

EXTRAORDINARY

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PART-IV

PROVINCIAL ASSEMBLY OF SINDH
NOTIFICATION
KARACHI, THE 29TH APRIL, 2016.

NO.PAS/Legis-B-45/2015-The Sindh Shops and Commercial Establishment Bill, 2015 having been passed by the Provincial Assembly of Sindh on 21st March, 2016 and assented to by the Governor of Sindh on 25th April, 2016 is hereby published as an Act of the Legislature of Sindh.

THE SINDH SHOPS AND COMMERCIAL
ESTABLISHMENT ACT, 2015.

SINDH ACT NO. XII OF 2016.

AN
ACT

to amend and consolidate the law relating to the hours and other conditions of work and employment of persons employed in shops and commercial, industrial and other establishments in the Province of Sindh.

WHEREAS it is expedient to amend and consolidate the law relating to the hours and other conditions of work and employment of persons employed in shops and commercial, industrial and other establishments in Province of Sindh and matters connected therewith and ancillary thereto; Preamble

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It is hereby enacted as follows:

Short title, extent,
commencement and
application.

1. (1) This Act may be called the Sindh Shops and Commercial Establishment Act, 2015.
- (2) It shall extend to the whole of the Province of Sindh.
- (3) It shall come into force at once in such areas, and its provisions shall automatically apply to such establishments or classes thereof, to which any law on the subject was applicable immediately before the coming into force of this Act.
- (4) Government may, by notification in the official Gazette, extend the operation of this Act or any provisions thereof to any other area or establishment, or exclude any area or establishment to which it extends, from its operation.

Definitions.

2.(1) In this Act, unless there is anything repugnant in the subject or context -

- (a) "adolescent" means who has completed fourteenth years but has not completed eighteenth year age;
- (b) "adult" means a person who has completed his eighteenth year of age;
- (c) "apprentice" means a person who is employed, whether on payment of wages or not, for the purposes of being trained in any trade, craft or employment in any establishment;
- (d) "child" means a person who has not completed fourteenth year of age;
- (e) "closed" means not open for the service of any customer or to any business connected with the establishment;
- (f) "commercial establishment" means an establishment which carries on any business, trade or profession or any work in connection with, or incidental or ancillary to, any business, trade or profession, and includes:
 - (i) a society registered under the Societies Registration Act, 1860 (XXI of 1860), and a charitable or other trust, whether registered or not, which carries on, whether for purpose of gain or not, any business, trade or profession, or any work in connection with or incidental or ancillary thereto;
 - (ii) an establishment wherein there is conducted the business of advertising, commission, forwarding or a commercial agency;
 - (iii) a clerical department of a factory or of any industrial or commercial undertaking;

(iv) an insurance company, joint stock company, bank, broker's offices or exchange and office of lawyers, income-tax practitioners, registered accountants, contractors and engineers;

(v) such other professional establishments or class thereof as Government may, by notification in the official Gazette, declare to be commercial establishments for the purposes of this Act;

but does not include a factory, residential hotel, restaurant, eating house and theater or other place of public amusement or entertainment running on non-commercial basis;

(g) "day" means the period of twenty four hours beginning at midnight; provided that in the case of an employee, whose hours of work extend beyond midnight, day means the period of twenty-four hours beginning when such employment commences, irrespective of midnight;

(h) "employee" means any person employed whether directly or otherwise, about the business of an establishment for the owner or occupier thereof, even though he receives no reward or remuneration for his labour, but does not include a member of the employer's family;

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

(j) "employer's family" means the employer's husband or wife, as the case may be, sons, daughters, father, mother, and brothers and sisters living with and dependent on the employer;

(k) "establishment" means a shop, commercial establishment, industrial establishment, private dispensary, maternity home, residential hotel, restaurant, eating house, café, cinema, theater, circus, or other place of public amusement or entertainment, and such other establishments or class thereof as Government may, by notification in the official Gazette, declare to be establishments for the purposes of this Act;

(l) "factory" means a factory as defined in clause (j) of section 2 of the Factories Act, 1934 (XXV of 1934);

(m) "form" means a form specified in the Schedule;

(n) "Government" means the Government of Sindh;

- (o) "hours of work" or "working hours" with reference to an establishment, means the time during which the employees in the establishment are at the disposal of the employer, exclusive of any interval allowed for rest and meals;
- (p) "industrial establishment" means a workshop or other establishment in which the work of making, altering, repairing, ornamenting, finishing or packing or otherwise treating any article or substance with a view to its use, sale, transport, delivery, or disposal is carried on, or where any such service is rendered to a customer, and includes such other class or classes of establishments as Government may, by notification in the official Gazette, declare to be industrial establishments for the purposes of this Act, but does not include a factory;
- (q) "permanent employee" means an employee who has been engaged on a permanent basis; and includes an employee who has completed nine months continuous service in one or different occupations in the same establishment, including breaks due to sickness, accident, leave, illegal lock-outs, legal strikes or involuntary closure of the establishment, and has satisfactorily completed a probationary period of three months;
- (r) "prescribed" means prescribed by rules made under this Act;
- (s) "residential hotel" means any premises in which a bona fide business is carried on for the supply of dwelling accommodation and meals on payment of a sum of money by a traveler or any other member of the public or class of the public and includes a club;
- (t) "restaurant " and "eating house" means any premises in which is carried on wholly or principally the business of the supply of meal or refreshments to the public or a class of the public for consumption on the premises;
- (u) "retail trade" means includes the business of a barber or hair-dresser, the sale of refreshments or intoxicating liquors, and sales by auctions;
- (v) "shop" means any premises used wholly or in part for the wholesale or retail sale of commodities or articles, either for cash or on credit, or where services are rendered to customers, and includes an office, a store room, godown, warehouse or place or work, whether in the same premises or otherwise, mainly used in connection with such trade or business;

(w) "temporary employee" means an employee who has been engaged for work which is of an essentially temporary nature likely to be finished within a period not exceeding nine months;

(x) "wages" means wages as defined in the Sindh Payment of Wages Act, 1936;

(y) "week" means a period of seven days beginning at midnight on Saturday night;

3. References to time of day in this Act are reference to Pakistan Standard time. **Reference to time of day.**

4. Government may, by notification in the official Gazette, exempt from the operation of all or any of the provisions of this Act, any establishment or any class thereof or any employer or employee or class of employers or employees on such conditions as it may think fit. **Power to grant exemptions.**

5. (1) Nothing in this Act shall apply to: **Act not applicable to certain establishments and persons.**

(i) offices of or under the Central or Provincial Government;

(ii) offices of or under the Pakistan Railway Board, including railway stations;

(iii) offices of or under any local authority, a trust, a corporation or any other public statutory body which is not run for profit or gain or in the course of its business does not make any profit or gain;

(iv) shops or stalls in any public exhibition or show, in so far as shops or stalls deal in retail trade which is solely subsidiary or ancillary to the main purpose of such exhibition or show;

(v) shops or stall in any public fair or bazar held for religious or charitable purposes;

(vi) clubs, hostels and messes not maintained for profit or gain;

(vii) establishment for the treatment or care of the sick, infirm, destitute or mentally unfit persons;

(viii) stalls and refreshment rooms at railway stations, steamer and launch stations, docks, wharves and air ports, and on trains, steamers or air crafts, so far as the sale of commodities is concerned;

- (ix) any person employed as manager, travelling agent, canvasser, messenger, watchman, caretaker or conservancy staff or any person employed exclusively in connection with the collection, dispatch, delivery, and conveyance of, or custom formalities on goods; and
- (x) any person employed for the business of any shop or commercial establishment mentioned in clause (i) to (viii).

(2) Nothing in clause (a) of sub-section (1) of section 6 and in section 7 shall apply to-

- (i) club, hostels and messes maintained for profit or gain, so far as service and attendance upon customers is concerned;
- (ii) shops dealing solely in any vegetables, meat, fish, dairy products, bread, pastries, sweet-meats and flowers, so far as the sale of these articles is concerned;
- (iii) shops dealing mainly in medicines, surgical appliances, bandages or other medical requisites, so far as the sale of these articles is concerned;
- (iv) shops dealing in articles required for funerals, burials or cremations, so far as the sale of these articles is concerned;
- (v) shops dealing mainly in tobacco, cigars, cigarettes, bines, pan, liquid refreshments sold retail for consumption on the premises, ice, newspapers or periodicals, so far as the sale of these articles is concerned;
- (vi) automobile service stations (not being repair shops) and petrol pumps for the retail sale of petrol;
- (vii) barbers' and hair-dressers shops, so far as service to consumers is concerned;
- (viii) cinemas, theaters and other places of public entertainment.

(3) Notwithstanding anything contained in sub-section (2), Government may, by general or special order, fix the opening and closing hours for all or any of the classes of establishments specified therein.

(4) Notwithstanding anything contained in sub-section (1) and (2), Government may, by notification in the official Gazette, direct that any of the establishments or persons specified therein shall not be exempted from the operation of such provisions of this Act as are specified in such notification, and thereupon the provisions of this Act specified in such notification shall apply to such establishments or persons.

Weekly holiday in establishments.

6. (1) Except as otherwise provided in this Act, every establishment shall remain entirely closed for at least one day in each week.

(2) Every person employed in any establishment shall, in addition to the leave and holiday, as may be admissible to him under section 14, 15 and 16, be allowed on holiday, one day in each week, and such holiday may be on the day on which the establishment is closed under sub-section (1).

(3) No deduction on account of any holiday allowed under sub-section (1) shall be made from the wages of any employee of any establishment.

(4) If an employee is employed on daily wages, he shall nonetheless be paid his daily wages for the holiday, and where an employee is paid on piece-rate, he shall receive for the holiday the average of the wages received during the week.

(5) The day on which an establishment shall be entirely closed shall be either Friday or Sunday.

(6) The choice of a closed day shall rest with the employers, who shall intimate such choice to the prescribed authority-

(a) in the case of an establishment existing at the time this Act comes into force, within two months thereof; and

(b) in the case of an establishment set up after the coming into force of this Act or to which the provisions of this Act are subsequently applied, within two months of the setting up of the establishment or the application of the provisions of this section thereto, as the case may be.

(7) An employer who has intimated his choice of a closed day under the provisions of sub-section (5), shall not change the closed day for the establishment without the prior approval in writing of the prescribed authority.

7. (1) No establishment shall on any day remain open after 8:00 p.m:

Provided that any customer who was being or was waiting in the establishment to be served at such hour, may be served during the period of thirty minutes immediately following such hour:

Provided further that Government may, by notification in the official Gazette, fix any other hour after which establishments generally or any class of establishment shall not remain open.

(2) Every employer shall display, at a prominent place in the establishment, a board specifying the hours during which the establishment will remain open.

(3) No employee shall be required, or permitted to work continuously in any establishment for more than six hours in the case of an adult and for more than three and half hours in the case of an adolescent, unless he has been allowed an interval for rest or meals of not less than one hour.

Opening and closing hours of establishments.

Daily, weekly hours
and overtime.

(4) Except with the permission of Government, no woman or adolescent shall be employed in any establishment otherwise than between the hour of 9:00 a.m. to 7:00 p.m.

8. Save as otherwise expressly provided in this Act, no adult employee shall be required or permitted to work in any establishment in excess of nine hours a day and forty-eight hours a week, and no adolescent in excess of seven hours a day and forty-two hours a week:

Provided that in any day or in any week, in which there occurs stock-taking, making up of accounts, settlement or such other business operation, and during such other periods as may be prescribed, an adult employee of an establishment may be required or permitted to work over-time in such establishment for more than nine hours in such day and for more than forty-eight hours in such week, and a adolescent for more than seven hours in such day and for more than forty-two hours in such week, but so that the total number of hours so worked by an adult does not exceed one hundred and fifty hours and by a adolescent one hundred hours in any one year.

Over-time wages.

9. When any employee is required to work over-time in any establishment, as provided in the proviso to section 8, the wages payable to such employee in respect of such over-time work shall be calculated at double and ordinary rate of wages payable to him.

Spread-over.

10. The period of work of an adult and adolescent shall be so arranged that inclusive of the interval for rest or meals under section 7, it shall not spread-over more than ten hours in winter and eleven hours in summer in the case of an adult, and nine hours in winter and eight hours summer in the case of adolescent.

Time and condition
of payment of
wages.

11. (1) Every employer or his agent or the manager of an establishment shall fix the period in respect of which wages to employees shall be payable and shall responsible for the payment to persons employed by him of all wages required to be paid under this Act.

(2) No wage period, so fixed, shall exceed one month.

(3) The wages of every employee in any establishment shall be paid on a working day before the expiry of the seventh day or the last day of the wage period in respect of which the wages are payable.

(4) All wages shall be paid in legal tender through cross cheque of the commercial or scheduled Bank.

(5) Where the employment of any person is terminated by or on behalf of the employer, the wages and other dues earned by such person shall be paid before the expiry of the second working day after the day on which his employment is terminated.

12. (1) Government may, by notification in the official Gazette, appoint any person to be the Authority to hear and decide for any specified area all claims arising out of delay in the payment or non-payment of the wages of employees in that area.

Claims arising out of delay in payment of wages and penalty for malicious or vexatious claims.

(2) When contrary to the provision of this Act, wages of any employee have been delayed, withheld or deducted, such employee himself or through any other person, whom he may authorize in this behalf may within four months from the day on

which such payment was to be made, apply to the Authority appointed under sub-section (1):

Provided that an application may be admitted after the said period of four months but not later than six months, if the applicant satisfies the Authority that he had sufficient cause for not making the application within such period.

(3) When any application under sub-section (2) is entertained, the Authority shall hear the applicant and the employer or other person responsible for the payment of wages or give them an opportunity of being heard and, after such further inquiry, if any, as may be necessary, may without prejudice to any other penalty to which such employer or other person is liable under this Act, direct that payment be made to the applicant of delayed wages together with the payment of such penalty three thousand rupees, as the Authority may fix;

Provided that no direction for the payment of penalty shall be made in the case of delayed wages if the Authority is satisfied that the delay was due to-

- (a) a bona fide error or bona fide dispute as to the amount payable to the employee; or
- (b) the occurrence of an emergency, or the existence of such exceptional circumstances that the person responsible for the payment of the wages was unable to make prompt payment; or
- (c) the fault of the employee.

(4) If the Authority hearing any application under this section is satisfied that it was either malicious or vexatious, the Authority may direct that a penalty not exceeding hundred rupees to be paid to the employer or other person responsible for the payment of wages by the person presenting the application.

(5) Any amount directed to be paid under this section may be recovered-

- (a) if the Authority is a Magistrate by the Authority as if it were a fine imposed by him as Magistrate; and

- (b) if the Authority is not a Magistrate, by any Magistrate to whom the Authority makes application in this behalf as if it were a fine imposed by such Magistrate.

(6) An appeal against a direction made by the Authority under sub-section (3) or sub-section (4) may be preferred to the Labour Court within thirty days of the date on which the direction was made-

- (a) by the employer or other person responsible for the payment of wages under section 11, if the total sum directed to be paid by way of wages and penalty exceeds one hundred rupees; or
- (b) by an employee, if the total amount of wages claimed to have been withheld from him or from the unpaid group to which he belonged, exceeds hundred rupees; or
- (c) by any person directed to pay a penalty under sub-section (4):

Provided that no appeal shall be entertained unless it is accompanied by a certificate of payment issued by the Authority.

(7) If there is no appeal, the direction of the Authority made under sub-section (3) or sub-section (4) shall be final, and where there is an appeal as provided in sub-section (6), the decision in appeal shall be final.

(8) An Authority appointed under sub-section (1) shall, for the purposes of determining any matter referred to in sub-section (3) or sub-section (4) -

- (a) have all the powers as are vested in a Civil Court under the Code of Civil Procedure, 1908 (V of 1908), for enforcing the attendance of witnesses, compelling the production of documents and the taking of evidence; and
- (b) be deemed to be a Civil Court for all the purposes of section 195 and Chapter XXXV of the Code of Criminal Procedure, 1898(V of 1898).

Bar of suits.

13. No Court shall entertain any suit for the recovery of wages in so far as the sum so claimed-

- (a) forms the subject of an application made under sub-section (2) of section 12, which is pending before the Authority appointed under sub-section (1) of that section, or of an appeal under sub-section (6) of the said section;

- (b) has formed the subject of a direction made under sub-section (3) of section 12;
- (c) has been adjudged in any proceedings under section 12 not to be owned to an employee; or
- (d) could have been recovered by an application under section 12.

14.(1) Every employee shall be allowed leave with full wages for a period of fourteen days after continuous employment in an establishment, whether in the same or different capacities, for a period of twelve months

**Annual and
Maternity leave.**

(2) If an employee does not in any period of twelve months avail of the whole or any part of the leave allowed to him under sub-section (1)-

- (a) any leave not availed of by him shall be added to the leave to be allowed to him under that sub-section in the succeeding period of twelve months;

Provided that when the total leave due to an employee under this section amounts to thirty days, no further accumulation of or addition to such leave will be permissible;

- (b) he or she may, at this request, in lieu of the leave not availed of by him, be paid by the employer full wages for such leave.

(3) For the purposes of computing the period during which an employee has been in continuous employment within the meaning of sub-section(1), the period during which he was on leave under this section, or sections 15 and 16, shall be included.

(4) Every female employee shall be entitled maternity leave as defined in Maternity Benefit Ordinance, 1958.

15.(1) Every employee shall be entitled to casual leave with full wages for ten days in a calendar year. Such leave shall not ordinarily be granted for more than three days at a time and shall not be accumulated.

**Casual and sick
leave.**

(2) Every employee shall be entitled to sick leave with full wages for a total period of eight days in every year. Such leave, if not availed of by any employee during a calendar year, may be carried forward, but the total accumulation of such leave shall not exceed sixteen days at any one time.

16. Every employee shall be allowed ten days festival holidays with full wages in a year. The days and dates for such festival holidays shall be notified to the employees by the employer in the beginning of the calendar year.

Festival holidays.

17. (1) For each day of the leave or holidays allowed to an employee under section 14, 15 and 16, he shall be paid at the rate equivalent to the daily average amount, which, during the three months preceding the leave or holidays, was being earned by the employee.

**Wages during leave
or holiday period.**

(2) An employee, who has been allowed leave under section 14 for any period not less than four days in the case of an adult and five days in case of an adolescent / adolescent, shall before the leave begins, be paid his wages for the period of the leave allowed.

Sections 14, 15, 16 and 17 not to apply to certain establishments.

18. The provisions of section 14, 15, 16 and 17 shall not apply in relation to employees employed in commercial establishments as defined in clause (b) of section 2 of the West Pakistan Industrial and Commercial Employment (Standing Orders) Ordinance, 1968 (W.P. Ordinance VI of 1968).

Termination of employment.

19. (1) For terminating employment of a permanent employee, one month's notice in writing shall be given either by the employer or by the employee and in lieu of notice, one month's wages calculated on the basis of average of wages earned during the preceding three months shall be paid.

(2) No temporary employee, whether monthly rated, weekly rated or daily rated, and no apprentice shall be entitled to any notice or pay in lieu thereof if his services are terminated, but the services of a temporary employee shall not be terminated as a punishment unless he has been given an opportunity of explaining the charges leveled against him.

Prohibition of employment of children.

20. No child shall be required or allowed or employed to work in any establishment for any nature of work.

Contracting out.

21. Any contract or agreement, whether made before or after the commencement of this Act, whereby an employee relinquishes any right conferred by this Act shall be null and void in so far as it purports to deprive him of such right.

Guarding of machinery.

22. In every industrial establishment, all mechanically or electrically propelled machinery shall be guarded in the prescribed manner.

Maintenance of record and registers.

23. Every employer shall, for the purpose of this Act, maintain such records and registers and furnish such information as may be prescribed.

Registration of establishment and fee for registration.

24. (1) Every establishment, other than a one man shop, as hereinafter defined, and factories employing clerical staff within the factory premises, shall be registered with the Deputy Chief Inspector for the area within which such establishment is situated—

(2) An application for registration of an establishment shall be made by the employer in Form "A" and shall be accompanied by a Treasury Challan under "Head 47-Misc. Deptts-B (i) -Labour" for an amount of—

Rs. 500.00 in the case of an establishment employing 1 to 10 workers.

Rs. 1000.00 in the case of an establishment employing 10 or more workers.

Rs. 1000.00 in the case of banks/financial institutions employing 1 to 19 workers.

Rs. 2000.00 in the case of banks/financial institutions employing 1 to 19 workers.

Explanation:- For the purposes of this section, "one man shop" means a shop run by an employer or by any member of his family without engaging an employee.

(3) An application for registration of an establishment shall be made-

- (a) in the case of an establishment existing at the time of commencement of this Act, within three months thereof; and
- (b) in the case of an establishment set up after the coming into force of this Act or to which the provisions of this Act are subsequently applied, within two months of the setting up of the establishment or the application of this Act thereto, as the case may be.

(4) On receipt of the application and the fees specified in sub-section (2), the Deputy Chief Inspector shall, on being satisfied about the correctness of the application, register the establishment in the Registrar of Establishments to be maintained in Form "B" and shall issue a registration certificate to the employer in Form "C".

(5) The registration certificate shall be prominently displayed by the employer at the establishment and shall be renewed after every two years on depositing fee as prescribed in sub-section (2).

25.(1) Government may, by notification in the official Gazette, appoint-

- (a) a Chief Inspector of Shops for the whole of the Province;
- (b) Deputy Chief Inspectors of Shops for such areas as may be notified; and
- (c) such persons or class of persons as it thinks fit to be Inspectors for the purposes of this Act within such local limits as may be specified by the Chief Inspector of Shops.

(2) The Chief Inspector of Shops and the Deputy Chief Inspectors of Shops-

**Appointment of
Chief Inspector,
Deputy Chief
Inspector and
Inspectors.**

**Powers of
Inspectors.**

(a) shall supervise the work of Inspectors appointed under clause (c) of sub-section (1) in such manner as may be prescribed; and

(b) may exercise all or any of the powers of an Inspector.

(3) The Chief Inspector of Shops, Deputy Chief Inspectors of Shops and Inspectors appointed under sub-section (1) shall be deemed to be public servants within the meaning of section 21 of the Pakistan Penal Code (XLV of 1860).

26. An Inspector appointed under section 25 may, for the purposes of this Act and within the local limits for which he is appointed, at all reasonable times enter into any place which is, or which he has reason to believe is, an establishment, with such assistants, if any, being persons in the service of Government, and make such examination of that place or of any prescribed record, register, or other documents maintained therein, and may require such explanation of any prescribed record, register or other documents and do all such things as he considers necessary for the purpose of this Act.

Penalties.

27. (1) If any employer, with intent to deceive, makes or causes or allow to be made, in any register, record or notice required to be maintained under the provisions of this Act or the rules made thereunder, any entry, or willfully omits or causes or allows to be omitted from any such register, record or notice, any entry which is required to be made thereunder, or maintains or causes or allows to be maintained more than one set of any such register, record or notice except the office copy of such notice, or sends or causes or allows to be sent to an Inspector any statement, information or notice required to be sent under the provisions of this Act or the rules made thereunder, which to his knowledge is false in any material particulars, he shall, on conviction, be punished with fine of ten thousand rupees but not less than two thousand rupees.

(2) Whoever contravenes any of the provisions of section 7 or 20 shall, on conviction, be punishable with fine which for the first offence be twenty thousand and not less than five thousand rupees, and for a second or subsequent offence with fine of rupees one thousand reckoned from the days of first offence or with simple imprisonment which may extend to three months, or with both.

(3) Whoever contravenes any other provisions of this Act shall, on conviction, be punishable with fine which for the first offence of rupees ten thousand and not less than one thousand rupees and for a second or any subsequent offence of rupees four thousand or with simple imprisonment which may extend to three months, or with both.

28.(1) No prosecution under this Act or any rules made thereunder shall be instituted except by an Inspector or with the previous sanction of Deputy Chief Inspector of Shops, or other officer or authority specially empowered by Government in this behalf.

Procedure.

(2) No Court other than Labour Court established under the Sindh Industrial Relations Act, 2013 shall try an offence punishable under this Act or any rules made there under.

29. No Court shall take cognizance of any offence punishable under this Act or any rules made there under unless complaint thereof is made within three months from the date on which the alleged commission of the offence comes to the knowledge of an Inspector.

Limitation of prosecutions.

30. No suit, prosecution or other legal proceedings shall lie against any person in respect of anything done in good faith under this Act or the rules there under.

Indemnity.

31. Government may, by notification in the official Gazette, delegate all or any of its powers under this Act or the rules there under to any subordinate authority or agency as may be considered expedient by it.

Delegation of powers.

32. (1) Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

(2) In making rules under this section, Government may direct that any person committing breach thereof shall, on conviction, be punishable with fine of two thousand but not less than one thousand rupees, and where the breach is a continuing one, with a further fine of three hundred rupees for every day, after the first, during which the breach continues.

33. Nothing in this Act shall affect any right or privilege to which an employee is entitled on the date of the commencement of this Act under any law for the time being in force or under any award, agreement, settlement, contract, custom or usage which is in force on that date, if such right or privilege is more favourable to him than any right or privilege conferred upon him by this Act.

Saving of certain rights and privileges.

34.(1) The provisions of the Shops and Establishments Ordinance, 1969, hereinafter referred to as the repealed Ordinance, in its application to the Province of Sindh, are hereby repealed.

Repeal and Saving.

(2) Notwithstanding the repeal under sub-section (1), everything done orders passed, action taken, obligation, liabilities, penalty or punishment incurred, enquiry or proceedings commenced, officer appointed or person authorized, jurisdiction or power conferred, rule made or notification issued under any of the provisions of the repealed Ordinance shall, if not inconsistent with the provision of

this Act, continue in force and be deemed to have been done, passed, taken, incurred, commenced, appointed authorized, conferred, made or issued under the provision of this Act.

**BY ORDER OF THE SPEAKER
PROVINCIAL ASSEMBLY OF SINDH**

**G.M.UMAR FAROOQ
SECRETARY
PROVINCIAL ASSEMBLY OF SINDH**

SCHEDULE

[See section (2) (1) and section 24]

FORM 'A'

APPLICATION FORM

1. Name of the establishment, if any.
2. Postal address of the establishment.
3. Full name of the employer (including his father's name).
4. Full name of the Manager, if any (including his father's name).
5. Category of the establishment, i.e. whether a shop, industrial establishment, commercial establishment, residential hotel, restaurant, eating house, theater or other place of public amusement or entertainment.
6. Men, Women, Adolescents:- Total number of employees (state separately the number of men, women and/or adolescents (if any)).
7. Date on which the establishment commenced its work.
8. I hereby declare that the details given, above are correct to the best of my knowledge.

Dated

Signature of the Employer.

Note:- This statement shall be sent to the Deputy Chief Inspector of the area concerned with such fees as are prescribed in section 24(2) of the Sindh Shops and Commercial Establishment Act, 2015.

Signature.

Dated

FORM 'C'
REGISTRATION CERTIFICATE

Name of the Establishment, if any.

Name of the employer.

Postal address of the establishment.

Registration No.

It is hereby certified that the establishment as mentioned herein has been registered
as a _____ under the West Pakistan Shops and Establishment Ordinance,
1969, this _____ day of _____.

Chief Inspector of Shops.

RENEWAL

Date of renewal From To Signature of the Chief Inspector of Shops with
seal.

• Here insert category of the establishment.