

THE DELHI SHOPS AND ESTABLISHMENTS RULES, 1954

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1. Short Title

These rules may be called the Delhi Shops and Establishments Rules, 1954.

2. Definitions

In these rules unless the context otherwise requires

(a) "Act" means the Delhi Shops & Establishments Act, 1954;

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

(c) "Section" means a section of the Act:

(d) "Schedule" means a schedule appended to these rules;

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

3. Form of submitting a statement, the fees and other particulars under sub-section (1) of Section 5.

Within 90 days from the date mentioned in column 2 in respect of Establishments mentioned in column 1, the occupier of the establishment shall send to the Chief Inspector a statement in Form "A" together with ¹[prescribed fee paid in cash not exceeding one hundred rupees]² [a crossed postal order] in token of payment of such fees as are prescribed in Schedule I.

Establishments	Date from which the period of 90 days to commence
(i) Establishments existing in areas to which the Act is applicable on the date on which the Act comes into force.	The date on which the Act comes into force.
(ii) Establishments existing in local areas on the date on which the Act has been made applicable by notification.	The date on which the Act is brought into force by notification in local area or areas.
(iii) New establishments in any area to which this Act is applicable	The date on which the establishment commences its work.

4. Manner of registering establishments and form of registration certificate

On receipt of the statement and the fees prescribed in Rule 3, the Chief Inspector shall, on being satisfied about the correctness of the statement, register the establishment in appropriate part of the Register of Establishments in Form "B" and shall issue a registration certificate in Form 'C' to the occupier of the establishment.

5. Renewal of Registration Certificate

(1) A Registration Certificate shall be renewed at an interval of every ³[twenty one years] ⁴[on payment of fee prescribed in column 4 of Schedule I.

(2) Every application for renewal shall be made in Form 'L' within 30 days of the expiry Registration Certificate originally granted or subsequently renewed.

5A. ⁵[Issue of Duplicate Registration Certificate

In the event of loss or mutilation of a registration certificate issued under Rule 4 or renewed under Rule 5 above, a duplicate Registration Certificate shall be issued in Form 'C' marked 'Duplicate' on an application made by the occupier of the establishment and on payment of a fee of ⁶[Rs. 3]].

6. Forms of notifying a change and fees

The occupier shall notify to the Chief Inspector in Form 'D' any change in respect of any information contained in part I of his statement prescribed under Rule 3 within fifteen days after the change has taken place. The notice in Form 'D' shall be sent to the Chief Inspector with such fee as are prescribed in Schedule II.

7. Overtime working

(i) Other purposes for which overtime may be worked--An employer may require an adult employee to work overtime subject to the conditions laid down in section 8, for any of the following additional purposes

- (a) Seasonal pressure of work;
 - (b) Work in pursuance of any custom or usage observed in the establishment;
 - (c) Temporary increase in work due to absence of any other employee or any other emergency;
 - (d) Treating of material liable to deterioration, if not treated immediately;
 - (e) Work necessitated as a result of any order from Court or any Government authority;
- (ii) Advance intimation in respect of requiring adult employees to work overtime in an establishment under the 1st proviso to section 8 shall contain the following information:

- (a) The purpose of overtime;
- (b) Date or dates and the probable time or period for which overtime is proposed to be worked;
- (c) Number of the employees required to work overtime.

Explanation - For the purpose of this sub-rule, three days' advance period may be calculated from the day the notice is given to the Chief Inspector.

7A. ⁷[Manner of enquiry under Section 15 (1)]

(1) Not less than thirty days before making an order under sub section

(1) of section 15, the Government shall cause to be published in the Official Gazette a notification that it proposes to make such an order.

(2) A copy of the notification issued under sub-rule (1) shall be sent to every registered Association and Union representing employees and employers of shops and establishments for their comments. The Labour Advisory Board, if any, for the Union territory of Delhi, shall also be consulted before making the order.

(3) After considering the objections or suggestions, if any, of the associations/unions and the advice tendered by the Labour Advisory Board, the Government may make the order proposed or in such modified form as it may deem fit

Provided that it shall not be necessary to republish proposals before making the order in the modified form:

Provided further that if in the opinion of the Administrator, it is necessary in public interest he may reduce the period specified in subrule (1) to such an extent as he may deem proper and he may also dispense with procedure laid down in sub-rule (2) and (3).

8. Intimation regarding the choice of the close day

(a) Every occupier of a shop or commercial establishment shall, along with Form A' furnish intimation regarding the choice of close day in Form 'E' to the Chief Inspector.

⁸[Provided that in respect of any shop or commercial establishment which comes into existence on or after the first day of December, 1959, its occupier shall furnish such information in Form "E" to the Chief Inspector within thirty days of the date on which shop or commercial establishment comes into existence.]

9. Deductions from wages and register of fines and deductions

(a) The amount of fine shall not exceed ⁹[3 paise] per rupee of the wages earned by the employee for any wage period.

(b)

(1) Deduction under clause (ii) of sub-section (2) of section 20 may be made only on account of the absence of any employee from the place or places where, by the term of his employment, he is required to work, such absence being for the whole or any part of the period, during which he is so required to work.

(2) The amount of such deductions shall in no case bear to the wages payable to the employee in respect of the wage period for which the deduction is made, a larger proportion than the period for which he was absent bears to the total period, within such wage period, during which by the terms of his employment, he was required to work.

Provided that, subject to any orders made in this behalf by the Government, if ten or more employees or where the total number of employees is 20 or less, one half of the total number acting in concert absent themselves, without due notice (that is to say without giving notice which is required under the terms of their contract of employment) and without reasonable cause, such deduction from any employee may include such amount not exceeding his wages for eight days as may by any such terms be due to the employer in lieu of due notice.

Explanation - For the purpose of this sub-rule, any employee shall be deemed to be absent from the place where he is required to work if although present in such place, he refuses in pursuance of a stay-in-strike or for any other cause, which is not reasonable in the circumstances, to carry out his work.

(c) A deduction under clause (iii) of sub-section (2) of section 20 shall not exceed the amount of the damage or loss caused to the employer by neglect or default of the employee.

(d) A deduction under clause (iv) or clause (v) of sub-section (2) of section 20 shall not be made from the wages of an employee unless the house accommodation, amenity or service has been accepted by him, as a term of employment or otherwise, such deduction shall not exceed an amount equivalent to the value of the house accommodation, amenity or service supplies and in the case of deduction under clause (v) of sub-section (2) of section 20, it shall be subject to such conditions as Government may by notification in the Official Gazette impose.

10. Leave

(1) Privilege, Sickness or Casual

Every employee who has become entitled to privilege leave under sub-section 1 (a) of

section 22 may apply in writing to the employer indicating in advance the date from and the period for which he would like to avail of this leave during the ensuing twelve months, and no such leave would ordinarily be refused by the employer except for valid cause. In all other cases, the employee shall apply in writing ordinarily 15 days in advance and the employer shall pass his orders thereon not later than 7 days from the receipt of the application.

Provided further that no such application would be refused by the employer as would deprive the employee of his right to carry over the accumulated privilege leave.

(2) Casual & Sick leave (a)

- (i) Ordinarily, the previous permission of the employer for casual leave shall be obtained by the employee, but when this is not possible, the employer shall be informed in writing as soon as practicable for the grant of such leave. The employer shall record his order on all such applications and shall retain them till the 31st March of the following year.
- (ii) An employer, however, may refuse an application for casual leave from an employee on grounds of exceptional pressure of work requiring his attendance on the days or days in respect of which casual leave has been asked for:

Provided that leave shall not be refused where it has been asked for on account of an accident, causing physical injury to the employee, death in the family or sickness of the employee, his wife or child.

(b)

- (iii) Where an application for casual leave is refused by the employer under clause (ii) above, the employer shall record his reasons for refusal on the application, and shall grant equivalent leave on demand by the employee in the same calendar year.
- (i) No application from an employee for sickness leave shall be refused, but if in any case, the employer is not satisfied about the correctness of the assertion set out therein, the employer may either (i) require the employee to submit medical certificate in respect thereof from a registered medical practitioner, or (ii) get the employee or the wife or the child of the employee, as the case may be, examined at his (employer's) own expense by a registered medical practitioner (lady doctor in case of females) for the purpose of verifying the facts mentioned in the leave application and may grant or reject the application on the basis of the certificate of such medical practitioner.
- (ii) Every such medical certificate shall retained by the employer till 31st March of the following year.

11. Cleanliness

(1)

(a) In every establishment, all the inside walls of the rooms and all the ceiling tops of such rooms (whether such walls, ceilings and tops 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, lime-washed or colour-washed, and shall be maintained in a clean state.

(b) All beams, rafters, doors, floors, window-frames and other wood-work with the exception of the floors, shall be painted at least once in four years dating from the period when last painted and shall be kept in a clean state:

Provided that provisions of this rule shall not apply to,

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

(ii) walls or tops of rooms which are made of galvanised ironsheets, 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 limewashing, colour- washing or painting is, in the opinion of the Chief Inspector, unnecessary to satisfy the requirements of Section 25 in regard to cleanliness.

(2) No rubbish, filth, debris shall be allowed to accumulate or to remain in any premises in an 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 employee shall be kept clean and properly drained.

12. Precautions against fire

No persons 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.

13. Acts and omission constituting misconduct

For the purpose of Section 30, misconduct shall include the following acts and omission on the part of an employee:

(a) willful insubordination or disobedience whether or not in combination with another, of any lawful and reasonable order of a superior;

(b) going on an illegal strike or inciting, abetting or instigating or acting in furtherance thereof;

(c) willful slowing down in performance of work, or abetment, or instigation thereof;

(d) theft, fraud, misappropriation or dishonesty in connection with the employer's business or property;

(e) habitual absence without leave, overstaying the sanctioned leave without sufficient grounds, or proper and satisfactory explanation, or habitual late attendance;

(f) commission of any act subversive of discipline or good behaviour on the premises of establishment, such as, drunkenness, riotous, disorderly or indecent behaviour, gambling or holding meetings without previous permission of the employer or taking or giving bribes or any illegal gratification whatsoever;

(g) habitual neglect of work or gross or habitual negligence;

(h) willful damage to work in process or to any property of the establishment;

(i) disclosing to any unauthorised person any information in regard to the processes of the establishment which may come into the possession of the employee in the course of his work.

14. Maintenance of Registers and records and display of Notices

(1) Over and above the registers and forms prescribed elsewhere in these rules, every employer shall maintain a register of employment and wages in Form 'G'.

¹⁰[(1A) Every register mentioned in sub-rule (1) shall be duly bound and its pages serially numbered.]

Provided that where the opening and closing hours are ordinarily uniform, the employer may maintain such register in Form 'H' alongwith a separate register of wages and record of leave in Form 'I'.

¹¹[Provided further that entries relating to a particular date, on which an employee is called upon earlier or detained later than the usual working hours, shall be made immediately in the remarks column of Form "H" before such early or late working commences].

(2) In the case of an establishment which is not required to observe a close day under section 16 of the Act, the occupier shall exhibit in a conspicuous place in his establishment a notice in Form 'J' specifying the day or days of the week on which his employees shall be given weekly holidays. The notice shall be exhibited before the employees, to whom it relates, cease work on the Saturday immediately preceding the first week during which it is to have effect.

(3) 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 12[mid-day of the following day:]

¹³[Provided that in the attendance register the entries relating to any day shall be made on the same day.]

Provided ¹⁴[further] that entries in respect of actual commencement of work shall, be made immediately where the employee has been called earlier than the hour at which he ordinarily required to report. All such registers and records shall be maintained at the place of work.

(4) 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 whom it affects and shall be renewed, whenever it becomes defaced or otherwise ceases to be clearly legible.

(5) The registers, records and notices relating to any calendar year shall be preserved till the end of the following year.

(6) Every occupier shall exhibit in his establishment a notice showing the close day, the daily working hours and the usual period of rest interval fixed for employees in Form 'K'.

14A.

¹⁵[If on an application made by an employer in writing the Government is satisfied that any register or record maintained by such employer gives in respect of the person employed by him the necessary particulars required to be shown in form G/H/I to be maintained under these rules, the Government may by order in writing, direct that the register or record so maintained by such employer shall, to the corresponding extent, be deemed to be a register or record maintained under these Rules].

15. Letters of Appointment to employees

The letters of appointment to employees as required under section 34 of the Acts shall contain the following further particulars:

(i) the rate of wages or salary,

(ii) designation or nature of work for which employed (whether employed for clerical, supervisory, managerial, manual work, etc.), and

(iii) other concessions or benefits, if any, that may be special to his appointment.

16. ¹⁶[Declaration by Inspectors

(1) Every Inspector shall by the end of January each year furnish a declaration that he has no interest directly or indirectly, himself or by any partnership in any establishment to which the Act applies.

(2) No Inspector shall be posted in any area in which any establishment in which he has any interest is situated].

17. Duties of Inspector

(1) The Chief Inspector/Inspector shall make such examination of the premises and of the register, record and the notices as may appear to him to be necessary for satisfying himself that the provisions of Actor Act and of the Rules and of any order or notification issued by the Government under the Act or the Rules made thereunder are being properly observed, and in particular he shall satisfy himself :

(i) that the establishment is duly registered under the Act;

(ii) that the registers, records and notices required to be maintained or displayed under the Act or these Rules are properly maintained or displayed;

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

(iv) that the provisions of the Act relating to the opening and closing hours are duly observed;

(v) that the provisions of the Act and these Rules regarding leave are properly observed;

(vi) that the provisions of the Act and these Rules relating to cleanliness and precautions against fire are properly observed;

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

(viii) that the wages and other dues are being paid to the employees in time as required under the Act;

(ix) that in dispensing with the services of an employee the provisions of the Act and Rules have been complied with and no dues payable under the Act or Rules have been withheld; and

(x) that no child is allowed to work in any establishment.

(2) In carrying out such examinations, the Chief Inspector or any Inspector concerned may interrogate such persons on the premises of the establishment as he may consider necessary :

Provided that no such person shall be required under this rule to give answer to any question, the answer to which might tend to incriminate him.

(3) The Chief Inspector or Inspector concerned may require any employer to produce an authentic extract from the records of any school, panchayat, or municipality or in the absence of such extract to produce at his own expense a certificate of age from a registered Medical Practitioner ¹⁷[or a declaration from either of the parents or if the parents are not alive from the nearest living relations] or any other evidence of age to the satisfaction of the Chief Inspector, or the Inspector as the case may be, in respect of any young person employed whose age he may have reason to doubt.

18. Identification Card for Chief Inspector/Inspector

The Identification Card, for Inspector/Chief Inspector for the purpose of section 36, shall be in the form as per Schedule III.

19.

¹⁸[All fees payable under these rules shall be paid either in cash, not exceeding one hundred rupees, or by a crossed postal order in the name of the Chief Inspector of Shops and Establishments, Delhi, and wherever an application is required to be accompanied any such fee, it shall be accompanied by :

(i) the prescribed fee in cash, not exceeding one hundred rupees, having been deposited with the Chief Inspector of Shops and Establishments Delhi, or

(ii) a crossed postal order of the requisite value.]