

SIND ACT No. XVIII OF 1940¹.

[THE SIND SHOPS AND ESTABLISHMENTS ACT, 1940.]

[23rd January, 1941]

An Act to make provision for the regulation of hours of work in shops, commercial establishments, restaurants, eating houses, theatres and other establishments.

WHEREAS it is expedient to make provision for the regulation of hours of work in shops, commercial establishments, restaurants, eating houses, theatres and other establishments and for certain other purposes hereinafter specified ; It is hereby enacted as follows :—

1. (1) This Act may be called the Sind Shops and Establishments Act, 1940. Short title, extent and operation.

(2) It extends to the whole of the Province of Sind.

(3) * * * * * the Provincial Government may by notification in the *Official Gazette* direct that all or any of the provisions of this Act shall come into force in any ^{3*} area on such date as may be specified in such notification⁴.

¹ For Statement of Objects and Reasons, see S. G. G., 1940, Pt. IV, pp. 571-573; and for proceedings in Assembly, see S. L. A. Debates, 1941, Vol. XII—Book No. 4, pp. 51-66, Book No. 6, pp. 38-40.

² The words "It shall come into force in the first instance only in the City and Cantonments of Karachi and Drigh Road ; but" rep. by the Sind Laws (Adaptation, Revision, Repeal and Declaration) Ordinance, 1955 (Sind 5 of 1955), s. 6, Sch. II.

³ The word "other" rep. *ibid.*

⁴ Came into force in the following areas w.e.f. the dates shown against each area:—

Municipal and cantonment areas, *Hyderabad*, 15th April, 1943, S.G.G., 1943 Part I, p. 460. Municipal area, *Shikarpur*, 1st September, 1943, S. G. G., 1943, Part I, p. 1044. Town of *Sukkur*, 1st May, 1944, S.G.G., 1944, p. 250. Town of *Jacobabad*, 1st January, 1945, S. G. G., 1944, Part I, p. 1161. Town of *Larkana*, 1st August, 1945, S. G. G., 1945, Part I, p. 754. Town of *Shahdadpur*, 1st June, 1946, S. G. G., 1946, Part I, p. 383. Town of *Dadu*, 1st June, 1946, S. G. G., 1946, Part I, p. 461. Town of *Kotri*, 1st June, 1946, S. G. G., 1946, Part I, p. 561. Town of *Mirpurkhas*, 1st September, 1946, S. G. G., 1946, Part I, p. 884. Municipal limits of *Tando Allahyar*, 1st January, 1947, S. G. G., 1946, Part I, p. 1732. Municipallimits of *Tando Adam*, 1st May 1947, S.G.G., 1947, Part I, p. 130. Municipal limits of *Kambar*, 1st September 1947, S.G.G., 1947, Part I, p. 1013. Municipal area of *Nawabshah*, 15th October, 1952, S. G. G., 1952, Part I, p. 651. Municipal area of *Tatta*, 1st January, 1954, S. G. G., 1953, Part I, p. 991. Municipal limits of *Shahdadkot*, 14th March, 1955, S. G. G., 1955, Part I, p. 207.

L (1v) 693-C—9-A

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CHAPTER I.

Preliminary.

Definitions.

2. In this Act unless there is anything repugnant in the subject or context,—

(1) "Child" means a person who has not completed his twelfth year :

Provided that in any area for which a scheme of compulsory primary education has been sanctioned under '[the Sind Primary Education Act, 1947], the expression "child" shall have the same meaning as it has in the said Act with reference to primary education. ^{Sind XXVI of 1947}

(2) "Closed" means not open for the service of any customer.

(3) "Commercial Establishment" means an establishment which is not a shop but which does the business of advertising, commission, forwarding or commercial agency, or which is a clerical department of a factory or of any industrial or commercial undertaking or which is an insurance company, joint stock company, bank, broker's office, exchange or such other class of establishments as the Provincial Government may by notification in the *Official Gazette* declare to be a commercial establishment for the purposes of this Act.

(4) "Day" means the period of twenty-four hours beginning at midnight :

Provided that in the case of a person employed whose hours of work extend beyond midnight, day means the period of twenty-four hours beginning when such employment commences irrespective of mid-night.

(5) "Employer" means a person having charge of or owning the business of an establishment to which this Act applies and includes the manager, agent or any other person acting in the general management or control of such shop, restaurant, theatre or establishment.

(6) "Establishment to which this Act applies" means a shop, commercial establishment, restaurant, eating house, theatre or any other place of public amusement or entertainment or any other establishment in respect of which a declaration² is made under section 18.

(7) "Factory" means any premises which is a factory within the meaning of clause (j) of section 2 of the Factories Act, 1934, or which is declared to be a factory under section 5 ^{XXV of 1934} of the said Act.

¹ Subs. by the Sind Laws (Adaptation, Revision, Repeal and Declaration) Ordinance, 1955 (Sind 5 of 1955), s. 7, Sch. III, for "the Bombay Primary Education Act, 1923".

² For such declaration, see G. N., Lab. Deptt. No. 6177-4/42(21), dated 20th June, 1947.

Sind III of
1901,
Sind XVIII
of 1925 and
Sind VI of
1923.

(8) "Inspector" means an inspector appointed under section 25 and includes the Chief Inspector.

(9) "Local authority" means a Municipality constituted under ¹* * * *, the ²[Sind] District Municipal Act, 1901, or the ²[Sind] Municipal Boroughs Act, 1925, or a local board constituted under the ²[Sind] Local Boards Act, 1923.

(10) "Member of family of an employer" means the husband, wife or children, father or mother, brother, sister, nephew, niece, cousin or aunt of an employer who lives with and is dependent on such employer.

(11) "Opened" means opened for the service of any customer.

(12) "Periods of work" means the time during which a person employed is at the disposal of the employer.

(13) "Person employed" means—

(i) in the case of a shop, a person wholly or principally employed in the shop in connection with the business of the shop;

(ii) in the case of a factory, a member of the clerical staff employed in such factory ;

(iii) in the case of a commercial establishment other than a factory, a person wholly or principally employed in connection with the business of the establishment and includes a peon ;

(iv) in the case of a restaurant or eating house, a person wholly or principally employed in the preparation or the serving of food or drink or in attendance upon a customer or in cleaning any part of the premises or utensils used on such premises or as a clerk or cashier; and

³[(v) in the case of a theatre or other establishment of public entertainment, a person employed as an operator, clerk, door-keeper, usher or in similar other capacity ; but does not include the employer or a member of his family.]

(14) "Prescribed" means prescribed by rules made under this Act.

(15) "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 to a traveller or any other member of the public or class of the public.

¹ The words "the City of Karachi Municipal Act, 1933" rep. by the Sind Laws (Adaptation, Revision, Repeal and Declaration) Ordinance, 1955 (Sind 5 of 1955), s. 6, Sch. II.

² Subs. *ibid*, s. 3 (1) (w. e. f. 30th May 1951), for "Bombay".

³ Subs. by Sind 9 of 1944, for the original sub-clause (v).

(16) " Restaurant or Eating House " means 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 but does not include a restaurant attached to a theatre.

(17) " Shop " means any premises where goods are sold either by retail or wholesale or both or where services are rendered to customers and includes offices, store-rooms, godowns or warehouses, whether in the same premises or otherwise, used in connection with such trade or business and tailoring and carpentry establishments but does not include a restaurant, eating house or a commercial establishment.

(18) " Theatre " includes any place intended principally or wholly for the representation of moving pictures or for dramatic performances.

(19) " Week " means the period of seven days beginning at midnight between Saturday and Sunday.

(20) " Young person " means a person who is not a child and has not completed his seventeenth year.

References
to time of
day.

Act not
applicable
to certain
persons
and estab-
lishments.

3. References to the time of day in this Act are references to ¹[West Pakistan] Standard time ²* * * * *

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

(a) persons occupying positions of management or employed in a confidential capacity;

(b) persons whose work is inherently intermittent such as a traveller, a canvasser, a watchman or a caretaker ;

(c) persons exclusively engaged in preparatory or complementary work, such as clearing or forwarding clerks responsible for the despatch of goods by rail or other means of communication and for customs formalities or messengers;

(d) persons exclusively employed in the collection, delivery or conveyance of goods ;

(e) Government offices and offices of local authorities;

(f) establishments for the treatment or the care of the sick, infirm, destitute or mentally unfit ;

¹ Subs. by the Sind Laws (Adaptation, Revision, Repeal and Declaration) Ordinance, 1955 (Sind 5 of 1955), s. 7, Sch. III, for " Indian ".

² The words " which is five and a half hours ahead of Greenwich mean time " omitted by Sind 9 of 1944, s. 3.

(g) persons employed in such chemist's or druggist's shops as are approved by the Provincial Government by a general or special order in this behalf ;

(h) clubs and residential hotels ;

(i) stalls and refreshment rooms at railway stations, docks and wharves ;

(j) bazaars or fairs for the sale of work for charitable or other purposes from which no profit is derived ;

(k) shops dealing primarily in goods required for funeral purposes ; and

(l) any other establishment or class of establishments or person or class of persons which the Provincial Government may, by notification in the *Official Gazette*, exempt from the operation of this Act.

(2) Notwithstanding anything contained in sub-section (1) the Provincial Government may by notification in the *Official Gazette* direct that any of the persons or establishments specified therein shall not be exempt from the operation of this Act ¹[or shall be exempt from such operation subject to such general or special conditions as the Provincial Government may specify].

CHAPTER II.

Shops.

5. (1) Save as provided by or under any other enactment for the time being in force, no shop shall on any day—

Opening
and closing
hours of
shop.

(a) be opened earlier than such hour as may be fixed by the Provincial Government by a general or special order in this behalf, and

(b) be closed later than ²[10] p.m. or such other earlier hour as may be fixed by the Provincial Government by a general or special order in this behalf :

Provided that any customer who was being served or was waiting to be served at such closing hour in any shop may be served in such shop during the quarter of an hour immediately following such hour.

¹ Added by Sind 9 of 1944, s. 4.

² Subs. *ibid*, s. 5, for "9".

(2) An order under sub-section (1) shall be passed by the Provincial Government after making an enquiry in the prescribed manner.

Hawking
prohibited
after
closing
hour.

6. Save as otherwise provided in this Act or by or under any other enactment, no person shall after the closing hour fixed under section 5 carry on in or adjacent to a street or a public place the sale of any goods :

Provided that nothing in this section shall apply to the sale of newspapers.

Daily hours
of work in
a shop.

7. (1) Subject to the provisions of sub-section (2) no person employed in any shop shall be required or allowed to work in such shop for more than nine and a half hours in any day :

Provided that any such person may be allowed to work in such shop for any period in excess of the limit fixed under sub-section (1), if such period does not exceed in the aggregate one hundred and twenty hours in any calendar year.

(2) Every person employed in any shop shall be given an interval for rest which shall not be less than half an hour for every four hours of continuous work or, at the option of the employer, not less than an hour for every six hours of continuous work.

Spread over
of periods
of work.

8. The periods of work and intervals of rest of a person employed in a shop shall be so arranged that they shall not be together spread over more than twelve hours in any day :

Provided that in cases where any shop is on any day entirely closed for a continuous period of not less than three hours between the opening and the closing time the periods of work and intervals of rest may be spread over fourteen hours in that day.

Holidays
in a week.

9. (1) Every person employed in a shop shall be given at least one day in a week as a holiday :

Provided that nothing in this sub-section shall apply to any person whose total period of employment is less than six days.

(2) No deduction shall be made from the wages of any person employed in a shop on account of any holiday given to him under sub-section (1).

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CHAPTER III.

Commercial Establishment.

10. (1) Save as provided by or under any other enactment for the time being in force, no commercial establishment shall, on any day, be opened earlier than and closed later than such hour as may be fixed by a general or special order of the Provincial Government made under sub-section (2). Opening and closing hours of commercial establishments.

(2) The Provincial Government may by general or special order fix the time at which any commercial establishment or any class of such establishments shall be opened or closed in any local area. Such order shall be passed after making an inquiry in the prescribed manner.

11. (1) Subject to the provisions of sub-section (2), no person employed in any commercial establishment shall be required or allowed to work in such establishment for more than 54 hours in any week : Weekly and daily hours of work in a commercial establishment.

Provided that any such person may be allowed to work in such establishment for more than 54 hours in any week during stock-taking, making of accounts, settlement or other prescribed occasions:

Provided further that the total number of hours for which such person is allowed to work in excess of the maximum number of hours prescribed for every week under this section does not exceed one hundred and twenty in any calendar year.

(2) Every person employed in any commercial establishment shall be given an interval for rest which shall not be less than half an hour for every four and a half hours of continuous work or, at the option of the employer, not less than an hour for every six hours of continuous work.

12. The periods of work and intervals of rest of a person employed in a commercial establishment shall be so arranged that they shall not together be spread over more than twelve hours in a day : Spread over of periods of work.

Provided that the Provincial Government may by rules made in this behalf fix, on not more than six days in a calendar year, any period in excess of the period prescribed under this section for which on account of stock-taking, making of accounts, settlements or other prescribed occasions the person employed may be required to work.

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Holiday in
a week.

13. (1) Every person employed in a commercial establishment shall be given at least one day in a week as a holiday :

Provided that nothing in this sub-section shall apply to any person whose total period of employment is less than six days.

(2) No deduction shall be made from the wages of any person employed in a commercial establishment on account of any holiday given to him under sub-section (1).

CHAPTER IV.

Restaurants, eating houses, theatres or other
places of public amusement and entertain-
ment.

Restau-
rants, eating
houses not
to sell goods
of the kind
sold in the
shops after
the closing
hour of the
shops.

14. After the hour fixed for closing of shops under section 5, no goods of the kind sold in such shops shall be sold in any restaurant, eating house, theatre or any other place of public amusement or entertainment except for consumption on the premises.

Daily hours
of work in
restaurant,
etc.

15. (1) Subject to the provisions of sub-section (2), no person employed in any restaurant, eating house, or theatre or any other place of public amusement or entertainment shall be required or allowed to work in such restaurant, eating house or theatre or such place for more than ten hours in any day.

(2) Every such person shall be given an interval for rest which shall not be less than half an hour for every six hours of continuous work or, at the option of the employer, not less than '[an] hour for every eight hours of continuous work.

Spread
over of
periods of
work.

16. The periods of work and intervals of rest of a person employed in a restaurant, eating house, theatre or any other place of public amusement or entertainment shall be so arranged that they shall not together be spread over more than fourteen hours in any day.

Holiday
in a week.

17. (1) Every person employed in a restaurant, eating house, theatre or any other place of public amusement or entertainment shall be given at least one day in a week as a holiday :

¹ Subs. by the Sind Laws (Adaptation, Revision, Repeal and Declaration) Ordinance, 1955 (Sind 5 of 1955), s. 7, Sch. III, for "a".

Provided that nothing in this sub-section shall apply to any person whose total period of employment is less than six days.

(2) No deduction shall be made from the wages of any person employed in a restaurant, eating house, theatre or a place of public amusement or entertainment on account of any holiday given to him under sub-section (1).

CHAPTER V.

Other establishments.

18. (1) Notwithstanding anything contained in this Act, the Provincial Government may, by notification in the *Official Gazette*, declare any establishment or class of establishments to which this Act does not for the time being apply to be an establishment or class of establishments for the purposes of this Act.

Power of Provincial Government to apply provisions of Act to other establishments.

(2) On such declaration, such establishment or class of establishments shall be deemed to be an establishment or class of establishments to which this Act applies and all or any of the provisions of this Act with such adaptation or modification as may be specified in such declaration shall apply to such establishment or class of establishments.

CHAPTER VI.

Provisions for children and young persons.

19. No child shall be allowed to work in any establishment to which this Act applies.

No child to work in any establishment.

20. No young person shall be allowed to work in any establishment to which this Act applies before 6 a.m. and after 7 p.m.

Young persons to work between 6 a.m. and 7 p.m. only.

21. (1) Notwithstanding anything contained in this Act, no young person shall be allowed to work in any establishment to which this Act applies for more than forty-two hours in a week or for more than eight hours in a day.

Hours of work of young person limited to 42 hours in a week and 8 per day.

(2) No such person shall be allowed to work in such establishment for more than four hours in any day unless he has had an interval of rest for at least half an hour.

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CHAPTER VII.

Enforcement and Penalties.

Powers and
duties of
local author-
ities.

22. Save as otherwise provided in this Act it shall be the duty of every local authority to enforce, within the area subject to its jurisdiction, the provisions of this Act, subject to such supervision of the Provincial Government as may be prescribed:

Provided that in respect of the areas not subject to the jurisdiction of any local authority, it shall be the duty of the Provincial Government to enforce the said provisions.

Power of
Provincial
Government
to provide
for perfor-
mance of
duties on
default by
local author-
ity.

23. (1) If any local authority makes default in the performance of any duty imposed by or under this Act, the Provincial Government may appoint some person to perform it and may direct that the expense of performing it with a reasonable remuneration to the person appointed to perform it shall be paid forthwith by the local authority.

(2) If the expense and remuneration are not so paid, the Provincial Government may notwithstanding anything contained in any law relating to the municipal fund or local fund or any other law for the time being in force, make an order directing the bank in which any moneys of the local authority are deposited or the person in charge of the Local Government Treasury or of any other place or security in which the moneys of the local authority are deposited to pay such expense and remuneration from such moneys as may be standing to the credit of the local authority in such bank or may be in the hands of such person or as may from time to time, be received from or on behalf of the local authority by way of deposit by such bank or person; and such bank or person shall be bound to obey such order. Every payment made pursuant to such order shall be a sufficient discharge to such bank or person from all liability to the local authority in respect of any sum or sums so paid by it or him out of the moneys of the local authority so deposited with such bank or person.

Expenses
of local
authority
to be paid
out of its
fund.

24. Notwithstanding anything contained in any enactment in regard to any municipal or local fund, all expenses incurred by a municipality or a local board under and for the purposes of this Act shall be paid out of the municipal or local fund, as the case may be.

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25. (1) Every local authority shall appoint a sufficient number of persons with the prescribed qualifications as Inspectors for the area subject to its jurisdiction as it may deem fit for the purpose of carrying out the provisions of this Act. Appoint-
ment of
Inspectors.

(2) In areas which are not subject to the jurisdiction of any local authority, the Provincial Government shall appoint Inspectors with the prescribed qualifications.

¹[26. (1) The Commissioner of Labour, Sind, shall be the *ex-officio* Chief Inspector for the whole of the Province :

Commis-
sioner of
Labour to
be *ex-Officio*
Chief
Inspector.

Provided that the Provincial Government may, by notification in the *Official Gazette*, appoint any other person as the Chief Inspector for any specified area.

²[(2) The Provincial Government may appoint an Assistant Chief Inspector possessing the prescribed qualifications, for the whole of the Province or for any specified area.]

³[(3)] A Chief Inspector ⁴[and an Assistant Chief Inspector] shall exercise supervision and control over all Inspectors appointed by local authorities or by the Provincial Government for the area under ⁵[their respective jurisdictions.]

27. Any Inspector may at all reasonable times enter into any place which is or which he has reason to believe is an establishment to which this Act applies with such assistants being persons in the service of the Crown or of the local authority, as the case may be, and make such examination of the premises and of the prescribed registers, records and notices, as may be prescribed. Powers and
duties of
Inspectors.

28. Every Inspector shall be deemed to be a public servant within the meaning of section 21 of the ⁶[Pakistan] Penal Code. Inspectors
to be pub-
lic servants.

XLV
of
1860.

29. Any person who wilfully obstructs an Inspector in the exercise of any power conferred on him under this Act or who fails to comply with a lawful direction made by an Inspector shall, on conviction, be punishable with fine which may extend to Rs. 250. Penalty for
obstructing
Inspector,
etc.

¹ Subs. by Sind 9 of 1944, s. 6, for the original section 26.

² Sub-section (2) ins. by Sind 29 of 1947, s. 2 (a).

³ The original sub-section (2) re-numbered as sub-section (3), *ibid*, s. 2 (b).

⁴ Ins. *ibid*, s. 2 (b) (i).

⁵ Subs. *ibid*, s. 2 (b) (ii), for "his jurisdiction".

⁶ Subs. by the Sind Laws (Adaptation, Revision, Repeal and Declaration) Ordinance, 1955 (Sind 5 of 1955), s. 4 (w. e. 1- 30th May 1952), for "Indian".

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Mainten-
ance of
registers
and records
and display
of notices.

30. Subject to the general or special orders of the Provincial Government, an employer shall maintain such registers and records and display such notices as may be prescribed for carrying out the provisions of this Act.

Penalties
for offences.

31. (1) Any employer who contravenes the provisions of sections 5, 7 to 21 (both inclusive) and 34 shall, on conviction, be punishable with fine which may extend to Rs. 25 for the first offence and to Rs. 250 for every subsequent offence after his conviction for the first offence.

(2) Whoever contravenes the provisions of section 6 shall, on conviction, be punishable with fine which may extend to Rs. 10 for the first offence and to Rs. 100 for any subsequent offence after his conviction for the first offence.

CHAPTER VIII.

Miscellaneous.

Exemption.

32. The Provincial Government may, by notification in the *Official Gazette*, suspend the operation of all or any of the provisions of this Act for such period and subject to such conditions as it deems fit on account of any prescribed holidays or occasion.

Wages for
over-time
work.

¹33. (1) Where any person employed in any establishment to which this Act applies is required to work in excess of the limit of hours of work he shall be entitled in respect of the over-time work to wages at the rate of $1\frac{1}{2}$ times his ordinary rate of wages.

²[(2) When contrary to the provisions of this Act any deduction has been made from the wages of an employed person, or any payment of wages has been delayed or withheld, such person himself, or through any other person whom he may empower in this behalf, may apply to such authority as the Provincial Government may direct for a declaration under sub-section (3) :

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

¹ The original section 33 renumbered as sub-section (1) of that section by Sind 16 of 1950.

² Sub-sections (2) to (5) added *ibid*.

Provided further that any application may be admitted after the said period of six months when 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 the refund to the employed person of the amount deducted, or the payment of the delayed wages, together with the payment of such compensation as the authority may think fit, not exceeding ten times the amount deducted in the former case and not exceeding ten rupees in the latter :

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

- (a) a *bonafide* error or *bonafide* dispute as to the amount payable to the employed person, or
- (b) the occurrence of an emergency, or the existence of exceptional circumstances, such that the person responsible for the payment of the wages was unable though exercising reasonable diligence to make prompt payment, or,
- (c) the failure of the employed person to apply for or accept payment.

(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.]

Explanation.—For the purposes of this section—

(1) the expression “limit of hours of work” shall mean—

(a) in case of persons employed in a shop nine and half hours in each day;

(b) in case of persons employed in a commercial establishment 54 hours in any week;

(c) in case of persons employed in a restaurant, eating house, theatre or any other place of public amusement or entertainment ten hours in each day; and

(d) in case of persons employed in any other establishment such hours as may be prescribed; and

(2) the expression “ordinary rate of wages” shall mean such rate of wages as may be calculated in the manner prescribed.

Leave with pay.

34. (1) A person employed in any establishment to which this Act applies shall be entitled to fifteen days' leave during every twelve months of service rendered by him.

(2) No deduction shall be made from the wages of any person on account of any leave given to him under sub-section (1).

(3) Leave which is not availed of within 2 months of the close of the period during which it has been earned shall be deemed to have lapsed.

Cognizance of offences.

[34-A. No Court shall take cognizance of an offence under this Act except on a complaint in writing by—

(a) the Chief Officer within the Municipal limits of the Municipalities;

(b) the Chief Inspector of Shops, Sind, to the areas other than those coming within the limits of Municipalities.]

Rule.

35. (1) The Provincial Government may make rules² to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing provision such rules may be made for all or any of the following matters, namely:—

(i) the manner of making inquiry under sub-section (2) of section 5;

¹ Section 34A ins. by Sind 16 of 1950, s. 3.

² For rules, see G. N., P. and M. D. (Misc.) No. 617-17-M/41, dated 16th November 1941 S. G. G., 1941, pp. 942-952 as subsequently amended.

- (ii) the manner of making inquiry under sub-section (2) of section 10 ;
- (iii) the occasions on which the hours of work may exceed 54 in any week under section 11 ;
- (iv) fixing excess period for work under section 12 ;
- (v) the supervision which the Provincial Government shall exercise over a local authority under section 22,
- (vi) the qualifications of Inspectors under section 25 ;
- ¹[(vi-a) the qualifications of an Assistant Chief Inspector appointed under sub-section (2) of section 26 ;]
- (vii) the examination to be made of premises and of prescribed registers, records and notices under section 27 ;
- (viii) the registers and records to be maintained and the notices to be displayed under section 30 ;
- (ix) the period for which, the conditions subject to which and the holidays and occasions on which, the operation of the provisions of this Act may be suspended under section 32 ; and
- (x) the limit of hours of work under clause (1) (d) and the manner of calculating the ordinary rate of wages under clause (2) of the Explanation to section 33.

(3) The rules made shall be subject to the condition of previous publication and when so made shall be deemed to be part of this Act.

(4) The rules may provide that any contravention thereof shall, on conviction, be punishable with fine which may extend to Rs. 50.

(5) Rules made under this Act shall be laid upon the table of the Sind Legislative Assembly at the session of the said Assembly next following and shall be liable to be modified or rescinded by a resolution of the said Assembly and the modification or rescission so made shall, after publication by notification in the *Official Gazette* be deemed to have come into force.

36. Save in regard to the matters for which provision is made for rules under section 35, a local authority may, subject to the previous sanction of the Provincial Government, make bye-laws not inconsistent with this Act or rules thereunder for the purpose of carrying out the provisions of this Act. Bye-laws.

37. Nothing in this Act shall affect any rights or privileges which any person employed in any establishment to which this Act applies is entitled to at the date this Act comes into force under any other law, contract, custom or usage applicable to such establishment, if such rights or privileges are more favourable to him than those to which he would be entitled under this Act. Rights and privileges under other law, etc., not affected.

¹ Cl. (vi-a) ins. by Sind 29 of 1947, s. 3.