

**THE HIMACHAL PRADESH SHOPS AND COMMERCIAL
ESTABLISHMENTS ACT, 1969**

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**THE HIMACHAL PRADESH SHOPS AND COMMERCIAL
ESTABLISHMENTS ACT, 1969**

(ACT No. 10 OF 1970)¹

(Received the assent of the President on the 3rd March, 1970 and was published in the Rajpatra, Himachal Pradesh (Extra-ordinary), dated the 1st July, 1970, pp. 563-580).

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

Amended, repealed or otherwise affected by,-

- (i) The Himachal Pradesh Adaptation of Laws (State and Concurrent Subjects) Order, 1973, published in the Rajpatra, Himachal Pradesh (Extra-ordinary), dated the 20th January, 1973, pp. 91-112, effective from 25th January, 1971.
- (ii) H.P. Act No.15 of 2004² published in the Rajpatra, Himachal Pradesh (Extra-ordinary), dated 6th August, 2004, pp. 1474-1476.
- (iii) H.P. Act No. 27 of 2012³ published in the Rajpatra, Himachal Pradesh, dated 8th May, 2012, pp. 959-962.

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Twentieth Year of the Republic of India as follows:-

1. Short title, extent, commencement and application.- (1) This Act may be called the Himachal Pradesh Shops and Commercial Establishments Act, 1969.

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1. For Statement of Objects and Reasons, see the Rajpatra, Himachal Pradesh (Extra-ordinary), dated the 31st May, 1969, p. 464.
 2. Passed in Hindi by the Himachal Pradesh Vidhan Sabha. For Statement of Objects and Reasons the Rajpatra, Himachal Pradesh (Extra-ordinary), dated 1st July, 2004, pp. 1085 and 1089.
 3. Passed in Hindi by the Himachal Pradesh Vidhan Sabha. For Statement of Objects and Reasons see the Rajpatra, Himachal Pradesh, dated 3rd April, 2012, pp. 23 and 25.

(2) It extends to the whole of the [State]¹ of Himachal Pradesh.

(3) It shall come into force at once.

(4) It shall apply in the first instance to the limits of the Simla Municipal Corporation and to the municipal areas and cantonment limits; but the Government may by notification in the Official Gazette, direct that it shall come into force in any other local area or shall apply to such establishments or class of establishments in such other areas as may be specified in the notification.

2. Definitions.- (1) In this Act, unless the context otherwise require:-

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

Provided that in the case of any employee whose hours of work extend beyond midnight, “day” means the period of twenty-four hours beginning from the time when such employment commences;

- (vi) “employee” means any person employed, whether directly or otherwise, about the business of an establishment for the owner or occupier thereof even though he receives no reward for his labour and includes, for the purpose of any matter regulated by this Act, a person discharged or dismissed whose claims have not been settled in accordance with this Act, and persons employed in any factory but not governed by the Factories Act, 1948 (Central Act, 63 of 1948);

1. Substituted for “Union territory” by A.O. 1973, effective from 25th January, 1971.

- (vii) “employer” means a person having charge of or owning or having ultimate control over the affairs of an establishment and include members of the family of an employer, a manager, agent or other person acting in the general management or control of the establishment;
- (viii) “establishment” means a shop or a commercial establishment;
- (ix) “factory” has the meaning assigned to it in the Factories Act, 1948 (Central Act: 63 of 1948);
- (x) “family” in relation to an employer, means:
 - (i) spouse;
 - (ii) children and step-children; and
 - (iii) parents, sisters and brothers if residing with and wholly dependent upon him;
- (xi) “festival” means any festival which the Government may, by notification, declare to be a festival for the purposes of this Act;
- (xii) ¹[XXXXXXXXXXXXXXXXXXXXXXXXXXXX]
- (xiii) “hours -of work” or “working hours” means the time during which the persons employed are at the disposal of the employer exclusive of any interval allowed for rest and meals;
- (xiv) “inspector” means an inspector appointed under this Act;
- (xv) “leave” means leave as provided for in section 14;
- (xvi) “manager” in relation to an establishment where five or more persons are employed or an establishment whose owner does not ordinarily carry on the business personally, means a person declared as such by the employer in the prescribed manner;
- (xvii) “night” means a period of twelve consecutive hours which shall include the interval between 8 P.M. to 6 A.M.;
- (xviii) “notification” means a notification published under proper authority in the Official Gazette;
- (xix) “Official Gazette” means Rajpatra, Himachal Pradesh;
- (xx) “opened” means opened for the service of any customer or for any business connected with the establishment;

1. The definition of ‘Government’ omitted by A.O. 1973, effective from 25th January, 1971.

- (xxi) “opening hour” means the hour at which an establishment opens;
- (xxii) “prescribed” means prescribed by rules made under this Act;
- (xxiii) “quarter” means a period of three months commencing on the first day of January, first day of April, first day of July or first day of October, every year;
- (xxiv) “retail trade or business” includes the business of a barber or hair dresser, the sale of refreshments or intoxicating liquors, and retail sales by auction;
- (xxv) “register of establishments” means a register maintained for theregistration of establishments under this Act;
- (xxvi) “registration certificate” means a certificate showing the registration of an establishment;
- (xxvii) “shop” means any premises where any trade or business is carried on or where services are rendered to customers, and includes offices, store-rooms, godowns, sale depots or warehouses, whether in the same premises or otherwise, used in connection with such trade or business, but does not include a commercial establishment or a shop attached to a factory where the persons employed in the shop are allowed the benefits provided for workers under the Factories Act, 1948 (Central Act, 63 of 1948);
- (xxviii) “spread-over” means the period between the commencement and the termination of work of an employee on any day;
- (xxix) “wages” shall have the meaning assigned to it in the Payment of Wages Act, 1936 (Central Act, 4 of 1936);
- (xxx) “wage period” means the period after which the wages of an employed person shall be paid;
- (xxxi) “week” means the period between midnight on Saturday and midnight on the following Saturday;
- (xxxii) “young person” means a person who has attained the age of fourteen years but has not attained the age of eighteen years; and
- ¹[(xxxiii) “year” means any year reckoned according to British Calendar.]

(2) For the purposes of this Act, any employment in the service of the employer of an establishment whether within the establishment or outside it, which relates to or is connected with or is ancillary to the business carried on

1. Substituted vide H.P. Act No. 15 of 2004.

at the establishment shall be deemed to be employment about the business of the establishment.

3. Act not applicable to certain establishments and persons.-

Nothing in this Act shall apply to-

- (a) offices of or under the Central Government or any State Government or the Government of Himachal Pradesh (except commercial undertakings), the Reserve Bank of India, any railway administration or any local authority;
- (b) any railway service, air service, water transport service, tramway, postal, telegraph or telephone service, any system of public conservancy or sanitation or any industry, business or undertaking which supplies power, light or water to the public;
- (c) railway dining cars;
- (d) offices of lawyers;
- (e) any person employed about the business of any establishment mentioned in clauses (a) to (d);
- (f) any person whose hours of employment are regulated by or under the Factories Act, 1948, (Central Act, 63 of 1948), except the provisions of sub-sections (3), (4) and (5) of section 7 of this Act in so far as they relate to employment in a factory;
- (g) any person whose work is inherently intermittent;
- (h) establishments of stamp vendors and petition writers.

4. Provisions of section 9 and sub-section (1) of section 10 not applicable to certain establishments.- (1) Nothing in section 9 and sub-section (1) of section 10 shall apply to:-

- (a) clubs, hotels, restaurants, boarding houses, stalls and refreshment rooms at railway stations;
- (b) shops of barbers and hair dressers;
- (c) establishments dealing exclusively in meat, fish, confectionery, poultry, eggs, dairy produce (except ghee), bread, sweets, chocolates, ice, ice-cream, cooked food, fresh fruit, flowers or vegetables;
- (d) shops dealing exclusively in medicines or medical or surgical requisites or appliances and establishments for the treatment or care of the sick, infirm, destitute or mentally unfit;
- (e) shops dealing in articles required for funerals, burials or cremations;

- (f) shops dealing exclusively in pans (betel leaves), biris or cigarettes, or liquid refreshments sold retail for consumption on the premises;
 - (g) shops dealing exclusively in newspapers or periodicals, editing and despatching sections of newspaper offices and offices of newsagencies;
 - (h) places of public entertainment except cinema houses;
 - (i) establishments for the retail sale of petrol and petroleum products used for transport;
 - (j) shops in regimental institutes, garrison shops and troop canteens in cantonments;
 - (k) tanneries;
 - (l) establishments engaged in retail trade carried on at an exhibition or show, if such retail trade is subsidiary or ancillary only to the main purpose of the exhibition or show;
 - (m) oil mills not registered under the Factories Act, 1948 (Central Act, 63 of 1948);
 - (n) brick and lime kilns;
 - (o) commercial establishments engaged in the manufacture of bronze and brass utensils so far as it is confined to the process of melting in furnaces;
 - (p) saltpetre refineries;
 - (q) establishments of commercial colleges of short-hand or type-writing and other educational academies;
 - (r) booking offices of passenger and goods transport companies;
 - (s) establishments dealing exclusively in green and dry fodder and chaff cutting; and
 - (t) cycle stands, and cycle, repairs shops.
- (2) Nothing in sub-section (p) of section 10 shall apply to:-
- (i) establishments of cinema houses;
 - (ii) establishments dealing in hides and skins;
 - (iii) ice factories;
 - (iv) establishments engaged exclusively in repairs of cycles or motor vehicles or the service of motor vehicles (not being an establishment dealing in cycles or motor vehicles or exclusively in spare parts thereof);
 - (v) establishments dealing exclusively in providing on hire tents, chhauddaries and other articles such as crockery, furniture,

loudspeakers, gas-lights and fans required for ceremonial purposes; and

- (vi) establishments dealing exclusively in the retail sale of phullian, murmara, sugar coated gram, reories or other similar commodities.

5. Power of Government to extend provisions of the Act.- (1) Notwithstanding anything contained in section 3 or section 4, the Government may, if it considers it necessary in the public interest so to do, by notification, declare that any class of establishments or persons specified therein shall not be exempted from the operation of such provisions of this Act as maybe specified in the notification and that the provisions of this Act specified in such notification shall apply to such class of establishments or persons, as the case may be.

(2) Every notification issued under sub-section (1) shall, as soon as possible after it is issued, be laid before the Legislative Assembly.

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

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

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

(4) In the case of any contravention of, or failure to comply with, the provisions of this section, the employer shall be liable, on conviction, a fine which shall not be less than ¹[four thousand rupees but which may extend to six thousand rupees].

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

1. The words "five hundred rupees" substituted for the words "Fifty rupees" and words "two thousand rupees" for the words "two hundred rupees" respectively vide Act. No. 15 of 2004 and again the words "four thousand rupees but which may extend to six thousand rupees" substituted for the words "five hundred rupees but which may extend to two thousand rupees" vide H.P. Act No. 27 of 2012.

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

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

Provided that-

- (a) the total number of overtime hours worked by an employee doesnot exceed fifty within a period of anyone quarter; and
- (b) the persons employed overtime shall be paid remuneration at twicethe rate of his normal wages calculated by the hour.

Explanation.- For the purposes of clause (b) of the proviso to this sub-section and of sections 10 and 12, “normal wages” means basic wages plus such allowances including the cash equivalent of the advantages accruing through the concessional sale to workers of foodgrains and other articles as any worker is for the time being entitled to, but does not include bonus.

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

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

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

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

Provided that the Government may, by notification, fix such intervalfor rest in respect of any class of establishments for the whole of the Himachal Pradesh or any part thereofas it may consider necessary.

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

9. Opening and closing hours.- The Government shall, by notification, fix the opening and closing hours of all classes of establishment

and different opening and closing hours maybe fixed for different classes of establishments and for different areas:

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

10. Close-day.- (1) Save as otherwise provided by this Act, every establishment shall remain close on such day in a week as may be prescribed:

Provided that, in the case of an establishment attached to a factory, the employer may substitute the close-day of such establishment so as to correspond to the substituted close-day of the factory in the same manner and subject to the same conditions as are laid down in this behalf in the Factories Act, 1948 (Central Act, 63 of 1948).

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

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

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

- (a) such day happens to coincide with a festival; and
- (b) employees required to work on that day are paid remuneration at double the rate of their normal wages calculated by the hour.

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

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

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

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

- (a) 'a holiday' with wages on the Independence Day, Republic Day and Mahatma Gandhi's birthday; and

- (b) three holidays with wages in a year in connection with such festivals as the Government may declare from time to time by notification:

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

13. Registration of establishments.- (1) Within the period specified in sub-section (3), the employer of every establishment shall send to the prescribed authority a statement in the prescribed form accompanied by such fees as may be prescribed and containing:-

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

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

¹[(ii) The registration certificate shall on payment of the prescribed fee, be renewed for a period of five years.]

(3) Within thirty days from the date mentioned in column 2 of the Table below in respect of an establishment mentioned in column 1 thereof, the statement together with the prescribed fee shall be sent to the prescribed authority under sub-section (1):-

THE TABLE

Establishment	Date from which the period of 30 days is to commence
1	2
(i) Establishment existing in areas to which this Act applies or to which it is made applicable subsequently.	The date on which this Act comes into force or the date on which the Act is made applicable subsequently as the case may be.
(ii) New establishment in such areas.	The date on which the establishment commences its work.

1. Clause (ii) substituted vide H.P. Act No. 15 of 2004.

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

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

14. Leave.- (1)(a) Every employee who has been in employment for not less than twenty days in any year shall be entitled to one days earned leave for every such twenty days:

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

(b) If an employee is discharged or dismissed from or leaves service, he shall be entitled to wages in lieu of the unavailed leave at the rates laid down in clause (a).

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

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

Provided that:-

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

(2) Leave provided in clause (a) of sub-section (1) shall not, when applied for, be refused except for a valid reason to be communicated in writing by the employer to the employee within fifteen days of the application:

Provided that the leave so refused shall, if applied for again, be granted within thirty days of the date of the application.

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

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

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

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

(2) For the leave allowed to him under section 14, an employee shall be paid at the rate equal to the daily average of his total full time earnings for the days on which he worked during the month immediately preceding his leave, exclusive of any overtime and bonus but inclusive of dearness allowance and the cash equivalent of the advantage accruing through the concessional sale to the employee of food grains and other articles.

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

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

(2) No wage period shall exceed one month.

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

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

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

17. Deduction from wages.- The wages of an employee shall be paid to him without deductions of any kind except those authorised by or under the Payment of Wages Act, 1936, (Central Act, 4 of 1936), in so far as such deductions are applicable to the employee, and in such manner, to such extent and subject to such conditions, as are specified in that Act.

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

(2) The amount of wages withheld and compensation payable under this section shall, for the purposes of its recovery, be deemed to be a fine imposed under this Act in addition to the penalty imposed under section 25 and shall be realised as such.

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

¹[(2) The Government may, by notification, appoint any person to be the Chief Inspector, Additional Chief Inspector, Deputy Chief Inspector, or Assistant Chief Inspector of Shops and Commercial Establishments, who shall, in addition to the powers conferred on them under this Act, exercise the powers of Inspector within their respective jurisdiction.]

(3) Subject to any rules made by the Government in this behalf, an Inspector may, within the local limits for which he is appointed,-

- (a) enter at all reasonable times and with such assistants, if any, being persons in the service of Government or of any local authority, as he thinks fit, any place which is, or which he has reason to believe to be, an establishment;
- (b) make such examination of the premises and of any prescribed registers, records and notices and take on the spot or otherwise evidence of any persons, as he may deem necessary, for carrying out the purposes of this Act; and
- (c) exercise such other powers as may be necessary for carrying out the purposes of this Act. :

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

(4) Every Inspector appointed under this section shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code (Central Act 45 of 1860).

20. Records.- (1) The employer of every establishment shall, in the prescribed form and manner, keep exhibited in the establishment a notice

1. Sub-section (2) substituted vide H.P. Act No. 27 of 2012.

setting forth the close-day, the working hours and the period of interval of employed persons, if any, and such other particulars as may be prescribed.

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

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

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

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

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

(6) In case of any contravention of the foregoing provisions of this section, the employer of an establishment shall be liable, on conviction, to a fine not exceeding ¹[two hundred rupees] rupees for every day on which the contravention occurs or continues.

(7) If any person, with intent to deceive, makes, or causes or allows to be made, in any such record, register or notice as aforesaid an entry which is to his knowledge false in any material particular, or willfully omits or causes or allows to be omitted from any such records, register or notice an entry required to be made therein, he shall be liable, on conviction, to imprisonment for a term not exceeding three months or to a fine which shall not be less than ²[four thousand rupees but which may extend to six thousand rupees] or to both.

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1. The words "fifty rupees" substituted for the words "five rupees" vide H.P. Act No. 15 of 2004 and again the words "two hundred rupees" substituted for the words "fifty rupees" vide H.P. Act No. 27 of 2012.
 2. The words "five hundred rupees" substituted for the words and sign "twenty- five rupees" the words "two thousand rupees" for the words "two hundred rupees" respectively vide H.P. Act No. 15 of 2004 and again the words "four thousand rupees but which may extend to six thousand rupees" substituted for the words "five hundred rupees but which may extend to two thousand rupees" vide H.P. Act No. 27 of 2012.

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

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

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

Provided that-

- (a) no employee shall be entitled to such notice or wages in lieu thereof if he is removed on account of misconduct, after giving him an opportunity to explain the charge or charges against him in writing;
- (b) no employee shall be entitled to one month's notice or wages in lieu thereof unless and until he has been in the service of the employer continuously for a period of three months.

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

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

(3) The amount payable as compensation under this section shall be in addition to, and recoverable as, fine payable under section 25.

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

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

1. The words "five hundred rupees" substituted for the words and sign "twenty-five rupees" and the words "two thousand rupees" substituted for the words "two hundred rupees" respectively vide Act No. 15 of 2004 and again the words "four thousand rupees but which may extend to six thousand rupees" substituted for the words "five hundred rupees and may extend to two thousand rupees" vide H.P. Act No. 27 of 2012.

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

24. Provisions as to trading elsewhere than in establishment.-

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

¹**[25. Penalties.-** Subject to the other provisions of this Act, whoever contravenes any of the provisions of this Act or the rules made thereunder and no penalty has been provided for such contravention in this Act, shall be liable, on conviction, to a fine which shall not be less than one thousand rupees but which may extend to five thousand rupees for the first offence, and not less than three thousand rupees but which may extend to eight thousand rupees for every subsequent offence]

²**[25-A. Composition of certain offences.-** ³[(1) Save as provided in sub- section (7) of section 20, any offence may, either before or after the institution of prosecution, be compounded by any officer not below the rank of Assistant Chief Inspector of Shops and Commercial Establishments, authorized by the Government, by notification, for an amount which shall not be less than one thousand rupees but shall not exceed five thousand rupees.]

(2) Whereas offence has been compounded under sub-section (1), the offender, if in custody, shall be discharged and no further proceedings shall be taken against him in respect of such offence:

Provided that if a person commits similar offence again within the period of one year from the date of composition of first offence, the same shall not be compounded.]

26. Protection of officers and their agents from personal liability.-

No suit, prosecution or other legal proceeding shall lie against any public servant or any other person in the service of the Central or State Government, or the Government of Himachal Pradesh, acting under direction of any such public servant, for anything in good faith done or intended to be done in pursuance of the provisions of this Act or of any rule made thereunder.

27. Power to grant exemptions.-

The Government may, if it considers it necessary in the public interest so to do, by notifications, exempt for any period it considers desirable any establishment or class of establishments from the operation of all or any of the provisions of this Act.

1. Section 25 amended vide H.P. Act No. 15 of 2004 and substituted vide Act No. 27 of 2012.

2. Section 25-A inserted vide H.P. Act No. 15 of 2004.

3. Sub-section (1) of section 25-A substituted vide Act No. 27 of 2012.

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

29. Conditions of employment of women.- (1) No women shall be required or allowed to work whether as an employee or otherwise in any establishment during night:

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

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

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

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

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

(2) The manner in which the maternity benefit shall be payable may be prescribed by the Government.

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

32. Saving of certain rights and privileges.- Nothing in this Act shall affect any rights or privileges to which an employee in any establishment is entitled on the date this Act comes into force, under any other law, contract, custom or usage applicable to such establishment or any award, settlement or agreement binding on the employer and the employee in such establishment, if such rights or privileges are more favourable to him than those to which he would be entitled under this Act.

33. Cognizance of offence.- No court shall take cognizance of any offence punishable under this Act or any rule made thereunder save on a complaint made by the employee concerned or ¹[by an officer not below the rank of Assistant Chief Inspector] appointed under this Act or by an Inspector having jurisdiction over the area in which the establishment is situated.

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

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

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

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

(4) Every rule made under this Act shall be laid, as soon as may be after it is made, before the Legislative Assembly while it is in session for a total period of not less than fourteen days which may be comprised in one session or in two or more successive sessions and if before the expiry of the session in which it is so laid or the sessions aforesaid, the Assembly makes

1. Substituted for the words "by the Chief Inspector" vide H.P. Act No. 27 of 2012.

any modification in the rule or decides that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to validity of anything previously done under that rule.

35. Repeal and savings.- The Punjab Trade Employees Act, 1940 (Punjab Act 10 of 1940) (as extended to the Union territory of Himachal Pradesh by Government of India late Ministry of States Notification No. II-J, dated 18-1-1951) and the Punjab Shops and Commercial Establishments Act, 1958 (Punjab Act 15 of 1958) as in force in the territories added to Himachal Pradesh under section 5 of the Punjab Re-organisation Act, 1966 (Central Act 31 of 1966) are hereby repealed:

Provided that,-

- (a) every appointment, order, rule, bye-law, regulation, notification or notice made, issued or given under the provisions of any of the said Acts 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, rules, 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 any of the said Acts, shall be continued and completed as if that Act has not been repealed, but has continued in operation, and any penalty imposed in such proceeding, shall be recovered under that Act.
-

THE HIMACHAL PRADESH SHOPS AND COMMERCIAL ESTABLISHMENT, RULES, 1972

1 Short title:- These rules may be called the Himachal Pradesh shops and commercial Establishments Rules, 1972.

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

- (a) “Act” means the Himachal Pradesh shops and Commercial Establishments Act, 1969;
- (b) “Chief Inspector” means the Chief Inspector of Shops and Commercial Establishments, Himachal Pradesh;
- (c) “Form” means a form appended to these rules;
- (d) “Section” means a section of the Act

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

3 Application for Registration and Grant of Registration Certificate:—The employer of every establishment shall submit to the Inspector concerned a statement as required by section 13 in Form No.1 for the registration of the establishment and grant of registration certificate after remitting fee as prescribed in schedule I.

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

5 Notice of change:- 1. The employer shall give notice to the inspector of the area concerned in Form 4 of any change in respect of any information defined in his statement submitted in Form NO. 1 within seven days after change has taken place together with the registration certificate.

2. The fee for such change shall be one rupee plus the amount, if any as specified in schedule I having regard to the increase in the number employees.

3. On receipt of notice of change in form-4 along with fee as provided sub rule 2, the inspector shall amend the registration certificate or issue fresh one, if necessary and send to the employer.

6. Renew of Registration Certificate:- (1). A registration certificate may be renewed by the inspector.

2. Every application for the renewable of registration certificate shall be on Form No.-I prescribed under rule 3 and shall be made by 31st march, every year, and if the application is so made the premises shall be deemed to be duly certified until the Inspector renews the registration certificate.

3. The same fee shall be charged for the renewal of registration certificate as for the grant thereof:

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

7. Transfer of Certificate- 1. A registration certificate issued under these rule shall not be transferable and if ownership of any shop or establishment is transferred, the employer shall, with in fifteen days of such transfer, notify the fact of transfer and surrender the certificate of registration.

Rules published in Rajpatra extra ordinary, dated the 2nd September, 1972 in the Government of Himachal Pradesh, Labour Department notification number-12- 6th/71- ST, dated the 5th august 1972

to the Inspector of the area and he shall submit to the Inspector a statement signed by himself specifying the name and address of the transferee.

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

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

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

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

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

10. Payment of fees.- (1) All fees payable under these rules shall be paid either into the local treasury under the head of account XXXII-Miscellaneous- Social Development Organization-Labour and Employment Fee Realized under the Himachal Pradesh Shops and Commercial Establishment Act, 1969 or by an un-crossed postal order in the name of inspector of Shops and Commercial Establishments of the Area concerned, and wherever an application is required to be accompanied by any such fee, it shall be accompanied by:

- (a) a treasury receipt in token of such fee having been paid into treasury, or
- (b) an un-crossed postal order of requisite value.

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

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

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

11. Close-day.- Every establishment to which this Act applies shall remain closed on one day in a week as provided in Schedule II.

12. Form of Intimation under section 10 of the Act.- (i) An imitation under clause (i) of sub-section (2) of section 10 of the Act shall be sent by the employer in Form NO. 6 to the Inspector within whose local limits the establishment is situated:

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

(2) If any employer referred to under the provision to sub-rule (1) employs in his establishment any person at any subsequent time, he shall send the

Intimation in Form No.6 to the inspector within one week of the employment of such person.

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

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

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

- (1) A register of employees in Form No. 8.
- (2) A register of wages, of employees in Form No.9
- (3) A register of deductions in Form No. 10.
- (4)A register of leave with wages in Form No. 11.

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

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

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

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

18. Utilization of fines imposed on employees:-- Act and commission on the part of the employees for purposes of imposition of the fine and the manner in which the amount of fine so imposed is to be utilized as laid down in section 8 of the payment of wages Act.1936, shall be approved by the Chief Inspector on an application duly made by the employer in that behalf.

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

- (i) cause to be taken a photograph of any employee or the premises of any establishment: and
- (ii) call for any information, document or record, and obtain a copy thereof or take into possession any register form, document or record maintained under the Act and these Rules;
- (iii) Prosecute, conduct, and defend before a court any complaint and other proceedings arising under the Act or in discharge of the duties as an Inspector.

20 .Maternity Benefit. - The maternity benefit payable to a woman under section 30 of the Act shall be at the rate of her average daily wages earned during the three months immediately before the period of six weeks preceding the day of her delivery.

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

(3) The amount payable to a woman employee as maternity benefit

in accordance with the foregoing rules shall for the purposes of this recovery be deemed to be a part of her wages illegally withheld.

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

(22) Health:—(1) The premises of every establishments dealing exclusively in meat, fish dairy produce, bread, confectionery, sweets, ice-cream, cooked food, beverage, drink and refreshments shall be:-

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

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

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

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

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

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

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

24. Precautions in case of fire—(1) Every establishment shall be provided with adequate means of escape in the case of fire.

(2) No person shall smoke or use a naked light or cause or permit any such light to be used in the immediate vicinity of any inflammable material in any establishment.

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

(2) The employer of establishment where food drink and beverage is served shall ensure that his employees are free from any infectious/contagious disease. A certificate in Form No. 12 to the effect that the person is free from communicable diseases shall be obtained and produced before the Inspector on demand.

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

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

FORM NO.1

(See Rule 3 and 6)

Statement under Section 13 of Himachal Pradesh Shops Commercial Establishments Act, 1969 for registration renewal of establishments for the
year.....

PART-I

- (1) Name of establishment.....
- (2) Name of employer.....
- (3) Name of Manager, if any.....
- (4) Full postal address of the establishment.....
- (5) Category of establishment, i.e. whether a Shop, Commercial establishment, residential hotel, restaurant, eating house, theatre or other place of public amusement or entertainment.
- (6) Nature of business.
- (7) Residential address of the employer.
- (8) Name of partners and residential address (if a partnership concern).
- (9) Date of commencement of business.

PART-II

- (10) Name of members of employer's family engaged in establishment.

Relationship	Adults	Young persons
Males:		
1.		
2.		
Female		
1.		
2.		

Total.....

.....

(11) No. of the employees:

(i) Young persons.

(ii) Other persons.

Total.....

(12) Maximum No. of employees proposed to be employed during the year.

Part III

(13) Amount of fees Rs. (Rupees.....)

- (i) paid in Treasury on
Vide Challan No (enclosed in original).
- (ii) transmitted by un-crossed postal order No dated.....
..... of the Post office drawn
in favor of Inspector of Shops and Commercial Establishments.....

(14) No. and date of registration certificate (to be given in the case of renewal). Registration Certificate attached.

The above information is correct to the best of my knowledge.

Signature of the employer.
(Name and full address).

Date of declaration.

Note

- (1) This statement shall be sent to the Inspector with such fees as are prescribed.
- (2) This form should be filled in ink in block letters or typed.
- (3) The fee shall be calculated on the maximum No. of employees during the year.

FORM NO.2

(See Rule 4)

REGISTER OF ESTABLISHMENT

- Part I Shops
- Part II Commercial Establishment
- Part III Residential hotels, restaurants, eating houses etc.
- Part IV Theatres and other places of public entertainments or amusements.

SI No.	No. and date of Registration	Name of employer	Name and address of establishment	Nature of business	No. of employees		
					Young Person	Other Person	Total
1	2	3	4	5	6	7	8

Maximum No. Of employees For which cer- tificate granted	NO. of members of emp- loyers' family			fee paid for regis- tration	Renewal for the year.....	
	Male	Female	Young Person		No. of employees	fees paid
9	10	11	12	13	14	15

Renewal for the year.....			Renewal for the year.....			Renewal for the year.....		Remarks	
No	of	fees paid	No.	of	fees paid	No.	of		
Employees			Employees			Employees			
16		17	18		19	20		21	22

FORM NO.3

(See Rule 4)

Himachal Pradesh Shops and Commercial Establishments Act, 1969

“Registration certificate of establishments”

1. Name of the establishment.
2. Name of the employer.
3. Postal address of the establishment.
4. Registration No.
5. Number of employees.
6. Nature of business.

It is hereby certified that the establishment as mentioned herein has been registered as a*... .. under the Himachal Pradesh Shops and Commercial Establishments Act, 1969
this day
of.....

*Inspector,
Shops and Commercial Establishments.*

*Here insert the category of the establishment.

RENEWALS

Date of renewal	for the year	Signature of the inspector of Shops and Commercial Establishment with seal
-----------------	--------------	---

1	2	3
1.		
2.		
3.		
4.		
5.		
6.		
7.		

FORM NO.4

(See Rule 5)

Form of change in respect of information contained in statement required by sub-section (4) of section 13 of the Himachal Pradesh Shops and Commercial Establishment Act, 1969.

To

The Inspector of Shops and Commercial Establishments
Circle _____

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

My registration certificate number is _____

dated _____

(Here mention the change)

Dated:

Signature of the employer

— **Note:** (1) The change is required under sub-section (4) of section 13 of the Himachal Pradesh Shops and Commercial Establishments Act, 1969 to be notified by the employer within seven days after the change has taken place.
(2) Notice of change in this form shall be sent together with fees as per sub-rule (2) of rule 5.

FORM NO.5**[See Rule 10(4)]****Himachal Pradesh Shops and Commercial Establishment Rules.1972**

Fees collected during the month

Name of Inspector.

Mode of Deposit

Remarks

Signature of Inspector.
Seal

Note:-- This form shall be bound in the shape of register in duplicate .
Original shall be sent to the Chief Inspector and duplicate retained
by the inspector

Intimation under section 10 (2) (i) of the Himachal Pradesh Shops and Commercial Establishment Act, 1969

Registration No:.....

To

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

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

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

Name of the employee and father's name	Working Hours		Interval for rest	
	From	To	From	To
1	2	3	4	5

Young persons:

- 1.
- 2.
- 3.
- 4.

Other persons:

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.

Name of the employer

With full address.

Date.....

FORM NO.7

**Notice to be exhibited under Section 20(1) of the Himachal Pradesh Shops
and Commercial Establishment Act, 1969.**

(See rules 13 of the Himachal Pradesh Shops and
Commercial Establishment Rules 1972)

Year.

1. Close day if any

..

2. Opening hours of the establishment ..
 3. Closing hours of the establishment ..
 4. Name of the employer ..
 5. Full postal address of the establishment ..
 6. Name of establishment ..
 7. Nature of business ..
 8. Name of employers' family engaged in the Establishment ..

Relationship

adults

Young
persons

- (1) Males:
 (i)
 (ii)
 (iii)

- (2) Females:
 (i)
 (ii)
 (iii)

Total.....

9.Name of the employees and father's name	Working hours		interval for rest		Weekly off
	From	To	From	To	day

(1) Young persons:

- (i)
 (ii)
 (iii)
 (iv)

(2) Other persons:

- (i)
 (ii)
 (iii)
 (iv)
 (v)
 (vi)
 (vii)

Registration No.
 Date of declaration.

Signature of employer
 (Name and full address).

Note:-“Family” in relation to employer means-

- (i) Spouse;
- (ii) Children and step-children; and
- (iii) Parents, sisters and brothers if residing with and wholly dependent upon him

FORM No. 8**(Register of employees)****(See Rule 14)**

**Rule 14 of Himachal Pradesh Shops and Commercial Establishments
Rules, 1972**

Name of establishment Year and month.....

Name of employee Father's/Husband's name.....

Age Nature of work: Whether employed on daily, monthly, contract, piece rate-wage with rate: Date of appointment.

Spread over				Intervals for rest and			Total
work-				meals			ing hour
Date	From	To	Total	From	To	Total	
1	2	3	4	5	6	7	8

Overtime Employees		Total	Remu-	Leave		Rem-	Signature		
-----			neration	-----	arks	of employer			
From	To			Dura- Tion	Date of appli- cation	Date of grant			
9	10	11	12	13	14	15	16	17	18

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.
- 8.

- 9.
- 10.
- 11.
- 12.
- 13.
- 14.
- 15.
- 16.
- 17.
- 18.
- 19.
- 20.
- 21.
- 22.
- 23.
- 24.
- 25.
- 26.
- 27.
- 28.
- 29.
- 30.
- 31.

1. Total hours of overtime employments during the month.

2. Leave availed during the month.....

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

FORM No. 9

Register of Wages of Employees
(See Rule 14)

**Rule 14 of Himachal Pradesh Shops and Commercial Establishments
Rules, 1972**

Name of employee.....Month.....Year.....

...

Wages fixed.....

Arrears from last month

Wages due

Deductions as shown in register in
Form No. 11

Wages earned during the month	Ordinary..... Overtime..... Total.....
--------------------------------------	--	------------------------------

Advance made on (date)	Payment made	Signature of employee	Signature of employer	Remarks
---------------------------	--------------	--------------------------	--------------------------	---------

Total	balance carried over	Remarks
-------	----------------------------	-------	-------	---------

.....stamps.

FORM No. 10

Register of Deduction
(See Rule 14)

**Rule 14 of Himachal Pradesh Shops and Commercial Establishments
Rules, 1972**

Name of establishment..... Year..... Acts
and Omissions approved by the authorities.

Sl. No.	Name of Employee	Pare- ntage	Wage period	Wages payable	Amount deducted	Fault for which ded uction made	Date of deduction
1	2	3	4	5	6	7	8

Whether Employee Remarks deduction Shown Cause against Deduction	Amount of deduction and purpose for which utilized	Date of utili- zation	Balance with the employer	Signature of empl- oyee	Signature of employ- er
9 15	10	11	12	13	14

Form No. 11

(See Rule 14)

Register of Leave with wages

Leave due	Date of Application	No. of days applied for	Leave availed	Balance	Remarks
1	2	3	4	5	6

FORM No. 12

**(See Rule 25(2) Of Himachal Pradesh Shops and Commercial Establishments
Rules, 1972)**

I hereby certify that Shri/Shrimati son
of/

Daughter of.....Age.....
resident of

.....District.....

has been thoroughly examined by me and is considered to be free from any communicable diseases and is fit
for being employed, where food, drink and beverage is served to customers.

His mark of identification.....

*Signature or thumb-impression of the
person examined.*

*Signature and the designation of the
Competent medical authority.*

Dated.....

SCHEDULE I

(See Rule 3 and 6)

<i>SI. NO.</i>	<i>Category of establishment</i>	<i>fee for registration renewal</i>
1.	Establishments employing no person	Rs. 2.00
2.	Establishments employing up to two persons	Rs. 3.00
3.	Establishments employing more than two but less than live persons	Rs. 5.00
4.	Establishments employing five and up to ten Persons	Rs. 10.00
5.	Establishments employing more than ten persons	Rs. 15.00

SCHEDULE II
(See Rule 11)

<i>SI. NO.</i>	<i>Name of place</i>	<i>Weekly close day</i>
I	within limits of Shimla Municipal Corporation	Sunday
II	Municipal areas:	
	1. Nalagarh	Sunday
	2. Mandi	Sunday
	3. Sundernagar	Sunday
	4. Rampur	Sunday
	5. solan	Sunday
	6. Theog	Sunday
	7. Bilaspur	Sunday
	8. Shri Naina Devi jee	Sunday
	9. Kulu (Sultanpur)	Sunday
	10. Nurpur	Sunday
	11. Kangra	Sunday
	12. Una	Sunday
	13. Paonta Sahib	Sunday
	14. Chamba	Sunday
III	Cantonment Municipal Areas:	
	15. Dalhousie	Monday
	16. Kasauli	Monday
	17. Dagshai	Monday
	18. Jutogh	Monday
	19. Subathoo	Monday
	20. Bakloh	Monday
	21. Khas Yol	Monday
	22. Nahan	Monday
	23. Dharamshala	Monday
	24. Palampur	Monday
IV	Other areas notified by Government under Section 1 (4) of the Act	Sunday
V	Other such area in which Municipal Committee Is established by the Government after the	Sunday

Promulgation of these rules

By order
P.K.MATTOO
Secretary

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[Authoritative English text' of this Department Notification No. Shram-F (6) 1-1/92, dated 14-2-2005 as required under clause (3) of article 348 of the constitution of India].

**GOVERNMENT OF HIMACHAL PRADESH DEPARTMENT
LABOUR AND EMPLOYMENT
NOTIFICATION**

No. Shram-F.(6) 1-1 /92, dated: Shimla - 2, 14th februray,2005.

“NOTIFICATION”

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Where the draft Amendment rules titled as "the Himachal Pradesh Shops and Commercial Establishment Rules, 20C 3 were published in the Rajpatra, Himachal Pradesh on 20-11-2004 vide this department Notification or even number dated 1-11-2004 in pursuance of (the provisions of section 34. of the himachal Pradesh Shops and commercial establishment Act, 1969 (Act no 10 or 1970) or individual objections suggestions from persons likely to be affected thereby :

And, whereas no. objection/suggestions has .been received from any persons within the above specified period.

Now,therefore,in exercise of the rowers conferred by section 34 of the Himachal Pradesh Shops and Commercial Establishment Act,1969, (Act , No.10 of 1970), the Governor of Himachal Pradesh is ,pleased to make the following rules further to amend the Himachal Pradesh, Shops and Commercial Establishments rules ,1972,published in the Rajpatra ,Himachal Pradesh (Extra-ordinary, on 02-09-1972 vide Government notification no.-12-6/71- ST,dated 5th August,1972, namely :-

Short title.

1. These rules may be called the Himachal Pradesh Shops and Commercial Establishments (Amendment) Rules, 2005.

Amendment of
rules 5.

2. In rule 5 of the Himachal Pradesh Shops and Commercial Establishments Rules, 1972 (hereinafter referred to as the, “said rules”) in sub- rule (2),
For the words “One rupee”, the word “fifty rupee “shall be subsituted.

....3---

Amendment of

Rule 6

3. In rule 6 of the said rules, in sub— rule (2),for the figures and words "
“31stMarch every year”, the figures and words " 31st December of the year in which the registration certificate is due to expire" shall be substituted.

Amendment of
rule 9

4. In rule 9 of the said rules, for the word and figure
"rupees 2", the word, "Fifty rupees" shall be substituted.

Amendment of Rule 27

5. In rule 27 of the said rules, after the words, "shall be
instituted", signs and words, "within a period of six months
from the date of commission of offence," shall be
substituted.

Substitution of 6.
SCHEDULE- I

6. For the existing SCHEDULE- I appended to the said
rules; the following shall be substituted, namely

"SCHEDULE- I"

=====

(See rules 3 to 6)

Sr No	Category of Embellishment	Fee for registration
-		
1.	Establishments employing no persons,	Rs. 50.00
2.	Establishments employing up to five persons	Rs. 200.00
3.	Establishments employing more Than five but less than eleven persons,	Rs. 300.00
4	Establishments employing more Than ten but less than twenty six persons.	Rs. 500.00
5.	Establishments employing more Than twenty five persons,	Rs. 2000.00

By order
Pr. Secretary (Lab.&
Emp.) to the
Government of Himachal Pradesh,

.....3/-

No. Shram-F.(6) 1-1 /92,
14th februray,2005.

dated: Shimla - 2,

Copy for information and necessary action:-

- All Administrative-Secretaries to the Govt. of H.P.
- All heads of the Department in Fame, himachal Pradesh.
- All Deputy—commissioner, himachal Pradesh.
- Controller, printing and stationary department, H.P shimla-5 for publication in the official Gazette.
- Labour commissioner, himachal Pradesh, Shimla-1 along-with SO spare copies.
- Guard file.

Under (Secretary (Lab. & Emp.) to the Government

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