

THE WEST BENGAL SHOPS AND ESTABLISHMENTS ACT

Registration Process in a nutshell:-

- 1) Registration of any newly opened shops and establishments had to be done within thirty days of its commencement and registration to be done with the Chief Inspector of Labour Directorate.
- 2) For registration – these are the documents needed
 - a) Form B in Triplicate
 - b) Form G in Duplicate
 - c) Form H in Duplicate
 - d) Form X in Triplicate (all the forms are available in the banglarmukh.com)
 - e) T R -7 Challan copy (For requisite fees)

Fees details :-

| Shops | Fees for registration and renewal (in Rs) | Fees for change (in Rs) |
|----------------------------|--|-------------------------|
| No employees | 25 | 10 |
| One to five employees | 30 | 20 |
| Six to twenty employees | 40 | 25 |
| More than twenty employees | 100 | 50 |
| | | |
| Establishments | Fees for registration and renewal (in Rs) | Fees for change (in Rs) |
| No employees | 25 | 10 |
| One to five employees | 30 | 20 |
| Six to twenty employees | 50 | 25 |
| More than twenty employees | 250 | 50 |

- f) Trade License copy
- g) If a Limited company- a copy of M.O.A.(Memorandum Of Association)
- h) List of Directors along with Form 32
- i) If a partnership company- a copy of partnership deed
- j) If a Non-banking financial company- a certificate from RBI (Reserve Bank of India)
- k) If an insurance based company- a certificate from IRDA(Insurance Regulatory and Development Authority)

The Registration Certificate has to be renewed after every three years and if any changes in the said certificate is required to be done, then that has to be amended within seven days.

3. The following to be displayed in office/factory
 - i) Registration Certificate, ii) Notice of weekly closure, & iii) Notice of weekly holidays.
4. The following records to be maintained:
 - i) Appointment letter, ii) Attendance Register, iii) Pay register, iv) Register of employees, v) Overtime register & vi) Visit book
5. Self Certification by the owner shall be accepted under the Shos & Establishment Act, 1963 as per the matter contained in Schedule – I. Such self-certification shall be deemed as sufficient compliance and shall dispense with the necessity of enquiry and verification(vide No. 194-EMP/EMP/IM-19/14 dated 18.06.15)

F.A.Q.

Whether Provident Fund Act 1952 is applicable to Shops and Establishments?

Yes, the act is applicable to any establishment employing 20 or more employees.

Whether West Bengal Gratuity Act 1972 is applicable to Shops & Establishment?

Yes ,the act is applicable to shops and establishments employing 10 or more employee.

Whether The Payment of Bonus Act 1965 is applicable to Shops & Establishments?

The Act is applicable to every establishment in which 20 or more persons are employed on any day during an accounting year.

Whether Solicitors firms are covered under West Bengal Shops & Establishments Act 1963?

No ,Solicitors firms are not covered under W.B.S & E Act 1963

Whether Chartered Accountant firms are covered under W.B.S & E Act 1963?

No, Chartered accountant firms have been held as neither shops nor establishments

Whether the establishments of medical practitioners are included in W.B.S & E Act 1963?

Yes, the establishments of Medical Practitioners have been included in W.B.S & E Act 1963 but they have been excluded from certain provisions of the act like Sec 5(1), 7(2), 7(4) , 16(1) , 16(3) and 16(6) .

Whether the State Bank of India and Other Nationalised Banks are covered under W.B.S & E Act 1963?

No, they are not covered under the W.B.S & E Act 1963

Whether the excise shops are covered under W.B.S & E Act 1963?

Yes, the Excise shops are covered under W.B.S & E Act 1963 but are exempted from the provisions of Sec 5(1)(a) and Sec 6(1)

Whether there is any provision of lay-off compensation in the Act? No,

there is no provision of providing any kind of lay-off compensation

Whether W.B.S & E Act 1963 is applicable to educational institutions?

No, Professions has been held by various High Courts to be beyond the purview of W.B.S & E Act 1963 if not run on commercial basis

Whether Workmen's compensation Act is applicable to persons employed in Shops and Establishments?

No, it is not applicable

How many hours an employee can work in a shop or an establishment?

Not more than 8 and ½ Hrs in a day or altogether 48 hrs in a week .After the closing of the shop or establishment also he or she cannot work

How many Hours Overtime is permissible in any shop or establishment?

10 Hours including normal hrs of work in a day or 120 hours total overtime can be done in a year.

How many hours an employee can be subjected to do work continuously in any shop or establishment?

Not more than 6 hours of work of continuous work after which at least one hour of rest is to be given

What is the closing hour of any Hotel/ Restaurant / Eating house/ Cafe etc?

Not later than 11 pm

How many leave is to be given as per law to any employee in shop or establishment?

4 days Privilege leave with full pay, 14 days sick leave with half pay, 10 days Casual leave with full pay and Maternity leave as per rules.

How many Privilege leave can be accumulated?

28 days Privilege leave can be accumulated

How many Sick leave can be accumulated?

Sick leave can be accumulated up to 56 days

How many Casual leave can be accumulated?

Casual leave cannot be accumulated.

What wages is to be given for overtime work?

Twice the ordinary rate of wages but if under any agreement, award, custom or convention any higher rate of overtime wages is been given than that is to be continued

Within how many days any shop or establishment after its opening has to be registered?

Within 30 days of Commencement of business

Within how many days Changes in respect of any particular contained in Registration Certificate is to be notified?

Within seven days

How many times the weekly closing days of any shop or establishment can be changed?

Not more than once in a year

Within how many days the winding up of business is to be notified to the Registering Authority?

Within 15 days of winding up of business

When Registration Certificate is to be renewed?

Once in every Three years

What are the registers which are to be maintained by a Shopkeeper or an employer?

- 1) Register of Hours of work and rest interval in Form I
- 2) Register of leave in Form J
- 3) Register of Pay in Form M
- 4) Register of Overtime in Form U
- 5) Register of Employees in Form W

Whether a Registration Certificate can be transferred if there is a change in ownership?

No it cannot be done . Within 15 days of such transfer the Registration Certificate has to be surrendered specifying the change of ownership and apply for a new Registration Certificate.

What is the closing hour of any Hotel/ Restaurant / Eating house/ Café etc?

Not later than 11 pm

How many leave is to be given as per law to any employee in shop or establishment?

14 days Privilege leave with full pay, 14 days sick leave with half pay, 10 days Casual leave with full pay and Maternity leave as per rules.

Within how many days any shop or establishment after its opening has to be registered?

14 days Privilege leave with full pay, 14 days sick leave with half pay, 10 days Casual leave with full pay and Maternity leave as per rules.

Within how many days Changes in respect of any particular contained in Registration Certificate is to be notified?

Within 30 days of Commencement of business

When Registration Certificate is to be renewed?

Once in every Three years