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PART I

Acts, Ordinances, President's Orders and Regulations

NATIONAL ASSEMBLY OF PAKISTAN

Islamabad, the 7th February, 1973

The following Acts of the National Assembly received the assent of the President on the 4th February, 1973, and are hereby published for general information :—

ACT No. XVI OF 1973

An Act further to amend the Factories Act, 1934

WHEREAS it is expedient further to amend the Factories Act, 1934 (*XXV of 1934*), for the purposes hereinafter appearing ;

It is hereby enacted as follows :—

1. **Short title and commencement.**—(1) This Act may be called the Factories (Amendment) Act, 1973.

(2) It shall come into force at once.

2. **Amendment of section 2, Act XXV of 1934.**—In the Factories Act, 1934 (*XXV of 1934*), hereinafter referred to as the said Act, in section 2,—

(a) in clause (h), after the word “employed” occurring for the first time, the words “directly or through an agency” shall be inserted ; and

(b) in clause (j),—

- (i) for the word “twenty” the word “ten” shall be substituted ;
and
- (ii) for the words and comma “with the aid of power, or is ordinarily so carried on” the words “or is ordinarily carried on whether with or without the aid of power” shall be substituted.

3. **Amendment of section 3, Act XXV of 1934.**—In the said Act, in section 3, the word “Indian”, occurring twice, and the words “and a half” shall be omitted.

4. **Amendment of section 5, Act XXV of 1934.**—In the said Act, in section 5, in sub-section (1), for the word “ten” the word “five” shall be substituted.

5. **Insertion of section 7A, Act XXV of 1934.**—In the said Act, after section 7, the following new section 7A shall be inserted, namely :—

“7A. *Exemption from certain provisions of the Act.*—The provisions of section 14, clause (b) of sub-section (1) of section 15, sections 16, 17, 18, 21, 22, 23, 25 and sub-section (3) of section 33Q shall not apply in the first instance to any factory wherein not more than nineteen workers are working or were working on any one day of the twelve months immediately preceding:

Provided that the Provincial Government may, by notification in the official Gazette, apply all or any of the said provisions to any such factory or any class of such factories.”.

6. **Amendment of section 9, Act XXV of 1934.**—In the said Act, in section 9, after sub-section (1), the following new sub-section (1A) shall be inserted, namely :—

“(1A) In respect of all factories which come within the scope of this Act for the first time on the commencement of the Factories (Amendment) Ordinance, 1972 (*XLII of 1972*), the occupier shall send a written notice to the Inspector containing particulars specified in sub-section (1) within thirty days of such commencement.”.

7. **Amendment of section 23, Act XXV of 1934.**—In the said Act, in section 23, in sub-section (1), for the words “first fortnight of every calendar month an entry” the words “months of January and July every year entries” shall be substituted.

8. **Insertion of section 23A, Act XXV of 1934.**—In the said Act, after section 23 amended as aforesaid, the following new section 23A shall be inserted, namely :—

“23A. *Compulsory vaccination and inoculation.*—Each worker in a factory shall be vaccinated and inoculated against such diseases and at such intervals as may be prescribed. The expenses, if any, of such vaccination and inoculation shall be borne by the occupier or manager of the factory.”.

9. **Insertion of section 24A, Act XXV of 1934.**—In the said Act, after section 24, the following new section 24A shall be inserted, namely :—

“24A. *Welfare Officer.*—In every factory wherein not less than five hundred workers are ordinarily employed, the occupier or manager shall employ such number of welfare officers, having such qualifications, to

perform such duties and on such terms and conditions as may be prescribed.”.

10. **Amendment of section 28, Act XXV of 1934.**—In the said Act, in section 28,—

- (a) in sub-section (1), for the words “ young person ” and the words “ child or adolescent ” shall be substituted ; and
- (b) in sub-section (2), for the words “ young persons ” the words “ children or adolescents ” shall be substituted.

11. **Amendment of section 33Q, Act XXV of 1934.**—In the said Act, in section 33Q, after sub-section (4), the following new sub-section (5) shall be added, namely :—

“(5) The Provincial Government may also make rules requiring the occupiers or managers of factories to maintain stores of first-aid appliances and provide for their proper custody and use.”.

12. **Amendment of section 41, Act XXV of 1934.**—In the said Act, in section 41, in sub-section (1), in clause (a), after the word “ name ”, the words “ and age ” shall be inserted.

13. **Amendment of section 47, Act XXV of 1934.**—In the said Act, in section 47, in sub-section (1), the following *Explanation* shall be added at the end, namely :—

“*Explanation.*—In this sub-section, ‘ ordinary rate of pay ’ means all remuneration capable of being expressed in terms of money which would, if the terms of the contract of employment, express or implied, were fulfilled, be payable to a worker in respect of his employment or of work done in such employment, but does not include—

- (i) the value of any house-accommodation, supply of light, water, medical attendance or other amenity ;
- (ii) any contribution paid by the employer to any pension fund or provident fund ;
- (iii) any travelling allowance or the value of travelling concession ;
or
- (iv) any gratuity, bonus or share in the profits of the factory.”.

14. **Amendment of section 49B, Act XXV of 1934.**—In the said Act, in section 49B,—

- (a) in sub-section (1), the words and commas “ ten or, if a child,” shall be omitted ; and
- (b) in sub-section (2), the words and commas “ ten or, in the case of a child,” shall be omitted.

15. **Addition of new sections 49H and 49I, Act XXV of 1934.**—In the said Act, in Chapter IVA, after section 49G, the following new sections 49H and 49I shall be added, namely :—

“49H. *Casual leave and sick leave.*—(1) Every worker shall be entitled to casual leave with full pay for ten days in a year.

(2) Every worker shall be entitled to sixteen days' sick leave on half average pay in a year.

49I. *Festival holidays*.—(1) Every worker shall be allowed holidays with pay on all days declared by the Provincial Government to be festival holidays.

(2) A worker may be required to work on any festival holiday but one day additional compensatory holiday with full pay and a substitute holiday shall be allowed to him in accordance with the provisions of section 35.

16. *Amendment of section 52, Act XXV of 1934*.—In the said Act, in section 52, in sub-section (1), for the words "young person" the words "child or adolescent" shall be substituted.

17. *Amendment of section 54, Act XXV of 1934*.—In the said Act, in section 54, in sub-section (3), after the word "child", the words "or adolescent" shall be inserted.

18. *Amendment of section 56, Act XXV of 1934*.—In the said Act, in section 55, in sub-section (1), in clause (a), after the word "name" the words "and age" shall be inserted.

19. *Substitution of Chapter VA, Act XXV of 1934*.—In the said Act, for Chapter VA the following section shall be substituted, namely :—

"59A. *Provisions to be in addition to Act XXVI of 1938*.—The provisions of this Chapter shall be in addition to, and not in derogation of, the provisions of the Employment of Children Act, 1938 (*XXVI of 1938*)."

20. *Amendment of section 62, Act XXV of 1934*.—In the said Act, in section 62, after the brackets and figure "(1)", the comma, word, brackets, figure and letter " , sub-section (1A)" shall be inserted.

21. *Amendment of section 74, Act XXV of 1934*.—In the said Act, in section 74, sub-section (3) shall be omitted.

22. *Repeal of Ordinance XLII of 1972*.—The Factories (Amendment) Ordinance, 1972 (*XLII of 1972*), is hereby repealed.