

EXTRAORDINARY
PUBLISHED BY AUTHORITY

ISLAMABAD, MONDAY, JANUARY 7, 1974

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PART I

Acts, Ordinances, President's Orders and Regulations
NATIONAL ASSEMBLY SECRETARIAT
Islamabad, the 7th January, 1974

The following Acts of Parliament received the assent of the President on the 31st December, 1973, and are hereby published for general information :—

Acr No. I oF 1974

An Act to provide for payment of a cost of living allowance to employees

WHEREAS it is expedient to provide for payment of a cost of living allowance to employees and for matters ancillary thereto ;

It is hereby enacted as follows :—

1. Short title, extent and commencement.—{1) This Act may be called the Employees' Cost of Living (Relief) Act, 1973.

(2) It shall come into force at once.

(3) It extends to the whole of Pakistan.

subject or context,—

(a) "cost of living allowance" means the~emount payable under the Provisions of this Act;

(b) "employee" means any person employed, whether directly or through any other person, for wages, to do any skilled or unskilled, intellectual, technical, clerical, manual or other work in, or in connection with the affairs of, an undertaking, under any contract of service or apprenticeship, whether written or oral, express or implied, and includes such a person when laid off, but does not include »~persen

2. Definitions—In this Act, unless there is anything Fepugnant in the

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s—@r a person for whom a provision has been, or may be, made by the Federal Government or a Provincial Government for grant of an allowance intended to provide relief due to a rise in the cost of living ;

(c) "employer", in relation to an undertaking, means any person who employs, either directly or through any other person, whether on behalf of himself or any other person, any employee, and includes—

(i) a body of persons, whether incorporated or not;

(ii) a person who has ultimate control over the affairs of an undertaking, including the owner of the undertaking, or where the affairs of any undertaking are entrusted to any other person (whether called a managing agent, director, manager, agent, superintendent, secretary, representative of the owner or by any other name), such other person, or in any other case, any person responsible to the owner for supervision and control of an employee or for payment of his wages ; and

(iii) an heir, successor, administrator or assign, as the case may be, of such person or association of persons ;

(a) "undertaking " means—

(i) an establishment to which the West Pakistan Shops and Establishments Ordinance, 1969 (W. P. Ordinance No. VIH of 1969), for the time being applies, and, notwithstanding anything contained in section § thereof, includes clubs, hostels and messes not maintained for profit or gain and establishments for the treatment or care of the sick, infirm, and destitute or mentally unfit persons ;

(ii) a construction industry to which the West Pakistan Industrial and Commercial Employment (Standing Orders) Ordinance, 1968 (W. P. Ordinance No. VI of 1968) for the time being applies ;

(iii) a factory as defined in the Factories Act, 1934 (XXV of 1934);

(iv) a mine as defined in the Mines Act, 1923 (IV of 1923);

(v) a road transport service as defined in the Road Transport Workers Ordinance, 1961 (XXVIII of 1961);

(vi) a newspaper establishment as defined in the Newspaper Employees (Conditions of Service) Act, 1973 (LVHI of 1973); and

includes any class of establishments which the Federal Government may, by notification in the official Gazette, declare to be undertakings for the purposes of this Act;

+ (ce) "wages" means remuneration for services,

?, payable in cash to an employee without taking account of deductions for any purpose, under a contract of service or apprenticeship, written, oral, express or implied, and includes any dearness allowance or other addition in respect of the cost of living payable or paid for the period preceding the first day of August, 1973, and any payment by the employer to an employee in respect of any period of authorised leave, but does not include—

- (i) any payment for overtime, or
- (ii) any sum paid to an employee to defray special expenses entailed by the nature of his employment; or
- (iii) any gratuity payable on discharge; or

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(iv) any sum paid as bonus, house rent, conveyance allowance, travel:

ling allowance or any othey allowance. execocl Saue bu

3. Cost of living allowanceLEvery employeefshall, in respect of his emp-
loyment on or after the first day of August, 1973, whether on time-work or
piece-work basis, be paid by his employer a cost of living allowance—

2 a) equal to thirty-five rupees per month if his wases do not exceed seven

} (zy In addition to the cost of living allowance admissible under sub-

section (1), ii any, every employeef Shall, in respec Is em-

ployment, on or after the eighth of June, 1974, whether on

lime-work or piece-work basis. be paid by his employer a cost of
living allowance —[usb, Ae neil need ome 2

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(a) equal to fifty rupees per" month or ten percent of his

monthly wages, whichever is more. if his wages do not ex-

ceed one thousand rupees: orf Cru atlem Can ony eee!
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{b) at such rate as, together with 5 wages makesTs fal ag allowance

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Pa of one thousand and one hundred rupees per month, if his} -

: n wages exceed one thousand rupees. —————

lloemployee shall im respect 2 mis campryyunin, ve ve saws

ah x pravseventh day of April, 1975, whether on time-work or piece-wo!

Provided basis, be paid by his employer a cost of living allowance equal vt has not

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) been pito twenty-five rupees per month. ". nn eeeeeee Crag on .

~ of section 3 for any period commencing on or after the first day of Seent of this
August, 1973, bui preceding the commencement of the Employees' ch commence
Cost of Living (Retief) Act. 1973 (1 of 1974), or, as the case may be,
under sub-section (2) of that section for any period commencing on
or after the eighth day of June, 1974, but preceding the commence- gliowauce.
of the Employees' Cost of Living (Relief) (Amendment) Act, 'ing allowance

1974, {the employer shall pay it to him within thirty days of the commencement,—

Cost of living

Cost of Living Allowance, usage,

Cost of living allowance payable under the Shops and Establishments Ordinance, 1975, or under sub-section (3) of the Employees' Cost of Living (Relief) (Amendment) Ordinance, 1975.

For that section for any period commencing on or after the seventh day of April, 1975, but preceding the commencement of the Employees' Cost of Living (Relief) (Amendment) Ordinance, 1975," shall be the cost of living allowance payable under sub-section (3) of that section, of the Employees' Cost of Living (Relief) (Amendment) Ordinance, 1975. "

> (b) in any other case, to the authority appointed under sub-section (1) of section 15 of the Payment of Wages Act, 1936 (IV of 1936), having jurisdiction and the provisions of the said section and " sections 6, 16, 17, 18, 19, 22, 23 and 26 of the said Act shall, so far as may be and with the necessary modifications, apply for the purpose of the cost of living allowance. .

Provided that, for the purposes of the Workmen's Compensation Act, 1923 (VIII of 1923), except section 4 thereof the provisions of the Payment of Wages Act, 1936 (IV of 1936), the Companies' Profits (Workers' Participation) Act, 1968 (XII of 1968), or any other law for the time being in force, shall not apply.

In force, the Industrial Relations Ordinance, 1969 (XXIII of 1969), the cost of living allowance, shall not form part of the wages of a worker."

Provided that, for the purposes of the Workmen's Compensation Act, 1923 (VIII of 1923), except section 4 thereof the provisions of the Payment of Wages Act, 1936 (IV of 1936), the Companies' Profits (Workers' Participation) Act, 1968 (XII of 1968), or any other law for the time being in force, shall not apply.

Ordinance, 1975.

For over-time work - the cost of living allowance shall be calculated at fifty per cent of the basic wage or basic salary, whichever is higher, for the purpose of the cost of living allowance.

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"8. Saving of certain rights and privileges — Nothing in this Act shall

affect any right or privilege to which an employee was entitled — and it

— . immediately

(a) in the case of the cost of living allowance payable under sub-section (1) of section 3, immediately before the commencement of any Ordinance or the Cost of Living (Relief) Ordinance, 1973 (XXII of 1973), or

(b) in the case of the Cost of living allowance payable under sub-section (2) of section 3, immediately before the commencement of the Employees' Cost of Living (Relief) (Amendment) Act 1974, respect

under any law for the time being in force or under any law forming

any decision, agreement, settlement, contract, custom or usage in force ended to

immediately before such commencement : It shall not be a defence, if

Provided that, if, at any time commencing on or after the first day of August, 1973, but preceding the commencement of the said Ordinance or, as the case may be, commencing at or after the commencement of the said Ordinance but preceding the commencement of this Act of the Employees' Cost of Living (Relief) (Amendment) Act, 1974, an employer has paid, or become liable to pay, whether by virtue or with effect of an award, decision, agreement, settlement, contract, custom or usage, to any employee, in respect of any period, any sum of money, or an offence which is intended to provide relief due to a rise in the cost of living or of living, such employer shall not be required to pay to such employee in respect of such period any amount in excess of:

(i) in the case of the cost of living allowance payable under sub-section (1) of section 3, immediately before the commencement of the Cost of Living (Relief) Ordinance, 1973

SN

preceding

the Employees' Cost of Living (Relief) (Amendment) Ordinance, 1975."

Explanation.—For the purposes of this proviso, any increase in wages accruing by virtue of the usual annual increment or promotion to a higher grade, or an allowance not specifically given to provide relief due to a rise in the cost of living, shall not be deemed to be an increase intended to provide relief.

due to a rise in the cost of living. . . .

It is hereby enacted as follows :—

1. Short title and commencement.—(1) This Act may be called the Post

Office (Amendment) Act, 1973.
(2) It shall come into force at once.

2, Amendment of section 45, Act VI of 1898—In the Post Office Act, 1898 (VI of 1898), in section 45, in the proviso, for the words “ten rupees” the words “fifty rupees” shall be substituted.

3. Repeal.—The Post Office (Amendment) Ordinance, 1973 (XXIV of 1973), is hereby repealed.

\ . 4 — ASLAM ABDULLAH KHAN,
Mw. juls iy Aa xLvi) HII?Y Secretary.

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