



KARNATAKA LEGISLATIVE ASSEMBLY
FIFTEENTH LEGISLATIVE ASSEMBLY
SIXTH SESSION

**THE KARNATAKA SHOPS AND COMMERCIAL ESTABLISHMENTS
(AMENDMENT) BILL, 2020
(LA Bill No. 08 of 2020)**

A Bill further to amend the Karnataka Shops and Commercial Establishments Act, 1961.

Whereas, it is expedient further to amend the Karnataka Shops and Commercial Establishments Act, 1961 (Karnataka Act 08 of 1962) purposes herein after appearing;

Be it enacted by the Karnataka State Legislature in the seventy first year of the Republic of India, as follows:-

1. Short title and commencement.-(1) This Act may be called the Karnataka Shops and Commercial Establishments (Amendment) Act, 2020.

(2) It shall come into force at once.

2. Substitution of section 25.- For section 25 of the Karnataka Shops and Commercial Establishments Act, 1961 (Karnataka Act 08 of 1962), the following shall be substituted, namely:-

"25. Regulation of employment of women during night.- (1)A woman employee who is so willing may be allowed to work in a shop or commercial establishment during night subject to the following conditions, namely:-

- (a) The regulation stipulated under sections 7, 8, 9, 10 and 12 of the Act shall continue to apply to the women employee working during night shift;
- (b) Willingness of women employees shall be obtained in writing;
- (c) The establishment shall provide transport facilities from the residence of the woman employee to the workplace and back free of cost and with adequate security. Such transport facility shall have GPS for tracking and monitoring;

- (d) Employment of women employee shall be on rotation basis;
- (e) Adequate number of security guards shall be posted during night shift;
- (f) Sufficient rest rooms, electricity, latrines lockers, dispensary facility and washing facilities with adequate water supply shall be provided separately for women employees so as to secure privacy;
- (g) The establishment shall bear the cost of crèche obtained by the women employees from voluntary or other organisations;
- (h) The establishment shall obtain Bio-data of each driver and conduct pre-employment screening of the antecedents of all drivers employed on their own. As regards the driver employed through outsourcing, the company shall ensure to its satisfaction that the collection of Bio-data and conduct pre-employment screening of the antecedents of the drivers is carried out by the service provider;
- (i) The Schedule of route of pick-up and drop shall be decided by the supervisory office of the company only. In case of exigencies, change of drivers/ routes/shifts shall be allowed only with the prior knowledge of supervisory officers/employees;
- (j) The telephone number, particularly mobile phone numbers email ID and address of the women employees shall not be disclosed to unauthorised persons;
- (k) Careful selection of routes shall be made in such a way that no women employees shall be picked up first and dropped last;
- (l) The company shall provide security guards at work place and night shift vehicles when women employees are being picked up first or dropped last;
- (m) The designated supervisors of the company or service provider shall randomly check the vehicles on various routes as for as possible;
- (n) The establishment shall have a control room/travel desk for monitoring movement of vehicles;

- (o) An App in mobile may be developed and adopted by the establishment through which the women employee can contact the concerned at the time of emergency by giving signal;and
- (p) Any other condition as may be prescribed.

(2) If any establishment fails to comply with the above conditions, it shall lead to cancellation of the Registration Certificate.”

STATEMENT OF OBJECTS AND REASONS

It is considered necessary to amend the Karnataka Shops and Commercial Establishments Act, 1961 (Karnataka Act 08 of 1962) to allow women employees to work in a shops and establishments during night shift.

Hence, the Bill.

FINANCIAL MEMORANDUM

There is no extra expenditure involved in the proposed legislative measure.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 2:	Item (p) of sub-clause (1), empowers the State Government to make rules regarding any other condition subject to which a woman employee may be allowed to work in a shop or commercial establishment during night.
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The proposed delegation of legislative power is normal in character.

Arabail Hebbar Shivaram

Minister for Labour
and Sugar

M.K. Vishalakshi

Secretary (I/c)
Karnataka Legislative Assembly

ANNEXURE

**Extract from the Karnataka Shops and Commercial Establishments Act, 1961
(Karnataka Act 08 of 1962)**

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25. Prohibition of employment of women and young persons during night.-No woman, or a young person shall be required or allowed to work whether as an employee or otherwise in any establishment during night:

Provided that the State Government may, by notification exempt any establishment of Information Technology or Information Technology enabled service from the provisions of this section relating to employment of women during night subject to the condition that the establishment provides facilities of transportation and security to such women employees and subject to any other condition as may be specified in the notification.

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