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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:—

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 Repeal.—The Labour Laws (Amendment) Ordinance, 1993 (Ordinance No.VI of 1994), is hereby repealed.

**"SCHEDULE**

(See section 2)

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s year of the Short title Amendments

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1. Act No. VIII of 1923. The Workmen's Compensation 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

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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 aguinst 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

present 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 during 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 5 years, reckoned from the date of injury, whichever is less."

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2. Act No. IV of 1936. 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

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

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

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(4) In section 3, for the word "factory™"

the word "establishment" shall be

substituted.

(5) In section (4),—

(a) for sub-section (1) the

following shall be sub-

stituted, namely:—

"(1) Subject to the provi-

sions of this Ordi-

nance, every woman

employed in an esta-

blishment shall be

entitled to, and her

employer shall be

liable for, the pay-

ment of maternity

benefit at the rate of

her wages last paid

during the period of

six weeks immedia-

tely 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 preced-

ing 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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4 W.P. Ordinance No. X oe eran (1) lp section 2.—

of 1965. Social Security Ordinance,

1965,

(a) In sub-section (6).—

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

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

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

“Provided that an

Q) In secton 20.—

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

"Provided that no contribution shall be payable on so

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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

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(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. i.e

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

(2) for the word “sixteen<sup>TM</sup> the  
word “twenty-one” shall be  
substituted: and

()

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

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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 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  
hundred" the words "three thou-

sand"

shall be substituted.

(2) In the Schedule. in paragraph 4.

a

(b)

under the heading "categories".

(i) serial- number 1,  
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 less  
than ten.

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Q)

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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 thousand™ shall be sub-

stituted,

In section 9A, in the first proviso,

for the words “one thousand five

hundred” the words “three thou-

sand” shall be substituted.

In section 224, for the words “than

five” the words “than two™ 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 employ-

ment but after he had

completed five years”

insurable — employ-

ment, 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

bo

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(4)

(BGA)

(GB)

words "or invalidity

pension™ 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) In the case of death of

the surviving spouse

in 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 he attains

eighteen years of age

and

(ii) in case of 4 female

child, or until she

attains eighteen years

of age or until

marriage. whichever

is earlier.

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 such 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

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 said spouse":

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{c) for sub-section (4) the following

shall be substituted, namely :—

“(4) In the case of death of an insured person who is not survived by a spouse, the survivors' pension shall be paid to the minor children of the deceased insured person referred to in 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.

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