

REPORT ON THE WORKING OF THE LEGISLATION GOVERNING CONDITIONS OF EMPLOYMENT IN SHOPS, COMMERCIAL ESTABLISHMENTS, THEATRES, HOTELS AND RESTAURANTS DURING THE YEAR 2020*

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 2020.

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, payment 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 1(A) and 1(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 2020.

* Report for the year 2019 may be seen on Labour Bureau website.

3. Administration

There is no uniform pattern of departments/organizations in different States in administering these Acts. In the States of Bihar 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.

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 2020 are presented in **Table-II**. The total number of establishments covered under the Act and persons employed therein during 2020 were 8124023 and 24017841 respectively. Out of these establishments 6050431 (74.48%) were Shops, 1757326 (21.63%) were Commercial Establishments and 303650 (3.74%) were Cinemas, Theaters, Hotels and Restaurants. The above establishments employed 9998819 (41.63%), 12687078 (52.82%) and 1241044 (5.17%) persons respectively.

It is observed from this table that the total number of establishments covered under the Act was highest in Maharashtra (1518442 i.e. 18.77%) followed by Andhra Pradesh (1121519 i.e. 13.86%), Madhya Pradesh (1115865 i.e. 13.79%), and Rajasthan (727713 i.e. 9%). The number of persons employed in the establishments was highest in Maharashtra (5697145 i.e. 23.72%) followed by NCT Delhi (2926750 i.e. 12.19%) and Madhya Pradesh (2536911 i.e. 10.56%). 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 6050431 Shops, as many as 3350146 i.e. 55.37% shops were run independently by the owners while the rest were being run with the help of employees.

Enforcement

The data on inspection made, prosecution launched, cases disposed of by Courts and the amount of fines realized during 2020 are presented in **Table-IV**. In all the States and Union Territories which have submitted return during the year 2020, the agencies administering the Act conducted 112807 inspections, 2921 prosecutions were launched, 665 cases disposed-off and realised an amount of Rs. 2337000 as fine from the defending establishments. During the year Gujarat reported the highest number of inspections i.e. 20835 (18.47%) followed by Tamilnadu 20289 (17.99%). While, Kerala has reported the highest number of prosecutions launched i.e.905 (30.98%) and Uttar Pradesh has reported the highest number of cases disposed i.e. 283 (42.56%) during the year 2020.

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 31st March 2020. However, the States of Chhattisgarh, Jharkhand, Punjab, and West Bengal, as well as Union Territories of Lakshadweep and Leh Laddakh did not submit the returns despite repeated reminders, resulting in delay in bringing out the review. On the other hand, states like Arunachal Pradesh have submitted a nil returns. The present review is based on the data supplied by 22 States and 5 Union Territories.

Table-I (A) State-wise Coverage of Shops and Commercial Establishments under the State Acts During the year 2020

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	Whole State
2.	Assam	The Assam Shops and Establishments Act, 1971	Assam Municipal Board and town committees, Guwahati Municipal Corporation ,127 Semi-urban areas and entire districts of Karbi Anglong & Dima Hasao
3.	Bihar	The Bihar Shops and Establishments Act, 1953	Whole State
4.	Goa	Goa, Daman & Diu Shops and Establishments Act, 1973	Erstwhile UT of Goa, Daman and Diu
5.	Gujarat	The Shops and Establishments Act, 1948	134 Local Authorities
6.	Haryana	The Punjab Shops and Commercial Establishments Act, 1958	Whole State
7.	Himachal Pradesh	The Himachal Pradesh Shops & Commercial Establishments Act, 1969	Municipal Corporation and other Municipal areas and cantonment limits in the whole State
8.	Karnataka	The Karnataka Shops and Commercial Establishments Act, 1961	Whole State
9.	Kerala	The Kerala Shops and Commercial Establishments Act, 1960	Whole State
10.	Madhya Pradesh	Dookan Aur Vanijayik sansthapna Adhiniyam, 1958	Whole State
11.	Maharashtra	The Maharashtra Shops and Establishments Act, 1948 (Regulation of Employment and Conditions Of Services Act, 2017)	295 Local areas
12.	Meghalaya	Shops and Establishments Act, 2003	Whole State
13.	Manipur	Manipur Shops and Establishments Act, 1972	Whole State
14.	Mizoram	Mizoram Shop & Establishment Rules, 2010	Whole State
15.	Nagaland	The Nagaland shop and establishment act. 1982	Whole State
16.	Odisha	The Odisha Shops and Commercial Establishments Act, 1956	Municipal Corporations and N.A.Cs
17.	Punjab	The Punjab Shops and Commercial Establishments Act, 1958	131 Towns and other places
18.	Rajasthan	The Rajasthan Shops and Commercial Establishments Act, 1958	35 Places
19.	Tamil Nadu	The Tamil Nadu Shops and Establishments Act, 1947	Whole State
20.	Telangana	Shops & Establishments Act, 1988	Whole State
21.	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

22.	Chandigarh	The Punjab Shops and Commercial Establishments Act, 1958	Union Territory of Chandigarh
23.	Delhi (NCT)	The Delhi Shops and Establishments Act, 1954	The whole national capital territory.
24.	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
25	Jammu & Kashmir	Jammu & Kashmir Shops & Establishments Act, 1966	Whole State

Note: The remaining States/Union Territories did not furnish the Annual Returns for the year 2020

Table – I (B) Coverage under the Weekly Holidays Act, 1942 during 2020

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

Table - II**Number of Shops, Commercial Establishments, Cinemas, Theatres, Hotels, Restaurants, etc. and Total Number of Persons Employed therein during the year 2020 (by States/UT's)**

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	1094346	618384	18304	90674	8869	60518	1121519	769576
2.	Assam	70545	33795	32344	35043	8016	12383	110905	81221
3.	Bihar	227889	250678	71990	645468	9517	98241	309396	994387
4.	Goa	592	747	379	1395	145	624	1116	2766
5.	Gujarat	374558	291131	127046	315745	22562	50615	524166	657491
6.	Haryana	455806	948195	74708	1744284	9203	79421	539717	2771900
7.	Himachal Pradesh	72458	25990	11009	22143	11717	22633	95184	70766
8.	Karnataka	172808	407529	145071	868089	341	2701	330836	1369219
9.	Kerala	281643	508527	49253	391749	15769	91699	346665	991975
10.	Madhya Pradesh	680678	1470394	357077	916332	78110	150185	1115865	2536911
11.	Maharashtra	924754	1695204	536435	3699544	57253	302397	1518442	5697145
12.	Meghalaya	16952	38733	3861	17530	1197	7873	22010	64136
13.	Manipur	816	503	545	812	34	58	1395	1373
14.	Mizoram	250	230	105	560	12	40	367	830
15.	Nagaland	9280	1650	670	2444	1122	2806	11072	6900
16.	Odisha	16657	54863	25630	190170	6618	29317	48905	274350
17.	Rajasthan	666413	851301	42895	219759	18405	75171	727713	1146231
18.	Tamil Nadu	236084	818573	20573	304413	4254	30809	260911	1153795
19.	Telangana	144308	534131	27432	211490	6952	65372	178692	810993
20.	Tripura	60348	18685	2015	8339	2134	4784	64497	31808
21.	Uttar Pradesh	54023	114716	131199	1039222	3105	25374	188327	1179312
22.	Uttarakhand	7360	4013	2376	4922	3219	1073	12955	10008
23.	A & N Islands	7482	20323	2071	3871	1041	7323	10594	31517
24.	Chandigarh	21794	48705	7463	60744	2335	11625	31592	121074
25.	NCT Delhi	169207	1062886	32317	1804621	7418	59243	208942	2926750
26.	Puducherry	23830	79116	3833	15851	2654	11632	30317	106599
27.	Jammu & Kashmir	259550	99817	30725	71864	21648	37127	311923	208808
Total		6050431	9998819	1757326	12687078	303650	1241044	8124023	24017841
		(74.48)	(41.63)	(21.63)	(52.82)	(3.74)	(5.17)	(100)	(100)

Note: (i) The remaining States/Union Territories did not submit the Annual Returns for the year, 2020.

(ii) Figures in brackets indicate percentage to total.

Table - III**Ownership of Shops and Employment therein during the year 2020 (by States/UT's)**

State/Union Territory	Number of Shops			Number of owners of shops shown in Col.4	Number of persons employed
	Independently run by owners		Others		
1	2	3	4	5	6
1. Andhra Pradesh	894432 (26.70)	199914 (7.40)	1094346	1094346	618384
2. Assam	24710 (0.74)	45835 (1.70)	70545	67911	33795
3. Bihar	227889 (6.80)	- (0.00)	227889	227889	250678
4. Goa	282 (0.01)	310 (0.01)	592	592	747
5. Gujarat	239101 (7.14)	135457 (5.02)	374558	374558	291131
6. Haryana	275345 (8.22)	180461 (6.68)	455806	455806	948195
7. Himachal Pradesh	52009 (1.55)	20449 (0.76)	72458	72458	25990
8. Karnataka	74564 (2.23)	98244 (3.64)	172808	130965	407529
9. Kerala	137760 (4.11)	143883 (5.33)	281643	281643	508527
10. Madhya Pradesh	351093 (10.48)	329585 (12.21)	680678	680678	1470394
11. Maharashtra	178044 (5.31)	746710 (27.65)	924754	924754	1695204
12. Meghalaya	10991 (0.33)	5961 (0.22)	16952	16952	38733
13. Manipur	610 (0.02)	206 (0.01)	816	816	503
14. Mizoram	82 (0.00)	168 (0.01)	250	250	230
15. Nagaland	8460 (0.25)	820 (0.03)	9280	9280	1650
16. Odisha	- (0.00)	16657 (0.62)	16657	16657	54863
17. Rajasthan	288876 (8.62)	377537 (13.98)	666413	666413	851301
18. Tamil Nadu	177903 (5.31)	58181 (2.15)	236084	236852	818573
19. Telangana	29048 (0.87)	115260 (4.27)	144308	306367	534131
20. Tripura	44940 (1.34)	15408 (0.57)	60348	60348	18685
21. Uttar Pradesh	26853 (0.80)	27170 (1.01)	54023	54023	114716
22. Uttarakhand	4807 (0.14)	2553 (0.09)	7360	12598	4013
23. A & N Islands	1820 (0.05)	5662 (0.21)	7482	7482	20323
24. Chandigarh	21794 (0.65)	- (0.00)	21794	21794	48705
25. NCT Delhi	64631 (1.93)	104576 (3.87)	169207	169207	1062886
26. Puducherry	1056 (0.03)	22774 (0.84)	23830	23830	79116
27. Jammu & Kashmir	213046 (6.36)	46504 (1.72)	259550	259550	99817
Total	3350146 (55.37)	2700285 (44.63)	6050431	6174019	9998819

Note: The remaining States/Union Territories did not submit the Annual Returns for the year, 2020.
 Figures in brackets indicate percentage to respective total rounded off up to two decimal points.

- = Nil.

Table - IV

Number of Inspections Made, Prosecutions Launched, Cases Disposed off by the Courts and Amount of fine realised under the Shops and Commercial Establishments Act during the Year 2020 (by States/UT's)

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	658	83	29	2,900
2. Assam	7745	69	19	9,000
3. Bihar	-	-	-	-
4. Goa	346	7	-	-
5. Gujarat	20835	404	22	2,200
6. Haryana	16	1	-	-
7. Himachal Pradesh	4896	285	114	2,39,000
8. Karnataka	7577	633	-	16,73,250
9. Kerala	12939	905	38	1,37,000
10. Madhya Pradesh	305	32	-	-
11. Maharashtra	519	3	-	-
12. Meghalaya	1530	-	-	-
13. Manipur	655	-	-	-
14. Mizoram	-	-	-	-
15. Nagaland	3554	-	-	-
16. Odisha	337	3	-	-
17. Rajasthan	484	10	8	1,750
18. Tamil Nadu	20289	75	106	1,04,500
19. Telangana	835	111	-	-
20. Tripura	14913	-	-	-
21. Uttar Pradesh	75	225	283	58,600
22. Uttarakhand	46	-	-	-
23. A & N Islands	-	-	-	-
24. Chandigarh	594	29	19	96,100
25. NCT Delhi	-	-	-	-
26. Puducherry	7403	-	-	-
27. Jammu & Kashmir	6256	46	27	12,700
Total	112807	2921	665	2337000

Note: The remaining States/Union Territories did not submit the Annual Returns for the year, 2020.

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