

GOVERNMENT OF BIHAR.
LABOUR DEPARTMENT.

THE
BIHAR SHOPS AND ESTABLISHMENTS
RULES, 1955.



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LABOUR DEPARTMENT

NOTIFICATION.

The 15th January 1955.

No. IS6-105/55-L—764.—In exercise of the powers conferred by section 40 of the Bihar Shops and Establishments Act, 1953 (Bihar Act VIII of 1954), the Governor of Bihar is pleased to make the following rules, the same having been previously published as required by sub-section (4) of the said section, namely :—

THE BIHAR SHOPS AND ESTABLISHMENTS RULES, 1955.

CHAPTER I.

PRELIMINARY.

1. *Short title and commencement.*—These rules may be called the Bihar Shops and Establishments Rules, 1955.

2. *Definitions.*—In these Rules, unless there is anything repugnant in the subject or context—

- (a) “ Act ” means the Bihar Shops and Establishments Act, 1953 ;
- (b) “ Form ” means a form appended to these rules ;
- (c) “ Government ” means the Government of Bihar ;
- (d) “ section ” means a section of the Act ;
- (e) the expressions “ Labour Commissioner ” “ Assistant Commissioner of Labour ” and “ Superintendent of Labour ” mean persons appointed as such by the Government ;
and
- (f) words and expressions used in these rules and not defined shall have the meanings respectively assigned to them in the Act.

CHAPTER II.

REGISTRATION.

3. (1) Every employer shall, within thirty days of the application of these rules to his establishment, make an application in duplicate in Form I to the Inspecting Officer for registration of the establishment.
- Section 6.

(2) The application shall be signed by the employer and shall be accompanied by a chalan or crossed Indian Postal Order drawn in favour of the Chief Inspecting Officer in proof of the payment of the registration fee, as specified below :—

Scale of fees payable for the registration of an establishment.

Maximum number of employees to be employed on any one day during the year.	Amount of fees.
	Rs.
Up to 2	1
3 to 5	2
6 to 10	10
11 to 20	20
21 to 50	50
Above 50	100

(3) If on receipt of the application, the Inspecting Officer is satisfied about the correctness of the statements made in the application, he shall register the establishment in the Register of Establishments in Form II and issue a certificate of registration in Form III.

(4) (a) The Inspecting Officer shall assign to every establishment a registration mark and a number which shall be noted distinctly on the certificate of registration.

(b) The registration mark to be assigned to establishments in a district specified in the first column of the following table shall be as mentioned in the corresponding entries in the second column.

Table.

Name of district.	Registration mark.
1	2
Patna	PT
Gaya	GY
Shahabad	SB
Muzaffarpur	MZ
Saran	SR
Champanan	CH
Darbhanga	DR
Bhagalpur	BH
Monghyr	MG
Purnea	PN
Santhal Parganas	SP
Ranchi	RN
Hazaribagh	HZ
Palamau	PL
Singhbhum	SG
Manbhum	MN
Sabarsa	SH

(c) The registration mark shall precede the registration number.

(5) The Chief Inspecting Officer may, with the approval of the Labour Commissioner, issue necessary instructions to the Inspecting Officer for the proper maintenance of the Register of Establishments.

(6) Every employer shall display prominently the certificate of registration at the establishment.

(7) In the event of any doubt or difference of opinion between an employer and the Inspecting Officer, as to the liabilities of registration of the establishment and payment of the fees therefor, the Inspecting Officer shall refer the matter to the Chief Inspecting Officer whose decision shall be final.

4. *Amendment of registration certificate.*—(1) An employer shall notify to the Inspecting Officer in Form IV any change in respect of any particulars furnished in his application in Form I or any previous application in Form IV immediately preceding the present one, within seven days of the occurrence of the change.

(2) Every notice in Form IV shall be accompanied by the current registration certificate, and a treasury chalan or a crossed Indian Postal Order drawn in favour of the Chief Inspecting Officer, showing the payment of a fee of Re. 1 *plus* an amount, if any, by which the fee that should have been payable if the registration certificate had originally been issued in the amended form exceeds the fee originally paid for the registration certificate.

(3) On receipt of the notice in Form IV, accompanied by the registration certificate and the treasury chalan or the Indian Postal Order, the Inspecting Officer shall, on being satisfied about its correctness, make the necessary changes in the Register of Establishments, and amend the registration certificate.

5. *Transfer of registration certificate.*—(1) The registration certificate shall be non-transferable.

Section 6.

(2) If any employer transfers his establishment to any other person, he shall, within 14 days of such transfer, notify the fact of transfer with all the particulars required in Form I in respect of the transferee signed by himself and surrender the certificate of registration to the Inspecting Officer who, after satisfying himself about the correctness of the claim, issue a fresh certificate of registration in Form III to the transferee, and make an entry in the Register of Establishments accordingly.

(3) Every such notice shall be accompanied by a treasury chalan or a crossed Indian Postal Order drawn in favour of the Chief Inspecting Officer showing payment of fees according to the scales of fees for the registration of an establishment as prescribed in rule 3 or five rupees, whichever is less.

6. *Loss of registration certificate.*—Where a registration certificate is lost or destroyed, an application shall be made to the Inspecting Officer within seven days of such loss or destruction, for a duplicate copy which may be granted on payment of a fee of two rupees, either by crossed Indian Postal Order or by depositing the amount in the local treasury.

7. *Late applications for registration or amendment.*—If an application for registration of an establishment or for amendment of a registration certificate is not received by the Inspecting Officer within the time specified in the foregoing rules, the establishment shall be registered or the registration certificate shall be amended, as the case may be on payment of a fee which is 50 per cent in excess of the fee prescribed for the purpose.

8. *Penalty for making incorrect statement.*—If any statement made in Form I or in Form IV is found to be incorrect, the employer shall be punishable with fine which may extend to one hundred rupees.

9. *Permanent closure of establishment.*—(1) If any establishment is closed permanently, the employer shall, within seven days of such closure, notify the fact to the Inspecting Officer in Form V. The Inspecting Officer shall, on being satisfied about its correctness, remove such establishment from the Register of Establishments, cancel the registration certificate, and inform the employer accordingly.

Explanation.—An establishment will be treated to have been permanently closed for the purpose of this rule if it is closed for a period of six months or more from the date of closure.

(2) If the establishment is re-opened after its registration certificate has once been cancelled, the employer shall, within 15 days of such re-opening make an application to the Inspecting Officer in Form I for the registration of the establishment on payment of fees prescribed in rule 3, either through treasury or by crossed Indian Postal Order. The Inspecting Officer shall, on being satisfied about the correctness of the statement made in the application, register the establishment in the Register of Establishments and issue a registration certificate.

10. *Procedure on death or disability of the holder of registration certificate.*—If the holder of a registration certificate dies or becomes insolvent, the person carrying on the business of such certificate holder shall not be liable to any penalty under the Act for exercising the powers granted to the certificate holder by the registration certificate for a period of thirty days from the date of death or insolvency of the holder of the registration certificate to enable him to make an application for the amendment of the registration certificate in his own name and such amendment shall be subject to the fees prescribed in rule 4.

CHAPTER III.

WEEKLY CLOSURE, WEEKLY HOLIDAYS AND LEAVE WITH WAGES.

11. *Name of weekly closure.*—(1) The notice under sub-section (1) of section 12 shall be in Form VI.
Section 12(1).
- (2) A copy of every such notice shall be sent to the Inspecting Officer within two days after its display in the establishment.
12. *Notice of weekly holidays.*—Every employer shall exhibit in his establishment a notice in Form VII specifying the day or days of the week on which the employees shall be given a holiday. The notice shall be exhibited before the persons employed cease work on Saturday immediately preceding the week during which it will have effect.
Section 12(2).
13. *Notice of periods of work for employees.*—The notice for periods of work for employees shall be in Form VIII.
14. *Leave With Wages Register.*—(1) Every employer shall maintain Leave With Wages Register in Form IX.
- (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 Inspecting Officer on demand.
15. *Appeal against refusal of leave.*—(1) An appeal under sub-section (7) of section 16 shall be preferred, [Section 16(7).] within thirty days of the date on which the refusal of leave is communicated to the employee, before the Superintendent of Labour or the Subdivisional Magistrate of the local area concerned.
- (2) An appeal shall be preferred in the form of a memorandum in duplicate, setting forth concisely the grounds of objection to the order appealed from either by the aggrieved employee himself or through an officer of a registered trade union. The memorandum shall be accompanied by a certificate signed by the appellant to the effect that the contents of the memorandum are true to the knowledge and belief of the appellant and that no appeal under sub-section (7) of section 16 has been filed previously before any other authority.
- (3) The Superintendent of Labour or the Subdivisional Magistrate as the case may be, shall call upon the employer by a notice to appear before him either personally or through his agent at a specified time together with all relevant documents and witnesses, if any, and shall inform the appellant of the time so specified.

(4) If the employer or his agent fails to appear at the specified time, the authority may proceed to hear and determine the appeal *ex parte*.

(5) If the appellant fails to appear at the specified time, the authority may dismiss the appeal.

(6) The party aggrieved by the order made under sub-rule (4) or (5), may file an application within thirty days of the passing of the order to have the order set aside :

Provided that no such order shall be set aside unless the applicant shows sufficient cause for his non-appearance when the appeal was called on for hearing :

Provided further that no order shall be made under this sub-rule unless notice of the application has been served on the opposite party.

(7) Every such memorandum of appeal shall bear a court-fee stamp of Re. 1.

(8) The Superintendent of Labour or the Subdivisional Magistrate, as the case may be, shall record briefly the evidence adduced before him, hear the parties and then pass orders, giving reasons therefor. The orders so passed shall be final and binding on the parties. The order shall be communicated to the parties immediately.

(9) The compensation awarded under section 16 may be recovered—

(a) if the authority is a Magistrate, by the authority as if it were a fine imposed by him as Magistrate ; and

(b) if the authority is not a Magistrate, by any Magistrate, to whom the authority sends written requisition duly signed and sealed in this behalf, as if it were fine imposed by such Magistrate.

16. *Mode of computation of cash value of wages.*—The retail prices at the nearest market to be selected by Section 17(2). the Inspecting Officer, if there are more than one such markets, shall be taken into account in computing the cash equivalent of any benefit accruing by the sale of foodgrains and other articles at concessional rates. This computation shall be made in accordance with such directions as may be issued by the State Government from time to time.

CHAPTER IV.

WAGES, DISCHARGE OF AN EMPLOYEE.

17. *Register of wages.*—A register of wages and overtime payment shall be maintained by every employer in Form X.

18. *Deductions from wages.*—(1) No deduction except as provided hereinafter shall be made by an employer from Section 25. the wages of an employee—

- (a) fines ;
- (b) deductions for absence from duty ;
- (c) deductions for damage to or loss of goods expressly entrusted to the employee for custody or for loss of money for which he is required to account, where such damage or loss is directly attributable to his neglect or default ;
- (d) deductions for house accommodation supplied by the employer ;
- (e) deductions for such amenities and services as Government may, by general or special order, authorise ;

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

- (f) deductions for recovery of advances or for overpayments of wages ;
- (g) deductions of income-tax payable by the employee ;
- (h) deductions required to be made by order of a Court or other authority competent to make such order ;
- (i) deductions for subscription to and for repayment of advances from any provident fund to which the Provident Funds Act, 1925 (XIX of 1925), applies or any recognised fund as defined in section 58A of the Indian Income-tax Act, 1922 (XI of 1922), or any Provident Fund approved in this behalf by the State Government during the continuance of such approval ;
- (j) deductions for payment to co-operative societies approved by Government or to a scheme of Insurance approved by Government ;
- (k) deductions for revenue stamps required to be attached to pay receipts, where applicable ;

- (l) deductions for any savings scheme approved by Government with the written authority of the employee ; and
- (m) deductions on account of supply of cooked food or refreshments during the hours of employment in accordance with any scheme previously approved by the Chief Inspecting Officer.

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

(2) An employer desiring to impose a fine on any employee or to make a deduction for damage or loss caused to him shall explain to him personally and also in writing the act or omission or the damage or loss in respect of which the fine or deduction is proposed to be imposed or made and give him an opportunity to offer an explanation in the presence of another person. The amount of the said fine or deduction shall also be intimated to him in writing.

(3) The total amount of fine which may be imposed in any one wage period on any employee shall not exceed an amount equal to half-an-anna in the rupee of the wages payable to him in respect of that wage period.

(4) No fine shall be imposed on a child.

(5) All fines realised shall be expended only on such purposes beneficial to the persons employed in the establishment as are approved by the Chief Inspecting Officer.

(6) A deduction under clause (c) of sub-rule (1) shall not exceed the amount of damage or loss caused to the employer by the neglect or default of the employee.

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

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

(8) A deduction under clause (d) or clause (e) of sub-rule (1) shall not be made from the wages of an employee unless the house

accommodation, amenity or service has been accepted by him as a term of employment or otherwise and such deduction shall not exceed an amount equivalent to the value of the house accommodation, amenity or service supplied and in the case of a deduction under clause (e) shall be subject to such conditions as Government may, by notification in the Official Gazette, impose.

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

19. *Register of fines and deductions.*—The amount of fine realised and all deductions imposed on the wages of employees shall be recorded in a register in Form XI.

20. *Lists of acts which may be termed as misconduct.*—(1) The following acts shall each be treated as misconduct for the purposes of the proviso to Sections 26(1) and 40(2)(c) and sub-section (1) of section 26 :—

- (a) Wilful insubordination or disobedience, whether alone or in combination with others, to any lawful and reasonable order of a superior ;
- (b) wilful damage or loss of employers' property ;
- (c) taking or giving bribes or any illegal gratification ;
- (d) theft, fraud, or dishonesty in connection with the employers' business or property ;
- (e) habitual absence without leave or absence without leave for more than ten days ;
- (f) habitual breach of any law applicable to the establishment ;
- (g) habitual late attendance ;
- (h) riotous or disorderly behaviour during working hours at the establishment or any act subversive of discipline ;
- (i) habitual or gross negligence or neglect of work ;
- (j) striking work or inciting others to strike work in contravention of the provisions of any law or rule having the force of law.
- (k) breach of the provisions of the Standing Orders applicable to the establishment and certified under the Industrial Employment (Standing Orders) Act, 1946.

(2) No order of discharge on ground of misconduct shall be made unless the employee concerned is informed in writing of the

alleged misconduct and is given an opportunity to defend himself and explain the circumstances alleged against him.

21. *Appeals under sub-section (2) of section 26.*—(1) Any employee aggrieved by an order of discharge under section 26, may prefer an appeal before the Labour Commissioner or any other officer authorised in this behalf by a notification in the Official Gazette either himself or through an officer of a registered trade union, within thirty days from the date on which the order of his discharge is communicated to him in writing by his employer.

(2) The appeal shall be prepared in the form of a memorandum in duplicate, setting forth concisely the grounds of objection to the order appealed from. The memorandum shall be accompanied by an affidavit sworn before a Magistrate of the first class that the contents of the memorandum are true to the knowledge and belief of the petitioner.

(3) Every such memorandum shall bear a court-fee stamp of Rs. 5.

(4) The authority entertaining the appeal shall call upon the employer by a notice to appear before him either personally or through his agent at a specified time together with all relevant documents and witnesses, if any, and shall inform the appellant of the time as specified.

(5) If the employer or his agent fails to appear at the specified time, the authority may proceed to hear and determine the appeal *ex parte*.

(6) If the appellant fails to appear at the specified time, the authority may dismiss the appeal.

(7) An order passed under sub-rule (5) or sub-rule (6) may on good cause being shown, be set aside and the appeal reheard, within thirty days of the date of the order, notice being served on the opposite party of the date fixed for rehearing.

(8) The Labour Commissioner or the officer authorised in this behalf, as the case may be, shall record briefly the evidence adduced before him, shall hear the parties summarily and after making such further enquiry as he may consider necessary, pass orders giving reasons therefor. The orders, so passed, shall be final and binding on the parties. The orders shall be communicated to the parties immediately.

22. *Application under sub-section (1) of section 28.*—(1) An application under sub-section (1) of section 28 shall be made to a Subdivisional Magistrate or an Assistant Commissioner of Labour of the local area within six months from the date on which

the deduction from the wages was made or from the date on which the payment of wages was due to be made, as the case may be :

Provided that an application may be admitted after the period of six months if the applicant satisfies the authority that he had sufficient cause for not making the application within such period.

(2) An application under subsection (1) of section 28 by or on behalf of an employee shall be made in duplicate in Form XII, Form XIII or Form XIV, as the case may be, one copy of which shall bear the requisite court-fee as prescribed in rule 25. The application shall also be accompanied by a certificate signed by the applicant to the effect that the contents of the application are true to the knowledge and belief of the applicant, and that no such application for the same dues has been filed before any other authority.

(3) The authorisation to act on behalf of an employee or employees under section 28 shall be given by a certificate in Form XV and shall be presented to the authority hearing the application and shall form part of the record.

(4) Documents relevant to an application may be presented in person or sent by registered post to the authority at any time during such hours as may be fixed by the authority for this purpose.

(5) The authority shall at once endorse or cause to be endorsed on each document the date of the presentation or receipt, as the case may be.

(6) (i) The authority may refuse to entertain an application presented under sub-rule (1), if after giving the applicant an opportunity of being heard, the authority is satisfied, for reasons to be recorded in writing, that the applicant is not entitled to present an application or the application is barred by reason of the provisions in sub-rule (1) or the applicant shows no sufficient cause for making a direction under section 28.

(ii) The authority may refuse to entertain an application which is insufficiently stamped or is otherwise incomplete, and, if he so refuses, he shall return it with a note about the defects, the application suffers from. If the application is presented again after removing those defects, the date of representation shall be deemed to be the date of presentation for the purposes of the provisions in sub-rule (2).

(7) If the application is entertained, the authority shall call upon the employer by a notice in Form XVI to appear before him at a specified time together with all relevant documents and witnesses, if any, and shall inform the applicant of the time so specified.

(8) The authority shall briefly record the evidence adduced before him, shall hear the parties summarily and after making such further enquiry as he may consider necessary for a just and proper decision, shall pass orders recording in writing the direction which he may issue under sub-section (2) or sub-section (3) of section 28, as the case may be, giving the reasons therefor, and communicate the same to the parties without delay.

(9) If the employer or his authorised agent fails to appear at the specified time, the authority may proceed to hear and determine the application *ex parte*.

(10) If the applicant fails to appear at the specified time, the authority may dismiss the application.

(11) An order passed under sub-rule (9) or sub-rule (10) may, on good cause being shown, be set aside and the application reheard within thirty days of the date of the said order, notice being served on the opposite party of the date fixed for rehearing.

(12) The authority shall in all cases enter the particulars of every direction under sub-section (2) of section 28 in Form XVII which shall be signed and dated by him.

23. *Recovery of amount directed to be paid by authority.*—Any amount directed to be paid under section 28 may be recovered—
Sections 28(4) and 40(2)(f).

- (a) if the authority is a Magistrate, by the authority as if it were a fine imposed by him as Magistrate; and
- (b) if the authority is not a Magistrate, by any Magistrate, to whom the authority sends written requisition duly signed and sealed in this behalf, as if it were a fine imposed by such Magistrate.

24. *Appeal under sub-section (7) of section 28.*—(1) An appeal under sub-section (7) of section 28 shall be preferred, within thirty days of the date on which the direction was made, before the District Magistrate if the authority against whose direction the appeal is preferred is a Subdivisional Magistrate, and before the Labour Commissioner if the authority against whose direction the appeal is preferred is an Assistant Commissioner of Labour.
Sections 28(7) and 40(2)(g).

(2) An appeal shall be preferred in the form of a memorandum in duplicate, one copy of which shall bear the requisite court-fee stamps as prescribed in rule 25 setting forth concisely the grounds of appeal and accompanied by a certified copy of the direction against which the appeal is preferred.

(3) When an appeal is lodged, the Appellate Authority shall cause a notice to be issued to the respondent in Form XVIII through registered post with acknowledgment due.

(4) The Appellate Authority after hearing the parties and after making such further enquiry, if any, as it may deem necessary, may confirm, vary or set aside the direction from which the appeal is preferred, and shall record an order accordingly with reasons therefor. The orders so passed shall be communicated to the parties without delay.

25. *Fees*.—The court-fees payable in respect of proceedings under rule 22 and rule 24 shall be—

Section 28.

- (a) for every application to summon a witness—four annas in respect of each witness.
- (b) for every application made under sub-section (1) of section 28 by or on behalf of an individual person before the authority—eight annas ;
- (c) for every application made under sub-section (1) and sub-section (8) of section 28 by or on behalf of an unpaid group before the authority—four annas for each member of the group subject to the maximum of five rupees ;
- (d) for every appeal under sub-section (7) of section 28—five rupees :

Provided that the authority may, in consideration of the poverty of the applicant, reduce or remit this fee :

Provided further that no fee shall be chargeable in respect of an application presented by an Inspecting Officer.

CHAPTER V.

INSPECTING STAFF.

26. *Powers of Inspecting Officers*.—An Inspecting Officer shall, for the purpose of giving effect to the provisions Sections 30(1) and 40(2)(i) of the Act and these rules, have powers to do all or any of the following things, namely :—

- (a) To inspect and make such examination of the premises and of the registers, records and notices 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 passed by Government under the Act are being properly observed.

- (b) To prosecute, conduct and defend before a court any complaint or other proceeding arising under the Act or in discharge of his duties as Inspecting Officer.
- (c) To satisfy himself at each inspection that—
 - (i) the registers, records and notices required to be maintained or exhibited under the Act or these rules are properly maintained and exhibited ;
 - (ii) the intervals for rest and the holidays required to be granted under the Act are granted and that the limits of hours of work and spread over laid down under the Act are not exceeded ;
 - (iii) the provisions of the Act relating to the payment for overtime work are duly observed ;
 - (iv) no child below the age of twelve years is allowed to work in any establishment to which the Act applies ;
 - (v) the provisions of the Act and any order issued by the Government regarding the opening or closing hours are duly observed ; and
 - (vi) how far the defects pointed out at previous inspections have been removed and how far orders previously issued have been complied with ; and
- (d) to point out all such defects or irregularities as he may have observed and to give orders for their remedy or removal and hand over to the employer a summary of the defects or irregularities and of his orders.

27. *Records of inspection.*—The Inspecting Officer shall keep a separate file of the records of his inspection of each establishment.
 Sections 30(1) and 40(2)(m).

28. *Service of order passed by Inspecting Officer.*—Every order passed by the Inspecting Officer under the Act and these rules shall be served on the employer of an establishment—
 Sections 30(1) and 40(2)(m).

- (a) by delivering a copy of the same to him personally or at his office, or
- (b) by registered post.

29. *Inspection Book.*—Every employer shall maintain an Inspecting Officers' Visit and Inspection Book, in which Inspecting Officer may record his remarks regarding any defects that may come to light in the course of an inspection of the establishment, and shall produce it whenever required to do so by an Inspecting Officer.

Sections 30(1) and 40(2)(m).

30. *Hours of inspection.*—An Inspecting Officer shall ordinarily visit or inspect an establishment during the normal working hours, but, he may visit an establishment at any time if he has reasonable doubts that the employer is infringing the provisions of the Act or the rules beyond such hours.

Section 30(1)(a).

CHAPTER VI.

MISCELLANEOUS.

31. *Display of notices.*—Every employer shall exhibit in his establishment a notice containing such extract of the Act and these rules as the Inspecting Officer may direct.

32. *Manner in which notices should be exhibited.*—Any notice required to be exhibited under these rules shall be exhibited at the main entrance of the establishment and shall be renewed whenever it becomes defaced or otherwise ceases to be clearly legible.

33. *Entries in registers, records and notices.*—In any register or record which an employer is required to maintain under these rules, the entries relating to a day shall be made on such day and shall be signed and dated.

34. *Periods for which registers, records and notices should be preserved.*—Save as otherwise provided, the registers, records and notices relating to any calendar year shall be preserved till the end of the next calendar year.

35. *Suspension of operation of the Act.*—The operation of all or any of the provisions of the Act may be suspended by a notification in the Official Gazette up to a period of thirty days at a time in any area in respect of all establishments or any class of establishments on account of public holidays or occasions or for any other reason as the Government may determine :

Provided that the employees of the establishments or class of establishments so exempted shall be entitled in respect of the overtime to wages at the rate laid down in section 21.

36. *Drinking water.*—The employer shall make arrangement for the supply of adequate and wholesome drinking water for the employees. The area around the place where drinking water is distributed shall be kept clean and properly drained.

37. *Maintenance of records and registers.*—(1) Save as otherwise provided, all registers, records and notices required to be maintained, exhibited or given under these rules shall be either in English or in Hindi in Devanagri script or in the Court language of the area.

(2) All such registers and records shall be kept both at the office of the establishment and the place of business.

(3) If the Inspecting Officer is of the opinion that any muster roll or register maintained in an establishment gives in respect of any or all of the employees in that establishment, the particulars required in the Forms IX, X and XI, he may, by order in writing, direct that such muster roll or register shall to the corresponding effect be maintained in place of and be treated as the registers required to be maintained in Forms IX, X and XI of that establishment.

38. *Proof of age.*—An Inspecting Officer may require an employer to produce an authentic extract from the records of any school, village Panchayat or Municipality, or in the absence of such extract at least a certificate from a Registered Medical Practitioner showing the age of any person employed by such employer.

39. *Payment of fees.*—(1) The fees to be paid into the local treasury under these rules shall be deposited under the head of account “ XXXVI—Miscellaneous Departments—Miscellaneous Receipts under the Bihar Shops and Establishments Act, 1953 ”.

(2) No claim for any refund of the fees payable under these rules shall be entertained.

40. *Fees for copies of papers and documents.*—The authorities appointed under rules 15, 21, 22 and 24 may issue copies of papers and documents to the parties on payment of fees prescribed in the Bihar Records Manual, 1951, for supply of papers and documents in district offices.

41. *Legal Practitioners.*—No legal practitioner shall be allowed to appear in appeals under sections 16 and 26.

42. *Annual Returns.*—Every employer shall send to the Inspecting Officer an annual return for the calendar year giving such information in respect of employment, wages and other matters relating to working conditions of employees as may be required by the Chief Inspecting Officer so as to reach him on or before the 31st July of the succeeding year.

FORM I.

[Rule 3.]

APPLICATION FOR REGISTRATION.

1. Name of establishment
2. Type of establishment—(a) Shop, (b) Restaurant or Eating house, (c) Residential hotel, (d) Theatre or any other place of public amusement.
3. Full postal address of the establishment
4. Location of the establishment (including the number of the holding and name of the police-station in which it is situated).
5. Whether the establishment is registered under the Bihar Sales Tax Act, 1947, and, if so, the registration no. and date.
6. Maximum number of persons proposed to be employed on any day during the calendar year in which this application is filed—
 - (a) Adults (male and female) ..
 - (b) Young person (male and female)
 - (c) Children (male and female) ..
 - (d) Number of employees' family ..
7. Particulars of persons having interests in the establishment as employer [see section 2(5).]—

Serial no.	Name and parentage.	Designation	Permanent address.	Nature of interest.
1	2	3	4	5

8. Name, designation and permanent address of the employer (Manager, Agent or any other person) who is in the immediate charge of the general management or control of the establishment.
9. Amount of fee Rs..... (rupees.....) paid in Crossed Indian Postal Orders (no. enclosed)/..... Treasury on(vid Challan no..... enclosed

*Signature with designation of the Employer
(mentioned in serial 7).*

Date.....

FORM II.

[Rule 3.]

REGISTER OF ESTABLISHMENTS.

District.....

Serial no.	Name with full address of establishment (serials 1, 2, 3 and 4 of Form no. 1.)	Name/s of Employer/s.	Designation, if any, of employer/s.	Address of employer/s.	Type of business, trade or profession, carried on (serial 2).	Maximum no. of persons proposed to be employed (serial 6 of Form no. 1).	Sales Tax Registration no., if any, (serial 5 of Form 1).	Amount of fee deposited (give particulars of treasury challan or Postal Order as the case may be).	Registration no.	Signature of Inspecting Officer with date of registration	Remarks
1											
2											
3											
4											
5											
6											
7											
8											
9											
10											
11											
12											

FORM III.

[Rule 3.]

CERTIFICATE OF REGISTRATION.

- 1. Registration Mark and Number ..
- 2. Name of establishment
- 3. Full postal address of the establishment ..
- 4. Location of the establishment ..
- 5. Type of business, trade or profession carried on.
- 6. Name and designation of the Manager or Agent or any other person in the immediate charge or control of the establishment.
- 7. Name and designation of other persons having interest as employer in the establishment.
- 8. Maximum number of persons to be employed on any day.

This is to certify that the establishment, the particulars of which have been given above, has been registered under the Bihar Shops and Establishments Act, 1953, on the.....of....., 19

Seal of the Inspecting Officer.

Inspecting Officer
Under the Bihar Shops and Establishments
Act, 1953.
Place of registration.....

FORM IV.

[Rule 4.]

AMENDMENT OF CERTIFICATE OF REGISTRATION.

To

THE INSPECTING OFFICER
UNDER THE BIHAR SHOPS AND
ESTABLISHMENTS ACT, 1953.

SUBJECT.—Issue of fresh certificate of registration.

SIR,

THE following changes in respect of the information concerning my establishment (no. and date of registration.....), furnished in Form /Form 4, have taken place. Please issue a fresh certificate of registration.

I have deposited Rs.....(rupees.....)only in the..... Treasury (vide Challan no.....)/I am enclosing a Crossed Indian Postal Order no.....for Rs.....(rupees.....), (date.....enclosed).

Changes....

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

Yours faithfully,

Name of employer

Name of establishment

Address of establishment

FORM V.

[Rule 9(1).]

NOTICE OF CLOSURE.

To

THE INSPECTING OFFICER,
THE BIHAR SHOPS AND
ESTABLISHMENTS ACT, 1953.
.....DISTRICT.

SIR,

PLEASE note that my establishment, whose registration no. is.....
has been closed from.....

- Name of Establishment.....
- Address.....
- Reason for closure.....
- Probable period of closure.....
- Number of employees affected.....

Signature of employer,
Name and address of establishment.
Date.....

FORM VI.

[Rule 11(1).]

NOTICE OF WEEKLY CLOSURE.

- Name of establishment.....
- Address.....
- Registration no.....

Notice is hereby given that with effect from..... the above
est ablishment shall be closed on.....

Signature of employer.
Date.....

FORM VII.

[Rule 12.]

NOTICE OF HOLIDAY.

Name of establishment.....

Address.....

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

Serial no.	Names of employees.	Date on which holiday is allowed.
------------	---------------------	-----------------------------------

Signature of employer.

Date.....

FORM XII.

[Rule 22.]

FORM OF INDIVIDUAL APPLICATION.

In the Court of the Authority appointed under the Bihar Shops and Establishments Act, 1953,

for.....area.

Application no.....of 19 .

Between A B C.....—Applicant. .

[Through.....a legal practitioner/an official of..... (which is a registered trade union)]

and X Y Z.....—Opposite Party.

1. A B C is a person employed in theestablishment and resides at..... The address of the applicant for the service of all notices and processes is.....

2. X Y Z, the opposite party, is the person responsible for the payment of his wages under section 19 of the Act and his address for the service of all notices and processes is.....

3. (1) The applicants' wages have not been paid for the following wages periods (given dates), or a sum of Rs.....has been unlawfully deducted from his wages of..... :-

(Amount) for the wage period(s) which ended on [give date(s)].

(2) (Here give any further claim or explanation.)

4. The applicant estimates the value of relief sought by him at the sum of Rs.....

5. The applicant prays that a direction may be issued under sub-section (2) of section 28 for—

(a) payment of his delayed wages as estimated or such greater or lesser amount as the Authority may find or refund of the amount illegally deducted :

(b) compensation amounting to.....

The applicant certifies that the statement of facts contained in this application is to the best of his knowledge and belief accurate.

Signature or thumb impression of the employed person or legal practitioner or official of a registered trade union duly authorised.

FORM XIII.

[Rule 22.]

FORM OF GROUP APPLICATION.

In the Court of the Authority appointed under the Bihar Shops and Establishments Act, 1953,

forarea.

Application no.....of 19 .

Between A B C (state the number).....and others—Applicants

[Through.....a legal practitioner/an official of.....

(which is a registered Trade Union)]

and X Y Z.....—Opposite Party.

The applicants state as follows :—

1. The applicants whose names appear in the attached schedule are persons employed in the.....establishment. The addresses of the applicants for service of all notices and processes are

2. X Y Z, the opposite party, is the person responsible for the payment of wages under section 19 of the Act, and his address for the service of all notices and processes is.....

3. The applicants' wages have not been paid for the following wage period(s) :—

4. The applicants estimate the value of the relief sought by them at the sum of Rs.....

5. The applicants pray that a direction may be issued under sub-section (2) of section 28 for—

(a) payment of the applicants' delayed wages as estimated..or such greater or lesser amount as the Authoritymay find to be due;

(b) compensation amounting to.....

The applicants certify that the statement of facts contained in this application is to the best of their knowledge and belief accurate.

Signature or thumb impression of two of the applicants or legal practitioner or an official of a registered trade union duly authorised.

SCHEDULE.

Names of applicants.

- 1.
- 2.
- 3.
- 4.
- 5.

FORM XIV.

[Rule 22.]

FORM OF APPLICATION BY AN INSPECTING OFFICER OR PERSON
AUTHORISED TO ACT.

*In the Court of the Authority appointed under the Bihar Shops
and Establishments Act, 1953,*

for.....area.

Application no.....of 19 .

Between *A B C* (designation):....., an Inspector under
the Bihar Shops and Establishments Act, 1953 [or
a person authorised to act under sub-section (1) of
section 28]—*Applicant*

and *X Y Z*.....—*the Opposite Party.*

The applicant states as follows :—

1. *X Y Z*, the opposite party, is the person responsible under
the Act for the payment of wages to the following persons :—

- (1)
- (2)
- (3)

2. His address for the service of all notices and process is.....
.....

3. The wages of the said person(s) due in respect of the follow-
ing wages period(s) have not been paid/have been subjected to the
following illegal deductions :—

4. The applicant estimates the value of the relief sought for
the person(s) employed at the sum of Rs.....

5. The applicant prays that a direction may be issued under
sub-section (2) of section 28 for—

- a) payment of the delayed wages as estimated or such
greater or lesser amount as the Authority may find
to be due or refund of the amount illegally deducted ;
- (b) compensation amounting to.....

The applicant certifies that the statement of facts contained in
this application is to the best of his knowledge and belief accurate.

Signature.

FORM XV.

[Rule 22.]

CERTIFICATE OF AUTHORISATION.

I/We employed person(s) hereby authorise a legal practitioner/an official of....., which is a registered trade union to act on my/our behalf under section 28 of the Bihar Shops and Establishments Act, 1953, in respect of the claim against.....on account of the delay in payment of/illegal deduction from my/our wages for.....

Witnesses :—

Signature :—

(1)

(1)

(2)

(2)

(3)

(3)

(4)

(4)

I accept the authorisation.

Signature.

Legal Practitioner/Official of a registered trade union.

FORM XVI.

[Rule 22.]

NOTICE FOR THE DISPOSAL OF APPLICATION.

To

Whereas under the Bihar Shops and Establishments Act, 1953, a claim against you has been presented to me in the application of which a copy is enclosed, you are hereby called upon to appear before me either in person or by any person duly instructed and able to answer all material questions relating to the application or who shall be accompanied by some person able to answer all such questions on the.....day of.....19 at..... o'clock in the forenoon/afternoon to answer the claim and as the day fixed for your appearance is appointed for the final disposal of the application, you must be prepared to produce on that day all the witnesses upon whose evidence and the documents upon which you intend to rely in support of your defence.

Take notice, that in default of your appearance on the day before mentioned, the application will be heard and determined in your absence.

Given under my hand and seal, this day of.....19 .

Authority.

FORM XVII.

[Rule 22.]

RECORD OF DIRECTION.

- (1) Serial number
- (2) Date of the application ..
- (3) Name or names, parentage, address or addresses of the applicants or some or all of the applicants belonging to the same unpaid group.
- (4) Name and address of the employer.
- (5) Amount claimed—
 - (a) As delayed wages Rs.
 - (b) As deducted from wages Rs.
- (6) Plea of the employer and his examination (if any).
- (7) Finding, and, in the case of a direction under section 28, a brief statement of the reasons therefor.
- (8) Amount awarded—
 - (a) Delayed wages Rs.
 - (b) Deducted wages Rs.
- (9) Compensation awarded Rs.
- (10) Penalty imposed Rs.

Signed

Dated.....

NOTE.—In case of appeal, attach on a separate sheet the substance of the evidence.

FORM XVIII.

[Rule 24.]

NOTICE TO RESPONDENT OF THE DAY FIXED FOR HEARING OF THE APPEAL UNDER SECTION 28(7) OF THE SHOPS AND ESTABLISHMENTS ACT, 1953.

Appeal from the decision of the Authority for the.....area, dated the.....day of.....19 .

To

Respondent.

Take notice that an appeal of which a copy is enclosed from the decision of the Authority for.....area has been presented by.....(and others) and registered in this court and that the.....day of.....19 has been fixed by the court for the hearing of this appeal.

If no appearance is made on your behalf by yourself or by some one by law authorised to act for you in this appeal, it will be heard and decided in your absence.

Given under my hand and the seal of the Court, this.....day of.....19 .

Seal of the Court.

Appellate Authority.

By order of the Governor of Bihar,

B. P. SINGH, Secy.