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EMPLOYMENT LAW EXEMPTIONS TO IT ESTABLISHMENTS IN TELANGANA

On June 7, 2024, the Government of Telangana issued a notification (**Notification**)¹ extending the exemption from certain provisions of the Telangana Shops and Establishments Act, 1988 (**the Act**) to IT and ITES establishments (**Exempted Establishments**). These exemptions include the limits on working hours and spread-over of work for employees of the Exempted Establishments. The earlier notification had expired on May 30, 2023.

Overview

The Notification grants exemptions in respect of the following provisions of the Act:

- a. Section 15² prescribing opening and closing hours.
- b. Section 16³ limiting employee's working hours to eight hours in a day and 48 hours in a week, subject to overtime wages.
- c. Section 21⁴ prohibiting young persons to work before 6 a.m. and after 7 p.m.
- d. Section 23⁵ prohibiting woman employees to work before 6-00 a.m. and after 8-30 p.m.
- e. Section 31⁶ prescribing other holidays an establishment must grant to its employees.

With this, the Exempted Establishments receive extended exemption for four more years from May 30, 2024. However, this is subject to the Exempted Establishments fulfilling the specific conditions prescribed in the earlier notification except that the vehicles used for transporting women employees in night shift need not have GPRS facilities. The conditions include providing weekly holidays and compensatory off, payment of overtime wages, providing welfare, transport facilities and other safety measures.

Analysis

Exempted Establishments can extend their working hours beyond the limits set in the Act, employ woman employees in night shift, and have more flexibility in terms of working hours and days of employees thereby offering them greater operational independence. However, to qualify for this exemption, Exempted Entities must continue to comply with the remaining provisions of the Act and the specific conditions in the Notification.

This *Counselence Connect* contains information in a nutshell on a recent change in law.

This is not legal advice and must not be treated so. For any clarifications, please contact us at: info@counselence.com. Past issues of *Counselence Connect* are available at the 'Newsletters' page of our website (www.counselence.com).

¹ Notification no. G.O.Ms. No. 5, available [here](#).

² Section 15- *Opening and closing hours*.

³ Section 16 – *Daily and weekly hours of work*.

⁴ Section 21- *Special provision for young persons*.

⁵ Section 23- *Special provision for women*.

⁶ Section 31- *Other holidays*.