

# Jammu and Kashmir Shops and Establishments Rules, 1968

JAMMU & KASHMIR

India

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### Rule

### JAMMU-AND-KASHMIR-SHOPS-AND-ESTABLISHMENTS-RULES-1968 of 1968

- Published on 28 October 1968
- Commenced on 28 October 1968
- [This is the version of this document from 28 October 1968.]
- [Note: The original publication document is not available and this content could not be verified.]

Jammu and Kashmir Shops and Establishments Rules, 1968Published vide Health Department Notification SRO-427, Dated 28th October, 1968In exercise of the powers conferred by section 53 of the Jammu and Kashmir Shops and Establishments Act, 1966 (XXXIX of 1966) the Government hereby make the following rules the same having previously been published as required by sub-section (3) of the said section 53, namely:

#### 1. Short title

- These rules may be called the Jammu and Kashmir Shops and Establishments Rules, 1968.

#### 2. Definitions

- In these rules unless the context otherwise requires,(a)"Act" means the Jammu and Kashmir Shops and Establishments Act, 1966 (XXXIX of 1966);(b)"Form" means a form appended to these rules;(c)"Section" means a section of the Act;(d)"Medical Practitioner" means a person holding a qualification granted by an authority specified in the schedule to the Jammu and Kashmir State Medical Registration Act, 1998 (IV of 1998);(e)"Manufacturing process" has the same meaning as is assigned to it in the Jammu and Kashmir Factories Act, 1957 [\*\*] [Now Factories Act, 1948 (Central Act 63 of 1948);](f)all words used but not defined in these rules shall have the meaning assigned to them in the Act.Registration of Establishments

### 3. Registration of establishments

(1) A statement required under section 6 for the registration of an establishment shall be sent by the employer/owner to the Inspector of the area within whose jurisdiction the establishment is situated in Form A and shall be accompanied with the following fees:

(i) [ [Clauses (i) to (viii) substituted by SRO-432, dated 16.10.2001]	Hotel (A&E), Nursing Homes, Cinema Halls, privately managed educational institutions (+2 level and above), privately managed professional colleges and institutions, Petrol Pumps, Insurance Companies excluding Life Insurance Corporation, Financial Institutions, Banks excluding Reserve Bank of India and State Bank of India, Chartered Accountant Chambers, and Wine Shops, Vehicle Show Rooms, Gas Agencies, and Shops and Commercial Establishments employing 20 or more workers (not covered under Factories Act).	Rs. 2000/- per annum.
(ii)	Computer Training Centres, Jewellers, STD/ISD/PCO Centres, Health Fitness Centres, Health Clinics, X-Ray/Ultra Sound/ECG Centres, Hostels (C&D Categories), Banquet Halls (Janjgahars), Cable Operators, Medical Agencies, Agencies other than Medical Agencies, Privately managed High Schools, Ice Factories and Shops and Commercial Establishments employing 10 to 19 workers (Not covered under Factories Act).	Rs. 1000/- per annum.
(iii)	Privately managed Middle Schools.	Rs. 800/- per annum.
(iv)	Clinical Laboratories, Privately managed Primary Schools, Beauty Parlours, Printing Presses, Tent & Light Houses, Ice Candy and Shops and Commercial Establishments employing 5 to 9 workers (Not covered under Factories Act).	Rs. 500/- per annum.
(v)	Band-Saw Mills, Shops and Commercial Establishments employing 3 to 4 workers (Not covered under Factories Act).	Rs. 300/- per annum.
(vi)	Shops and Establishments employing less than 3 workers.	Rs. 150/- per annum.
(vii)	Shops and Commercial Establishments run by the Owners without any employees.	Rs. 50/- per annum.]

Provided that the licences renewed at a time for two or three years shall be allowed a rebate at the rate of 50% and 10% respectively on the total fees otherwise payable. (2) The Register of establishments under sub-section (3) of section 6 shall be in Form B and shall be divided in the following categories: (1) Shops. (2) Establishments. (3) Residential hotels. (4) Restaurants and eating houses. (5) Theatres and other places of public amusements or entertainment. An establishment shall

be registered under the appropriate category to which it belongs.(3)The registration certificate to be issued under sub-section (3) of section 6 shall be in Form C.

#### **4. Renewal of registration**

- For the renewal of the registration every registered establishment shall submit to the Inspector concerned Form A duly filled in along with Form C before 31st of March every year. The Inspector, having satisfied himself about the correctness of Form A, shall make necessary entries in Form C and shall send it to the concerned employer/owner/agent or manager, as the case may be.

#### **5. Renewal fees**

- The renewal fees shall be the same as is prescribed for registration under sub-rule (1) of rule 3.

#### **6. Loss or destruction of registration certificate**

- In the event of loss or destruction of the registration certificate, an application shall be made to the Inspector concerned within 7 days of such loss or destruction for a duplicate copy thereof, which may be granted on payment of a fee of two rupees.

#### **7. Payment of fees**

- Any fee prescribed in these rules shall be credited into Government Treasury in the State under the appropriate head.

#### **8. Notice of change**

- Any change to be communicated to the Inspector under section 7 shall be in Form D.

#### **9. Notice of closure**

(1)A notice regarding closure of the establishment to be notified to the Inspector under section 8 shall be in Form E, and shall be accompanied by the registration certificate of such establishment.(2)If an employer transfers his establishment to any other person, he shall within 10 days of such transfer notify the fact to the Inspector.

#### **10. Employment of Children**

- An Inspector may require an employer to produce in respect of any person employed by him whom the Inspector suspects to be a child as proof of his age,(i)an authentic extract from the school record, or(ii)a certificate age from a registered medical practitioner in Form F.

## **11. Leave**

(1)Every employer shall maintain a register of leave in Form G in respect of each employee hereinafter called the leave with wages register.(2)The leave with wages register shall be preserved for a period of three years after the last entry in it and shall be produced before the Inspector on demand.(3)The employer shall provide each employee with a book called 'leave book' in Form H. The leave book shall be the property of an employee and the employer or his agent shall not demand it except to make entries of the dates of leave availed and shall not keep it with him for more than a week at a time.(4)If an employee losses his leave book, he shall be responsible for producing the new one and the employer shall complete the entries therein from his records.(5)Any casual leave not availed of by an employee during the calendar year shall lapse.(6)The register for entering the complaint of the employees for refusal of leave under sub-section (3) of Section 26 shall be in Form Q.(7)Whenever leave with wages is given to an employee, necessary entries shall be made in the register and in the leave book of the concerned employee.

## **12. Permission for overtime**

- Every employer shall get permission from the Inspector concerned at least three days before he intends to get overtime from the employee.

## **13. Service card**

- Every employer shall furnish service card to each of his employees in Form P and duplicate copy thereof shall be sent to the Inspector concerned.

## **14. Fixing times and methods for cleaning the establishment**

(1)In every establishment where manufacturing process is carried on all the inside walls of the rooms and all the ceilings and tops of such rooms whether such walls, ceiling and tops be plastered or not and all the passages and stair cases shall be lime-washed or colour-washed at least once in two years dating from the time when last lime-washed or colour-washed:Provided that an Inspector may require these to be lime-washed or colour-washed earlier than two years if in his opinion these have become so unclean as to require immediate lime-washing or colour-washing.(2)All the beams, rafters, doors, window frames and other wood work, with the exception of floors, shall be either painted or varnished once in 7 years dating from the period when last painted or varnished and shall be kept in a cleanly state. The dates on which lime-washing, colour-washing, painting or varnishing is carried out shall be duly entered in a register maintained in Form I which shall be produced before the Inspector when required:Provided further that the provision of this rule shall not apply to(i)establishments used only for the storage of articles;(ii)walls or tops of rooms of an establishment which is made of galvanized iron, tiles, asbestos, sheets of similar material or glazed bricks.(3)No rubbish, filth or debris shall be allowed to accumulate or to remain on premises in an establishment in such a position that effluvia therefrom can arise within the establishment.

## **15. Protection in case of fire**

(1)Every establishment where manufacturing process is carried on shall be provided with adequate means of escape in case of fire.(2)In every establishment where manufacturing process is carried on, the doors affording exit from any room shall not be locked or fastened so that these cannot be easily and immediately opened from inside while any person is within the room.(3)In every such establishment buckets and chemical fire extinguishers shall be provided in suitable number and at suitable sites according to the nature of the work carried on and the size of the premises.

## **16. Safety**

(1)Every dangerous part of machinery in an establishment shall be securely fenced by safeguards of substantial construction.(2)In every establishment where manufacturing process is carried on with the aid of electric power, suitable devices for cutting of power in emergencies from running machinery shall be provided and maintained.(3)No employee with loose clothes on shall be allowed or made to work near the moving machinery or belt.

## **17. Welfare**

(1)In every establishment where manufacturing process is carried on, first-aid box with the following contents shall be maintained:(i)Six medium sterilized dressing;(ii)Six 2 & 1 / 4 bandages;(iii)One ounce bottle containing 2 per cent alcoholic iodide;(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 eye ointment;(vii)One roll of striking plaster;(viii)Surgical cotton.(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 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 a registered medical practitioner. A certificate in Form I to the effect that the person so examined is free from communicable diseases shall be obtained from registered medical practitioner. This certificate shall be 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.

## **18. Powers and duties of an Inspector**

- An Inspector while making an examination under section 35, for the purpose of satisfying himself, that the provisions of the Act and these rules and any orders passed thereunder are duly observed, shall, among other things, ascertain the following facts:(i)that the establishments are duly registered under the Act;(ii)that the registers, records and notices required to be maintained or displayed under the Act or these rules are properly maintained or displayed;(iii)that holidays required to be

granted or observed under the Act are granted and observed and that the limits of hours of work and spread-over laid down under the Act are not exceeded;(iv)that the provisions of the Act and any orders issued thereunder regarding the opening and closing hours are duly observed,(v)that the provisions of the Act and these rules regarding leave are properly observed; (vi) that the provisions of the Act and these rules relating to the payment for overtime are duly observed;(vii)that the provisions of the Act and these rules relating to cleaning, sanitation and precautions against fire are properly observed; and(viii)may cause to be taken a photograph of any employee or the premises of any establishment.

## **19. Recording of Inspection note by Inspector**

- The Inspector shall record an inspection note in duplicate in Form K, the original of which shall be handed over to the establishment inspected and the duplicate copy retained on the inspection note book in the running serial order. The employer shall paste the original copy of the inspection note so recorded on a bound visit book which shall be maintained for the purpose in the form of a blank register. The inspection book shall be produced to the Inspector on demand for ascertaining compliance of instructions given on any previous inspection.

## **20. Maintenance of registers and records and display of notices under section 47**

(1)Every employer shall maintain a register of employees showing attendance, overtime work and account of wages in respect of each employee under him in Form L.(2)Every employer shall exhibit in his establishment a notice in Form M specifying the day or days on which his employee shall be given holiday.(3)Every employer shall exhibit in his establishment a notice specifying the daily working hours and intervals for rest and meals to be allowed to the employees. Such notice shall be in Form N. Any change in fixing the working hours shall be effected once in three months with the prior permission in writing of the Inspector concerned.(4)Every employer shall prominently display in Form O in a conspicuous place a notice showing the day of the week on which his establishment shall remain closed. The employer shall not alter such day more often than once in three months without the previous permission in writing of the Inspector concerned.(5)Every employer shall mark the attendance of the employees according to English Era.(6)Every employer shall get all the registers and records to be men, Honed by him stamped by the Inspector concerned.(7)Any notice required to be exhibited under these rules shall be conspicuously displayed in such manner that it can be conveniently seen and read by any person whom it affects and shall be renewed by paying the fee as prescribed in sub-rule (1) of rule 3 whenever it becomes defaced or otherwise ceases to be clearly legible.(8)In any register or record which an employer is required to maintain under these rules, the entries relating to any day shall be made on such day, The registers and records shall always be complete.(9)The registers, records and notices relating to any calendar year shall be preserved for three subsequent years.(10)All registers, records and muster rolls and notices maintained, exhibited or given under this rule shall be either in English or in Urdu script.(11)Every employer shall maintain a register in which the original copies of the notices handed over by the Inspector to the employer under rule 19 shall be incorporated serially date-wise. These shall be produced before the Inspector on demand.

## **21. Conditions for grant of exemption**

- No application for grant of an exemption under section 5 shall be entertained unless received by the Government at least one month before the commencement of the period for which the exemption is requested for.

## **22. What is misconduct**

- Under sub-section (1) of section 51 the word misconduct means:(a)wilful insubordination or disobedience, whether alone or in combination with others, to any lawful and reasonable order of the superior;(b)theft, fraud, dishonesty in connection with the employer's business or property;(c)wilful damage or loss of employer's goods or property;(d)taking or giving bribe or any illegal gratification;(e)habitual absence without leave of absence or absence without leave for more than ten days;(f)habitual late attendance;(g)habitual breach of any law applicable to the establishment;(h)vicious or disorderly behaviour during working hours at the establishment or any act subversive of discipline;(i)habitual negligence or neglect of work, and it shall be established only after the employee has been given in writing an opportunity of being heard.

## **23. Punishment**

- A contravention of any of the provisions of these rules shall be punishable with fine which may extend to one hundred rupees.

## **24. Repeal**

- The Jammu and Kashmir Shops and Commercial Establishments Rules, 1962 are hereby repealed. Form "A" (See rule 3)

**1. Name of the establishment, if any (in block letters).**

**2. Postal address and location of the establishment.**

**3. Situation of the office, store room, godown, warehouse, work place, if any, attached to the establishment situated in premises different from those of the establishment.**

**4. Category of the establishment, i.e. whether (a) shop, (b) establishment, (c) residential hotel, restaurant or eating house, (d) theatre or other place of public amusement or entertainment.**

Sl. No	Name and designation with parentage	Permanent address	Nature of interest whether partner/member/Director/Share holder
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**7. Particulars of members of employer's family employed in the establishment as defined in section 2(15).**

1  
2

**9.**

Number of employees	Male	Female	Total
1. Adults			
2. Young persons			
3. Apprentices			
Total			

**11. Detailed of remittance (enclose copy of challan obtained from treasury).**

Signature of the proprietor/Partner/Manager/Managing Director/Secretary or a person  
In-charge. Place ..... Date ..... Form "B" [See rule 3 (2)] Note: This register shall be maintained  
category-wise as referred in rule 3(2).



**1. Registration No. of establishment.**

**2. Date of registration.**

**3. Name and address of establishment.**

**4. Name of the employer.**

**5. Name of the Manager or any person other than employer in immediate charge of general management or control of establishment.**

**6. Nature of business.**

**7. No. of employees.**

Adult	Young Person	Apprentice	Total
Male	Female	Male	Female
Male	Female	Male	Female

**8. Year-wise renewal:**

YearDate of renewalForm "C"[See rule 3(3)]Jammu and Kashmir Shops and Establishments Act, 1966Registration Certificate

**1. Registration No.**

**2. Name of the Establishment.**

**3. Full postal address of the Establishment.**

**4. Nature of business, trade or profession carried on.**

**5. Name and designation of the employer/Manager/Agent or any other person in the immediate f charge or control of the establishment.**

**6. Name and designation of other person(s) having interest as employers in the establishment, if any, write address in the State.**

**7. Total number of employees:**

Adult	Young persons	Apprentices	Male	Female
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## 8. Fee Rs.

Certified that the shop/establishment the particulars of which are given above has been registered under the Jammu and Kashmir Shops and Establishments Act, 1966. The registration certificate shall remain in force up to 31st March, 19 \_\_\_\_ Inspector under Jammu and Kashmir Shops and Establishment Act, 1960

### Renewal

Date of renewal    Free of renewal    Total No. of employees    Signature of Inspector

Adult                      Young Persons    Apprentices

Male                      Female                      Male                      Female                      Male    Female

Form "D"(See rule 8) Notice of Change Name of the establishment already registered with full address of the Employer /Proprietor /Manager. Registration number To The Inspector under the Jammu and Kashmir Shops and Establishments Act, 1966 Sir, Notice is hereby given that the following change has taken place in respect of information forwarded to you in Form "A". The registration certificate is forwarded herewith to be returned after recording necessary changes:

1.

2.

Place ..... Date ..... Signature of the Proprietor/Partner/Secretary/Manager/ Director or a person In-charge. Form "E"[See rule 9(1)] To The Inspector of Shops and Establishment  
..... Please note that my establishment and the registration No. of which is  
..... has been closed/will be closed from ..... for the reason..... The  
certificate of registration is surrendered herewith for cancellation. Place ..... Date  
..... Signature of employer with name and address of establishment Form "F"[See rule 10  
(ii)] Form of Certificate I hereby certify that I have personally examined (name) .....  
residing at ..... and that he/she completed his/her twelfth year. His/her personal marks of  
identification are: Thumb impression or Signature of the person examined. Place ..... Date  
..... Medical Practitioner Regd. No. Form "G"[See rule 11(1)] Register of Leave With  
Wages Establishment ..... Name of employee ..... Father's name .....

### Casual leave

Date of entry in service	Leave due with effect from	Date from which leave allowed	Period of leave allowed
1	2	3	4

Privilege leave

Discharged  
Workers

Date of discharge

Date from which leave allowed	Period of leave allowed	No. of days counted against leave with wages
5	6	7
Date and amount of payment in lieu of leave due	Remarks	8
9	10	

Note. Separate page will be allotted to such employee. Form "H" [See rule 11 (3)] Leave Book (Same as of the register of leave with wages but a separate book shall be made for each employee on a thick bound sheet). Form "I" [See rule 14 (2)] Register Showing Dates of Lime-Washing Etc.

Parts of the establishment i.e. name of room	Part lime-washed, colour washed, painted or varnished e.g. wall, ceilings, wood works, etc. Treatment (whether lime-washed, colour-washed, painted or varnished).	Date on which lime-washing, colour washing or varnishing was carried out (according to English calendar)
1	2	3

Date on which lime washing, colour washing or varnishing was carried out (according to English calendar)	Day Month Year	Signature of the employer of Manager
4	5	6

Form "J" [See rule 17 (3)] I hereby certify that Shri ..... S/o/D/o. .... age ..... resident of ..... District ..... has been thoroughly examined by me and is considered to be free from any communicable disease 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 Signature and designation of the competent medical authority Date ..... Form "K" [See rule 19] Inspection Note

## 1. Name and address of Establishment

## 2. Registration No

## 3. Name of employer

## 4. Class of establishment

## 5. Date and time of inspection

## **6. Remarks :**

Nature of irregularities detected and directions issued. Inspector of Shops and Establishments. Form "L" [See rule 20 (1)] Register of Employees (Attendance, Overtime and Wages)

**1. Name of the Establishment .....month.....year .....**

**2. Name of employee .....**

**3. Father's/ Husband's name .....**

**4. Age .....**

**5. Address of the employee .....**

**6. Nature of employment .....**

**7. Rate of wages (whether daily/monthly rated)**

**8. Wage period .....**

**9. Date of appointment**

**10. Date of discharge .....**

**1. Date.**

**2. Time at which employment commenced.**

**3. Time at which employment ceased.**

**4. Rest intervals From ..... to .....**

**5. Overtime Worked, if any.**

**6. Advance: Amount Date**

**7. Net amount due.**

## 8. Signature or thumb impression of employee.

## 9. Signature or thumb impression of employer.

I have today in the presence of witnesses testifying herewith received the amount of Rs .....as specified against my name under Col. No.7 above. Witnesses .....1 .....2  
.....Dated .....Signature or thumb impression of the employee. Form "M"[See rule 20 (2)] Notice of Holidays to Employees Name of the Establishment .....Address  
.....The following persons employed in this Shop/Establishment or eating house/restaurant/residential hotel/theatre or place of public amusement shall be given a holiday on the day mentioned against their name in the week following the date of this notice and until further change is notified.

S. No. Name of the employee Designation Day on which holiday allowed

1	2	3	4
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Signature of employer. Date .....Form "N"[See rule 20 (3)] Notice of Period of Work Daily periods of work of employees commencing from .....Name of Establishment .....

S. No.	Name of the employee	Time at which employment commences	Time at which employment ceases	Intervals for rest and meals
				From to
1	2	3	4	5

Signature of the employer. Date .....Notes:(1)This notice must be exhibited not later than the closing hours on Saturday preceding the first week in which it is to take effect and must continue to be exhibited while it is in force in such a manner that it may be readily seen or read by any person when it effects.(2)The hours to be specified in the notice shall be the hour to be worked exclusive of overtime.(3)The entries under the head 'Intervals' for rest and meals shall be the actual hours at which intervals are to begin and end (e. g. 1 P. M. to 2 P. M.)Form "O"[See rule 20 (4)] Notice of Close Day or an Alteration in Close Day

**1. Name of the Shop or Establishment .....**

**2. Address .....**

**3. Registration No. ....**

**4. Notice is hereby given that with effect from ..... the above shop/establishment shall (i) observe ..... as the close day**

(ii) observe ..... as the close day instead of ..... as previously noticed. Signature of the employer. Copy forwarded to the Inspector of Shops and Establishments ..... for information. Date. Signature of the employer. Signature of the Inspector with office stamp. Form "P" [See rule 13] Service Card for the Year 19.....

- 1. Name of the Establishment .....**
- 2. Address of the Establishment .....**
- 3. Registration No. of the Establishment .....**
- 4. Name of the employee .....**
- 5. Father's name .....**
- 6. Address of the employee .....**
- 7. Date of appointment .....**
- 8. Nature of employment .....**
- 9. Salary fixed .....**

Form "Q" [See rule 11(6)] Register of Leave Refused

- 1. Name of the employee .....**
- 2. Name of the Establishment complaint made against. ....**
- 3. Date of applying for leave .....**
- 4. Cause of refusing leaving .....**
- 5. Date of receipt of the complaint .....**
- 6. Action taken .....**
- 7. Remarks .....**