

THE KHYBER PAKHTUNKHWA SHOPS AND ESTABLISHMENT ACT, 2015

(KHYBER PAKHTUNKHWA ACT NO. XX OF 2015)

CONTENTS

PREAMBLE

SECTIONS

a

a

SB eo

Nore

13.

14.

15.

16.

17.

18.

19.

20.

21.

22.

23.

24.

25.

26.

27.

28.

29.

30.

Short title, extent, commencement and application.

Definition.

Reference to time of day.

Power to grant exemptions.

Act not applicable to certain establishments and persons.

Weekly holiday in establishment.

Opening and closing hours of establishment.

Daily, weekly hours and over time.

Over time wages.

Spread over.

Time and conditions of payment of wages.

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

Appeal.

Bar of suits.

Annual leave.

Casual and sick leave.

Festival holidays.

Wages during leave or holiday period.

Sections 15, 16 and 18 not to apply to certain establishments.
Termination of employment.

Prohibition or employment of children.

Contracting out.

Guarding of machinery.

Maintenance of records and registers.

Registration of establishment.

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

Penalties.

Procedure.

Penalty for obstructing Inspector.

31. Limitation prosecution.

32. Indemnity.

33. Delegation of powers.

34. Power to make rules.

35. Savings of certain rights and privileges.

36. Protection against discrimination and Special Provisions with regard to

women workers.

37. Removal of difficulties.

38. Repeal and savings.

SCHEDULE

THE KHYBER PAKHTUNKHWA SHOPS AND ESTABLISHMENT ACT, 2015
(KHYBER PAKHTUNKHWA ACT NO. XX OF 2015)

[First published after having received the assent of the Governor of the Khyber Pakhtunkhwa in the Gazette of Khyber Pakhtunkhwa (Extraordinary), dated the 12th May, 2015].

AN
ACT

to provide for a law relating to the hours and other conditions of work and employment of persons employed in shops, commercial establishments, industrial establishments and other establishments in the Province of the Khyber Pakhtunkhwa and matters connected there with

Preamble.---WHEREAS it is expedient to provide for the law relating to the hours and other conditions of work and employment of persons employed in shops, commercial establishments, industrial establishments and other establishments in the Province of the Khyber Pakhtunkhwa and matters ancillary therewith;

It is hereby enacted as follows:

1. Short title, extent commencement and application.---(1) This Act may be called the Khyber Pakhtunkhwa Shops and Establishments Act, 2015.

(2) It extends to the whole of the province of the Khyber Pakhtunkhwa.

(3) It shall come into force at once.

(4) Government may, by notification in the official Gazette, extend the operation of this Act or any provision thereof to any other area or establishment or exclude any area or establishment to which it extends from its operation.

2. Definition.--- In this Act, unless the context otherwise requires,-

(a) "adolescent" and "young person" means a person who has completed fourteenth year but has not completed eighteenth year of his age;

(b) "adult" means a person who has completed eighteenth year of his 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) "Authority" means the Authority appointed under the Khyber Pakhtunkhwa Payment of Wages Act, 2013 (No. IX of 2013);

(e) "child" means a person who has not completed fourteenth year of his age;

(f) "closed" means not open for the service of any customer or to any

business connected with the establishment;

(g) "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-

(h)

'[(h-i)

(i)

G)

(k)

(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 purposes 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, brokers' offices or exchange and office of lawyers, income-tax practitioners, registered accountants, contractors and engineers;

(v) private educational institutions, private health centers, private clinical laboratories, maternity homes, residential hotels, restaurants, eating house, café, cinema, theatre, circus, net cafes, agencies offering services for security and watch and ward or other places of public amusement or entertainment; and

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

But does not include a shop run by the owner himself or, with the help of his family, and without that of an employee;

“day” means the period of twenty-four hours beginning at mid-night, provided that, in the case of an employee, whose hours of work extend beyond mid-night, day means the period of twenty-four hours beginning when such employment commences, irrespective of mid-night;

“Department” means the Labour Department of Government;]

“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;

“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;

“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;

1 Inserted vide Khyber Pakhtunkhwa Act No. XIX of 2021.

)

(m)

(n)

(o)

(p)

(q)

(s)

()

(u)

(v)

(w)

(x)

“establishment” means a shop, commercial establishment or industrial establishment; and such other establishment or class thereof as Government may, by notification in the official Gazette, declare to be establishment for the purposes of this Act;

“factory” means any premises, including the precincts thereof, whereon ten or more workers are working or were working on any day of the preceding twelve months, and in any part of which a manufacturing process is being carried on or is ordinarily carried on with or without the aid of power but does not include a mine, subject to the operation of the Mines Act 1923 (IV of 1923);

“form” means a form specified in the Schedule;

“Government” means the Government of Khyber Pakhtunkhwa;

“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;

“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;

“labour court” means labour court established under the Khyber Pakhtunkhwa Industrial Relation Act, 2010 (Act No. XVI of 2010);

“permanent employee” means an employee who has been engaged for a work of permanent nature likely to last for more than nine months and includes an employee who has completed six 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;

“prescribed” means prescribed by rules made under this Act;

“Province” means the province of the Khyber Pakhtunkhwa;

“residential hotel” and “hotels” mean 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;

“restaurant” and “eating house” means any premises in which the business of the supply of meals or refreshments to the public or a class of the public for consumption, is carried on;

“retail trade” includes the business of a barber or hair-dresser, the sale of refreshments or intoxicating liquors, and sales by auctions;

(y) "shop" means any premises used wholly or in part for the whole-sale or retail sale of commodities or articles either for cash or on credit, or where services are rendered to customers, and include an office, a store room, godown, ware-house or place of work, whether in the same premises or otherwise, mainly used in connection with such trade or business;

(z) "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;

(aa) "wages" means all cash remunerations which includes basic pay and all other statutory or non-statutory allowances, which would, if the terms of contract of employment, express or implied, were fulfilled, be payable to a worker employed in respect of his employment or of work done in such employment, but does not include-

(i) any contribution paid by the employer in respect of such person under any scheme of social insurance or to a pension fund or provident fund;

(ii) any travelling allowance or the value of any travelling concession;

(iii) | any sum paid to such person to defray special expenses incurred by him in respect of his employment;

(iv) any sum paid as annual bonus; or

(v) any gratuity payable on discharge; and

(bb) "week" means a period of seven days beginning at mid-night on Sunday night or such other night as may be approved in writing for a particular area or establishment or group of establishments by the Government.

(2) Expressions used in this Act but not defined herein shall have the same meanings as assigned to them in the relevant labour laws.

3. Reference to time of day.--- References to time of day in this Act are references to Pakistan Standard time.

4. Power to grant exemptions.--- 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.

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

(a) offices of or under the Federal or provincial Government;

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

(©)

(d)

(e)

(f)

(g)

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;

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

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

clubs, hostels and messes not maintained for profit or gain; and stalls and refreshment rooms at railway stations, steamer and launch

stations, docks, wharves and airports and on trains, steamers or air drafts, so far as the sale of commodities is concerned.

(2) Nothing in section 7 shall apply to-

(a)

(b)

(©)

(d)

(e)

(f)

(g)

(h)

clubs, hostels and messes maintained for profit or gain, so far as service and attendance upon customers is concerned;

shops dealing in medicines, surgical appliances, bandages, or other medical requisites, so far as the sale of these articles is concerned;

n

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;

shops dealing in articles required for funerals, burials or cremations, so far as the sale of these articles is concerned;

shops dealing mainly in tobacco, cigars, cigarettes, naswar, biries, paan, liquid refreshments retail sale for consumption on the premises, ice, news-papers or periodicals, so far as the sale of these articles is concerned;

automobile service stations (not being repair shops) and petrol pumps for the retails sale of petrol and CNG stations;

barbers and hair-dressers' shops, so far as service to customers is concerned; and

cinemas, theatres 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.

6. Weekly holiday in establishment.--- (1) Every person employed in any establishment shall, in addition to the leave and holidays, as may be admissible to him under sections 14, 15 and 16 of this Act, be allowed as holiday, one day in each week.

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

(3) If an employee is employed on daily wages, he shall none-the-less 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.

7. Opening and closing hours of establishment.--- (1) No establishment shall on any day remain open after 9-00 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 hours in case of a young person, unless he has been allowed an interval for rest or meals of not less than one hour.

(4) Except with the permission of the Government, no '***] young person shall be employed in any establishment otherwise than between the hours of 8:00 a.m. and 7:00 p.m.

(5) A woman employee, with her prior consent, is allowed to work in an establishment beyond 7:00 p.m, subject to mandatory arrangement of transportation facility of pick and drop by the employer at the doorstep or nearest possible place to her residence, except where a separate hostel facility is provided by the employer at such establishment.]

8. Daily, weekly hours and over time.--- Save as otherwise expressly provided in this Act, no adult employee shall be required or permitted to work in any establishment in excess of eight hours a day and forty eight hours a week, and no young person 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 overtime in such establishment for more than eight hours in such day and for more than forty-eight hours in such week, but so that the total number of hours so worked by an adult does not exceed twenty-four hours in a week.

9. Over time wages.--- 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

1 Deleted vide Khyber Pakhtunkhwa Act No. XIX of 2021.

2 Added vide Khyber Pakhtunkhwa Act No. XIX of 2021.

in respect of such over-time work shall be calculated at double the ordinary rate of wages payable to him:

10. Spread _over.--- The period of work of an adult and young person shall be so arranged that inclusive of the interval for the rest or meal under section 7, it shall not spread-over more than twelve hours in the case of an adult, and nine hours in the case of a young person.

11. Time and conditions of payment of wages.--- (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 be 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 seventh day of the last day of the wage period in respect of which the wages are payable .

(4) All wages shall be paid in legal tender.

(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. Claims arising out of delay in payment of wages and penalty for malicious or vexatious claims.--- (1) Where contrary to the provisions of this Act, any deduction has

been made from the wages of an employed person, or any payment of wages or of any dues relating to provident fund or gratuity payable under any law has been delayed, such person himself, or any legal practitioner, or any official of a registered trade union authorized in writing to act on his behalf, or any Inspector under this Act, or of any heirs of an employed person who has died or any other person acting with the permission of the Authority appointed under the Khyber Pakhtunkhwa Payment of Wages Act 2013 (No.IX of 2013), may apply to such Authority for direction:

Provided that every such application shall be presented within three years from the date on which the deduction from the wages was made or from the date on which the payment of the wages was due to be made, as the case may be:

Provided further that an application may be admitted after the said period of three years when the applicant satisfies the Authority that he had sufficient cause for not making the application within such period.

(2) When any application under sub-section (1) is entertained, the Authority shall hear the applicant and employer or other person responsible for the payment of wages under section 3 of the Khyber Pakhtunkhwa Payment of Wages Act 2013 (No.IX of 2013), 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 the refund to the employed person or, if the applicant is one of the heirs of an employed person the payment to such applicant of the amount deducted, or the payment of the delayed wages, together with the payment of such

compensation as the Authority may deem fit, not exceeding ten times the amount deducted in the former case and not exceeding one thousand rupees in the latter:

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

(a) a bonafide error or bonafide dispute as to the amount payable to the employed person; or

(b) the occurrence of an emergency, or the existence of exceptional circumstances, such that the person responsible for the payment of the wages was unable, though exercising reasonable diligence, to make prompt payment; or

(c) the failure of the employed person to apply for or accept payment.

(3) 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 five hundred rupees be paid to the employer or other person responsible for the payment of wages by the person presenting the application.

(4) Any amount directed to be paid under this section may be recovered by the Authority as an arrear of land-revenue, or, in the prescribed manner, by distress and sale of the moveable property belonging to the person by whom the amount is to be paid, or by attachment and sale of the immoveable property belonging to such person.

(5) The Authority, shall have the powers of Collector Grade-I and may exercise such powers for the purposes of this Act.

(6) The Authority, with prior approval of the Director Labour of the Province, shall also have the powers to utilize the amount, of profits accrued out of the amounts deposited at the time of appeals, for the general welfare of the workers and the matters incidental thereto.

(7) The Authority may also determine the rates of wages payable to the employed person.

13. Appeal.--- (1) An appeal against a direction made under sub-section (2) or sub-section (3) of section 12 may be preferred within thirty days of the date on which the direction was made before the Labour Court, within whose jurisdiction the cause of action to which the appeal relates arose-

(a) by the employer or other person responsible for the payment of wages, if the total sum directed to be paid by way of wages and compensation exceeds five thousands rupees:

Provided that no appeal under this clause shall lie unless the memorandum of appeal is accompanied by a certificate of the Authority to the effect that the appellant has deposited with the Authority the amount payable under the direction appealed against; or

(b) by an employed person or, if he has died, by any of his heirs, if the total amount of wages claimed to have been withheld from the employed person or from the unpaid group to which he belonged exceeds three thousands rupees; or

(c) by any person directed to pay a penalty under sub-section (3) of section 12.

(2) Save as provided in sub-section (1), any direction made under sub-section (2) or sub-section (3) of section 12 shall be final.

14. Bar of suits.--- No Court shall entertain any suit for the recovery of wages in so far as the sum so claimed forms the subject of an application made under sub-section (1) of section 12, which is pending before the Authority, or of an appeal under section 13.

15. Annual leave.--- (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.

(2) If an employee does not in any period of twelve month 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; and

(b) he may, at his 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 employments within the meaning of sub section (1), the period during which he was on leave under this section, or section 16 and 17, shall be included.

16. Casual and sick leave.--- (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.

(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.

17. Festival holidays.--- Every worker shall be allowed holidays with pay on all days declared by Government to be festival holidays. The days and dates for such festival holidays shall be notified to the employees by the employer in the beginning of the calendar year.

18. Wages during leave or holiday period.--- (1) For each day of the leave or holidays allowed to an employee under sections 15, 16 and 17 of this Act 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.

(2) An employee, who has been allowed leave under section 15 for any period not less than four days in the case of an adult and five days in the case of a young person, shall before the leave begins, be paid his wages for the period of the leave allowed.

19. Sections 15, 16 and 18 not to apply to certain establishments.--- The provisions of sections 15, 16 and 18 shall not apply to the commercial establishments employing less than 10 employees.

20. Termination of employment.--- (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 eared during the preceding three months shall be paid or forfeited, as the case may be.

(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.

21. Prohibition or employment of children.--- No child shall be required or allowed to work in any establishment.

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

23. Guarding of machinery.--- In every establishment, all mechanically or electrically propelled machinery shall be guarded in the prescribed manner.

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

25. Registration of establishment '[***]'.--- (1) Every establishment, other than 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 accordance with form A.]

3[(2A) No fee shall be levied for the registration of an establishment under this Act.]

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) On receipt of the application, "[***] the Deputy Chief Inspector shall, on being satisfied about the correctness of the application, register the establishment in the Register of establishments to be maintained in Form 'B' and shall issue a registration certificate to the employer in Form 'C'.

(4) The registration certificate shall be prominently displayed by the employer at the establishment *'[***].

26. Appointment of Chief Inspector, Deputy Chief Inspectors and Inspectors.---(1) ©[Department] may, by notification in the official Gazette, appoint-

(a) a Chief Inspector of Shops for the whole of the province of the Khyber Pakhtunkhwa;

(b) Deputy Chief Inspectors of Shops for such area as may be notified;
and

- 1 Deleted vide Khyber Pakhtunkhwa Act No. XXII of 2021.
- 2 Substituted vide Khyber Pakhtunkhwa Act No. XXII of 2021.
- 3 Inserted vide Khyber Pakhtunkhwa Act No. XXII of 2021.
- 4 Deleted vide Khyber Pakhtunkhwa Act No. XXII of 2021.
- 5 Deleted vide Khyber Pakhtunkhwa Act No. XXII of 2021.
- 6 Substituted vide Khyber Pakhtunkhwa Act No. XIX of 2021.

(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-

(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, 1860 (XLV of 1860).

27. Powers of Inspectors.--- An Inspector appointed under section 26, 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 document and do all such things as he considers necessary for the purpose of this Act.

28. Penalties.--- (1) If any employer, with intent to deceive, makes or causes or allows 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, sends or causes or allows to be sent to an Inspector any statement, information of 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 which shall not be less than two thousand rupees and which may extend to ten thousand rupees.

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

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

(2) No Court other than the Labour Court established under the Khyber Pakhtunkhwa Industrial Relations Act, 2010 (Khyber Pakhtunkhwa Act No. XVI of 2010) shall try offences under this Act.

30. Penalty for obstructing Inspector.--- Whoever obstructs an Inspector in the exercise of any power under section 27, or fails to produce on demand by an Inspector any register or any documents in his custody kept in pursuance of this Act or of any of the rules or conceals or prevents any worker from appearing before or being examined by an Inspector, shall be punishable with fine which shall not be less than five thousand rupees

and which may extend to twenty thousand rupees, and if he is, again, so guilty of the same offence he shall be punishable with imprisonment of either description for a term which may extend to one month, but shall not be less than seven days or with fine which may extend to fifty thousand rupees or with both.

31. Limitation _prosecutions.--- No Court shall take cognizance of any offence punishable under this Act or any rule 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.

32. Indemnity.--- No suit, prosecution or legal proceedings shall lie against any person in respect of anything done in good faith under this Act or the rules made thereunder.

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

34. Power to make rules.--- Government may, by notification in the official Gazette make rules for carrying out the purposes of this Act.

35. Saving of certain rights and privileges.--- 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.

36. Protection against discrimination and Special Provisions with regard to women workers.--- (1) No discrimination shall be made on the basis of gender, religion, sect,

colour, caste, creed, ethnic back ground and political affiliation with regard to the observance of this Act.

(2) Every industrial and commercial establishment employing five (05) or more women workers shall provide for such workers, in a prescribed manner, separate wash room and facility, where the women workers can bring and nurse their pre-school and infirm children.

37. Removal of difficulties.--- If any difficulty arises, in giving effect to any provisions of this Act, the Government may, by notification in the official gazette, make such order, not inconsistent with the provisions of this Act, as may appear to it to be necessary for the purpose of removing the difficulty.

38. Repeal_and_savings.---- (1) The West Pakistan Shops and Establishments Ordinance, 1969 West Pakistan (Ordinance No. VIII of 1969) is hereby repealed in its application to the extent of the Province.

(2) Notwithstanding the aforesaid repeal, anything done, action taken, rules made, and notification or order issued under the aforesaid Ordinance, shall, so far as it is not inconsistent with the provisions of this Act, be deemed to have been done; taken, made or issued, under this Act, and shall have effect accordingly.

(3) Any document referring to the repealed Ordinance shall be construed as referring to the corresponding provisions of this Act.

SCHEDULE

[See Section-2 (m) read with Section 24]

FORM "A"

APPLICATION FORM

Name of the establishment, if any.

Postal address of the establishment with contact No.

Full name of the employer (including his father's name) and NIC & contact No.

Full name of the Manager if any (including his father's name) and NIC & Contact No.

Category of the establishment i.e. whether a shop, industrial establishment, commercial establishment, residential hotel, restaurant, eating house, theatre or other place of public amusement or entertainment.

Total number of employees (state separately the number of men, women and or young person, (if any)).

7. Date on which the establishment commenced its work.

8. Thereby declare that the details given above are correct to the best of my knowledge.

wARWNP

Dated

Signature of the employer

lfe]

1 Deleted vide Khyber Pakhtunkhwa Act No. XXII of 2021.

FORM — “B”
(Register of Establishment)

Jomauas fo a]0q

16

uonos3sibas {0 210q

uoljJadsu! fo a10q

14) 15

ajoway

Young
persons

ajo~w

13

ajoway

Total number of
employees

Adult

2/0

12

Ayiapdpo
Jonuapif{uo2 ul pabobua
saafojdwa pup suolisod

Jolsabounw bulkdn390
suosdad 4ay}0 fo Jaquinn

11

Category of Establishment:

suosiad Buno,

10

ajoway

Number or
members of
employer's family

a/DIN

ssauisng fo anon

quaulysijqoisz ay} fo awoN

quawysijqoisa
ay} fo ssasppb J01s0d

dahojdwa fo awon

Auo
fi "aBouoy ayi fo awon

"ON
a}091fl149) uolo4sibay

'ON [Olas

FORM — “C”

(Registration Certificate)

Name of the Establishment, if any:

Name, father's name of the Employer:

Name, Father's Name of the Manager:

Postal Address of the Establishment with Contact No:

Registration No:

It is hereby certified that the establishment, as mentioned herein, has been registered as a * _ under the Khyber Pakhtunkhwa Shops and Establishments Act, 2015, this day of , 20

Deputy Chief Inspector of Shops

(Area concerned)

RENEWALS

Date of Renewal From To Signature & Seal of the

Deputy Chief Inspector of Shops

PwWNR

*Insert category of the establishment