

The Rajasthan Shops & Commercial Establishment Rules, 1959

(Noti. No. F. 3 (18) Lab./58 dated 15.5.1959, pub. in the Raj. Gazette E.O. Part IV-C, dated 15.5.1959)

In exercise of the powers conferred by section 15 (3), 18 & 40 of the Rajasthan Shops and Commercial Establishments Act, 1958 (No. 31 of the 1958) the State Government hereby makes the following rules, the same having been previously published as required by sub-section (4) of section 40 of the Act under this Government Notification No.F. 3 (18)/Lab./58, dated the 8th December, 1958 in the Rajasthan Gazette Part III-B dated the 15th January, 1959, namely:-

RULES

Preliminary

1. Short title, extent and commencement:-

- (i) These Rules may be called the Rajasthan Shops and Commercial Establishment Rules, 1959.
- (ii) They shall extend to the whole of Rajasthan.
- (iii) They shall come into force on the 1st day of June, 1959.

2. Definitions :-

- (i) In these rules, unless there is anything repugnant in the subject or context:-
 - (a) The "Act" means the Rajasthan Shops and Commercial Establishment Act, 1958.
 - (b) "Form" means form appended to these rules.
 - (c) "Section" means a section of the Act.
 - ¹(d) "Prescribed authority" means the authority notified in the official Gazette by the Government from time to time.
- (ii) Words and expressions 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 4 in Form No. 1 for the registration of the establishment and grant of registration certificate and the fees in respect of the same shall be as follows:-

2[S. No.]	Maximum number of employees employed on any day during the year	Amount of Fees in (Rs.)		
		One Year	Three Years	Five Years
1.	No employees	125/-	250/-	375/-
2.	1 to 2 employees	300/-	600/-	900/-
3.	3 to 5 employees	500/-	1000/-	1500/-
4.	6 to 10 employees	750/-	1500/-	2250/-
5.	11 to 20 employees	1250/-	2500/-	3750/-
6.	21 to 50 employees	3125/-	6250/-	9375/-
7.	51 to 100 employees	5625/-	11250/-	16875/-
8.	101 and above employees	18750/-	37500/-	56250/-]

1. Added vide Notification No. F. 3 (50) Shram/63 dated 19.7.1978, pub. in Raj. Gazette Part-IV-C (I) dated 10.8.1978.

2. Substituted vide Notification No. F. 11 (7) Shram/2001/Pt.-II dated 4.8.2010; pub. in Raj. Gazette E.O. Part-IV (Ga) (I) dated 18.8.2010 (w.e.f. 16.8.2010) for-

"Maximum number of employees employed on any day during the year"

Amount of Fees in (Rs.)

- (a) No employees

25/-

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4. Manner of registering Establishment and form of registration certificate:-

- (1) On receipt of the statement and fees, the Inspector shall, on being satisfied about the correctness of the statement, register the establishment in appropriate part of the Register of establishment in Form No. 2 and shall issue a registration certificate in Form No. 3 to the employer of the Establishment.

- ¹[(2) Every certificate granted or renewed under this chapter shall remain in force up to 31st day of December of the year for which the certificate is granted⁴ (and shall be renewable for a period of one year or three years or five years, as the case may be).]

²[Provided that at the option of the employer of shop or establishment, one time renewal of the shop or establishment shall also be allowed on payment of fees equivalent to 10 times of the prescribed annual fee.]

⁵[Provided further that after commencement of the Rajasthan Shops and Commercial Establishments (Amendment) Rules, 2010, no one time renewal of the shop or establishment shall be allowed but one time renewal, made under above proviso, shall remain in force.]

- ³[(3) A fee at double the rate of fee prescribed for submission of return by an establishment under clauses (1) and (2) in rule (3) shall be charged, in case the employer of such establishment fails to submit the same by the due date.]

5. Notice of change:-

A certificate holder shall notify any change in respect of any information contained in his statement, in Form No. 4 :

Provided that the fee for the amendment of the Certificate or issue of a fresh registration certificate in consequence of such change shall be the difference in amount, if any, between the fee already paid and the fee that would have been payable if the certificate had originally been issued in the amended or revised form.

6. Renewal of Certificate :-

- (1) A certificate may be renewed by the inspector.
(2) Every application for the renewal of certificate shall be in Form 5 and shall be made by the certificate holder within one month from the date on which the certificate expires and if the application is so made the premises shall be deemed to be duly certified until the Inspector renews the certificate.

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(b) 1 to 2 employees	60/-
(c) 3 to 5 employees	100/-
(d) 6 to 10 employees	150/-
(e) 11 to 20 employees	250/-
(f) 21 to 50 employees	625/-
(g) 51 to 100 employees	1125/-
(h) 101 and above employees	3750/-

- Substituted vide Notification No. F. 3 (148) Lab/60 dated 23.10.1963, pub. in Raj. Gazette Part-IV, C dated 5.12.1963.
- Added vide Notification No. F. 3 (50) Shram/63 dated 23.12.1994, pub. in Raj. Gazette E.O. Part-IV (Ga) (I) dated 28.12.1994.
- Substituted vide Notification No. F. 3 (18) Lab/58 dated 18.4.1961, pub. in Raj. Gazette Part-IV-C dated 18.5.1961.
- Substituted vide Notification No. F. 11 (7) Shram/2001/Pt.-II dated 4.8.2010, pub. in Raj. Gazette E.O. Part-IV (Ga) (I) dated 16.8.2010 (w.e.f. 16.8.2010) for- "and shall be renewable for a period extending up to five years."
- Added vide Notification No. F. 11 (7) Shram/2001/Pt.-II dated 4.8.2010, pub. in Raj. Gazette E.O. Part-IV (Ga) (I) dated 16.8.2010 (w.e.f. 16.8.2010).

- (3) The same fee shall be charged for the renewal of a certificate as for the grant thereof :

Provided that if the application for renewal of a certificate is not received within one month after the expiry of the date of the expiry of the certificate, the Certificate shall be renewed only on payment of an additional fee of Rs. 1/- over and above the fee ordinarily chargeable for grant or renewal of a certificate.

- ¹[(4) If an application for renewal of registration certificate is not received by the Inspector within time specified in the foregoing rules, the registration certificate of the establishment shall be renewed on payment of fee @ 50% for each subsequent three months or part thereof in excess of the fee prescribed for the purpose :

Provided that the total amount of such fee shall not exceed the amount chargeable for one time renewal of certificate of registration of shop or commercial establishment as provided under sub-rule (2) of rule 4 of these rules.]

7. Transfer of certificate :-

- (1) The holder of a certificate may at any time, before the expiry of the certificate, apply for permission to transfer his certificate to another person.
- (2) Such application shall be made to the Inspector, who shall, if he approves of the transfer, enter upon the certificate, under his signature, an endorsement to the effect that the certificate has been transferred to the person named.
- (3) A fee of ²[Rs. 50/-] shall be charged on each such application.

8. Procedure on death or disability of certificate holder :-

If the holder of the certificate dies or becomes insolvent, the person carrying on the business of such certificate holder shall not be liable to any penalty under the Act for exercising the powers granted to the certificate holder by the certificate during a period of 90 days to enable him to make an application for the amendment of the certificate under Rule 6 in his own name for the unexpired portion of the original certificate.

9. Loss of Certificate :

Where a certificate granted under these rules is lost or accidentally destroyed, a duplicate copy may be granted on payment of a fee of ²[Rs. 20/-].

10. Payment of fees :

- (1) The fees payable under these rules on account of registration, renewals, transfer certificates and loss of certificates, shall be paid in the office

1. Substituted by Notification No.F. 11(1) Labour/2001 dated 25.10.2001, pub. in Raj. Gazette E.O. Part 4 (Ga) (I) dated 12.11.2001 (w.e.f. 12.11.2001).

2. Substituted by Notification No.F. 13(10) Shram/vidhi/99, dated 19.5.2000, pub. in Raj. Gazette E.O. Part 4(Ga) (I) dated 26.5.2000 (w.e.f. 26.5.2000).

of the Inspector, Shops and Commercial Establishments of the area¹ [by Treasury Challan or Postal Orders] and will be credited under the head "XXXVI—Misc. Departments B Mis. (ii) Receipts of other Departments— (13) receipts under Shops and Commercial Establishments Act."

- (2) If an application for the grant, renewal or amendment of a certificate is rejected by an Inspector, an appeal shall lie to the Labour Commissioner, Rajasthan or to such authority as may be appointed by the Labour Commissioner in this behalf.

²[10A- The cash equivalent of the advantage accruing through the concessional sale to worker, of foodgrain and other articles shall be computed from the index numbers notified by the Director of Economics & Statistics, Rajasthan from time to time, or the prices of commodities notified by the Government in the Rajasthan Gazette.]

11. Enquiry by Government before passing orders fixing opening and closing hours of shops :

- (1) The Government shall make enquiry under sub-section (2) of section 11 in the manner prescribed in this rule.
- (2) Before passing an order under sub-section (1) of section 11, the Government shall give notice of its intention to pass such an order. The notice shall be in Form No. 6 and shall, unless a copy of the order proposed to be passed is annexed to it, specify the area and the shop or shops or class or classes of shops to which the order shall apply, the hours of opening or the hours of closing, or both, which are proposed to be fixed. The notice shall also state that objections and suggestions with respect to such orders, if any, may be sent to the officer mentioned in the notice within one month from the date of such notice.
- (3) The copies of the notice shall be affixed at such public places in the area to which the order is proposed to be applied as the Government may deem fit. Copies of the notice shall be sent to the Local Authority in whose jurisdiction such area is situated and to such associations, trade unions or other organisations as Government may deem fit. The notice shall also be published in not less than one newspaper having circulation in such area.

1. Inserted by Notification. No.F. 3(18) Lab/58, dated 31.1.1961, published in Raj. Gazette, Supplement No. 1 dated 6.4.1961.
 2. Inserted by Notification. No.F. 3(18) Lab/58, dated 18.4.1961, published in Raj. Gazette, Part IV-C, dated 18.5.1961.

- (4) The Government shall consider all objections and suggestions received under sub-rule (2) before passing the order under sub-section (1) of the section 11.

12. Notice of weekly holidays :-

The notices required under sub-section (1) of section 12 shall be in Form No. 7.

13. Leave Wages Register :-

- (1) The employer shall keep a Register in Form No. 8 hereinafter called the Leave with Wages Register.
- (2) The Leave with Wages Register shall be preserved for a period of three years after the last entry in it and shall be produced before the Inspector on demand.

14. Leave Book :-

- (1) The employer shall display on the notice board in the first month every year the leave earned by an individual employee, for his information. The employer shall further make available for inspection, the leave register to an employee, if he so desires and makes an application to this effect within 72 hours of the making of such an application.

¹[xxx]

15. Medical Certificate :-

If any worker is absent from work and it appears that his absence is due to illness, he shall, if so required by his employer by a notice in writing, submit a medical certificate signed by a registered Medical Practitioner or by a registered or recognized Vaid or Hakim stating the cause of the absence and the period for which the worker is in the opinion of such Medical Practitioner, Vaid or Hakim unable to attend his work.

16. Amount of Maternity benefit :-

- (1) The benefit payable under section 17 shall be paid at the rate of 7/12 of the average daily wage or twelve annas a day, whichever is higher.
- (2) If a women dies during the period of maternity, the maternity benefit shall be payable only for the days up to and including the day of her death.

17. Procedure regarding payment of maternity benefit :-

- (1) Any women employed in an establishment and entitled to maternity benefit under the provisions of the Act and these rules who is pregnant may, on any day, give notice in writing in Form 9 or orally to her employer stating that she expects to be confined within six weeks next following and her maternity benefit may be paid to her, and that she

1. Omitted by Notification No.F. 3(18) Lab/58 dated 31.1.1981, Published in Raj. Gazette, Supplement No. 1 dated 6.4. 1981.

will not work in any employment during the period for which she receives maternity benefit.

- (2) The employer shall thereupon permit such woman to absent herself from the establishment from the next following day until six weeks after the day of her delivery.
- (3) Maternity benefit shall be paid by the employer to the women entitled thereto after taking her wishes into consideration in any one of the following three ways, namely:-
 - (i) for six weeks within forty-eight hours of the production of a certificate signed by a registered Medical Practitioner certifying that the woman is expected to be confined within six weeks next following and for the remainder of the total period for which she is entitled to maternity benefit under section 26 within forty-eight hours of the production of a certified extract from a birth register stating that the woman has given birth to a child, or
 - (ii) for the entire period for which the woman is entitled to maternity benefit under section 26 within forty-eight hours of the production within six weeks of her delivery of certified extract from birth register stating that she has given birth to a child :

Provided that no woman shall be entitled to any maternity benefit or any part thereof the payment of which is dependent upon the production of a certified extract from a birth register under this rule unless such extract has been produced within six months of the day of her delivery.

18. Payment of maternity benefit in case of woman's death :-

If a woman entitled to maternity benefit under the Act dies during the period for which she is entitled to maternity benefit, the employer shall pay the amount of maternity benefit due if the newly born child survives her, to the person who undertakes the care of the child, and if the child does not survive, to her legal representative.

19. Forfeiture of maternity benefit :-

If a woman works in any establishment after she has been permitted by her employer to absent herself under the provision of section 26 she shall forfeit her claim to the payment of the maternity benefit to which she is entitled.

20. Muster Roll :-

The Employer of every establishment in which woman are employed shall prepare and maintain a muster roll and shall enter the following particulars in such muster roll, namely :-

- (a) Name of Woman.
- (b) Department and name of the establishment in which employed.
- (c) Dates with month and year on which employed and not employed.

- (d) Total days employed in the payment period.
- (e) Date on which the woman gives notice under section 24 of the Act.
- (f) Date of birth of child.
- (g) Date of production of certificate signed by a registered Medical Practitioner certifying that the woman is expected to be confined within six weeks.
- (h) Date of production of certified extract from birth register.
- (i) Date of first payment of maternity benefit and amount of the same.
- (j) Date of subsequent payments of maternity benefit and amounts of the same.
- (k) If the woman dies, amount of maternity benefit paid and date of payment and the names of persons to whom paid.
- (l) Remarks column for the use of Inspector only.

All entries in the muster roll shall be maintained up-to-date and shall always be available for inspection by the Inspector.

The employer may enter in the muster roll such other particulars as may be required by the Inspector for any other purpose.

21. Manner of examination of premises, etc. :

- (1) An Inspector making an examination under section 30, shall make such examination of premises and of the registers, records and notices as may appear to him necessary for satisfying himself that the provisions of the Act, and these rules and of any orders or notifications issued thereunder are being properly observed and shall before conducting such examination require the employer or any of his representatives present at the premises to accompany him at the time of inspection, provided that in case the employer or his representative does not co-operate or accompany the Inspector at the time of inspection on being called upon to do so, it shall be lawful for the Inspector to conduct such examination of the premises and records himself without the presence of the employer or his representative.
- (2) For carrying out such examinations, the Inspector concerned may interrogate such persons on the premises of the Shop or Commercial Establishment as he may consider necessary :
Provided that no such person shall be required under this rule to give an answer to any question, the answer to which might tend to incriminate him.
- (3) An Inspector concerned may require an employer to produce at his own expense a certificate of age in Form No. 10 from a registered medical practitioner in respect of any employee whose age he may have reasons to doubt.

22. Maintenance of registers and records and display of notices :-

- (1) Every employer shall maintain a register of employment in Form No. 11 provided that where the opening and closing hours are ordinarily uniform, the employer may maintain such register in Form No. 12.
- (2) Notwithstanding anything contained in sub-rule (1) an employer may, instead of maintaining a register as provided in the said sub-rule, exhibit in his establishment a notice specifying the daily hours to be worked by and intervals for rest and meals to be allowed to the persons employed. The notice shall be in Form No. 13 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.
- (3) Where an employer has exhibited the notice referred to in sub-rule (2) he shall keep a record of work in Form No. 14.
- (4) Every employer shall exhibit in his establishment a notice in Form No. 15 specifying the day or days of the week on which the persons employed by him shall be given holiday. The notice shall be exhibited before the persons to whom it relates cease work on the Saturday immediately preceding the first week during which it is to have effect.
- (5) Every employer shall exhibit in his establishment a notice containing such extracts of the Act and these rules in English and/or in Hindi as the Government may direct.
- (6) Any notice required to be exhibited under these rules shall be exhibited in such a manner that it can be readily seen and read by any person to whom it affects and shall be renewed whenever it becomes defaced or otherwise cease 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 the same day.
- (8) The registers, records and notice to any calendar year shall be preserved till the end of the next calendar year.
- (9) If on an application made by an employer in writing the Local Authority or Government, as the case may be, is satisfied that any muster roll, register or record maintained by such employer gives in respect of all or any of the persons employed in his establishment the particulars required to be shown in any register, record or notice or prescribed under this rule, the Local Authority or Government as the case may be, may by an order in writing direct that such muster roll, register or record shall to the corresponding extent be maintained in place of such register, record or notice, as the case may be.

- (9a.) Save as otherwise prescribed in sub-rule (5), all registers, records, muster rolls and notices required to be maintained, exhibited or given under the rule shall be either in English or in Hindi or in the script in which the account books of the Shops or the Commercial establishments are maintained.
- (10) 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 an Inspector.

23. Cleanliness :-

- (1)(a) In every establishment, all the inside walls of the rooms and all the ceilings and tops of such rooms (whether such walls, ceilings and tops to be plastered or not) and all the passages and stair cases shall be lime washed or colour washed at least once in two years dating from the time when they were last lime washed or colour washed, and shall be maintained in a clear state.
- (b) All beams, rafters, doors, window frames and other wood work with the exception of floors, shall be painted at least once in four years dating from the time when last painted and shall be kept in clear state. This shall not apply to :-
- (i) rooms used only for the storage of articles;
 - (ii) walls or tops of rooms which are made of galvanised iron-sheets, tiles, asbestos sheets or similar material or glazed bricks;
 - (iii) ceiling of rooms in which the lowest part is at least 20 feet from the floor;
 - (iv) any other establishment or parts thereof in which lime washing, colour washing or painting is, in the opinion of the Inspector, unnecessary.
- (2) No rubbish, filth, debris shall be allowed to accumulate or to remain on any premises in any establishment in such position that effluvia therefrom can arise within the establishment. All filth and other decomposing matter shall be kept in covered receptacles.
- (3) The area around the place where drinking water is distributed to the employees shall be kept clean and properly drained.

24. Precautions against fire :

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.

¹[24-A. Lists of acts which may be termed as misconduct :-

- (1) The following Acts shall each be treated as misconduct for the purpose of the proviso to sub-section (1) of section 28-A of the Act :-
 - (a) Wilful in subordination or disobedience, whether alone or in combination with others, of any lawful and reasonable order of a Superior;
 - (b) wilful damage or loss of employer's property;
 - (c) taking or giving bribe or any illegal gratification;
 - (d) theft, fraud or dishonesty in connection with the employer's business or property;
 - (e) habitual absence without leave or absence without leave for more than ten days;
 - (f) habitual breach of any law applicable to the establishment;
 - (g) habitual late attendance;
 - (h) riotous or disorderly behaviour during working hours at the establishment or any act subversive of discipline;
 - (i) striking work or inciting others to strike work;
 - (j) habitual or gross negligence or neglect of work; in contravention of the provisions of any law or rule having the force of law;
 - (k) breach of the provisions of the Standing orders applicable to the establishment and certified under the Industrial Employment (Standing Orders) Act, 1945.
- (2) No order of dismissal or discharge on ground of misconduct shall be made except after an enquiry in which the employee concerned has been informed in writing of the misconduct alleged against him and is given a reasonable opportunity of being heard in respect of that misconduct.

24-B. Complaint under sub-section (2) of section 28-A :-

- (1) Any employee aggrieved by an order of dismissal or discharge under sub-section (1) of section 28-A, may file a complaint to the prescribed authority either himself or through an agent within thirty days from the date on which the order of dismissal or discharge has been communicated to him in writing by his employer.
- (2) The complaint shall be presented in the form of a memorandum in duplicate, stating therein concisely the grounds of objection to the order against which the complaint is made. The memorandum shall be accompanied by an affidavit sworn before a Magistrate of the first class that the contents of the memorandum are true to the best of the knowledge and belief of the complainant.

1. Inserted vide Notification No.F. 1(11)(4) Lab./70, dated 30.1.1973- pub. in Raj. Gazette Part IV-C (I), dated 20.1.1977 Page 638.

- (3) Every such memorandum shall bear a court-fee stamp of Rs. 5/-.
- (4) The prescribed authority entertaining the complaint shall call upon the employer by a notice to appear before him either personally or through his agent at a specified time together with all relevant documents and witnesses, if any, and shall inform the complainant of the time as specified.
- (5) In case the employer or his agent fails to appear before the prescribed authority it may proceed to hear and determine the complaint ex-parte.
- (6) In case the complainant fails to appear before the prescribed authority at the specified time, it may dismiss the complaint.
- (7) Upon an application made within 30 days of the passing of the order and only after a notice to the opposite party an order passed under sub-rule (5) or sub-rule (6) may, on good and sufficient cause being shown be set aside by the prescribed authority and the complaint be reheard.
- (8) The prescribed authority shall record briefly the evidence adduced before him, hear the parties summarily and after making such further enquiry as he may consider necessary, pass orders, giving reasons therefor. The orders shall be communicated to parties forthwith]

25. Penalty : Any person contravening any of the provisions of these Rules shall on conviction, be punishable with fine which may extend to Rs. 50/-.

FORM 1

(See Rule 3)

Statement under Section 4**PART I**

1. Name of the establishment.
2. Postal address of the establishment.
3. Full name of the occupier or the employer.
4. Full name of the Manager, if any.
5. Category of the 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.

Part II

7. Names of members of employer's family, working in the establishment; state separately the names of young persons, if any.
8. Names of other persons occupying position of management or employees engaged in confidential capacity.
9. Total number of employees (state separately the number of men, women and/or young persons, if any) men, women, young persons.
10. Rates of wages including Dearness Allowance paid to different categories of employees. (Information in this respect may be submitted separately and marked confidential, if so desired).

S.No.	Name of Occupation	No. of employees in the occupation	Rates of Wages	
			Minimum	Maximum

Dated

Signature of the employer

Note- This statement shall be sent to the Inspector with such fees, as are prescribed.

Received from Form '1' with Challan No.

Signature

FORM 2
(See rule 4)
Register of Establishments

- PART I - Shops**
PART II - Commercial Establishments
PART III - Residential Hotels
PART IV - Restaurants and Eating Houses
PART V - Theatres and other places of public amusement or entertainment

S.No	Registration Certificate	Name of the Manager, if any	Name of Occupier/ Employer	Postal address of the Establishment	Name of the establishment, if any	Nature of business	Number of members of employer's family			No. of other persons occupying position of management or employees engaged in confidential capacity	Total No. of employees			Date of inspection
							Male	Female	Young Persons		Male	Adults	Young Persons	
1						7	8	9	10	11	12	13	14	15

FORM 3 (See Rule 4)

Rajasthan Shops and Commercial Establishment Act, 1958.

Registration Certificate of establishment.

Name of the establishment.

Name of the Occupier/employer.

Postal address of the establishment.

Registration No.

It is hereby certified that the establishment as mentioned herein has been registered as a "....." under the Rajasthan Shops and Commercial Establishments Act, 1958, this day of

Inspector.

Shops and Commercial Establishment.

Seal

*(Here insert the category of the establishment).

Renewals

Date of Renewal	From	To	Signature of the Inspector of Shops & Commercial Establishment with seal.
1	2	3	4
1.			
2.			
3.			
4.			

FORM 4 (See Rule 5) Notice of Change

1. Name of the establishment.
2. Name of Occupier/employer.
3. Full address.
4. Registration Certificate No.

To

The Inspector,

..... dated 19.....

Notice is hereby given that the following change has taken place in respect of information relating to Form '1' which please note.

Signature of the Employer

Notice-Notice of change in this form shall be sent together with such fees as are prescribed in Rule 5.

FORM 5
(See Rule 6)

Application for Renewal of Registration Certificate

Category of Establishment.
Total number of existing employees.

To

The Inspector of Shops and Commercial Establishment (name of place).

As the period of the Registration Certificate No. originally granted/subsequently renewed is due to expire on ... or has already expired on
I have to request for its renewal.

Dated

(Signature of the Employer).

Note : The application shall be sent along with such renewal fee as is prescribed in Rule 3.

FORM 6
(See Rule 11)

Notice is hereby given that the Government of Rajasthan proposes to pass an order under sub-section (1) of section 11 of the Rajasthan Shops and Commercial Establishments Act, 1958 that with effect from no Shops/Commercial Establishment situated in shall be opened on any day earlier than and/or shall be closed on any day later than

Any person wishing to make any objection or suggestion with respect to the above order shall send the same in writing to the Labour Commissioner before the day of 19,

Dated this day of 19,

Secretary to the Government

FORM 7
(See Rule 12)

Notice of close day or a change in close day

To

The Inspector,
Shops and Commercial Establishments,
(Name of place).

Name of the Establishment

Address

Registration Certificate No.

Notice is hereby given that with effect from the establishment shall observe as the close day.

Date :

This Form shall be used in the case of notice for change in close day.

Signature of Employer

Name of Establishment.
Postal Address.

FORM 8

(See Rules 13 & 14)

Register of Leave with Wages

Name of employee

Father's Name

Occupation

Date of Employment

Ordinary Leave

S.No. in the Register of Workers	Interruptions						Others	Leave Due with effect from	Date from which the workers are allowed leave	Discharged worker		
	Adult/ Child	Sickness & Accident	Authorised Leave	Lock-out or legal strike	Involuntary unemployment	Date of discharge				Date and amount of payment made in lieu of leave due	Balance Due	
1	2	3	4	5	6	7	8	9	10	11	12	

Signature of Employer

1 [Form 8-A Deleted]

FORM 9

[Rule 17 (1)]

**Notice under section 24 of The Rajasthan Shops and
Commercial Establishment Act, 1958**

Name of the employer
 I W/o D/o a woman

in the employment of

(here insert the name of the Establishment)

hereby give notice that (i) I expect to be confined within six weeks from today:

- (2) I will absent myself from the establishment with effect from
 (3) I shall not work in any employment during the period, for which I will receive maternity benefit.

Signature
 Job
 Date

FORM 10

[See Rule 21 (3)]

Form of Certificate

I hereby certify that I have personally examined (name) son/daughter of
 caste etc. residing at and that he/she has completed his/her twelfth/seventeenth year.
 His/her description marks are

Medical Practitioner,
 Dated

FORM 11

(Rule 22)

(Sub rule (1))

Register of Employment

Month	Name of persons employed	Whether young person or not	Days of Month		1	Rest Interval			Total hours worked during the month	Days on which over-time work is done and extent of such over-time on each day	Extent of overtime worked during the month	Extent of overtime worked during the quarter	Extent of overtime worked during the year
			Time at which employment commences	Time at which employment ceases		2	3						
								3					
1		2	3	4	5	6	7	8	9	10	11	12	

Note : The mark "H" shall be made in the column relating to any day on which a holiday is given in accordance with the notice referred to in Rule 13.

*This Column need not be filled by Commercial Establishments. In case of Shops, Residential Hotels, Restaurants and Eating Houses and Theatres and other places of public amusement or entertainment, the extent of such overtime on each day shall be recorded in the days column against the employed person distinctively in red ink, indicating the time up to which, such overtime work was taken from the employee.

FORM 12

(See Rule 22)

[Sub-rule (1)]

Where opening and closing hours are ordinarily uniform

Name of persons employed	Whether young person or not	Time at which employment commences	Time at which employment ceases	Rest interval	Hours worked on										Total hours worked during the month	Days on which overtime work is done and extent of overtime on each occasion	Extent of overtime worked during the month	Extent of overtime worked previously during the year
					1	2	3	4	5	6	7	8	9	10				
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19

Note : The mark "H" shall be made in the column relating to any day on which a holiday is given in accordance with the notice referred to in Rule 13.

*This Column need not be filled by Commercial Establishments. In case of Shops, Residential Hotels, Restaurants and Eating Houses and Theatres and other places of public amusement or entertainment, the extent of such overtime on each day shall be recorded in the days column against the employed person distinctively in red ink, indicating the time up to which, such overtime work was taken from the employees.

FORM 13
[See Rule 22 sub-rule (2)]

Notice

Daily periods of work of persons employed commencing 19

Name of Employer
or establishment

Description of Department
(if applicable)

Name of persons employed	Whether young person, or not	Day		
		Employment to Commence	Intervals for meals and rest	Employment to cease
1	2	3	4	5

(Signed)

(Employer)

- Notes :**
1. This notice must be exhibited not later than the closing hour on the Saturday preceding the first week in which it is to take effect, and must continue to be exhibited while it is in force, in such a manner that it may be readily seen and read by any person whom it affects.
 2. The hours to be specified in this notice shall be the hours to be worked exclusive of overtime.
 3. The entries under the heading "intervals for meals rest" shall be the actual times at which the intervals are to begin and end (e.g. 1 p.m. to 2 p.m.)

FORM 14

[See rule 22 sub-rule (3)]

Record of Hours of Work of Persons Employed

(To be used only when Notice in Form 13 is exhibited)

Description of Department
(if applicable)

Year

Month

Names of the persons employed	Whether young person or not	Total hours worked during the month	*Days on which overtime work is done and extent of such overtime on each occasion	Extent of overtime worked during the month	Extent of overtime worked previously during the month
-------------------------------	-----------------------------	-------------------------------------	---	--	---

*This column need not be filled by Commercial Establishments, in case of Shops, Residential Hotels, Restaurants and Eating Houses and Theatres and other places of public amusement or entertainment, the extent of such overtime on each day shall be recorded in the days column against the employed person distinctively in red ink, indicating the time up to which such overtime work was taken from the employee.

Note : Entries relating to any day must be made on that day.



राजस्थान राज-पत्र

विशेषांक

साधिकार प्रकाशित

Regd. No. RJ. 2539
RAJASTHAN GAZETTE
Extraordinary
Published by Authority

आषाढ़ 8, शुक्रवार, शके 1912—जून 29, 1990
Asadha 8, Friday, Saka 1912—June 29, 1990

भाग 4 (ग)

उप-खण्ड (I)

राज्य सरकार तथा अन्य राज्य-साधिकारियों द्वारा जारी किये गये
 (सामान्य आदेशों, उप-विधियों आदि को सम्मिलित करते हुए)
 सामान्य कानूनी नियम।

श्रम विभाग

अधिसूचना

मणपुर, जून 25, 1990

श्री.एस.आर. 9:—राजस्थान दुकान और वाणिज्यिक अधिष्ठान अधिनियम, 1958
 (1958 का अधिनियम सं. 3) की धारा 40 द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए राज्य
 सरकार राजस्थान दुकान और वाणिज्यिक अधिष्ठान नियम, 1959 को और संशोधित करने
 के लिए इसके द्वारा निम्नलिखित नियम बनाती है जिन्हें उक्त अधिनियम की धारा 40 की
 उप-धारा (4) की शक्तियों के अन्तर्गत राजस्थान राज-पत्र, विशेषांक, भाग 3 (ख), दिनांक
 31-5-1989 में प्रकाशित करा दिया गया है, अर्थात् :—

नियम

1. इन नियमों का नाम राजस्थान दुकान और वाणिज्यिक अधिष्ठान (संशोधन)
 नियम, 1990 है।

2. नियम 3 का संशोधन:—राजस्थान दुकान और वाणिज्यिक अधिष्ठान नियम,
 1959 के नियम 3 के खण्ड (क), (ख), (ग), (घ), (ङ), (च), (छ) और (ज) के
 स्थान पर निम्नलिखित खण्ड प्रतिस्थापित किये जायेंगे, अर्थात् :—

वर्ष के दौरान किसी भी दिन नियोजित कर्मचारियों की अधिकतम संख्या	फीस की रकम (रुपयों में)
1	2
(क) कोई कर्मचारी नहीं	5.00
(ख) 1 से 2 तक कर्मचारी	12.00
(ग) 3 से 5 तक कर्मचारी	20.00
(घ) 6 से 10 तक कर्मचारी	30.00
(ङ) 11 से 20 तक कर्मचारी	50.00
(च) 21 से 50 तक कर्मचारी	125.00

1	2
(घ) 51 से 100 तक कर्मचारी	225.00
(ग) 101 और इससे अधिक कर्मचारी	750.00

(संख्या एक. 3 (50) श्रम/63)

राज्यपाल के आदेश से,
आर. पी. तिवारी,
बिजिस्ट्रार सचिव ।

LABOUR DEPARTMENT NOTIFICATION

Jaipur, June 23, 1990.

G. S.R. 9.—In exercise of powers conferred by section 40 of the Rajasthan Shops & Commercial Establishment Act, 1958 (Act No. 3 of 1958) the State Government, hereby makes the following rules further to amend the Rajasthan Shops and Commercial Establishments Rules, 1959, the same having been previously published in the Rajasthan Gazette, Extraordinary Part 3 (kha), dated 31-5-1989, as required by sub-section 4 of Section 40 of the said Act, namely :—

RULES

1. These rules shall be called the Rajasthan Shops and Commercial Establishment (Amendment) Rules, 1990.

2. **Amendment of Rule 3.**—For Clauses (a), (b), (c), (d), (e), (f), (g) and (h) of Rule 3 of Rajasthan Shops and Commercial Establishment Rule, 1959, the following clause shall be substituted namely :—

Maximum number of employees employed on any day during the year	Amount of fees in (Rs.)
(a) No employees	5.00
(b) 1 to 2 employees	12.00
(c) 3 to 5 employees	20.00
(d) 6 to 10 employees	30.00
(e) 11 to 20 employees	50.00
(f) 21 to 50 employees	125.00
(g) 51 to 100 employees	225.00
(h) 101 and above employees	750.00

[No. F. 3 (50) Shram/63.]

By Order of the Governor,
आर. पी. तिवारी,

Special Secretary to Government.

Government Central Press, Jaipur.



सत्यमेव जयते

राजस्थान राज-पत्र

विशेषांक

साधिकार प्रकाशित

Regd. No. RJ. 2777/93
RAJASTHAN GAZETTE

Extraordinary

Published by Authority

पौष 7 बुधवार, शके 1916—दिसम्बर 28, 1994
Pousa 7, Wednesday, Sak 1916—December 28, 1994

भाग 4 (ग)

उप-खण्ड (I)

राज्य सरकार तथा अन्य राज्य प्राधिकारियों द्वारा जारी किये गये (सामान्य आदेशों, उप विधियों आदि को सम्मिलित करते हुए) सामान्य कानूनी नियम।

LABOUR DEPARTMENT

NOTIFICATION

Jaipur, December 23, 1994

G.S.R.-104:—In exercise of powers conferred by section 40 of the Rajasthan Shops and Commercial Establishment Act, 1958 (Act No. 3 of 1958) the State Government hereby makes the following rules further to amend the Rajasthan Shops and Commercial Establishments Rules, 1959, the same having been previously published in the Rajasthan Gazette Extraordinary, Part (Kha) dated 31-8-94 at page 41 & 42, as required by sub-section 4 of section 40 of the said Act, namely:—

RULES

1. *Short Title.*—These rules may be called the Rajasthan Shops and Commercial Establishment (Amendment) Rules, 1994.

2. *Amendment of rule 4.*—In sub-rule (2) of rule 4 of the Rajasthan Shops and Commercial Establishment Rules, 1959, the following proviso shall be added, namely:—

"Provided that at the option of the employer of shop or establishment, one time renewal of the shop or establishment shall also be allowed on payment of fees equivalent to 10 times of the prescribed annual fee".

[No. F. 3 (50) Shram/63]

By Order of Governor,

अशोक शेखर,

Special Secretary to Government.

**राजस्थान राज-पत्र**

विशेषांक

साधिकार प्रकाशित

आषाढ़ 5, सोमवार, शाके 1922—जून 26, 2000
Asadha 5, Monday, Saka 1922—June 26, 2000Regd. No. RJ. 33/97
RAJASTHAN GAZETTE
*Extraordinary**Published by Authority*

भाग 4 (ग)

उप-खण्ड (I)

राज्य सरकार तथा अन्य राज्य-प्राधिकारियों द्वारा जारी किये गये (सामान्य
आदेशों, उप-विधियों आदि को सम्मिलित करते हुए)
सामान्य कानूनी नियम।**LABOUR DEPARTMENT****NOTIFICATIONS**

Jaipur, June 19, 2000

G.S.R. 26.—In exercise of the powers conferred by section 40 of the Rajasthan Shops & Commercial Establishment Act, 1958 (Act No. 3 of 1958), the State Government hereby makes following rules further to amend the Rajasthan Shops and Commercial Establishments Rules, 1959, the same having been previously published in Rajasthan Gazette, Extra Ordinary part 3 (Kha) dated 27-4-2000 as required by sub-section (4) of section 40 of the said Act, namely:—

RULES

1. **Short title and commencement.**—(1) These rules may be called the Rajasthan Shops and Commercial Establishments (Amendment) Rules, 2000.

(ii) They shall come into force on the date of their final publication in the official gazette.

2. For the existing clauses (a), (b), (c), (d), (e), (f), (g) and (h) of rule 3 of the Rajasthan Shops and Commercial Establishments Rules, 1959, hereinafter referred to as the said

rules, the following clauses shall be substituted; namely:—

Maximum number of employees employed on any day during the year	Amount of fees in (Rs.)
(a) No Employees	25/-
(b) 1 to 2 employees	60/-
(c) 3 to 5 employees	100/-
(d) 6 to 10 employees	150/-
(e) 11 to 20 employees	250/-
(f) 21 to 50 employees	625/-
(g) 51 to 100 employees	1125/-
(h) 101 and above employees	3750/-

3. In sub-rule (3) of rule 7 of the said rules, the existing expression 'one rupee' shall be substituted by the expression 'Rs. 50/-'

4. In rule 9 of the said rules, the existing expression 'rupee one' shall be substituted by the expression 'Rs. 20/-'.

[No. F.13(10)Shram/Vidhi/99]

Jaipur, June 19, 2000

G.S.R. 27.—In exercise of the powers conferred by section 40 of the Motor Transport Workers Act, 1961 (Central Act No. 27 of 1961) the State Government hereby makes following rules further to amend the Rajasthan Motor Transport Workers Rules, 1962 the same having been previously published in Rajasthan Gazette, Extra Ordinary part 3 (Kha) dated 27-4-2000 as required by sub-section (4) of section 40 of the said Act, namely:—

RULES

1. Short title and commencement:—(1) These rules may be called the Rajasthan Motor Transport Workers (Amendment) Rules, 2000.

(ii) They shall come into force on the date of their final publication in the official gazette.

2. The existing rule 5 of the Rajasthan Motor Transport Workers Rules, 1962, hereinafter referred to as the said rules, shall be substituted by the following:—

"5. Grant of certificate of registration—A certificate of registration for an undertaking shall be granted by the Chief Inspector or an Inspector duly authorised by him in this behalf in form No.II on payment of fees as specified below:—

Maximum Number of Motor Transport Workers to be the year	fees in (Rs.)
2 to 5	100/-
6 to 25	500/-
26 to 50	1000/-
51 to 100	2000/-
101 to 250	5000/-
251 to 500	10,000/-
501 to 750	15,000/-
751 to 1000	20,000/-
1001 to 1500	30,000/-
above 1500 for every 100 or part thereof	2000/-"

(ii) They shall come into force on the date of their final publication in the official gazette.

2. The existing rule 5 of the Rajasthan Motor Transport Workers Rules, 1962, hereinafter referred to as the said rules, shall be substituted by the following:—

"5. Grant of certificate of registration—A certificate of registration for an undertaking shall be granted by the Chief Inspector or an Inspector duly authorised by him in this behalf in form No.II on payment of fees as specified below:—

Maximum Number of Motor Transport Workers to be the year	fees in (Rs.)
2 to 5	100/-
6 to 25	500/-
26 to 50	1000/-
51 to 100	2000/-
101 to 250	5000/-
251 to 500	10,000/-
501 to 750	15,000/-
751 to 1000	20,000/-
1001 to 1500	30,000/-
above 1500 for every 100 or part thereof	2000/-"

II

570
22/12/01

 १८७७-१९५०	राजस्थान राज-पत्र विशेषांक	RAJBIL/2000/1717 RAJASTHAN GAZETTE <i>Extraordinary</i>
	साधिकार प्रकाशित	<i>Published by Authority</i>
कार्तिक 21 सोमवार, साके 1923—नवम्बर 12, 2001 <i>Kartika 21, Monday, Saka 1923—November 12, 2001</i>		

भाग 4 (घ)

उप-खण्ड (1)

राज्य सरकार तथा राज्य-प्राधिकारियों द्वारा जारी किये गये (सामान्य
 धाबेदारों, उद्योगिकियों आदि को सम्बन्धित करने हुए) सामान्य कानूनों निम्न।

LABOUR DEPARTMENT

NOTIFICATION

Jaipur, October 25, 2001.

G.S.R.84.—In exercise of the powers conferred by section 40 of the Rajasthan Shops and Commercial Establishment Act, 1958 (Act No. 31 of 1958), the State Government hereby makes the following rules further to amend the Rajasthan Shops and Commercial Establishments Rules, 1959, the same having been previously published in Rajasthan Gazette, Extraordinary Part 3 (Kha) dated 19-9-2001 as required by sub-section (4) of section 40 of the said Act, namely:—

RULES

1. *Short title and Commencement.*—(1) These rules may be called the Rajasthan Shops and Commercial Establishments (Amendment) Rules, 2001.

(2) They shall come into force from the date of their final publication in the Official Gazette.

2. *Amendment of rule 6.*—Existing sub-rule (4) of rule 6 of the Rajasthan Shops and Commercial Establishments Rules, 1959, shall be substituted by the following, namely:—

“(4). If an application for renewal of registration certificate is not received by the Inspector within time specified in the foregoing rules, the

registration certificate of the establishment shall be renewed on payment of fee @ 50% for each subsequent three months or part thereof in excess of the fee prescribed for the purpose;

Provided that the total amount of such fee shall not exceed the amount chargeable for one time renewal of certificate of registration of shop or commercial establishment as provided under sub rule (2) of rule 4 of these rules."

[No. F.11 (1) Labour/2001.]

By Order of the Governor,

सं. एच. के. व.

Add. Labour Commissioner and
Dy. Secretary to Government.

Government Central Press, Jaipur.



814 2010/11 18-1-11

राजस्थान राज-पत्र	RAJASTHAN GAZETTE
विशेषांक	Extraordinary
साधिकार प्रकाशित	Published by Authority
श्रावण 25, संमवार शाके 1932-अगस्त 16, 2010	
Sravana 25, Monday Saka 1932- August 16, 2010	

भाग 4(ग)

उपखण्ड (1)

राज्य सरकार तथा अन्य राज्य प्राधिकारियों द्वारा जारी किये गये (सामान्य आदेशों, उप-विधियों आदि को सम्मिलित करते हुए) सामान्य कानूनी नियम।

LABOUR DEPARTMENT NOTIFICATION

Jaipur, August 4, 2010

G.S.R. 55:- Whereas certain draft rules further to amend the Rajasthan Shops & Commercial Establishment Rules, 1959 was published as required by sub-section (4) of section 40 of the Rajasthan Shops & Commercial Establishment Act, 1958 (Act No.3 of 1958), in the Rajasthan Extraordinary Gazette part-3 (kh) dated 4-6-2010 at page 7-8 for inviting objection and suggestions from all persons likely to be effected thereby on or before the expiry of a period of six weeks from the date of publication of the said notification in the Official Gazette.

Whereas copies of the said notification was made available to the public and whereas the objection and suggestions received from the public on the said draft have been duly considered.

Now, therefore in exercise of the powers conferred by section 40 of the Rajasthan Shops & Commercial Establishment Act, 1958 (Act No.3 of 1958) the State Government hereby makes the following rules further to amend the Rajasthan Shops & Commercial Establishments Rules, 1959 namely:—

RULES

1. Short title and Commencement.— (1) These rules may be called the Rajasthan Shops and Commercial Establishments (Amendment) Rules, 2010.

राजस्थान राज-पत्र, अगस्त 16, 2010 भाग 4 (ग) 1

(2) They shall come into force on the date of their final publication in the Official Gazette.

2. Amendment of rule 3.— The existing table of rule 3 of the Rajasthan Shops and Commercial Establishment Rules, 1959, herein after referred to as the said rules, shall be substituted by the following table, namely:—

S. No.	Maximum number of employees employed on any day during the year	Amount of Fees in (Rs.)		
		One Year	Three Years	Five Years
1.	No employees	125/-	250/-	375/-
2.	1 to 2 employees	300/-	600/-	900/-
3.	3 to 5 employees	500/-	1000/-	1500/-
4.	6 to 10 employees	750/-	1500/-	2250/-
5.	11 to 20 employees	1250/-	2500/-	3750/-
6.	21 to 50 employees	3125/-	6250/-	9375/-
7.	51 to 100 employees	5625/-	11250/-	16875/-
8.	101 and above employees	18750/-	37500/-	56250/-

3. Amendment of rule 4.— In sub-rule (2) of rule 4 of the said rules,—

(i) for the existing expression "and shall be renewable for a period extending up to five years", the expression "and shall be renewable for a period of one year or three years or five years, as the case may be" shall be substituted.

(ii) after the existing proviso, the following proviso shall be added, namely:—

"Provided further that after commencement of the Rajasthan Shops and Commercial Establishments (Amendment) Rules, 2010, no one time renewal of the shop or establishment shall be allowed but one time renewal, made under above proviso, shall remain in force."

[No.F11(7)Shram/2001/Pt.II/]
BY ORDER AND IN THE NAME OF GOVERNOR
 सुदीर कुमार,
LABOUR COMMISSIONER & DEPUTY SECRETARY.

Government Central Press, Jaipur