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ISLAMABAD, WEDNESDAY, JUNE 29, 1994

PART I

Act, Ordinances, President's Orders and Regulations
SENATE SECRETARIAT
Islamabad, the 29th June, 1994

The following Acts of Majlis-e-Shoora (Parliament) received the assent of the President on the 19th June, 1994, and are hereby published for general information :

AcT No. X of 1994

An Act to provide for constitution and regulation of the Maritime Security Agency

WHEREAS it is expedient to constitute a Maritime Agency to provide for the

regulation of maritime activities and to safeguard the maritime interests of Pakistan and for matters connected therewith or ancillary thereto;

It is hereby enacted as follows:—

1. Short title, extent and commencement.—(1) This Act may be called the Maritime Security Agency Act, 1994.

(2) It applies to all officers and members of the staff of the Maritime Security Agency wherever they may be.

(3) It shall come into force at once.

2. Definitions.—(1) In this Act, unless there is anything repugnant in the subject or context,—

(a) "Agency" means the Maritime Security Agency constituted under section 3;

(215)

: Price: Rs. 2.10
[3700/Ex. Gaz.]

Act No. XI OF 1994

in Act further to amend certain laws relating to workmen's compensation,

payment of wages, old-age pension, social security, workers' children education, gratuity and workers' share in companies profits.

AND WHEREAS it is expedient further to amend certain laws relating to

workmen's compensation, payment of wages, old-age pension, social security, workers' children education, gratuity and workers' share in companies profits for the purposes hereinafter appearing;

It is hereby enacted as follows :—

I. Short title, extent and commencement—(1) This Act may be called the Labour Laws (Amendment) Act. 1994.

(2) It extends to the whole of Pakistan.

(3) It shall come into force with immediate effect.

2. Amendment of certain laws.—The laws specified in the schedule are hereby amended to the extent and in the manner specified in the fourth column thereof.

3. Repeal.—The Labour Laws (Amendment) Ordinance, 1993 (Ordinance No.Vii of 1994), is hereby repealed.

“SCHEDULE

(See section 2)

Number and

s year ofthe Short title Amendments

No. enactment

1. Act No. VIII of 1923. The Workmen's Compensa- (1) Tn Section 2. in sub-section (1). in tion Act, 1923. clause (n), in sub-clause (ii), for the

words “one thousand five hundred~
the words “three thousand™ shall be
substituted.

(2) In Section 4, in sub-section (1).—

(a) paragraph A the following shall
be substituted, namely :~

“A Where death results
from the injury to 2

Part I]

S\$. Number and year
No. of 4th enactment

Short title

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THE GAZETTE OF PAKISTAN, EXTRA., JUNE 29, 1994

225

Amendments

workman in receipt
of monthly wages
falling within limits
shown in the first
column of Schedule
1V- the amount
shown against such
limits in the second
column thereof.”:

{b) for paragraph B the follow-

ing shall) be 'substituted.

namely:

“B Where permanent
total — disablement

results from injury 10
a workman in receipt
of monthly wages
falling within the
limits shown in the
first column of Sche-
dule 1V- the amount
shown against such
limits on the third
column thereof”;

(c) in paragraph 1D, -

i)

(a)

in clause (i), for the
words “an adult” the
words “a workman”
shall be substituted:

and

clause (nu) shall be
omitted

(3) For Schedule IV the following shall
be substituted, namely:

“SCHEDULE IV

(See section 4)

Compensation payable in certain cases.

Amount of Compensation for :

Monthly wages of _____ _ _ _ _ Half monthly payment as compensation
the workman Death Permanent total for temporary disablement
injured. disablement
preset 2 a 4

More But not

than more than

Rs. Rs. Rs. Rs.

0 3,000 1,00,000 1,00,000 1/2 of the monthly wages duding the period
of disablement or 2 period of one year,
reckoned from the date of injury,
whichever is less and thereafter only in case
of chronic lung diseases | /3 of the monthly
wages during the period of disablement or
for a period of S years, reckoned from the
date of injury, whichever is less.”

Ss. Number and year Short title Amendments

No. of the enactment

2. Act No. IV of 1936. ee In section 1, in sub-section (6), for the
words “one thousand five hundred” the
words “three thousand” shall be

substituted.

3. Ordinance No. XXXII The West Pakistan Mater- (1) In the long title, for the word
of 1958. nity Benefit Ordinance, “factories” the word “establish-
1958. ments” shall be substituted.

(2) In the preamble, for the word
“factories” the word “establish-
ments” shall be substituted.

(3) In section 2, in sub-section (1).—
(a) for clause (d) the following

shall be substituted,
namely:

“(d) “Establishment™ means
an organisation, et
industrial, commercial,
otherwise;” and

(>) Im clause (g), for the words

"a factory" the words "an establishment" shall be substituted.

S. Number and year Short title Amendments

No. _ of the enactment

(4) In section 3, for the word “factory”TM the word “establishment” shall be substituted.

(5) In section (4),—

(a) for sub-section (1) the following shall be substituted, namely:—

“(1) Subject to the provisions of this Ordinance, every woman employed in an establishment shall be entitled to, and her employer shall be liable for, the payment of maternity benefit at the rate of her wages last paid during the period of six weeks immediately preceding and including the days on which she delivers the child ‘and for each day of six weeks succeeding that day:

Provided that a woman shall not be entitled to maternity benefit unless she has been employed in the establishment of the employer from whom she claims maternity benefit for a period of not less than four months immediately preceding the day on which she delivers the

child.”; and

(b) sub-section (2) shall be omitted.

(6) In section 8, for the word “factory” the word “establishment” shall be substituted.

(7) In section 13, in sub-section (2), in clause (b), for the word “factories” the word “establishments” shall be substituted.

(8) In section 14, for the word “factory” the word “establishment” shall be substituted.

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228 THE GAZETTE OF PAKISTAN, EXTRA.. JUNE 29. 1994 __[PART I

S. Number and year Short title Amendments
No. of the enactment

4 W.P. Ordinance No. X oe eran (1) Ip section 2.—
of 1965. Social Security Ordinance,
1965,

(a) In sub-section (6).—

(i) after the word “hus-
band™. the words and
comma ~. dependent
parents” shall be

(ii) for the word “six-
teen” the word
“twenty-one” shall
be substituted; and

Gm) for the semicolon at
the end a colon shall
be substituted and
thereafter the follow-
ing proviso shall be
added, namely >—

“Provided = that
such age limit shall
not apply to unmar-

eon asi dau-

ghters-”;

® ~ sub-section wa in Clause

(— _ —

@ for the words “one
thousand five hund-

ii) for the semi-colon at
the end a colon shall
be substituted and
thereafter the follow-
ing proviso shall be
added, namely:—

“Provided that an

Q) In seciton 20.—

(2) im sub-section (1). for the
full-stop at the end a colon
shall be substituted and

“Provided that no contri-
bution shall be payable on so

S\$, Number and year Short title Amendments

No. — of the enactment

much of an employee's
wages as is in excess of one
hundred and twenty rupees
per day or three thousand
Tupees per month.”; and

(b) Sub-section (4) shall be
omitted.

(3) In section 35, in sub-section (2), for
clause (a) the following shall be
substituted, namely :—

“(a) three hundred and sixty-five
days, in case he has been
suffering from Tuberculosis
or Cancer which render an
employee incapable to earn
his livelihood.”

(4) The existing section 37 shall be
renumbered as sub-section (1) of
that section,—

(a) in’ sub-section (1). renum-
bered as aforesaid, for the
words “five hundred™ the
words “one thousand and
five hundred” shall be
substituted; and '

(b) after sub-section (1), amen-
ded as aforesaid, the follow-
ing new sub-section shall be
added, namely :—

“(2) Where husband of a
secured women dies,
she shall, subject to
regulations, be entit-
led to receive iddat
benefit equal to the
daily rate of her
wages during the
period of her iddat:

Provided that a
secured woman being

a seasonal employee
shall be entitled to
receive iddat benefit
in the same manner
and to the same
extent notwithstanding
termination of
seasonal | employ-
ment during the
period of iddat:

Provided further
that no employer
shall refuse leave for
the period of iddat

S. Number and year Short title Arneson?

No. of the enactment

(5) After section 38, the following new section shall be inserted, namely:—

“38A.

Medical care of dependents,
etc.—Where a secured
person dies other than due to

Provided that the deceased
secured person had been
in continuous employment
of an establishment for not
less than twelve months
preceding his

Provided further that
where the deceased secured
person was a seasonal
employee, his
shall be entitled to medical
care for six months from the
date of death of such secured
person:

Provided also that the
Deceased had been in
employment of an establishment
for not less than six
months during two continuous
seasons immediately
preceding his death.”

(6) In section 39, the words “other than
the first three days shall be

omitted. le

©) In section 42_ in sub-section (3). in
clause (c).—

(2) for the word “sixteen” the
word “twenty-one” shall be
substituted: and

()

for the semi-colon at the end
a colon shall be substituted
and thereafter the following

Part I] THE GAZETTE OF PAKISTAN, EXTRA., JUNE 29, 1994 iat:

S. Number and year Short title 5 Amendments

No. _ of the enactment

proviso shall be «added.

namely:—

“Provided that such age limit shall not apply to, dependent unmarried daughters;”.

(8) In section 43, for the word “fifty” the words “one thousand and five /hundred™ shall be substituted.

(9) after section 54, the following new section shall be inserted, namely :—

Extent of benefits, etc.
Notwithstanding anything contained in this Chapter, so much of wages of a secured person's as are in excess of one hundred and twenty rupees per day or three thousand rupees per month shall not be accounted for the purpose of determining the rate of benefits provided under sections 35, 36, 37, 39, 40, 41, 42 and 43.”.

(10) In section 70, for sub-section (2) the ‘following shall be substituted, namely:—

“Q)

For the purposes of sub-section (1), the total wages paid by the employers shall mean the total wages which have accrued to all his employees not taking into account so much of an employee's wages as are in excess of one hundred and twenty rupees per day or three thousand rupees per

month.”.

(11) In section 71,—

(a)

(b)

in sub-section (1), for the words, brackets and figures “sub-section (4) of section 20” the words, brackets, letter and figures “clause (f) of sub-section (8) of section 2” shall be substituted ; and in sub-section (2), for the words, brackets and figures “sub-section (4) of section 20” the words. brackets. letter and figures “clause (f) of sub-section (8) of section 2” shall be substituted.

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THE GAZETTE OF PAKISTAN, EXTRA., JUNE 29, 1994

Ss. Number and year

No. of the enactment

Short title

[Part I

Amendments

\$. The West Pakistan
Ordinance No. VI of
1968.

6. Act No, XII of 1968.

7. Ordinance No. XI of
1972.

The West Pakistan Indus-
trial and Commercial Em-
ployment (Standing Orders)
Ordinance, 1968,

The Companies Profits
(Workers Participation)
Act, 1968.

The Workers' Children
(Education) Ordinance,
1972,

(1) In the Schedule, in Standing Order
12, in clause (6), for the words
“twenty days” the words “thirty
days”

shall be substituted.

(1) In section 2, in clause (f). for the
words “one thousand and five
hundredTM the words “three thou-
sand”

shall be substituted.

(2) In the Schedule. in paragraph 4.

a

(b)

under the heading "categories".

(i) serial- number |, for the figure "800° the figure 1,800" shall be substituted.

(ii) in serial number 2, for the figures "800° and "t,100" the figures "1,800" and 2,200" shall respectively be substituted;

in clause (a1.

and

(iii) _ in serial number 3, for _ the figures

"1,100" and "1.5007 the figures "2.200 and "3,000" shall respectively be substituted; and

in clause (d), for the words "one thousand and five hundred™ the words "three thousand" shall be substituted.

(1) In section 2,—
~ (a) in clause (c),—

@)

(ai)

for the words "one thousand five hundred" the words "three thousand" shall be substituted ; and

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

Provided that a worker shall not cease to be a worker for the reason that

his monthly wages exceed
three thousand rupees or the
number of persons em-
ployed in-the establishment,
at any time, is reduced to lesa '
than ten.

S. | Number and year Short title
No. of the enactment

Amendments

Q)

@)

In section 4, for the words "Matric and thereafter in a Poly-technic or vocational training institute to one child" the words "any level of education to two children" shall be substituted.

After section S\$, the following new section shall be inserted, namely :—

"SA. Collection and administration of

8 Act No. XIV of - The Employees" Old-Age a
' Benefits Act, 1976

(2)

Q)

(4)

(3)

cess.—The collection of eess referred to in section 3 and its administration may be entrusted to the Social Security Institution, or to such other agency as the Provincial Government may nominate,"

In section 2, in clause (bb).—

(a) the first proviso shall be omitted; and

(b) in the second proviso. the word 'further' -shall = be omitted.

In section 9, in sub-section (1). in

the first proviso, for the words “one thousand five hundred” the words.

“three thousandTM shall be substituted,

In section 9A, in the first proviso, for the words “one thousand five hundred” the words “three thousand” shall be substituted.

In section 224, for the words “than five” the words “than twoTM shall be substituted.

In section 22B,—

(a) in sub-section (1), the words “sixty per cent of shall be omitted +

(b) after sub-section (1), amended as aforesaid, the following new sub-section shall be inserted. namely :—
“(1A) In the case of the

death of an insured person, while not in insurable employment but after he had completed five years”
insurable — employment, the surviving spouse, if any, shall be entitled to a life pension equal to the minimum pension.”:

(c) In sub-section (2).

(i) after the words “old-age pension”, the

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THE GAZETTE OF PAKISTAN, EXTRA.. JUNE 29, 1994 [PART I

Number and year Short title Amendments

Lt

No. of the enactment

(4)

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GB)

words "or invalidity
pensionTM shall be
inserted: and
(ii) for the words "of

sixty per cent of the
words "equal to"
shall be substituted

for sub-section (3) the

following shall be substitu-

ted. namely —

"(3)_ Inthecase of death of
the surviving spouse
im receipt of sur-
vivor's pension. the
minor children of the
deceased insured per
son, if any. shall be
entitled to the sur.
vivors' pension, in
the following equal
shares. namely :

(i) in case of 4 male
child. until be attains
enghtcen years ol age
and

(ii) in case of 4 femal
child, oo ustil she
attains caghicen yours
of age or until
marnage. whichever
ts earher_

In the case of cessation of survivor's pension of any of the children of the deceased insured person) on his attaining the age of eighteen years or Marriage in case of female, or death, as the case may be the share of survivor's pension received by each child shall be distributed equally among the rest of the minor children of the deceased insured

person.

In the case of death of the surviving spouse in receipt of a survivor's pension within five years after the death of the insured person and not survived by any minor child of the deceased insured person, ie sur

vivor's pension shall be paid to the surviving parents of the deceased insured person if any, for a period of five years from the death of the said spouse":

S Number and year Short title Amendments
No. of the enactment

{c) for sub-section (4) the following
shall be substituted, namely :—

“(4) In the case of death of an
insured person who is not
sugvived by a spouse, the
survivors’ pension shall be
z paid to the minor children of
: the deceased insured person
referred to im sub-section (3)
and sub-section (3A). and in
the case of the insured
person not surviving by any
minor child, the survivor’s
pension shall be paid to the
surviving parents of the
deceased insured person, if
any, for a period of five
years from the death of the

AKHTAR SHARIF.
Acting Secretary General.

i

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