

REPORT ON THE WORKING OF THE LEGISLATION GOVERNING CONDITIONS OF EMPLOYMENT IN SHOPS, COMMERCIAL ESTABLISHMENTS, THEATRES, HOTELS AND RESTAURANTS DURING THE YEAR 2014

1. Introduction

The conditions of employment of the persons working in Shops and Commercial Establishments in the country are being largely governed by the Acts passed by the respective State Governments and the rules framed there under. In addition, there is also a Central Act, viz., the Weekly Holidays Act, 1942 which facilitates grant of weekly holidays for the employees covered under the respective State Acts. Labour Bureau brings out the report on the working of the Legislation Governing Conditions of Employment in Shops, Commercial Establishments, Theatres, Hotels and Restaurants every year on the basis of the annual Returns and the reports submitted by the State Governments/Union Territory Administrations to it. The present report is for the year 2014.

2. Scope, Coverage and Main Provisions of the Acts

(a) State Acts

The Acts passed by various State Governments and Union Territory Administrations and Rules framed there under regulate, *inter-alia*, the daily and weekly hours of work of the establishments, payment of wages, overtime, holidays with pay, annual leave, etc. These Acts apply in the first instance to Shops and Commercial Establishments, Restaurants, Hotels and Places of Amusement in certain notified urban areas and prohibit the employment of children below 14 years of age and working of women at night. The State Governments are, however, empowered to extend the application of the Acts to such other areas or to such categories of undertakings, as they may consider necessary. However, certain type of employees, such as those employed in a confidential capacity or where the work is of intermittent nature, are excluded from the provisions of the Acts.

(b) Central Act

The Central Act known as the Weekly Holidays Act, 1942, provides for the grant of weekly holidays to persons employed in Shops and Commercial Establishments, etc., is operative only in those States which notify its application to specified areas within their jurisdiction. Table I(A) and I(B) shows the areas covered by the various State Acts as well as the Central Act in different States and Union Territories during the year 2014.

3. Administration

There is no uniform pattern of departments/organizations in different States in administering these Acts. In the States of Andhra Pradesh, West Bengal and Chandigarh (UT) these Acts are administered by the Chief Inspectors of Shops and Commercial Establishments whereas in other States they are administered by the Labour Commissioners or Factory Inspectors or by the Officials of the Health or Revenue Department.

4. Number of Establishments Covered and Persons Employed therein:

The number of Shops and Commercial Establishments, etc. covered under the Acts and the number of persons employed therein during 2014 are presented in Table-II. The total number of establishments covered under the Act and persons employed therein during 2014 were 78,96,718 and 1,70,84,166 respectively. Out of these 57,70,830 (73.08%) were Shops, 16,82,212 (21.30%) were Commercial Establishments and 4,43,676 (5.62%) were Cinemas, Theaters, Hotels and Restaurants. The above establishments employed 64,33,100 (37.66%), 89,30,418 (52.27%) and 17,20,648 (10.07%) persons respectively.

It is observed from this Table that the total number of establishments covered under the Act was highest in Maharashtra (26,43,492 i.e. 33.48%) followed by West Bengal (7,75,635 i.e. 09.82%), Uttar Pradesh (7,47,862 i.e. 09.47%) and Rajasthan (6,71,683 i.e. 8.51 %). The number of persons employed in the establishments was highest in Maharashtra (54,20,056 i.e. 31.73%) followed by Uttar Pradesh (22,77,712 i.e.13.33%) Karnataka (18,22,986 i.e. 10.67%) and West Bengal (11,55,031 i.e.6.76%). In some States, the number of establishments was on the higher side as compared to the number of persons employed as some establishments, especially Shops, were run exclusively by the proprietors themselves engaging any employee.

The number of Shops being run independently by the owners and those being run with the help of employees are presented in Table-III. The Table shows that out of 57,70,830 Shops, as many as 34,71,387 i.e. 60.15% shops were run independently by the owners while the rest were being run with the help of employees with or without family members.

Enforcement

Normally, Administrative authorities follow the policy of persuasion for ensuring compliance with the provisions of the acts and institute prosecutions only as a last resort in extreme cases of continuing defaults.

The data on inspection made, prosecution launched, cases disposed of by Courts and the amount of fines realised during 2014 are presented in Table-IV. In all the States and Union Territories which have submitted return during the year, the Agencies Administrating the Act conducted 12,65,513 inspections, 73,414 prosecutions were launched and the court disposed-off 67,236 cases and realised an amount of Rs. 3,57,31,679 as fine from the defending establishments. During the year, Maharashtra reported highest number of inspection i.e. 5,54,446(43.81%), Chandigarh the highest number of prosecutions launched (27,561 i.e. 37.54%), and also highest number of cases disposed off (26,783 i.e. 39.83%) and Maharashtra maximum amount of fine realised in i.e. Rs. 1,33,86,512

The irregularities detected during the period under report were attributed to non-payment of wages, arrears, bonus, overtime, leave with wages, non-maintenance of prescribed records and registers, non-display of notices and non-observance of working hours, weekly holidays, etc.

Limitations of the Statistics

Furnishing of data is a statutory obligation under the Act. The agencies responsible for administrating the Act under obligation to submit the returns by 31st March of the following year. However, the States of Chhattisgarh, J & K and Madhya Pradesh did not submit the returns till October 2016 despite repeated reminders resulting in delay in bringing out the review.

The present view is based on the data Supplied by 23 States and 3 Union Territories. Similarly, the review does not include information pertaining to the States/union Territories of Arunachal Pradesh, Nagaland, Sikkim, Dadra & Nagar Haveli, Daman & Diu and Lakshadweep as these Acts are not in vogue in these States/Union Territories.

Table-I (A) State-wise Coverage of Shops and Commercial Establishments under the State Acts During the year 2014

Sl. No.	State / Union Territory	Name of the Act	Areas Covered
1	2	3	4
1.	Andhra Pradesh	The Andhra Pradesh Shops and Establishments Act, 1988	All the areas of the State but reported for 13 districts only.
2.	Assam	The Assam Shops and Establishments Act, 1971	Guwahati Municipal Corporation, 127 Urban, Semi-urban, Rural areas and Karbi Anglong & Dima Hasao
3.	Bihar	The Bihar Shops and Establishments Act, 1953	182 Areas.
4.	Goa	Goa, Daman & Diu Shops and Establishments Act, 1973	All Districts of Goa and Banks (Nationalised, Scheduled, Co-operative Banks and Insurance Companies)
5.	Gujarat	The Shops and Establishments Act, 1948	134 Local Authorities
6.	Haryana	The Punjab Shops and Commercial Establishments Act, 1958	Throughout the State
7.	Himachal Pradesh	The Himachal Pradesh Shops & Commercial Establishments Act, 1969	58 Places
8.	Karnataka	The Karnataka Shops and Commercial Establishments Act, 1961	Whole State
9.	Kerala	The Kerala Shops and Commercial Establishments Act, 1960	Whole State
10.	Maharashtra	The Maharashtra Shops and Establishments Act, 1948	295 Local areas
11.	Manipur	Manipur Shops & Establishment Act, 1972	
12.	Meghalaya	Shops and Commercial Establishments Act, 2003	The whole State of Meghalaya
13.	Mizoram	Mizoram Shops & Establishments Act 2010	1) Aizawl Municipal Council area, Lungei town area, Saiha town area, Champai town area 2) Educational Institutions for private gains, Residential Hotels providing meals and accommodation, Auctioneers, Banks, Insurance organisations, commission agents, money changers, Journalist and printing establishments.
14.	Odisha	The Odisha Shops and Commercial Establishments Act, 1956	106 Municipalities and N.A.Cs
15.	Punjab	The Punjab Shops and Commercial Establishments Act, 1958	Whole State (139 Towns and other places)
16.	Rajasthan	The Rajasthan Shops and Commercial Establishments Act, 1958	35 Places
17.	Tamil Nadu	The Tamil Nadu Shops and Commercial Establishments Act, 1947 Tamil Nadu Industrial Establishments (National & Festival Holidays) Act, 1958	Whole State of Tamil Nadu
18.	Tripura	The Tripura Shops and Establishments Act, 1970	Municipal areas of Agartala town & Sub-Divisional Towns of Dharamanagar,

19.	Uttar Pradesh	The Uttar Pradesh Dookan Aur Vanijaya Adhishthan Adhiniyam, 1962	Kailashahar, Khowai, Radhakishorepur (Udaipur) & Belonia in Tripura Whole State
20.	Uttarakhand	The Uttarakhand Dookan Aur Vanijaya Adhishthan Adhiniyam, 1962	64 Urban Areas
21.	West Bengal	The West Bengal Shops and Establishments Act, 1963	Whole State
22.	Andaman & Nicobar Islands	The Shops & Commercial Establishments Act and Weekly Holidays Act, 1942	Areas covered have not been reported in the annual return.
23.	Chandigarh	The Punjab Shops and Commercial Establishments Act, 1958	Union Territory of Chandigarh
24.	Delhi (NCT)	The Delhi Shops and Establishments Act, 1954	The whole national capital territory.
25.	Puducherry	The Puducherry Shops and Commercial Establishments Act, 1964, the Puducherry Catering Establishments Act, 1964 and the Puducherry Industrial Establishments (National and Festival Holidays) Act, 1964	The whole Union Territory which comprises four regions viz., Puducherry, Karaikal, Mahe and Yanam

Note: The remaining States/Union Territories did not furnish the Annual Returns for the year 2014

Table – I (B) Coverage under the Weekly Holidays Act, 1942 during 2014

Sl.No.	State/Union Territory	Area Covered
1.	Karnataka	Murnad, Bhagamandala, Napoklu, Ammathi, Ponnampet and Hudikeri in Kudagu District and Munirabad and Kinnal in Raichur District
2.	Andaman and Nicobar Islands	Port Blair Municipal Areas

Table-II

**Number of Shops, Commercial Establishments, Cinemas, Theatres, Hotels, Restaurants, etc. and Total
Number of Persons Employed therein during the year 2014 (by States)**

State / Union Territory	Number of							
	Shops	Persons employed	Commercial Establishments	Persons employed	Cinemas, Theatres, Hotels and Restaurants	Persons employed	Total Establishments	Persons Employed
1	2	3	4	5	6	7	8	9
1. Andhra Pradesh	125346	297652	21352	106598	8545	54466	155243	458716
2. Assam	70387	64770	14563	50362	5906	20138	90856	135270
3. Bihar	191548	202780	71986	645465	8738	95836	272272	944081
4. Goa	704	912	644	2561	196	1240	1544	4713
5. Gujarat	351934	285170	121050	353972	18715	41561	491699	680703
6. Haryana	301012	487393	38197	560067	6218	40979	345427	1088439
7. Himachal Pradesh	62364	19601	9011	17715	10337	16420	81712	53736
8. Jharkhand	69074	166434	5999	34421	965	7460	76038	208315
9. Karnataka	230085	407165	150930	1295989	16594	119832	397609	1822986
10. Kerala	283587	412647	49607	151515	17085	65240	350279	629402
11. Maharashtra	1876499	1274408	675346	3691120	91647	454528	2643492	5420056
12. Manipur	3410	2871	779	2534	236	616	4425	6021
13. Meghalaya	11192	33545	1684	8672	781	6158	13657	48375
14. Mizoram	730	1328	123	1059	13	156	866	2543
15. Odisha	15169	44078	19583	86011	5131	26851	39883	156940
16. Punjab	220973	115005	33858	75668	6818	17918	261649	208591
17. Rajasthan	580921	337192	72260	338359	18502	69412	671683	744963
18. Tamil Nadu	223818	327419	23957	106708	7687	54818	255462	488945
19. Tripura	42616	15953	756	2558	648	1922	44020	20433
20. Uttar Pradesh	356566	1134208	226629	689238	164667	454266	747862	2277712
21. Uttarakhand	66027	20487	4298	16005	5471	27122	75796	63614
22. West Bengal	617012	542397	115439	499711	43184	112923	775635	1155031
23. A & N Islands	904	2870	296	1664	52	591	1252	5125
24. Chandigarh	15914	25154	5707	33408	2176	9134	23797	67696
25. Delhi (NCT)	31735	146531	15524	147958	1128	12091	48387	306580
26. Puducherry	21303	65130	2634	11080	2236	8970	26173	85180
Total	5770830 (73.08)	6433100 (37.66%)	1682212 (21.30)	8930418 (52.27)	443676 (5.62)	1720648 (10.07)	7896718	17084166

Note: (i) The remaining States/Union Territories did not furnish the Annual Returns for the year, 2014.
(ii) Percentages may not add up to 100 due to rounding off.

Table-III**Ownership of Shops and Employment therein during the year 2014 (by States)**

State/Union Territory	Number of Shops			Number of owners of shops shown in Col.4	Number of persons employed
	Independently run by owners	Others	Total		
1	2	3	4*	5*	6
1. Andhra Pradesh	21016 (16.77)	104330 (83.23)	125346	125346	297652
2. Assam	32276 (45.86)	38111 (54.14)	70387	58030	64770
3. Bihar	136400(71.21)	55148 (28.79)	191548	191548	202780
4. Goa	325(46.16)	379 (53.84)	704	718	912
5. Gujarat	214070(60.83)	137864 (39.17)	351934	351934	285170
6. Haryana	200402(66.58)	100610 (33.42)	301012	301012	487393
7. Himachal Pradesh	43707(70.08)	18657 (29.92)	62364	62364	19601
8. Jharkhand	41854(60.59)	27220 (39.41)	69074	69074	166434
9. Karnataka	106049(46.09)	124036 (53.91)	230085	230085	407165
10. Kerala	154792(54.58)	128795 (45.42)	283587	283587	412647
11. Maharashtra	1373460(73.19)	503039 (26.81)	1876499	1876499	1274408
12. Manipur	1464(42.93)	1946 (57.07)	3410	3426	2871
13. Meghalaya	7799(69.68)	3393 (30.32)	11192	11192	33545
14. Mizoram	395(54.11)	335 (45.89)	730	730	1328
15. Odisha	- (0.00)	15169 (100.00)	15169	15169	44078
16. Punjab	168170(76.10)	52803 (23.90)	220973	220973	115005
17. Rajasthan	434798(74.85)	146123 (25.15)	580921	580181	337192
18. Tamil Nadu	183182(81.84)	40636 (18.16)	223818	231330	327419
19. Tripura	30438(71.42)	12178 (28.58)	42616	42616	15953
20. Uttar Pradesh	238246(66.82)	118320 (33.18)	356566	356566	1134208
21. Uttarakhand	55354(83.84)	10673 (16.16)	66027	66027	20487
22. West Bengal	4738(0.77)	612274 (99.23)	617012	863817	542397
23. A & N Islands	394(43.58)	510 (56.42)	904	904	2870
24. Chandigarh	9526(59.86)	6388 (40.14)	15914	15914	25154
25. Delhi (NCT)	5345(16.84)	26390 (83.16)	31735	24240	146531
26. Pudducherry	7187(33.74)	14116 (66.26)	21303	21303	65130
Total	3471387(60.15)	2299443(39.85)	5770830	6004585	6433100

The remaining States/Union Territories did not furnish the Annual Returns for the year, 2014.

Figures in brackets indicate percentage to total.

* Figures in Col.5 may not strictly tally with Col.4 as for shops owned by partner each partner is counted as a separate owner. A Co-operative Store and the like are treated as a shop without owner.

Table-IV

The Number of Inspections Made, Prosecutions Launched, Cases Disposed off by the Courts and Amount of Fine realised under the Shops and Commercial Establishments Act during the Year 2014 (by States)

State/Union Territory	Inspections made	Prosecutions launched	Cases disposed off by the courts	Amount realised as fine (in Rs.)
1	2	3	4	5
1. Andhra Pradesh	33373	2577	2271	265450
2. Assam	36444	838	312	85075
3. Bihar	6515	45	2	-
4. Goa	1439	51	32	87925
5. Gujarat	58345	5506	4300	1684505
6. Haryana	13468	736	1537	4497062
7. Himachal Pradesh	8290	2381	1219	1646725
8. Jharkhand	1872	21	24	1500
9. Karnataka	48379	3904	3407	7248900
10. Kerala	77780	2398	1664	2034947
11. Maharashtra	554446	19141	19762	13386512
12. Manipur	486	-	-	-
13. Meghalaya	2821	-	-	-
14. Mizoram	-	-	-	-
15. Odisha	3707	158	-	-
16. Punjab	1419	135	148	25200
17. Rajasthan	6196	30	1075	102880
18. Tamil Nadu	297556	1048	645	236350
19. Tripura	13479	122	26	49500
20. Uttar Pradesh	19724	5186	3467	186000
21. Uttarakhand	5152	1287	477	82200
22. West Bengal	1233	287	84	22500
23. A & N Islands	258	1	-	-
24. Chandigarh	57960	27561	26783	4087848
25. Delhi (NCT)	-	-	-	-
26. Puducherry	15171	1	1	600
Total	1265513	73414	67236	35731679

The remaining States/Union Territories did not furnish the Annual Returns for the year, 2014.

Figures in brackets indicate percentage to total.

- = Not available