

The Madhya Pradesh Shops and Establishments Act, 1958

List of Important Documents for Registration:

(A). TWO PASSPORT SIZE PHOTOGRAPH OF THE APPLICANT

(B). ORIGINAL CHALLAN OF REMITTING REGISTION FEES(DOWNLOAD)

(C). PHOTO ID OF OWNER - Any one of the following Documents

AADHAR Card

Voter ID

Passport

IT Pan Card

Driving License

(D). ADDRESS PROOF OF OWNER - Any one of the following Documents

Ration Card

Electricity Bill

Telephone Bill

LPG Connection Document

Ownership Deed

Rental Agreement

(E). ADDRESS PROOF OF LOCATION OF SHOP - Any one of the following Documents

Electricity Bill

Telephone Bill

Ownership Deed

Rental Agreement

Partnership Deed (In case of Partnership Firm)

Memorandum of Article (In case of Company)

Important Definitions:

"Commercial establishment" means an establishment which carries on any business, trade or profession or any work in connection with, or incidental or ancillary to, any business, trade or profession and includes:

[(a) a society registered or deemed to have been registered under the [Madhya Pradesh Societies Registration Act, 1959 (1 of 1960)] and a charitable or other trust, whether registered or not, which carries on whether for gain or not, any business, trade or profession or work in connection with or incidental or ancillary to such business, trade or profession;]

(b) an establishment which carries on the business of advertising, commission agency, forwarding or commercial agency or which is a clerical department of a factory or of any industrial or commercial undertaking;

(c) an insurance company, joint stock company, bank, broker's office and exchange,

but does not include a factory, shop, residential hotel, restaurant, eating-house theatre or other place of public amusement or entertainment;

"day" means the period of twenty-four hours beginning at mid-night:

Provided that in the case of an employee whose hours of work extend beyond midnight, day means the period of twenty-four hours beginning when such employment commences irrespective of mid-night

"establishment" means a shop, commercial establishment, residential hotel, restaurant, eating-house, theatre, or other place of public amusement or entertainment to which this Act applies and includes such other establishment of like nature as the Government may, by notification, declare to be an establishment for the purposes of this Act;

Explanation : An establishment in the premises of which people are present shall be presumed to be opened unless contrary is proved;]

"period of work" means the time during which an employee is at the disposal of the employer;

"register of establishment" means a register maintained for the registration of establishments under this Act;

"registration certificate" means a certificate showing the registration of an establishment;

"residential hotel" means any premises in which a bona fide business is carried on of supplying for payment lodging or board and lodging to travellers and other members or class of members of the public and includes a residential club;

"restaurant or eating-house" means any premises in which it is carried on wholly or principally the business of the supply of meals or refreshments to the public or a class of the public for consumption on the premises, and includes a Halwai's shop; but does not include a restaurant or a canteen attached to a factory if the persons employed therein are allowed the benefits provided for workers under the Factories Act, 1948 (63 of 1948);

"shop" means any premises where goods are sold, either by retail or wholesale or both or where services are rendered to customers, and includes an office, a store room, godown, warehouse or workplace, whether in the same premises or otherwise used in connection with such trade or business but does not include a factory, a commercial establishment, residential hotel, restaurant, eating-house, theatre or other place of public amusement or entertainment or

a shop attached to a factory where the persons employed in the shop are allowed the benefits provided for workers under the Factories Act, 1948 (63 of 1948);

"spread-over" means the period between the commencement and the termination of the work of an employee on any day;

"theatre" includes any premises intended principally or wholly for the exhibition of pictures or other optical effects by means of a cinematograph or other suitable apparatus or for a dramatic performance or for any other public amusement or entertainment;

### Registration of Establishments

Registration of establishments. - (1) Every establishment to which this Act applies shall be registered in accordance with the provision of this section.

(2) Within thirty days from the date on which this Act applies to an establishment, its employer shall send to the Inspector of the area concerned a statement, in the prescribed form, together with such fees, as may be prescribed containing :-

[(a) the name of the employer, the manager and the person holding positions of management, if any;]

[(b) the postal address of, and the date of starting the business by the establishment;]

(c) the name, if any, of the establishment;

(d) the category of the establishment, i.e., whether it is a shop, commercial establishment, residential hotel, restaurant, eating-house, theatre or other place of public amusement or entertainment; and

(e) such other particulars, as may be prescribed.

(3) On receipt of the statement and the fees, the Inspector shall, on being satisfied about the correctness of the statement, register the establishment in the register of establishments in such manner as may be prescribed and shall issue, in the prescribed form, a Registration Certificate to the employer. The Registration Certificate shall be prominently displayed at the establishment.

(4) In the event of any doubt or difference of opinion between an employer and the Inspector as to the category to which an establishment should belong, the Inspector shall refer the matter to the Labour Commissioner who shall, after such inquiry, as he thinks proper, decide the category of such establishment and his decision shall be final for the purposes of this Act.

(5) The Government may, by notification, require renewal of Registration Certificates issued under this section at such intervals not being less than [five years], and on payment of such fee as may be prescribed.

(6) The registration fee and the renewal fee shall not exceed [two hundred and fifty rupees] per establishment.

7. Change to be communicated to Inspector. - It shall be the duty of an employer to notify to the Inspector, in the prescribed form, any change in respect of any information contained in his statement under Section 6 within seven days after the change has taken place. The

Inspector shall, on receiving such notice and on being satisfied about its correctness, make the change in the register of the establishments in accordance with such notice and shall amend the Registration Certificate or issue a fresh Registration Certificate if necessary.

8. Closing of establishment to be communicated to Inspector. - The employer shall, within ten days of his closing the establishment, notify to the Inspector in writing accordingly. The Inspector shall, on receiving the information and being satisfied about its correctness, remove such establishment from the register of establishment and cancel the Registration Certificate.