

THE PUNJAB SHOPS AND COMMERCIAL ESTABLISHMENTS RULES, 1958

Contents

1. Short title	3
2. Definitions.....	3
2.A [Further conditions in respect of young persons	3
3. Form of an intimation under section 10 of the act	3 4.
Form of notice under section 20(1) of the act.....	3 5.
Maintenance of registers.....	3 6.
Language etc. In which records and registers are to be kept.....	4 7.
Preservation of records, etc.....	4 8.
Payment of overtime	4 9.
Utilization of fines imposed on employees.....	4 10.
Powers of inspector.....	4 11.
Condition under section 24 of the act – [Omitted.]	4 12.
Maternity benefit.....	4 13.
Registration.....	5 14.
Authority competent to prosecute – [Omitted].....	5 15.
Condition for grant of exemption.....	5 16.
Health.....	5 17.
Safety	6 18.
Precautions in case of fire.....	6 19.
Welfare	7 20.
Application of rules 16, 17, 18 and 19	7 21.
Power of chief inspector to decide the adequacy of measures.....	7 22.
Period for supplying information required by inspector – [Omitted].....	8 THE

PUNJAB SHOPS AND COMMERCIAL ESTABLISHMENTS RULES, 1958

Labour Department Notification 13th May 1958

No. 6089/5544-C-Lab-58, dated 13th May, 1958: In exercise of the powers conferred by Section 34 of Punjab Shops and Commercial Establishments Act, 1958, and all other powers enabling him in this behalf, the Governor of Punjab is pleased to make the following rules:

1. Short title

These rules may be called the Punjab Shops and Commercial Establishments Rules, 1958. **2. Definitions**

In these rules, unless there is anything repugnant in the subject or context: (a) "Act" means the Punjab Shops and Commercial Establishments Act, 1958;

(b) "Chief Inspector" means the Chief Inspector of Shops and Commercial Establishments, Punjab;

(c) "Form" means a form appended to these rules;

(d) "Inspector" means an inspecting officer appointed under Section 19 of the

Act. 2.A¹[Further conditions in respect of young persons

Subject to provisions of section 6 of the Act, the period of work of a young person in an establishment shall be so fixed, that inclusive of his interval for rest, the spreadover shall not be more than seven hours in a day.]

3. Form of an intimation under section 10 of the act

(1) An intimation under clause (i) of sub-section (2) of Section 10 of the Act shall be sent by the employer in Form A to the Inspector within whose local limits the establishment is situated:

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

(2) If any employer referred to under the proviso to sub-rule (1) employs in his establishment any person at any subsequent time, he shall send the intimation in Form A to the Inspector within one week of the employment of such person.

4. Form of notice under section 20(1) of the act

The notice under sub-section (1) of Section 20 of the Act to be exhibited by the employer in his establishment shall be in Form B.

5. Maintenance of registers

The employer of every establishment about the business of which persons are employed shall maintain the following registers, namely:

- (1) a register of employees in Form C;
- (2) a register of wages of employees in Form D; and
- (3) a register of deductions in Form E.

6. Language etc. In which records and registers are to be kept

- (1) Every register, form or record required to be maintained or furnished under the Act and these rules shall be in English and Punjabi and all entries therein shall be legibly made in ink.
- (2) Every such register shall be duly bound and page-marked in serial number.

7. Preservation of records, etc.

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

8. Payment of overtime

The payment in respect of overtime shall be made by the employer to an employee on the next pay day under Section 16 of the Act.

9. Utilization of fines imposed on employees

Acts and omissions on the part of employees for purposes of imposition of fine and the manner in which the amount of fine so imposed is to be utilised as laid down in Section 8 of the Payment of Wages Act, 1936, shall be approved by the Chief Inspector on an application duly made by the employer in that behalf.

10. Powers of inspector

For carrying out the purposes of the Act an Inspector may

- (i) cause to be taken a photograph of any employee or the premises of any establishment; and
- (ii) call for any information, document or record, and obtain a copy thereof or take into possession any register, form, document or record maintained under the Act and these rules.

11. Condition under section 24 of the act ²[Omitted]

12. Maternity benefit

- (1) The maternity benefit payable to a woman under Section 31 of the Act shall be at the rate of her average daily wages earned during the three months immediately before the period of six weeks proceeding the day of her delivery.
- (2) The payment of maternity benefit accruing to a woman employee shall be made to her at any time not later than one week after the date of her delivery.
- (3) The amount payable to a woman employee as maternity benefit in accordance with the foregoing rules shall for the purposes of its recovery be deemed to be a part of her wages illegally withheld.

13. Registration

- (1) A statement required under Section 13 of the Act for registration of an establishment or its renewal shall be submitted by the employer to the Inspector of the area within whose jurisdiction the establishment is situated in triplicate in Form F, and the Inspector shall issue the registration certificate as ³[required under clause (i) of sub-section (2) of section 13 of the Act in the same Form within 15 days of the receipt of the statement by him.]
- (2) The notice about any change as required under sub-section (4) of Section 13 shall be given to the Inspector referred to in sub-rule (1) in Form G and the registration certificate shall be sent along with such notice.
- (3) The registration certificate shall be returned by the Inspector to the employer ⁴[after making the necessary amendment therein, within 15 days of the receipt of the notice referred to in sub-rule (2).]
- (4) A register of establishments in ⁵[Form H] shall be maintained in the office of the Inspector.
- (5) The notice of closing the establishment as required under sub-section (5) of Section 13 shall be given by the employer to the Inspector within whose area the establishment is situated.

14. Authority competent to prosecute –⁶[Omitted]

15. Condition for grant of exemption

No application for the grant of an exemption under Section 28 of the Act shall be entertained unless received by Chief Inspector within one month before the date of commencement of the period in respect of which the exemption is required.

16. Health

- (1) The premises of every establishment shall be
 - (i) kept clean and free from accumulation of dirt and refuse;

- (ii) kept sufficiently lighted during all working hours;
 - (iii) properly ventilated so as to permit sufficient air and light into the premises;
 - (iv) white washed and varnished at least once in a year and notice indicating the
date of last white-washing and varnishing shall be exhibited in the premises.
- (2) Where the floor of the premises of an establishment is liable to become wet in the course of any manufacturing process effective means of drainage shall be provided and maintained.
- (3) In every establishment proper arrangements shall be made for providing sufficient supply of drinking water to the persons employed in the establishment. The water so supplied shall be fit for human consumption and shall be stored in a sheltered place and kept properly covered.
- (4) The employer of every establishment will provide and maintain at a convenient place at least one spittoon in a clean and hygienic condition with a disinfectant in it which may be liquid or sand covered with lime. The disinfectant shall be replaced daily.
- (5) In every establishment which is a workshop or in which articles are produced, adapted or manufactured with a view to their use, transport or sale, adequate washing facilities shall be provided and maintained for the use of employees such as soap, towel, nail brush, etc.
- (6) In every establishment in which, by reason of the manufacturing process carried on, there is given off any dust or fume or other impurity of such nature and to such an extent as is likely to be injurious or offensive to the persons working therein or any dust in substantial quantities, effective measures shall be taken to prevent its inhalation and accumulation in the premises and if any exhaust appliance is necessary for this purpose, it shall be applied as near as possible to the point of origin of the dust, fume or other impurity, and such point shall be enclosed so far as possible.
- (7) No stationary internal combustion engine shall be operated in any establishment unless exhaust is conducted into the open air, and no other internal combustion engine shall be operated in any room unless effective measures have been taken to prevent such accumulation of fumes therefrom as are likely to be injurious to the employees working in the establishment.

17. Safety

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

- (2) In every establishment, where manufacturing process is carried on with the aid of electric power, suitable devices for cutting off power in emergencies from running machinery shall be provided and maintained.
- (3) No employee with loose fitting clothes on shall be allowed or made to work near the moving machinery or belt and the tight clothes for the purpose will be provided by the employer.

18. Precautions in case of fire

- (1) Every establishment shall be provided with adequate means of escape in case of fire. (2) In every establishment the doors affording exit from any room shall not be locked or fastened so that they cannot be easily and immediately opened from inside while any person is within the room.
- (3) In every establishment buckets and/or chemical fire extinguishers shall be provided in suitable number and at suitable sites according to the nature of work carried on and the size of the premises.

19. Welfare

- (1) In every establishment a first-aid box with the following contents shall be maintained (i) six medium sterilized dressings;

(ii) six 2.5" bandages;

(iii) one ounce bottle containing 2 per cent alcoholic iodine;

(iv) one ounce bottle containing selvolatile having the dose and mode of administration indicated on the label;

(v) one pair of scissors;

(vi) one tube of burnol;

(vii) one ounce olive oil to be used as eye drops;

(viii) one role of sticking plaster;

(ix) one copy of the first-aid leaflet issued by the Chief Inspector.
- (2) The employer of every establishment, where smoke is produced in the course of carrying out its business, will take effective measures to exhaust out the smoke in order to safeguard the health of the persons employed in the premises.
- (3) The employer of every establishment where food, drink and beverage is served to the customers will have all the persons employed in connection with the business of the establishment including the employer, medically examined at least once in a year by certifying surgeon or by doctor in-charge of civil dispensary, where certifying surgeon is

not available. A certificate in Form I to the effect that the person so examined is free from communicable diseases shall be obtained and produced before the Inspector on demand:

Provided that if an employee shifts to another concern before the expiry of one year from the date of medical examination, it will not be necessary for him to get a fresh medical certificate and a copy of the certificate already issued will be considered sufficient for the purposes of these rules.

20. Application of rules 16 17 18 and 19

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

21. Power of chief inspector to decide the adequacy of measures

- (1) If any dispute arises with regard to the adequacy of the measures adopted in accordance with rules 16, 17, 18 and 19 it shall be referred to the Chief Inspector whose decision shall, subject to the provision of sub-rule (2), be final.
- (2) An appeal shall lie against the decision of the Chief Inspector in respect of matters specified in sub-rules (6) and (7) of rule 16 and sub-rule (1) of rule 17 to the Labour Commissioner, Punjab within a period of one month from the date on which decision of the Chief Inspector is received by the employer.

⁷[**Explanation:** - 'Dispute' means any difference of opinion between an employer or an employee and the Inspector under the Act.]

22. Period for supplying information required by inspector

⁸[Omitted]

23. ⁹[Exhibition of Name Board.-

The Name Board of every establishment shall be in Gurmukhi script in Punjabi and wherever other languages are also used, the version in such other languages shall be below the Punjabi version. The name Board in Punjabi version shall be written more predominantly by providing more space than for other languages, if any. Those establishments who have not done so, shall have to do so within six months from the date of commencement of the Punjab Shops and Commercial Establishments (First Amendment) Rules, 2023.]

24. ¹⁰[Penalty for contravention.-

Whoever contravenes the provisions of rule 23 shall be punishable with fine not exceeding rupees one thousand for first offence and rupees two thousand for every subsequent offence.]

¹ New 2A inserted vide Punjab, Government notification No. G.S.R. 120/P.A. 15/58/S. 34/Amd (4)/68, 120, dated the 4th December, 1968

² Omitted by Punjab Government Notification No. 257/PA.15/58/S.34/Amd (2)/ 64, dated 16-11-1964.

³ Substituted by Punjab Government Notification No. 257/PA.15/58/S.34/Amd. (2)/ 64, dated 16-11-1964.

⁴ Substituted by Punjab Government Notification No. 257/PA.15/58/ S.34/Amd(2)/64, dated 16.11.1964.

⁵ Substituted by Punjab Government Notification No. 257/PA.15/58/ S.34/Amd(2)/64, dated 16.11.1964.

⁶ The Government of Punjab has omitted rule 14 by Punjab Govt. Notification No. 99/PA. 15/58/S. 34, Amd. (3) 67, dated the 28th November, 1967

⁷ Added by Punjab Government Notification No. G.S.R-257/PA-15/58/S.34/Amd (2)/64, dated 16/11/1964

⁸ Omitted by Punjab Government Notification No. G.S.R. 39/P.A. 15/18/S.34 amd (5)/69 dated 28/4/1984.

⁹ Inserted vide notification no. G.S.R. 31/P.A.15/1958/S.34/Amd.(6)/2023 dated - 24.03.2023.

¹⁰ Inserted vide notification no. G.S.R. 31/P.A.15/1958/S.34/Amd.(6)/2023 dated - 24.03.2023.