

THE PUNJAB SHOPS AND COMMERCIAL ESTABLISHMENTS RULES, 1958

**(First published in Punjab Government Labour Department Notification No.
6089/5544-C-Lab-58, dated 13th May 1958)**

No. 6089/5544-C-Lab-58, dated 13th May, 1958 - 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 :-

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,⁶¹[Haryana;]
- (c) "Form" means a form appended to these rules;
- (d) "Inspector" means an inspecting officer appointed under Section 19 of the Act.

3. FORM OF AN 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

⁶¹ Substituted for the word "Punjab" by Haryana Government, Labour Department Notification No. GSR-14/PA-15/58/S.34/Amd (1)74, dated 19.4.1974.

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 ⁶²[English and 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.
- ⁶³ [(3) Every such register shall be signed by the employer and the Inspector concerned.]

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 ⁶⁴[three years] to be calculated from the date to which such records or registers relate.

62 Substituted vide Haryana Government Notification No. GSR 18/PA-15/58/S.34/72, dated 28.2.1972

63 Sub-rule (3) added by Haryana Government Notification, *ibid*.

64 Substituted for the words "two years" by Haryana Government Notification, *ibid*.

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 – ⁶⁵[omitted.]

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 proceeding the day of her delivery.

⁶⁶[(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.]

⁶⁵ Omitted by Punjab Government Notification No. 251/PA.15/58/S.34/Amd(2)/ 64, dated 16-11-1964.

⁶⁶ Substituted by Haryana Government Notification No. GSR.18/PA.15/58/S.34/72, dated 28-02-1972.

- (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.-

⁶⁷[(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, alongwith requisite registration/renewal fee prescribed hereunder for different categories of establishments :-

Sr No	Type of establishment	Registration fee for 3 years	Renewal fee for each block of 3 years
1	2	3	4
1.	Starred hotels, nursing homes, cinema houses, privately managed educational institutions, private colleges including medical colleges, petrol pumps, banks, insurance companies and financial institutions.	Rs. 10,000	Rs.10,000
2.	Workshops, automobiles service stations not covered under Factories Act, computer training centers, shorthand and type institutions, health and fitness clubs, clinics and medical laboratories and restaurants, un-stared hotels, all shops (excluding dhabas and	Rs.5,000	Rs. 5,000

⁶⁷ Substituted for sub-rule (1) by Haryana Government, Labour Department Notification No. 1/32/83- 1Lab, dated 28-02-1997.

	halwais) employing 10 employees or more.		
3.	Shops and commercial establishments (excluding dhabas and halwais) not covered under the above two categories and employing less than 10 employees.	Nil	Nil
4.	Shops and commercial establishments owned and managed by the shopkeepers himself and not employing any employee.	Nil	Nil

The Inspector, after scrutiny of the statement and if found in order, shall issue or renew the registration certificate , as the case may be, as required under clause (i) of sub-section (2) of Section 13 of the Act in the same form within 30 days of the receipt of the statement by him :

Provided that all those establishments in whose case a registration certificate has already been issued and is valid on the date of publication of this notification shall also remit the requisite fee on the scale prescribed above, to the Inspector of the area in which the establishment falls, within 90 days of the publication of this notification.]

- (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 ⁶⁸[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.

⁶⁸ Added by Punjab Government Notification No. GSR.257/PA.15/58/ S.34/Amd(2)/64, dated 16.11.1964.

- (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. 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, ⁶⁹[Haryana] in whose jurisdiction the offence is committed or with the permission in writing of the Chief Inspector of Shops, ²[Haryana] or of the Labour Officer concerned by any Inspector or by the employee concerned.

15. CONDITION FOR GRANT OF EXEMPTION. –

⁷⁰[(1)] No application for the grant of an exemption under Section 28 of the Act shall be entertained unless received by ⁷¹[Labour Commissioner] within one month before the date of commencement of the period in respect of which the exemption is required.

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

- (i) the total number of hours of work in any establishment shall not exceed ten on any one day;
- (ii) the spread-over inclusive of intervals for rest in any establishment shall not exceed twelve hours on any one day;

69 Substituted for the word "Punjab" by Haryana Government Notification No. GSR.18/PA15/58 /S.34/72, dated 28.02.1972.

70 Rule 15 re-numbered as sub-rule (1) and sub-rule (2) alongwith Clauses (i) to (iv) and explanation added vide Haryana Government Notification No. GSR.14/PA.15/58/S.34/Amd(1)74, dated 19.4.1974.

71 Substituted for the words "Chief Inspector" by Haryana Government, Labour Department Notification No. 6/35/2002-1Lab, dated 27.08.2003.

72 Rule 15 re-numbered as sub-rule (1) and sub-rule (2) alongwith Clauses (i) to (iv) and explanation added vide Haryana Government Notification No. GSR.14/PA.15/58/S.34/Amd(1)74, dated 19.4.1974.

- (iii) 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, calculated by the hours; and
- (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. :

⁷³[Provided that nothing contained in clause (iv) shall be applicable to a woman working in Information Technology establishments, Information Technology enabled establishments, Banking establishments ⁷⁴[, Three star or above hotels] and hundred percent exports oriented establishments.]

Explanation.- For the purposes of this rule 'Quarter' means a period of three consecutive months beginning on the 1st day of January , the 1st day of April , the 1st day of July or the 1st day of October.]

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.

⁷³ Proviso added by Haryana Government, Labour Department Notification No. 6/35/2002-1-Lab, dated 27.08.2003.

⁷⁴ Inserted by Haryana Government, Labour Department Notification No. 6/3/2002-1Lab, dated 1.12.2004.

- (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 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 clothes for the purpose will be provided by the employer.

⁷⁵**[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 particles or fragments thrown off in the course of the process;
- (b) risk to the eyes by reason of exposure to excessive light.]

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 cannot 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 -
 - (i) six medium sterilized dressings;

⁷⁵ Inserted vide Haryana Government Notification No. 1550-2 Lab-67/4439, dated 8th March 1967.

- (ii) six 2-1/2" bandages;
 - (iii) one ounce bottle containing 2 per cent alcoholic iodine;
 - (iv) one ounce bottle containing selvolatile 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 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 I 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, ¹ [17-A,] 18 AND 19. -

Rules 16, 17, ⁷⁶[17-A], 18 and 19 shall apply to those establishments only in which persons are employed by the employer.

⁷⁶ Added by Haryana Government Notification No. 1550-2Lab-67/4489, dated 08-03-1967.

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, ⁷⁷[17-A,] 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 sub-rule (1) of rule 17 to the Labour Commissioner, ⁷⁸[Haryana,] within a period of one month from the date on which decision of the Chief Inspector is received by the employer.

⁷⁹[**Explanation.-** 'Dispute' means any 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 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.

⁷⁷ Added by Haryana Government Notification No. 1550-2Lab-67/4489, dated 08-03-1967.

⁷⁸ Substituted for the word "Punjab" by Haryana Government Notification No. GSR-14/PA.15/58/S.34/Amd(1)/74, dated 19-04-1974".

⁷⁹ Added vide Punjab Government Notification No. GSR-257/PA-15/58/S. 34/Amd(2)/64 dated 16 Nov., 1964.