



## The Jammu And Kashmir Shops And Establishments Act, 1966



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This Book is dedicated to  
"Hazur Maharaj Satguru Sant Rasila Ram Ji  
of Dera Baba Teja Singh Ji of Saidpur (Pb.)"

## THE JAMMU AND KASHMIR SHOPS AND ESTABLISHMENTS ACT, 1966

*Alongwith*  
The Jammu and Kashmir Shops and  
Establishments Rules, 1968  
The Industrial Establishments (National and  
Festival) Holidays Act, 1974  
The Industrial Establishments (National and  
Festival) Holidays Act, 1977  
Notifications, Circulars, Orders, Etc.  
*With Short Comments*

Labour Commissioner  
J&K Government  
Srinagar/Jammu

2012

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# THE JAMMU AND KASHMIR SHOPS AND ESTABLISHMENTS ACT, 1966

[Act No. XXXIX of 1966]

[Received the assent of the Governor on 28th October, 1966 and published in Government Gazette dated 29th October, 1966 (Extra.)]

An Act to provide for the regulation of conditions of work and employment in shops, commercial establishment, residential hotels, restaurants, eating houses, theatres, other places of public amusements or entertainments and other establishments.

Be it enacted by the Jammu and Kashmir State Legislature in the Seventeenth Year of the Republic of India as follows

## CHAPTER I PRELIMINARY

### 1. Short title, extent and commencement

(1) This Act may be called the Jammu and Kashmir Shops and Establishments Act, 1966.

(2) It shall extend to the whole of the State.

<sup>1</sup>(3) It shall come into force on such date as the Government may by notification in the Government Gazette, appoint in this behalf and different dates may be appointed for different areas.

### 2. Definitions

In this Act, unless there is anything repugnant in the subject or context,-

- (1) "apprentice" means a person, aged not less than twelve years, who is employed, whether on payment of wages or not, for the purpose of being trained in any trade, craft, business or employment in any establishment;
- (2) "child" means a person who has not completed his twelfth year;
- (3) "closed" means not open for the service of any customer not open to any business connected with the establishment;
- (4) "commercial establishment" means an establishment which carries on any business, trade or profession or any work in connection with, or incidental or ancillary to, any business, trade or profession and includes-
  - (a) an establishment which carries on the business of advertising, commission agency, forwarding or commercial agency, or which

Enforced in the cities of certain towns of Jammu and Kashmir Provinces w.e.f. 15.11.1966 by SRO 445-A dated 15.11.1966 in Jammu Cantt. w.e.f. 1.8.1967 by SRO-290 dated 18.7.1967 and in Badami Bagh cantt. w.e.f. 1.2.1970 by SRO-37 dated 24.1.1970.



is a clerical department of a factory or of any industrial or commercial undertaking;

- (b) an insurance company, joint stock company, bank, brokers office and exchange, but does not include factory, shop, residential hotel, restaurant, eating house, theatre or other place of public amusement or entertainment;
- (5) "day" means the period of twenty-four hours beginning at midnight; Provided that in case of an employee whose hours of work extend beyond midnight, day means the period of twenty four hours beginning when such employment commences irrespective of midnight;
- (6) "employee" means-
  - (a) in the case of a shop, a person wholly or principally employed in the shop in connection with business of the shop whether on monthly, daily or contract basis;
  - (b) in the case of a factory, a person slowly or mainly employed in a clerical capacity in such factory;
  - (c) in the case of commercial establishment, a person wholly or principally employed in connection with the business of an establishment and includes a peon;
  - (d) in the case of restaurant or eating house, a person wholly or principally employed in the preparation or the serving of food or drink or in the attendance upon a customer or in cleaning any part of the premises or utensils used on such premises or as a clerk or a cashier or otherwise employed in connection with the business of the restaurant or eating house;
  - (e) in the case of a theatre, or other establishment of public entertainment, a person employed as an operator, cashier, clerk, door keeper, usher, cleaner or in any other capacity;

and includes an apprentice in any of such establishments, but, does not include a member of the employer's family;

- (7) "employee" means a person owning or having ultimate control over the affairs of an establishment and includes the manager, agent, or any other person acting in the general management or control of such establishment;
- (8) "establishment" means a shop, commercial establishment, residential hotel, restaurant, eating house, theatre, or other place of public amusement or entertainment to which this Act applies and includes such other establishments as the Government may by notification in the Government Gazette, declared to be an establishment for the purpose of this Act;

- (9) "factory" has the same meaning as is assigned to it in the <sup>1</sup>[Jammu and Kashmir Factories Act, 1957];
- (10) "goods" includes all materials, commodities and articles;
- (11) "holiday" means a day on which an establishment shall remain closed or on which an employee shall be given a holiday under the provisions of this Act;
- (12) "Inspector" means an Inspector appointed under this Act;
- (13) "Labour Commissioner" means the person appointed as such by the Government and includes for the purposes of such provisions of this Act and for such areas as the Government may direct, an officer not below the rank of Assistant Labour Commissioner;
- (14) "leave" means leave as provided for the Chapter VII of this Act;
- (15) "member of the family of an employer" means the husband, wife, son, daughter, father, mother, brother or sister of an employer who lives with and is dependent on such employer;
- (16) "opened" means opened for the service of any customer or for any business connected with the establishment;
- (17) "period of work" means time during which an employee is at the disposal of the employer;
- (18) "register of establishment" means a register maintained from the registration of establishments under this Act;
- (19) "registration certificate" means a certificate showing the registration of an establishment;
- (20) "residential hotel" means any premises in which a bonafide business is carried on of supplying for payment lodging or board and lodging to travellers and other members or class of members of the public and includes a residential club;
- (21) "restaurant or eating house" means any premises in which is carried on wholly or principally the business of the supply of meals or refreshments to the public or a class of the public for consumption on the premises, and includes a halwai's shop; but does not include a restaurant or a canteen attached to a factory if the persons employed therein are allowed the benefits provided for the workers under the <sup>2</sup>[Jammu and Kashmir Factories Act 1957];
- (22) "shop" means any premises where goods are sold, either by retail or wholesale or both or where services are rendered to customers, and includes an office, a store room, godown, ware-house or workplace, whether in the same premises or otherwise used in connection with such trade or business but does not include a factory, a commercial

<sup>1</sup> Now Factories Act, 1948 (Central Act No. 63 of 1948).

<sup>2</sup> Now Factories Act, 1948 (Central Act No. 63 of 1948).



establishment, residential hotel, restaurant, eating house, theatre or other place of public amusement or entertainment or shop attached to factory where the person employed in the shop are allowed the benefits provided for workers under the <sup>1</sup>[Jammu and Kashmir Factories Act, 1957];

- (23) "spread over" means the period between the commencement and the termination of the work of an employee on one day;
- (24) "theatre" includes any premises intended principally or wholly for the exhibition of pictures or other optical effects by means of a cinematograph or other suitable apparatus or for dramatic performance or for any other public amusement or entertainment;
- (25) "wages" means wages as defined in the <sup>2</sup>[Payment of Wages Act, 1956];
- (26) "Week" means the period of seven days beginning at midnight of Saturday;
- (27) "year" means a year commencing on the first day of April; and
- (28) "young person" means a person who is not a child and has not completed his eighteenth year.

### COMMENTS

#### **Establishment — Cable Car Corporation**

Incorporated under Aerials and Ropeways Act, 2002 — Expression "Establishment" is inclusive and amongst other establishments/ business places, the expression includes the commercial establishments and places of public amusement or entertainment — Gulmarg Gondola Aerial Ropeways is not a mere means of transport between Gulmarg, Kangdoori and Afarwath — It is not used by the tourists only as a mean of transport from Gulmarg to other destinations and facility is used as a "joy ride" by the tourists visiting Gulmarg and other adjoining health resorts — Petitioner Corporation does not charge fare from the tourists for the "joy ride" as is charged by the individuals or establishments running transport facilities for the commuters — Gulmarg Gondola Ropeway thus falls within the definition of establishment and is amenable to the jurisdiction under Shops and Establishments Act, and the Corporation is required to abide by and adhere to the Act and Rules made there-under — Corporation has to get itself registered under the Shops and Establishments Act, under Section 6, keep its facility open as per the time frame laid down under Section 9, fix the working hours of its employees and extend benefits in accordance with Section 11 and 12, pay its employees wages for the overtime work and also allow the rest interval and take other measures delineated out in the Act and Rules — Petitioner dismissed.—*Managing Director Cable Car Corporation v. State & Ors. 2010 (4) JKJ HC-873*

#### **3. Act not applicable to certain persons and establishments**

Nothing in this Act shall apply to-

<sup>1</sup> Now Factories Act, 1948 (Central Act No. 63 of 1948).  
<sup>2</sup> Now Payment of Wages Act, 1936 (Central Act No. 4 of 1936).

- (a) persons whose work is inherently intermittent such as a traveller, convasser, a watchman or a caretaker;
- (b) offices of the Union or the State Government (except commercial establishments) or of local authority and of the Reserve Bank of India, the State Bank of India and the Life Insurance Corporation;
- (c) establishments for the treatment of care of the sick, infirm, destitute or mentally unfit;
- (d) bazars, fairs, or exhibitions for the sale of works for charitable or other purposes from which no profit is derived;
- (e) stalls and refreshments rooms at railway stations or railway dining cars;
- (f) any commercial establishment carrying on the business of transport of passengers and goods by motor vehicles and persons exclusively employed in such business;
- (g) clubs not being residential clubs;
- (h) offices of lawyers.

#### **4. Application of Act to other establishments and persons**

(1) Notwithstanding anything contained in this Act, the Government may, by notification in the Government Gazette, declare any class of establishments or class of persons to whom this Act or any of the provisions thereof does not for the time being apply, to be a class of establishments to which or a class of persons to whom this Act or any provisions thereof shall apply from such date as may be specified in the notification.

(2) On such declaration under sub-section (1) any such class of establishments or such class of persons shall be deemed to be a class of establishments to which or a class of persons to whom this Act applies and all or any of the provisions of this Act shall apply to such class of establishments or class of persons.

5. The Government may, by notification in the Government Gazette, exempt either permanently or for any specified period, any establishments or class of establishments or persons or class of persons to which or to whom this Act applies, from all or any of its provisions, subject to such conditions as the Government may deem fit.

### COMMENTS

#### **Exemption of overtime allowance to Food Corporation of India —**

Partial exemption — Power of government — He who has authority to do more important act shall not be debarred partly — Once the power to grant exemption is conceded, the Court cannot sit in judgment over the wisdom of the legislature, or the rule making authority — When the Government has got the power to grant exemption from any of the provisions, government has power to grant partial exemption.—*Food Corporation of India & Anr. v. Bhartiya Khadya Nigam & Ors. : 2008 (2) JKJ HC-484*

Scope — SRO 740 of 1978 declares a Private Educational Institutions in State as establishments under the Act — Provisions of Private Educational Institutions (Regula-



tions and Control) Act, 1967 cannot be imported into SRO 740 of 1978.—*Principal S.D. Kanya Vidhyala v. Auth. payment of gratuity 1983 KLJ 130 : 1983 SLJ 239 : 1983 JKLR 132*

SRO No. 740 of 1978 applies to "Private educational institutions"-Petitioner's contention that they are recognised institution under Private Educational Institutions (Regulation and Control) Act, 1967 fall outside purview of definition of Private Educational institutions of SRO negated.

The proposition of law in the aforesaid judgment of this court reported in KLJ 1983, page 130, applies fully to the facts of the present case. In fact Dr. A.S. Anand J, while dealing with the points involved has referred to judgment of the Supreme — Court reported in AIR 1981 SC 951-in which it was clearly held that it was not a sound rule of interpretation to seek the meanings of words in an Act in the definition clauses of other statutes. The definition of an expression in one Act must not be imported into another.

As a result of the aforesaid discussion, therefore, I hold that the impugned notification is applicable in its entirety to the petitioners and is fully enforceable qua their institutions.—*Dewan Badri Nath Vidya Mandir and 31 ors, v. State of J&K & 2 ors, 1994 JKLR 278 (SB)*

## CHAPTER II

### REGISTRATION OF ESTABLISHMENTS

#### 6. Registration of establishments

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

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

- (a) the name of the employer and the manager, if any;
- (b) the postal address of the establishment;
- (c) the name, if any, of the establishment;
- (d) the category of the establishment, i.e., whether it is a shop, commercial establishment, residential hotel, restaurant, eating house, theatre, or other place of public amusement or entertainment; and
- (e) such other particulars as may be prescribed:

<sup>1</sup>[Provided that where, before the commencement of the Jammu and Kashmir Shops and Establishments (Amendment) Act, 1970, any employer of an establishment as aforesaid could not send to the Inspector of the area concerned a statement in the prescribed form together with fees, within the time specified above, for the reasons that rules prescribing the form and fee were not made, it shall be so sent within thirty days after such commencement.]

<sup>1</sup> Proviso to section 6(2) inserted by Act XI of 1970.

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

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

<sup>1</sup>[(5) The registration certificate shall, on payment of the prescribed fees, be renewed by 31st March every year:

Provided that the employer shall have the option to get his certificate renewed for a period up to three years at a time. Thirty days grace time may, however, be allowed for the renewal of the certificate.]

#### 7. Change to be communicated to Inspector

(1) It shall be the duty of an employer to notify to the Inspector, in the prescribed form, any change in respect of any information contained in his statement under section 6 within seven days after the change has taken place. The Inspector shall, on receiving such notice and on being satisfied about its correctness make the change in the register of the establishments in accordance with such notice and shall amend the registration certificate or issue a fresh registration certificate, if necessary.

#### 8. Closing of establishment to be communicated to Inspector

The employer shall, within ten days of his closing the establishment, notify to the Inspector in writing accordingly. The Inspector shall, on receiving the information and being satisfied about its correctness, remove such establishment from the register of establishment and cancel the registration certificate.

## CHAPTER III

### SHOPS AND COMMERCIAL ESTABLISHMENTS

#### 9. Opening and closing hours

(1) No shop or commercial establishment shall on any day -

- (a) be opened earlier than such hour as may be fixed by the Government by a general or special order in this behalf;
- (b) be kept open later than such hour as may be fixed by the Government by a general or special order in this behalf.

<sup>2</sup>[Omitted.]

<sup>1</sup> Substituted by Act XXXI of 1973, s. 2.

<sup>2</sup> Omitted by Act XXXI of 1973.



(2) The Government may fix different opening or closing hours for different classes of shops and commercial establishments or for different areas or for different periods of the year.

**10. <sup>1</sup>[Provision as to trading elsewhere than in shops**

(1) No person shall carry on any retail trade or business of any class near any shop or commercial establishment at any time before the opening and after the closing hours fixed under-section 9 and on the close day. If any person carries on any such trade or business in contravention of this section, the provisions of this Act shall apply as if he was the occupier of the shop or commercial establishment which was being kept open in contravention of this Act:

Provided that nothing in this section shall apply to the sale of newspapers.]

(2) Any person contravening the provisions of sub-section (1) shall be liable to have his goods seized by an Inspector unless such person deposit a sum of Rs. 10/- by way of security for the return of seized goods.

**11. Hours of work in shops and commercial establishments**

(1) Subject to the provisions of this Act, no employee shall be required or allowed to work in any shop or commercial establishment for more than nine hours on any day and forty-eight hours in any week.

(2) Any employee may be required or allowed to work in a shop or a commercial establishment for any period in excess of the limit fixed under sub-section (1) if such period does not exceed three hours in any week.

**COMMENTS**

**Exemption of overtime allowance to Food Corporation of India**

Partial exemption — Power of government — He who has authority to do more important act shall not be debarred partly — Once the power to grant exemption is conceded, the Court cannot sit in judgment over the wisdom of the legislature, or the rule making authority — When the Government has got the power to grant exemption from any of the provisions, government has power to grant partial exemption.—*Food Corporation of India & Anr. v. Bhartiya Khadya Nigam & Ors. 2008 (2) JKL HC-484*

**12. Spread-over in shops and commercial establishments**

The spread-over of an employee in a shop or commercial establishment shall not exceed twelve hours on a day:

Provided that the Government may increase or decrease the spread-over period subject to such conditions as it may deem fit.

**13. Holidays in a week in shops and commercial establishments**

<sup>2</sup>[(1) Every shop or establishment shall remain entirely closed on one day of the week. The employer shall choose between Sunday and Friday and shall fix such

1 Substituted by Act XXXI of 1973.

2 Substituted by Act XXXI of 1973.

day at the beginning of the year or within thirty days in case establishment comes into existence at sometime during the year other than the beginning of the year, notify it to the Inspector and specify it in a notice prominently displayed at a conspicuous place in the shop or establishment and shall be maintained in a clean and legible condition.]

<sup>1</sup>[(1-a) Notwithstanding anything contained in sub-section (1) the Government may, by notification in the Government Gazette, fix any day other than Sunday and Friday to be the close day in respect of any area specified in the notification.]

(2) If any day notified as a holiday under sub-section (1) happens, to be a day of public festival, the employer may keep the shop or commercial establishment open on such day but in that event, he shall keep the shop or commercial establishment closed on some other day, within three days before or after the date of such public festival and give notice of the change to the Inspector at least seven clear days before the day of such public festival.

(3) It shall not be lawful for an employer to call an employee at, or for any employee to go to, his shop or commercial establishment or any other place for any work in connection with the business of his shop or commercial establishment on a day on which such shop or commercial establishment remains closed.

(4) No deduction shall be made from the wages of any employee in a shop or commercial establishment on account of any day on which it has remained closed under this section.

**CHAPTER IV**

**RESIDENTIAL HOTELS, RESTAURANTS AND EATING HOUSES**

**14. Opening and closing hours of restaurants and eating houses**

(1) No restaurant or an eating house shall on any day be opened earlier than 5-30 A.M. and be kept open later than 12 A.M.:

Provided that any customer who was being served or waiting to be served at the closing hour of such restaurant or eating house may be served in such restaurant or eating house during the half hour immediately following such hour:

Provided further than an employee in such restaurant or eating house may be required to commence work not earlier than 5 A.M. and shall not be required to work later than 12-30 A.M.

(2) Subject to the provisions of sub-section (1), the Government may fix later opening or earlier closing hours for different restaurants or eating houses or for different areas or for different periods of the year.

1 Sub-section 1-a inserted by Act V of 1974.



**15. Restriction on selling of goods**

Before and after the hours fixed for the opening and closing of shops under section 9, no goods of the kind sold in such shops shall be sold in any restaurant or eating house except for consumption on premises.

**16. Daily hours of work in residential hotels, restaurants and eating houses**

No employee shall be required or allowed to work in a residential hotel, restaurant or eating house for more than nine hours on a day.

**17. Spread-over**

The spread-over of an employee in a residential hotel, restaurant or eating house shall not exceed fourteen hours:

Provided that the Government may increase or decrease the spread-over period subject to such conditions as it may impose.

**18. Holiday in a week**

(1) Every employee in a residential hotel, restaurant or eating house shall be given at least one day in a week as a holiday.

(2) It shall not be lawful for an employer to call an employee at, or for an employee to go to, his residential hotel, restaurant or eating house or any other place for any work in connection with the business of his residential hotel, restaurant or eating house on a day on which such employee has a holiday.

(3) No deduction shall be made from the wages of any employee in a residential hotel, restaurant or eating house on account of any holiday given to him under sub-section (1), if any employee is employed on a daily wage, he shall none the less be paid wages for the weekly holiday equal to the average of the daily wages earned by him during preceding six working days.

**CHAPTER V**

**THEATRES OR OTHER PLACES OF PUBLIC AMUSEMENT OR ENTERTAINMENT**

**19. Opening and closing hours of theatres or other places of public amusement or entertainment**

Notwithstanding any other enactment for the time being in force no theatre or other place of public amusement or entertainment shall, on any day, be opened earlier than 10 A.M. and closed later than 1 A.M.

**20. Theatres or other places of public amusement or entertainment not to sell goods of the kind sold in shop after the closing hours of shops**

After the hour fixed for the closing of shops under section 9, no goods of the kind sold in shop shall be sold in any theatre or other place of public amusement or entertainment except for consumption on premises.

**21. Daily hours of work in theatre or other places of public amusement or entertainment**

No employee shall be required or allowed to work in any theatre or other place of public amusement or entertainment for more than nine hours on any day.

**22. Spread-over**

The spread-over of an employee in a theatre or other place of public amusement or entertainment shall not exceed twelve hours on any day:

Provided that the Government may increase or decrease the spread-over period subject to such conditions as it may impose.

**23. Holiday in a week**

(1) Every employee in a theatre or other place of public amusement or entertainment shall be given at least one day in a week as a holiday.

(2) It shall not be lawful for an employer to call an employee, at, or for an employee to go to, his theatre or other place of public amusement or entertainment or any other place for any work in connection with the business of his theatre or place of public amusement or entertainment on a day on which such employee has a holiday.

(3) No deduction shall be made from the wages of an employee in a theatre or other place of public amusement or entertainment on account of any holiday given to him under sub-section (1), if any employee is employed on a daily wage he shall none the less be paid wages for weekly holiday equal to the average of the daily wages earned by him during the preceding six working days.

**CHAPTER VI**

**EMPLOYMENT OF CHILDREN, YOUNG PERSONS AND WOMEN**

**24. No child to work in any establishment**

No child shall be required or allowed to work whether as an employee or otherwise in any establishment.

**25. Daily hours of work for young persons**

Notwithstanding anything contained in this Act, no young person or woman shall be required or allowed to work, whether as an employee or otherwise in any establishment for more than six hours on any day and before 7 A. M. and after 9 P. M.

**CHAPTER VII**

**LEAVE WITH PAY AND PAYMENT OF WAGES**

**26. Employee's right for casual and privilege leave**

(1) A person employed in an establishment to which this Act applies shall be entitled-

(a) after every 12 months continues employment, to privilege leave for a total period of one month; and

(b) in every year to casual leave for a total period not exceeding 14 days:

Provided that the leave under sub-clause (a) shall not at any time accumulate for a total period exceeding 3 months;

Provided further that holidays under sections 13, 18, 23 falling during the period of such leave shall be included in the leave so granted;

Provided further that casual leave shall not be combined with privilege leave.



(2) If an employee entitled to leave under sub-section (1) is discharged by his employer before he has been allowed the leave, or if, having applied for and having been refused the leave, he quits his employment before he has been allowed the leave, the employer shall pay him the amount payable under section 27 in respect of the leave.

(3) If an employee entitled to leave under sub-section (1) is refused the leave, he may give intimation to the Inspector or any other officer authorised in this behalf by the Government regarding such refusal. The Inspector shall enter such information in a register kept in such form as may be prescribed.

*Explanation.* — An employee shall be deemed to have completed a period of twelve months continuous service in an establishment notwithstanding any interruption in the service during those twelve months brought about by sickness, accident or authorised leave not exceeding ninety days in the aggregate for all three, or by a lockout or by a strike which is not an illegal strike, or by intermittent period of involuntary unemployment not exceeding thirty days in the aggregate, and authorised leave shall be deemed not to include any weekly holiday allowed under this Act which occurs at the beginning or end of an interruption brought about by the leave.

**27. Pay during leave**

Every employee shall be paid for the period of his leave at a rate equivalent to the daily average of his Wages for the days on which actually worked during the preceding three months, exclusive of any earnings in respect of overtime.

**28. Payment when to be made**

An employee who had been allowed leave under section 26 shall, before his leave begins, be paid not less than one-fourth of the total amount due to him for the period of such leave.

**29. Power of Inspector to act for worker**

An Inspector may institute proceeding on behalf of any employee in an establishment to which this Act applies to recover any sum required to be paid under this Chapter by an employer which the employer has not paid.

**30. Application and amendment of the <sup>1</sup>[Payment of Wages Act, 1956.]**

(1) Notwithstanding anything contained in the <sup>2</sup>[Payment of Wages Act, 1956] (herein referred to as 'the said Act') the Government may, by notification, direct that subject to the provisions of sub-section (2), the said Act, shall apply total or any establishment or to all or any class of employees to which or whom this Act for the time being applies.

<sup>1</sup> Now Payment Wages Act, 1936 (Central Act No. 4 of 1936).  
<sup>2</sup> Now Payment Wages Act, 1936 (Central Act No. 4 of 1936).

(2) On the application of the provisions of the said Act to any establishment or to any employee under sub-section (1), the Inspector, appointed under this Act, shall be deemed to be the Inspector for the purposes of the enforcement of the provisions of the said Act within the local limits of his jurisdiction.

**CHAPTER VIII  
HEALTH AND SAFETY**

**31. Cleanliness**

The premises of every establishment shall be kept clean and free from effluvia arising from any drain or privy or other nuisance and shall be cleaned at such times and by such methods as may be prescribed. These methods may include limewashing, colour-washing, painting, varnishing, disinfecting and deorising.

**32. Ventilation**

The premises of every establishment shall be ventilated in accordance with such standards and by such methods as may be prescribed.

**33. Precautions against fire**

In every establishment, except such establishment or class of establishment, as may be prescribed, such precautions against fire shall be taken as may be prescribed.

**<sup>1</sup>33-A. Safety of employees**

(1) In establishments where manufacturing process as defined in the <sup>2</sup>[Jammu and Kashmir Factories Act, 1957] is carried on, the employers shall observe general rules of safety such as fencing of machinery, encasing dangerous fumes and providing of suitable safety equipment to their employees.

(2) If it appears to the Inspector that any building or part of a building or any part of the ways, machinery or plant in an establishment involves imminent danger to human life or safety, he shall serve on the employer of the establishment an order in writing prohibiting its use unless it has been properly repaired or altered.

(3) Any person aggrieved by an order of the Inspector under sub-section (2) shall have right of appeal to the Deputy Labour Commissioner:

Provided that such appeal shall be filed within 30 days of the date of the order. The order of the Deputy Labour Commissioner passed in appeal shall be final.]

**CHAPTER IX  
ENFORCEMENT AND INSPECTION**

**34. Appointment of Inspectors**

(1) The Government may, by notification in the Government Gazette, appoint such persons as it thinks fit to be Inspectors for the purposes of this Act within such local limits as it may assign to them respectively.

<sup>1</sup> Section 33-A inserted by Act XVII of 1968.  
<sup>2</sup> Now Factories Act, 1948 (Central Act No. 63 of 1948).



(2) The Government may, by notification in the Government Gazette, appoint any person to be the Chief Inspector who shall in addition to such powers as may be prescribed for the Chief Inspector, exercise the powers of Inspector throughout the State.

(3) The Government may also, by notification in the Government Gazette, appoint such persons as it thinks fit to be Deputy Chief Inspectors who shall exercise the powers of Inspector within such local limits as it may assign to them respectively.

**35. Powers and duties of Inspectors**

(1) Subject to any rules made by the Government in this behalf, an inspector may within the local limits for which he is appointed-

- (a) enter at all reasonable times and with such assistants, if any, being person in the service of the Government or of any local authority as he thinks fit, any place which is or which he has reason to believe is an establishment;
- (b) make such examination of the premises and of any prescribed registers, records and notices, and take on the spot or otherwise evidence of any persons as he may deem necessary, for carrying out the purposes of this Act; and
- (c) exercise such other powers, as may be prescribed or may be necessary for carrying out the purposes of this Act:

Provided that no one shall be required under this section to answer any question or give any evidence tending to incriminate himself.

(2) The Inspector shall for the purposes of any enquiry under this Act have the same powers regarding the summoning and attendance of witnesses and compelling the production of documents as a Civil Court has under the Code of Criminal Procedure, Svt. 1977.

**36. Inspectors to be public servants**

Every Inspector appointed under this Act, shall be deemed to be a public servant within the meaning of section 21 of the Ranbir Penal Code.

**37. Employer to produce, registers, records etc. for inspection**

Every employer shall on demand produce for inspection of an Inspector all registers, records and notices required to be kept under and for the purposes of this Act.

**CHAPTER X**

**OFFENCES AND PENALTIES**

**38. Contravention of certain provisions and offences**

(a) If any employer fails to send to the Inspector of the area concerned a statement within the period specified in section 6 or to notify a change within the period specified in section 7 or to notify the closing of his establishment under section 8; or

(b) If in any establishment there is any contravention of the provisions of section, 9, 13, 14, 15, 19, 20, 31, 32 or 33 or any order made thereunder; or

(c) If in any establishment any person is required or allowed to work in contravention of sections 11, 12, 16, 17, 18, 21, 22, or 23; or

(d) If in any establishment a child, young person or woman is required or allowed to work in contravention of section 24 or 25; or

(e) If any employer contravenes the provisions of sections 37, 47, 50, 51 or 52; or

(f) If in any establishment there is any contravention of any section, rule or order for which no specific punishment is provided in this Act;

the employer and the manager shall, on conviction, each be punished with fine which shall not be less than <sup>1</sup>[two hundred rupees] and which may extend to <sup>2</sup>[one thousand rupees.]

**39. Employees contravening sections 13 (3), 18, 23 or 50**

If any employee contravenes the provisions of sub-section (3) of section 13 or section 18, 23 or 50 he shall, on conviction, be punished with fine which may extend to fifty rupees.

**40. False entries by employer and manager**

If any employer or manager, with intent to deceive, makes or causes or amount to be made, in any register, record or notice prescribed to be maintained under the provisions of this Act, or the rules made thereunder, an entry which, to his knowledge, is false in any material particular, or wilfully omits, or causes or allows to be omitted, from any such register, record or notice, an entry which is required to be made therein under the provisions of this Act or the rules made thereunder, or maintains or causes or allows to be maintained more than one set of any register, record or notice except the office copy of such notice, or sends or causes or allows to be sent, to an Inspector, any statement, information or notice prescribed to be sent under the provisions of this Act, or the rules made thereunder which to his knowledge is false in any material particular, he shall, on conviction, be punished with imprisonment not exceeding six months, or with fine which may extend to five hundred rupees, or with both.

**41. Enhanced penalty in certain cases after previous conviction**

If any employer or manager who has been convicted of any offence under sub-section (1) of section 9 or sections 11, 13 14 or 23, under sub-section (2) or (3) of section 11 or under sections 14, 17, 19, 22, 37, 51, or 52 is again guilty of an offence involving contravention of the same provision, they shall each be punished on a subsequent conviction with fine which shall not be less than <sup>3</sup>[four hundred rupees] and which may extend to <sup>4</sup>[two thousand rupees.]

<sup>1</sup> Substituted by Act XV of 2002 (s. 2).  
<sup>2</sup> Substituted by Act XV of 2002 (s. 2).  
<sup>3</sup> Substituted by Act XV of 2002 (s. 3).  
<sup>4</sup> Substituted by Act XV of 2002 (s. 3).



**42. Penalty for obstructing Inspector**

Whoever wilfully obstructs an Inspector in the exercise of any power under section 35 or conceals or prevents any employee in an establishment from appearing before or being examined by an Inspector shall, on conviction, be punished with fine which shall not be less than twenty-five rupees and which may extend to <sup>1</sup>[one thousand rupees.]

**43. Determination of employer for the purposes of this Act**

(1) Where the owner of an establishment is a firm or other association of individuals, any one of the individual partners or members thereof, may be prosecuted and punished under his Act for any offence for which an employer in an establishment is punishable:

Provided that the firm or association may give the notice to the Inspector that it has nominated one of its members who is resident in the State to be the employer for the purposes of this Act and such individual shall, so long as he is so resident, be deemed to be the employer for the purposes of this Act, until further notice cancelling the nominations received by the Inspector or until he ceases to be partner or members of the firm or association.

(2) Where the owner of an establishment is a company, any one of the directors thereof, or, in the case of a private company, any one of the share-holders thereof, may be prosecuted and punished under this Act for any offence for which the employer in the establishment is punishable:

Provided that the company may give notice to the Inspector that it has nominated a director, or in the case of a private company a shareholder who is resident in the State to be employer in establishment for the purposes of this Act, and such director or share-holder shall, so long as he is so resident be deemed to be the employer in the establishment for the purposes of this Act, until further notice cancelling his nomination is received by the Inspector or until he ceases to be a director or share-holder.

**44. Cognizance of offence**

No prosecution under this Act or the rules or orders made thereunder shall be instituted by an Inspector except with the previous permission of an authority appointed by the Government in this behalf.

**45. Limitation of prosecutions**

No Court shall take cognizance of any offence under this Act or any rule or order made thereunder, unless complaint thereof is made within three months of the date on which the offence is alleged to have been committed.

<sup>1</sup> Substituted by Act XV of 2002 (s. 3).

**46. Composition of offences**

<sup>1</sup>[(1) The Labour Commissioner, or any officer not below the rank of Assistant Labour Commissioner if so authorised by the Labour Commissioner, by notification generally or specially, may accept from any person who is reasonable suspected of having violated any of the provisions of sections 6, 9, 13, 16, 18, 21, 23, 26, 47, 48, 52 or 52-A, a sum of money which shall not be less than fifty rupees and which may extend to five hundred rupees by way of composition for such offence or offences".]

(2) On the composition of the offence, no further action in respect thereof shall be taken against the person accused of it and if any proceeding have already been instituted against him in any Court, the composition shall have the effect of acquittal of such person.

**CHAPTER XI**

**MISCELLANEOUS AND SUPPLEMENTARY**

**47. Maintenance of registers and records and display of notices**

Subject to the general or special order of the Government an employer shall maintain or cause to be maintained such registers and records and display on the establishment such notice as may be prescribed. All such registers and record shall be kept on the premises of the establishment to which they relate.

**48. Wages for overtime work**

Where an employee in any establishment is required to work in excess of the limits of hours of work, he shall be entitled, in respect of the overtime work, to wages at the rate of twice his ordinary rate of wages.

*Explanation.* — For the purposes of this section of the expression "limit of hours of work" shall mean-

- (a) in the case of employees in shops and commercial establishments, nine hours on any day and forty-eight hours in any week;
- (b) in the case of employees in residential hotels, restaurants, eating houses, theatres or other places of public amusement at entertainment, nine hours on any day; and
- (c) in the case of employees in any other establishment, such number of hours as may be prescribed.

**COMMENTS**

**Exemption of overtime allowance to Food Corporation of India**

Partial exemption — Power of government — He who has authority to do more important act shall not be debarred partly — Once the power to grant exemption is conceded, the Court cannot sit in judgment over the wisdom of the legislature, or the rule making authority — When the Government has got the power to grant exemption

<sup>1</sup> Substituted by Act XV of 2002 (s. 5).



from any of the provisions, government has power to grant partial exemption.—*Food Corporation of India & Anr. v. Bhartiya Khadya Nigam & Ors. : 2008 (2) JKJ HC-484*

**49. Evidence as to age**

(1) When an act or omission would, if a person were under or over a certain age, be an offence punishable under this Act, and such person is in the opinion of the Court apparently under or over such age, the burden shall be on the accused to prove that such person is not under or over such age.

(2) Where no school, municipal or revenue records with regard to age are available, a declaration in writing by a medical officer not below the rank of a Superintendent of a Central Hospital or a District Medical Officer that he has personally examined him and believes him to be under or over the age set forth in such declaration, shall for the purposes of this Act be admissible as evidence of the age of the employee.

**50. Restriction on double employment on a holiday or during leave**

No employee shall work in any establishment, nor shall any employer engage an employee to work in any establishment on a day on which such employee is given a holiday or is on leave in accordance with the provisions of this Act.

**51. Notice of dismissal**

(1) No employer shall dispense with the services of an employee who has been in his continuous employment for not less than six months, without giving such person at least thirty days notice in writing or wages in lieu of such notice:

Provided that such notice shall not be necessary where the services of such employee are dispensed with for misconduct established according to the rules to be made by the Government in this behalf.

(2) No employee, who has been in the continuous employment of an employer for not less than six months, shall leave the service of such employer without giving him at least fifteen days notice in writing, and if he fails to give such notice, or gives notice of less than fifteen days, he shall forfeit his wages for fifteen days or for the number of days by which the notice falls short of fifteen days as the case may be.

(3) Any employee in respect of whom the provisions of subsection (1) are contravened may apply to the nearest Magistrate of the first class having jurisdiction in the case or authority appointed under the <sup>1</sup>[Payment of Wages Act, 1956] and if such Magistrate or such authority is satisfied that such person has been dismissed without sufficient cause, he may, for reasons to be recorded in writing, direct that the employer shall pay one and half month's wages as compensation to the person so dismissed and thereupon the employer shall pay the amount of compensation to such person.

(4) The amount of compensation payable under this section shall, for purposes of its recovery, be deemed to be a fine imposed under this Act.

<sup>1</sup> Now Payment of Wages Act, 1936 (Central Act 4 of 1936).

(5) No person who has been awarded compensation under this section shall be at liberty to bring any civil suit or proceeding in respect of the same claim and no Civil Court shall entertain any such suit or proceeding.

**52. Every employee to be furnished with service card**

Every employee in an establishment shall be furnished by his employer with a service card in such form as may be prescribed.

**52-A. Interval for rest**

No employee, in any establishment shall be required or allowed to work in such establishment for more than five hours continuously in any day unless he has had an interval for rest of at least half an hour:

Provided that no young person or woman shall be required or allowed to work for more than three hours continuously unless such person or woman has had an interval for rest of at least half an hour.]

**53. Rules**

(1) The Government may make rules to carry out the purposes of the Act.

(2) In particular and without prejudice to the generality of the foregoing provision, such rules may be made for all or any of the following matters, namely:

- (a) (i) the form of submission of a statement to the Inspector and the fees and other particulars which shall be given along with such statement under sub-section (2) of section 6;
- (ii) the manner of registration of establishment in the register of establishments and the form in which a registration certificate shall be issued to the employer under subsection (3) of section 6;
- (iii) prescribing fee for renewal of registration certificate under sub-section (5) of section 6;
- (b) the form in which a change shall be notified to the Inspector under section 7;
- (c) the form of register for entering refusal of leave to be kept under section 26;
- (d) fixing times and methods for cleaning the establishments under section 31; fixing standards and methods for ventilation under section 32; and prescribing such establishments as are to be exempted from the provisions of, and precautions against fire to be taken under section 33;
- (e) the qualifications of Inspectors to be appointed under section 34 and the powers which such Inspectors shall exercise under section 35;
- (f) the registers and records to be maintained and the notices to be displayed on the premises of the establishment under section 47;

<sup>1</sup> Section 52-A inserted by Act XVII of 1968.



- (g) prescribing what shall amount to misconduct for the purpose of the proviso to sub-section (1) of section 51; and the manner in which such misconduct is to be established; and
- (h) any other matter which is to be or may be prescribed.

(3) The rules made under this section shall be subject to the condition of previous publication and, when so made, shall be deemed to be part of this Act.

**54. Protection to persons acting under this Act**

No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act.

**55. Rights and privileges under other laws etc. not affected**

Nothing in this Act shall affect any rights or privileges which an employee in any establishment is entitled to at the date this Act comes into force in a local area, under any other law, contract, custom or usage applicable to such establishment or any award, settlement, or agreement binding on the employer and the employee in such establishment, if such rights or privileges are more favourable to him than those to which he would be entitled under this Act.

**56. Provisions of Workmen's Compensation Act to apply mutatis- mutandis**

The provisions of the Workmen's Compensation Act for the time being in force in the State and of rules made thereunder shall, mutatis-mutandis, apply to every employee of a shop or commercial establishment.

**57. Repeal and savings**

(1) The Jammu and Kashmir Shops and Commercial Establishments Ordinance, 1966 is hereby repealed:

Provided that such repeal shall not-

- (a) affect the previous operation of the said Ordinance or anything duly done or suffered thereunder; or
- (b) affect any right, privilege, obligation or liability acquired, accrued, or incurred under that Ordinance; or
- (c) affect any penalty, forfeiture or punishment incurred in respect of anything done against that Ordinance; or
- (d) affect any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid;

and any such investigation, legal proceeding or remedy may be instituted, continued, or enforced and any such penalty, forfeiture or punishment may be imposed as if this Act had commenced on the day the said Ordinance was promulgated.

(2) All appointments, notifications, notices, orders, rules or forms made or issued or continued under the said Ordinance shall, so far as these are not inconsistent with the provisions of this Act, continue in force, and be deemed to have been made or issued under this Act unless and until these are superseded by any appointment, notification, order, rule or form made or issued under this Act.

## THE JAMMU AND KASHMIR SHOPS AND ESTABLISHMENTS RULES, 1968

Health Department <sup>1</sup>Notification SRO-427, dated 28-10-1968

In exercise of the powers conferred by section 53 of the Jammu and Kashmir Shops and Establishments Act, 1966 (XXXIX of 1966), the Government hereby make the following rules, the same having previously been published as required by sub-section (3) of the said section 53, namely:-

**1. Short title**

These rules may be called the Jammu and Kashmir Shops and Establishments Rules, 1968.

**2. Definitions**

In these rules unless the context otherwise requires,

- (a) "Act" means the Jammu and Kashmir Shops and Establishments Act, 1966 (XXXIX of 1966);
- (b) "Form" means a form appended to these rules;
- (c) "Section" means a section of the Act;
- (d) "Medical Practitioner" means a person holding a qualification granted by an authority specified in the schedule to the Jammu and Kashmir State Medical Registration Act, 1998 (IV of 1998);
- (e) "Manufacturing process" has the same meaning as is assigned to it in the Jammu and Kashmir Factories Act, 1957;<sup>2</sup>
- (f) All words used but not defined in these rules shall have the meaning assigned to them in the Act.

**3. Registration of establishments**

(1) A statement required under section 6 for the registration of an establishment shall be sent by the employer/owner to the Inspector of the area within whose jurisdiction the establishment is situate in Form A and shall be accompanied with the following fees:

<sup>1</sup> SRO-427 of 1968 published in Government Gazette dated 28 October, 1968.

<sup>2</sup> Now Factories Act, 1948 (Central Act 63 of 1948).



(i)	Hotel (A&E), Nursing Homes, Cinema Halls, privately managed educational institutions (+2 level and above), privately managed professional colleges and institutions, Petrol Pumps, Insurance Companies excluding Life Insurance Corporation, Financial Institutions, Banks excluding Reserve Bank of India and State Bank of India, Chartered Accountant Chambers, and Wine Shops, Vehicle Show Rooms, Gas Agencies, and Shops and Commercial Establishments employing 20 or more workers (not covered under Factories Act).	Rs. 2000/- per annum.
(ii)	Computer Training Centres, Jewellers, STD/ISD/PCO Centres, Health Fitness Centres, Health Clinics, X-Ray/Ultra Sound/ECG Centres, Hostels (C&D Categories), Banquet Halls (Janjagahars), Cable Operators, Medical Agencies, Agencies other than Medical Agencies, Privately managed High Schools, Ice Factories and Shops and Commercial Establishments employing 10 to 19 workers (Not covered under Factories Act).	Rs. 1000/- per annum.
(iii)	Privately managed Middle Schools.	Rs. 800/- per annum.
(iv)	Clinical Laboratories, Privately managed Primary Schools, Beauty Parlours, Printing Presses, Tent & Light Houses, Ice Candy and Shops and Commercial Establishments employing 5 to 9 workers (Not covered under Factories Act).	Rs. 500/- per annum.
(v)	Band-Saw Mills, Shops and Commercial Establishments employing 3 to 4 workers (Not covered under Factories Act).	Rs. 300/- per annum.
(vi)	Shops and Establishments employing less than 3 workers.	Rs. 150/- per annum.
(vii)	Shops and Commercial Establishments run by the Owners without any employees.	Rs. 50/- per annum.

Provided that the licences renewed at a time for two or three years shall be allowed a rebate at the rate of 50% and 10% respectively on the total fees otherwise payable.

(2) The Register of establishments under sub-section (3) of section 6 shall be in Form B and shall be divided in the following categories:

- (1) Shops.
- (2) Establishments.

- (3) Residential hotels.
- (4) Restaurants and eating houses.
- (5) Theatres and other places of public amusements or entertainment.

An establishment shall be registered under the appropriate category to which it belongs.

(3) The registration certificate to be issued under sub-section (3) of section 6 shall be in Form C.

#### 4. Renewal of registration

For the renewal of the registration every registered establishment shall submit to the Inspector concerned Form A duly filled in along with Form C before 31st of March every year. The Inspector, having satisfied himself about the correctness of Form A, shall make necessary entries in Form C and shall send it to the concerned employer/owner/agent or manager, as the case may be.

#### 5. Renewal fees

The renewal fees shall be the same as is prescribed for registration under sub-rule (1) of rule 3.

#### 6. Loss or destruction of registration certificate

In the event of loss or destruction of the registration certificate, an application shall be made to the Inspector concerned within 7 days of such loss or destruction for a duplicate copy thereof, which may be granted on payment of a fee of two rupees.

#### 7. Payment of fees

Any fee prescribed in these rules shall be credited into Government Treasury in the State under the appropriate head.

#### 8. Notice of change

Any change to be communicated to the Inspector under section 7 shall be in Form D.

#### 9. Notice of closure

(1) A notice regarding closure of the establishment to be notified to the Inspector under section 8 shall be in Form E, and shall be accompanied by the registration certificate of such establishment.

(2) If an employer transfers his establishment to any other person, he shall within 10 days of such transfer notify the fact to the Inspector.

#### 10. Employment of Children

An Inspector may require an employer to produce in respect of any person employed by him whom the Inspector suspects to be a child as proof of his age:

- (i) an authentic extract from the school record, or
- (ii) a certificate of age from a registered medical practitioner in Form F.

#### 11. Leave

(1) Every employer shall maintain a register of leave in Form G in respect of each employee hereinafter called the leave with wages register.



(2) The leave with wages register shall be preserved for a period of three years after the last entry in it and shall be produced before the Inspector on demand.

(3) The employer shall provide each employee with a book called 'leave book' in Form H. The leave book shall be the property of an employee and the employer or his agent shall not demand it except to make entries of the dates of leave availed and shall not keep it with him for more than a week at a time.

(4) If an employee loses his leave book, he shall be responsible for producing the new one and the employer shall complete the entries therein from his records.

(5) Any casual leave not availed of by an employee during the calendar year shall lapse.

(6) The register for entering the complaint of the employees for refusal of leave under sub-section (3) of Section 26 shall be in Form Q.

(7) Whenever leave with wages is given to an employee, necessary entries shall be made in the register and in the leave book of the concerned employee.

**12. Permission for overtime**

Every employer shall get permission from the Inspector concerned at least three days before he intends to get overtime from the employee.

**13. Service card**

Every employer shall furnish service card to each of his employees in Form and duplicate copy thereof shall be sent to the Inspector concerned.

**14. Fixing times and methods for cleaning the establishment**

(1) In every establishment where manufacturing process is carried on all the inside walls of the rooms and all the ceilings and tops of such rooms whether such walls, ceilings and tops be plastered or not, and all the passages and stair cases shall be lime-washed or colour-washed at least once in two years dating from the time when last lime-washed or colour washed:

Provided that an Inspector may require these to be lime-washed or colour washed earlier than two years if in his opinion these have become so unclean as to require immediate lime-washing or colour-washing.

(2) All the beams, rafters, doors, window frames and other wood work, with the exception of floors, shall be either painted or varnished once in 7 years dating from the period when last painted or varnished and shall be kept in a clean state. The dates on which lime-washing, colour-washing, painting or varnishing is carried out shall be duly entered in a register maintained in Form I which shall be produced before the Inspector when required:

Provided further that the provision of this rule shall not apply to

- (i) establishments used only for the storage of articles;
- (ii) walls or tops of rooms of an establishment which is made of galvanized iron, tiles, asbestos, sheets of similar material or glazed bricks.

(3) No rubbish, filth or debris shall be allowed to accumulate or to remain on premises in an establishment in such a position that effluvia therefrom can arise within the establishment.

**15. Protection in case of fire**

(1) Every establishment where manufacturing process is carried on shall be provided with adequate means of escape in case of fire.

(2) In every establishment where manufacturing process is carried on, the doors affording exit from any room shall not be locked or fastened so that these cannot be easily and immediately opened from inside while any person is within the room.

(3) In every such establishment buckets and chemical fire extinguishers shall be provided in suitable number and at suitable sites according to the nature of the work carried on and the size of the premises.

**16. Safety**

(1) Every dangerous part of machinery in an establishment shall be securely fenced by safeguards of substantial construction.

(2) In every establishment where manufacturing process is carried on with the aid of electric power, suitable devices for cutting of power in emergencies from running machinery shall be provided and maintained.

(3) No employee with loose clothes on shall be allowed or made to work near the moving machinery or belt.

**17. Welfare**

(1) In every establishment where manufacturing process is carried on, first-aid box with the following contents shall be maintained:

- (i) Six medium sterilized dressing;
- (ii) Six 2-1/4 bandages;
- (iii) One ounce bottle containing 2 per cent alcoholic iodine;
- (iv) One ounce bottle containing salvolatile having the dose and mode of administration indicated on the label;
- (v) One pair of scissors;
- (vi) One tube of eye ointment;
- (vii) One role of sticking plaster;
- (viii) Surgical cotton.

(2) The employer of every establishment where smoke is produced in the course of carrying out its business, will take effective measures to exhaust out the smoke in order to safe guard the health of the persons employed in the premises.

(3) The employer of every establishment where food, drink and beverage is served to the customer will have all the persons employed in connection with the business of the establishment including the employer, medically examined at least once in a year by a registered medical practitioner. A certificate in Form J to the effect that the person so examined is free from communicable diseases shall be obtained from a registered medical practitioner. This certificate shall be produced



Provided that if an employee shifts to another concern before the expiry of one year from the date of medical examination, it will not be necessary for him to get a fresh Medical certificate and a copy of the certificate already issued will be considered sufficient for the purposes of these rules.

**18. Powers and duties of an Inspector**

An Inspector while making an examination under section 35, for the purpose of satisfying himself, that the provisions of the Act and these rules and any orders passed thereunder are duly observed, shall, among other things, ascertain the following facts:

- (i) that the establishments are duly registered under the Act;
- (ii) that the registers, records and notices required to be maintained or displayed under the Act or these rules are properly maintained or displayed;
- (iii) that holidays required to be granted or observed under the Act are granted and observed and that the limits of hours of work and spread-over laid down under the Act are not exceeded;
- (iv) that the provisions of the Act and any orders issued thereunder regarding the opening and closing hours are duly observed,
- (v) that the provisions of the Act and these rules regarding leave are properly observed;
- (vi) that the provisions of the Act relating to the payment for overtime are duly observed;
- (vii) that the provisions of the Act and these rules relating to cleanings, sanitation and precautions against fire are properly observed; and
- (viii) may cause to be taken a photograph of any employee or the premises of any establishment.

**19. Recording of inspection note by Inspector**

The Inspector shall record an inspection note in duplicate in Form K, the original of which shall be handed over to the establishment inspected and the duplicate copy retained on the inspection note book in the running serial order. The employer shall paste the original copy of the inspection note so recorded on a bound visit book which shall be maintained for the purpose in the form of a blank register. The inspection book shall be produced to the Inspector on demand for ascertaining compliance of instructions given on any previous inspection.

**20. Maintenance of registers and records and display of notices under section 47**

(1) Every employer shall maintain a register of employees showing attendance, overtime work and account of wages in respect of each employee under him in Form L.

(2) Every employer shall exhibit in his establishment a notice in Form M specifying the day or days on which his employees shall be given holiday

(3) Every employer shall exhibit in his establishment a notice specifying the daily working hours and intervals for rest and meals to be allowed to the employees. Such notice shall be in Form N. Any change in fixing the working hours shall be effected once in three months with the prior permission in writing of the Inspector concerned.

(4) Every employer shall prominently display in Form O in a conspicuous place a notice showing the day of the week on which his establishment shall remain closed. The employer shall not alter such day more often than once in three months without the previous permission in writing of the Inspector concerned.

(5) Every employer shall mark the attendance of the employees according to English Era.

(6) Every employer shall get all the registers and records to be maintained by him stamped by the Inspector concerned.

(7) Any notice required to be exhibited under these rules shall be conspicuously displayed in such manner that it can be conveniently seen and read by any person whom it affects and shall be renewed by paying the fee as prescribed in sub-rule (1) of rule 3 whenever it becomes defaced or otherwise ceases to be clearly legible.

(8) In any register or record which an employer is required to maintain under these rules, the entries relating to any day shall be made on such day. The registers and records shall always be complete.

(9) The registers, records and notices relating to any calendar year shall be preserved for three subsequent years.

(10) All registers, records and muster rolls and notices maintained, exhibited or given under this rule shall be either in English or in Urdu script.

(11) Every employer shall maintain a register in which the original copies of the inspection notes handed over by the Inspector to the employer under rule 19 shall be incorporated serially date-wise. These shall be produced before the Inspector on demand.

**21. Conditions for grant of exemption**

No application for grant of an exemption under section 5 shall be entertained unless received by the Government at least one month before the commencement of the period for which the exemption is requested for.

**22. What is misconduct**

Under sub-section (1) of section 51 the word misconduct means:

- (a) wilful insubordination or disobedience, whether alone or in combination with others, to any lawful and reasonable orders of the superior;
- (b) theft, fraud, dishonesty in connection with the employer's business or property;
- (c) wilful damage or loss of employer's goods or property;
- (d) taking or giving bribe or any illegal gratification;



- (e) habitual absence without leave of absence or absence without leave for more than ten days;
- (f) habitual late attendance;
- (g) habitual breach of any law applicable to the establishment;
- (h) vicious or disorderly behaviour during working hours at the establishment or any act subversive of discipline;
- (i) habitual negligence or neglect of work, and it shall be established only after the employee has been given in writing an opportunity of being heard.

**23. Punishment**

A contravention of any of the provisions of these rules shall be punishable with fine which may extend to one hundred rupees.

**24. Repeal**

The Jammu and Kashmir Shops and Commercial Establishments Rules, 1962 are hereby repealed.

**FORM "A"**

(See rule 3)

1. Name of the establishment, if any (in block letters).
2. Postal address and location of the establishment.
3. Situation of the office, store room, godown, warehouse, work place, if any, attached to the establishment situated in premises different from those of the establishment.
4. Category of the establishment, i.e. whether (a) shop, (b) establishment, (c) residential hotel, restaurant or eating houses, (d) theatre or other place of public amusement or entertainment.

Sl. No.	Name and designation with parentage	Permanent address	Nature of interest whether partner/member/Director/share holder
1	2	3	4

5. Nature of business.
6. Name, designation and permanent address of employer (manager, agent or any other person) who is in the immediate charge of the

general management or control of the establishment.

7. Particulars of members of employer's family employed in the establishment as defined in section 2(15).

Name	Age	Sex	Relationship with employer
1			
2			

8. Name of other persons occupying positions of management or employees engaged in supervisory capacity, if any.

9. Number of employees:

Male	Female	Total
1. Adults		
2. Young persons		
3. Apprentices		
Total		

10. Name of the day of the week on which weekly holiday will be observed (in case of shops and establishments only).

11. Detailed of remittance (enclose copy of challan obtained from treasury).

Name of treasury	Challan No. and date	Amount of fee paid

Place .....  
Date .....

Signature of proprietor/  
Partner/Manager/Secretary/Managing  
Director or a  
person Incharge.

**FORM "B"**

[See rule 3 (2)]

**Note:**— This register shall be maintained category-wise as referred in rule 3(2).

1. Registration No. of Establishment.



2. Date of registration.
3. Name and address of the establishment.
4. Name of the employer.
5. Name of Manager or any person other than employer in immediate charge of general management or control of establishment.
6. Nature of business.
7. No. of employees.

Adult		Young Person		Apprentice		Total
Male	Female	Male	Female	Male	Female	

8. Year-wise renewal:-

Year

Date of renewal

**FORM "C"**

[See rule 3(3)]

**The Jammu and Kashmir Shops and Establishments Act, 1966  
REGISTRATION CERTIFICATE**

1. Registration No.
2. Name of the establishment.
3. Full postal address of the establishment.
4. Nature of business, trade or profession carried on.
5. Name and designation of the employer/manager/agent or any other person in the immediate charge or control of the establishment.
6. Name and designation of other person(s) having interest as employer in the establishment, if any, with his address in the State.
7. Total number of employees:

Adults	Male	Female
Young persons		
Apprentice		

8. Fee Rs.

Certified that the shop/establishment the particulars of which are given above has been registered under the Jammu and Kashmir Shops and Establishments Act, 1966.

The registration certificate shall remain in force up to 31st March, 19 \_\_\_\_\_

Inspector under the Jammu and Kashmir Shops and Establishments Act, 1966.

Date of renewal	Fee of renewal	Renewal						Signature of Inspector
		Total No. of employees						
		Adult		Young persons		Apprentice		
		Male	Female	Male	Female	Male	Female	

**FORM "D"**

(See rule 8)

**NOTICE OF CHANGE**

Name of the establishment already registered with full address of the Employer/proprietor/manager.

Registration number

The Inspector under the Jammu and Kashmir Shops and Establishments Act, 1966

Notice is hereby given that the following change has taken place in respect of information forwarded to you in Form "A". The registration certificate is forwarded herewith to be returned after recording the necessary changes:-

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

Signature of the Proprietor  
Partner/Secretary/Manager/



**FORM "E"**

[See rule 9(1)]

To

The Inspector of Shops and Establishment.....

Please note that my establishment the registration No. of which is ..... has been closed/will be closed from ..... for the reason, ..... The certificate of registration is surrendered herewith for cancellation.

Place.....

Date.....

Signature of employer with  
name and address of establishment

**FORM "F"**

[See rule 10 (ii)]

**FORM OF CERTIFICATE**

I hereby certify that I have personally examined (name) ..... residing at ..... and that he/she completed his/her twelfth year.

His/her personal marks of identification are:

Thumb impression or Signature of the person examined.

Place.....

Date.....

Medical Practitioner  
Regd. No.

**FORM "G"**

[See rule 11(1)]

**REGISTER OF LEAVE WITH WAGES**

Establishment.....

Name of employee .....

Father's name .....

Casual leave			
Date of entry in service	Leave due with effect from	Date from which leave allowed	Period of leave allowed
1	2	3	4
Privilege leave		Discharged Workers	
Date from which leave allowed	Period of leave allowed	Date of discharge	No. of days counted against leave with wages
5	6	7	8

Date and amount of payment in lieu of leave due	Remarks
9	10

*Note.* — Separate page will be allotted to each employee.

**FORM "H"**

[See rule 11 (3)]

**LEAVE BOOK**

(Same form as of the register of leave with wages but a separate book shall be made for each employee on a thick bound sheet).

**FORM "I"**

[See rule 14 (2)]

**REGISTER SHOWING DATES OF LIME-WASHING ETC.**

Parts of the establishment i.e. name of room	Part lime-washed, colour washed, painted or varnished e.g. wall, ceilings, wood works, etc.	Treatment (whether lime-washed, colour-washed, painted or varnished).
1	2	3
Date on which lime-washing, colour-washing, or varnishing was carried out (according to English calendar)	Day Month Year	Signature of the employer of Manager
4	5	6

**FORM "J"**

[See rule 17 (3)]

I hereby certify that Shri/Smt ..... S/o/D/o. .... age ..... resident of..... District..... has been thoroughly examined by me and is considered to be free from any communicable disease and is fit for being employed in any establishment where food, drink and beverage is served to customers.

His/her mark of identification .....



Signature or thumb impression  
of the person examined

Signature and designation  
of the competent medical  
authority

Date.....

**FORM "K"**

[See rule 19]

**INSPECTION NOTE**

1. Name and address of Establishment.....
2. Registration No.....
3. Name of employer .....
4. Class of establishment.....
5. Date and time of inspection .....
6. Remarks :-

Nature of irregularities detected and directions issued.

Inspector of Shops and Establishments.

**FORM "L"**

[See rule 20 (1)]

**REGISTER OF EMPLOYEES (ATTENDANCE, OVERTIME AND WAGES)**

1. Name of the Establishment..... month ..... year.....
  2. Name of employee .....
  3. Father's/Husband's name.....
  4. Age.....
  5. Address of the employee .....
  6. Nature of employment .....
  7. Rate of wages (whether daily/monthly rated)
  8. Wage period .....
  9. Date of appointment
  10. Date of discharge .....
1. Date.
  2. Time at which employment commenced.
  3. Time at which employment ceased.
  4. Rest intervals:  
From.....to.....
  5. Overtime Worked, if any.
  6. Advance:  
Amount                      Date
  7. Net amount due.
  8. Signature or thumb impression of the employee.
  9. Signature or thumb impression of the employer

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.
- 8.
- 9.
- 10.
- 11.
- 12.
- 13.
- 14.
- 15.
- 16.
- 17.
- 18.
- 19.
- 20.
- 21.
- 22.
- 23.
- 24.
- 25.
- 26.
- 27.
- 28.
- 29.
- 30.
- 31.

I have today in the presence of witnesses testifying herewith received the amount of Rs ..... as specified against my name under Col. No.7 above.

Witnesses ..... 1..... 2.....

Dated.....



**FORM "M"**

[See rule 20 (2)]

**NOTICE OF HOLIDAY TO EMPLOYEES**

Name of the Establishment.....

Address.....

The following persons employed in this Shop/Establishment or eating house/restaurant/residential hotel/theatre or place of public amusement shall be given a holiday on the day mentioned against their names in the week following the date of this notice and until further change is notified.

S. No.	Name of the employee	Designation	Day on which holiday allowed
1	2	3	4

Date .....

Signature of employer.

**FORM "N"**

[See rule 20 (3)]

**NOTICE OF PERIODS OF WORK**

Daily periods of work of employees commencing from ..... 19....

Name of Establishment .....

S.No.	Name of the employees	Time at which employment commences	Time at which employment ceases	Intervals for rest and meals	
				From	to
1	2	3	4	5	

Date .....

Signature of the employer.

Notes:-

- (1) This notice must be exhibited not later than the closing hour on Saturday preceding the first week in which it is to take effect and must continue to be exhibited while it is in force in such a manner that it may be readily seen or read by any person whom it affects.
- (2) The hours to be specified in this notice shall be the hours to be worked exclusive of overtime.

- (3) The entries under the head 'Intervals' for rest and meals shall be the actual hours at which intervals are to begin and end (e. g. 1 P. M. to 2 P. M.)

**FORM "O"**

[See rule 20 (4)]

**NOTICE OF CLOSE DAY OR AN ALTERATION IN CLOSE DAY**

1. Name of the Shop or Establishment .....
2. Address.....
3. Registration No. ....
4. Notice is hereby given that with effect from..... the above shop/establishment shall (i) observe ..... as the close day (ii) observe ..... as the close day instead of..... as previously noticed.

Signature of the employer.

Copy forwarded to the Inspector of Shops and Establishments ..... for information.

Dated.....

Signature of the employer.

Signature of the Inspector with office stamp.

**FORM "P"**

[See rule 13]

**SERVICE CARD FOR THE YEAR 19.....**

1. Name of the Establishment.....
2. Address of the Establishment.....
3. Registration No. of the Establishment.....
4. Name of the employee .....
5. Father's name.....
6. Address of the employee .....
7. Date of appointment.....
8. Nature of employment.....
9. Salary fixed .....

**FORM "Q"**

[See rule 11(6)]

**REGISTER OF LEAVE REFUSED**

1. Name of the employee .....
  2. Name of the Establishment complaint made against.
  3. Date of applying for leave .....
  4. Cause of refusing leave .....
  5. Date of receipt of the complaint.....
  6. Action taken.....
- Remarks.....



# THE JAMMU AND KASHMIR INDUSTRIAL ESTABLISHMENTS (NATIONAL AND FESTIVAL) HOLIDAYS ACT, 1974

[ACT NO. XIII OF 1974, dt. 25th April, 1974]

An Act to provide for the grant of National and Festival Holidays to persons employed in Industrial Establishments in the State.

Be it enacted by the Jammu and Kashmir State Legislature in the Twenty-fifth Year of the Republic of India as follows:—

## 1. Short title, extent and commencement

(1) This Act may be called the Jammu and Kashmir Industrial Establishments (National and Festival) Holidays Act, 1974.

(2) It extends to the whole of the Jammu and Kashmir State.

(3) It shall come into force on such<sup>1</sup> date as the Government may by notification in the Government Gazette appoint.

## 2. Definitions

In this Act, unless the context otherwise requires,—

- (a) "day" means a period of twenty-four hours beginning at midnight: Provided that in the case of an employee who works in a shift which extends beyond midnight, such period of twenty-four hours shall begin when his shift ends;
- (b) "employee" means—
- (i) any person (including an apprentice) employed in any Industrial Establishment to do any skilled or unskilled manual, supervisory, technical or clerical work for hire or reward whether the terms of employment be expressed or implied; or
  - (ii) any other person employed in any Industrial Establishment whom the Government may, by notification, declare to be an employee for the purposes of this Act;
- (c) "employer" when used in relation to an Industrial Establishment means the person who has the ultimate control over the affairs of the Industrial Establishment and, where the affairs of any industrial establishment are entrusted to any other person, (whether called a Managing Agent, Manager, Superintendent or by any other name) such other person;

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- (d) "holiday" means holiday as provided in this Act;
- (e) "Industrial Establishment" means—
- (i) any factory as defined in clause (m) of section 2 of the Factories Act, 1948 (Central Act LXIII of 1948) or any place which is deemed to be a factory under section 85 of that Act;
  - (ii) any other establishment which the Government may, by notification, declare to be an Industrial Establishment for the purposes of this Act;
- (f) "Inspector" means an Inspector appointed under sub-section (1) of section 6;
- (g) "wages" means all remuneration capable of being expressed in terms of money which would, if the terms of employment, express or implied were fulfilled, be payable to an employee in respect of his employment or of the work done by him in such employment and includes—
- (i) such allowances (including dearness allowance) as the employee is for the time being entitled to;
  - (ii) the value of any house accommodation, or of supply of light, water, medical facilities or other amenity (or of any service or of any concessional supply of food-grains or other articles); but does not include—
- (a) any bonus;
  - (b) any contribution paid or payable by the employer to any pension fund or provident fund or for the benefit of the employee under any law for the time being in force;
  - (c) any gratuity payable on the termination of his service;
  - (d) any sum paid to the employee to defray special expenses entailed on him by the nature of his employment; and
  - (e) any traveling concession;
- (h) "prescribed" means prescribed by rules made under this Act.

## Grant of National and Festival Holidays

(1) Every employee shall be allowed in each calendar year a holiday of one whole day on the 26th January, 15th August and 2nd October and four other holiday each of one whole day for such festivals as the Inspector may, in consultation with the employer and the employees, specify in respect of any Industrial Establishment.

(2) Every employee shall be allowed a holiday also on 13th July in each calendar year in addition to the National and Festival holidays provided for in sub-section (1).

## 4. Employer to display statement of Holidays

Every employer shall prominently display at a conspicuous place in the Industrial Establishment, a statement showing the holidays allowed in each calendar year under section 3, in such form, in such manner and within such time as may be prescribed.

<sup>1</sup> Enforced w.e.f. 1st November, 1974 vide SRO 515 dated 9th October 1974.



**5. Wages**

(1) Notwithstanding any contract to the contrary, every employee shall be paid wages for each of the holidays allowed to him under section 3.

(2) Where an employee works on any holiday allowed under section 3, he shall at his option, be entitled to—

- (a) twice the wages; or
- (b) wages for such day and to avail himself of substituted holiday with wages on any other day within six months from the holiday on which he so works.

(3) Notwithstanding anything contained in sub-section(1) or sub-section (2), an employee who is paid wages by the day or at piece rates shall be entitled to be paid wages for any holiday allowed under section 3, —

- (i) only at a rate equivalent to the daily average of his wages for the days on which he actually worked during the month immediately preceding such holiday,
- (ii) where he works on any such holiday, only at twice the rate mentioned in clause (i) or in lieu thereof, at the rate mentioned in that clause and to avail himself of a substituted holiday with wages at that rate on any other day within six months from the holiday on which he so works :

Provided that no such employee shall be entitled to be paid any wages for any of the holidays allowed under section 3 if his name was not on the rolls of the industrial establishment continuously for a month immediately prior to the holiday:

Provided further that no such employee shall be entitled to be paid any wages for any of the holidays allowed under section 3 if he was enjoying leave with pay.

(4) Where any money is due to an employee from an employer under this Act, the employee or any other person authorised by him in writing in this behalf, or, in the case of death of the employee, his assignee or heir may, without prejudice to any other mode of recovery, make an application to the Government for recovery of the money due to him and if the Government are satisfied that any money is so due, they shall issue a certificate for that amount to the Collector within whose jurisdiction the Industrial Establishment is situate and Collector shall thereupon proceed to recover the same in the same manner as if it were an arrear of land revenue payable to the Government:

Provided that every such application shall be made within one year from the date on which the money become due to the employee:

Provided further that any such application may be entertained after the expiry of the said period of one year, if the Government are satisfied that the applicant had sufficient cause for not making the application within the said period.

**6. Inspector**

(1) The Government may by notification, appoint such persons or such class of persons as they think fit to be Inspectors for the purposes of this Act for such local limits as they may specify.

(2) Every Inspector shall be deemed to be a public servant within the meaning of section 21 of the Ranbir Penal Code, 1989.

**7. Powers of Inspectors**

Subject to any rules made by the Government in this behalf, an Inspector may, within the local limits for which he is appointed.—

- (a) enter, at all reasonable times and with such assistants, if any, who are persons in the service of the Government or of any local authority, as he thinks fit to take with him, any place which is or which he has reasons to believe to be an Industrial Establishment;
- (b) make such examination of the premises and of any prescribed registers, records and notices and take on the spot or otherwise, the evidence of such person as he may deem necessary for carrying out the purposes of this Act; and
- (c) exercise such other powers as may be necessary for carrying out the purpose of this Act:

Provided that no one shall be required under this section to answer any question or give any evidence tending to incriminate himself.

**8. Penalties**

Any employer who contravenes any of the provisions of section 3 or section 5 shall, on conviction, be punishable with fine which for the first offence may extend to twenty-five rupees and for a second and subsequent offence may extend to two hundred and fifty rupees.

**9. Penalty for obstructing Inspectors**

Whoever wilfully obstructs an Inspector in the exercise of any power conferred on him by or under this Act or fails to produce on demand in writing by an Inspector any register, record or notice in his custody which may be required to be kept in pursuance of this Act or of any rule made thereunder, shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both.

**10. Exemption**

(1) Nothing contained in this Act shall apply to—

- (a) any employee in a position of management;
- (b) any employee whose work involves travelling;
- (c) any Industrial Establishment under the control of the Central Government, the Reserve Bank of India, a railway administration operating any railway as defined in clause (20) of article 366 of the Constitution or a cantonment authority; or
- (d) any mine or oil field.

(2) The Government may, by notification, exempt either permanently or for any specified period any establishment or class of establishments or person or class of persons from all or any of the provisions of this Act, subject to such condition as they may deem fit.



**11. Rights and privileges under other laws, etc.**

Nothing contained in this Act, shall adversely affect any rights or privileges which any employee is entitled to with respect to national and festival holidays on the date on which this Act comes into force under any other law, contract, custom or usage, if such rights or privileges are more favourable to him than those to which he would be entitled under this Act.

**12. Power to make rules**

(1) The Government may make rules for the purpose of carrying into effect the provisions of this Act.

(2) In making a rule under this Act, the Government may provide that a contravention thereof shall be punishable with fine which may extend to fifty rupees.

**THE JAMMU AND KASHMIR  
INDUSTRIAL ESTABLISHMENTS  
(NATIONAL & FESTIVAL) HOLIDAYS  
RULES, 1977**

[Labour and Social Welfare Dept. Notn. SRO-233 dt. 20.5.1977]

In exercise of the powers conferred by section 12 of the Jammu and Kashmir Industrial Establishments (National and Festival) Holidays Act, 1974 (XIII of 1974) the Governor hereby make the following rules, namely:-

**1. Short title**

(1) These rules may be called the Jammu and Kashmir Industrial Establishments (National and Festival) Holidays Rules, 1977.

(2) They shall come into force with effect from the date these are published in the Government Gazette.

**2. Definitions**

In these rules, unless the context otherwise requires,—

- (a) 'Act' means the Jammu and Kashmir Industrial Establishments (National and Festival) Holidays Act, 1974.
- (b) 'Form' means a Form appended to these rules;
- (c) 'Inspector' means a person appointed as such under sub-section (1) of section 6;
- (d) 'Section' means section of the Act.

**3. Festival Holidays**

(1) The four festival holidays required to be allowed under sub-section (1) of section 3 of the Act in each calendar year shall be determined by the Inspector before 31st December each year. Unless otherwise ordered by the Inspector in consultation with the employer and employees, the holidays may be chosen from the following namely:-

- 1. Diwali
- 2. Baisakhi
- 3. Janam Ashtami
- 4. Holi
- 5. Guru Gobind Singh's Birthday
- 6. Guru Nanak's Birthday
- 7. Dussehra
- 8. Idul Fitr
- 9. X-Mas
- 10. Muharram
- 11. Guru Ravi Dass Birthday



12. Shivratri
13. Good Friday
14. Mahavir Jayanti
15. Guru Hargobind Singh's Birthday
16. 1st May
17. Shab-i-Barat
18. Id-e-Milad
19. Shab-i-Qadar
20. Id-ul-Zuha
21. Vishwa Karama Day
22. Budha Purnima

(2) The holidays determined under sub-rule (1) above shall be notified by the Inspector in the Form appended to these rules, to the employer who shall exhibit the same at a conspicuous place in the premises.

**FORM**

[See rule 3 (ii)]

Statement of Festival Holidays for the year 20 \_\_\_\_\_ in respect of (Indicate name of the establishment) \_\_\_\_\_ under the Jammu and Kashmir Industrial Establishments (National and Festival) Holidays Rules, 1977.

S. No.	Description of festival holidays	Date

Station \_\_\_\_\_

Date \_\_\_\_\_

Seal and Signature of the Inspector

## NOTIFICATIONS, CIRCULARS, ORDERS, ETC.

### **Shops and Establishments Act, 1966 — Exemption of areas of Leh and Kargil markets from the provisions of section 9 and 13 of the said Act**

*SRO 233, dated 15th July, 2003*

In exercise of the power conferred by section 5 of the Jammu & Kashmir Shops and Establishments Act, 1966 (XXXIX of 1966), the Government hereby exempt shops and Commercial Establishment of the areas of Leh and Kargil markets from the provisions of section 9 and 13 of the said Act.

### **Shops and Establishments Act — Act enforced to certain areas**

*SRO 94 dated 31st March, 2004*

In exercise of the powers conferred by sub-section (3) of section 1 of the Jammu and Kashmir Shops and Establishments Act, 1966 (XXXIX of 1966), the Government hereby appoint 1st April, 2004 as the date on which the said Act shall come into force in the areas shown against each in the sub-joined schedule:

Jammu Division	Schedule
<u>District Jammu</u>	Ramgarh, Deblehar, Rattana and Rattana Morh
<u>District Udhampur</u>	Kalar to Reun Domail, both sides of National Highway area from Kud to Patnitop and Manwal town.
<u>District Kathua</u>	Sanji More and Bani Town.
<u>District Poonch</u>	Chandak, Sathera and Hasnai.
<u>District Rajouri</u>	Koteranaka, Budhal and Darhal.
<u>Kashmir Division</u>	
<u>District Srinagar</u>	Dhara, Harwan, Prang (Khangan), Manigam, Wayil and Nuner.
<u>District Baramulla</u>	Baba Reshi, Kunzer, Chandloora, Hyder-Beigh Tapper Wagoora, Putkha, Delina, Choor, Sangrama, Rohama, Baniyar, Sheeri, Watapora, Seela (Sopore) Nowpora. Fruit Mandi (Sopore) Tarzoo (Sopore).



<u>District Anantnag</u>	Dooru, Kokarnag, Verinag, Achabal, Damhal, Hanjipora, Ashmugam, Yariipora, Khudwani, Qaimoh, Arwani and Seer Hamdan.
<u>District Pulwama</u>	Drubgam, Rajpora, Keller Nawa, Gagrian (Shopian) Pinjeera, Litter, Dadsera Tral, Charsoo Jawbrara (Awantipora) Wayon, Chakoora, Vehel(Shopian) Noorpora, Ladoo, Meemender (Shopian) Ratnipora, (Pulwama)
<u>District Budgam</u>	Wathpora, Gopalpora, Nagam, Panzan, Kremshore Khansahib, Nasrullahpora, Soibagh, Gondipora, Sepden, Narikura, Parkharpora and Aripathen
<u>District Kupwara</u>	Langate, Chogal, Drugmulla, Kralpora, Batargam, Chokibal Sogam, Arampora, Khumrayal, Tangdhar, Magam, Lalpora, Vilgam and Awoora.
<u>District Kargil</u>	Drass
<u>District Leh</u>	Choglamsar.

**Jammu and Kashmir Shops and Establishment Act, 1966 — Notification regarding exemption of commercial establishments in District Leh**

SRO 133 dated 11th May, 2005

In exercise of the powers conferred by section 5 of the Jammu and Kashmir Shops and Establishment Act, 1966 (XXIX of 1966) the Government hereby exempt Shops and Commercial Establishments within the areas of Choglamsar market District Leh from the provisions of section 9 and 13 of the said Act.

**Shops and Establishments Act, 1961 — Appointment of Inspectors**

SRO 402, dated 17th December, 2008

In exercise of the powers conferred by Sub- Section (1) of Section 34 of the Jammu and Kashmir Shops & Establishment Act, 1961 (XXXIX of 1966) and in partial modification of notification SRO: 68 dated: 22-04-1987, the Government of Jammu and Kashmir hereby appoint the following Officers to be the Inspectors for the purpose of the said Act, within their local limits shown against each;

S. No.	Name of Officer	Local Limits
1)	Labour Inspector, Labour Officer, Reasi:	District Reasi
2)	Labour Inspector, Labour Officer, Samba:	District Samba
3)	Labour Inspector, Labour Officer, Ramban:	District Ramban
4)	Labour Inspector, Labour Officer, Kishtwar:	District Kishtwar
5)	Labour Inspector, Labour Officer, Ganderbal:	District Ganderbal
6)	Labour Inspector, Labour Officer, Kulgam:	District Kulgam
7)	Labour Inspector, Labour Officer, Bandipora:	District Bandipora
8)	Labour Inspector, Labour Officer, Shopian:	District Shopian

The Inspectors so appointed shall exercise their powers under the Act in the Areas of their local limits where the Jammu and Kashmir Shops Act, 1966 stands extended by the Government.