

WEST BENGAL SHOPS & ESTABLISHMENTS RULES, 1964

Notification No. 2911-IR/IR-1(B)64-13th July 1964.- In exercise of the power conferred by Section 25 of the West Bengal Shops and Establishments Act, 1963 (West Bengal Act XIII of 1963), the Governor is pleased hereby to make, after previous publication as required by sub-section (1) of the said section, the following rules, namely :

1. Short title

These rules may be called the West Bengal Shops and Establishments Rules, 1964.

2. Definitions

In these rules, unless there is anything repugnant in the subject or context,

- (a) "the Act" means the West Bengal Shops and Establishments Act, 1963;
- (b) "Calcutta" has the same meaning as in the Calcutta Municipal Act, 1951 (West Bengal Act of XXXIII of 1951);
- (c) "form" means a form appended to these rules;
- (d) "Government" means the Government of West Bengal;
- (e) "Maternity benefit" means the payment of the sum of money referred to in sub-rule (1) of Rule 23 or part thereof;
- (f) "miscarriage" means expulsion of the contents of a pregnant uterus at any period prior to or during the twenty-sixth week of pregnancy but does not include any miscarriage, the causing of which is punishable under the Indian Penal Code (Act XLV of 1860);
- (g) "referee" means an officer or authority appointed under sub-section (2) of Section 14;
- (h) "rule" means a rule framed under the Act;
- (i) "schedule" means a schedule appended to these rules;
- (j) "section" means a section of the Act;
- (k) "woman" used with reference to any shop or establishment means a woman who is a person employed in relation to such shop or establishment.

3. Register of shops and establishments

The registering authority shall maintain a districtwise Register of Shops and Establishments in Form A. The Register of Shops and Establishments so maintained shall consist of four parts as follows :

Part I – Shops.

Part II – Commercial Establishments.

Part III – Residential Hotels, Restaurants, Eating Houses and Cafes.

Part IV – Theatres, Cinemas and other places of public entertainment or amusement.

4. Application for registration

(1) In the case of a shop or an establishment, not being a shop or an establishment in existence on the date on which the Act applies, the shopkeeper or the employer, as the case may be, shall apply under sub-section (1) of Sec. 16 for registration within thirty days from the date on which the shop or the establishment, as the case may be, commences its business.

(2) An application for registration under sub-section (1) of Sec. 16 shall be made in triplicate in Part I of Form B, which shall be either in print or type and every such application shall be accompanied by the requisite fee specified in Schedule I.

(3) On receipt of an application accompanied by the requisite fee under sub-rule (2), the registering authority shall, on being satisfied about the correctness of the particulars furnished in the application, register the shop or the establishment, as the case may be, in the appropriate part of the register of shops and establishments referred to in Rule 3 and issue a certificate of registration in Part II of Form B.

5. Notice of change

A notice of change under sub-section (4) of Sec. 16 shall be in Form C and every such notice shall be accompanied by the current registration certificate together with the requisite fees specified in Schedule II

6. Renewal of registration certificate

(1) An application for renewal under subsection (6) of Sec. 16 shall be in Form D and shall be accompanied by the existing registration certificate together with such fees as are required for an application under rule 4.

(2) On receipt of an application for renewal of a registration certificate and the necessary fee under sub-rule (1), the registration authority shall, on being satisfied about the correctness of the information furnished, make necessary entries in the appropriate part of the Register of Shops and Establishments and the registration certificate and return the registration certificate to the applicant:

Provided that if the registering authority so thinks fit he may issue a new registration certificate, instead of renewing the existing certificate by making alteration therein.

7. Notice of winding up

Notice of winding up of the business of a shop or an establishment shall be in Form E and shall be accompanied by the registration certificate.

Explanation : Every case where a shop or an establishment is closed for a continuous period of six months or more shall be treated for the purposes of this rule as a case of winding up.

8. Loss of registration certificate

If any registration certificate issued under sub-rule (3) of Rule 4 is lost, destroyed, or defaced, the shopkeeper or the employer, as the case may be, concerned shall forthwith report the matter to the registering authority who issued the certificate and make an application in Form F accompanied by the requisite fees specified in Schedule I for the issue of a duplicate certificate, and the registering authority shall thereupon issue a duplicate registration certificate duly, stamped "Duplicate" in red ink.

9. Transfer of registration certificate

(1) A registration certificate issued under these rules shall not be transferable, and if ownership of any shop or establishment is transferred, the shop-keeper or the employer, as the case may be, shall, within 15 days of such transfer, notify the fact of transfer and surrender the certificate of registration to the registering authority and shall submit to the registering authority a statement signed by himself specifying the name and address of the transferee.

(2) The registering authority, on being satisfied about the correctness of the information relating to transfer, shall cancel the certificate of registration and amend the register of shops and establishments accordingly.

(3) The transferee shall apply for new registration certificate as provided in Rule 4 within thirty days from the date of transfer.

10. Enquiry for registration, renewal, etc., and payment of fees

(1) The registering authority may, for the purpose of satisfying himself about the correctness of any information furnished in any application or notice, hold such enquiry as he deems necessary for his satisfaction in such manner as he considers fit.

(2) All fees payable under these rules shall be paid in revenue stamps of the requisite value affixed on the application or notice, as the case may be, and each stamp shall be cancelled by the registering authority by punching a hole in the middle.

11. Notice of weekly closure

(1) The notice required to be displayed in shops and commercial establishments under sub-section (3) of Sec. 5 shall be in Form G.

(2) A copy of the notice and all changes in such notice shall be sent immediately,

- (a) where the shop or establishment concerned is situated in any area within Calcutta, to the Chief Inspector, and
- (b) where it is situated in any other area, to the Inspector having jurisdiction over such other area.

12. Notice of weekly holidays

(1) A shopkeeper or an employer shall display in his shop or establishment, as the case may be, a notice in Form H, specifying the days of the week on which the persons employed in such shop or establishment shall be allowed full holiday and half holiday, and shall preserve it for one year for inspection.

(2) The notice under sub-rule (1) shall be so displayed before cessation of work by the employees affected thereby on the Saturday immediately preceding the first week in which the notice is to have effect.

(3) A copy of the notice referred to in sub-rule (1) shall be sent immediately—

- (a) where the shop or establishment concerned is situated in any area within Calcutta, to the Chief Inspector, and
- (b) where it is situated, in any other area, to the Inspector having jurisdiction over such other area.

13. Register of hours of work and rest Intervals

(1) A shop-keeper or an employer shall maintain a register ¹{either in Form I or in Form I(1) as the shopkeeper or employer may choose} showing the daily hours of actual work and hours of rest against the name of each employee and also the hours of opening and closing of such shop or establishment, as the case may be.

(2) The entries in such register shall be made in course of the day to which it relates.

14. Application for privilege leave

Any person employed in a shop or an establishment desiring to avail of any privilege leave which is due to his credit under the Act shall make an application in writing for the purpose to the shopkeeper or the employer as the case may be at least ten days prior to the date of intended commencement of such leave and the shopkeeper or the employer as the case may be, shall issue orders on the application within a week of its submission :

¹ The words within square brackets were substituted for the words "in Form I" by Notification No. 7167-IR/IR/75-19/69, dated 15th September 1969, published in the *Calcutta Gazette*, dated 25-12-1969 at p. 2244.

Provided that the shopkeeper or the employer, as the case may be, may, if satisfied that the leave is required for urgent matters, waive the period of ten days' notice ordinarily required and pass orders accordingly.

15. Casual leave

Ordinarily, casual leave of absence shall not be admissible for more than three days at a time, except in cases of sickness, and previous permission in writing of the shopkeeper or the employer, as the case may be, shall be obtained before such leave is availed of :

Provided that when it is not possible to obtain such previous permission, the shopkeeper or the employer, as the case may be, shall, as soon as may be practicable, be informed in writing of the absence from duty and the probable duration of such absence with reasons therefor.

16. Sick Leave

Grant or extension of sick leave, if due, shall not be refused when prayed for in writing by or on behalf of a person employed on production of a certificate from a registered medical practitioner :

Provided that the shopkeeper or the employer concerned may if he so thinks fit and undertakes to defray the cost involved, require the person employed to be examined by another registered medical practitioner nominated by him, and if the person employed refuses to submit to such examination or is certified on such examination to be fit for duty; the shopkeeper or the employer concerned may refuse the leave or extension thereof, as the case may be.

17. Leave pass

(1) If any leave other than casual leave, asked for is granted, a leave pass showing the nature and period of leave granted shall be issued to the applicant.

(2) Every person employed praying for leave referred to in sub-rule (1) shall intimate to the shopkeeper or the employer concerned his address during the period of leave and if there is any change of the address, the shopkeeper or the employer, as the case may be, shall be informed within three days of such change.

18. Refusal of leave

(1) Leave due and prayed for shall not ordinarily be refused and no part of the privilege leave earned by a person employed in a shop or an establishment shall be allowed to lapse by the refusal of the shopkeeper or the employer, as the case may be, to grant such

Provided that the shopkeeper or the employer, as the case may be, may regulate the grant of privilege leave according to convenience of work of the shop or the establishment concerned, so, however, that such leave shall be granted,—

- (a) if the employee concerned intends to avail of the leave and does not want to accumulate it, within the first twelve months, or
- (b) in other cases, within the first eighteen months following the twelve months during which the leave has been earned.

(2) If the whole or any part of the leave prayed for is refused or postponed, the fact of such refusal or postponement and the reasons thereof shall be recorded in a register to be maintained by the shopkeeper or employer in Form J and if the employee concerned so desires, a certified copy of such entry in the register shall be supplied to him by the shopkeeper or the employer, as the case may be.

19. Extension of leave

If a person employed, after proceeding on leave, desires an extension thereof, he shall apply in writing to the shopkeeper or the employer concerned and the shopkeeper or the employer as the case may be, shall send a written reply either granting or refusing the extension of leave prayed for to the applicant at the address given by him under rule 17 before proceeding on leave.

20. Unauthorised absence

(1) If a person employed remains absent without leave or beyond the period of leave originally granted or subsequently extended, shopkeeper or the employer, as the case may be, shall, before taking any disciplinary action against the absentee, issue a notice requiring him to explain in writing the reasons of his absence within fifteen days of the date of issue of the notice.

- (2) (i) If on receipt of the notice referred to in sub-rule (1), the absentee explains the reasons of his absence to the shopkeeper or employer, as the case may be, the latter may, if the explanation is found satisfactory, regularise the period of unauthorised absence by grant of such leave as may be due to the person employed, and treat the remaining period of absence, if any, as absence without wages.
- (ii) If the explanation given by the person employed is considered not satisfactory by the shopkeeper or employer, as the case may be, the latter may either treat the period of unauthorised absence of the person employed as absence without wages even though leave with wages may be due to him, or terminate his lien on his appointment, depending on the gravity of the case.
- (iii) If the person employed does not submit any explanation to the shopkeeper or employer, as the case may be, within the time limit given in the notice referred to in sub-rule (1), the latter may terminate the lien of the person employed on his appointment forthwith.

(3) The notice referred to in sub-rule (1) shall be served by registered post to the address given under rule 17, or in its absence, to the address last given by the person employed to the shopkeeper or the employer, as the case may be.

21. Leave register

Every shopkeeper and employer shall maintain a leave register in Form J, and every case of application for leave, whether granted or refused, shall be entered in the corresponding part of the register immediately after a decision is taken on the application.

22. Prohibition of employment of pregnant woman during certain periods

(1) No shopkeeper or employer shall knowingly employ any woman, and no woman employed in a shop or establishment shall work there, during the six weeks immediately following the day on which she is delivered of a child or has a miscarriage.

(2) Without prejudice to the provisions of Rule 24, no pregnant woman shall be required by the shopkeeper or employer concerned to do during the period specified in sub-rule (3) any work which is of an arduous nature or which involves long hours of standing, or which in anyway is likely to interfere with the pregnancy or the normal development of the foetus, or is likely to cause miscarriage or otherwise to adversely affect her health.

(3) The period referred to in sub-rule (2) shall be—

- (a) the period of one month immediately preceding the period of six weeks, before the date of her expected delivery;
- (b) any period during the said 'period of six weeks for which the pregnant woman does not avail of leave of absence under rule 24.

23. Maternity benefit

(1) Subject to the provisions of these rules, every woman shall be entitled to, and the shopkeeper or the employer, as the case may be, employing her shall be liable for the payment of a sum of money for the benefit of such woman calculated at the rate of her average daily wages, for the period of her actual absence from work during the six weeks immediately preceding the day on which she is delivered of a child including that day and also for a period of six weeks immediately following that day.

Explanation. : For the purpose of this sub-rule, average daily wages of any woman means the average of the woman's wages payable to her for the days on which she has worked during the period of three calendar months immediately preceding the date from which she absents herself on account of maternity, or one rupee a day, whichever is higher.

(2) No woman shall be entitled to maternity benefit unless she has actually worked in the shop or the establishment concerned for a period of not less than one hundred and sixty days in the twelve months immediately preceding the date of her expected delivery.

Explanation. : For the purpose of calculating under this sub-rule the days on which a woman has actually worked in the shop or establishment concerned, the days for which she has been laid off within the meaning of Clause (kkk) of Sec. 2 of the Industrial Disputes Act, 1947 (14 of 1947), during the period of twelve months immediately preceding the date of her expected delivery shall be taken into account.

(3) The maximum period for which any woman shall be entitled to maternity benefit shall be twelve weeks, that is to say, six weeks up to and including the day on which she is delivered of a child and six weeks immediately following that day :

Provided that where a woman dies during this period, the maternity benefit shall be payable only for the days up to and including the day of her death :

Provided further that where a woman, having been delivered of a child, dies during delivery or during the period of six weeks immediately following the date of delivery, leaving behind in either case the child, the shopkeeper or the employer, as the case may be, shall be liable for maternity benefit for the entire period of six weeks immediately following the day of delivery but if the child also dies during the said period, for the days up to and including the day of the death of the child.

24. Notice of claim for maternity benefit and payment thereof

(1) Any woman employed in a shop or an establishment and entitled to maternity benefit under the provisions of these rules may give notice to the shopkeeper or the employer, as the case may be, in Form K stating that her maternity benefit may be paid to her or to such person as she may nominate in the notice and that she will not work or has not worked in any shop or establishment during the period for which she will receive maternity benefit.

(2) Such notice shall state the date from which the woman concerned will be or, as the case may be, has been absent from work, not being a date earlier than six weeks from the date on which she expects to be or, as the case may be, has been delivered of a child.

(3) On receipt of, the notice, the shopkeeper or the employer, as the case may be, shall allow such woman leave of absence from the shop or the establishment until the expiry of six weeks after the day of her delivery :

Provided that the shopkeeper or employer may, if he so thinks fit and undertakes to defray the cost, require the woman to be examined by a qualified-

medical practitioner or midwife, and if the woman refuses to submit to such examination or is certified by the medical practitioner or midwife, as the case may be, on such examination that she is not pregnant or is not likely to be or, as the case may be, has not been delivered of a child as stated in the notice he may refuse the leave or modify the period thereof :

Provided further that such examination shall, if the woman so desires, be carried out by a female.

(4) The amount of maternity benefit for the period preceding the date of her expected delivery shall be paid in advance by the shopkeeper or the employer as the case may be, to the woman or her nominee and the amount due for the subsequent period shall be paid by the shopkeeper or the employer, as the case may be, to the woman or her nominee on production of a certificate, in Form L from a qualified medical practitioner or midwife specifying the date on which the woman was delivered of a child.

(5) The failure to give notice under this rule shall not disentitle a woman to maternity benefit if she is otherwise entitled to such benefit and in any such case an Inspector appointed under section 19 may, after necessary enquiries, made either of his own motion or on an application made to him by the woman, direct the payment of such benefit.

25. Payment of maternity benefit in case of death of woman

If a woman entitled to maternity benefit dies before receiving such benefit or where the shopkeeper or the employer, as the case may be, is liable for maternity benefit under the second proviso to sub-rule (3) of Rule 23, the employer shall pay such benefit to the person nominated by the woman in the notice given under rule 24 and in case there is no such nominee, to her legal representative.

26. Leave for miscarriage

In case of miscarriage, a woman shall, on production of a certificate from a qualified medical practitioner or midwife, be entitled to leave with wages at the rate of maternity benefit, for a period of six weeks immediately following the date of her miscarriage.

27. Leave of absence during pregnancy

The absence of a woman during the period she is entitled to maternity benefit under these rules or due to illness certified by a registered medical practitioner as arises out of pregnancy or confinement shall be treated as authorized absence on leave.

28. Dismissal during absence for pregnancy

(1) When a woman absents herself from work in accordance with the provisions of these rules, it shall be unlawful for the shopkeeper or the

employer, as the case may be, employing her to discharge or dismiss her during or on account of such absence or to give her such notice of discharge or dismissal as will expire during such absence, or to vary any of the conditions of her service to the disadvantage.

- (2) (a) Discharge or dismissal of a woman at any time during her pregnancy except by order in writing communicated to her and on grounds of gross misconduct, shall not have the effect of depriving her of any maternity benefit if, but for such discharge or dismissal, she would have been entitled to such benefit.
- (b) Any woman deprived of maternity benefit may, within sixty days from the date on which the order of such deprivation is communicated to her, appeal to the officer or authority appointed under sub-section (2) of Sec. 14 within whose jurisdiction the shop or the establishment, as the case may be, is situated, and the decision of such officer or authority on such appeal, as to whether the woman should or should not be deprived of maternity benefit, shall be final.
- (c) Nothing contained in this sub-rule shall affect the provisions of sub-rule (1).

29. Recovery of maternity benefit

In any case where maternity benefit is withheld by a shopkeeper or an employer, the provisions of Sec. 14 and the corresponding provisions in these rules relating to recovery of wages shall *mutatis mutandis* apply to the recovery of such maternity benefit.

30. Pay register

Every shopkeeper and every employer shall maintain a pay register in Form M and all entries therein relating to payment shall be certified by the shopkeeper or the employer, as the case may be, in the presence of two witnesses as specified in such form.

31. Application for recovery of wages

(1) An application under sub-section (2) of Sec. 14 shall be made in duplicate in Form N and shall be accompanied by a fee at the rate of 10 paise for every twenty rupees or part thereof claimed in the application as due from a shopkeeper or employer, as the case may be.

(2) Such fees shall be paid by Court-fee stamps of the requisite value affixed on one of the copies of the application.

32. Procedure for dealing with application for recovery of wages

(1) Any person desiring to act on behalf of any person employed shall present to the referee a brief written statement explaining his interest in the

matter and praying for permission so to act and the referee shall record thereon an order specifying in the case of a refusal to grant the permission prayed for, the reasons for the refusal.

(2) Applications under rule 31 or other documents relevant to such applications shall be presented in person to the referee at any time during hours to be fixed by the referee or shall be sent to the referee by registered post, and the referee shall at once endorse or cause to be endorsed on each such application or other document the date of presentation or receipt thereof, as the case may be.

(3) On receipt of an application under rule 31, the referee shall, by issuing a notice in Form O call upon the applicant as well as the shopkeeper or the employer, as the case may be, to appear before him on a specified date not being earlier than fourteen days after date of service of the notice together with all relevant documents and witnesses, if any.

(4) If the shopkeeper or the employer, as the case may be, fails to appear on the specified date the referee may proceed to hear and determine the application *ex parte*.

(5) If the applicant fails to appear on the specified date, the referee may dismiss the application :

Provided that an order under sub-rule (4) or sub-rule (5) may, on good cause being shown within one month of the date of the said order be set aside and the application reheard after giving not less than fourteen days' notice to the opposite party of the date fixed for the rehearing of the application.

33. Maintenance of records of cases by the referee

(1) The referee shall record the particulars of each case in Form P and at the time of passing orders shall sign and date the particulars so recorded.

(2) The referee shall while passing order in each case also record the substance of the evidence adduced in the case as an Appendix to the order.

(3) Any record, other than a record of any order or direction, which is required by these rules to be signed by the referee, may be signed on behalf of and under the direction of the referee by any subordinate officer appointed in writing for this purpose by the referee.

34. Copies of records and documents

(1) Any person employed in a shop or an establishment or any shopkeeper or employer or a representative of such person employed, shop-keeper or employer, shall be entitled to inspect any application, memorandum of appeal, or any other document filed with the referee in a case to which such person employed, shopkeeper or employer is a party, and may obtain copies thereof on payment of the requisite fees specified in this behalf in Schedule III.

(2) An application for any copy referred to in sub-rule (1) shall be in Form Q and shall be presented in person to the referee during the hours fixed for the purpose by the referee or shall be sent to the referee by registered post and shall be accompanied by a fee of fifteen paise which shall be paid in Court-fee stamps affixed on the application.

(3) All copies shall be prepared on folios, and if it be not possible at once to inform the applicant what Court-fee stamps and folios will be required in respect of the copies applied for, the requisite information shall be communicated to the applicant as soon as may be possible thereafter but not later than seven days from the date on which the application is received by noting on the counterfoil portion of the application.

(4) In the case of certified copies the Court-fee chargeable under the Court fees Act, 1870 (VII of 1870), shall be levied by affixing the necessary stamp to the first folio of the copy.

(5) On receipt of the information referred to in sub-rule (3) the applicant shall present the requisite folios and Court-fee stamps to the referee along with the counterfoil of his original application on which receipt of the Court-fee stamps and folios filed shall be acknowledged and the date on which the copy will be ready for delivery noted. The counterfoil shall then be returned to the applicant.

(6) If the requisite folios and Court-fee stamps are not filed within seven days from the date on which the information referred to in sub-rule (3) is communicated to the applicant, the application shall be liable to be struck off and an application so struck off shall not be revived but, in such case, a fresh application may be made.

(7) Urgent copies shall ordinarily be ready delivery on the day following the date of payment of the urgent fees specified in this behalf in Schedule III and other requisites.

35. Register of application for copies

Application for copies shall be numbered consecutively and entered in a register maintained for the purpose in Form R.

36. Register of Court-fees

(1) A Court-fee register shall be maintained in Form S by the referee.

37. Overtime

(1) Every person employed in a shop may be required to work overtime to cope with sudden spurt of business transactions during the period and occasions specified below :

Occasion and Period

(i) Durga Puja : A period not exceeding 28 days ending on the day of Navami Puja.

(ii) Dewali : A period not exceeding 7 days ending on the day of Dewali

(iii) X'mas : A period not exceeding 7 days ending on 25th December.

(iv) Id-ul-fitr : A period not exceeding 7 days ending on the day of Id.

(v) Such other occasions as the State Government may, after taking into consideration their nature and importance, specify ; in this behalf by notification such period as may be specified in the notification.

38. Notice of overtime

A shopkeeper or an employer shall give notice in Form T of his intention to require a person employed to work overtime on any day at least twenty four hours before such day,—

(a) where the shop or establishment concerned is situated within Calcutta, to the Chief Inspector, and

(b) where it is situated in any other area, to the Inspector having jurisdiction over such other area :

Provided that if owing to urgency of business, it is not possible for the employer in any establishment to give such advance notice, the employer shall post the notice within twenty-four hours of the completion of overtime work by the person employed concerned.

39. Calculation of ordinary rate of wages of overtime

For the purpose of Sec. 13 the ordinary rate of wages shall be calculated in the manner specified in Schedule IV.

40. Register of Overtime

Every shopkeeper and every employer shall maintain a register in Form U showing the overtime work done in every month by each person employed.

41. Duties of Inspectors

(1) The duties of an Inspector appointed under sec. 19 shall be, generally, to make such inspection as may appear to him to be necessary for satisfying himself that the provisions of the Act and these rules and of any orders issued by Government under the Act are duly observed and, in particular for ascertaining whether, within the local area for which he is appointed,—

(i) shops and establishments are duly registered under the Act :

(ii) the registers, records and notice required to be maintained and displayed under the Act or these rules are properly maintained and displayed;

West Bengal Shops & Establishments Rules, 1964

- (iii) the intervals of rest and holidays required to be granted under the Act are granted and the limits of hours of work and spreadover laid down under the Act are duly observed;
- (iv) shops and establishments are closed in every week on days notified under sub-section (3) or sub-section (4) of Sec. 5;
- (v) the provisions of the Act and of orders issued by Government or any officer empowered under the proviso to sub-section (1) of Sec. 6 regarding the opening and closing hours are duly observed;
- (vi) the provisions of the Act and these rules regarding leave and maternity benefit are duly observed;
- (vii) every person employed in a shop or an establishment is furnished with a letter of appointment;
- (viii) the provisions of the Act and these rules regarding payment of wages and payment for overtime work are duly observed;
- (ix) any woman is not required or permitted to work
 - (a) in any establishment for public entertainment or amusement other than a cinema or a theater, after six o'clock *post meridiem*, or
 - (b) in any shop or commercial establishment, after eight o'clock *post meridiem*.
- (x) any young person is not required or permitted to work in any shop or establishment after eight o'clock *post meridiem*;
- (xi) any child who has not completed the age of twelve years is employed in any shop or establishment.

(2) For the purpose of making such inspection, the Inspector may interrogate such persons as he may deem necessary, at any premises or place where, he has reason to believe, there is a shop or an establishment, provided that no such person shall be required under this rule to answer any question the answer to which might tend to incriminate him.

(3) An Inspector shall inspect every shop and every establishment within the local area for which he is appointed at least once in every three months.

42. Submission of diary by Inspector

Every Inspector shall keep a file of the records of his inspections and maintain a diary in Form V in respect of the work done by him every month and shall submit to the officer to whom he is subordinate by the 15th day of every month such diary showing the work done in the preceding month. A copy of the said diary shall also be retained by the Inspector.

43. Ascertainment of age of employees

In respect of any person employed in any shop or establishment the Inspector having jurisdiction may require the shopkeeper or employer concerned to produce, at his own cost within such time not less than fifteen days from the date of the requisition as the Inspector may allow, one of the following documents showing the age of such person, namely :

- (1) a certified copy of an extract from the records of any school;
- (2) a certified copy of an extract from the Birth Register of a local authority.

44. Disqualifications of an Inspector

No person shall be appointed or having been appointed, continue to hold office, as an Inspector under the Act, if he has or acquired directly or indirectly by himself or by any partner any share or interest in any shop or establishment in the area for which he is to be or has been appointed:

Provided that nothing in this rule shall apply,—

- (i) to any person who has been permitted by the authority competent to appoint him as an Inspector to hold or acquire directly or indirectly by himself or in the name of any member of his family living with him or dependent on him, any share or interest in any registered Co-operative Bank or Co-operative Society or any public limited company, or
- (ii) to any person who acquires by inheritance any share or interest in any firm or business but who is not a working partner therein.

45. Supervising Inspectors and Chief Inspector

(1) The State Government may appoint an Inspector to be a Supervising Inspector and empower him to direct and supervise the work of any other Inspector or Inspectors.

(2) One of the Inspectors shall be empowered by the State Government to direct and supervise the work of all other Inspectors including Supervising Inspectors, and shall be designated as the Chief Inspector.

(3) The Chief Inspector may call for such information from shops and establishments as may be necessary for the efficient administration of the Act and these rules.

46. Method of Inspection

(1) In conducting any inspection, the Inspector shall not, as far as possible, cause any suspension of business.

West Bengal Shops & Establishments Rules, 1964

- (2) No inspection shall be held in any shop or establishment,
- (a) during any day or half day specified in a notice under subsection (3) of Sec. 5 as the day or half day during which the shop or establishment shall be entirely closed in each week, or
- (b) during any period or periods for which the shop or establishment may be exempted by notification under clause (a) of sub-section (2) of Sec. 4 from the provisions of the Act on any specified occasion or occasions :

Provided that notwithstanding anything hereinbefore mentioned an inspection may be held,—

- (a) to ascertain the position if any shop or establishment is found open on any of the days of weekly closure notified in respect thereof, or
- (b) to ensure that all those provisions of the Act from which the shop or the establishment, as the case may be, has not been exempted are duly observed.

¹(3) If the Inspector during his inspection of any shop or establishment finds any deviation from the forms prescribed in these rules or any other defect in the matter of maintenance of forms, registers, records and documents to be maintained under these rules he shall pass orders or make recommendations for remedying or removing such deviation from forms or defects in the maintenance thereof and in such a case, he shall either endorse the same in the visit book maintained by the shopkeeper or employer under Rule 48 or he shall send a copy of his inspection notes to the shop or establishment within fourteen days from the days of inspection.

47. Method of seizing registers, records, documents or notices

(1) The Chief Inspector referred to in Rule 45 may authorize any Inspector for the purpose of seizing any record, register, document or notice or any portion thereof under clause (c) of Sec. 20.

(2) An Inspector shall in each case of seizure of records, registers, documents or notices or any portion thereof give a receipt to the shopkeeper or employer, as the case may be.

48. Visit book

(1) Every shopkeeper and every employer shall maintain a visit book in which an Inspector visiting the shop or the establishment, as the case may be, may record his remarks regarding any defects that may come to light at the time of his visit or give direction regarding production of any documents required to be maintained or produced under the provisions of the Act and these rules :

Provided that where the Inspector has no remarks to offer, he shall merely enter the date and time of his visit and sign on the book.

1. Amended by Notification No. 7761-1R/EIL/1R-5/74 dtd. 28th Dec., 1974

(2) The visit book shall be a bound book more or less of size 7 inches x 6 inches containing at least 100 pages, and every second page thereof shall be consecutively numbered and the unnumbered page between each two, consecutively numbered pages shall have a vertical perforated straight line on the margin side at a margin of about 1 inch. Every page shall contain the following heading at the top :

- I. Name of the shop or establishment or alternatively name of the shopkeeper or employer.
- II. Address in full.
- III. Registration Number.
- IV. Date.
- V. Time.
- VI. Signature of the shopkeeper/employer.

(3) The unnumbered marginally perforated page of the visit book shall be used for making a copy of the Inspector's remarks and shall be taken out by the Inspector.

(4) In case the visit book containing the remarks passed by an Inspector is lost, destroyed or defaced, the shopkeeper or employer concerned shall forthwith report in writing the loss of the visit book to the Inspector of the area where the shop or establishment, as the case may be, is situated and shall immediately start and maintain a new visit book.

49. Co-operation with the Inspector

(1) All orders, letters, reports and other documents issued by an Inspector with respect to the provisions of the Act shall be properly filed and preserved by the shopkeeper or employer concerned for a period of 12 months and shall be made available in the shop or establishment for examination by the Inspector.

(2) Any demand by an inspector for any information or production of any document relating to the working of the Act, if made during the course of an inspection of any shop or establishment; shall be complied with by the shopkeeper or employer concerned forthwith, if the information can be made easily available in the shop or establishment, and if not so available within fifteen days of receipt thereof.

50. Appeal from the Inspector's orders or recommendations

(1) A shopkeeper or an employer may, within fifteen days of the date on which an Inspector endorses an order or recommendation under sub-rule (3) or Rule 46 in the visit book or of the receipt of the copy of inspection note relating to any order passed or recommendation made by the Inspector, as the case may be, in respect of the shop or establishment concerned, appeal against such order or recommendation to such authority as the Government may appoint in this

behalf, or until such authority is appointed, to the Government, and such authority or the Government, as the case may be, may confirm, modify or reverse the order or recommendation appealed against Rule 46(3) amended *vide* Notification No. 776-LR/EIL/IR-S/74 dated 28th December 1974 and published in *Calcutta Gazette*, March 13, 1975, page 496.

(2) The notice of appeal shall be in the form of a memorandum setting forth concisely the grounds of objection to the order or recommendation against which the appeal is preferred and bearing a Court-fee stamp of fifty paise and shall be accompanied by a copy of the order or recommendation appealed against.

51. Penalty

Whoever contravenes any of the provisions of these rules, 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.

52. Register of employees

(1) Every shopkeeper or employer shall maintain a register of employees in Form W.

(2) All information in the register of employees shall be kept up-to-date and necessary corrections shall be made within three days from the date on which any change takes place.

53. Letter of appointment

Every shopkeeper or employer shall furnish all persons employed with letters of appointment in Form X [or in such other form substantially containing the particulars specified in Form X as may be approved by the State Government on an application being made to it in this behalf by a shopkeeper or an employer.]

(i) in the case of every person who is already in employment in his shop or establishment's the case may be, within sixty days from the date, on which these rules come into operation, and

(ii) in the case of every person who is employed in his shop or establishment, as the case may be, after these rules come into operation, before the person so employed commences work :

Provided that it shall not be necessary for a shopkeeper or an employer to issue such letter of appointment to a person who is already in employment and has already been given a letter of appointment substantially containing the particulars specified in Form X.

54. Maintenance and preservation of records, registers, notices, etc.

(1) All registers required to be maintained under these rules shall be in English, Bengali, Hindi or Nepali and all dates entered in a register shall be in accordance with the English calendar. Entries shall be made in ink and shall be legible.

(2) All registers, except those in Forms I and J, records and notices relating to any calendar year shall be preserved and made available in the shop or establishment for examination by the Inspector till the end of the next calendar year. Registers in Forms I and J shall be so preserved and made available for examination by the Inspector till the end of the next fourth calendar year.

(3) Entries relating to any day, week or year in any of the registers shall be made forthwith after the close of such day, week or year, except in so far as otherwise permitted under these rules, and shall be signed by the shopkeeper or employer.

(4) Where an office, store-room, godown, warehouse, or work place used in connection with the trade or business of a shop is situated at any premises other than the premises of the shop, all registers, records, visit book and notices required to be maintained, exhibited or given under the Act, and these rules shall be separately so maintained, exhibited or given in respect of and at such office, store-room, godown, warehouse or work place.

55. Special registers and records

(1) If on an application made by an employer or shopkeeper in writing, the Government is satisfied that any register or record maintained by such employer or shopkeeper given in respect of the persons employed by him the particulars required to be shown in any register or record to be maintained under these rules, the Government may, by order in writing, direct that the registers or record so maintained by the employer or shopkeeper shall notwithstanding that it is not in accordance with the form provided in that behalf in these rules, be deemed to the corresponding extent to be a register or record maintained under these rules.

(2) Every application under sub-rule (1) shall be accompanied by five copies of Form of the relevant register or record.

56. Manner of filing applications or notices

An application or notice meant for any authority, officer or Inspector appointed under the Act shall be filed either by personal service with receipt during the hours fixed for the purpose by such authority, officer or Inspector or by registered post with acknowledgement due.

57. Saving of certain rights and privileges

Nothing in these rules shall affect any right or privilege to which any person employed in any shop or establishment is, on the date of the commencement of these rules, entitled 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 these rules or granted to him at the time of appointment.

FORM-A
[See Rule 3]
Register of Shops and Establishments
Part II : Commercial Establishments

Part-I Shops

Part-III Residential Hotels, Restaurants, Eating Houses and Cafe.

Part-IV Theatres, Cinemas and other places of public entertainment or amusement

Serial No.	Registration certificate No. and date of registration	Name of the shop/establishment, if any	Name of the shop-keeper/employer with residential address	Name the Manager/Person in charge, if any, with residential addresses	Postal address and exact location of the shop/establishment	Exact location of office, store-room godown, warehouse, or work-place, if any, attached to a shop but situated in premises different from those of the shop	Date of commencement of business	Nature of business	Number of members of owner's family who are not persons employed, within the meaning of Sec. 2(10)
1	2	3	4	5	6	7	8	9	10

Number of other persons of categories mentioned Sec. 4(2)(b)	Total number of employees [including sub-columns (a) and (b)]		Grand total of (a), (b) and (c)	Date of inspection in connection with the registration	Date of renewal	Fees paid	Weekly closing days in the case of a shop or a commercial establishment	Remarks
	Adult men	Woman						
10(b)	10(c)	10(d)	11	12	13	14	15	

FORM-B

[See sub-rules (2) and (3) of Rule 4]

PART-I

Application for Registration

Space for Stamp

To
The Registering Authority
Shops and Establishments
(here specify the area and address)

Sir,

I beg to apply for registration of my shop/ establishment under the West Bengal Shops and Establishments Act, 1963. Particulars about the shop/ establishment are furnished in the statement below.

2. Revenue stamps worth are affixed with this application as the required fee for registration.

Statement

1. Name of shop/establishment, if any
2. Postal address and exact location of shop/ establishment
3. Exact location of office, store-room, godown, warehouse, or work-place, if any, attached to shop but situated in premises different from those of shop/establishment
4. Name of shopkeeper/ employer
5. Residential address of shopkeeper/ employer
6. Name of Manager, if any, and his residential address
7. Name of partners and their residential addresses (if a partnership concern)
8. Names and residential addresses of Directors (if a limited company)
9. Category of establishment, i.e., whether a shop, commercial establishment, residential hotel, restaurant, eating house, theatre, cinema or other place of public amusement or entertainment
10. Nature of business
11. Date of commencement of business
12. Names of members of owner's family employed in the shop/establishment who live with the owner and are dependent on him/her

	Relationship	Adults	Young persons
Males			
Females			
Total			

13. Names of other persons employed,—
- (i) in a managerial or confidential capacity;
 - (ii) as a traveller, canvasser, messenger, watchman or caretaker; and
 - (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 (indicate sex and age in case of young persons)

14. Total number of employees,—

	Adults	Young Persons	Total
Males			
Females			
Total			

15. Declaration of weekly closing days (in the case of a shop or commercial establishment)

I hereby declare that the above information is true to the best of my knowledge and belief.

Dated

Yours faithfully,

Signature of shopkeeper/employer

- NOTES : 1. Item 2 should be filled only when the office, store room, etc. are not separately registered under the Act. In respect of such store rooms, etc., not separately registered, particulars, required under items 12, 13, 14 should be given separately (through office, store rooms, etc.)
2. If any item is not applicable enter "Not applicable"

West Bengal Shops & Establishments Rules, 1964

PART-II

(To be filled in by the office of the Registering Authority under the West Bengal Shops and Establishments Act, 1963).

Registration Certificate

It is hereby certified that the has been registered as under the West Bengal Shops and Establishments, Act, 1963, this.....day of.....19..... and Registration No. * is.....

Signature of the Registering Authority

Seal

Change notified in Form.....on.....has been registered.

Signature of the Registering Authority

Date.....

Seal

- (1) Renewed up to Registration Number
(2) Renewed up to Registration Number
(3) Renewed up to Registration Number

Signature of the Registering Authority

Date.....

- * The first part of the number shall be the name of the area in which the shop/ establishment is situated and the second part shall be the serial number of the Register of Shops and Establishments for the district concerned.

FORM-C

[See Rule 5]

Notice of Change

Space for
Stamp

Name of the shop/establishment already registered

Name of the shopkeeper/employer

Registration Certificate No.

Address

Dated theday of.....19.....

To

The Registering Authority, Shops and Establishment

(here specify the area and address)

Notice is hereby given that the following change has taken place in respect of information forwarded to you in Form B, which please note. The registration certificate is enclosed for amendment.

2. Revenue stamps worth are affixed to this notice as the required fee.

Changes

Signature of the -shopkeeper/employer

NOTE : This notice shall be accompanied by the registration certificate together with such fees as are specified in Schedule II.

West Bengal Shops & Establishments Rules, 1964

FORM-D

[See sub-rule (1) of Rule 6]

Application for Renewal of Registration

Space for

Stamp

To
The Registering Authority, Shops and Establishments
(here specify the area and address)

Sir,

I beg to apply for renewal of my certificate of registration No. which is enclosed. Particulars about the shop/establishment are furnished in the statement below.

2. Revenue stamps worth are affixed with this.

Signature of shop-keeper/
employer on each date.

Statement

1. Name of the shop/ establishment, if any
2. Postal address and exact location of the shop/establishment
3. Previous registration certificate No.
(The certificate is to be enclosed to this application)
4. Period for which renewal is required
5. Exact location of office, store rooms, godown, warehouse, or work-place, if any, attached to shop but situated in premises different from those of shop/establishment
6. Name of shopkeeper/ employer
7. Residential address of shopkeeper/employer
8. Name of Manager, if any, and his residential address
9. Names of partners and their residential addresses (if a partnership concern)
10. Names and residential addresses of Directors (if a limited company)
11. Category of establishment, i.e. whether, a shop, commercial establishment, residential hotel, restaurant, eating house, theatre, cinema or other place of public amusement or entertainment
12. Nature of business
13. Date of commencement of business
14. Names of members of owner's family employed in shop/establishment who live with the owner and are dependant on him/her

	Relationship	Adults	Young persons
Males			
Females			
Total			

15. Names of other persons employed,—
 - (i) in a managerial or confidential capacity;
 - (ii) as a traveller, canvasser, messenger, watchman or caretaker; and
 - (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 (indicate sex and age in case of young persons)

16. Total number of employees—

	Adults	Young Persons	Total
Males			
Females			
Total			

17. Declaration of weekly closing days (in the case of a shop or commercial establishment)
I hereby declare that the above information is true to the best of my knowledge and belief.

Dated

Yours faithfully,

Signature of shopkeeper/employe

- NOTE : 1. Item 5 should be filled only when the office, store room, etc., are not separately registered under the Act. In respect of such store rooms, should be given separately registered, particulars, required under items 14, 15, 16 should be given separately for each office, store rooms, etc.
2. If any item is not applicable enter "Not applicable".

FORM-E
[See Rule 7]

Notice of Winding up of Business

Space for
Stamp

To

The Registering Authority, Shops and Establishments
(here specify the area and address)

Sir,

Please take notice that I am winding up my business. Registration certificate No..... is surrendered herewith. The reasons for closure and other details are given below:

1. Name of shop/establishment
2. Name of shopkeeper/employer
3. Address
4. Number of employees affected
5. Reasons for winding up

Dated

Yours faithfully,

Signature of shopkeeper/employer

West Bengal Shops & Establishments Rules, 1964

FORM-F
[See Rule 8]

Notice of Loss of Registration Certificate

Name of shop/establishment

Address

Registration No.

To

The Registering Authority under the West Bengal Shops and Establishments Act, 1963.

Sir,

This is to inform you that the registration certificate of this shop/ establishment has been lost/destroyed/defaced due to (here specify the reasons or circumstances). Please issue a duplicate certificate.

Revenue stamps worth are affixed to this application as the required fee.

Yours faithfully,

Dated

Signature of shopkeeper/employer

FORM-G
[See Rule 11]

Notice of Weekly Closure

To be displayed in a conspicuous place

Name of shop/establishment, if any

Name of owner/in-charge of shop/establishment

Address in full

Registration No.

Until further notice this shop /establishment shall remain entirely closed and closed half day each week as noted below :

Full day¹

Half day (from..... to.....)

¹The days to be mentioned here.

Signature of the shopkeeper/employer/Manager/in-charge.

Copy forwarded for information to

- (1) The chief Inspector, Shops and Establishments, West Bengal.
- (2) The Inspector (specify area).

1. Strike out the words which are not appropriate.

West Bengal Shops & Establishments Rules, 1964

FORM-H
[See Rule 12]

Notice of Weekly Holidays

Name of shop/establishment

Address

Registration No.

The person employed in this Shop/Residential Hotel/Restaurant/Eating House/Theatre/Cinema House/Other place of public entertainment or amusement¹ shall be given the weekly holidays of a day and a half on the days specified below in the week following the date of this notice and until further notice.²

³ Name of employees	Day on which full holiday is allowed	Day on which half holiday is allowed	
		From	To
1	2	3	

Signature

1. Strike out the words which are not appropriate.
2. Strike out the words "until further notice" if the notice is intended to apply only to one week.
3. If the same days are fixed for all the employees, the words "all" only need to be inserted in Column 1.

FORM-I
[See Rule 131]

Register of Daily Hours of Work and Rest
Intervals of Persons Employed

Name of shop/establishment

Name of shopkeeper/employer

Address in full

Registration No Date

Shop/establishment opens closes at

Serial No.	Names of persons employed	Employment commences	Intervals for rest		Employment ceases	Total hours worked	Signature of the person employed
			From	To			
1.							
2.							

Signature of shopkeeper/employer

- NOTES :
1. Hours to be specified in this register shall be hours to be worked exclusive of overtime.
 2. Interval for rest shall be shown by the actual times at which the intervals are to begin and end (e.g., 1 p.m. to..... p.m.).
 3. Entries in this register shall be made daily for every working day.

West Bengal Shops & Establishments Rules, 1964

FORM-I (1)*

[See Rule 13]

**Register of Daily Hours of Work and Rest Intervals of
persons Employed For the Month of.....**

Name of shop/establishment

Name of shopkeeper/employer

Address in full

Shop/establishment opens at and closed at

Serial No.								Names of persons employed
								Remarks
1st	2nd	3rd	4th	5th	6th	7th		
8th	9th	10th	11th	12th	13th	14th		
15th	16th	17th	18th	19th	20th	21st		
22nd	23rd	24th	25th	26th	27th	28th		
29th	30th	31st						

A

R

D

T

*Signature of shopkeeper/
employer on each date*

- NOTES :** (1) A: Arrival, i.e., commencement of employment, I: Interval for rest, D: Departure, cessation of employment, T: Total hours worked.
- (2) The person employed will put his/her signature with time against A and D on each date of his/her attendance of duty.
- (3) Interval for rest shall be shown against R on each date of attendance of duty by the person employed by the actual times at which the intervals, are to begin and end (e.g., 1 p.m. to 2 p.m.).
- (4) Total hours worked shall be shown against T on each date of attendance of duty by the person employed.

* Form I (1) has been added by Notification No. 7167-IR/IR/7s-19/69 dated 15th September 1969

FORM-J

[See sub-rule (2) of Rule 18 and Rule 21]

Register of Leave

Name of shop/establishment, if any

Name of shopkeeper/employer

Address in full of shop/establishment

Registration No.

Name of employee

Father's Name

Date of appointment

Privilege Leave

1	2	3	4	5	6
Date of Application	Applied	Leave Granted	Balance due	If refused in part or full	Remarks
	From (date) To (date)				

Signature of employer/shopkeeper

Sick Leave

1	2	3	4	5	6
Date of Application	Applied	Leave Granted	Balance due	If refused in part or full	Remarks
	From (date) To (date)				

Signature of employer/shopkeeper

Casual Leave

1	2	3	4	5	6
Date of Application	Applied	Leave Granted From (date) To (date)	Balance due	If refused in part or full From (date) To (date) Reasons	Remarks
	From (date) To (date)				

Signature of employer / shopkeeper.

Maternity Leave

1	2	3	4	5	6
Date of Application	Applied	Leave Granted From (date) To (date)	Balance due	If refused in part or full From (date) To (date) Reasons	Remarks
	From (date) To (date)				

Signature of employer / shopkeeper.

NOTE : A separate page should be earmarked in the Register for each person employed and for each kind of leave.

FORM-K

[See Rule 24]

Notice of Claim for Maternity Benefit

Name or description of shop/establishment with full

Postal address

1.(name), employed inDepartment of the above named shop/establishment bearing serial No..... in the Register of Employees, hereby give notice as required under sub-rule (I.) of Rule 24 of the West Bengal Shops and Establishments Rules, 1964, that I expect to be/have been confined on.....(date) and shall not/could not, therefore, go to work from.....(date).

2. The maternity benefit due to me under rule 23 may be paid to mc/Shri/ Shrimati (name of the nominee and his/her full address) whom I declare as a nominee for the purposes of sub-rule (4) of Rule 24 of the West Bengal Shops and Establishments Rules, 1964.

3. I hereby declare that I will not work/have not worked in any shop or establishment during the period for which I shall receive maternity benefit.

4. For the purposes of Rule 25 of the West Bengal Shops and Establishments Rules, 1964., I hereby nominate :

(name and full address of the nominee to be given)

Address

.....
Signature or thumb impression

To

The shopkeeper/employer

FORM-L

[See sub-rule (4) of Rule 24]

Delivery Certificate

I certify that Shrimati (name and address of the patient), whose signature/thumb impression is given below, has given birth to a male/female child at on

Signature/thumb impression of the patient

Address

Date

.....
*Signature of the medical practitioner
qualified midwife*

West Bengal Shops & Establishments Rules, 1964

FORM-M
[See Rule 30]

Pay Register

Name of shop/establishment

Address in full

Name of employer/shopkeeper

Registration No

Day/week/month (in accordance with mode of payment) and year.

Name of persons employed	Rate of wages per month, week, day	Additional wages for over-time	Deductions if any, and reasons thereof	Total amount paid as wages	Signature of the persons employed	Remarks
--------------------------	------------------------------------	--------------------------------	--	----------------------------	-----------------------------------	---------

This is to certify that I have today in the presence of witness testifying herewith paid the amount of Rs. in wages to the persons employed by me and that each employee has received from me the amount due as specified against his name above.

Witnesses.....

1.

.....
Signature of shopkeeper/employer

1.

NOTE : When the payment is made by money order the fact may be stated in the remarks column.

FORM-N

[See Rule 31]

Application for Recovery of Wages

In the Court of the Authority/Officer appointed under the West Bengal Shops and Establishments Act, 1963.

Application No..... 20.....

Between

A. B. C..... [Name of applicant]

And

X. Y. D..... [Name of opposite party]

The applicant states as follows :

1. A.B.C. is a person employed in the Shop/establishment entitled and resides at.....

The address of the applicant for the service of all notices and processes is.....

2. X.Y.Z., the opposite party, is the person responsible for the payment of his/ her wages under sub-section (1) of Section 14 of the Act, and his/her address for the services of all notices and processes is.....

3. (1) The applicant's wages have not been paid for the following wage period(s) which ended on [give date(s)].....

And/Or

A sum of Rs.....has been unlawfully deducted from his/her wages of (amount) for the wage period(s) which ended on [give date(s)]

(2) [Here give any further claim for explanation].

4. The applicant estimates the value of relief sought by him/her at the sum of Rs.....

5. The applicant prays that direction may be issued under sub-section (3) of Section 14 for—

(a) Payment of his/her delayed wages as estimated or such greater or lesser amount as the Authority/Officer may find to be due ;

And/Or

Refund of the amount illegally deducted.

(b) Compensation amounting to.....

The applicant certifies that the statement of facts contained in this application is, to the best of his/her knowledge and belief, accurate.

.....
*Signature or thumb impression
of the person employed*

FORM-O

[See sub-rule (3) of Rule 321]

Notice For the Disposal of Application

To

Whereas under the West Bengal Shops and Establishments Act, 1963 (West Bengal Act XIII of 1963), a claim has been presented to me/by/against you by an application, you are hereby called upon to appear before me either personally or through a person duly authorized in this behalf, for the purpose of answering all material questions relating to the application, on the day of..... 20.....at.....o'clock in the forenoon/afternoon in support of/to answer the claim; and as the day fixed for your appearance is appointed for final disposal of the application, you must be prepared to produce on that day all the witnesses upon whose evidence, and the documents upon which you intend to rely in support of your claim/defence.

Take notice that in default of your appearance on the day before mentioned, the application will be dismissed/heard and determined in your absence.

Given under my hand and seal, this.....day of.....20.....

Referee.

FORM-P

[See Rule 33]

Particulars of Application under Section 14

1. Serial No.
2. Date of the application.
3. Name and address of the applicant.
4. Name and address of the employer/shopkeeper.
5. Amount claimed
 - (a) as delayed wages: Rs.....
 - (b) as deducted from wages: Rs.....
6. Plea of the employer and his examination (if any) :
7. Finding, and a brief statement of the reasons therefore (to be enclosed on a separate sheet of paper, if necessary):
8. Amount awarded
 - (a) delayed wages
 - (b) deducted wages
9. Compensation awarded.
10. Penalty imposed.
11. Costs awarded to
 - (i) Court-fee charges
 - (ii) Witnesses' expenses

Dated.....

.....
Signature

NOTE : Attach on a separate sheet the substance of the evidence.

FORM-Q

[See sub-rule (2) of Rule 34]

Serial No.

Application for Copies
(To be preserved for one year)

To

The authority/Officer under the West Bengal Shops and Establishments Act, 1963, for recovery of wages.

(Here insert the address)

Sir,

I require a certified/uncertified copy of the documents mentioned below, which may be supplied.

Date.....

.....
Signature of applicant

Description of document of which copy is required

Description No. and year of the case of which it forms part, names of the parties, etc.

Report of the clerk-in-charge of the records

Folios and Court-fees required

Date.....

.....
Signature of the clerk-in-charge

Received copy and unused folios and stamps.

Date.....

.....
Signature of the Applicant

(Counterfoil of Application for copies)

Received application for copies being Serial No.

Date.....

Folios and Court-fees required.

Date.....

.....
Signature of the clerk-in-charge

FORM-R
[See Rule 35]
Register of Application for Copies
(To be preserved for three years)

Serial No.	Date of Application	Name of Application	Whether certified or uncertified	Case No.	Description of document to be copied	Date on which number of folios and stamps required were notified	Date on which requisites were filed	Number of stamp filed [with price of each]	Number of adhesive stamps filed [with price if each]	Extra fee for urgent filed copy filed	Amount of Court-fee for authentication filed	Number of stamp sheets [with price of each] used
1	2	3	4	5	6	7	8	9	10	11	12	13

Number of adhesive stamps used [with price of each]	Number and price of stamp papers returned unused	Number and price of adhesive stamps returned unused	Court-fee for certified copy used	Extra fee for urgent copy used	Date on which copy is ready for delivery	Date of delivery of copy and unused folio, etc.	If application is rejected, the date and causes thereof	Remarks
14	15	16	17	18	19	20	21	22

FORM-S

[See Rule 36]

Register of Court-Fee Received

(To be preserved for three year)

Date	Serial No.	Case No. for which Filed	Nature of document of copies and all other fees including urgent fees on copies	Fees for application	Total	Remarks

FORM-T

[See Rule 38]

Notice of Overtime

Name of shop/establishment

Registration No

Address

To

The

Sir,

Please take notice that the persons named below will work/have worked overtime on the days mentioned against each of them as.....(here mention the reason).

Name of persons employed.....day/s on which overtimework will be/have been done.

Date.....

.....
Signature of shopkeeper/employer

FORM-U
[See Rule 40]

Register of Overtime Work

Name of shop/establishment

Name of shopkeeper/employer

Address

Registration No

For (Here insert the month and year
to which it relates).....

Serial	Name of person employed	Dates on which overtime work is done	Extent of overtime work on each such date	Total of overtime work done during done month
1				
2				
3				
4				

.....
Signature of employer/shopkeeper

FORM-V

[See Rule 42]

Diary of Inspector for the Month Ending

Date	Place	Establishment inspected	Purpose of inspections	Remarks of defects found and directions and orders issued
1	2	3	4	5

FORM-W
Register of Employees
 [See Rule 52]

Name of the shop/establishment

Address

Name of shopkeeper/employer

Registration No.

Serial No.	Name of the person employed	Father's name of the person employed (in the case of married woman husband's name)	Date of birth of the person employed	Date of appointment	Post held or nature of job performed	Scale of pay, if any	Rate of increment	Basic pay	Dearness allowance	Other allowances	Total wages day/week/month (according to mode of pay)	Remarks	Signature of the person employed with date thereof
1	2	3	4	5	6	7	8	9	10	11	12	13	14

Date.....
 Signature of employer/shopkeeper

NOTE : A page should be allowed to every employee.

FORM-X

[See Rule 53]

Letter of Appointment*

Name of shop/establishment

Address in full

Name of shopkeeper/employer

Registration No

Shri/Shrimati appointed (describe here the nature of appointment).....in this shop/establishment with effect from.....

2. His/Her appointment is on probationary basis for (insert the period)/ temporary/ casual basis for (insert the period)/permanent basis.

3. His/Her scale of pay/rate of increment in wages per.....(insert the period) shall be.....

4. He/She will draw a total wages of..... per day/week/month composed of the following, namely,—

- (i) Basic pay
- (ii) Dearness allowance
- (iii) Other allowances

Date.....

.....
Signature of shopkeeper/employer

* The Government of West Bengal has allowed the employer/shopkeeper to substitute its own appointment letter which substantially contains the particulars specified in Form X and if prior approval is taken from the State Government [See Notification No. 3630-IR dated 2-Ith April, 1974].

West Bengal Shops & Establishments Rules, 1964

SCHEDULE-I

[See rules 4(2) and 61]

The application for registration or renewal of registration shall be sent to the Registering Authority together with the fees prescribed in this Schedule. Fees are to be paid into the Local Treasury under the appropriate head of Account through Treasury Challan.

Serial No.	Category of Shop	Registration fees and Renewal fees
(1)	(2)	(3)
1.	Shop having no employees	Rs. 25.00
2.	Shop having one to five employees	Rs. 30.00
3.	Shop having six to twenty employees	Rs. 40.00
4.	Shop having more than twenty employees	Rs. 100.00

Serial No.	Category of Establishment	Registration fees and Renewal fees
(1)	(2)	(3)
1.	Establishment of any class having no employee	Rs. 25.00
2.	Establishment of any class having one to five employees	Rs. 30.00
3.	Establishment of any class having six to twenty employees	Rs. 50.00
4.	Establishment of any class having more than twenty employees	Rs. 250.00

SCHEDULE-II

[See rule 5]

The notice of change shall be sent to the Registering Authority together with the fees prescribed in this Schedule. Fees are to be paid into the Local Treasury under the appropriate Head of Account through Treasury Challan.

Serial No.	Category of Shop fees and Renewal fees	Fees
(1)	(2)	(3)
1.	Shop having no employee	Rs. 10.00
2.	Shop having one to five employees	Rs. 20.00
3.	Shop having six to twenty employees	Rs. 25.00
4.	Shop having more than twenty employees	Rs. 50.00

Serial No.	Category of Shop fees and Renewal fees	Fees
(1)	(2)	(3)
1.	Establishment of any class having no employee	Rs. 10.00
2.	Establishment of any class having one to five employees	Rs. 20.00
3.	Establishment of any class having six to twenty employees	Rs. 25.00
4.	Establishment of any class having more than twenty employees	Rs. 50.00

SCHEDULE-III

[See Rule 34]

The application for copies of documents shall be presented to Officer / Authority together with the fees prescribed in this Schedule.

<i>Category of documents</i>	<i>Fees payable</i>
1. Documents containing 150 words or less	1. An impressed stamped paper of 25 paise (i.e. a folio).
2. Documents containing 151 to 300 words	2. An impressed stamped paper of 25 paise (i.e. a folio) with an adhesive stamp of 25 paise affixed thereto.
3. Documents containing more than 300 words	3. In addition to fees payable under item 2 above for the first 300 words, an additional impressed stamped paper of 25 paise (i.e. a folio) and an adhesive stamp of 25 paise for every 300 words or part thereof in excess of 150 words.

Provided that fees payable for each 150 words or part thereof shall not exceed 25 paise.

- NOTES :** (i) Each folio will contain up to 300 words: but when the number of words does not exceed 150, no adhesive stamp of 25 paise need be affixed to it.
- (ii) The adhesive Court-fee stamps required for the copies shall be affixed to the folios across the perforated line with the figure heads above the perforated line in such a way that the portion below may clearly show the value of the Court-fee stamps.

Urgent Fee (In addition to normal fees)

<i>Category of documents</i> 1	<i>Additional fees payable</i> 2
1. Documents containing 600 words or less.	1. Re.1
2. Documents containing more than 600 words.	2. 25 paise for every 150 words any fraction thereof (four figures counting as one word).

SCHEDULE-IV

[See Rule 39]

Ordinary Rate of Wages Per Hour

Person employed	If the person is employed on daily wages and is paid daily	If the person is employed on daily wages but is paid weekly	If the person is employed on weekly wages	If the person is employed on monthly wages*
1	2	3	4	5
A person employed in a shop or establishment	$\frac{2}{17}$ th of the amount of daily wages	$\frac{1}{8}$ th of the amount of daily wages	$\frac{1}{48}$ th of the amount of weekly wages	$\frac{1}{208}$ th of the amount of monthly wages

* A month consists of $4\frac{1}{2}$ weeks on an average. (52 = 12 months = $4\frac{1}{2}$ weeks a month)

$$4\frac{1}{2} \times 48 \text{ hours} = 208 \text{ hours per month.}$$

NOTE : If in any shop or establishment the working hours are less than what are prescribed in the Act, the ordinary rate of wages per hour in such shop or establishment shall be determined in the like manner by dividing the daily, weekly and monthly wages by the total number of normal hours of work actually worked per day, week or month, as the case may be, by the persons employed.