

THE KERALA SHOPS AND COMMERCIAL ESTABLISHMENTS ACT. 1960^[1]

ACT 34 OF 1960

An Act to consolidate and amend the law relating to the regulation of conditions of work and employment in the shops and commercial establishments in the State of Kerala.

Preamble.-WHEREAS it is expedient to consolidate and amend the law relating to the regulation of conditions of work and employment in shops and commercial establishments in the State of Kerala.

BE it enacted in the Eleventh Year of the Republic of India as follows:-

1. *Short title, extent and commencement.*-(1) This Act may be called the Kerala Shops and Commercial Establishments Act, 1960.

(2) It extends to the whole of the State of Kerala.

(3) It shall come into force on such date as the Government may, by notification in the Gazette, appoint. ^[1A]

(4) It shall apply, in the first instance, to the following areas-

(i) the city of Trivandrum

(ii) all the municipalities constituted under the Madras District Municipalities Act, 1920 (Madras Act V of 1920) to its application to the Malabar district referred to in section 5 (2) of the State Reorganisation Act, 1956, the Travancore District Municipalities Act, 1116 and the Cochin Municipal Act XVIII of 1113.

(iii) all areas within the jurisdiction of Panchayats which under rule 2 of Schedule III of the Madras Village Panchayats Act, 1950 (Madras Act X of 1950) in its application to the Malabar district referred to in section 5 (2) of the States Reorganisation Act, 1956, should be deemed to be constituted under the said Madras Village Panchayats Act, 1950, and which immediately before the commencement of that Act were classified by the Government as major panchayats and all areas within the jurisdiction of panchayats constituted or reconstituted under that Act which, for the time being, are classified by the Government as Class I panchayats under Section 5 (1) (a) of the Act, and

(iv) all other areas in the State to which the Travancore-Cochin Shops and Establishments Act, 1125 or the Madras Shops and Establishments Act, 1947, has been applied before the commencement of this Act.

(5)The Government may, after giving three months' notice of its intention of so doing, by notification in the Gazette, apply the provisions of this Act or any of them to such other areas as may be specified.

CHAPTER I

PRELIMINARY

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

(1)“apprentice” means a person, aged not less than twelve years, whom an employer employs in his service for training by himself or by any other person for any trade or calling:

(2)“child” means a person who has not completed his fourteenth year;

(3)“closed” means not open for the service of any customer or open to any business connected with the establishment;

(4)“commercial establishment” means a commercial or industrial or trading or banking or insurance establishment, an establishment or administrative service in which the persons employed are mainly engaged in office work, hotel, restaurant, boarding or eating house, café or any other refreshment house, a theatre or any other place of public amusement or entertainment and includes such other establishment as the Government may, by notification in the Gazette, declare to be a commercial establishment for the purposes of this Act, but does not include a factory to which all or any of the provisions of the Factories Act, 1948 (Central Act 63 of 1948) apply;

(5)“day” means the period of twenty-four hours beginning at mid-night;

Provided that in the case of an employee whose hours of work extend beyond mid-night, day means the period of twenty-four hours beginning when such employment commences;

(6)“employee” means a person wholly or principally employed in, and in connection with, any establishment and includes an apprentices;

(7)“employer” means a person owning, or having ultimate control over the affairs of, an establishment and includes the manager, agent or other person acting in the general management or control of an establishment;

(8)“establishment” means a shop or a commercial establishment;

(9)“inspector” means an Inspector appointed under this Act;

(10)“leave” means leave provided for in Chapter III of this Act:

(11)“opened” means opened for the service of any customer or to any business connected with the establishment;

(12)“period of work” means the time during which an employee is at the disposal of the employer;

(13)“prescribed ” means prescribed by rules made under this Act;

(14)“prescribed authority” means the authority prescribed by rules made under this Act;

(15)“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 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);

(16)“spread over” means the period between the commencement and the termination of the work of an employee on any day;

(17)“week” means the period of seven days beginning at mid-night on Saturday night or such other night as may be approved in writing for a particular area by the prescribed authority;

(18)“year” means a year commencing on the first day of January.

3.*Exemptions.*-(1) Nothing contained in this Act shall apply to-

(a)persons employed in any establishment in a position of management;

(b)persons whose work mainly involves traveling, and persons employed as canvassers and caretakers and whose names do not appear in the muster rolls;

(c)establishments under the Central or any State Government, local authorities, the Reserve Bank of India and cantonment authorities;

(d)establishment in mines and oil fields;

(e)establishments in bazaars in places where fairs or festivals are held temporarily for a period not exceeding fifteen days at a time;

(f)establishments which, not being factories within the meaning of the Factories Act, 1948 (Central Act 63 of 1948) are in respect of matters dealt with in this Act, governed by a separate law for the time being in force in the State of Kerala.

2.Nothing contained in section 10 shall apply to—

(a) hospitals and other institutions for the treatment or care of the sick, the infirm, the destitute or the mentally unfit;

(b) such chemists' or druggists' shops, as the Government may, by general or special order, specify;

(c) clubs and residential hotels, hostels attached to schools or colleges, and establishments maintained in boarding schools, in connection with the boarding and loading of pupils and resident masters;

(d) stalls and refreshment rooms at railway stations docks, wharves or ports.

4. Power of Government to apply Act to exempted persons or establishments.— Notwithstanding anything contained in section 3, the Government may, by notification in the Gazette, apply all or any of the provisions of this Act to any class of persons or establishments mentioned in that section, other than those mentioned in clauses () and (f) of sub-section (1) and modify or cancel any such notification.

5. Exemptions.—The Government may, if they are satisfied that public interest so requires or that the circumstances of the case are such that it would be just and proper to do so having regard to the nature and capacity of the establishment, by notification in the Gazette, exempt either permanently or for any specified period, any establishment or class of establishments in any area or persons or class of persons to which or to whom this Act applies, from all or any of its provisions subject to such restrictions and conditions as the Government deem fit.

[\[2\]](#)["CHAPTER IA

Registration

5A. Registration of establishments.—(1) The employer of every establishment shall make an application to such authority as the Government may by notification in the Gazette, specify in this behalf (in this Chapter referred to as the "competent authority"), in such form and on payment of such fees as may be prescribed, for a registration certificate in respect of that establishment.

(2) An application under sub-section (1) shall be made within sixty days from the date of commencement of this section:

Provided that in the case of an establishment started after the commencement of this section, such application shall be made within sixty days from the date on which the establishment commences its work.

(3)The application shall specify the following particulars, namely:-

(a)the name of the employer and the manager, if any;

(b)the postal address of the establishment;

(c)the name, if any, of the establishment;

(d)the category of the establishment, that is to say whether it is a shop or a commercial establishment;

(e)the number and names of employees employed in the establishment;

(f)such other particulars as may be prescribed.

(4)On receipt of an application under sub-section (1), the competent authority shall, if it is satisfied that the application is in accordance with the provisions of this Act and the rules made thereunder, register the establishment and issue to the employer a registration certificate in the prescribed form which shall be conclusive evidence that such establishment is duly registered under this Act.

(5)a. registration certificate granted under this Act shall not be valid beyond the year in which it is granted but may be renewed from year to year.

(6)An application for the renewal of a registration certificate granted under this Act shall be made at least thirty days before the expiry of the period thereof, on payment of such fees as may be prescribed and where such an application has been made, the registration certificate shall be deemed to continue notwithstanding the expiry of the period thereof until the renewal of the registration certificate or as the case may be, rejection of the application for the renewal thereof.

(7)The competent authority shall not grant or renew a registration certificate unless it is satisfied that the provisions of this Act and the rules made thereunder have been substantially complied with.

(8)The competent authority may after giving the holder of a registration certificate granted or renewed under this Act, an opportunity of being heard, by order cancel or suspend the registration certificate, if it appears to it that such registration certificate has been obtained by mis-representation or fraud or that the employer has contravened or failed to comply with any of the provisions of this Act or the rules made thereunder.

5B. Appeals.- Any person aggrieved by an order of the competent authority refusing to grant or renew a registration certificate or canceling or suspending the same, may, within a period of sixty days of the receipt by him of such order and on payment of such fees as may be prescribed, appeal to such authority as the Government may by notification in the Gazette, specify in this behalf and such authority may by order confirm, modify or reverse the order appealed against.

5C. *Duties of employer.*-(1) A registration certificate granted or renewed under this Act shall be prominently displayed by the employer in the premises of the establishment.

(2)The employer shall give notice in the prescribed form to the competent authority and the Inspector having jurisdiction over the area in which the establishment is situate of any change in respect of any of the particulars contained in his application under sub-section (1) of section 5A within seven days after the change has taken place.

(3)A notice under sub section (2) shall be accompanied by such fee as may be prescribed.

(4)On receiving a notice under sub-section (2) and the prescribed fees, the competent authority shall, if it is satisfied about the correctness of the notice, register the change and amend the registration certificate or issue a fresh registration certificate.

(5)The employer shall within ten days of closing his establishment give notice thereof to the competent authority and the Inspector having jurisdiction over the area in which the establishment is situate.

(6)On receiving a notice under sub-section (5), the competent authority shall if it is satisfied about the correctness of the notice remove the name of such establishment from the register and cancel the registration certificate.”]

CHAPTER II

HOURS OF WORK

6.*Daily and Weekly Hours.*-No employee in any establishment shall be required or allowed to work for more than eight hours in any day and forty-eight hours in any week:

Provided that the total number of hours of work including overtime, shall not exceed ten hours in any day except on days of stock taking and preparation of accounts and the total number of hours of overtime shall not exceed fifty for any quarter.

7.*Extra wages for overtime work.*-Where an employee, works in any establishment for more than eight hours in any day or for more than forty-eight hours in any week he shall in respect of such overtime work be entitled to wages at the rate of twice the ordinary rate of wages.

Explanation.-For the purpose of this section “ordinary rate of wages” means the basic wages plus such allowances, including the cash equivalent of the advantage accruing through the supply of meals and the concessional sale to employees of foodgrains and other articles, as the employee is for the time being entitled to, but does not include bonus.

8. *Intervals for rest.*- The period of work of an employee in an establishment each day shall be so fixed that no period shall exceed four hours and that no such person shall work for more than four hours before he has had an interval for rest of at least one hour.

9. *Spread over.*-The period of work of an employee in an establishment shall be so fixed that, inclusive of his interval for rest, they shall not spread over more than ten and a half hours in any day.

10. *Opening and closing hours.*-(1) No establishment shall on any day be opened earlier than and closed later than such hour as may be fixed by a general or special order of the Government made under sub-section (2):

Provided that any customer who was being served or was waiting to be served in any establishment at the hour fixed for its closing may be served during the quarter of an hour immediately following such hour.

(2)The Government may, by general or special order, fix the time at which any establishment or class of establishments shall be opened or closed in any local area.

11. *Closing of shops and grant of weekly holidays.*-(1) Every shop shall remain entirely closed on one day of the week which day shall be specified by the shop-keeper in a notice permanently exhibited in a conspicuous place in the shop; and the day so specified shall not be altered by the shop-keeper more often than once in three months.

(2)Every person employed in a shop or a commercial establishment shall be allowed in each week a holiday of one whole day:

Provided that nothing in this sub-section shall apply to any person whose total period of employment in the week including any days spend on authorized leave, is less than six days, or entitle a person who has been allowed a whole holiday on the day on which the shop has remained closed in pursuance of sub-section (1) to an additional holiday.

(3)No deduction shall be made from the wages of any employee in an establishment on account of any day on which a holiday has been allowed in accordance with this section; and if such person is employed on the basis that he would not ordinarily receive wages for such day, he shall nonetheless be paid for such day the wages he would have drawn had the holiday not been allowed on that day.

CHAPTER III

HOLIDAYS AND LEAVE

12. *Application of Chapter.*-The provisions of this chapter 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.

Provided that where such award, agreement or contract of service provides for a long leave with wages or weekly holidays than provided in this Chapter the employee shall be entitled to such longer leave or weekly holidays, as the case may be.

Explanation.—For the purpose of this Chapter leave shall not, except as provided in section 13, include weekly holidays or holidays for festivals or other similar occasions.

13. *Annual leave with wages.*—(1) Every employee in an establishment shall be entitled after twelve months' continuous service in that establishment, to holidays with wages for a period of twelve days, in the subsequent period of twelve months, provided that such holidays with wages may be accumulated up to a maximum period of twenty-four days.

(2) Every employee in an establishment shall also be entitled during every twelve months of continuous service (a) to leave with wages for a period not exceeding twelve days on the ground of any sickness incurred or accident sustained by him and (b) to casual leave with wages for a period not exceeding twelve days on any reasonable ground.

(3) If an employee entitled to any holidays under sub-section (1) is discharged by his employer before he has been allowed the holidays, or if having applied for and been refused the holidays, he quits his employment before he has been allowed the holidays, the employer shall pay him the amount payable under this Act in respect of the holidays.

(4) If an employee entitled to any leave under sub-section (2) is discharged by his employer when he is sick or suffering from the result of an accident, the employer shall pay him the amount payable under this Act in respect of the period of the leave to which he was entitled at the time of his discharge, in addition to the amount, if any, payable to him under sub-section (3).

(5) An employee shall be deemed to have completed a period of twelve months continuous service within the meaning of this section, notwithstanding any interruption in service during those twelve months brought about (i) by sickness accident, or authorized leave (including authorized holidays), not exceeding ninety days in the aggregate for all three; or (ii) by a lockout; or (iii) by a strike which is not an illegal strike; or (iv) by intermittent periods of involuntary unemployment not exceeding thirty days in the aggregate, and authorized leave shall be deemed not to include any weekly holidays allowed under this Act which occurs at the beginning or end of an interruption brought about by the leave.

(6) An employee in a hostel attached to a school or college or in an establishment maintained in a boarding school in connection with the boarding and lodging of pupils and resident masters shall be allowed the privileges referred to in sub-sections (1) to (5) reduced however proportionately to the period for which he was employed continuously in the previous year or to the period for which he will be employed continuously in the current year, as the case may be; and all references to periods of holidays or of leave in

sub-sections (1) and (2) shall be construed accordingly, fractions of less than one day being dis-regarded.

(7) Government shall have power to issue directions as to the manner in which the provisions of sub section (6) shall be carried into effect in all or any class of cases or in any particular case.

[3] [“13A. *Special casual leave for sterilization operation.*—(1) Every employee who undergoes sterilization operation shall be entitled to special casual leave with wages for a period not exceeding—

(a) six days in the case of a male employee;

and

(b) fourteen days in the case of a female employee, with effect from the day on which he or she undergoes such operation.

(2) If an employee who has undergone sterilization operation is discharged by his or her employer during the period specified in sub-section (1) the employer shall pay such employee the amount payable under section 14 in respect of the period of the special casual leave to which the employee was entitled at the time of discharge.”]

[4] [“14. *Wages during leave period.*—(1) For the leave allowed to an employee under section 13 or section 13A, the employee shall be paid at the rate equal to the daily average of his or her total full-time earnings exclusive of any overtime earnings and bonus, but inclusive of dearness allowance and the cash equivalent of any advantage accruing by the supply of meals and by the sale by the employer of foodgrains and other articles at concessional rates for the days on which the employee worked during the month immediately preceding his leave.

(2) The amount payable to an employee under sub-section (1) for the leave allowed under section 13A shall be paid to him or her on production of a certificate from such authority and in such form as may be prescribed, to the effect that the employee has undergone sterilization operation.”].

15. *Power of Inspectors to act for employees.*—Any Inspector may institute proceedings on behalf of any employee to recover any sum required to be paid by an employer under the Chapter which the employer has not paid.

16. *Power to exempt establishments.*—Where the Government are satisfied that the leave rules applicable to employees in an establishment provide benefits which in its opinion are not less favourable than those for which this Chapter makes provision, it may, by written order, exempt the establishment from all or any of the provisions of this Chapter, subject to such conditions as may be specified in the order

CHAPTER IV

WAGES

17. *Application and amendment of the Payment of Wages Act*—(1) Notwithstanding anything contained in the Payment of Wages Act, 1936 (Central Act 4 of 1936), herein referred to as the said Act, the Government may, by notification in the Gazette, direct that, subject to the provisions of sub-section (2) the said Act or any of the provisions thereof or of the rules made thereunder shall apply to all or any class of employees in establishments to which this Act applies.

(2) On the application of the provisions of the said Act to any establishment under sub-section (1), the Inspector appointed under this Act shall be deemed to be the Inspector for the purpose of the enforcement of the provisions of the said Act within the local limits of the jurisdiction.

18. *Notice of Dismissal*.—(1) No employer shall dispense with the services of an employee employed continuously for a period of not less than six months, except for a reasonable cause and without giving such employee at least one month's notice or wages in lieu of such notice; provided however that such notice shall not be necessary where the services of such employee are dispensed with on a charge of misconduct supported by satisfactory evidence recorded at an inquiry held for the purpose.

(2) Any employee whose services are dispensed with may appeal to such authority and within such time as may be prescribed either on the ground that there was no reasonable cause for dispensing with his services or on the ground that he has not been guilty of misconduct as held by the employer.

(3) The appellate authority may, after giving notice in the prescribed manner to the employer and the employee, dismiss the appeal or direct the reinstatement of the employee with or without wages for the period he was kept out of employment or direct payment of compensation without reinstatement or grant such other relief as it deems fit in the circumstances of the case.

(4) In directing the reinstatement of an employee the appellate authority shall also direct the payment of such amount of compensation as may be specified by him in case the employer fails to reinstate the employee in accordance with the directions.

[5] [(4A). In directing the payment of compensation under sub-section (3) or sub-section (4), the appellate authority may include as part of the compensation the wages of the employee for the period he was kept out of employment.”]

(5)The decision of the appellate authority shall be final and binding on both the parties, not be liable to be questioned in any Court of Law and be given effect to within such time as may be specified in the order of the appellate authority.

(6)Any compensation required to be paid by the employer under sub-sections (3) and (4) but not paid by him shall be recoverable as arrears of land revenue under the provisions of the Revenue Recovery Act for the time being in force.

CHAPTER V

EMPLOYMENT OF CHILDREN AND WOMEN

19. *Prohibition of employment of children.*—No child shall be required or allowed to work in any establishment except as an apprentice in such employment as may be specified by the Government.

20. *Prohibition of employment of women and persons below seventeen years during night.*— No woman or any person who has not attained the age of seventeen shall be required or allowed to work whether as an employee or otherwise in any establishment before 6 A. M. or after 7 P. M.

CHAPTER VI

HEALTH AND SAFETY

21. *Cleanliness, ventilation and lighting.*—(1) The premises of every establishment shall be kept clean and free from effluvia arising from any drain or privy or other nuisance and shall be cleaned at such times and by such methods as may be prescribed; and these methods may include lime washing, colour washing, painting, varnishing, disinfecting and deodorising.

(2)The premises of every establishment shall be ventilated in accordance with such standards and by such methods as may be prescribed.

(3)The premises of every establishment shall be sufficiently lighted during all working hours.

(4)If it appears to an Inspector that the premises of any establishment within his jurisdiction is not sufficiently kept clean or lighted or ventilated, he may serve on the employer an order in writing specifying the measures which, in his opinion, should be adopted and requiring them to be carried out before a specified date.

22. *Precaution against fire.*—In every establishment such precautions against fire shall be taken as may be prescribed.

23. *Appeals.*-Against any order of the Inspector under this Chapter, an appeal shall lie to such authority and within such time as may be prescribed.

24. *Apportionment of expenses under preceding sections.*-if any person, being either the owner or the occupier of an establishment who has incurred or is about to incur any expense for the purpose of securing that the requirements of section 21 or section 22 are complied with respect to the establishment, alleges that the whole or any part of the expense ought to be borne by any other person having an interest in the premises, he may apply to the court of the Munsiff having jurisdiction over the area in which the establishment is situated and that court may make such order concerning the expenses or their apportionment as appears to the court, having regard to all the circumstances of the case, including the terms of any contract between the parties, to be just and equitable, and any order made under this section may direct that any such contract as aforesaid shall cease to have effect in so far as it is inconsistent with the terms of the order.

CHAPTER VII

ENFORCEMENT AND INSPECTION

25. *Appointment of Inspectors.*-The Government may, by notification in the Gazette, appoint such Officers or such persons or class of persons as they think fit to be Inspectors for the purposes of this Act within such local limits as they may assign to them respectively.

26. *Powers and duties of Inspectors.*-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 the Government or of any local authority as he thinks fit, any place which is or which he has reason to believe is an establishment;

(b) make such inspection of the premises and of any prescribed registers, records and notices, and take on the spot or otherwise evidence of any person 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 purpose of this Act:

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

27. *Inspector to be public servant.*—Every Inspector appointed under section 25 shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

28. *Employer to produce registers, records etc., for inspection.*-Every employer shall on demand produce for Inspection of an Inspector all registers, records and notices required to be kept under and for the purposes of this Act.

CHAPTER VIII

OFFENCES, PENALTIES AND PROCEDURE

29. *Penalties.*-[6] [(1) Whoever commits any breach of the provisions of sections 5A and 5C of Chapter 1A shall be punishable,—

(a) with fine which may extend to two hundred and fifty rupees and in case of continuing breach with fine which may extend to ten rupees for every day during which the breach continues after convictions for the first breach; or

(b) with fine which may extend to ten rupees for every day during which the breach continues after receipt of notice from the competent authority to discontinue such breach.”]

[7] [(1A)] Whoever contravenes any of the provisions of sections 6,8,9 to 11, 13 [8] [“13A”] 14, 18, 21 and 22 shall on conviction be punishable with fine, which for a first offence, may extend to two hundred and fifty rupees and for a second or any subsequent offence, may extend to five hundred rupees.

(2) Whoever contravenes any of the provisions of sections 7, 19, 20, 28 and 30 shall, on conviction, be punishable with fine which may extend to fifty rupees.

(3). No court shall take cognizance of any offence punishable under this Act or any rule or order made thereunder unless the complaint is made,-

(a) by the employee of an establishment either by himself or through the union of which he is a member within three months from the date on which the offence is alleged to have been committed; or

(b) by the Inspector within sixty months from the date on which the alleged offence comes to his knowledge.

(4) No court inferior to that of a Magistrate of a Second Class shall try any offence punishable under this Act or any rules or orders made thereunder.

CHAPTER IX

MISCELLANEOUS

30. *Maintenance of registers and records and display of notices.*-Subject to the general or special orders of the Government, an employer shall maintain such registers and records and display on the premises of his establishment such notices as may be prescribed. all such registers and records shall be kept on the premises of the establishment to which they relate

31. *Saving of certain rights and privileges.*-Nothing in this Act shall affect any rights or privileges which an employee in any establishment is entitled to 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.

32. *Indemnity.*-No suit, prosecution or other legal proceedings shall be against any person for anything which is in good faith done or intended to be done under this Act.

33. *Delegation of powers.*-(1) The Government may, by notification in the Gazette authorise any officer or authority subordinate to them to exercise all or any of the powers vested in them by or under this Act, except the power mentioned in Section 34, subject to such restrictions and conditions, if any, as may be specified in the notification.

(2) The exercise of the powers delegated under sub-section (1) shall be subject to control and revision by the Government or by such persons as may be empowered by them in that behalf. The Government shall also have power to control and revise the acts or proceedings of any person so empowered.

34. *Power to make rules.*-(1) The Government may, by notification in the Gazette, make rules for the purposes of carrying into effect the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, rules made under sub-section (1) may provide in respect of the health, safety and welfare of the employees

(3) In making rules under this section, the Government may provide that a contravention of the rules shall be punishable with fine which may extend to fifty rupees.

(4) The power to make rules conferred by this section is subject to the condition of the rules being made after previous publication.

(5) All rules made under this section shall be laid for not less than fourteen days before the Legislative Assembly as soon as possible after they are made and shall be subject to such modification as the Legislative Assembly may make during the session in which they are so laid or the session immediately following.

35. *Power of Government to suspend provisions of the Act during fairs and festivals.*- On any special occasion in connection with a fair or festival or a succession of public

holidays, Government may, by notification in the Gazette suspend for a specified period the operation of all or any of the provisions of this Act.

36.*Repeal of certain enactments.*-On and from the date of the commencement of this Act, in any area, the enactments specified in the Schedule shall stand repealed in so far as they apply to such area:

Provided that anything done under the said enactments which could have been done under this Act if it had then been in force shall be deemed to have been done under this Act.

SCHEDULE

1. Weekly Holidays Act, 1942 (Central Act 18 of 1942).
2. The Travancore Cochin Shops and Establishments Act, 1125 (Act IX of 1125).
3. The Madras Shops and Establishments Act, 1947 (Madras Act XXXVI of 1947) in so far as it applies to the Malabar district referred to in section 5 (2) of the States Reorganisation Act, 1956.

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ACT 32 OF 1969

**THE KERALA SHOPS AND COMMERCIAL
ESTABLISHMENTS**

(AMENDMENT) ACT, 1969^[1]

An Act to amend the Kerala Shops and Commercial Establishments Act, 1960.

Preamble . —WHEREAS it is expedient to amend the Kerala shops and Commercial Establishments Act, 1960, for the purposes here inafter appearing;

Be it enacted in the Twentieth Year of the Republic of India as follows:—

1. Short title and commencement.—(1) This Act may be called the Kerala Shops and Commercial Establishments (Amendment) Act, 1969.

(2) The provisions of this Act, except section 2, shall come into force at once and section 2 shall come into force on such date as the Government may, by notification in the Gazette, appoint.

2. Insertion of new Chapter IA. —After Chapter I of the Kerala Shops and Commercial Establishments Act, 1960 (34 of 1960) (hereinafter referred to as the principal Act), the following Chapter shall be inserted, namely:—

**"CHAPTER IA
Registration**

5A._ Registration of establishments.— (1) The employer of every establishment shall make an application to such authority as the Government may, *by* notification in the Gazette, specify in this behalf (in this Chapter referred to as the "competent authority"), in such form on payment of such fees as may be prescribed, for a registration certificate in respect of that establishment.

(2) An application under sub-section (1) shall be made within sixty days from the date of commencement of this section:

Provided that in the case of an establishment started after the commencement of this section, such application shall be made within ; sixty days from the date on which the establishment commences its work.

(3) The application shall specify the following particulars namely:—

- (a) the name of the employer and the manager, if any;
- (b) the postal address of the establishment;

(c) the name, if any, of the establishment;

(d) the category of the establishment, that is to say, whether it is a shop or a commercial establishment;

(e) the number and names of employees employed in the establishment;

(f) such other particulars as may be prescribed.

(4) On receipt of an application under sub-section (1), the competent authority shall, if it is satisfied that the application is in accordance with the provisions of this Act and the rules made thereunder, register the establishment and issue to the employer a registration certificate in the prescribed form which shall be conclusive evidence that such establishment is duly registered under this Act.

(5) A registration certificate granted under this Act shall not be valid beyond the year in which it is granted but may be renewed from year to year.

(6) An application for the renewal of a registration certificate granted under this Act shall be made at least thirty days before the expiry of the period thereof, on payment of such fees as may be prescribed, and where such an application has been made, the registration certificate shall be deemed to continue notwithstanding the expiry of the period thereof, until the renewal of the registration certificate or, as the case may be, rejection of the application for the renewal thereof.

(7) The competent authority shall not grant or renew a registration certificate unless it is satisfied that the provisions of this Act and the rules made thereunder have been substantially complied *with*.

(8) The competent authority may, after giving the holder of a registration certificate granted or renewed under this Act, an opportunity of being heard, by order cancel or suspend the registration certificate if it appears to it that such registration certificate has been obtained by mis-representation or fraud or that the employer has contravened or failed to comply with any of the provisions of this Act or the rules made thereunder.

5B. Appeals.—Any person aggrieved by an order of the competent authority refusing to grant or renew a registration certificate or cancelling or suspending the same, may, within a period of sixty days of the receipt by him of such order and on payment of such fees as may be prescribed, appeal to such authority as the Government may, by notification in the Gazette, specify in this behalf, and such authority may by order confirm, modify or reverse the order appealed against.

5C. Duties of employer.—(1) A registration certificate granted or renewed under this Act shall be prominently displayed by the employer in the premises of the establishment.

(2) The employer shall give notice in the prescribed form to the competent authority and the Inspector having jurisdiction over the area in which the establishment is situate of any change in respect of any of the particulars contained in his application under sub-section (1) of section 5A within seven days after the change has taken place.

(3) A notice under sub-section (2) shall be accompanied by such fee as may be prescribed.

(4) On receiving a notice under sub-section (2) and the prescribed fees, the competent authority shall, if it is satisfied about the correctness of the notice, register the change and amend the registration certificate or issue a fresh registration certificate.

(5) The employer shall within ten days of closing his establishment, give notice thereof to the competent authority and the Inspector having jurisdiction over the area in which the establishment is situate.

(6) On receiving a notice under sub-section (5), the competent authority shall, if it is satisfied about the correctness of the notice remove the name of such establishment from the register and cancel the registration certificate."

3. Insertion of new section 13A.—After section 13 of the principal Act, the following section shall be inserted, namely:—

"13A. Special casual leave for sterilisation operation.— (1) Every employee who undergoes sterilisation operation shall be entitled to special casual leave with wages for a period not exceeding—

(a) six days in the case of a male employee;

and

(b) fourteen days in the case of a female employee, with effect from the day on which he or she undergoes such operation.

(2) If an employee who has undergone sterilisation operation is discharged by his or her employer during the period specified in sub-section (1), the employer shall pay such employee the amount payable under section 14 in respect of the period of the special casual leave to which the employee was entitled at the time of discharge."

4. Substitution of new section for section 14 . —For section 14 of the principal Act, the following section shall be substituted, namely:—

"14. Wages during leave period.—(1) For the leave allowed to an employee under section 13 or section 13A, the employee shall be paid at the rate equal to the daily average of his or her total full time earnings exclusive of any overtime earnings and bonus, but inclusive of dearness allowance and the cash equivalent of any advantage

accruing by the supply of meals and by the sale by the employer of foodgrains and other articles at concessional rates for the days on which the employee worked during the month immediately preceding his leave.

(2) The amount payable to an employee under sub-section (1) for the leave allowed under section 13A shall be paid to him or her on production of a certificate from such authority and in such form as may be prescribed, to the effect that the employee has undergone sterilisation operation."

5. Amendment of section 29.—In section 29 of the principal Act,—(1) The existing sub-section (1) shall be renumbered as sub-section (1A) of that section, and before sub-section (1A) as so re-numbered, the following shall be inserted as sub-section(1), namely:— ...

"(1) Whoever commits any breach of the provisions of sections 5A and 5C of Chapter IA shall be punishable,—

(a) with fine which may extend to two hundred and fifty rupees and in case of continuing breach with fine which may extend to ten rupees for every day during which the breach continues after conviction for the first breach; or

(b) with fine which may extend to ten rupees for every day during which the breach continues after receipt of notice from the competent authority to discontinue such breach."

(2) in sub-section (1A) as so renumbered, after the figures "13" the figures and letter "13A" shall be inserted.

THE KERALA SHOPS AND COMMERCIAL ESTABLISHMENTS [\[1\]](#)

(AMENDMENT) ACT, 1979

(ACT 34 OF 1979)

An Act further to amend the Kerala Shops and Commercial Establishment Act, 1960

Preamble.- WHEREAS it is expedient further to amend the Kerala Shops and Commercial Establishments Act, 1960, for the purpose hereinafter appearing;

BE it enacted in the Thirtieth Year of the Republic of India as follows: -

1. Short title and commencement.- (1) This Act may be called the Kerala Shops and Commercial Establishments (Amendment) Act, 1979.

(2) It shall come into force at once

2. Amendment of section 18.-In section 18 of the Kerala Shops and Commercial Establishments Act, 1960 (34 of 1960), after sub-section (4) the following sub-section shall be inserted namely:-

"(4A). In directing the payment of compensation under sub-section (3) or sub-section (4), the appellate authority may include as part of the compensation the wages of the employee for the period he was kept out of employment.".

THE KERALA SHOPS AND COMMERCIAL ESTABLISHMENTS RULES, 1961

PREAMBLE

In exercise of the powers conferred by section 34 of the Kerala Shops and Commercial Establishments Act, 1960 (Act 34 of 1960) the Government of Kerala hereby make the following Rules, the same having been previously published as required under sub-section (4) of the said section, namely: -

1. Short title:

These rules may be called the Kerala Shops and Commercial Establishments Rules, 1961.

2. Definitions:

In these rules, unless there is anything repugnant in the subject or context-

- (a) "The Act" means the Kerala Shops and Commercial Establishments Act, 1960;
- (b) "Form" means a form appended to these rules;
- (c) "Government" means the Government of Kerala;
- (d) "Section" means a section of the Act.

2A. Form of application for grant of Certificate of Registration and Registration Fees:

- (1) Every application under sub-section (1) of Section 5A for a registration certificate in respect of an establishment shall be made in duplicate in Form BI.
- (2) The application shall be accompanied by the Treasury Receipt showing that the prescribed fee for the registration certificate as specified in rule 2G has been paid.
- (3) The application in duplicate together with the document specified in sub-rule (2) shall be sent by registered post or delivered in person under acknowledgment to the competent authority notified under Section 5A.

2B. Application for renewal:

(1) Every application for renewal of a registration certificate under Section 5A shall be made in Form BI. The application shall be accompanied by the following documents, namely: -

- (a) The Registration Certificate sought to be renewed.

(b) The Treasury Receipt showing that that fee for the renewal of the registration certificate specified in rule 2G excess fee if any, as prescribed under sub-rule (3) have been paid.

(2) The application together with the documents specified in sub-rule (1) shall be sent by registered post or delivered in person, under acknowledgement, to the competent authority notified under Section 5A.

2C. Terms and conditions of Registration Certificate:

(1) A Registration Certificate under Section 5A shall be in Form B II.

(2) Every Registration Certificate granted or renewed under Section 5A shall be displayed by the employer in a conspicuous place in the premises of the establishment.

(3) Except as provided in rule 2H, the fees paid for the grant or, as the case may be, renewal of Registration Certificate shall be non-refundable.

2D. Amendment of Registration Certificate:

(1) A registration certificate granted under rule 2C may be amended by the competent authority;

(2) Any employer who desires, to have his Registration Certificate amended shall give a notice in Form B III to the competent authority with copy to the Inspector having Jurisdiction over the area in which the establishment is situate;

(3) The notice shall be accompanied by a treasury receipt showing that the fee for the amendment of the Registration Certificate as specified in rule 2G has been paid.

2E. Issue of duplicate of Registration Certificate:

(1) If a Registration Certificate under Section 5A is lost, stolen or destroyed, the employer shall forthwith report the matter to the competent authority by whom the Registration Certificate was issued or renewed as the case may be and the employer may make an application to that authority, for the issue of a duplicate Registration Certificate.

(2) The application shall be accompanied by a treasury receipt showing that the fee for the issue of duplicate Registration Certificate as specified in rule 2G has been paid.

(3) On receipt of the application, the competent authority shall grant to the applicant a duplicate copy of the Registration Certificate duly stamped 'Duplicate' in red ink.

2F. Appeal:

An appeal under Section 5B shall be accompanied by a Treasury Receipt showing that the appropriate fee in respect of the appeal as specified in rule 2G has been paid.

2G. Fees:

(1) The fees to be paid for the grant or renewal of a Registration Certificate under Section 5A shall be as specified in the table below: -

TABLE

If the number of employees proposed to be employed on any day during the year for which the registration certificate is required or renewed: -

		Rs.
(a)	is Nil	10
(b)	does not exceed 5	50
(c)	exceeds 5 but does not exceed 10	100
(d)	exceeds 10 but does not exceed 20	200
(e)	exceeds 20 but does not exceed 30	300
(f)	exceeds 30 but does not exceed 50	500
(g)	exceeds 50 but does not exceed 100	1000
(h)	exceeds 100	2000]

(2) The fees to be paid for the amendment of the Registration Certificate shall be [fifty rupees] plus the amount (if any) by which the fee that could have been payable if the license has originally been issued in the amended form under these rules exceeds the fee originally paid for the Registration Certificate.

(3) The fees to be paid for the grant of a duplicate Registration Certificate shall be fifty rupees.

(4) The fees payable in respect of an appeal under Section 5B of the Act shall be:-

(a) [Twelve rupees] in the case of an appeal against an order refusing to grant or renew a Registration Certificate or cancelling or suspending the same in respect of any establishment if the maximum number of employees proposed to be employed therein is fifty or more.

(b) [Ten rupees] in any other case.

(5) The fees payable under this rule shall be paid into the nearest Government Treasury under the Head of Account as may from time to time be notified by the Government:

⁴[Provided that the payment shall be accepted by the competent authority through TR-5 receipt and remitted to treasury in lump sum on the next working day itself."].

2H. Refund of Fees:

(1) If the competent authority refuses to grant or renew a Registration Certificate under Section 5A, he shall order the refund of the fees paid thereof, provided that in case where an appeal under Section 5B, is pending, the competent authority shall order the refund of fees only after the disposal of the appeal;

(2) If no establishment is run at any time during the period of validity of the Registration Certificate in respect thereof the employer may within a period of one month from the date of the close of the year for which the Registration Certificate was granted or renewed, apply to the competent authority for the refund of the fee paid by him for such Registration Certificate and the competent authority shall, after making such enquiry as he may deem necessary and after satisfying himself about the correctness of the statement made in the application, order refund of such fee.

2I. The amount payable to any employee under Section 13A shall be paid to him on production of a certificate in Form B IV from a Medical Officer not below the rank of an Assistant Surgeon employed in the Department of Health Services or from the head of a Medical Institution recognized by the Government for the purpose of conducting sterilization operation].

3. Appeals under Section 18:

(1) [Deputy Labor Commissioner) of the Labor Department shall be the appellate authorities within their respective jurisdiction for the purpose of section 18 and any such appeal shall be preferred by the employee within sixty days from the date of delivery of the order terminating his services with the employer. The date of sixty days aforesaid shall be reckoned from the date on which the order is delivered to the employee either personally or, if that be not practicable, by

prepaid registered post or ordinary post to his last known address in which cases the date of delivery shall be the date when the letter would arrive in ordinary course of post:

[Provided that the appellate authority may admit an appeal presented after the expiration of the said period, if it is satisfied that the appellant had sufficient cause for not preferring the appeal within the said period:

Provided further that no such appeal shall be admitted after a period of six months from the date of delivery of the order appealed against].

(2) The procedure to be followed by the Deputy Labor Commissioner] when hearing appeals preferred to him under sub-section (2) of section 18, shall be summary. He shall record briefly the evidence adduced before him and then pass orders giving his reasons therefor. The result of the appeal shall be communicated to the parties as soon as possible. Copies of the orders shall also be furnished to the parties if required by them. The copies shall be on stamp papers to be furnished by the parties.

4. Cleanliness:

(1) (a) In every establishment all the inside walls of the rooms and all the ceilings of such rooms (whether such walls or ceilings be plastered or not) and all the passages and stair-cases shall be lime-washed or color-washed at intervals of not more than twelve months dating from the time when they were last lime-washed or color-washed and shall be maintained in a clean state,

(b) All beams, rafters, doors, window-frames and other wood-work with the exception of floors shall be either lime-washed or color-washed at intervals of not more than twelve months dating from the time when they were last lime-washed or color-washed or shall be painted or varnished at intervals of not more than seven years dating from the time when they were last painted or varnished and shall be maintained in a clean state.

(c) This sub-rule shall not apply to the following:-

(i) rooms used only for the storage of articles;

(ii) walls or ceilings of rooms which are made of galvanized iron, flat tiles, asbestos sheets, glazed bricks, glass, slate, bamboo thatch, cement plaster or polished chunam;

(iii) ceilings of rooms in which the lowest part is at least 20 feet from the floor;

(iv) any other establishment or part thereof in which lime-washing, color-washing, painting or varnishing is, in the opinion of the Commissioner of Labor, unnecessary to satisfy the requirements of section 21 in regard to cleanliness.

(2) Rubbish, filth or debris shall not be allowed to accumulate or to remain on any part of the establishment for more than 24 hours and shall be disposed of in the manner approved by the Inspector. All filth and other decomposing matter shall be kept in covered receptacles.

(3) All drains carrying waste or sullage water or sewage shall be constructed of masonry or other impermeable material and shall be regularly flushed at least twice daily and where possible, connected with some recognized drainage line.

(4) The establishment and the compound surrounding it shall be maintained in a strictly sanitary and clean condition. The floors shall be swept or otherwise cleaned at least once daily, and the ceilings shall be dusted at least once a month.

(5) The employer shall enforce the proper use of latrines and urinals and prevent pollution, by excreta or urine, of the surface of the ground in the vicinity of the latrine or urinal and in the compound of the establishment. The employer shall make suitable arrangements for the regular cleaning and conserving of the latrines and urinals to the satisfaction of the Inspector.

(6) The area around the place where drinking water is distributed to the workers shall be kept clean and properly drained.

5. Ventilation:

In every room of an establishment ventilating openings shall be provided in the proportion of five square feet for each worker employed in such room and the opening shall be such as to admit of a continued supply of fresh air:

Provided that, subject to the control of the Commissioner of Labor, the Inspector may, for reason to be recorded in writing, relax the condition of this rule where in his opinion, this may be done with due regard to the health of the workers employed in any rooms.

6. Precaution Against Fire:

The employer of every establishment shall provide such precautions against danger by fire to the life of persons employed therein as are specified below. The employer shall also provide such other precautionary arrangements which may be suggested by the Inspecting Officers from time to time.

1. Shops and Commercial Establishment and Store-rooms attached to them.--

(a) Two fire buckets each of 9 litres capacity for every 50 sq.m. floor area or part thereof, with a minimum of 4 buckets per floor.

(b) One extinguisher of the appropriate type for every 250 sq.m. of floor area or part thereof in addition to the fire buckets as specified above. There shall be at least 2 spare charges for each type of extinguisher always kept in stock. The extinguisher shall be installed at a height of 1.25 M from the floor. In the case of Soda Acid or Foam type extinguishers the capacity shall be 9 litres, and in the case of CTC extinguishers the capacity shall be 1 litre and in the case of CO₂ or dry powder, the capacity shall be 2 Kg.

2. Godowns and warehouse where there is normal risk of fire.--

(a) Buckets. - Two buckets each of 9 litres capacity for every 100 sq.m. area or part thereof, with a minimum of 4 buckets per floor evenly distributed in lots of 2 buckets. In addition, one stirrup pump per floor shall be provided.

(b) Extinguishers.-- One extinguisher of appropriate type of 9 litres capacity for every 500 sq.m. area or part thereof, with a minimum of one extinguisher per floor, in addition to buckets as stated above. The extinguisher shall be installed at a height of 1.525 m. from the floor at a point so that no point on the floor area to be covered is more remote than 15m. by normal route of travel. In case of CTC the capacity shall be one litre and in case of CO₂ or dry powder, the capacity shall be 2Kg.

Note:- It is necessary to maintain 12 numbers of spare charges for each type of extinguisher installed on the premises.

Precautions where water mains are available.

(c) Hose reel: One hose reel shall be provided for every 500 sq.m. area or part thereof in the place of portable extinguishers where the risk requires water for firefighting. For each hose reel there shall be rubber-lined or plastic hose of length 30m. in two lengths of 15m. each with easily detachable couplings (either with threaded or with bayonet couplings) and a branch pipe with 3/16" length. The hose shall be ¾" or 1" size and should withstand a pressure of 200 lbs/sq. inch. Suitable arrangements shall be made to ensure that

the hose pays out easily without kinking or fouling when it is unreeled.

Notes: (1) In addition to the above, 30 metres of hose shall be kept as spare readily available.

(2) Hose reels are an alternative to extinguishers. If the pressure in the water mains are found too low in a particular area for the operation of the hose reels, sufficient number of extinguishers, instead of hose reels, will be provided.

(3) The ferrule connections in the water mains shall be provided by the owner of such establishments in consultation with local water supply authorities.

(d) Hydrants: One hydrant for every 3000 sq.m. area or part thereof, with a minimum of one hydrant on each floor, to be installed so that no part of the floor is farther than 100m. from the hydrant. For each hydrant there shall be rubber-lined or plastic hose with lengths not more than 15m. with easily detachable couplings and a branch pipe for use at the end of the last length.

Notes:- (1) 10% of lengths of hose with a minimum of 30m. shall always be kept as spare readily available.

(2) The hydrants and stand pipes shall be of standard size.

(3) The owner of such premises shall be responsible for the provision of hydrant, as well as the other items of equipment prescribed in these rules.

3. Godowns and warehouses where there is High Fire risk.

(a) Buckets: Two buckets each of 9 litres capacity for every 50 sq.m. area or part thereof, with a minimum of 4 buckets per floor evenly distributed in lots of 2 buckets. In addition, one stirrup pump per floor shall be provided.

(b) Extinguishers: One extinguisher of appropriate type of 9 litres capacity for every 125 sq.m. area or part thereof, with at least one extinguisher per floor in addition to buckets as stated above. The extinguisher shall be installed at a height of 1.25 m. from the floor at a point so that no point on the floor area to be covered is more remote than 15m. by normal route of travel. In case of CTC

the capacity shall be one litre and in case of CO₂ or dry powder, the capacity shall be 2Kg.

Notes:- It is necessary to maintain 12 numbers of spare charges for each type of extinguisher installed on the premises.

Precautions where water mains are available.

(c) Hose reel: One hose reel shall be provided for every 500 sq.m. area or part thereof in the place of portable extinguishers, where the risk requires water for firefighting. For each hose reel there shall be rubber-lined or plastic hose of length 30m. in two lengths of 15m. each with easily detachable couplings (either with threaded or with bayonet couplings) and a branch pipe with 3/16" shut off type nozzle for use at the end of the last length. The hose shall be 3/4 " or 1" size and should withstand a pressure of 200 lbs/sq. inch. Suitable arrangements shall be made to ensure that the hose pays out easily without kinking or fouling when it is unreeled.

Notes:- (1) In addition to the above, 30 metres of hose shall be kept as spare readily available.

(2) Hose reels are an alternative to extinguishers. If the pressure in the water mains are found too low in a particular area for the operation of the hose reels, sufficient number of extinguishers, instead of hose reels, will be provided.

(3) The ferrule connections in the water mains shall be provided by the owner of such establishments in consultation with local water supply authorities.

(d) Hydrants: One hydrant for every 3000 sq.m. area or part thereof, with a minimum of one hydrant on each floor, to be installed so that no part of the floor is farther than 100m. from the hydrant. For each hydrant there shall be rubber-lined or plastic hose with lengths not more than 15m. with easily detachable couplings and a branch pipe for use at the end of the last length.

Notes:- (1) 10% of lengths of hose with a minimum of 30m. shall always be kept as spare readily available.

(2) The hydrants and stand pipes shall be of standard size.

(3) The owner of such premises shall be responsible for the provision of hydrant, as well as the other items of equipment prescribed in these rules].

6A. Carrying of loads:

(1) No man, woman or young person shall unaided by another person, lift, carry or more by hand or on head, any load exceeding the maximum limit in weight set out in the following schedule:-

SCHEDULE

Persons	Maximum limit in weight
	Kgs.
Adult male	55
Adult female	30
Adolescent male	30
Adolescent female	20
Male child	16
Female child	13

(2) No man, woman or young person shall engage in conjunction with others, in lifting, carrying or moving by hand or on head, any load, if the weight thereof exceeds the lowest weight fixed by the above schedule for any of the persons engaged, multiplied, by the number of the persons, engaged].

7. Appeals from orders passed under Chapter VI of the Act.--

The Commissioner of Labor shall be the appellate authority for the purpose of hearing appeals from orders passed by the Inspector under Chapter VI of the Act and any such appeal shall be preferred by the employer on whom the order of the Inspector under that chapter has been served within thirty days from the date of the service of the order.

8. Provisions regarding Inspectors.--

No person shall be appointed to be an Inspector under the Act, or having been so appointed shall continue to hold office, who is or becomes directly or indirectly interested in any establishment to which the Act applies, in the area for which he is to be or has been appointed.

9. Manner of examination of premises, etc., by the Inspectors:

(1) An Inspector making an examination under section 26 shall make such examination of the premises and of the prescribed registers, records and notices as may be appear to him necessary for the purpose of satisfying himself that the provisions of the Act, of these rules and any orders passed by the Government under the Act are being properly observed. In particular, he shall satisfy himself: -

(i) that the registers, records and notices required to be maintained or exhibited under the Act or these rules are properly maintained or exhibited;

(ii) that the intervals for rest and the holidays required to be granted under the Act are granted and that the limits of hours of work and spread over laid down under the Act are not exceeded;

(iii) that the provisions of the Act relating to the payment for overtime work are duly observed;

(iv) that no child is allowed to work in any establishment to which the Act applies except as an apprentice in such employment as may be specified by Government under section 19 of the Act;

(v) that the provisions of the Act and any order issued by the Government regarding the opening or closing hours are duly observed.

(2) For carrying out such examination, the Inspector may interrogate such persons on the premises, as he may deem necessary, provided that no such person shall be required under this rule, to answer any question the answer to which might tend to criminate him.

10. Maintenance of registers and records and display of notices:

(1) Every employer shall maintain a register of employment in Form A provided that where the opening and closing hours are ordinarily uniform, the employer may maintain such register in Form B.

[(1A) Every employer shall maintain a register in Form BB which shall be preserved for the period of the whole service of the employee concerned).

(2) Notwithstanding anything contained in sub-rule (1), an employer may, instead of maintaining a register as provided in that sub-rule, exhibit in his establishment a notice specifying the daily hours of work and the intervals for rest and meals to be allowed to the employees. The notice shall be in Form C and shall be exhibited not later than the closing hour on the Saturday immediately preceding the first week in which the hours of work shall be as specified in such notice. It shall continue to be exhibited so long as the hours of work specified in it are observed.

(2A) No employee shall be required or allowed to work in any establishment otherwise than in accordance with the hours of work specified in the register of employment prescribed under rule 10 (1) or in the notice of daily periods of work of persons exhibited under rule 10 (2) and the entries made before hand against his name in the said register or in the notice as the case may be].

(3) Where an employer has exhibited the notice referred to in sub-rule (2), he shall keep a record of hours of work in Form D.

(4) Every employer shall exhibit in his establishment a notice in Form E specifying the day or days of the week on which the employees employed by him shall given a holiday. The notice shall be exhibited on the Saturday immediately preceding the first week during which it is to have effect, before the work of the persons to whom it relates to cease.

(5) Every employer shall exhibit in his establishment a notice containing such extracts of the Act and these rules in English and in the language of the majority of the employees as the Government may direct.

(6) Any notice required to be exhibited under these rules shall be exhibited in such manner that it can be readily seen and read by any person whom it affects and shall be renewed whenever it becomes defaced or otherwise ceases to be clearly legible.

(7) In any register or record which an employer is required to maintain under these rules, the entries relating to any day shall be made on such day.

(8) The registers, records and notice relating to any calendar year shall be preserved till the end of the next calendar year except the register in Form BB prescribed under sub-rule (1A) above].

(9) Every employer shall maintain a register in Form F for the holidays and leave granted under section 13 to employees in his establishment.

(10) Save as otherwise provided in sub-rule (5), all registers, records and notices required to be maintained, exhibited or given under this rule shall be either in English or in the language of the majority of the employees in the establishment.

(11) Every employer shall maintain a visit book in which an Inspector visiting the establishment may record his remarks regarding any defects that may come to light at the time of his inspection and shall produce it whenever required to do so by any inspector having jurisdiction.

11. Admissibility of forms other than those prescribed in the rule:

Where the Commissioner of Labor or any other officer authorized by him in writing] considers that the forms maintained in an establishment give the particulars required by the forms prescribed in these rules, he may direct that such forms be kept in the place of the forms prescribed in these rules and such forms shall thereupon for purpose of these rules, be deemed to be forms so prescribed.

12. Production of registers, records, etc. for inspection:

The registers, records and notices maintained or exhibited under the provisions of these rules shall always be available in the establishment and shall be produced or caused to be produced for Inspection at all reasonable hours by any Inspector having jurisdiction.

12A. Submission of Returns:

Every employer of an establishment where ten or more employees are employed shall forward to the Inspector a return in Form 'H' for the months of March, June, September and December every year so as to reach him on or before the 10th of April, July, October and January respectively].

13. Ascertainment of age by the Inspector:

An Inspector may require an employer to produce an authentic extract from the records of any school, village, munsiff, panchayat or municipality or in the absence of such extract at least a certificate which shall be in Form G from a registered medical practitioner showing the age of any person employed by such employer.

14. Penalty:

Any person who contravenes any of the provisions of these rules shall on conviction be punishable with fine which may extend to fifty rupees.

15. Exemption:

The Government may if they are satisfied that public interest so requires or that the circumstances of the case are such that it would be proper and just to do so having regard to the nature and capacity of the establishment, exempt either permanently or for any specified period, any establishment, or class of

establishments, or person or class of persons, from all or any of the provisions of these rules, subject to such conditions as the Government, deem fit.

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