

BALUCHISTAN PROVINCIAL ASSEMBLY SECRETARIAT.

Dated Quetta the 14th June, 2021.

NOTIFICATION.

No.PAB/Legis:V(13)/2021. The Balochistan Shops and Establishments Bill 2021, (Bill No.13 of 2021), having been passed by the Provincial Assembly of Balochistan in its sitting held on 31st May, 2021 and assented to by the Governor Balochistan, on 11th June, 2021 is hereby published as an Act of the Balochistan Provincial Assembly.

The Balochistan Shops and Establishments Act 2021, **Act No. XVII of 2021.**

AN ACT

to re-enact the existing law relating to shops and establishments with regard to its application to the Province of Balochistan, in accordance with the situation, conditions and requirements of the province.

Preamble.

Whereas in pursuance of the 18th Constitutional Amendment it is expedient to re-enact the existing law relating to shops and establishments with regard to its application to the Province of Balochistan.

It is hereby enacted as follows:-

Short title, extent, commencement and application.

1. (1) This Act may be called the Balochistan Shops and Establishments Act, 2021.
- (2) It extends to the whole of Balochistan.
- (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.

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

- (a) **“Act”** means the Balochistan Shops and Establishment Act, 2021;
- (b) **“Adult”** means a person who has completed his seventeenth year of age;
- (c) **“Apprentice”** means a person who is employed, whether or not on payment of wages, for the purposes of being trained in any trade, craft or employment in any establishment;
- (d) **“Child”** means a person who has not completed his fourteenth years 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 the 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, clinics, laboratories and security agencies run

for commercial purposes; *and*

- (vi) such other professional establishment 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, shop, residential hotel, restaurant, eating house, theatre or other place of public amusement or entertainment;
- (g) **“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;
- (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, cafe, cinema, theatre, 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 the Factories Act, 1934 (Act No. XXV of 1934);
- (m) **“Form”** means a form specified in the Schedule;
- (n) **“Government”** means the Government of Balochistan;
- (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 traveller or any other member of the public or class of the public and includes a club;

- (t) **“Restaurant”** and “eating house” mean any premises in which is carried on wholly or principally the business of the supply of meals or refreshments to the public or a class of the public for consumption on the premises;
- (u) **“Retail trade”** includes the business of a barber or hair-dresser, the sale of refreshments or intoxicating liquors, sales by auctions, and any other business carried for consumers of day to day transaction;
- (v) **“Schedule”** means schedule appended to this Act;
- (w) **“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 includes an office, a store room, godown, warehouse or place of work, whether in the same premises or otherwise, mainly used in connection with such trade or business;
- (x) **“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;
- (y) **“Wages”** means all remuneration, capable of being expressed in terms of money, which would, if the terms of the contract of employment, express or implied, were fulfilled, be payable, whether conditionally upon the regular attendance, good work or conduct or other behaviour of the person employed, or otherwise, to a person employed in respect of his employment or of work done in such employment, and includes any bonus, cost of living or dearness allowance, and other additional remuneration of the nature aforesaid which would be so payable and any sum payable to such person by reason of the termination of his employment, but does not include—

- (i) the value of any house accommodation, supply of light, water, medical attendance;
- (ii) other amenity, or of any service excluded by general or special order of the Government;
- (iii) any travelling allowance or the value of travelling concession; *and*
- (iv) any sum paid to the person employed to defray special expenses entailed on him by the nature of his employment;
- (z) **“Week”** means a period of seven days beginning at mid-night on Saturday night; and
- (aa) **“Young person or adolescent”** means a person who is not a child and has not completed his eighteenth year of age.

(2) The words and expression not defined in this Act shall have the same meanings, as assigned to them in the Industrial and Commercial Employment (Standing Orders) Ordinance, 1968 (Ordinance VI of 1968) or any other labour enactment having bearing on this Act, for the time being in force.

Reference to time of day.

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

Power to grant exemptions.

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:

Provided that the notification, if so issued, shall clearly state the rights of employees to be enjoyed or exercised by them, which in no case be less than those guaranteed under this Act.

Act not applicable to certain establishments and persons.

5. (1) Nothing in this Act shall apply to—

- (a) offices of or under the Federal or the

Provincial Government;

- (b) offices of or under the Pakistan Railway Board, including railway stations;
- (c) 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;
- (d) 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;
- (e) shops or stalls in any public fair or bazar held for religious or charitable purposes;
- (f) clubs, hostels and messes not maintained for profit or gain;
- (g) establishments for the treatment or care of the sick, infirm, destitute or mentally unfit persons;
- (h) 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; *and*
- (i) any person employed as manager, travelling agent, canvasser, messenger, watchman, caretaker or conservancy staff or any person employed exclusively in connection with the collection, despatch, delivery, and conveyance of, or custom formalities on goods.

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

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

- (c) shops dealing mainly in medicines, surgical appliances, bandages or other medical requisites, so far as the sale of these articles is concerned;
- (d) shops dealing in articles required for funerals, burials or cremations, so far as the sale of these articles is concerned;
- (e) shops dealing mainly in tobacco, cigars, cigarettes, *biries*, pan, liquid refreshments sold retail for consumption on the premises, ice, newspapers or periodicals, so far as the sale of these articles is concerned;
- (f) automobile service stations (not being repair shops) and petrol pumps for the retail sale of petrol;
- (g) barbers and hair-dressers' shops, so far as service to customers is concerned; *and*
- (h) 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, and appoint an authority to entertain the grievance of persons employed therein.

(4) Notwithstanding anything contained in sub-sections (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 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, 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 holidays the average of the wages received during the week.

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

(5) The choice of a closed day shall rest with the employer, who shall intimate such choice to the prescribed authority:

Provided that 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.

(6) 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.

Opening and closing hours of establishments.

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 a notification in the official Gazette, fix any other hour after which establishments generally or any class of establishment shall not remain open:

Provided also that the Government may by notification fix opening and closing hours of shops for any particular area or for some specified shops during the clock for the convenience and need of general public and for some particular locality.

(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 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 9:00 a.m. and 7:00 p.m.

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

Daily, weekly hours and over-time.

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 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 period, 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 young person 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 six hundred and twenty-four hours and by a young person four hundred and sixty-eight 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 the ordinary rate of wages payable to him:

Provided that no overtime shall be payable to the contract worker employed on piece rate basis.

Spread-over.

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

Provided that the total period of work so worked out, in case of an adult worker, shall not exceed sixty hours and by a young person fifty-four hours in a week.

Time and conditions 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 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 the 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.

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

12. (1) The Authority under the Balochistan Payment of Wages Act, 1936 (Act No IV of 1936) shall be vested with the power to hear and decide cases of delay in payment of wages and for matters connected therewith or ancillary thereto:

Provided that the Government may, by notification in the official Gazette, appoint any other person to be the Authority to hear and decide for any specified area all or any specified claims arising out of delay in the payment or non-payment of the wages of employees in that area under this Act if need so arises.

(2) When contrary to the provisions of this Act, wages of any employee have been delayed or withheld, such employee himself or through any other persons, whom he may authorise in this behalf, may within six months from the day on which such payment was to be made, apply to the Authority under sub-section (1):

Provided that an application may be admitted after the said period of six months but not later than nine 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 that may be to the extent of 5% of total amount of wages withheld or delayed without just cause that is to say 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 five hundred rupees 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 referred 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 thousand 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 twenty thousand rupees; or
- (c) by any person directed to pay a penalty under sub-section (4).

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

Annual leave.

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.

(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; *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,-

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.

Casual and sick leave.

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.

(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.

Festival holidays.

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

Wages during leave or holiday period.

17. (1) For each day of the leave or holidays allowed to an employee under sections 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.

(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 the case of a young person, 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 sections 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 (Ord. No. 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 levelled against him.

Prohibition of employment of children.

20. No child shall be required or allowed to work in any establishment.

Protection against discrimination.

21. No job-seeker in any lawful occupation or employment and no employee in respect his employment or occupation shall be treated with any distinction, exclusion or preference made on the basis of race, colour, sex, religion, political opinion, national extraction or social origin, which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation:

Provided that any discrimination if reported to the Inspector shall after investigation and holding inquiry as he may deem necessary shall be liable to prosecution in the court of competent jurisdiction:

Provided further that the employer on conviction shall be fined for an amount that may extend to rupees five thousand.

Job appraisal scheme.

22. In order to give effect to the principle of equal remuneration for work of equal value in respect of male and female employee of an establishment or undertaking covered under this Act, every industry or establishment or undertaking so covered shall introduce a well-designed job evaluation scheme from the date as will be notified by the Government in the Official Gazette:

Washing facilities

23. (1) In every establishment- (a) adequate and suitable washing facilities and toilets shall be provided and maintained for the use of the workers therein; (b) separate and adequately screened facilities and toilets shall be provided for the use of male and female workers; and (c) such facilities and toilets shall be conveniently accessible and shall be kept clean.

(2) The washing facilities and toilets shall be established, managed and conformed to such standards, as may be prescribed.

Removal of difficulties.

24. If any difficulty arises, in giving effect to any provisions of this Act, 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.

Contracting out.

25. 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.

Guarding of machinery.

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

Maintenance of records and registers.

27. 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.

28. (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'.

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

(a) in the case of an establishment existing at the time this Act comes into force, 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 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'.

(5) The registration certificate shall be prominently displayed by the employer at the establishment and shall be renewed after every two years

Appointment of Chief Inspector, Deputy Chief Inspectors and Inspectors.

29. (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 person 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 (XLV of 1860).

Powers of Inspectors.

30. An Inspector appointed under section 29 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.

31. (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 wilfully 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 proviso 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 obstructs an inspector in the exercise of any power under section 30, or fails to produce on demand by him any register or any document in his custody or does not provide information asked for by the Inspector with regard to the compliance of any provision of this Act

or rules thereunder or prevents any worker appearing before him or from being examined by him, shall be punishable with fine which shall not be less than five thousand rupees but may extend to twenty thousand rupees, and if he is, again, so guilty of the same offense he shall be punishable with imprisonment of either description for a term which may extend to one month, or with fine which may extend to fifty thousand rupees or with both.

(3) Whoever contravenes any of the provisions of section 6, 7, 19 or 20 shall, on conviction, be punishable with fine which for the first offence may 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.

(4) Whoever contravenes any other provisions of this Act shall, on conviction, be punishable with fine which for the first offence may extend to rupees two thousand, and for a second or any subsequent offence to rupees twelve thousand rupees or with simple imprisonment which may extend to three months, or with both.

Procedure.

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

(2) No Court inferior to that of a magistrate of the first class shall try an offence punishable under this Act or any rule made thereunder.

Limitation of prosecutions.

33. No Court shall take cognizance of any offence punishable under this Act or any rule made thereunder 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.

Indemnity.

34. No suit, prosecution or legal proceedings shall lie against any person in respect of anything done in good faith under this Ordinance or the rules thereunder.

Delegation of powers.

35. 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.

Power to make rules.

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

(2) In making rules under this section, Government may direct that any person committing breach thereof shall, on conviction, be punishable with fine which may extend to two thousand rupees, and where the breach is a continuing one, with a further fine which may extend to five thousand for every day, after the first, during which the breach continues.

(3) The Government may also make rules,-

a) requiring reservation of a suitable day care room for the use of workers' children under the age of six years, and

b) prescribing the standards for establishment of such day care rooms, linking these with the minimum number of workers in the establishment, and the nature of the supervision to be exercised over the children therein.

Saving of certain rights and privileges.

37. 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.

Repeal.

38. (1) The W.P. Shops and Establishment Ordinance 1969 (No. VIII of 1969) in its application to the Province of Balochistan, is hereby repealed.

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

SCHEDULE
[Sub-Section (2) of Section 27]
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, theatre or other place of public amusement or entertainment.
6. Total number of employees (state separately the number of men, women and/or young persons, 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 27 (2) of the Balochistan Shops and Establishments Act, 2021.

FORM "B"
REGISTER OF ESTABLISHMENTS
Sub-section (4) of section 27

- Part I- Shops
Part II- Commercial Establishments
Part III- Residential Hotels
Part IV- Restaurants and Eating Houses
Part V- Theatres and other places of public Amusements or Entertainment

S. No	Registration	Name of the				Number of Members of Employer's Family			Number of Other	Total Number of Employees		Date of Inspection	Date of Registration	Date of Renewal
						Male	Female	Young Persons						
	Certificate No.	Manager in any	Name of Employer	Postal Address of the Establishment	Name of the Business				Persons occupying managerial positions and employees engaged in confidential capacity	Adult	Young persons			

FORM "C"
REGISTER OF ESTABLISHMENTS

Name of the establishment, if any
Name of the employers
Postal address of the establishment
Registration No.

It is hereby certified that the establishment as mentioned herein has been registered as a _____ under the Balochistan Shops & Establishment Act, 2021.

Chief Inspector of Shops, Balochistan

Date of renewal	From	To	Signature of the Chief Inspector of Shops with Seal
1.			
2.			
3.			

Here insert category of the establishment.

(TAHIR SHAH KAKAR)
Secretary.

No.PAB/Legis:V(13)/2021.

Dated Quetta, the 14th June, 2021.

A copy is forwarded to the Chief Controller, Government Printing Press, Balochistan, Quetta for favour of publication in Extra Ordinary issue of Balochistan Gazette. Before final printing a copy thereof be sent to this Secretariat for proof reading. Fifty copies of the said Act may please be provided to this Secretariat for record.

(ABDUL REHMAN)
Special Secretary (Legis:)

No.PAB/Legis:V(13)/2021.

Dated Quetta, the 14th June, 2021.

Copy forwarded for information to:-

1. The Principal Secretary to Governor, Balochistan, Quetta.
2. The Principal Secretary to Chief Minister, Balochistan, Quetta.
3. The Secretary, Government of Balochistan, Labour and Manpower Department, Quetta.
4. The Secretary, Government of Balochistan Law & Parliamentary Affairs Department.
5. The Director General, Public Relations, Balochistan, Quetta for favour of publication.
6. The System Analyst, Balochistan Provincial Assembly.

Special Secretary (Legis:)