

THE KERALA SHOPS AND COMMERCIAL ESTABLISHMENTS  
(AMENDMENT) BILL, 2014  
(As passed by the Assembly)

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*BILL*

*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, for the purposes hereinafter appearing;

BE it enacted in the Sixty-fifth Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Kerala Shops and Commercial Establishments (Amendment) Act, 2014.

(2) Sections 2 to 4, clauses (1) to (3) of section 5 and clause (1) of section 6 of this Act shall be 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 referred to as the principal Act),—

(1) after clause (1), the following clause shall be inserted, namely:—

“(1A) “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:—

“(8) “establishment” means a shop or commercial establishment which may be a small establishment, a medium establishment or a big establishment.”.

(3) after clause (10), the following clause shall be inserted, namely:—

“(10A) “medium establishment” means a shop or commercial establishment which employs six or more, but less than twenty employees.”.

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(4) after clause (15), the following clause shall be inserted, namely:—

“(15A) “small establishment” means a shop or commercial establishment which employs no employee or not more than five employees.”.

3. *Insertion of Chapter 1B.*—After Chapter 1A of the principal Act, the following Chapter shall be inserted, namely:—

“CHAPTER 1B

CONDITIONS FOR ENGAGING EMPLOYEES

*5D. Issue of appointment letter.*—Every employer of a medium or a big establishment shall issue an appointment letter, in such manner as may be prescribed, to the employees at the time of appointment.

*5E. Prohibition of retaining education certificate or experience certificate.*—No educational certificate or experience certificate in original received from an employee shall be retained by the employer of any establishment at the time of appointment or during the course of employment.

*5F. Issue of service certificate.*—Every 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:—

“21A. *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),—

(a) for the words “two hundred and fifty rupees” the words “five thousand rupees” shall be substituted;

(b) for the words “ten rupees” the words “two hundred and fifty 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 “21A” 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.

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