



GOVERNMENT OF PONDICHERRY

Labour Department.

No. 1254/64-Lab.

Pondicherry, the 24th November, 1964.

NOTIFICATION

In exercise of the powers conferred by sub-section (1) of section 53 of the Pondicherry Shops and Establishments Act, 1964 (Pondicherry Act of 1964), the Lieutenant-Governor, Pondicherry hereby makes the following rules:

**PONDICHERRY SHOPS AND ESTABLISHMENTS
RULES, 1964.**

1. Short title and extent.—(1) These rules may be called the Pondicherry Shops and Establishments Rules, 1964.

(2) They extend to the whole of the Union territory of Pondicherry.

2. Definitions.—In these rules, unless there is anything repugnant in the subject or context,—

(a) "the Act" means the Pondicherry Shops and Establishments Act, 1964;

(b) "Form" means a form appended to these rules;

(c) "Government" means the Administrator appointed under Article 239 of the Constitution;

(d) "section" means a section of the Act;

(e) words and expressions used in the Act and not defined in these rules shall have the meanings assigned to them in the Act.

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3. Form of statement and fees to be sent by the employer to the Inspector under sub-section (1) of section 7.—(1) The statement to be sent by the employer to the Inspector under sub-section (1) of section 7 shall be in Form No. 1.

(2) The fees to be sent together with the statement referred to in sub-rule (1) shall be as specified in the Table below:

THE TABLE

If the number of employees proposed to be employed on any day during the financial year to which the registration relates.—

	Fees
	Rs.
Does not exceed 10	10-00
Exceeds 10 but does not exceed 20	20-00
Exceeds 20 but does not exceed 50	50-00
Exceeds 50 but does not exceed 100	100-00
Exceeds 100	250-00

4. Grant of registration certificate.—(1) The register of shops or establishments shall be maintained in Form No. II.

(2) The registration certificate shall be in Form No. III.

5. Form in which the employer should notify any change to the Inspector under section 8.—(1) The employer shall notify every change, he is required to notify under section 8 in Form No. IV.

(2) The notification of change shall, unless the registration certificate has already been sent to the Inspector, be accompanied by the registration certificate.

6. Renewal of a registration certificate.—(1) The employer shall send to the Inspector a statement in Form No. 1 for the renewal of the registration certificate. The statement shall be sent in duplicate, before the date of expiry of the registration certificate together with the fee for the renewal and the registration certificate. On receipt of such statement together with such fee, the Inspector may renew the registration certificate.

(2) The fees to be paid for the renewal of the registration certificate shall be as specified in the Table below sub-rule (2) of rule 3.

(3) If the statement for renewal is not sent within the time specified in sub-rule (1), but is sent within one month from the date of expiry of the registration certificate, the registration certificate may be renewed only on payment of a fee of twenty-five per cent in excess of the fee payable under sub-rule (2).

(4) When the statement for renewal is sent within the time specified in sub-rule (1) or sub-rule (3), the shop or establishment shall be deemed to be duly registered until the Inspector passes order on the statement for the renewal of the registration certificate.

7. Issue of duplicate registration certificate.—(1) If a registration certificate is lost or destroyed, the employer shall forthwith report the matter to the Inspector by whom the certificate was issued or last renewed and shall apply to such Inspector with a fee of five rupees for the issue of a duplicate certificate.

(2) Upon receipt of an application and the fee referred to in sub-rule (1), the Inspector shall furnish the employer with a duplicate copy of the certificate duly stamped "duplicate" in red ink.

8. (1) Every application under these rules shall be accompanied by a treasury receipt showing that the appropriate fee has been paid into the local treasury under the head of account: "XXXII—Miscellaneous—Social and Development organisation—Labour and Employment — Receipts under the Pondicherry Shops and Establishments Act, 1964".

(2) If the Inspector is satisfied that any shop or establishment has not worked even a single day during the period of validity of the registration certificate, he may order the refund of the fee collected for the period.

9. **Enquiry by Government before passing orders fixing opening and closing hours of shops.**—(1) The Government shall make the enquiry under sub-section (2) of section 10 in the manner specified in sub-rules (2) to (4).

(2) Before passing an order under sub-section (1) of section 10, the Government shall give notice of their intention to pass such order. The notice shall be in Form V and shall, unless a copy of the order proposed to be passed is annexed to it, specify the area and the shop or shops or class or classes of shops to which the order shall apply, the hours of opening or the hours of closing or both, which are proposed to be fixed and the days in respect of which such hours are so proposed to be fixed. The notice shall also state that objections and suggestions with respect to such orders, if any, may be sent to the officer mentioned in the notice within one month from the date of publication of such notice in the State Gazette.

(3) The notice shall be published in the State Gazette.

(4) The Government shall consider all objections and suggestions received under sub-rule (2) before passing any order under sub-section (1) of section 10.

10. **Enquiry by Government before passing orders fixing opening and closing hours of establishments other than shops.**—The provisions of rule 9 shall *mutatis mutandis* apply to an enquiry to be made by the Government under sub-section (2) of section 16.

11. **Cleanliness.**—(1) (a) In every establishment all the inside walls of the rooms and all the ceilings of such rooms (whether such walls or ceilings be plastered or not) and all the passages and staircases shall be lime-washed or colour-washed at intervals of not more than twelve months dating from the time when they were last lime-washed or colour-washed and shall be maintained in a clean state.

(b) All beams, rafters, doors, window-frames and other woodwork with the exception of floors shall be either lime-washed or colour-washed at intervals of not more than twelve months dating from the time when they were last lime-washed or colour-washed or shall be painted or varnished at intervals of not more than seven years dating from the time when they were last painted or varnished and shall be maintained in a clean state.

(c) This sub-rule shall not apply to the following:—

(i) Rooms used only for the storage of articles;

(ii) Walls or ceilings of rooms which are made of galvanised iron, flat tiles, asbestos sheets, glazed bricks, glass, slate, bamboo thatch, cement plaster or polished chunam;

(iii) Ceilings of rooms in which the lowest part is at least 6 metres from the floor;

(iv) Any other establishment or part thereof in which lime-washing, colour-washing, painting or varnishing is, in the opinion of the Commissioner of Labour, unnecessary to satisfy the requirements of section 23 in regard to cleanliness.

(2) Rubbish, filth or debris shall not be allowed, accumulated or to remain on any part of the establishment for more than 24 hours and shall be disposed of in the manner approved by the Inspector. All filth and other decomposing matter shall be kept in covered receptacles.

(3) All drains carrying waste or sullage water or sewage shall be constructed of masonry or other impermeable material and shall be regularly flushed at least twice daily and where possible, connected with some recognised drainage line.

(4) The establishment and the compound surrounding it shall be maintained in a strictly sanitary and clean condition. The floors shall be swept or otherwise cleaned at least once daily, and the ceilings shall be dusted at least once a month.

(5) The employer shall enforce the proper use of latrine and urinals and prevent pollution by excreta or urine of the surface of the ground in the vicinity of the latrine or urinal and in the compound of the establishment. The employer shall make suitable arrangements for the regular cleaning and conserving of the latrines and urinals to the satisfaction of the Inspector.

(6) The area around the place where drinking water is distributed to the workers shall be kept clean and properly drained.

12. Ventilation.—In every room of an establishment ventilating openings shall be provided in the proportion of 0.5 square metre for each worker employed in such room and the opening shall be such as to admit of a continued supply of fresh air:

Provided that, subject to the control of the Commissioner of Labour, the Inspector, may, for reasons to be recorded in writing, relax the conditions of this rule where, in his opinion, this may be done with due regard to the health of the workers employed in any rooms.

13. Precautions against fire.—The employer of every establishment shall adopt such precautions against danger by fire to the life of persons employed therein as are considered adequate by the Inspector.

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14. Appeals from orders passed under Chapter V of the Act.—The Commissioner of Labour shall be the appellate authority for the purpose of hearing appeals from orders passed by the Inspector under Chapter V of the Act and any such appeal shall be preferred by the employer on whom the order of the Inspector under that Chapter has been served within thirty days from the date of the service of the order.

Deputy Labour Commissioner
15. Appeals under section 44.—(1) The Commissioner for Workmen's Compensation shall be the authority for the purpose of hearing appeals under sub-section (2) of section 44 and any such appeal shall be preferred by the person employed within thirty days from the date of service of the order terminating the services with the employer such service to be deemed effective if carried out either personally or if that be not practicable, by pre-paid registered post to the last known address when the date of such service shall be deemed to be the date when the letter would arrive in ordinary course of post:

Provided that an appeal may be admitted after the said period of thirty days if the appellant satisfies the appellate authority that he had sufficient cause for not preferring the appeal within that period.

appellate authority
(2) The procedure to be followed by the (Commissioner) for Workmen's Compensation when hearing appeals preferred to him under sub-section (2) of section 44 shall be summary. He shall record briefly the evidence adduced before him and then pass orders giving his reasons therefor. The result of the appeal shall be communicated to the parties as soon as possible. Copies of the orders shall also be furnished to the parties if required by them. The copies shall be on stamp papers to be furnished by the parties.

(3) For the purposes of sub-rule (2) one paper with adhesive Timbre d' instance judiciaire of the value of twenty paise affixed shall be used for every 176 words or fraction thereof; when the reverse of the stamped paper is written, an

15. A. Re-hearing of appeal

(1) (3)

adhesive Timbre d' instance judiciaire of twenty paise when the number of words written does not exceed 176, or twenty-five paise when the number of words written exceeds 176, shall be affixed at the top right-hand corner of that side.

16. Manner of calculating ordinary rate of wages.—For the purpose of the explanation to section 34, ordinary rate of wages per hour shall be calculated by dividing the total wages payable to a person employed for the hours actually worked by him during the wage period by the number of such hours in the wage period:

Provided that hours worked by a person employed in excess of the normal daily hours during the wage period shall be excluded in calculating the number of hours actually worked by him.

17. Fines.—(1) (a) The Commissioner of Labour shall be the authority competent to approve under sub-section (8) of section 38, acts and omissions in respect of which fines may be imposed and, under sub-section (3) of section 38, the purposes to which the fines realised shall be applied.

(b) Every employer requiring the power to impose fines in respect of any acts and omissions on the part of employed persons shall send to the Commissioner of Labour.

(i) a list, in English, in duplicate, clearly defining such acts and omissions;

(ii) in cases where the employer himself does not intend to be the sole person empowered to impose fines, a list in duplicate, showing those appointments in his establishments the incumbents of which may pass orders imposing fines and the class of establishment or which the incumbent of each such appointment may impose fines; and

(iii) a list showing the purpose to which the fines realised shall be applied.

(c) The Commissioner of Labour may, on receipt of the list prescribed in sub-clause (i) or sub-clause (iii) of clause (b) after such enquiry as he considers necessary, pass orders either.

(i) disapproving the list; or

(ii) approving the list either in its original form or as amended by him in which case such list shall be considered to be an approved list:

Provided that no order disapproving or amending any list shall be passed unless the employer shall have been given an opportunity of showing cause orally or in writing against such order.

(d) The employer shall display at or near the main entrance of the establishment a copy in English, together with a correct translation thereof, in the language of the majority of the persons employed therein, of the list approved under clause (e).

(e) No fine shall be imposed by any person other than an employer or a person holding an appointment named in a list submitted under clause (b).

(2) (a) Any person desiring to impose a fine on a person employed or to make a deduction from his wages for damage or loss shall explain personally to the said person the act or omission, or damage or loss in respect of which the fine or deduction is proposed to be imposed and the amount of the fine or deduction, which it is proposed to impose, and shall hear his explanation. The charge in respect of which it is proposed to impose the fine or deduction and the explanation of the person concerned shall be reduced to writing, the signature of such person being obtained to the later.

(b) Every person other than the employer imposing a fine or directing the making of a deduction for damage or loss shall at once inform the employer of all particulars so that the register prescribed in sub-rule (3) or sub-rule (4) may be duly completed.

(3) (a) The employer of any establishment in respect of which he has obtained approval under sub-section (1) of section 38 to a list of acts and omissions in respect of which fines may be imposed, shall maintain a Register of Fines in Form VI.

(b) At the beginning of the Register of Fines, the approved purpose or purposes on which the fines realized are to be expended shall be entered and serially numbered.

(c) When any disbursements are made from the fines realized, a deduct entry of the amount so expended shall be made in the Register of Fines. The vouchers or receipts in respect of the amounts so expended shall be serially numbered and kept separately, the serial number of each voucher or receipt and the amount to which it relates being noted in the remarks column of the register. If more than one purpose has been approved, the entry of the disbursements shall also indicate the purpose for which it is made.

(4) In every establishment in which deductions for damage or loss are made, the employer shall maintain the register required by sub-section (2) of section 40 in Form VII.

(5) A Register of Wages shall be maintained in every establishment and may be kept in such form as the employer finds convenient but shall include the following particulars.

(i) the gross wages earned by each person employed for each wage-period;

(ii) the total of all deductions made from those wages;

(iii) the wages actually paid to each person employed for each wage-period.

18. Deductions for breach of contract.—(1) No deduction for breach of contract shall be made from the wages of an employed person who is under the age of fifteen years.

(2) No deduction for breach of contract shall be made from the wages of any employed person unless.

(a) There is provision in writing forming part of the terms of the contract of employment requiring the employee to give notice of the termination of such employment and the period of notice does not exceed either.

(i) fifteen days of the wage-period, whichever is less; or

(ii) the period of notice which the employer is required to give of the termination of that employment.

(b) this rule has been displayed in English and in the language of the majority of the employed persons at or near the main entrance of the establishment and has been so displayed for not less than one month before the commencement of the absence in respect of which the deduction is made; and

(c) a notice has been displayed at or near the main entrance of the establishment giving the names of the persons from whose wages the deduction is proposed to be made, the number of days wages to be deducted and the conditions (if any) on which the deduction will be remitted:

Provided that where the deduction is proposed to be made from all the persons employed in any departments or sections of the establishment it shall be sufficient in lieu of giving the names of the persons in such departments or sections, to specify the departments or sections affected.

(3) No deduction for breach of contract shall exceed the wages of the person employed, for the period by which the notice of termination of service given falls short of the period of such notice required by the contract of employment.

(4) If any conditions have been specified in the notice displayed under clause (c) of sub-rule (2) no deductions for breach of contract shall be made from the wages of any person who has complied with those conditions.

19. **Advances.**—(1) An advance of wages not already earned shall not, without the previous permission of the Labour Officer having jurisdiction, exceed an amount equivalent to the wages earned by the employed person during the preceding two calendar months, or if he has not been employed for that period, twice the wages he is likely to earn during the subsequent calendar month.

(2) Any advance may be recovered in instalments by deductions from wages, spread over not more than twelve months:

Provided that this sub-rule shall not apply to the case of an advance made before the commencement of the Act and particulars relating to which are communicated before the expiry of one month from the date of publication of these rules in the State Gazette to the Inspector of Factories having jurisdiction over the establishment.

(3) No instalment by which an advance is repaid shall exceed one-third, or where the wages for any wage-period are not more than twenty rupees, one-fourth of the wages for any wage-period in respect of which the deduction is made.

(4) The amounts of all advances, whether made before the commencement of the Act or sanctioned after such commencement and all repayments of such advances, shall be entered in a register in Form VIII. VI

20. **Provision regarding Inspectors.**—No person shall be appointed to be an Inspector under the Act, or, having been so appointed shall continue to hold office, who is or becomes directly or indirectly interested in any establishment to which the Act applies in the area for which he is to be or has been appointed.

21. **Manner of examination of premises, etc. by the Inspectors.**—(1) An Inspector making an examination under section 47 shall make such examination of the premises and of the

prescribed registers, records and notices as may appear to him necessary for the purpose of satisfying himself that the provisions of the Act, of these rules and any orders passed by the Government under the Act are being properly observed. In particular, he shall satisfy himself.

(i) that the registers, records and notices required to be maintained or exhibited under the Act or these rules are properly maintained or exhibited;

(ii) that the intervals for rest and the holidays required to be granted under the Act are granted and that the limits of hours of work and spread over laid down under the Act are not exceeded;

(iii) that the provisions of the Act relating to the payment for overtime work are duly observed;

(iv) that no child is allowed to work in any establishment to which the Act applies; and

(v) that the provisions of the Act and any order issued by the Government regarding the opening or closing hours are duly observed.

(2) For carrying out such examination, the Inspector may interrogate such persons on the premises, as he may deem necessary provided that no such person shall be required under this rule, to answer any question the answer to which might tend to incriminate him.

22. **Maintenance of registers and records and display of notices.**—(1) Every employer shall maintain a register of employment in Form IX provided that where the opening and closing hours are ordinarily uniform, the employer may maintain such register in Form X. VII

(2) Notwithstanding anything contained in sub-rule (1) an employer may, instead of maintaining a register as provided in that sub-rule exhibit in his establishment a notice specifying the daily hours of work and the intervals for rest and

(2) meals to be allowed to the persons employed. The notice shall be in Form XI and shall be exhibited not later than the closing hour on the Saturday immediately preceding the first week in which the hours of work shall be as specified in such notice. It shall continue to be exhibited so long as the hours of work specified in it are observed.

(3) Where an employer has exhibited the notice referred in sub-rule (2), he shall keep a record of hours of work in Form XII.

(4) Every employer shall exhibit in his establishment a notice in Form XIII specifying the day or days of the week on which the person employed by him shall be given a holiday. The notice shall be exhibited before the persons to whom it relates cease work on the Saturday immediately preceding the first week during which it is to have effect.

(5) Every employer shall exhibit in his establishment a notice containing such extracts of the Act and these rules in English and in the language of the majority of the persons employed by him as the Government may direct.

(6) Any notice required to be exhibited under these rules shall be exhibited in such manner that it can be readily seen and read by any person whom it affects and shall be renewed whenever it becomes defaced or otherwise ceases to be clearly legible.

(7) In any register or record which an employer is required to maintain under these rules, the entries relating to any day shall be made on such day.

(8) The registers, records and notices relating to any calendar year shall be preserved till the end of the next calendar year.

(9) Every employer shall maintain a register in Form XIV for the holidays and leave granted under section 28 to persons employed in his establishment.

(10) Save as otherwise provided in sub-rule (5), all registers, records and notices required to be maintained, exhibited or given under this rule shall be either in English or in the language of the majority of the persons employed in the establishment.

(11) Every employer shall maintain a visit book in which an Inspector visiting the establishment may record his remarks regarding any defects that may come to light at the time of his inspection and shall produce it whenever required to do so by any Inspector having jurisdiction.

23. Admissibility of forms other than those prescribed in the rule.—Where the Commissioner of Labour considers that the forms maintained in an establishment give the particulars required by the forms prescribed in these rules, he may direct that such forms be kept in the place of the forms prescribed in these rules and such form shall thereupon, for the purpose of these rules be deemed to be the forms so prescribed.

24. The registers, records and notices maintained or exhibited under the provisions of these rules shall always be available in the establishment and shall be produced or caused to be produced for inspection at all reasonable hours by any inspector having jurisdiction.

24-A. Exhibition of name board: The name board of every establishment shall be in Tamil in Pondicherry and Karaikal regions, Malayalam in Mahe region and Telugu in Yanam region and wherever other languages are also used, the versions in such other languages shall be below the Tamil/Malayalam/Telugu versions, as the case may be.

25. Ascertainment of age by the Inspectors.—An Inspector may require an employer to produce an authentic extract from the records of any school, village officer, panchayat or municipality or, in the absence of such extract at least a certificate which shall be in Form XV from Registered Medical Practitioner showing the age of any person employed by such employer.

26. **Penalty.**—Any person who contravenes any of the provisions of these rules shall on conviction be punishable with fine which may extend to fifty rupees.

(21) *Example:*

The amount may be paid

FORM I

[See sub-rule (1) of rule 3 and sub-rule (1) of rule 6]

Statement under sub-section (1) of section 7 for registration/Statement under sub-section (4) of section 7 for renewal of registration certificate for the final year.....

1. Full name of the shop or establishment.
2. (i) Full postal address and situation of the shop or establishment.
(ii) Full address to which communications relating to the shop or establishment should be sent.
3. (i) Maximum number of employees proposed to be employed on any one day during the financial year.
(ii) Number of employees ordinarily to be employed in the shop or establishment.
4. Full name and residential address of the person who shall be the manager of the shop or establishment.
5. Full name and residential address of the employer other than the manager, that is to say—
(i) the proprietor of the shop or establishment;
(ii) directors in case of a public limited liability establishment;

(iii) where a managing agent has been appointed, the name of managing agent and directors thereof; and

(iv) share-holders, if any.

6. Amount of fee Rs. (Rupees) paid in No. Treasury on vide chalan (enclosed).

Date :

Signature of employer.

Date :

Signature of manager.

- NOTE : (1) This form shall be completed in ink in block letters or typed.
(2) If any of the persons named against item 6 is a minor, the fact shall be clearly stated.
(3) In the case of shop or establishment where a managing agent or agents have been appointed under the Companies Act, 1956 (Central Act 1 of 1956), the information required in item 5 shall be supplied only in respect of that person or persons.

FORM II

[See sub-rule (1) of rule 4]

Register of shops and establishments

1. Serial number.
2. Date of receipt of statement or application by the Inspector.
3. Number and date of the previous certificate.
4. Name of employer in whose name the registration certificate is to be issued.
5. Name of the shop or establishment.

6. Address of the shop or establishment.
7. Maximum number of employees employed or to be employed.
8. Fee paid.
9. Name of Treasury.
10. Number and date of chalan.
11. Number and date of the registration certificate issued.
12. Initials of the officer.
13. Remarks.

FORM III

[See sub-rule (2) of rule 4]

Registration certificate of renewal thereof in respect of a shop or establishment

Registration number.

Fee Rs.

Certified that _____ is registered as a shop/establishment in the Register of shops and establishments and that employer of the shop/establishment is permitted to employ not more than _____ employees on any day during the financial year.

This certificate shall remain in force till the 31st day of March 19____.

Dated the

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Inspector.

RENEWAL

Date of renewal

Fees paid for renewal

Date of expiry

Signature of the Inspector.

- 1.
- 2.
- 3.
- 4.

AMENDMENTS

Amended to employ maximum number of employees.

Signature of the Inspector

- 1.
- 2.
- 3.
- 4.

FORM IV

[See sub-rule (1) of rule 5]

Form in which any change in respect of any information contained in the statement under section 7 should be notified

1. Full name of the shop or establishment.
2. Registration number and date of registration.
3. Change in the particulars relating to situation of the shop/establishment.
4. Change in the particulars relating to the employer.
5. Change in the number of employees employed, namely:—
 - (i) Maximum number of employees employed prior to the change.
 - (ii) Number of persons newly engaged.
 - (iii) Total.
6. Any other change in the particulars in Form No. 1 relating to the statement under section 7 and the renewal of the registration certificate.

Signature of the employer.

Date :

Signature of the manager.

Date :

NOTE : This form shall be completed in ink in block letters or typed.