

The Punjab Shops & Commercial Establishments Rules, 1958

LABOUR DEPARTMENT

NOTIFICATION 13th May, 1958

No. 5089/5544-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;

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 (1) 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 I.C.I. No. G.S.R. 147..... And (1) 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/And (2) 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;

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

(c) 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.

(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 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 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 HG nom. No. G.S.R. 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 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 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 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 & Pbi] [Haryana - in Hr] or of a court of competent jurisdiction by any magistrate or by the employee concerned - [in Pb.]

Published in the Punjab Gazette on 12th April, 1958, vide H.O. No. 14/PA 15/58/S. 24 Amd. (1) dated 19-4-74.

[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 hours on any one day;

(ii) the total number of hours of overtime work shall not exceed sixty in any one quarter and the person employed for overtime 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 6.00 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 arrangement 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 spitton 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 H.O. not. 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

¹17-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) once ounce bottle containing 2 percent alcoholic iodine; (iv) one ounce bottle containing salvoilite 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 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. DSR 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)/54 dt. 16.11.1954.

FORM A

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

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

• T

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 [or husband's name]	Working hours		Interval for rest	
	From	To	From	To
1	2	3	4	5
Young persons				
Other Persons				

Sd.....

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 [or husband's name]	Working hours	Interval for rest	Weekly off day
	From 1	To 2	From 3 To 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 From to Total	Interval for rest and meals	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							
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:

In case of a seasonal 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] _____ month _____ year _____ wages fixed _____
 Arrears from last month _____ Wages due _____ Advance _____ made on _____
 Signature of employer _____ Payment _____ made _____ Employee _____

Signature
of employer

Wages earned during the month	Ordinary Overtime	Total	Wages due		Advance		made on (date)		Payment made		Employee	
			Carried	Over	Total	Balances	Carried	Over	Date of declaration	Date of declaration for purposes of payment	Date of declaration for purposes of payment	Date of declaration for purposes of payment

FORM E

Register of Deductions

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

Name of the establishment	Year	A/c and contrivances approved by the authorities	S. No.		Date of deduction		Amount deducted		Reason for which deduction made		Details of deduction	
			1	2	3	4	5	6	7	8	9	10

Adopted by P.G. notification No. G.S.R. 257/P-A, 15/5/58, J.W.A.B. (2) of 6, Dated the 16th November, 1958.**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 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 _____

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.

Asstt. Labour Commissioner,
 Ludhiana (Chairman)

FORM H

Registration of establishments 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				Number of employees					
S.No	No.	Date of employer	Name and address of establishment	Young Persons	Other Persons	Total	Date of renewal at 19	Date of renewal 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:
 - "Act" means the Himachal Pradesh Shops and Commercial Establishments Act, 1969;
 - "Chief Inspector" means the Chief Inspector of shops and Commercial Establishments, Himachal Pradesh;
 - "Form" means a form appended to these rules;
 - "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.
 - 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.

Himachal Pradesh Shops & Commercial Establishments Rules, 1972

(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.

(2) 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.

(3) 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 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 XXXII Miscellaneous - Social Development Organisation - Labour and Employment-Fee Realised under the

Addl. Labour Commissioner
Punjab, Chandigarh

Himachal Pradesh Shops & Commercial Establishments Rules, 1972

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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. 8 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) employs 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 debts due to employees in Form No. 1.

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 overtime: 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 preceding 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) while washed and varnished, at least once in a year end 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

48. **Himachal Pradesh Shops & Commercial Establishments Rules, 1972**
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 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.

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 the Act or by an Inspector in whose jurisdiction the offence is committed, with the prior approval of the Chief Inspector.