

**KARNATAKA ACT NO. 28 OF 2005**  
**THE KARNATAKA SHOPS AND COMMERCIAL ESTABLISHMENTS (AMENDMENT)**  
**ACT, 2005**

**Arrangement of Sections**

**Sections:**

1. Short title and Commencement
2. Amendment of section 4

**STATEMENT OF OBJECTS AND REASONS**

To avoid undue hardship to the owners of the shops and commercial establishments, in registering their establishments and also in renewal of their registration certificates it is proposed to amend section 4 of the Shops and Commercial Establishments Act, 1961 and to provide for deemed registration or renewal of registration certificate, in case the area Labour Inspector does not register or renew or fails to communicate the grounds on which registration/renewal was not done within thirty days from the date of receipt of such applications.

Provision is also made to impose penalty for false claim of the benefit of deemed registration with an imprisonment of not less than six months and with a fine which may extend to five thousand rupees.

Hence, the Bill.

[L.A. Bill No. 15 of 2005]

(Entry 26 of list II of Seventh Schedule to the Constitution of India.)

## KARNATAKA ACT NO. 28 OF 2005

(First published in the Karnataka Gazette Extra-ordinary on the Twelfth day of September, 2005)

### THE KARNATAKA SHOPS AND COMMERCIAL ESTABLISHMENTS (AMENDMENT) ACT, 2005

(Received the assent of the Governor on the sixth day of September, 2005)

An Act 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 8 of 1962) for the purposes hereinafter appearing;

Be it enacted by the Karnataka State Legislature in the fifty-sixth 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, 2005.

(2) It shall come into force on such date as the State Government may, by notification, appoint.

**2. Amendment of section 4 :-** In section 4 of the Karnataka Shops and Commercial Establishments Act, 1961 (Karnataka Act 8 of 1961) ,-

(1) After sub-section (3), the following sub-section shall be inserted, namely :-

“(3A) In case the Inspector is not satisfied about the correctness of the statement together with fees under sub-section (3) shall within thirty days from the date of receipt of the same communicate to the employer his decision for refusing to register the establishment with the reasons therefor, failing which the establishment shall be deemed to have been registered”.

(2) After sub-section (5), the following sub-sections shall be inserted, namely :-

“(6) In case the Inspector is not satisfied about the correctness of the statement or the renewal application or the payment fee prescribed or any other condition of renewal shall within thirty days from the date of receipt of statement together with fees from the employer seeking renewal of registration certificate communicate to the employer his decision for refusing to renew the registration with the reasons therefor, failing which the registration certificate shall be deemed to have been renewed.

(7) In case the certificate of registration or renewal of registration is not received by any employer within the period specified in sub-section (3A) or (6), the employer shall display a self-certification statement sent by Registered Post with Acknowledgement Due to the Registering Authority for registration or renewal, as the case may be, along with the acknowledgement to that effect stating that he has got the deemed benefit. In case the certificate of registration or renewal of registration as the case may be, is received by the employer subsequently, such self certification shall be replaced with a regular certificate as soon as the same is received.

(8) If any employer has falsely claimed the benefit of deemed registration and has displayed such self certificate under sub-section (7), he shall on conviction be punished with an imprisonment of not less than six months and with a fine which may extend to five thousand rupees”.

By order and in the name of the Governor of Karnataka

**G. Dakshina Moorthy**

Secretary to Government,

Department of Parliamentary Affairs and Legislation.