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PART IV—Bills introduced in the West Bengal Legislative Assembly; Reports of Select Committees presented or to be presented to that Assembly; and Bills published before introduction in that Assembly.

GOVERNMENT OF WEST BENGAL

LAW DEPARTMENT

Legislative

NOTIFICATION

No. 747-L.—10th June, 2015.—The Governor having been pleased to order, under rule 66 of the Rules

of Procedure and Conduct of Business in the West Bengal Legislative Assembly, the publication of the following Bill, together with the Statement of Objects and Reasons which accompanies it, in the *Kolkata Gazette*, the Bill and the Statement of Objects and Reasons are accordingly hereby published for general information:—

Bill No. 23 of 2015

**THE WEST BENGAL SHOPS AND ESTABLISHMENTS
(AMENDMENT) BILL, 2015.**

**A
BILL**

to amend the West Bengal Shops and Establishments Act, 1963.

WHEREAS it is expedient to amend the West Bengal Shops and Establishments Act, 1963, for the purposes and in the manner hereinafter appearing;

West Ben. Act
No. XIII of 1963.

It is hereby enacted in the Sixty-sixth Year of the Republic of India, by the Legislature of West Bengal, as follows:—

Short title and
Commencement.

1. (1) This Act may be called the West Bengal Shops and Establishments (Amendment) Act, 2015.

*The West Bengal Shops and Establishments
(Amendment) Bill, 2015.*

(Clause 2.)

(2) It shall come into force at once.

Amendment of
section 2 of the
West Ben. Act
No. XIII of 1963.

2. In section 2 of the West Bengal Shops and Establishments Act, 1963 (hereinafter referred to as the principal Act),—

(a) for clause (2), the following clause shall be substituted:—

“(2) ‘commercial establishment’ means an advertising, commission, forwarding or commercial agency, or a clerical department of a factory situated outside the premises of the factory or any industrial or commercial undertaking, an insurance company, joint stock company, bank, broker’s office or exchange, any clinical establishment as defined in the West Bengal Clinical Establishment (Registration and Regulation) Act, 2010, ceremonial houses that are rented for different ceremonies, computer training centre, multigym, health care services, vocational training centre, tele calling services including Business Process Outsourcing and Knowledge Process Outsourcing, establishments of the cable, dish TV operators, different television and radio channel providers and operators, internet service providers and agents associated therewith, establishments dealing with different electronic media services, establishments dealing with courier services, different training centres, private airlines, water and road transport services and 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 with person employed therein, a society registered under any enactment in force for the time being, charitable or other trust, non-Governmental organizations with person employed therein, 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 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;”;

West Ben. Act
XXVI of 2010.

(b) for clause (6), the following clause shall be substituted:—

“(6) ‘establishment for public entertainment or amusement’ means a hotel, restaurant, eating house, cafe, cinema, theatre, game parlour, amusement park, water park and includes 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 for the purposes of this Act, establishment for public entertainment or amusement, but does not include a shop or a commercial establishment;”;

(c) for clause (17), the following clause shall be substituted:—

“(17) ‘young person’ means a person who has completed his fourteenth year but has not completed his eighteenth year.”.

*The West Bengal Shops and Establishments
(Amendment) Bill, 2015.*

(Clauses 3-9.)

Amendment of
section 4.

3. For clause (b) of sub-section (1) of section 4 of the principal Act, the following clause shall be substituted:—

“(b) any railway service, airways service, water transport service, tramways or motor service, postal, telegraph or telephone services, any system of public conservancy or sanitation or any industry, business or undertaking which supplies power, light or water to the public and those are run by or under the authority of Central or State Government or Public Sector Undertakings.”.

Amendment of
section 6.

4. For sub-section (1) of section 6 of the principal Act, the following sub-section shall be substituted:—

“(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 ten 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 notification, change such limits of the 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:

Provided further that the transport facility shall be provided to the employees working upto ten O’clock *post meridiem*.”.

Amendment of
section 9.

5. In section 9 of the principal Act, for the word “twelve”, the word “fourteen” shall be substituted.

Amendment of
section 14.

6. In sub-section (3) of section 14 of the principal Act, for the words “ten rupees”, the words “two times of due wages” shall be substituted.

Amendment of
section 16.

7. In sub-section (1) of section 16 of the principal Act, for the words “together with”, the word “and” shall be substituted.

Substitution of
new section for
section 17.

8. For section 17 of the principal Act, the following section shall be substituted:—

“Shopkeeper and employer to maintain and keep records etc. 17. (1) In every shop or establishment, the shopkeeper or employer concerned shall, for the purposes of this Act, maintain and keep such registers, records and documents, and display such notices as may be prescribed and produce them on demand by the inspectors.

(2) Every shopkeeper or employer shall allow the persons employed therein to inspect and get authenticated copy of the part or portion of such registers, records and documents, maintained and kept under sub-section (1) from time to time as may be prescribed.”.

Amendment of
section 20.

9. For clause (a) of section 20 of the principal Act, the following clause shall be substituted:—

“(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 that there is a shop or an establishment, for inspecting any certificate or 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 and supply of authenticated copy or copies thereof for inspection;”.

*The West Bengal Shops and Establishments
(Amendment) Bill, 2015.*

(Clause 10.)

Amendment of
section 21.

10. In section 21 of the principal Act,—

(a) for sub-section (1), the following sub-section shall be substituted:—

“(1) Whoever contravenes any of the provisions of this Act, shall on conviction, be punishable with fine which may extend to two thousand rupees but shall not be less than one hundred rupees for the first offence.”;

(b) in sub-section (1A),—

(i) for the word “three”, the word “six” shall be substituted;

(ii) for the word “one”, the word “five” shall be substituted.

(c) in sub-section (2),—

(i) for the word “three”, the word “six” shall be substituted;

(ii) for the word “one”, the word “five” shall be substituted.

STATEMENT OF OBJECTS AND REASONS.

The West Bengal Shops and Establishments Act, 1963 (West Ben. Act XIII of 1963) (hereinafter referred to as the said Act) has been enacted with the object to regulate holidays, hours of works, payment of wages and leaves of persons employed in Shops and Establishments.

2. After the enactment of the said Act, many new trades, businesses have evolved wherein a large number of people get employed and, therefore, it has been considered necessary to bring those trades, businesses, establishments under the purview of the said Act for protecting the rights of the persons employed therein.

3. It has, therefore, been considered necessary and expedient to amend the said Act.

4. This Bill seeks to amend—

(a) the definitions of “Commercial Establishment” and “Establishment for public entertainment or amusement” as contained in clauses (2) and (6) of section 2 of the said Act, has been modified to include a number of other establishments.

(b) sub-section (1) of section 6 of the said Act to modify the hour of opening and closing of any shop by eight o'clock *ante meridiem* and ten o'clock *post meridiem*, respectively.

(c) section 9 of the said Act to raise the minimum age of a child to fourteen years under which he cannot be employed in any shop or establishment.

(d) sub-section (3) of section 14, sub-section (1) of section 2, sub-section 1A of section 21 and sub-section (2) of section 21 to enhance the penalty which may be imposed for violation of various provisions of this Act.

(e) section 17 of the said Act to allow the employers/ shopkeepers to maintain registers, records and documents electronically or manually and also supply of authenticated copies of those records, documents for inspection under Clause (a) of section 20 of the said Act.

*The West Bengal Shops and Establishments
(Amendment) Bill, 2015.*

5. This Bill has been framed with the above objects in view.
6. There is no financial implication involved in giving effect to the provisions of the Bill.

KOLKATA,
The 9th June, 2015.

MOLOY GHATAK,
Member-in-Charge.

By order of the Governor,

MADHUMATI MITRA,
*Secy. to the Govt. of West Bengal,
Law Department.*