

The Gazette : sy

of Pakistan

EXTRAORDINARY  
PUBLISHED BY AUTHORITY

ISLAMABAD, FRIDAY, APRIL 16, 1976

PART I

Acts, Ordinances, President's Orders and Regulations

NATIONAL ASSEMBLY SECRETARIAT

Islamabad, the 16th April, 1976

The following Act of Parliament received the assent of the President on the 12th April, 1976, and is hereby published for general information :—

ACT No. XI oF 1976

An Act further to amend certain laws relating to industrial relations and welfare of workers

Whereas it is expedient further to amend certain laws relating to industrial relations and welfare of workers for the purposes hereinafter appearing ;

It is hereby enacted as follows :—

1. Short title, extent and commencement.—(1) This Act may be called the Labour Laws (Amendment) Act, 1976.

(2) It extends to the whole of Pakistan.

(3) It shall come into force at once.

2. Amendment of certain laws.—The laws specified in the Schedule shall be amended in the manner specified in the fourth column thereof.

«

3. Transfer of pending cases.—Any matter under section 25A of the Industrial Relations Ordinance, 1969 (XXIII of 1969), pending before a Junior Labour Court immediately before the sixteenth day of January, 1976, shall stand transferred to the Labour Court.

(201)

(1574 Ex. Gaz.]

Price ; Ps. 37

4. Savings.—Nothing in this Act shall be deemed to require the transfer to the Labour Appellate Tribunal of any appeal from a decision of a Junior Labour Court pending before a Labour Court immediately before the commencement of this Act and every such appeal shall be heard and disposed of by the Labour Court as if this Act had not come into force.

5. Repeal.—The Labour Laws (Amendment) Ordinance, 1975 (XXVI of 1975) is hereby repealed.

**THE SCHEDULE**

(See section]2)

S. | Number and

No. year of Act or Short title Amendment

Ordinance

1 2 3 4

1. VIET of 1923. The Workmen's Section 31 shall be re-numbered as sub-section (1) Compensation Act, of that section and, after sub-section (1) re- 1923, numbered as aforesaid, the following new sub-

section shall be added, namely :—

“(2) Without prejudice to the provisions of sub-section (1), the Commissioner may recover in the prescribed manner any amount referred to therein by distress and sale of the moveable property belonging to the person by whom the amount is payable, or by attachment and sale of the immoveable property belonging to such person.”.

2. IX of 1936. The payment of 1. In section 15, in sub-section (5), for clause (b) Wages Act, 1936. the following shall be substituted, namely :—

“\*(b) if the authority is not a Magistrate, by the authority as an arrear of land-revenue, or, in the prescribed manner, by the authority by distress and sale of the moveable property belonging to the person by whom the amount is to be paid, or by attachment and sale of the immoveable property belonging to such person.”.

2. In section 17, in sub-section (1) in clause (a), for the comma and word “, or” at the end a colon shall be substituted and thereafter the following proviso shall be added, namely :—

“ Provided that no appeal under this clause shall lie unless the memorandum of

appeal is accompanied by a certificate of the authority to the effect that the appellant has deposited with the authority the amount payable under the direction appealed against, or ”.

3. West Pakistan The West Pakistan In section 2, in sub-section (8), in clause (f), for the Ordinance No. Employees Social! — words \*\* five hundred ” the words “ one thousand” X of 1965. Seeurity Ordinance, shall be substituted.

4, XII of 1968. The Companies Pro- In section 3, in sub-section (1), in clause (b),— fits (Workers Parti- cipation) Act, 1968. (a) for the word “ pay ” the words and commas “ subject to adjustments, if any, pay ” shall be substituted ; and

Cy

"ART I} THE GAZETTE OF PAKISTAN, EXTRA., APRIL 16, 1976

203

i 2 3

4

5. West Pakistan

Ordinance No.

VI of 1968.

Industrial and Com-  
mercial Employment  
(Standing Orders)  
Ordinance, 1968.

6. XXIII of 1969, The Industrial Re- 1.

lations Ordinance,

The West Pakistan 1.

(4) for the full stop at the end a colon shall  
be substituted and thereafter the following  
proviso shall be added, namely :—

" Provided that, where the accounts have  
been audited by an auditor appointed  
under section 23B of the Industrial  
Relations Ordinance, 1969 (XXII of  
1969), the profits shall be assessed on  
the basis of such audit.”.

In section 7, for sub-section (6) the following  
Shall be substituted, namely :—

\*(6) No court other than a Labour Court  
established under the Industrial Relations  
Ordinance, 1969 (XXIII of 1969), shall  
try any offence under this Ordinance.”.

. In the Schedule,—

(a2) in Standing Order 10B, in clause (1),  
after the word “ against ”, the words  
“ natural death and disability and ” shall  
be inserted ;

(8) in Standing Order 11A, after the word

“ shall ”, the words “ terminate the

employment of more than fifty per cent of

the workmen or " shall be inserted ; and

(c) in Standing Order 15,—

(i) in clause (4), after the word " misconduct ", the words " within one month of the date of such misconduct or of the date on which the alleged misconduct comes to the notice of the employer " shall be inserted ; and

in clause (5), after the word "\* time , the words, commas, figures and brackets " so, however, that the total period of such suspension shall not exceed four weeks except where the matter is pending before an Arbitrator, a Labour Court, Tribunal or Conciliator for the grant of permission under section 47 of the

(i)

Industrial Relations Ordinance, 1969 (XXIII of 1969)," shall be in-

In section 2, for clause (xiva) the following

shall be substituted, namely :—

"xiva) " inspector " means an inspector appointed under this Act.".

In section 3, in clause (a), for the semi-colon

at the end, a colon shall be substituted, and thereafter the following proviso shall be added, namely :—

" Provided that no worker shall be entitled to be a member of more than one trade union at any one time ; ".

1

2

3

©)

204 THE GAZETTE OF PAKISTAN, EXTRA., APRIL 16, 1976 = [Part-1

4

3. In section 6, in clause (a),—

(a) in sub-section (iva), after word “ relates ” at the end, the words “alongwith a statement of the total number of workers employed therein ” shall be added ; and

(6) after sub-clause (iva), the following new sub-clause shall be added, namely :—

“ (ivb) the names and addresses of the registered trade unions in the establishment, group of establishments or industry, as the case may be, to which the union relates; ”

4. In section 7, for sub-section (2) the following shall be substituted, namely :—

“ Q) Without prejudice to the provisions of sub-section (1), a trade union of workmen shall not be entitled to registration under the Ordinance.

(a) unless all its members are workmen actually engaged or employed in the industry with which the trade union is connected ; and

(6) where there are two or more registered trade unions in the establishment, Broup of establishments or industry with which the trade union is connected, unless it has as its members not less than one-fifth of the total number of workmen employed in such establishment, group of establishments or industry, as the case may be.”,

5. In section 2A

(a) in sub-sections (9), (10) and (10a), the

words “Junior Labour Court or” shall

be omitted ; and

(b) in sub-section (12),—

(@) the words “a Junior Labour Court  
or” shall be omitted ; and

(ii) in the proviso, the words “ Junior  
Labour Court and ” shall be omit-

6. In section 22B, in sub-section (3), the;words  
“a Junior Labour Court or” and the words  
and comma “ Junior Labour Court,”  
shall be omitted.

7. In section 23B,—

(a) in sub-section (1), for the word “ twenty  
the word “ fifty ” shall be substituted ; ¥”

(é) in sub-section (6),—

(i) in clause (iii), the word “and”  
at the end shall be omitted ;

(#) in clause (vy), for the full stop at the  
end a semi-colon shall be substitu-  
ted ; and

Gii) after clause {iv) amended as aforesaid, the following new clauses shall be added, namely :—

“(y) regulation of daily working hours and breaks ;

(vi) preparation of leave schedule. ; and

(vii) matters relating to the order and conduct of workers within the factory.” ; and

{c) in sub-section (14), for clause (a) the following shall be substituted, namely :—

“(a)“ factory” has the same meaning as in the Factories Act, 1934 (XXV of 1934) ;”.

8. After section 23B amended as aforesaid,

the following new sections shall be inserted, namely :—

“23C. Joint management board.—(1) Every company which owns or manages a factory, and in every factory which is not so owned or managed, and which employs fifty persons or more, the management shall, in the prescribed manner set up a joint management board in which the workers’ participation shall be to the extent of thirty per cent.

Pa

\* (2) The employer’s representatives on the? joint management board shall be from amongst the Directors or senior executives and the workers’ representatives shall be workmen employed in the factory.

(3) The joint management board shall look after the following matters, namely :—

(a) improvement in production, productivity and efficiency ;

(6) fixation of job and piece-rates ;

(c) planned regrouping or transfer of the workers ;

(@) laying down the principles of remuneration and introduction of new remuneration methods ; and

(e) provision of minimum facilities for such of the workers employed through contractors as are not covered by the laws relating to welfare of wor-

ers.'

(4) The joint management board may call for reasonable information about the working of the company or factory from its management and the management shall supply the information called for.

(5) The joint management board shall meet at such intervals as may be prescribed.

1 2 3

4

(©The workers' representative shall hold office for such period as may be prescri-

(() To this section,—

(a) " company" has the same meaning as in the Companies Act, 1913 (VII of 1913) ;

(6) " factory " and " management " have the same meaning as in section 23B.

23D. Inspector.—(1) The inspectors appointed under section 10 of the Factories Act, 1934 (XXV of 1934), and such other persons, not being Conciliators appointed under this Ordinance, as the Provincial Government may, by notification in the official Gazette appoint, shall be inspectors for insuring compliance with the provisions of section 23B and section 23C within the local limits assigned to each.

(2) The inspector may—

(é) at all reasonable hours enter on any premises and make such examination of any register and document relating to the provisions of section 23B and section 23C and take on the spot or otherwise such evidence of any person, and exercise such other powers of inspection, as he may deem necessary for discharging his duty ;

(ii) call for such information from the management as he may deem necessary for the discharge of his functions and the management shall provide the information called for within such period as may be specified by him ; and

Gii) make a report in writing to the Registrar having jurisdiction of any offence punishable under section

(3) Every inspector shall be deemed to be a public servant within the meaning of section 3 of the Pakistan Penal Code (XLV of 1860).

23E. Penalty for obstructing inspector.—

Whoever wilfully obstructs an inspector in the exercise of any power under section 23D, or fails to produce on demand by an inspector any register or other document in his custody relating to the provisions of section 23B and section 23C or the rules, or conceals or prevents any worker in a factory from appearing before or being examined by an inspector, shall be punishable with fine which may extend to five hundred rupees.

[Pari °

BY

1

2

3

4

23F. Penalty for contravening section

23B or 23C, etc.—(1) Whoever contravenes the provisions of section 23B or section 23C shall be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to two thousand rupees, or with both.

(2) No court shall take cognizance of any offence punishable under sub-section (1) except upon a complaint in writing made by the Registrar.

. In section 25A,—

(a) for the words “ Junior Labour Court ”, wherever occurring, the words “ Labour Court ” shall be substituted ;

(8) for the words “ trade union ” wherever occurring, the words “ collective bargaining agent ” shall be substituted ; and

(© after sub-section (7), the following new sub-section shall be added, namely :—

“(8) If a decision under sub-section (4) or an order under sub-section (5) given by the labour court or a decision of the Tribunal in an appeal against such a decision or order is not given effect to or complied with within a week or within the period specified in such order or decision, the defaulter shall be punishable with ‘imprisonment for a term which may extend to one year, or with fine which may extend to one thousand rupees,

(9) No person shall be prosecuted under sub-section (8) except on a complaint in writing 1—

(a) by the workman if the order or decision in his favour is not implemented within the period specified therein ; or

(b) by the Labour Court or Tribunal, if an order or decision thereof is not complied with.

(10) For the purposes of this section, workers having common grievance arising out of a common cause of action may make a joint application to the Labour Court. ”.

10. In section 36,—

(a) in sub-section (3), after the word “ Ordinance ”, the words, brackets, commas and figures “\* or the West Pakistan Industrial and Commercial Employment (Standing Orders) Ordinance, 1968 (W.P. Ordinance VI of 1968)” shall be inser-

>

1 2 3 4

(6) after sub-section (4), the following new sub-section shall be added, namely :—

“\* (5) If the parties to a case, at any time before a final order is passed by the Labour Court, satisfy the Labour Court that the matter has been resolved by them amicably and that there are sufficient grounds for withdrawing the case, it may allow such withdrawal. ”.

11. Sections 36A, 36B, 36C, 36D, 36E, and 36F shall be omitted.

12. In section 37,—

(a) in sub-section (3), after the words, brackets and figures “\* sub-section (1)”, the words, figures and letter “ or a decision given under section 25A ” shall be inserted ; and

(6) in sub-section (4), after the word “than” the words, figure, letter and comma “\* decisions given under section 25A, ” shall be inserted.

13. In section 38,—

(a) in sub-section (3), after the word

“award”, the words, figure and letter “ or decision given under section 25A

shall be inserted ; and

(8) after sub-section (6), the following new sub-sections shall be added, namely :—

“(7) A Tribunal may, on its own motion or on the application of a party, transfer any application or proceeding from a Labour Court within its jurisdiction to another such Labour Court.

(8) Notwithstanding anything contained in sub-section (3), if in an appeal preferred to it against the

order of a Labour Court directing the re-instatement of a workman, the Tribunal makes an order staying the operation of the order of the Labour Court, the Tribunal shall decide such appeal within twenty days of its being preferred :

Provided that, if such appeal is not decided within the period aforesaid, the order of the Tribunal shall stand vacated on the expiration of that period .”.

14. In section 39, in sub-section (1),—

() after the word “ proceedings ”, the words “or otherwise between the employer and the collective bargaining agent ” shall be inserted ; and

1 2 3 4

(ii) in clause (d), for the full stop at the end  
a colon shall be substituted and there-  
alter the following proviso shall  
be added, namely :—

“ Provided that, where a collective bar-  
gaining agent or a trade union  
performing the functions of a col-  
lective bargaining agent under sec-  
tion 52 exists, the employer shall  
not enter into a settlement with any  
other trade union, and any con-  
travention of this provision shall  
be deemed to be an unfair labour  
practice under section 15 .”.

MOHAMMAD ILYAS,  
Additional Secretary,

GOVERNMENT OF PAKISTAN  
MINISTRY OF LAW AND PARLIAMENTARY AFFAIRS  
(Law Division)  
Islamabad, the 16th April, 1976

No. F. 24 (1)1976-Pub.—The following Ordinance made by the President on  
the 14th April, 1976 is hereby published for general information :—

ORDINANCE No. XVII oF 1976  
AN  
ORDINANCE

to amend the Abandoned Properties (Taking Over and Management) Act, 1975

WHEREAS it is expedient to amend the Abandoned Properties (Taking Over  
and Management) Act, 1975 (XX of 1975), for the purposes hereinafter appearing ;

AND WHEREAS the Proclamation of Emergency referred to in Article 280  
of the Constitution is still in force ;

AND WHEREAS the National Assembly is not in session and the President is  
satisfied that circumstances exist which render it necessary to take immediate  
action ;

Now, THEREFORE, in exercise of the powers conferred by clause (1) of Article  
89 of the Constitution of the Islamic Republic of Pakistan, the President is pleased  
to make and promulgate the following Ordinance :—

1. Short title and commencement.—(1) This Ordinance may be called the  
Abandoned Properties (Taking Over and Management) (Amendment) Ordinance,

1976.

(2) ¶t shall come into force at once and shall be deemed to have taken effect on the twelfth day of February, 1975.

2. Amendment of long title and preamble, Act XX of 1975.—In the Abandoned Properties (Taking Over and Management) Act, 1975 (XX of 1975), hereinafter referred to 'as the said Act, in the long title and preamble, the words "taking over and" shall be omitted.

3. Amendment of section 1, Act XX of 1975.—In the said Act, in section 1, in sub-section (1), the words "Taking Over and" shall be omitted.

4. Amendment of section 2, Act XX of 1975.—In the said Act, in section 2, for clause (f) the following shall be substituted, namely :—

"(f) 'specified person' means a person who, at any time before the sixteenth day of December, 1971, was a citizen of Pakistan domiciled in the territories which before the said day constituted the Province of East Pakistan and who, on or after that day, has ceased or ceases to be a citizen of Pakistan, and includes a company registered in the said territories the registered office of which has not been shifted in pursuance of the Companies (shifting of Registered Officer) Ordinance, 1972 (V of 1972)".

5. Amendment of section 21, Act XX of 1975.—In the said Act, in section 21, after the word "amount" occurring for the second time, the commas and words ", alongwith interest thereon at such rate as the Federal Government may, by notification in the official Gazette, specify," shall be inserted.

6. Amendment of section 29, Act XX of 1975.—In the said Act, in section 29, after the word "administration", the commas and words ", or disposal in the public interest, by way of transfer or otherwise," shall be inserted.

FAZAL ELAHI CHAUDHRY,  
President.

Countersigned  
ZULFIKAR ALI BHUTTO,  
Prime Minister.

ABDUL HAYEE KURESHI,  
Secretary.

PRINTED BY THE MANAGER, PRINTING CORPORATION OF PAKISTAN PRESS, ISLAMABAD  
PUBLISHED BY THE MANAGER OF PUBLICATIONS, KARACHI