



# THE WEST BENGAL SHOPS AND ESTABLISHMENTS ACT, 1963

**BARE ACT**

Corrida Legal presents the Bare Act Series, sourced from official texts and supported with an executive summary designed to help readers grasp the essence of the law with ease.

**NOTE:** An Executive Summary of the West Bengal Shops and Establishments Act, 1963 is included towards the end of this document, right after the full bare act of the statute. This summary helps professionals, business owners, compliance officers, HR managers, legal practitioners, and students quickly understand the key provisions relating to registration of shops and establishments, working hours, weekly holidays and rest intervals, employment of women and young persons, leave and wage entitlements, health and safety measures, employer obligations, termination and notice requirements, penalties for non-compliance, and enforcement mechanisms, without having to read the entire text.

The West Bengal Shops and Establishments Act, 1963 Summary provides a clear, practical, and time-saving guide for anyone looking to understand West Bengal's labour and employment law framework, ensure statutory compliance in retail and commercial establishments, manage workforce obligations effectively, and stay aligned with regulatory requirements under the Shops and Establishments Act bare act.



PRS

## The West Bengal Shops and Establishments Act, 1963 Act 13 of 1963

### Keyword(s):

Closed, Commercial Establishment, Employer, Establishment, Establishment for public Entertainment or Amusement, Lock Out, Person Employed, Registering Authority, Shop, Shop Keeper, Wages, Week, Young Person

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## West Bengal Act XIII of 1963<sup>1</sup>

### THE WEST BENGAL SHOPS AND ESTABLISHMENTS ACT, 1963.

AMENDED

West Ben. Act VII of 1965.  
West Ben. Act XXIV of 1965.  
West Ben. Act XVI of 1981.  
West Ben. Act XII of 1984.  
West Ben. Act XXIII of 1988.

[2nd April, 1963.]

*An Act to regulate holidays, hours of work, payment of wages and leave of persons employed in shops and establishments.*

It is hereby enacted in the Thirteenth year of the Republic of India, by the Legislature of West Bengal, as follows:—

1. (1) This Act may be called the West Bengal Shops and Establishments Act, 1963.

(2) It extends to the whole of West Bengal.

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

(4) It shall apply to the areas and to the classes of shops and establishments to which the Bengal Shops and Establishments Act, 1940 applied immediately before the commencement of this Act; and shall also apply to such other areas or to such other classes of shops or establishments as the State Government may, by notification, specify in this behalf.

Short title,  
extent,  
commence-  
ment and  
application.

2. In this Act, unless there is anything repugnant in the subject or context,—

(1) “closed” means not open for the service of any customer or for any other purpose whatsoever relating to business;

(2) “commercial establishment” means an advertising, commission, forwarding or commercial agency, or a clerical department of a factory or of any industrial or commercial

Definitions.

<sup>1</sup>For Statement of Objects and Reasons and the Financial Memorandum, see the *Calcutta Gazette, Extraordinary*, of the 12th July, 1962, Part IVA, page 2125; for proceedings of the West Bengal Legislative Assembly, see the proceedings of the meetings of that Assembly held on the 19th and 20th December, 1962; and for proceedings of the West Bengal Legislative Council, see the proceedings of the meeting of that Council held on the 8th January, 1963.

<sup>2</sup>The Act came into force with effect from the 15th August, 1964, vide notification No. 3393-I.R./IR/1A-3(B)/63, dated the 3rd August, 1964, published in the *Calcutta Gazette* of 1964, Part I, page 2045.

<sup>3</sup>This Act shall be applicable to all classes of excise shops, vide notification No. 5049-I.R., dated the 6th July, 1974.

<sup>4</sup>Clause (2) was substituted for the original clause by s. 2 of the West Bengal Shops and

(Section 2.)

undertaking, an insurance company, joint stock company, bank, broker's office or exchange, an establishment which carries on any business, trade or profession or any work in connection with, or incidental or ancillary to, any business, trade or profession, and includes an establishment of any legal practitioner, medical practitioner, architect, engineer, accountant, tax consultant or any other technical or professional consultant, a society registered under any enactment in force for the time being, charitable or other trust, whether registered or not, which carries on, whether for purposes of gain or not, any business, trade or profession or any work in connection with, or incidental or ancillary to, any business, trade or profession and such other class or classes of concerns or undertakings as the State Government may, after taking into consideration the nature of their work, by notification, declare to be commercial establishments for the purposes of this Act, but does not include a shop or an establishment for public entertainment or amusement;

- (3) "day" means a period of twenty-four hours beginning at midnight;
- (4) "employer" means a person owning or having charge of an establishment and includes an agent or a manager of, and any other person acting on behalf of, such person in the general management or control of such establishment;
- (5) "establishment" means a commercial establishment or an establishment for public entertainment or amusement;
- (6) "establishment for public entertainment or amusement" means a hotel, restaurant, eating-house, cafe, cinema, theatre and includes such other class or classes of concerns or undertaking as the State Government may, after taking into consideration the nature of their work, by notification, declare to be, for the purposes of this Act, establishments for public entertainment or amusement, but does not include a shop or a commercial establishment;
- (7) "half day" means a continuous period of five hours and a half,—
  - (i) in the case of a shop or an establishment for public entertainment or amusement, beginning at the commencement, or ending on the termination, of the ordinary daily working hours of such shop or establishment, as the case may be, and

<sup>1</sup>For notification declaring certain undertakings to be, for the purposes of the Act, establishments for public entertainment or amusement, see notification No. 3203-I.R./IR/1A-3(B)/63, dated the 27.7.64, published in the *Calcutta Gazette* of 1964, Part I.

XIII of 1963.]

(Section 2.)

- (ii) in the case of a commercial establishment, between the hours of <sup>1</sup>\* \* \* eight o'clock *ante meridiem* and <sup>1</sup>\* \* \* eight o'clock *post meridiem*; 14 of 1947.
- (8) "lock out" and "strike" have the same meaning as in the Industrial Disputes Act, 1947;
- (9) "notification" means a notification published in the *Official Gazette*;
- (10) "person employed" used in relation to a shop or an establishment means a person wholly or principally employed in connection with the business of the shop or the establishment, but does not include an owner of the shop or the establishment or the husband, wife, child, father, mother, brother or sister of such an owner who lives with, and is dependent on, such owner;
- (11) "prescribed" means prescribed by rules made under this Act;
- (12) "registering authority" means the Chief Inspector of Shops and Establishments or any other person <sup>2</sup>appointed in this behalf by the State Government as the registering authority for any area;
- (13) "shop" means any premises used wholly or in part for the sale of services to customers or for the wholesale or retail sale of commodities or articles, either for cash or on credit, and includes any offices, store-rooms, godowns or warehouses, whether in the same premises or elsewhere, used in connection with such sale or with the storage of commodities with such sale or with the storage of commodities or articles for the purpose of such sale and also includes such other class or classes of premises as the State Government may, after taking into consideration the nature of the work carried on there, by notification, declare to be shops for the purposes of this Act, but does not include an establishment.

*Explanation.*—If any doubt arises as to whether any premises are a shop or a commercial establishment or an establishment for public entertainment or amusement, the question shall be referred to the State Government by the registering authority, *suo motu* or on application, and the decision of the State Government thereon shall be final;

- (14) "shop-keeper" means a person owning or having charge of the business of a shop, and includes an agent or manager of, and any other person acting on behalf of, such person in the general management or control of a shop;

<sup>1</sup>The words "half past" were omitted by s. 2 of the West Bengal Shops and Establishments (Amendment) Act, 1988 (West Ben. Act XXIII of 1988).

<sup>2</sup>For notification appointing certain persons as registering authorities for the purposes of the Act for the areas specified, see notification No. 3204-I.R./1R/1A-3(B)/63, dated the

[West Ben. Act

(Sections 3, 4.)

- (15) "wages" means wages as defined in the Payment of Wages Act, 1936; 4 of 1936.
- (16) "week" means a period of seven days<sup>1</sup> [beginning at midnight on Tuesday]; and
- (17) "young person" means a person who has completed his twelfth year but has not completed his fifteenth year.

References to time of day.

3. References to time of day in this Act shall be deemed to be references to Indian standard time, which is five and a half hours ahead of Greenwich mean time.

Act or some of its provisions not applicable to certain establishments, shops and persons.

4. (1) This Act shall not apply to—
- (a) offices of or under the Central or State Government, the Reserve Bank of India, any railway administration or any local authority;
  - (b) any railway service, airways service, water transport service, tramway or motor service, postal, telegraph or telephone service, any system of public conservancy or sanitation or any industry, business or undertaking which supplies power, light or water to the public;
  - (c) institutions for the treatment or care of the sick, infirm, destitute or mentally unfit;
  - (d) shops or stalls in any public fair or *bazar* held for a charitable purpose; or
  - (e) stalls and refreshment rooms at railway stations, docks, wharves or airports.

(2) The State Government may, if it thinks fit so to do in the public interest, by<sup>2</sup> notification, exempt, subject to such conditions, if any, as may be specified in the notification, from the operation of any of the provisions of this Act other than those of sections 8, 9 and 10—

- (a) any class or classes of shops or establishments either generally or on such occasion or occasions, in such area or areas and for such periods or periods as may be specified in the notification;

<sup>1</sup>The words within the square brackets were substituted for the words "beginning at midnight on Sunday" by s. 2 of the West Bengal Shops and Establishments (Amendment) Act, 1965 (West Ben. Act VII of 1965).

<sup>2</sup>(1) For notification exempting certain classes of shops and establishments from the operation of the provisions of the Act specified, subject to the condition mentioned, see notification No. 3205-I.R./IR/1A-3(B)/63, dated 27.7.64, published in the *Calcutta Gazette* of 1964, Part I, pages 2043-2044.

(2) For notification exempting all shops and establishments from the operation of the provisions of section 16 of the Act for a period of 90 days with effect from the 15.8.64, see notification No. 3394-I.R./IR/1A-3(B)/64, dated 3.8.64, published in the *Calcutta Gazette* of 1964, Part I, pages 2045.

(3) For notification relating to exemption from certain sections and sub-sections of the Act of shops within the municipal area of Nabadwip for a certain period, see notification No. 3638-I.R./IR/75-18/64, dated 18.8.64, published in the *Calcutta Gazette* of 1964, Part I, page 2428.

(4) For notification exempting all classes of shops situated in all the areas from the operation of sections 5(1) and 4(1) of the Act, for a fixed period, see notification No. 4214-I.R./IR/75-27/64, dated 15.9.64, published in the *Calcutta Gazette, Extraordinary* of 1964.

XIII of 1963.]

(Sections 5, 6.)

- (b) any class or classes of persons employed in a shop or an establishment,—
- (i) in a managerial or confidential capacity, or
  - (ii) as a traveller, canvasser, messenger, watchman or caretaker, or
  - (iii) exclusively in connection with customs examination, collection, despatch, delivery or conveyance of goods from or to booking offices for transport by rail, road or air, docks, wharves or airports.

5. (1) In each week,—

- (a) every shop or commercial establishment shall remain entirely closed on, and
- (b) every person employed in a shop or an establishment shall be allowed as holiday,

at least one day and a half day next preceding or next following such day.

(2) No deduction on account of any holiday allowed under sub-section (1) shall be made from the wages of any person employed in a shop or an establishment, and even if such person is employed on the basis of 'no work, no pay', he shall be paid for such holiday the wages which he would have been entitled to had he not been allowed the holiday.

(3) The day and the half day during which a shop or an establishment shall be entirely closed in each week under clause (a) of sub-section (1) shall, subject to the provisions of sub-section (4), be determined from time to time by the shop-keeper to employer, as the case may be, and shall be specified by him in a notice, which shall be displayed in a conspicuous place in the shop or the establishment:

Provided that the day and the half day so determined shall not be altered more than once in any year.

<sup>1</sup>(4) The State Government may, if it thinks fit so to do in the public interest, by notification, specify any particular area and the day or both the day and the half day during which all or any class or classes of shops or establishments in such area shall be entirely closed under clause (a) of sub-section (1), and thereupon the day or both the day and the half day, as the case may be, so specified, shall be deemed to have been determined under sub-section (3) by the shop-keeper or employer of every shop or establishment of such class or classes in such area, and the provisions of this Act shall accordingly apply.

6. (1) In no shop shall the hour of opening be earlier than eight o'clock *ante meridiem* or the hour of closing be later than eight o'clock *post meridiem*:

Provided that if the State Government or any officer empowered in this behalf by the State Government thinks fit so to do in the public interest, the State Government or such officer may, by <sup>2</sup>notification, change such limits

Holidays in  
shops and  
establish-  
ments.

Hours of  
work in  
shops.

<sup>1</sup>Sub-section (4) was substituted for the original sub-section by s. 2 of the West Bengal Shops and Establishments (Second Amendment) Act, 1965 (West Ben. Act XXIV of 1965).

<sup>2</sup>For notification relating to change, in respect of the classes of shops specified, the limits of the hours of opening and closing, see notification No. 3206-I.R./1R/1A-3(B)/64, dated the

(Section 7.)

of the hours of opening and closing of shops, either generally or for any particular area or fix uniform hours of opening and closing of all or any class or classes of shops in any particular area.

(2) No person employed in a shop shall be required or permitted to work in such shop for more than eight hours and a half in any one day or for more than forty-eight hours in any one week or after the hour of closing of such shop:

Provided that in any day and in any week in which stock-taking, making up accounts or such other business operation as may be prescribed takes place in any shop, a person employed in the shop may be required or permitted to work overtime in such shop so, however, that—

- (i) the total number of hours of his work including overtime work shall not exceed ten hours in any one day, and
- (ii) the total number of hours worked overtime by him shall not exceed one hundred and twenty hours in any one year.

(3) No person employed in a shop shall be required or permitted to work in such shop for more than <sup>1</sup>[five hours and a half] in any one day, unless he has been allowed an interval for rest of at least one hour.

(4) The periods of work and intervals for rest of every person employed in a shop shall be arranged by the shop-keeper so that together they do not extend over more than ten hours and a half in any one day.

Hours of  
work in  
establish-  
ments.

7. (1) In no hotel, restaurant, eating-house or cafe shall the hour of closing be later than eleven o'clock *post meridiem*.

(2) No person employed in an establishment shall be required or permitted to work in such establishment for more than eight hours and a half in any one day or for more than forty-eight hours in any one week or after the hour of closing of such establishment:

Provided that a person employed in an establishment may be required or permitted to work overtime in such establishment so, however, that—

- (i) the total number of hours of his work including overtime work shall not exceed ten hours in any one day, and
- (ii) the total number of hours worked overtime by him shall not exceed one hundred and twenty hours in any one year.

(3) No person employed in an establishment shall be required or permitted to work in such establishment for more than <sup>2</sup>[five hours and a half] in any one day unless he has been allowed an interval for rest of at least one hour during that day.

(4) The periods of work and intervals of rest of every person employed in an establishment shall be arranged by the employer of such person so that together they do not extend over more than ten hours and a half in any one day.

<sup>1</sup>The words within the square brackets were substituted for the words "six hours" by s. 3 of the West Bengal Shops and Establishments (Amendment) Act, 1988 (West Ben. Act XXIII of 1988).

<sup>2</sup>The words within the square brackets were substituted for the words "six years" by s. 4 of the West Bengal Shops and Establishments (Amendment) Act, 1988 (West Ben. Act

XIII of 1963.]

(Sections 8-11.)

8. Notwithstanding anything contained elsewhere in this Act,—

- (a) no young person employed in a shop or an establishment shall be required or permitted to work in such shop or establishment for more than seven hours in any one day or for more than forty hours in any one week; and
- (b) the periods of work of young persons in a shop or an establishment during each day shall be so fixed that no such person shall work for more than four hours before he has had an interval for rest of at least one hour.

Special provisions for young persons.

8A. Notwithstanding anything contained in this Act, benefits admissible to a young person under any other law in force for the time being shall also be enjoyed by a young person under this Act in addition to, and not in derogation of the benefits provided under this Act.

Benefits under other laws.

*Explanation.*—For the purpose of this section, the benefits admissible under any other law in force shall include the facility of school education and an entitlement of residence in the place of work.

9. No child who has not completed the age of twelve years shall be employed in any shop or establishment.

Restriction on employment of children.

10. No young person shall be required or permitted to work in any shop or establishment after eight o'clock *post meridiem* and no woman shall be allowed or permitted to work—

Restriction on employment of young persons or women.

- (a) in any establishment for public entertainment or amusement other than a cinema or a theatre, after six o'clock *post meridiem*, or
- (b) in any shop or commercial establishment, after eight o'clock *post meridiem*.

11. A person employed in a shop or an establishment shall be entitled—

Leave.

- (a) for every completed year of continuous service, to privilege leave on full pay for fourteen days,
- (b) in every year, to sick leave on half pay for fourteen days on medical certificate obtained from a medical practitioner registered under the Bengal Medical Act, 1914, or any other law for the time being in force,
- (c) in every year, to casual leave on full pay for ten days, and
- (d) in the case of woman, to maternity leave in accordance with such rules as may be prescribed:

Provided that—

- (i) privilege leave admissible under clause (a) may be accumulated up to a maximum of not more than twenty-eight days;

*(Sections 12-14.)*

- (ii) sick leave admissible under clause (b) may be accumulated up to a maximum of not more than fifty-six days; and
- (iii) casual leave admissible under clause (c) shall not be accumulated.

*Explanation.*—In calculating any leave due under this Act, employment in any shop or establishment before the application of this Act shall be taken into account.

Person employed to be entitled to wages for the period of privilege leave in case of termination of service.

12. Any person employed in a shop or an establishment whose services are terminated by or under the orders of the shop-keeper or the employer shall be entitled to wages for the period of privilege leave due to his credit at the time of such termination.

Wages for overtime work.

13. When any person employed in a shop or an establishment is required or permitted to work overtime in such shop or establishment, the wages payable to such person in respect of such overtime work shall be calculated at [twice] the ordinary rate of wages payable to him, and such ordinary rate of wages shall be calculated in such manner as may be prescribed:

Provided that this section shall not operate to the prejudice of any higher rate of overtime wages granted under any agreement, award, custom or convention.

*Explanation.*—For the purpose of this section 'overtime work' shall include any work done on any day declared by <sup>2</sup>notification by the State Government to be a National holiday.

Payment and recovery of wages.

14. (1) All wages payable to a person employed in a shop or an establishment shall be paid not later than the tenth day of the month immediately succeeding that in respect of which such wages are payable.

(2) Where any deduction has been made from the wages of any person employed in a shop or an establishment or any payment of wages to such person has not been made within the date referred to in sub-section (1), such person may, within a period of six months from the date on which the deduction from the wages was made or from the date referred to in sub-section (1), as the case may be, make an application to such officer or

<sup>1</sup>The word within the square brackets was substituted for the words "the rate of one and one-half times of" by s. 6 of the West Bengal Shops and Establishments (Amendment) Act, 1988 (West Ben. Act XXIII of 1988).

<sup>2</sup>For notification declaring certain days to be National holidays, see notification No. 3207-I.R./1R/1A-3(B)/63, dated the 27th July, 1964, published in the *Calcutta Gazette* of

**XIII. of 1963.]**

*(Section 14.)*

authority as the State Government may, by <sup>1</sup>notification, appoint in this behalf, for an order under sub-section (3):

Provided that an application under this section may be admitted after the said period of six months if the applicant satisfies the officer or authority that he had sufficient cause for not making the application within such period.

(3) The officer or authority to whom or to which an application under sub-section (2) is made may, after giving the applicant and the shop-keeper or employer concerned an opportunity of being heard and after making such further inquiry, if any, as may be necessary, by order, direct, without prejudice to any other action which may, under this Act or any other law, lie against the shop-keeper or employer, the payment to the applicant of the amount deducted from the wages or of the wages due, together with such compensation, not exceeding ten times the amount deducted in the former case and not exceeding ten rupees in the latter, as the officer or authority may think fit:

Provided that no direction for the payment of compensation shall be made in the case of delay in the payment of wages if the officer or authority is satisfied that the delay was due to—

- (a) a *bona fide* error or *bona fide* dispute as to the amount payable to the applicant, or
- (b) the occurrence of an emergency, or the existence of exceptional circumstances, such that the shop-keeper or the employer, as the case may be, was unable, though exercising reasonable diligence, to make prompt payment, or
- (c) the failure of the applicant to apply for or accept payment.

(4) If on hearing any application made under sub-section (2), the officer or authority is satisfied that it was either malicious or vexatious, the officer or authority may, by order, direct that a penalty not exceeding fifty rupees be paid by the applicant to the shop-keeper or employer concerned.

(5) Any amount directed to be paid by an order under sub-section (3) or sub-section (4) may be recovered by any Magistrate to whom the officer or authority making the order makes application in this behalf as if it were a fine imposed by such Magistrate.

(6) An appeal shall lie from an order of the officer or authority dismissing any application made under sub-section (2) or giving any direction under sub-section (3) or sub-section (4), if made within thirty days of the date on which the order was made,—

- (a) where the shop or establishment concerned is situated in any area within Calcutta as defined in the Calcutta Police Act, 1866, to the Court of Small Causes, Calcutta, and
- (b) where it is situated in any other area, to the Munsif having jurisdiction over such other area.

<sup>1</sup>For notification appointing certain officers to be, within the local limits of their respective jurisdictions, the officers for the purposes of section 14 of the Act, see notification No. 3208-LR/IR/1A-3 (B)/63, dated the 27.7.64, published in the *Calcutta Gazette* of 1964, Part I, page 2015.

(Sections 15, 16.)

(7) Nothing in this section shall apply to any person to whom the Payment of Wages Act, 1936, applies under section 1 of that Act.

4 of 1936.

Notice of  
termination  
of service.

<sup>1</sup>15. (1) The services of a person employed in any shop or establishment, who has been in continuous service for not less than one year in such shop or establishment, shall not be terminated without giving him one month's notice, in writing, showing the reasons of such termination and until the period of notice has expired or until he has been paid, in lieu of such notice, wages for the period of such notice.

(2) The person as aforesaid shall have the right to appeal to such authority and within such period as may be prescribed, either on the ground that there is no reasonable cause for terminating his services or on the ground that he has not been guilty of any misconduct, provided his services have been terminated on such ground.

(3) The decision of the appellate authority on such appeal shall be final.

Registration  
of shops and  
establish-  
ments.

16 (1) Every shop-keeper or employer shall—

- (i) in the case of shops or establishments in existence on the date on which this Act applies—within such date as the State Government may, by notification, specify, and
- (ii) in the case of new shops or establishments, if this Act applies—within such period as may be prescribed,

apply for registration under this Act to the registering authority, in such form together with such fee <sup>2</sup>\* \* \* \* \* as may be prescribed. Every such application shall contain—

- (a) the name of the shop-keeper or the employer;
- (b) the postal address of the shop or the establishment;
- (c) the name of the shop or the establishment;
- (d) declaration of weekly closing days in the case of a shop;
- (e) such other particulars as may be prescribed.

The registering authority on being satisfied about the correctness of the particulars, shall register the shop or the establishment in such manner as may be prescribed and shall issue a certificate of registration in the prescribed form to the shop-keeper or the employer.

(2) The registering authority shall maintain a Register of Shops and Establishments in the prescribed form.

<sup>1</sup>Section 15 was substituted for original section by s. 7 of the West Bengal Shops and Establishments (Amendment) Act, 1988 (West Ben. Act XXIII of 1988).

<sup>2</sup>The words "not exceeding one rupee," were omitted in sub-section (1), in clause (b) of sub-section (4) and in sub-section (6) by s. 2(a), s. 2(b) and s. 2(c), respectively, of the West Bengal Shops and Establishments (Amendment) Act, 1984 (West Ben. Act XII of 1984).

XIII of 1963.]

(Sections 17-19.)

(3) Every shop-keeper or employer shall display the certificate of registration issued under sub-section (1) in a conspicuous place in the shop or the establishment.

(4) (a) Every shop-keeper or employer shall inform the registering authority in the prescribed form of any change in respect of any particulars contained in the application under sub-section (1) within seven days after the change has taken place:

Provided that the declaration of weekly closing days in the case of a shop shall not be changed more than once in any year.

(b) The registering authority, on receipt of such information and on payment of such fee ' \* \* \* \* ' as may be prescribed, shall, if satisfied about the correctness of the information, make necessary changes in the Register of Shops and Establishments and shall amend the certificate of registration or issue a fresh certificate of registration, if necessary.

(5) A shop-keeper or an employer shall, within fifteen days of the winding up of his business, inform the registering authority in writing. The registering authority, <sup>2</sup>[ and the employees of the shop or the establishment, as the case may be,] on being satisfied about the correctness of the information, shall remove the name of the shop or the establishment from the Register of Shops and Establishments and cancel the certificate of registration.

(6) A shop-keeper or an employer shall apply to the registering authority in such form together with such fee ' \* \* \* \* ' as may be prescribed, for renewal of the certificate of registration within thirty days after the expiry of three years from the date of the issue or renewal, as the case may be, of the certificate of registration.

17. (1) In every shop or establishment, the shop-keeper or employer concerned shall, for the purposes of this Act, maintain and keep a register of employees in the prescribed form and such other registers, records and documents, and display such notices as may be prescribed and produce them on demand by the Inspector.

Shop-keepers and employers to maintain and keep records, etc.

(2) The register of employees maintained and kept under sub-section (1) may, from time to time, be inspected and signed by the persons employed in the shop or establishment.

18. Every shop-keeper or employer shall furnish every person employed in his shop or establishment with a letter or appointment in such form as may be prescribed.

Persons employed to be furnished with letter of appointment.

19. (1) The State Government may, by notification, appoint such persons or such class of persons as it thinks fit to be Inspectors for the purposes of this Act.

Appointment of Inspectors.

(2) All Inspectors appointed under sub-section (1) shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

<sup>1</sup>See foot-note 2 on page 488, ante.

<sup>2</sup>The words within the square brackets were inserted by s.8 of the West Bengal Shops and Establishments (Amendment) Act, 1988 (West Ben. Act XXIII of 1988).

(Sections 20-22.)

Powers of  
Inspectors.

**20.** Subject to rules made under this Act, an Inspector appointed under section 19 may, within the local limits for which he is appointed,—

- (a) enter, at all reasonable hours, with such assistants, if any, as he may consider necessary, being persons in the service of the Government, any premises or place, where he has reason to believe there is a shop or an establishment, for inspecting any certificate of registration, records, registers, documents or notices required to be displayed, or maintained and kept under this Act or the rules made thereunder and require the production thereof for inspection;
- (b) examine any person whom he finds in any such premises or place and who, he has reasonable cause to believe, is a person employed in the shop or the establishment; and
- (c) seize, when so authorised under orders of such superior officer as may be prescribed, or take copies of such registers, records, documents or notices or portions thereof as he may consider relevant in respect of an offence under this Act which he has reason to believe has been committed by the shop-keeper or employer.

Penalties.

**21.** <sup>1</sup>(1) Whoever contravenes any of the provisions of this Act, shall, on conviction, be punishable with fine which may extend to five hundred rupees for the first offence.

(1A) Whoever contravenes, after the first offence, any of the provisions of this Act, shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to one thousand rupees, or with both:

Provided that for the purpose of this sub-section, no cognizance shall be taken of any conviction upon complaint of an Inspector appointed under section 19, made more than two years before the date on which the commission of the offence, which is being punished, came to the knowledge of such inspector.

Procedure.

**22.** (1) No Court inferior to a Presidency Magistrate or a Magistrate of the first class shall try an offence punishable under this Act.

(2) No Court shall take cognizance of an offence punishable under this Act except upon complaint made by an Inspector appointed under section 19:

Provided that such complaint shall, in the case of offences punishable under sub-section (2) of section 21, be made with the prior approval of the State Government.

<sup>1</sup>Sub-sections (1) and (1A) were substituted for the original sub-section by s. 9 of the West Bengal Shops and Establishments (Amendment) Act, 1988 (West Ben. Act XXIII of 1988).

*The West Bengal Shops and Establishments Act, 1963.*

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XIII of 1963.]

(Sections 23-26.)

23 No suit, prosecution or legal proceeding shall lie against any person in respect of anything in good faith done or intended to be done under this Act or the rules made thereunder.

Indemnity.

24. Nothing in this Act shall affect any right or privilege to which any person employed in any shop or establishment is entitled on the date of the commencement of this Act under any law for the time being in force or under any contract, custom or usage which is in force on that date, if such right or privilege is more favourable to him than any right or privilege conferred upon him by this Act or granted to him at the time of appointment.

Saving of certain rights and privileges.

25. (1) The State Government may, after previous publication, make rules for carrying out the purposes of this Act.

Power to make rules.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for—

- (a) any matter which may be or is required to be prescribed under this Act;
- (b) the manner of appointment and qualifications of Inspectors appointed under section 19.

(3) Any rule made under this section may provide that any person committing a breach thereof shall, on conviction, be punishable with fine, which may extend to one hundred rupees, and where the breach is a continuing one, with a further fine which may extend to twenty-five rupees, for every day, after the first, during which the breach continues.

26. The Bengal Shops and Establishments Act, 1940, is hereby repealed:

Repeal.

Provided that any weekly closing days or any working hours fixed under that Act and in force immediately before the commencement of this Act, may be continued for a period not longer than three months after such repeal.

Ben. Act  
XVI of  
1940.

<sup>1</sup>For the West Bengal Shops and Establishments Rules, 1964. see notification No. 2911-I.R/1R-1(B)/64, dated 13.7.64, published in the *Calcutta Gazette, Extraordinary* of 1964, part I, page 2427.

## **West Bengal Shops and Establishments Act 1963**

### **Introduction to West Bengal Shops and Establishments Act 1963 PDF**

The West Bengal Shops and Establishments Act 1963 PDF is one of the earliest labour laws applied to shops and commercial establishments in the State. Its purpose is simple: regulate employment conditions and provide minimum rights for employees. The Act fixes working hours, holidays, leave, welfare facilities, and duties of employers. It also gives powers to inspectors for enforcement.

This law is not optional. Every shop and establishment in West Bengal must comply. Even small outlets with one or two workers are covered. Corrida Legal has seen notices served on small retailers in Kolkata only for not displaying the registration certificate.

The Act 13 of 1963 West Bengal bare act download sets out its key objectives clearly:

- To regulate daily and weekly working hours.
- To ensure employees receive weekly holidays and national holidays.
- To provide basic welfare facilities at the workplace.
- To mandate registration of every establishment within the prescribed time.
- To enforce maintenance of registers relating to attendance, wages, and leave.
- To empower inspectors to check compliance and impose penalties.

These objectives show that the law is preventive. It is meant to ensure basic conditions are always maintained. Corrida Legal has observed that inspectors use this Act as the first compliance check. If there is a gap here, they assume there will be gaps under PF, ESI, or gratuity.

The West Bengal Shops and Establishments Act executive summary shows wide applicability. Shops, commercial establishments, restaurants, hotels, IT companies, consultancy offices — all are included. Exemptions are very limited. Many employers wrongly assume that being a service provider excludes them. Inspectors in practice reject such claims.

From a compliance angle, labour law compliance under West Bengal Shops and Establishments Act must be seen as a minimum standard. Registers, renewals, leave records, and holiday notices are always checked first. Corrida Legal has seen several clients face penalties not because wages were unpaid, but because the holiday list was missing from the notice board.

For employees, the working hours and holidays West Bengal Shops and Establishments Act provisions are statutory rights. Weekly offs, festival holidays, maximum working hours — these are non-negotiable. An agreement to the contrary has no legal value.

Finally, employer obligations and penalties under West Bengal Shops and Establishments Act 1963 highlight that contraventions attract fines. First offences may appear minor, but repeat or continuing defaults escalate quickly. Corrida Legal has handled matters where fines multiplied over time, costing employers more than maintaining preventive compliance from the beginning.

### **Scope and Applicability of Act 13 of 1963 West Bengal Bare Act Download**

The Act 13 of 1963 West Bengal bare act download applies across the State of West Bengal. It regulates all types of commercial activity except those specifically exempted. Inspectors treat the scope very widely. Corrida Legal has seen cases where even small consultancy firms were brought under the Act.

## **Establishments Covered under West Bengal Shops and Establishments Act 1963 PDF**

The West Bengal Shops and Establishments Act 1963 PDF applies to:

- Shops engaged in sale of goods or services.
- Commercial establishments such as offices, banks, trading houses.
- Hotels, restaurants, boarding houses.
- Theatres, cinemas, places of public amusement.
- IT and consultancy firms, call centres, training institutions.

Corrida Legal note – many employers think they are not “shops” in the ordinary sense. But law covers all commercial establishments, not only retail outlets.

## **Exemptions under West Bengal Shops and Establishments Act Executive Summary**

The West Bengal Shops and Establishments Act executive summary shows that certain establishments are excluded.

- Government offices and undertakings.
- Factories covered under the Factories Act.
- Establishments under central laws already regulating service conditions.

These exemptions are narrow. In practice most private employers in West Bengal are covered.

## **Territorial Application under Labour Law Compliance in West Bengal Shops and Establishments Act**

Labour law compliance in West Bengal Shops and Establishments Act applies to all establishments within the State. Urban and rural. Metropolitan Kolkata as well as small towns. Registration requirement is the same regardless of size or location.

Corrida Legal observation – even a small shop in a village can be inspected if there is a complaint.

## **Coverage of Employers and Employees – Working Hours and Holidays West Bengal Shops and Establishments Act**

The working hours and holidays West Bengal Shops and Establishments Act provisions apply to every employee, permanent or temporary, full time or part time. Apprentices and trainees are also included. Employer definition includes the person having ultimate control, manager, or authorised representative.

Corrida Legal has seen inspectors in West Bengal treat interns also as employees for purpose of leave and welfare rights.

## **Compliance Implications – Employer Obligations and Penalties under West Bengal Shops and Establishments Act 1963**

Employer obligations and penalties under West Bengal Shops and Establishments Act 1963 arise once the establishment falls within scope. Registration is compulsory. Renewal is compulsory. Non-registration is treated as contravention. Inspector may issue notice at first inspection itself.

Corrida Legal note – safest practice is to register even if in doubt. Penalty for over-registration is none. Penalty for non-registration is heavy.

## **Key Definitions under West Bengal Shops and Establishments Act Executive Summary**

The Act starts with definitions. These decide the scope. Inspectors use them to bring employers within coverage. Disputes usually fail once definitions are read out because the wording is wide.

### **Definition of Shop – West Bengal Shops and Establishments Act 1963 PDF**

A shop under the West Bengal Shops and Establishments Act 1963 PDF means any premises where goods are sold or services are rendered. It also covers attached godowns, warehouses, and offices connected with such activity.

In practice, this includes:

- Retail shops and showrooms.
- Wholesale trading premises.
- Repair workshops and service centres.
- Storage godowns linked to sales outlets.

Employers often assume storage or back-office premises are not covered. Inspectors treat them as part of the shop if they support business activity.

### **Definition of Commercial Establishment – Act 13 of 1963 West Bengal Bare Act Download**

The Act 13 of 1963 West Bengal bare act download defines commercial establishment in broader terms. It includes places where trade, business, or profession is carried on. Offices, hotels, restaurants, boarding houses, clubs, educational institutions, theatres, and amusement houses are all covered.

Exclusions are narrow:

- Factories under the Factories Act.
- Government offices.
- Establishments already regulated by separate labour laws.

For most private entities in West Bengal, especially service firms, this definition brings them under the Act.

### **Employee Definition – Working Hours and Holidays West Bengal Shops and Establishments Act**

Employee means any person employed for wages in a shop or establishment. Full-time, part-time, temporary, permanent, or apprentice – all are included. Clerical staff, sales assistants, cleaners, and support workers are also covered.

In many inspections, even interns and trainees have been treated as employees for purposes of leave and welfare. This is because the law focuses on the fact of employment, not the designation.

### **Employer Definition – Labour Law Compliance under West Bengal Shops and Establishments Act**

Employer means the person with ultimate control over the affairs of the establishment. In case of a company, this extends to the manager or agent in charge of day-to-day operations. For compliance purposes, responsibility cannot be shifted.

Practical responsibility includes:

- Ensuring registration and renewal.
- Maintaining attendance, wage, and leave registers.
- Displaying certificates and notices.
- Allowing inspection of premises and records.

### **Inspector Definition – Employer Obligations and Penalties under West Bengal Shops and Establishments Act 1963**

Inspector means an officer appointed by the State Government to enforce the Act. Their powers include entering establishments, demanding records, questioning staff, and issuing notices for contraventions. Once definitions are established, the inspector's jurisdiction becomes clear and unavoidable.

### **Observations**

- The Act deliberately defines terms broadly to ensure maximum coverage.
- Shops are not limited to sales counters; attached godowns and offices are included.
- Commercial establishment covers most service-sector employers.
- Employee definition is wide enough to include apprentices and sometimes interns.
- Employer liability attaches to managers or HR when they exercise control.
- Inspector authority is rooted in these definitions and difficult to contest.

### **Registration and Renewal Requirements under West Bengal Shops and Establishments Act 1963 PDF**

The West Bengal Shops and Establishments Act 1963 PDF makes registration compulsory. Every shop, office, or establishment must be registered. This is the first requirement of the law. Without registration, the business itself is treated as in violation. Inspectors usually start their visit by asking for the certificate. If it is not there, the employer is already in default.

The Act 13 of 1963 West Bengal bare act download requires application for registration within the time fixed after opening business. The employer must give name of establishment, address, details of employees, and the nature of work. A small fee is also prescribed. Documents asked are basic – proof of premises, proof of employer identity, and details of employees. Once approved, the authority issues a certificate.

Renewal is also compulsory. Registration does not run for life. The West Bengal Shops and Establishments Act executive summary makes it clear that every certificate has a validity period. Renewal before expiry is required. Delay attracts penalty. If ownership changes, or if the nature of the business changes, then fresh particulars must be submitted with the renewal.

Display of certificate is another condition. Labour law compliance under West Bengal Shops and Establishments Act requires the registration certificate to be shown at the workplace. It should be on the notice board or in a visible place. If it is kept inside a drawer or file, inspectors treat it as non-display. Non-display is recorded as offence, even if the certificate is valid.

Effect of default is serious. Without registration, the working hours and holidays West Bengal Shops and Establishments Act provisions cannot be implemented. The law does not recognise an unregistered shop as compliant. Non-registration itself becomes the first ground for prosecution.

Employer obligations and penalties under West Bengal Shops and Establishments Act 1963 cover this area. First offence attracts fine. Repeat offences attract higher fine. Continuing default brings daily fine until corrected. Courts have supported inspectors when employers argue that small businesses should be exempt. Once establishment falls within definition, registration is compulsory.

### **Working Hours and Holidays under West Bengal Shops and Establishments Act 1963**

The West Bengal Shops and Establishments Act 1963 fixes hours of work and weekly holidays. This is one of the most used provisions during inspection. Even if salary is correct, if hours or holidays are not in line, it is treated as violation.

#### **Daily and Weekly Hours – Act 13 of 1963 West Bengal Bare Act Download**

Under the Act 13 of 1963 West Bengal bare act download, hours are capped.

- 8 hours per day.
- 48 hours per week.
- Spread-over including breaks cannot cross the limit fixed by rules.
- Anything above this is overtime.

Inspectors in West Bengal compare attendance records with wage sheets. If employees stay late beyond 8 hours, but no overtime shown, notice is issued.

#### **Weekly Holiday – West Bengal Shops and Establishments Act 1963 PDF**

The West Bengal Shops and Establishments Act 1963 PDF makes one full-day holiday compulsory.

- Must be continuous 24 hours.
- Sunday is usual, but employer can fix another day.
- The weekly holiday must be displayed.

If holiday is not displayed, inspectors record non-compliance. Actual weekly off given but not displayed is still treated as violation.

#### **National and Festival Holidays – West Bengal Shops and Establishments Act Executive Summary**

The West Bengal Shops and Establishments Act executive summary requires three national holidays:

- 26 January
- 15 August
- 2 October

Festival holidays are fixed by State notification every year. Employer must declare which festival holidays will apply. If an employee works on a holiday, two conditions apply – double wages and compensatory leave.

#### **Overtime – Labour Law Compliance under West Bengal Shops and Establishments Act**

Labour law compliance under West Bengal Shops and Establishments Act requires overtime to be paid and recorded. Inspectors check three things together: attendance, overtime register, and wages. If overtime is paid in salary but not entered in register, it is still an offence.

### **Link with Leave – Working Hours and Holidays West Bengal Shops and Establishments Act**

The working hours and holidays West Bengal Shops and Establishments Act provisions are different from leave entitlements. Weekly offs and holidays do not replace earned leave. Many employers argue that extra offs are equal to annual leave, but inspectors reject this defence.

### **Penalties – Employer Obligations and Penalties under West Bengal Shops and Establishments Act 1963**

Employer obligations and penalties under West Bengal Shops and Establishments Act 1963 cover this area.

- Not giving weekly off = offence.
- Not declaring or displaying holiday list = offence.
- Working beyond 8 hours without proper overtime = offence.
- Consent of employee is not a defence.
- First offence = fine. Repeat = higher fine. Continuing default = daily fine.

### **Leave and Benefits under West Bengal Shops and Establishments Act 1963**

The West Bengal Shops and Establishments Act 1963 provides for leave and minimum benefits to employees. This is another area where inspectors check records. Even if weekly offs and holidays are correct, if leave is not granted or not recorded, it is treated as non-compliance.

### **Types of Leave – Act 13 of 1963 West Bengal Bare Act Download**

The Act 13 of 1963 West Bengal bare act download recognises different types of leave:

- Casual leave for short absence.
- Sick leave for illness.
- Earned leave or privilege leave based on days worked.
- Maternity leave for female employees.

Leave rules are not uniform for all. They depend on number of days worked in the year. For earned leave, entitlement accrues after a fixed number of days of service.

### **Benefits – West Bengal Shops and Establishments Act PDF**

The West Bengal Shops and Establishments Act 1963 PDF also ensures minimum benefits linked with leave.

- Full wages must be paid during earned leave.
- Sick leave must not be denied if medical proof is given.
- Maternity leave benefit is compulsory for female workers.
- Leave record must be maintained in the prescribed register.

Failure to maintain leave register is treated as violation even if leave is given.

### **Accumulation Rules – West Bengal Shops and Establishments Act Executive Summary**

The West Bengal Shops and Establishments Act executive summary provides that earned leave can be carried forward. Accumulation up to the prescribed limit is allowed. If employee leaves service, unused earned leave must be encashed.

Employers often fail to pay encashment of leave at termination. This becomes a common ground for complaints.

### **Link with Working Hours – Labour Law Compliance under West Bengal Shops and Establishments Act**

Labour law compliance under West Bengal Shops and Establishments Act treats leave separately from weekly holidays and national holidays. Weekly offs are statutory, holidays are statutory, leave is in addition. Substituting leave with extra holidays is not allowed.

### **Penalties – Employer Obligations and Penalties under West Bengal Shops and Establishments Act 1963**

Employer obligations and penalties under West Bengal Shops and Establishments Act 1963 cover leave defaults also.

- Denial of leave when entitled = offence.
- Not paying wages during leave = offence.
- Not maintaining leave register = offence.
- Non-encashment of leave on exit = offence.

Each offence can attract fine, and continuing failure increases penalty.

### **Wages and Record-Keeping under West Bengal Shops and Establishments Act 1963**

The West Bengal Shops and Establishments Act 1963 makes wages and record-keeping a central part of compliance. It is not enough to simply pay employees. The law demands that wages are paid correctly, on time, and also that every payment is supported by registers, slips, and documents which can be shown to an inspector. In practice, inspectors rarely ask employees first — they always begin by checking registers. If records are incomplete or missing, it is assumed that wages were not paid as per law, even when employers argue otherwise.

### **Wage Payment Rules – Act 13 of 1963 West Bengal Bare Act Download**

Under the Act 13 of 1963 West Bengal bare act download, an employer must ensure wages are disbursed within the statutory time after the close of the wage period. The Act permits payment either in cash, through cheque, or bank transfer, but all payments must be traceable. Deductions are allowed only when the law specifically permits, for example statutory contributions or authorised fines. Any deduction beyond this is unlawful. Inspectors in West Bengal often insist on seeing both the wage register and supporting proof of transfer. If the wage register shows deduction but no explanation or legal ground, the inspector records violation. The rule is clear – employee consent does not legalise an illegal deduction.

### **Records – West Bengal Shops and Establishments Act 1963 PDF**

The West Bengal Shops and Establishments Act 1963 PDF requires that specific registers be maintained. These include the attendance register, wages register, leave register, and overtime register. Each register must be updated daily or weekly depending on its purpose. Employers often believe that maintaining payroll software is enough, but inspectors in practice ask for statutory registers in the prescribed format. If these are not available, it is taken as non-compliance even if payroll records are otherwise accurate.

For example, attendance registers should show actual hours of work. If attendance shows employees leaving after 8 hours but overtime register shows no extra hours, the inspector will treat this as a mismatch and issue a notice. The leave register must show leave applied, leave granted, and balance. If an employee complains about denial of leave and the register is blank, the inspector takes the complaint as valid.

### **Wage Slips – West Bengal Shops and Establishments Act Executive Summary**

The West Bengal Shops and Establishments Act executive summary also makes it compulsory for employers to issue wage slips to employees. The slip must clearly mention gross wages, allowances, overtime, deductions, and net wages paid. It is not enough to prepare the slip internally — it must be issued to each employee. Wage slips are the simplest evidence for employees to confirm correct payment. When wage slips are missing, inspectors assume underpayment or manipulation, and employers then struggle to prove otherwise.

### **Importance of Records – Labour Law Compliance under West Bengal Shops and Establishments Act**

Labour law compliance under West Bengal Shops and Establishments Act is built around records. An employer may be paying correct wages, but without proper registers and slips, compliance is considered incomplete. Inspectors rely on documents more than oral explanations. They cross-check wage slips, registers, and payment proofs. Any inconsistency, however small, is treated as a contravention. Employers often fail not because they did not pay, but because they did not document correctly.

### **Penalties – Employer Obligations and Penalties under West Bengal Shops and Establishments Act 1963**

Employer obligations and penalties under West Bengal Shops and Establishments Act 1963 are strict in this area. Non-payment of wages within time, wrongful deductions, non-maintenance of registers, or failure to issue wage slips all count as offences. First-time fines may appear small, but repeat violations or continuing defaults escalate the penalty. Inspectors usually treat absence of wage records as one of the most serious breaches, because it directly affects employee rights. Courts in West Bengal have also upheld penalties in such cases, stating that compliance under this Act is record-based and not intention-based.

### **Observations**

- Wages must be paid within the statutory time frame.
- Deductions only where law allows. Consent of employee does not validate illegal deductions.
- Registers (attendance, wages, leave, overtime) must be in prescribed format. Payroll software alone is not enough.
- Wage slips must be issued to every employee.
- Records are the primary proof in inspections; oral statements are not accepted.

- Absence or mismatch in records leads to notices and penalties even where wages were actually paid.

## **Health, Safety and Welfare Measures under West Bengal Shops and Establishments Act 1963**

The West Bengal Shops and Establishments Act 1963 does not stop at working hours and wages. It also deals with health, safety, and welfare at the workplace. These provisions are often overlooked by employers, but inspectors take them seriously because they directly affect employee well-being. Even small shops with very few workers must comply.

### **General Safety Rules – Act 13 of 1963 West Bengal Bare Act Download**

The Act 13 of 1963 West Bengal bare act download requires every establishment to maintain basic safety standards. This includes keeping the workplace clean, free from hazards, and properly ventilated. Lighting must be adequate, and drinking water must be provided. Fire safety arrangements, including exits and equipment, must be in working condition.

Employers sometimes treat these as minor requirements, but inspectors in West Bengal record them during inspections. For example, absence of proper lighting, lack of ventilation, or blocked fire exits are treated as direct contraventions.

### **Welfare Facilities – West Bengal Shops and Establishments Act 1963 PDF**

The West Bengal Shops and Establishments Act 1963 PDF requires certain welfare facilities to be provided for employees. These include seating arrangements for employees who stand for long hours, separate toilets for men and women, and sufficient rest facilities where necessary. In case of larger establishments, canteen or lunch room facilities may also be required.

Registers must also reflect that facilities are in place. Inspectors often insist on seeing the premises physically, not just relying on registers.

### **Cleanliness and Health – West Bengal Shops and Establishments Act Executive Summary**

The West Bengal Shops and Establishments Act executive summary makes cleanliness a legal duty. Every employer must ensure that premises are clean, floors are washed, walls and ceilings are maintained, and no accumulation of dirt or waste is allowed. Proper disposal of waste is compulsory.

If an employee complains about poor sanitation or unhygienic workplace, inspectors treat it as a violation even without full inspection. Complaints are enough to trigger enquiry.

### **Labour Law Compliance – Health and Welfare under West Bengal Shops and Establishments Act**

Labour law compliance under West Bengal Shops and Establishments Act covers welfare facilities in addition to safety. First-aid boxes with prescribed contents must be kept. Drinking water supply must be adequate and accessible. Washing facilities should be separate and maintained. Employers often focus on wages and hours, but inspectors in West Bengal frequently issue notices on welfare gaps such as no separate toilet for women or absence of seating arrangements.

### **Penalties – Employer Obligations and Penalties under West Bengal Shops and Establishments Act 1963**

Employer obligations and penalties under West Bengal Shops and Establishments Act 1963 apply equally to health and welfare. Non-maintenance of cleanliness, not providing drinking water, not arranging first-aid, or ignoring fire safety provisions are all treated as offences. Inspectors have wide powers to impose penalties and in some cases can even recommend prosecution.

## **Enforcement and Inspector's Powers under West Bengal Shops and Establishments Act 1963**

The West Bengal Shops and Establishments Act 1963 is not self-executing. It is enforced through inspectors appointed by the State Government. These officers have wide powers under the law. Their role is not only to check paperwork but also to physically inspect establishments, talk to employees, and verify compliance on the ground.

### **Appointment and Authority – Act 13 of 1963 West Bengal Bare Act Download**

Under the Act 13 of 1963 West Bengal bare act download, inspectors are appointed by the Government. Their area of jurisdiction is notified. Once appointed, their authority covers every shop and establishment within their zone. Employers cannot deny entry to an inspector. Doing so itself is treated as obstruction and punishable.

### **Powers of Inspection – West Bengal Shops and Establishments Act 1963 PDF**

The West Bengal Shops and Establishments Act 1963 PDF lays down the specific powers of an inspector. These include the right to:

- Enter the premises during working hours.
- Examine registers, records, and documents.
- Question the employer, manager, or employees.
- Take copies or extracts of registers.
- Check facilities like drinking water, sanitation, and fire safety.

Inspectors are expected to carry an identity card and act within their legal authority. But in practice, once they begin inspection, most employers have little scope to resist.

### **Duty of Employer – West Bengal Shops and Establishments Act Executive Summary**

The West Bengal Shops and Establishments Act executive summary makes it clear that employers must cooperate with inspectors. This includes producing registers on demand, answering questions truthfully, and not hiding documents. Non-cooperation is treated as a separate offence. Even small delays in producing records are recorded by inspectors.

### **Link with Compliance – Labour Law under West Bengal Shops and Establishments Act**

Labour law compliance under West Bengal Shops and Establishments Act depends heavily on inspection reports. Employers may believe they are compliant, but if records are not updated or certificates not displayed, inspectors treat the establishment as in default. Most prosecutions under this Act are based on inspection notes.

### **Penalties – Employer Obligations and Penalties under West Bengal Shops and Establishments Act 1963**

Employer obligations and penalties under West Bengal Shops and Establishments Act 1963 also include obstruction of inspector, failure to produce registers, or giving false information. Penalties range from monetary fines to prosecution for continuing offences. Inspectors have authority to initiate proceedings before the labour authorities or magistrates.

## **Penalties and Prosecution under West Bengal Shops and Establishments Act 1963**

The West Bengal Shops and Establishments Act 1963 sets out clear penalties for contraventions. Compliance under this Act is not voluntary. Every rule on registration, working hours, holidays, leave, records, and welfare carries consequences if ignored. Penalties apply even to small defaults. Prosecution is possible where offences are repeated or continuous.

### **Nature of Offences – Act 13 of 1963 West Bengal Bare Act Download**

Under the Act 13 of 1963 West Bengal bare act download, offences include a wide range of defaults. Non-registration, failure to renew, non-display of certificate, forcing employees to work beyond hours, denial of holidays, wrongful deductions in wages, failure to keep registers, absence of welfare facilities – all are punishable. Even minor omissions like not displaying the weekly holiday notice are listed as offences.

### **Scale of Penalties – West Bengal Shops and Establishments Act 1963 PDF**

The West Bengal Shops and Establishments Act 1963 PDF prescribes fines for first offences. The amount may look small but increases sharply for repeat offences. For continuing contraventions, a daily fine is added until the violation is corrected. In practice, this means an employer who delays registration or fails to renew for months ends up paying far more than the initial fee.

### **Prosecution – West Bengal Shops and Establishments Act Executive Summary**

The West Bengal Shops and Establishments Act executive summary provides that inspectors can initiate prosecution for serious defaults. Cases are filed before the magistrate or competent authority. Penalties are not limited to fines – prosecution can also involve orders for compliance, recovery of dues, and in some cases imprisonment for wilful and repeated breach.

### **Employer Liability – Labour Law Compliance under West Bengal Shops and Establishments Act**

Labour law compliance under West Bengal Shops and Establishments Act makes the employer directly liable. The Act does not allow shifting of responsibility. Managers and agents in charge of operations can also be held responsible. In companies, inspectors often issue notices in the name of both employer and manager.

### **Strict Enforcement – Employer Obligations and Penalties under West Bengal Shops and Establishments Act 1963**

Employer obligations and penalties under West Bengal Shops and Establishments Act 1963 are strictly enforced because these provisions deal with employee rights. Inspectors treat excuses like “consent of employees” or “lack of awareness” as irrelevant. Courts have also upheld this strict approach, stating that these laws are for protection of workers and must be applied without relaxation.

### **Conclusion and Compliance Approach under West Bengal Shops and Establishments Act 1963**

The West Bengal Shops and Establishments Act 1963 is not a complex law, but it is strict. It touches every aspect of employment in shops and commercial establishments — from registration and working hours to wages, leave, holidays, health, and welfare. For employers in West Bengal, this Act is the starting point of labour compliance. Inspectors almost always begin here before moving to PF, ESI, or other laws.

### **Compliance Approach – Act 13 of 1963 West Bengal Bare Act Download**

The Act 13 of 1963 West Bengal bare act download makes it clear that preventive compliance is easier than defending prosecution. Registration and renewal are basic. Records must be maintained

in the prescribed forms. Holidays and weekly offs must be declared and displayed. Wages and leave must be paid and documented. Fire safety, sanitation, and welfare facilities cannot be ignored.

### **Practical Checklist – West Bengal Shops and Establishments Act 1963 PDF**

A practical approach for employers under the West Bengal Shops and Establishments Act 1963 PDF includes:

- Register the establishment within time.
- Renew certificate before expiry.
- Display certificate and weekly holiday notice.
- Maintain registers of attendance, wages, leave, overtime.
- Issue wage slips regularly.
- Provide holidays, leave, and overtime benefits as per law.
- Maintain hygiene, safety, and welfare facilities at workplace.

### **Inspection Readiness – West Bengal Shops and Establishments Act Executive Summary**

The West Bengal Shops and Establishments Act executive summary highlights that inspection is the key tool of enforcement. Employers must be inspection-ready at all times. Registers should be up to date, certificates displayed, and facilities maintained. Excuses like “records are in preparation” are not accepted by inspectors.

### **Risk of Default – Labour Law Compliance under West Bengal Shops and Establishments Act**

Labour law compliance under West Bengal Shops and Establishments Act should be treated as routine. Default invites notice, penalty, and prosecution. Many small employers face repeated notices simply because renewal dates are missed or registers are incomplete. Larger employers face penalties when welfare measures like sanitation or seating are ignored. In both cases, the risk is high compared to the simple effort required for compliance.

### **Final Note – Employer Obligations and Penalties under West Bengal Shops and Establishments Act 1963**

Employer obligations and penalties under West Bengal Shops and Establishments Act 1963 serve one purpose: ensuring minimum rights for employees. The Act sets a base standard. Once this is satisfied, other compliances like PF, ESI, gratuity, and bonus can be managed more smoothly. Non-compliance at this level signals risk across all labour laws.