

KERALA SHOPS AND COMMERCIAL ESTABLISHMENTS ACT

R...ment KERALA GAZETTE oauoo.0 EXTRAORDINARY BY AIJTH0Rrrr mruvananthapuram, • •vol. xxxviii Erida y, ö23rd July 1993 1993 23 755 Sravana 1915 m aua 1915 1 . GOVERNMENT or KERALA Labour and (E) Depaktment- ,fOfriFICATIO S G.O. (Ms) \$0.-49/93/LBR. Dated, Thiruvananthapuram, 19th 1993. S.R;O. No. 1156/93.—In exerciée of the powers Concei•red by Section 33 bf the- Kerala • Shops aud Commercial. Estabiis}umnts Act, 1960 (34 of 1960), the Governlirent eof •Reralw hereby authorise the Labour • Commissioner, Kerala, to exercise the povers.yested in them-under sub-section (2) of section IO of the •said Ad: By order of-the Governoi, KRISHNAMURTH±, Commissioner and Secretary ti Govcmment. 33/2942 93/Ma. Explanatory Note (This docs,not form part of tile-notification, but is intended to indicate its gencrål purport,) Sub-section (2) of seCtion IO of the Kerdlå Shops and Commercial blishments Act, 1960 confers power on the Government to •fix the ofrening and closing hours ofshops and commercial establiShments in the State. Govern- ment have decided to delegate this power to the - Labour Commissioner in exercise of the powers conferred under section 33 of the said-Act according to which government can authorise any officer or authority subordinate to it to exercise. any power conferred on" the Government \tnder the Act'. This * notification is intended to ach;eve the above object. AND PUBLISHED ny THE S, C. p. AT THIRUVANANTHAPVRAM, TEE EGOVERNMENT PRESS, , 1993 Cdb(02 Government of Kerala 2015 Regn. No. KERBIL/2012/45073 dated 5-9-2012 with RNI Reg. No. (D(DOÖ KERALA GAZE'T'TE EX'TRAORDINARY PUBLISHED BY AUTHORITY OIOQJSo 4 Vol. IV 013090 Thiruvananthapuram, Thursday 2015 1 1st January 2015 1190 17 17th Dhanu 1190 1936 11 I lth Pousha 1936 mml(i No. 3 GOVERNMENT- OF KERALA Law (Legislation-C) Department NOTIFICATION No. 11534/Lcg. C2/2014/Law. 1st Januav, 2015 Dated, Thiruvananthapuram, 17th Dhanu, 1190/ 11th Pousha, 1936. The following Act of the Kerala State Lcgislature is hereby published for general information. "The Bill as passed by the L,egislative Assembly received the assent of the Governor on the 31st day of Dcccmber, 2014. By order of the Govemor, C REMANI, Special Secretary (Law). PRINT'F.I) ANI) PUBLISHED BY THE SUPERINTENDENT' OF GOVERNMENT PRESSES A i 'THE GOVERNMF.N'V C.EN'TRAI. PRESS. •THIRUVANAN'THAPURAM. 2015. 33/03/2015/S-II 2 ACT 3 OF 2015 KERAM SHOPS AND COMMERCIAL ESTABLISIMENTS (AMENDMENT) ACT, 2014 An Act further Io amend the Kerala Shops and Commercial Establishments Act, FreaF1ble.—WHEREAS, it is expcdicnt further to amend the Kerala Shops and Co:nr..excial Establishments Act, 1960, for the purposes hercinafter appearing; BE it enacted in the Sixty-fifth Year of the Republic of India as follows: 1. Short title and commencement. (1) This Act ruay be called the Kerala Shops and Commercial Establishments (Amendment) ot, 2014. (2) Sections 2 to 4, clauses (1) to (3) section 5 and clause (1) of section 6 of this Act shall bc deemed to have come into force on the 29th day of August, 2014 and clause (4) of section 5 and clause (2) of section 6 shall come into force at once

2. Amendment of section 2.—In section 2 of the Kerala Shops and Commercial Establishments Act, 1960 (34 of 1960) (hereinafter rcfcrred to as the principal Act), (1) after clause (1), the following clause shall be insertcd, namely: "(IA) "big establiShment" means a shop or commercial establishment which employs twenty or more employees.". (2) for clause (8), the following clause shall be substituted, namely: "establishment" means a shop or commercial establishment "(8) which may be a small establishment, a medium establishment or a big establishment.' . (3) after clause (10), the following clause shall bc insertcd, namely: "(IOA) "medium establishment" means a shop or commercial establishment which employs six or more, but less than twenty employees.' . 3 (4) after clause (15), the following clause shall be inserted, namely: "(15A) "small establishment" means a shop or commercial establiShment which employs no employce or not more. than five employees.'

3. Insertion of Chapter IB.—After Chapter IA of the principal Act, the following Chapter shall be inserted, namely: "CHARIER 1B CONDITIONS FOR ENGAGNG FMPLOYEES 51). Issue of appointment letter.—livery employer of a medium or a big establishment shall issue an appointment lctter, in such manner as may be prescribcd, to the employccs at the time of appointment. 5E. Prohibition Q/ retaining education certificate or experience certificate.---• No educational certificac or experience certificate in original received from an employcc shall bc ret?ined by the employer of any establishment at the time of appointment or during the course of employment. 5F. Issue of service certificate. —Evcry

employer shall provide service certificate to the employee engaged by him, in such manner as may be prescribed, at the time of resignation or retrenchment or superannuation of the employee or while applying for another job."

4. Insertion of section 21A. In Chapter VI of the principal Act, after section 21, the following section shall be inserted, namely: "21 A. Hostel facilities.—Every employer of a big establishment employing more than fifty employees shall provide hostel facilities to such employees, in such manner as may be prescribed."

5. Amendment of section 29. In Chapter VIII of the principal Act, in section 29, (1) in sub-section (1), (i) in clause (a), for the words "two hundred and fifty rupees" the words "five thousand rupees" shall be substituted; (ii) in clause (b) for the words "ten rupees" the words "two hundred and fifty rupees" shall be substituted. (2) in sub-section (1A), (a) before the figure "6" the figures and letters, "5D, 5E, 5F" shall be inserted; (b) after the figure "21" the figure and letter "21 A" shall be inserted; (c) for the words "two hundred and fifty rupees" the words "five thousand rupees" shall be substituted; (d) for the words "five hundred rupees" the words "ten thousand rupees" shall be substituted. (3) in sub-section (2), for the words "fifty rupees" the words "two thousand and five hundred rupees" shall be substituted. (4) in sub-section (4), for the words "Magistrate of a Second class" the words "Magistrate of the First class" shall be substituted

6. Amendment of section 34. In section 34, (1) in sub-section (2) after the word "health", the words "hygiene and sanitation", shall be inserted; (2) in sub-section (3), for the words "fifty rupees" the words "five thousand rupees" shall be substituted

7. Repeal and Saving.—(1) The Kerala Shops and Commercial Establishments (Amendment) Ordinance, 2014 (20 of 2014) is hereby repealed. (2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act, as amended by this Act. Government of Kerala 2018 Regn. No. KERBIW2012/45073 dated 5-9-2012 with RNI Reg. No. (DOOÖ KERALA GAZETTE EXTRAORDINARY PUBLISHED BY AUTHORITY 2018 21 21st December 2018 vol. VII Illiruvanthapuram!, 1194 6 6th Dhanu 1194 No. 3226 Friday 1940 30 30th Aghrayana 1940 GOVERNMENT OF KERALA Law (Legislation-C) Department NOTIFICATION 21st December, 2018 No. 15354/Leg.C2/2018/law. Dated, Thiruvananthapuram, 6th Dhanu, 1194 30th Aghrayana, 1940. The following Act of the Kerala State Legislature is hereby published for general information. The Bill as passed by the Legislative Assembly received the assent of the Governor on the 21st day of December, 2018. By order of the Governor, B. G HARINDRANATH, Law Secretary. PRINTED AND PUBLISHED BY THE SUPERINTENDENT OF GOVERNMENT PRESSES AT THE GOVERNMENT CENTRAL PRESS. THIRUVANANTHAPURAM. 2018. 3314754120181S-16. 2 ACT 34 OF 2018 THE KERALA SHOPS AND COMMERCIAL ESTABLISHMENTS (AMENDMENT) ACT, 2018 An Act further to amend the Kerala Shops and Commercial Establishments Act, 1960. Preamble.—WHEREAS, it is expedient further to amend the Kerala Shops and Commercial Establishments Act, 1960 (34 of 1960) for the purposes hereinafter appearing; BE it enacted in the Sixty-ninth Year of the Republic of India. as follows:— 1. Short title and This Act may be called the Kerala Shops and Commercial Establishments (Amendment) Act, 2018. (2) It shall be deemed to have come into force on the 4th day of October, 2018

2. Amendment of section 2.—In the Kerala Shops and Commercial Establishments Act, 1960 (34 of 1960) (hereinafter referred to as the principal Act), for clause (6) of section 2, the following clause shall be substituted, namely:— "(6) "employee" means a person wholly or principally employed in, and in connection with any establishment and includes •an apprentice or any class of persons as the Government may, by notification in the Gazette, declare to be an employee for the purposes of this Act;" 3. Substitution of new section for section 11.—For section 11 Of the principal Act, the following section shall be substituted, namely:— 3 "11. Grant of weekly Every person employed in a shop or a commercial establishment shall be allowed in each week a holiday of one whole day: Provided that nothing in this sub-section shall apply to any person whose total period of employment in the week including any day spent on authorised leave, is less than six days. (2) No deduction shall be made from the wages of any employee in an establishment on account of any day on which a holiday has been allowed in accordance with this

section and if such person is employed on the basis that he would not ordinarily receive wages for such day, he shall nonetheless be paid for such day the wages he would have drawn had the holiday not been allowed on that day." 4. Amendment of section 20.—In section 20 of the principal Act,— (i) for the figure and letters "7 P. M." the figure and letters "9 P. M." shall be substituted; (ii) the following proviso shall be added, namely:— "Provided that an employer may employ women employees between 9 P. M. and 6 A. M., after obtaining the consent of such women employees and ensuring that no female employee is employed between those hours other than in groups consisting of at least five employees having a minimum of two female employees and adequate protection of their dignity, honour and safety, protection from sexual harassment and facility for transportation from the shop or establishment to the doorstep of their residence."

5. Insertion new section 21B.—After section 2 IA Of the principal Act. the following section• shall be inserted, namely:— "21B. Seating facilities.—In every shop and establishment suitable arrangements for sitting shall be provided for all employees so as to avoid •on their toes' situation throughout the duty time, so that they may take advantage of any opportunity to sit which may occur in the course of their work. 4 6. Amendment of section 29.—In section 29 of the principal Act,— (I) in sub-section (IA),— (a) after the figure and letter "2 IA", the figure and letter "21B" shall be inserted; (b) for the words "five thousand rupees", the words "one lakh rupees" shall be substituted; (c) for the words "ten thousand rupees", the words "two lakh rupees" shall be substituted; (2) after sub-section (IA), the following proviso shall be inserted, namely:— "Provided that the amount of fine for contravention of any of the provisions shall not exceed two thousand and five hundred rupees per employee employed.". (3) for sub-section (2) the following sub-section shall be substituted, namely:— "(2) Whoever contravenes any of the provision of sections 7, 19, 20, 28 and 30 shall, on conviction, be punishable with fine which*may extend to fifty thousand rupees: Provided that the amount of fine for contravention of any of the provisions shall not exceed two thousand rupees per employee employed.". (4) after sub-section (2), the following sub-section shall be inserted, namely:— "(2A) Whoever, wilfully obstructs an Inspector in exercising all or any of the powers conferred upon him by or under this Act or the rules made thereunder or refuses or wilfully neglects to afford the Inspector any reasonable facility for making any inspection, examination, enquiry or investigation authorised by or under this Act or the rules made thereunder, in relation to a shop or establishment shall be punishable with fine which may extend to one lakh rupees.". 5 (5) after sub-section (4) the following sub-section shall be inserted, namely:— "(5) Notwithstanding anything contained in sub-section (2) of section 29 of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974) a Judicial Magistrate of the First Class shall be empowered to impose a fine which may extend to two lakh rupees for the offences punishable under this Act."

7. Amendment section 30.—The following provisos shall be added, to section 30 of the principal Act, namely:— "Provided that the registers and records may be maintained electronically in such form and manner, as may be prescribed: Provided further that at the time of inspection, a hardcopy of such registers and records, if demanded, shall be submitted to the Inspector duly signed by the employer."

8. Repeal and The Kerala Shops and Commercial Establishments (Amendment) Ordinance, 2018 (50 of 2018) is hereby repealed.(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act, as amended by this Act. 3314754120181S-16.