

REPORT ON THE WORKING OF THE LEGISLATION GOVERNING CONDITIONS OF EMPLOYMENT IN SHOPS, COMMERCIAL ESTABLISHMENTS, THEATRES, HOTELS AND RESTAURANTS DURING THE YEAR 2018*

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 2018.

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 2018.

* Report for the year 2017 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 2018 are presented in **Table-II**. The total number of establishments covered under the Act and persons employed therein during 2018 were 7,430,073 and 20,859,913 respectively. Out of these establishments 5,371,168 (72.29%) were Shops, 1,637,970 (22.05%) were Commercial Establishments and 420,935 (5.67%) were Cinemas, Theaters, Hotels and Restaurants. The above establishments employed 8,715,647 (41.78%), 10,204,988 (48.92%) and 1,939,278 (9.30%) persons respectively.

It is observed from this table that the total number of establishments covered under the Act was highest in Maharashtra (1,226,738 i.e. 16.51%) followed by Madhya Pradesh (800,779 i.e. 10.78%), Rajasthan (791,929 i.e. 10.66%) and Uttar Pradesh (741,301 i.e. 9.9 %). The number of persons employed in the establishments was highest in Maharashtra (4,202,293 i.e. 20.15%) followed by Karnataka (2,514,092 i.e. 12.05 %) and Uttar Pradesh (2,253,846 i.e. 10.80%). 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 5,371,168 Shops, as many as 3,010,920 i.e. 56.06% 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 2018 are presented in **Table-IV**. In all the States and Union Territories which have submitted return during the year 2018, the agencies administering the Act conducted 538,422 inspections, 39,385 prosecutions were launched, 34,912 cases disposed-off and realised an amount of Rs. 18,789,649 as fine from the defending establishments. During the year Tamil Nadu reported the highest number of inspections i.e. 290,763(54.00%) followed by Chandigarh 62,409(11.59%). While, Chandigarh UT has reported both the highest number of prosecutions launched and the highest number of cases disposed off i.e. 28,792 (73.10%) and 27,904 (79.93%) respectively during the year 2018.

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 2019. However, the States of Chhattisgarh, Uttarakhand, West Bengal and UT's Andaman & Nicobar Island did not submit the returns despite repeated reminders resulting in delay in bringing out the review. The present review is based on the data supplied by 23 States and 4 Union Territories.

**Table-I (A) State-wise Coverage of Shops and Commercial Establishments under the State
Acts During the year 2018**

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.	Jammu & Kashmir	Jammu & Kashmir Shops & Establishments Act, 1966	Whole State
9.	Jharkhand	Jharkhand Shops and Commercial Establishment Act, 1953	Whole State
10.	Karnataka	The Karnataka Shops and Commercial Establishments Act, 1961	Whole State
11.	Kerala	The Kerala Shops and Commercial Establishments Act, 1960	Whole State
12.	Madhya Pradesh	Dookan Aur Vanijayik sansthapna Adhiniyam, 1958	Whole State
13.	Maharashtra	The Maharashtra Shops and Establishments Act, 1948	295 Local areas
14.	Meghalaya	Shops and Establishments Act, 2003	Whole State
15.	Manipur	Manipur Shops and Establishments Act, 1972	Whole State
16.	Mizoram	Mizoram Shop & Establishment Rules, 2011	Whole State
17.	Nagaland	The Nagaland shop and establishment act. 1982	Whole State
18.	Odisha	The Odisha Shops and Commercial Establishments Act, 1956	Municipal Corporations and N.A.Cs
19.	Punjab	The Punjab Shops and Commercial Establishments Act, 1958	131 Towns and other places
20.	Rajasthan	The Rajasthan Shops and Commercial Establishments Act, 1958	35 Places
21.	Tamil Nadu	The Tamil Nadu Shops and Establishments Act, 1947	Whole State
22.	Telangana	Shops & Establishments Act, 1988	Whole State

23.	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
24.	Uttar Pradesh	The Uttar Pradesh Dookan Aur Vanijaya Adhishthan Adhiniyam, 1962	Whole State
25.	Chandigarh	The Punjab Shops and Commercial Establishments Act, 1958	Union Territory of Chandigarh
26.	Delhi (NCT)	The Delhi Shops and Establishments Act, 1954	The whole national capital territory.
27.	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

Note: The remaining States/Union Territories did not furnish the Annual Returns for the year 2017

Table – I (B) Coverage under the Weekly Holidays Act, 1942 during 2018

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 2018 (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	303,720	398,416	17,334	88,491	6,750	37,095	327,804	524,002
2. Assam	58,625	103,834	14,203	48,861	4,824	21,154	77,652	173,849
3. Bihar	219,004	228,930	71,990	645,468	9,104	95,974	300,098	970,372
4. Goa	813	1,048	632	2,585	185	1,055	1,630	4,688
5. Gujarat	207,594	130,157	72,387	122,577	7,443	21,313	287,424	274,047
6. Haryana	415,190	820,715	57,350	1345,599	8,173	66,444	480,713	2,232,758
7. Himachal Pradesh	68,354	23,878	10,464	20,336	11,159	21,423	89,977	65,637
8. Jammu & Kashmir	305,960	94,670	30,417	66,763	11,921	36,006	348,298	197,439
9. Jharkhand	80,080	245,936	12,674	127,920	8,606	83,940	101,360	457,796
10. Karnataka	305,992	959,559	210,869	1246,809	21,010	307,724	537,871	2,514,092
11. Kerala	246,645	452,690	42,960	362,893	14,091	81,991	303,696	897,574
12. Madhya Pradesh	490,467	1014,990	254,258	632,494	56,054	103,506	800,779	1,750,990
13. Maharashtra	777,216	891,955	406,906	3056,636	42,616	253,702	1226,738	4,202,293
14. Meghalaya	15,184	36,654	3,559	15,788	944	6,910	19,687	59,352
15. Manipur	425	1,104	339	673	50	23	814	1,800
16. Mizoram	38	37	51	190	4	13	93	240
17. Nagaland	7,500	1,200	500	2,010	634	5,556	8,634	8,766
18. Odisha	16,227	54,784	23,659	175,399	6,494	28,972	46,380	259,155
19. Punjab	246,503	162,603	47,593	127,409	7,808	22,931	301,904	312,943
20. Rajasthan	730,324	763,582	44,908	236,121	16,697	84,047	791,929	1,083,750
21. Tamilnadu	287,041	591,480	32,134	170,777	5,898	66,968	325,073	829,225
22. Telangana	97,503	418,096	19,883	234,137	7,416	89,509	124,802	741,742
23. Tripura	69,011	25,706	1,466	3,536	2,262	5,765	72,739	35,007
24. Uttar Pradesh	353,533	1120,980	224,596	680,985	163,172	451,881	741,301	2,253,846
25. Chandigarh	17,603	32,214	6,709	43,726	2,281	10,687	26,593	86,627
26. NCT Delhi	28,704	72,679	26,583	734,036	2,700	23,311	57,987	830,026
27. Puducherry	21,912	67,750	3,546	12,769	2,639	11,378	28,097	91,897
Total	5,371,168	8,715,647	1,637,970	10,204,988	420,935	1,939,278	7,430,073	20859913
	(72.29)	(41.78)	(22.05)	(48.92)	(5.67)	(9.30)	(100.00)	(100.00)

Note: (i) The remaining States/Union Territories did not submit the Annual Returns for the year, 2018.

(ii) Figures in brackets indicate percentage to total.

Table - III**Ownership of Shops and Employment therein during the year 2018 (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	Total				
1	2	3	4	5	6		
1. Andhra Pradesh	213,417	(7.09)	90,303	(3.83)	303,720	303,720	398,416
2. Assam	23,686	(0.79)	34,939	(1.48)	58,625	58,625	103,834
3. Bihar	156,543	(5.20)	62,461	(2.65)	219,004	219,004	228,930
4. Goa	375	(0.01)	438	(0.02)	813	813	1,048
5. Gujarat	165,812	(5.51)	41,782	(1.77)	207,594	207,594	130,157
6. Haryana	256,160	(8.51)	159,030	(6.74)	415,190	415,190	820,715
7. Himachal Pradesh	50,198	(1.67)	18,156	(0.77)	68,354	68,354	23,878
8. Jammu & Kashmir	263,516	(8.75)	42,444	(1.80)	305,960	305,960	94,670
9. Jharkhand	42,442	(1.41)	37,638	(1.59)	80,080	80,080	245,936
10. Karnataka	90,120	(2.99)	215,872	(9.15)	305,992	305,992	959,559
11. Kerala	120,821	(4.01)	125,824	(5.33)	246,645	246,645	452,690
12. Madhya Pradesh	252,983	(8.41)	237,484	(10.06)	490,467	490,467	1014,990
13. Maharashtra	326,385	(10.84)	450,831	(19.10)	777,216	777,216	891,955
14. Meghalaya	10,015	(0.33)	5,169	(0.22)	15,184	15,184	36,654
15. Manipur	136	(0.00)	289	(0.01)	425	425	1,104
16. Mizoram	32	(0.00)	6	(0.00)	38	38	37
17. Nagaland	6,005	(0.20)	1,495	(0.06)	7,500	7,500	1,200
18. Odisha	-	(0.00)	16,227	(0.69)	16,227	16,227	54,784
19. Punjab	171,819	(5.71)	74,684	(3.16)	246,503	246,503	162,603
20. Rajasthan	319,219	(10.60)	411,105	(17.42)	730,324	730,324	763,582
21. Tamilnadu	218,062	(7.24)	68,979	(2.92)	287,041	282,774	591,480
22. Telangana	21,900	(0.73)	75,603	(3.20)	97,503	97,503	418,096
23. Tripura	51,250	(1.70)	17,761	(0.75)	69,011	69,011	25,706
24. Uttar Pradesh	230,590	(7.66)	122,943	(5.21)	353,533	353,533	1120,980
25. Chandigarh	9,944	(0.33)	7,659	(0.32)	17,603	17,603	32,214
26. NCT Delhi	8,277	(0.27)	20,427	(0.87)	28,704	28,704	72,679
27. Puducherry	1,213	(0.04)	20,669	(0.88)	5,476	5,476	12,250
Total	3,010,920	(56.06)	2,360,248	(43.94)	5,371,168	5,366,901	8,715,647

The remaining States/Union Territories did not submit the Annual Returns for the year, 2018.
 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 2018 (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	3,666	451	397	101,850
2. Assam	12,473	260	40	6,800
3. Bihar	5	-	-	-
4. Goa	2,498	40	21	63,100
5. Gujarat	32,143	1,234	850	251,692
6. Haryana	16	2	4	1,800
7. Himachal Pradesh	6,559	794	699	1,296,060
8. Jammu & Kashmir	6,960	394	587	268,050
9. Jharkhand	456
10. Karnataka	16,748	1,458	740	3,170,637
11. Kerala	41,491	2,179	695	3,269,950
12. Madhya Pradesh	4,110	572	-	-
13. Maharashtra	3,247	127	1,506	3,962,100
14. Meghalaya	2,031	-	-	-
15. Manipur	628	-	-	-
16. Mizoram	1	-	-	-
17. Nagaland	3,105	-	-	-
18. Odisha	2,181	82	-	-
19. Punjab	7,524	72	19	12,900
20. Rajasthan	647	-	3	500
21. Tamilnadu	290,763	2	2	600
22. Telangana	1,100	-	23	242,562
23. Tripura	22,600	35	21	71,500
24. Uttar Pradesh	6,664	2,889	1,400	326,000
25. Chandigarh	62,409	28,792	27,904	5,739,298
26. NCT Delhi	-	-	-	-
27. Puducherry	8,397	2	1	4,250
Total	538,422	39,385	34,912	18,789,649

The remaining States/Union Territories did not submit the Annual Returns for the year, 2018.

-= Nil, .. = Not reported