

# **REPORT ON THE WORKING OF THE LEGISLATION GOVERNING CONDITIONS OF EMPLOYMENT IN SHOPS, COMMERCIAL ESTABLISHMENTS, THEATRES, HOTELS AND RESTAURANTS DURING THE YEAR 2013**

## **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 2013.

## **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, payments 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 2013.

### **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 2013 are presented in Table-II. The total number of establishments covered under the Act and persons employed therein during 2013 were 83,36,637 and 1,54,80,668 respectively. Out of these 60,57,721 (72.66%) were Shops, 18,08,513 (21.69%) were Commercial Establishments and 4,70,403 (5.64%) were Cinemas, Theaters, Hotels and Restaurants. The above establishments employed 58,74,085 (37.94%), 79,35,952 (51.26%) and 16,70,631 (10.79%) persons respectively.

It is observed from this Table that the total number of establishments covered under the Act was highest in Maharashtra (24,93,538 i.e. 29.91%) followed by West Bengal (7,46,388 i.e. 8.95%), Uttar Pradesh (7,38,858 i.e. 8.86%) and Gujarat (6,50,591 i.e. 7.80%). The number of persons employed in the establishments was highest in Maharashtra (49,88,189 i.e. 32.22%) followed by Uttar Pradesh (22,62,256 i.e. 14.61%), Karnataka (13,60,423 i.e. 8.79%) and Bihar (9,45,378 i.e. 6.11%). 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 without 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 60,57,721 Shops, as many as 41,93,906 i.e. 69.23% 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 inspections made, prosecutions launched, cases disposed of by Courts and the amount of fines realised during 2013 are presented in Table-IV. In all the States and Union Territories which have submitted returns during the year, the Agencies Administering the Act conducted 13,12,429 inspections, 80,712 prosecutions launched and the courts disposed off 85,001 cases and realised an amount of Rs.1,76,87,187 as fine from the defending establishments. During the year, Maharashtra has the highest number of inspections reported; i.e. 5,52,395 (42.09%), Chandigarh the highest number of prosecutions launched (27,190 i.e. 33.69%), Maharashtra the highest number of cases disposed off (35,537 i.e. 41.81%) and also maximum amount of fine realised in i.e. Rs.8,25,94,450.

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 administering the Act are under obligation to submit the returns by 31<sup>st</sup> March of the following year. However, the States of Chhattisgarh and Jharkhand did not submitted the returns till April 2015 despite repeated reminders resulting in delay in bringing out the review.

The present review is based on the data supplied by 23 States and 4 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 2013**

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 13district 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.	Jammu & Kashmir	The J&K Shops and Commercial Establishments Act, 1966	55 Towns/Places
9.	Karnataka	The Karnataka Shops and Commercial Establishments Act, 1961	Whole State
10.	Kerala	The Kerala Shops and Commercial Establishments Act, 1960	Whole State
11.	Madhya Pradesh	The Madhya Pradesh Shops and Establishments Act, 1958	363 Towns in 50 Districts
12.	Maharashtra	The Maharashtra Shops and Establishments Act, 1948	295 Local areas
13.	Manipur	Manipur Shops & Establishment Act, 1972	
14.	Meghalaya	Shops and Commercial Establishments Act, 2003	The whole State of Meghalaya
15.	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.
16.	Odisha	The Odisha Shops and Commercial Establishment Act-1956	106 Municipalities and N.A.Cs.
17.	Punjab	The Punjab Shops and Commercial Establishments Act, 1958	Whole State (139 Towns and other places)
18.	Rajasthan	The Rajasthan Shops and Commercial Establishments Act, 1958	35 Places
19.	Tamil Nadu	The Tamil Nadu Shops and Commercial Establishments Act, 1947	Whole State of Tamil Nadu

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20.	Tripura	The Tripura Shops and Establishments Act, 1970	Municipal areas of Agartala town & Sub-Divisional Towns of Dharamanagar, Kailashahar, Khowai, Radhakishorepur (Udaipur) & Belonia in Tripura
21.	Uttar Pradesh	The Uttar Pradesh Dookan Aur Vanijaya Adhishthan Adhiniyam, 1962	Whole State
22.	Uttarakhand	The Uttarakhand Dookan Aur Vanijaya Adhishthan Adhiniyam, 1962	64 Urban Areas
23.	West Bengal	The West Bengal Shops and Establishments Act, 1963	Whole State
24.	Andaman & Nicobar Islands	The Shops & Commercial Establishments Act and Weekly Holidays Act, 1942	Areas covered have not been reported in the annual return.
25.	Chandigarh	The Punjab Shops and Commercial Establishments Act, 1958	Union Territory of Chandigarh
26.	Delhi (NCT)	The Delhi Shops and Establishments Act, 1954	The whole national capital territory.
27.	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

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Note: The remaining States/Union Territories did not furnish the Annual Returns for the year 2013.

**Table – I (B) Coverage under the Weekly Holidays Act, 1942 during 2013**

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 2013 (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	107916	295119	15062	105302	8525	53780	131503	454201
2.	Assam	67902	56465	12394	43173	4093	16041	84389	115679
3.	Bihar	188553	201985	71986	647569	8730	95824	269269	945378
4.	Goa	1397	1337	1371	6447	439	2728	3207	10512
5.	Gujarat	405125	305733	230472	476265	14994	49283	650591	831281
6.	Haryana	252768	360188	30700	337367	5484	33030	288952	730585
7.	Himachal Pradesh	55564	17696	7565	15316	9492	15077	72621	48089
8.	Jammu & Kashmir	227579	49107	17379	43263	16403	22653	261361	115023
9.	Karnataka	218458	354431	127297	895382	18018	110610	363773	1360423
10.	Kerala	274736	401018	45503	122231	19123	85118	339362	608367
11.	Madhya Pradesh	231264	64114	128390	65087	27651	23163	387305	152364
12.	Maharashtra	1789765	1187850	615807	3372457	87966	427882	2493538	4988189
13.	Manipur	3242	2746	634	1444	225	583	4101	4773
14.	Meghalaya	10390	32889	1072	4946	744	5963	12206	43798
15.	Mizoram	858	760	124	1116	4	22	986	1898
16.	Odisha	14779	42186	18462	84932	5126	24198	38367	151316
17.	Punjab	219790	113514	33877	94509	6621	17776	260288	225799
18.	Rajasthan	559978	309386	72043	331874	17077	49477	649098	690737
19.	Tamil Nadu	319196	282472	23528	108421	2805	19088	345529	409981
20.	Tripura	38715	15521	1155	2549	579	1849	40449	19919
21.	Uttar Pradesh	350907	1126005	224830	685240	163121	451011	738858	2262256
22.	Uttarakhand	61818	19233	3936	15180	5257	26372	71011	60785
23.	West Bengal	601219	498177	102571	306691	42598	109407	746388	914275
24.	A & N Islands	568	2117	291	1557	42	362	901	4036
25.	Chandigarh	15776	24620	5620	32658	2171	9033	23567	66311
26.	Delhi (NCT)	18104	44985	13830	124105	695	10210	32629	179300
27.	Pudducherry	21354	64431	2614	10871	2420	10091	26388	85393
<b>Total</b>		<b>6057721</b> <b>(72.66)</b>	<b>5874085</b> <b>(37.94)</b>	<b>1808513</b> <b>(21.69)</b>	<b>7935952</b> <b>(51.26)</b>	<b>470403</b> <b>(5.64)</b>	<b>1670631</b> <b>(10.79)</b>	<b>8336637</b>	<b>15480668</b>

Note: (i) The remaining States/Union Territories did not furnish the Annual Returns for the year, 2013.  
(ii) Percentages may not add up to 100 due to rounding off.

**Table-III**  
**Ownership of Shops and Employment therein during the year 2013 (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	15873 (14.71)	92043 (85.29)	107916	107916	295119
2.	Assam	31767 (46.78)	36135 (53.22)	67902	67902	56465
3.	Bihar	134200 (71.17)	54353 (28.83)	188553	188553	201985
4.	Goa	724 (51.83)	673 (48.17)	1397	1397	1337
5.	Gujarat	317196 (78.30)	87929 (21.70)	405125	405125	305733
6.	Haryana	172168 (68.11)	80600 (31.89)	252768	252768	360188
7.	Himachal Pradesh	41114 (73.99)	14450 (26.01)	55564	55564	17696
8.	Jammu & Kashmir	201675 (88.62)	25904 (11.38)	227579	227579	49107
9.	Karnataka	114348 (52.34)	104110 (47.66)	218458	218458	354431
10.	Kerala	147976 (53.86)	126760 (46.14)	274736	274736	401018
11.	Madhya Pradesh	173252 (74.92)	58012 (25.08)	231264	231264	64114
12.	Maharashtra	1307051 (73.03)	482714 (26.97)	1789765	1789765	1187850
13.	Manipur	1389 (42.84)	1853 (57.16)	3242	3242	2746
14.	Meghalaya	7313 (70.38)	3077 (29.62)	10390	10390	32889
15.	Mizoram	557 (64.92)	301 (35.08)	858	858	760
16.	Odisha	-	14779 (100)	14779	14779	42186
17.	Punjab	162982 (74.15)	56808 (25.85)	219790	219790	113514
18.	Rajasthan	428463 (76.51)	131515 (23.49)	559978	560114	309386
19.	Tamil Nadu	236807 (74.19)	82389 (25.81)	319196	234266	282472
20.	Tripura	24844 (64.17)	13871 (35.83)	38715	38715	15521
21.	Uttar Pradesh	235967 (67.24)	114940 (32.76)	350907	350907	1126005
22.	Uttarakhand	52471 (84.88)	9347 (15.12)	61818	61818	19233
23.	West Bengal	364121 (60.56)	237098 (39.44)	601219	678727	498177
24.	A & N Islands	190 (33.45)	378 (66.55)	568	568	2117
25.	Chandigarh	9423 (59.73)	6353 (40.27)	15776	15776	24620
26.	Delhi (NCT)	4675 (25.82)	13429 (74.18)	18104	12179	44985
27.	Pudducherry	7360 (34.47)	13994 (65.53)	21354	21354	64431
	<b>Total</b>	<b>4193906 (69.23%)</b>	<b>1863815 (30.77%)</b>	<b>6057721</b>	<b>6044510</b>	<b>5874085</b>

The remaining States/Union Territories did not furnish the Annual Returns for the year, 2013.

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 Acts**  
**during the Year 2013 (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	28403 (2.16)	2286 (2.83)	3308 (3.89)	376050
2. Assam	38932 (2.97)	878 (1.09)	714 (0.84)	1,28,306
3. Bihar	6167 (0.47)	4 (0.00)	71 (0.08)	14,750
4. Goa	3169 (0.24)	24 (0.03)	11 (0.01)	45,675
5. Gujarat	50984 (3.88)	4791 (5.94)	2657 (3.13)	18,66,325
6. Haryana	23244 (1.77)	1071 (1.33)	1013 (1.19)	17,84,020
7. Himachal Pradesh	6592 (0.50)	1180 (1.46)	887 (1.04)	10,37,800
8. Jammu & Kashmir	16583 (1.26)	1697 (2.10)	1831 (2.15)	483500
9. Karnataka	43911 (3.35)	3407 (4.22)	2431 (2.86)	45,03,250
10. Kerala	73063 (5.57)	2292 (2.84)	1317 (1.55)	12,98,519
11. Madhya Pradesh	14733 (1.12)	3544 (4.39)	2917 (3.43)	10,70,535
12. Maharashtra	552395 (42.09)	21019 (26.04)	35537 (41.81)	8,25,94,450
13. Manipur	378 (0.03)	-	-	-
14. Meghalaya	587 (0.04)	-	-	-
15. Mizoram	12 (0.00)	-	-	-
16. Odisha	2148 (0.16)	110 (0.14)	2 (0.00)	350
17. Punjab	26895 (2.05)	130 (0.16)	180 (0.21)	31905
18. Rajasthan	6192 (0.47)	42 (0.05)	91 (0.11)	17500
19. Tamil Nadu	311060 (23.70)	2707 (3.35)	3987 (4.69)	5,71,050
20. Tripura	9279 (0.71)	72 (0.09)	18 (0.02)	7,300
21. Uttar Pradesh	12121 (0.92)	5040 (6.24)	3167 (3.73)	1,80,000
22. Uttarakhand	3663 (0.28)	1150 (1.42)	442 (0.52)	69,050
23. West Bengal	35361 (2.69)	4363 (5.41)	989 (1.16)	5,01,104
24. A & N Islands	-	-	-	-
25. Chandigarh	56910 (4.34)	27190 (33.69)	26739 (31.46)	40,76,248
26. Delhi (NCT)	-	-	-	-
27. Puducherry	18050 (1.38)	01 (0.00)	-	-
<b>Total</b>	<b>1312429</b>	<b>80712</b>	<b>85001</b>	<b>176,87,187</b>

The remaining States/Union Territories did not furnish the Annual Returns for the year, 2013.

Figures in brackets indicate percentage to total.

- = Not Available