

THE PUNJAB SHOPS AND ESTABLISHMENTS ORDINANCE, 1969

(VIII OF 1969)

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TEXT

¹THE ²[PUNJAB] SHOPS AND ESTABLISHMENTS ORDINANCE, 1969

(VIII of 1969)

[3rd June, 1969]

An

Ordinance

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 ³[the Punjab] and matters connected therewith.

Preamble.— 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 ⁴[in the Punjab] and matters connected therewith;

NOW, THEREFORE, in pursuance of the Martial Law Proclamation of 25th March, 1969, read with the Provisional Constitution Order, the Administrator of Martial Law, Zone A, in exercise of the powers of the Governor of West Pakistan conferred on him by the Chief Martial Law Administrator, is pleased to make and promulgate the following Ordinance:—

1. Short title, extent, commencement and application.— (1) This Ordinance may be called the ⁵[Punjab] Shops and Establishments Ordinance, 1969.

(2) It extends to the whole of ⁶[the Punjab].

(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 Ordinance.

¹This Ordinance was promulgated by the Administrator Martial Law, Zone 'A' on 30th June, 1969; published in the West Pakistan Gazette (Extraordinary), dated 30th July, 1969, pages 1057-1076; saved by Article 281 of the Interim Constitution of Pakistan (1972); and, validated by the Validation of Laws Act, 1975 (LXIII of 1975).

²Substituted for the words "West Pakistan" by the Punjab Shops Establishments (Amendment) Act 2014 (II of 2014), w.e.f.24.2.2014, s.2; and published in the Punjab Gazette (Extraordinary), pages 2647-2648.

³Substituted for the words "West Pakistan" by the Punjab Shops Establishments (Amendment) Act 2014 (II of 2014), w.e.f.24.2.2014, s.2; and published in the Punjab Gazette (Extraordinary), pages 2647-2648.

⁴Substituted for the words "in West Pakistan" by the Punjab Shops Establishments (Amendment) Act 2014 (II of 2014), w.e.f.24.2.2014, s.2; and published in the Punjab Gazette (Extraordinary), pages 2647-2648.

⁵Substituted for the words "West Pakistan" by the Punjab Shops Establishments (Amendment) Act 2014 (II of 2014), w.e.f.24.2.2014, s.2; and published in the Punjab Gazette (Extraordinary), pages 2647-2648.

⁶Substituted for the words "Pakistan" by the Punjab Shops Establishments (Amendment) Act 2014 (II of 2014), w.e.f.24.2.2014, s.2; and published in the Punjab Gazette (Extraordinary), pages 2647-2648. Which were earlier substituted for the words and comma "West Pakistan, except the Tribal Areas" by the Federal Adaptation of Laws Order, 1975 (P.O. No.4 of 1975), w.e.f.1.8.1975, Article 2 and the Schedule; and published in the Gazette of Pakistan (Extraordinary), pages 435-467.

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

2. Definitions.— In this Ordinance, unless the context otherwise requires—

- (a) “adult” means person who has completed his seventeenth year of age;
- (b) “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;
- (c) “child” means a person who has not completed his ⁷[fourteenth] year of age;
- (d) “closed” means not open for the service of any customer or to any business connected with the establishment;
- (e) “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 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 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) such other professional establishment or class thereof as Government may, by notification in the official Gazette, declare to be commercial establishment for the purposes of this Ordinance;
but does not include a factory, shop, residential hotel, restaurant, eating house, theatre or other place of public amusement or entertainment;
- (f) “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;

⁷Substituted for the word “twelfth” by the West Pakistan Shops and Establishments (Punjab Amendment) Act, 1975 (X of 1975), w.e.f.5.3.1975, s.2; and published in the Punjab Gazette (Extraordinary), pages 147-YY to 147-ZZ, and the same substituted by the Labour Laws (Amendment) Act, 1977 (XVII of 1977), w.e.f.9.5.1977, s.2 and the first Schedule; and published in the Gazette of Pakistan (Extraordinary), pages 339-344 .

- (g) “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;
- (h) “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;
- (i) “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;
- (j) “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 Ordinance;
- (k) “factory” means a factory as defined in clause (j) of section 2 of the Factories Act, 1934 (XXV of 1934);
- (l) “form” means a form specified in the Schedule;
- ⁸[(m) “Government” means Government of the Punjab;]
- (n) “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;
- (o) “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 Ordinance, but does not include a factory;
- (p) “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;
- (q) “prescribed” means prescribed by rules made under this Ordinance;

⁸Substituted by the Punjab Shops Establishments (Amendment) Act 2014 (II of 2014), w.e.f.24.2.2014, s.3; and published in the Punjab Gazette (Extraordinary), pages 2647-2648. which were earlier Substituted for the words “ Government of West Pakistan ” by the Federal Adaptation of Laws Order, 1975 (P.O. No.4 of 1975), w.e.f.1.8.1975, Article 2 and the Schedule; and published in the Gazette of Pakistan (Extraordinary), pages 435-467.

- (r) “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;
- (s) “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;
- (t) “retail trade” includes the business of a barber or hair-dresser, the sale of refreshments or intoxicating liquors, and sales by auctions;
- (u) “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;
- (v) “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;
- (w) “wages” means wages as defined in the Payment of Wages Act, 1936 (IV of 1936);
- (x) “week” means a period of seven days beginning at mid-night on Saturday night;
- (y) “young person” means a person who is not a child and has not completed his seventeenth year of age.

3. References to time of day.— References to time of day in this Ordinance are references to ⁹[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 Ordinance 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. Ordinance not applicable to certain establishments and persons.— (1) Nothing in this Ordinance shall apply to—

- ¹⁰[(i) Offices of the Government or the Federal Government;]
- (ii) offices of or under the Pakistan ¹¹[*] Railway Board, including railway stations;

⁹Substituted for the words “West Pakistan” by the Federal Adaptation of Laws Order, 1975 (P.O. No.4 of 1975), w.e.f.1.8.1975, Article 2 and the Schedule; and published in the Gazette of Pakistan (Extraordinary), pages 435-467.

¹⁰Substituted by the Punjab Shops Establishments (Amendment) Act 2014 (II of 2014), w.e.f.24.2.2014, s.4; and published in the Punjab Gazette (Extraordinary), pages 2647-2648.

¹¹Omitted the words “Western” by the Federal Adaptation of Laws Order, 1975 (P.O. No.4 of 1975), w.e.f.1.8.1975, Article 2 and the Schedule; and published in the Gazette of Pakistan (Extraordinary), pages 435-467.

- (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 such 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 stalls in any public fair or *bazar* held for religious or charitable purposes;
- (vi) clubs, hostels and messes not maintained for profit or gain;
- (vii) establishments 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, despatch, delivery, and conveyance of, or custom formalities on, goods;
- (x) any person employed for the business of any shop or commercial establishment mentioned in clauses (i) to (viii).

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

- (i) clubs, 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, *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;
- (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 customers is concerned;
- (viii) 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-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 Ordinance as are specified in such notification, and thereupon the provisions of this Ordinance specified in such notification shall apply to such establishments or persons.

6. Weekly holiday in establishments.—¹²[(1) Except as otherwise provided in this Ordinance, 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 holiday the average of the wages received during the week.

¹³[(4) * * * * *]

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

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

(b) in the case of an establishment set up after the coming into force of this Ordinance, or to which the provisions of this Ordinance 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.

¹⁴[**7. Opening and closing hours of establishments.**—(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:

¹²Substituted by the Finance Act, 2006 (III of 2006), w.e.f.1.7.2006, s.9; and published in the Gazette of Pakistan(Extraordinary), pages 183-567.

¹³Omitted by the Finance Act, 2006 (III of 2006), w.e.f.1.7.2006, s.9; and published in the Gazette of Pakistan(Extraordinary), pages 183-567.

¹⁴Substituted by the West Pakistan Shops and Establishment (Amendment) Ordinance, 1969 (XVII of 1969), w.e.f.16.8.1969, s.2; and published in the Gazette of West Pakistan (Extraordinary), pages 1325-A to 1325-B.

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 a young person, unless he has been allowed an interval for rest or meal of not less than one hour.

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

8. Daily, weekly hours and over-time.— Save as otherwise expressly provided in this Ordinance, 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 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 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 ¹⁵[six hundred and twenty-four] hours and by a young person ¹⁶[four hundred and sixty-eight] hours in any one year.

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 in respect of such over-time work shall be calculated at double the ordinary rate of wages payable to him¹⁷[:]

¹⁸[Provided that no overtime shall be payable to the contract worker employed on piece rate basis.]

¹⁹**10. Spread-over.**— 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

15Substituted for the "one hundred and fifty" by the Finance Act, 2006 (III of 2006), w.e.f.1.7.2006, s.9; and published in the Gazette of Pakistan (Extraordinary), pages 183-567.

16Substituted for the "one hundred" by the Finance Act, 2006 (III of 2006), w.e.f.1.7.2006, s.9; and published in the Gazette of Pakistan (Extraordinary), pages 183-567.

17Substituted for the full-stop by the Finance Act, 2006 (III of 2006), w.e.f.1.7.2006, s.9; and published in the Gazette of Pakistan (Extraordinary), pages 183-567.

18Added by the Finance Act, 2006 (III of 2006), w.e.f.1.7.2006, s.9; and published in the Gazette of Pakistan (Extraordinary), pages 183-567.

19Substituted by the Finance Act, 2006 (III of 2006), w.e.f.1.7.2006, s.9; and published in the Gazette of Pakistan (Extraordinary), pages 183-567.

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.]

²⁰**[10-A. Daycare rooms for children.—** (1) Where twenty-five or more women are employed in an establishment, the employer shall reserve a suitable daycare room for under-six years old children of the women.

(2) The daycare room shall be established, managed and conformed to such standards, as may be prescribed.]

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 Ordinance.

(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.

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

(2) When contrary to the provisions of this Ordinance, wages of any employee have been delayed or withheld, such employee himself or through any other person, whom he may authorise in this behalf, may within ²¹[one year] 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 ²²[one year] but not later than ²³[one year and six months], if the applicant satisfies the

²⁰Inserted by the Punjab Shops Establishments (Amendment) Act 2014 (II of 2014), w.e.f.24.2.2014, s.5; and published in the Punjab Gazette (Extraordinary), pages 2647-2648.

²¹Substituted for the words "four months" by the Punjab Shops Establishments (Amendment) Act 2014 (II of 2014), w.e.f.24.2.2014, s.6; and published in the Punjab Gazette (Extraordinary), pages 2647-2648.

²²Substituted for the words "four months" by the Punjab Shops Establishments (Amendment) Act 2014 (II of 2014), w.e.f.24.2.2014, s.6; and published in the Punjab Gazette (Extraordinary), pages 2647-2648.

²³Substituted for the words "six months" by the Punjab Shops Establishments (Amendment) Act 2014 (II of 2014), w.e.f.24.2.2014, s.6; and published in the Punjab Gazette (Extraordinary), pages 2647-2648.

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 Ordinance, direct that payment be made to the applicant of delayed wages together with the payment of such penalty, not exceeding ²⁴[two 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 fifty 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 ²⁵[Labour Court establishment under the Punjab Industrial Relations Act, 2010 (XIX of 2010)] 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 ²⁶[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 fifty rupees; or
- (c) by any person directed to pay a penalty under sub-section (4).

²⁴Substituted for the words "fifty" by the Punjab Shops Establishments (Amendment) Act 2014 (II of 2014), w.e.f.24.2.2014, s.6; and published in the Punjab Gazette (Extraordinary), pages 2647-2648.

²⁵Substituted for the words "District Court" by the Punjab Shops Establishments (Amendment) Act 2014 (II of 2014), w.e.f.24.2.2014, s.6; and published in the Punjab Gazette (Extraordinary), pages 2647-2648.

²⁶Substituted for the words "hundred" by the Punjab Shops Establishments (Amendment) Act 2014 (II of 2014), w.e.f.24.2.2014, s.6; and published in the Punjab Gazette (Extraordinary), pages 2647-2648.

(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 taking of evidence; and
- (b) be deemed to a Civil Court for all the purposes of section 195 and Chapter XXXV of the Code of Criminal Procedure, 1898 (V of 1898).

13. Bar of suits.— 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 owed to an employee; or
- (d) could have been recovered by an application under section 12.

14. 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 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 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 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.

15. 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.

16. Festival holidays.— 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.

17. Wages during leave or holiday period.— (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.

18. Sections 14, 15, 16 and 17 not to apply to certain establishments.— 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 (West Pakistan Ordinance VI of 1968).

19. 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 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.

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

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

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

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

24. Registration of establishment and fee for registration.— (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 ²⁷[CO 2905-Receipts under the Punjab Shops and Establishments Ordinance, 1969] for an amount of—

²⁸[Rs. 200] in the case of an establishment employing 1 to 5 workers.

²⁹[Rs. 300] in the case of an establishment employing 6 to 10 workers.

³⁰[Rs. 500] in the case of an establishment employing 11 to 20 workers.

³¹[Rs. 1000] in the case of an establishment employing more than 20 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 this Ordinance comes into force, within three months thereof; and

(b) in the case of an establishment set up after the coming into force of this Ordinance or to which the provisions of this Ordinance are subsequently applied, within two months of the setting up of the establishment or the application of this Ordinance 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 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 on depositing fee as prescribed in sub-section (2).

25. Appointment of Chief Inspector, Deputy Chief Inspectors and Inspectors.— (1) Government may, by notification in the official Gazette, appoint—

(a) a Chief Inspector of Shops for the whole of the Province;

²⁷Substituted for the words and figures “XXXVI –Miscellaneous Departments- G- Miscellaneous-(S)-Receipts under the West Pakistan Shops and Establishments Ordinance, 1969” by the Punjab Shops Establishments (Amendment) Act 2014 (II of 2014), w.e.f.24.2.2014, s.7; and published in the Punjab Gazette (Extraordinary), pages 2647-2648.

²⁸Substituted for the figure “2.00” by the Punjab Shops Establishments (Amendment) Act 2014 (II of 2014), w.e.f.24.2.2014, s.7; and published in the Punjab Gazette (Extraordinary), pages 2647-2648.

²⁹Substituted for the figure “3.00” by the Punjab Shops Establishments (Amendment) Act 2014 (II of 2014), w.e.f.24.2.2014, s.7; and published in the Punjab Gazette (Extraordinary), pages 2647-2648.

³⁰Substituted for the figure “5.00” by the Punjab Shops Establishments (Amendment) Act 2014 (II of 2014), w.e.f.24.2.2014, s.7; and published in the Punjab Gazette (Extraordinary), pages 2647-2648.

³¹Substituted for the figure “10.00” by the Punjab Shops Establishments (Amendment) Act 2014 (II of 2014), w.e.f.24.2.2014, s.7; and published in the Punjab Gazette (Extraordinary), pages 2647-2648.

- (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 Ordinance 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).

26. Powers of Inspectors.— An Inspector appointed under section 25 may, for the purposes of this Ordinance 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 Ordinance.

27. 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 Ordinance 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 provisions of this Ordinance 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 ³²[one thousand] rupees and which may extend to ³³[five thousand] rupees.

(2) 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 extend to rupees ³⁴[five thousand], and for a second or subsequent offence with fine which may extend to rupees ³⁵[ten thousand] or with simple imprisonment which may extend to three months, or with both.

³²Substituted for the word "fifty" by the Punjab Shops Establishments (Amendment) Act 2014 (II of 2014), w.e.f.24.2.2014, s.8; and published in the Punjab Gazette (Extraordinary), pages 2647-2648.

³³Substituted for the words "two hundred and fifty" by the Punjab Shops Establishments (Amendment) Act 2014 (II of 2014), w.e.f.24.2.2014, s.8; and published in the Punjab Gazette (Extraordinary), pages 2647-2648.

³⁴Substituted for the words "two hundred and fifty" by the Punjab Shops Establishments (Amendment) Act 2014 (II of 2014), w.e.f.24.2.2014, s.8; and published in the Punjab Gazette (Extraordinary), pages 2647-2648.

³⁵Substituted for the words "five hundred" by the Punjab Shops Establishments (Amendment) Act 2014 (II of 2014), w.e.f.24.2.2014, s.8; and published in the Punjab Gazette (Extraordinary), pages 2647-2648.

(3) Whoever contravenes any other provisions of this Ordinance shall, on conviction, be punishable with fine which for the first offence may extend to rupees ³⁶[three thousand], and for a second or any subsequent offence, to rupees ³⁷[five thousand] or with simple imprisonment which may extend to three months, or with both.

28. Procedure.— (1) No prosecution under this Ordinance 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 Ordinance or any rule made thereunder.

29. Limitation of prosecutions.— No Court shall take cognizance of any offence punishable under this Ordinance 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.

30. Indemnity.— 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.

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

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

(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 fifty rupees, and where the breach is a continuing one, with a further fine which may extend to ten rupees for every day, after the first, during which the breach continues.

33. Saving of certain rights and privileges.— Nothing in this Ordinance shall affect any right or privilege to which an employee is entitled on the date of the commencement of this Ordinance 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 Ordinance.

34. Repeal and saving.— (1) The following enactments, hereinafter referred to as the said Acts, are hereby repealed:—

- (a) The Sindh Shops and Establishments Act, 1940 (Sind XVIII of 1940);
- (b) The Punjab Trade Employees Act, 1940 (Punjab X of 1940);

³⁶Substituted for the words "one hundred and fifty" by the Punjab Shops Establishments (Amendment) Act 2014 (II of 2014), w.e.f.24.2.2014, s.8; and published in the Punjab Gazette (Extraordinary), pages 2647-2648.

³⁷Substituted for the words "two hundred and fifty" by the Punjab Shops Establishments (Amendment) Act 2014 (II of 2014), w.e.f.24.2.2014, s.8; and published in the Punjab Gazette (Extraordinary), pages 2647-2648.

- (c) The North-West Frontier Trade Employees Act, 1947 (N.W.F.P. XX of 1947); and
- (d) The Weekly Holidays Act, 1942 (XVIII of 1942).

(2) Notwithstanding the repeal of the said Acts, everything done, orders passed, action taken, obligation, liability, penalty or punishment incurred, enquiry or proceeding commenced, officer appointed or person authorised, jurisdiction or power conferred, rule made or notification issued, under any of the provisions of the said Acts, shall, if not inconsistent with the provisions of this Ordinance, continue in force and be deemed to have been done, passed, taken, incurred, commenced, appointed, authorised, conferred, made or issued under the provisions of this Ordinance.

SCHEDULE

[See SECTION (2) (I) 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, 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)).
Men,
Women, Young persons
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 ³⁸[Punjab] Shops and Establishments Ordinance, 1969.

Signature.

³⁸Substituted for the words "West Pakistan" by the Punjab Shops Establishments (Amendment) Act 2014 (II of 2014), w.e.f.24.2.2014, s.9; and published in the Punjab Gazette (Extraordinary), pages 2647-2648.

FORM 'B'

REGISTER OF ESTABLISHMENTS

Part I—Shops.

Part II—Commercial Establishments.

Part III—Residential Hotels.

Part IV—Restaurants and Eating Houses.

Part V—Theaters and other places of Public Amusements or Entertainment

Serial No.	Registration certificate No.	Name of the Manager, if any.	Name of employer.	Postal address of the establishment.	Name of the establishment	Nature of the business.	NUMBER OF MEMBERS OF EMPLOYER'S FAMILY			Number of other persons occupying managerial positions and employees engaged in confidential capacity.	TOTAL NUMBER OF EMPLOYEES.		Date of Inspection.	Date of registration.	Date of renewal.
							Male	Female	Young persons		Adult	Young persons			

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 ³⁹West Pakistan Shops and Establishments Ordinance, 1969, this _____ day of _____

Chief Inspector of Shops, ⁴⁰West Pakistan

 39 Now Punjab.
 40 Now Punjab.

RENEWALS

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

*Here insert category of the establishment.