
(Here mention the change)

Dated

(Signature of the employer)

Note :- The change is required under sub-section (4) of section 13 of the Punjab Shops and Commercial Establishments Act, 1958 to be notified by the employer within seven days after the change has taken place.

Form H

Registration of Establishment required under section 13(2)(i) of the Punjab Shops and Commercial Establishment Act, 1958

(Rule 13 of the Punjab Shops and Commercial Establishments Rules, 1958)

Name of Circle _____ Name of Town _____

Registration			Name and address of establishments	Number of employees Young persons Other persons Total	Date of renewal 1959-60	Date of renewal of 1960-61	Date of renewal 1961-62	Remarks
Serial No.	Date	Name of the employer			6	7	8	
1	2	3	4	5	6	7	8	9

Form I

[See Rule 19(3) of the Punjab Shops and Commercial Establishments Rules, 1958]

I hereby certify that Shri _____son of/daughter of _____age_____, resident of _____, district _____has been thoroughly examined by me and is considered to be free from any communicable diseases and is fit for being employed in any establishment where food, drink and beverage is served to customers.

His/Her mark of identification_____

Signature or Thumb-Impression of the person examined.
Date _____

Signature and the designation
of the competent medical authority.

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The Punjab Shops and Commercial Establishments Act, 1958

[PUNJAB ACT NO. 15 OF 1958]

(Received the assent of the President on the 25th. April, 1958 and was published in the Punjab Government Gazette on the first May, 1958 for general information)

An Act to provide for the regulation of conditions of work and employment in Shops and commercial establishments.

Be it enacted by the Legislature of the State of Punjab and Commercial Establishments Act, 1958.

1. Short Title, extent, commencement and application. -- (1) This Act may be called the Punjab Shops and Commercial Establishments Act, 1958.

(2) It extends to the whole of the State of Punjab.

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

(4) It shall apply in the first instance to the areas specified in the Schedule, but the Government may by notification direct that it shall also apply to such other area on such date as may be specified in the notification.

2. Definitions. -- (1) In this Act, unless the context otherwise requires;

- (i) “**closed**” means not open for the service of any customer or for any other purpose whatsoever relating to business;
- (ii) “**closed day**” means the day of the week on which a shop or commercial establishment remains closed;
- (iii) “**closing hours**” means the hour at which a shop or commercial establishment closed;
- (iv) “**Commercial establishment**” means any premises wherein any business, trade or profession is carried on for profit and includes journalistic or printing establishment and premises in which business of banking, insurance, stocks and shares, brokerage and produce exchange is carried on or which is used as hotel, restaurant, boarding or eating house, theatre, cinema or other place of public entertainment or any other place which the Government may declare, by notification in the official Gazette, to be a commercial establishment for the purposes of this Act;
- (v) “**day**” means the period of twenty-four hours beginning at mid night;

Provided that in the case of any employee whose hours of work extend beyond mid night, day means the period of twenty hours beginning from the time when such employment commences.

- (vi) **“employee”** means a person wholly or principally employed in, or in connection with, an establishment, whether working on permanent, periodical, contract or piece-rate wages or on commission basis even though he receives no reward for his labour, but does not include a member of employee’s family;
- (vii) **“employer”** a person having charge of or owning or having ultimate control over the affairs of an establishment and include members of the family of an employer, a manager, agent or other person acting in the general management or control of the establishment;
- (viii) **“establishment”** means a shop or a commercial establishment;
- (ix) **“factory”** has the meaning assigned to it in the Factories Act, 1948;
- (x) **“family”** in relation to an employer, means --
 - (i) spouse
 - (ii) children and step children; and
 - (iii) parents, sisters and brothers if residing with and wholly dependent upon him;
- (xi) **“festival”** means any festival which Government may, by notification declare to be a festival for the purposes of this Act;
- (xii) **“government”** means the Punjab Government;
- (xiii) **“hours of work, or working hours”** means the time during which the persons employed are at the disposal of the employer exclusive of any interval for rest and meals;
- (xiv) **“inspector”** means an Inspector appointed under this Act;
- (xv) **“leave”** means leave provided for in section 14;
- (xvi) **“manager”** in relation to an establishment where five or more persons are employed on an establishment whose owner does not ordinarily carry on the business personally, means a person declared as such by the employer in the prescribed manner;
- (xvii) **“night”** means a period of at least twelve consecutive hours which shall include the interval between 8 p.m. and 6 a.m.;

- (xviii) **“opened”** in relation to a shop or commercial establishment whose entrance is the only entrance to the residence, means, opened for the service of any customer or for any business connected with the establishment;
- (xix) **“opening hour”** means the hour at which an establishment opens;
- (xx) **“prescribed”** means prescribed by rules made under this Act;
- (xxi) **“prescribed authority”** means the authority prescribed under the rules made under this Act;
- (xxii) **“retail trade or business”** includes the business of a barber or hair dresser, the sale of refreshments or intoxicating liquors, and retail sales by auction;
- (xxiii) **“register of establishments”** means a register maintained for the registration of establishments under this Act;
- (xxiv) **“registration certificate”** means a certificate showing the registration of an establishment;
- (xxv) **“shop”** means any premises where any trade or business is carried on or where services are rendered to customers and includes offices, store-rooms, godowns, sale-depots or ware-houses, whether in the same premises or otherwise, used in connection with such trade or business but does not include a commercial establishment 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 (LXIII of 1948);
- (xxvi) **“spread over”** means a period between the commencement and termination of work of an employee on any day;
- (xxvii) **“wages”** shall have the meaning assigned to it in the Payment of Wages Act, 1936 (IV of 1936);
- (xxviii) **“wage period”** means the period after which the wages of an employed person shall be paid;
- (xxix) **“week”** means the period between mid-night on Saturday and mid-night on the following Saturday;
- (xxx) **“young person”** means a person who has attained the age of fourteen but has not attained the age of eighteen years; and
- (xxxi) **“year”** means a year commencing on the first day of April.

(2) For the purposes of this Act, any employment in the service of the employer of an establishment upon any work, whether within the establishment or outside it, which

relates to, or is connected with or is ancillary to the business carried on at the establishment shall be deemed to be employment about the business of the establishment.

SECTION 3

3. Act not applicable to certain establishment and persons. -- Nothing in this Act shall apply to. –

- (a) offices of or under the Central or State Governments, (except commercial undertakings), the Reserve Bank of India, any railway administration or any local authority;
- (b) any railway service, air service, water transport service, tramway, postal, telegraph or telephone service, any system of public conservancy or sanitation or any industry business or undertaking which supplies power, light or water to the public;
- (c) railway dining cars;
- (d) offices of lawyers;
- (e) any person employed about the business of any establishment mentioned in paragraphs (a) to (d) aforesaid;
- (f) any person whose hours of employment are regulated by or under the Factories Act, 1947, except the provisions of sub-sections (3), (4), and (5) of section 7 of this Act in so far as they relate to employment in a factory;
- (g) any person whose work is inherently intermittent;
- (h) establishments of stamp vendors and petition writers.

SECTION 4

4. Provisions of section 9 and sub-section (1) of section 10 not applicable to certain establishments.

(1) Nothing in section 9 and sub-section (1) of section 10 shall apply to--

- (a) clubs, hotels, boarding houses, stalls and refreshment rooms at the railway stations;
- (b) shops of barbers and hair dressers;

- (c) establishments dealing exclusively in meat, fish, confectionery, poultry, eggs, dairy produce [except ghee], bread sweets, chocolates, ice, ice-cream, cooked food; fresh fruits, flowers or vegetables;
- (d) shops dealing exclusively in medicines or medical or surgical requisites or appliances and establishments for the treatment or care of the sick, infirm, destitute or mentally unfit.
- (e) shops dealing in articles required for funerals, burials, or cremations.
- (f) shops dealing exclusively in pans (betel leaves), biris or cigarettes of liquid refreshment sold in retail for consumption on the premises.
- (g) shops dealing exclusively in newspapers or periodicals, editing and dispatching sections of the newspaper office and office of the news agencies;
- (h) places of public entertainment except cinema houses;
- (i) establishment for the retail sale of petrol and petroleum products used for transport;
- (j) shops in regimental institutes, garrison shops and troop canteens in cantonments;
- (k) tanneries;
- (l) establishments engaged in retail trade carried on at an exhibition or show, if such retail trade is subsidiary or ancillary only to the main purpose of the exhibition or show;
- (m) oil mills not registered under the Factories Act, 1948;
- (n) brick and lime kilns;
- (o) commercial establishments engaged in the manufacture of bronze and brass utensils so far as it is confined to the process of melting in furnace;
- (p) saltpeter refineries;
- (q) establishments of commercial; colleges of short hand or type writing and other educational academies;
- (r) booking offices of the passenger and goods transport companies;
- (s) establishments dealing exclusively in green and dry fodder and chaff cutting; and
- (t) cycle stands, and cycle repair shops;

(2) Nothing in sub-section (1) of section 10 shall apply to: --

- (i) establishments of Cinema houses.
- (ii) Establishments dealing in hides and skins;
- (iii) ice factories;
- (iv) establishments engaged exclusively in repairs of cycles or Motor vehicles or the service of motor vehicles, not being an establishment dealing in cycle or motor vehicle or exclusively in spare parts thereof;
- (v) establishments dealing exclusively in providing on hire tents, *Chhaldaries* and other articles such as crockery, furniture, loud speakers, gas lights and fans required for ceremonial purposes and
- (vi) establishments, dealing exclusively in retail sale of *phulians*, *murmura*, sugar coated gram, *reories* or other similar commodities.

5. Power of Government to extend the provision of Act. – (1) Notwithstanding anything contained in section 3 or section 4, Government may by notification declare that any class of establishments or persons specified therein shall not be exempt from the operation of such provisions of this Act as may be specified in the notification and that provisions of this Act specified such notification shall apply to such class of establishments or persons as the case may be.

(2) Every notification made under sub-section (1) shall as soon as possible after it is made, be laid before the *both Houses of the State Legislature.

6. Conditions of employments for young persons. -- (1) The total number of hours worked by a young person employed about the business of an establishment, exclusive of intervals for meals and rest, shall not exceed thirty hours in any one week or five hours in any one day.

(2) A young person employed about the business of an establishment shall not be employed continuously for more than three hours without an interval of at least half an hour for meal or rest.

(3) Government may prescribe further conditions in respect of the employment of young persons employed about the business of establishments or any class of them, including if it thinks fit, conditions with respect to the daily period of employment of those persons, and no such person shall be employed otherwise than in accordance with those conditions.

* But see *Adaptation of Laws Order, 1968*.

(4) In the case of any contravention of, or failure to comply with the provisions of this section, the employer shall, be liable, on conviction, to a fine which shall not be less than fifty rupees but which may extend to two hundred rupees.

(5) Where, in proceedings for an offence under this section, the person in respect of whom the offence was committed was a young person, and he appears to the court to have been at the date of the commission of the offence a young person he shall, for the purposes of this Act, be presumed at that date to have been a young person unless the contrary is proved.

7. Hours of employment. – (1) Subject to the provisions of this Act, no person shall be employed about the business of an establishment for more than forty-eight hours in any one week and nine hours in any one-day.

(2) On occasion of seasonal or exceptional pressure of work a person employed in an establishment may be employed about the business of the establishment in excess of the working hour specified in sub-section (1);

Provided that—

- (a) the total number of overtime hours worked by an employee does not exceed fifty within a period of any one quarter; and
- (b) the person-employed overtime shall be paid remuneration at twice the rate of his normal wages calculated by the hour.

Explanation. – ‘Normal Wages’ for the purposes of proviso (b) means basic wages plus such allowances including the cash equivalent of the advantages accruing through the Concessional sale to workers of foodgrains and other articles as the worker is for the time being entitled to, but does not include bonus.

(3) No employer shall, on any day or in any week, employ about the business of the establishment any person who has been previously employed on that day or in that week in another establishment or a factory for a longer period than shall, together with the time during which he has been previously employed on that day or in that week in such other establishment or factory exceed the number of hours permitted by this Act.

(4) In any proceedings against the employer of the establishment for a contravention of the provisions of sub-section (3) it shall be a defence to prove that the employer did not know and could not with reasonable diligence ascertain that the person was previously employed by the employer of the other establishment or factory.

(5) No person shall work about the business of an establishment of two or more establishments or an establishment and a factory in excess of the period during which may be lawfully employed under this Act;

8. Intervals for rest and meals. – (1) Subject to the provisions of section 6, no employee except a chaukidar, watchman or guard, shall be allowed to work in an establishment for more than five hours before he has had an interval for rest of at least half an hour: -

Provided that Government may by notification fix such interval for rest in respect of any class of establishments for the whole of the State or any part thereof as it may consider necessary.

(2) The period of work of an employee in an establishment shall be so fixed that, inclusive of his interval for rest, the spread over shall not be more than ten hours in a day.

9. Opening and closing hours. -- Government shall by notification fix the opening and closing hours of all classes of establishments; and different opening and closing hours may be fixed for different classes of establishments and for different areas;

Provided that Government may allow an establishment attached to a factory to observe such opening and closing hours as the Government may direct.

10. Close day. -- (1) Save as otherwise provided in this Act every establishment shall remain closed on every Sunday;

Provided that, in the case of an establishment attached to a factory the employer may substitute the close day of such establishment so as to correspond to the substituted close day of the factory in the same manner and subject to the same conditions as are laid down in this behalf in the Factories Act, 1948;

Provided further that Government may by notification fix any other day to be the close day in respect of any class of establishments for the whole of the State or any part thereof.

(2) (i) The employer of an establishment shall in the prescribed form intimate to the prescribed authority the working hours, the day in a week referred to in clause (b) of section 11 and the period of interval of the employed person within fifteen days of the date of registration of the establishment..

(ii) The employer of an establishment may change the working hours and the period of interval once in a quarter of the year by giving intimation in the prescribed form to the prescribed authority at least fifteen days before the change is to take place.

(3) Notwithstanding anything contained in sub-section (1), the employer of an establishment may open his establishment on the close day if: -

(a) such day happens to coincide with a festival, and

(b) employees required to work on that day are paid remuneration at double the rate of their normal wages calculated by the hour.

11. 'Employees' off day in a week -- No employees shall be allowed or required to work-

- (a) on a close day, in any establishment which is required to observe a close day; and
- (b) on one day in a week, in any other establishment; and
- (c) before the opening hour of the establishment and after closing hour of the establishment;

Provided that a watchman may be allowed or required to work on an off day under this section if he is allowed another off day in the week.

12. Holidays. – Every employee in an establishment shall be allowed –

- (a) a holiday with wages on the Independence day, Republic day, and Mahatma Gandhi's birthday; and
- (b) three other holidays with wages in a year in connection with such festivals as Government may declare from time to time by notification.

Provided that an employee required to work on any such holiday should be paid remuneration at double the rate of his normal wages calculated by the hour.

13. Registration of establishments. – (1) Within the period specified, in sub-section (3), the employer of every establishment shall send to the prescribed authority concerned a statement in the prescribed form containing: -

- (a) the name of the employer and the manager, if any;
- (b) postal address of the establishment;
- (c) the name, if any; of the establishment;
- (d) number of persons employed;
- (e) such other particulars as may be prescribed.

(2) (i) On receipt of the statement, the authority shall on being satisfied about the correctness of the statement, register the establishment in the register of establishments in such a manner as may be prescribed and shall issue in a prescribed form a registration certificate to the employer. The registration certificate shall on demand by the inspector, be shown to him by the employer.

(ii) The registration certificate shall be renewable by the 31st. March, every year. Thirty days grace time shall, however, be allowed for the renewal of the certificate.

(3) Within thirty days from the date mentioned in column 2 below in respect of the establishment in column 1 the statement shall be sent to the prescribed authority under sub-section (1).

Establishment

(1)

*Date from which the period of
30 days is to commence*
(2)

(i) Establishments existing in areas to which this Act applies or where this Act is extended.

The date on which this Act comes into force or the date on which the Act is extended, as the case may be.

(ii) New establishment in such area

The date of which the establishment commences its work.

(4) It shall be the duty of the employer to notify to the prescribed authority in the prescribed form any change in respect of any information contained in his statement under this section within seven days after the change has taken place. The authority shall on receiving such notice and on being satisfied about its correctness make the change in the register of establishments in accordance with such notice and shall amend the registration certificate, if necessary.

(5) The employer shall, within ten days of his closing the establishment, notify to the prescribed authority in writing accordingly. The authority shall, on receiving the information and being satisfied about the correctness remove the name of such establishment from the register of establishments and cancel the registration certificate.

14. Leave. -- (a) Every employee who has been in employment for not less than twenty days in a year shall be entitled to one day's earned leave for every such twenty days:

Provided that a young person shall be entitled to one day's earned leave for every fifteen days of employment during the year.

(b) if an employee is discharged or dismissed from or leaves service during the course of the year he shall be entitled to leave with wages or wage in lieu of un-availed leave at the rates laid down in clause (a).

(c) In calculating leave under this section, fraction of half a day or more shall be treated as one day's leave and fraction of less than half a day shall be ignored.

(d) If an employee does not in any one year take the whole of the leave allowed to him under clause (a), any leave not taken by him shall be added to the leave to be allowed to him in the succeeding year:

Provided that—

- (i) Subject to any specific agreement between the employer and the employee, the total number of days of leave that may be carried forward to a succeeding year shall not exceed forty in the case of a young person or thirty in any other case;
- (ii) The provisions of this section shall not operate to the prejudice of any rights to which an employee may be entitled under any other law or under the terms of any award, agreement or contract of service;
- (iii) Where such award, agreement or contract of service provides for a longer leave with wages or weekly holidays than those provided under this section the employee shall be entitled to only such longer leave or weekly holidays as the case may be.

(2) Leave period in clause (a) of sub-section (1) shall, when applied for be granted except for a valid reason to be communicated in writing by the employer to the employee within fifteen days of the application:

Provided that the leave so refused shall, if applied for again, be allowed during the year.

(3) (a) For the purpose of computing the period during which an employee has been in employment within the meaning of sub-section (1) (a), the period during which he was on leave under this section and the off days in a week referred to in section 11, shall be included.

(b) The un-availed leave of an employee shall not be taken into consideration in computing the period of any notice required to be given before discharge, removal or dismissal.

(4) Notwithstanding anything contained in the foregoing sub-section every employee in an establishment shall be allowed with wages seven days casual leave and seven days sick leave in a year.

15. Wages for close days and during leave period. – (1) Any person employed in or about an establishment for a period of fifteen days, or more shall receive, for every off day in a week referred to in section 11, wages at the rate of not less than the average daily wages earned by him for the days on which he worked during the week immediately preceding every such off day.

(2) For the leave allowed to him under section 14, an employee shall be paid at the rate of equal to the daily average of his total full time earnings for the days on which he worked

during the month immediately preceding his leave exclusive of any overtime and bonus but inclusive of dearness allowance and the cash equivalent of the advantage accruing through the Concessional sale to the employee of food grains and other articles.

(3) An employee who has been allowed leave for not less than five days in the case of a young person and four days in any other case shall, on demand, before his leave begins, be paid the wages due for the period of leave allowed.

16. Wage period. -- (1) Every person responsible for the payment of wages to an employee shall fix a period in respect of which such wages shall be payable.

(2) No wage period shall exceed one month.

(3) The wages of every person employed shall be paid before the expiry of the seventh day from the date on which the wages become due.

(4) Where the employment of any person is terminated by or on behalf of the employer the wages earned by him and the remuneration in lieu of un-availed period of due leave shall be paid before the expiry of the second working day after such termination and where an employee quits his employment, on or before the next pay day:

Provided that no claim under this section shall be entertained unless it is preferred within six months from the date of its accruing except under special circumstances at the discretion of the Chief Inspector of Shops and Commercial Establishments Punjab.

17. Deduction from wages. -- The wages of an employee shall be paid to him without deductions of any kind except those authorized by or under the Payment of Wages Act, 1936, in so far as such deductions are applicable to the employee and in such manner, to such extent and to subject to such conditions as are specified in that Act.

18. Realisations of compensation. -- (1) In case of contravention of the provisions of section 16, if a judicial Magistrate is satisfied that the employee has not been paid his due wages, he shall direct the employer to pay the wages along with compensation not exceeding eight times the amount of wages withheld.

(2) The amount of wages withheld and compensation payable under this section shall for the purposes of its recovery, be deemed to be a fine imposed under this Act in addition to the penalty imposed under section 26 and shall be realised as such.

19. Enforcement and inspection. -- (1) Government may, by notification appoint such persons or such class of persons as it thinks fit to be inspecting officers for the purposes of this Act within such local limits as it may assign to them, respectively.

(2) Subject to any rules made by Government in this behalf an inspecting officer may, within the local limits for which he is appointed—

- (a) enter at all reasonable times and with such assistants, if any being persons in the service of Government or of any local authority as he thinks fit, any place which is or which he has reason to believe to be 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 purposes of this Act;
- (c) exercise such other powers as 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 incriminate him.

(3) Every inspecting officer appointed under this section shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

20. Record.— (1) The employer of every establishment shall, in the prescribed form and manner keep exhibited in the establishment a notice setting forth the close day, the working hours and the period of interval of employed persons, if any, and such other particulars as may be prescribed.

(2) The employer of any establishment, about the business of which persons are employed, shall in the prescribed form and manner keep a record of working hours, rest intervals and the amount of leave taken by every person employed about the business of an establishment and particulars of all overtime employment shall be separately entered in the record.

⊛(2A) The employer of every establishment, about the business of which persons are employed, shall mark the attendance of every employee in the register maintained for the purpose within one hour of the start of duty and in the case of overtime every entry regarding the commencement or closure of overtime shall respectively be made before or after such commencement or closure.

(3) The employer of every establishment shall keep a photograph of each employee who has completed three months continuous service in the establishment:

Provided that where such employee fails to supply such photograph to the employer within fifteen days of the completion of such service, his failure so to do shall be recorded by the employer under the signature of the employee.

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

⊛ Pb. Act I of 1964.

(5) In the case of any contravention of the foregoing provisions of this section, the employer of an establishment shall be liable, on conviction to a fine not exceeding five rupees for everyday on which the contravention occurs or continues.

(6) If any person with intent to deceive makes, or causes or allows to be made, in any such record, register or notice as aforesaid an entry which is to his knowledge false in any material particular or willfully omits or causes or allows to be omitted from any such record, register or notice an entry required to be made therein, he shall be liable, on conviction, to imprisonment for a term not exceeding three months or to a fine which shall not be less than twenty five rupees and may extend to two hundred rupees or both.

21. Inspection of registers and calling for information. -- (1) It shall be the duty of every employer of an establishment to make available for inspection of such officers as may be prescribed, all accounts or other records required to be kept for the purposes of this Act; and to give to such officer any other information in connection therewith as may be required.

(2) Whoever contravenes the provisions of sub-section (1) or willfully obstructs the inspecting authority in the exercise of the power under this Act or conceals or prevents any employee in an establishment from appearing before or being examined by the authority shall be liable, on conviction to a fine which shall not be less than twenty five rupees and may extend to two hundred rupees.

22. Notice of removal. -- (1) No employee shall be removed from service unless and until one month's previous notice or pay in lieu thereof has been given to him:

Provided that –

- (a) no employee shall be entitled to the notice or pay in lieu thereof if he is removed on account of misconduct established on record;
- (b) no employee shall be entitled to one month's notice or notice pay unless and until he has been in the service of the employee continuously for a period of three months.

(2) In any case instituted for a contravention of the provisions of sub-section (1), if a Judicial Magistrate is satisfied that an employee has been removed without reasonable cause, the Judicial Magistrate shall, for reason to be recorded in writing, award compensation to the employee equivalent to two month's salary;

Provided that no such claim shall be entertained unless it is preferred by the employee within six months from the date of his removal.

(3) The amount payable as compensation under this section shall be in addition to, and recoverable and fine payable under section 26.

(4) No person who has been awarded compensation under this section shall be entitled to bring a civil suit in respect of the same claim.

23. Notice by employee. -- (1) No employee, who has been in the service of the employer continuously for a period of three months shall terminate his employment unless he has given to his employer seven days previous notice or pay in lieu thereof.

(2) Where an employee contravenes the provisions of sub-section (1) his employer may forfeit his unpaid wages for a period not exceeding seven days.

24. [Omitted vide Punjab Act, 1 of 1964]

25. Provisions as to trading elsewhere than in establishment. -- Save as otherwise provided by any law for the time being in force, it shall not be lawful in any locality to carry on in any place not being an establishment, retail trade or business of any class at any time if it is unlawful in that locality to keep an establishment open for the purpose of such retail trade or business, and if any person carried on any trade or business in contravention of this section, this Act shall apply as if he were the employer of the establishment which was being kept open in contravention of the Act.

26. Penalties. -- Subject to the other provisions of this Act whoever contravenes any of the provisions of this Act or the rules made thereunder and no penalty has been provided for such contravention in this Act, shall be liable, on conviction, to a fine, not exceeding one hundred rupees for the first offence, and three hundred rupees for every subsequent offence:

Provided that the fine in respect of every subsequent offence within the same year shall not be less than one hundred rupee in any case.

27. Protection of officers and their agents from personal liability. -- No suit, prosecution or other legal proceeding shall lie against any public servant or any other person in the service of the Central or State Government, acting under direction of any such public servant, for anything in good faith done or intended to be done in pursuance of the provisions of this Act or of any rule made thereunder.

28. Power to grant exemptions. -- Government or any officer empowered by the Government in this behalf may, by notification in the official Gazette, exempt from the operation of all or any of the provisions of this Act for any period it considers desirable any establishment or any class thereof or any employer or employees or class of employers or employees to whom this Act applies on such conditions as it may think fit.

29. Prohibition of employment of children. -- No child who has not completed the age of fourteen years shall be employed in any establishment.

30. Condition of Employment of women. -- (1) No woman shall be required or allowed to work whether as an employee or otherwise in any establishment during night:

Provided that nothing in this sub-section shall apply to an establishment which is engaged in the treatment or care of the sick, the infirm, the destitute or the mentally unfit.

(2) No employee of any establishment shall knowingly employ a woman and no woman shall engage in employment in any establishment during six weeks following the day of her confinement or miscarriage.

(3) Government may prescribe further conditions in respect of employment of women employed about the business of establishment or any class of them, including if it thinks fit, conditions with respect to the daily period of employment, leave, and other matters and no woman shall be employed otherwise than in accordance with these conditions.

31. Maternity benefit. -- (1) Every woman employed in an establishment who has been continuously employed in that establishment or in establishments belonging to the employer of that establishment for a period of not less than six months preceding the date of her delivery shall be entitled to receive, and the employer shall be liable to make to her, a payment of maternity benefit which shall be prescribed by the Government for everyday during the six weeks immediately preceding and including the day of her delivery and for each days of six weeks following her delivery:

Provided that no such payment shall be made for any day on which she attends work and receives payment thereof during the six weeks preceding her delivery.

32. Bar of Legal Practitioners in certain proceedings. – Notwithstanding anything contained in the law relating to legal parishioners for the time being in force, no legal practitioner shall be permitted to appear, plead or act for the employer or the employee in any proceedings, before a court between an employer or the employee, arising out of the contravention of any of the provisions of this Act.

33. Saving of certain rights and privileges. – Nothing in this Act shall affect any rights or privileges to which an employee in any establishment is entitled on the date this Act comes into force 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 could be entitled under this Act.

***33A. Cognizance of offences.** -- No court shall take cognizance of any offence punishable under this Act or any rule made thereunder or of the abetment of or attempt to commit, such offence, save on a complaint made by the employee concerned or by such officer, save on a complaint made by the employee concerned or by such officer as may be authorized in writing in this behalf by the Government.

34. Power to make Rules. -- (1) Government may make rules for the purpose of giving effect to the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely: --

- (a) the manner and form in which the registers and notice shall be kept;
- (b) the officers who may be empowered to inspect registers and call for information as required by this Act;
- (c) the agency by which and the manner in which the prosecution shall be instituted;
- (d) the form of submitting a statement, the particulars under sub-section (1) of section 13, the manner in which registration of establishment is to be made and the form of registration certificate under sub-section (2) and the form of notifying a change under sub-section (4) of section 13;
- (e) the authority to and the manner in which any notice required by this Act shall be given;
- (f) the conditions subject to which any exemption under this Act may be granted;
- (g) the manner in which the employer of an establishment shall keep exhibited in the premises a close day, closing and opening hours and such other particulars as may be prescribed; and
- (h) to safeguard health, safety and welfare of the employees while on duty; and

(3) All rules made under this section shall, as soon as possible after they are made, be laid before the State Legislature.

35. Repeal. -- The Punjab Trade Employees Act, 1940, is hereby repealed:

Provided that –

- (a) every appointment order, rule, bye-law, regulation, notification or notice made, issued or given under the provisions of the Act so repealed shall in so far as it is not inconsistent with the provisions of this Act, be deemed to have been made, issued or given under the provisions of this Act, unless and until superseded by any other appointment order, rule, bye-law, regulation, notification or notice made issued or given under this Act;
- (b) any proceeding relating to the trial of an offence punishable under the provisions of the Act so repealed, shall be continued and completed as if the said Act has not been repealed but has continued in operation, and any penalty imposed in such proceeding shall be recovered under this Act as repealed.

The Punjab Shops & Commercial Establishments Rules, 1958

LABOUR DEPARTMENT

NOTIFICATION 13th May, 1958

No. 5089/5644-C-Lab-58 - In exercise of the powers conferred by section 34 of Punjab Shops and Commercial Establishments Act, 1958, and all other powers enabling him in this behalf, the Governor of Punjab is pleased to make the following rules:

RULES [Applicable to Punjab and Haryana]

1. **Short title** - These rules may be called the Punjab Shops and Commercial Establishments Rules, 1958.

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

(a) "Act", means the Punjab Shops and Commercial Establishments Act, 1958;

(b) "Chief Inspector" means the Chief Inspector of Shops and Commercial Establishments, [Punjab] [Haryana - in Hr.];

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

(d) "Inspector" means an inspecting officer appointed under section 19 of this Act.

¹(2A) **Further conditions in respect of young persons** - Subject to provisions of section 6 of the Act, the period of work of a young person in an establishment shall be so fixed, that inclusive of his interval for rest, the spreadover shall not be more than seven hours in a day. - in Pb only.)

3. **Form of intimation under section 10 of the Act** - (1) An intimation under clause (i) of sub-section (2) of section 10 of the Act shall be sent by the employer in Form 'A' to the Inspector within local limits and establishment is situated:

Provided that such intimation need not be sent by an employer within whose establishment no employee is working.

(2) If any employer referred to under the proviso to sub-rule (1) employs in his employment any person at any subsequent time, he shall send the intimation in Form 'A' to the Inspector within one week of the employment of such person.

¹ The HP rules have been given later.

² Vide H.G. No. GSR 147/..... J.Amd (i) 74, dated 19-4-74.

³ New rule 2A inserted vide Punjab Government notification No. G.S.R. 120/P A. 5/58/S. 74/Amd (i) 68, 120, dated the 4th December, 1968.

4. **Form of notice under section 20(1) of the Act** - The notice under sub-section (1) of section 20 of the Act to be exhibited by the employer in his establishment shall be in Form B.

5. **Maintenance of registers** - The employer of every establishment about the business of which persons are employed shall maintain the following register namely:

(a) a register of employees in Form C;

(2) a register of wages of employees in Form D; and

(3) a register of deductions in Form E.

6. **Language, etc. in which records and registers are to be kept** - (1) Every register, form or record required to be maintained or furnished under the Act and these rules shall be in [English and Punjabi - in Pb.] [English and Hindi - in Hr.] and all entries therein shall be legibly made in ink.

(2) Every such register shall be duly bound and page marked in serial number.

²(3) Every such register shall be signed by the employer and the Inspector concerned - in Hr. only.

7. **Preservation of records etc.** - All registers and records required to be maintained under the Act and these rules shall be preserved by the employer for a period of [two - in Pb.] [three - in Hr.] years to be calculated from the date to which such record or registers relate.

8. **Payment of over time** - The payment in respect of overtime shall be made by the employer to an employee on the next pay day under section 16 of the Act.

9. **Utilization of fines imposed on employees** - Acts and omissions on the part of employees for purposes or imposition of the fine and the manner in which the amount of fine so imposed is to be utilized as laid down in section 8 of the Payment of Wages Act, 1936, shall be approved by the Chief Inspector on an application duly made by the employer in that behalf.

10. **Powers of Inspector** - For carrying out the purpose of the Act an Inspector may -

(i) cause to be taken a photograph of any employee or the premises of any establishment, and

(ii) call for any information, document or record, and obtain a copy thereof or take into possession any register, form, document or record maintained under the Act and these rules.

¹ Substituted by H.G. nom. No. GSR 18/PA 15/58/S. 34/72 dated 28-2-72.

² Sub-rule (3) inserted by *ibid*.

³ Substituted for "two" by *ibid*.

11. Omitted - [vide Pb Govt. No. 251/P.A. 15/58/S. 34/Amd. (2)/64 dt. 16.11.64]

12. Maternity benefit - (1) The maternity benefit payable to a woman under section 31 of the Act shall be at the rate of her average daily wages earned during the three months immediately before the period of six weeks preceding the day of her delivery.

[(2) The payment of maternity benefit accruing to a woman employee shall be made to her at any time not later than one week after the date of her delivery - in Pb].

[(2) The payment of maternity benefit accruing to a woman employee shall be made to her after one week from the date of demand after delivery. If the employer fails to make the payment within the said period he shall pay to her an additional amount at the rate of 50 per centum of the maternity benefit as penalty - in Hr.]

The amount payable to a woman employee as maternity benefit in accordance with the foregoing rules shall for the purpose of its recovery be deemed to be a part of her wages illegally withheld.

13. Registration - (1) A statement required under Section 13 of the Act for registration of an establishment or its renewal shall be submitted by the employer to the Inspector of the area within whose jurisdiction the establishment is situated in triplicate in Form F, and the Inspector shall issue the registration certificate as required under clause (1) of sub-section (2) of section 13 of the Act in the same Form within 15 days of the receipt of the statement by him.

(2) The notice about any changes as required under sub-section (4) of section 13 shall be given to the Inspector referred to in sub-rule (1) in Form G and the registration certificate shall be sent along with such notice.

(3) The registration certificate shall be returned by the Inspector to the employer after making the necessary amendment therein, within 15 days of receipt of the notice referred to in sub-rule (2).

(4) A register of establishment in Form H shall be maintained in the office of the Inspector.

(5) The notice of closing the establishment as required under section (5) of section 13 shall be given by the employer to the Inspector within whose area the establishment is situated.

14. Authority competent to prosecute : A prosecution under this Act may be instituted on a complaint in writing, before a court of competent jurisdiction by the Chief Inspector of Shops or by a Labour Officer of the Labour Department, Punjab in whose jurisdiction the offence is committed or with the permission in writing of the Chief Inspector of Shops, [Punjab in Pb] [Paryana - in Hr.] or of a court of competent jurisdiction by any contractor or by the employee concerned - in Hr. only.

Sub-section (1) of section 13 of the Act, 1947, as amended, vide G.O. No. 12/58/S. 34/Amd. (2)/64 dt. 16.11.64.

[Note - The Government of Punjab has omitted rule 14 by Punjab Govt. Labour Department Notification No. GSR 99/PA 15/58/S. 34, Amd. (3) 67, dated the 25th November, 1967]

15. Condition for grant of exemptions - [(1) - in Hr] No application for the grant of an exemption under section 28 of the Act shall be entertained unless received by the Chief Inspector within one month before the date of commencement of the period in respect of which the exemption is required.

[(2) Any exemption to be granted under section 28 of the Act shall be subject to the following conditions, namely:

(i) the spread-over inclusive of interval for rest in any establishment shall not exceed twelve hour on any one day;

(ii) the total number of hours of over time work shall not exceed sixty in any one quarter and the person employed for over-time work shall be paid remuneration at double the rate of normal wages payable to him.

(iv) no woman shall be required or allowed to work whether as an employee or otherwise in any establishment during the hours from 8.00 p.m. to 5.00 a.m.

Explanation - For the purpose of this rule 'Quarter' means a period of three consecutive months beginning on the First day of January the first day of April, the first day of July or the first day of October - in Hr. only]

16. Health - The premises of every establishment shall be-

(i) kept clean and free from accumulation of dirt and refuse;

(ii) kept sufficiently lighted during all working hours;

(iii) properly ventilated so as to permit sufficient air and light into the premises;

(iv) white washed and varnished at least once in a year and notice indicating the date of last white-washing and varnishing shall be exhibited on the premises.

(2) Where the floor of the premises of an establishment is liable to become wet in the course of any manufacturing process effective means of drainage shall be provided and maintained.

(3) In every establishment proper agreement shall be made for providing sufficient supply of drinking water to the persons employed in the establishment. The water supplied shall be fit for human consumption and shall be stored in a sheltered place and kept properly covered.

(4) The employer of every establishment will provide and maintain at a convenient place at least one spittoon in a clean and hygienic condition with a disinfectant in it which may be liquid or sand covered with lime. The disinfectant shall be replaced daily.

¹ Existing rule 15 renumbered as sub-rule (1) and sub-rule (2) added vide HG notn. No. GSR. 14/PA 15 58/S.24 Amd. (1) 14 dated 19-4-74.

(5) In every establishment which is a workshop or in which articles are produced, adapted or manufactured with a view of their use, transport or sale, adequate washing facilities shall be provided and maintained for the use of employees such as soap, towel, nail brush etc.

(6) In every establishment in which, by reason of manufacturing process carried on, there is given off any dust or fume or other impurity of such nature and to such an extent as is likely to be injurious or offensive to the persons working therein or any dust in substantial quantities, effective measures shall be taken to prevent its inhalation and accumulation in the premises and if any exhaust appliance is necessary for the purpose, it shall be applied as near as possible to the point of origin of the dust, fume or other impurity and such point shall be enclosed so far as possible.

(7) No stationary internal combustion engine shall be operated in any establishment unless the exhaust is conducted into the open air and no other internal combustion engine shall be operated in any room unless effective measures have been taken to prevent such accumulation of fumes therefrom as are likely to be injurious to the employees working in the establishment.

17. Safety - (1) Every dangerous part of a machinery in an establishment shall be securely fenced by safeguards of substantial construction which shall be kept in position while the parts of machinery they are fencing are in motion or in use.

(2) In every establishment, where manufacturing process is carried on with the aid of electric power, suitable devices of cutting off power in emergencies from running machinery shall be provided and maintained.

(3) No employee with loose fitting clothes shall be allowed or made to work near the moving machinery or belt and the tight fitting clothes for the purpose will be provided by the employer.

Haryana Amendments

17-A. Protection of eyes. The employer shall provide suitable goggles for the protection of eyes of the employees engaged on or in the immediate vicinity of the manufacturing process which is in any way open to-

(a) risk of injury to the eyes from the particulars or fragments thrown off in the course of the process.

(b) risk to the eyes by reason of exposure to excessive light - in Hr. only

18. Precautions in case of fire. Every establishment shall be provided with adequate means of escape in the case of fire.

(2) In every establishment the doors affording exit from any room shall not be locked or fastened so that they can be easily and immediately opened from inside while any person is within the room.

(3) In every establishment buckets and chemical fire extinguishers shall be provided in suitable number and at suitable sites according to the nature of work carried on and the size of the premises.

19. Welfare - (1) In every establishment a first-aid box with the following contents shall be maintained:

(i) six medium sterilized dressings; (ii) six 2.5" inches bandages; (iii) one ounce bottle containing 2 percent alcoholic iodine; (iv) one ounce bottle containing salvolatile having the dose and mode of administration indicated on the label; (v) one pair of scissors; (vi) one tube of burnol; (vii) one ounce olive oil to be used as eye drops; (viii) one roll of sticking plaster; (ix) one copy of the first aid leaflet issued by the Chief Inspector.

(2) The employer of every establishments, where smoke is produced in the course of carrying out its business, will take effective measures to exhaust out the smoke in order to safe-guard the health of the persons employed in the premises.

(3) The employer of every establishment where food, drink and beverage is served to the customers will have all the persons employed in connection with the business of the establishment including the employer, medically examined at least once in a year by the certifying surgeon or by doctor incharge of civil dispensary, where certifying surgeon is not available. A certificate in Form 1 to the effect that the person so examined is free from communicable diseases shall be obtained and produced before the Inspector on demand:

Provided that if an employee shifts to another concern before the expiry of one year from the date of medical examination, it will not be necessary for him to get a fresh medical certificate and a copy of the certificate already issued will be considered sufficient for the purpose of these rules.

20. Application of rules 16, 17, [17-A - in Hr.] 18 and 19-- Rules 16, 17, [17-A - in Hr.] 18 and 19 shall apply to those establishments only in which persons are employed by the employer.

21. Power of Chief Inspector to decide the adequacy of measures (1) If any dispute arises with regard to the adequacy of the measures adopted in accordance with rules 16, 17 [17-A - Hr] 18 and 19 it shall be referred to the Chief Inspector whose decision shall, subject to the provisions of sub-rule (2) be final.

(2) An appeal shall lie against the decision of the Chief Inspector in respect of matters specified in sub-rules (6) and (7) of rule 16 and rule 17 to the Labour

¹ Figures "(1) to (9)" substituted by figures "(1) to (ix)" respectively in Haryana only by H.G. No. CSR 18, PA 15, S. 34, 72, dated 28-2-72.

Commissioner, (Punjab) (Haryana) within a period of one month from the date on which the decision of the Chief Inspector is received by the employee.

Explanation: Dispute means difference of opinion between an employer or an employee and the Inspector under the Act.]

22. Period for supplying information required by Inspector. Any information or document required by the Inspector for carrying out the purpose of the Act and these rules shall be furnished to him by the employer of every establishment within one week from the date on which such requisition is received by the employer - in Hr. only]

For Punjab Omitted vide Pb. Govt. Notification No. GSR 257/P-A 15/ 58/ S. 34/ Amd (2)/64 dt. 18.11.1964.

FORM A

Intimation under section 10 (2)(i) of the Punjab Shops and Commercial Establishment Act, 1958

(Rule 3 of the Punjab Shops and Commercial Establishments Rules, 1958)

To

The Inspector of Shops and Commercial Establishments, Circle.....

I hereby furnish the following information which is correct to the best of my knowledge.

The working hours and the period of interval of the persons employed in my establishment are fixed below and shall take effect from (date)

Name of the employee and father's name ¹ [or husband's name]	Working hours		Interval for rest	
	From	To	From	To
1	2		3	
Young persons				

Other Persons				

Sd.....

Name & Present address of employer with full address

FORM B

Notice to be exhibited under section 20 (1) of the Shops and Commercial Establishments Act, 1958

(Rule 4 of the Punjab Shops and Commercial Establishments Rules, 1958)

1. Close day, if any _____ Year _____
2. Opening hours of the establishment _____ Closing hours of the Establishment _____
3. Name & Parentage of the Employer _____
4. Name of the Manager, if any _____
5. Name of the Establishment _____
6. Name of the Business _____
7. Full address _____

8 Name of the employee and father's Name (for husband's name)	Working hours		Interval for rest		Weekly of day
	From	To	From	To	
1	2	3	4		
Young Persons					
1					
2					
3					
4					
Other persons					
1					
2					
3					
4					
5					
6					
7					
8					
9					
10					

9. Date of declaration _____

10. Inspections by authorities _____

Signature of the employer
(Name & full address)

FORM C

Register of Employees

(Rule 5 of the Punjab Shops and Commercial Establishments Rules, 1958)

Name of establishment _____ Year and month _____
 Name of employee _____ Father/Husband's name _____
 Age _____ Name of work _____
 Whether employed on daily, monthly, contract or piece-rate wages, with rate _____
 Date of appointment _____

Date From to Total	Interval for rest and meals From to Total	Total working hours	Overtime From to Total	Leave Remuneration due duration Date of application Date of grant	Signature of		
					Employer	Employer	Employer
1							
2							
3							
4							
5							
6							
7							
8							
9							
10							
11							
12							
13							
14							
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16							
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20							
21							
22							
23							
24							
25							
26							
27							
28							
29							
30							
31							

1. Total hours of overtime employment during the month _____

2. Leave availed during the month _____

Note:

FORM D

Register of wages of employees

(Rule 5 of the Punjab Shops and Commercial Establishments Rules, 1958)

Name of employer (and father's name or husband's name) month year wages fixed.
 Advances from last month Wages due in Register D Signature of Employer
 Wages earned Ordinary Advance made on Signature of Employee
 during the month Overtime (date) of employer

Total
 Balance Carried Over

Stamp

FORM E

Register of Deductions

(Rule 5 of the Punjab Shops and Commercial Establishments Rules, 1958)

Name of the establishment Year A its and commissions approved by the authorities.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
S.No.	Name of employee	Percentage	Wage Period	Wages Payable	Amount deducted	Rate for which deduction made	Date of deduction	Whether employee shown against	Amount of deduction for which authorized	Date of utilization	Balance with the employer	Signature of the employer	Signature of employee	Remarks

Added by P.G. notification No. G.S.R. 2577 A-15758-S-14 April (2) 64. Dated the 16th November, 1964

FORM F

Statement for registration of establishment under section 13 of the Punjab Shops and Commercial Establishments Act, 1958.

(Rule 13 of Punjab Shops and Commercial Establishments Rules, 1958)

To
 The Inspector of Shops and Commercial Establishments,
 Circle

I hereby submit this statement for the registration/renewal of my establishment for the year The information furnished hereunder is correct to the best of my knowledge.

1. Name and percentage of employer
2. Name of manager if any
3. Name of the establishment
4. Full postal address of the establishment
5. Nature of business
6. No. of employees if any : Young persons
 Date Other Person

Signature of employer

(to be filled in by the authority)
 R. No. The establishment mentioned above is hereby registered till
 31st March, 19

Inspector,
 Shops and Commercial Establishments,
 Circle

FORM G

Form of change in respect of information contained in statement required by sub-section (4) of section 13 of the Punjab Shops and Commercial Establishments Act, 1958.

(Rule 13 of the Punjab Shops and Commercial Establishments Rules, 1958)

To
 The Inspector of Shops and Commercial Establishments,
 Circle

I hereby notify that the following change has with effect from (date) taken place in respect of the information relating to my establishment as supplied by me in my statement dated

My registration certificate number is dated
 (Here mention the change)

Dated Signature of the employer

Note:- Please see sub-section (4) of section 13 of the Punjab Shops and Commercial Establishments Act, 1958 which requires that any change made in the statement of information has to be notified to the employer within seven days after the change has taken place.

Asst. Labour Commissioner
 Punjab Chandigarh

FORM II

Registration of establishments required under section 13 (2)(f) of the Punjab Shops and Commercial Establishment Act, 1958.

(Rule 13 of the Punjab Shops and Commercial Establishments Rules, 1958)

Name of Circle..... Name of Town.....

Registration		Name of the employer	Name and address of establishment	Number of employees			Date of renewal at 19	Date of renewal at 19	Date of renewal at 19
S.No	No. Date			Young Persons	Other persons	Total			
1	2	3	4	5	6	7	8	9	

FORM I

See rule 19 (3) of the Punjab Shops and Commercial Establishments Rules, 1958

I hereby certify that Shri.....son of/daughter of.....
age.....resident of.....district.....has
 been thoroughly examined by me and is considered to be free from any
 communicable diseases and is fit for being employed, where food, drink
 and beverage is served to customers.

His/Her mark of identification.....
 Signature or thumb-impression of the Person examined.

Signature and the designation
 of the competent authority

Dated.....

Himachal Pradesh Shops & Commercial Establishment Rules, 1972

No. 136/61-SI dated 2-9-1972 - In exercise of the powers conferred by section 34 of the Himachal Pradesh Shops and Commercial Establishments Act, 1969 [Act No. 10 of 1970], the Governor, Himachal Pradesh is pleased to make the following rules for the purposes of the said Act, the same having been previously published by this Government notification of even number dated the 21 June, 1971.

1. **Short Title:** These rules may be called the Himachal Pradesh Shops and Commercial Establishments Rules, 1972.

2. **Definitions:** (i) In these rules, unless there is anything repugnant in the subject or context:

(a) "Act" means the Himachal Pradesh Shops and Commercial Establishments Act, 1969;

(b) "Chief Inspector" means the Chief Inspector of shops and Commercial Establishments, Himachal Pradesh;

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

(d) "Section" means a form appended to these rules;

(ii) Words and expressions used in the Act and not defined in these rules shall have the meaning assigned to them in the Act.

3. **Application for Registration and Grant of Registration Certificate:** The employer of every establishment shall submit to the Inspector concerned a statement as required by section 13 in Form No. 1 for the registration fee as prescribed in Schedule 1.

4. **Manner of registering of establishment and Form of Registration Certificate:** On receipt of the statement and fees, the Inspector shall, on being satisfied about the correctness of the statement register the establishment in the Register of Establishment in Form No. 2 and shall issue a registration certificate in form No. 3 to the employer of the establishment.

5. **Notice of change:** (1) The employer shall give notice to the Inspector of the area concerned in Form 4 of any change in respect of any information contained in his statement submitted in Form No. 1 within seven days after the change has taken place together with the registration certificate.

(2) The fee for such change shall be one rupee plus the amount, if any, payable as specified in Schedule 1 having regard to the increase in the number of employees.

1) On receipt of notice of change in Form 4 along with fee as provided in sub-rule 2, the Inspector shall amend the registration certificate or issue a fresh one if necessary and send it to the employer.

Renewal of Registration Certificate: (1) A registration certificate may be renewed by the Inspector.

1) Every application for the renewal of registration certificate shall be in form 1 prescribed under rule 3 and shall be made by 31st March every year, and if the application is so made the premises shall be deemed to be duly certified until the Inspector renews the registration certificate.

2) The same fee shall be charged for the renewal of registration certificate, as for the grant thereof.

Provided that if the application for renewal of a registration certificate is not received within thirty days after the expiry of the date of the registration certificate, the registration certificate shall be renewed only on payment, of fee 50 per cent in excess of the fee ordinary payable for registration.

Transfer of Certificate: (1) A registration certificate issued under these rules shall not be transferable and if ownership of any shop or establishment is transferred, the employer shall, within fifteen days of such transfer, notify the fact of transfer and surrender the certificate of registration to the Inspector of the area and he shall submit to the Inspector statement signed by himself specifying the name and address of the transferee.

2) The Inspector on receipt of information required to be sent under sub-rule (1) shall cancel the certificate of registration and amend the register of establishment accordingly.

3) The transfer shall apply for new registration certificate within thirty days from the date of transfer.

4) The notice of closing the establishment as required under sub-section (5) of section 13 shall be given by the employer to the Inspector within whose area the establishment is situated.

8. Procedure on death or disability of employer: If the employer dies or becomes insolvent the person carrying on the business of such employer shall not be liable to any penalty under the Act of exercising the power granted to the employer by the registration certificate during a period of 90 days to enable him to make an application for the amendment of the registration certificate under rule 5 in his own name for the unexpired portion of the original registration certificate.

9. Loss of Registration Certificate: Where a registration certificate granted under these rules is lost, destroyed or defaced a duplicate copy may be granted on payment of fee of Rs. 2.

10. Payment of fees: (1) All fees payable under these rules shall be paid either into the local treasury under the head of account XXXH Miscellaneous - Social Development Organisation - Labour and Employment - Fee Realised under the

H.P. Shops and Commercial Establishments Act, 1969, or by un-crossed postal order in the name of Inspector of Shops and Commercial Establishments of the area concerned and wherever an application is required to be accompanied by any such fee, it shall be accompanied accordingly:

(a) a treasury receipt in token of such fee having been paid into treasury, or

(b) an un-crossed postal order of the requisite value.

(2) The fee once remitted shall under no circumstances be refunded.

(3) The amount of fees received in pursuance of sub-rule (1) by way of un-crossed postal order, shall be deposited into treasury by the Inspector during the week following the one to which the fees relate, under head XXXVII - Miscellaneous - Social Development Organisation - Labour and Employment - Fee Realised under the Himachal Pradesh Shops and Commercial Establishments Act, 1969.

(4) The Inspector shall submit the monthly cash report to the Chief Inspector in Form No. 5.

11. Closed day: Every establishment to which the Act applies shall remain closed on one day in a week as provided in Schedule II.

12. Form of intimation under section 10 of the Act: (1) An intimation under clause: (i) sub-section 10 of the act shall be sent by the employer in form No. 6 to the Inspector within whose local limits the establishment is situated.

Provided that such intimation need not be sent by an employer within whose establishment no employee is working.

(2) If any employer referred to under the provision to sub-rule (1) employees in his establishment any person at any subsequent time, he shall send the intimation in Form No. 6 to the Inspector within one week of the employment of such person.

13. Form and display of notice under section 20 of the Act: (1) The notice under sub-section (1) of section 20 of the Act to be exhibited by the employer in his establishment shall be in Form No. 7.

(2) The registration certificate obtained in Form No. 3, shall be displayed by the employer at a conspicuous place.

14. Maintenance of registers: The employer of every establishment about the business of which person are employed shall maintain the following registers, namely:

(1) A register of employees in Form No. 8.

(2) A register of wages of employees in Form No. 9.

(3) A register of deduction in Form No. 10.

(4) A register of fines with wages in Form No. 11.

15. **Language etc. in which records and registers are to be kept:** (1) Every register, form or record to be maintained or furnished under the act and these rules shall be in English or Hindi and all entries therein shall be legibly made in ink.

(2) Every such register shall be duly bound and page marked in serial number.

16. **Preservation of records:** All registers and records required to be maintained under the act and these rules shall be preserved by the employer for a period of three years to be calculated from the date to which such record or register relate.

17. **Payment of over time:** The payment in respect of overtime work shall be made by employer to an employee on the next pay day.

18. **Utilization of fines imposed on employees:** Acts and commissions on the part of the employees for purpose of imposition of the fine and the manner in which the amount of fine so imposed is to be utilised as laid down in section 8 of the Payment of Wages Act 1935, shall be approved by the Chief Inspector on an application duly made by the employer in that behalf.

19. **Powers of inspector:** For carrying out of the purposes of the Act an Inspector only.

(i) cause to be taken a photograph of any employee or of the premises of any establishment; and

(ii) call for any information, document or records and obtain a copy thereof or take into possession any register, form document or record mentioned under the Act and these rules;

(iii) prosecute conduct and defend before a court any complaint and other proceedings arising under the act or in discharge of his duties as an Inspector.

20. **Maternity benefit:** (1) The maternity benefit payable to a woman under section 30 of the act shall be at the rate of her average daily wages earned during the three months immediately before the period of six weeks proceeding the day of her delivery.

(2) The amount payable to a woman employee as maternity benefit in accordance with the foregoing rules shall for the purposes of its recovery be deemed to be a part of her wages illegally withheld.

21. **Conditions of grant of exemption:** No application for the grant of an exemption under section 27 of the act shall be entertained unless received by the Chief Inspector within one month before the date of Commencement of the period in respect of which the exemption is required.

22. **Health:** The premises of every establishment dealing exclusively in meals, fish dairy produce, bread, confectionary, sweets, ice cream, cooked food, beverage, drink and refreshment shall be:-

(i) kept clean and free from accumulation of dirt and refuse,

(ii) properly ventilated so as to permit sufficient air and light into the premises.

(iii) kept sufficiently lighted during all working hours;

(iv) white washed and varnished at least once in a year and notice indicating the date of last white-washing and varnishing shall be exhibited on the premises.

(2) Where the floor of the premises of an establishment is liable to become wet in the course of any manufacturing process effective means of drainage shall be provided and maintained.

(3) In every establishment which is a workshop or in which articles are produced or manufactured with a view to their use, transport or sale, adequate washing facilities shall be provided and maintained for the use of employees such as soap, towel, nail, brush, etc.

(4) In every establishment which by reason of the manufacturing process carried on, there is given off any dust or fume or other impurity of such nature and to such an extent as is likely to be injurious or offensive to the persons working therein, or any dust in substantial quantities, effective measure shall be taken to prevent its inhalation and accumulation in the premises and if any exhaust appliance is necessary for this purpose, it shall be applied as near as possible to the point shall be enclosed so far as possible.

23. **Safety:** (1) Every dangerous part of machinery in an establishment shall be securely fenced by safeguards of substantial construction which shall be kept in position while the part of machinery they are fencing are in a motion or in use.

(2) In every establishment where manufacturing process is carried on with the aid of electric power, suitable devices for cutting off power in emergencies from running machinery shall be provided and maintained.

(3) No employee with loose, fitting clothes on shall be allowed or made to work near the moving machinery or belt and the tight fitting clothes for the purpose will be provided by the employer.

24. **Precautions in case of fire:** (1) Every establishments shall be provided with adequate means of escape in the case of fire.

(2) 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.

25. **Welfare:** (1) The employer of establishment, where smoke is produced in the course of carrying out its business will take effective measure to exhaust out the smoke in order to safeguard the health of the persons employed in the premises.

(2) The employer of establishment where food, drink and beverage is served shall ensure that his employees are free from any infectious/contagious disease. A certificate in Form No. 12 to the effect that the person is free from

communicable disease shall be obtained and produced before the Inspector on demand.

26. **Period for supplying information required by Inspector.** Any information or document required by the Inspector in his office for carrying out the purposes of the act and these rule shall be furnished to him by the employer of every establishment within one week from the date on which such requisition is received by the employer.

27. **Authority competent to prosecute.** A prosecution under this act shall be instituted on a complaint in writing before a court of competent jurisdiction by the Chief Inspector appointed under this Act or by an Inspector in whose jurisdiction the offence is committed, with the prior approval of the Chief Inspector.