

THE KHYBER PAKHTUNKHWA COMMERCE AND TRADE STATISTICS ACT, 2022.

(KHYBER PAKHTUNKHWA ACT NO. XXXVI OF 2022)

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(KHYBER PAKHTUNKHWA ACT NO. XXXVI OF 2022)

(First published after having received the assent of the Governor of the Khyber Pakhtunkhwa in the Gazette of the Khyber Pakhtunkhwa, (Extraordinary), dated the 4th August, 2022).

AN
ACT

to provide for collection of statistics relating to commercial and trade activities for promotion of commerce and trade in the Province of Khyber Pakhtunkhwa.

WHEREAS it is expedient to provide for a comprehensive system for collection of statistical data relating to commerce and trade, for effective policy making and targeted market interventions for efficient functioning of the market and for development and promotion of commerce and trade in the Province of Khyber Pakhtunkhwa;

It is hereby enacted by the Provincial Assembly of Khyber Pakhtunkhwa as follows:

CHAPTER-I
PRELIMINARY

1. Short title, extent and commencement.---(1) This Act may be called the Khyber Pakhtunkhwa Commerce and Trade Statistics Act, 2022.

(2) It shall extend to the whole of the Province of Khyber Pakhtunkhwa.

(3) It shall come into force at once.

2. Definitions.---(1) In this Act, unless there is anything repugnant in the subject or context, the following expressions shall have the meanings hereby respectively assigned to them, that is to say-

(a) "authorized officer" means an officer authorized by the Statistical Authority under sub-section (2) of section 3 of this Act;

(b) "business" means any person, trader, dealer, partnership or firm, and any other commercial entity whether registered or unregistered, an association or body of persons or individuals, or a commercial entity or company or agents involved in the distribution, manufacturing, processing, storage, packaging, transportation, logistics, import or export or selling of goods and services or involved in any other commerce or trade activity;

(c) "Court" means the Court as defined in clause (dd) of section 2 of the Khyber Pakhtunkhwa Consumer Protection Act, 1997 (Khyber Pakhtunkhwa Act No. VI of 1997), within whose jurisdiction the business is being operated;

(d) "Directorate General" means the Directorate General of Industries and Commerce, Khyber Pakhtunkhwa;

(e) "goods" means goods as defined in the Sale of Goods Act, 1930 (Act No. III of

1930);

(f) "Government" means the Government of Khyber Pakhtunkhwa;

(g) "owner" means the owner of a business or trade and includes the managing agent

or other principal officer of the business;

(h) "premises" means any place where business is carried out or the record related to such business is kept;

(i) "prescribed" means prescribed by rules;

Gj) "rules" means rules made under this Act;

(k) "services" means the services of any description which are made available to potential users but does not include the rendering of services free of cost; and

(l) "Statistical Authority" means the Statistical Authority as provide in sub-section (1) of section 3 of this Act.

CHAPTER-II

STATISTICAL AUTHORITY

3. Statistical Authority.---(1) The Director General Industries and Commerce of the Directorate General, shall be the Statistical Authority.

(2) The Statistical Authority may, by general or special order authorize any officer of the

Directorate General to exercise such powers, perform such functions, in respect of such area and subject to such conditions, if any, as are specified in the order.

4. Functions of the Statistical Authority or authorized officer.---The Statistical Authority or an authorized officer, as the case may be, shall-

- (a) collect data or statistics of business under this Act;
- (b) compile and maintain statistics or data collected under clause (a);
- (c) require any business to furnish such information relating to any matter in respect

of which statistics are to be collected;

(d) publish comprehensive statistics book at such intervals, in the manner, as may be prescribed; and

(e) perform any other function as may be assigned to him by Government or in the

manner, as may be prescribed.

5. Power to serve notice and have access to record etc.---(1) The Statistical Authority or the authorized officer, as the case may be, may serve on any business, a notice, requiring it to furnish such information relating to any matter in respect of which statistics are to be collected at such intervals and in such forms and with such particulars, as may be prescribed.

(2) The Statistical Authority or authorized officer, as the case may be, shall, for the purpose of the collection of any statistics under this Act-

(a) have access to any relevant record or document in the possession of any business required to furnish any information or return under this Act;

(b) enter at any reasonable time any premises wherein he believes such record or document to be, and may ask for providing any such document or information as

may be required for the proposes of this Act; and

(c) obtain any record and information required for the purpose of this Act, in the manner, as may be prescribed.

CHAPTER-III

RESPONISBILITY OF THE BUSINESS

6. Responsibility of business.---(1) It shall be the responsibility of every business to maintain proper record of all the statistical information such as-

(a) establishment and ownership details along with directors, if any, etc;
(b) prices of goods;

(c) goods and services offered for sale;

- (d) stock of goods;
- (e) investment details both local and foreign;
- (f) import and export of goods and services;
- (g) energy source and consumption; and
- (h) any other information as and when required by the Statistical Authority or the authorized officer, as the case may be.

(2) All businesses shall provide the relevant statistics/data to the Statistical Authority or the authorized officer, as the case may be, when required.

CHAPTER-IV INSPECTIONS AND PUNISHMENTS

7. Inspections.---The Statistical Authority or the authorized officer, as the case may be, may inspect any premises, in the manner as may be prescribed, for compliance of the provisions of this Act.

8. Penalties.---(1) A business shall not,-

- (a) refuse to furnish such information as required under this Act; or
- (b) willfully furnish or cause to be furnished any information which he knows to be false; or
- (c) willfully give a false answer to any question necessary for obtaining any information required to be furnished under this Act; or

(d) neglect to comply with any direction of the Statistical Authority or the authorized officer for furnishing of the statistics relating to the business.

(2) Whoever violates the provisions of sub-section (1), shall be punishable with imprisonment for a term which may extend to six months but which shall not be less than three days or with a fine which both.

(3) In addition to the penalty under sub-section (2), the Statistical Authority or the authorized officer, as the case may be, may seal the business.

9. Penalty for obstruction.---Any person or business who obstructs the Statistical Authority or the authorized officer, as the case may be, while conducting duties under this Act, shall be punishable under the relevant provisions of the Pakistan Penal Code, 1860 (XLV of 1868).

CHAPTER-V MISCELLANEOUS

10. Cognizance of offence by Court.---The Court shall, on a complaint in writing, made by the Statistical Authority or the authorized officer, as the case may be, take cognizance of any offence punishable under this Act.

11. Owner, liable for offence of agent and servants.---Where any offence under this Act is committed

by an agent or servant of the business, the same shall be deemed to have been committed by such owner unless he proves that such offence was committed without his knowledge.

12. Provisions of the Act not to derogate other laws, etc.---The provisions of this Act shall be in addition to and not in derogation of any other laws for the time being in force.

13. Indemnity.---No suit or other legal proceedings shall lie against the Statistical Authority or the authorized officer, as the case may be, in respect of anything done or intended to be done in good faith under this Act and the rules made thereunder.

14. Power to make rules.---Government may by notification in the official gazette, make rules for carrying into effect the provisions of this Act.