

CONFIDENTIAL

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PROVINCIAL ASSEMBLY OF THE PUNJAB **REPORT OF THE SPECIAL COMMITTEE NO.1 REGARDING THE PUNJAB** **SHOPS AND ESTABLISHMENTS (AMENDMENT) BILL 2013 (BILL NO. 14** **OF 2013)**

The Punjab Shops and Establishments (Amendment) Bill 2013 (Bill No. 14 of 2013) was referred to Special Committee No.1 on 15 August 2013. The Committee considered the bill in its meeting held on 3 September 2013.

2. The following were present:—

1.	Rana Muhammad Arshad, MPA (PP-171)	Acting Convener
2.	Raja Ashfaq Sarwar Minister for Labour & Human Resources, Punjab	<i>ex-officio</i> Member
3.	Mian Tariq Mehmood, MPA (PP-113)	Member
4.	Sardar Qaisar Abbas Khan Maggasi, MPA (PP-264)	Member
5.	Mr Muhammad Khurram Gulfam, MPA (PP-162)	Member
6.	Mrs Ayesha Javed, MPA (W-317)	Member
7.	Dr Murad Raas, MPA (PP-152)	Member

3. Mr Muhammad Yousaf, Secretary to Government of the Punjab, Labour and Human Resource Department and Mr Mohsin Abbas Syed, Director, Law and Parliamentary Affairs Department represented their Departments. Hafiz Muhammad Shafiq Adil, Additional Secretary (Legislation), Provincial Assembly of the Punjab functioned as Secretary to the Committee.

4. Since Mian Naseer Ahmad, MPA (PP-155), Convener Special Committee No.1 due to some other engagements, could not attend the meeting of the Committee, Rana Muhammad Arshad, MPA (PP-171), in terms of rule 151(2) of the Rules of Procedure of the Provincial Assembly of the Punjab 1997, was chosen to act as Convener for the sitting dated 3 September 2013.

5. The Secretary to Government of the Punjab, Labour and Human Resources Department, apprised the Committee that the subject on which that law had been enacted had been devolved on the Provinces by virtue of the Constitution (Eighteenth Amendment) Act 2010. The Act was required to be adapted by the Provincial Assembly of the Punjab in terms of clause (6) of Article 270AA of the Constitution. He added that some other amendments like provision of daycare room for children, enhancement of fiscal penalties, change in head of receipts, registration fee and empowerment of Labour Courts, established under the Punjab Industrial Relations Act, 2010, as Appellate Authority had also been incorporated in the draft bill.

6. After detailed discussion on the aims and objects and clauses of the bill, the Committee unanimously decided to recommend that the bill may be passed by the Assembly subject to the following amendments:—

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AMENDMENTS IN THE BILL

(1) **CLAUSE 2**

for Clause 2, the following be substituted:-

"2. Amendments in Long Title, Preamble and section 1 of Ordinance VIII of 1969.- In the West Pakistan Shops and Establishments Ordinance, 1969 (VIII of 1969), hereinafter referred to as the said Ordinance-

- (i) in the Long Title, for the words "West Pakistan", the words "the Punjab" shall be substituted;
- (ii) in the Preamble, for the words "in West Pakistan", the words "in the Punjab" shall be substituted; and
- (iii) in section 1-
 - (a) in subsection (1), for the words "West Pakistan", the word "Punjab" shall be substituted; and
 - (b) in subsection (2), for the word "Pakistan", the words "the Punjab" shall be substituted."

(2) **CLAUSE 6**

- i) in para (b), the word "one", be substituted by the word "two".
- ii) in para (c), in sub-para (i), before the word "and" occurring at the end, the words "shall be substituted" be added.

(3) **CLAUSE 7**

for Clause 7, the following be substituted:-

"7. Amendments in section 24 of Ordinance VIII of 1969.- In the said Ordinance, in section 24, in subsection (2)-

- (i) for the words and figures "XXXVI-Miscellaneous Departments-G-Miscellaneous-(S)-Receipts under the West Pakistan Shops and Establishments Ordinance, 1969", the words and figures "CO 2905-Receipts under the Punjab Shops and Establishments Ordinance, 1969" shall be substituted; and
- (ii) for the figures "2.00", "3.00", "5.00" and "10.00", the figures "200", "300", "500", "1000" shall respectively be substituted."

7. A copy of the bill as introduced in the Assembly is at Annexure-A and a copy of the bill as recommended by the Committee is at Annexure-B.



RANA MUHAMMAD ARSHAD

Acting Convener

Special Committee No.1

Lahore

3 September, 2013



(RAI MUMTAZ HUSSAIN BABAR)

Acting Secretary

Lahore

3 September, 2013

(BILL AS INTRODUCED IN THE ASSEMBLY)
PROVINCIAL ASSEMBLY OF THE PUNJAB

BILL NO.14 OF 2013

THE PUNJAB SHOPS AND ESTABLISHMENTS (AMENDMENT)
BILL 2013

A
Bill

*further to amend the West Pakistan Shops and Establishments
Ordinance, 1969*

Preamble.- Whereas it is expedient further to amend the West Pakistan Shops and Establishments Ordinance, 1969 (VIII of 1969) for purposes hereinafter appearing;

It is enacted as follows:

1. **Short title and commencement.-** (1) This Act may be cited as the Punjab Shops and Establishments (Amendment) Act 2013.
 (2) It shall come into force at once.
2. **Amendment in section 1 of Ordinance VIII of 1969.-** In the West Pakistan Shops and Establishments Ordinance, 1969 (VIII of 1969), hereinafter referred to as the said Ordinance, in section 1:
 - (i) in subsection (1), for the words "West Pakistan", the word "Punjab" shall be substituted; and
 - (ii) in sub-section (2), for the word "Pakistan", the words "the Punjab" shall be substituted.
3. **Amendment in section 2 of Ordinance VIII of 1969.-** In the said Ordinance, in section 2, for clause (m), the following shall be substituted:
 "(m) "Government" means Government of the Punjab"
4. **Amendment in section 5 of Ordinance VIII of 1969.-** In the said Ordinance, in section 5, for clause (i), the following shall be substituted:
 "(i) Offices of the Government or the Federal Government;"
5. **Insertion of section 10-A in Ordinance VIII of 1969.-** In the said Ordinance, after section 10, the following section 10-A shall be inserted:

"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.
6. **Amendment in section 12 of Ordinance VIII of 1969.-** In the said Ordinance, in section 12:
 - (a) in subsection (2):
 - (i) for the words "four months" wherever occur, the words "one year" shall be substituted; and

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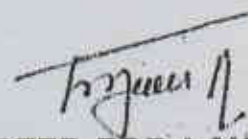
- (ii) in the proviso, for the words "six months", the words "one year and six months" shall be substituted;
 - (b) in subsection (3), for the word "fifty", the words "one thousand" shall be substituted; and
 - (c) in subsection (6):
 - (i) for the words "District Court", the words "Labour Court establishment under the Punjab Industrial Relations Act, 2010 (XIX of 2010)" and
 - (ii) for the word "hundred", the word "thousand" shall be substituted.
- 7. **Amendment in section 24 of Ordinance VIII of 1969.-** In the said Ordinance, in section 24:
 - (a) in subsection (2):
 - (i) for the words and figures "XXXVI-Miscellaneous Departments-G-Miscellaneous-(S)-Receipts under the West Pakistan Shops and Establishments Ordinance, 1969", the words and figures "CO 2905-Receipts under the Punjab Shops and Establishments Ordinance, 1969" shall be substituted; and
 - (ii) for the figures "2.00", "3.00", "5.00" and "10.00", the figures "200", "300", "500", "1000" shall respectively be substituted; and
 - (b) after subsection (5), the following subsection (6) shall be inserted:
 - "(6) The Government may revise the amount specified in subsection (2) by prescribing a higher or different amount for different categories of the establishments through the rules made under this Ordinance."
- 8. **Amendment in section 27 of Ordinance VIII of 1969.-** In the said Ordinance, in section 27:
 - (a) in subsection (1), for the word "fifty", the words "one thousand" and for the words "two hundred and fifty", the words "five thousand" shall respectively be substituted;
 - (b) in subsection (2), for the words "two hundred and fifty", the words "five thousand", and for the words "five hundred", the words "ten thousand" shall respectively be substituted; and
 - (c) in subsection (3), for the words "one hundred and fifty", the words "three thousand" and for the words "two hundred and fifty", the words "five thousand" shall respectively be substituted.

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9. **Amendment in Schedule of Ordinance VIII of 1969.-** In the said Ordinance, in Schedule, in Form A, in the note, for the words "West Pakistan", the word "Punjab" shall be substituted.

STATEMENT OF OBJECTS AND REASONS

The subject on which this law has been enacted has devolved on the Provinces by virtue of the Constitution (Eighteenth Amendment) Act 2010. The Act is required to be adapted by the Provincial Assembly of the Punjab in terms of clause 6 of Article 270AA of the Constitution. Some other amendments like provision of daycare room for children, enhancement of fiscal penalties, change in head of receipts, registration fee and empowerment of Labour Courts established under the Punjab Industrial Relations Act, 2010 as Appellate Authority have also been incorporated in the draft Bill. Hence this Bill.



MINISTER FOR LAW & PA

15 August 2013

RAI MUMTAZ HUSSAIN BABAR
Acting Secretary

ANNEXURE – B

**(BILL AS RECOMMENDED BY THE
SPECIAL COMMITTEE NO.1)**

A
Bill

further to amend the West Pakistan Shops and Establishments Ordinance, 1969.

Preamble.— Whereas it is expedient further to amend the West Pakistan Shops and Establishments Ordinance, 1969 (VIII of 1969) for purposes hereinafter appearing;
It is enacted as follows:—

1. Short title and commencement.— (1) This Act may be cited as the Punjab Shops and Establishments (Amendment) Act 2013.
(2) It shall come into force at once.

2. Amendments in Long Title, Preamble and section 1 of Ordinance VIII of 1969.— In the West Pakistan Shops and Establishments Ordinance, 1969 (VIII of 1969), hereinafter referred to as the said Ordinance—

- (i) in the Long Title, for the words “West Pakistan”, the words “the Punjab” shall be substituted;
- (ii) in the Preamble, for the words “in West Pakistan”, the words “in the Punjab” shall be substituted; and
- (iii) in section 1—
 - (a) in subsection (1), for the words “West Pakistan”, the word “Punjab” shall be substituted; and
 - (b) in subsection (2), for the word “Pakistan”, the words “the Punjab” shall be substituted.

3. Amendment in section 2 of Ordinance VIII of 1969.— In the said Ordinance, in section 2, for clause (m), the following shall be substituted:—
“(m) “Government” means Government of the Punjab;”.

4. Amendment in section 5 of Ordinance VIII of 1969.— In the said Ordinance, in section 5, for clause (i), the following shall be substituted:—
“(i) Offices of the Government or the Federal Government;”.

5. Insertion of section 10-A in Ordinance VIII of 1969.— In the said Ordinance, after section 10, the following section 10-A shall be inserted:—

“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.”

6. Amendment in section 12 of Ordinance VIII of 1969.— In the said Ordinance, in section 12—

- (a) in subsection (2)—
 - (i) for the words “four months” wherever occur, the words “one year” shall be substituted; and

- (ii) in the proviso, for the words "six months", the words "one year and six months" shall be substituted;
- (b) in subsection (3), for the word "fifty", the words "two thousand" shall be substituted; and
- (c) in subsection (6)–
 - (i) for the words "District Court", the words "Labour Court establishment under the Punjab Industrial Relations Act, 2010 (XIX of 2010)" shall be substituted and
 - (ii) for the word "hundred", the word "thousand" shall be substituted.

7. Amendments in section 24 of Ordinance VIII of 1969.- In the said Ordinance, in section 24, in subsection (2)–

- (i) for the words and figures "XXXVI-Miscellaneous Departments-G-Miscellaneous-(S)-Receipts under the West Pakistan Shops and Establishments Ordinance, 1969", the words and figures "CO 2905-Receipts under the Punjab Shops and Establishments Ordinance, 1969" shall be substituted; and
- (ii) for the figures "2.00", "3.00", "5.00" and "10.00", the figures "200", "300", "500", "1000" shall respectively be substituted.

8. Amendment in section 27 of Ordinance VIII of 1969.- In the said Ordinance, in section 27–

- (a) in subsection (1), for the word "fifty", the words "one thousand" and for the words "two hundred and fifty", the words "five thousand" shall respectively be substituted;
- (b) in subsection (2), for the words "two hundred and fifty", the words "five thousand", and for the words "five hundred", the words "ten thousand" shall respectively be substituted; and
- (c) in subsection (3), for the words "one hundred and fifty", the words "three thousand" and for the words "two hundred and fifty", the words "five thousand" shall respectively be substituted.

9. Amendment in Schedule of Ordinance VIII of 1969.- In the said Ordinance, in Schedule, in Form A, in the note, for the words "West Pakistan", the word "Punjab" shall be substituted.
