

Andhra Pradesh Shops and Establishments Rules, 1990

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Andhra Pradesh Shops and Establishments Rules, 1990

In exercise of the powers conferred by sub section (1) of Section 71 of the Andhra Pradesh Shops and Establishments Act, 1988 (Act No.20 of 1988) the Governor of Andhra Pradesh hereby makes Andhra Pradesh Shops and Establishments Rules as provided in the Annexure, the same having been previously published as required by sub section (3) of Section 71 of the said Act. The said Rules shall come into force with effect from 1-11-1991. Andhra Pradesh Shops and Establishments Rules, 1990

1. Short title :-

These rules may be called the Andhra Pradesh Shops and Establishments Rules, 1990.

2. Definitions :-

In these rules, unless the context otherwise requires : -

(a) "Act" means the Andhra Pradesh Shops and Establishments Act, 1988;

(b) "Family Members" means father, mother, wife, husband, sons, daughters, sisters and brothers, wholly dependent on the earnings of the employer;

(c) "Form" means a form appended to these Rules;

(d) "Government" means the State Government of Andhra Pradesh;

(e) "Section" means a Section of the Act;

(f) Words and expressions used but not defined in these rules shall

have the same meanings assigned to them in the Act.

3. Registration of Establishments and Renewal of Registration Certificate :-

(1) The Statement specified in sub section (1) of Section 3 of the Act shall be submitted by the employer in Form I to the Inspector of the area concerned. The Statement shall be accompanied by a challan in support of the payment of fees prescribed in Schedule I.

(2) The Inspector shall maintain Register of Establishments in Form V.

(3) The Inspector shall issue a certificate of Registration in Form II.

(4) Every application for renewal of Registration Certificate made under Section 4 of the Act shall be submitted by the employer to the Inspector of the area concerned in Form III. The application for renewal of Certificate of Registration shall be accompanied by a challan for the fees prescribed in Schedule I.

(5) The period of renewal of Certificate of Registration shall be one year or upto three years from the date of its expiry, at the option of the employer.

(6) On receipt of application for renewal of Certificate of Registration, the Inspector shall issue Renewal of Registration Certificate in Form IV.

(7) Where the application for renewal of Registration Certificate is not made within the date i.e., atleast 30 days before its expiry, penalty as specified below shall be levied.

1. Application submitted on or after 2nd December, but before 31st December. 25 of the fees prescribed.

2. Application submitted on or after 1st January. 50 of the fees prescribed.

Provided that the Government or subject to the control of the Government the Chief Inspector may, if they are or he is satisfied that there is sufficient reason for the employer in not sending the application for the renewal of the Certificate of Registration before the expiry of the time limit specified in sub section (2) of Section 4, by an order and for reasons recorded therein, waive the payment of penalty either in part or wholly by the employer in respect of the renewal of the Certificate of Registration applied for.

4. Payment of Fees :-

The fees prescribed under these Rules shall be remitted into the Government Treasury State Bank of India State Bank of Hyderabad under the Head of Account "0230 Labour and employment (101) Receipts under Labour Laws". The fees once remitted shall under no circumstances be refunded.

5. Issue of duplicate Registration Certificate :-

If the Certificate of Registration issued under sub rule (3) of Rule 3 is lost, destroyed or defaced, the employer of the Establishment shall forthwith report the matter to the Inspector of the area concerned and shall apply in Form VI with a fee as prescribed in Schedule.II for the issue of duplicate registration certificate. Upon the receipt of such application together with the fee, the Inspector shall furnish to the employer with a duplicate copy of registration certificate duly stamped Duplicate copy of the Registration Certificate .

6. Notice of Change :-

(1) Notice shall be given by the employer to the Inspector of the

area concerned as required under sub section (4) of Section 3 of the Act, in Form VII together with the Certificate of Registration and a challan for the amount of fee remitted as specified in Schedule II and the amount, if any, payable as specified in Schedule I having regard to increase in the number of employees

Provided that no notice need be given by the employer to the Inspector of the area concerned in respect of any change in the number of employees if such change does not affect the licence fee remitted as specified in Schedule I.

(2) On receipt of notice of change the Inspector shall amend the Certificate of Registration or issue a fresh one, if necessary and sent it to the employer.

(3) Where the Inspector cancels the Certificate of Registration on receipt of information with regard to the closure of Shop Establishment, he shall intimate the employer about the cancellation of the Registration Certificate. The communication to the employer shall be sent under Certificate of posting.

7. Authority to whom appeals shall lie against revocation of suspension of registration certificate :-

An appeal under sub section (1) of Section 6 of the Act against the orders of revocation or suspension of the Registration Certificate shall lie to the Labour Officer in whose jurisdiction the Shop Establishment lies.

8. Form of appeal, mode of submission and procedure to be followed by the appellate authority :-

(1) Every appeal, under Section 6 shall be presented to the Appellate Authority in person or sent to him by Registered Post under acknowledgement due.

(2) The appeal shall be in form of a memorandum and shall be accompanied by a certified copy of the order appealed against.

(3) The memorandum shall set forth the grounds of the appeal.

(4) Where the memorandum of appeal does not comply with the provisions of sub rules (2) and (3) above, it may be returned, within fifteen days from the date of its receipt to the appellant for the purpose of being amended. The appellant shall re submit the appeal duly amended as directed by the Appellate Authority within a period of thirty days from the date of its return.

(5) Where the memorandum of appeal is in order, the Appellate Authority shall admit the appeal, endorse thereon the date of presentation and shall register the appeal in the Register of Appeals in Form VIII.

(6) Where the appeal is admitted, the Appellate Authority shall obtain the connected records from the Inspector concerned against whose order the appeal has been preferred.

(7) The Appellate Authority shall give an opportunity to the appellant for being heard, by fixing a date.

(8) If, on the date fixed for personal hearing, the appellant does not appear, the Appellate Authority shall decide the appeal on the basis of the records made available to him and shall communicate his order to the appellant.

9. Ascertainment of age by the Inspectors :-

An employer may be required to produce one of the following documents in support of the age of an employee

(i) School Certificate;

(ii) Extract from the register of Birth.

(iii) Certificate in Form IX from the Government Medical Officer not below the rank of Assistant Civil Surgeon.

10. Maternity Benefit :-

(1) The payment of Maternity Benefit to a woman employee under Section 25 of the Act shall be at the same rate of daily, weekly, or monthly wages last paid. In the case of piece rate employees, the rate of maternity benefit shall be on the basis of the average earning of one month or wages drawn on the last working day whichever is higher.

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

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

(3) In case of miscarriage, the woman employee shall on production of a certificate granted to that effect by a Registered Medical Practitioner, be entitled to the maternity benefit for a period of six weeks immediately following the date of her miscarriage.

(4) The amount payable to a woman employee a maternity benefit in accordance with aforesaid rules shall, for the purposes of its recovery be deemed to be wages as defined under sub section (23) of Section 2 of the Act.

(5) Payment in respect of claim of maternity benefit shall be made by the employer to the woman employee concerned or to a person authorised by her in writing . In the case of her death, the same shall be payable to her legal heirs.

(6) No woman employee having more than two children shall be eligible for maternity benefit.

11. Cleanliness :-

(1)The premises of every establishment shall be kept clean in the following manner.

(i)

(a) In every establishment, all the inside walls of the rooms and all the ceilings of such rooms (Whether such walls or ceilings be plastered or not) and all the passages and stair cases shall be white washed or colour washed at intervals not more than two years from the time when they were last white washed or colour washed and shall be maintained in a clean state.

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

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

(i) rooms used only for the storage of articles.

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

(iii) ceilings of rooms in which the lowest part is atleast 6.0 metres from the floor.

(iv) any other establishment or part thereof in which white washing, colour washing, painting or varnishing is, in the opinion of the Chief Inspector, unnecessary to satisfy the requirement of Section 26 of the Act in regard to cleanliness.

(2) Rubbish, filth or debris shall not be allowed to accumulate or to remain on any part of the establishment for more than 24 hours and shall be disposed of. All waste matter shall be kept in covered receptacles.

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

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

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

(6) Employer shall provide drinking water and keep the area around the place of drinking water clean and properly drained.

12. Precautions against fire :-

Every establishment shall provide under sub section (1) of Section 28 with adequate means of escape in case of fire and shall also provide buckets of substantial construction full of water or sand and or chemical fire extinguishers in suitable number and at suitable sites according to the nature of work carried on and the size of the premises.

13. Safety :-

(1) Every dangerous part of machinery in an establishment other than a shop shall be securely fenced by safeguards of substantial construction which shall be kept in position while the parts of machinery are in motion or in use.

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

(3) No employee, with loose fitting clothes on, shall be allowed or made to work near the moving machinery or belt and the tight fitting clothes for the purpose shall be provided by the employer.

14. First Aid Appliances :-

In every establishment other than a shop, a first aid box shall be kept and it shall contain the following equipment together with a book of instructions on first aid namely :

(i) 3 small sterilised dressings;

(ii) 2 medium size sterilized dressings;

(iii) 2 large size sterilized dressings;

(iv) 2 large size sterilized burn dressings;

(v) 2 (15.0 grams) packets sterilized cotton wool;

(vi) 1 pair of dressing scissors;

(vii) 1 (30.0 grams) bottle containing solution of salvolatine having the dose and mode of administration indicated on the label;

(viii) 1 (30.0 grams) bottle containing solution of iodine or mercurichrome;

(ix) 1 (30.0 grams) bottle containing Potassium Permanganate crystals;

(x) any antidotes for burns.

15. Maximum permissible load, training and instruction, Medical examination and provision of technical devices :-

(1) For the purposes of this rule, the term Manual Transport of Load means any act which is continuously or principally devoted to the manual transport of loads, or which normally includes, even though intermittently, the manual transport of loads.

(2) The maximum permissible weight which may be transported manually by an adult male worker shall not be more than fifty five kgs. and in the case of women and young persons the maximum permissible weight shall not be more than thirty kgs.

(3) No woman employee shall be assigned to manual transport of loads during pregnancy or during the ten weeks following confinement.

(4)

(i) Every employee who is assigned to manual transport of loads other than light loads shall be given, prior to such assignment, adequate training or instruction in working techniques, with a view to safeguarding health and preventing accidents.

(ii) Such training or instruction should include methods of lifting, carrying, putting down, unloading and stocking of different types of loads, and shall be given by suitable qualified persons or institutions, and be followed up, wherever practicable, by supervision on the job to ensure that the correct methods are used.

(iii) Every employee occasionally assigned to manual transport of loads shall be given appropriate instructions on the manner in which such operations may be safely carried out.

(5)

(i) Every employer shall make available, suitable technical devices in order to limit or to facilitate the manual transport of loads, which shall be used.

(ii) The packaging of loads which may be transported manually should be compact and of suitable material and should as far as possible and appropriate, be equipped with devices for holding and so designed as not to create risk of injury; for example, it should not have sharp edges, projections or rough surfaces.

(6)

(i) The employer shall arrange for the medical examination of fitness for employment of each employee as far as practicable and appropriate before assignment of the employees to manual transport of loads.

(ii) Medical examinations shall be made every one year in respect of each such employee.

(iii) Employer shall bear the cost of Medical Examinations.

(7) The training or instructions provided for in this rule shall not involve the employee in any expense.

16. Manner of calculating ordinary rate of wages :-

For the purpose of the explanation to Section 37, ordinary rates of wages per hour shall be calculated by dividing the total wages payable to a person employed for the hours actually worked by him during the wage period by the number of such hours in the wage period:

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

17. Fines and deductions for damage or loss :-

(1)

(a) The Chief Inspector shall be the Authority competent to approve, the acts and omissions in respect of which fines may be imposed and to approve the purpose to which the fines realised shall be applied,

(b) Any employer requiring the power to impose fines in respect of any acts and omissions on the part of the employees shall send to the Chief Inspector : -

(i) a list in English or in Telugu in duplicate, clearly defining such acts and omissions.

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

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

(c) The Chief Inspector may on receipt of the list prescribed in sub clause (i) or sub clause (iii) of Clause (b) above after such enquiry as he considers necessary, pass orders either :

(i) disapproving the list, or

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

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

(d) The employer shall display at or near the main entrance of the establishment or at a conspicuous place a copy in English and in Telugu of the list approved under Clause (c) above.

(e) No fine shall be imposed by any person other than an employer or a person holding an appointed name in the list submitted under Clause (b).

(2)

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

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

(3)

(a) The employer of any establishment in respect of which he has obtained approval under sub section (1) of Section 41 to a list of acts and omissions in respect of which fines may be imposed, shall maintain in a Register of Fines in Form X.

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

(c) When any disbursements are made from the fines realised, a deduction entry of the amount so expended shall be made in the Register of Fines, the vouchers or receipts in respect of the amounts so expended shall be serially numbered and kept separately, the serial number of each voucher or receipt and the

amount to which it relates being noted in the remarks column of the register. If fine more than one purpose has been approved, the entry of the disbursements shall also indicate the purpose for which it is made.

(4) In every establishment in which deductions for damage or loss are made, the employer shall maintain the register in Form XI.

18. Advances :-

Advance of wages shall be subject to the following conditions, namely

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

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

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

(4) The amounts of all advances and all repayments of such advances, shall be entered in a Register of Advances in Form XII.

19. Acts and Omissions constituting misconduct :-

(1) The following acts and omissions shall be treated as misconduct on the part of the employees : -

(a) Wilful insubordination or disobedience of instructions whether alone or in combination with others or any lawful and reasonable order of a superior;

(b) Striking work or inciting others to strike work in contravention of the provisions of the Industrial Disputes Act, 1947;

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

(d) Habitual absence without leave, or absence without leave for more than five consecutive days or overstaying the sanctioned leave without sufficient grounds or proper or satisfactory explanation;

(e) Engaging trade within the premises of the establishment.

(f) Unprovoked misbehaviour with customers, drunkenness, riotous, disorderly or indecent behaviour in the premises of the establishment.

(g) Habitual neglect of work, or habitual negligence, disclosing any information in regard to the business process of the establishment to any unauthorised person which may be prejudicial to the interest of the establishment;

(h) Gambling within the premises of the establishment;

(i) Conviction by any Court of Law for any criminal offence involving moral turpitude;

(2) Every employer shall display or cause to be displayed at or near the main entrance or at any conspicuous place of the establishment

a copy of the list of acts and omissions specified under sub rule (1) above in English and Telugu. If the establishment consists of several departments, such lists shall be displayed in each department.

20. Procedure for terminating the services of an employee
:-

(1) No employer shall terminate the services of an employee unless an enquiry is held against the employee concerned in respect of any alleged misconduct in the manner set forth in sub rule (2).

(2) An employee against whom an enquiry has to be held he shall be given a charge sheet clearly setting forth the circumstances appearing against him and requiring explanation. He shall be given an opportunity to answer the charge and shall also be permitted to produce witnesses in his defence and cross examine any witness on whose evidence the charge rests. A concise summary of the evidence led on either side and the employee's plea shall be recorded and signature of the parties obtained.

(3) In awarding punishment under this Rule, the employer shall take into account the gravity of the misconduct, the previous record, if any of the employee and other extenuating or aggravating circumstances that may exist

Provided that no punishment shall be awarded based on the previous record and other circumstances that may exist unless the employee has been given an opportunity of making representation in respect of those charges.

21. Appeals :-

(1) An appeal under sub section (1) of Section 48 shall be preferred to the Appellate Authority by the employee within 60 days from the date of service of the order terminating his services with the employer, such service shall be deemed to be effective, if carried out either personally, if that is not practicable, by pre paid registered post to his last known address, when the date of such service shall be deemed to be the date when the letter would arrive in ordinary course of post

Provided that the Appellate Authority may admit an appeal after the expiration of the period of sixty days where the appellate satisfies the Appellate Authority that he had sufficient cause for not preferring the appeal within the stipulated period of sixty days.

(2)

(a) The procedure to be followed by the Appellate Authority for hearing appeals preferred to it under sub section (1) of Section 48 shall be summary. It shall pass orders giving its reasons thereof. A Register of Appeals in Form XIII shall be maintained by the Appellate Authority wherein the particulars of the appeal and summary of the final order shall be recorded.

(b) If the employer fails to appear on the specified date, the Authority may proceed to hear and determine the application *ex parte*.

(c) If the applicant fails to appear on two successive dates of hearing, the Authority may dismiss the application:

Provided that an order passed under Clause (b) or Clause (c) above may be set aside and the application re heard, if any good cause being shown by the defaulting party within one month from the date of the said order, after service of notice to opposite party.

(d) The parties shall not be entitled to produce additional evidence

whether oral or documentary before the Appellate Authority. But it can be entertained on the following grounds:

(i) the employer from whose order the appeal is preferred has refused to admit evidence which ought to have been admitted; or

(ii) the Appellate Authority requires any document to be produced or any witness to be examined to enable it to pass orders or for any other substantial cause, the Authority may allow such evidence or document to be produced or witness to be examined.

(e) Wherever additional evidence is allowed to be produced by the Appellate Authority, it shall record the reason for its admission.

(f) The result of the appeal shall be communicated to the parties as soon as possible. Copies of the orders shall also be furnished to the parties if required by them. The copies shall be on stamped papers to be furnished by the parties.

(3) The second Appellate Authority shall follow the same procedure as enumerated in sub rule (2) above. He shall also maintain a Register of Second Appeal in Form XV.

22. Permission to act on behalf of employee or employer :-

Any person desiring to act on behalf of the employee whose appeal against termination of his services is pending disposal or the employer thereto shall present to Appellate Authority a Letter of Authorisation in Form XIV from the employee or the employer as the case may be, on whose behalf he seeks to act, together with a written statement explaining his interest in the matter and praying for permission so to act. The Appellate Authority shall record thereon an order either according his approval or specifying in the case of refusal to grant permission prayed for the reasons for such refusal.

23. Application for payment of Wages or service compensation etc. :-

An application for payment of Wages for service compensation etc., by or on behalf of an employee or group of employees shall be made in duplicate in Form XVI or Form XVII as the case may be, one copy of which shall bear court fee prescribed in Rule 27.

24. Authorisation :-

The authorisation to act on behalf of an employee, employee employer under Section 51 or Section 52 of the Act shall be given in Form XVIII by an instrument which shall be presented to the Authority hearing the application and shall form part of the record.

25. Procedure for dealing with application for recovery of wages of service compensation :-

(1) Any other person desiring to act on behalf of any employee shall present to the Authority under Section 50 of the Act a brief written statement explaining his interest in the matter and praying for permission so to act, and the Authority shall record thereon an order specifying, in the case of a refusal to grant the permission prayed for, the reasons for such refusal shall be furnished.

(2) Applications under Rule 23 above or other documents relevant to such applications shall be presented either in person to the Appellate Authority appointed under Section 50 of the Act or shall be sent to the Appellate Authority by registered post, acknowledgement due and the Authority shall at once endorse or cause to be endorsed on such application or other document the date of presentation of receipt thereof, as the case may be.

(3) On receipt of an application under Rule 23 above the Appellate Authority shall issue a notice in Form XIX calling upon the applicant as well as the employer, as the case may be, to appear before him on a specified date together with all relevant documents and witnesses, if any.

(4) If the employer fails to appear on the specified date, the authority may proceed to hear and determine the application *ex parte*.

(5) If the applicant fails to appear on the two successive specified dates, the authority may dismiss the application

Provided that an order passed under sub rule (4) or sub rule (5) above may be set aside on sufficient cause being shown by the defaulting party within one month of the date of the said order and the application shall then be reheard after service of notice on the opposite party of the date fixed for rehearing in the manner specified in sub rule (3).

(6) The Authority dealing with the applications under Section 51 of the Act shall maintain a register in Form XX.

(7) The Authority dealing with the appeals under sub section (1) of Section 53 of the Act shall follow the same procedure as prescribed for the authority under Section 50 of the Act in dealing with the appeals. He shall maintain a register in Form XXI.

26. Costs :-

(1) Where the Authority appointed under Section 48 or Section 50 of the Act, as the case may be, directs that any cost shall not follow the event, the reasons for the directions shall be, recorded in writing by such Authority.

(2) The costs which may be awarded shall include: -

(i) Expenses incurred on account of Court Fee,

(ii) Expenses incurred on a subsistence money to witnesses, and

(iii) Pleader's fee to the extent of ten rupees provided that the Authority in any proceedings may reduce the fees to a sum not less than five rupees or, for reasons to be recorded in writing, increase it to a sum not exceeding thirty rupees.

(3) Where there are more than one pleader or more than one applicant or opponents the Authority may, subject to the conditions as aforesaid, award to the successful party or parties such costs as it may deem proper.

(4) The fee payable for obtaining the copies of the document filed with the Authority shall be as prescribed in Andhra Pradesh Court Fees and Suits Valuation Act

Provided that such Authority may in consideration of the poverty of the applicant grant copies free of cost.

27. Court Fees :-

The Court fee payable in respect of proceedings shall be as prescribed in Schedule III.

28. Duties of Inspectors :-

(1) The Inspector shall make such inspection as may appear to him to be necessary for the purpose of satisfying himself that the provisions of the Act and of the Rules and any orders issued by the Government under the Act are duly observed. In particular, he shall satisfy himself

(i) that the establishments are duly registered under the Act;

(ii) that the registers, records and notices required to be

(ii) that the registers, records and notices required to be maintained or displayed under the Act or rules properly maintained or displayed;

(iii) that the intervals of rest and holidays required to be granted or observed under the Act or granted or observed and that the limit 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 by Government regarding the opening and closing hours are duly observed;

(v) that every employee in an establishment is furnished with a letter of appointment;

(vi) that the provisions of the Act and rules regarding leave, holidays with wages and maternity benefit are properly observed;

(vii) that the provisions of the Act and rules relating to cleanliness, ventilation, precautions against fire and safety of employees are properly observed;

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

(ix) that no child is allowed to work in any establishment.

(2) For carrying out such inspection, the Inspector may interrogate such persons in the premises, as he may deem necessary

Provided that no such person shall be required under this rule, to answer any question, the answer which might tend to incriminate him.

29. Maintenance of registers and records and display of notices Every employer shall maintain registers and records and display notices in the following manner :-

(1) Every employer shall maintain a Register of Employment in Form XXII.

(2) Every employer shall maintain a Register of Wages in Form XXIII.

(3) Every employer of an establishment other than a shop shall exhibit in his establishment a notice in Form XXIV specifying the day or days of the week on which his employees shall be given a holiday. The notice shall be exhibited, before the employees to whom it relates immediately preceding the first week during which it is to have effect.

(4) Every employer shall exhibit in his establishment a notice containing such abstracts of the Act and Rules as the Government may direct.

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

(6) Every employer shall maintain a Register in Form XXV for the leave granted to persons employed in his establishment.

(7) In any Register or record which an employer is required to maintain under these rules, the entries relating to any day, shall be made on such date and shall be authenticated under the signature of the employer or the Manager on the same day. The entries

relating to overtime work shall be made before the commencement and immediately after completion of such overtime work.

(8) the registers, records and notices relating to any calendar year shall be preserved for a period of three years after the last entry is made therein.

(9) Save as otherwise provided in sub rule (4) above, all registers, records and notices required to be maintained and exhibited shall be either in English or in the language of the majority of the employees in the establishment.

(10)

(a) Every employer shall maintain a Visit Book in which an Inspector visiting the establishment may record his remarks regarding any defects that may come to light at the time of his visit to give directions regarding production of any documents required to be maintained or produced under the provisions of the Act and the Rules.

(b) The Visit Book shall be a bound book more or less of size (18 Cms. x 15 Cms.) containing atleast 100 pages.

(c) The first page of the Visit Book shall contain the following particulars : -

(i) Name of the Shop or Establishment;

(ii) Address;

(iii) Registration Number;

(iv) Name of the Employer;

(v) Father s Name;

(vi) Residential Address.

(d) In case the Visit Book containing remarks passed by the Inspectors lost, destroyed or defaced, the employer of the establishment shall report the fact forthwith in writing to the Inspector of the area and immediately arrange to maintain a new Visit Book.

(e) The Visit Book shall be kept always in the business premises of the Establishment and shall be produced or caused to be produced on demand by the Inspector.

(11) Where an office, store room, godown, warehouse or workplace used in connection with trade and business of a shop is situated at premises other than the premises of the shop, all registers, records, Visit Book and notices required to be maintained, exhibited or given under the Act and the Rules shall be separately so maintained, exhibited or given in respect of and at such office, store room, godown, warehouse or workplace.

(12) No employer with intent to deceive shall make or cause or allow to be made, in any register, record or notice prescribed to be maintained under the provisions of the Act or the Rules, an entry which 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 the Act and Rules, or maintain or cause or allow to be maintained, more than one set of any register, record of notice.

(13) The name board of every shop or establishment shall be in Telugu and wherever other languages are used, the versions in such other languages shall be below the Telugu version.

30. Letter of Appointment :-

Every employer shall furnish to all employees with the Letters of Appointment, with the photograph of the employee in Form XXVI affixed thereon and obtain acknowledgement in token of having served the said letter. He shall prepare the Letter of Appointment in triplicate, issue the original copy to the employee, retain the duplicate copy with him and the triplicate copy shall be handed over to the Inspector of the area concerned.

31. Admissibility of Forms other than prescribed in the Rules :-

If on an application made by an employer or Manager in writing, the Deputy Commissioner of Labour of the area concerned is satisfied that any muster roll, Register or record maintained by the employer or Manager gives in respect of all or any of the employees in his establishment the particulars required to be shown in any register, record or notice prescribed under these rules, the Deputy Commissioner of Labour of the area concerned may by order in writing direct that such muster roll, register or record shall, to the corresponding extent be maintained in place of such register, record or notice prescribed under this rule, as the case may be

Provided that no wages register need be maintained where a wage register under the A.P. Minimum Wages Rules, 1960 is maintained.

32. Period of supplying information required by Inspector :-

Any information or document required by the Inspector for carrying out the purposes of the Act and the Rules shall be furnished to him by the employer of an establishment within fifteen days from the date of receipt of such requisition by the employer

Provided that the Inspector can extend such period as is necessary and in no case exceeding three months, for valid reasons on application by the employer.

33. Periodical returns :-

Every employer having ten or more employees shall send a return in Form XXVII for months ending March, June, September and December of every year so as to reach the Inspector within whose jurisdiction the establishment is situated not later than 10th day of the month following the month to which the return relates.

34. Penalty :-

Any employer who contravenes any of the provisions of these rules shall, on conviction, be punished with a fine which may extend to fifty rupees. For a second offence with fine which shall not be less than one hundred rupees but which may extend to two hundred rupees and for the third or subsequent offences, with a fine which shall not be less than two hundred and fifty rupees but which may extend to rupees five hundred.

35. Repeal and savings :-

The Andhra Pradesh Shops and Establishments Rules, 1968 are hereby repealed

Provided that any order made or action taken under the rules so repealed shall be deemed to have been made or taken under the corresponding provisions of these rules;

Provided further that any proceedings relating to the trial of any offence punishable under the provisions of the rules so repealed shall be continued and completed as if the said Rules had not been repealed but had continued in operation and any penalty imposed on such proceedings shall be recovered under the rules so repealed.

SCHEDULE 1

SCHEDULE 1

SCHEDULE - 1

(See Rule 3)

The Statement in Form I or an application in Form II shall be sent to the Inspector together with the fees specified in the schedule for an year

Sl.No.	Category of Establishments	Registration and Renewal fee
(1)	(2)	(3)
		Rs. P.
1	Shops & Establishments employing no persons	10 00

1.	Shops & Establishments employing no persons	10-00
2.	Shops/Establishments employing 1 to 5 persons	50-00
3.	Shops/Establishments employing 6 to 9 persons	100-00
4.	Shops/Establishments Employing more than 10 but less than 19 persons	100-00
5.	Shops Establishments Employing 20 and above but less than 49 persons	500-00
6.	Shops Establishments employing 50 persons and above	1,000-00

SCHEDULE 2

SCHEDULE 2

SCHEDULE - 2 [See Rules 5 and 6]

Sl.No.	Category of Establishment	Fees
(1)	(2)	(3)
	Fee for Notice of change	Rs. P.
1.	Establishment having no employees	2-00
2.	Establishment having employees	5-00
Fee for issue of duplicate certificate of Registration		
1.	Establishment having no employees	5-00
2.	Establishment having employees	10-00

SCHEDULE 3

SCHEDULE 3

SCHEDULE - 3 (See Rule - 27)

The Court fee payable under the provisions of the Andhra Pradesh Shops and Establishments Act, 1988 and the rules made thereunder shall be as prescribed below.

Sl.No.	Category of documents	Fee payable	
		Rs. P.	
1.	For every application to summon a witness	1-00	
2.	For every application made by or on behalf of an individual	1-00	
3.	For every other application made by or on behalf of an unpaid group in respect of such applications for each member of the group	1-00	Subject to a maximum of Rs. 10/-
4.	For every appeal preferred before the	10-00	

4.	Authority under Section 53		
5.	Copies of the orders of documents containing evidence, etc., 176 words or fraction thereof	0-75	Paise adhesive, Court Fee label