

Sakislam

Acts, Ordinances, President's Orders and Regulations

NATIONAL ASSEMBLY SECRETARIAT

Islamabad, the 5th March, 1974

The following Acts of Parliament received the assent of the President on the 5th March, 1974, and are hereby published for general information :—

ACT No. X of 1974

An Act to provide for the appointment of Legal Advisers to companies

WHEREAS it is expedient to provide for the appointment of Legal Advisers to companies and matters connected therewith ;

} It is hereby enacted as follows :—

. 1. Short title, extent and commencement.—(1) This Act may be called the Companies (Appointment of Legal Advisers) Act, 1974.

(2) It extends to the whole of Pakistan.

(3) It shall come into force at once.

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

(a) "advocate" means an advocate entered in any roll under the provisions of the Legal Practitioners and Bar Councils Act, 1973 (XXXV of 1973);

-(b) "company" means a company formed and registered under the Companies Act, 1913 (VII of 1913), but does not include a company the paid-up capital of which is less than rupees or a company limited by guarantee or an association registered under section 26 of that Act; A (Part 1 of Part 3; and

(c) "Legal Adviser" means a person appointed as such under section 65;

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ACT No. XV oF 1974

An Act further to amend the Workers' Welfare Fund Ordinance, 1971

WHEREAS it is expedient
nance, 1971 (XXXVI of 1971),

her to amend the Workers' Welfare Fund Ordinance,
'or the purposes hereinafter appearing ;

It is hereby enacted as follows :—

1. Short title and commencement.—(1) This Act may be called the Workers' Welfare Fund (Amendment) Act, 1974. .
(2) It shall come into force at once.
2. General. in the Workers' Welfare Fund Ordinance, 1971 (XXXVI of 1971), hereinafter referred to as the said Ordinance, for the words "Central Government ", wherever occurring, the words "Federal Government" shall be substituted.
3. Amendment of section 3, Ordinance XXXVI of 1971.—in the said Ordinance, in section 3, in sub-section (2),—
-(a) in clause (c), the word and“ at the end shall be omitted;
(b) in clause (d), for the ful stop at the end the semi-colon and word "cand" shall be substituted, and thereafter the following new clause (e) shall be added, namely :—
““(e) proceeds of loans raised by the Governing Body. ”.
4. Amendment of section 7, Ordinance XXXVI of 1971.—In the said Ordinance, in section 7, for sub-section (2) the following shall be substituted, namely :—
“(2) The Governing Body shall consist of the Secretary to the Government of Pakistan in the Ministry dealing with matters relating to labour welfare, who shall be its Chairman and not more than eighteen other members to be appointed by the Federal Government of whom—
(a) at least one shall be appointed from each Province upon the recommendation of the Provincial Government concerned ;
(b) at least one shall be appointed from each Province from amongst the workers; and
(c) at least one from each Province shall be appointed from amongst the employers. ”.
“5. Insertion of section 10A, Ordinance XXXVI of 1971.—In the said Ordinance, after section 10, the following new section 10A shall be inserted. namely :—

“10A. Vesting of money allocated from the Fund.—Any money allocated under clause (a) of section 10 shall be a grant-in-aid and shall vest in the Government, agency or body corporate, to whom it is allocated

: under that clause, but it shall not be applied to any purpose other

«- ~ “ than that for which it is allocated. or permitted, by the Governing Body. ” .

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6. Amendment of section 11, Ordinance XXXVI of 1971.—In the said Ordinance, in section 11, in clause (c), after the word “by”, the words “the Auditor General of Pakistan or” shall be inserted.

7. Insertion of Chapter MIA, Ordinance XXXVI of 1971.—In the said Ordinance, after section 11 amended as aforesaid, the following new Chapter IIA shall be added, namely :—

“Chapter IIIA
WORKERS’ WELFARE BOARDS

11A. Constitution of Workers’ Welfare Boards.—(1) Where an allocation is made from the Fund to a Provincial Government, any agency of the Federal Government, hereafter in this Chapter referred to as the agency, or a body corporate under clause (a) of section 10, such Provincial Government, agency or, as the case may be, body corporate may, by notification in the official Gazette, constitute a Board to be known as Workers’ Welfare Board, hereafter in this Chapter referred to as the Board, for the efficient management and administration of the allocated money and the projects or other measures financed by such money.

(2) A Board shall consist of—

(a) a Chairman who shall be, in the case of a Board appointed—

(i) by a Provincial Government, secretary to that Government in the department dealing with matters relating to labour welfare ; or

(ii) by an agency or a body corporate, such officer as the Federal Government may appoint; and

(b) not more than nine other members to be appointed by the Provincial Government, agency or, as the case may be, body corporate of whom—

(i) at least two shall be appointed from amongst the employers ; and
(ii) at least two shall be appointed from amongst the workers.

(3) The members of a Board other than the Chairman shall hold office for such period and on such terms and conditions as may be determined by the Provincial Government, agency or, as the case may be, body corporate.

(4) No act or proceedings of a Board shall be invalid by reason only of the existence of a vacancy in, or defect in the constitution of, the Board.

TR. Board to be a body corporate, etc.—(1) The Board shall be a body corporate by the name notified by the Government, agency or, as the case may be, body corporate constituting it, having perpetual succession and a common seal with power, subject to the provisions of this Ordinance, to contract, acquire hold and dispose of property, both movable and immovable, and shall by the said name sue or be sued.

(2) The head office of the Board shall be at such place as the Provincial

Government, agency or, as the case may be, body corporate constituting the Board may, by notification in the official Gazette. specify.

(3) The Chairman of the Board shall be its chief executive and may appoint a Secretary and such other staff on such terms and conditions as the Board may sanction.

(4) Subject to sub-section (3), all decisions of the Board shall be expressed in terms of the opinion of the majority of the members of the Board present in a meeting and, in the event of an equality of votes, the Chairman shall have a second or casting vote.

(5) The Provincial Government, agency or, as the case may be, body corporate may issue directions to the Board constituted by it regarding matters of Pier. [including matters relating to scheme made under claus: (a) of section

Provided that if a difference arises as to whether a direct.on relates to a matter of policy, the decision of the Federal Government shall be final.

(6) A casual vacancy in the office of a member shall be filled, as soon as may be, by the nomination of another person and the person nominated to fill such vacancy shall hold office for the unexpired term of his predecessor.

11C. Powers, etc., of the Board.—Subject to the provisiors of this Ordinance, a Board, for the discharge of its functions under this Ordinance, shall—

(a) as soon as may be after its constitution, make and carry into effect a scheme regulating or providing for the regulation of—
(i) matters connected with allotment, cancellation of allotment and

fixation of rent of the houses financed by the money allocated from the Fund, and their maintenance and repairs ;

(ii) any other measures for the welfare of workers 'inanced by the money allocated from the Fund; and

(iti) the expenditure in respect of the cost of management and administration of such scheme;

have the power to recover the rent and arrears 0! rent of such houses in the manner laid down in section 11D;

(c) have the power to evict any person from such a house in the manner laid down in section 11E ;

(d) have the power to do any other thing necessary for, connected with, or incidental to, the discharge of its functions under this Ordinance or the rules or scheme made thereunder ;

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(e) get its accounts annually audited in the prescribed manner; and
(@f) by notification in the official Gazette make regulations to regulate its procedure.

11D. Recovery of rent—(1) Notwithstanding anything contained in the Payment of Wages Act, 1936 (IV of 1936), where any rent or arrears of rent are due from any person under the scheme made section 11C, they may be recovered—

(a) by deduction by his employer from his wages, if the Board or any person authorised by it in this behalf directs the employer so to do: or

(b) as arrears of land revenue or as a public demand if, upon the application of the Board or any person authorised by it in this behalf, a Magistrate so directs.

Explanation.—In this section and section 11E, 'Magistrate' means a Magistrate of the first class having jurisdiction in the area where the house for which the rent or arrears of rent are due or from which eviction is to be effected is located.

(2) An employer making any deduction under sub-section (1) shall, within seven days from the date on which he makes the deduction, pay the entire amount so deducted to the Board entitled to receive it, and the payment so made, to the extent of the amount so paid, shall constitute a valid discharge of the liability of the employer to the person from whose wages the amount is deducted.

(3) If an employer, upon being directed by a Board or a person authorised by it to make a deduction from wages under this section, fails without lawful excuse to comply with the direction within the time specified therein, he shall personally be liable to pay the amount so required to be deducted, without prejudice to the liability of the person from whom that money is due.

11E. Eviction.—(1) Notwithstanding anything contained in any other law for the time being in force, including the West Pakistan Urban Rent Restriction Ordinance, 1959 (West Pakistan Ordinance No. VE of 1959), and the Karachi Rent Restriction Act, 1953 (VII of 1953), a worker occupying a house constructed with the money allocated from the Fund, who is directed by a Board or an officer authorised by it in this behalf, by an order in writing to vacate the house, shall vacate such house within a period of two months from the date of service of the order on him.

(2) If such a worker fails to vacate such house within such period, the Board or the officer authorised by it in this behalf may lodge a complaint with a Magistrate.

(3) The Magistrate on hearing the parties may, notwithstanding anything contained in any other law for the time being in force, summarily decide the case and may pass an order of eviction giving the worker a reasonable time to vacate the house.

(4) When a Magistrate passes an order for the eviction of a worker, he may, in such order, also direct a police officer to evict such worker and any other person occupying through such worker the house in respect of which the order of eviction is made, if the worker or such other person fails to vacate the house within the time allowed under sub-section (3).

(5) A police officer acting under an order of the Magistrate under clause (4) shall notify the occupants of the premises in question the contents of the Magistrate's order and his intention to enter such house, allow at least two hours time to the occupants thereof to vacate it and give all reasonable facilities to the children and female occupants, if any, to withdraw therefrom before applying any force for taking over the possession of such house.

(6) Where a worker occupying such a house dies, the procedure prescribed in this section shall mutatis mutandis and, so far as applicable, apply for evicting any person who was occupying the house through such worker and continues to remain in occupation thereof after his death :

Provided that, where such person is the widow of the 'deceased worker, she shall not be evicted before the expiry of nine months following the death of the worker.

11F. Finality of order.—An order passed by a Magistrate under section 11D or section 11E shall be final and no court or authority shall entertain any plea as to the jurisdiction of the Magistrate or as to the legality or propriety of the order or allow such an order to be called in question in any manner whatsoever. ”.

ACT No. XVI of 1974

An Act further to amend the Pakistan Atomic Energy Commission Ordinance, 1965

WHEREAS it is expedient further to amend the Pakistan Atomic Energy Commission Ordinance, 1965 (XVII of 1965), for the purpose _ hereinafter appearing ;

It is hereby enacted as follows :—

"1. Short title and commencement.—This Act may be called the Pakistan Atomic Energy Commission (Amendment) Act, 1974.

(2) It shall come into force at once.

2. General amendment, Ordinance XVII of 1965.—In the Pakistan Atomic Energy Commission Ordinance, 1965 (XVII of 1965), hereinafter referred to as the said Ordinance, for the words "Central Government", wherever occurring, the words "Federal Government" and for the words "Comptroller and Auditor General", the words " Auditor General" shall be substituted.

3. Addition of new sections 3A and 3B, Ordinance XVII of 1965.—In the said Ordinance, in Chapter I, after section 3, the following new sections shall be added, namely :—

"3A. Employment under Commission to be employment under Federal Government.—Every employment under the Commission shall, for the purposes of the Pakistan Essential Services (Maintenance) Act, 1952 (LHI of 1952), be deemed to be employment under the Federal Government and the said Act shall have effect accordingly.

3B. Ordinance XXIII of 1969 not to apply to Commission.—Nothing contained in the Industrial Relations Ordinance, 1969 (XXIII of 1969), shall apply to or in relation to the Commission or any of the officers, advisers and employees appointed by it.”.

4. Amendment of section 4, Ordinance XVII of 1965.—In the said Ordinance, in section 4, in sub-section (1),—

(a) for clause (c) the following shall be substituted, namely :—

“(c) three technical members of whom one may be a Member for Administration ; and”; and

(b) in clause (e), the words “of whom one shall be from East Pakistan + and the other from West Pakistan” shall be omitted.

5. Amendment of section 6, Ordinance XVII of 1965.—In the said Ordinance, in section 6, after sub-section (2), the following new sub-section shall be i , namely :—

"(2A) Notwithstanding anything contained in the Regulation 2f Mines and Oil-fields and Mineral Development (Government Contral) Act, 1948