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PART I

Acts, Ordinances, President's Orders and Regulations

NATIONAL ASSEMBLY OF PAKISTAN

*Islamabad, the 9th May, 1977*

The following Acts of Parliament received the assent of the President on the 5th May, 1977, and are hereby published for general information.

ACT NO. XVII OF 1977

*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, 1977.

(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 First Schedule shall be amended in the manner specified in the fourth column thereof.

3. **Repeal.**—The Labour Laws (Amendment) Ordinance, 1977 (IX of 1977), is hereby repealed.

## THE FIRST SCHEDULE

(See section 2)

Sl. No.	Number and Year of Act or Ordinance	Short title	Amendment
1	2	3	4
1.	Act VIII of 1923	The Workmen's Compensation Act, 1923.	(1) For Schedule IV the Schedule set out in the Second Schedule to this Act shall be substituted.
2.	Act XXV of 1934	The Factories Act, 1934.	(1) In section 50, for the word, "twelfth" the word "fourteenth" shall be substituted. (2) In section 51, for the word "twelfth" the word "fourteenth" shall be substituted. (3) In section 52, in sub-section (2), in clause (a), for the word "twelfth" the word "fourteenth" shall be substituted.
3.	Act IV of 1936	The Payment of Wages Act, 1936	(1) In section 2, in clause (ii), in sub-clause (g), the words "in any industrial establishment" shall be omitted. (2) In section 15,— (a) in sub-section (2),— (i) after the words "payment of wages", the commas and words "or of any dues relating to provident fund or gratuity payable under any law," shall be inserted; and (ii) after the word and comma "Act," the words and comma "or any of the heirs of an employed person who has died," shall be inserted; (b) in sub-section (3), after the words "employed person", occurring for the first time, the words and commas "or, if the applicant is one of the heirs of an employed person, the payment to such applicant," shall be inserted. (3) In section 17, in sub-section (1), for clause (b) the following shall be substituted, namely:— " (b) by an employed person or, if he has died, by any of his heirs, if the total amount of wages claimed to have been withheld from the employed person or from the unpaid group to which he belonged exceeds fifty rupees, or "

1	2	3	4
4	Act XXVI of 1938	The Employment of Children Act, 1938.	<p>(1) In section 3, in sub-section (3), for the word "twelfth" the word "fourteenth" shall be substituted.</p> <p>(2) In section 3C, for the word "twelfth" the word "fourteenth" shall be substituted.</p>
5.	Act XII of 1968	The Companies Profits (Workers Participation) Act, 1968.	<p>(1) In section 3, in sub-section (1),—</p> <p>(a) in clause (a), the word "and" at the end shall be omitted ; and</p> <p>(b) for clause (b), the following shall be substituted, namely :—</p> <p>"(b) subject to adjustments, if any, pay every year to the Fund not later than nine months after the close of that year five per cent of its profits during such year, which shall, where the accounts have been audited by an auditor appointed under section 23B of the Industrial Relations Ordinance, 1969 (XXIII of 1969), be assessed on the basis of such audit ; and</p> <p>(c) furnish to the Federal Government and the Board, not later than nine months after the close of every year of account, its audited accounts for that year, duly signed by its auditors."</p> <p>(2) In section 4, in sub-section (1), after the word "he", occurring for the first time, the comma and word "but not later than two months," shall be inserted.</p> <p>(3) In section 5, —</p> <p>(a) for sub-sections (1) and (2) the following shall be substituted, namely :—</p> <p>"(1) Where a company in which the scheme applies fails to comply with any of the provisions of this Act or the scheme, every director, manager or other officer responsible for the management of the affairs of the company shall, if the Federal Government by order so directs, pay by way of penalty a sum which may extend to five thousand rupees and, in case of a continuing failure, a further sum which may extend to one thousand rupees for every day after the first during which the failure continues";</p>

1	2	3	4
			brackets and figure "(2)" the brackets and figure "(1)" shall be substituted ; and
			(c) in sub-section (4), the words, brackets and figure " or sub- section (2)" shall be omitted.
6.	W.P. Ordinance No. VIII of 1969.	The West Pakistan Shops and Establishment Ordinance, 1969.	In section 2, in clause (c), for the word "twelfth" the word, "four- teenth", shall be substituted.
7.	Ordinance XXIII of 1969.	The Industrial Relations Ordinance, 1969.	(1) In section 22A, in sub-section (8), in clause (f), the words " of unfair labour practices " shall be omitted.
			(2) In section 25A, sub-sections (6) & (7) shall be omitted.
			(3) In section 26, in sub-section (2), for the words "within ten days of the receipt of the communication by bilateral negotiations" the words " by bilateral negotiations within ten days of the receipt of the communication or within such further period as may be agreed upon by the parties" shall be substituted.
			(4) In section 35, in sub-section (3), for the full stop at the end a colon shall be substituted and thereafter the following proviso shall be added, name- ly :—  " Provided that the Pro- vincial Government of Baluchis- tan may, after consultation with the Federal Government, appoint any person not so qualified to be the Presiding Officer of a Labour Court. "
			(5) In section 36, in sub-section (3), the commas and words "and shall, for the purpose of appeal from a sentence passed by it, be deemed to be a Court of Session under that Code" shall be omitted.
			(6) In section 37,— (a) in sub-section (3) ; (i) after the figure and letter " 25A " the words, figures and brackets " or section 34 or a sentence passed under clause (c) of sub-section (5) of section 35 " shall be inserted ; and (ii) after the word " de- livery " the words " or missing " shall be inserted ; and

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

“(4) Save as otherwise expressly provided in this Ordinance, all decisions of, and all sentences passed by, a Labour Court shall be final and shall not be called in question in any manner by or before any court or other authority.”

(7) In section 38,—

(a) In sub-section (3), after the figure and letter “25A”, the words, figure and brackets “ or section 34 or a sentence passed under clause (c) of sub-section (5) of section 35 ” shall be inserted ; and

(b) after sub-section (3), amended as aforesaid, the following new sub-section shall be inserted, namely :—

“(3a) the Tribunal may, on its own motion at any time, call for the record of any case or proceedings under this Ordinance in which a Labour Court within its jurisdiction has passed an order, for the purpose of satisfying itself as to the correctness, legality, or propriety of such order, and may pass such order in relation thereto as it thinks fit :

Provided that no order under this sub-section shall be passed revising or modifying any order adversely affecting any person without giving such person a reasonable opportunity of being heard.”

(8) In section 53, in sub-section (6), for the words “Junior Labour Court” the words “Labour Court” shall be substituted.

1	2	3	4
			(9) in section 63, for the full stop at the end a colon shall be substituted and thereafter the following proviso shall be added, namely :— “ Provided that, where a Company has intimated to Government in writing the name of any of its directors resident in Pakistan whom it has nominated for the purpose of this section and the offence is committed while such director continues to be so nominated, only such director shall be so deemed to be guilty of such offence.”

**THE SECOND SCHEDULE**

(See the First Schedule, Serial No. 1)

**“ SCHEDULE IV**

(See section 4)

**COMPENSATION PAYABLE IN CERTAIN CASES**

Monthly wages of the workman injured.	Amount of compensation for		Half monthly payment as compensation for temporary disablement.
	Death	Permanent total disablement.	
1	2	3	3
more than Rs. 0 but not more than Rs. 150	Rs. 12,000	Rs. 17,000	1/4 of the monthly wages during the period of disablement or a period of one year, reckoned from the date of injury, whichever is less and thereafter only in cases of chronic lung diseases 1/6 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.
Rs. 250	Rs. 13,500	Rs. 19,000	
Rs. 300	Rs. 15,000	Rs. 21,000	
Rs. 350	Rs. 15,000	Rs. 21,000	1/5 of the monthly wages during the period of disablement or a period of one year, reckoned from the date of injury, whichever is less, and thereafter only in cases of chronic lung diseases 1/8 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.”

**M. A. HAQ.**  
Secretary.