

Shops and Commercial Establishments

Opening and closing hours. - (1) No shop or commercial establishment shall on any day :-

(a) be opened earlier than such hour as may be fixed by the Government by a general or special order in this behalf;

(b) be kept open later than such hour as may be fixed by the Government by general or special order in this behalf :

Provided that any customer who was being served or was waiting to be served at the closing hour so fixed in any shop may be served in such shop during half hour immediately following such hour.

(2) The Government may fix different opening or closing hours for different classes of shops and commercial establishments or for different area or for different periods of the year.

Hawking prohibited before opening and after closing hours of shops. - (1) No person shall carry on in or adjacent to a street or a public place the sale of any goods before the opening and after the closing hours fixed under Section 9 for the shops dealing in the same class of goods in the locality in which such street or public place is situate ;

Provided that nothing in this section shall apply to the sale of newspapers.

[(2) Any person contravening the provisions of sub-section (1) shall be liable to have his goods seized by an Inspector.

(3) The goods seized under sub-section (2) shall be returned to the person from whom they were seized on his depositing rupees [fifty] as security for his appearance in the Court.

(4) If the person fails to make the deposit, the goods seized shall be produced without delay before a Court, who may give such directions as to their temporary custody, as it thinks fit.

(5) Where no prosecution is instituted for contravention of the provisions of sub-section (1) within such period as the Court may fix in this behalf the Court shall direct their return to the person from whom they were seized.

Hours of work in shops and commercial establishments. - [(1) (a) No employee in any shop or commercial establishment shall be required or allowed to work for more than 48 hours in a week.

(b) Subject to clause (a) no employee shall be required to work :-

(1) in any shop, for more than nine hours on any day;

(ii) in any commercial establishment, for more than ten hours on any day.]

(2) Any employee may be required or allowed to work in a shop or commercial establishment for any period in excess of the limit fixed under sub-section (1) if such period does not exceed [six] hours in any week.

(3) On not more than six days in a year, which the Government may fix by rules made in this behalf, for purposes of making of accounts, stock-taking, settlements or other prescribed occasions, any employee may be required or allowed to work in a shop or commercial

establishment in excess of the period fixed under sub-section (1), if such excess period does not exceed twenty-four hours.

Spread-over in shops and commercial establishments. - The spread-over of an employee in a shop or commercial establishment shall not exceed twelve hours on a day :

Provided that in cases where any shop or commercial establishment is on any day entirely closed for a continuous period of not less than three hours, the spread-over shall not exceed thirteen hours on that day :

Provided also that where an employee works on any day in accordance with the provisions of sub-section (2) of Section 11, the spread-over shall not exceed fourteen hours on any such day and where he works on any day in accordance with the provisions of sub-section (3) of the said section, the spread-over shall not exceed sixteen hours, on any such day ;

Provided further that the Government may increase the spread-over period subject to such conditions as it may think fit either generally in the case of commercial establishments or in the case of a class of commercial establishments.

Holidays in a week in shops and commercial establishments. - (1) Every shop and commercial establishment shall remain closed on one day of the week. The employer shall fix such day at the beginning of the year, notify it to the Inspector and specify it in a notice prominently displayed in a conspicuous place in the shop or commercial establishment. The employer shall not after such day more often once in three months, shall notify the alternation to the Inspector and make the necessary change in the notice in the shop or commercial establishment:

[Provided that where any shop or commercial establishment comes after the beginning of any year within the purview of this Act, for the first time, the employer shall also fix such day of the week on which the shop or commercial establishment shall remain closed and notify it to the Inspector within one month of the date on which the shop or establishment so comes within the purview of this Act].

(2) If any day notified as holiday under sub-section (1) happens to be a day of public festival, the employer may keep the shop or commercial establishment open on such day but in that event he shall keep the shop or commercial establishment closed on some other day within three days before or after the date of such public festival and give notice of the change to the Inspector at least seven clear days before the day of such public festival.

(3) It shall not be lawful for an employer to call an employee at, or for any employee to go to, his shop or commercial establishment or any other place for any work in connection with the business of his shop or commercial establishment on a day on which such shop or commercial establishment remain closed.

[(3-A) Notwithstanding anything contained in sub-section (1), the State Government or any officer authorised by it in this behalf may, if it or he thinks fit so to do in public interest, by notification, fix any day of the week to be the closed day in respect of all or any class of shops or commercial establishments in any or all the local area or part thereof, and the closed day so fixed shall be deemed to have been fixed under sub-section (1) ;

Provided that the employer shall have no right to alter the closed day so fixed.]

[(4) No deduction shall be made from the wages of any employee in a shop or commercial establishment on account of any day on which it has remained closed under this section. If any employee is employed on daily wages he shall nonetheless be paid wages for the weekly holiday equal to the average of daily wages earned by him during the preceding six working days. If any employee is paid a piece rate wage, he shall nonetheless be paid his wage for the day on which the shop or commercial establishment remain closed at a rate equivalent to the daily average of his wages for the days on which he has actually worked during the six days preceding such closed day, exclusive of any earning in respect of overtime ;

Provided that nothing in this sub-section shall apply to any person whose total period of continuous employment is less than six days.]