

I N D E X

CHAPTER	SUBJECT	CONTROL REF. NO.
1	Objective of the act	1-1
2	Definition of wage	2-2
3	Registration of Establishment	3-3
4	Revocation or suspension of the registration Certificate	3-3
5	Opening and closing hours of Shop	3-3
6	Daily & Weekly hours of work in Shops	3-3
7	Fees structure for renewal& Registration	4-4
8	Validity of certificate	4-4
9	Changes in Establishment	4-4
10	Closing of the establishment	4-4
11	Renewal of Registration Certificate	4-4
12	Penalty	5-5
13	Leaves	5-5
14	Encashment of Leaves	5-5
15	Weekly holidays in shops, restaurants and theatres	5-5
16	Holidays	5-5
17	Other Holidays	5-5
18	Special provision for young person	5-5
19	Special provision for women	5-5
20	Maternity Leave	5-5
21	Maintenance of registers and records and display Of notices:	6-6
22	Minimum Wages	6-6
23	Registration of Establishment Form "F"	7-9
24	APPLICATION FOR RENEWAL Form III	10-10
25	Labour Office Address	11-11

(1)

Andhra Pradesh Shops & Establishment Act 1988

Objective of the act: the Andhra Pradesh shops and establishment act, 1966 was enacted to consolidate and amend the law relating to the regulation of conditions of work and employment in shops, commercial establishments and other establishments and for matter connected therewith. In the implementation of the said Act. And in the changed conditions in Labour relations, it is found necessary to provide for some more measures for safeguarding the interests of the employees. With a view to enlarge the beneficial provisions under the act and to make provisions for some more facilities and benefits to the employee in the shops and establishments to suit the present need, there is eminent necessity to make a new law in repeal of the Act 1966 Act . It has been decided to ...

1). Make provision of some more conditions to be complied with by employers in case of terminations of services of employees.

2) Entrust the functions of judicial authorities under the act to the department offices to render speedy relief to the employees under the provisions of the act; and

3). Provide the more stringent punishment to the offending employers to Act as deterrent to prevent abuse of the various welfare provisions of the enactment.

Act No.20 of 1988

An act to consolidate and amend the law relating to the regulation of conditions of work and employment in shops, commercial Establishments, restaurants, theatres and other establishments and matter connected therewith.

(2)

Definition of Wage :Wages means every remuneration, whether by way of salary, allowance, or otherwise expressed in terms of money or capable of being expressed which would, if the terms of employment, express or implied were fulfilled, be payable to an employee in respect of his employment or of work done in such employment, and includes.....

a). Any remuneration payable under any settlement between the parties or order of a Tribunal or Court

b). any remuneration to which the employee is entitled in respect of overtime work or holidays or any leaves period.

c). any additional remuneration payable under the terms of employment, whether called a bonus or by any other name:

d). any sum which by reason of the termination of employment of the employee is payable under the law, contract or instrument which provides for the payment of such sum, whether with or without deductions, but does not provide for the time within which the payment is to be made.

e). any sum to which the employee is entitled under any scheme framed under any law for the time being in force but does not include:

1). Any bonus whether under a scheme of profit sharing or otherwise which does not form part of the remuneration payable under the terms of employment, or which is not payable under the any award or settlement between the parties or order of a court:

II). The value of any house accommodation, or of the supply of light, water, medical attendance or other amenity or of any service excluded from the computation of wages by a general or special order of the government

III). Any contribution paid by the employer to any person or provident fund, and the interest may have accrued thereon;

IV). Any traveling allowance or the value of any traveling concession:

V). any sum paid to the employee to defray special expenses entailed on him by the nature of his employment,

VI). Any service compensation payable on the termination of employment in case other than those specified in sub-clause (d):

VII). the subscription paid by the employee to life insurance and the contribution paid by the employer to the life insurance of the employee under the provision of this Act and the bonus which may have accrued thereon. Or

VIII). House rent allowance payable by the employer.

(3)

Registration of establishment: In case of an establishment existing on the date of commencement of this act, within thirty days from the date:

In case of a new establishment with in thirty days from the date on which the establishment commences its work, send to the inspector concerned a statement containing such particulars, together with such fees as may be prescribed

O receipt of such statement, the inspector shall register the establishment in the register of establishment in such manner as may be prescribed and shall issue in the prescribed form a registration certificate to the employer who shall display it at a prominent place of the establishment.

Revocation or suspension of the registration Certificate: If the area Inspector is satisfied either a reference to him in this behalf of other wise

The registration certificate granted under the section 3 pr renewal under section 4 has been obtained by misrepresentation, fraud or suspension of any material fact:

The employer has willfully contravened any of the provisions of this act or the rules are made there under.

The inspector may without prejudice to any other penalty to which the employer may be liable under this act revoke or suspend the registration certificate after giving the employer an opportunity of showing prescribed

Opening and closing hours of shops; No shop shall on any day be opend earlier or closed later that such hours as may, after previous publication, be fixed by the government by general or special order in that behalf.

Any customer who has a being served or was waiting to be served in any shop at the hour fixed for its closing may be served during the quarter of an hour immediately following such hour

The government may, for the purpose of this section, fix different hours for different classes of shops or fro different

Daily & Weekly hours of work in Shops: An employee in any shop shall be required or allowed to work therein for more than eight hours in nay day and forty-eight hours in a week.

Any employee may be required or allowed to work in a shop for any period in excess of the limit fixed under sub-section(1) on payment of overtime wages, subject to maximum period of Six hours in a week

(4)

Fees structure for registration& Renewal:

FEES: Fee prescribed for the registration of establishments relating to the number of employees employed for a calendar year

No. of Employees
Nil

Fee prescribed
Rs. 30.00

Employing up to 5 persons	Rs. 100.00
Employing 6 and above and up to 10 persons	Rs. 200.00
Employing more than 11 and up to 20 persons	Rs. 350.00
Employing 21 and above and up to 50 persons	Rs.1000.00
Employing 51 persons and above and up to 100 persons	Rs. 2000.00
Employing 101 and above	Rs. 2500

Certificate Validity:

Every issued certificate issued under the sub sec (2), shall be valid with effect from the date on which it is issued upto the **31st Day of the December following.**

Any Changes in establishment

Every employer shall give intimation to the inspector, in the prescribed form, any changes in any of the particulars in the statement made under sub-section (1) within fifteen days after the change has taken place, The inspector shall, on the receipt of such intimation and fees prescribed thereof make the change in the register of establishment in accordance with such intimation and shall amend the registration certificate or issue a fresh registration certificate, if necessary

Closing of the Establishment

The employer shall, within fifteen days of the closer of the establishment, give intimation thereof in writing to the Inspector, who shall, on receipt of such intimation remove the name of the establishment from the register of establishment and cancel the registration certificate.

Renewal of registration certificate: The inspector may, on an application made by the employer accompanied by the fees prescribed thereof renew the registration certificate for a period of one year or for such number of years as may be prescribed commencing from the date of its expiry.

Every application for the renewal of the registration certificate shall be made in to reach the inspector not later than thirty days before the date of its expiry.

An application for the renewal of a registration certificate not later than thirty days after its expiry maybe entertained by the inspector on the applicant paying such penalty as may be prescribed, by the government from time to time

(5)

Penalty are: Application submitted on or after 2nd December but before 31st Dec:: 25% of the fees
Application submitted on or after 1st January: 50% of the fees

Leaves: Every employee who has served with 240 days or more during a continuous period of 12 months in any establishment shall be entitled during the subsequent period of twelve months , to leave with wages may be accumulated upto a maximum period of sixty days

Sick leaves : 12 days
Casual Leaves: 12days

Encashment of leaves: Every employee in any shop or establishment shall be entitled for encashment of leave with wages for a period of 8 days in a year

Weekly holidays in shops, restaurants and theatres: Every person employed otherwise than in a confidential capacity or in a position of management in any shop, restaurant or theatre shall be allowed in each week a holiday of one whole day:

Provided that nothing in this section shall apply to any person whose total period of employment in the week including any days spent on authorized leave is less than six days or entitle to an additional holiday a person employed in a shop who has been allowed a whole holiday on the day on which the shop has remained closed in pursuance of section 3.

Holiday: Every employee in any establishment shall be allowed in each week a holiday of one whole day.

Other Holidays : Every employee in any establishment shall also be entitled to Nine holidays in a year with wages on the days to be specified by the notification, from time to time .

Government which shall includes the 26th January(republic day), 1st May(may day), 15th August(Independence day), 2nd October (Gandhi Jayanthi), and 1st November(AP Formation day) and on every such holidays all the establishments , either with or without employees shall remain closed

Special provision for young person: No young person shall be required or allowed to work in any establishment before 6a.m and after 7p.m

Special Provision for women: No women employee shall be required or allowed to work in any establishment before 6.00am and after 8.00pm.

Maternity Leave: The periods of absence from duty in respect of which a woman employees in entitled to maternity benefit under section 25, shall be treated as authorized absence from the duty and the woman employee shall be entitled to maternity benefit, but not to any wages for any of those periods

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

a). Six weeks immediately preceding the day of delivery , and

b). Six weeks following the day of such maternity benefit and in such manner as may be prescribed.

(6)

Maintenance of registers and records and display of notices:

- 1). every employer shall maintain a register of employment in Form XXII
- 2). 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.
- 3). every employer shall maintain a register Form XXV for the leave granted to person employed.
- 4). The register records and notices relating to any calendar year shall be preserved for a period of three years after the last entry is made therein.
- 5). Every employer shall maintain a **visit book** in which an inspector visiting the establishment may recode his remarks regarding any defects that may come to light at the time of his visit or give directions regarding production of any documents required to be maintained or produced under the provisions of the act and the rules.

6) The visit book shall be a bound book more or less of size(18cms*15c.ms) containing 100 pages.

Minimum Wages rates: For Andhra Pradesh state

For Unskilled Employees Rs.2386/-p.m

For Semi-skilled Employees Rs. 3020/-p.m

For Skilled Employees Rs. 3654/- p.m

(7)

FORMS UNDER APSE ACT

**Government of Andhra Pradesh
LABOUR DEPARTMENT**

**Application for Registration
Of Establishment under
Section (1) & Rule (3)**

FORM - I

Vide Rule 3 A. P. Shops & Establishment Rule 1990

1. Classification of Establishment

1. Proprietary Firm

8. Manager/Agent if any with residential address Name _____
 Father's Name _____
 Designation _____
 Door No. _____
 Locality _____
 Village / Town. _____

9. Nature of Business :

10. Date of Commencement of business : Date Month Year

11. Name of family member of employees family engaged in Shop/Establishment

Relationship	Adults	Young Persons
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Male :

Female :

Total

12. Total No. of Employees	Adults	Young persons
Male		
Female		
Total		

Note : This statement shall be submitted to the Inspector of the concerned area accompanied by Challan in support of payment of fees as Prescribed Schedule 1.

(10)

Government of Andhra Pradesh

Labour Department

FORM – III

(See Rule 3 (4))

APPLICATION FOR RENEWAL

1. Name of the Shop/Establishment :
and address

2. Previous Registration Certificate :
No. & Date

3. Year for which renewal is required
along with
 - (i) Challan No. with date
 - (ii) Amount paid through the challan

4. Full Name of the Employer including
Father's name

5. Full Name of the Manager including
Father's Name

6. Change in the name of the Partners
if any

7. Change in the postal address and door
No. if any of Shop / Establishment

8. Total number of Employees :

I hereby declare that the above information is true to the best of my knowledge and belief.

Signature of the employer / Manager

(11)

Contact Address of Hyderabad : Commissioner of Labour
Hyderabad Division,
RTC X Roads
Hyderabad