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EXTRAORDINARY

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PART IV

Acts of Gujarat Legislature and Ordinances promulgated and Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 6th March, 2019 is hereby published for general information.

K. M. LALA,

Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 4 OF 2019.

(First published, after having received the assent of the Governor, in the "Gujarat Government Gazette", on the 7th March, 2019).

AN ACT

to provide for regulation of conditions of employment and other conditions of service of workers employed in shops and other establishments and for matters connected therewith or incidental thereto.

It is hereby enacted in the Seventieth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

- (1) This Act may be called the Gujarat Shops and Establishments (Regulation of Employment and Conditions of Service) Act, 2019.
- (2) It extends to the whole of the State of Gujarat.

Short title,
extent,
application and
commencement.

(3) The provisions of this Act, except section 7, shall apply to the shops and establishments employing ten or more workers; and the provisions of section 7 shall apply to the shops and establishments employing less than ten workers.

(4) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Definitions. 2. In this Act, unless the context otherwise requires,—

(a) "day" means the period of twenty-four hours beginning at midnight;

(b) "employer" means a person owning or having control over the affairs of an establishment, and includes,—

(i) in the case of a firm or association of individuals, a partner or member of the firm or association;

(ii) in the case of a company, a director of the company;

(iii) in the case of an establishment owned or controlled by the Central Government or a State Government or any local authority, the person or persons appointed to manage the affairs of such establishment by the Central Government or the State Government or the local authority, as the case may be;

(c) "establishment" means an establishment which carries on, any business, trade, manufacture or any journalistic or printing work, or business of banking, insurance, stocks and shares, brokerage or exchange or profession or any work in connection with, or incidental or ancillary to, any business, trade or profession or manufacture; and includes, -

(i) establishment of any medical practitioner (including hospital, dispensary, clinic, polyclinic, maternity home and such others), architect, engineer, accountant, tax consultant or any other technical or professional consultant;

XXI of 1860.

- (ii) a society registered under the Societies Registration Act, 1860, and a charitable or other trust, whether registered or not, which carries on, whether for purposes of gain or not, any business, trade or profession or work in connection with or incidental or ancillary thereto;

LXIII of 1948.

- (iii) shop, residential hotel, restaurant, eating house, theatre or other place of public amusement or entertainment; to whom the provisions of the Factories Act, 1948 do not apply ;

- (iv) such other establishment as the State Government may, by notification in the *Official Gazette*, declare to be an establishment for the purposes of this Act;

- (d) “factory” means any premises and the precincts thereof which is a factory within the meaning of clause (m) of section 2 and section 85 of the Factories Act, 1948;

LXIII of 1948.

- (e) “holiday” means a day on which a worker shall be given a weekly off under the provisions of this Act;

- (f) “Inspector” means an Inspector appointed under section 24;

- (g) “leave” means a leave mentioned in Chapter IV of this Act;

- (h) “local authority” means,-

Bom. LIX of 1949.

- (i) a Municipal Corporation constituted under the Gujarat Provincial Municipal Corporations Act, 1949;

Guj. 34 of 1964.

- (ii) a Municipality constituted under the Gujarat Municipalities Act, 1963;

Guj. 18 of 1993.

- (iii) a Panchayat constituted under the Gujarat Panchayats Act, 1993;

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

- (j) “opened” means opened for the service of any customer, or for any business of the establishment, or for work, by or with the help of any worker of or connected with the establishment;
- (k) “prescribed” means prescribed by rules made under this Act;
- (l) “register of establishments” means a register maintained for the registration of shops and establishments under this Act, either manually or in electronic format;
- (m) “registration certificate” means a certificate of the registration of a shop or establishment;
- (n) “shift” means where work of the same kind is carried out by two or more sets of workers working during different periods of the day, each of such sets is called a group or relay and each of such period is called a shift;
- (o) “shop” means any premises where goods are sold, either by retail or wholesale or where services are rendered to customers, and includes an office, a store-room, godown, warehouse or work place, whether in the same premises or otherwise, mainly used in connection with such trade or business, but does not include a factory;
- (p) “spread-over” means the period between the commencement and the termination of the work of a worker on any day;
- (q) “wages” means all remuneration (whether by way of salary, allowances or otherwise) expressed in terms of money or capable of being so expressed which would, if the terms of employment, expressed or implied, were fulfilled, be payable to a person employed in respect of his employment or of work done in such employment; and includes-
 - (i) any remuneration payable under any award or settlement between the parties or under any order of a court or tribunal;

- (ii) any remuneration to which the person employed is entitled in respect of overtime work or holidays or any leave period;
- (iii) any additional remuneration payable under the terms of employment;
- (iv) any sum which, by reason of the termination of employment of the person employed, is payable under any law, contract or instrument which provides for the payment of such sum, whether with or without deductions;
- (v) any sum to which the person employed is entitled under any scheme framed under any law, for the time being in force; and
- (vi) house rent allowance payable in cash,

but does not include-

- (a) any bonus, which does not form part of the remuneration payable under the terms of employment or which is not payable under any award or settlement between the parties or under any order of a court;
- (b) the value of any accommodation, or of the supply of light, water, medical attendance or other amenity or of any service excluded from the computation of wages by a general or special order of the State Government;
- (c) any contribution paid by the employer to any pension or provident fund, and the interest which may have accrued thereon;
- (d) any travelling allowance or the value of any travelling concession;

- (e) any sum paid to the employed person to defray special expenses entailed to him by the nature of his employment; or
- (f) any gratuity payable on the termination of employment in cases other than those specified in sub-clause (iv);
- (r) "week" means the period of seven days beginning at midnight of Saturday;
- (s) "worker" means any person including a person engaged through an outsourcing agency (except an apprentice under the Apprentices Act, 1961) employed to do any manual, unskilled, skilled, technical, operational or clerical work for hire or reward, whether the terms of employment be express or implied. 52 of 1961.

Act not to
apply to
certain
persons and
premises.

3. (1) The provisions of this Act shall not apply to,—
- (a) establishments of the Central or the State Government;
 - (b) establishments of local authorities;
 - (c) offices of Reserve Bank of India;
 - (d) a worker whose work is inherently intermittent;
 - (e) a member of the family of an employer.
- (2) A list of the workers referred to in clauses (d) and (e) shall be displayed at a conspicuous place in the shop or establishment and a copy of thereof shall be sent to the Inspector.

Application of
the Act to
other
establishments
and workers.

4. (1) Notwithstanding anything contained in this Act, the State Government may, by notification in the *Official Gazette*, declare any establishment or class of establishments to which, or any worker or person or class of workers or persons to whom, this Act or any of the provisions thereof does not for the time being apply, to be an establishment or class of establishments or a worker or a person or class of workers or persons to which or whom this Act or any provisions thereof with such modifications or adaptations as may in the

opinion of the State Government be necessary shall apply from such date as may be specified in the notification.

(2) On such declaration under sub-section (1), any such establishment or class of establishments or such worker or person or class of workers or persons shall be deemed to be an establishment or class of establishments to which, or to be a worker or a person or class of workers or persons to whom, this Act applies and all or any of the provisions of this Act with such modification or adaptation as may be specified in such declaration, shall apply to such establishment or class of establishments or to such worker or persons or class of workers or persons.

5. The State Government may, by notification in the *Official Gazette*, suspend the operation of all or any of the provisions of this Act for such period and subject to such conditions as it may deem fit on account of any festive or other occasions.

Suspension
of the
operation of
provisions
of the Act.

CHAPTER II

REGISTRATION OF SHOPS AND ESTABLISHMENTS

6. (1) Within a period of sixty days from the date of commencement of this Act or the date on which any shop or establishment commences its business, the employer of every shop and establishment shall submit an application in a prescribed form for registration to the concerned Inspector, together with such fees and such self-declaration and self-certified documents as may be prescribed:

Registration of
shops or
establishments.

Bom. LXXIX
of 1948.

Provided that, nothing contained hereinabove shall apply to the shops and establishments already having valid registration under the Gujarat Shops and Establishments Act, 1948 until the expiry of their registration.

(2) On receipt of the application along with the documents and the fees, the Inspector shall, register the shop or establishment in the register of establishments in such manner as may be prescribed and shall issue, in a prescribed form, a registration certificate to the employer within the prescribed time limit. The registration certificate shall be produced whenever it is demanded by the Inspector.

(3) A registration certificate issued under sub-section (2) shall remain in force from the date of issue till the change in ownership or nature of business takes place. In case of change in ownership or nature of business, the employer of every establishment shall have to obtain the fresh registration certificate.

**Intimation by
establishment
having less
than ten
workers.**

7. (1) Within a period of sixty days from the date of the commencement of this Act or the date on which establishment commences its business, the employer of every establishment employing less than ten workers shall give an intimation of having commenced the business to the Inspector in whose jurisdiction the establishment is located, by submitting online application in the prescribed form together with such self-declaration and self-certified documents, as may be prescribed, containing details such as name of the employer and manager, name of the establishment, nature of business, number of workers and such other details as may be prescribed. The Inspector shall issue to the employer of such establishment, a receipt of intimation in such form and manner as may be prescribed. The details of the intimation receipt shall be recorded online in a register maintained in such form as may be prescribed:

Provided that if at any point of time the number of workers engaged in the establishment become ten or more, then all provisions of this Act shall apply to such establishment and the employer of such establishment shall have to obtain registration as per the provisions of section 6.

Provided that, nothing contained hereinabove shall apply to the shops and establishments already having valid registration under the Gujarat Shops and Establishments Act, 1948 until the expiry of their registration.

**Bom. LXXIX
of 1948.**

(2) The employer of such establishment employing less than ten workers shall inform, in such form and manner as may be prescribed, the Inspector within thirty days from the date of the closing of the business that such establishment has been closed for business. The Inspector on receiving the information shall remove the entry of such establishment from the register of establishments.

8. At any time, if it is found or brought to the notice of the Inspector that the registration of any shop or establishment has been obtained by misrepresentation or suppression of material facts or by submitting false or forged documents or false declaration or by fraud, the Inspector shall, after giving an opportunity of being heard to the employer of the shop or establishment, cancel the registration and remove such shop or establishment from the register of establishments in the manner as may be prescribed.

**Cancellation
of registration
of shop or
establishment.**

9. It shall be the duty of every employer to inform to the Inspector, in the prescribed form, any change in any of the particulars contained in the application submitted under section 6 within such period, after the change has taken place, as the State Government may prescribe. The Inspector shall, on receiving such notice and the prescribed fees along with the self-declaration of the applicant and self-certified documents as may be prescribed, make the change in the register of establishments in accordance with such notice and shall issue a fresh registration certificate.

**Notice of
change in
particulars.**

10. The employer shall inform, in such form and in such manner, as may be prescribed, to the Inspector within thirty days from the date of closing of the business that the shop or establishment has been closed for business. The Inspector on receiving the information and on being satisfied about its correctness shall remove the entry of such shop or establishment from the register of establishments and cancel the registration certificate:

**Notice for
closure of
business.**

Provided that, if the Inspector does not receive the information but he is otherwise satisfied that any shop or establishment has been closed, he may remove the entry of such shop or establishment from the register of establishments and cancel such certificate.

CHAPTER III DUTIES OF EMPLOYER

**Health
and safety
of worker.**

11. (1) Every employer shall take such measures relating to the health and safety of the worker including cleanliness, lighting, ventilation and prevention of fire as may be prescribed.

(2) Every employer shall be responsible for providing constant adequate supervision of the worker employed in the shop or establishment and to ensure the compliance with the rules relating to health and safety made under sub-section (1) and for taking steps necessary to prevent accidents.

**Fixing of
hours of
work.**

12. Subject to the other provisions of this Act, no worker shall be required or allowed to work in any shop or establishment for more than nine hours in any day and forty-eight hours in a week. No worker shall be compelled to work continuously for more than five hours unless he has been given a break of not less than half an hour:

Provided that, the working hours or weekly holiday may be relaxed in case of work of urgent nature with the previous permission of the Inspector.

**Prohibition of
discrimination
of women.**

13. (1) No woman worker shall be discriminated in the matter of recruitment, training, transfer or promotion or wages.

(2) No woman worker shall be required or allowed to work in any establishment except between the hours of 6 a.m. and 9 p.m.:

Provided that, where the Inspector or any person, authorized by it in this behalf, is satisfied that the provisions of shelter, rest room, night *crèche*, ladies toilet, adequate protection of dignity, honour and safety, protection from sexual harassment, and their transportation from the shop or

establishment to the door step of their residence exists in such shop or establishment, it may, by order, after obtaining the consent of the woman worker, allow her to work between 9 p.m. to 6 a.m. subject to such conditions as may be specified in the order.

14. The spread-over of a worker in any shop or establishment shall not exceed ten and half hours in any day, and in case a worker entrusted with intermittent nature of work or urgent work, the spread-over shall not exceed twelve hours.

**Spread-over
of hours of
work.**

15. Where a worker is required to work in a shop or establishment beyond nine hours a day or forty-eight hours a week, he shall be entitled, in respect of the overtime work, wages at the rate of twice his ordinary rate of wages. The total number of overtime hours shall not exceed one hundred and twenty-five hours in a period of three months.

**Payment of
wages for
overtime.**

16. (1) A department or any section of a department of the shop or establishment may work in more than one shifts at the discretion of the employer and if more than one shifts are worked, the worker may be required to work in any shift at the discretion of the employer.

**Shift
working and
rest.**

(2) A shop or establishment may work on all days in a week subject to the condition that every worker shall be allowed weekly holiday of at least twenty-four consecutive hours of rest.

(3) If a worker is denied weekly holiday, the compensatory leave in *lieu* thereof shall be given within two months of such weekly holiday.

(4) The period and hours of work in a week for all classes of workers in such shift shall be informed to all workers in writing and shall be sent to the Inspector electronically or otherwise.

(5) Where a worker is required to work on a day of his rest, he shall be entitled to wages at the rate of twice his ordinary rate of wages.

Furnishing
identity card to
worker.

17. The employer of a shop or an establishment shall furnish to every worker an identity card which shall be produced by the worker on demand by Inspector. Such card shall contain particulars as may be prescribed.

CHAPTER IV

LEAVE WITH PAY AND PAYMENT OF WAGES

Annual leave,
casual and sick
leave and other
holidays.

18. (1) Every worker shall be allowed a weekly holiday with wages:

Provided that the State Government may, by notification in the *Official Gazette*, fix different days as weekly holiday for different classes of shops and establishments or areas.

(2) Every worker shall be entitled to seven days casual leave with wages in every calendar year which shall be credited into the account of the worker in the beginning of the calendar year, but it shall lapse if the casual leave remains un-availed at the end of the year.

(3) Every worker shall be entitled to seven days leave on medical grounds with wages in every calendar year which shall be credited into the account of the worker in the beginning of the calendar year, but shall lapse if un-availed at the end of the year.

(4) Every worker who has worked for a period of two hundred and forty days or more in a shop or establishment during a calendar year shall be allowed during the subsequent calendar year, leave with wages for a number of days calculated at the rate of one day for every twenty days of work performed by him during the previous calendar year.

(5) Every worker shall be permitted to accumulate earned leave up to a maximum of sixty-three days.

(6) Where the employer refuses to sanction the leave which is due under sub-section (4) when applied fifteen days in advance, then the worker shall have a right to encash leave in excess of sixty-three days:

Provided that, if a worker is entitled to leave other than casual and festival leave under this section, is discharged by his employer before he has

been allowed the leave, or if, having applied for and having been refused the leave, he quits his employment on account of retirement, resignation, death or permanent disability, the employer shall pay him full wages for the period of leave due to him.

(7) A worker shall be entitled to eight paid festival holidays in a calendar year, namely, the 26th January, 15th August and 2nd October and five such other festival holidays as may be agreed to between the employer and the workers before the commencement of the year. On these days, he shall be paid wages at the rate equivalent to his ordinary rate of wages excluding overtime:

Provided that, the employer may require any worker to work in the shop or establishment on all or any of these days, subject to the conditions that for such work the worker shall be paid double the amount of the ordinary rate of wages and also leave on any other day in *lieu* of the compulsory holiday.

(8) For the purpose of sub-section (4),—

20 of 1946.

(a) any days of lay-off, by agreement or contract or as permissible under the model standing orders or standing orders certified under provisions of the Industrial Employment (Standing Orders) Act, 1946;

53 of 1961.

(b) in the case of a woman worker, maternity leave under the provisions of the Maternity Benefits Act, 1961;

(c) the leave earned in the year prior to that in which the leave is availed; or

(d) the absence of the worker due to temporary disablement caused by an accident arising out of and in the course of his employment,

shall be deemed to be days on which the worker has worked in the shop or establishment for the purpose of computation of the period of two hundred and forty days or more, but shall not earn leave for these days.

(9) The leave admissible under sub-section (4) shall be exclusive of all holidays whether occurring during or either at the end of the period of leave.

(10) Every worker shall be paid wages for the period of his leave earned under sub-sections (4) and (5) at a rate equivalent to the daily average of his wages for the days on which he actually worked during the preceding three months, exclusive of any earnings in respect of overtime.

CHAPTER V

WELFARE PROVISIONS

Drinking water. 19. Every employer shall make effective arrangements to provide and maintain at suitable points conveniently situated for all workers employed in the shop or establishment, a sufficient supply of wholesome drinking water.

Latrines and urinals. 20. Every employer shall provide sufficient latrine and urinal for men and women as may be prescribed and these shall be so conveniently situated as may be accessible for the workers employed in the shop or establishment:

Provided that, several employers may provide common facilities of latrines and urinals, in case it is not possible to provide such facility individually, in a shop or establishment due to constraint of space or otherwise.

Crèche facility. 21. In every shop or establishment wherein thirty or more women workers are employed, there shall be provided and maintained a suitable room or rooms as *crèche* for the use of children of such workers:

Provided that, if a group of shops or establishments decide to provide a common *crèche* within a radius of one kilometer, then, the same shall be permitted by the Inspector by an order, subject to such conditions as may be specified in the order:

First-aid. 22. Every employer shall provide at the place of work first-aid facilities as may be prescribed.

23. The employer shall provide and maintain in the shop or establishment, wherein not less than one hundred workers are employed or ordinarily employed to maintain a canteen for the use of its workers: **Canteen.**

Provided that, if a group of shops or establishments decide to provide a common canteen, then the same shall be permitted by the Inspector by an order, subject to such conditions as may be specified in the order.

CHAPTER VI

ENFORCEMENT AND INSPECTION

24. (1) Save as otherwise provided in this Act, it shall be the duty of every local authority to enforce, within the area subject to its jurisdiction, the provisions of this Act, subject to the supervision of the State Government. **Provisions for handing over enforcement of Act to authorities.**

(2) For the areas not having jurisdiction of local authority, the State Government shall, by notification in the *Official Gazette*, without the necessity of giving any further notice or reasons, specify the authorities for performing the duties of enforcing the provisions of this Act from a date specified in that notification. From such date, it shall be the duty of such authorities to enforce the provisions of the Act, subject to the supervision of the State Government.

(3) For an area within the jurisdiction of a local authority, the local authority and for other areas, the State Government shall, subject to the provisions of sub-section (4), appoint as many Inspectors for the purpose of carrying out the provisions of this Act.

(4) A local authority or, as the case may be, the State Government may direct that the powers conferred on it by this section shall in such circumstances, and subject to such conditions, if any, as may be specified in the direction, be exercised by authorities referred to in sub-sections (1) and (2) .

**Powers and
duties of
Inspectors.**

25. (1) The State Government may make a scheme for inspection of shops and establishments which may provide for generation of a web based inspection schedule.

(2) Subject to such conditions as may be prescribed, the Inspector may, within the local limits for which he is appointed—

(i) advice the employers and workers and provide them such information as may be considered necessary for complying with the provisions of this Act effectively;

(ii) inspect the shops or establishments in accordance with the scheme for inspection referred to in sub-section (3), and may—

- (a) enter, at all reasonable time and with such assistants, if any, being persons in the service of the Government or of any local authority as he thinks fit, any place which is or which he has reason to believe is a shop or establishment;
- (b) make such examination of the premises and of any prescribed registers, records and notices, and take on the spot or otherwise evidence of any persons as he may deem necessary for carrying out the purposes of this Act;
- (c) examine any person who is found in any premises of the shop or establishment and whom, the Inspector has reasonable cause to believe, is a worker of the shop or establishment;
- (d) require any person to give any information, which is in his possession with respect to the names and addresses of the persons;
- (e) search, seize or take copies of such register, record of wages or notices or portions thereof as he may consider relevant in respect of an offence under this Act and which he has reason to believe has been committed by the employer;

(f) bring to the notice of the State Government defects found during inspection; and

(g) exercise such other powers, as may be prescribed:

Provided that, no person shall be compelled under this section to answer any question or give any evidence tending to incriminate himself.

(3) Any person required to produce any document or to give any information required by Inspector shall be deemed to be legally bound to do so within the meaning of sections 175 and 176 of the Indian Penal Code.

45 of 1860.

(4) The provisions of the Code of Criminal Procedure, 1973 shall, so far as may be, apply to the search or seizure under sub-clause (e) of clause (ii) of sub-section (2) as they apply to the search or seizure made under the authority of a warrant issued under section 94 of the said Code.

2 of 1974.

(5) Every Inspector appointed under section 24 shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

45 of 1860.

CHAPTER VII

RECORDS AND RETURNS

26. (1) Every employer shall maintain the registers and records, in such form and in such manner as may be prescribed.

Maintenance
of registers
and records.

(2) The records may be maintained electronically or manually:

Provided that, at the time of inspection by an Inspector, a hard copy of such records, if demanded, shall be submitted duly signed by the employer or his representative.

(3) Every employer and in his absence the manager shall, on demand, produce for inspection of Inspector all registers, records and notices required to be kept under and for the purposes of this Act.

(4) All such registers and records shall be kept in the premises of the shop or establishment to which they relate.

**Annual
returns.**

27. The employer of a shop or establishment shall furnish an annual returns, in such a form and in such manner (including in electronic form), to such authority as may be prescribed.

CHAPTER VIII

OFFENCES AND PENALTIES

**Penalty for
non-
registration of
shop or
establishment.**

28. Whoever, found running any establishment without registration in contravention of the provisions of section 6 or rules made thereunder, shall be punishable with penalty of ten thousand rupees which shall include registration fees:

Provided that, on recovery of penalty along with registration fees, the establishment shall be deemed to be registered and the registration certificate shall be issued by the Inspector.

**Penalty for
contravention
of the
provisions of
the Act.**

29. Whoever contravenes the provisions of this Act or the rules made thereunder shall, if no other penalty is elsewhere provided by or under this Act for such contravention, be punishable with fine which may extend to fifty thousand rupees:

Provided that, the total amount of fine shall not exceed two thousand rupees per worker employed.

**Penalty for
contravention
of the
provisions of
the Act
resulting in
accident.**

30. Save as otherwise provided in this Act, where an employer on being held found guilty of contravention of any of the provisions of this Act or any rules made thereunder which has resulted in an accident causing serious bodily injury or death of a worker, he shall, on conviction, be punished with imprisonment which may extend to six months or with fine which shall not be less than twenty-five thousand rupees and which may be extended to fifty thousand rupees, or with both.

31. (1) If the person committing an offence under this Act is a company, the company as well as every person in charge of, and responsible to, the company for the conduct of its business at the time of the commission of the offence shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Offences by companies.

(2) Notwithstanding anything contained in sub section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or that the commission of the offence is attributable to any neglect on the part of any director, manager, managing agent or any other officer of the company, such director, manager, managing agent or such other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation. – For the purpose of this section, -

(a) “company” means anybody corporate and includes a firm or other association of individuals; and

(b) “director” in relation to a firm, means a partner in the firm.

32. (1) Whoever, willfully obstructs an Inspector in exercise of any powers conferred on him by or under this Act or refuses or willfully neglects to afford an Inspector any reasonable facility for making any inspection, examination, inquiry or investigation authorized by or under this Act in relation to an establishments, shall, on conviction, be punished with fine which may extend to fifty thousand rupees.

Penalty for obstructions or refusal to provide register, etc.

(2) Whoever, willfully refuses to produce on the demand of an Inspector any register or other document kept in pursuance of this Act or the rules made thereunder or prevents or attempts to prevent or does anything which he has reason to believe to prevent any person from appearing before, or being examined by, an Inspector acting in pursuance of his duties under this Act,

shall, on conviction, be punished with fine which may extend to fifty thousand rupees:

Provided that, total amount of fine shall not exceed two thousand rupees per worker employed.

**Cognizance
of offences.**

33. (1) No Court shall take cognizance of any offence punishable under this Act and the rules made thereunder unless a complaint in respect thereof is made by the Inspector within three months from the date on which the alleged commission of the offence comes to the knowledge of the Inspector:

Provided that, where the offence consists of disobeying a written order made by the Inspector, complaint thereof may be made within six months from the date on which the offence is alleged to have been committed.

(2) The court of a Metropolitan Magistrate or a Judicial Magistrate of the First Class shall try any offence punishable under this Act or the rules made thereunder.

(3) Notwithstanding anything contained in Code of Criminal Procedure, 1973, a Metropolitan Magistrate or a Judicial Magistrate of the First Class may impose fine and penalties prescribed under this Act. 2 of 1974.

**Compounding
of offences.**

34. (1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, any offence punishable under this Act, not being an offence punishable with imprisonment only, or with imprisonment and also with fine, may, on an application of the accused person, either before or after the institution of any prosecution, be compounded by such Officer, as the State Government may, by notification in the *Official Gazette*, specify, with fine provided for such offence, in the manner as may be prescribed. 2 of 1974.

(2) Nothing contained in sub-section (1) shall apply to an offence committed by a person for the second time or thereafter within a period of five years from the date—

(a) of commission of a similar offence which was earlier compounded;

(b) of commission of a similar offence for which such person was earlier convicted.

(3) Every officer referred to in sub-section (1) shall exercise the powers to compound an offence, subject to the direction, control and supervision of the State Government.

(4) Every application for the compounding of an offence shall be made in such form and in such manner as may be prescribed.

(5) Where any offence is compounded before the institution of any prosecution, no prosecution shall be instituted in relation to such offence, against the offender in relation to whom the offence is so compounded.

(6) Where the composition of any offence is made after the institution of any prosecution, such composition shall be brought by the officer referred to in sub-section (1) in writing, to the notice of the Court in which the prosecution is pending and on such notice of the composition of the offence being given, the person against whom the offence is so compounded shall be discharged.

(7) Any person who fails to comply with an order made by the officer referred to in sub-section (1), shall be liable to pay a sum equivalent to twenty percent of the maximum fine provided for the offence, in addition to such fine.

(8) No offence punishable under the provisions of this Act shall be compounded except under and in accordance with the provisions of this section.

CHAPTER IX MISCELLANEOUS

35. (1) Notwithstanding anything contained in this Act, any shop or establishment if situated, - **Opening and closing hours.**

- (a) (i) in Municipal Corporation Area, or
- (ii) on National Highway, or
- (iii) on Railway Platform, or
- (iv) at State Roadways bus station premises, or
- (v) in Hospital premises, or

(vi) on petrol pumps,

may remain open 24 hours on any day of the week:

Provided that, the worker shall be allowed to work in accordance with the provisions of sections 12, 14, 16 and 18 of this Act;

(b) in Municipality area or on State Highway may be opened except from 2.00 A.M to 6.00 A.M.:

Provided that, the worker shall be allowed to work in accordance with the provisions of sections 12, 14, 16 and 18 of this Act;

(c) in the areas other than the areas mentioned in clauses (a) and (b) above in district or on minor road may be opened except from 11.00 P. M. to 6.00 A.M. :

Provided that, the worker shall be allowed to work in accordance with the provisions of sections 12, 14, 16 and 18 of this Act;

(2) Notwithstanding anything contained in sub-section (1), considering the circumstances relating to traffic, public health, public safety, public nuisance or such other reason which may affect law and order situation, the hours for opening and closing of different classes of shops or establishments and for different premises, shopping complex or mall or for different area or areas and for different period may be curtailed by such authority as the State Government may, by notification in the *Official Gazette*, specify.

**Protection
of rights of
workers
under any
other law,
etc.**

36. Nothing in this Act shall affect any right or privileges which a worker in any shop or establishment is entitled to at the date of commencement of this Act under any other law, contract, custom or usage applicable to such shop or establishment or any award, settlement or agreement binding on the employer and the worker in such shop or establishment, if such rights or privileges are more favourable to him than those to which he would be entitled under this Act.

37. (1) No suit, prosecution or legal proceedings shall lie against any public servant or any other person, acting under the direction of any such public servant, for anything which is in good faith done or intended to be done under this Act or any rule or order made there under.

**Protection
of action
taken in
good faith.**

(2) No suit, prosecution or legal proceedings shall lie against the Government for any damage caused or likely to be caused by anything which is in good faith done or intended to be done in pursuance of this Act or any rules or order made there under.

38. The provisions of this Act shall be in addition to, and not in derogation of, the provisions of any other law for the time being in force.

**Act not in
derogation of
any other
law.**

39. (1) The State Government may, by notification in the *Official Gazette*, make rules to carry out the purposes of this Act.

**Power to
make rules.**

(2) All rules made under this Act shall be subject to the condition of previous publication.

(3) All rules made under this section shall be laid for not less than thirty days before the State Legislature as soon as may be after they are made and shall be subject to rescission by the State Legislature or to such modifications as the State Legislature may make during the session in which they are so laid or session immediately following. Any rescission or modification so made by the State Legislature shall be published in the *Official Gazette*, and shall thereupon take effect.

40. (1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may, as occasion arises, by an order published in the *Official Gazette*, do anything not inconsistent with the provisions of this Act, which appears to it to be necessary or expedient for the purposes of removing the difficulty:

**Power to
remove
difficulties.**

Provided that, no such order shall be made after the expiry of the period of two years from the date of commencement of this Act.

(2) Every order made under sub-section (1) shall be laid, as soon as may be, after it is made, before the State Legislature.

**Repeal and
saving.**

41. On and from the date of commencement of this Act, the Gujarat Shops and Establishments Act, 1948 shall stand repealed:

**LXXIX of
1948.**

Provided that,

(a) every appointment, order, rule, bye-law, regulation, notification, registration 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 appointment, order, rule, bye-law, regulation, notification or notice made, issued or given under this Act;

(b) any proceeding relating to the trial of any offence punishable under the provisions of the Act so repealed shall be continued and completed as if the said Act had not been repealed but had continued in operation and any penalty imposed on such proceedings shall be recovered under the Act so repealed.

NOTIFICATION

Labour and Employment Department

Sachivalaya, Gandhinagar.

Dated the 1st May, 2019

Gujarat Shops and
Establishments
(Regulation of
Employment and
Conditions of
Service) Act, 2019

No. GHR/2019/26/BSE/192016/428889/M-3:- In exercise of the powers conferred by sub-section (4) of section 1 of the Gujarat Shops and Establishments (Regulation of Employment and Conditions of Service) Act, 2019 (Guj. 4 of 2019), the Government of Gujarat hereby appoints the 1st May, 2019 as the date on which the said Act shall come into force.

By order and in the name of the Governor of Gujarat,


Deputy Secretary to Government,

To,
The Manager,
Government Central Press,
Gandhinagar.

- With a request to publish this Notification in the Extra-Ordinary Gujarat Government Gazette Part IV – B and the copies of printed Notification may please be distributed as under:

- (i) The Labour and Employment Department, 10 Copies
Sachivalaya, Gandhinagar.
- (ii) The Commissioner of Labour, 10 Copies
Gujarat State, Gandhinagar.

Copy forwarded with compliments to:-

1. The Commissioner of Labour, Gujarat State, Block No.14, 2nd Floor,
Udhyog Bhavan, Sector-11, Gandhinagar.

2. The Deputy Commissioner of Labour, Ahmedabad/Surat/Vadodara/Rajkot.
3. The Under Secretary, Legislative and Parliamentary Affairs Department, Sachivalaya, Gandhinagar (The Gujarati Version of this Notification may please be published in the Extra-Ordinary Gujarat Government Gazette Part IV – B).
4. The Deputy Secretary, Urban Development and Urban Housing Department, Sachivalaya, Gandhinagar.
5. The Deputy Secretary, Panchayats, and Rural Housing and Rural Development Department, Sachivalaya, Gandhinagar.
6. The Director of Municipalities, Gujarat State, Gandhinagar.
7. The Municipal Commissioner, Municipal Corporation, Ahmedabad/Vadodara/Surat/Rajkot/Jamnagar/Bhavnagar/Junagadh/Gandhinagar.
8. The Branch Select File/M-3.
9. The Dy. S. O. Select File.



सत्यमेव जयते

The Gujarat Government Gazette

EXTRAORDINARY

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Separate paging is given to this Part in order that it may be filed as a Separate Compilation.

PART IV-B

Rules and Orders (Other than those published in Parts I, I-A, and I-L) made
by the Government of Gujarat under the Gujarat Acts

LABOUR AND EMPLOYMENT DEPARTMENT,

NOTIFICATION

Sachivalaya, Gandhinagar, 30th September, 2019.

Gujarat Shops and Establishments (Regulation of Employment and Conditions of Service) Act, 2019.

No. GHR/2019/117/GSE/19/2019/236319/M-3 :- The following draft of the rules which proposed to be issued under sub-section (1) of section 39 of the Gujarat Shops and Establishments (Regulation of Employment and Conditions of Service) Act, 2019 (Guj. 4 of 2019), and of all other powers enabling it in that behalf, is hereby published as required by sub-section (2) of section 39 of the said Act, for the information of all the persons likely to be affected thereby; and notice is hereby given that the said draft will be taken into consideration by the Government of Gujarat after the expiry of thirty days from the date of its publication in the *Official Gazette*;

2. Any objection or suggestion which may be received by the Additional Chief Secretary, Labour and Employment Department, Block no. 5, 6th floor, New Sachivalaya, Gandhinagar, from any person with respect to the said draft on or before the expiry of the aforesaid period will be considered by the Government.

DRAFT NOTIFICATION

1. Short Title. - These rules may be called the Gujarat Shops and Establishments (Regulation of Employment and Conditions of Service) Rules, 2019.

2. Definitions. - (1) In these rules unless the context otherwise requires,-

- (a) "Act" means the Gujarat Shops and Establishments (Regulation of Employment and Conditions of Service) Act, 2019 (Guj. 4 of 2019);
- (b) "Compounding Officer" means an authority appointed by the Government under sub-section (1) of section 34;
- (c) "Form" means the form appended to these rules;
- (d) "Government" means the Government of Gujarat;
- (e) "Managerial Functions" means all such functions which are inherently supervisory in nature and are bestowed with powers and authority to take all policy and administrative decision in an organization, e.g. power to sanction leave, award increment, take disciplinary action, to terminate, suspend or dismiss a worker or indulge in policy making decision regarding any aspect of the business or service conditions of workers and such other similar powers.
- (f) "Schedule" means the Schedule appended to these rules;
- (g) "Section" means a section of the Act;

(2) Words and expressions used in these rules but not defined hereinabove shall have the same meanings as are respectively assigned to them in the Act.

3. Application for Registration of Establishment. -

The employer of every establishment engaging ten or more workers shall submit application in Form-A for registration of the establishment as per section 6 of the Act along with the required documents as specified in Part-A of the Schedule. The application may be submitted online where online access is available.

4. Payment of Fees. -

The fees to be paid along with the application for registration in Form-A by the establishments employing ten or more employees shall be as specified below:

Sr.No.	Category of Establishment	Fees to be paid in Rs.
1.	Establishments.	500/-
2.	Shops.	500/-
3.	Residential Hotels.	2500/-
4.	Restaurants and Eating Houses.	1000/-
5.	Theatres and other places of public amusement or entertainment.	5000/-

The fees shall be paid through e-payment where online access is available.

5. Manner of Registration of Establishment. -

- (1) Every application submitted either online or otherwise in Form-A for registration of establishment may be assigned to any of the inspector concerned, who shall scrutinize the applications, documents either uploaded online or submitted otherwise and the fees paid either through e-payment or otherwise along with the details mentioned in the application. If the application is complete in all respects and supported with all the required documents, prescribed fees, he shall either sign digitally or issue otherwise the certificate of registration, which shall be in Form-B within one day either from the date the application appears on the dashboard of the inspector or received otherwise by the inspector. The entry of the establishment which is registered shall be made in the Register of Establishment to be maintained in Form-C.

- (2) If an application is incomplete or not supported with required documents as mentioned in these Rules or if the prescribed fee is not paid, then the inspector, may reject such application by mentioning the reasons thereof within one day from the date on which the application appears on the dashboard of the inspector or received otherwise by the Inspector.

6. Intimation of commencement of business by employer engaging less than ten employees.-

The employer of every establishment engaging less than ten employees shall submit an intimation in Form-D of commencement of the business along with the required documents as specified in Part-B of the Schedule. The intimation may be submitted online where online access is available.

7. Receipt of Intimation. -

After receiving an intimation in Form-D along with all the documents, a receipt of such intimation in Form-E shall be issued to the applicant either online or otherwise as the case may be and the details thereof shall be recorded in a register maintained for that purpose in Form-F.

8. Procedure for cancellation of Registration Certificate.-

At any time, if it is found or brought to the notice of the Inspector that the registration of any shop or establishment has been obtained by misrepresentation or suppression of material facts or by submitting false or forged documents or false declaration or by fraud, the Inspector shall,

- by a notice require the employer to submit his case as to why the registration may not be cancelled;
- if within ten days from the date of the receipt of the notice, the employer fails to submit his case along with the relevant documents, the Inspector may cancel the registration of such shop or establishment, as the case may be;
- if within ten days, the employer submit his case along with relevant documents, the Inspector, after considering the case and the relevant documents submitted may withdraw notice or cancel the registration of such shop or establishment, as the case may be and remove the same from the register of establishment maintained in Form-C, after the reasons to be recorded in the order.

9. Notice to make changes in Registration Certificate. -

- (1) Any changes in the certificate of registration shall be submitted in Form-G to the Inspector as per section 9 of the Act within thirty days from the date the change took place along with the required documents to be submitted as specified in Part-C of the Schedule.

The fees to be paid along with the application for registration in Form-G by the establishments employing ten or more employees shall be as specified below:

Sr. No.	Category of Establishment	Fees to be paid in Rs.
1.	Establishments.	500/-
2.	Shops.	500/-
3.	Residential Hotels.	2500/-
4.	Restaurants and Eating Houses.	1000/-
5.	Theatres and other places of public amusement or entertainment.	5000/-

The fees shall be submitted online where online access is available.

- (2) On receipt of such notice the Inspector shall scrutinize the same and shall either sign digitally or otherwise as the case may be and issue a fresh modified certificate within one day from the date of receipt of such notice. However, if the notice is not complete or is not supported by the required documents or if the prescribed fees is not paid, he shall reject the notice within one day by mentioning the reasons thereof.

10. Closing of Business.-

- (1) Every employer of an establishment engaging ten or more workers, on closing its business permanently shall inform the same within thirty days from the date of such closing to the Inspector in Form-H.
- (2) Every employer of an establishment engaging less than ten workers, on closing its business permanently shall inform the same within thirty days from the date of such closing to the Inspector in Form-I.
- (3) The Inspector on receiving the information and on being satisfied about its correctness shall remove the entry of such shop or establishment from the register of establishments and cancel the registration certificate:

Provided that, if the Inspector does not receive the information but he is otherwise satisfied that any shop or establishment has been closed, he may remove the entry of such shop or establishment from the register of establishments and cancel such certificate.

11. Conditions for employment of women in night shifts. -

Women worker shall be required or allowed to work in shop or establishment between 9.00 p.m. to 6.00 a.m. after obtaining the consent of such women worker in Form-J, subject to such conditions as may be specified in the order of the Inspector.

12. Notice of weekly holiday of workers in each shift. -

Every employer shall display a notice at a conspicuous place of the premises on a notice board and on website if employer has website, showing the day of rest, in Form-K. A copy of the same shall be send to the Inspector electronically or otherwise where online access is not available.

13. Prohibition of overlapping of shifts.-

Work shall not be carried on in any establishment by means of a system of shifts so arranged that more than one relay of workers is engaged in work of the same kind at the same time.

14. List of persons engaged in shift.-

- (i) In case of establishment operating in more than one shift, the employer shall display well in advanced a shift schedule, showing the names and designation of all persons working in that shift, so that each worker is aware of the shift in which he has to work. Such list shall be in Form-L and shall be kept in every establishment and made available for inspection to the Inspector on demand. The list shall be displayed at a conspicuous place of the premises on the notice board and on the website if employer has website. A copy of the same shall be send to the Inspector electronically or otherwise where online access is not available.
- (ii) There shall be not less than twelve consecutive hours of rest or gap between the last shift and night shift whenever a worker is changed from day shift to night shift and also from night shift to day shift.

15. Part-time employment.-

It shall be lawful for the employer to engage any worker as part-time worker provided that he shall not be allowed to work more than five hours in a day.

16. Identity Card.-

As per section 17, every employer shall provide to each worker an Identity Card as specified in Form-M.

17. Leave Book.-

Every employer shall provide to each worker with a book called "Leave Book" in Form-N. A copy of the same shall be retained by employer. All the entries of sanctioned earned leave as per section 18 shall be noted in the Leave Book. Any earned leave applied for and is refused shall also be noted in the register with initials of the employer or his representative in the respective column of Leave Book. However every employer shall be free to maintain Leave Book in such format either manually or electronically. If the Leave Book is lost by the worker, the employer or manager shall provide him the duplicate copy of the same.

18. Notice by employer or manager of accumulated leave. -

The employer or manager shall issue a notice up to the 31st January of each calendar year which shall be displayed in Form-O giving the names of all workers whose leave, which has been carried forward has reached the maximum limit allowed under sub-section (5) of section 18, as soon as possible in the first quarter of each calendar year. The notice shall state that no further leave can be carried forward. A copy of the notice shall be given to each worker concerned.

19. Cleanliness, Lighting and Ventilation.-

Premises of every establishment shall be kept clean and free from infection. It should have proper ventilation and lighting. No rubbish, filth or debris shall be allowed to accumulate or to remain on any premises or in an establishment or in the surroundings of such establishment in such position that effluvia there from can arise within the establishment or its surroundings.

20. Precautions against fire.-

Every employer shall take all the measures to protect the premises and the workers therein from the danger of fire. He shall adopt and implement all such measures as suggested or directed by the Fire Protection Department of the Local Authority or Fire Brigade of that local area or any such authority. It shall be his duty to follow the norms and guidelines for protection against fire as per any law for the time being in force or any direction or instruction issued by any Local Authority or any such authority wherein the establishment is situated.

21. Latrines and Urinals.-

Every employer either individually or group of employers shall provide and maintain a common, neat and clean urinal and latrines facility with supply of anti bacterial liquid soap for men and women worker separately in such sufficient numbers. It shall be well ventilated with exhaust fan and lighted and safe for use of women worker. There shall be proper provision of water supply and flushing of waste.

22. Latrines and urinals to be accessible.-

- (1) The latrines and urinals shall be conveniently situated and accessible to workers at all times at the establishment.
- (2)(i) Latrines and urinals other than those connected with a flush sewage system shall comply with the requirement of the public health authorities.
- (ii) Water shall be provided the means of tap or otherwise so as to be conveniently accessible in or near the latrine and urinals.

23. Creche.-

- (i) The crèche shall be conveniently accessible to the mothers of the children accommodated therein and so far as is reasonably and practicable. It shall not be situated in close proximity to a part of the shop or establishment where excessively noise processes are carried on.

- (ii) Effective and suitable provision shall be made in every part of the crèche for securing and maintaining adequate ventilation by the circulation of fresh air.
- (iii) The crèche shall be adequately furnished and equipped and in particular there shall be one suitable cot or cradle with the necessary bedding for each child, provided that for children over two years of age it will be sufficient if suitable beddings made available and at least one chair or equivalent seating accommodation for the use of each mother while she is feeding or attending to her child, and a sufficient supply of suitable toys for the older children.
- (iv) There shall be in or adjoining the crèche a suitable wash room for the cleaning of the children and their clothing. The wash room shall be adequately lighted and the floor shall be effectively drained and in a clean and tidy condition. An adequate supply of water, baby soap and clean towels shall be made available for each child while it is in the crèche.
- (v) For each crèche there shall be appointed a woman incharge and an adequate number of female-attendants to help the woman incharge. The crèche, staff shall be provided with suitable clean clothes for use while on duty.

24. First-Aid Appliances.-

Every employer shall maintain duly equipped first-aid box in each establishment with the following first-aid appliances and medicine, namely:-

- (i) small, medium and large sterilized dressing in required numbers;
- (ii) large size sterilized burn dressing in required numbers;
- (iii) packets of sterilized cotton-wool in required numbers;
- (iv) pair of dressing scissors;
- (v) bottle containing solution of iodine or mercury chrome;
- (vi) bottle containing solution of savolaine having the dose and mode of administration indicated on the label;
- (vii) bottle containing potassium permanganate crystals; and
- (viii) any antidote for burns.

25. Canteens. -

Every employer having one hundred or more workers in shop or establishment shall provide and maintain a canteen with the following conditions, namely: -

- (i) The doors and windows of a canteen building shall be of fire proof construction and shall allow adequate ventilation.
- (ii) The canteen shall be sufficiently lighted at all times when any person have access to it.
- (iii) The precincts of the canteen shall be maintained in a clean and sanitary condition. Waste shall be carried away in suitable covered drains and shall not be allowed to accumulate so as to cause a nuisance. Suitable arrangements shall be made for the collection and disposal of garbage.
- (iv) Sufficient tables, stools, chairs or benches shall be available in canteen.
- (v) There shall be provided and maintained sufficient utensils and any other equipment necessary for the efficient running of the canteen.
- (vi) The charge per portion of food stuff, beverages and any other item served in the canteen shall be conspicuously displayed in the canteen.

26. Maintenance of Registers and Records. -

- (1) The employer shall maintain a Muster-Roll cum Wages Register in Form-P unless any employer or manager maintains a Wages Register in Form-B and Muster Roll in Form-D as prescribed in rule 3 of the Schedule to the Ease of Compliance to Maintain Registers under various Labour Laws (Gujarat) Rules, 2017.
- (2) Every entry in the register or records requires to be maintained under these rules shall be authenticated digitally or manually by the employer or the manager or any person so authorized by him. The entries relating to overtime shall be made immediately after completion of such overtime work. In case both the employer and the manager are absent on any day, the entries shall be authenticated by such person as may be authorized in writing by the employer.
- (3) Every register, record and notice required be maintained, exhibited or given under the Act and these rules shall be either in Gujarati or in English language.
- (4) Every employer or manager shall preserve the inspection records of the Inspector for a period of five years and shall produce the same whenever demanded by the Inspector.
- (5) Where an office, store-room, godown, warehouse or work place used in connection with the trade and business of a shop is situated at the premises other than the premises of such establishment, all such registers, records, muster-rolls, notices etc. required to be maintained, exhibited or given under the Act and these rules shall be separately so maintained, exhibited or given in respect of such office, storeroom, godown, warehouse or work place etc.

27. Annual Return. -

Every employer shall submit the Annual Return in Form-Q to the Inspector within one month after completion of the calendar year ending on the 31st December. It shall be submitted online where online access is available.

28. Supervision of State Government over Local Authority. -

If the Local Authority or the panchayat to whom the duty of enforcing the provisions of this Act is delegated under section 24 of the Act makes default in the performance of any duty imposed by or under this Act, the State Government may appoint appropriate person as an Inspector to perform it and may direct that the expenses of the person so appointed to perform the duty, shall be paid forthwith by such Local Authority or panchayat, as the case may be.

29. Duties and powers of Inspector. -

- (1) The Inspector shall make such examination as may appear to him to be necessary for the purpose of satisfying himself that the provisions of the Act, these rules and any orders issued by the Government or the Local Authority or the panchayat under the Act and the rules made thereunder are duly observed.
- (2) The Inspector shall maintain a monthly diary and submit it to such officer as directed by the office order.
- (3) It shall be the duty of the Inspector to serve all the notices and orders as per the Act to the concerned persons issued by the Compounding Officer.
- (4) It shall be the duty of the Inspector to carry out inspection as per the online randomization inspection system or any other system for the time being in force.
- (5) It shall be the duty of the Inspector to carry out monthly reconciliation of the application and fees received online and the fees deposited in the treasury.

- (6) It shall be the duty of each Inspector to maintain Court Cases Register individually and the register of cases referred to the Compounding Officer as per the instruction given by the office order.
- (7) It shall be the duty of the Inspector to advise the employer so as to comply with the irregularities pointed out by him in his inspection memo. It shall also be his duty to guide the workers in an establishment about their rights under the Act and the remedies available to them.
- (8) It shall be the duty of the Inspector to confirm that the defaulting employer has paid the fees as per the direction of the Compounding Officer and shall verify whether the amount is deposited in the local area treasury office.

30. Application for Compounding of Offence. -

- (1) Every application for compounding of an offence shall be in Form-R.
- (2) The Compounding Officer shall maintain a proper Rojnama of all the cases heard by him.
- (3) The Compounding Officer appointed as per the provisions of sub-section (1) of section 34 of the Act shall regularly hold sittings in each district or in such a place in the local area as per the work load or the matter referred before him.

31. Procedure for Compounding of Offence. -

- (1) The Compounding Officer on receipt of an application shall examine all the documents, the nature of breaches of the Act and these rules and shall pass a detailed order within seven working days from receipt of the application. The Compounding Officer while determining the amount of compounding fees shall have regard to the seriousness of breaches, nature of an offence and evidence on record. The Compounding Officer shall on receipt of the compounding fees make the order for deposit of compounding fees and after deposit of such amount, the offence shall be compounded and the Compounding Officer shall make necessary entries in a register kept for that purpose.
- (2) An order passed by the Compounding Officer shall be forwarded to the concerned local Inspector for serving the same to the defaulting employer within seven working days.
- (3) The maximum fees for compounding of offence may be imposed by the Compounding Officer shall not be less than seventy five per cent of the maximum fine specified for such offence under the Act.
- (4) In calculating the period for filing of prosecution under section 33, the time period taken for compounding of offence shall be excluded.

32. Intimation of persons discharging Managerial function. -

Every employer registered under section 6 shall inform to the Inspector in Form-S the names and designation and brief nature of duties of such persons who are discharging managerial function.

33. Intimation of persons doing confidential work. -

Every employer shall inform in Form-T the names of such persons who are occupying position of confidential character in an establishment. However, the number of such persons shall not be more than one percent of the total strength of workers of the establishment subject to a maximum of fifty persons.

34. Name Board to be in Gujarati. -

The Name Board of every establishment shall be preferably in Gujarati language;

Provided that, the employer may also have the Name Board in any other language in addition to Gujarati.


 PHOTO

Form – A

(See rule 3)

APPLICATION FOR REGISTRATION

1	Name of the Establishment	:-		
2	Postal address and situation of the Establishment	:-		
3	Date of commencement of Business	:-		
4	Nature of Business	:-		
5	Address of the office, storeroom, godown, warehouse or work place, if any, other than the above address. (should be field only when office, showroom, etc. is not separately registered under the Act.)	:-		
6	Name of the Employer.	:-		
7	Residential Address of the Employer.	:-		
	Status/Designation	:-		
	Mobile No. and e-mail id	:-		
	Aadhaar Card No. (upload copy) (optional)	:-		
8	(1) Category of Establishment (Shop/Establishment)	:-		
	(2) Type of organisation (i.e. Proprietor, Partnership, LLP, Company/Trust/Co-operative Society/Board)	:-		
9	Details of the Partner/Director/Trustee/Board and Society Members.	Name and Residential Address	Aadhaar Card No.	Mobile No. and e-mail id.
10	Government Resolution No. in case of Board/Corporation. (upload copy)	:-		
11	In case of Company or LLP, certificate of incorporation or partnership registration certificate of appropriate authority (upload copy)	:-		
12	In case of Co-operative Society or Trust, the certificate of registration of appropriate authority (upload copy)	:-		
13	Reserve Bank of India/Securities and Exchange Board of India/Insurance Regulatory and Development Authority etc. Registration No. or any such registration number which is mandatory before starting such business as banking/share/mutual fund/insurance/finance lending institute etc. (upload copy)	:-		

14	Name of the members of employer's family employed in the establishment :-	Name of the person	Relation	
15	Name of the other persons occupying position of management or workers engaged in confidential capacity :-	Name of the person	Designation	
16	Manpower/Workers Details :-	Men	Women	
	Persons working in Managerial/Supervisory /Confidential capacity :-			
	No. of workers other than above :-			
	No. of apprentices under the Apprentices Act, 1961 (52 of 1961) :-			
16	No. of contract labour :-			
	No. of part-time workers :-			
	Total :-			
17	(a) Name and Residential Address of Authorized person :-	Name and e-mail ID	Aadhar Card No.	Mobile No.
	(b) Name and Residential Address of Manager :-	Name and e-mail ID	Aadhar Card No.	Mobile No.
18	(A) Is the place of business conducted in owned premises? :-	Yes / No		
	If yes, details of the place of business as per agreement. :-	Name of the owner - Address of the premises - Plot No. - Gala/ Shop No. - City Survey No. - Name of the Building/ Society - Name of the Road - Locality, District, Taluka, Village - Pin No. -		
If the place of business is located in self owned premises, documents mentioned at serial number (4) of Part-A of the Schedule should be uploaded along with the application.				
	(B) Is the place of business conducted in rental premises? :-	Yes / No		
	If yes, upload any one of the following documents relating to the owner of the premises :-	Name of the owner -		
		Name of the Lease -		
		Address of the premises -		
		Plot No. -		
		Gala/ Shop No. -		
		City Survey No. -		
		Name of the Building/Society -		
		Name of the Road -		
Locality, District, Taluka, Village -				
Pin -				

	If the place of business is located in rented or leased premises documents mentioned at serial number (5) of Part-A of the Schedule should be uploaded along with the application.		
	Is the business conducted in the premises owned/rented by any member of the family/relative?	:-	Yes / No
19	If yes, no objection letter for doing such business in the premises of such owner shall be obtained and uploaded, along with documents mentioned in Column No. 18.	:-	
	Is the place of business is conducted in a flat/apartment or residential unit in a housing society ?	:-	Yes/ No
20	If yes, obtain and upload a no objection certificate from the society or any such authority responsible for the maintenance of the premises, along with documents mentioned in column No. 18.	:-	

Self-Declaration

I / We hereby solemnly affirm and state that the business which I/we have started is not banned or prohibited by any Act, Rules, Law or Order of any Court of Law or any competent authority and the premises where I/ we are conducting the said business is free from violation of any Act, Rules, Order of any Court of Law or any Competent Authority.

I/ We hereby declare that the information provided above is true and correct to the best of my personal knowledge, information and belief. I am fully aware about the consequences of giving false information. If the information is found to be false, I shall be liable for prosecution and punishment under the Indian Penal Code (45 of 1860) and /or any other law applicable thereto.

I/ We have obtained necessary licenses, permissions, permit for the conduct of this business and the place of business from the appropriate Authority.

I/We shall be responsible and liable for legal action if the business is conducted without proper license, permission, permit from the appropriate Authority.

I / We submit and declare that I/We will not undertake any illegal activity or any business prohibited in law in force in India.

I / We declare that the place of business is not located in any area wherein commencing / running of such business is prohibited by any law or order of any Competent Authority.

I / We hereby declare that the copies attested by me are true copies of original documents. I am well aware of the fact that if the copies are found false/forged, I shall be liable for prosecution and punishment under the Indian Penal Code (45 of 1860) and /or any other law applicable thereto.

I / We undertake to abide by the provisions of the Gujarat Shops and Establishments (Regulation of Employment and Conditions of Service) Act, 2019 (Guj. 4 of 2019) and the Rules and orders passed thereunder by any Authority.

Date:

Place:

Name and Signature of Applicant:

Symbol

Form – B

(See rule 5)

REGISTRATION CERTIFICATE

1.	Registration Number	:-	
2.	Name of the Establishment	:-	
3.	This certificate is issued based on the application and the uploaded Self- Certified documents and declaration given by the applicant, without physical verification of the existence of establishment, the nature of business carried out and the details mentioned in the application. This is just a certificate of registration and does not give any right to property or possession of the rights of the premises or property		
4.	Date of commencement of business	:-	
5.	Period for which registration is obtained	:-	
6.	Name of the Employer	:-	
7.	Nature of Business	:-	
8.	Postal Address of Establishment	:-	
9.	Details of Manpower/ employee	Men	Women
	No. of persons working in Managerial/Supervisory/confidential capacity		
	No. of workers other than above		
	No. of apprentices under the Apprentices Act, 1961 (52 of 1961)		
	No. of contract labour		
	No. of part time workers		
	Total		

It is hereby certified that the above establishment has been registered under the Gujarat Shops and Establishments (Regulations of Employment and Conditions of Service) Act, 2019 (Guj. 4 of 2019) on this _____ day of _____ 20____ as shop/establishment.

Date :

Place:

Name and Signature of Inspector

Office Address

Application Id No.	Fees paid (rupees)

Form-C

(See rule 5)

REGISTER OF ESTABLISHMENT

Sr. No.	Registration Certificate No. with Date	Name and Address of the Establishment	Name and residential address of the Employer	Name and residential address of the Authorised Person and Manager	Whether establishment falls under public/private sector	Situation of office, showroom, godown, warehouse or workplace, if any, attached to a shop but situated in premises different from those of the shop
1.	2.	3.	4.	5.	6.	7.

Date of Commencement of business	Nature of business	No. of family members of employer employed in the establishment (Men/Women)	No. of other persons occupying position of management or persons engaged in confidential capacity	Total No. of workers (including part-time workers)	Date of renewal of registration certificate	fees paid	Application ID No.	Remarks, if any.
8.	9.	10.	11.	12.	13.	14.	15.	16.

PHOTO

Form – D*(See rule 6)***FORMAT FOR INTIMATION**

1	Name of the Establishment	:-					
2	Previous details of establishment Registration No.	:-					
3	Date of Expiry	:-					
4	Postal address and situation of the Establishment	:-					
5	Date of Commencement of Business	:-					
6	Nature of Business	:-					
	Whether establishment falls under Public Sector or Private Sector	:-	Public / Private				
7	Total No. of Employee	:-	Men.....Women..... Total				
8	Name of the Employer	:-					
	Residential Address of the Employer	:-					
	Status / Designation	:-					
	Mobile No. and e-mail ID	:-					
	Adhar Card No. (upload copy) (Optional)	:-					
9	Name, Address, Mobile No. and E-mail ID of the Manager (if any)	:-					
10	(a) Category of Establishment i.e. Shop/ Establishment	:-					
	(b) Type of organization i.e. Proprietor, Partnership, LLP, Company/ Trust/ Co-operative Society/ Board	:-					
11	Name of the members of employer's family employed in the establishment	:-	<table border="1"> <thead> <tr> <th>Name of the person</th> <th>Relation</th> </tr> </thead> <tbody> <tr> <td></td> <td></td> </tr> </tbody> </table>	Name of the person	Relation		
	Name of the person	Relation					

Self-Declaration

I/ We hereby solemnly affirm and state that the business which I/we have started is not banned or prohibited by any Act, Rules, Law or Order of any Court of Law or any competent authority and the premises where I/ we are conducting the said business is free from violation of any Act, Rules, Order of any Court of Law or any Competent Authority.

I/ We hereby declare that the information provided above is true and correct to the best of my personal knowledge, information and belief. I am fully aware about the consequences of giving false

information. If the information is found to be false, I shall be liable for prosecution and punishment under the Indian Penal Code (45 of 1860) and /or any other law applicable thereto.

I / We have obtained necessary licenses, permissions, permit for the conduct of this business and the place of business from the appropriate Authority.

I/We shall be responsible and liable for legal action if the business is conducted without proper license, permission, permit from the appropriate Authority.

I / We submit and declare that I/We will not undertake any illegal activity or any business prohibited in law in force in India.

I / We declare that the place of business is not located in any area wherein commencing / running of such business is prohibited by any law or order of any Competent Authority.

I / We hereby declare that the copies attested by me are true copies of original documents. I am well aware of the fact that if the copies are found false/forged, I shall be liable for prosecution and punishment under the Indian Penal Code (45 of 1860) and /or any other law applicable thereto.

I / We undertake to abide by the provisions of the Gujarat Shops and Establishments (Regulation of Employment and Conditions of Service) Act, 2019 (Guj. 4 of 2019) and the Rules and orders passed there under by any Authority.

Date:

Place:

Name and Signature of Applicant:

LOGO

Form – E

(See rule 7)

INTIMATION RECEIPT

The applicant has intimated the following details for having commenced he Business in Form-D to this office. The details thereof are as follows: –

1	Receipt Number	:-	
2	Application Id number	:-	
3	Name of the Establishment	:-	
4	Total No. of Workers	:-	
5	a) Name of the Employer	:-	
	b) Postal Address of the Establishment	:-	
	c) Registered Office Address of the Establishment (if any)	:-	
6	This is just an acknowledgement of the intimation application and not a proof of existence of the business and the place of business as mention in the Intimation application. It shall be the responsibility of the employer to obtain all the prior and post permission, permit, licenses mandatory for the conduct of the said business and for the place of business from the concerned authority.		
7	Nature of Business	:-	
8	Old Registration No. and Date, if applicable	:-	

(Note: -This is an electronically generated receipt, hence does not required signature.)

Date:

Place:

Office Address.

Form - F

(See rule 7)

REGISTER OF ESTABLISHMENT WHO HAVE GIVEN INTIMATION

(For Establishment engaging less than ten workers)

[illegible]

Self- Declaration

I/ We hereby solemnly affirm and state that the business which I/we have started is not banned or prohibited by any Act, Rules, Law or Order of any Court of Law or any competent authority and the premises where I/ we are conducting the said business is free from violation of any Act, Rules, Order of any Court of Law or any Competent Authority.

I/ We hereby declare that the information provided above is true and correct to the best of my personal knowledge, information and belief. I am fully aware about the consequences of giving false information. If the information is found to be false, I shall be liable for prosecution and punishment under the Indian Penal Code (45 of 1860) and /or any other law applicable thereto.

I/ We have obtained necessary licenses, permissions, permit for the conduct of this business and the place of business from the appropriate Authority.

I/We shall be responsible and liable for legal action if the business is conducted without proper licence, permission, permit from the appropriate Authority.

I / We submit and declare that I/We will not undertake any illegal activity or any business prohibited in law in force in India.

I / We declare that the place of business is not located in any area wherein commencing / running of such business is prohibited by any law or order of any Competent Authority.

I / We hereby declare that the copies attested by me are true copies of original documents. I am well aware of the fact that if the copies are found false/forged, I shall be liable for prosecution and punishment under the Indian Penal Code (45 of 1860) and /or any other law applicable thereto.

I / We undertake to abide by the provisions of the Gujarat Shops and Establishments (Regulation of Employment and Conditions of Service) Act, 2019 (Guj. 4 of 2019) and the Rules and orders passed there under by any Authority.

Name and Signature of Applicant.

Date:

Place:

Form - H

(See rule 10(1))

INTIMATION OF CLOSING OF BUSINESS

To,

The Inspector,

Office address.

Subject: Closing of business and removal of the name of the Establishment from the Register.

Dear Sir,

I/We wish to inform you that I/We have permanently closed the business of the establishment as per the details mentioned below: -

I/We request you to cancel our Registration number and remove the name of our establishment from your records.

Details of establishment.

1	Registration Certificate no.	:-			
2	Validity period				
3	Name of the Establishment	:-			
4	Postal Address of place of establishment	:-			
5	Registered/ principal office address, if any.	:-			
6	Type of organization	:-	Proprietor, Partnership, LLP, Company/Trust/ Society/ Board		
7	(A) Category of business (B) Nature of business	:-			
8	Name and residential address of the Proprietor	:-			
9	Details of the Partner / Director/ Trust/Board Member/Member	:-			
10	Name and residential address of Authorized person, if any.	:-	Name and e-mail	Aadhar Card No	Mobile No.

11	Name and residential address of Manager, if any .		Name and e-mail	Aadhar Card No.	Mobile No.
12	Manpower Details	:-	Men	Women	Total
13	Date of closing of business	:-			
14	Reasons for closing of business	:-			

Self- Declaration

I/ We hereby solemnly affirm and state that the business which I/we had started was not banned or prohibited by any Act, Rules, Law or Order of any Court of Law or any competent authority and the premises where I/ we were conducting the said business was free from violation of any Act, Rules, Order of any Court of Law or any Competent Authority.

I/ We hereby declare that the information provided above is true and correct to the best of my personal knowledge, information and belief. I am fully aware about the consequences of giving false information. If the information is found to be false, I shall be liable for prosecution and punishment under the Indian Penal Code (45 of 1860) and/or any other law applicable thereto.

Date:

Place:

Name and Signature of Applicant.

Form - I

(See rule 10(2))

INTIMATION OF CLOSING OF BUSINESS

(For establishment engaging less than ten workers)

To,

The Inspector,

Office address.

Subject : Closing of business and removal of the name of the Establishment from the Register.

Dear Sir,

I/We wish to inform you that I/We have permanently closed the business of the establishment as per the details mentioned below :-

I/We request you to remove the name of our establishment from your register.

Details of establishment.

1	Intimation Receipt no.	:-		
2	Name of the Establishment	:-		
3	Postal Address of place of establishment	:-		
4	Registered/ principal office address, if any.	:-		
5	Type of organization	:- Proprietor, Partnership, LLP, Company/Trust/ Society/ Board		
6	(A) Category of business (B) Nature of business	:-		
7	Name & Residential Address of the Proprietor	:-		
8	Details of the Partner / Director/ Trust/ Board Member/Member	:-		
9	Name and Residential Address of Authorized person, if any.	:-	Name and e-mail	Aadhar Card No
				Mobile No.
10	Name and Residential Address of Manager, if any.	:-	Name and e-mail	Aadhar Card No
				Mobile No.
11	Manpower Details	:-	Men	Women
				Total
12	Date of closing of business	:-		
13	Reasons for closing of business	:-		

Self-Declaration

I/ We hereby solemnly affirm and state that the business which I/we had started was not banned or prohibited by any Act, Rules, Law or Order of any Court of Law or any competent authority and the premises where I/ we were conducting the said business was free from violation of any Act, Rules, Order of any Court of Law or any Competent Authority.

I/ We hereby declare that the information provided above is true and correct to the best of my personal knowledge, information and belief. I am fully aware about the consequences of giving false information. If the information is found to be false, I shall be liable for prosecution and punishment under the Indian Penal Code (45 of 1860) and /or any other law applicable thereto.

Date:

Place:

Name and Signature of Applicant,

lawrbit.com

Form - J

(See rule 11)

CONSENT OF WOMEN WORKER TO WORK IN NIGHTSHIFT

I Miss / Smt. _____ residing at _____
_____ (Full Address) state that I am working
as (Designation) _____ in M/s. _____
_____ since _____ I am aware that, -

the employer will provide safe transport facility from the doorstep of my residence to the place of
work and *vice-versa* and that there will be at least three women worker working in the nightshift
and that there is a Committee to prevent sexual harassment at work place under the Chairmanship
of Smt. _____

I am therefore willing to work at nightshift for the period from _____ to _____ period.

Date :

Place :

Signature/Thumb impression
of the Women worker.

Name, addressed Signature of witnesses

1. _____

2. _____

FORM -K*(See rule 12)***NOTICE OF WEEKLY HOLIDAY**

Name and address of the Establishment : _____

Name of the Manager/Authorized representative. : _____

All the workers in the establishment are hereby informed that the days of weekly holiday of each worker is given below:-

Sr. No.	Name of worker	Designation	Day of weekly holiday	Hours of Work form ... to... (5)
(1)	(2)	(3)	(4)	
1.				
2.				
3.				

Date:

Place:

Signature of the Manager or
Authorized representative.

FORM- L*(See rule 14)***LIST OF WORKERS ENGAGED IN SHIFT**

All the workers in establishment are hereby informed that the establishment shall operate in more than one shift from ----- date. The shift schedule of the workers is as follows: -

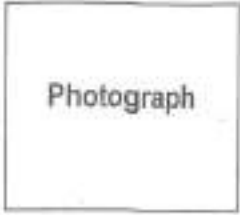
Shift schedule for the month -----

Sr. No.	Name of the worker	Designation	Dates of the Month	Dates of the Month	Dates of the Month	Weekly holiday day.
			1 st Shift	2 nd Shift	3 rd shift	
1			From -	From -	From -	
			To -	To -	To -	
2						
3						
4						

Date:

Place:

Signature of Manager/ Authorized representative.

Form -M*(See Rule 16)***Identity card**
Photograph

- (a) Name and address of the establishment;
- (b) The full name and address of the worker:-
- (c) Date of birth of the worker;
- (d) Date of joining the service in the establishment;
- (e) Recent passport size photograph of the worker.
- (f) Contact No.

Signature or left thumb impression of the worker.

Signature of Manager or Authorized Agent.

Date of Issue.

Form - N
(See rule 17)
LEAVE BOOK

Name of the establishment: Name of the worker :				Name of the employer :				Receipt of leave book -			
Description of the Department(if applicable) :				Date of entry into service:				(Signature or thumb impression of worker)			
Accumulation of leave		Leave allowed		Payment for leave made on		Refusal of leave		Payment for Leave on discharge of an worker quitting employment if admissible		7.	
1.	2.	3.	4.	5.		6.		7.		Remarks	
Leave due on	No. of days	From ---- To -	1st Moiety	2nd Moiety	Application Date	Date of Refusal	Date and discharge amount paid	Signature or left hand thumb impression of worker	7.		Remarks

DETAILS OF FESTIVAL LEAVE

Period		Total Leave		Availed Leave		Balance Leave		Payment made in lieu of Festival Leave, when called for work.		Remarks	
From	To										

DETAILS OF CASUAL LEAVE

Period		Total Leave		Availed Leave		Balance Leave		Remarks	
From	To								

Name and Signature of Authority.

Form – O*(See rule 18)***NOTICE OF MAXIMUM LEAVE ACCUMULATED**

Name and address of the establishment.

Name of the Authorized person / Manager.

Notice.

As per section 18 (5) of the Gujarat Shops and Establishments (Regulation of Employment and Conditions of Service) Act, 2019 (Guj. 4 of 2019) the maximum leave that can be accumulated is for 45 days. The following workers whose names are mentioned below have maximum leave of 45 days accumulated at their credit. Hence, no further leave due to them but not availed by them will be accumulated and it shall lapse if unveiled.

Details of workers.

Sr.No.	Name of workers	Number of accumulated leave	Period for which leave is accumulated	
			From	Till

Date:

Place:

Name and Signature of
Authorized representative
/Manager.

Copy to Workers

Minimum rate of wages payable Rs. (11)	Total production in case of piece rate Rs. (12)	Actual Wages Paid Rs. (13)	House Rent Allowance Paid Rs. (14)	Dearness Allowance Paid Rs. (15)	Gross Amount Payable Rs. (16)	Total hours of overtime worked during the month (17)	Overtime earnings Rs. (18)

Deductions							Total Deduction Rs. (27)	Net Payable Rs. (28)
Provident Fund Contribution Rs. (19)	Family Pension Rs. (20)	ESI Contribution Rs. (21)	Professional Tax Rs. (22)	Income Tax Rs. (if any) (23)	Loan and Interest Rs. (24)	Advances Rs. (25)	Other Deductions Rs. (if any) (26)	

Date of Payment (29)	Signature/ Thumb Impression of the worker (30)

Signature of employer or authorized representative

Form - Q

(See rule 27)

ANNUAL RETURN

(For the calendar year ending as 31st December)

To,

The Inspector,

Office address.

1. Name of the Establishment :-
2. Name of the Owner / Partner / Occupier :-
/Director / Authorized Person
3. Name of the Manager :-
4. Total number of Workers :- Men Women
Managerial Staff
Workers
Contract Labour
Causal
Part Time
Others
Total
5. Whether the notice showing the details of persons engaged in confidential, managerial, supervisory capacity is sent? :- Yes No
6. Nature of Business :-
7. Registration number
Date of Validity of the Registration Certificate
8. Number of shift if applicable :- 1st 2nd 3rd
Average number of persons engaged shift wise

9	Whether notice of shift is displayed and copy sent to the Inspector?	Yes	No.	
10	Number of women workers engaged during the year (if applicable)			
	Number of women workers engaged in night shift			
11	Whether consent letter from women workers working in night shift is obtained? (if applicable)	Yes	No.	
12	Whether notice showing the weekly holiday of each worker is displayed?	Yes	No.	
13	Whether committee under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressed) Act, 2013 (14 of 2013) is constituted ? (if applicable)	Yes	No.	N.A.
	Name of the Chairman of the Committee			
14	Whether police verification of all the drivers and staff engaged in transportation of women workers is obtained ? (if applicable)	Yes	No.	
15	Identity card issued to all workers?	Yes	No.	
16	Is leave book maintained?	Yes	No.	
17	Whether Committee for Health, Safety and Welfare is constituted ? (if applicable)	Yes	No.	N.A.
18	Whether all safety measures as per the directions of fire protection department / local authority are observed?	Yes	No.	
19	Whether First aid box is maintained?			
20	Whether the following welfare facilities are provided (wherever applicable)			
	a. (a) sufficient number of			
	b. latrines and urinals	Yes	No.	
	c. (b) Creche	Yes	No.	N.A.
	(c) Canteen	Yes	No.	N.A.

- | | | | |
|----|---|-----|-----|
| 21 | Whether all the records and registers are maintained and required notices are displayed. | Yes | No. |
| 22 | Any application for compounding of an offence is made during the year ?
if yes,
Date of application
Date of disposal
Amount of fees deposited | | |
| 23 | Number of accident occurred in the establishment during the year Number of workers injured Amount of compensation paid | | |
| 24 | Is the name board displayed in Gujarati. | Yes | No. |

Declaration

I /we Mr./Mrs.----- hereby solemnly affirm that all the information mentioned in the annual return are true and correct. I /we am/are aware that if any information submitted by me turns out to be false or not true or incorrect. I shall be liable for legal action under the concerned Law.

Date:

Place:

Signature of Employer.

Form – R*(See rule 30)***APPLICATION FOR COMPOUNDING OF OFFENCE BY AN EMPLOYER**

To,

The Compounding Officer,

Office Address.

Subject: Request for compounding of offence/s.

Reference: Inspection memo dated

Dear Sir,

This is to inform you that the local areas Facilitator visited and inspected our establishment on -----(date). He had pointed out certain breaches of the Gujarat Shops and Establishments (Regulation of Employment and Conditions of Service) Act, 2019 (Guj. 4 of 2019) and the rules made there under during his inspection and an inspections memo as referred above was issued to us. We have received a notice dt.----- for compounding of the offence by the authority.

We are willing and request you to compound all the offences mentioned in the inspection memo, or to compound only the following offences mentioned in the inspection memo.

Sr. No.	Section / Rule	Description of offences in short

You are, therefore, requested to compound the above offences. We will deposit the amount of fine fees as decided by you within the time mentioned in the order passed by you.

I/We am/are aware that if we failed to pay the fine in stipulated time we will be liable for additional fine as per the provisions of the Act and prosecution may also be launched against us in the Court of Law.

Date :

Name and Signature of the Proprietor/ Partner/
Director or Authorized Representative Name
sand Address of the Establishment with Seal.

Place :

Form – S

(See rule 32)

DETAILS OF PERSONS DISCHARGING MANAGERIAL FUNCTIONS

To,

The Inspector,
Office address.

Name and address of the Establishment /Organization:

E-mail ID / Website Address :

Name of Authorized person/manager :

E-mail ID :

The Management hereby declares the following persons to be the persons who will be engaged to conduct managerial functions and shall be responsible for discharging managerial functions, for the period from ----- till ----- .

Sr. No.	Name of the person.	Designation.

Date :

Place :

Signature of the Manager/
Authorized Person.

Form – T

(See rule 33)

**DETAILS OF PERSONS OCCUPYING POSITION OF CONFIDENTIAL
CHARACTER**

To,

The Inspector,
Office address.

Name of the Establishment / Organization:

E-mail ID /Website Address :

Name of Authorized person/manager :

E-mail ID :

The Management hereby declares that the following persons to be the persons
who will be engaged in and shall be responsible for discharging work of confidential
nature relating to the Business of the Establishment for the period from -----
till -----

Sr. No.	Name of the person.	Designation.

Date:

Place :

Signature of the Manager /
Authorized Person with Seal

SCHEDULE

*(See rules 3, 6, and 9)*LIST OF DOCUMENTS TO BE UPLOADED/ATTACHED

PART- A

(A) Documents to be uploaded for New Registration (Form A):-

- (1) Identity proof of the employer. (In case of legal statute such as company, etc. copy of Identity proof of responsible person under the respective Act.)
- (2) Actual photo of the establishment displaying the interior and the Name Board at the appropriate place of the establishment.
- (3) Copy of the License, Registration which is mandatory under any other law from competent authority before starting of such business.
- (4) In case of business conducted in owned premises any one of the following:-
 - (i) Sale/ Purchase Deed;
 - (ii) Current Property Tax paid Receipt;
 - (iii) Current Electricity bill; or
 - (iv) Current Society Maintenance Receipt.
- (5) In case of business conducted in rental /leased premises any one of the following documents: -
 - (a)
 - (i) Lease Agreement;
 - (ii) Leave and License Agreement; or
 - (iii) in case where the possession is held by way of any other order of the court or order of any competent authority, copy of such order and
 - (b) Any one document mentioned at Sr. No. (4) with respect to the owner of the establishment whose premises is rented or leased.
- (6) If the place of business is owned or leased or rented by any member of family or relative; No objection letter from such member or relative.
- (7) If the place of business is situated in any residential housing society; No objection certificate from the residential society or any such authority responsible for its maintenance.
- (8) All such documents wherever mentioned in the forms.

PART- B

(B) List of documents to be uploaded for intimation (Form D):-

- (1) Identity proof of the employer. (In case of legal statute such as company, etc. copy of Identity proof of responsible person under the respective Act.)
- (2) Actual photo of the establishment displaying the interior and the Name Board at the appropriate place of the establishment.

PART-C**(C) List of documents applicable to be uploaded for Notice of Change (Form-G):**

- (1) Identity proof of the employer. (in case of legal statute such as company, etc. copy of Identity proof of responsible person under the respective Act.)
- (2) Actual photo of the establishment displaying the interior and the Name Board at the appropriate place of the establishment.
- (3) Old registration certificate.
- (4) Copy of the License, Registration which is mandatory under any other law from competent authority before starting of such business.
- (5) In case of business conducted in owned premises any one of the following:
 - (i) Sale/ Purchase Deed;
 - (ii) Current Property Tax paid Receipt;
 - (iii) Current Electricity Bill; or
 - (iv) Current Society Maintenance Receipt.
- (6) In case of business conducted in rental /leased premises any one of the following documents:
 - (a)
 - (i) Lease Agreement;
 - (ii) Leave and License Agreement;
 - (iii) In case where the possession is held by way of any other order of the court or order of any competent authority, copy of such order and
 - (b) Any one document mentioned at Sr. No. (5) with respect to the owner of the establishment whose premises is rented or leased.
- (7) If the place of business is owned or leased or rented by any member of family or relative; No objection letter from such member or relative.
- (8) If the place of business is situated in any residential housing society; No objection certificate from the residential society or any such authority responsible for its maintenance.
- (9) Any other documents as mentioned in the forms.

By order and in the name of the Governor of Gujarat,

JYOTSNA CHAUHAN,
Deputy Secretary to Government.