

# THE KERALA SHOPS AND COMMERCIAL ESTABLISHMENTS (AMENDMENT) BILL, 2002

## A BILL

further to amend the Kerala Shops and Commercial Establishments Act, 1960.

*Preamble.* - **WHEREAS**, it is expedient to amend the Kerala Shops and Commercial Establishments Act, 1960 for the purposes hereinafter appearing;

**BE** it enacted in Fifty-third Year of Republic of India as follows: -

1. **Short title and commencement.** – (1) This Act may be called the Kerala Shops and Commercial Establishments (Amendment) Act, 2002.

(2) It shall come into force at once.

2 **Amendment of section 2.** - In the Kerala Shops and Commercial Establishments Act, 1960 (34 of 1960) (hereinafter referred to as the Principal Act, in sub-clause (6) of section 2, after the word 'apprentice' the words "who have completed two years training" shall be added to the end.

3. **Amendment of section 5A.** - In section 5A of the principal Act, for sub-section (5) the following sub-section shall be substituted, namely: -

"(5) A registration certificate granted under this Act shall be valid for a period of three years and may be renewed once in three years."

4. **Amendment of section 18.** – In sub-section (1) of section 18 of the Principal Act, for the words "six months" the words "one year" shall be substituted.

5. **Amendment of section 20.** - In section 20 of the principal Act, for the words "in any establishment" the words "in any establishment notified by the Government in this behalf" shall be substituted.

### STATEMENT OF OBJECTS AND REASONS

In the Kerala Shops and Commercial Establishment Act, 1960, apprentice persons are also included in the definition of employee. An apprentice under the Act means a persons aged not less than twelve years whom an employer employs in his service for training by himself or for any other persons for any trade or calling. All

these persons need not be included in the definition of employees. Now it is proposed that apprentices who have completed two years training alone be included in the definition of employee. At present the registration certificate granted under section 5 (5) of the Act for running an establishment shall be valid for one year only and it can be renewed from year to year. For administrative convenience it is proposed to grant the registration certificate for three years with power to renew once in three years.

Sub-section (1) of section 18 of the Act provides for giving one-month notice for dismissal of an employee who has worked not less than six months. It is proposed to enhance the period from six months to one year. Section 20 of the Act prohibits the employment of women and person below seventeen years during night in all establishments. In hospital, IT and other like establishments it is necessary to engage women during night also. Therefore it is necessary to confine the prohibition only in certain notified establishments.

The Bill seeks to achieve the above objects.

### **FINANCIAL MEMORANDUM**

The Bill if enacted and brought in to operation would not involve any additional expenditure from the Consolidated Fund of the State.

### **MEMORANDUM REGARDING DELEGATED LEGISLATION**

Clause 5 of the Bill proposed incorporate section 20 of the Act empowers the Government to notify the establishment where prohibition of employment of women and persons below seventeen years during night is to be insisted. The notification proposed to be issued of an administrative nature. Delegation of legislation is therefore of normal character. Further notification so issued will be subject to the scrutiny by the subordinate legislative committee of the Assembly.