

THE GUJARAT SHOPS AND ESTABLISHMENTS (REGULATION OF EMPLOYMENT AND CONDITIONS OF SERVICE) RULES, 2020

Contents

1. Short Title	4
2. Definitions	4
3. Application for Registration of Establishment	4
4. Payment of Fees	4
5. Manner of Registration of Establishment	5
6. Intimation of commencement of business by employer engaging less than ten employees	5
7. Receipt of Intimation	5
8. Procedure for cancellation of Registration Certificate	5
9. Notice to make changes in Registration Certificate	6
10. Closing of Business	6
11. Conditions for employment of women in night shifts	7
12. Notice of weekly holiday of workers in each shift	7
13. Prohibition of overlapping of shifts	7
14. List of persons engaged in shift	7
15. Part-time employment	7
16. Identity Card	7
17. Leave Book	7
18. Notice by employer or manager of accumulated leave	8
19. Cleanliness, Lighting and Ventilation	8
20. Precautions against fire	8
21. Latrines and Urinals	8
22. Latrines and urinals to be accessible.....	8
23. Creche	8
24. First-Aid Appliances	9
25. Canteens	9
26. Maintenance of Registers and Records	10
27. Annual Return	10
28. Supervision of State Government over Local Authority	10
29. Duties and powers of Inspector	10
30. Application for Compounding of Offence	11
31. Procedure for Compounding of Offence	11

32. Intimation of persons discharging Managerial function	12
33. Intimation of persons doing confidential work	12
34. Name Board to be in Gujarati	12

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1. Short Title

These rules may be called the Gujarat Shops and Establishments (Regulation of Employment and Conditions of Service) Rules, 2020.

2. Definitions

(1) In these rules unless the context otherwise requires,

(a) “Act” means the Gujarat Shops and Establishments (Regulation of Employment and Conditions of Service) Act, 2019 (Guj. 4 of 2019):

(b) “Compounding Officer” means an authority appointed by the Government under sub-section (1) of section 34:

(c) “Form” means the form appended to these rules;

(d) “Government” means the Government of Gujarat:

(e) “Managerial Functions” means all such functions which are inherently supervisory in nature and are bestowed with powers and authority to take all policy and administrative decision in an organization, e.g. power to sanction leave, award increment, take disciplinary action, to terminate, suspend or dismiss a worker or indulge in policy making decision regarding any aspect of the business or service conditions of workers and such other similar powers.

(f) “Schedule” means the Schedule appended to these rules:

(g) “Section” means a section of the Act.

(2) Words and expressions used in these rules but not defined hereinabove shall have the same meanings as are respectively assigned to them in the Act.

3. Application for Registration of Establishment

The employer of every establishment engaging ten or more workers shall submit application in Form-A for registration of the establishment as per section 6 of the Act along with the required documents as specified in Part-A of the Schedule. The application may be submitted online where online access is available.

4. Payment of Fees

The fees to be paid along with the application for registration in Form-A by the establishments employing ten or more employees shall be as specified below:

Sr. No.	Category of Establishment	Fees to be paid in Rs.
1.	Establishments.	500/-

2.	Shops.	500/-
3.	Residential Hotels.	2500/-

4.	Restaurants and Eating Houses.	1000/-
5.	Theatres and other places of public amusement or entertainment.	5000/-

The fees shall be paid through e-payment where online access is available.

5. Manner of Registration of Establishment

(1) Every application submitted either online or otherwise in Form-A for registration of establishment may be assigned to any of the inspector concerned, who shall scrutinize the applications, documents either uploaded online or submitted otherwise and the fees paid either through e-payment or otherwise along with the details mentioned in the application. If the application is complete in all respects and supported with all the required documents, prescribed fees, he shall either sign digitally or issue otherwise the certificate of registration, which shall be in Form-B within one day either from the date the application appears on the dashboard of the inspector or received otherwise by the inspector. The entry of the establishment which is registered shall be made in the Register of Establishment to be maintained in Form-C.

(2) If an application is incomplete or not supported with required documents as mentioned in these rules or if the prescribed fee is not paid, then the inspector, may reject such application by mentioning the reasons thereof within one day from the date on which the application appears on the dashboard of the inspector or received otherwise by the Inspector.

6. Intimation of commencement of business by employer engaging less than ten employees

The employer of every establishment engaging less than ten employees shall submit an intimation in Form-D of commencement of the business along with the required documents as specified in Part-B of the Schedule. The intimation may be submitted online where online access is available.

7. Receipt of Intimation

After receiving an intimation in Form-D along with all the documents, a receipt of such intimation in Form-E shall be issued to the applicant either online or otherwise as the case may be and the details thereof shall be recorded in a register maintained for that purpose in Form-F.

8. Procedure for cancellation of Registration Certificate

At any time, if it is found or brought to the notice of the Inspector that the registration of any shop or establishment has been obtained by misrepresentation or suppression of material facts or by submitting false or forged documents or false declaration or by fraud, the Inspector shall, (i) by a notice require the employer to submit his case as to why the registration may not be cancelled:

(ii) if within ten days from the date of the receipt of the notice, the employer fails to submit his case along with the relevant documents, the Inspector may cancel the registration of such shop or establishment, as the case may be:

(iii) if within ten days, the employer submit his case along with relevant documents, the Inspector, after considering the case and the relevant documents submitted may withdraw notice or cancel the registration of such shop or establishment, as the case may be and remove the same from the register of establishment maintained in Form-C, after the reasons to be recorded in the order.

9. Notice to make changes in Registration Certificate

(1) Any changes in the certificate of registration shall be submitted in Form-G to the Inspector as per section 9 of the Act within thirty days from the date the change took place along with the required documents to be submitted as specified in Part-C of the Schedule.

The fees to be paid along with the application for registration in Form-G by the establishments employing ten or more employees shall be as specified below:

Sr. No.	Category of Establishment	Fees to be paid in Rs.
1.	Establishments.	500/-
2.	Shops.	500/-
3.	Residential Hotels.	2500/-
4.	Restaurants and Eating Houses.	1000/-
5.	Theatres and other places of public amusement or entertainment.	5000/-

The fees shall be submitted online where online access is available.

(2) On receipt of such notice the Inspector shall scrutinize the same and shall either sign digitally or otherwise as the case may be and issue a fresh modified certificate within one day from the date of receipt of such notice. However, if the notice is not complete or is not supported by the required documents or if the prescribed fees is not paid, he shall reject the notice within one day by mentioning the reasons thereof.

10. Closing of Business

(1) Every employer of an establishment engaging ten or more workers, on closing its business permanently shall inform the same within thirty days from the date of such closing to the Inspector in Form-H.

(2) Every employer of an establishment engaging less than ten workers, on closing its business permanently shall inform the same within thirty days from the date of such closing to the Inspector in Form-I.

(3) The Inspector on receiving the information and on being satisfied about its correctness shall remove the entry of such shop or establishment from the register of establishments and cancel the registration certificate:

Provided that, if the Inspector does not receive the information but he is otherwise satisfied that any shop or establishment has been closed, he may remove the entry of such shop or establishment from the register of establishments and cancel such certificate.

11. Conditions for employment of women in night shifts

Women worker shall be required or allowed to work in shop or establishment between 9.00 p.m. to 6.00 a.m. after obtaining the consent of such women worker in Form-J, subject to such conditions as may be specified in the order of the Inspector.

12. Notice of weekly holiday of workers in each shift

Every employer shall display a notice at a conspicuous place of the premises on a notice board and on website, if employer has website, showing the day of rest, in Form-K. A copy of the same shall be send to the Inspector electronically or otherwise where online access is not available.

13. Prohibition of overlapping of shifts

Work shall not be carried on in any establishment by means of a system of shifts so arranged that more than one relay of workers is engaged in work of the same kind at the same time.

14. List of persons engaged in shift

(i) In case of establishment operating in more than one shift, the employer shall display well in advanced a shift schedule, showing the names and designation of all persons working in that shift, so that each worker is aware of the shift in which he has to work. Such list shall be in Form-L and shall be kept in every establishment and made available for inspection to the Inspector on demand. The list shall be displayed at a conspicuous place of the premises on the notice board and on the website, if employer has website. A copy of the same shall be send to the Inspector electronically or otherwise where online access is not available.

(ii) There shall be not less than twelve consecutive hours of rest or gap between the last shift and night shift whenever a worker is changed from day shift to night shift and also from night shift to day shift.

15. Part-time employment

It shall be lawful for the employer to engage any worker as part-time worker provided that he shall not be allowed to work more than five hours in a day.

16. Identity Card

As per section 17, every employer shall provide to each worker an Identity Card as specified in Form-M.

17. Leave Book

Every employer shall provide to each worker with a book called "Leave Book" in Form-N. A copy of the same shall be retained by employer. All the entries of sanctioned earned leave as per section 18 shall be noted in the Leave Book. Any earned leave applied for and is refused shall also be noted in the register with initials of the employer or his representative in the respective column of Leave Book. However, every employer shall

be free to maintain Leave Book in such format either manually or electronically. If the Leave Book is lost by the worker, the employer or manager shall provide him the duplicate copy of the same.

18. Notice by employer or manager of accumulated leave

The employer or manager shall issue a notice up to the 31st January of each calendar year which shall be displayed in Form-O giving the names of all workers whose leave, which has been carried forward, has reached the maximum limit allowed under sub-section (5) of section 18, as soon as possible in the first quarter of each calendar year. The notice shall state that no further leave can be carried forward. A copy of the notice shall be given to each worker concerned.

19. Cleanliness, Lighting and Ventilation

Premises of every establishment shall be kept clean and free from infection. It should have proper ventilation and lighting. No rubbish, filth or debris shall be allowed to accumulate or to remain on any premises or in an establishment or in the surroundings of such establishment in such position that effluvia therefrom can arise within the establishment or its surroundings.

20. Precautions against fire

Every employer shall take all the measures to protect the premises and the workers therein from the danger of fire. He shall adopt and implement all such measures as suggested or directed by the Fire Protection Department of the Local Authority or Fire Brigade of that local area or any such authority. It shall be his duty to follow the norms and guidelines for protection against fire as per any law for the time being in force or any direction or instruction issued by any Local Authority or any such authority wherein the establishment is situated.

21. Latrines and Urinals

Every employer either individually or group of employers shall provide and maintain a common, neat and clean urinal and latrines facility with supply of anti-bacterial liquid soap for men and women worker separately in such sufficient numbers. It shall be well ventilated with exhaust fan and lighted and safe for use of women worker. There shall be proper provision of water supply and flushing of waste.

22. Latrines and urinals to be accessible

(1) The latrines and urinals shall be conveniently situated and accessible to workers at all times at the establishment.

(2)

(i) Latrines and urinals other than those connected with a flush sewage system shall comply with the requirement of the public health authorities.

(ii) Water shall be provided the means of tap or otherwise so as to be conveniently accessible in or near the latrine and urinals.

23. Creche

(i) The creche shall be conveniently accessible to the mothers of the children accommodated therein and so far as is reasonably and practicable. It shall not be

situated in close proximity to a part of the shop or establishment where excessively noise processes are carried on.

(ii) Effective and suitable provision shall be made in every part of the creche for securing and maintaining adequate ventilation by the circulation of fresh air.

(iii) The creche shall be adequately furnished and equipped and in particular there shall be one suitable cot or cradle with the necessary bedding for each child, provided that for children over two years of age it will be sufficient if suitable beddings made available and at least one chair or equivalent seating accommodation for the use of each mother while she is feeding or attending to her child, and a sufficient supply of suitable toys for the older children.

(iv) There shall be in or adjoining the creche a suitable wash room for the cleaning of the children and their clothing. The wash room shall be adequately lighted and the floor shall be effectively drained and in a clean and tidy condition. An adequate supply of water, baby soap and clean towels shall be made available for each child while it is in the creche.

(v) For each creche there shall be appointed a woman in charge and an adequate number of female-attendants to help the woman in charge. The creche, staff shall be provided with suitable clean clothes for use while on duty.

24. First-Aid Appliances

Every employer shall maintain duly equipped first-aid box in each establishment with the following first-aid appliances and medicine, namely:

(i) small, medium and large sterilized dressing in required numbers;

(ii) large size sterilized burn dressing in required numbers;

(iii) packets of sterilized cotton-wool in required numbers:

(iv) pair of dressing scissors;

(v) bottle containing solution of iodine or mercury chrome;

(vi) bottle containing solution of savolatine having the dose and mode of administration indicated on the label:

(vii) bottle containing potassium permanganate crystals; and

(viii) any antidote for burns.

25. Canteens

Every employer having one hundred or more workers in shop or establishment shall provide and maintain a canteen with the following conditions, namely:

- (i) The doors and windows of a canteen building shall be of fire proof construction and shall allow adequate ventilation.
- (ii) The canteen shall be sufficiently lighted at all times when any person have access to it.
- (iii) The precincts of the canteen shall be maintained in a clean and sanitary condition. Waste shall be carried away in suitable covered drains and shall not be allowed to

accumulate so as to cause a nuisance. Suitable arrangements shall be made for the collection and disposal of garbage.

- (iv) Sufficient tables, stools, chairs or benches shall be available in canteen.
- (v) There shall be provided and maintained sufficient utensils and any other equipment necessary for the efficient running of the canteen.
- (vi) The charge per portion of food stuff, beverages and any other item served in the canteen shall be conspicuously displayed in the canteen.

26. Maintenance of Registers and Records

- (1) The employer shall maintain a Muster-Roll cum Wages Register in Form-P unless any employer or manager maintains a Wages Register in Form-B and Muster Roll in Form-D as prescribed in rule 3 of the Schedule to the Ease of Compliance to Maintain Registers under various Labour Laws (Gujarat) Rules, 2017.
- (2) Every entry in the register or records requires to be maintained under these rules shall be authenticated digitally or manually by the employer or the manager or any person so authorized by him. The entries relating to overtime shall be made immediately after completion of such overtime work. In case both the employer and the manager are absent on any day, the entries shall be authenticated by such person as may be authorized in writing by the employer.
- (3) Every register, record and notice required be maintained, exhibited or given under the Act and these rules shall be either in Gujarati or in English language.
- (4) Every employer or manager shall preserve the inspection records of the Inspector for a period of five years and shall produce the same whenever demanded by the Inspector.
- (5) Where an office, store-room, godown, warehouse or work place used in connection with the trade and business of a shop is situated at the premises other than the premises of such establishment, all such registers, records, muster-rolls, notices etc. required to be maintained, exhibited or given under the Act and these rules shall be separately so maintained, exhibited or given in respect of such office, storeroom, godown, warehouse or work place etc.

27. Annual Return

Every employer shall submit the Annual Return in Form-Q to the Inspector within one month after completion of the calendar year ending on the 31st December. It shall be submitted online where online access is available.

28. Supervision of State Government over Local Authority

If the Local Authority or the panchayat to whom the duty of enforcing the provisions of this Act is delegated under section 24 of the Act makes default in the performance of any duty imposed by or under this Act, the State Government may appoint appropriate person as an Inspector to perform it and may direct that the expenses of the person so appointed to perform the duty, shall be paid forthwith by such Local Authority or panchayat, as the case may be.

29. Duties and powers of Inspector

- (1) The Inspector shall make such examination as may appear to him to be necessary for the purpose of satisfying himself that the provisions of the Act, these rules and any orders issued by the Government or the Local Authority or the panchayat under the Act and the rules made thereunder are duly observed.
- (2) The Inspector shall maintain a monthly diary and submit It to such officer as directed by the office order.
- (3) It shall be the duty of the Inspector to serve all the notices and orders as per the Act to the concerned persons issued by the Compounding Officer.
- (4) It shall be the duty of the Inspector to carry out inspection as per the online randomization inspection system or any other system for the time being in force.
- (5) It shall be the duty of the Inspector to carry out monthly reconciliation of the application and fees received online and the fees deposited in the treasury.
- (6) It shall be the duty of each Inspector to maintain Court Cases Register individually and the register of cases referred to the Compounding Officer as per the instruction given by the office order.
- (7) It shall be the duty of the Inspector to advise the employer so as to comply with the irregularities pointed out by him in his inspection memo. It shall also be his duty to guide the workers in an establishment about their rights under the Act and the remedies available to them.
- (8) it shall be the duty of the Inspector to confirm that the defaulting employer has paid the fees as per the direction of the Compounding Officer and shall verify whether the amount is deposited in the local area treasury office.

30. Application for Compounding of Offence

- (1) Every application for compounding of an offence shall be in Form-R.
- (2) The Compounding Officer shall maintain a proper Rojnama of all the cases heard by him.
- (3) The Compounding Officer appointed as per the provisions of sub-section (1) of section 34 of the Act shall regularly hold sittings in each district or in such a place in the local area as per the work load or the matter referred before him.

31. Procedure for Compounding of Offence

- (1) The Compounding Officer on receipt of an application shall examine all the documents, the nature of breaches of the Act and these rules and shall pass a detailed order within seven working days from receipt of the application. The Compounding Officer while determining the amount of compounding fees shall have regard to the seriousness of breaches, nature of an offence and evidence on record. The Compounding Officer shall on receipt of the compounding fees make the order for deposit of compounding fees and after deposit of such amount, the offence shall be compounded and the Compounding Officer shall make necessary entries in a register kept for that purpose.
- (2) An order passed by the Compounding Officer shall be forwarded to the concerned local Inspector for serving the same to the defaulting employer within seven working days.

(3) The maximum fees for compounding of offence may be imposed by the Compounding Officer shall not be less than seventy five per cent of the maximum fine specified for such offence under the Act.

(4) In calculating the period for filling of prosecution under section 33, the time period taken for compounding of offence shall be excluded.

32. Intimation of persons discharging Managerial function

Every employer registered under section 6 shall inform to the Inspector in Form-S the names and designation and brief nature of duties of such persons who are discharging managerial function.

33. Intimation of persons doing confidential work

Every employer shall inform in Form-T the names of such persons who are occupying position of confidential character in an establishment. However, the number of such persons shall not be more than one percent of the total strength of workers of the establishment subject to a maximum of fifty persons.

34. Name Board to be in Gujarati

The Name Board of every establishment shall be preferably in Gujarati language; Provided that, the employer may also have the Name Board in any other language in addition to Gujarati.

