

Thirteenth Kerala Legislative Assembly  
Bill No. 25

---

---

**THE KERALA SHOPS AND COMMERCIAL  
ESTABLISHMENTS (AMENDMENT)  
BILL, 2011**

---

---

©  
Kerala Legislature Secretariat  
2011

KERALA NIYAMASABHA PRINTING PRESS

**Thirteenth Kerala Legislative Assembly**  
**Bill No. 25**

**THE KERALA SHOPS AND COMMERCIAL ESTABLISHMENTS**  
**(AMENDMENT) BILL, 2011**

**Thirteenth Kerala Legislative Assembly**  
**Bill No. 25**

THE KERALA SHOPS AND COMMERCIAL ESTABLISHMENTS  
(AMENDMENT) BILL, 2011

A

*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, (34 of 1960) for the purpose hereinafter appearing ;

BE it enacted in the Sixty-Second 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, 2011.

(2) It 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), for clause (6), 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;”.

STATEMENT OF OBJECTS AND REASONS

Majority of the security employees working in shops and other commercial establishments in the State are employed through security agencies. At present the security employees who are employed through such security agencies are under the control of those agencies and their employment is temporary in nature. They are not covered under the Kerala Shops and Commercial Establishments Act, 1960 (34 of 1960) and hence they are not getting any benefit under the said Act. Therefore, the Government have decided

to amend the definition of the word 'employee' used in the said Act empowering the Government to notify any class of persons so as to bring them under the purview of the said Act and to extent the benefits under the Act to such persons also.

The Bill is intended to achieve the above object.

#### FINANCIAL MEMORANDUM

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

#### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 2 of the Bill, which proposes to substitute clause (6) of section 2 of the Kerala Shops and Commercial Establishment Act, 1960 seeks to empower the Government to issue notifications to declare any class of persons to be an employee for the purposes of the said Act.

The matter in respect of which notifications may be issued is matter of procedure and is of routine and administrative in nature. The delegation of legislative power is, thus, of a normal character.

SHIBU BABY JOHN

EXTRACT FROM THE RELEVANT PORTION OF THE KERALA SHOPS AND  
COMMERCIAL ESTABLISHMENTS ACT, 1960

(ACT 34 of 1960)

\*\*                    \*\*                    \*\*                    \*\*

2. *Definitions.*—In this Act, unless the context otherwise requires.—

\*\*                    \*\*                    \*\*                    \*\*

(5) “day” means the period of twenty-four hours beginning at  
midnight ;

Provided that in the case of an employee whose hours of work extend  
beyond midnight, day means the period of twenty-four hours beginning when  
such employment commences ;

(6) “employee” means a person wholly or principally employed in,  
and in connection with, any establishment and includes an apprentices ;

(7) “employer” means a person owning, or having ultimate control  
over the affairs of, an establishment and includes the manager, agent or other  
person acting in the general management or control of an establishment ;

\*\*                    \*\*                    \*\*                    \*\*

---