

CHANDIGARH ADMINISTRATION
LABOUR DEPARTMENT

Notification

The 25th June, 2024

Memo No. 12/2/149-HII(2)/2024/9789.—In exercise of the powers conferred by Section 28 of the Punjab Shops and Commercial Establishments Act, 1958 (Punjab Act No. 15 of 1958) as applicable to the Union Territory, Chandigarh and all other powers enabling him in this behalf, the Administrator, Union Territory, Chandigarh is pleased to exempt all shops and commercial establishments registered under this Act in the Union Territory, Chandigarh from the operation of provisions of Section 9, Sub-Section-(1) of Section 10 and section 30 of the said Act subject to the following conditions :-

1. That the order of exemption shall come into force from the date of its publication in official Gazette and will remain applicable, unless it is revoked.
2. That all the Shops and Commercial Establishments registered under this Act in the Union Territory, Chandigarh are permitted to keep open on all 365 days and operate 24 hours.
3. The Shops and Commercial Establishments shall be responsible for compliance of provisions of the Punjab Shops and Commercial Establishment Act, 1958 (as applicable to UT of Chandigarh).
4. This exemption shall remain in operation with regard to Section 9, 10(1) and 30 from the date of notification in official Gazette of Chandigarh Administration for 01 year.
5. Every employee working in the said shops and establishments shall be given one day rest in a week without making any deduction from his/her wages on account thereof and list of the time table of such holidays for a month shall be placed on the notice board in advance.
6. Every employee shall be given a rest period of at least half an hour after 5 hours of continuous work.
7. No employee shall be required to work for more than 9 hours in day or 48 hours in a week.
8. If any shop or establishment remains open after 10.00 pm on any day, adequate safety and security arrangements shall be ensured for all employees and visitors by the management.
9. That the female employees shall be provided separate locker, security and rest rooms at the work place.
10. The female employees will not be allowed to work after 8.00 P.M. and in case the female employees are allowed to work after 08.00 P.M, their written consent in this regard shall be taken and adequate safety and security arrangements of female employees shall be made during working hours. It shall also be ensured that such female employees reach their homes safely after their work is over.
11. Following conditions shall be ensured by employer/management in case of female employees :-
 - i) The employer/management will ensure protection for women from Sexual Harassment at work place in terms of the direction of the Hon'ble Supreme Court in the case of Vishaka & Others Vs. State of Rajasthan vide judgment dated 13.08.1997 (AIR 1997 Supreme Court- 3011).

- ii) The management will provide adequate security and proper transport facility to the women workers including women employees of contractors during the evening/night shifts.
 - iii) In case the management is not directly providing transport facility or security to the employees recruited by it and proposes to provide the transport facility or security through service providers then the Management shall execute the Security and Transport Facility contract with a registered/Licensed Security Agency which is complying with all the legal formalities.
 - iv) The Management will ensure that women employees will board the vehicle in the presence of security guard on duty.
 - v) The Management will ensure that the Security In-charge/Management have maintained the Boarding Register or computerized record consisting of the Date, Name of the Model & Manufacturer of the Vehicle, Vehicle Registration No., Name of the Driver, Address of the Driver, Phone/Contact No. of the Driver and Time of Pickup of women employees from the residence to establishment and vice versa.
 - vi) The Management will ensure that the Attendance Register of the security guard is maintained by the security in-charge/management.
 - vii) The Management will also ensure that the transport vehicle in-charge/security in-charge/management maintains a movement register.
 - viii) No employer of any shop or establishment shall knowingly employ a woman and no women shall be engaged in the employment in any establishment during six weeks following the day of her confinement or miscarriage.
 - ix) The Management will ensure that the vehicle does not have black or tinted glasses and also ensure that there are no curtains in the vehicle and occupants of vehicle are clearly visible from all sides.
 - x) The Management will ensure that emergency call nos. are prominently displayed inside the vehicle. The Management will also ensure that the driver will not pick up any women employee first for work place and will not drop her last at home/her accommodation.
 - xi) The Management will ensure that the driver leaves the dropping point only after the women employee enters into her accommodation.
 - xii) The Management will ensure that there is an annual self-defence workshop/training for women employees.
 - xiii) In the night shift, minimum of five women employees shall be employed.
 - xiv) The Manager of such shops and establishments will be required to abide by the provisions of Sexual Harassment of Women at Work place (Prevention, Prohibition and Redressal) Act, 2013 as amended from time to time.
 - xv) Such other conditions as may be specified in this regard by the labour Department from time to time.
12. The provisions of the Child and Adolescent Labour (Prohibition and Regulation) Act, 1986, as amended from time to time, shall be implemented in the establishment.
 13. The employees shall be provided all the facilities mentioned in the relevant Labour Laws.
 14. The spread over of an employee shall not exceed 10 hours in a day inclusive of interval for rest.
 15. Employee shall be given national and festival holidays with wages.

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16. The wages including overtime wages of the employees shall be credited to their saving bank accounts. It is also provided that :-
 - i) The total number of overtime hours worked by an employee does not exceed fifty within a period of (anyone quarter); and
 - ii) The person employed overtime shall be paid remuneration at twice the rate of his normal wages calculated by the hour.
 17. In addition to these terms and conditions all the provisions of Act and other relevant laws shall be applicable to such shops and establishments.
 18. The Management will be responsible to maintain all records pertaining to workers as described under the Act,
 19. The CCTV Camera with minimum 15 days recording backup shall be installed on the Shop/Commercial Establishment premises for the safety purpose.
 20. An Emergency Alarm provision to counter any emergent situation will be made.
 21. Any other conditions as may be specified in this regard by the Labour Department, U.T., Chandigarh from time to time.
 22. In case of violation of any of the above terms and conditions, or any other provision of the Act, the exemption shall be cancelled after giving a due opportunity of being heard by the Competent Authority.

Note: Based on the situation, the directions given under the Disaster Management Act, 2005, Epidemic Diseases Act, 1897 and Bharatiya Nagarik Suraksha Sanhita, 2023 shall override the Punjab Shops and Commercial Establishments Act, 1958.

Chandigarh :
Dated the 25th June, 2024.

Administrator,
Union Territory, Chandigarh.