

## THE KERALA SHOPS AND COMMERCIAL ESTABLISHMENTS ACT, 1960

- I. **OBJECT** : To provide for the welfare of the employees employed in the shops and commercial establishments and to regulate the conditions of their work and employment
- II. **APPLICABILITY** : It extends to the whole state of kerala and applies to all shopes and commercial establishments defined under the Act.
- III. **REGISTRATION OF THE EASTABLISHMENT** : The employer of every shopes and commercial establishments shall apply for registration in Form B-I with prescribed fee to the competent authority (Assistant labour officer-Grade III) within sixty days from thedate on which the establishment commences its work.
- IV. **FEES** : Fee precribed for the registration of establishments relating to the number of employees employed for a calender year

No. of Employees	Fee prescribed (S.R.O 971/98 dated 7.11.98)
Nil	Rs. 10.00
Does not exceed 5	Rs. 50.00
Exceed 5 but does not exceed 10	Rs. 100.00
not exceeds 20	Rs. 200.00
Exceeds 20 but does not exceeds30	Rs.300.00
Exceeds 30 but does not exceed 50	R.s. 500.00
Exceeds 50 and but does not exceed 100	Rs. 1,000.00
101 and above	Rs. 2000.00

- V. **RENEWAL OF REGISTRATION:** Every employer shall renew the registration every year at least 30 days before the expiry of the registration for the previous year. The application for renewal with the registration certificate and prescribed fee shall be submitted to the competent authority within the period. The fee for registration and renewel shall be remmitted in the office of the Asst. labour officer concerned or treasury remittance
- VI **AMENDMENT OF REGISTRATION:** Any employer who desires to have his registration certificate amended shall give a notice in Form-B--III to the competent authoritynwith copy to the inspector having jurisdiction over the area in which the establishment is situated along with pre scribed fee for amendment of registration certificate.

**VII APPLICATION FOR DUPLICATE REGISTRATION CERTIFICATE :**

If a registration certificate is lost, stolen or destroyed, the employer shall forth with report the matter to the competent authority and make an application for the issue of a duplicate registration certificate along with prscribed fee. 80

**VIII APPEALS :** Any aggrieved Person by an order of the competnt authoprity refusing to grant or renew a registration certificate or cancelling or suspending the same may within a period of sixty days of the receipt of the order appeal to the District Labour Officers (E) on Payment of fees Prescribed.

**IX CLOSING OF SHOPS :** Every shops shall remain entirely closed on one day of the week and a notice shall be permanently exhibited in the shop specifying the day of closure. This is not applicable to shops excempted in the Act or excempted by the Govt.

**X HOURS OF WORK :** No employee in any establishment shall be required to work for more than eight hours in any day and 48 hours in any week. The number of hours of which including overtime shall not exceed ten hours in any day except on stock taking etc. and the total number of hours of over time shall not exceed fifty for any quarter.

**X A. EXTRA WAGES FOR OVERTIME WORK:** Where an employee works in any establishment for eight hours in any day or for more than forty eight hours in any week shall inrespect of such overtime work be entitled to twice the ordinary rate of wages.

**XI WEEKLY HOLIDAYS :** Every Person employed in shops or a commercial establishments shall be allowed in each week a holiday of one whole day.

**XI A INTERVALS FOR REST:-** No period of work of an employee in an establishment shall be given rest for atleast one hour before work of four hours.

**XII LEAVE :** Employees are eligible for leave in lien of:

- i. Annual leave for 12 days with wages to employees after completion of 12 months continuous service.
- ii. Leave with wages not exceeding twelve days on the ground of any sickness or accident sustained by him.
- iii. Casual leave with wages not exceeding twelve days.
- iv. Six days special casual leave for sterilisation operation in the case of male employees and 14 days in the case of female employees, subject to the provision of the Act.

**XIII DISMISSAL :** No employee shall be dismissed except on a reasonable cause and subject to Section-18 of the Act. The aggrieved employee may file appeal within sixty days to the date of delivery of the order terminating his services with the employer, to the appellate authority (Deputy labour Commissioner concerned)

#### **XIV REGISTERS AND RECORDS TO BE MAINTAINED BY THE EMPLOYER :**

1. Register of employment in Form A or B
2. Service record in Form-BB
3. A register of holidays and leave in Form-F
4. A visit book
5. Display a notice of hours of work in Form-D
6. A notice of weekly closure
7. A notice containing the extract of the Act and Rules

Every employer of an establishment where ten or more employees are employed shall forward to the inspector (ALO Grade\_II) a quarterly return in Form-H for the months of March, June, September and December before the tenth of the succeeding month respectively.

**XV PENALTY :** Whoever commits a breach of the provisions of the Act and rules shall be punishable in accordance with Section-29 and Rule -14 of Kerala Shops and Commercial Establishments Act 1960 and Rules 1961.

#### **XVI AUTHORITIES APPOINTED UNDER THE ACT :**

1. **Inspectors (under Sec-25) and competent authorities (Under Sec. 5)**
  - a. Labour Commissioner
  - b. Additional Labour Commissioner (IR and E)
  - c. Joint Labour Commissioner (P)
  - d. Deputy Labour Commissioner (H)
  - e. Regional Joint Labour Commissioners.
  - f. District Labour Officer (E) of each district
  - g. Asst.Labour Officers – Grade II in their respective notified areas.
2. Appellate Authority (under Sec.5)  
District Labour Officers (E)
3. Appellate Authority under (sec.-18(2))  
Deputy Labour Commissioners
4. Authorised officer for exercising powers under Section-5, 35 granted exemption from the provision of the Act for a period of up to 30 days.  
Labour Commissioner.
5. Authorised officer for exercising powers under Section-10(2) for fixation of opening

and closing hour of establishments

Labour Commissioner.

6. Appellate authority appointed under Section – 23 for the purpose of hearing appeals against the orders passed by the inspector under chapter 6 of the Act (Health and Safety)  
Labour Commissioner.