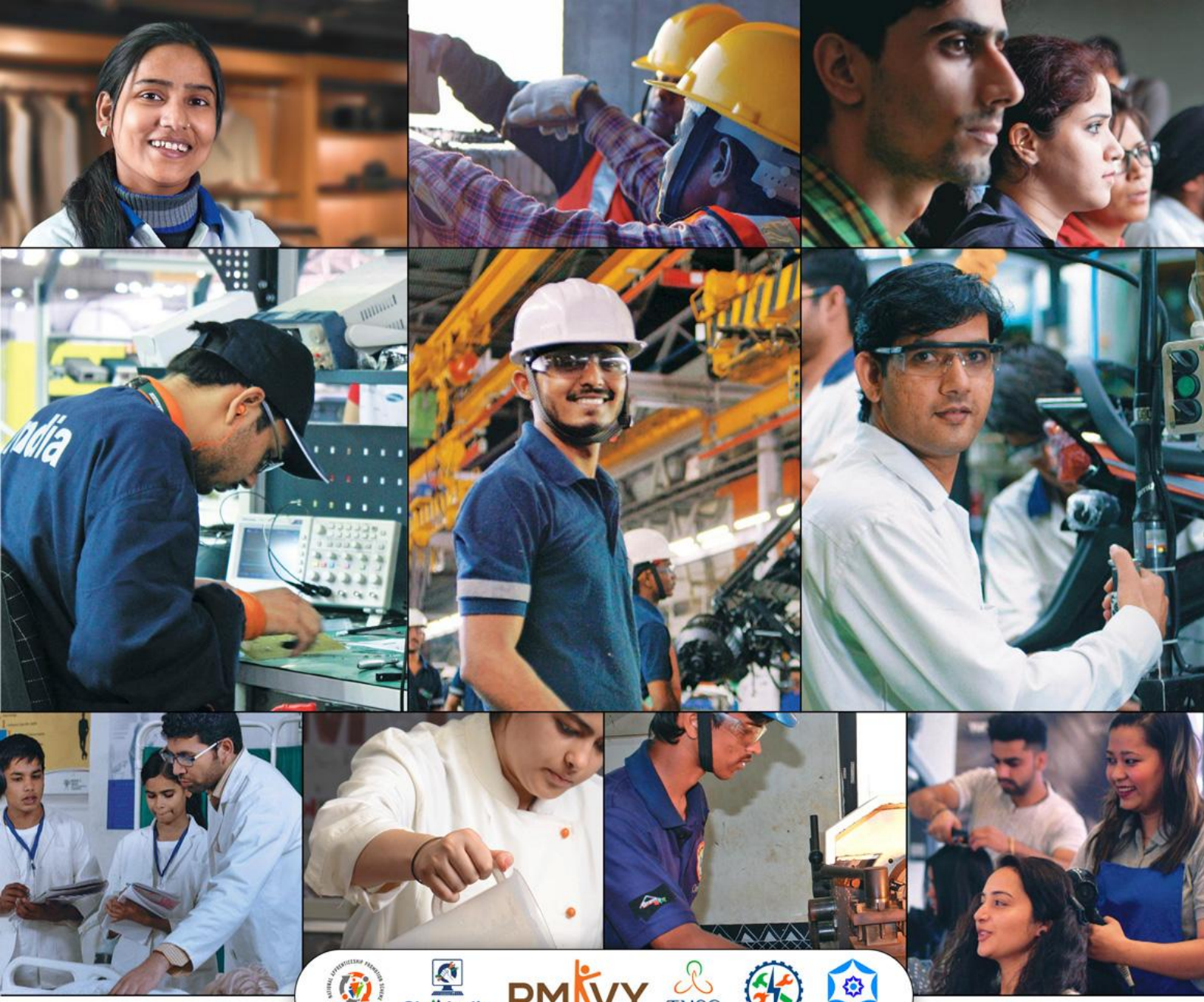

The Uttar Pradesh Dookan Aur Vanijya Adhishthan Adhiniyam, 1962

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The
U.P Dookan Aur Vanijya Adhishthan Adhiniyam, 1962

[U.P. Act XXVI of 1962]0

(As passed by the U.P. Legislature)
As Act to consolidate and amend the law relating to the regulation of conditions of work and employment in shops and commercial establishments

It is hereby enacted in the Thirteenth Year of the Republic of India as follows:

Prefatory Note.—An extract from the Statement of Objects and Reasons is given below:

"The U.P. Shops and Commercial Establishments Act, 1947, was enacted in the year 1947 to provide for holidays and to regulate the hours of employment in shops and commercial establishments. Since then the Act has been enforced in more than 100 towns. During the 14 years of its administration in the State many shortcomings and deficiencies have been experienced. A number of suggestions from the employers' and the employees' unions have also been received for making amendment to certain provisions of the existing Act. In order to remove these difficulties and to provide some additional facilities to the employees of shops and commercial establishments, it has become necessary to amend the existing Act. As the proposed amendments are numerous it has been decided to repeal the existing Act and to bring in a comprehensive Bill incorporating the necessary provisions for regulating the conditions of work and employment of employees in the shops and commercial establishments." *Vide* U.P. Gazette, Extraordinary, dated September 15, 1962.
Constitutionality of Act.—Provisions of the Act are not ultra vires the Constitution.[1]

CHAPTER I
PRELIMINARY

1. Short title, extent and application.—(1) This Act may be called the Uttar Pradesh Dookan Aur Vanijya Adhishthan Adhiniyam, 1962.

Top

(2) It extends to the whole of Uttar Pradesh.

(3) The provisions of this Act referred to in Schedule I shall, in the areas mentioned in the said Schedule, apply to the extent specified therein and the State Government may from time to time, direct, by notification in the Gazette, that all or any of the provisions of this Act shall also apply in relation to such areas and to such extent as may be specified in the notification.

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

(1) 'apprentice' means a person, not being a person below the age of 12 years, employed for purposes of training, with or without wages, by an employer in any trade or calling;

[3][(1*a*) 'Chief Inspector' means the Chief Inspector appointed under Section 29, and includes a Deputy Chief Inspector or Inspector appointed under that section;]

(2) 'child' means a person who has not completed his fourteenth year;

(3) 'close' means not open within the meaning of clause (13);

(4) 'Commercial establishment' means any premises, not being the premises of a factory, or a shop, wherein any trade, business, manufacture, or any work in connection with, or incidental or ancillary thereto, is carried on for profit and includes a premises wherein journalistic or printing work, or business of banking, insurance, stocks and shares, brokerage or produce exchange is carried on, or which is used as theatre, cinema, or for any other public amusement or entertainment or where the clerical and other establishment of a factory, to whom the provisions of the Factories Act, 1948, do not apply, work;

(5) 'day' means the period of 24 hours beginning at midnight;

Provided that in the case of an employee, whose hours of work extend beyond midnight, day means the period of 24 hours beginning from the hour of commencement of his duty;

(6) 'employee' means a person wholly or mainly employed on wages by an employer in, or in connection with any trade, business or manufacture carried on in a shop or commercial establishment and includes—

(a) caretaker, *mali* or a member of the watch and ward staff;

(b) any clerical or other staff of a factory or industrial establishment, which is not covered by the provisions of the Factories Act, 1948; and

Top

(c) any apprentice or a contract or piece-rate worker;

(7) 'employer' means a person who owns, or who holds charge of, or has ultimate control over the trade, business or manufacture carried on in a shop or commercial establishment, as the case may be, and includes the manager, agent or any other person acting on behalf of the employer in the management or control of such trade, business or manufacture;

(8) 'factory' shall have the meaning assigned to it in the Factories Act, 1948, so however as not to include the premises where the clerical or other establishment of a factory, to whom the provisions of that Act do not apply, work;

(9) 'family' in relation to an employer means the husband or wife, as the case may be, son, daughter, father, mother, brother or sister of such employer, who lives with and is wholly dependant on him;

(10) 'inspector' means an Inspector, Deputy Chief Inspector or the Chief Inspector, appointed under Section 29 of this Act;

(11) 'leave' means a period of absence from duty with wages to which an employee is entitled under Chapter III of this Act;

(12) 'night' means such period of twelve consecutive hours, so however as always to include the interval between 10 p.m. and 6 a.m., as may be prescribed;

(13) 'open' in relation to a shop or commercial establishment means open for the service of any customer, or for the business, trade or manufacture, normally carried on in the shop or commercial establishment;

[4][(13-A) 'owner', in relation to a shop or commercial establishment, includes a person who runs or is incharge of such shop or commercial establishment;]

(14) 'prescribed' means prescribed by the rules made under this Act;

(15) 'retail trade or business' means the business of sale of goods in small quantities and the rendering of services to customers, and includes the business of a barber or hair-dresser, the sales of cooked food, refreshments or intoxicating liquors and retail sale by auction;

(16) 'shop' means any premises where any wholesale or retail trade or business is carried on, or where services are rendered to customers, and includes, all offices, godowns or warehouses, whether in the same premises or not, which are used in connection with such trade or business;

(17) 'State' means the State of Uttar Pradesh;

(18) 'wages' means all remuneration (whether by way of salary, allowances or otherwise) expressed in terms of money, or capable of being so expressed, which would, if the terms of employment, express or implied, were fulfilled, be payable to an employee, and includes—

Top

(a) any bonus;

(b) any sum payable to the employee by reason of the termination of his employment; or

(c) any additional remuneration payable under the terms of his employment;

(19) 'week' means a period between the midnight on Saturday, and the midnight on the following Saturday; and

(20) 'young person' means a person who is not a child and has not completed his seventeenth year.

3. The provisions of the Act not to apply to certain persons, shops and commercial establishments.—(1) The provisions of this Act shall have no application to—

(a) employees occupying positions of confidential, managerial or supervisory character in a shop or commercial establishment, wherein more than five employees are employed:

Provided that the number of employees so exempted in a shop or commercial establishment shall not exceed ten per cent of the total number of employees thereof;

(b) employees whose work is inherently intermittent, as in the case of a traveller or canvasser;

(c) offices of Government or local authorities;

(d) offices of the Reserve Bank of India;

(e) establishments for the treatment or care of the sick, infirm, destitute or mentally unfit; and

Top

(f) members of the family of an employer.

(2) A list of the employees referred to in clause (a) of sub-section (1) shall be displayed at a conspicuous place in the shop or commercial establishment and a copy thereof shall be sent to the Inspector concerned.

(3) *Powers of the Government to exempt any class of shops or commercial establishments from the operation of the Act.*—The State Government may, in public interest, by notification in the Gazette, exempt, subject to such conditions as it may impose in this behalf, any shop or commercial establishment or any class of shops or commercial establishments from the operation of all or any of the provisions of this Act.

(4) *Withdrawal of exemption by the State Government.*—The State Government may, likewise by notification in the Gazette, withdraw in whole or in part, permanently, or for such period as may be specified, any exemption granted under sub-section (3).

4. Savings.—Nothing contained in this Act shall adversely affect any right or privilege to which any employee may be entitled, on the date on which this Act begins to apply to him, under any law, award, agreement, contract, custom or usage, in force on that date.

[14][CHAPTER I-A
REGISTRATION OF SHOPS AND COMMERCIAL ESTABLISHMENTS

4-A. Register of shops and commercial establishments.—The Chief Inspector shall maintain in such form and containing such particulars as may be prescribed, a register of all shops and commercial establishments, to which this Act applies:

Provided that such different registers may be maintained for different areas and for different classes of shops and commercial establishments.

4-B. Registration.—(1) Every owner of a shop or commercial establishment shall within three months of the commencement of such business or within three months of the commencement of the Uttar Pradesh Dookan Aur Vanijya Adhishthan (Sanshodhan) Adhiniyam, 1976, whichever is later, apply to the Chief Inspector for registration of his shop or commercial establishment.

(2) Every application for registration under sub-section (1) shall be in such form and shall be accompanied by such fees as may be prescribed.

(3) The Chief Inspector shall, on being satisfied that the prescribed fee has been deposited, register the shop or commercial establishment in the register maintained under Section 4-A and shall issue a certificate of registration to the owner in such form and in such manner, as may be prescribed.

4-C. Term and renewal of registration certificate.—The registration certificate granted under Section 4-B shall be valid for such period as may be prescribed, and shall on an application being made in that behalf and upon payment of the prescribed fees, be renewable from time to time by the Chief Inspector for such further period as may be prescribed.

4-D. Duplicate registration certificate.—When a registration certificate is lost, destroyed or torn, or is defaced or otherwise becomes illegible, the Chief Inspector shall in the manner prescribed andon payment of the prescribed fee, issue a duplicate registration certificate.]

Top

CHAPTER II
HOURS OF BUSINESS

5. Hours of business.—(1) No shop or commercial establishment, not being a shop or commercial establishment mentioned in Schedule II, shall, on any day, open earlier, or close later than such hour as may be prescribed in this behalf.

(2) Notwithstanding the provisions of sub-section (1), earlier opening, or later closing, hours may be prescribed for different classes of shops or commercial establishments, or for different areas, or for different periods of the year.

(3) The State Government may, at any time, by notification in the Gazette, add to or remove from Schedule II, any class of shops or commercial establishments.

6. Hours of work and overtime.—(1) No employer shall require or allow an employee to work on any day for more than—

(a) five hours in the case of a child,

(b) six hours in the case of a young person, and

Top

(c) eight hours in the case of any other employee:

Provided that any employee, not being a young person or a child, may be required or allowed to work longer than the aforesaid hours of work, so however, that the total number of hours of work including overtime does not exceed ten on any one day except on a day of stock-taking or making of accounts:

Provided further that the total number of hours of overtime work shall not exceed fifty in any quarter.

Explanation.—"Quarter" means a period of three consecutive months beginning on the 1st of January, the 1st of April, the 1st of July or the 1st of October.

(2) An employee, who has worked in excess of the hours of work fixed under clause (c) of sub-section (1), shall be paid by his employer, wages at twice the ordinary rate, for every overtime work.

Explanation 1.—For the purposes of this sub-section "ordinary rate" means the basic wages plus such allowances, including the cash equivalent of the advantage accruing through the concessional sale to employees of food grains and other articles, as the employee is for the time being entitled to, but does not include bonus.

Explanation 2.—In calculating the wages payable to an employee for overtime work, a day shall be reckoned as consisting of eight working hours.

7. Intervals for rest and spread-over of working hours in a day.—The working hours in a shop or commercial establishment shall be so arranged that each employee gets an interval of not less than half an hour for rest after not more than five hours of continuous work, and the periods of work andintervals of rest of an employee do not spread-over more than twelve hours in one day:

Top

Provided that the State Government may, in public interest and subject to such conditions as it may consider necessary or expedient, increase the said spread-over period either generally or for a class of shops or commercial establishments.

CHAPTER III
HOLIDAYS AND LEAVE

8. Close days.—(1) Every employer shall keep his shop or commercial establishment, not included in Schedule II, closed on—

(a) one day in a week, and

(b) such public holidays in a year as may be prescribed, to be hereinafter referred to, as close days.

(2) The choice of a close day not being a close day which is a public holiday shall, subject to the approval of the authority appointed by the State Government in this behalf, rest with the employer. A notice specifying all close days shall be prominently displayed by the employer in a conspicuous place in the shop or commercial establishment.

(3) The close day shall not be altered by the employer except once in a year and with the approval of the authority appointed under sub-section (2), to be obtained in the manner

prescribed. Any such alteration shall take effect as from the first day of January of the year following:

Provided that where the employers in one locality do not observe the same day of the week as the close day, the authority appointed under sub-section (2) may, in the manner prescribed, fix a day as the close day for such locality:

Provided further that the authority may, on the written request of the majority of the employers in a locality, at any time after six months from the date on which a close day was earlier fixed, alter, with effect from a date to be specified by him, the close day, not being a close day which is a public holiday.

Explanation.—'Locality' means any compact area declared as such by public notice by the authority appointed under sub-section (2).

9. Holidays—Every employee, not being a watchman or a caretaker, shall be allowed by the employer holiday on—

(i) every close day which is a public holiday; and

Top

(ii) one whole day in each week:

Provided that nothing in clause *(ii)* shall apply to any employee whose total period of employment in the week including any day spent on leave or any holiday, is less than six days.

10. Earned leave, sickness leave and casual leave.—(1) Every employee, who has been in continuous employment of the same employer for a period of twelve months or over, shall in addition to any holiday allowed under Section 9, be entitled to earned leave for not less than fifteen days for every twelve months of such service:

Provided that a watchman or a caretaker who has been in continuous employment for a period of twelve months or over shall be entitled to not less than sixty days earned leave for every twelve months of such service.

(2) Every employee, who has been in continuous employment of the same employer for a period of six months or over shall, subject to such conditions as may be prescribed, be further entitled to sickness leave for not less than fifteen days in any one calendar year.

(3) Every employee shall, subject to such conditions as may be prescribed, be also entitled, in addition to earned leave and sickness leave, to casual leave for not less than ten days in any one calendar year.

(4) Subject to the provisions of the rules made under this Act, all leave shall be granted when applied for.

(5) Any earned leave not availed of in any year by an employee shall be added to such leave accruing to the employee in the year following:

Provided that the total period of earned leave admissible to an employee at any time shall not exceed 45 days.

(6) In computing the period of continuous employment of an employee within the meaning of sub-section (1) or (2), the period during which he has been on leave under this section shall be included.

(7) Where the services of an employee are terminated by his employer, or where the employee terminates the employment, the employer shall be liable to pay to the employee wages for the number of days for which the earned leave is due to him.

Top

11. Payment for leave refused.—(1) When earned leave is refused to an employee having to his credit such leave for 45 days, he shall be entitled, in respect of the period covered by the refusal, to an amount which would have been payable to him as wages for the period in case he had been on leave during that period.

(2) The amount payable under sub-section (1) shall be in addition to the wages payable for the period.

(3) On an employee receiving the said amount, the earned leave to his credit shall be reduced by the number of days in respect of which such amount is received.

12. Wages for holidays and leave.—For every holiday, and for each day of leave allowed under this Act, the employee shall be entitled to wages at a rate not less than that rate to which the employee was entitled for the day immediately preceding the holiday or the day of leave availed by him, anything to the contrary contained in any other law, contract, custom or usage notwithstanding.

CHAPTER IV
WAGE DEDUCTIONS AND NOTICES OF DISCHARGE

13. Wage period.—(1) Every employer shall fix a period, hereinafter referred to as the wage period, at the expiry, and in respect of which wages shall be payable to his employees.

(2) No wage period shall exceed one month.

(3) The wages of every employee shall be paid within such period as may be prescribed.

(4) The remuneration due to an employee in lieu of unavailed period of leave, and the wages earned by him, shall be paid—

(a) where the termination of his employment is by or on behalf of the employer, before the expiry of the second working day after such termination; and

(b) where the termination of his employment is by the employee, on or before the next pay day.

14. Payment of wages for period of earned leave.—(1) An employee proceeding on earned leave shall, on demand, be given advance payment of the wages for half the period of the leave, and the wages for the wage period immediately preceding such leave. The wages for the remaining half period of such leave shall be payable to him along with the wages for the first wage period after heresumes duty.

Top

(2) The wages for the period of sickness leave shall be payable to the employee along with his wages for the first wage period after he resumes duty.

15. Deductions from wages.—No deductions from the wages of an employee shall be made except to such extent, and in such manner, as may be prescribed.

16. Fines on employees.—No fines in excess of three per cent of the wages payable to an employee for any wage period shall be imposed on him by the employer.

17. Register of fines.—(1) The employer shall maintain a register in the prescribed form, wherein shall be entered all fines imposed and recoveries thereof.

(2) Fines recovered from employees shall be applied only to such purposes as may be beneficial to them and approved by the authority empowered in this behalf by the State Government.

18. Recovery of **wages.**—The wages of an employee, if not paid as provided by or under this Act, shall be recoverable in the manner provided in the Payment of Wages Act, 1936, as if the same wages were payable under that Act.

19. Discharge of employee by his employer.—(1) No employee, other than an employee engaged for a specified period or in a leave vacancy, shall be discharged from service by his employer except on the ground that—

(a) the post held by him has been retrenched; or

(b) he is unfit to perform his duties on the ground of physical infirmity or continued ill-health, and he has been served with a notice in writing containing the grounds of discharge. The notice shall be for a period of not less than thirty days, or such longer period as may be required under the terms of employment:

Provided that the notice of discharge may be of a shorter period if the same is accompanied with payment of wages to the employee for the number of days the notice is short of the required period.

Top

Nothing in sub-section (1) shall apply to dismissal for misconduct.

20. Termination of employment by an employee.—(1) No employee, other than an employee engaged for a specified period or in a leave vacancy, shall terminate his employment, except

after notice of thirty days, or of such longer period, as may be required under the terms of his employment.

(2) Where an employee fails to comply with the provisions of sub-section (1), his unpaid wages for a period not exceeding fifteen days may be forfeited to his employer.

CHAPTER V
EMPLOYMENT OF CHILDREN AND WOMEN

21. Prohibition of employment of children.—No child shall be required, or allowed, to work in any shop or commercial establishment except as an apprentice in such employment as may be notified by the State Government in the Gazette.

22. Prohibition of employment of women and children during night.—No woman or child shall be required, or allowed, to work, whether as an employee or otherwise in any shop or commercial establishment during night.

23. Prohibition of employment of women during certain period.—No employer shall knowingly require or allow a woman to work, and no woman shall work in any shop or commercial establishment during the period of six weeks following the day on which she is delivered of a child.

24. Right of absence during pregnancy.—(1) A pregnant woman employee may, by seven clear days' notice in writing, require her employer to relieve her from duty for a period not exceeding six weeks preceding the expected date of delivery.

(2) On receipt of the notice the employer shall, subject to the provisions of sub-section (3), permit such employee to remain absent from duty for a period of six weeks ending with the expected date of her delivery.

(3) *(a)* On receipt of the notice, the employer may require such employee to be examined at his cost by a lady doctor, if she so desires, or, otherwise, by any qualified medical practitioner or a midwife.

Top

(b) If the woman employee—

(i) refuses to submit herself to medical examination, or

(ii) on such examination is found not pregnant, or not likely to be delivered of a child within six weeks of the date from which permission for absence from duty is desired, the employer may refuse to relieve her from duty, so however that the employee, if found pregnant, shall be allowed to remain absent from duty for a period of six weeks prior to the expected date of the delivery.

25. Maternity leave.—The period of absence from duty in respect of which a woman employee is entitled to maternity benefits under Section 26 of this Act, shall be treated as authorised

absence from duty, and the woman employee shall be entitled to maternity benefits, but not to any wages, for any of these periods.

26. Maternity benefit.—Every woman employee who has been, for a period of not less than six months preceding the date of her delivery, in continuous employment of the same employer, whether in the same or different shops or commercial establishments, shall be entitled to receive from her employer for the period of—

(a) six weeks immediately preceding the day of delivery; and

(b) six weeks following the day of delivery;

such maternity benefits and in such manner as may be prescribed:

Provided that no woman employee shall be entitled to receive such benefits for any day during any of the aforesaid periods, on which she attends work and receives wages therefor.

27. Intervals for rest.—A woman employee, during the period she is nursing her child, shall, in addition to the regular intervals of rest, be entitled to two breaks of half an hour each for the aforesaid purpose.

28. Prohibition of discharge or removal from service during or on account of absence from duty owing to confinement.—(1) No employer shall discharge or remove from service any woman employee on account of, or during the period of, absence from duty allowed to her under Section26.

Top

(20) No woman employee shall, as a result of her discharge or removal from service within six months of the day of her delivery, be deprived of the maternity benefits, which she would have, but for the discharge or removal, been entitled to, if the same is held by the Inspector to be without sufficient cause.

CHAPTER VI
ENFORCEMENT AND PENALTIES

29. Appointment of Inspectors.—The State Government may appoint a Chief Inspector, and a Deputy Chief Inspector, for the whole of Uttar Pradesh, and as many Inspectors for different areas thereof as may be considered necessary.

30. Powers of the Inspectors to enter, etc.—Subject to such conditions as may be prescribed, an Inspector may, at all reasonable times, enter any place which is, or which he has reason to believe to be, a shop or commercial establishment, for the purpose of examining the registers, records or other documents kept therein. The Inspector may take with him such persons to assist him as he may consider necessary, and the owner or the occupant, for the time being, of the place shall allow them to enter and examine the said registers, records or documents. The Inspector may seize such of them as he may require for the purpose of proving the contravention of any of the provisions of this Act or the rules made thereunder.

31. Inspectors, etc. to be public servants.—The Chief Inspector, the Deputy Chief Inspector and every Inspector appointed under Section 29, shall be deemed to be a public servant within the meaning of Section 21 of the Indian Penal Code.

32. Maintenance of registers and records by the employers.—An employer shall maintain such registers and records and display such notices, as may be prescribed.

33. Contravention of provisions.—Any person, who contravenes, or fails to comply with any of the provisions of this Act, or of the rules made thereunder, other than those of sub-section (1) of Section 20, shall be guilty of an offence under this Act.

34. Offences by companies, etc.—(1) If the person committing an offence under this Act or the rules made thereunder is a company, the company as well as every person in charge of, and responsible to, the company for the conduct of its business at the time of the commission of the offence, shall be deemed to be guilty of the offence and shall be liable to be proceeded against andpunished accordingly:

Top

Provided that, nothing contained in this sub-section shall render any such person liable to any punishment if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1) where an offence under this Act has been committed by a company, and it is proved that the offence has been committed with the consent or connivance of, or that the commission of the offence is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section,—

(a) "company" means any body corporate and includes a firm or other association of individuals, and

(b) "director" in relation to a firm is a partner in the firm.

35. Punishment.—Any person guilty of an offence under this Act shall be liable to fine which may, for the first offence, extend to one hundred rupees and, for every subsequent offence, to five hundred rupees.

36. Limitation of prosecution.—(1) No court shall take cognizance of any offence under this Act or the rules made thereunder except on complaint in writing made within six months of the date on which the offence is alleged to have been committed.

(2) *Courts empowered to try offences under this Act.*—No court inferior to that of a Magistrate of the Second Class shall try any offence under this Act, or the rules made thereunder.

Top

[28][(3) The Chief Inspector may, subject to any general or special order of the State Government in this behalf, compound any offence punishable under this Act, either before or after institution of the prosecution, on realisation of such amount of composition fee as he thinks fit not exceeding the maximum amount of fine fixed for the offence; and where the offence is so compounded—

(i) before the institution of the prosecution, the offender shall not be liable to prosecution for such offence and shall, if in custody, be set at liberty;

(ii) after the institution of the prosecution, the composition shall amount to acquittal of the offender.]

CHAPTER VII
MISCELLANEOUS

37. Protection of action taken under this Act.—No suit, prosecution or other legal proceedings shall lie against any officer or authority under this Act, for anything done, or intended to have been done, in good faith in pursuance of the provisions of this Act or the rules or orders made thereunder.

38. Presumption:—Whenever a shop or commercial establishment is actually opened, it shall be presumed that it is opened for the service of any customer or for the business, trade or manufacture normally carried on in the shop or commercial establishment.

39. Application of Workmen's Compensation Act and Rules:—The provisions of the Workmen's Compensation Act, 1923, and of the rules made thereunder, shall mutatis mutandis apply to every employee of a shop or commercial establishment.

40. Rule-making power:—(1) The State Government may [29][by notification] make rules to carry out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing powers, the State Government may make rules regarding all or any of the following matters, namely—

(a) the registers and records to be maintained by an employer;

Top

(b) the notice to be displayed by an employer;

[30][*(b-1)* the form of register of shops and commercial establishments under Chapter 1-A;

(b-2) the fees for registration, for renewal of registration certificate and for issue of duplicate registration certificate under Chapter 1-A;

(b-3) the form of registration certificate under Chapter 1-A;]

(c) deductions that may be made from the wages of an employee;

(d) fines and dismissals;

(e) regulating the grant of casual leave and the payment of wages for the period of such leave;

(f) regulating the grant of other leave;

(g) maternity benefits and their payment;

(h) matters which are to be, or may be prescribed under this Act.

(3) The rules made under this section shall be subject to the condition of previous publication.

(4) 31[* * *]

41. Repeal:—The United Provinces Shops and Commercial Establishments Act, 1947, is herebyrepealed.

Top

SCHEDULE I
[*See* Section 1(3)]
PART A

All the provisions of this Act shall apply to the shops and commercial establishments in the areas mentioned below:

Names		*Areas in which all the provisions of this Act shall apply*
1		2
1.	Agra	Municipal and Cantonment Areas.
2.	Allahabad	Ditto.
3.	Bareilly	Ditto.
4.	Kanpur	Ditto.
5.	Dehra Dun	Ditto.
6.	Jhansi	Ditto.
7.	Meerut	Ditto.
8.	Mussoorie	Ditto.
9.	Mathura	Ditto.
10.	Naini Tal	Ditto.
11.	Sitapur	Ditto.
12.	Rampur	Ditto.
13.	Shahjahanpur	Ditto.
14.	Varanasi	Municipal and Cantonment Areas and

		contiguous areas of Lanka, Vidyapith Road, Bhojubir, Shivpur and Pandepur.
15.	Lucknow	Municipal and Cantonment Areas, Charbagh, Alambagh Notified area and contiguous areas of Chandganj-Kalan, Alambagh and Mawaiya.
16.	Farrukhabad-*cum*-Fatehgarh	Municipal and Cantonment Areas and contiguous areas of Lalbagh, Barhpur, Nekpur and Bholepur.
17.	Aligarh	Municipal Area.
18.	Firozabad	Ditto.
19.	Faizabad	Ditto.
20.	Gorakhpur	Ditto.
21.	Hapur	Ditto.
22.	Hathras	Ditto.
23.	Muzaffaraagar	Ditto.
24.	Saharanpur	Ditto.
25.	Gonda	Ditto.
26.	Ghaziabad	Municipal Area [32][and to the area of the Railway Station, Ghaziabad, as described in the Schedule below:—
SCHEDULE		
Area within the following boundaries:-		
	East-Railway cabin	
	West-Railway cabin	
	North-Gate adjoining Municipal Area where there is Rickshaw-Tonga stand.	
	South-Police post of the G.R.P. and the place from where boundaries of Bhood and Sunderpuri Mohallas begin.]	
27.	Kaimganj	Municipal Area.
28.	Mirzapur	Ditto.
29.	Bulandshahr	Ditto.
30.	Bara Banki	Municipal Area.
31.	Banda	Ditto.
32.	Hardoi	Ditto.
33.	Jaunpur	Ditto.
34.	Pilibhit	Ditto.
35.	Orai	Ditto.
36.	Bahraich	Ditto.
37.	Sultanpur	Ditto.
38.	Azamgarh	Ditto.
39.	Etawah	Ditto.
40.	Rai Bareli	Ditto.
41.	Padrauna	Ditto.
42.	Hamirpur	Ditto.
43.	Basti	Ditto.
44.	Mainpuri	Ditto.

45.	Unnao	Ditto.
46.	Pratapgarh	Ditto.
47.	Deoria	Ditto.
48.	Lakhimpur-Kheri	Ditto.
49.	Ghazipur	Ditto.
50.	Bijnor	Ditto.
51.	Fatehpur	Municipal Area and contiguous areas of Collectorganj, Hariharganj, Railbazar, Deviganj, and Radhanagar[33] [contiguous areas of Shadipur and Pucca Talab of Fatehpur.]
52.	Kannauj	Municipal Area and contiguous areas of Saraimeeran and Makrandnagar.
53.	Ballia	Municipal Area.
54.	Chandausi	Municipal Area.
55.	Kasganj	Ditto.
56.	Bhadohi (Varanasi)	Ditto.
57.	Ramnagar (Naini Tal)	Ditto.
58.	Haldwani	Ditto.
59.	Shamli (Muzaffarnagar)	Ditto.
60.	Budaun	Ditto.
61.	Shikohabad (Mainpuri)	Ditto.
62.	Kashipur (Naini Tal)	Ditto.
63.	Mahoba (Hamirpur)	Ditto.
64.	Moradabad	Municipal Area and Railway Settlement, Notified Area, Railway Station and Railway Institute.
[34][65.	Etah	Municipal Area.]
[35][66.	Maunath Bhanjan	Municipal Area.]
[36][67.	Roorkee (Saharanpur District)	Municipal and Cantonment Areas of Roorkee (Saharanpur District.)]
[37][68.	Khatauli (Muzaffarnagar)	Municipal Area.]
[38][69.	Uttar Kashi	Municipal Area.]
[39][70.	Bisauli (Budaun)	Town Area.]
[40][71.	Bilsi (Budaun)	Municipal Area.]
[41][72.	Hydergarh (Bara Banki)	Town Area.]
[42][73.	Kirawali (Dist. Agra)	Town Area.]

PART B

Sections 2, 3, 8, 9, 12, 13, 15, 19, [43][30,] 32, 33, 34, 35, [43][36, 38, 39] and 40 shall apply to all the shops and commercial establishments in the areas mentioned below:

Names		Areas in which the said section shall apply
1		2
1.	Roorkee	Municipal and Cantonment Areas
2.	Khurja	Municipal Area.
3.	Hardwar	Ditto.

4.	Balrampur (Gonda)	Ditto.
5.	Maunath Bhanjan	Ditto.
6.	Tilhar	Ditto.
7.	Nagina	Ditto.
8.	Najibabad	Ditto.
9.	Deoband (Saharanpur)	Ditto.
10.	Shahabad (Hardoi)	Ditto.
11.	Panditwari (Dehra Dun)	Ditto.
12.	Jalaun	Ditto.
13.	Amethi	Ditto.
14.	Karvi (Banda)	Ditto.
15.	Moghalsarai	Ditto.
16.	Tanda (Faizabad)	Ditto.
17.	Gaura Barhaj (Deoria)	Ditto.
18.	Kairana (Muzaffarnagar)	Ditto.
19.	Baraut (Meerut)	Ditto.
20.	Vrindaban (Mathura)	Ditto.
21.	Mawana (Meerut)	Ditto.
22.	Jalalpur (Faizabad)	Ditto.
23.	Kotdwar (Garhwal)	Ditto.
24.	Etah	Ditto.
25.	Lalitpur (Jhansi)	Ditto.
26.	Mauranipur (Jhansi)	Ditto.
27.	Sambhal (Moradabad)	Ditto.
28.	Amroha (Moradabad)	Ditto.
29.	Chandpur (Bijnor)	Ditto.
30.	Almora	Ditto.
31.	Bisalpur (Pilibhit)	Ditto.
32.	Biswan (Sitapur)	Ditto.
33.	Gola Gokarannath (Kheri)	Ditto.
34.	Konch (Jalaun)	Ditto.
35.	Kalpi (Jalaun)	Ditto.
36.	Khatauli (Muzaffarnagar)	Ditto.
37.	Auraiya (Etawah)	Ditto.
38.	Dhampur (Bijnor)	Ditto.
39.	Sikandrabad (Bulandshahr)	Ditto.
40.	Rishikesh (Dehra Dun)	Ditto.
41.	Ujhani (Budaun)	Municipal Area.
42.	Bharthana (Etawah)	Town Area.
43.	Rasra (Ballia)	Notified Area.

44.	Shahganj (Jaunpur)	Ditto.
45.	Chibramau (Farrukhabad)	Town Area.
46.	Modinagar (Meerut)	Ditto.
[44][47.	Pilkhwa (Meerut)	Municipal Area.
48.	Mangalore (Saharanpur)	Municipal Area.]
[45][49.	Robertsganj (Mirzapur)]	
[46][50.	Kosi-Kalan (Mathura)	Municipal Area.]
[47][51.	Chunar (Mirzapur)	Village Tikaur and the road from Chunar Railway Cabin (West) to Chunar Town.]
[48][52.	Gosainganj (Lucknow)	Town Area.]
[49][53.	Lakhna (Etawah)	Town Area.]
[50][54.	Mehmudabad (Sitapur)	Town Area.]

PART C

All the provisions of this Act shall apply to commercial establishments of all the cane co-operative societies in the State.

PART D

All the provisions of this Act shall apply to those employees of vacuum pan sugar factories in the State to whom the provisions of Factories Act, 1984, do not apply.

SCHEDULE II

(SHOPS AND COMMERCIAL ESTABLISHMENTS TO WHICH THE PROVISIONS OF SECTIONS 5 AND 8 SHALL NOT APPLY)

1. Shops and commercial establishments exclusively or mainly dealing in meals, refreshments, newspapers and periodicals, medicines, medical and surgical appliances, vegetables, sweetmeats, milk, cooked food, flowers, *pan* (betel leaves and nuts), meat, poultry, game, eggs, ice, fresh fruits and green fodder.

2. Cinemas, theatres and other places of public amusement or entertainment.

3. Clubs and residential hotels.

4. Stalls and refreshment rooms at railway stations.

5. Shops for the sale of motor spirit and motor or aircraft spares and accessories.

6. Shops and establishments of barbers and hairdressers.

7. Government licensed shops or establishments dealing in spirituous liquors or narcotic drugs.

8. Such shops dealing exclusively or mainly in material needed for burial, funeral and cremation

purposes, as may be notified by the Collector in the manner prescribed.

9. Shops exclusively or mainly dealing in the business of hire of patromax, bands and loudspeakers required for marriages and other ceremonial occasions.

10. Shops in any exhibition, public show, fairs or bazars run for charitable purposes.

11. Transport services.

12. Electric and water-supply undertakings.

13. Shops dealing exclusively or mainly in repairs of cycles, rickshaws, *tonga, ekka* and bullock-cart.

The U.P. Dookan Aur Vanijya Adhishthan Niyamavali, 1963[52]

In pursuance of the provisions of Article 348(3) of the Constitution of India, the Governor of Uttar Pradesh is pleased to order the publication of the following English translation of Notification No.2084 (LL)/XXXVI-B—489(LL)-1962, dated May 1, 1963.

Top

In exercise of the powers under Section 40 of the Uttar Pradesh Dookan Aur Vanijya Adhishthan Adhiniyam, 1962 (Act No. XXVI of 1962), the Governor of Uttar Pradesh is pleased to make the following rules, the same having been previously published as required by sub-section (3) of the said section.

1. Short title and commencement.—(1) These rules may be called the Uttar Pradesh Dookan Aur Vanijya Adhishthan Niyamavali, 1963.

(2) They shall come into force at once,

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

(a) "the Act" means the Uttar Pradesh Dookan Aur Vanijya Adhishthan Adhiniyam, 1962;

(b) "financial year" means the period of twelve months commencing on the first day of April;

(c) "form" means a form appended to these rules;

(d) "inspector concerned" in relation to a shop or commercial establishment, means an inspector for the area within which the shop or commercial establishment is situated;

(e) "night" means the period of twelve consecutive hours beginning at 7 p.m.;

(f) "Registration Certificate" means a certificate showing the registration of a shop or a commercial establishment;

(g) "Register of shops or commercial establishments" means a register maintained for the registration of shops or commercial establishments under Section 4-A of the Act;

(h) "Section" means a section of the Act;

(i) "State Government" means the Government of Uttar Pradesh;

(j) "Restaurant" means any premises in which the business or supply of meals or refreshments on payment to the public or a class of public for consumption on the premises is carried on wholly or mainly by whatever name called; and

(k) "Theatre" includes any premises intended mainly or wholly for the exhibition of pictures or other optical effects by means of cinematography or other suitable apparatus or for dramatic or circusperformances or for any other public amusement or entertainment.]

Top

[Section 4-B(2)]

[54]**[2-A. Form of Register to be kept by the Inspector concerned of the shop or commercial establishment and the fees charged for their registration and its validity.**—(1) The register of shops or commercial establishments shall be maintained in Form 'K'.

[55][2. The owner of every shop or commercial establishment shall within the period as specified in sub-section (1) of Section 4-B of the said Act, make an application in Form "L" to the Inspector concerned for registration of his shop or commercial establishment. The application shall be signed by the owner and accompanied by a Treasury Challan/Bank Draft (crossed) in favour of the Inspector concerned in proof of payment of registration fee as specified below. The maximum number of employees employed in the shop or commercial establishment on any day during the financial year in respect of which the registration is sought will be taken into consideration for deciding the amount of fee leviable.

PART I				
Sl. No.	Category of shop	Fee per financial year of part of the year	Category of commercial establishment	Fee per financial year or part of the year
1	2	3	4	5
		Rs.		Rs.
1.	With no employee	40	With no employee	80
2.	Employing 1 to 5 employees	200	Employing 1 to 5 employees	300
3.	Employing 6 to 10 employees	300	Employing 6 to 10 employees	400
4.	Employing 11 to 25 employees	500	Employing 11 to 25 employees	1000
5.	Employing more than 25 employees	1000	Employing more than 25 employees	2000
PART II				
Sl.				Rs.

No.		
1.	Commercial establishment which is used as theatre or cinema or for any other public amusement or entertainment or Barat Ghar or Guest houses	1000
2.	Hotel up to three-starred standard	2000
3.	Four or five-starred hotels or hotels of like standard	5000
4.	Any shop or commercial establishment having ownership of registered company employing 1 to 25 employees	1000
5.	Non-Banking Financial Institution/Adhisthan	2000]

[Section 4-B(3)]

(3) If the Inspector concerned is satisfied about the correctness of the statement made in the application as provided in sub-section (2) of Section 4-B, he shall register the shop or commercial establishment in the register of shops or commercial estalishments and issue a registration certificate in Form 'M'. The registration certificate shall on demand, by the Inspector concerned be shown to him by the owner.

[56][(4) Every owner of a shop or commercial establishment shall get his shop or commercial establishment registered for five financial years and if it is a case of renewal, renewed for five financial years which may be up to ten financial years at the time of next renewal under this Act on payment of prescribed fee. The shops and commercial establishments which are run on yearly contract basis shall pay the prescribed fee for that financial year only for which the contract has been given.

Top

(5) Every registration certificate granted under Section 4-B or renewed under Section 4-C shall remain valid for such number of financial years, as it is registered or renewed for.

(6) *Amendment of Registration Certificate.*—The owner shall communicate in Form 'N' to the inspector concerned any change in the name and address of the shop or commercial establishment, name or names of the employers or change in the number of employees within 15 days of the date of occurrence of such change together with registration certificate and Treasury Challan/Bank Draft (Crossed) for Rs 5 in the case of a shop or commercial establishment having no employee and Rs 10 in the case of others and the amount, if any payable as specified in sub-rule (1) above having regard to the increase in the number of employees. The inspector concerned after being satisfied about the correctness of the change, shall make necessary amendments in the register of shops or commercial establishments and in the registration certificate and issue a fresh registration certificate, if necessary.]

(7) *Renewal of registration certificate.—(i)* Every application for renewal of a registration certificate may be made on plain paper stating therein the name of owner, name and address of shop/commercial establishment and number of employees, to the Inspector concerned and shall be accompanied by the prescribed fee. The renewal of the registration certificate shall be in Form 'M'.

(ii) The fee chargeable for renewal of a registration certificate shall be the same as for the grant thereof.

[57][(8) *Late fee on application for Registration Certificate and its renewal.*—If an application for registration of a shop or commercial establishment is not received within the period specified under sub-section (1) of Section 4-B of the Act or an application for renewal of the registration is not received within the period specified in sub-rule (7) such registration or renewal, as the case may be, shall be made only on the payment of a late fee at the rate of 12-1/2 per cent of the fee of registration or renewal, per month or part thereof, in addition to the prescribed fee. The late fee shall accompany the application.]

(9) *Transfer of registration certificate.*—The registration certificate under these rules shall not be transferable. In case of transfer of ownership of a shop or commercial establishment the new owner shall have to apply afresh and obtain a registration certificate in that behalf on payment of theprescribed fee for it.

Top

[Section 4-D]

[58][(10) *Issue of duplicate copy of Registration Certificate.*—Where a registration certificate issued under Section 4-B or renewed under Section 4-C is lost, destroyed, torn, defaced, mutilated or otherwise becomes illegible, an application to the Inspector concerned for the issue of a duplicate copy thereof shall be made in Form 'O' accompanied by a Treasury Challan/Bank Draft (Crossed) for Rs 5 or Rs 10, as the case may be, on account of fee as specified below:—
For shops or commercial establishments:—

(i) Without employee Rs 5/-

(ii) With employees Rs 10/-

Upon receipt of such application together with the fee, the Inspector concerned shall issue a duplicate copy of the registration certificate duly marked 'DUPLICATE' in red ink.]

(11) Payment of any fees under these rules through the Government Treasury or State Bank of India shall be credited under the Head of Account "0230—Labour and Employment—09—Shops & Commercial Establishments—Nibandhan Fees— 800 Miscellaneous Receipts".

(12) *Closing down of shop or commercial establishment to be communicated to the Inspector concerned.*—The owner shall, within 15 days of his closing down the shop or commercial establishment, notify such closure in writing to the Inspector concerned. On receipt of the information and having been satisfied that the shop or commercial establishment has actually been closed down, the Inspector concerned shall remove such shop or commercial establishment from the register of shops or commercial establishments and cancel the registration certificate. The registration fee/renewal fee shall, in no case, be refunded.

(13) *Display of the registration number in the shop or commercial establishment.*—Every owner of the shop or commercial establishment shall display at a conspicuous place in his shop or commercial establishment the registration number on a plate with letters and figures at least 5 cms high and 1 cm thick written in white or luminous paint of any colour.]

[Section 5(1)]

[59][**3. Hours of business.**—(1) No employer shall on any day open before 9 a.m. or keep after 8 p.m. any shop, not mentioned in Schedule II of the Act:

Provided that in summer the employer may open before 10 a.m. but not before 9 a.m.

Explanation.—For the purposes of the above proviso "summer" means the period from midnight of March 14 to midnight of September 14, in any year:

Provided further that shops exclusively or mainly dealing in foodgrains, pulses and oilseeds may open earlier but not before 8 a.m.

(2) No employer shall on any day open before 9 a.m. or keep open after 7 p.m. any commercial establishment, not mentioned in Schedule II of the Act.

(3) The shops and commercial establishments wherein only wholesale business of foodgrains, pulses and oilseeds is carried on, and which are situated in a grain *mandi* specified in this behalf by the District Magistrate having jurisdiction over the area may open earlier, but not before 6 a.m.]

[Section 6(1)]

[60][**4. Information of overtime work.**—Whenever any employee is required or allowed to work overtime under the first proviso to sub-section (1) of Section 6, the employer shall within twenty-four hours of the expiry of the period of such work, furnish information giving the name of the employee,and the duration of overtime work to the Chief Inspector and to the Inspector concerned.]

Top

[Section 8(1)(*b*)]

[61][**5. Public holidays.**—For the purposes of clause *(b)* of sub-section (1) of Section 8 and clause*(i)* of Section 9 the following shall be the public holidays—

Top

(1) Republic Day;
(2) Holi Parewa;
(3) Birthday of Dr Ambedkar;
(4) Independence Day;
(5) Birthday of Mahatma Gandhi;
(6) Diwali Parewa;
(7) Kartiki Poornima; and
(8) Idu'l Fitr.]

[Section 8(2)]

6. Approval of an employer's choice of a close day.—Every District Magistrate shall, for the area within his jurisdiction, be the authority empowered under sub-section (2) of Section 8 to approve the choice by the employer of a close day.

[Section 8(2) and (3)]

7. Notice of close day and notice of alteration in close day.—(1) The notice for the approval of a close day under sub-sections (2) and (3) of Section 8 of the Act, shall be in Form "A".

(2) For fixation of a uniform close day for a locality under the first proviso to Section 8 or for altering the close day on a written request of the majority of the employers in a locality, under the second proviso to the said section, the authority appointed under sub-section (2) of Section 8, shall ascertain the views of the majority of the employers in the locality in regard to the proposed close day by calling a meeting of the employers or in such other manner as he may deem fit and shall fix or alter the close day for that locality after considering the views, if any, so ascertained.

(3) A copy of the order passed by the aforesaid authority shall be sent to the Chief Inspector and the Inspector concerned, as soon as possible.

[Section 8(2)]

8. Notice specifying close day.—(i)The notice specifying close days, shall be in Form, "B".

(ii) A copy of every such notice shall be sent by the employer to the Inspector concerned within twodays of its being first displayed in the shop or commercial establishment.

Top

[Section (9)]

9. Notice of weekly holiday.—Every employer shall exhibit in his shop or commercial establishment a notice in Form "C" specifying the day or days of the week on which the employees shall be given holiday. The notice shall be exhibited before the persons employed cease work on the Saturday immediately preceding the week during which it will have effect.

[Section 10]

10. *(i)* Earned Leave—

(a) Every application for earned leave shall be made in writing and in case of leave for more than three consecutive days shall ordinarily be made at least seven days before the date from which leave is required. An application for leave for three days or less shall ordinarily be made at least twenty-four hours before the date from which leave is required:

Provided that earned leave shall not be taken more than three times in a year.

(b) The earned leave applied for, may be refused by the employer on grounds of exigency of work and reasons for giving refusal shall be recorded in writing and communicated to the employee concerned.

(c) The order on an application, either accepting or refusing earned leave shall be passed and communicated to the employee before the date from which leave has been applied for.

(d) Every application for earned leave and the orders of the employer passed thereon shall be retained by the employer for a period of not less than three years.

(e) The employer shall at the close of every year, communicate in writing to the employee, on demand made by him, the account of his earned leave including leave carried forward from the previous year, the leave earned during the year, the leave availed during the year and the leave to becarried forward to the next year.

Top

(ii) Sickness leave—

No application from an employee for sickness leave, in accordance with the provisions of sub-section (2) of Section 10 shall be refused, but if in any case the employer is not satisfied about the truth of the assertion set out therein, the employer may require it to be supported by a certificate from a registered medical practitioner recommending the leave applied for.

(iii) Casual leave—

(a) Every application from an employee for casual leave shall be in writing. The employer shall record his orders on all such applications and shall retain them for at least one year.

(b) Ordinarily no application for casual leave for one day in any month, if due, shall be refused by the employer. Where, however, an employee has rendered more than one month's service in any calendar year, he may apply for a part or the whole of the casual leave due to him, provided that such leave does not exceed one day for every month of service rendered by him in that calender year.

(c) An employer may after recording his reasons in writing refuse an application for casual leave from an employee on grounds of exceptional pressure of work requiring his attendance on the day or days in respect of which casual leave has been asked for:

Provided that leave shall not be refused where it has been asked for on account of accident, physical injury to the employee, death in the family or sickness of the employee, his wife or child.

(d) Where an application has been made on grounds of physical injury or sickness of the employee, his wife or child, an employer may get the employee or the wife or child of the employee, as the case may be, examined at his (employer's) own expense by a registered medical practitioner for the purpose of verifying the facts mentioned in the application for leave and may grant or reject theapplication on the basis of the certificate of such medical practitioner.

Top

(e) The medical certificate shall be retained by the employer for at least one year.

(f) Where an application for casual leave is refused by an employer under clause (c) the employer shall, therefor, grant equivalent leave to the employee in the same calender year.

(g) Any casual leave, not applied for, by an employee during a calendar year, shall lapse.

[Section 13]

11. Payment of wages.—(1) Wage period may be monthly, fortnightly, weekly or daily. Where the wage period consists of a month every employer shall pay the wages of his employee, before the expiry of the seventh day after the last day of the wage period in respect of which the wages are payable. Where the wage period is either a fortnight or a week, payment shall be made by the employer before the expiry of three days after the last day of the wage period in respect of which the wages are payable, where the wage period is daily, payment shall be made by the employer before the expiry of 24 hours of the wage period:

Provided that if an employee be absent on a day on which payment would have been made, but for such absence the payment shall be made within three days after the employee returns to work or demands payments.

(2) All payment of wages shall be made on a working day.

[Section 15]

12. Deduction from wages.—(1) No deduction shall be made by an employer from the wages of an employee except on account of—

(a) fines;

(b) absence from duty;

(c) damage to or loss of goods expressly entrusted to the employee for custody, or loss of money for which he is required to account, where such damage or loss is directly attributable to his neglect ordefault;

Top

(d) house accommodation supplied by the employer where the rent was being charged by the employer from the employee on the date the Act came into force;

(e) such amenities and services as the State Government may, by general or special order, specify.

Explanation.—The word "services" in this sub-rule does not include the supply of tools and raw materials required for the purposes of employment;

(f) recovery of advance or of overpayment of wages;

(g) income tax payable by the employee;

(h) amounts required to be recovered by order of a court or other authority competent to make such order;

(i) subscription to, or repayment of advance from, any provident fund to which the Provident Funds Act, 1925 (XIX of 1925), applies or any other provident fund recognised under Rule 3 of Part A of the Fourth Schedule to the Income Tax Act, 1961 (43 of 1961), or approved in this behalf by the State Government during the continuance of such recognition or approval;

(j) payments to co-operative societies approved by the State Government;

(k) revenue stamps required to be attached to pay receipts;

(l) supply of cooked food or refreshment during the hours of employment in accordance with any scheme previously approved by the Chief Inspector;

(m) payment of any insurance premium on the employee's life insurance policy or of contribution to the National Defence Fund or any Defence Saving Scheme approved by the State Government, provided that prior written authorization in this behalf is obtained from the employee;

(n) payment of security deposits agreed to in writing by an employee and in accordance with any scheme approved previously in writing by the Chief Inspector;

(o) employee's contribution to a superannuation fund approved under Part B of the Fourth Schedule to the Income Tax Act, 1961, or of any similar scheme agreed to in writing by employer andpreviously approved in writing by the Chief Inspector.

Top

Explanation.—(i) Every payment made by an employee to the employer or his agent shall, for the purposes of these rules, be deemed to be a deduction from wages

(ii) Every deduction made by an employer or his agent from any deposit taken from an employee as security for the purposes of employment shall be deemed to be a deduction from wages.

(2) No fine shall be imposed on an employee—

(a) except for an act or omission specified by the employer with the approval of the Chief Inspector or the Deputy Chief Inspector; or

(b) without giving the employee concerned a reasonable opportunity of showing cause against the proposed fine:

Provided that the employer may if he is satisfied that for some reason to be recorded by him in writing it is not reasonably practicable to give the employee an opportunity to show cause, dispense with such opportunity.

(3) *(a)* Deductions may be made under clause *(b)* of sub-rule (1) only on account of the absence of an employee from the place or places where, by the terms of his employment he is required to work, such absence being for the whole or any part of the period during which he is so required to work.

(b) The amount of such deductions for absence from duty shall, in no case, bear to the wages payable to the employee in respect of the wage period for which the deduction is made, a larger proportion than the period for which he has been absent bears to the total period, within such wage period during which by the terms of his employment, he was required to work:

Provided that, subject to any orders made in this behalf by the State Government, if ten or more employees or where the total number of employees is 20 or less one-half of the total number acting in concert absent themselves without the due notice (that is to say without giving the notice which is required under the terms of their contract of employment), and without reasonable cause, such deduction from any employee may include such amount not exceeding his wages for eight days asmay by any such terms be due to the employer in lieu of the notice.

Top

Explanation.—For the purpose of this sub-rule, an employee shall be deemed to be absent from the place where he is required to work if, although, present in such place he refuses in pursuance of a stay-in-strike or for any other cause, which is not reasonable in the circumstances, to carry out his work.

(4) A deduction under clause (c) of sub-rule (1) shall not exceed the amount of damage or loss caused to the employer by the neglect or default of the employee and shall not be made until the employee has been given an opportunity of showing cause against such deduction.

(5) A deduction under clause *(d)* or clause *(e)* of sub-rule (1) shall not be made from the wages of an employee unless the house accommodation, amenity or service has been accepted by him, as the term of employment or otherwise, and such deduction shall not exceed an amount equivalent to the value of the house accommodation, amenity or service supplied and in the case of a deduction under clause *(e)* shall be subject to such conditions as the State Government may impose in the order specifying the amenities or services.

(6) Deductions under clause (f) of sub-rule (1) shall be subject to the following conditions—

(i) recovery of an advance of money given before employment began shall be made from the first payment of wages in respect of a complete wage period, but no recovery shall be made of such advances for travelling expenses;

(ii) recovery of advances of wages not already earned shall be subject to any order made by the State Government regulating the extent to which such advances may be given and the instalments by which they may be recorded;

(iii) no instalments for recovery of advance shall exceed one-third, or where the wages for any wage period do not exceed Rs 20, one-fourth of the wages for the period in respect of which the deduction is made; and

(iv) the amount and date of every advance and its repayment with the date thereof shall be entered in Form "G" prescribed under Rule 18.

(7) Deductions under clause (j) of sub-rule (1) shall be subject to such conditions as the State Government may, by order, impose.

(8) All such deductions and realizations shall be recorded in a register in Form "D".

[Section 17(1)]

13. Register of fines.—(1) Every employer shall maintain a register of fines and realization thereof in Form "E".

(2) At the beginning of the register shall be entered serially numbered approved purposes for whichthe fines realised can be expended.

Top

[Section 17(2)]

14. Utilization of fines for beneficial purposes.—(1) The Chief Inspector shall be the authority empowered under sub-section (2) of Section 17 of the Act, by the State Government to approve the purposes on which recoveries of fines may be applied.

(2) The Chief Inspector may, by general or special order, direct that the recoveries of fines shall be expended in whole or part within such reasonable time as may be specified by him.

[SECTION 19(2)]

15. Acts constituting misconduct.—The following acts or omissions shall constitute misconduct for purposes of sub-section (2) of Section 19—

(a) wilful insubordination or disobedience whether alone or in combination with another of any lawful order of a superior;

(b) striking work either singly or with any other employee without giving due notice prescribed by any law for the time being in force;

(c) inciting, whilst in the shop or commercial establishment, any employee to strike work;

(d) theft, fraud or dishonesty in connection with the employer's business or property;

(e) taking or giving bribe or any illegal gratification whatsoever;

(f) habitual absence without leave;

(g) drunkenness, fighting, riotous or disorderly behaviour or conduct likely to cause a breach of peace, or conduct endangering the life or safety of any other person or any act subversive of discipline and efficiency and any act involving moral turpitude, committed within the shop or commercial establishment;

(h) habitual negligence or neglect of work;

(i) threatening or intimidating any employee in the shop or commercial establishment;

(j) disclosing to an unauthorised person any information in regard to the working process of the shop or commercial establishment which comes into the possession of an employee during the course ofhis work;

Top

(k) gambling within the shop or commercial establishment;

(l) sleeping while on duty; and

(m) insubordination, malingering, deliberate delaying of production or carrying out of orders.

Explanation.—No act of misconduct which is committed on less than three occasions within one year or a lesser period shall be treated as "habitual".

[Section 26]

16. Maternity benefit.—(1) The maternity benefits payable to a woman employee under Section 26 shall be at the rate of her average daily wages calculated on the total wages earned on the days when full-time work was done during a period of three months immediately preceding the date on which she has given notice under sub-section (1) of Section 24 or at the rate of Re 1 per day, whichever is more.

(2) The payment of maternity benefit accruing to a woman employee shall be made to her at any time not later than one week after the date of her delivery.

Provided that if a woman dies during this period, the maternity benefit shall be payable only for the days up to and including the day of her death.

(3) The amount payable to a woman employee as maternity benefit in accordance with the foregoing rules shall for the purpose of its recovery be deemed to be part of her wages.

(4) Payment in respect of a claim of maternity benefit shall be made by the employer to the woman employee concerned or to a person nominated by her in writing or acting on her behalf, or in case of her death to the person who undertakes the care of the child and if the child does not survive her, to her legal heir.

[Section 24(1)]

17. The notice under sub-section (1) of Section 24 shall be in Form "F". This form shall be made available by the employer to the employee concerned at any time during working hours.

[Section 32]

[64][**18. Maintenance of register, record, etc.**—(1) Every employer shall—

(a) Employing up to ten employees shall also maintain a register in respect of attendance, and payment of wages, deductions and leave facilities in Form 'CC'

(b) Employing employees exceeding ten but not exceeding twenty-five shall maintain the register of attendance and wages in Form 'G' and also maintain a register of leave in Form 'H'.

(c) Employing employees exceeding 25 shall be required to maintain a register of attendance and wages in Form 'G', a register of leave in Form 'H', a register of deductions from wages in Form 'D'.

(2) Every employer employing more than 25 employees shall exhibit in his shop or commercial establishment a notice containing such extracts of the Act and these rules in Hindi written in Devnagri script, as the Chief Inspector may direct.

(3) Any notice required to be exhibited under these rules shall be exhibited in such manner that it can readily be seen and read by any person whom it affects and shall be in Hindi written in Devnagri Script. Every such notice shall be renewed promptly, whenever it becomes defaced or otherwiseillegible.

Top

(4) In any register or record which an employer is required to maintain under these rules, the entries relating to any day shall, as far as possible, be made on that particular day.

(5) The registers and notices to be kept by the employers relating to any year shall be preserved for six years after the expiry of the year to which they relate and shall be produced before an Inspector.]

[Section 30]

19. Manner of entry into premises and examination of records and registers, etc.—(1) An Inspector making entry under Section 30 may interrogate such persons as he may consider necessary.

(2) The Inspector may also call for any information, document or record relevant to his examination and obtain copy thereof.

(3) Before seizing any register, record or document the Inspector shall record in writing his reasons for such seizure and shall as soon as may be after the seizure grant a receipt for the same and shall retain the same only for so long as may be necessary for examination thereof for prosecution.

(4) After entry and on examination the Inspector shall record an inspection note, in duplicate and shall furnish one copy thereof to the employer. The inspection note shall state any defects or defaults that may come to light at the time of examination.

(5) An Inspector may require an employer to produce at his own expense a certificate of age in Form "I" of a registered medical practitioner in respect of any employee whose age he may have reason to doubt and whom he considers to have been employed in contravention of the provisions of the Act.

[Section 32]

20. Inspector's Visit and Inspection Book.—Every employer shall maintain an Inspector's Visit and Inspection Book in his shop or commercial establishment and shall produce the same before the Inspector on demand. The book shall contain all Inspection notes recorded or issued by Inspectorinrespect of that shop or commercial establishment.

Top

21. Where the Chief Inspector is satisfied that the maintenance of any register in the form prescribed in these rules will entail particular hardship in the case of any shop or commercial establishment or class of shops and commercial establishments, he may allow the employers thereof to maintain the register in such modified form as may be determined by him.

22. (1) Whenever the Collector is satisfied in respect of a shop that it deals exclusively or mainly in the material needed for burial, funeral and cremation purposes, he shall issue a notification in Form 'J' in respect of the shop.

(2) The notification shall be published by—

(a) delivering a copy thereof to the employer of the shop and another to the Inspector concerned; and

(b) being displayed on the notice-board of the office of the Collector.

(3) A notification under sub-rule (1) may, for reasons to be recorded, be cancelled by the Collector after allowing the employer of the shop an opportunity to show cause against the proposed cancellation.

FORM "A"

[*See* Rule 7]

(Uttar Pradesh Dookan Aur Vanijya Adhishthan Niyamavali, 1963)

Notice of Weekly Close Day or an Alteration in Weekly Close Day

Name and address of shop/commercial establishment*.....

Notice is hereby given that with effect from.....the above shop/commercial establishment* proposes to observe.....as the weekly close day/alter the existing weekly close day* from.....to.....

Dated.....20 . *Signature of Employer*

*Strike out the words not applicable.

FORM "B"

[See Rule 8(1)]

(Uttar Pradesh Dookan Aur Vanijya Adhishthan Niyamavali, 1963)

Notice Specifying Close Days

Name and address of shop/commercial establishment :

Name and address of employer :

The following days shall be observed as close days (weekly close day and public holidays) with effect from.....by the above shop/commercial establishment.

Weekly close day	Public Holidays

Dated.....20 . *Signature of Employer*

Copy forwarded to the Inspector.....
for information.

Dated.....20 . *Signature of Employer*

FORM "C"

[*See* Rule 9]

(Uttar Pradesh Dookan Aur Vanijya Adhishthan Niyamavali, 1963)

Notice of Weekly Holiday

Name and address of shop/commercial establishment.....

Name and address of the employer.....

	The persons employed in this shop/commercial establishment shall be given a holiday on the day mentioned below in the week following the date of this notice and until further notice.

Serial No.	Name of employee	Date on which weekly holiday is allowed

Dated.....20 . *Signature of Employer*

[67][**FORM "CC"**

[See Rule 18(1)(a)]

(Uttar Pradesh Dookan Aur Vanijya Adhishthan Niyamavali,1963

Register of Attendance and Wages Register

Name of employee.....Man/Woman/Young person/child, Father/Husband's Name .....Address.....

Nature of employment .....

Whether employed on daily, monthly, contract or piece-rate wages with rate .....

Wages period.....Date of Employment .....

				Entitlement of Leave and its sanction			
Date	Signature or thumb impression of the employee	Earned leave unavailed at the beginning of the month	Earned leave availed	Casual leave unavailed at the begining of the month	Casual leave availed	Medical leave unavailed at the begining of the month	Medical leave availed
1	2	3	4	5	6	7	8

Overtime worked			Deductions		Total Deductions	Total Amount payable at the end of the month
Hours of work	Wages	Advance	Deductions for absence	Any other deductions		
9	10	11	12	13	14	15

FORM "D"

[68][*See* Rules 12(8) & 18(l)(*c*)]

(Uttar Pradesh Dookan Aur Vanijya Adhishthan Niyamavali, 1963)

Register of Deduction From Wages

(From.....to.....)

Name and address of the shop/commercial establishment .....

Serial No.	Name of employee	Rate of wages including dearness allowance	Deduction imposed		Reason for deduction if for damage or loss-mention the nature of the damage or loss caused, with date
			Date	Amount	
1	2	3	4	5	6

Rs. np.

If deduction is for damage or loss, mention whether the employee showed cause against the deduction and, if so, the date of it	Number of installments if any	Amount realized		Remarks	Signature of employee
		Date	Amount		
7	8	9	10	11	12

Rs. np.

Form "E"

[*See* Rule 13]

(Uttar Pradesh Dookan Aur Vanijya Adhishthan Niyamavali, 1963)

Register of Fines and Realization Thereof

Name and address of the shop/commercial establishment .....

Serial No.	Name of employee with number in register of employees	Rate of Wages	Act or omission for which fined	Fines imposed	
				Date	Amount
1	2	3	4	5	6

	Fines realized or remitted		Rate of realization or disbursement	Amount realized	Reference to serial number (Col. 1)
Date	Amount realized	Amount remitted			
7	8	9	10	11	12

Amount disbursed	Object for which disbursed	Amount in hand in the fund	Remarks	Signature of employer or of his agent
13	14	15	16	17

FORM "F"

[*See* Rule 17]

(Uttar Pradesh Dookan Aur Vanijya Adhishthan Niyamavali, 1963)

Notice under Section 24(1) of the U.P. Dookan Aur Vanijya Adhishthan Adhiniyam, 1962

Name of employer:

I,.....
wife/daughter a woman worker in the .....
shop/commercial establishment hereby given notice to my employer that I except to be confined within
six weeks, from.....I will be absent from
the shop/commercial establishment from this date and that I shall not work in any employment during
the period for which I receive maternity benefit.

Dated.....20 .	*Signature of the woman employee*

FORM "G"

[69][*See* Rule 18(1)(b) and (c)]

Utter *Pradesh Dookan Aur Vanijya Adhishthan Niyamavali, 1963)*

Register of Attendance and Wages

Name of employee.....Man/Woman/Young
Person/Child, Father/Husband's name.....
Address.....Nature of employment.....
Whether employed on daily, monthly, contract or piece-rate wages with rate.....
.....Wage period .....Date of Employment.....
.....

Date	Work begins	Rest		Work ends	Overtime worked	Wages earned		
		From	To			Basic	D.F.A.	Overtime
1	2	3	4	5	6	7	8	9

Signature or thumb impression of employee	Advance			
	Amount Advanced		Amount Recovered	Balance
	Amount	Date		
10	11	12	13	14

Fines or other deduction*vide* Forms D and E	Net Amount due	Signature or thumb-impression of employee
15	16	17

Received Rs.....P.....in words Rupees.....on account of wages for the wage period from .....to.....

Signature of employee..... Signature of employer.....

Form "H"

[70][*See* Rule 18(1)(b) and (c)]

(Uttar Pradesh Dookan Aur Vanijya Adhishthan Niyamavali, 1963)

Register of Leave

Period from .....to .....

Name of employee .....Nature of employment.....Father's name .....Date of employment .....

		Earned leave			Sickness leave	
Balance carried forward	Date on which leave applied for	Date of availing leave		Balance due	Date of availing leave	
		From	To		From	To
1	2	3	4	5	6	7

Casual leave

Balance Due	Date of application	Whether application granted or refused	Date of availing leave		Balance due	Signature of employer
			From	To		
8	9	10	11	12	13	14

Signature of Employer

Form "I"

[*See* Rule 19(5)]

(Uttar Pradesh Dookan Aur Vanijya Adhishthan Niyamavali, 1963)

Form of Certificate

I hereby certify that I have personally examined (name)..... son/daughter of .....(caste, etc.), and that he/she has completed his/her twelfth/seventeenth year, His/her description marks are.....

Dated.....20

Medical Practitioner

FORM "J"

[See Rule 22(i]

(Uttar Pradesh Dookan Aur Vanijya Adhishthan Niyamavali, 1963)

Notification

Name and address of the shop .....

Name and address of the employer .....

It is hereby notified that the above shop deals exclusive/mainly in material needed for burial funeral and cremation purposes.

.....

Collector,

Dated.....20

District.....

[71] **[FORM "K"**

[*See* Rule 2-A(l)]

Part I—*Shops*

Part II—*Commercial Establishments*

Register of Shops or Commercial Establishments

Region.....

Class of shops or commercial establishments .....

Serial No.	Registration certificate, number and date of registration	Name of the shop/commercial establishment	Location and address	Name of the owner with address

1	2	3	4	5

Name of the Partner (s) with address	Name of the Manager with address	Nature of business	Date of commencement of business
6	7	8	9

Name of member (s) of employer's/Owner's family who are not employed within the meaning of Section 2(6)			No. of other persons occupying managerial, confidential or supervisory positions within the meaning of Section 3(1)(a)
Male	Female	Young persons	
10	11	12	13

Total Number of employees			Date of renewal	Details of fee Treasury Challan/Indian Postal Order (Crossed)/ Bank Draft (Crossed) Amount No. and date	Date of Inspection	Remarks
Male	Female	Young Persons				
14	15	16	17	18	19	20

Form "L"

[*Set* Rule 2-A(2)/Section 4-B(l)]

(Uttar Pradesh Dookan Aur Vanijya Adhishthan Niyamavali, 1963)

Application for registration—Statement of facts

1. Name of the Shop/Commercial Establishment.

2. Location and Postal Address.

3. Full name of the owner, including father's/husband's name and his/her residential address.

4. Full name of the manager, if any, including his father's/husband's name and his/her residential address.

5. Names of the partner (s), if any, and the residential address of each (if a partnership concern).

6. Nature of business.

7. Date of commencement of business.

8. Names of members of owner's family employed in the shop/commercial establishment.

	No.	Relationship
Male Female Young Persons Total		
9. Names of employees: (1) in managerial, confidential and supervisory capacity. (2) Others (categorywise) 10. Total number of employees.		
	No.	
Male Female Young Persons Total		

11. Previous Registration Certificate Number (Certificate to be attached to this application).

12. Year for which renewal is required.

13. Details of remittance [enclose Treasury Challan obtained from Treasury or Indian Postal

Order (Crossed) or Bank Draft (Crossed)].

Name of Treasury or Post Office or Bank	Trasury Challan/Indian Postal order (Crossed)/Bank Draft (Crossed) No.- Date-	Amount paid by way of		
		Fee	Penalty	Total
1	2	3	4	5

I hereby declare that the details given above are correct to the best of my knowledge and belief.

Place

Date

Signature of the Owner

Form "M"

[See Rule 2-A(3)/Section 4-B(3)]

(Uttar Pradesh Dookan Aur Vanijya Adhishthan Niyamavali, 1963)

Registration Certificate of Shop or Commercial Establishment

1. Name of the shop or commercial establishment.

2. Full postal address and location.

3. Name of the owner.

4. Nature of business.

5. Number of employees.

6. Registration number.

It is hereby certified that the shop/commercial establishment, the particulars of which have been given above, has been registered under the UP. Dookan Aur Vanijya Adhishthan Adhiniyam, 1962 on this day.....20.....

Signature of the Chief Inspector of Shops and Commercial Establishments, Uttar Pradesh

Renewals

Date of renewals	*From*	*To*	*Signature of the Chief Inspector of shops and Commercial Establishments, U.P. with seal*
1	*2*	*3*	*4*
1. 2. 3.			

FORM "N"

[See Rule 2-A(6)]

(Uttar Pradesh Dookan Aur Vanijya Adhishthan Adhiniyam, 1963)

Notice of Change

Name of the shop/commercial establishment already

registered.

Name of the owner.

Registration Certificate Number.

Address.

Dated this.....day of.....20 ... .

To,

The Chief Inspector,

Shops and Commercial Establishments,

Sir,

Notice is hereby given that the following change has taken place in respect of information forwarded to you in Form 'L' which please note.

The registration certificate and Treasury Challan/Indian Postal Order (Crossed)/Bank Draft(Crossed) No.....dated....., for Rs.....are enclosed.

Signature of Owner

FORM "O"

[*See* Rule 2-A(10)/Section 4-D]

(Uttar Pradesh Dookan Aur Vanijya Adhishthan Niyamavali, 1963)

Notice of loss of registration certificate and application for issue of duplicate certificate

Name of the shop/commercial establishment
Address
Registration number

To,

THE CHIEF INSPECTOR,

SHOPS AND COMMERCIAL ESTABLISHMENTS,

Sir,

This is to inform you that the registration certificate of the shop/commercial establishment has been

lost/torn/destroyed/damaged/defaced due to.....(here specify the

reasons or circumstances).

Kindly issue a duplicate certificate. Treasury Challan/Indian Postal Order (Crossed)/Bank Draft (Crossed) No....., dated....., for Rs.....is enclosed.

Yours faithfully

Signature of Owner

NOTIFICATIONS

Section 1(2)

English translation of Shram Anubhag-3, Noti. No. 3921(V) 36-3—714(5)-76, dated October 15, 1976, published in U.P. Gazette, Extra., dated 15th October, 1976, p. 1

In exercise of the powers under sub-section (2) of Section 1 of the Uttar Pradesh Dookan Aur Vanijya Adhishthan (Sanshodhan) Adhyadesh, 1976 (U.P. Ordinance No. 24 of 1976), the Governor is pleased to appoint October 15, 1976, as the date on which the said Ordinance shallcome into force in the whole of Uttar Pradesh.

Top

Section 1(3)
I

Shram Vibhag, Noti. No. 262(LL)/XXXVI(D)-47(LL)-62, dated February 20, 1965, published in U.P. Gazette, Part I, dated 6th March, 1965, page 543

In exercise of the powers conferred by sub-section (3) of Section 1 of Uttar Pradesh Dookan Aur Vanijya Adhishthan Adhiniyam, 1962 (U.P. Act No. XXVI of 1962), the Governor of Uttar Pradesh is pleased to direct that the provision of Section 5 of the said Adhiniyam shall with effect from the date of this notification apply to all shops and commercial establishments in Amroha (Moradabad).

II

English translation of Shram Vibhag, Noti. No 960(A)/XXXVI-(D)—360(A)-69, dated September 9, 1971, published in U.P. Gazette, Part I, dated 18th September, 1971, p. 5576

In exercise of the powers conferred under sub-section (3) of Section 1 of the Uttar Pradesh Dookan Aur Vanijya Adhishthan Adhiniyam, 1962 (U.P. Act No. XXVI of 1962), the Governor is pleased to direct that provisions of Sections 5 and 8 of the said Adhiniyam shall apply, with effect from the date of this notification, to all shops and commercial establishments situated in the municipal area of Tehri-Garhwal.

III

English translation of Shram Vibhag, Anubhag-3, Noti No. 680(V)/XXXVl-3—701(V)-72, dated April 26, 1978, published in U.P. Gazette, Part I, dated 13th May,1978, p. 1049.

Town area Hydergarh.—In exercise of the powers under sub-section (3) of Section 1 of the Uttar Pradesh Dookan Aur Vanijya Adhishthan Adhiniyam, 1962 (U.P. Act No. XXVI of 1962), the Governor is pleased to direct that all the provisions of the said Adhiniyam shall, with effect from the date of publication of this notification in the Gazette, apply to all shops and commercialestablishments situate in the Town Area of Hydergarh, district Bara Banki.

Top

IV

English translation of Shram Vibhag, Anubhag-3 , Noti No. 8336-3-81, dated February 20, 1981, published in U.P. Gazette, Extra., dated 20th February, 1981, p. 2.

Ayodhya, Faizabad.—In exercise of the powers under sub-section (3) of Section 1 of the Uttar Pradesh Dookan Aur Vanijya Adhishthan Adhiniyam, 1962 (U.P. Act No. XXVI of 1962), the Governor is pleased to direct that all the provisions of the said Adhiniyam shall, with effect from the date of publication of this notification in the Gazette, apply to all shops and commercial establishments situate in the Nagar-palika area of Ayodhya, District Faizabad.

V

English translation of Shram Vibhag, Anubhag-3, Noti No. 936/XXXVI-3—12(S)-85, dated March 7, 1992, published in U.P. Gazette, Extra., Part 4, Section (kha), dated 7th March, 1992, p. 2

In exercise of the powers under sub-section (3) of Section 1 of the Uttar Pradesh Dookan Aur Vanijya Adhishthan Adhiniyam, 1962 (U.P. Act No. XXVI of 1962), the Governor is pleased to direct that all the provisions of the said Adhiniyam, shall, with effect from the date of publication

of this notification in the Gazette, apply to all Shops and Commercial Establishments situated in the Kirawali Town Area in district Agra.

VI

English translation of Shram Anubhag 3 , Noti No. 1036/XXXVI-3—12(S)-85, dated June 29, 1994, published in U.P. Gazette, Extra., Part 4, Section (kha), dated 29th July, 1994, p. 2 [AP 604]

In exercise of the powers under sub-section (3) of Section 1 of the Uttar Pradesh Dookan Aur Vanijya Adhishthan Adhiniyam, 1962 (U.P. Act No. XXVI of 1962), the Governor is pleased to direct that all the provisions of the said Adhiniyam, shall, with effect from the date of publication of this notification in the Gazette, apply to all shops and commercial establishments situated within the limits of Nagar Palika Mahrajganj in district Mahrajganj.

VII

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Top

Section 3(3)

I

Notification No. 6007 (LL)(1)/XXXVI(D)—556(LL)/63 November 27, 1962

Kartiki Purnima.—In exercise of the powers conferred by sub-section (3) of Section 3 of the Uttar Pradesh Dookan Aur Vanijya Adhishthan Adhiniyam, 1962 (U.P. Act No. XXVI of 1962), the Governor of Uttar Pradesh is pleased to exempt, in public interest, all shops and commercial establishments situated in the Municipal areas of Gorakhpur, Farrukhabad, Fatehgarh, Kannauj, Faizabad, Jaunpur, Ballia, Golagokarnath and Gaura Barahaj from the operation of the provisions of clause *(b)* of sub-section (1) of Section 8 and clause (i) of Section 9 of the said

Adhiniyam in respect of Kartiki Purnamashi every year subject to the condition that the employees shall in lieu of that public holiday, observe another close day holiday on some other day in the same week as may be fixed by the District Magistrate concerned and also allow a full day's holiday to their employees on that day.

II

Exemptions relating to religious places

Notification No. 381(LL)/XXXVI-B-431(LL)/1963
March 5, 1963

Holiday on Basant Panchami at Hardwar.—In exercise of the powers conferred by sub-section (3) of Section 3 of the Uttar Pradesh Dookan Aur Vanijya Adhishthan Adhiniyam, 1962 (U.P. Act No. XXVI of 1962), the Governor of Uttar Pradesh is pleased to exempt, in public interest, all shops and commercial establishments situated within the Municipality of Hardwar from the operation of clause (a) of sub-section (1) of Section 8 and clause (ii) of Section 9 of the said Adhiniyam in respect of the week in which Basant Panchami is celebrated subject to the condition that employers shall, in lieu of the normal close day, observe close day and allow holiday on Basant Panchami day every year.

III

General Exemptions

Notification No. 350(LL)/XXXVI-B-470(LL)/1958
March 25, 1963

Silk-weaving concerns of Varanasi.—In exercise of the powers under sub-section (3) of Section 3 of the Uttar Pradesh Dookan Aur Vanijya Adhishthan Adhiniyam, 1962 (U.P. Act No. XXVI of 1962), the Governor of Uttar Pradesh is pleased to exempt, in public interest, all shops and commercial establishments carrying on the business of silk-weaving within the municipal and cantonment areas of Varanasi from the operation of clause (a) of sub-section (1) of Section 8 and clause *(ii)* of Section 9 of the said Act subject to the condition that, in every calendar year, the employer shall keep the shop or commercial establishment closed and allow holidays to the employees on thirty-three days as specified in the Schedule below and on nineteen other days of his choice and prior intimation of every such day of choice shall be sent to the Inspector concerned.

Top

SCHEDULE

List of days on which the Weavers in Silk Industry shall close their looms

1.	Makar Shankranti	1 day
2.	Death Anniversary of Mahatma Gandhi	1 day
3.	Holi	1 day
4.	Shabe Meraj	1 day
5.	Shabe Barat	2 days
6.	Ghazi Mian Fair	2 days
7.	Jumatual vida	1 day

8.	Id-ul-Fitr	1 day
9.	Urs Shah Tayyab	1 day
10.	Nag Punchami	1 day
11.	Republic Day	1 day
12.	Tij	1 day
13.	Id-uz-Zuha	3 days
14.	Birthday of Mahatma Gandhi	1 day
15.	Dashehra	2 days
16.	Moharram	2 days
17.	Tij	1 day
18.	Dewali	1 day
19.	Juma Barna	1 day
20.	Birthday of Guru Nanak	1 day
21.	Last Wednesday	2 day
22.	Yome Wafat and Milad-ul-Nabi	2 day
23.	Gyarhavin Sharif	1 day
	Total	31 days

IV

Notification No. 347(LL)(i)/XXXVI(B)—67(LL)/1962
April 11, 1963

Salt and Chemical Establishments of Saharanpur.—In exercise of the powers conferred by sub-section (3) of Section 3 of the Uttar Pradesh, Dookan Aur Vanijya Adhishthan Adhiniyam, 1962 (U.P. Act No. XXVI of 1962), the Governor of Uttar Pradesh is pleased to exempt, in public interest, the commercial establishments given in the Schedule from the operation of the provisions of Sections 8 and 9 of the said Adhiniyam subject to the following conditions—

(i) the above exemption shall apply only in relation to the manufacturing process and to the employees employed therein and to no other process or employees;

(ii) the employees who are required to work on a public holiday prescribed under sub-section (1) of Section 8 of the Adhiniyam shall be given holiday in lieu thereof within a week of the public holiday and intimation shall be sent to the Inspector concerned at least 24 hours in advance before taking work on a public holiday; *(*

(iii) for the work taken on a day which would have been a holiday but for this exemption the employees shall be paid at twice the ordinary rate.

Top

SCHEDULE

1. Messrs Saharanpur Glass and Chemical Works, Nawabganj, Saharanpur.

2. Messrs Subhas Salt Refinery, Purani Mandi, Saharanpur.

3. Messrs Vijay Glass and Chemical Works, Ambala Road, Saharanpur.

4. Messrs Bhagwati Silicate and Chemical Works, Dehra Dun Road, Saharanpur.

V

Notification No.2495(LL)/XXXVI-B—220(LL)/l963
May 10, 1963

Establishments using power for manufacturing: In exercise of the powers conferred by sub-section (3) of Section 3 of the Uttar Pradesh Dookan Aur Vanijya Adhishthan Adhiniyam, 1962 (U.P. Act No. XXVI of 1962), the Governor of Uttar Pradesh is pleased to exempt all those commercial establishments in any part of which a manufacturing process is being carried on with the aid of the power from the operation of the provisions of Section 5 of the said Adhiniyam, read with Rule 3 of the U.P. Dookan Aur Vanijya Adhishthan Niyamavali, 1963, for so long as restrictions on the supply of electric current are in force.

VI

Notification No. 2288(LL)/XXXVI-B—67(LL)/1962
May 12, 1963

Salt and Chemical Works, Saharanpur. In exercise of the powers conferred by sub-section (3) of Section 3 of the Uttar Pradesh Dookan Aur Vanijya Adhishthan Adhinyam, 1962 (U.P. Act No. XXVI of 1962), the Governor of Uttar Pradesh is pleased to exempt, in public interest, Messrs Saharanpur Salt and Chemical Works, Saharanpur, from the operation of the provisions of Sections 8 and 9 of the said Adhiniyam subject to the following conditions—

(i) the above exemption shall apply only in relation to the manufacturing process and to the employees employed therein and to no other process or employees;

(ii) the employees, who are required to work on a public holiday prescribed under sub-section (1) of Section 8 of the Adhiniyam, shall be given holiday in lieu thereof within a week of the public holiday and intimation shall be sent to the Inspector concerned at least 24 hours in advance before taking work on a public holiday.

(iii) for the work taken on a day which would have been a holiday but for this exemption the employees shall be paid at twice the ordinary rate.

VII

Notification No. 1403(LL)/XXXVI-E-467(LL)/62
May 23, 1963

Exemptions to shops dealing in furnishing, crockery, utensils, etc. on hire.—In exercise of the powers conferred by sub-section (3) of Section 3 of the Uttar Pradesh Dookan Aur Vanijya Adhishthan Adhiniyam, 1962 (U.P. Act No. XXVI of 1962), the Governor of Uttar Pradesh is

pleased to exempt, in public interest, all the shops and commercial establishments situated in Uttar Pradesh exclusively or mainly dealing in the business of supplying furnishing (which include furniture, shamiyanas and tents) crockery and utensils on hire required for marriage and other ceremonial occasions from the operation of sub-section (1) of Section 5 and sub-section (1) of Section 8 of the said Adhiniyam subject to the following conditions:

Top

(i) No sale of any such article shall be effected and only hiring of the aforesaid articles on ceremonial occasions shall be allowed.

(ii) The employees who are required to work beyond the prescribed hours of work shall be paid wages at twice the ordinary rate for every hour of such overtime work.

(iii) If any employee is required to work on a close day or a public holiday, whether for the whole day or part thereof, he shall be given a full holiday in lieu thereof within a week following such day.

VIII

Notification No. 2607(LL)/XXXV1(B)—282(LL)/1963
May 23, 1963

Offices of Life Insurance Corporation of India: In exercise of the powers conferred by sub-section (3) of Section 3 of the Uttar Pradesh Dookan Aur Vanijyi Adhishthan Adhiniyam, 1962 (U.P. Act No XXVI of 1962) the Governor of Uttar Pradesh is pleased to exempt the offices of Messrs Life Insurance Corporation of India situated in U.P. from the operation of the provisions of Section 5 of the said Adhiniyam, read with Rule 3 of the U.P. Dookan Aur Vanijya Adhishthan Niyamavali, 1963, for Saturdays falling during the period from May 1 to July 15 each year subject to the condition that the working hours of the offices of the Corporation on these days shall be from 7.45 a.m. to 11.15 a.m.

IX

Notification No. 3619(LL)/XXXVI(B)—325(LL)/63
May 30, 1963

Establishments of Naini Tal and Mussoorie: In exercise of the powers conferred by sub-section (3) of Section 3 of the U.P. Dookan Aur Vanijya Adhishthan Adhiniyam, 1962 (U.P. Act No. XXVI of 1962), the Governor of Uttar Pradesh is pleased to exempt, in public interest, all shops and commercial establishments situated within the Municipal and Cantonment areas of Naini Tal and Mussoorie from provisions of Section 5 of the said Adhiniyam, read with Rule 3 of the U.P. Dookan Aur Vanijya Adhishthan Niyamavali, 1963, for the period from April 1 to October 31 each year subject to condition that the hours of business during the period shall be from 8 a.m. to 10 p.m. each day.

X

Shram Vibhag Noti No. 3831(LL)/XXXVI-B—314-(LL)-63, dated June 19, 1963, published in U.P. Gazette Part 1, dated 22nd June, 1963, p. 1185

Textbooks and stationery.—In exercise of the powers conferred by sub-section (3) of Section 3 of the Uttar Pradesh Dookan Aur Vanijya Adhishthan Adhiniyam, 1962 (U.P. Act No. XXVI of 1962), the Governor of Uttar Pradesh is pleased to exempt, in public interest, all those shops and commercial establishments which deal in textbooks and/or stationery from operation of the provisions of Sections 5 and 8 of the said Act read with Rule 3 of the U.P. Dookan Aur Vanijya Adhishthan Niyamavali, 1963, for the months of July and August, each year subject to the condition that they shall not open before 8 a.m. or keep them open after 10 p.m.

Top

XI

Notification No. 2380(LL)/XXXVI(B)—508/(LL)/1962
June 22, 1963

Weigh Bridges.—In exercise of the powers conferred by sub-section (3) of Section 3 of the Uttar Pradesh Dookan Aur Vanijya Adhishthan Adhiniyam, 1962 (U.P. Act No. XXVI of 1962), the Governor of Uttar Pradesh is pleased to exempt, in public interest, all Weigh Bridges situated in Uttar Pradesh from the operation of the provisions of sub-section (1) of Section 5, Section 8 and clause (i) of Section 9 of the said Adhiniyam, read with Rule 3 of the Uttar Pradesh Dookan Aur Vanijya Adhishthan Niyamavali, 1963, subject to the conditions that—

(i) the overtime work taken from the employees shall be paid at double the rate of normal remuneration calculated by the hour; and

(ii) the employees who are required to work on any public holiday prescribed under clause *(b)* of sub-section (1) of Section 8 of the Adhiniyam, shall be given leave in lieu thereof within a fortnight of such holiday and an intimation thereof shall be sent to the Inspector concerned at least 24 hours in advance, before taking such work on a public holiday.

XII

Exemptions concerning certain specific Trades U.P.

Notification No. 2533(LL)/XXXVI-B—272(LL)/1963
July 15, 1963

Petroleum Storage Depots.—In exercise of the powers conferred by sub-section (3) of Section 3 of the Uttar Pradesh Dookan Aur Vanijya Adhishthan Adhiniyam, 1962 (UP. Act No. XXVI of 1962), the Governor of Uttar Pradesh is pleased to I exempt, in public interest, the Petroleum Storage Depots owned by Messrs Esso Standard Eastern Inc., Messrs Caltex (India) Ltd. and Burmah Shell in the various towns of U.P from the provisions of Sections 5 and 8 of the said Adhiniyam, read with Rule 3 of the U.P. Dookan Aur Vanijya Adhishthan Niyamavali, 1963.

XIII

Notification No. 3970(LL)/XXXVI-B—285(LL)/63
July 24, 1963

Fuel shops.—In exercise of the powers conferred by sub-section (3) of Section 3 of the Uttar Pradesh Dookan Aur Vanijya Adhisthan Adhiniyam, 1962 (U.P. Act No. XXVI of 1962), the Governor of Uttar Pradesh is pleased to exempt, in public interest, all the shops and commercial

establishments in Uttar Pradesh dealing in fuel wood and/or coal from the operation of the provisions of Section 5 of the said Adhiniyam read with Rule 3 of the U.P. Dookan Aur Vanijya Adhishthan Niyamavali, 1963, subject to the condition that they observe business hours from 8 a.m. to 8 p.m.each.

Top

XIV

Notification No. 4271(LL)/XXXVI-B—351(LL)/96
August 5, 1963

Pickles, Achars & Morabbas.—Shops dealing in Pickles, Achars and Morabbas are exempted from Sections 5 and 8 as they are covered under Item 1 of Schedule II.

XV

Notification No. 4922(LL)/XXXVI(D)—283(LL)/63
September 17, 1963

Shorthand and Typewriting Institutes.—In exercise of the powers under sub-section (3) of Section 3 of the Uttar Pradesh Dookan Aur Vanijya Adhishthan Adhiniyam, 1962 (U.P Act No. XXVI of 1962), the Governor of Uttar Pradesh is pleased to exempt all Institutes imparting training in Typewriting and/or shorthand in Uttar Pradesh from the provisions of sub-section (1) of Section 5 of the said Adhiniyam, read with Rule 3 of the U.P. Dookan Aur Vanijya Adhishthan Niyamavali, 1963.

XVI

Notification No. 3809(LL)(i)/XXXVI-B—203(LL)/1963
September 23, 1963

Laundries.—In exercise of the powers under sub-section (3) of Section 3 of the Uttar Pradesh Dookan Aur Vanijya Adhishthan Adhiniyam, 1962 (U.P. Act No. XXVI of 1962), the Governor of Uttar Pradesh is pleased to exempt, in public interest, all laundries and washing companies situated in U.P.—

(i) from the operation of the said provisions of sub-section (1) of Sections of the said Adhiniyam read with Rule 3 of the Uttar Pradesh Dookan Aur Vanijya Adhisthan Niyamavali, 1963 subject to the condition that they are not opened before 8 a.m. and are not kept open after 8 p.m. on any day throughout the year;

(ii) from the operation of the provisions of clause *(a)* of sub-section (1) of Section 8 of the said Adhiniyam for a period of four months, i.e., from July 1 to October 31, each year.

XVII

Shram Vibhag Noti. No. 5218(LL)/XXXVI(D)—221(LL)-62 dated September 25, 1963, published in U.P. Gazette, Part 1, dated 5th October, 1963, p. 1857

Mainpuri tobacco shops.—In exercise of the powers conferred by sub-section (3) of Section 3 of the Uttar Pradesh Dookan Aur Vanijya Adhishthan Adhiniyam, 1962 (UP. Act No. XXVI of

1962), the Governor of Uttar Pradesh is pleased to exempt, in public interest, all the shops exclusively dealing in Mainpuri Tobacco in U.P. from the operation of the provisions of sub-section (1) of Section 5 of the said Adhiniyam, read with Rule 3 of the U.P. Dookan Aur Vanijya Adhishthan Niyamavali, 1963, and sub-section (1) of Section 8 and sub-clause (1) of Section 9 of the saidAdhiniyam subject to the following conditions—

Top

(a) every employee, except a watchman or caretaker, who is required to work on a public holiday, shall be given leave of one whole day in lieu of such holiday;

(b) the leave in lieu of public holiday shall, if applied for by the employee, be granted to him within the same calendar year. If the employee does not so avail himself of this leave, or any part thereof during the calendar year, it will be carried over to the next calendar year but no further; and

(c) the employment of an employee on the public holiday for a part only of the day shall entitle the employee to a whole day leave.

XVIII

Notification No. 5310(LL)(i)/XXXVl(D)—522(LL)/63
September 30, 1963

Further exemption under Section 9(i).—In exercise of the powers conferred by sub-section (3) of Section 3 of the U.P. Dookan Aur Vanijya Adhishthan Adhiniyam, 1962 (UP. Act No. XXVI of 1962), the Governor of Uttar Pradesh is pleased to order, in public interest, that all shops and commercial establishments, which have been exempted from the provisions of Sections 5 and 8 of the said Adhiniyam, are exempted from the provisions of clause (/) of Section 9 of the said Adhiniyam subject to the condition that every employee, not being a watchman or caretaker, who is required to work on a close day, which is a public holiday, shall be allowed a holiday, of one whole day within ten days following the day of such public holiday.

XIX

Notification No. U.O. 822(LL)/XXXVI(D)—October 11, 1963

Coal Depots dealing in soft/hard coke and Steam coal.—In exercise of the powers under sub-section (3) of Section 3 of the Uttar Pradesh Dookan Aur Vanijya Adhishthan Adhiniyam, 1962 (U.P. Act No. XXVI of 1962), the Governor of Uttar Pradesh is pleased to exempt, in public interest, the Coal Depots dealing in soft/hard coke and steam coal for domestic consumption in Uttar Pradesh from the operation of the provisions of Section 5 of the said Adhiniyam read with Rule 3 of the U.P. Dookan Aur Vanijya Adhishthan Niyamavali, 1963, subject to the condition that the hours of business of the said depots shall be as below:—

(1)	During the period from midnight of September 14 to midnight of March 14 in the next year.	Morning 8 a.m. to 12 Noon. Evening 2 P.M. to 6 p.m.
(2)	During the period from midnight of March 14 to midnight of September 14.	Morning 7 a.m. to 11 am. Evening 3 P.M. to 7 p.m.

XX

Notification No. 5010(LL)/XXXVI(D)—462(LL)/1963
October 17, 1963

Leather raw material shops of Molviganj, Lucknow.—In exercise of the powers conferred by sub-section (3) of Section 3 of the U.P. Dookan Aur Vanijya Adhishthan Adhiniyam, 1962 (U.P. Act No. XXVI of 1962), the Governor of Uttar Pradesh is pleased to exempt, in public interest, all shops and commercial establishments dealing exclusively in the business of leather raw material and situated in the leather Mandi of Molviganj, Lucknow, from the operation of the provisions of sub-section (i) of Section 5 of the said Adhiniyam, read with Rule 3 of the U.P. Dookan Aur Vanijya Adhishthan Niyamavali, 1963, subject to the condition that they may open earlier but not before 7a.m.

Top

XXI

Notification No. 5146(LL)/XXXVI-D—320(LL)/1963,
October 29, 1963

Dressing of bristles in U.P.—In exercise of the powers under sub-section (3) of Section 3 of the Uttar Pradesh Dookan Aur Vanijya Adhishthan Adhiniyam, 1962 (U.P. Act No. XXVI of 1962), the Governor is pleased to exempt, in public interest, all shops and commercial establishments engaged in the dressing of bristles in Uttar Pradesh from the operation of the provisions of sub-section *(i)* of Section 5 of the said Adhiniyam read with Rule 3 of the Uttar Pradesh Dookan Aur Vanijya Adhishthan Niyamavali, 1963, to the extent that the employers of such shops and commercial establishments may open them earlier but not before 8 a.m.

XXII

Notification No. 5261(LL)(i)/XXXVI(D)—343(LL)/1963,
November 5, 1961

Shops for storing and sale of handloom Daris.—In exercise of the powers under sub-section (3) of Section 3 of the Uttar Pradesh Dookan Aur Vanijya Adhishthan Adhiniyam, 1962 (U.P. Act No. XXVI of 1962), the Governor of Uttar Pradesh is pleased to exempt, in public interest, all shops and commercial establishments of weavers and commission agents of Sitapur which are exclusively used for storing and sale of handloom Daris from the operation of the provisions of sub-section (1) of Section 5 of the said Adhiniyam, read with Rule 3 of the Uttar Pradesh Dookan Aur Vanijya Adhishthan Niyamavali, 1963, subject to the condition that they may open earlier than the prescribed hour but not before 6 a.m.

XXIII

Notification No. 4388(LL)/XXXVI(D)—345(LL)/1963
November 6, 1963

Loading and unloading firms.—In exercise of the powers under sub-section (3) of Section 3 of the Uttar Pradesh Dookan Aur Vanijya Adhishthan Adhiniyam, 1962 (UP. Act No. XXVI of 1962), the Governor of Uttar Pradesh is pleased to exempt, in public interest, all shops and commercial establishments situated in UP. from the operation of the provisions of sub-section (1)

of Section 5, read with Rule 3 of the U.P. Dookan Aur Vanijya Adhishthan Niyamavali, 1963 and sub-section (1) of Section 8 of the said Adhiniyam subject to the following conditions:—

(1) The exemption shall be for the purpose of loading and unloading of Railway wagons only.

(2) Employees required to work on a close day, whether for the whole day or part, shall get a full day's holiday in lieu thereof within a week following such day.

(3) Notice containing the names of employees required for work, the particular day on which they are required and the compensatory holidays proposed shall be pasted on the premises of the shopsor commercial establishments at a conspicuous place before work is undertaken on such day.

Top

XXIV

Notification No. 4768(LL)(i)/XXXVI(D)—311(LL)/1963,
November 8, 1963

Raw hide and skin establishments.—In exercise of the powers conferred by sub-section (3) of Section 3 of the Uttar Pradesh Dookan Aur Vanijya Adhishthan Adhiniyam, 1962 (U.P. Act No. XXVI of 1962), the Governor of Uttar Pradesh is pleased to exempt, in public interest, all shops and commercial establishments dealing in raw hide and skin in Uttar Pradesh from the operation of the provisions of sub-section (1) of Section 5 of the said Adhiniyam, read with Rule 3 of the Uttar Pradesh Dookan Aur Vanijya Adhishthan Niyamavali, 1963, subject to condition that the employers of the said shops and commercial establishments may open earlier than the prescribed hour, but not before 8 a.m.

XXV

Notification No. 5627(LL)(i)/XXXVI(D)—303(LL)/1963
November 29, 1963

Establishment doing journalistic work: In exercise of the powers under sub-section (3) of Section 3 of the Uttar Pradesh Dookan Aur Vanijya Adhishthan Adhiniyam, 1962 (UP. Act No. XXVI of 1962), the Governor of Uttar Pradesh is pleased to exempt, in public interest, all the shops and commercial establishments in Uttar Pradesh doing journalistic work from the operation of the provisions of clause *(a)* of sub-section (1) of Section 8 and sub-section (1) of Section 5 of the said Act, read with Rule 3 of the Uttar Pradesh Dookan Aur Vanijya Adhishthan Niyamavali, 1963.

XXVI

Notification No. 574(LL)/XXXVI(D)—630(LL)-62[72]
November 24, 1966

Exemption from close-day or public holiday falling on festival.—In exercise of the powers under sub-section (3) of Section 3 of the Uttar Pradesh Dookan Aur Vanijya Adhishthan Adhiniyam, 1962 (U.P. Act No. XXVI of 1962), the Governor of Uttar Pradesh is pleased to exempt, in

public interest, the shops and commercial establishments mentioned in the Schedule below from the operation of the various provisions of the said Adhiniyam subject to the conditions specified therein:

SCHEDULE			
Sl. No.	Name of the shop or commercial establishments	Section of the Adhiniyam for which exemptions granted	Conditions subject to which exemption is granted
1	2	3	4
1.	All shops and commercial establishment in U.P. in respect of watchmen and caretakers employed by them.		The periods of work and interval of rest of an employee do not spread over more than 12 hours in one day.
2.	All shops and commercial establishments in Aligarh which come under the categories of Groups A and B and ' Off Peak or night consumers under the Aligarh Town Electricity Control Order, 1948.	5(1), read with Rule 3 of the U.P. Dookan aur Vanijya Adhishthan Niyamavali, 1963.	So long as the Aligarh Town Electricity Control Order, 1948 remains in force in Aligarh.
3.	Bookstalls at Railway Stations in Uttar Pradesh owned by Messrs A.H. Wheeler Co.	3(1)(*a*)	(1) Not more than one employee in each bookstall shall be treated as occupying a position of confidential, managerial or supervisory character. (2) Every such employee shall be paid, in addition to his monthly wages, two months extra wages at the ordinary rate on completion of every one year's continuous service or proportionate amount for broken periods of service if the employee's service during any year is not continued.

4.	All factories in Uttar Pradesh	Section 5(1), read with Rule 3 of the Uttar Pradesh Dookan Aur Vanijya Adhishthan Niyamavali, 1963, Sections 8(1)(b) and 9(1).	(1) Every employee (except a watchman or caretaker) who is required to work on a public holiday shall be given equivalent leave of one whole day in lieu of such holiday, and as such leave accruing to the employee shall be entered within three days of its thus occurring in the leave register of the factory as well as in the holiday book, a copy of the relevant entry whereof shall be given to every such employee. (2) The leave so credited to the account of an employee during any one calendar year shall, if applied for by the employee, be granted to him within such calendar year. If the employee does not so avail himself of the leave or any part thereof during the calendar year, it will be carried over to the next calendar year, but no further. (3) The employment of an employee on a public holiday for a part only of the day shall entitle the employee to a whole day's leave.

5.	(i) Messrs Burmah Shell Co. of India, and (ii) Vacuum Pan Sugar Factories in Uttar Pradesh in respect of their drivers of motor vehicles when they are on duty outstation from their headquarters.	Section 5(1), read with Rule 3 of the Niyamavali, 6(1)(c) and 7.	(1) No driver shall be required to work overtime exceeding 75 hours in any quarter or 300 hours in one year. (2) Any driver employed in excess of the hours of work fixed under clause (c) of sub-section (8) of Section 6 shall be paid wages at twice the ordinary rate for every hour of such overtime work.
6.	All the electric concerns in Uttar Pradesh	Section 5(1), read with Rule 3 of the Niyamavali, 6(1)(c), 8(1) and 9.	(1) The employees shall be allowed two days holidays in the course of each period of 14 days of employment. (2) The total hours of work put in by a worker during a period of 4 weeks shall be such that his weekly average does not exceed 56 hours. (3) Payment of wages for overtime work in excess of the hours fixed under clause (c) of sub-section (1) of Section 6 of the Adhiniyam shall be made by the employer to the employee at twice the ordinary rate for every hour of such overtime work. (4) Overtime work shall not exceed 220 hours in the aggregate in any year. (5) Where a worker is deprived of a holiday for which provision is made in Section 9(i) he shall be allowed equal number of holidays during that calendar year in lieu of the holiday so

			lost.
7.	Temporary exhibitions and/or fairs	From all sections of the Adhiniyam.	Permission in writing shall be obtained from the District Magistrate of the district concerned or the Chief Inspector of Shops for holding such temporary exhibitions and/or fairs.

8.	All the Waterworks maintained by private companies in Uttar Pradesh	Section 5(1), read with Rule 3 of the Niyamavali, 6(1)(c), 8(1)(a) and 9(ii)	(1) Employees shall be allowed two days' holidays in the course of each period of 14 days of employment. (2) The total hours of work put in by an employee during a period of 4 weeks shall be such that his weekly average does not exceed 56 hours. (3) Payment of wages for overtime work in excess of the hours fixed under clause (c) of sub-section (1) of Section 6 of the Adhiniyam shall be made by the employer to the employee at twice the ordinary rate for every hour of such overtime work. (4) Overtime work shall not exceed 55 hours in any quarter.
9.	The electric supply companies in Uttar Pradesh in respect of their sub-station attendants, motor drivers, telephone attendants and persons attending to complaints on breakdowns in the main services and street lights.	Section 7	Nil
10.	All such shops and commercial establishments as allows their watchmen or caretakers a weekly holiday in accordance with Section 9(ii) of the said Adhiniyam.	Provise to sub-section (1) of Section 10	Every such watchmen or caretaker shall be given the benefit of 15 days' ordinary leave provided for in sub-section (1) of Section 10 of the Adhiniyam.
11.	The grain procurement centres opened in connection with the grain procurements scheme.	Sections 8(1)(a) and 9(ii)	Nil

12.	All shops and commercial establishments in U.P. in regard to the close-day if it falls on Dashehra or Holi festival	Section 8(1)(a)	The employers concerned shall observe some other day as close-day during the same week which will be fixed by the District Magistrate concerned.
13.	All shops and commercial establishments in Uttar Pradesh for three days from the day of Dhanteras to Diwali and for three days preceding the Id festival.	Section 5(1), read with Rule 3 of the Niyamavali, and 8(1)(a)	(1) They may open before 10 a.m. but not before 8 a.m. and close after 8 p.m. but not after 11 p.m. (2) They shall pay to such of their employees, as are required to work overtime, wages at twice the ordinary rate for every hour of such overtime work, and (3) They shall, in lieu of a weekly close day falling during the said period of three days, observe close-day within a period of 15 days after Id/Diwali festival (as is fixed by the District Magistrate concerned)[73] and also allow a full day's leave to their employees on that day. [74][(4) In the event of public holiday as prescribed under clause (b) of sub-section (1) of Section 8 or mentioned in clause (i) of Section 9 falling within three days preceding Dewali or three days preceding Id festival, the shops and commercial establishments in lieu of the said public holiday, may observe an additional close-day as may be fixed by District Magistrate concerned in this a period of 15 days of the day on which

			the public holiday in question ordinarily have been observed.]
14.	All the branches of State Bank of India in Uttar Pradesh.		Provisions of the U.P. Shops & Commercial Establishment Act, 1962 shall not apply vide Noti. No. 2053/36-3-708(S)/26, dt. 23-5-1985.
15.	All establishments of Ferozabad which operate Pakki Bhatties (Firing furnace) for brightening and painting of glass bangles.	Section 8(1)(a)	Nil
16.	All shops and commercial establishments which have been performing religious and other ceremonies for celebrating the functions of opening of new Bahi Khatas, on the days in which such ceremonies are usually performed if such days fall on a close-day or on a public holiday prescribed under the Adhiniyam.	Section 8(1)(a) and 9(1)	(1) The Shops and Commercial Establishments opening on the close day or public holiday shall observe another close-day or holiday within the same week or in the following week as is approved by the District Magistrate concerned. (2) The employers shall obtain previous approval for the change of the close-day or the public holiday from the District Magistrate and communicate approval to the Inspector concerned at least 24 hours before the change is effected. (3) A copy of the notice notifying the change shall be displayed in the shop and commercial establishment at a conspicuous place before the change is effected.

17.	Messrs Caltex (India) Limited in respect of their drivers and helpers of motor vehicles, when they are on duty out of station from their headquarters.	Section 6(1)(c)	(1) No driver or helper shall be required to work overtime exceeding 75 hours in any quarter. (2) Any driver or helper employed on overtime shall be entitled to receive paid wages for overtime work in excess of the hours fixed under clause (c) of sub-section (1) of Section 6 of the Adhiniyam by the employer at twice the ordinary rate for every hour of such overtime work.
18.	The shops and commercial establishments of stamp venders situated in towns in U.P., where the Act is in force.	Section 8(1)	(1) The employees from whom work is taken on the close day and which is also their weekly holiday shall be allowed another weekly holiday in the same week in accordance with Section 9(ii) of the Adhiniyam. (2) The employees made to work on any public holiday prescribed under Section 8(1) (b) of the Adhiniyam, shall be given a whole day's holiday in lieu thereof in the same week. (3) A notice of the holiday proposed to be given in lieu of a prescribed public holiday shall be displayed in the employer's premises at a conspicuous place before work is taken from the employees on the prescribed public holiday, and a copy of the said notice shall be sent also to the Inspector concerned at least 24 hours before such work is taken

			from the employees.
19.	All shops and commercial establishments at Taj Mahal, Agra, the archaeological area, Agra Fort and the Tomb of Itimad-ud-daula, Agra, dealing in the following articles. A-Taj Mahal compartments with verandahs below Saheli Burj at the south-west end of outer Forecourt, on the south of the road running for Fatehpuri gate to Fatehabad Gate: (1) Photos, pictures, postcards, akbums if views, films and guide books. (2) Marble, alabaster and soapstone articles. (3) Brassware. (4) Tea, coffee, aerated water, sharbat, biscuits and cakes. B- Agra Fort, Ist floor west of Machchi Bhawan: (1) Photos, picture-postcard, albums of views , films, painting (excluding painting on ivory) and guide books, but the sale of the latter will not entitle	Section 5(1), read with Rule 3 of the Niyamavali, 8 (1) and 9(i)	The employees required to work on a public holiday whether for a whole day or part shall get a full day's holiday in lieu thereof within a week following such day.

	the lessees to raise any objection to the sale of departmental guide books at the Amar Singh Gate. (2) Marble, alabaster and soap-stone articles, but no articles of jewellery made from any other stones. (3) Old and new shawls, carpets (floor coverings) made of wool or cotton, furs, cotton, woollen and silken thread embroidery printed purdahs, tiedye scarfs (but no embroidery of any other kind). (4) Ivory (obtained from elephant tusks and other substance resembling ivory or made in imitation of it exclusive, however, of objects made from plastic material) and woodwork including jewellery made from them, painting on ivory, papier mache, imitation fruits and small toys of Lucknow pattern (but no dolls). (5) Brassware, including jewellery made of brass as basic material but excluding jewellery made of chemical gold, rolled gold or any other material. (6) Jewellery excluding that made from marble, alabaster, soap-stone, wood, brass, plastic and ivory (obtained from elephant tusks or other		

	substances resembling ivory or made in imitation of it) as basic material gold, silver and tinsel embroidery. *C-Agra Fort, portion of verandah adjoining the south gateway of the Diwan-i-Amquadrangle.* Tea, coffee, aerated water, sharbat, biscuits and cakes. *D-Itimad-ud-Daula, sideways at the entrance gateway:-* (1) Photos, picture-postcards, albums of views, films, guide books and brassware. (2) Marble, alabaster and soap-stone articles. *E-Shops in Tajganj area situated outside the Taj Mahal compartments below Saheli Burj at the south-west end of outer forecourt which mainly deal in handicraft, jewellery, marble goods, embroidery and photo exclusively for the tourists.*		
20.	Shops and commercial establishments carrying on the business, of Gur-Khandsari manufactured in U.P.	Section 8(1)(*a*)	Nil.
21.	All shops of authorised retail distributors of Government foodgrains and controlled sugar in U.P.	Section 8(1)(*a*)	Nil.

22.	The banks situated in U.P. for two days preceding the day of closing of the half-yearly and annual accounts in June and December each year respectively.	Section 5(1), read with Rule 3 of the Niyamavali, 6(1)(*c*), 8(1)(*a*) and 9(*ii*).	(1) The employee shall not be required to work after twelve midnight. (2) Payment of wages for overtime work in excess of the hours fixed under clause (*c*) of sub-section (*i*) of Section 6 of the Adhiniyam, shall be made by the employer to the employee at twice the ordinary rate for every hour of such overtime work. (3) The limit of overtime work taken from any employee shall not exceed 50 hours in any quarter. (4) Where any of the two days for which the exemption has been allowed under this notification falls on the close day the entire work taken from any employee on such day shall then be treated as overtime and payment at not less than double the normal rate of remuneration shall be made therefor.
23.	All hotels, restaurants and shops and commercial establishments of Halwais situated in Municipal and Cantonment areas of Naini Tal and Mussoorie for the months of May, June, September and October every year.	Sections 6(1)(*c*) and 9(*ii*)	(1) The limit of hours for overtime work for the employees in a year shall be 200 hours. (2) Payment of wages for overtime work in excess of the hours fixed under clause (*c*) of sub-section (1) of Section 6 of the Adhiniyam shall be made by the employer to the employee at twice the ordinary rate for every hour of such overtime

			work. (3) The employees shall be paid along with their monthly wages one day's extra wages for each weekly holiday not given to them in addition to their wages for such holidays under Section 12 of the Adhiniyam.
24.	All shops and commercial establishments in U.P. if weekly close-day falls on Republic Day on January 26, or Independence Day on August 15.	Sections 8(1)(*a*) and 9(*ii*)	In lieu of that day, the employer shall close his shop or commercial establishment and give a full day's holiday to his employees on such other day in the week as may be fixed by the District Magistrate.
25.	All shops and commercial establishments in the Municipal and Cantonment areas of Mathura on the day of 'Diwali Parewa'	Sections 8(1)(*b*) and 9(*i*)	The employers shall close their shops and commercial establishments and allow a full day's holiday to their employees in lieu thereof on such other day during the following week as may be fixed by the District Magistrate.
26.	All shops and commercial establishments of glass, silicate and salt refineries U.P.	Sections 8(1) and 9(1)	(1) The exemptions shall apply to the process of manufacturing and to the employees employed therein and to no other process carried on in the factory. (2) The employees who are required to work on any public holiday under Section 8(1) (*b*) of the Adhiniyam, shall be given leave in lieu thereof within a fortnight of such holiday and an intimation shall be sent to the Inspector concerned at least 24 hours in advance before taking such work on

			public holiday. (3) Payment of wages for overtime work in excess of the hours fixed under clause (*c*) of sub-section (1) of Section 6 of the Adhiniyam shall be made by the employer to the employees at twice the ordinary rate for every hour of such overtime work.
27.	All the Cane Co-operative Societies in U.P. which are registered under Co-operative Societies Act, 1912 for the period of Cane-Crushing Season from November 15 to April 30 each year.	Section 5(1) read with Rule 3 of the Niyamavali, 6(1)(*c*), 8(1) and 9.	(1) Payment of wages for overtime work in excess of the hours fixed under clause (*c*) of sub-section (1) of Section 6 of the Adhiniyam shall be made by the employer to the employees at twice the ordinary rate for every hour of such overtime work. (2) Overtime work shall not exceed 220 hours in the aggregate in any year. (3) When an employee is deprived of a holiday for which provision has been made in Section 9(*i*) he shall be allowed an equal number of compensatory holidays on full wages immediately after the close of the current cane-crushing season. (4) The employees shall be allowed two day's holidays in the course of each period of 14 days.
28.	Messrs Imperial Tabacco Co. of India Ltd., Kanpur Branch, Kanpur	Section 5(1) read with Rule 3 of the Niyamavali, and Section 7.	No employees shall be required by the employer to work before 7.15 a.m., and after 1.15 p.m. without any interval for rest or meals in

			between during the above period.
29.	The brick-kilns and lime-kilns which are situated in The Municipal and Cantt. areas of those towns where provisions of the said Act are in force in so far as the process of burning bricks and lime is concerned.	Sections 8(1) and 9(*i*)	Public holidays on which an employee is required to work shall be paid at a rate not less than double the rate of his normal remuneration calculated by the hour.
30.	All shops and commercial establishments situated in Pratappura locality of Agra and dealing in marble goods and jewellery for the period from November to March each year.	Sections 8(1) and 9(*i*)	(1) Every employee shall be allowed one full day's holiday in a week by rotation. (2) Every employee who is required to work on a public holiday shall be given compensatory holiday within the same week in lieu of the holiday so lost.
31.	Establishment of Indian Air Lines Corporation in U.P.	Sections 6(1)(*c*), 7 and 9(*ii*)	(1) No employee shall be required to work for more than 48 hours in a week and in case employee is required to work for more than the prescribed hours, viz., 8 hours per day, he shall be paid wages for overtime work in excess of hours fixed under clause (*c*) of sub-section (1) of Section 6 of the Adhiniyam by the employer at twice the ordinary rate for every hour of such overtime work. (2) Sunday allowance shall be paid at the rate and in accordance with Rules 56-57 of the service rules of the corporation even if the employee has to work for one Sunday in a month.

32.	All shops and commercial establishments situated in the Municipal area of Chitrakut Dham excluding the area formerly comprising the Town Area of Chitrakut on Ram Naumi and every Amavasya every year.	Section 8(1)(*a*)	The Employers shall in lieu of such holiday observe close holiday on the day following such holiday and also allow a full day's holiday to their employees on that day.
33.	All cycle stands situated on the Railway Road, Bazaria area, Ghaziabad.	Section 8(1) and 9(*i*)	When an employee is deprived of any public holiday under Section 8(1)(*b*) of the Act he shall be allowed compensatory holiday in the same week in which that holiday occurs.
34.	Shops and commercial establishments of- (i) Messrs Ganeshi Lal & Sons. (ii) Messrs Munshi Lal & Sons. (iii) Messrs Munshi Krishna Lal & Sons situated on M.G. Road, Agra, and dealing in marble goods and jewellery.	Section 8(*i*) and 9(*i*)	(1) Every employee shall be allowed one full day's holiday in a week by rotation. (2) Every employee who is required to work on a public holiday shall be given compensatory holiday within the same week in lieu of the holiday so lost.
35.	Messrs ESSO Standard Eastern Inc. in respect of drivers and helpers of motor vehicles in their depots in U.P. when they are on duty outstation from their Headquarters.	Section 6(1)(*e*)	(1) No driver or helper shall be required to work overtime exceeding 75 hours in any quarter. (2) Any driver or helper employed on overtime shall be paid wages for overtime work in excess of the hours fixed under clause (*c*) of sub-section (1) of Section 6 of the Adhiniyam at twice the ordinary rate for every hour of such overtime work.
36.	The shops and commercial establishments situated in the Municipal area,	Section 8(1)(*a*)	Nil

	Hardwar and engaged in the manufacturing of Catechu from November 15 to March 15 every year.		
37.	All shops and commercial establishments engaged in the work of handloom weaving in the State.	Section 8(1)(*a*)	Nil
38.	All shops and commercial establishments in Municipal area, Kannauj, which are engaged in the extraction of Sandal Oil (Chandan)	Section 8(1)(*a*)	Nil
39.	All shops and commercial establishments situated within the Municipal Areas of Gola Gokarannath (Kheri) on the following occasions: (1) Shivratri Mela (from Phalgun Badi 10 to Phalgun Sudi 2)-8 days (2) Chaitra Mela (from Chaitra Badi 10 to Chaitra Sudi 15)-21 days. (3) Shravan Mela (from Shravan Badi 1 to Shravan Sudi 15)-30 days. (4) Amavasya Mela and Jeshthan Dashehra Mela if they fall on weekly close days.	Sections 8(1)(*a*) and 9(*ii*)	Any employee of shops and commercial establishments who will be deprived of any weekly holidays shall be allowed compensatory holidays for as many days as he has lost weekly holidays during the above period (as given in Column 2) within a month of the end of the respective period with at least three days' notice to the Labour Inspector. The employers shall in lieu of that close-day observe another close-day on the next day and also allow a full day's holiday to their employees on that day.
40.	All shops and commercial establishments of those photographers at Pratappura, Agra, who are granted special import licence under Tourist Coupon Scheme.	Sections 8(1) and 9(*i*)	(1) Every employee shall be allowed one full day's holiday in a week by rotation. (2) Every employee who is required to work on a public holiday shall be given compensatory holiday,

			within the same week in lieu of the holiday so lost.
41.	Government U.P. Handicraft Showrooms throughout the State of U.P.	Sections 12, 14 and 39	Nil.
42.	The following shops and commercial establishments of the National Small Industries Corporation Ltd., New Delhi situated in U.P. (1) Footwear Export Cell, National Small Industries Corporation Ltd., 17, The Mall, Agra Cantt. (2) Agra Depot, National Small Industries Corporation Ltd., 17, The Mall Agra Cantt. (3) Khurja Depot, National Small Industries Corporation Ltd., G.T. Road, Khurja.	Sections 6(1)(*c*) and 14	(1) The overtime work taken by the employers from their employees shall not exceed 200 hours in the aggregate in any year. (2) Payment of wages for overtime work in excess of the hours fixed under clause (*c*) of sub-section (1) of Section 6 of the Adhiniyam shall be made by the employer to the employees at twice the ordinary rate for every hours of such overtime work.
43.	All shops and commercial establishments of Sri Gandhi Ashram throughout the State of U.P.	Sections 14 and 39	Nil.
44.	Sugar godowns of Messrs Govind Sugar Mills Ltd., Aira, district Kheri, situated in Lakhimpur.	Section 8(1)(*a*)	(1) The employees working in the godowns shall be allowed by mill authorities one full day's holiday in a week by rotation. (2) The mill authorities shall prepare for this purpose a register of weekly holidays of each worker and submit to the Labour Commissioner

			prior to the enforcement of the above exemption. (3) The above exemption is for the loading and unloading of sugar bags and for no other purpose.
45.	Shops and commercial establishments exclusively dealing in hire of rickshaws and cycles.	Section 5(1), read with Rule 3 of the Niyamavali and 8(1)	Nil.

XXVII

Shram Vibhag, Noti. No. 5629(LL)(i)/XXXVI(D)—51(LL)-63, dated November 23, 1963, published in U.P. Gazette, Part I, dated 30th November, 1963, p. 2111

Cotton Carding: In exercise of the powers under sub-section (3) of Section 3 of the Uttar Pradesh Dookan Aur Vanijya Adhishthan Adhiniyam, 1962 (U.P. Act No. XXVI of 1962), the Governor of Uttar Pradesh is pleased to exempt, in public interest, all shops and commercial establishments in Uttar Pradesh dealing in Cotton Carding business from the operation of the provisions of sub-section (1) of Section 8 and sub-section (i)of Section 5 of the said Adhiniyam, read with Rule 3 of the Uttar Pradesh Dookan Aur Vanijya Adhishthan Niyamavali, 1963, to the extent that the aforesaid shops and commercial establishments may open earlier than 10 a.m. but not before 7 a.m. during the period from midnight of September 30, to midnight of lanuary 15, each year.

XXVIII

Notification No. 5569(LL)(i)/XXXVI(D) December 5, 1963 —205(LL)/1963

Gur wholesale firms: In exercise of the powers conferred by sub-section (3) of Section 3 of the Uttar Pradesh Dookan Aur Vanijya Adhishthan Adhiniyam, 1962 (U.P. Act No. XXVI of 1962), the Governor of Uttar Pradesh is pleased to exempt, in public interest, all the shops and commercial establishments in Uttar Pradesh wherein wholesale business of Gur is carried on, from the operation of the provisions of sub-section *(i)* of Section 5 of the said Adhiniyam, read with Rule 3 of the Uttar Pradesh Dookan Aur Vanijya Adhishthan Niyamavali, 1963, subject to condition that the employers of such shops and commercial establishments may open earlier than lie prescribed hour but notbefore 6 a.m.

Top

XXIX

Shram Vibhag, Noti. No. 6007(LL)(i)/XXXVl-D—556(LL)-63, dated November 27, 1963, published in U.P. Gazette, Part I, dated 7th December, 1963, p. 2139

Kartiki Purnamashi: In exercise of the powers conferred by sub-section (3) of Section 3 of the Uttar Pradesh Dookan Aur Vanijya Adhishthan Adhiniyam, 1962 (U.P. Act No. XXVI of 1962),

the Government of Uttar Pradesh is pleased to exempt in public interest all shops and commercial establishments situated in the Municipal areas of Gorakhpur, Farrukhabad, Fatehgarh, Kannauj, Faizabad, Jaunpur, Ballia, Gola Gokarannath and Gaura-Barhaj from the operation of the provisions of clause *(b)* of sub-section (*i*) of Section 8 and clause (*i*) of Section 9 of the said Adhiniyam in respect of Kartiki Purnamashi every year subject to the condition that the employers shall in lieu of that public holiday, observe another close day holiday on some other day in the same week as may be fixed by the District Magistrate concerned and also allow a full day's holiday to their employees on that day.

XXX

Shram Vibhag Noti. No. 5627(LL)/XXXVI-(D)—303(LL)-63, dated November 29, 1963, published in U.P. Gazette, Part I, dated 7th December, 1963, p. 2140

Journalistic work: In exercise of the power under sub-section (3) of Section 3 of the Uttar Pradesh Dookan Aur Vanijya Adhishthan Adhiniyam, 1962 (U.P. Act No. XXVI of 1962), the Governor of Uttar Pradesh is pleased to exempt, in public interest, all the shops and commercial establishments in Uttar Pradesh doing journalistic work from the operation of the provisions of clause *(a)* of sub-section (1) of Section 8 and sub-section (1) of Section 5 of the said Act, read with Rule 3 of the Uttar Pradesh Dookan Aur Vanijya Adhishthan Niyamavali, 1963.

XXXI

Notification No. 5621(LL)(i)/XXXVI-D—333(LL)/1963, December 18, 1963

Handloom goods' establishments of Hapur.—In exercise of the powers under sub-section (3) of Section 3 of the U.P. Dookan Aur Vanijya Adhishthan Adhiniyam, 1962 (U.P. Act No. XXVI of 1962), the Governor of Uttar Pradesh is pleased to exempt, in public interest, all those shops and commercial establishments situated in the Municipal area of Hapur and in the Municipal and Cantonment areas of Meerut which exclusively deal in the wholesale business of handloom goods from the operation of the provisions of sub-section (1) of Section 5 of the said Adhiniyam, read with Rule 3 of he U.P. Dookan Aur Vanijya Adhishthan Niyamavali, 1963, for the period fromAugust 15 to December 15 each year subject to the conditions that—

Top

(i) employers of such shops and commercial establishments may open earlier than the prescribed hour but not before 8 a.m. or after 9 p.m.

(ii) overtime work taken in excess of 8 hours from the employees shall be paid at twice the ordinary rate for every hour of such overtime work.

XXXII

Shram Vibhag, Noti. No. 108(LL)(i)/XXXVl(D)—674(LL)-63, dated February 18, 1964, published in U.P. Gazette, Part I, dated 29th February, 1964, p. 217

Employees of Vacuum Pan Sugar Factories.—In supersession of Government Notification No. U.O. 899(LL)(i)/XXXVI(D)—674(LL)-63, dated December 6,1965, and in exercise of the powers conferred by sub-section (3) of Section 3 of the Uttar Pradesh Dookan Aur Vanijya Adhishthan Adhiniyam, 1962 (U.P. Act No.I XXVI of 1962), the Governor of Uttar Pradesh is pleased to exempt, in public interest, all the shops and commercial establishments, employing employees of Vacuum Pan Sugar Factories in Uttar Pradesh to whom the provisions of Factories Act, 1948, do not apply, are granted exemption from the operation of the provisions of sub-section (1) of Section 5, Section 6, sub-section (1) of Section 8 and Section 9 of the said Adhiniyam, subject to the following conditions:

(1) An employee shall be allowed two days' holidays in the course of each period of fourteen days of employment.

(2) The total hours of work put in by an employee during the period of four weeks shall be such that his weekly average does not exceed 56 hours.

(3) An employee working in excess of 8 hours a day shall be paid wages in respect of such additional hours at twice the ordinary rate, for every hour of such overtime work.

(4) Overtime work shall not exceed 220 hours in the aggregate in any year.

(5) When an employee is deprived of any public holiday for which provision is made in sub-section (i) of Section 9 he shall be allowed equal number of compensatory holidays on full pay immediately after the close of the current crushing season in the Factory.

XXXIII

Notification No. U.O. 93(LL)(i)/XXXVI(D),
March 2, 1964

Government Fair Price Shops: In supersession of Government Notification No. U.O. 480(LL)/XXXVI-B, dated June 7, 1963 and in exercise of the powers conferred by sub-section (3) of Section 3 of the Uttar Pradesh Dookan Aur Vanijya Adhishthan Adhiniyam, 1962 (U.P. Act No. XXVI of 1962), the Governor of Uttar Pradesh is pleased to exempt, in public interest, the Government fair price shops run by the Handling Agents (Retail) appointed by the District Magistrate/District Supply Officer-cum-Town Rationing Officer/Regional Food Controller concerned in Uttar Pradesh from the operation of the provisions of Section 5 of the Adhiniyam read with Rule 3 of the U.P. Dookan Aur Vanijya Adhishthan Niyamavali, 1963, subject to the conditionthat the hours of business of the said shops shall be from 7 a.m. to 7 p.m.

Top

The Handling Agents (Retail) shall sell only those commodities which are allowed by the State Government.

XXXIV

Notification No. 313(LL)(v)/XXXVI-(D)—556(LL)/63,
April 27, 1964

Fairs and festivals: In supersession of Notification No. 6007(LL)(iv)/ XXXVI(D)-556(LL)/63, dated November 27, 1963, and in exercise of the powers under sub-section (3) of Section 3 of the Uttar Pradesh Dookan Aur Vanijya Adhishthan Adhiniyam, 1962 (U.P. Act No. XXVI of 1962), the Governor of Uttar Pradesh is pleased to exempt, in public interest, the shops or commercial establishments mentioned in the Schedule below from the operation of the various provisions of the said Adhiniyam every year subject to the conditions specified therein:

SCHEDULE			
Sl. No.	Name of the shop or commercial establishments	Section of the Adhiniyam for which exemptions is granted	Conditions subject to which exemption is granted
1	2	3	4
1.	All shops and commercial establishments situated in the municipal and cantonment areas of Mathura, on the following occasions: *(i)* Mundia Puno Fair at Govardhan-six days from Ashadh Shukla 13 to Shrawan Krishna 3). *(ii)* Shrawan Jhoola-seventeen days (from Shrawan Shukla 9 to Bhadrapad Krishan 10). *(iii)* Karitiki Mela-eighteen days (from Kartiki Krishna 8 to Kartiki Shukla 10).	Sections 5(1)(*c*), 6(1) and 9	(1) The limit of overtime work taken from any employee shall not exceed 200 hours in the aggregate in any year. (2) The employees of the shops and commercial establishments, who shall be required to work for more than 8 hours on any day, shall be paid for such additional hours of work on that day at the rates which shall not be less than twice the ordinary rate, for every hour of such overtime work. (3) Any employee of shops and commercial establishments, who will be deprived of any weekly or public holiday, shall be allowed compensatory holiday for as many days as he has lost weekly or public holidays during the above period within fortnight of the respective period.
2.	All shops and commercial establishments situated in Ayodhya (area of Faizabad	Ditto	Ditto

	Municipality to tha east of Jalpa Nala) on the following occasions: (1) Shrawan Jhula Fair from Shrawan Sudi 1 to Bhadon Badi 5. (2) Kartiki Mela from Kartiki Sudi 7 to Agahan Badi 3. (3) Ram Naumi Mela from Chaitra Sudi 6 to Chaitra Sudi 13.		
3.	All shops and commercial establishments situated in Hardwar on the following occasions: (1) Ganga Dashehra from Jyeshth Shukla to Jyeshth Shukla 15. (2) Beginning of the Shrawani month, Shrawani Ashnan and Purnamashi from Shrawan Krishan 1 to Shrawan Shukla 15.	Sections 8(1)(*a*) and 9(*ii*)	Employees of shops and commercial establishments who shall be deprived of any weekly holiday falling within the period for which this exemption is granted shall in lieu of those holidays be allowed by the employer, compensatory holidays, for as many days as they are deprived of weekly holidays within a fortnight of the end of the respective periods.
4.	All shops and commercial establishments in Brindaban on the following occasions: (1) Holi and Rath Mela from Phalgun Shukla 11 to Chaitra Krishna 11. (2) Sri Banke Behari Ka Charan Darshan from Vaishakh Shukla 2 to Vaishakh Shukla 5. (3) Jhula and Krishna Janmaashtami from Shrawan Shukla 2 to Bhadrapad	Ditto	Ditto

	Krishna 10. (4) Dipawali from Kartiki Krishna 12 to Kartiki Shukla 15.		

XXXV

Notification No. 18(LL)/XXXVI(D)—282(LL)/1963, July 5, 1964

Some offices of L.I.C. in U.P. —In exercise of the powers conferred by sub-section (3) of Section 3 of the Uttar Pradesh Dookan Aur Vanijya Adhishthan Adhiniyam, 1962 (U.P. Act No. XXVI of 1962), the Governor of Uttar Pradesh is pleased to exempt, in public interest, the following offices of Life Insurance Corporation of India, situated in Uttar Pradesh, from the operation of the provisions of sub-section (1) of Section 5 of the said Act, read with Rule 3 of the Uttar Pradesh Dookan Aur Vanijya Ashishthan Niyamavali, 1963, subject to the condition that the above offices may open earlier than the prescribed hour but not before 7 a.m.

1. Zonal Office, Mahatma Gandhi Road, Kanpur.
2. Divisional Office, Birhana Road, Kanpur.
3. Divisional Office, Hazratganj, Lucknow.
4. Divisional Office, Gauriganj, Varanasi.
5. Divisional Office, Joori Mandi, Agra.
6. Divisional Office, Saket, Meerut.
7. Allahabad City Branch, 32 Mahatma Gandhi Road, Allahabad.
8. Oriental Wage Office, Hazratganj, Lucknow.

XXXVI

Notification No. 111(LL)(i)/XXXVI(D)—432(LL)/1963, September 14, 1964

Hand printer commission agents of Farrukhabad.—In exercise of the powers under sub-section (3) of Section 3 of the Uttar Pradesh Dookan Aur Vanijya Adhishthan Adhiniyam, 1962 (U.P. Act No. XXVI of 1962), the Governor of Uttar Pradesh is pleased to exempt, in public interest, all the shops and commercial establishments of Hand Printer Commission Agents of Farrukhabad from the operation of the provisions of sub-section (1) of Section 5 of the said Adhiniyam, read with Rule 3 of the Uttar Pradesh Dookan Aur Vanijya Ashishthan Niyamavali, 1963, for the period from August 15to November 15 each year.

Top

XXXVII

Notification No. 2004(LL)/XXXVI(D)—554(LL)/1963, September 17, 1964

Electrical goods.—In exercise of the powers under sub-section (3) of Section 3 of the Uttar Pradesh Dookan Aur Vanijya Adhishthan Adhiniyam, 1962 (U.P. Act No. XXVI of 1962), the Governor of Uttar Pradesh is pleased to exempt, in public interest, all the shops exclusively dealing in electrical goods from the operation of the provisions of sub-section (1) of Section 5 of the said Adhiniyam, read with Rule 3 of the Uttar Pradesh Dookan Aur Vanijya Adhishthan Niyamavali, 1963, subject to the condition that they may open earlier than 10 a.m. but not before

9 a.m. each day during the period from the midnight of September 14 to midnight of March 14, each year.

XXXVIII

Notification No. 2051(LL)(ii)/XXXVl(D)—255(LL)/1964, September 25, 1964

Establishment of barbers and hairdressers.—In exercise of the powers under sub-section (3) of Section 3 of the Uttar Pradesh Dookan Aur Vanijya Adhishthan Adhiniyam, 1962 (U.P. Act No. XXVI of 1962), the Governor of Uttar Pradesh is pleased to exempt, in public interest, the shops and commercial establishments of barbers and hairdressers from the operation of the provisions of sub-section (1) of Section 5 of the said Adhiniyam.

XXXIX

Notification No. 3174(LL)(1V)/XXXV1(D)—6(LL)/1964, November 13, 1964

Substitute holiday for Kartiki Purnima.—In exercise of the powers conferred by sub-section (3) of Section 3 of the Uttar Pradesh Dookan Aur Vanijya Adhishthan Adhiniyam, 1962 (U.P. Act No. XXVI of 1962), the Governor of Uttar Pradesh is pleased to exempt, in public interest, all the shops and commercial establishments situated in Municipal area of Hardwar from the operation of the provisions of clause *(b)* of sub-section (1) of Section 8 and clause (/) of Section 9 of the said Adhiniyam in respect of Kartiki Purnamashi every year subject to the condition that the employers shall, in lieu of that public holiday, observe another close day holiday on some other day in the same week as may be fixed by District Magistrate, Saharanpur and also allow full day's holiday to theiremployees on that day.

Top

XL

Shram Vibhag, Noti. No. 613(LL)/XXXVl(D)—6 (DL)-65, dated March 20, 1965, published in U.P. Gazette, Part 1, dated 20th March, 1965, page 670

Holi.—In exercise of the powers conferred by sub-section (3) of Section 3 of the Uttar Pradesh Dookan Aur Vanijya Adhishtan Adhiniyam, 1962 (U.P. Act No, XXVI of 1962), the Government of Uttar Pradesh is pleased to exempt in public interest all the shops and commercial establishments in Uttar Pradesh from the operation of the provisions of sub-section (1) of Section 5, read with Rule 3 of the Uttar Pradesh Dookan Aur Vanijya Adhishthan Niyamavali for three days preceding Holi festival subject to the conditions that—

(1) they may open before 10 a.m. but not before 8 a.m. and close after 8 p.m., but not after 11 p.m.;

(2) they shall pay to such of their employees as are required to work overtime, wages at twice the ordinary rate for every hour of such overtime work; and

(3) they shall in lieu of a weekly close day falling during the said period of three days observe close day within a period of fifteen days after the Holi festival and also allow a full day's leave to their employees on that day.

XLI

Notification No. 2919(LL)(iv)/XXXVI-D—498(LL)/62, May 21, 1965

Manufacturing establishments: In exercise of the powers conferred by sub-section (3) of Section 3 of the U.P. Dookan Aur Vanijya Adhishthan Adhiniyam, 1962 (U.P. Act No. XXVI of 1962), the Governor of Uttar Pradesh is pleased to exempt all commercial establishments, which are engaged in manufacturing process, from the operation of the provisions of Section 5 of the said Adhiniyam, read with Rule 3 of the U.P. Dookan Aur Vanijya Adhishthan Niyamavali, 1963, for the purposes of manufacturing work only.

XLII

Shram Vibhag, Noti. No. 62(LL)/XXXVI-{D)—25(LL)-1963, dated June 5, 1965 published in U.P Gazette, Part I, dated 26th June, 1965, page 1567

Loading and unloading of Trucks: In exercise of the powers under sub-section (3) of Section 3 of the Uttar Pradesh Dookan Aur Vanijya Adhishthan Adhiniyam, 1962 (U.P. Act No. XXVI of 1962), the Governor of Uttar Pradesh is in public interest pleased to exempt with effect from the date of publication of this notification in the Uttar Pradesh Gazette all shops and commercial establishments situated in Uttar Pradesh from the operation of the provisions of sub-section (1) of Section 5, read with Rule 3 of the Uttar Pradesh Dookan Aur Vanijya Adhishthan Niyamavali, 1963, subject to the condition that the exemption shall be for the purpose of loading and unloading of trucks carrying only foodgrains, oilseeds, sugar, *gur, khandsari,* edible oils, ghee, *atta* and *suji.*

XLIII

Shram Vibhag, Noti. No. 62(LL)(ii)/XXXV1-(D)—345(LL)-1963, dated June 5, 1965 published in U.P. Gazette, Part 1, dated 26th June, 1965, page 1567

In exercise of powers under sub-section (3) of Section 3 of the Uttar Pradesh Dookan Aur Vanijya Adhishthan Adhiniyam, 1962 (Uttar Pradesh Act No. XXVI of 1962), the Governor of Uttar Pradesh is in public interest pleased to exempt with effect from the date of publication of this notification in the Uttar Pradesh Gazette all the shops and commercial establishments situated in Uttar Pradesh from the operation of the provisions of sub-section (1) of Section 8 and Section 9 of the said Adhiniyam subject to the following conditions—

(1) the exemption shall be for the purpose only of unloading of trucks carrying foodgrains, oilseeds, pulses, *gur, khandsari,* edible oils, ghee, *atta* and *suji;*

(2) employees required to work on a close day, whether for the whole day or part thereof, shall get full day's holiday in lieu thereof within the week following such day; and

(3) notice containing the names of employees required for work, the particular day on which they are required and the compensatory holiday proposed therefor shall be pasted on the premises of the shops and commercial establishments in a conspicuous place before work is taken on such day and a copy thereof shall be sent to the Labour Inspector concerned within twenty-four hours of the expiryof taking such work.

Top

XLIV

Notification No. 1039(LL)/XXXV1(D)—255{LL)/1965, July 21, 1965 .

Shops of barbers and hairdressers of Naini Table: In exercise of powers conferred by sub-section (3) of Section 3 of the U.P. Dookan Aur Vanijya Adhishthan Adhiniyam, 1962 (U.P. Act No. XXVI of 1962), the Governor of Uttar Pradesh is pleased to exempt, in public interest, all the shops and commercial establishments of barbers and hairdressers at Naini Tal from the operation of the provisions of clause *(a)* of sub-section (1) of Section 8 of the said Adhiniyam for the period from April 1 to July 31 every year.

XLV

Notification No. 504{LL)/XXXI{D)—44(LL)/1965, July 24, 1965

Wholesale of Khandsari: In exercise of the powers conferred by sub-section (3) of Section 3 of the Uttar Pradesh Dookan Aur Vanijya Adhishthan Adhiniyam, 1962 (U.P. Act No. XXVI of 1962), the Governor of Uttar Pradesh is pleased to exempt, in public interest, all the shops and commercial establishments in Uttar Pradesh, wherein wholesale business of Khandsari is carried on and which are situated in a grain Mandi specified in this behalf by the District Magistrate, having jurisdiction over the area, from the operation of the provisions of sub-section (1) of Section 5 of the said Adhiniyam, read with Rule 3 of the U.P. Dookan Aur Vanijya Adhishthan Niyamavali, 1963, subject to the condition that they may open earlier than the prescribed hour but not before 6 a.m.

XLVI

Notification No. 2635{LL)/XXXVI(D)—255(LL)/1963, January 27, 1966

Shops of barbers and hairdressers of Mussoorie: In exercise of the powers conferred by sub-section (3) of Section 3 of the U.P. Dookan Aur Vanijya Adhishthan Adhiniyam, 1962 (U.P. Act No. XXVI of 1962), the Governor of Uttar Pradesh is pleased to exempt, in public interest, all the shops and commercial establishments of barbers and hairdressers at Mussoorie from the operation of the provisions of clause *(a)* of sub-section (1) of Section 8 of the said Adhiniyam for the period from April 1 to July 31 every year.

XLVII

Notification No. 41(LL)/XXXVI-D—359(LL)-64, May 20, 1966

Shops in Nayaghat Ayodhya: In exercise of the powers conferred by subsection (3) of Section 3 of the U.P. Dookan Aur Vanijya Adhishthan Adhiniyam, 1962 (U.P. Act No. XXVI of 1962), the Governor of Uttar Pradesh is pleased to exempt, in public interest, all the shops and commercial establishments situated in the Nayaghat area, Ayodhya, from the operation of the provisions of

sub-section (1) of Section 5 of the said Adhiniyam, read with Rule 3 of the U.P. Dookan Aur Vanijya Adhishthan Niyamavali, 1963, subject to the condition that they may open before 10 a.m. but notbefore 7 a.m.

Top

XLVIII

Notification No. 1903(LL)/XXXVI(D)—192(LL)/1964, October 3, 1966

Handloom cloth dealers of Bara Banki: In exercise of the powers under sub-section (3) of Section 3 of the U.P. Dookan Aur Vanijya Adhishthan Adhiniyam, 1962 (U.P. Act No. XXVI of 1962), the Governor of Uttar Pradesh is pleased to exempt, in public interest, all the shops and commercial establishments of handloom cloth dealers situated in the Municipal area of Bara Banki from the operation of the provisions of sub-section (1) of Section 5 of the said Adhiniyam, read with Rule 3 of the U.P. Dookan Aur Vanijya Adhishthan Niyamavali, 1963, for each Friday of the month subject to the condition that they may open earlier than the prescribed hour but not before 6 a.m. on that day.

XLIX

Notification No. 954(LL)/XXXV1-D—346(LL)/1965, October 19, 1966

Printing Presses of Chandausi.—In exercise of the powers conferred by subsection (3) of Section 3 of the U.P. Dookan Aur Vanijya Adhishthan Adhiniyam, 1962 (U.P. Act No. XXVI of 1962), the Governor of Uttar Pradesh is pleased to exempt, in public interest, all the printing presses situated in the Municipal Area of Chandausi, District Moradabad, from the operation of the provisions of sub-section (1) of Section 5 of the said Act, read with Rule 3 of the U.P. Dookan Aur Vanijya Adhishthan Niyamavali, 1963, subject to the condition that they may open before 10 a.m., but not before 8 a.m. and close not later than 6 p.m. on each day.

L

English translation of Shram Vibhag, Noti. No. 2174-{LL)/XXXVI-D—340{LL)-1965,
dated November 4, 1966 published in U.P. Gazette, Part I,
dated 12th November, 1966, p. 5632

Kotdwar (Garhwal): In exercise of the powers conferred by sub-section (3) of Section 3 of the U.P. Dookan Aur Vanijya Adhishthan Adhiniyam, 1962 (U.P. Act No. XXVI of 1962), the Governor of Uttar Pradesh is pleased to exempt in public interest all the shops and commercial establishments in the Municipal area of Kotdwar (District Garhwal) from the operation of the provisions of sub-section (1) of Section 5 of the Adhiniyam read with Rule 3 of the Uttar Pradesh Dookan Aur Vanijya Adhishthan Niyamavali, 1963.

LI

Notification No. 853(LL)/XXXVI(D)—127{LL)/1967, May 24, 1967

Purchasing Agents appointed under Foodgrain Procurement Scheme: In exercise of the powers conferred by sub-section (3) of Section 3 of the U.P. Dookan Aur Vanijya Adhishthan

Adhiniyam, 1962 (U.P. Act No. XXVI of 1962), the Governor of Uttar Pradesh is pleased to exempt, in public interest, the establishments of Purchasing Agents appointed under the U.P. Foodgrain Procurement Scheme from the operation of the provisions of Section 5(i), read with Rule 3 of the U.P. Dookan Aur Vanijya Adhishthan Niyamavali, 1963 and Section 8(1) of the said Adhiniyam, subject to the condition that exemption granted shall be in respect of the work relating to the procurement offoodgrains only and for such period as the said scheme remains in force.

Top

LII

English translation of Shram Vibhag, Noti. No. 1899(LL)/XXXVI(D)—478{LL)-63, dated November 24, 1967, published in U.P. Gazette, Part I, dated 9th December, 1967, p. 4771

Community Canning-cum-Tuitional Classes Training Centres: In exercise of the powers conferred by sub-section (3) of Section 3 of the Uttar Pradesh Dookan Aur Vanijya Ahishthan Adhiniyam, 1962 (U.P. Act No. XXVI of 1962), the Governor of Uttar Pradesh is pleased to exempt, in public interest, the Community Canning-cum-Tuitional Classes Training Centres functioning in the State under the Directorate of Fruit Utilisation, Uttar Pradesh from the operation of the provisions of Sections 14, 15, 16, 20 and 39 of the said Adhiniyam.

LIII

Notification No. 2454(LL)/XXXVI(D)~170(LL)/1966, April 15, 1968

Depots of Indian Oil Corporation Ltd.: In exercise of the powers conferred by sub-section (3) of Section 3 of the Uttar Pradesh Dookan Aur Vanijya Adhishthan Adhiniyam, 1962 (U.P Act No. XXVI of 1962), the Governor of Uttar Pradesh is pleased to exempt, in public interest, all the Depots of the Indian Oil Corporation Ltd., in Uttar Pradesh, from the operation of the provisions of sub-section (2) of Section 10 of the said Adhiniyam subject to the condition that the said corporation shall allow to its employees the following leave:

(1) *Earned Leave.*—1/11 days of working on full average pay: accumulating up to 180 days.

(2) *Casual Leave.*—Twelve days.

(3) *Medical Leave.*—Ten days on full average pay.

LIV

Notification No.73(A)/XXXVI(D)—48(A)/1968, April 9, 1969

M/s. Jaymes Engineering Co., Kanpur. In exercise of the powers under subsection (3) of Section 3 of the Uttar Pradesh Dookan Aur Vanijya Adhishthan Adhiniyam, 1962 (U.P. Act No. XXVI of 1962), the Governor of Uttar Pradesh is pleased to exempt, in public interest, Messrs. Jaymes Engineering Company, Kanpur, from the operation of the provisions of Section 10 of the said Act and Rule 10 of the rules made thereunder in respect of employees who have been in their employment prior of January 1, 1962, subject to the condition that such employees are provided leave facilities under the Leave Rules of the Company.

LV

Notification No. 1902/(A)/XXXVI(D)—510(A)/1967, November 5, 1969

Glass beads and miniature bulb establishments of Firozabad: In exercise of the powers conferred by sub-section (3) of Section 3 of the Uttar Pradesh Dookan Aur Vanijya Adhishthan Adhiniyam, 1962 (U.P. Act No. XXVI of 1962), the Governor of Uttar Pradesh is pleased to exempt, with effect from the date of publication of this notification, in public interest, all establishments situated in the Municipal area of Firozabad (District Agra), manufacturing glass beadsand miniature bulbs from the operation of clause *(a)* of sub-section (1) of Section 8 of the said Act.

Top

LVI

Notification No. 2056(LL)/XXXVl(D)—327(LL)/63, October 6, 1964
and
2244(A)/XXXVI(D)—277A/1968, May 15, 1969

Tailoring shops: In exercise of the powers conferred by sub-section (3) of Section 3 of the Uttar Pradesh Dookan Aur Vanijya Adhishthan Adhiniyam, 1962 (U.P. Act No. XXVI of 1962), the Governor of Uttar Pradesh is pleased to exempt, in public interest, all the shops and commercial establishments of tailors from the operation of the provisions of sub-section (1) of Section 5, read with sub-rules (1) and (2) of Rule 3 of the Uttar Pradesh Dookan Aur Vanijya Adhishthan Niyamavali, 1963, and Section 6 of the said Adhiniyam for the period from the first day of October to the last day of 31st March each year subject to the following conditions—

(1) that they shall not open before 7 a.m. and shall keep open after 11 p.m. on any day, and

(2) that they shall make payment of wages in respect of overtime work to their employees on contract basis during the said period.

LVII

Notification No. 2791(A)/XXXVI(D)—103(A)/1969, July 22, 1969

Handloom cloth dealers of Sitapur. In exercise of the powers under sub-section (3) of Section 3 of the Uttar Pradesh Dookan Aur Vanijya Adhishthan Adhiniyam, 1962 (U.P. Act No. XXVI of 1962), the Governor of Uttar Pradesh is pleased to exempt, in public interest, all the shops and commercial establishments of Handloom cloth dealers situated in the Dari Mandi, Sitapur, from the operation of the provisions of sub-section (1) of Section 5, read with Rule 3 of the Uttar Pradesh Dookan Aur Vanijya Adhishthan Niyamavali, 1963, subject to the condition that they may open before the prescribed hour but not before 6 a.m.

LVIII

Notification No. 1824(A)/XXXVI-(D)—81(A)/!968, October 29, 1969

Leave to employees of Raptakos Brett and Co., Kanpur: In exercise of the powers under sub-section (3) of Section 3 of the Uttar Pradesh Dookan Aur Vanijya Adhishthan Adhiniyam, 1962 (U.P. Act No. XXVI of 1962), the Governor of Uttar Pradesh is pleased to exempt, in public

interest, Messrs. Raptakos Brett and Company Private Ltd., the Mall, Kanpur, from the operation of the provisions of sub-sections (1), (2), (3), (4) and (5) of Section 10 of the said Adhiniyam subject to the condition that the said commercial establishments shall allow to its employees in a year leave given hereunder:

Earned Leave.—Twenty-one days up to 5 years' service, 27 days 6 to 10 years' service, 30 days after 10 years' service, accumulating up to 90 days.
Sick Leave.—Seven days excluding Sunday and holidays accumulating up to 28 days.
Casual Leave.—Ten days.

LIX

Notification No. 2339(A)/XXXVI(D)—177(A)/1969, November 18, 1969

Gas establishments of Lucknow and Meerut: In exercise of the powers conferred by sub-section (3) of Section 3 of the Uttar Pradesh Dookan Aur Vanijya Adhishthan Adhiniyam, 1962 (U.P. Act No. XXVI of 1962), the Governor of Uttar Pradesh is pleased to exempt, in public interest, Messrs. Indian Gas Service, Lucknow and Meerut Gas Service, Meerut, along with their depots, distributors and sub-distributors from the provisions of Section 5, read with Rule 3 of the Uttar Pradesh Dookan Aur Vanijya Adhishthan Niyamavali, 1963, and clause *(a)* of sub-section (1) of Section 8 of the said Act subject to the conditions—

(i) that they shall not open before 8 a.m. and keep open after 10 p.m. on any day,
(ii) that they shall give one day's holiday to their employees every week,
(iii) that this exemption will be only in respect of the Gas Service Division of the aboveestablishments for rendering Gas Service to their consumers.

Top

LX

Notification No. 10(A)/XXXVI(D)—177(A)/!969, February 6, 1970

Gas establishments of Allahabad: In exercise of the powers conferred by sub-section (3) of Section 3 of the Uttar Pradesh Dookan Aur Vanijya Adhishthan Adhiniyam, 1962 (U.P. Act No. XXVI of 1962), the Governor of Uttar Pradesh is pleased to exempt, in public interest, Messrs Allahabad Gas Service, Allahabad, along with its depots, distributors and sub-distributors from the provisions of Section 5, read with Rule 3 of the Uttar Pradesh Dookan Aur Vanijya Adhishthan Niyamavali, 1963 and clause *(a)* of sub-section (1) of Section 8 of the said Act subject to the conditions—

(1) that they shall not open before 8 a.m. and keep open after 10 p.m. on any day,

(2) that they shall give one day's holiday to their employees every week, and

(3) that this exemption will be only in respect of the Gas Service Division of the above establishments for rendering Gas Service to their consumers.

LXI

Notification No. 3079(A)/XXXVI(D)—340(LL)/65, March 9, 1970

Shops and commercial establishments of Almora: In exercise of the powers under sub-section (3) of Section 3 of the Uttar Pradesh Dookan Aur Vanijya Ashishthan Adhiniyam, 1962 (U.P. Act No. XXVI of 1962), the Governor is pleased to exempt, in public interest, all the shops and commercial establishments situated within the Municipal and Cantonment areas of Almora from the operation of the provisions of sub-section (1) of Section 5, read with Rule 3 of the Uttar Pradesh Dookan Aur Vanijya Adhishthan Niyamavali, 1963, from the date of publication of this notification in the Gazette, subject to the condition that they may keep open in summer from 8 a.m. till 10 p.m. and in winter from 8 a.m. till 9 p.m.

LXII

Notification No. 308(LL)/XXXVI(D)—170(LL)/1966, April 22, 1970

Indian Oil Corporation offices at Allahabad, Lucknow, etc.: In exercise of the powers conferred by sub-section (3) of Section 3 of the Uttar Pradesh Dookan Aur Vanijya Adhishthan Adhiniyam, 1962 (U.P. Act No. XXVI of 1962), the Governor of Uttar Pradesh is pleased to exempt, in public interest, the district offices located at Allahabad, Lucknow, Bareilly and Aviation Fuel Stations at Agra, Bareilly, Kanpur, Hindon (Meerut) and Sarswa (Saharanpur) of the Indian Oil Corporatian Limited, New Delhi, from the operation of the provisions of sub-section (2) of Section 10 of the said Adhiniyam, subject to the condition that the said Corporation shall allow to its employees, the following leave:

1. *Earned Leave*—1/11 days of working on full average pay; accumulating up to 180 days.
2. *Casual Leave*—Twelve days.
3. *Medical Leave*—Ten days on full average pay.

Top

LXIII

English translation of Shram Vibhag, Noti. No. 386(A)/XXXVl-(D)—389(A)-70, dated April 7, 1971, published in U.P. Gazette, Part I, dated 17th April, 1974, p. 1971

Vindhyachal area, Mirzapur. In exercise of the powers conferred by sub-section (3) of Section 3 of the Uttar Pradesh Dookan Aur Vanijya Adhishthan Adhiniyam, 1962 (U.P. Act No. XXVI of 1962), the Governor of Uttar Pradesh is pleased to exempt, in public interest, all the shops and commercial establishments situated in the Vindhyachal area of Municipal Board, Mirzapur from the operation of the provisions of Sections 5(1), 8(l)(a) and 9(2) of the Act and Rules 3, 6 and 7 of the Niyamavali framed thereunder, for the period from March 27 to April 10, 1971 subject to the following condition that they will observe close day on April 14, 19 and 22, 1971 in lieu of March 27, April 3 and 10, 1971.

LXIV

English translation of Shram Vibhag, Noti. No. 2817(A)/XXXVl-D-31-69, dated September 25, 1971, published in U.P. Gazette, Part 1, dated 6th November, 1971, p. 6462

Photographers: In exercise of the powers conferred by sub-section (3) of Section 3 of the Uttar Pradesh Dookan Aur Vanijya Adhishthan Adhiniyam, 1962 (U.P. Act No. XXVI of 1962), the Governor of Uttar Pradesh is pleased to exempt, in public interest, all the shops and commercial establishments of photographers of Kanpur City from the operation of the provisions of clause *(ii)* of sub-section (I) of Section 8 and clause (»') of Section 9 for December 13, 1970, subject to their observing substituted close day on December 15, 1970 and allowing a full day's leave to their employees on that day.

LXV

English translation of Shram Vibhag, Noti. No. 1197(A)/XXXV1-D-218(A)-71, dated October 4, 1971, published in U.P Gazette, Part 1, dated 6th November, 1971, p. 6462

Vindhyachal area, Mirzapur: In exercise of the powers conferred by sub-section (4) of Section 3 of the Uttar Pradesh Dookan Aur Vanijya Adhishthan Adhiniyam, 1962 (U.P. Act No. XXVI of 1962), the Governor of Uttar Pradesh is pleased to exempt, in public interest, all the shops and commercial establishments situated in the Vindhyachal area of Municipal Board, Mirzapur from the operation of the provisions of Sections 5(1), 8(l)(a) and 9(2) of the Act and Rules 3, 5, 6 and 7 of the Niyamavali framed thereunder for the period from September 30 to October 4, 1971, subject to the condition that they will observe close day on October 6 and 13, 1971, in lieu of September 25and October 2, 1971.

Top

LXVI

English translation of Shram Anubhag 3, Noti. No. 2220(V)/36-3—726(V)-72, dated November 17, 1976, published in U.P. Gazette, Extra., dated 17th November, 1976, p. 2

Hardwar.—In exercise of the powers under sub-section (3) of Section 3 of the Uttar Pradesh Dookan Aur Vanijya Adhishthan Adhiniyam, 1962 (U.P. Act No. XXVI of 1962), read with clause 11 of the Uttar Pradesh Electricity (Regulation of Distribution and Consumption) Order, 1972, and Section 21 of the U.P. General Clauses Act, 1904 (U.P. Act No. 1 of 1904) and in supersession of Government Notification No. 1224(V)36-5—726(V)-72, dated June 23, 1972, the Governor is pleased to exempt, in public interest, all shops (excluding commercial establishments) situate within the Municipal and Cantonment areas of Hardwar, District Saharanpur, from the operation of the provisions of sub-section (1) of Section 5, read with Rule 3 of the Uttar Pradesh Dookan Aur Vanijya Adhishthan Niyamawali, 1963, clause (a) of sub-clause (1) of Section 8, clause *(ii)* of Section 9 of the said Adhiniyam and sub-clauses (1) and (2) of clause 4 of the said Order, subject to the following conditions:

(1) That shops may open before the prescribed hour but not before 8 a.m. and shall not keep open after 10 p.m. during the period from April 1 to October 31, but no use of electricity shall be made for purposes of lighting, etc., before and after the prescribed hours;

(2) during the rest of the year, i.e. from November 1 to March 31, the hours of business shall remain as prescribed by the State Government;

(3) that every employer shall fix the hours of work of each of his employees and report the same on the 1st day of March each year to the Deputy Labour Commissioner, Meerut, and to the Labour Inspector posted at Hardwar;

(4) that the shops may remain open on all seven days of the week excluding a public holiday, during the months of May and June each year but the employees who are deprived of the weekly holidays shall be allowed in lieu thereof, an equal number of compensatory holidays within two months, that is, by August next following;

(5) that shops may also remain open on weekly holidays falling on such days of festival or Parva as may be determined by the District Magistrate, Saharanpur, but the employees who are deprived of the weekly holiday shall be allowed in lieu thereof, a compensatory holiday soon after the day of festival or Parva as may be directed by the District Magistrate.

LXVII

English translation of Shram Anubhag-3, Noti. No. 661(V)/36-3—77, dated February 3, 1977, published in U.P. Gazette, Extra., dated 3rd February, 1977, p. 1

Handlooms:—In exercise of the power under sub-section (3) of Section 3 of the Uttar Pradesh Dookan Aur Vanijya Adhishthan Adhiniyam, 1962 (U.P. Act No. XXVI of 1962), the Governor of Uttar Pradesh is pleased to exempt, in public interest, all the handlooms situated in Uttar Pradesh from the operation of the provisions of Section 4-B of the said Adhiniyam.

LXVIII

English translation of Shram Anubhag 3, Noti. No. 598(V)/36-3—77, dated February 23, 1977, published in U.P. Gazette, Extra., dated 23rd February, 1977, p. 1

Powerlooms.—In exercise of the powers under sub-section (3) of Section 3 of the Uttar Pradesh Dookan Aur Vanijya Adhishthan Adhiniyam, 1962 (U.P. Act No. XXVI of 1962), the Governor of Uttar Pradesh is pleased to exempt, in public interest, all the powerlooms situated in Uttar Pradesh from the operation of provisions of Section 4-B of said Adhiniyam.

Top

LXIX

English translation of Shram Vibhag, Anubhag-3, Noti. No. 918(V)XXXVl-3—702(S)-77, dated April 22, 1977, published in U.P. Gazette, Part 1, dated 7th May, 1977, pp. 1431-32

Khadi and Gramodyog.—In exercise of the powers under sub-section (3) of Section 3 of the Uttar Pradesh Dookan Aur Vanijya Adhishthan Adhiniyam, 1962 (U.P. Act No. XXVI of 1962), the Governor of Uttar Pradesh is pleased to exempt, in public interest, all shops and commercial establishments run by Sri Gandhi Ashram and all Khadi Gramodyog Bhawans, Khadi Bhandars; and Gramodyog Sales Centres certified and financed by Khadi and Gramodyog Commissions, U.P. situate in Uttar Pradesh from the operation of the provisions of Section 4-B of the said Adhiniyam.

LXX

English translation of Shram Vibhag, Anubhag-3, Noti. No. 2435(V)36-3—728{S)-76, dated June 27, 1977, published in U.P. Gazette, Extra., dated 27th June, 1977, p. 2

In exercise of the powers under sub-section (3) of Section 3 of the Uttar Pradesh Dookan Aur Vanijya Adhishthan Adhiniyam, 1962 (U.P. Act No. XXVI of 1962), the Governor of Uttar Pradesh is pleased to exempt, in public interest, all shops and commercial establishments situate in Uttar Pradesh, from the operation of the provisions of **Section 4-C of the said Adhiniyam read with Rule 2-A(7) of the Uttar Pradesh Dookan Aur Vanijya Adhishthan Niyama-vali, 1963**subject to the condition that their owners shall apply for renewal of registration certificate for the financial year 1977-78 in Form (L) in duplicate to the Chief Inspector of Shops and Commercial Establishments by September 30, 1977 and the fee chargeable for renewal of registration certificate shall be the same as for the grant thereof.

LXXI

English translation of Shram Anubhag 3, Noti. No. 1030(V)36-3—710(S)-78, dated March 18, 1978, published in U.P. Gazette, Extra., dated 18th March, 1978, p. 2

In exercise of the powers under sub-section (3) of the Uttar Pradesh Dookan Aur Vanijya Adhishthan Adhiniyam, 1962 (U.P. Act No. XXVI of 1962), the Governor of Uttar Pradesh is pleased to exempt, in public interest, all the shops and commercial establishments situate in Uttar Pradesh, from the operation of the provisions of **Section 4-C of the said Adhiniyam read with Rule 2-A(7) of the Uttar Pradesh Dookan Aur Vanijya Adhishthan Niyamavali, 1963** subject to the condition that their owners shall apply for renewal of registration certificate for the financial year 1978-79 in Form (L) in duplicate to the Chief Inspector of Shops and Commercial Establishments by April 15, 1978 and the fee chargeable for renewal of registration certificate shall be the same as for the grant thereof.

LXXII

English translation of Shram Anubhag-3, Prakirn, Noti. No. 2624(V)/36-3—754(S)-77, dated February 7, 1979, published in U.P. Gazette, Part I, dated 3rd March, 1979, p. 605

Kotdwar, Garhwal.—In exercise of the powers under sub-section (3) of Section 3 of the Uttar Pradesh Dookan Aur Vanijya Adhishthan Adhiniyam, 1962 (U.P. Act No. XXVI of 1962) read with Clause 10 of the Uttar Pradesh Electricity (Regulation of Supply, Distribution, Consumption and Use) Order, 1977, published with Government Notification No. 5009-P/3-77-23-216-77, dated September 19, 1977, the Governor is pleased to exempt, in public interest, all shops and commercial establishments situate within the Municipal Area of Kotdwar, District Garhwal, from the operation of the provisions of sub-section (1) of Section 5 of the said Act and sub-clause (1) of Clause 4 the said order subject to the conditions (1) that shops and commercial establishments may open before the prescribed hours but not before 6 a.m. and no use of electricity shall be made for purposes of lighting, etc. before the prescribed time-limits, (2) that every employer shall fix the hours of work of each of his employees and report the same on the

1st day of March each year to the Assistant Labour Commissioner, Dehra Dun and the Labour Inspector in charge of the area.

LXXIII

English translation of Shram Vibhag, Anubhag-3, Noti. No. 713(V)/36-3-79, dated March 28, 1979, published in U.P. Gazette, Extra., dated 28th March, 1979, p. 2

Renewal of Registration Certificate: In exercise of the powers under sub-section (3) of Section 3 of the Uttar Pradesh Dookan Aur Vanijya Adhishthan Adhiniyam, 1962 (U.P Act No. XXVI of 1962), the Governor is pleased to exempt, in public interest, all the shops and commercial establishments situate in Uttar Pradesh, from the operation of the provisions of Section 4-C of the said Adhiniyam read with Rule 2-A(7) of the Uttar Pradesh Dookan Aur Vanijya Adhishthan Niyamavali, 1963, subject to the condition that their owners shall apply for renewal of registration certificate for the financial year 1979-80 in Form (L) in duplicate to the Chief Inspector of Shops and Commercial Establishments by May 31, 1979, and the fee chargeable for renewal of registrationcertificate shall be the same as for the grant thereof.

Top

LXXIV

English translation of Shram Vibhag, Anubhag-3, Noti. No. 1148/XXXV1—3-1981, dated May 4, 1981, published in U.P. Gazette, Extra., dated May 4, 1981

In exercise of the powers under sub-section (3) of Section 3 of the Uttar Pradesh Dookan Aur Vanijya Adhishthan Adhiniyam, 1962 (U.P. Act No. XXVI of 1962), the Governor is pleased to exempt, in public interest, all shops and commercial establishments situate in Uttar Pradesh from the operation of the provisions of Section 4-C of the said Adhiniyam, read with Rule 2-A(7) of the Uttar Pradesh Dookan Aur Vanijya Adhishthan Niyamavali, 1963 subject to the condition that their owners shall apply for renewal of registration certificate for the financial year 1981-82 in Form (L) in duplicate to the Chief Inspector of Shops and Commercial Establishments by May 31, 1981 and fee chargeable for renewal of registration certificate shall be the same as for the grant thereof.

LXXV

English translation of Shram Anubhag-3, Noti. No. 837/XXXVI-3—2(S)-83, dated March 26, 1983, published in U.P. Gazette, Extra., dated 26th March, 1983, p. 2

In exercise of the powers under sub-section (3) of Section 3 of the Uttar Pradesh Dookan Aur Vanijya Adhishthan Adhiniyam, 1962 (U.P. Act No. XXVI of 1962), the Governor is pleased to exempt, in public interest, all shops and commercial establishments situate in Uttar Pradesh from the operation of the provisions of Section 4-C of the said Adhiniyam read with Rule 2-A(7) of the Uttar Pradesh Dookan Aur Vanijya Adhishthan Niyamavali, 1963, subject to the condition that their owners for the financial year 1983-84 shall apply for renewal of registration certificate in Form (L) to the Chief Inspector of Shops and Commercial Establishments by April 30, 1983

and the fee chargeable for renewal of registration certificate shall be the same as for the grant thereof.

LXXVI

Notification No. 3802/XXXVI-3-708-76, dated December 15, 1982

Commercial banks.—In exercise of the powers under sub-section (3) of Section 3 of the U.P. Dookan Aur Vanijya Adhishthan Adhiniyam, 1962 (U.P. Act No. XXVI of 1962), the Governor is pleased to exempt, in public interest, all commercial banks situated in the State of Uttar Pradesh from the operation of the provisions of Sections 8, 9, 10, 11, 13, 14, 19, 20, 32, and 38 of the said Adhiniyam.

LXXVII

English translation of Shram Anubhag-3, Noti. No. 2161/XXXVI-3—706(S)-82, dated September 16, 1983, published in U.P. Gazette, Extra., dated 16th September, 1983, p. 2

In exercise of the powers under sub-section (3) of Section 3 of the U.P. Dookan Aur Vanijya Adhishthan Adhiniyam, 1962 (U.P. Act No. XXVI of 1962), the Governor is pleased to exempt, in public interest, to Sri Krishna Janam Asthan Sewa Sansthan, Mathura from the operation of all the provisions of the said Adhiniyam.

LXXVIII

English translation of Shram Anubhag-3, Noti. No. 4272/XXXV1-3—83, dated December 9, 1983, published in U.P. Gazette, Extra., dated 9th December, 1983, p. 2

In exercise of the powers under sub-section (3) of Section 3 of the Uttar Pradesh Dookan Aur Vanijya Adhishthan Adhiniyam, 1962 (U.P. Act No. XXVI of 1962), the Governor is pleased to exempt, in public interest, all the shops dealing in Lime, Paints and Distempers from the operation of the provisions of sub-section (1) of Section 5, read with sub-rules (1) and (2) of Rule 3 of the Uttar Pradesh Dookan Aur Vanijya Adhishthan Niyamavali, 1963 and Section 8 of the said Adhiniyam forthe period of one month before Diwali every year subject to the following conditions:-

Top

(i) no employer shall on any day during the period aforesaid open his shop before 8 a.m. or keep open after 10 p.m.;

(ii) the employees who are required to work beyond the prescribed hours of work shall be paid wages at twice the ordinary rate for every hour of such overtime work;

(iii) if any employee is required to work on a closed day or a public holiday, whether for the whole day or part thereof, he shall be given a full holiday in lieu thereof within a week following such day.

LXXIX

English translation of Shram Anubhag-3, Noti. No. 2048/XXXVI-3—l(S)-83, dated July 31, 1984, published in U.P. Gazette, Extra., dated 31th July, 1984, p. 2

In exercise of the powers under sub-section (3) of Section 3 of the Uttar Pradesh Dookan Aur Vanijya Adhishthan Adhiniyam, 1962 (U.P. Act No. XXVI of 1962), the Governor is pleased to exempt, in public interest, all the shops of Daraganj, Allahabad, located within the limits specified below from the operation of the provisions of sub-section (1) of Section 5 and clauses *(a)* and *(b)* of sub-section (1) of Section 8 of the said Act during the period from Makar Sankranti (Khichri) to Magh Purnima every year subject to the conditions laid down below:—

Limits:

1. East: G.T. Road ending the bank of river Ganga.
2. WEST: Radha Raman Inter College (Daut-Ka-pur Chhoti Line).
3. North: Bansi Nallah (Temple of Nag Basuki).
4. SOUTH: Sangam Nallah ending Baini Bandh.

Conditions:

1. Payment of wages at double rate for overtime work in excess of the hours fixed under Section 6 of the Adhiniyam, shall be made by the employers to their employee for every hour of such overtime work.

2. Every employee shall be allowed full day's holiday in a week by rotation.

3. Every employee who is required to work on a public holiday shall be given compensatory leave within the same week in lieu of the holiday lost.

LXXX

English translation of Shram Anubhag-3, Noti. No. 42-M /XXXVI-3—704(S)-83, dated September 19, 1985, published in U.P. Gazette, Extra., Part IV, Section (kha), dated 19th September, 1985, p. 2

In exercise of the powers under sub-section (3) of Section 3 of the Uttar Pradesh Dookan Aur Vanijya Adhishthan Adhiniyam, 1962 (U.P. Act No. XXVI of 1962), the Governor is pleased to exempt, in public interest, all the Units of Food Corporation of India, situate in Uttar Pradesh fromthe operation of the provisions of sub-sections (1) and (2) of Section 6 of the said Act.

Top

LXXXI

English translation of Shram Anubhag-3, Noti. No. 1030(V)/36-3—701(S)-78, dated March 18, 1978, published in U.P. Gazette, Extra., dated 18th March, 1978, p. 2

In exercise of the powers under sub-section (3) of Section 3 of the Uttar Pradesh Dookan Aur Vanijya Adhishthan Adhiniyam, 1962 (U.P. Act No. XXVI of 1962), the Governor is pleased to exempt, in public interest, all shops and commercial establishments situate in Uttar Pradesh, from the operation of the provisions of Section 4-C of the said Adhiniyam read with Rule 2-A(7) of the Uttar Pradesh Dookan Aur Adhishthan Niyamavali, 1963 subject to the condition that their owners shall apply for renewal of registration certificate for the financial year 1978-79 in Form (L) in duplicate to the Chief Inspector of Shops and Commercial Establishments by April 15, 1978 and the fee chargeable for renewal of registration certificate shall be the same as for the grant thereof.

LXXXII

English translation of Shram Anubhag-3, Prakirn, Noti. No. 2624/{V)/36-3—754(S)-77, dated February 7, 1979, published in U.P. Gazette, Part 1, dated 3rd March, 1979, p. 605

Kotdwar, Garhwal.—In exercise of the powers under sub-section (3) of Section 3 of the Uttar Pradesh Dookan Aur Vanijya Adhishthan Adhiniyam, 1962 (U.P. Act No. XXVI of 1962) read with clause 10 of the Uttar Pradesh Electricity (Regulation of Supply, Distribution, Consumption and Use) Order, 1977, published with Government Notification No. 5009-P/3-77-23-216-77, dated September 19, 1977, the Governor is pleased to exempt, in public interest, all shops and commercial establishments situate within the Municipal Area of Kotdwar, district Garhwal, from the operation of the provisions of sub-section (1) of Section 5 of the said Act and sub-clause (1) of clause 4 of the said order subject to the conditions (1) that shops and commercial establishments may open before the prescribed hours but not before 6 a.m. and no use of electricity shall be made for purposes of lighting, etc. before the prescribed time-limits, (2) that every employer shall fix the hours to work of each of his employees and report the same on the 1st day of March each year to the Assistant Labour Commissioner, Dehra Dun and the Labour Inspector in charge of the area.

LXXXIII

English translation of Shram Vibhag, Anubhag-3, Noti. No. 713/(V)/36-3—79, dated March 28, 1979, published in U.P. Gazette, Extra., dated 28th March, 1979, p. 2

Renewal of Registration Certificate.—In exercise of the powers under sub-section (3) of Section 3 of the Uttar Pradesh Dookan Aur Vanijya Adhishthan Adhiniyam, 1962 (U.P. Act No. XXVI of 1962), the Governor is pleased to exempt, in public interest, all shops and commercial establishments situate in Uttar Pradesh, from the operation of the provisions of Section 4-C of the said Adhiniyam read with Rule 2-A(7) of the Uttar Pradesh Dookan Aur Vanijya Adhishthan Niyamavali, 1963, subject to the condition that their owners shall apply for renewal of registration certificate for the financial year 1979-80 in Form (L) in duplicate to the Chief Inspector of Shops and Commercial Establishments by May 31, 1979 and the fee chargeable for renewal of registration certificate shall be the same as for the grant thereof.

Top

LXXXIV

English translation of Shram Vibhag, Anubhag-3, Noti. No. 1148/XXXVI—3-1981,

dated May 4, 1981, published in U.P. Gazette, Extra., dated May 4, 1981

In exercise of the powers under sub-section (3) of Section 3 of the Uttar Pradesh Dookan Aur Vanijya Adhishthan Adhiniyam, 1962 (U.P. Act No. XXVI of 1962), the Governor is pleased to exempt, in public interest, all shops and commercial establishments situate in Uttar Pradesh, from the operation of the provisions of Section 4-C of the said Adhiniyam, read with Rule 2-A(7) of the Uttar Pradesh Dookan Aur Vanijya Adhishthan Niyamavali, 1963, subject to the condition that their owners shall apply for renewal of registration certificate for the financial year 1981-82 in Form (L) in duplicate to the Chief Inspector of Shops and Commercial Establishments by May 31, 1981 and the fee chargeable for renewal of registration certificate shall be the same as for the grant thereof.

LXXXV

Notification No. 3802/XXXV1-3—708-76, dated December 15, 1982

Commercial banks.—In exercise of the powers under sub-section (3) of Section 3 of the Uttar Pradesh Dookan Aur Vanijya Adhishthan Adhiniyam, 1962 (U.P. Act No. XXVI of 1962), the Governor is pleased to exempt, in public interest, all commercial banks situated in the State of Uttar Pradesh from the operation of the provisions of Sections 8, 9, 10, 11, 13, 14, 19, 20, 32 and 38 of the said Adhiniyam.

LXXXVI

English translation of Shram Anubhag-3, Noti. No. 837/XXXVI-3—2(S)-83, dated March 26, 1983, published in U.P. Gazette, Extra., dated 26th March, 1983, p. 2

In exercise of the powers under sub-section (3) of Section 3 of the Uttar Pradesh Dookan Aur Vanijya Adhishthan Adhiniyam, 1962 (U.P. Act No. XXVI of 1962), the Governor is pleased to exempt, in public interest, all shops and commercial establishments situate in Uttar Pradesh, from the operation of the provisions of Section 4-C of the said Adhiniyam read with Rule 2-A(7) of the Uttar Pradesh Dookan Aur Vanijya Adhishthan Niyamavali, 1963, subject to the condition that their owners for the financial year 1983-84 shall apply for renewal of registration certificate in Form (L) to the Chief Inspector of Shops and Commercial Establishments by April 30, 1983 and the feechargeable for renewal of registration certificate shall be the same as for the grant thereof.

Top

LXXXVII

English translation of Shram Anubhag-3, Noti. No. 2161/XXXVI-3—706(S)-82, dated September 16, 1983, published in U.P. Gazette, Extra., dated 16th September, 1983, p. 2

In exercise of the powers under sub-section (3) of Section 3 of the Uttar Pradesh Dookan Aur Vanijya Adhishthan Adhiniyam, 1962 (U.P. Act No. XXVI of 1962), the Governor is pleased to exempt, in public interest, Sri Krishna Janam Asthan Sewa Sansthan, Mathura from the operation of all the provisions of the said Adhiniyam.

LXXXVIII

English translation of Shram Anubhag-3, Noti. No. 4272/XXXVI-3—83, dated December 9, 1983, published in U.P. Gazette, Extra., dated 9th December, 1983, p. 2

In exercise of the powers under sub-section (3) of Section 3 of the Uttar Pradesh Dookan Aur Vanijya Adhishthan Adhiniyam, 1962 (U.P. Act No. XXVI of 1962), the Governor is pleased to exempt, in public interest, all the shops dealing in Lime, Paints and Distempers from the operation of the provisions of sub-section (1) of Section 5, read with sub-rules (1) and (2) of Rule 3 of the Uttar Pradesh Dookan Aur Vanijya Adhishthan Niyamavali, 1963 and Section 8 of the said Adhiniyam for the period of one month before Diwali every year subject to the following conditions:—

(i) no employer shall on any day during the period aforesaid open his shop before 8 a.m. or keep open after 10 p.m.;

(ii) the employees who are required to work beyond the prescribed hours of work shall be paid wages at twice the ordinary rate for every hour of such overtime work;

(iii) if any employee is required to work on a closed day or a public holiday, whether for the whole day or part thereof, he shall be given a full holiday in lieu thereof within a week following such day.

LXXXIX

English translation of Shram Anubhag-3, Noti. No. 2048/XXXVI-3—l(S)-83, dated July 31, 1984, published in U.P. Gazette, Extra., dated 31st July, 1984, p. 2

In exercise of the powers conferred by sub-section (3) of Section 3 of the Uttar Pradesh Dookan Aur Vanijya Adhishthan Adhiniyam, 1962 (U.P. Act No. XXVI of 1962), the Governor is pleased to exempt, in public interest, all the shops of Daraganj, Allahabad, located within the limits specified below from sub-section (1) of Section 5 and clause *(a)* and *(b)* of sub-section (1) of Section 8 of thesaid Act during the period from Makar Sankranti (Khichri) to Magh Purnima every year subject to the conditions laid down below:—

Top

Limits:

1. East: G.T. Road ending the bank of river Ganga.

2. West: Radha Raman Inter College (Daut-Ka-pur Chhoti Line).

3. NORTH: Bansi Nallah (Temple of Nag Basuki).

4. SOUTH: Sangam Nallah ending Baini Bandh.

Conditions:

1. Payment of wages at double rate for overtime work in excess of the hours fixed under Section 6 of the Adhiniyam, shall be made by the employers to their employee for every hour of such overtime work.

2. Every employee shall be allowed full day's holiday in a week by rotation.

3. Every employee who is required to work on a public holiday shall be given compensatory leave within the same week in lieu of the holiday lost.

XC

English translation of Shram Anubhag-3, Noti. No. 42-M/XXXVI-3—704(S)-83, dated September 19, 1985, published in U.P. Gazette, Extra., Part IV, Section (kha), dated 19th September, 1985, p. 2

In exercise of the powers under sub-section (3) of Section 3 of the Uttar Pradesh Dookan Aur Vanijya Adhishthan Adhiniyam, 1962 (U.P. Act No. XXVI of 1962), the Governor is pleased to exempt, in public interest, all the Units of Food Corporation of India, situate in Uttar Pradesh, from the operation of the provisions of the sub-sections (1) and (2) of Section 6 of the said Act.

XCI

English translation of Shram Anubhag-3, Noti. No. 1655/XXXVl-3—12(S)-85, dated May 31, 1986, published in the U.P. Gazette, Extra., Part 4, Section (kha), dated 31st May, 1986, p. 2

In exercise of the powers under sub-section (3) of Section 1 of the Uttar Pradesh Dookan Aur Vanijya Adhishthan Adhiniyam, 1962 (U.P. Act No. XXVI of 1962), the Governor is pleased to direct that all the provisions of the said Adhiniyam shall, with effect from the date of the publication of this notification in the Gazette, apply to all the shops and commercial establishments situated in the 'Industrial Development Area' to be called New Okhla Industrial Development Area by Government Notification No. 4157-HI/XVIII-(11), dated April 17, 1976, under the provisions of Uttar Pradesh Industrial Area Development Act, 1976.

XCII

English translation of Shram Anubhag-3, Noti. No. 2363/XXXVI-3—15(S)-84, dated August 22, 1986, published in the U.P. Gazette, Extra., Part 4, Section (kha), dated 22nd August, 1986, p. 2

In exercise of the powers under sub-section (3) of Section 3 of the Uttar Pradesh Dookan Aur Vanijya Adhishthan Adhiniyam, 1962 (U.P. Act No. XXVI of 1962), the Governor is pleased to exempt in public interest the Industrial Development Bank of India, Kanpur from the operation of all the provisions of the said Adhiniyam.

XCIII

English translation of Shram Anubhag-3, Noti. No. 2996/XXXVI-3—706(S)-83, dated October 23, 1984, published in the U.P. Gazette, Extra., Part 4, Section (kha), dated 23rd October, 1984, p. 2

In exercise of the powers under sub-section (3) of Section 3 of the Uttar Pradesh Dookan Aur Vanijya Adhishthan Adhiniyam, 1962 (U.P. Act No. XXVI of 1962), the Governor is pleased to exempt, in public interest, Messrs Agra Mandal Vikas Nigam Limited, Agra along with all its branches at (1) Mainpuri, (2) Tundla (Agra), (3) Shikohabad (Mainpuri), (4) Fatehpur Sikri (Agra), (5) Mathura, (6) Hathras (Aligarh), (7) Sikandrabad (Aligarh), and (8) Awagarh (Etah) in Uttar Pradesh from the operation of the provisions of Sections 5(i), 8, 10 and 32 of the said Adhiniyam subject to the conditions specified against each:—

1. Sections *5(i)*, 8.—(1) Exemption from these sections is granted only for the months of April, May and June every year.

(2) The employers shall allow weekly rest to each of their employees by rotation and shall communicate the information regarding the days of rest of each of their employees to the Labour Inspector of the area and the Deputy Labour Commissioner, Agra, prior to the month of April everyyear.

Top

2. Section 10.—The employers shall allow leave benefits as per rules of the Nigam to only those of their employees who opt in writing for the same in preference to the relevant provisions under the Adhiniyam and shall submit a list of such employees to the Labour Inspector of the area and the Deputy Labour Commissioner, Agra.

3. Section 32.—The employers shall continue to maintain the attendance register, wage register and the service-book in the same pro forma and in the same manner as they are maintained in the case of State Government employees at present.

XCIV

English translation of Shram Anubhag-3, Noti. No. 2636/XXXVI-3—4(S)-87, dated July 14, 1987, published in the U.P. Gazette, Extra., Part 4, Section (kha), dated 14th July, 1987, p. 2

In exercise of the powers under sub-section (3) of Section 3 of the Uttar Pradesh Dookan Aur Vanijya Adhishthan Adhiniyam, 1962 (U.P. Act No. XXVI of 1962), the Governor is pleased to exempt in public interest, the General Insurance Corporation of India and its four subsidiary companies from the operation of all the provisions of the said Adhiniyam.

XCV

English translation of Shram Anubhag-3, Noti. No. 539/XXXVI-3—6(S)-85, dated May 21, 1987, published in the U.P. Gazette, Extra., Part 4, Section (kha), dated 21st May, 1987, p. 2

In exercise of the powers under sub-section (3) of Section 3 of the Uttar Pradesh Dookan Aur Vanijya Adhishthan Adhiniyam, 1962 (U.P. Act No. XXVI of 1962), the Governor is pleased to exempt in public interest, all corporations/commercial establishments run by the State Government from the operation of all the provisions of the said Adhiniyam.

XCVI

English translation of Shram Anubhag-3, Noti. No. 423/XXXVI-3—6(S)-86, dated February 19, 1988, published in the U.P. Gazette, Extra., Part 4, Section (kha), dated 19th February, 1988, p. 2

In exercise of the powers under sub-section (3) of Section 3 of the Uttar Pradesh Dookan Aur Vanijya Adhishthan Adhiniyam, 1962 (U.P. Act No. XXVI of 1962), the Governor is pleased to exempt, in public interest, all the Khadi and Gramodyog Institutions run and/or controlled by the Uttar Pradesh Khadi and Village Industries Board or Khadi and Village Industries Commission, situate in the State of Uttar Pradesh, from the operation of all the provisions of said Adhiniyam for a period of one year from the date of publication of this notification in the Gazette.

XCVII

English translation of Shram Anubhag-3, Noti. No. 4088/XXXVl-3—3(S)-88, dated November 1, 1988, published in the U.P. Gazette, Extra., Part 4, Section (kha), dated 1st November, 1988, p. 2

In exercise of the powers under sub-section (3) of Section 3 of the Uttar Pradesh Dookan Aur Vanijya Adhishthan Adhiniyam, 1962 (U.P. Act No. XXVI of 1962), the Governor is pleased to exempt in public interest, all the branches of Aviation Fuel Stations of Indian Oil Corporation in Uttar Pradesh from the operation of the provisions of Sections 5 and 8 of the said Adhiniyam read with Rules 3 and 7 of the Uttar Pradesh Dookan Aur Vanijya Adhishthan Niyamavali, 1963 subject to the following conditions:

(1) The working hours of the employees will be observed as required under Sections 6 and 7 of the aforesaid Adhiniyam; and

(2) each employee will be given one weekly holiday on rotation basis.

XCVIII

English translation of Shram Anubhag-3, Noti. No. 379/XXXVI-3—19(S)-87, dated February 3, 1989, published in the U.P. Gazette, Extra., Part 4, Section (kha), dated 6th February, 1989, p. 2

In exercise of the powers under sub-section (3) of Section 3 of the Uttar Pradesh Dookan Aur Vanijya Adhishthan Adhiniyam, 1962 (U.P. Act No. XXVI of 1962) and in supersession of Notification No. 3389/36-3-23(S)-84,1-10-1984, the Governor is pleased to exempt in the public interest with immediate effect such shops and commercial establishments in Uttar Pradesh as are not mentioned in Schedule II of the said Adhiniyam, from the operation of the provisions of sub-section (1) of Section 5 of the said Adhiniyam read with Rule 3 of the Uttar Pradesh Dookan Aur Vanijya Adhishthan Niyamawali, 1963, subject to the condition that the said shops and commercialestablishments shall not be opened before 9.00 a.m. and not be kept opened after 8.00 a.m.

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XCX

English translation of Shram Anubhag-3, Noti. No. 651/XXXW-3—2003-01 *Du, Va-99(T.C), dated May 9, 2003, published in the U.P. Gazette, Extra., Part 4, Section (Kha), dated 9th May, 2003 p. 2*

In exercise of the powers under sub-section (3) of Section 3 of the Uttar Pradesh Dookan Aur Vanijya Adhishthan Adhiniyam, 1962 (U.P. Act No. XXVI of 1962), the Governor is pleased to exempt in the public interest the commercial establishment located within the premises of Factories as defined under Section 2(m) of the Factories Act, 1948 (Act No. 63 of 1948), from the operation of the provisions of aforesaid Uttar Pradesh Dookan Aur Vanijya Adhisthan Adhiniyam, 1962 (U.P. Act No. XXVI of 1962) subject to the condition that employees employed in such establishments shall be allowed the benefits of services and service conditions as are admissible to them from time to time.

Section 3(4)

English translation of Shram Vibhag, Anubhag-3, Noti. No. 1586/XXXVI-3—709(S)-80, dated June 23, 1981, published in the U.P. Gazette, Extra., dated 23rd June, 1981, p. 2

Recission.—In exercise of the powers under sub-section (4) of Section 3 of the Uttar Pradesh Dookan Aur Vanijya Adhishthan Adhiniyam, 1962 (U.P. Act No. XXVI of 1962), read with Section 21 of the U.P. General Clauses Act, 1904 (U.P. Act No. 1 of 1904), the Governor is pleased to rescind Government Notifications No. 3997(V)/XXXVI-3-79, dated September 28, 1979 (published in 1980 LLT-V-11), No. 3997(V)/XXXVI-3-79, dated October 3, 1979 (published in 1980 LLT-V-17) and No. 394/XXXVI-3-715(S)-79, dated March 20, 1980 (published in 1980 LLT-V-228) with effect from the date of publication of this notification in theGazette, regarding the exemption.

Top

Section 29

I

English translation of Shram Anubhag-3, Noti. No. 1553/XXXVI-3—703(S)-82, dated July 17, 1982, published in U.P. Gazette, Extra., dated 17th July, 1982, pp. 4-7

Appointment of Inspectors.—In exercise of the powers under Section 29 of the Uttar Pradesh Dookan Aur Vanijya Adhishthan Adhiniyam, 1962 (U.P. Act No. XXVI of 1962), and in supersession of Notification No. 2440/XXXVI-3—717(S)-79, dated October 23, 1980, the Governor is pleased to appoint the officers/officials mentioned in Column 2 of the Schedule below to be 'Inspectors' for the purpose of the said Act within the areas mentioned against each in Column 3 thereof:

[In view 'of supersession of this notification, the Schedule is not printed:]

II

English translation of Shram Anubhag-3, Noti. No. 2663/XXXVI-3—2(S)-89, dated February 9, 1990, published in the U.P. Gazette, Extra., Part 4, Section (kha), dated 9th February, 1990, pp. 4-7

In exercise of the powers under Section 29 of the Uttar Pradesh Dookan Aur Vanijya Adhishthan Adhiniyam, 1962 (U.P. Act No. 26 of 1962), read with Section 21 of the Uttar Pradesh General Clauses Act, 1904 (U.P. Act No. 1 of 1904) and in supersession of all previous notification issued in this behalf, the Governor is pleased to appoint the officers and officials mentioned in Column 2 of the Schedule below to be 'Inspectors' for the purposes of the said Act within the areas mentioned against their names in Column 3 thereof—

Top

SCHEDULE		
Sl. No.	Officers/Officials	Area (showing local limits)
1	2	3
1.	Additional Labour Commissioner, U.P., Kanpur Region, Kanpur	Kanpur (Nagar), Kanpur (Dehat), Etawah, Farrukhabad and Unnao.
2.	All Additional Labour Commissioners, Deputy Labour Commissioners and Assistant Labour Commissioners posted at headquarters, Kanpur	Ditto.
3.	All Assistant Labour Commissioners posted in Kanpur Region	Ditto.
4.	Assistant Welfare Officer, Kanpur Region	Ditto.
5.	Chief Investigator, Kanpur Region	Ditto.
6.	All Trade Union Inspectors/Welfare Inspectors posted at headquarters, Kanpur	Ditto.
7.	All Chief/Senior Investigators posted at headquarters, Kanpur	Ditto.

8.	All Labour Enforcement Officers posted at headquarters, Kanpur	Ditto.
9.	All Labour Enforcement Officers posted in Kanpur Region	Ditto.
10.	Deputy Labour Commissioner, Allahabad Region, Allahabad	Allahabad, Fatehpur and Pratapgarh.
11.	All Assistant Labour Commissioners posted in Allahabad Region	Ditto.
12.	Assistant Welfare Officer, Allahabad.	Ditto.
13.	Assistant Trade Union Inspector and Welfare Inspector, Allahabad Region.	Allahabad, Fatehpur and Pratapgarh
14.	Chief Investigator, Allahabad Region.	Ditto.
15.	All Labour Enforcement Officers posted in Allahabad Region.	Ditto.
16.	Deputy Labour Commissioner, Meerut Region, Meerut.	Meerut, Muzaffarnagar, Saharanpur and Hardwar.
17.	All Assistant Labour Commissioners posted in Meerut Region	Ditto.
18.	Assistant Welfare Officer, Meerut Region, Meerut.	Ditto.
19.	Welfare Inspector and Assistant Trade Union Inspector, Meerut Region, Meerut.	Ditto.
20.	Chief Investigator, Meerut Region, Meerut.	Ditto.
21.	All Labour Enforcement Officers posted in Meerut Region.	Ditto.
22.	Deputy Labour Commissioner, Agra Region, Agra.	Agra, Etah, Aligarh, Mainpuri, Mathura and Firozabad
23.	All Assistant Labour Commissioners posted in Agra Region.	Ditto.
24.	Assistant Welfare Officer, Agra Region, Agra.	Ditto.
25.	Assistant Trade Union Inspector and Welfare Inspector, Agra Region, Agra.	Ditto.
26.	Chief Investigator, Agra Region, Agra.	Ditto.
27.	All Labour Enforcement Officers, posted in Agra Region	Ditto.
28.	Deputy Labour Commissioner, Gorakhpur Region, Gorakhpur.	Gorakhpur, Basti, Deoria, Azamgarh, Mau, Siddharth Nagar and Maharajganj.
29.	All Assistant Labour Commissioners posted in Gorakhpur Region.	Ditto.
30.	Assistant Welfare Officer, Gorakhpur Region,	Ditto.

	Gorakhpur.	
31.	Assistant Trade Union Inspector and Welfare Inspector, Gorakhpur Region, Gorakhpur.	Ditto.
32.	Chief Investigator, Gorakhpur Region, Gorakhpur	Gorakhpur, Basti, Deoria, Azamgarh, Mau, Siddharth Nagar and Maharajganj.
33.	All Labour Enforcement Officers posted in Gorakhpur Region.	Ditto.
34.	Deputy Labour Commissioner, Lucknow Region, Lucknow.	Lucknow, Hardoi, Kheri, Rae Bareli and Sitapur
35.	All Assistant Labour Commissioners posted in Lucknow Region.	Ditto.
36.	Assistant Welfare Officer, Lucknow Region, Lucknow.	Ditto.
37.	Assistant Trade Union Inspector and Welfare Inspector, Lucknow Region, Lucknow.	Ditto.
38.	Chief Investigator, Lucknow Region, Lucknow.	Ditto.
39.	All Labour Enforcement Officers posted in Lucknow Region.	Ditto.
40.	Deputy Labour Commissioners, Faizabad Region, Faizabad.	Faizabad, Gonda, Bahraich, Barabanki and Sultanpur.
41.	All Assistant Labour Commissioners posted in Faizabad Region.	Ditto.
42.	Assistant Trade Union Inspector and Welfare Inspector and Chief Investigator, Faizabad Region, Faizabad.	Faizabad, Gonda, Bahraich, Barabanki and Sultanpur
43.	All Labour Enforcement Officers posted in Faizabad Region.	Ditto.
44.	Deputy Labour Commissioner, Bareilly Region, Bareilly.	Bareilly, Budaun, Piliphit, and Shahjahanpur.
45.	All Labour Enforcement Officers posted in Bareilly Region.	Ditto.
46.	Assistant Trade Union Inspector and Welfare Inspector, Bareilly Region, Bareilly.	Ditto.
47.	Assistant Welfare Officer, Bareilly Region, Bareilly.	Ditto.
48.	Chief Investigator, Bareilly Region, Bareilly.	Ditto.
49.	All Labour Enforcement Officers posted in Bareilly Region.	Ditto.
50.	Deputy Labour Commissioner, Moradabad Region, Moradabad.	Moradabad, Bijnor and Rampur.
51.	All Labour Enforcement Officers posted in Moradabad Region.	Ditto.

52.	Welfare Inspector and Assistant Trade Union Inspector and Chief Investigator, Moradabad Region.	Ditto.
53.	All Labour Enforcement Officers posted in Moradabad Region.	Ditto.
54.	Additional Labour Commissioner, Varanasi Region, Varanasi.	Varanasi, Ghazipur, Ballia and Jaunpur.
55.	All Assistant Labour Commissioners posted in Varanasi Region	Ditto.
56.	Welfare Inspector and Assistant Trade Union Inspector and Chief Investigator, Varanasi Region.	Ditto.
57.	All Labour Enforcement Officers posted in Varanasi Region.	Varanasi, Ghazipur, Ballia and Jaunpur.
58.	Deputy Labour Commissioner, Garhwal Region, Dehra Dun.	Dehra Dun, Chamoli, Garhwal (Pauri), Tehri-Garhwal and Uttarkashi.
59.	All Assistant Labour Commissioners posted in Garhwal Region.	Ditto.
60.	Welfare Inspector and Assistant Trade Union Inspector and Chief Investigator, Garhwal Region.	Ditto.
61.	All Labour Enforcement Officers posted in Garhwal Region.	Ditto.
62.	Deputy Labour Commissioner, Kumaun Region, Haldwani, Naini Tal.	Naini Tal, Almora and Pithoragarh.
63.	All Assistant Labour Commissioners posted in Kumaun Region.	Ditto.
64.	All Labour Enforcement Officers and Assistant Trade Union Inspectors and Welfare Inspectors and Chief Investigators posted in Kumaun Region.	Ditto.
65.	Additional Labour Commissioner, Ghaziabad Region, Ghaziabad.	Ghaziabad and Bulandshahr.
66.	All Assistant Labour Commissioners posted in Ghaziabad Region.	Ditto.
67.	All Labour Enforcement Officers and Welfare Inspectors and Assistant Trade Union Inspectors and Chief Investigators posted in Ghaziabad Region.	Ghaziabad and Bulandshahr.
68.	Deputy Labour Commissioners, Mirzapur Region, Pipri.	Mirzapur and Sonbhadra.
69.	All Assistant Labour Commissioners posted in Mirzapur Region.	Ditto.
70.	All Labour Enforcement Officers posted in Mirzapur Region.	Ditto.
71.	Deputy Labour Commissioner, Jhansi Region, Jhansi.	Jhansi, Lalitpur, Banda,

		Hamirpur and Jalaun.
72.	All Assistant Labour Commissioners posted in Jhansi Region.	Ditto.
73.	All Labour Enforcement Officers and Welfare Inspectors and Assistant Trade Union Inspectors and Chief Investigators posted in Jhansi Region.	Ditto.

Section 36(3)

English translation of Shram Anubhag-3, Noti. No. 186/XXXVI-3—7(S)-85, January 30, 1997, published in the U.P. Gazette, Extra., Part 4, Section (kha), dated 30th January, 1997, pp. 3-4

In exercise of the powers under sub-section (3) of Section 36 of the Uttar Pradesh Dookan Aur Vanijya Adhishthan Adhiniyam, 1962 (U.P. Act No. XXVI of 1962), read with Section 8 of the Uttar Pradesh Criminal Law (Composition of Offences and Abatement of Trials) (Amendment) Act, 1979, and in supersession of Government Notification No. 1815/XXXVI-3-7(S)-85, dated May 1, 1987, the Governor is pleased to appoint the officers mentioned in Column 2 of the Schedule below to be the Prescribed Authority to compound offences punishable under the provisions of the said U.P. Act No. 26 of 1962 except the offence punishable under Section 21 of the Uttar Pradesh Dookan Aur Vanijya Adhishthan Adhiniyam, 1962 with the areas mentioned against each in Column2 thereof subject to the conditions given hereunder:

Top

SCHEDULE		
Sl. No.	Officer	Local limit
1	2	3
1.	Chief Inspector of Shops, U.P., Kanpur	Whole of Uttar Pradesh.
2.	Deputy Chief Inspector of Shops, U.P, Kanpur.	Whole of Uttar Pradesh.
3.	Additional Labour Commissioner, All Assistant Labour Commissioners, Kanpur Region, Kanpur.	Kanpur Region consisting of districts of Kanpur Nagar, Kanpur Dehat, Etawah, Unnao and Farrukhabad.
4.	Deputy Labour Commissioner, All Assistant Labour Commissioners, Allahabad Region, Allahabad.	Allahabad Region consisting of districts of Allahabad, Pratapgarh and Fatehpur
5.	Deputy Labour Commissioner, All Assistant Labour Commissioners, in Agra Region, Agra.	Agra Region consisting of districts of Agra, Aligarh, Etah, Mainpuri, Mathura and Firozabad.
6.	Deputy Labour Commissioner, All Assistant Labour Commissioners, Meerut Region, Meerut.	Meerut Region consisting of districts of Meerut, Muzaffarnagar, Hardwar and Saharanpur.
7.	Deputy Labour Commissioner, All Assistant Labour Commissioners, Gorakhpur Region, Gorakhpur.	Gorakhpur Region consisting of districts of Gorakhpur, Basti, Maharajganj, Siddharth Nagar, Deoria, Padrauaa.

8.	Deputy Labour Commissioner, All Assistant Labour Commissioners in Lucknow Region, Lucknow.	Lucknow Region consisting of districts of Lucknow, Hardoi, Kheri, Rae Bareli Sitapur and Barabanki.
9.	Deputy Labour Commissioner, All Assistant Labour Commissioners in Faizabad Region, Faizabad.	Faizabad Region consisting of districts of Faizabad, Bahraich, Gonda, Sultanpur and Ambedkar Nagar.
10.	Deputy Labour Commissioner, All Assistant Labour Commissioners in Bareilly Region, Bareilly.	Bareilly Region consisting of districts of Bareilly, Badaun, Pilibhit and Shahjahanpur.
11.	Deputy Labour Commissioner, All Assistant Labour Commissioners in Moradabad Region, Moradabad.	Moradabad Region consisting of districts of Moradabad, Rampur and Bijnor.
12.	Deputy Labour Commissioner, All Assistant Labour Commissioners in Varanasi Region, Varanasi.	Varanasi Region consisting of districts of Varanasi, Ghazipur, and Bhadohi.
13.	Deputy Labour Commissioner, All Assistant Labour Commissioners in Garhwal Region, Dehra Dun.	Garhwal Region consisting of districts of Dehra Dun Chamoli, Garhwal (Pauri), Tehri-Garhwal and Uttarkashi.
14.	Deputy Labour Commissioner, All . Assistant Labour Commissioners in Kumaun Region, Haldwani (Naini Tal).	Kumaun Region consisting of districts of Naini Tal, Almora, Pithoragarh and Udham Singh Nagar.
15.	Additional Labour Commissioner, All Assistant Labour Commissioners in Ghaziabad Region, Ghaziabad.	Ghaziabad Region consisting of districts of Ghaziabad and Bulandshahr.
16.	Deputy Labour Commissioner, All Assistant Labour Commissioners in Mirzapur Region, Mirzapur.	Mirzapur Region consisting of districts Mirzapur and Sonbhadra.
17.	Deputy Labour Commissioner, All Assistant Labour Commissioners in Jhansi Region, Jhansi.	Jhansi Region consisting of districts of Jhansi, Lalitpur, Banda, Hamirpur Mahoba and Jalaun.
18.	Deputy Labour Commissioner, All . Assistant Labour Commissioners in Azamgarh Region, Azamgarh.	Azamgarh Region consisting of districts of Azamgarh, Mau, Jaunpur and Ballia.

ANNEXURE

1. The Prescribed Authority while compounding the offence shall take into consideration whether the offence has been committed for the first time or it is a subsequent offence.

2. In case it is the first offence of the accused, the compounding of offences shall be done keeping in view the gravity of the offence, subject to the maximum penalty laid down for such offence.

3. In case it is a subsequent offence, the composition fee shall exceed the maximum penalty laid down for the first offence depending upon the gravity of the subsequent offence, subject to the maximum penalty laid down for such subsequent offence.

4. The Prescribed Authority shall not compound any offence merely by giving warning or byadmonishing.

Top

5. The compounding of offence shall be done within the limitation period, in case the prosecution has not been launched. If the prosecution has been launched, the compounding of offence shall be done by the Prescribed Authority before the prosecution concludes its evidence.

Rates of Minimum Wages in Respect of Shops and Commercial Establishments

English translation of Shram Anubhag-3, Noti. No. 214/XXXVI-3—6(M.W.)-90, dated January 18, 1992, published in the U.P Gazette, Extra., Part 4, Section (kha), dated 18th January, 1992, pp. 3-5

In exercise of the powers under clause *(b)* of sub-section (1) and clause (c) of sub-section (2) of Section 3 read with clause (*i*), sub-section (1) and Section 4 of the Minimum Wages Act, 1948 (Act No. XI of 1948) and in supersession of Government Notification No. 735/XXXVI-3—1028(M.W)-76, dated June 21, 1948 and after consulting the Advisory Board and after having considered the objections and suggestions received in respect of the proposals published with Government Notification No. 3831/XXXVI-3—6 (M.W.)-90, dated October 29, 1990, the Governor is pleased to revise and fix the minimum rates of wages for employees employed in the employment in (1) Commercial Establishment in Uttar Pradesh and in (2) Shops in Uttar Pradesh with effect from the date of publication of this notification in the Gazette.

Minimum rates of wages in respect of employees employed in the employment in (1) Commercial Establishment in Uttar Pradesh and in (2) Shops in Uttar Pradesh

1. The minimum rates of wages payable to adult employees for different classes of work on 167 points of All-India Consumer Price Index Number (1982=100) shall be as follows:—

Sl. No.	Category of workers	Minimum monthly rates of wages payable to adult employee in towns of U.P. with a population of	Annual inclrement in the monthly rates of Column 3	Minimum monthly rates of wages payable in rest of U.P.	Annual increment in the monthly rates of Column 5

		one lakh or more			
1	2	3	4	5	6
		Rs.	Rs.	Rs.	Rs.
1.	Unskilled	750.00	5.00	725.00	4.00
2.	Semi-skilled	880.00	8.00	851.00	6.00
3.	Skilled	1011.00	12.00	877.00	8.00
4.	*Clerical stafff-* (1) Grade-II (2) Grade-I	 1066.00 1229.00	 14.00 17.00	 1030.00 1188.00	 10.00 14.00

2. Cost of Living Allowance.—For rise in the Consumer Price Index Number over 167 points of All-India Consumer Price Index Number (1982=100), the dearness allowance shall be neutralized 100 per cent and cost of living allowance shall be payable and adjustment shall be made in April and October each year on the basis of the average of the Consumer Price Index Number for July to December of the preceding year and January to June of the same year respectively.

Illustration.—(*i*) Suppose the average of Consumer Price Index Number for January, 1991 to June, 1991 is 197 points the increase in cost of living allowance payable per month with effect fromOctober 1, 1991 for an adult unskilled employee will be—

Top

$$\frac{(197-167) \times 750}{167} = \frac{30 \times 750}{167} = \text{Rs. } 134.73$$

(*ii*) The employee shall earn increment after one year of enforcement of this notification. Therefore, the employees in the respective categories shall be entitled to cost of living allowance after adding the said increment to their basic wage, for example, if average of Consumer Price Index Number for January to June 1992 works out to be 207, then the cost of living allowance admissible after first increment to an unskilled employee shall be as follows—

$$\frac{(207-167) \times 755}{167} = \frac{40 \times 755}{167} = \text{Rs. } 180.83$$

3. The daily rate of wages shall not be less than l/26th of the corresponding monthly rate.

4. The hourly rate of wages shall not be less than l/6th of the daily rate.

5. The time-rate of wages payable to adolescents and children shall not be less than 99 per cent and95 per cent respectively of the time-rate applicable to an adult employee.

Top

6. The employees whose hours of work including interval for rest are less than six hours a day or thirty-six hours a week will be treated as part-time employees and their hourly rate shall not be less than one-sixth of the corresponding daily rate.

7. The above rates of wages shall not in any way operate to the prejudice of any employee. If the rates of wages (including annual increments and cost of living allowance) prevailing before

coming into force of these rates are higher, then the prevailing rate shall be continued and paid as if they have been so fixed under the said Act as minimum rates of wages and in no case the same shall be reduced by any employer.

8. From April 1991 or thereafter whenever the cost of living allowance would be calculated or revised as prescribed in paragraph 2, the increase in such allowance shall be admissible to all categories of employees whether on the date of publication of this notification, they were getting higher minimum rates of wages than prescribed in paragraph 1 of this notification.

9. Where any class of work is performed on piece-rate basis the time-rate prescribed for the particular kind of work shall be the guaranteed time-rate.

10. The time-rate of minimum wages given above includes remuneration in respect of the day of rest as contemplated under clause *(b)* of sub-section (1) of Section 13 of the Minimum Wages Act, 1948.

11. If any employer undertakes any work of employment through Contract Labour with or without obtaining the certificate under the Contract Labour (Regulation and Abolition) Act, 1970, such Contract Labour shall also be deemed to be the labour engaged by the employer directly in view of Section 9 of the aforesaid Act read with sub-clause *(iv)* of clause (*i*) of Section 2 of the U.P. Industrial Disputes Act, 1947 and shall be entitled to same rates of wages and Cost of Living Allowance which have been made admissible under paras 1 and 2 of this notification.

ANNEXURE

1. *Unskilled.*—Palledar, Packer, Bundlers, Loaders, Unloaders, Peon, Mazdoor, Chaukidar, Sweeper and any other employee doing similar nature of work by whatever name they may be called.

2. *Semi-skilled.*—Godown-keeper, Weighman, Mistri, Cycle-repairers, Scrapers of Gold and Silver Jewellery, Silver Purifiers, Rezedar and any other employee doing similar nature of work by whatever name they may be called. This category also includes unskilled employees who have completed at least 5 years working experience as a helper or assistant under the guidance of semi-skilled employee.

3. *Skilled.*—Driver, Machineman, Carpenter, Fitter, Welder, Painter, Electrician, engraving on silver and gold Jewellery, Supervisor, Chemist, Mechanic, Operator and any other employee doing similar nature of work by whatever name they may be called. This also includes semi-skilled employees having at least 5 years experience under the guidance and supervision of skilled employee.

4. *Clerical staff:—*

(A) Clerks, Grade-II—Minimum educational qualification High School and who has not completed five years in the establishment.

Munim, Accountant, Cashier, Typist, Clerk, salesman, Ugahi, Tagadgir and any other employee doing similar nature of work by whatever name they may be called.

(B) Clerks, Grade-I.—Minimum educational qualification High School and must have completed five years in the establishment.

Head Munim, Chief Accountant, Head Cashier, Senior Salesman. Head Clerk, Office Superintendent, Stenographer, Sales Representative and any other employee doing similar nature ofwork by whatever name they may be called.

Top

1. *Molid. Waseem* v. *State,* 1970 AWR 160: 1970 All Cr C 80: 1970 All Cri R 98.

2. *Sushil Kumar* v. *State,* 1968 All Cr R 188: 1968 All WR 287.

3. Ins. by U.P. Act 54 of 1976 (w.e.f. 15-10-1976)

4. *Ins.* by U.P. Act 54 of 1976 (w.e.f. 15-10-1976).

5. *Ram Het* v. *Ganesh Flour Mills,* 1973 AWR 235: 1973 All Cri Rep 143.

6. *Som Nath Soni* v. *Hind Housing & Constructions Ltd.,* 1970 AWR 215.

7. Ibid.

8. *Ram Het* v. *Ganesh Flour Mills,* 1973 AWR 235: 1973 All Cri R 143: 1971 Lab IC 255.

9. *Bislian* v. *Labour Court,* 1979 ALJ 528.

10. *State* v. *Mirza Bashir Beg,* 1973 ALJ 220: 1973 All Cri R 124: 1973 AWR 150: 1973 Cri LJ 1645.

11. *Ram Het* v. *Ganesh Flour Mills,* 1973 AWR 235.

12. *State* v. *Mirm Bashir Beg,* 1973 ALJ 220: 1973 All CriR 124: 1973 All WR 150: 1973 CriLJ 1745 ILR: (1973) 1 All 385.

13. *Moltd. Waseem* v. *State,* 1970 AWR 160: 1970 All Cri C 80: 1970 All Cri R 98.

14. *Ins.* by U.P. Act 54 of 1976 (w.e.f. 15-10-1976).

15. *Slate* v. *Manmolian Nautiyal,* 1972 AU 569: 1972 AWR 438: 1972 All Cri C 260: 1972 Cr LJ 21428: 1972 All Cri R 277: 42 FJR 252: (1972) 1 Lab LN 425.

16. *Bislum* v. *Labour Court,* 1979 ALJ 528.

17. Ibid.

18. *Mohd. Yamin* v. *State,* 1968 All Cri C 82: 1968 All Cri R 24: 1968 All WR 20.

19. 1969 All Cr R 411: 1969 WR All 683.

20. *Ganesh Flour Mills* v. *Labour Court,* 1971 Lab 1C 255.

21. 1966AllCriR78.

22. *Chhedi Lai Karia* v. *W.D.P. Ltd.,* 1975 ALJ 57: 1975 Lab IC 681.

23. *Wheelers Distributors (P) Ltd.* v. *State ofU.P.,* (1974) 46 FJR 126: 1974 Lab IC 1044.

24. *State of U.P. v.Kailash Chandra Bhargava,* 1970 AWR 751: 1971 ALJ 14: AIR 1971 All 343: 1970 All QR525.

25. Ibid.

26. *Ram Kislian Agarwai* v. *State,* 1976 All Cri C 106: 1976 Cri LJ 1984: 1976 AWC 215.

27. *Ram Nathv. State,* 1979 All Cri C 278: 1979 AWC 432: 1979 Cr LJ 1145: 1979 All Cr R 321.

28. *Ins.* by U.P. Act 35 of 1979.

29. *Ins.* by U.P. Act 54 of 1976.

30. *Ins.* by U.P. Act 54 of 1976.

31. *Omitted by* U.P. Act 54 of 1976.

32. *Added* by Noti. No

356-(LL)/36B-47-(LL)-62, dated Feb. 18, 1963 (w.e.f. 18-2-1963).

33. Added by Noti. No. 2764-(LL) (iv)/36(D)-47-(LL)-1962, dated Dec, 8, 1964.

34. *Added* by Noti. No. 2324-(IX) 0)/36-B-47-(LL

35. *Added* by Noti. No. 2764-(LL)/XXXVI-(D)-47-(LL)-1962, dated Dec. 8, 1964.

36. *Added* by Noti. No. 1252-(A)/36-(D)-340-(LL)-65, dated June 5, 1969.

37. *Added* by Noti. No. 522(v)/36-5-556-(V)-73, dated April 15, 1975.

38. *Addedby* Noti. No. 4997(v)/36-3-717(S)-76, dated Feb. 10, 1977.

39. *Added* by Noti. No. 5700(l)/36-3-721(S)-76, dated Feb 18, 1977.

40. *Added* by Noti. No. 5700(v)/36-3-721(S)-76, dated April 7, 1977.

41. *Added* by Noti. No. 680(v)/36-3-701(V)-72, dated April 26, 1978.

42. *Addedby* Noti. No. 936/XXXVI-3-12(S)-85, dated 7-3-1992 (1992-LLT-V-185).

43. *Added* by Noti. No. 2324-LL(v)/36-B-47-(LL)-62, dated July 25, 1963.

44. *Added* by Noti. No. 2324-(LL)(/i)/36-B-47-(LL)-62, dated July 25, 1963.

45. *Added* by Noti. No. 2764-(LL)(/;)/36-(D)-47-(LL)-62, dated Dec. 8, 1964.

46. *Added* by Noti. No. 1335-(LL)/36-(D)-47-(LL)-62, dated Feb. 16, 1967.

47. *Added* by Noti. No. 718-(A) 36-D-340(A)-65, dated Oct. 15, 1968.

48. *Added* by Noti. No. 612(v)/36-5-566(V)-73, dated April 1, 1975.

49. *Added* by Noti. No. 1107(v)/36-5-566(V)-73, dated May 22, 1975.

50. *Added* by Noti. No. 1201(v)/36-5-566(V)-73, dated April 19, 1976.

51. 1969 All Cri R 411: 1969 All WR 683.

52. *Vide* Noti No. 2084(LL)/XXXVI-B-489(LL)-1962, dated May 1, 1963, published in U.P. Gazette, Extraordinary, of the same date.

53. *Subs,* by Noti. No. 4375(V)/36-3-712(S)-80, dated Feb. 3, 1984 (w.e.f. 3-2-1984).

54. *Subs,* by *ibid.*

55. *Subs,* by Noti. No. 3504/XXXVI-3-2000-3(DV)-97, dt. 22-12-2000 (w.e.f. 22-12-2000).``

56. *Subs,* by Noti. No. 1036(I)/XXXVI-3-712(S)-80, dt. 20-8-1994 (w.e.f. 20-8-1994).

57. *Subs,* by Noti. No. 1036(I)/XXXVI-3-712(S)-80, dt. 20-8-1994 (w.e.f. 20-8-1994).

58. *Subs,* by Noti. No. 1036(I)/XXXVI-3-712(S)-80, dt. 20-8-1994 (w.e.f. 20-8-1994).

59. *Subs,* by Noti No. 37073-3-19(5)/87, dt. Feb 3, 1989.

60. *Subs,* by Noti No. 3044(v)/XXXVI-3-704(v)-72-UPA-26/1962-Rule-1963-AM (2)-77, dated December

61. *Subs,* by Noti No. 2454/XXXVI-3-67(Sa)-86, dated 28-11-1995 (w.e.f. 28-11-1995).

62. *Chhedi Lai Karia* v. *W.D. Pvt. Ltd.,* 1975 Lab IC 681.

63. Ibid.

64. *Subs,* by Noti No. 1036(l)/XXXVI-3-712 (S)-80, dt. 20-8-1994 (w.e.f. 20-8-1994).

65. *Slate* v. *Mirza Bashir Beg,* 1973 All Cr R 124: 1973 All WR 150: 1973 All LJ 220: 1973 Cri LJ 1645.

66. *State y. Mirm Bashir Beg,* 1973 All LJ 220: 1973 CrLJ 1645:1973 All Cri R 124: 1973 All WR 150.

67. *Ins.* by Noti No. 1036(l)/XXXVI-3-712 (S)-80, dt. 20-8-1994 (w.e.f. 20-8-

68. *Subs,* by *ibid.*

69. *Subs,* by Noti No. 1036(I)XXXVI-3-712(S)-80, dt. 20-8-1994 (w.e.f. 20-8-1994).

70. *Subs,* by Noti No. 1036(I)/XXXVI-3-712(S)-80, dt. 20-8-1994 (w.e.f. 20-8-1994).

71. *Ins.* by Noti. No. 4257(v)/36-3-728(S)-76, dated November 4,1976 (w.e.f. 3-11-1976).

72. This notification covers certain exemptions, besides those related to close-days or holidays, regarding Hill stations, Banks and Life Insurance Corporations, furnishing and crockery, religious places and specific trades and shops and commercial establishments also.

73. *Inserted* vide Noti. No. 2607(A)/XXXVI(D)-630(LL)-62, dated 25th November, 1969.

74. *Inserted* vide Noti. No. 2607(A)/XXXVI-5-769(V)-72, dated November 4, 1972.