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**Notification number E-LD 4 LET 2019, dated September 29, 2024 of Government of Karnataka w.r.t. the Karnataka Shops and Commercial Establishment Act, 1961**

**Sections 11 & 12 of the Karnataka Shops and Commercial Establishment Act, 1961**

## **1. What are the rules regarding the opening and closing hours of establishments under the Karnataka Shops and Commercial Establishments Act, 1961?**

As per Section 11(1), no establishment is allowed to open earlier or close later than the hours fixed by a notification issued by the State Government. However, if a customer is being served or is waiting to be served at the time of closing, the establishment may serve the customer during the next quarter of an hour (15 minutes).

**Example:** If the State Government issues a notification stating that shops must close by 8:00 PM, a shop must stop accepting new customers by this time. However, if a customer is already inside the shop and is being served at 8:00 PM, the shop can continue serving them until 8:15 PM to complete the transaction.

## **2. What procedure must the State Government follow before fixing the opening and closing hours of establishments?**

Under Section 11(2), before issuing a notification fixing the opening and closing hours, the State Government must conduct an enquiry in the prescribed manner.

## **3. Can the State Government set different opening and closing hours for different types of establishments?**

Yes, as per Section 11(3), the State Government can fix different opening and closing hours for different types of establishments, different areas, or even different times of the year based on necessity.

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#### **4. What does Section 12 of the Karnataka Shops and Commercial Establishments Act, 1961, mandate regarding weekly holidays for establishments?**

Section 12 mandates that every establishment must remain closed for one day of the week. The employer is required to fix this day at the beginning of the year or within thirty days of the establishment's commencement and notify the Inspector. This date must also be prominently displayed in the establishment.

#### **5. How often can the employer change the designated weekly holiday?**

The employer can change the designated weekly holiday no more than once every three months. Any alteration must be notified to the Inspector, and the necessary updates must be made to the notice displayed in the establishment.

#### **6. Under what circumstances can an establishment remain open all week?**

The State Government may permit an establishment to remain open throughout the week if it is satisfied that the establishment employs additional staff to meet the requirements specified in sub-section (3) of Section 12.

#### **7. Is it lawful for an employer to call an employee to work on their designated weekly holiday?**

No, it is unlawful for an employer to call an employee to work on their weekly holiday or on a day when the establishment is closed. Similarly, employees cannot go to the establishment for any work on these days.

#### **8. How does Section 12 address wage deductions for weekly holidays?**

Section 12 states that no deductions can be made from an employee's wages for the weekly holiday. If an employee is employed on daily wages, they must still be paid for their weekly holiday, regardless of their employment status.

### **Notification number E-LD 4 LET 2019, dated September 29, 2024, of the Government of Karnataka**

#### **1. What is the primary purpose of Notification Number E-LD 4 LET 2019 issued by the Government of Karnataka?**

The primary purpose of this notification is to permit all Shops and Commercial Establishments employing ten or more persons to operate on a 24/7 basis for a period of three years from the date of publication in the official Gazette.

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## **2. For how long are the shops and commercial establishments allowed to remain open under this notification?**

The shops and commercial establishments are permitted to remain open on a 24/7 basis for three years from the date of the notification's publication.

## **3. As per the notification dated September 27, 2024, what are the conditions that establishments must follow when operating on a 24/7 basis under the Karnataka Shops and Commercial Establishments Act, 1961?**

Here are the conditions mentioned in the notification for the operation of Shops and Commercial Establishments on a **24/7 basis**:

### **1. Weekly Holiday for Employees:**

- Employers must appoint additional staff to ensure that every employee gets one day off in a week on a rotational basis. The details of all employees must be displayed in a conspicuous place in the establishment.

### **2. Display of Holiday/Leave Details:**

- Employers must display details of employees who are on holiday or leave on a daily basis in a prominent area within the establishment.

### **3. Wages and Overtime Payments:**

- Wages, including overtime wages, must be credited directly to the employees' savings bank accounts as per the Payment of Wages Act, 1963.

### **4. Work Hours and Overtime Limits:**

- No employee should be required or allowed to work for more than eight hours a day and forty-eight hours a week. Including overtime, the total work hours must not exceed ten hours per day and fifty hours in any three-month period.

### **5. Penal Action for Unauthorized Work:**

- If any employee is found working on a holiday or after normal duty hours without a proper overtime indent, penal action will be initiated against the employer or manager as per the Karnataka Shops and Commercial Establishments Act, 1961.

### **6. Women Employee Working Hours:**

- Women employees are not allowed to work beyond 8:00 PM, unless the employer obtains their written consent. If women work between 8:00 PM and 6:00 AM, the employer must ensure their safety and dignity.

## 7. Transport Arrangements for Women:

- Employers must provide transport for women working in shifts and display a notice at the main entrance of the establishment regarding the availability of transport.

## 8. Basic Amenities:

- Employers must provide employees with restrooms, washrooms, safety lockers, and other basic amenities.

## 9. Internal Complaints Committee:

- Every establishment employing women must establish an Internal Complaints Committee to address issues of sexual harassment in accordance with the Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, 2013.

## 10. Compliance with Other Laws:

- The conditions outlined in the notification are in addition to the provisions specified in the Karnataka Shops and Establishments Act, 1961 and the Workmen's Compensation Act, 1923.

## 11. Penal Action for Violations:

- If there is any violation of statutory provisions or the above conditions, penal action will be taken against the employer or manager as per the Karnataka Shops and Commercial Establishments Act, 1961.

## 4. Is it permissible for an establishment to employ security staff from a contractor for 12-hour shifts, as per the notification dated September 27, 2024, under the Karnataka Shops and Commercial Establishments Act, 1961?

**No, it is not permissible.**

According to the notification, no employee, including security staff, can be required to work more than 8 hours a day and 48 hours a week. The total period of work, including overtime, must not exceed 10 hours per day and 50 hours in a period of three months. Therefore, employing security staff for 12-hour shifts would violate these conditions.

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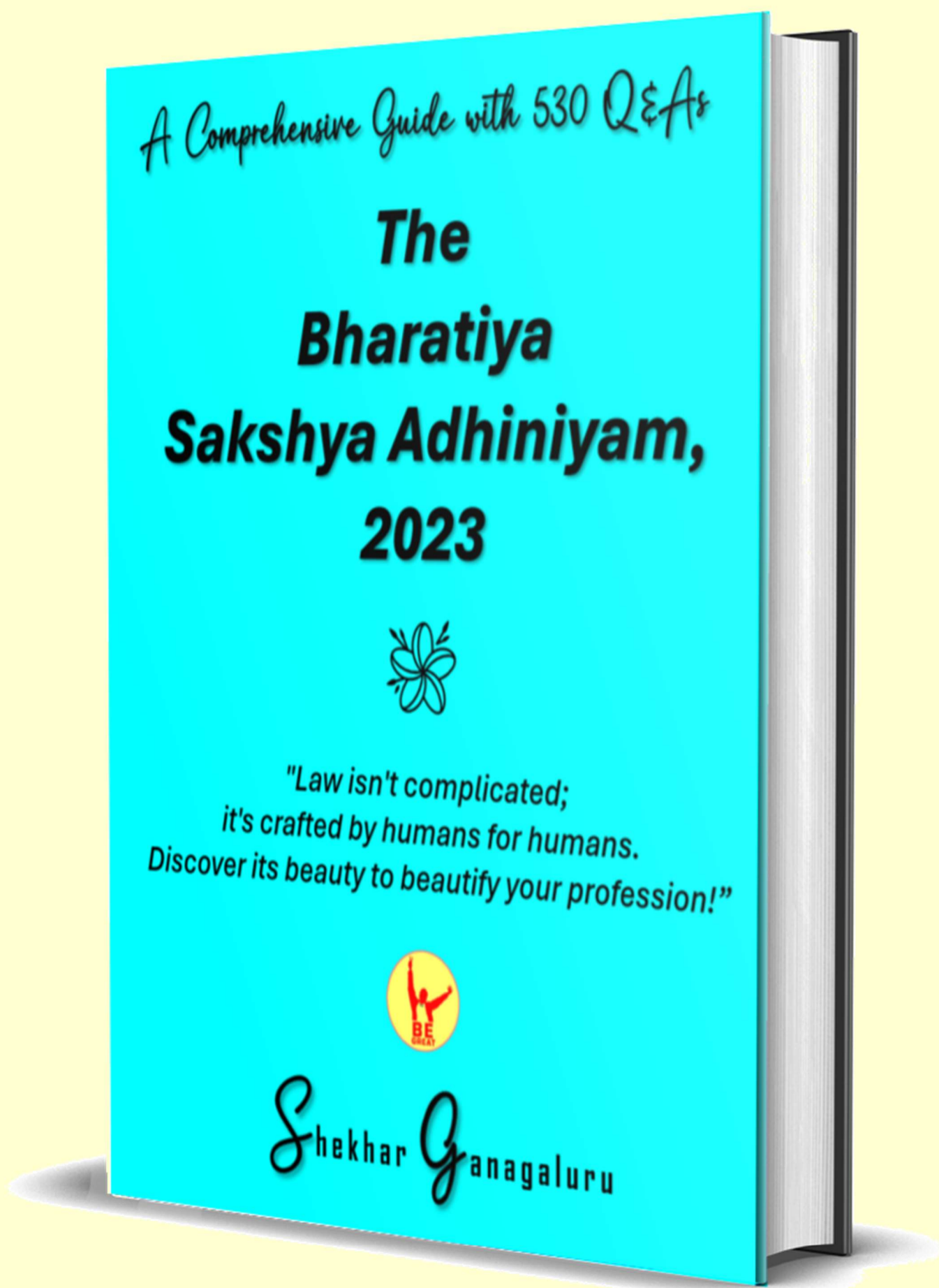
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The guide demystifies the provisions of the Adhiniyam by presenting each section in a clear, engaging question-and-answer format. With over 530 thoughtfully crafted questions, it includes practical examples, clarifications, and valuable insights, making it an essential resource for students, legal professionals, administrators, police officers, HR professionals, consultants, and anyone involved in disputes and legal matters.

Whether you're preparing for exams, developing your professional skills, or seeking to deepen your legal knowledge, this guide is your key to mastering the **Bharatiya Sakshya Adhiniyam, 2023**.

**Contact Shekhar Ganagaluru** to reserve your pre-release edition. The book will be available in stores starting **November 20, 2024**.



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