

بروز سوموار مورخہ 31 مئی 2021ء بوقت سہ پہر 4:00 بجے منعقد ہونے والے بلوچستان صوبائی اسمبلی کے اجلاس کی۔

## ترتیب کارروائی

## تلاوت قرآن پاک و ترجمہ

(1)

## وقفہ سوالات

(2)

علیحدہ فہرست میں مندرج محکمہ جنگلات و جنگلی حیات اور محکمہ آبپاشی سے متعلق سوالات دریافت اور ان کے جوابات دیئے جائینگے۔

## توجہ دلاؤ نوٹس

(3)

جناب اختر حسین لانگورکن صوبائی اسمبلی۔

(1)

وزیر برائے محکمہ پبلک ہیلتھ انجینئرنگ / بی واسا کی توجہ ایک اہم مسئلہ کی جانب مبذول کروائینگے۔ کہ بلیلی ایریا میں محکمہ پی ایچ ای / بی واسا کی ملکیتی زمین جو تقریباً 150 ایکڑ محیط ہے۔ شنید میں آیا ہے کہ وہ زمین محکمہ پی ایچ ای / بی واسا نے ڈی ایچ اے کو ادا کرنے دے دی ہے۔ لہذا مذکورہ زمین ڈی ایچ اے کو دینے کی وجہ، جس قیمت اور شرائط پر دی گئی ہے۔ اس کی مکمل تفصیل فراہم کی جائے۔

جناب نصر اللہ خان زیرے رکن صوبائی اسمبلی۔

(II)

وزیر برائے محکمہ ایس اینڈ جی اے ڈی کی توجہ ایک اہم مسئلہ کی جانب مبذول کروائینگے۔ کہ صوبائی اسمبلی اور حکومت نے صوبہ کے مختلف اضلاع میں جعلی ڈومیسائل اور لوکل سرٹیفیکیٹس کی چھان بین اور انکی لٹیں بنانے اور جعلی سرٹیفیکیٹس کی تمام تر تفصیلات اسمبلی کے فلور پر جمع کرانے کا وعدہ کیا تھا۔ لہذا حکومت اس سلسلے میں مکمل تفصیل فراہم کرے

## سرکاری کارروائی برائے قانون سازی

مجلس قائمہ کی رپورٹس کا پیش / منظور کیا جانا۔

(4)

(I) مجلس قائمہ، بر محکمہ محنت و افرادی قوت کی رپورٹ بر، بلوچستان دکانوں اور اسٹیل شمنٹ کا مسودہ قانون مصدرہ 2021ء (مسودہ قانون نمبر 13 مصدرہ 2021) کا ایوان میں پیش کیا جانا۔

(I) چیئر مین مجلس قائمہ، بر محکمہ محنت و افرادی قوت، تحریک پیش کریں گے کہ بلوچستان دکانوں اور اسٹیل شمنٹ کا مسودہ قانون مصدرہ 2021ء (مسودہ قانون نمبر 13 مصدرہ 2021) کی بابت مجلس کی رپورٹ کو ایوان میں پیش کرنے کی مدت میں آج مورخہ 31 مئی 2021ء تک توسیع دینے کی منظوری دی جائے۔

(II) چیئر مین مجلس قائمہ، بر محکمہ محنت و افرادی قوت، بلوچستان دکانوں اور اسٹیل شمنٹ کا مسودہ قانون مصدرہ 2021ء (مسودہ قانون نمبر 13 مصدرہ 2021) کی بابت مجلس کی رپورٹ ایوان میں پیش کریں گے۔

(جاری صفحہ 2)

(III) وزیر برائے محکمہ محنت وافرادی قوت، تحریک پیش کریں گے کہ بلوچستان دکانوں اور اسٹیلشمنٹ کا مسودہ قانون مصدرہ 2021ء (مسودہ قانون نمبر 13 مصدرہ 2021) کو مجلس کی سفارشات کے بموجب فی الفور زیر غور لایا جائے۔

(IV) وزیر برائے محکمہ محنت وافرادی قوت، تحریک پیش کریں گے کہ بلوچستان دکانوں اور اسٹیلشمنٹ کا مسودہ قانون مصدرہ 2021ء (مسودہ قانون نمبر 13 مصدرہ 2021) کو مجلس کی سفارشات کے بموجب منظور کیا جائے۔

(۲) مجلس قائمہ بر محکمہ محنت وافرادی قوت، کی رپورٹ بر بلوچستان انڈسٹریل اینڈ کمرشل ایمپلائمنٹ کا مسودہ قانون مصدرہ 2021ء (مسودہ قانون نمبر 14 مصدرہ 2021) کا ایوان میں پیش کیا جانا۔

(I) چیئر مین مجلس قائمہ بر محکمہ محنت وافرادی قوت، تحریک پیش کریں گے کہ مجلس کی رپورٹ بر بلوچستان انڈسٹریل اینڈ کمرشل ایمپلائمنٹ کا مسودہ قانون مصدرہ 2021ء (مسودہ قانون نمبر 14 مصدرہ 2021) کو ایوان میں پیش کرنے کی مدت میں آج مورخہ 31 مئی 2021ء تک توسیع دینے کی منظوری دی جائے۔

(II) چیئر مین مجلس قائمہ بر محکمہ محنت وافرادی قوت، بلوچستان انڈسٹریل اینڈ کمرشل ایمپلائمنٹ کا مسودہ قانون مصدرہ 2021ء (مسودہ قانون نمبر 14 مصدرہ 2021) کی بابت مجلس کی رپورٹ ایوان میں پیش کریں گے۔

(III) وزیر برائے محکمہ محنت وافرادی قوت، تحریک پیش کریں گے کہ بلوچستان انڈسٹریل اینڈ کمرشل ایمپلائمنٹ کا مسودہ قانون مصدرہ 2021ء (مسودہ قانون نمبر 14 مصدرہ 2021) کو مجلس کی سفارشات کے بموجب فی الفور زیر غور لایا جائے۔

(IV) وزیر برائے محکمہ محنت وافرادی قوت، تحریک پیش کریں گے کہ بلوچستان انڈسٹریل اینڈ کمرشل ایمپلائمنٹ کا مسودہ قانون مصدرہ 2021ء (مسودہ قانون نمبر 14 مصدرہ 2021) کو مجلس کی سفارشات کے بموجب منظور کیا جائے۔

(۳) مجلس قائمہ بر محکمہ محنت وافرادی قوت، کی رپورٹ بر بلوچستان فیکٹریوں سے متعلق کا مسودہ قانون مصدرہ 2021ء (مسودہ قانون نمبر 15 مصدرہ 2021) کا ایوان میں پیش کیا جانا۔

(I) چیئر مین مجلس قائمہ بر محکمہ محنت وافرادی قوت، تحریک پیش کریں گے کہ مجلس کی رپورٹ بر بلوچستان فیکٹریوں سے متعلق کا مسودہ قانون مصدرہ 2021ء (مسودہ قانون نمبر 15 مصدرہ 2021) کو ایوان میں پیش کرنے کی مدت میں آج مورخہ 31 مئی 2021ء تک توسیع دینے کی منظوری دی جائے۔

(II) چیئر مین مجلس قائمہ بر محکمہ محنت وافرادی قوت، بلوچستان فیکٹریوں سے متعلق کا مسودہ قانون مصدرہ 2021ء (مسودہ قانون نمبر 15 مصدرہ 2021) کی بابت مجلس کی رپورٹ ایوان میں پیش کریں گے۔ (جاری صفحہ 3)



(III) وزیر برائے محکمہ محنت وافرادی قوت، تحریک پیش کریں گے کہ بلوچستان فیکٹریوں سے متعلق کا مسودہ قانون مصدرہ 2021ء (مسودہ قانون نمبر 15 مصدرہ 2021) کو مجلس کی سفارشات کے بموجب فی الفور زیر غور لایا جائے۔

(IV) وزیر برائے محکمہ محنت وافرادی قوت، تحریک پیش کریں گے کہ بلوچستان فیکٹریوں سے متعلق کا مسودہ قانون مصدرہ 2021ء (مسودہ قانون نمبر 15 مصدرہ 2021) کو مجلس کو سفارشات کے بموجب منظور کیا جائے۔

(۴) مجلس قائمہ بر محکمہ صحت عامہ و بہبود آبادی، کی رپورٹ بر بلوچستان مغربی پاکستان و یکسینیشن 1958ء میں ترمیم کا مسودہ قانون مصدرہ 2021ء (مسودہ قانون نمبر 16 مصدرہ 2021) کا ایوان میں پیش کیا جانا۔

(I) چیئر پرسن مجلس قائمہ بر محکمہ صحت عامہ و بہبود آبادی، تحریک پیش کریں گے کہ مجلس کی رپورٹ بر بلوچستان مغربی پاکستان و یکسینیشن 1958ء میں ترمیم کا مسودہ قانون مصدرہ 2021ء (مسودہ قانون نمبر 16 مصدرہ 2021) کو ایوان میں پیش کرنے کی مدت میں آج مورخہ 31 مئی 2021ء تک توسیع دینے کی منظوری دی جائے۔

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(III) وزیر برائے محکمہ صحت، تحریک پیش کریں گے کہ بلوچستان مغربی پاکستان و یکسینیشن 1958ء میں ترمیم کا مسودہ قانون مصدرہ 2021ء (مسودہ قانون نمبر 16 مصدرہ 2021) کو مجلس کی سفارشات کے بموجب فی الفور زیر غور لایا جائے۔

(IV) وزیر برائے محکمہ صحت، تحریک پیش کریں گے کہ بلوچستان مغربی پاکستان و یکسینیشن 1958ء میں ترمیم کا مسودہ قانون مصدرہ 2021ء (مسودہ قانون نمبر 16 مصدرہ 2021) کو مجلس کی سفارشات کے بموجب منظور کیا جائے۔

#### ﴿سرکاری قرارداد﴾

(5)

مشترکہ قرارداد نمبر 113 منجانب:- نوابزادہ طارق خان مگسی صوبائی وزیر، میر جان محمد خان جمالی اور ملک نصیر احمد شاہوانی، اراکین صوبائی اسمبلی۔

ہر گاہ کہ وزیراعظم اسلامی جمہوریہ پاکستان نے خیبر پختونخواہ کے زمینداروں کے ذمے واجب الادا زرعی قرضے معاف کرنے کا پیکیج متعارف کرایا ہے۔ چونکہ صوبہ بلوچستان کے زمینداروں کے ذمہ بھی زرعی قرضے واجب الادا ہیں اور زمینداروں کو اکثر و بیشتر فصلات میں نقصانات کی وجہ، بارش کا کم ہونا، زیر زمین پانی کی سطح گرنا، بے وقت بجلی کی لوڈ شیڈنگ اور نہری پانی وقت پر نہ ملنا اس معاہدے کی خلاف ورزی ہے۔

لہذا یہ ایوان صوبائی حکومت سے سفارش کرتا ہے کہ وفاقی حکومت سے رجوع کرے کہ وہ بلوچستان کے زمینداروں کے ذمہ واجب الادا زرعی قرضوں کو معاف کرانے کا پیکیج متعارف کرانے کو یقینی بنائے تاکہ یہاں کے لوگوں میں پائی جانے والی بے چینی اور احساس محرومی کا خاتمہ ممکن ہو سکے۔

سکریٹری  
بلوچستان صوبائی اسمبلی

کوئٹہ

مورخہ 28 مئی 2021ء

# بلوچستان صوبائی اسمبلی

بروز سوموار مورخہ 31/ مئی 2021ء

نشان زدہ سوالات اور انکے جوابات

(1) محکمہ جنگلات و جنگلی حیات (2) محکمہ آبپاشی

☆ 323 میرزا بدلی ریکی رکن اسمبلی نوٹس موصول ہونے کی تاریخ 13 اکتوبر 2020

کیا وزیر جنگلات و جنگلی حیات ازراہ کرم مطلع فرمائیں گے کہ۔

ضلع واشک میں جنگلات کل کتنے رقبے پر محیط ہیں نیز ان کی حفاظت کیلئے تعینات کردہ ملازمین کے تعداد کی تفصیل بھی دی جائے۔

وزیر جنگلات و جنگلی حیات

ضلع واشک کا کل رقبہ 29510 مربع کلومیٹر ہے جس میں سے 611 مربع کلومیٹر جو کہ ضلع کی کل رقبہ کا دو فیصد بنتا ہے محکمہ جنگلات کے زیر انتظام ہیں جس میں دو بڑے جنگل آتے ہیں جن کے نام ششی لورا (پروٹیکٹڈ فارسٹ) اور جھلا وار (پروٹیکٹڈ فارسٹ) جن کا رقبہ بلترتیب 123040 ایکڑ اور 128000 ایکڑ ہے ان جنگلات کی حفاظت کیلئے (02) فارسٹر (03) فارسٹ گارڈ اور (12) گیم وائر تعینات کیے گئے ہیں۔

☆ 324 میرزا بدلی ریکی رکن اسمبلی نوٹس موصول ہونے کی تاریخ 13 اکتوبر 2020

کیا وزیر جنگلات و جنگلی حیات ازراہ کرم مطلع فرمائیں گے کہ۔

ضلع واشک میں سال 2018 تا 2020 کے دوران کل کس قدر درختوں کی کٹھائی کی گئی اور محکمہ ہذا کی اجانب سے کل کتنے اشخاص کو جرمانہ کیا گیا ان کے نام بمعہ ولدیت فی کس کے عائد کردہ جرمانہ اور تاریخ جرمانہ کی تفصیل بھی دی جائے

وزیر جنگلات و جنگلی حیات



مہتمم محکمہ جنگلات ضلع واشک نے دفتر ہذا کو بذریعہ چھٹی نمبر 35.36 مورخہ 2 اکتوبر 2020 مطلع کیا ہے کہ سال 2018.2020 ضلع واشک میں سرکاری جنگلوں میں درختوں کی کوئی کٹائی ریکارڈ پر موجود نہیں ہے اور نہ ہی اس سلسلہ میں کسی شخص پر جرمانہ عائد کیا گیا ہے۔

☆ 397 میرزا بد علی ریکی رکن اسمبلی نوٹس موصول ہونے کی تاریخ 13 اکتوبر 2020  
کیا وزیر آبپاشی ازراہ کرم مطلع فرمائیں گے کہ۔

مالی سال 2020.2021 کے بجٹ میں ضلع واشک سے متعلق کل کتنے ترقیاتی اسکیمات شامل کیے گئے ہیں ان کے نام پی ایس ڈی پی نمبر اور مختص کردہ لاگت کی اسکیم وار تفصیل دی جائے نیز مذکورہ جون 2020 تا حال کل کتنے اسکیموں کی منظوری دی جا چکی ہے ان کی کل تعداد، جاری کردہ لاگت اور تاریخ ٹینڈر کی تفصیل بھی دی جائے

وزیر آبپاشی

محکمہ آبپاشی کی جانب سے مالی سال 2020.2021 کی صوبائی پی ایس ڈی پی میں ضلع واشک سے کوئی اسکیم شامل نہیں کی گئی ہے تاہم وفاقی پی ایس ڈی پی میں ضلع واشک کے جاری دونوں اسکیموں پر کام جاری ہے تفصیل ذیل ہے۔

1- شمس ڈیم

2- واشک ڈیم

☆ 402 میرزا بد علی ریکی رکن اسمبلی نوٹس موصول ہونے کی تاریخ 13 اکتوبر 2020  
کیا وزیر آبپاشی ازراہ کرم مطلع فرمائیں گے کہ۔

مالی سال 2020.2021 کے بجٹ میں ضلع واشک کیلئے کل کتنی آسامیاں تخلیق کی گئی ہیں ان کے نام، گریڈ اور تعداد کی آسامی وار تفصیل دی جائے نیز مذکورہ ضلع میں پہلے سے خالی پڑی ہوئی آسامیوں کی کل تعداد، گریڈ اور ان آسامیوں کو تاحال پرنہ کرنے کی وجوہات کیا ہیں تفصیل بھی دی جائے۔

وزیر آبپاشی

ضلع واشک جو کہ خاران ایریکشن ڈویژن کے زمرے میں آتا ہے اور مالی سال 2020.2021 کے بجٹ میں ضلع خاران میں ایک آسامی تخلیق کی گئی ہے جو کہ ڈویژنل آفیسر (B.17) کی ہے۔

☆419 حاجی محمد نواز خان کا کڑ رکن اسمبلی نوٹس موصول ہونے کی تاریخ 11 نومبر 2020

کیا وزیر آبپاشی ازراہ کرم مطلع فرمائیں گے کہ۔

جنوری 2014 تا دسمبر 2020 کے دوران صوبہ میں کل کتنے ڈیمز تعمیر کیے گئے ضلعوار تفصیل دی جائے اور مذکورہ عرصہ کے دوران ضلع قلعہ عبداللہ میں تعمیر کردہ ڈیمز، ڈیلے ایکشن ڈیمز اور پریکٹیشن والز کے نام، آمدہ لاگت، علاقہ، تحصیل، یونین کونسل اور مدت تکمیل نیز مذکورہ عرصہ کے دوران محکمہ ہذا کی جانب سے پایہ تکمیل کو پہنچائے جانے والے وفاقی منصوبوں کی تفصیل بھی دی جائے۔

وزیر آبپاشی

جواب موصول نہیں ہوا۔

☆427 ملک نصیر احمد شاہوانی رکن اسمبلی نوٹس موصول ہونے کی تاریخ 2 اپریل 2021

کیا وزیر آبپاشی ازراہ کرم مطلع فرمائیں گے کہ۔

کوئٹہ شہر و گردونواح میں موجود برسانی نالوں کی کل تعداد کتنی ہے اور یہ کن کن ناموں سے پہنچائے جاتے ہیں تفصیل دی جائے نیز کیا یہ درست ہے کہ ان برساتی نالوں پر غیر قانونی تعمیرات کی جا رہی ہیں جس کی وجہ سے بارشوں کے دوران مقامی آبادیاں بُری طرح متاثر ہوتی ہیں اگر جواب اثبات میں ہے تو حکومت ان برساتی نالوں پر غیر قانونی تعمیرات کے خلاف کون کونسے اقدامات اٹھانے کا ارادہ رکھتی ہے تفصیل دی جائے۔

وزیر آبپاشی

جواب موصول نہیں ہوا۔

سیکرٹری،

بلوچستان صوبائی اسمبلی

کوئٹہ،

مورخہ 28 مئی 2021



بلوچستان صوبائی اسمبلی سیکرٹریٹ

رپورٹ

مجلس قائمہ بر محکمہ صنعت و حرفت، کان کنی و معدنی ترقی، محنت و افرادی قوت۔

بابت

"بلوچستان دوکانوں اور اسٹیلشمنٹ کا مسودہ قانون مصدرہ 2021

(مسودہ قانون نمبر 13 مصدرہ 2021)"۔

منجانب:- گہرام بگٹی  
چیئر مین مجلس قائمہ۔

رپورٹ مجلس قائمہ برحکمہ صنعت و حرفت، کان کنی و معدنی ترقی، محنت و افرادی قوت۔

بابت

"بلوچستان دوکانوں اور اسٹیل شمنٹ کا مسودہ قانون مصدرہ 2021 (مسودہ قانون نمبر 12 مصدرہ 2021)"۔

پس منظر:-

مورخہ 26 اپریل 2021ء کی اسمبلی نشست میں مذکورہ مسودہ قانون پیش ہوا۔ جناب اسپیکر نے قواعد انضباط کار بلوچستان صوبائی اسمبلی مجریہ 1974ء کے قاعدہ نمبر 84 کے تحت مجلس ہذا کے سپرد کیا۔ مذکورہ مسودہ قانون پر مجلس کی نشست بروز سوموار مورخہ 24 مئی 2021ء کو صبح 11:00 بجے بلوچستان صوبائی اسمبلی کے کمیٹی روم میں منعقد ہوئی۔

شرکاء مجلس:-

- |  |                 |
|--|-----------------|
| i) جناب گہرام بگٹی، رکن صوبائی اسمبلی      | چیرمین مجلس۔    |
| ii) میر نصیب اللہ مری، رکن صوبائی اسمبلی   | رکن مجلس۔       |
| iii) جناب منگھی شام لعل، رکن صوبائی اسمبلی | رکن مجلس۔       |
| iv) جناب محمد خان ابڑی، صوبائی وزیر        | رکن بلحاظ عہدہ۔ |
| v) جناب زابد علی ریکی، رکن صوبائی اسمبلی   | رکن مجلس۔       |

افسران:-

- |                        |                                       |
|------------------------|---------------------------------------|
| vi) جناب طاہر شاہ کاکڑ | سیکرٹری، اسمبلی۔                      |
| vii) محترمہ ساحرہ عطاء | سیکرٹری، لیبر اینڈ مین پاور۔          |
| viii) جناب عبدالرحمن   | ایڈیشنل سیکرٹری (قانون سازی و مجالس)۔ |
| ix) سید داد محمد آغا   | ایڈیشنل سیکرٹری (مجالس)۔              |
| x) جناب سعید احمد      | ڈی، جی، لیبر اینڈ مین پاور۔           |



- xi) جناب محمد مزمل ڈائریکٹر (کوڈ)، محکمہ قانون۔
- xii) جناب محمد ظاہر ڈپٹی ڈائریکٹر، لیبر اینڈ مین پاور۔

### آغاز:-

3- نشست کا آغاز تلاوت کلام پاک سے ہوا جس کی سعادت سیکرٹری اسمبلی، جناب طاہر شاہ کا کڑنے حاصل کی۔ بعد از تلاوت کلام پاک سیکرٹری اسمبلی نے نشست کا پس منظر بیان کرتے ہوئے کہا کہ مورخہ 26 اپریل کو بلوچستان صوبائی اسمبلی کے منعقدہ اجلاس میں "بلوچستان دوکانوں اور اسٹیمپل شمنٹ کا مسودہ قانون مصدرہ 2021" (مسودہ قانون نمبر 12 مصدرہ 2021) مجلس ہذا کے سپرد ہوا اسی مسودہ قانون پر غور و خوض کی بابت آج کی نشست منعقد کی جا رہی ہے۔

4- سیکرٹری اسمبلی کی مختصر بریفنگ کے بعد جناب چیئر مین مجلس نے محترمہ ساحرہ عطاء، سیکرٹری محکمہ لیبر اینڈ مین پاور کو دعوت دی کہ وہ مذکورہ مسودہ قانون کی بابت مجلس کو آگاہی دیں۔

5- سیکرٹری لیبر اینڈ مین پاور نے مجلس کو بریف کرتے ہوئے کہا کہ اسلامی جمہوریہ پاکستان کے آئین میں اٹھارویں ترمیم کی روشنی میں صوبائی حکومت نے محنت و مشقت کے قوانین بنانے ہیں اور اس حوالہ سے وفاقی قوانین کو منسوخ کرنا ہے۔ اس قانون کے مطابق کچھ مزید ترمیم جیسا کہ مالی جرمانوں میں اضافہ دکانوں اور اسٹیمپل شمنٹ کا کھلنا اور بند ہونا بچوں سے مشقت پر پابندی، بالعموم اور نوجوانوں کے روزگار کا نظم و ضبط، برائے کارکنوں کے تاخیر یا رکھے ہوئے اجرت کے فیصلوں کیلئے عدالتی فورم کی تقرری، ملازمین کی چھٹی اور دوسرے فوائد وغیرہ تاکہ صوبوں کی کاروباری ضرورت کو پورا کیا جاسکے۔ یہ سب اس مسودہ قانون میں شامل کیا گیا ہے۔

6- سیکرٹری لیبر اینڈ مین پاور کی بریفنگ کے بعد مجلس نے باریک بینی سے مسودہ قانون پر شق وار غور و خوض کرتے ہوئے ایوان میں برائے منظوری پیش کرنے کی سفارش کی۔

نوٹ:- بل میں جن ترمیم کو شامل کرنے کی سفارش کی گئی ہیں ان کو نمایاں طور پر (BOLD) اور انڈر لائن (UNDER LINE) ظاہر کئے گئے ہیں اور جن الفاظ / جملے کو حذف کرنے کی سفارش کی گئی ہیں ان کے اوپر خط کش (OVER LINE) ظاہر کئے گئے ہیں جیسے (Establishment)۔

sd/-  
(گہرام بگٹی)  
چیئر مین مجلس قائمہ۔

کامران جلیل دوتانی

# **BALUCHISTAN PROVINCIAL ASSEMBLY SECRETARIAT.**

## **The Baluchistan Shops and Establishments Bill No.13, 2021.**

### **A Bill**

*to re-enact the existing law relating to shops and establishments with regard to its application to the Province of Baluchistan, in accordance with the situation, conditions and requirements of the province.*

#### **Preamble.**

Whereas in pursuance of the 18<sup>th</sup> Constitutional Amendment it is expedient to re-enact the existing law relating to shops and establishments with regard to its application to the Province of Baluchistan.

It is hereby enacted as follows:-

#### **Short title, extent, commencement and application.**

1. (1) This Act may be called the Baluchistan Shops and Establishments Act, 2021.
- (2) It extends to the whole of Baluchistan.
- (3) It shall come into force at once in such areas, and its provisions shall automatically apply to such establishments or classes thereof, to which any law on the subject was applicable immediately before the coming into force of this Act.
- (4) Government may, by notification in the official Gazette, extend the operation of this Act or any provisions thereof to any other area or establishment, or exclude any area or establishment to which it extends, from its operation.

#### **Definitions.**

2. In this Act, unless the context otherwise requires, -
  - (a) **“Act”** means the Baluchistan Shops and Establishment Act, 2021;
  - (b) **“adult”** means a person who has completed his seventeenth year of age;
  - (c) **“apprentice”** means a person who is employed, whether or not on payment of wages, for the purposes of being trained in any trade, craft or employment in any establishment;



- (d) **“child”** means a person who has not completed his fourteenth years of age;
- (e) **“closed”** means not open for the service of any customer or to any business connected with the establishment;
- (f) **“commercial establishment”** means an establishment which carries on any business, trade or profession or any work in connection with, or incidental or ancillary to, any business, trade or profession, and includes—
  - (i) a society registered under the Societies Registration Act, 1860 (XXI of 1860), and a charitable or other trust, whether registered or not, which carries on, whether for the purposes of gain or not, any business, trade or profession, or any work in connection with or incidental or ancillary thereto;
  - (ii) an establishment wherein there is conducted the business of advertising, commission, forwarding or a commercial agency;
  - (iii) a clerical department of a factory or of any industrial or commercial undertaking;
  - (iv) an insurance company, joint stock company, bank, brokers' offices or exchange and office of lawyers, income-tax practitioners, registered accountants, contractors and engineers;
  - (v) private educational institutions, clinics, laboratories and security agencies run for commercial purposes; *and*
  - (vi) such other professional establishment or class thereof as Government may, by notification in the official Gazette, declare to be commercial establishments for the purposes of this Act; but does not include a factory, shop, residential hotel, restaurant,

eating house, theatre or other place of public amusement or entertainment;

- (g) **“day”** means the period of twenty-four hours beginning at mid-night, provided that in the case of an employee, whose hours of work extend beyond mid-night, day means the period of twenty-four hours beginning when such employment commences, irrespective of mid-night;
- (h) **“employee”** means any person employed whether directly or otherwise, about the business of an establishment for the owner or occupier thereof, even though he receives no reward or remuneration for his labour, but does not include a member of the employer’s family;
- (i) **“employer”** means a person owning or having charge of the business of an establishment, and includes an agent or manager or any other person acting on behalf of such person in the general management or control of such establishment;
- (j) **“Employer’s family”** means the employer’s husband or wife, as the case may be, sons, daughters, father, mother and brothers and sisters living with and dependent on the employer;
- (k) **“establishment”** means a shop, commercial establishment, industrial establishment, private dispensary, maternity home, residential hotel, restaurant, eating house, cafe, cinema, theatre, circus, or other place of public amusement or entertainment, and such other establishments or class thereof as Government may, by notification in the official Gazette, declare to be establishments for the purposes of this Act;
- (l) **“factory”** means a factory as defined in the Factories Act, 1934 (Act No. XXV of 1934);
- (m) **“form”** means a form specified in the Schedule;
- (n) **“Government”** means the Government of Balochistan;



- (o) **“hours of work”** or “working hours” with reference to an establishment means the time during which the employees in the establishment are at the disposal of the employer, exclusive of any interval allowed for rest and meals;
- (p) **“industrial establishment”** means a workshop or other establishment in which the work of making, altering, repairing, ornamenting, finishing or packing or otherwise treating any article or substance with a view to its use, sale, transport, delivery, or disposal is carried on or where any such service is rendered to a customer, and includes such other class or classes of establishments as Government may, by notification in the official Gazette, declare to be industrial establishments for the purposes of this Act, but does not include a factory;
- (q) **“permanent employee”** means an employee who has been engaged on a permanent basis, and includes an employee who has completed nine months’ continuous service in one or different occupations in the same establishment, including breaks due to sickness, accident, leave, illegal lock outs, legal strikes or involuntary closure of the establishment, and has satisfactorily completed a probationary period of three months;
- (r) **“prescribed”** means prescribed by rules made under this Act;
- (s) **“residential hotel”** means any premises in which a *bona fide* business is carried on for the supply of dwelling accommodation and meals on payment of a sum of money by a traveller or any other member of the public or class of the public and includes a club;
- (t) **“restaurant”** and “eating house” mean any premises in which is carried on wholly or principally the business of the supply of meals or refreshments to the public or a class of the public for consumption on the premises;

- (u) **"retail trade"** includes the business of a barber or hair-dresser, the sale of refreshments or intoxicating liquors, sales by auctions, and any other business carried for consumers of day to day transaction;
- (v) **"Schedule"** means schedule appended to this Act;
- (w) **"shop"** means any premises used wholly or in part for the whole-sale or retail sale of commodities or articles, either for cash or on credit, or where services are rendered to customers, and includes an office, a store room, go down, warehouse or place of work, whether in the same premises or otherwise, mainly used in connection with such trade or business;
- (x) **"temporary employee"** means an employee who has been engaged for work which is of an essentially temporary nature likely to be finished within a period not exceeding nine months;
- (y) **"wages"** 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, whether conditionally upon the regular attendance, good work or conduct or other behaviour of the person employed, or otherwise, to a person employed in respect of his employment or of work done in such employment, and includes any bonus, cost of living or dearness allowance, and other additional remuneration of the nature aforesaid which would be so payable and any sum payable to such person by reason of the termination of his employment, but does not include—
  - (i) the value of any house accommodation, supply of light, water, medical attendance;
  - (ii) other amenity, or of any service excluded by general or special order of the Government;



- (iii) any travelling allowance or the value of travelling concession; *and*
- (iv) any sum paid to the person employed to defray special expenses entailed on him by the nature of his employment;
- (z) **“week”** means a period of seven days beginning at mid-night on Saturday night; and
- (aa) **“young person or adolescent”** means a person who is not a child and has not completed his eighteenth year of age.

(2) The words and expression not defined in this Act shall have the same meanings, as assigned to them in the Industrial and Commercial Employment (Standing Orders) Ordinance, 1968 (Ordinance VI of 1968) or any other labour enactment having bearing on this Act, for the time being in force.

**Reference to time of day.**

3. References to time of day in this Act are references to Pakistan Standard Time.

**Power to grant exemptions.**

4. Government may, by notification in the official Gazette, exempt from the operation of all or any of the provisions of this Act any establishment or any class thereof or any employer or employee or class of employers or employees on such conditions as it may think fit:

Provided that the notification, if so issued, shall clearly state the rights of employees to be enjoyed or exercised by them, which in no case be less than those guaranteed under this Act.

**Act not applicable to certain establishments and persons.**

5. (1) Nothing in this Act shall apply to—

- (a) offices of or under the Federal or the Provincial Government;
- (b) offices of or under the Pakistan Railway Board, including railway stations;
- (c) offices of or under any local authority, a trust, a corporation or any other public statutory body, which is not run for profit

or gain or in the course of its business does not make any profit or gain;

- (d) shops or stalls in any public exhibition or show, in so far as such shops or stalls deal in retail trade which is solely subsidiary or ancillary to the main purpose of such exhibition or show;
- (e) shops or stalls in any public fair or bazar held for religious or charitable purposes;
- (f) clubs, hostels and messes not maintained for profit or gain;
- (g) establishments for the treatment or care of the sick, infirm, destitute or mentally unfit persons;
- (h) stalls and refreshment rooms at railway stations, steamer and launch stations, docks, wharves and air ports, and on trains, steamers or air crafts, so far as the sale of commodities is concerned; **and**
- (i) any person employed as manager, travelling agent, canvasser, messenger, watchman, caretaker or conservancy staff or any person employed exclusively in connection with the collection, despatch, delivery, and conveyance of, or custom formalities on goods.

(2) Nothing in clause (a) of sub-section (1) of section 6 and in section 7 shall apply to, -

- (a) clubs, hostels and messes maintained for profit or gain, so far as service and attendance upon customers is concerned;
- (b) shops dealing solely in any vegetables, meat, fish, dairy products, bread, pastries, sweet-meats and flowers, so far as the sale of these articles is concerned;
- (c) shops dealing mainly in medicines, surgical appliances, bandages or other medical requisites, so far as the sale of these articles is concerned;
- (d) shops dealing in articles required for funerals, burials or cremations, so far as the sale of these articles is concerned;



- (e) shops dealing mainly in tobacco, cigars, cigarettes, *biries*, pan, liquid refreshments sold retail for consumption on the premises, ice, newspapers or periodicals, so far as the sale of these articles is concerned;
- (f) automobile service stations (not being repair shops) and petrol pumps for the retail sale of petrol;
- (g) barbers and hair-dressers' shops, so far as service to customers is concerned; *and*
- (h) cinemas, theatres and other places of public entertainment.

(3) Notwithstanding anything contained in sub-section (2), Government may, by general or special order fix the opening and closing hours for all or any of the classes of establishments specified therein, and appoint an authority to entertain the grievance of persons employed therein.

(4) Notwithstanding anything contained in sub-sections (1) and (2), Government may, by notification in the official Gazette, direct that any of the establishments or persons specified therein shall not be exempted from the operation of such provisions of this Act as are specified in such notification, and thereupon the provisions of this Act specified in such notification shall apply to such establishments or persons.

**Weekly holiday in establishments.**

6. (1) Except as otherwise provided in this Act, every person employed in any establishment shall, in addition to the leave and holidays as may be admissible to him under sections 14, 15 and 16, be allowed as holiday, one day in each week.

(2) No deduction on account of any holiday allowed under sub-section (1) shall be made from the wages of any employee of any establishment.

(3) If an employee is employed on daily wages, he shall none- the-less be paid his daily wages for the holiday, and where an employee is paid on piece-rate, he shall receive for the holidays the average of the wages received during the week.



(4) The day on which an establishment shall be entirely closed shall be either Friday or Sunday.

(5) The choice of a closed day shall rest with the employer, who shall intimate such choice to the prescribed authority:

Provided that in the case of an establishment set up after the coming into force of this Act, or to which the provisions of this Act are subsequently applied, within two months of the setting up of the establishment or the application of the provisions of this section thereto, as the case may be.

(6) An employer, who has intimated his choice of a closed day under the provisions of sub-section (5), shall not change the closed day for the establishment without the prior approval in writing of the prescribed authority.

**Opening and  
closing hours of  
establishments.**

7. (1) No establishment shall on any day remain open after 8:00 p.m.:

Provided that any customer who was being or was waiting in the establishment to be served at such hour, may be served during the period of thirty minutes immediately following such hour:

Provided further that Government may, by a notification in the official Gazette, fix any other hour after which establishments generally or any class of establishment shall not remain open:

**Provided also that** the Government may by notification fix opening and closing hours of shops for any particular area or for some specified shops during the clock for the convenience and need of general public and for some particular locality.

(2) Every employer shall display, at a prominent place in the establishment, a board specifying the hours during which the establishment will remain open.

(3) No employee shall be required or permitted to work continuously in any establishment for more than six hours in the case of an adult and for more than three and half hours in the case of a young person, unless he has been allowed an interval for rest or meals of not less than one hour.



~~(4) Except with the permission of Government, no woman or young person shall be employed in any establishment otherwise than between the hour of 9-00 a.m. to 7:00 p.m.~~

**(4) Except with the permission of the Government, no young person shall be employed in any establishment otherwise than between the hours of 9:00 a.m. and 7:00 p.m.**

**(5) A woman worker shall be allowed to work in an establishment beyond 7:00 pm with her prior consent subject to the mandatory arrangement of transportation facility of pick and drop by the employer at the doorstep or the nearest possible place to the residence of such worker except where a separate hostel facility is provided by the employer at the premises.**

**Daily, weekly hours and over-time.**

8. Save as otherwise expressly provided in this Act, no adult employee shall be required or permitted to work in any establishment in excess of nine hours a day and forty-eight hours a week, and no young person in excess of seven hours a day and forty-two hours a week:

Provided that in any day or in any week, in which there occurs stock-taking, making up of accounts, settlement or such other business operation, and during such other period, as may be prescribed, an adult employee of an establishment may be required or permitted to work over-time in such establishment for more than nine hours in such day and for more than forty-eight hours in such week, and a young person for more than seven hours in such day and for more than forty-two hours in such week, but so that the total number of hours so worked by an adult does not exceed six hundred and twenty-four hours and by a young person four hundred and sixty-eight hours in any one year.

**Over-time wages.**

9. When any employee is required to work over-time in any establishment, as provided in the proviso to section 8, the wages payable to such employee in respect of such over-time work shall be calculated at double the ordinary rate of wages payable to him:



Provided that no overtime shall be payable to the contract worker employed on piece rate basis.

**Spread-over.**

10. The period of work of an adult and young person shall be so arranged that inclusive of the interval for rest or meals under section 7, it shall not spread-over more than twelve hours in the case of adult and nine hours in the case of young person:

Provided that the total period of work so worked out, in case of an adult worker, shall not exceed sixty hours and by a young person fifty-four hours in a week.

**Time and conditions of payment of wages.**

11. (1) Every employer or his agent or the manager of an establishment shall fix the period in respect of which wages to employees shall be payable and shall be responsible for the payment to persons employed by him of all wages required to be paid under this Act.

(2) No wage period, so fixed, shall exceed one month.

(3) The wages of every employee in any establishment shall be paid on a working day before the expiry of the seventh day of the last day of the wage period in respect of which the wages are payable.

(4) All wages shall be paid in legal tender.

(5) Where the employment of any person is terminated by or on behalf of the employer, the wages and other dues earned by such person shall be paid before the expiry of the second working day after the day on which his employment is terminated.

**Claims arising out of delay in payment of wages and penalty for malicious or vexatious claims.**

12. (1) The Authority under the Balochistan Payment of Wages Act, 1936 (Act No IV of 1936) shall be vested with the power to hear and decide cases of delay in payment of wages and for matters connected therewith or ancillary thereto:

Provided **that** the Government may, by notification in the official Gazette, appoint any other person to be the Authority to hear and decide for any specified area all or any specified claims arising out of delay in the payment or non-payment of the wages of employees in that area



under this Act if need so arises.

(2) When contrary to the provisions of this Act, wages of any employee have been delayed or withheld, such employee himself or through any other persons, whom he may authorise in this behalf, may within six months from the day on which such payment was to be made, apply to the Authority under sub-section (1):

Provided that an application may be admitted after the said period of six months but not later than nine months, if the applicant satisfies the Authority that he had sufficient cause for not making the application within such period.

(3) When any application under sub-section (2) is entertained, the Authority shall hear the applicant and the employer or other person responsible for the payment of wages or give them an opportunity of being heard and after such further inquiry, if any, as may be necessary, may without prejudice to any other penalty to which such employer or other person is liable under this Act direct that payment be made to the applicant of delayed wages together with the payment of such penalty that may be to the extent of 5% of total amount of wages withheld or delayed without just cause that is to say that no direction for the payment of penalty shall be made in the case of delayed wages if the Authority is satisfied that the delay was due to—

- (a) a *bona fide* error or *bona fide* dispute as to the amount payable to the employee; or
- (b) the occurrence of an emergency, or the existence of such exceptional circumstances that the person responsible for the payment of the wages was unable to make prompt payment; or
- (c) the fault of the employee.

(4) If the Authority hearing any application under this section is satisfied that it was either malicious or vexatious, the Authority may direct that a penalty not exceeding five hundred rupees be paid to the employer or other person responsible for the payment of wages by the person presenting the application.

(5) Any amount directed to be paid under this section may be recovered, –

- (a) if the Authority is a magistrate, by the Authority as if it were a fine imposed by him as magistrate; *and*
- (b) if the Authority is not a magistrate, by any magistrate to whom the Authority makes application in this behalf as if it were a fine imposed by such magistrate.

(6) An appeal against a direction made by the Authority under sub-section (3) or sub-section (4) may be referred to the Labour Court within thirty days of the date on which the direction was made–

- (a) by the employer or other person responsible for the payment of wages under section 11 if the total sum directed to be paid by way of wages and penalty exceeds one thousand rupees; or
- (b) by an employee, if the total amount of wages claimed to have been withheld from him or from the unpaid group to which he belonged, exceeds twenty thousand rupees; or
- (c) by any person directed to pay a penalty under sub-section (4).

**Bar of suits.**

**13.** No Court shall entertain any suit for the recovery of wages in so far as the sum so claimed–

- (a) forms the subject of an application made under sub-section (2) of section 12, which is pending before the Authority appointed under sub-section (1) of that section, or of an appeal under sub-section (6) of the said section; **or**
- (b) has formed the subject of a direction made under sub-section (3) of section 12; **or**
- (c) has been adjudged in any proceedings under section 12 not to be owed to an employee; or
- (d) could have been recovered by an application under section 12.



**Annual leave.**

14. (1) Every employee shall be allowed leave with full wages for a period of fourteen days after continuous employment in an establishment, whether in the same or different capacities, for a period of twelve months.

(2) If an employee does not in any period of twelve months, avail of the whole or any part of the leave allowed to him under sub-section (1) —

- (a) any leave not availed of by him shall be added to the leave to be allowed to him under that sub-section in the succeeding period of twelve months; provided that when the total leave due to an employee under this section amounts to thirty days, no further accumulation of or addition to such leave will be permissible; **and**
- (b) He may, at his request, in lieu of the leave not availed of by him, be paid by the employer full wages for such leave,-

for the purposes of computing the period during which an employee has been in continuous employment within the meaning of sub-section (1), the period during which he was on leave under this section, or sections 15 and 16, shall be included.

**Casual and sick leave.**

15. (1) every employee shall be entitled to casual leave with full wages for ten days in a calendar year. Such leave shall not ordinarily be granted for more than three days at a time and shall not be accumulated.

(2) Every employee shall be entitled to sick leave with full wages for a total period of eight days in every year. Such leave, if not availed of by any employee during a calendar year, may be carried forward, but the total accumulation of such leave shall not exceed sixteen days at any one time.

**Festival holidays.**

16. Every employee shall be allowed ten days' festival holidays with full wages in a year. The days and dates for such festival holidays shall be notified to the employees by the employer in the beginning of the calendar year

**Wages during leave**

17. (1) For each day of the leave or holidays allowed to

**or holiday period.**

an employee under sections 14, 15 and 16, he shall be paid at the rate equivalent to the daily average amount, which, during the three months preceding the leave or holidays, was being earned by the employee.

(2) An employee, who has been allowed leave under section 14 for any period not less than four days in the case of an adult and five days in the case of a young person, shall before the leave begins, be paid his wages for the period of the leave allowed.

**Sections 14, 15, 16 and 17 not to apply to certain establishments.**

18. The provisions of sections 14, 15, 16 and 17 shall not apply in relation to employees employed in commercial establishments as defined in clause (b) of section 2 of the West Pakistan Industrial and Commercial Employment (Standing Orders) Ordinance, 1968 (Ord. VI of 1968).

**Termination of employment.**

19. (1) For terminating employment of a permanent employee, one month's notice in writing shall be given either by the employer or by the employee and in lieu of notice, one month's wages calculated on the basis of average of wages earned during the preceding three months shall be paid.

(2) No temporary employee, whether monthly rated, weekly rated or daily rated, and no apprentice shall be entitled to any notice or pay in lieu thereof if his services are terminated, but the services of a temporary employee shall not be terminated as a punishment unless he has been given an opportunity of explaining the charges levelled against him.

**Prohibition of employment of children.**

20. No child shall be required or allowed to work in any establishment.

**Protection against discrimination.**

21. No job-seeker in any lawful occupation or employment and no employee in respect his employment or occupation shall be treated with any distinction, exclusion or preference made on the basis of race, colour, sex, religion, political opinion, national extraction or social origin, which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation:

Provided that any discrimination if reported to the Inspector shall after investigation and holding inquiry as



he may deem necessary shall be liable to prosecution in the court of competent jurisdiction:

Provided further that the employer on conviction shall be fined for an amount that may extend to rupees five thousand.

**Job appraisal scheme.**

**22.** In order to give effect to the principle of equal remuneration for work of equal value in respect of male and female employee of an establishment or undertaking covered under this Act, every industry or establishment or undertaking so covered shall introduce a well-designed job evaluation scheme from the date as will be notified by the Government in the Official Gazette:

**Washing facilities.**

**23. (1) In every establishment- (a) adequate and suitable washing facilities and toilets shall be provided and maintained for the use of the workers therein; (b) separate and adequately screened facilities and toilets shall be provided for the use of male and female workers; and (c) such facilities and toilets shall be conveniently accessible and shall be kept clean.**

**(2) The washing facilities and toilets shall be established, managed and conformed to such standards, as may be prescribed.**

**Removal of difficulties.**

**24.** If any difficulty arises, in giving effect to any provisions of this Act, Government may, by notification in the official gazette, make such order, not inconsistent with the provisions of this Act, as may appear to it to be necessary for the purpose of removing the difficulty.

**Contracting out.**

**25.** Any contract or agreement, whether made before or after the commencement of this Act, whereby an employee relinquished any right conferred by this Act shall be null and void in so far as it purports to deprive him of such right.

**Guarding of machinery.**

**26.** In every industrial establishment, all mechanically or electrically propelled machinery shall be guarded in the prescribed manner.



**Maintenance of records and registers.**

27. Every employer shall, for the purpose of this Act, maintain such records and registers and furnish such information as may be prescribed.

**Registration of establishment and fee for registration.**

28. (1) Every establishment, other than a one-man shop, as hereinafter defined, and factories employing clerical staff within the factory premises, shall be registered with the Deputy Chief Inspector for the area within which such establishment is situated.

(2) An application for registration of an establishment shall be made by the employer in Form A' and shall be accompanied by a Treasury Challan under Head XXXVI Miscellaneous Departments G Miscellaneous (S) Receipts under the Balochistan Shops and Establishments Act, 2016 for an amount of

(a) Rs. 200/ in the case of an establishment employing 1 to 5 workers;

(b) Rs. 400/ in the case of an establishment employing 6 to 10 workers;

(c) Rs. 600/ in the case of an establishment employing 11 to 20 workers;

(d) Rs. 1000/ in the case of an establishment and

(e) employing more than 20 workers;

*Explanation.* For the purposes of this section, "one man shop" means a shop run by an employer or by any member of his family without engaging an employee.

(3) An application for registration of an establishment shall be made—

(a) in the case of an establishment existing at the time this Act comes into force, within three months thereof; and

(b) in the case of an establishment set up after the coming into force of this Act or to which the provisions of this Act are subsequently applied, within two months of the setting up of the establishment or the application



of this Act thereto, as the case may be.

(4) On receipt of the application ~~and the fees specified in sub-section (2)~~, the Deputy Chief Inspector shall, on being satisfied about the correctness of the application register the establishment in the Register of Establishments to be maintained in Form 'B' and shall issue a registration certificate to the employer in Form 'C'.

(5) The registration certificate shall be prominently displayed by the employer at the establishment and shall be renewed after every two years ~~on depositing fee as prescribed in sub-section (2)~~.

**Appointment of  
Chief Inspector,  
Deputy Chief  
Inspectors and  
Inspectors.**

29. (1) Government may, by notification in the official Gazette, appoint—

- (a) a Chief Inspector of Shops for the whole of the Province;
- (b) Deputy Chief Inspectors of Shops for such areas as may be notified; *and*
- (c) such person or class of persons as it thinks fit to be Inspectors for the purposes of this Act within such local limits as may be specified by the Chief Inspector of Shops.

(2) The Chief Inspector of Shops and the Deputy Chief Inspectors of Shops—

- (a) shall supervise the work of Inspectors appointed under clause (c) of sub-section (1) in such manner as may be prescribed; *and*
- (b) may exercise all or any of the powers of an Inspector.

(3) The Chief Inspector of Shops, Deputy Chief Inspectors of Shops and Inspectors appointed under sub-section (1) shall be deemed to be public servants within the meaning of section 21 of the Pakistan Penal Code (XLV of 1860).

**Powers of  
Inspectors.**

30. An Inspector appointed under section 28 ~~29~~ may, for the purposes of this Act and within the local limits for

which he is appointed, at all reasonable times enter into any place which is, or which he has reason to believe is, an establishment, with such assistants, if any being persons in the service of Government, and make such examination of that place or of any prescribed record, register, or other documents maintained therein, and may require such explanation of any prescribed record, register or other documents and do all such things as he considers necessary for the purpose of this Act.

#### **Penalties.**

**31.** (1) If any employer, with intent to deceive, makes or causes or allows to be made in any register, record or notice required to be maintained under the provisions of this Act or the rules made thereunder, any entry, or wilfully omits or causes or allows to be omitted from any such register, record or notice, any entry which is required to be made thereunder, or maintains or causes or allows to be maintained more than one set of any such register, record or notice except the office copy of such notice, or sends or causes or allows to be sent to an Inspector any statement, information or notice required to be sent under the proviso of this Act or the rules made thereunder, which to his knowledge is false in any material particulars, he shall, on conviction, be punished with fine which shall not be less than two thousand rupees and which may extend to ten thousand rupees.

(2) Whoever obstructs an inspector in the exercise of any power under section 30, or fails to produce on demand by him any register or any document in his custody or does not provide information asked for by the Inspector with regard to the compliance of any provision of this Act or rules thereunder or prevents any worker appearing before him or from being examined by him, shall be punishable with fine which shall not be less than five thousand rupees but may extend to twenty thousand rupees, and if he is, again, so guilty of the same offense he shall be punishable with imprisonment of either description for a term which may extend to one month, or with fine which may extend to fifty thousand rupees or with both.

(3) Whoever contravenes any of the provisions of section 6, 7, 19 or 20 shall, on conviction, be punishable with fine which for the first offence may not be less than two thousand rupees and may extend to ten thousand



rupees and for a second or any subsequent offense may extend to twenty thousand rupees or with simple imprisonment which may extend to one month, or with both.

(4) Whoever contravenes any other provisions of this Act shall, on conviction, be punishable with fine which for the first offence may extend to rupees two thousand, and for a second or any subsequent offence to rupees twelve thousand rupees or with simple imprisonment which may extend to three months, or with both.

**Procedure.**

**32.** (1) No prosecution under this Act or any rules made thereunder shall be instituted except by or with the previous sanction of an Inspector, or other officer or authority specially empowered by Government in this behalf.

(2) No Court inferior to that of a magistrate of the first class shall try an offence punishable under this Act or any rule made thereunder.

**Limitation of prosecutions.**

**33.** No Court shall take cognizance of any offence punishable under this Act or any rule made thereunder unless complaint thereof is made within three months from the date on which the alleged commission of the offence comes to the knowledge of an Inspector.

**Indemnity.**

**34.** No suit, prosecution or legal proceedings shall lie against any person in respect of anything done in good faith under this Ordinance or the rules thereunder.

**Delegation of powers.**

**35.** Government may, by notification in the official Gazette, delegate all or any of its powers under this Act or the rules thereunder to any subordinate authority or agency as may be considered expedient by it.

**Power to make rules.**

**36.** (1) Government may, by notification in the official Gazette, make rules within a year for carrying out the purposes of this Act.

(2) In making rules under this section, Government may direct that any person committing breach thereof shall, on conviction, be punishable with fine which may extend to two thousand rupees, and where the breach is a continuing one, with a further fine which may extend to five thousand for every day, after the first, during which

the breach continues.

**(3) The Government may also make rules,-**

- a) requiring reservation of a suitable day care room for the use of workers' children under the age of six years, and**
- b) prescribing the standards for establishment of such day care rooms, linking these with the minimum number of workers in the establishment, and the nature of the supervision to be exercised over the children therein.**

**Saving of certain rights and privileges.**

**37.** Nothing in this Act shall affect any right or privilege to which an employee is entitled on the date of the commencement of this Act under any law for the time being in force or under any award, agreement, settlement, contract, custom or usage which is in force on that date, if such right or privilege is more favourable to him than any right or privilege conferred upon him by this Act.

**Repeal.**

**38.** (1) The W.P. Shops and Establishment Ordinance 1969 (No. VIII of 1969) in its application to the Province of Balochistan, is hereby repealed.

(2) Notwithstanding the aforesaid repeal, anything done, action taken, rules made, and notification or order issued under the said Act, shall, so far as it is not in consistent with the provisions of this Act, be deemed to have been done; taken, made or issued, under this Act, and shall have effect accordingly.



**SCHEDULE**  
**[ Sub-Section (2) of Section 27]**  
**FORM 'A'**  
**Application Form.**

1. Name of the establishment, if any.
2. Postal address of the establishment.
3. Full name of the employer (including his father's name).
4. Full name of the Manager, if any (including his father's name).
5. Category of the establishment, *i.e.*, whether a shop, industrial establishment, commercial establishment, residential hotel, restaurant, eating house, theatre or other place of public amusement or entertainment.
6. Total number of employees (state separately the number of men, women and/or young persons, if any).
7. Date on which the establishment commenced its work.
8. I hereby declare that the details given above are correct to the best of my knowledge.

*Dated*

*Signature of the employer*

**Note-** This statement shall be sent to the Deputy Chief Inspector of the area concerned with such fees as are prescribed in section 27 (2) of the Balochistan Shops and Establishments Act, 2020.

**FORM "B"**  
**REGISTER OF ESTABLISHMENTS**  
**Sub-section (4) of section 27**

- Part I- Shops  
 Part II- Commercial Establishments  
 Part III- Residential Hotels  
 Part IV- Restaurants and Eating Houses  
 Part V- Theatres and other places of public Amusements or Entertainment

S.No	Registra tion	Name of the				Number of Members of Employer's Family			Number of Other	Total Numb er of Emple yees				
	Certific ate No.	Manager in any	Name of Employer	Posta l Addr ess of the Estab lishm ent	Name of the Business	Mal e	Female	You ng Pers ons	Persons occupying managerial positions and employees engaged in confidential capacity	Adult	Youn g perso ns	Date of Inspe ction	Date of Regis tratio n	Date of Renew al 1

**FORM "C"**  
**REGISTER OF ESTABLISHMENTS**

Name of the establishment, if any  
 Name of the employers  
 Postal address of the establishment  
 Registration No.

It is hereby certified that the establishment as mentioned herein has been registered as a \_\_\_\_\_ under the Balochistan Shops & Establishment Act, 2020.

Chief Inspector of Shops, Balochistan

Date of renewal	From	To	Signature of the Chief Inspector of Shops with Seal
1.			
2.			
3.			

Here insert category of the establishment.



**STATEMENT OF OBJECTS AND REASONS.**

The subject on which this law has been enacted has devolved on the Provinces by virtue of the Constitution (Eighteenth Amendment) Act 2010. The Act is required to be adapted by the Provincial Assembly of Balochistan in terms of clause 6 of Article 270AA of the Constitution. Some other amendments like enhancement of fiscal penalties, opening and closing of shops and establishment, restrictions on employment of children, regulation of employment of adults and young persons, appointment of judicial forum for deciding cases of delayed or withheld wages of employees, leave and other benefits for employees etc. to meet the business requirements of the Provinces have also been incorporated in the draft Bill, hence this Bill.

**MINISTER LABOUR & MANPOWER**

بلوچستان صوبائی اسمبلی سیکرٹریٹ

رپورٹ

مجلس قائمہ بر محکمہ صنعت و حرفت، کان کنی و معدنی ترقی، محنت و افرادی قوت۔

بابت

"بلوچستان انڈسٹریل اینڈ کمرشل ایمپلائڈ کا مسودہ قانون صدرہ 2021

(مسودہ قانون نمبر 14 صدرہ 2021)"۔

منجانب:-  
گہرام بگٹی  
چیئر مین مجلس قائمہ۔



## رپورٹ مجلس قائمہ برحکمہ صنعت و حرفت، کان کنی و معدنی ترقی، محنت و افرادی قوت۔

بابت

بلوچستان انڈسٹریل اینڈ کمرشل ایمپلائمنٹ (اسٹینڈنگ آرڈرز) کا مسودہ قانون صدرہ 2021

(مسودہ قانون نمبر 14 صدرہ 2021)

پس منظر:-

مورخہ 26 اپریل 2021ء کی اسمبلی نشست میں مذکورہ مسودہ قانون پیش ہوا۔ جناب اسپیکر نے قواعد انضباط کار بلوچستان صوبائی اسمبلی مجریہ 1974ء کے قاعدہ نمبر 84 کے تحت مجلس ہذا کے سپرد کیا۔ مذکورہ مسودہ قانون پر مجلس کی نشست بروز سوموار مورخہ 24 مئی 2021ء کو صبح 11:00 بجے بلوچستان صوبائی اسمبلی کے کمیٹی روم میں منعقد ہوئی۔

شرکاء مجلس:-

- |  |                 |
|--|-----------------|
| i) جناب گہرام گپٹی، رکن صوبائی اسمبلی      | چیرمین مجلس۔    |
| ii) میر نصیب اللہ مری، رکن صوبائی اسمبلی   | رکن مجلس۔       |
| iii) جناب منگھی شام لعل، رکن صوبائی اسمبلی | رکن مجلس۔       |
| iv) جناب محمد خان لہڑی، صوبائی وزیر        | رکن بلحاظ عہدہ۔ |
| v) جناب زابد علی ریکی، رکن صوبائی اسمبلی   | رکن مجلس۔       |

افسران:-

- |                        |                                       |
|------------------------|---------------------------------------|
| vi) جناب طاہر شاہ کاکڑ | سیکرٹری، اسمبلی۔                      |
| vii) محترمہ ساحرہ عطاء | سیکرٹری، لیبر اینڈ مین پاور۔          |
| viii) جناب عبدالرحمن   | ایڈیشنل سیکرٹری (قانون سازی و مجالس)۔ |
| ix) سید دادمحمد آغا    | ایڈیشنل سیکرٹری (مجالس)۔              |
| x) جناب سعید احمد      | ڈی، جی، لیبر اینڈ مین پاور۔           |
| xi) جناب محمد منزل     | ڈائریکٹر (کوڈ)، محکمہ قانون۔          |
| xii) جناب محمد ظاہر    | ڈپٹی ڈائریکٹر، لیبر اینڈ مین پاور۔    |



## آغاز:-

3- نشست کا آغاز تلاوت کلام پاک سے ہوا جس کی سعادت سیکرٹری اسمبلی، جناب طاہر شاہ کا کڑ نے حاصل کی۔ بعد از تلاوت کلام پاک سیکرٹری اسمبلی نے نشست کا پس منظر بیان کرتے ہوئے کہا کہ مورخہ 26 اپریل کو بلوچستان صوبائی اسمبلی کے منعقدہ اجلاس میں بلوچستان انڈسٹریل اینڈ کمرشل ایسپلائڈ (اسٹینڈنگ آرڈرز) کا مسودہ قانون صدرہ 2021 (مسودہ قانون نمبر 14 صدرہ 2021) مجلس ہذا کے سپرد ہوا اسی مسودہ قانون پر غور و خوض کی بابت آج کی نشست منعقد کی جارہی ہے۔

4- سیکرٹری اسمبلی کی مختصر بریفنگ کے بعد جناب چیئر مین مجلس نے محترمہ ساحرہ عطاء، سیکرٹری محکمہ لیبر اینڈ مین پاور کو دعوت دی کہ وہ مذکورہ مسودہ قانون کی بابت مجلس کو آگاہی دیں۔

5- سیکرٹری لیبر اینڈ مین پاور نے مجلس کو بریف کرتے ہوئے کہا کہ اسلامی جمہوریہ پاکستان کے آئین میں اٹھارویں ترمیم کی روشنی میں صوبائی حکومت نے محنت و مشقت کے قوانین بنانے ہیں اور اس حوالہ سے وفاقی قوانین کو منسوخ کرنا ہے۔ اس قانون کے مطابق صنعتی اور تجارتی اداروں میں کام کرنے والے بلوچستان کے کارکنوں کی سماجی و معاشی حیثیت کو بہتر کرنے کیلئے مسودے میں کچھ مزید ترامیم جیسے مالی سزاؤں میں اضافہ، ملازمت کے حالات میں بہتری، مالی فوائد اور خدمت گزاری کے شرائط و ضوابط، صنعتی مساوات کی دفعات شامل کئے گئے ہیں۔ یہ سب اس مسودہ قانون میں شامل کیا گیا ہے۔

6- سیکرٹری لیبر اینڈ مین پاور کی بریفنگ کے بعد مجلس نے باریک بینی سے مسودہ قانون پر شق وار غور و خوض کرتے ہوئے ایوان میں برائے منظوری پیش کرنے کی سفارش کی۔

نوٹ:- بل میں جن ترامیم کو شامل کرنے کی سفارش کی گئی ہیں ان کو نمایاں طور پر (BOLD) اور انڈر لائن (UNDER LINE) ظاہر کئے گئے ہیں اور جن الفاظ / جملے کو حذف کرنے کی سفارش کی گئی ہیں ان کے اوپر خط کش (OVER LINE) ظاہر کئے گئے ہیں جیسے (Industrial)۔

sd/-  
(گہرام بگٹی)  
چیئر مین مجلس قائمہ۔

کامران جلیل دوتانی



# **BALUCHISTAN PROVINCIAL ASSEMBLY SECRETARIAT.**

## **The Baluchistan Industrial and Commercial Employment (Standing Orders) Bill, 2021 Bill No. 14, of 2021.**

### **A Bill**

*to re-enact the law relating to industrial and commercial employment in the Province of Baluchistan and to re-enact it in accordance with the situation, conditions and requirements of the province.*

#### **Preamble.**

Whereas in pursuance of the 18<sup>th</sup> Constitutional Amendment it is expedient to re-enact the law relating to industrial and commercial employment in the Province of Baluchistan.

It is hereby enacted as follows: -

#### **Short title, extent and commencement.**

1. (1) This Act may be called the Baluchistan Industrial and Commercial Employment (Standing Orders) Act, 2021.

(2) It extends to the whole of Baluchistan.

(3) It shall come into force at once.

(4) It applies to—

(a) all industrial and commercial establishments as well as any other establishment employing 10 or more workers on any day during the preceding twelve months, excluding those who are employed in the managerial or directional capacity with full control on the affairs of the establishment and whose employment conditions are governed by the laws relating to civil servants; *and*

(b) such classes of other industrial and commercial establishments as the Government may, from time to time, by notification in the official Gazette, specify in this behalf:

Provided that nothing in this Act shall apply to Industrial and

Commercial Establishments carried on by or under the authority of the Federal or Provincial Government, where statutory rules of service, conduct or discipline are applicable to the workers employed therein.

**Definitions.**

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

a) **“Act” means the Balochistan Industrial and Commercial Employment (Standing Orders) Act, 2021;**

b) **“collective agreement”** means an agreement in writing intended to specify the conditions of employment, and entered into between one or more employers on the one hand, and one or more trade unions or, where there is no trade union, the duly authorized representatives of workers, on the other, and includes a bilateral agreement or a settlement arrived at between employer or employers on the one hand and the Collective Bargaining Agent on the other, as a result of successful negotiation in an industrial dispute between them and recorded in writing;

**Explanation.—** The terms ‘Collective bargaining agent’, ‘Settlement’, ‘Bilateral agreement’ and ‘Industrial dispute’ carry the same meaning as assigned to them or are construed to be so in the context of the Balochistan Industrial Relations Act, 2010;

c) **“commercial establishment”** means an establishment in which the business of advertising, commission or forwarding is conducted, or which is a commercial agency, and includes a clerical department of a factory or of any industrial or commercial undertaking, the office establishment of a person who for the purpose of fulfilling a contract which the owner of any commercial establishment or industrial establishment employs workers, a unit of a joint stock company, an insurance company, a banking company or a bank, a broker's office or stock-exchange, a club, a hotel, a restaurant or



an eating house, a cinema or theatre, and such other establishment or class thereof, as Government may, by notification in the official Gazette, declare to be a commercial establishment for the purpose of this Act;

**Explanation.**— For the purpose of this Act the office establishment of a non-government organization or a charitable institution or foreign investor or a local investor or a service provider shall be a commercial establishment;

- d) **"construction industry"** means an industry engaged in the construction, reconstruction, maintenance, repair, alteration or demolition of any building, railway, tramway, harbor, dock, pier, canal, inland waterway, road, tunnel, bridge, dam, viaduct, sewer, drain, water work, well, telegraphic or telephonic installation, electrical undertaking, gas work, or other work of construction as well as the preparation for, or laying the foundations of, any such work or structure;
- e) **"employer"** means the owner of an industrial or commercial establishment to which this Act for the time being applies, and includes —
- i. in a factory, any person named under clause (e) of sub-section (1) of section 9 of the Factories Act, 1934, as manager of the factory;
  - ii. in any industrial establishment under the control of any department of the Federal or any Provincial Government, the authority appointed by such Government in this behalf, or where no such authority is so appointed, the head of the department; *and*
  - iii. in any other industrial or commercial establishment, any person responsible to the owner for the supervision and control of such establishment;
- f) **"go-slow"** means an organized, deliberate

and purposeful slowing down of normal output or work by a body of workers in a concerted manner and which is not due to any mechanical defect, break-down of machinery, failure or defect in power supply, or in the supply of normal materials and spare parts of machinery;

- g) **"Government"** means the Government of Balochistan;
- h) **"industrial establishment"** means—
  - i. An industrial establishment as defined in clause (ii) of section 2 of the Payment of Wages Act, 1936 (IV of 1936); or
  - ii. a factory as defined in clause (j) of section 2 of the Factories Act 1934 (XXV of 1934); or
  - iii. a railway as defined in clause (4) of section 3 of the Railways Act, 1890 (IX of 1890); or
  - iv. the establishment of a contractor who, directly or indirectly, employs workers in connection with the execution of a contract to which he is a party, and includes the premises in which, or the site at which, any process connected with such execution is carried on;  
  
Explanation.— "Contractor" includes a Sub-Contractor, Headman or Agent; or
  - v. the establishment of a person who, directly or indirectly, employs workers in connection with any construction industry;
- i) **"Standing Orders"** means the orders contained in the Schedule, read with such modifications, if any, as may be made in pursuance of the provisions of section 4;
- j) **"trade union"** means a trade union for the time being registered under the Balochistan



- k) **"worker"** means any person employed in any industrial or commercial establishment to do any skilled or unskilled, manual or electrical work or work that involves any expertise or specialized or technical knowledge or work of the same or similar nature for hire or reward.
- l) **"discrimination" means any distinction, exclusion or preference made on the basis of sex, religion, gender, caste, ethnic background, race, colour, creed, sect, age, language, marital status, pregnancy and maternity, disability, trade union membership, political opinion, residence or place of birth, which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation.**
- m) **"victimization" means any act or omission by the employer or a person acting on behalf of the employer that affects, to the worker's detriment, a worker with respect to any term or condition of their employment.**

**Enforcement of standing order.**

3. In every industrial or commercial establishment, conditions of the employment of workers and other incidental matters shall, subject to the other provisions of this Act, be regulated in accordance with the Standing Orders.

**Modification of standing order.**

4. The Standing Orders may be modified by means of a collective agreement and not otherwise:

Provided that no such agreement shall have the effect of taking away or diminishing any right or benefit available to the workers under the provisions of the Schedule.

**Posting of standing order.**

5. The text of the Standing Orders shall be prominently posted and kept in a legible condition

by the employer in English and Urdu, and in the language understood by the majority of his workers on special boards to be maintained for the purpose at or near the entrance through which the majority of the workers enter the industrial or commercial establishment and in all departments thereof where the workers are employed:

Provided that the employer as a part of his legal obligation may also introduce to keep the workers informed of their rights and obligations under the law and every development in his establishment that concerns workers through an electronic information system.

### **Inspectors.**

6. (1) The Inspectors of Mines appointed under section 4 of the Mines Act, 1923 (IV of 1923), the Inspectors appointed under section-10 of the Factories Act, 1934 (Act No. XXV of 1934) and such other persons, not being Conciliators appointed under the Balochistan Industrial Relation Act 2010 (Act No. XIII of 2010) as Government may, by notification in the official Gazette, appoint, shall be the Inspectors for the purposes of this Act within the local limits assigned to each.

(2) An Inspector may at all reasonable hours enter alone or along with any other persons in the service of the Government including a police officer, if need so arises for the sake of assistance if he apprehends any obstruction, on any premises and make such examination of any register or document relating to the maintenance or enforcement of the Standing Orders and take on the spot or otherwise such evidence of any person, and exercise such other powers of inspection, as he may deem necessary for carrying out the purposes of this Act.

(3) Every Inspector shall be deemed to be a public servant within the meaning of the Pakistan Penal Code (XLV of 1860).

### **Penalties and procedure.**

7. (1) An employer who modifies the Standing Orders as applicable to his industrial or commercial establishment, otherwise than in accordance with section 4, shall be punishable with fine which may extend to two hundred



thousand rupees with minimum fine not less than one hundred thousand rupees and in the case of a continuing offence, with a further fine which may be in the range of one hundred and fifty thousand rupees to two hundred and fifty thousand rupees for every day after the first day during which the offence continues.

(2) An employer who does any act in contravention of the Standing Orders as applicable to his industrial or commercial establishment shall be punishable with fine which may extend to three hundred thousand rupees but not less than one hundred and fifty thousand rupees, and in the case of a continuing offence, with a further fine which may extend to five hundred thousand rupees but not less than two hundred thousand rupees for every day after the first day during which the offence continues.

(3) Whoever contravenes any of the provisions of this Act, shall, if no other penalty is elsewhere provided by or under this Act for such contravention, be punishable with fine which may extend to five thousand rupees.

(4) Whoever, having been convicted of any offence punishable under sub-section (1) (2) or (3), again commits such offence shall, on conviction, be liable to double the punishment prescribed for such offence under the aforesaid sub-sections.

(5) No prosecution for an offence punishable under this Act shall be instituted except by, or with the previous permission in writing of the Inspector.

(6) No Court other than a Labour Court established under the Balochistan Industrial Relations Act 2010 (Act No. XIII of 2010).

#### **Power to exempt.**

8. Government may subject to such conditions as it thinks fit to impose by notification in the official Gazette, exempt any industrial or commercial establishment or class of such establishments from all or any of the provisions of this Act:

Provided that no exemption shall be prejudice to workers' rights and benefits guaranteed under this Act or secured to them under an agreement or award in force.

**Protection to existing conditions of employment.**

9. Nothing in this Act shall affect law, custom usage, award or agreement in force immediately before the promulgation of this Act in so far as such law, custom, usage, award or agreement ensure conditions of employment more favourable to workers than those provided in the Standing Orders.

**Protection against discrimination.**

~~10. No discrimination shall be made on the basis of sex, religion, political affiliation, sect, colour, caste, creed, ethnic background in considering and disposing of issues relating to the enforcement of this Act.~~

**10. The employer shall not, while making recruitment or in any condition of service subsequent to recruitment, exercise any discrimination:**

**Provided that the provisions of this section shall not affect any priority or reservation or quota fixed by any law in the matter of recruitment to the posts in any place of work. Special measures designed to meet the particular requirements of persons who, for reasons such as sex, age, or disablement, are generally recognised to require special protection or assistance, shall not be deemed to be discrimination:**

**Provided further that preference of local residents of the province for employment shall not be deemed as "discrimination":**

**Provided also that the employer shall recruit the local residents of the province in unskilled work.**

**Prohibition of Victimisation.**

**11. The employer shall not victimize a worker for—**



- (a) performing any duty or exercising any right under the relevant statutory provisions;
- (b) making a complaint or representation as regards any rights granted under this Act; and
- (c) giving evidence in proceedings in respect of the enforcement of the relevant statutory provisions.

**Removal of difficulties.**

12. If any difficulty arises, in giving effect to any provisions of this Act, Government may, by notification in the official Gazette, make such order, not inconsistent with the provisions of this Act, as may appear to be necessary for the purpose of removing the difficulty.

**Repeal.**

13. (1) The Industrial and Commercial Employment (Standing Orders) Ordinance, 1968 (No VI of 1968), in its application to the Province of Balochistan, is hereby repealed.

(2) Notwithstanding the aforesaid repeal, anything done, action taken, rule made, and notification or order issued under the said Act, shall, so far as it is not inconsistent with the provisions of this Act, be deemed to have been done; taken, made or issued, under this Act, and shall have effect accordingly.

(3) Any document referring to the repealed Ordinance shall be construed as referring to the corresponding provisions of this Act.

**SCHEDULE  
STANDING ORDERS.**

[See Section-2(h)]

**Classification of workers or workers.**

1. (a) Worker or workers shall be classified as—
  - i) permanent;
  - ii) probationers;
  - iii) badlis;
  - iv) temporary;

- v) apprentices; *and*
- vi) contract workers.

(b) A "**Permanent worker**" is a worker who has been engaged on work of permanent nature likely to last for more than nine months and has satisfactorily completed a probationary period of three months in the same or another occupation in the same industrial or commercial establishment or different establishment under the control and ownership of the same employer, including breaks due to sickness, accident, leave, lock-out, strike (not being an illegal lockout or strike) or in voluntary closure of the establishment; and includes a badly who has been employed for a continues period of three months or for one hundred and eighty three days during any period of twelve consecutive months:

Provided that the employer controlling or owning different establishments may transfer the worker with his consent from one establishment to the other.

- (c) A "**Probationer**" is a worker who is provisionally employed to fill a permanent vacancy in a post and has not completed three months' service therein. If a permanent employee is employed as a probationer in a higher post he may, at any time during the probationary period of three months, be reverted to his old permanent post.
- (d) A "**Badli**" is a worker who is appointed in the post of a permanent worker or probationer, who is temporarily absent.
- (e) A "**Temporary worker**" is a worker who has been engaged for work which is of an essentially temporary nature likely to be finished within a period not exceeding nine months.



(f) An "**Apprentice**" is a person who is an apprentice within the meaning of the Apprenticeship Ordinance, 1962 (LVI of 1962).

(g) A "~~contract worker~~" means a worker who works on contract basis for a specific period less than three months for remuneration to be calculated on piece rate basis and includes a worker who is frequently engaged by the same employer as such:

~~Provided if such worker completes total period of his employment for 365 days, he shall acquire the status of a permanent employee, entitled to the benefits of a permanent worker.~~

**A "Contract Worker" means a worker who works on contract basis for a specific period of not less than three months:**

**Provided that the maximum length of contract including renewals shall not exceed 12 months. On completion of 12 months employment, whether under one contract or multiple simultaneous contracts, such worker shall acquire the status of a permanent worker, and entitled to the benefits of a permanent worker:**

**Provided further that the contracts shall be considered simultaneous if a new contract or renewal of an earlier contract is concluded within two months of the expiry of earlier contract.**

#### **Tickets.**

2. (1) Every worker employed in an industrial or commercial establishment or in construction industry, established as company on permanent footing, shall be given a permanent ticket unless

he is a probationer, abadli, a temporary worker or an apprentice.

(2) Every permanent worker shall be provided with a departmental ticket, showing his number, and shall on being required to do so, show it to any person authorized by the employer to inspect it.

(3) Every badly shall be provided with a badly card, on which shall be entered the days on which he has worked in the establishment, and which shall be surrendered if he obtains permanent employment.

(4) Every temporary worker shall be provided with a temporary ticket which he shall surrender on his discharge.

(5) Every apprentice shall be provided with an apprentice card which shall be surrendered if he obtains permanent employment.

**Terms and condition of service to be given in writing.**

3. Every worker at the time of his appointment, transfer or promotion shall be provided with an order in writing, showing the terms and conditions of his service.

**Publication of working time.**

4. The periods and hours of work for all classes of workers in each shift shall be exhibited in Urdu and in the principal language of workers employed, in the industrial or commercial establishment on notice boards maintained at or near the main entrance of the establishment and at the time-keeper's office, if any.

**Publication of holidays and pay days.**

5. Notice specifying—

a) the days observed by the industrial or commercial establishment as holidays; and

b) pay days shall be posted on the said notice boards.

**Publication of**

6. Notice specifying the rates of wages payable



**wage rates.**

to all classes of workers and for all classes of work shall be displayed on the said notice boards.

**Shift working.**

7. More than one shift may be worked in a department or any section of a department of the industrial or commercial establishment at the discretion of the employer—

If more than one shift is worked, the workers shall be liable to be transferred from one shift to another. No shift working shall be discontinued without one month's notice being given prior to such discontinuance, provided that no such notice shall be necessary if, as a result of the discontinuance of the shift, no permanent employee will be discharged. If as a result of discontinuance of shift working, any permanent workers are to be discharged they shall be discharged having regard to the length of their service in the establishment, those with the shortest term of service being discharged first. If shift working is restarted a week's notice thereof shall be given by posting a notice at the main entrance of the establishment and the time-keeper's office, if any, and the workers, discharged as a result of the discontinuance of the shift, shall, if they present themselves at the time of the restarting of the shift, have preference in being re-employed, having regard to the length of their previous service under the establishment, those with the longest term of service being re-employed first.

**Attendance and late coming.**

8. All workers shall be at work at the establishment at the time fixed and notified under Standing Order 4. Workers attending late shall be liable to the deductions provided for in the Payment of Wages Act, 1936. (Act. No. IV of 1936).

**Leave.**

9. (1) Holidays and leave with pay shall be allowed as hereafter specified —

- (a) Annual holidays, festival holidays, casual leave, sick leave, quarantine leave as provided in Chapter IV-A of the Factories Act, 1934 (Act No. XXV of 1934); and

- (b) Other holidays in accordance with the law, contract, custom and usage

(2) A worker who desires to obtain leave of absence shall apply to the employer, who shall issue orders on the application within a week of its submission or two days prior to the commencement of the leave applied for, whichever is earlier, provided that if the leave applied for is to commence on the date of the application or within three days thereof, the order shall be given on the same day. If the leave asked for is granted, a leave pass shall be issued to the worker. If the leave is refused or postponed, the fact of such postponement or refusal and the reasons therefore shall be recorded in writing in a register to be maintained for the purpose, and if the worker so desires, a copy of the entry in the register shall be supplied to him. If the worker after proceeding on leave desires an extension thereof he shall apply to the employer who shall send a written reply either granting or refusing extension of leave to the worker if his address is available and if such reply is likely to reach him before the expiry of the leave originally granted to him.

**Payment of wages.**

**10.** (1) Any wages, due to the worker but not paid on the usual pay day on account of their being unclaimed, shall be paid by the employer on an unclaimed wages pay day in each week, which shall be notified on the notice boards as aforesaid.

(2) All workers shall be paid wages on a working day before the expiry of the 7<sup>th</sup> day after the last day of the wage period, in respect of which the wages are, payable if the total number of workers employed in the establishment is 1,000 or less or exceeds 1,000 respectively.

**Groups incentive Scheme.**

**11.** (1) In every industrial establishment which is a factory and in which fifty or more workers are employed there shall be introduced from such date as may be specified by the Government, by notification in the official Gazette, a group



incentive scheme to provide incentive for greater production to groups of worker employed in the factory. The scheme shall provide the manner in which the performance of different groups of workers, whether in the same section, shop, Department or shift or in different sections, shops, Departments or shifts, shall be evaluated.

(2) The incentive shall be in the form of additional wages or additional leave with wages or in both such forms to the members of the group of workers whose production exceeds that of the other groups or the average of all the groups. The incentive shall be according to such scales as maybe prescribed and shall be related to the event of the excess production achieved by the group with the best performance.

**Compulsory group insurance.**

12. (1) The employer shall have all the permanent workers employed by him insured against natural death and disability and death and injury arising out of contingencies not covered by the Workmen's Compensation Act, 1923 or the [Provincial Employees Social Security Ordinance, 1965 (Ordinance No. X of 1965)].

(2) The employer shall in all cases be responsible for the payment of the amount of premia and for all administrative arrangements whether carried out by himself for through an insurance company.

(3) The amount for which each worker shall be insured shall not be less than the amount of compensation specified in Schedule IV to the Workmen's Compensation Act, 1923 (Act No. VIII of 1923).

(4) Where the employer fails to have a permanent worker employed by him insured in the manner laid down in clauses (1), (2) and (3) and such worker suffers death or injury arising out of contingencies mentioned in clause (1) the employer shall pay in the case of death, to the heirs of such worker or in the case of injury, to the worker, such sum of money as would have been payable by the insurance company had such

worker been insured.

(5) All claims of a worker or his heirs for recovery of money under clause (4) shall be settled in the same manner as is provided for the determination and recovery of compensation under Workmen's Compensation Act, 1923 (Act No. VIII of 1923).

**Payment of Bonus.**

**13.** (1) Every employer making profit in any year shall pay for that year within three months of the closing of that year to the worker who have been in his employment in that year for a continuous period of not less than ninety days a bonus in addition to the wages payable to such worker.

(2) The amount of the bonus payable shall—

- (a) if the amount of the profit is not less than the aggregate of one month's wages of the workers employed, be not less than the amount of such aggregate subject to the maximum of thirty % of such profit—

**Illustration- I.** If the profit is Rs.1,20,000,00 and the aggregate of one month's wages of the worker is Rs.30,000,00 the amount of the bonus payable shall be not less than the aggregate of one month's wages that is to say, Rs.30,000,00.

**Illustration- II.** If the profit is Rs.30,000,00 and the aggregate of one month's wages of the workers is also Rs.30,000,00, the amount of the bonus payable shall be not less than thirty % of the profit, that is to say, Rs.9,000,000.

- (b) if the amount of the profit is less than the aggregate referred to in paragraph (a), be not less than fifteen % of such profit.



(3) The bonus payable to worker entitled thereto under clause (1) shall bear to his monthly wages the same proportion as the total bonus payable by the employer bears to the aggregate of the wages referred to in paragraph (a) of clause (2) and shall be paid either in cash or in N.I.T. Units of equivalent value at the option of such worker.

(4) Nothing in this section shall be deemed to affect the right of any worker to receive any bonus other than that payable under clause (1) to which he may be entitled in accordance with the terms of his employment or any usage or any settlement or an award of a Labour Court established under the Balochistan Industrial Relations Act, 2010.

**Explanation.** — For the purpose of this section—

- (a) **"N.I.T. Units"** means the Units referred to in the National Investment (Units) Trust Ordinance, 1965.
- (b) **"profit"** means the "net profit as defined in section 87-C of the Companies Act, 1913.
- (c) **"wages"** does not, for the purpose of calculating the bonus payable to a person under clause (1), include the bonus referred to in clause (vi) of section 2 of the payment of Wages Act, 1936(Act No. IV of 1936).

**Stoppage of work.**

**14.** (1) The employer may, at any time, in the event of fire, catastrophe, break-down of machinery or stoppage of power supply, epidemics, civil commotion or other cause beyond his control, stop any section or sections of the establishment, wholly or partially for any period or periods without notice.

(2) In the event of such stoppage during working hours, the workers affected shall be notified by notices put on the notice board in the departments concerned or in the office of the employer, as soon as practicable, when work will be resumed and whether they are to remain or

leave their place of work. The workers shall not ordinarily be required to remain for more than two hours after the commencement of the stoppage. If the period of detention does not exceed one hour, the workers so detained shall not be paid for the period of detention. If the period of detention exceeds one hour, the workers so detained shall be entitled to receive wages for the whole of the time, during which they are detained as a result of the stoppage. In the case of piece-rate workers, the average daily earning for the previous month shall be taken to be the daily wage. Wherever practicable, reasonable notice shall be given of resumption of normal work.

(3) In cases where workers are laid-off on account of failure of plant, a temporary curtailment of production or any stoppage of work for reasons mentioned in clause (1), they shall be paid by the employer an amount equal to one-half of their daily wages during the first fourteen days of lay-off as compensation. When, however, the workers have to be laid-off for an indefinite period beyond the above mentioned fourteen days, their services may be terminated after giving them due notice or pay in lieu thereof.

(4) The employer may in the event of a strike affecting either wholly or partially any section or department of the establishment closed down, either wholly or partially, such section or department and any other section or department affected by such closing down. The fact of such closure shall be notified by notices put on the notice board in the section or department concerned and in the time-keeper's office, if any, as soon as practicable. The workers concerned shall also be notified by a general notice, prior to resumption of work, as to when work will be resumed.

#### **Closure of Establishment.**

15. Notwithstanding anything contained in Standing Order 11, no employer shall terminate employment of fifty % or more than fifty % of the workers or close down the whole of the establishment without prior permission of the Government in this behalf, except in the event of fire, catastrophe, stoppage of power supply,



epidemics or civil commotion:

Provided that workers aggrieved of the order of the Government permitting to close down the establishment or permitting to dispense with the employment of fifty % or more than fifty % of workers may appeal, within a month, to the Labour Court, directly by joint application having a common cause or through collective bargaining agent of the establishment, if any, challenging the said order.

**Explanation. — “Close down”** in this Standing Order includes lay-off of work-men beyond fourteen days where such lay-off results in closure of an establishment but does not include lock-out declared, commenced or continued in accordance with the provisions of the Balochistan Industrial Relations Act, 2010 (Act No. XIII of 2010.)

### **Termination of employment.**

16. (1) For terminating the employment of a permanent worker, for any reason other than misconduct three months' notice shall be given either by the employer or the worker. Three months' wages calculated on the basis of the last month's wages earned by the worker preceding the date of service of the notice will be paid in lieu of notice:

Provided that worker's all dues and arrears standing in his name shall be paid along with his wages in lieu of notice at the time of severing of his employment.

(2) No temporary worker, whether monthly-rated, weekly-rated, daily-rated or piece-rated, and no probationer or BADLI, shall be entitled to any notice if his services are terminated by the employer, nor shall any such worker be required to give any notice or pay wages in lieu thereof to the employer if he leaves employments of his own accord.

(3) The services of a worker shall not be terminated, nor shall a worker be removed, retrenched, discharged or dismissed from service, except by an order in writing which shall

explicitly state the reason for the action taken. In case a worker is aggrieved by the termination of his services or removal, retrenchment, discharge or dismissal, he may take action in accordance with the provisions of the Balochistan Industrial Relations Act 2010, (Act No. XIII of 2010), and thereupon the provisions of said section shall apply as they apply to the redress of an individual grievance:

Provided that in the case of down-sizing of the establishment the employer shall not be required to assign any reason for terminating the services of a worker, but shall pay to the worker a redundancy pay or wages for a period ranging from one year to five years at the rate of the last pay or wages drawn by him depending upon the length of service:

Provided **further** that a worker or worker who has served for a period of three years shall be entitled to redundancy pay equal to one year's wages so as to calculate redundancy pay for higher service at the rate of one year wages for every three-year service, but no workers shall be entitled to redundancy pay beyond five years' service:

Provided **also that** if a worker or worker has to his credit less than three years' service he shall be paid redundancy pay or wages as individually settled between worker and the employer.

(4) Where the services of any worker are terminated, the wages earned by him and other dues, including payment for un-availed leave as defined in clause (1) of Standing Order 9, shall be paid before the expiry of the second working day from the day on which his services are terminated.

(5) The services of permanent or temporary worker shall not be terminated on the ground of misconduct otherwise than in the manner prescribed in Standing Order 15.

**Payment of gratuity.** 17. (1) A worker or a worker shall be entitled an amount of gratuity equal to



two months of his salary or wages calculated on the basis of the wages admissible to him in the last month of service if he is a fixed-rated worker or the highest pay drawn by him during the last 12 months if he is a piece-rated worker], for every completed year of service or any part thereof in excess of six months:

Provided that the amount of gratuity in respect of every permanent employee shall be invested in fixed term account that shall be opened as soon as he joins an employment so that the amount in it grows with time and the same shall become payable at the time of his discharge from service whether he is terminated or he resigns from service:

Provided **further** that where the employer has established a Provident Fund to which the worker is a contributor and the contribution of the employer to which is not less than the contribution made by the worker or workers no such worker shall be entitled to receive the entire amount Standing in his name including his contribution and the contribution made by the employer as well as the profit earned on the entire amount in addition to the amount of gratuity at the time of termination of his service:

Provided **also** that the worker's  $\frac{1}{3}$  amount of gratuity and provident fund will be forfeited if he is dismissed for an act of misconduct and his punishment is upheld by a court of competent jurisdiction.

(2) Where a worker dies while in service of the employer, his dependant shall be paid gratuity in accordance with the provisions of clause (1):

Provided that no payment of gratuity in such cases shall be made otherwise than by a deposit with the Commissioner, who shall proceed with the allocation of the deposit to the dependent of the deceased in accordance with the provisions of section 8 of the Workmen's Compensation Act, 1923 (Act VIII of 1923).

(3) If the employer fails to deposit the amount of the gratuity under clause (1) the dependent of

the deceased may make an application to the Commissioner for the recovery of the amount thereof.

**Explanation.—** "Commissioner" and "Dependent" in this Standing Order shall have the same meanings as are respectively assigned to them in the Workmen's Compensation Act, 1923 (Act VIII of 1923).

**Procedure of retrenchment.**

18. Where any worker is to be retrenched and he belongs to a particular category of workers, the employer shall retrench the worker who is the last person employed in that category.

**Re-employment of retrenched workers.**

19. Where any number of workers are retrenched and the employer proposes to take into his employ any person within a period of one year from the date of such retrenchment, he shall give an opportunity to the retrenched workers belonging to the category concerned, by sending a notice by registered post to their last known addresses to offer themselves for re-employment, and they shall have preference over other persons each having priority according to the length of his service under the employer:

Provided that in the case of a seasonal factory within the meaning of section 4 of the Factories Act, 1934 (Act No. XXV of 1934), a worker who was retrenched in one season and reports for duty within ten days of the resumption of work in the factory in the immediately following season he shall be given preference for employment by the employer:

Provided further that in the case of such a seasonal factory, the employer may by sending notice by registered post to the last known address of a worker who was retrenched in one season required him to report on a day specified in the notice, not being earlier than ten days before resumption of work in such factory, and if such worker so reports he shall be given preference for employment and paid full wages from the day he reports.



**Special provision  
for construction  
workers.**

20. Where any worker is retrenched or discharged by a contractor or any employer engaged in the construction industry due to completion, cessation or discontinuance of work, he shall be given preference for employment in any other similar work undertaken by the contractor or employer within a period of one year from the date of such retrenchment or discharge:

Provided that where a worker is re-employed within one month of his retrenchment or discharge, he shall be deemed to have been in continuous service of the contractor or employer notwithstanding the interruption caused by his retrenchment or discharge but no wages shall be paid to him for the period of interruption.

**Punishments.**

21. (1) A worker may be reprimanded or fined in the manner prescribed under the Payment of Wages Act, 1936 (Act No. VI of 1936), up to three hundred rupees' deductible from wages payable to him in a month, for any of the following acts or omissions, namely: —

- a) in cases where the Payment of Wages Act, 1936 (Act No. IV of 1936), is applicable, the list of acts and omissions for which fine may be levied shall be same as approved by the Chief Inspector of Factories or any other officer concerned.
- b) in other cases, the following shall be the list of acts and omissions: —
  - i. disregard or disobedience of rules or orders;
  - ii. improper behavior, such as drunkenness due to use of drugs or any intoxicants;
  - iii. making false or misleading statements; *and*
  - iv. inefficient, dilatory, careless or wasteful working; malingering.

(2) A worker found guilty of misconduct shall

be liable to any of the following punishments: —

- a) fine in the manner prescribed under the Payment of Wages Act, 1936 (Act No. IV of 1936), up to three hundred rupees' deductible from wages payable to him in a month; or
- b) withholding of increment or promotion for a specified period not exceeding one year; or
- c) reduction to a lower post; or
- d) removal from service other than for acts of gross misconduct.

(3) The following acts and omissions shall be treated as misconduct —

- a) willful insubordination or disobedience, whether alone or in combination with others, to any lawful and reasonable order of a superior;
- b) theft, fraud, or dishonesty in connection with the employer's business or property;
- c) willful damage to or loss of employer's goods or property;
- d) taking or giving bribes or any illegal gratification;
- e) habitual absence without leave or absence without leave for more than ten days;
- f) habitual late attendance;
- g) habitual breach of any law applicable to the establishment;
- h) riotous or disorderly behavior during working hours at the establishment or any act subversive of discipline;
- i) habitual negligence or neglect of work;



- j) frequent repetition of any act or omission referred to in clause (1);
- k) striking work or inciting others to strike in contravention of the provisions of any law, or rule having the force of law; *and*
- l) habitual go-slow and poor quality of production otherwise than under the influence of trade union or part of trade union activity.

(4) No order of dismissal shall be made unless the worker concerned is informed in writing of the alleged gross misconduct within a week of the date of such misconduct or of the date on which the alleged misconduct comes to the notice of the employer and is given an opportunity to explain the circumstances alleged against him. The approval of the employer shall be required in every case of dismissal and the employer shall institute independent inquiries before dealing with charges against a worker:

Provided that the worker proceeded against may, if he so desires for his assistance in the enquiry, nominate any workers employed in that establishment and the employer shall allow the worker so nominated to be present in the enquiry to assist the worker proceeded against and shall not deduct his wages if the enquiry is held during his duty hours.

(5) Where, for the purpose of conducting an enquiry into the alleged misconduct of a worker, the employer considers it necessary, he may suspend the worker concerned for a period not exceeding four days at a time so however, that the total period of such suspension shall not exceed four weeks except the matter is pending before an Arbitrator, a Labour Court, Tribunal or Conciliator for the grant of permission under section-47 of the Balochistan Industrial Relations Act, 2010. The order of suspension shall be in writing and may take effect immediately on delivery to the worker. During the period of suspension, the worker concerned shall be paid by the employer the same wages as he would



have received if he had not been suspended.

**Eviction from  
residential  
accommodation.**

**22.** (1) Notwithstanding the provisions of any law for the time being in force, including those of the Urban Rent Restriction Ordinance, 1959 (VI of 1959), a worker occupying residential accommodation provided by his employer, who has resigned or retired, or has been retrenched, discharged or dismissed, or whose services have been terminated, shall vacate such accommodation within a period of four months from the date of his retrenchment, dismissal or termination of services, as the case may be; provided that in case of reinstatement of the worker, the employer shall be bound to provide him with similar residential accommodation from the date of such reinstatement or pay him per mensem, an allowance in lieu thereof at the rate of three times the wages of the last full working day.

(2) If a worker, who has been retrenched, discharged or dismissed, or whose services have been terminated, fails to vacate any residential premises provided by the employer, within the period specified in clause (1) the employer may lodge a complaint with a Magistrate of the first class having jurisdiction in the area where such residential accommodation is located.

(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 premises.

(4) Where a Magistrate passes an order for the eviction of a worker, he may also pass an order directing a police officer to evict such worker and any other person occupying through such worker the residential accommodation in respect of which the order of eviction is made if the worker or such other person fails to vacate the accommodation within the time allowed under clause (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 on such premises, and shall allow at least two hours, time to the occupants to vacate the premises and shall give all reasonable facilities to the children and female occupants, if any, to withdraw therefrom before applying any force for taking over possession of such premises.

(6) Where a worker occupying residential accommodation provided to him by the employer dies, the procedure prescribed in this Standing Order shall mutatis mutandis and so far as applicable apply, for evicting any person, who was occupying the premises through such worker, and after his death continues to remain in occupation thereof.

**Certificate of  
Termination of  
Service.**

23. Every permanent worker shall be entitled to a service certificate at the time of his dismissal, discharge, retrenchment or retirement from service.

**Liability of  
employer.**

24. The employer of the industrial and commercial establishment shall personally be held responsible for the proper and faithful observance of the Standing Orders, whether or not the worker of such establishment employed through contractors or service providers:

Provided that no contractor or sub-contractor or service provider shall be absolved of his responsibility in case he has entered into an agreement with the employer for supply of manpower or any number of employees for the purpose of the establishment or undertaking of the employer.

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## **STATEMENT OF OBJECTS AND REASONS**

The subject on which this law has been enacted has devolved on the Provinces by virtue of the Constitution (Eighteenth Amendment) Act 2010. The Act is required to be adapted by the Provincial Assembly of Balochistan in terms of clause 6 of Article 270AA of the Constitution. Some other amendments like enhancement of fiscal penalties, improvement of employment conditions, financial benefits and terms and conditions of service, gender equality provisions etc. have been incorporated in the draft Bill to upgrade the socio-economic status of Baluchistan's workers employed in industrial and commercial concerns, hence, this Bill.

**MINISTER INCHARGE LABOUR & MANPOWER**



بلوچستان صوبائی اسمبلی سیکرٹریٹ

## رپورٹ

مجلس قائمہ بر محکمہ صنعت و حرفت، کان کنی و معدنی ترقی، محنت و افرادی قوت۔

بابت

"بلوچستان فیکٹریوں سے متعلق کا مسودہ قانون صدرہ 2021  
(مسودہ قانون نمبر 15 صدرہ 2021)"۔

منجانب:- گہرام بگٹی  
چیئر مین مجلس قائمہ۔

رپورٹ مجلس قائمہ برحکمہ صنعت و حرفت، کان کنی و معدنی ترقی، محنت و افرادی قوت۔

بابت

"بلوچستان فیکٹریوں سے متعلق کا مسودہ قانون مصدرہ 2021 (مسودہ قانون نمبر 15

مصدرہ 2021)"۔

پس منظر:-

مورخہ 26 اپریل 2021ء کی اسمبلی نشست میں مذکورہ مسودہ قانون پیش ہوا۔ جناب اسپیکر نے قواعد انضباط کار بلوچستان صوبائی اسمبلی مجریہ 1974ء کے قاعدہ نمبر 84 کے تحت مجلس ہذا کے سپرد کیا۔ مذکورہ مسودہ قانون پر مجلس کی نشست بروز سوموار مورخہ 24 مئی 2021ء کو صبح 11:00 بجے بلوچستان صوبائی اسمبلی کے کمیٹی روم میں منعقد ہوئی۔

شرکاء مجلس:-

- |  |                 |
|--|-----------------|
| i) جناب گہرام گہٹی، رکن صوبائی اسمبلی      | چیئر مین مجلس۔  |
| ii) میر نصیب اللہ مری، رکن صوبائی اسمبلی   | رکن مجلس۔       |
| iii) جناب منگھی شام لعل، رکن صوبائی اسمبلی | رکن مجلس۔       |
| iv) جناب محمد خان لہڑی، صوبائی وزیر        | رکن بلحاظ عہدہ۔ |
| v) جناب زابد علی ریکی، رکن صوبائی اسمبلی   | رکن مجلس۔       |

افسران:-

- |                         |                                       |
|-------------------------|---------------------------------------|
| vi) جناب طاہر شاہ کا کڑ | سیکرٹری، اسمبلی۔                      |
| vii) محترمہ ساحرہ عطاء  | سیکرٹری، لیبر اینڈ مین پاور۔          |
| viii) جناب عبدالرحمن    | ایڈیشنل سیکرٹری (قانون سازی و مجالس)۔ |
| ix) سید داد محمد آغا    | ایڈیشنل سیکرٹری (مجالس)۔              |
| x) جناب سعید احمد       | ڈی، جی، لیبر اینڈ مین پاور۔           |
| xi) جناب محمد منزل      | ڈائریکٹر (کوڈ)، محکمہ قانون۔          |
| xii) جناب محمد طاہر     | ڈپٹی ڈائریکٹر، لیبر اینڈ مین پاور۔    |



آغاز:-

3- نشست کا آغاز تلاوت کلام پاک سے ہوا جس کی سعادت سیکرٹری اسمبلی، جناب طاہر شاہ کا کڑ نے حاصل کی۔ بعد از تلاوت کلام پاک سیکرٹری اسمبلی نے نشست کا پس منظر بیان کرتے ہوئے کہا کہ مورخہ 26 اپریل کو بلوچستان صوبائی اسمبلی کے منعقدہ اجلاس میں "بلوچستان فیکٹریوں سے متعلق کا مسودہ قانون مصدرہ 2021" (مسودہ قانون نمبر 15 مصدرہ 2021) مجلس ہذا کے سپرد ہوا اسی مسودہ قانون پر غور و خوض کی بابت آج کی نشست منعقد کی جا رہی ہے۔

4- سیکرٹری اسمبلی کی مختصر بریفنگ کے بعد جناب چیئر مین مجلس نے محترمہ ساحرہ عطاء، سیکرٹری محکمہ لیبر اینڈ مین پاور کو دعوت دی کہ وہ مذکورہ مسودہ قانون کی بابت مجلس کو آگاہی دیں۔

5- سیکرٹری لیبر اینڈ مین پاور نے مجلس کو بریف کرتے ہوئے کہا کہ اسلامی جمہوریہ پاکستان کے آئین میں اٹھارویں ترمیم کی روشنی میں صوبائی حکومت نے محنت و مشقت کے قوانین بنانے ہیں اور اس حوالہ سے وفاقی قوانین کو منسوخ کرنا ہے۔ اس قانون کے مطابق کچھ دیگر تبدیلیاں جن میں جُرمانوں میں اضافہ، پیشہ دارانہ صحت و تحفظ کے معیارات میں بہتری جنسی مساوات، چھٹیوں کے فوائد، بچوں کی مشقت کا خاتمہ جو کہ دستور کے آرٹیکل 11 اور آء ایل او کنونشن 1938، جسکی پاکستان نے توثیق کی ہے، کے علاوہ صوبے کی ضروریات کے مطابق دیگر بہتر دفعات شامل ہے

6- سیکرٹری لیبر اینڈ مین پاور کی بریفنگ کے بعد مجلس نے باریک بینی سے مسودہ قانون پر شق وار غور و خوض کرتے ہوئے ایوان میں برائے منظوری پیش کرنے کی سفارش کی۔

نوٹ:- بل میں جن ترامیم کو شامل کرنے کی سفارش کی گئی ہیں اُن کو نمایاں طور پر (BOLD) اور انڈر لائن (UNDER LINE) ظاہر کئے گئے ہیں اور جن الفاظ / جملے کو حذف کرنے کی سفارش کی گئی ہیں اُن کے اوپر خط کش (OVER LINE) ظاہر کئے گئے ہیں جیسے (Factory)۔

sd/-  
(گہرام بگٹی)  
چیئر مین مجلس قائمہ۔

کامران جلیل دوتانی

# BALUCHISTAN PROVINCIAL ASSEMBLY SECRETARIAT.

## The Baluchistan Factories Bill No. 15, 2021

### A Bill

*to re-enact the existing law relating to the regulation of labour in factories with regard to its application to the province of Baluchistan.*

#### Preamble.

Whereas in pursuance of the Constitution Eighteen Amendment, it is expedient to re-enact the existing law relating to the regulation of labour in factories with regard to its application to the Province of Baluchistan.

It is hereby enacted as follows:-

#### CHAPTER I – Preliminary

#### Short title, extent and commencement.

1. (1) This Act may be called the Baluchistan Factories Act, 2021.
- (2) It shall extend to the whole of Baluchistan.
- (3) It shall come into force at once.

#### Definitions.

2. In this Act, unless there is anything repugnant in the subject or context.
  - (a) **"Act"** means the Baluchistan Factories Act, 2021;
  - (b) **"adolescent"** or **"young person"** means a person who has completed his fourteenth but has not completed his eighteenth year;
  - (c) **"adult"** means a person who has completed his seventeenth year;
  - (d) **"child"** means a person who has not completed his fourteenth year;
  - (e) **"day"** means a period of twenty-four hours beginning at mid-night;
  - (f) **"week"** means a period of seven days beginning at mid-night on Saturday night;
  - (g) **"power"** means electric energy, and any



other form of energy which is mechanically or any other modern device transmitted and is not generated by human or animal agency;

(h) **"manufacturing process"** means any process, -

- (i) for making, altering, repairing, ornamenting, finishing or packing, or otherwise treating any article or substance or words in typed form with a view to its use, transmission, sale, transport, delivery or disposal, or
- (ii) for pumping oil, water or sewage, or any liquid material or
- (iii) for generating, transforming or transmitting power; or
- (iv) composing types for printing, printing letter press, desktop printing, printing by any latest methods or device, lithography, photogravure or other similar process or book binding; or
- (v) constructing, reconstructing, repairing, refitting, finishing or breaking up of ships or vessels; or
- (vi) preserving or storing any article in cold storage;

(i) **"worker"** means a person employed directly or by or through an agency (including a contractor) with or without the knowledge of the principal employer, whether for remuneration/wages or not in any manufacturing process, or in cleaning any part of the machinery or premises or any material device used for a manufacturing process, or in any other kind of work whatsoever, incidental to or connected with the subject of the manufacturing process, or in any other kind of work incidental to,

or connected with, the manufacturing process, or the subject of the manufacturing process and includes any person solely employed in a clerical capacity to perform office work incidental to or connected with the manufacturing process being carried on within the factory premises whether in the same building or in a building structure outside the building premises wherein manufacturing process is carried on;

- (j) "**factory**" means any premises, including the precincts thereof, whereon five or more workers are working, or were working on any day of the preceding twelve months, and in any part of which a manufacturing process is being carried on or is ordinarily carried on with or without the aid of power, but does not include a mine, subject to the operation of the Mines Act, 1923 (IV of 1923):

Provided that if for the purpose of excavations in a mine a mechanical device along with a plant and machines is installed for treatment of material excavated to transform the same into finished products for marketing, the Provincial Government may declare it a factory by Notification published in the official gazette;

- (k) "**Government**" means the Government of Balochistan;
- (l) "**machinery**" includes prime movers, transmission machinery and all other appliances and plants whereby power is generated, transformed, transmitted or applied;
- (m) "**occupier**" of a factory means the person who has ultimate control over the affairs of the factory:

Provided that where the affairs of a factory are entrusted to a managing agent,



such agent shall be deemed to be the occupier of the factory:

Provided further that –

- (i) In the case of a firm or other association of individuals, any one of the individual partners or members thereof shall be deemed to be the occupier;
- (ii) In the case of a company, any one of the directors shall be deemed to be the occupier;
- (iii) In the case of a factory owned or controlled by the Federal Government or the Provincial Government, or any local authority, the person or persons appointed to manage the affairs of the factory by the Federal Government, the Provincial Government or the local authority, as the case may be, shall be deemed to be the occupier:

Provided further that in the case of ship which is being repaired, or on which maintenance work is being carried out, in a day dock which is available for hire—

- (1) the owner of the dock shall be deemed to be the occupier for the purposes of any matter hereinafter provided for by or under the relevant sections;
- (2) the owner of the ship or his agent or master or other officer Incharge of the ship or any person who contracts with such owner or other officer Incharge to carry out the repair or maintenance work shall be deemed to be occupier for the purposes of any matter hereinafter provided for by or under the relevant sections; **and**

- (3) where work of the same kind is carried out by two or more sets of workers working during different periods of the day, each of such sets is called a "relay" and the period or periods for which it works is called a "shift";

(n) "**prescribed**" means prescribed by rules made by the Government under this Act, *and*

(o) "**Rules**" means the rules made under this Act.

**Reference to time of day.**

3. Reference to time of day in this Act are references to Standard Time which is five hours ahead of Greenwich Mean Times:

Provided that for any area, in which Standard Time is ordinarily observed the Government may make rules: -

- a) specifying the area;
- b) defining the local mean time ordinarily observed therein; *and*
- c) permitting such time to be observed in all or any of the factories situated in the area.

**Seasonal factories.**

4. (1) For the purposes of this Act, a factory, which is exclusively engaged in one or more of the following manufacturing processes, namely, cotton ginning, cotton or cotton jute pressing, the decortication of groundnuts, the manufacture of coffee indigo, lac, rubber, sugar (including gur) or tea or any of the aforesaid processes, is a seasonal factory:

Provided that the Provincial Government may, by notification in the Official Gazette, declare any such factory in which manufacturing processes are ordinarily carried on for more than one hundred and eighty working days in the year, not to be a seasonal factory for the purposes of this Act.

(2) The Government may, by notification in the Official Gazette, declare any specified factory in



which manufacturing processes are ordinarily carried on for more than one hundred and eighty working days in the year and cannot be carried on except during particular season or at times dependent on the irregular action of natural forces, to be a seasonal factory for the purposes of this Act

**Power to apply provisions applicable to factories to certain other places.**

5. (1) The Government may, by notification in Official Gazette, declare that all or any of the provisions of this Act applicable to factories shall apply to any place wherein a manufacturing process is being carried on or is ordinarily carried on whether with or without the use of power whenever less than five workers are working therein or have worked therein on any one day of the twelve months immediately preceding or which is capital-intensive and automation is the mode of manufacturing process.

(2) A notification under sub-section (1) may be made in respect of any one such place or in respect of any class of such places or generally in respect of all such places.

(3) Notwithstanding anything contained in clause (j) of section 2, a place to which all or any of the provisions of this Act applicable to factories are for the time being applicable in pursuance of a declaration under sub-section (1) shall, to the extent to which such provisions are so made applicable but not otherwise, deemed to be a factory.

**Power to declare departments to be separate factories.**

6. The Government may, by order in writing, direct that the different departments or branches of a specified factory shall be treated as separate factories for all or any of the purposes of this Act:

Provided that such order shall not be made that may affect the rights of workers guaranteed under any law including this Act.

**Power to exempt on a change in the factory.**

7. When the Government is satisfied that, following upon a change of occupier of a factory or in the manufacturing process carried on therein, the number of workers for the time being working in the factory is less than twenty and is not likely to be



twenty or more on any day during the ensuing twelve months, it may by order in writing exempt such factory from operation of this Act:

Provided that any exemption so granted shall cease to have effect on and after any day on which twenty or more workers work in the factory.

**Power to exempt during public emergency.**

8. In any case of public emergency, the Government may, by notification in the Official Gazette, exempt any factory from any or all of the provisions of this Act for such period as it may think fit:

Provided that if the Government after making detailed inspection or survey of the premises of the factory, on an application made by the occupier, is satisfied that it has established standards and equipment over and above those which this Act has laid down or which has installed highly sophisticated machinery which has applied inbuilt safety devices and is hazards-free and workers' betterment has been par excellence per claim of the occupier, it shall exempt such factory from the application of this Act on terms and conditions that may be laid down for a specific period of time:

Provided **further** that the inspection or survey in this regard shall be conducted by a team of experts and specialists drawn from relevant fields and formed by the Government by an Order notified in the Official Gazette.

**Notice to Inspector before commencement of work and registration of factory.**

9. (1) Before work is begun in any factory after the commencement of this Act, or before work is begun in any seasonal factory each season, the occupier shall send to the Inspector a written notice containing -

- a) the name of the factory and its situation;
- b) the address to which communications relating to the factory should be sent;
- c) the nature of the manufacturing processes to be carried on in the factory;



- d) the nature and amount of the power to be used;
- e) the name of the person who shall be the manager of the factory for the purposes of this Act; *and*
- f) such other particulars as may be prescribed for the purposes of this Act.

(2) Whenever another person is appointed as manager the occupier shall send to the Inspector a written notice of the change, within seven days from the date on which the new manager assumes charge.

(3) During any period for which no person has been designated as manager of a factory under this section, or during which the person designated does not manage the factory, any person found acting as manager or if no such person is found, the occupier himself, shall be deemed to be the manager of the factory for the purposes of this Act.

(4) The factory manager shall be under obligation to furnish to the Inspector all documents as required under this Act or as prescribed by rules made thereunder including certificate of stability of the building issued by a qualified Engineer or an Architect who are registered with Engineering Council or Council of Architects respectively shall furnish to the Chief Inspector of Factories for registration of the factory defined under section 2, clause (k) of this Act.

(5) On receipt of such application also accompanied by the proof that the prescribed fee has been paid as required under the law, the Chief Inspector of Factory shall depute the Inspector of factory of the area to make such inquiry as necessary to ensure that the documents furnished under sub section (4) are in order.

(6) The factory shall be registered within a period of sixty days from the date of making the application if the Chief Inspector of Factories is satisfied that the applicant factory has accomplished all legal formalities.

(7) The registration of every factory as defined in this Act is mandatory. Non- registration of a factory



covered under this Act will be an offence that will include the closure of the factory premises with the permission of the court besides the fine that may be imposed under the Act by the court to which prosecution for non-observance of the requirement of the law has been filed by the Inspector of Factories after making necessary inquiry and inspection.

(8) The registration of the factory will be cancelled by the Chief Inspector of Factories and its name is removed from the Register of registered factories if it is reported to him by the Inspector of the area that the factory no more is in existence or fails to meet the prescribe standards of a registered factory.

(9) If the registration under sub-section (8) is cancelled, the Registration Certificate already issued shall be consigned to record after the same has been procured by the Inspector from the Occupier or Manager as the case may be.

## **CHAPTER II - The Inspecting Staff**

### **Inspectors.**

10. (1) The Government may, by notification in the Official Gazette, appoint such persons as it thinks fit to be Inspectors for the purposes of this Act within such local limits as it may assign to them respectively.

(2) The Government may, by notification as aforesaid, appoint any person to be a Chief Inspector, who shall, in addition to the powers conferred on a Chief Inspector under this Act, exercise the powers of an Inspector throughout the Province.

(3) No person shall be appointed to be an Inspector under sub-section (1) or a Chief Inspector under sub-section (2) or having been so appointed shall continue to hold office, who is or becomes directly or indirectly interested in a factory or in any process or business carried on therein or in any patent or machinery connected therewith.

(4) Every Deputy Commissioner or any other officer of his rank, by whatever designation he is called, shall be an Inspector for his district.



(5) The Government may also, by notification as aforesaid, appoint such public officers as it thinks fit to be Additional Inspectors for all or any of the purposes of the Act, within such local limits as it may assign to them respectively.

(6) To any area where there are more Inspectors than one, the Government may by notification as aforesaid declare the powers which such Inspectors shall respectively exercise, and the Inspectors to whom the prescribed notices are to be sent.

(7) Every Chief Inspector and Inspector shall be deemed to be a public servant within the meaning of the Pakistan Penal Code (XLV of 1860) and shall be officially subordinate to such authority as the Government may specify in this behalf.

#### General Powers of Inspector.

11. Subject to any rules made by the Government in this behalf, an Inspector may, within the local limits for which he is appointed—

- a) enter with such assistants (if any), being persons in the service of the state or of any municipal or other public authority, as he thinks fit, any place which is or which he has reason to believe to be, used as a factory or capable of being declared to be a factory under the provisions of section-5;
- b) make such examination of the premises and plant and of any prescribed registers, and take on the spot or otherwise such evidence of persons as he may deem necessary for carrying out the purposes of this Act; *and*
- c) exercise such other powers as may be necessary for carrying out the purposes of this Act:

Provided that no one shall be required under this section to answer any question or give any evidence tending to criminate ~~himself~~ him.

**Special Powers of Inspector  
to Monitor Hazardous  
Occupations and Safety  
Measures.**

12. (1) Subject to the provisions contained in chapter III concerning occupational safety and health, an inspector shall make such examination and investigation as may in any circumstance be necessary for the purpose of maintaining the factory premises in good working order by ensuring that health and safety standards set forth in the aforesaid chapter are fully complied with. In order to initiate legal action for violation of any standard or provision, he shall—

- (a) take such measures and photographs and make such recordings as he considers necessary to substantiate his examination or investigation;
- (b) take samples of any articles or substances in any premises which he has power to enter, and of the atmosphere in or in the vicinity of any such premises;
- (c) in the case of any article or substance found in any premises which he has power to enter, being an article or substance which appears to him to have caused or to be likely to cause danger to health or safety, to cause it to be dismantled or subjected to any process or test, but not so as to damage or destroy it unless this in the circumstances necessary, for the purpose of carrying into effect any of the relevant statutory provisions within the field of responsibility of enforcing authority which appointed him, exercise the power vested in him to perform his functions and duties under this Act;
- (d) in the case of any such article or substance as is mentioned in the preceding paragraph, to take possession of it and detain it for so long as is necessary for all or any of the following purposes, namely,—



- (i) to examine it and do it anything which he has power to do under that paragraph;
  - (ii) to ensure that it is not tampered with before his examination of it is completed; *and*
  - (iii) to ensure that it is available for use as evidence in any proceedings for an offence under any of the relevant statutory provisions.
- (e) to require any person whom, he has reasonable cause to believe to be able to give any information relevant to any examination or investigation as may in any circumstances be necessary for the purpose as aforesaid in clause (c) above to answer (in the absence of persons other than the person nominated by him to be present and any persons whom the Inspector may allow to be present) such questions as the Inspector thinks fit to ask and to sign a declaration of the truth of his answers;
- (f) to require the production of, inspect, and take copies of or of any entry in,—
  - (i) in any books or documents which by virtue of any of the relevant statutory provisions are required to be kept; *and*
  - (ii) any other book or document which it is necessary for him to see for the purposes of any examination or investigation for purposes as aforesaid;
- (g) to require any person to afford him such facilities and assistance with respect to any matters or things within that person's control or in relation to which that person has responsibilities as are necessary to enable the Inspector to

exercise any of the powers conferred on him by this section; **and**

- (h) any other power which is necessary for the purpose as aforesaid in clause-c above.

(2) The Inspector shall exercise the powers conferred on him under sub-section (1) in accordance with procedure as may be prescribed in rules made by the Government under this Act.

#### **Certifying Surgeons.**

13. (1) The Government may appoint such registered medical practitioners as it thinks fit to be certifying surgeons for the purposes of this Act within such local limits as it may assign to them respectively.

(2) A certifying surgeon may authorise any registered medical practitioner to exercise any of his powers under this Act:

Provided that a certificate of fitness for employment granted by such authorised practitioner shall be valid for a period of three months only, unless it is confirmed by the Certifying Surgeon himself after examination of the person concerned.

**Explanation.** — In this section a "registered medical practitioner" means any person registered under any Act of the Federal or Provincial Legislature providing for the maintenance of a register of medical practitioners, and includes, in any area where no such register is maintained, any person declared by the Government by notification in the Official Gazette, to be a registered medical practitioner for the purposes of this section.

### **CHAPTER III – Occupational Safety and Health**

#### **Part-I**

#### **General Provisions**

#### **Responsibilities of the occupier and manufacturers etc., towards OSH standards.**

14. (1) The occupier shall be responsible for strict compliance of Occupational Safety & Health standards so as to say that—

- a) The occupier shall ensure that, so far as is reasonably practicable, the factory



premises, machinery, equipment, processes and the chemical, physical and biological substances and agents under his control are safe and without risk to health;

- b) The occupier shall ensure that when the appropriate measures as prescribed by rules made under this Act for the protection of workers and machinery are brought in place are fully complied with; and
- c) The occupier shall provide, where necessary, adequate protective clothing and protective equipment to prevent, so far as is reasonably practicable, risk of accidents or of adverse effects on health.

(2) In particular, the occupier shall be under continuous obligation to take care of the following matters: -

- a) to provide and maintain factory premises, machinery and equipment, and use work methods, which are as safe and without risk to health as is reasonably practicable;
- b) to give necessary instructions and training, taking account of the functions and capacities of different categories of workers;
- c) to provide adequate supervision of work, of work practices and of application and use of occupational safety and health measures;
- d) to institute organisational arrangements regarding occupational safety and health and the working environment adapted to the size of the undertaking and the nature of its activities;
- e) to provide, without any cost to the worker, adequate personal protective clothing and equipment which are reasonably necessary when hazards

cannot be otherwise prevented or controlled;

- f) to ensure that workplace, particularly with respect to hours of work and rest breaks, does not adversely affect occupational safety and health;
- g) to take all reasonably practicable measures with a view to eliminating excessive physical and mental fatigue;  
*and*
- h) to undertake studies and research or otherwise keep abreast of the scientific and technical knowledge necessary to comply with the foregoing clauses.

(3) Negligence on the part of the occupier in the discharge of his obligation in respect of any of the aforesaid matters will be a criminal offence triable under this Act or any other relevant law of the land.

(4) Suit for damages will lie in the court of competent jurisdiction by any person who suffers physical loss due to the negligence of the occupier within the meaning of sub-section (3) above.

(5) Every person who designs, manufacture, imports or supplies any article for use in any factory shall—

- (a) ensure, so far as is reasonably practicable, that the article is so designed and constructed as to be safe and without risks to the health of the workers when properly used;
- (b) carry out or arrange for the carrying out of such tests and examination as may be considered necessary for the effective implementation of the provisions of clause (a); *and*
- (c) that such steps as may be necessary to ensure that adequate information will be available—
  - (i) in connection with the use of the article in any factory;



cannot be otherwise prevented or controlled;

- f) to ensure that workplace, particularly with respect to hours of work and rest breaks, does not adversely affect occupational safety and health;
- g) to take all reasonably practicable measures with a view to eliminating excessive physical and mental fatigue; *and*
- h) to undertake studies and research or otherwise keep abreast of the scientific and technical knowledge necessary to comply with the foregoing clauses.

(3) Negligence on the part of the occupier in the discharge of his obligation in respect of any of the aforesaid matters will be a criminal offence triable under this Act or any other relevant law of the land.

(4) Suit for damages will lie in the court of competent jurisdiction by any person who suffers physical loss due to the negligence of the occupier within the meaning of sub-section (3) above.

(5) Every person who designs, manufacture, imports or supplies any article for use in any factory shall—

- (a) ensure, so far as is reasonably practicable, that the article is so designed and constructed as to be safe and without risks to the health of the workers when properly used;
- (b) carry out or arrange for the carrying out of such tests and examination as may be considered necessary for the effective implementation of the provisions of clause (a); *and*
- (c) that such steps as may be necessary to ensure that adequate information will be available—
  - (i) in connection with the use of the article in any factory;

- (ii) about the use for which it is designed and tested; and
- (iii) about any condition necessary to ensure that the article, when put to use, will be safe and without risks to the health of the workers:

Provided that where an article is designed or manufactured outside Pakistan, it shall be obligatory on the part of the importer to see—

- (a) that the article conforms to the same standards if such article is manufactured in Pakistan, or
- (b) if the standards adopted in the country outside for the manufacture of such article is above the standards adopted in Pakistan, that the article conforms to such standards.

(6) Every person, who undertakes to design or manufacture any article for use in factory, may carry out or arrange for the carrying out of necessary research with a view to the discovery and, so far as is reasonably practicable, the elimination or minimization of any risks to the health or safety of the workers to which the design or article may give rise.

(7) If risk or danger or loss is caused to worker or any person who happens to be in the factory premises or anywhere within the range or influence or within the vicinity of the factory, for any fault or discrepancy in the machinery or any installation, the occupier and manager of the factory shall be responsible to make out the loss and pay compensation or damages to the person affected or his heir or dependents in accordance with the law of the land in case the person dies as a result of any disaster due to the said fault or discrepancy regardless of the fact that the same is attributed to the design or manufacture or poor installation or bad engineering.

#### **Cleanliness.**

15. (1) Every factory shall be kept clean and free from effluvia arising from any drain, privy or other nuisance, and in particular—



- (a) accumulation of dirt and refuse shall be removed daily by sweeping or by any other effective method from the floors and benches of work-rooms and from staircases and disposed of in a suitable manner;
- (b) the floor of every work-room shall be cleaned at least once in every week by washing, using disinfectant where necessary or by some other effective method;
- (c) where the floor is liable to become wet in the course of any manufacturing process to such extent as is capable of being drained, effective means of drainage shall be provided and maintained;
- (d) all inside walls and partitions, all ceilings, or tops of rooms and walls, sides and tops of passages and staircases shall—
  - (i) where they are painted or varnished, be repainted or re-varnished at least once in every three years;
  - (ii) where they are painted or varnished and have smooth impervious surfaces, be cleaned at least once in every twelve months, by such methods as may be prescribed;
  - (iii) in any other case, kept whitewashed or colour washed and the whitewashing or colour washing shall be carried out at least once in every fourteen months; *and*
- (e) the dates on which the processes required by clause (d) are carried out shall be entered in the prescribed register.

(2) If, in view of the nature of the operations carried on in a factory it is not possible for the occupier to comply with all or any of the provisions of sub-section (1), the Government may, by an order, exempt such factory or class or description of factories from any of the

provisions of that sub-section and specify alternative methods for keeping the factory in a clean state.

**Disposal of wastes and effluents.**

16. (1) Effective arrangements shall be made in every factory for the disposal of wastes and effluents due to the manufacturing process carried on therein.

(2) The Government may make rules prescribing the arrangements to be made under sub-section (1) or requiring that the arrangements made in accordance with that sub-section shall be subject to the approval of such authority as may be prescribed.

**Ventilation and temperature.-**

17. (1) Effective and suitable provisions shall be made in every factory for securing and maintaining in every work-room—

- a) adequate ventilation by the circulation of fresh air, *and*
- b) such temperature as will secure to workers therein reasonable conditions of comfort and prevent injury to health, and in particular—
  - (i) the walls and roofs shall be of such material and so designed that such temperature shall not be exceeded but kept as low as practicable; *and*
  - (ii) where the nature of the work carried on in the factory involves, or is likely to involve, the production of excessively high temperature, such adequate measures as are practicable shall be taken to protect the workers therefrom by separating the process which produces such temperature from the work-room by insulating the hot parts or by other effective means.

(2) The Government may prescribe a standard of adequate ventilation and reasonable temperature for any factory or class or description of factories or parts thereof and direct that a thermometer shall be provided and maintained in such place and position as may be specified.



(3) If it appears to the Government that in any factory or class or description of factories excessively high temperature can be reduced by such methods as whitewashing, spraying or insulating and screening outside walls or roofs or windows, or by raising the level of the roof, or by insulating the roof either by an air space and double roof or by the use of insulating roof materials, or by other methods, it may prescribe such of these or other methods to be adopted in the factory.

#### **Dust and fume.**

18. (1) In every factory in which, by reason of the manufacturing process carried on, there is given off any dust or fume or other impurity of such a nature and to such an extent as is likely to be injurious or offensive to the workers employed therein, effective measures shall be taken to prevent its accumulation in any work-room and its inhalation by workers and if any exhaust appliance is necessary for this purpose, it shall be applied as near as possible to the point of origin of the dust, fume or other impurity, and such point shall be enclosed so far as possible.

(2) In any factory no stationary internal combustion engine shall be operated unless the exhaust is conducted into open air and exhaust pipes are insulated to prevent scalding and radiation heat, and no internal combustion engine shall be operated in any room unless effective measures have been taken to prevent such accumulation of fumes therefrom as are likely to be injurious to the workers employed in the work-room.

#### **Artificial humidification.**

19. (1) The Government may, in respect of all factories in which humidity of the air is artificially increased, make rules –

- a) prescribing standards of humidification;
- b) regulating the methods used for artificially increasing the humidity of the air;
- c) directing prescribed tests for determining the humidity of the air to be correctly carried out and recorded, *and*
- d) prescribing methods to be adopted for

securing adequate ventilation and cooling of the air in the work-rooms.

(2) In any factory in which the humidity of the air is artificially increased, the water used for the purpose shall be taken from a public supply, or other source of drinking water, or shall be effectively purified before it is so used.

(3) If it appears to an Inspector that the water used in a factory for increasing humidity which is required to be effectively purified under sub-section (2) is not effectively purified, he may serve on the Manager of the factory an order in writing specifying the measures which, in his opinion, should be adopted, and requiring them to be carried out before a specified date.

### **Overcrowding.**

20. (1) No work-room in any factory shall be overcrowded to an extent injurious to the health of the workers employed therein.

(2) Without prejudice to the generality of the provisions of sub-section (1) there shall be provided for every worker employed in a work-room at least seven hundred cubic feet of space in the case of a new factory:

Provided that the Government in the case existing factory may permit reasonably reduced space but not less than five hundred cubic feet.

**Explanation.**— For the purpose of this sub-section no account shall be taken of a space which is more than fourteen feet above the level of the floor of the room.

(3) If the Chief Inspector by order in writing so requires, there shall be posted in each work-room of a factory a notice specifying the maximum number of workers who may in compliance with the provisions of this section be employed in the room.

(4) The Chief Inspector may, by order in writing, exempt, subject to such conditions as he may think fit to impose, any work-room from the provisions of this section if he is satisfied that compliance therewith in respect of such room is not necessary for the purpose of health of the workers employed therein.

### **Lighting.**

21. (1) In every part of a factory where workers are



working or passing, there shall be provided and maintained—

- a) sufficient and suitable lighting, natural or artificial, or both; *and*
- b) emergency lighting of special points in work-room and passages to function automatically in case of a failure of the ordinary electric system.

(2) In every factory all glazed windows and sky-lights used for the lighting of the work-room shall be kept clean on both the outer and inner surfaces and free from obstruction as far as possible under the rules framed under sub-section (3) of section 17.

(3) In every factory effective provisions shall, so far as is practicable, be made for the prevention of, -

- a) glare either directly from any source of light or by reflection from a smooth or polished surface; *and*
- b) the formation of shadows to such an extent as to cause eye strain or risk of accident to any worker.

(4) The Government may prescribe standards of sufficient and suitable lighting for factories or for any class or description of factories or for any manufacturing process.

### **Drinking Water.**

22. (1) In every factory effective arrangements shall be made to provide and maintain at suitable points, legibly marked "Drinking Water" that shall be conveniently situated for all workers employed therein a sufficient supply of whole-some drinking water.

(2) No such point shall be situated within twenty feet of any washing place, urinal or latrine.

(3) In every factory wherein more than two hundred and fifty workers are ordinarily employed, provision shall be made for cooling the drinking water during the hot weather by effective means and for distribution thereof and arrangements shall also be made for—

- a) the daily renewal of water if not laid on *and*
- b) a sufficient number of cups or other drinking vessels, unless the water is being delivered in an upward jet.

(4) The Government may, in respect of all factories or any class or description of factories, make rules for securing compliance with the provisions of this section.

#### **Latrines and urinals.**

23. (1) In every factory -

- a) sufficient latrines and urinals of prescribed types shall be provided conveniently situated and accessible to workers at all times while they are in the factory;
- b) enclosed latrines and urinals shall be provided separately for male and female workers;
- c) such latrines and urinals shall be adequately lighted and ventilated and no latrine and urinal shall, unless specially exempted in writing by the Chief Inspector, communicate with any workroom except through an intervening open space or ventilated passage;
- d) all such latrines and urinals shall be maintained in a clean and sanitary condition at all times with suitable detergents or disinfectants or with both;
- e) the floors and internal walls of the latrines and urinals and the sanitary blocks shall, up to a height of three feet, be finished to provide a smooth polished impervious surface; *and*
- f) washing facilities shall be provided near every sanitary convenience.

(2) The Government may prescribe the number of latrines and urinals to be provided in any factory in proportion to the number of male and female workers



ordinarily employed therein and such further matters in respect of sanitation in the factories as it may deem fit.

### **Spittoons.**

24. (1) In every factory there shall be provided, at convenient places, a sufficient number of spittoons which shall be maintained in a clean and hygienic condition.

(2) The Government may make rules prescribing the type and the number of spittoons to be provided and their location in any factory and such further matters as may be deemed necessary relating to their maintenance in a clean and hygienic condition.

(3) No person shall spit within the premises of a factory except in the spittoons provided for the purpose. A Notice containing this provision and the penalty for its violation shall be prominently displayed at suitable places in the premises.

(4) Whosoever spits in contravention of sub-section (3) shall be punishable with a fine of two hundred rupees for the first time. For subsequent offence, the quantum of fine will be doubled. If commission of the offence is repeated for five times, the same will be taken as constituting an act of misconduct involving heavy penalty and the person charged with the act of misconduct will be served as a proper charge sheet and proceeded against within the meaning of the Industrial and Commercial (Standing Orders) Ordinance, 1968 or the West Pakistan Shops Establishment Ordinance, 1969 as the case may be.

### **Precautions against contagious or infectious disease.**

25. (1) Each worker in a factory shall be provided with a "Hygiene Card" in which during the month of January and July every year entries shall be recorded after examination by appointed factory doctor to the effect that the worker is not suffering from any contagious or infectious disease. The fee of such an examination shall be fixed by the Government and will be borne by the occupier or manager of the factory.

**Explanation.— The term "appointed factory doctor" means a qualified medical practitioner whose services may be hired under a contract for the purpose from an Employees Social Security Hospital**



or a civil hospital under the control of the Government. Such contract will be made with the authority responsible for administration of the hospital.

(2) If a worker is found to be suffering from any contagious or infectious disease on an examination under sub-section (1), he shall be sent on quarantine leave and shall not be allowed to enter the factory premises until he fully recovers and produces fitness certificate to the manager.

**Compulsory vaccination and inoculation.**

26. 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.

**Power to make rules for provision of canteens.**

27. (1) The Government may make rules requiring that in any specified factory wherein more than two hundred and fifty workers are ordinarily employed, an adequate canteen shall be provided for the use of the workers.

(2) Without prejudice to the generality of the foregoing power, such rules may provide for—

- a) the date by which such canteen shall be provided;
- b) The standards in respect of construction, accommodation, furniture and other equipment of the canteen;
- c) the foodstuffs to be served therein and the charges which may be made therefore;
- d) representation of the workers in the management of the canteens; and
- e) enabling, subject to such conditions, if any, as may be specified, the power to make rules under clause (c) to be exercised also by the Chief Inspector.



**Welfare Officer.**

28. (1) 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.

(2) Notwithstanding the rules framed under subsection (1) with regard to duties of such officer, he primarily shall act as a link between the management of the factory, workers and unions, if any, to facilitate to resolve employees issues and try to harmonize workers' relationship with the management and suggest such measures for betterment of workers and improvement of factory conditions and environment.

**Precautions in case of fire.**

29. (1) Every factory shall be provided with such means of escape in case of fire as may be prescribed.

(2) If it appears to the Inspector that any factory is not provided with the means of escape prescribed under subsection (1) he may serve on the manager of the factory an order in writing specifying the measures which should be adopted before a date specified in the order.

(3) In every factory the doors affording exit from any room shall not be locked or fastened so that they can be easily and immediately opened from inside while any person is within the room, and all such doors, unless they are of the sliding type, shall be constructed to open outwards or where the door is between two rooms, in the direction of the nearest exit from the building and such door shall not be locked or obstructed while work is being carried on in the room and shall at all times be kept free from any obstruction.

(4) In every factory every window, door or other exit affording means of escape in case of fire, other than means of exit in ordinary use, shall be distinctively marked in a language understood by the majority of the workers and in red letters of adequate size or by some other effective and clearly understood sign.

(5) In every factory there shall be provided effective and clearly audible means of giving warning in case of fire to every person employed therein.

(6) A free passage-way giving access to each means of escape in case of fire shall be maintained for the use of all workers in every room of the factory.

(7) In every factory wherein more than ten workers are ordinarily employed in any place above the ground floor, or explosive or highly inflammable materials are used or stored, effective measures shall be taken to ensure that all the workers are familiar with the means of escape in case of fire and have been adequately trained in the routine to be followed in such case.

(8) The Government may make rules prescribing in respect of any factory, or class or description of factories, the means of escape to be provided in case of fire and the nature and amount of firefighting apparatus to be provided and maintained.

## **Part-II**

### **Specific Safety Provisions**

#### **Fencing of machinery.**

30. (1) In every factory the following shall be securely fenced by the safeguards of substantial construction which shall be kept in position while the parts of machinery required to be fenced are in motion or in use, namely –

- a) every moving part of a prime mover, and every fly wheel connected to a prime mover;
- b) the headrace and tailrace of every water wheel and water turbine;
- c) any part of a stock-bar which projects beyond head stock of a lathe; *and*
- d) unless they are in such position or of such construction as to be as safe to every person employed in the factory as they would be if they were securely fenced—
  - (i) every part of an electric generator, a motor or rotary convertor;
  - (ii) every part of transmission



- machinery; and
- (iii) every dangerous part of any machinery:

Provided that in the case of dangerous parts of machinery that cannot be securely fenced by reason of the nature of operation, such fencing may be substituted by other adequate measures, such as,—

- a) devices automatically preventing the operation from coming into contact with the dangerous parts; and
- b) automatic stopping devices:

Provided further that, for the purpose of determining whether any part of machinery is in such position or is of such construction as to be safe as aforesaid, account shall not be taken of any occasion when it being necessary to make an examination of the machinery while it is in motion or, as a result of such examination, to carry out any mounting or shipping of belts, lubrication or other adjusting operation while the machinery is in motion, such examination or operation is made or carried out in accordance with the provisions of section-30.

(2) Without prejudice to any other provisions of this Act relating to the fencing of machinery, every set screw, bolt and key on any revolving shaft, spindle wheel or pinion and all spur, worm and other toothed or friction gearing in motion with which such worker, should otherwise be liable to come into contact, shall be securely fenced to prevent such contact.

(3) The Government may exempt, subject to such conditions as may be imposed, for securing the safety of the workers, any particular machinery or part from the



provisions of this section.

(4) The Government may, by rules, prescribe such further precautions as it may consider necessary in respect of any particular machinery or part thereof.

**Work on or near  
machinery in motion.**

31. (1) Where in any factory it becomes necessary to examine any part of machinery referred to in section 29 while the machinery is in motion, or as a result of such examination, to carry out any mounting or shipping of belts, lubrication or other adjusting operation while the machinery is in motion, such examination or operation shall be made or carried out, only by a specially trained adult male worker wearing tight fitting clothing whose name has been recorded in the register prescribed in this behalf and while he is so engaged, such worker shall not handle a belt at a moving pulley unless the belt is less than six inches in width and unless the belt joint is either laced or flush with the belt.

~~(2) No woman or young person or child shall be allowed to be present in any factory where act of cleaning, lubricating or adjusting any part of machinery is carried while that part is in motion, or to be present in place where work between moving parts or between fixed and moving parts of any machinery which is in motion is carried.~~

**(2) No young person shall be allowed to be present in any factory where act of cleaning, lubricating or adjusting any part of the machinery is carried while that part is in motion, or to be present in place where work between moving parts or between fixed and moving parts of any machinery which is in motion is carried.**

(3) The Government may, by notification in the official Gazette, prohibit, in any specified factory or class or description of factories, the cleaning, lubricating or adjusting by any person, of specified parts of machinery when those parts are in motion.

**Employment of young  
persons on dangerous  
machines**

32. (1) No adolescent and young person shall work at any machine unless he has been fully instructed as to the dangers arising in connection with the machine and the precautions to be observed—



- a) has received sufficient training in work at the machine; or
- b) is under adequate supervision by a person who has thorough knowledge and experience of the machine.

(2) This section shall apply to such machines as may be notified by the Government to be of such a dangerous character that children or adolescents ought not to work at them unless the foregoing requirements are complied with.

**Striking gear and devices for cutting off power.**

**33.** (1) In every factory, -

- a) suitable striking gear or other efficient mechanical appliances shall be provided and maintained and used to move driving belts to and from fast and loose pulleys which form part of the transmission machinery, and such gear or appliances shall be so constructed, placed and maintained as to prevent the belt from creeping back on the fast pulleys; and
- b) driving belts when not in use shall not be allowed to rest or ride upon shafting in motion.

(2) In every factory suitable devices for cutting off power in emergencies from running machinery shall be provided and maintained in every workroom.

**Self-acting machines.**

**34.** No traversing part of a self-acting machine in any factory and no material carried thereon shall, if the space over which it runs is a space over which any person is liable to pass whether in the course of his employment or otherwise, be allowed to run on its outward or inward traverse within a distance of eighteen inches from any fixed structure which is not part of the machine.

**Casing of new machinery.**

**35.** (1) In all machinery driven by power and installed in any factory,—

- a) every set screw, belt or key on any revolving shaft, spindle, wheel or pinion shall be so sunk, encased or otherwise effectively guarded as to prevent danger; *and*
- b) all spur, worm and other toothed or friction gearing which does not require frequent adjustment while in motion shall be completely encased unless it is so situated as to be as safe as it would be if it were completely encased.

(2) Whoever sells or lets on hire or, as agent of a seller or hirer, causes or procures to be sold or let on hire, for use in a factory any machinery driven by power which does not comply with the provisions of sub-section (1), shall be punishable with imprisonment, for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both.

(3) The Government may make rules specifying further safeguards to be provided in respect of any other dangerous part of any particular machine or class or description of machines.

**Prohibition of employment of women and children near cotton openers.**

36. No ~~woman or child or~~ young person shall be present or employed in any part of a factory for pressing cotton in which a cotton-opener is at work:

Provided that if the feed end of a cotton-opener is in a room separated from the delivery end by a partition extending to the roof or to such height as the Inspector may in any particular case specify in writing, a young person ~~women and children~~ may be employed on the side of the partition where the feed end is situated.

**Cranes and other lifting machinery.**

37. (1) The following provisions shall apply in respect of cranes and all other lifting machinery, other than hoists and lifts in any factory: -

- (a) every part thereof, including the working gear, whether fixed or movable, ropes and chains and anchoring and fixing appliances shall be—



- (i) of good construction, sound material and adequate strength;
  - (ii) properly maintained; *and*
  - (iii) thoroughly examined by a competent person at least once in every period of twelve months, and a register shall be kept containing the prescribed particulars of every such examination;
- (b) no such machinery shall be loaded beyond the safe working load which shall be plainly marked thereon;
- (c) while any person is employed or working on or near the wheel tract of a travelling crane in any place where he would be liable to be struck by the crane, effective measures shall be taken to ensure that the crane does not approach within twenty feet of that place or come into accidental contact with live electrical lines;
- (d) limit switches shall be provided to prevent over-running; *and*
- (e) jib cranes, permitting the raising or lowering of the jib shall be provided with an automatic safe load indicator or have attached to them a table indicating the safe working load at corresponding inclinations of the jib.

(2) The Government may make rules in respect of any lifting machinery or class or description of lifting machinery in factories, —

- a) prescribing requirements to be complied with in addition to those set out in this section; or
- b) exempting from compliance with all or any of the requirements of this section, where in its opinion such compliance is unnecessary or impracticable

**Hoists and lifts.**

38. (1) In every factory, -

(a) every hoist and lift shall be—

(i) of good mechanical construction, sound material and adequate strength; *and*

(ii) properly maintained, and shall be thoroughly examined by a competent person authorised by the Chief Inspector in this behalf at least once in every period of six months, and a register shall be kept containing the prescribed particulars of every such examination of which a copy shall be forwarded to the Chief Inspector;

(b) every hoist way and lift way shall be sufficiently protected by an enclosure fitted with gates, and the hoist or lift and every such enclosure shall be so constructed as to prevent any person or thing from being trapped between any part of the hoist or lift and any fixed structure or moving part;

(c) the maximum safe working load shall be plainly marked on every hoist or lift, and no load greater than such load shall be carried thereon;

(d) the cage of every hoist or lift used for carrying persons shall be fitted with a gate on each side from which access is afforded to a landing; *and*

(e) every gate referred to in clause (b) or clause (d) shall be fitted with interlocking or other efficient device to secure that the gate cannot be opened except when the cage is at the landing and that the cage cannot be moved unless the gate is closed.



(2) The following additional requirements shall also apply to hoists and lifts used for carrying persons and installed or reconstructed in a factory, namely -

- a) where the cage is supported by rope or chain there shall be at least two ropes or chains separately connected with the cage and balance weight, and each rope or chain with its attachments shall be capable of carrying the whole weight of the cage together with its maximum load;
- b) efficient devices shall be provided and maintained capable of supporting the cage together with its maximum load in the event of breakage of the ropes, chains or attachments; and
- c) an efficient automatic device shall be provided and maintained to prevent the cage from over-running.

(3) The Provincial Government may, if in respect of class or description of hoist or lift, it is of opinion that it would be unreasonable to enforce any requirement of sub-sections (1) and (2), by order direct that such requirements shall not apply to such class or description of hoist or lift.

#### **Revolving machinery.**

39. (1) In every room in a factory in which the process of grinding is carried on there shall be permanently affixed to or placed near each machine in use a notice indicating the maximum safe working peripheral speed of every grind stone or abrasive wheel, the speed of the shaft or spindle upon which the wheel is mounted and the diameter of the pulley upon such shaft or spindle necessary to secure such safe working peripheral speed.

(2) The speeds indicated in the notice under sub-section (1) shall not be exceeded.

(3) Effective measures shall be taken in every factory to ensure that the safe working peripheral speed of every revolving vessel, cage basket, flywheel, pulley, disc or similar appliance, driven by power is not exceeded.

**Pressure plant.**

40. (1) If in any factory any part of the plant or machinery used in a manufacturing process is operated at a pressure above atmospheric pressure, effective measures shall be taken to ensure that safe working pressure of such part is not exceeded.

(2) The Government may make rules providing for the examination and testing of any plant or machinery such as is referred to in sub-section (1) and prescribing such other safety measures in relation thereto as may, in its opinion, be necessary in any factory or class or description of factories.

**Floors, stairs and means of access.**

41. In every factory—

- (a) all floors, stairs, passages and gangways shall be of sound construction and properly maintained and where it is necessary to ensure safety, steps, stairs, ladders, passages and gangways shall be provided with substantial handrails;
- (b) there shall, so far as is reasonably practicable, be provided and maintained safe means of access to every place at which any person is at any time required to work;
- (c) all places of work from which a worker may be liable to fall a distance exceeding three feet and six inches shall be provided with fencing or other suitable safeguards; *and*
- (c) adequate provision shall be made for the drainage of floors in wet processes and for the use of slatted stands and platforms.

**Pits, sumps, opening in floors, etc.**

42. (1) In every factory, every fixed vessel, sump, tank pit or opening in the ground or in floor which by reason of its depth, situation, construction or contents, is or may be a source of danger, shall be either securely covered or securely fenced.

(2) The Government may, by order in writing, exempt,



subject to such conditions as may be imposed, any factory or class or description of factories in respect of any vessel, sump, tank pit or opening from compliance with the provisions of this section.

#### **Excessive weights.**

43. (1) No person shall be employed in any factory to lift, carry or move any load so heavy as to be likely to cause him injury.

(2) The Government may make rules prescribing the maximum weights which may be lifted, carried or moved by adult men, adult women, adolescents and young persons employed in factories or in carrying on any specified process:

Provided that no child or young person below the age of 18 years shall be employed to lift, carry or move any load likely to cause him injury.

#### **Protection of eyes.**

44. The Government may, in respect of any manufacturing process carried on in any factory, by rule require that effective screens or suitable goggles shall be provided for the protection of persons employed on, or in the immediate vicinity of, a process which involves.

- a) risk of injury to the eyes from particles or fragments thrown off in the course of the process, or
- b) risk to the eyes by reason of exposure to excessive light or heat.

#### **Powers to require specifications of defective parts or tests of stability.**

45. If it appears to the Inspector that any building or any part of the ways, machinery or plant in a factory, is in such a condition that it may be dangerous to human life or safety, he may serve on the Manager of the factory an order in writing, requiring him before a specified date—

- (a) to furnish such drawings, specifications and other particulars as may be necessary to determine whether such building, ways, machinery or plant can be used with safety, or
- (b) to carry out such tests as may be

necessary to determine the strength or quality of any specified parts and to inform the Inspector of the results thereof.

**Safety of building,  
machinery and  
manufacturing  
process.**

46. (1) If it appears to the Inspector that any building or part of a building or any part of the ways, machinery or plant or manufacturing process in a factory is in such a condition that it is dangerous to human health or safety, he may serve on the Manager of the factory an order in writing specifying the measures which, in his opinion, should be adopted, and requiring them to be carried out before a specified date.

(2) If it appears to the Chief Inspector that the requisitions made under sub-section (1) are not satisfactorily fulfilled thereby involving exposure of workers to serious hazards, he may serve on the Manager of the factory an order in writing, containing a statement of the grounds of his opinion, prohibiting until the danger is removed, the employment, in or about the factory or part thereof, of any person whose employment is not in his opinion reasonably necessary for the purpose of removing the danger.

(3) If it appears to the Inspector that the use of any building or part of a building or of any part of the ways, machinery or plant or manufacturing process in a Factory involves imminent danger to human health or safety he may serve on the Manager of factory an order in writing prohibiting, until the danger is removed, the employment, in or about the factory or part thereof, of any person whose employment is not in his opinion reasonably necessary for the purpose of removing the danger.

(4) Nothing in sub-section (2) or (3) shall be deemed to affect the continuance in the employment of the factory of a person whose employment in or about the factory or part thereof is prohibited under that sub-section.

**Power to make rules to  
supplement this  
Chapter.-**

47. The Provincial Government may make rules requiring that, —

- a) in any factory or in any class or



description of factories, such further devices and measures for securing the safety of the persons employed therein as it may deem necessary shall be adopted; and

- b) work on a manufacturing process carried on with the aid of power shall not be begun in any building or part of a building erected or taken into use as a factory until a certificate of stability in the prescribed form and signed by a person possessing the prescribed qualifications has been sent to the Chief Inspector.

**Precautions against dangerous fumes.**

48. (1) In any factory no person shall enter or be permitted to enter any chamber, tank, vat, pit, pipe, flue or other confined space in which dangerous fumes are likely to be present to such an extent as to involve risk of persons being overcome thereby, unless it is provided with a manhole of adequate size or other effective means of ingress.

(2) No portable electric light of voltage exceeding twenty-four volts shall be permitted in any factory for use inside any confined space such as is referred to in sub-section (1) and, where the fumes present are likely to be inflammable, a lamp or light other than of flame proof construction shall not be permitted to be used in such confined space.

(3) No person in any factory shall enter or be permitted to enter any confined space such as is referred to in sub-section (1) until all practicable measures have been taken to remove any fumes which may be present and to prevent ingress of fumes and unless either—

- a) a certificate in writing has been given by a competent person, based on a test carried out by himself, that the space is free from dangerous fumes and fit for persons to enter, or
- b) the worker is wearing suitable breathing apparatus and a belt securely attached to a rope, the free end of which is held by a person standing outside the confined space.

(4) Suitable breathing apparatus, reviving apparatus and belts and ropes shall in every factory be kept ready for instant use beside any such confined space as aforesaid which any person has entered, and all such apparatus shall be periodically examined and certified by a competent person to be fit for use; and a sufficient number of persons employed in every factory shall be trained and practised in the use of all such apparatus and in the method of restoring respiration.

(5) No person shall be permitted to enter in any factory, any boiler furnace, boiler flue, chamber, tank, vat, pipe or other confined space for the purpose of working or making any examination therein until it has been sufficiently cooled by ventilation or otherwise to be safe for persons to enter.

(6) The Government may make rules prescribing the maximum dimensions of the manholes referred to in sub-section (1) and may, by order in writing, exempt, subject to such conditions as it may think fit to impose, any factory or class or description of factories from compliance with any of the provisions of this section.

**Explosive or  
inflammable dust, gas,  
etc.**

49. (1) Where in any factory any manufacturing process produces dust, gas, fume or vapour of such character and to such extent as to be likely to explode on ignition, all practicable measures shall be taken to prevent any such explosion by –

- a) effective enclosure of the plant or machinery used in the process;
- b) removal or prevention of the accumulation of such dust, gas, fume or vapour; *and*
- c) exclusion or effective enclosure of all possible sources of ignition.

(2) Where in any factory the plant or machinery used in a process such as is referred to in sub-section (1) is not so constructed as to withstand the probable pressure which such an explosion as aforesaid would produce, all practicable measures shall be taken to restrict the spread and effects of the explosion by the provision in the plant or machinery of chokes, baffles, vents or other



effective appliances.

(3) Where any part of the plant or machinery in a factory contains any explosive or inflammable gas or vapour under pressure greater than atmospheric pressure, that part shall not be opened except in accordance with the following provisions: —

- a) before the fastening of any joint of any pipe connected with the part of the fastening of the cover of any opening into the part is loosened, any flow of the gas or vapour into the part or any such pipe shall be effectively stopped by a stop-valve or other means;
  - b) before any such fastening as aforesaid is removed all practicable measures shall be taken to reduce the pressure of the gas or vapour in the part or pipe to atmospheric pressure; *and*
  - c) where any such fastening as aforesaid has been loosened or removed, affective measures shall be taken to prevent any explosive or inflammable gas or vapour from entering the part of pipe until the fastening has been secured, or, as the case may be, securely replaced: Provided that the provisions of sub-section shall not apply in the case of plant or machinery installed in the open air.
- (4) No plant, tank or vessel which contains or has contained any explosive or inflammable substance shall be subjected in any factory to any welding, brazing, soldering or cutting operation which involves the application of heat or to any drilling or other operation which is likely to create heat or sparks, unless adequate measures have first been taken to remove such substance and any fumes arising therefrom or to render such substance and fumes non-explosive or non-inflammable, and no such substance shall be allowed to enter such plant, tank or vessel after any such operation until the metal has cooled sufficiently to prevent any risk of igniting the substance.
- (5) The Government may by rules exempt, subject to

such conditions as may be prescribed, any factory or class or description of factories from compliance with all or any of the provisions of this section.

**Power to exclude children.**

50. (1) The Government may make rules prohibiting the admission to any specified class of factories, or to specified parts thereof, of children who cannot be lawfully employed therein.

(2) If it appears to the Inspector that the presence in any factory or part of a factory of children who cannot be lawfully employed therein may be dangerous to them or injurious to their health, he may serve on the manager of the factory an order in writing directing him to prevent the admission of such children to the factory or any part of it.

**Notice of certain accidents.**

51. Where in any factory an accident occurs which causes death, or which causes any bodily injury whereby any person injured is prevented from resuming his work in the factory during the forty-eight hours after the accident occurred, or which is of any nature which may be prescribed in this behalf, the manager of the factory shall send notice thereof to such authorities, and in such form and within such time, as may be prescribed.

**Appeals.**

52. (1) The manager of a factory on whom an order in writing by an Inspector has been served under the provisions of this Chapter, or the occupier of the factory, may, within thirty days of service of the order, appeal against it to the Government, or to such authority as the Government may appoint in this behalf, and the Government or appointed authority may, subject to rules made in this behalf by the Government, confirm, modify or reverse the order.

(2) The appellate authority may, and if so required in the petition or appeal shall, bear the appeal with the aid of assessors, one of whom shall be appointed by the appellate authority and the other by such body representing the industry concerned as the Government may prescribe in this behalf:

Provided that if no assessor is appointed by such body, or if the assessor so appointed fails to attend at the time and place fixed for hearing the appeal, the appellate authority may, unless satisfied that the failure to attend is due to sufficient cause, proceed to hear the



appeal without the aid of such assessor, or if it thinks fit, without the aid of any assessor.

(3) Except in the case of an appeal against an order under sub-section (4) of section 46 or sub-section (2) of section 50, the appellate authority may suspend the order appealed against pending the decision of the appeal, subject however to such conditions as to partial compliance or the adoption of temporary measures as it may choose to impose in any case.

**Additional power to make health and safety rules relating to shelters during rest.**

53. (1) The Government may make rules requiring that in any specified factory wherein more than one hundred and fifty workers are ordinarily employed, an adequate shelter shall be provided for the use of workers during periods of rest, and such rules may prescribe the standards of such shelters.

(2) **Rooms for children.**— The Government may also make rules—

~~a) requiring that in any specified factory, wherein more than fifty women workers are ordinarily employed, a suitable room shall be reserved for the use of children under the age of six years belonging to such women; and~~

~~b) prescribing the standards for such rooms and the nature of the supervision to be exercised over the children therein.~~

a) requiring reservation of a suitable day care room for the use of workers' children under the age of six years, and

b) prescribing the standards for establishment of such day care rooms, linking these with the minimum number of workers in the factory, and the nature of the supervision to be exercised over the children therein.

(3) **Certificates of stability.** - The Government may also make rules, for any class of factories and for the

whole or any part of the Province, requiring that work on a manufacturing process carried on with the aid of power shall not be begun in any building or part of a building erected or taken into use as a factory after the commencement of this Act, until a certificate of stability in the prescribed form, signed by a person possessing the prescribed qualifications, has been sent to the Inspector.

(4) **Hazardous operations.** - Where the Government is satisfied that any operation in a factory exposes any persons employed upon it to a serious risk of bodily injury, poisoning or disease, it may make rules applicable to any factory or class of factories in which the operation is carried on—

- a) specifying the operation and declaring it to be hazardous;
- b) ~~prohibiting or restricting the employment of women, adolescents or children upon the operation;~~

**b) prohibiting or restricting the employment of pregnant and nursing women and adolescents upon the operation;**

- c) providing for the medical examination of persons employed or seeking to be employed upon the operation and prohibiting the employment of persons not certified as fit for such employment; *and*
- d) providing for the protection of all persons employed upon the operation or in the vicinity of the places where it is carried on.

(5) The 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.



### **Appointment of Safety Officer.**

54. (1) In every factory wherein one thousand or more workers are ordinarily employed or wherein, in the opinion of the Government, any manufacturing process or operation involves any risk or bodily injury, poisoning or disease, or any hazard to health, to be persons employed in the factory, the occupier shall, if so required by the Government by notification in the Official Gazette, employ such number of Safety Officers as may be specified in that notification.

(2) The duties, qualifications and conditions of service of Safety officers as may be prescribed by the Government.

### **Occupational Safety and Health Committee etc.**

55. (1) In every factory wherein one thousand or more workers are ordinarily employed, the Government, by Order issued in the Official Gazette, direct the occupier of the factory to constitute Safety and Health Committee consisting of safety engineers, occupational hygienists, ergonomists, legal experts and management and trade union representatives of the factory concerned to perform functions as shall be specified in the said order.

(2) The factory occupier and manager under the supervision and guidance of the Occupational Safety and Health Committee appointed under (1) shall run regular training programmes for the awareness of factory workers and shop supervisor/foreman in protective safety measures.

## **CHAPTER IV**

### **Restrictions on Working Hours of Adults**

#### **Weekly hours.**

56. No adult worker shall be allowed or required to work in a factory for more than forty-eight hours in any week, or, where the factory is a seasonal one, for more than fifty hours in any week: Provided that an adult worker in a factory engaged in work which for technical reasons must be continuous throughout the day may work for fifty-six hours in any week.

#### **Weekly holiday.**

57. (1) No adult worker shall be allowed or required to work in a factory on a Sunday unless —

- a) he had or will have a holiday for a whole day on one of the three days immediately

before or after that Sunday; *and*

- b) the manager of the factory has, before that Sunday or the substituted day, whichever is earlier—
  - (i) delivered a notice to the office of the Inspector of his intention to require the worker to work on the Sunday and of the day which is to be substituted; *and*
  - (ii) displayed a notice to that effect in the factory:

Provided that no substitution shall be made which will result in any worker working for more than ten days consecutively without a holiday for a whole day.

(2) Notice given under section (1) may be cancelled by a notice delivered to the office of the Inspector and a notice displayed in the factory not later than the day before the Sunday or the holiday to be cancelled, whichever is earlier.

(3) Where in accordance with the provisions of sub-section (1) any worker works on a Sunday and has had a holiday on one of the three days immediately before it, that Sunday shall, for the purpose of calculating the weekly hours of work, be included in the preceding week.

#### **Compensatory holidays.**

58. (1) Where as a result of the passing of an order or the making of a rule under the provisions of this Act exempting a factory or the workers therein from the provisions of section-57, a worker is deprived of any of the weekly holidays for which provision is made by sub-section (1) of that section, he shall be allowed, as soon as circumstances permit, compensatory holidays of equal number to the holidays so lost.

(2) The Government may make rules prescribing the manner in which the holidays for which provision is made in sub-section (1) shall be allowed.



**Daily hours.**

59. No adult worker shall be allowed or required to work in a factory for more than nine hours in any day:

Provided that a male adult worker in a seasonal factory may work ten hours in any day.

**Intervals for rest.**

60. The periods of work of adult workers in a factory during each day shall be fixed either—

- a) so that no period shall exceed six hours and so that no worker shall work for more than six hours before he has had an interval for rest of at least one hour; or
- b) so that no period shall exceed five hours, and so that no worker shall work for more than five hours before he has had an interval for rest of at least half an hour, or for more than eight and a half hours before he has had at least two such intervals.

**Spread over.**

61. The periods of work of an adult worker in a factory shall be so arranged that along with his intervals for rest under section 59, they shall not spread over more than ten and a half hours, or where the factory is a seasonal one, eleven and a half hours in any day, save with the permission of the Government and subject to such conditions as it may impose, either generally or in the case of any particular factory

**Notice of periods for work for Adults and preparation thereof.-**

62. (1) There shall be displayed and correctly maintained in every factory in accordance with the provisions of sub-section (2) of section 115 a Notice of Periods for Work for Adults showing clearly the periods which adult workers may be required to work.

(2) The periods shown in the notice required by sub-section (1) shall be fixed before-hand in accordance with the following provisions of this section and shall be such that workers working for these periods would not be working in contravention of any of the provisions of sections 56, 57, 58, 59 and 60.

(3) Where all the adult workers in a factory are required to work within the same periods, the manager of the

factory shall fix those periods for such workers generally.

(4) Where all the adult workers in a factory are not required to work within the same periods, the manager of the factory shall classify them into groups according to the nature of their work.

(5) For each group which is not required to work on a system of shifts, the manager of the factory shall fix the periods within which the group may be required to work.

(6) Where any group is required to work on a system of shifts and the relays are not to be subject to predetermined periodical changes of shift, the manager of the factory shall fix the periods within which each relay of the group may be required to work.

(7) Where any group is to work on a system of shifts and the relay are to be subject to predetermined periodical changes of shifts, the manager of the factory shall draw up a scheme of shifts where under the periods within which any relay of the group may be required to work and the relay which will be working at any time of the day shall be known for any day.

(8) The Government may make rules prescribing forms for the notice of Periods for Work for Adults and the manner in which it shall be maintained.

**Copy of notice of  
Periods for Work to be  
sent to Inspector.**

63. (1) A copy of the Notice referred to in subsection (1) of section ~~61~~ **62** shall be sent in duplicate to the Inspector within fourteen days after the commencement of this Act, or, if the factory begin work after the commencement of this Act, before the day on which it begins work.

(2) Any proposed change in the system of work in a factory which will necessitate a change in the Notice shall be notified to the Inspector in duplicate before the change is made, and except with the previous sanction of the Inspector, no such change shall be made until one week has elapsed since the last change

**Register of Adult  
Workers.**

64. (1) The manager of every factory shall maintain a Register of Adult Workers, showing: -



- a) the name and age of each adult worker in the factory;
- b) the nature of his work;
- c) the group, if any, in which he is included;
- d) where his group works on shifts, the relay to which he is allotted; *and*
- e) such other particulars as may be prescribed:

Provided that if the Inspector is of opinion that any muster roll or register maintained as part of the routine of a factory gives, in respect of any or all of the workers in the factory, the particulars required under this section, he may, by order in writing, direct that such muster roll or register shall, to the corresponding extent, be maintained in place of and be treated as the Register of Adult Workers in that factory:

Provided further that where the Government is satisfied that the conditions of work in any factory or class of factories are such that there is no appreciable risk of contravention of the provisions of this Chapter in the case of that factory or factories of that class, as the case may be, the Government may, by written order, exempt, on such conditions as it may impose, that factory or all factories of that class, as the case may be, from the provisions of this section.

- (2) The Government may make rules prescribing the form of the Register of Adult Workers, the manner in which it shall be maintained and the period for which it shall be preserved.

**Hours of work to correspond with Notice under section-61 62 and Register under.**

**65.** No adult worker shall be allowed or required to work otherwise than in accordance with the Notice of Periods for Work for Adults displayed under sub-section (1) of section 61 62 and the entries made before-hand

against his name in the Register of Adult Workers maintained under section 63 64.

**Powers to make rules,  
exempting from  
restrictions.-**

66. (1) The Government may make rules defining the persons who hold positions of supervision or management or are employed in a confidential position in a factory, and the provisions of this Chapter other than the provisions of clause (b) of sub-section (1) of section 68 and of the proviso to that sub-section, shall not apply to any person so defined.

(2) The Government may make rules for adult workers providing for the exemptions, to such extent and subject to such conditions as may be prescribed in such rules, -

- a) of workers engaged on urgent repairs - from the provisions of sections-56, 57, 59, 60 and 61;
- b) of workers engaged in work in the nature of preparatory or complementary work which must necessarily be carried on outside the limits laid down for the general working of the factory - from the provisions of sections-56, 59, 60 and 61;
- c) of workers engaged in work which is necessarily so intermittent that the intervals during which they do not work while on duty ordinarily amount to more than the intervals for rest required under section-59 - from the provisions of sections-56, 59, 60 and 61.
- d) of workers engaged in any work which for technical reasons must be carried on continuously throughout the day - from the provisions of sections-56, 57, 59, 60 and 61;
- e) of workers engaged in making or supplying articles of prime necessity which must be made or supplied every day - from the provisions of section-57;
- f) of workers engaged in a manufacturing process which cannot be carried on except during fixed seasons - from the provisions of section-57;



- g) of workers engaged in a manufacturing process which cannot be carried on except at times dependent on the irregular action of natural forces - from the provisions of section-57 and section-59; and
- h) of workers engaged in engine-rooms or boiler-houses from the provisions of section-57.

(3) Rules made under sub-section (2) providing for any exemption may also provide for any consequential exemption from the provisions of sections 62 and 63 which the Government may deem to be expedient, subject to such conditions as it may impose.

(4) In making rules under this section the Government shall prescribe the maximum limits for the weekly hours of work for all classes of workers, and any exemption given, other than an exemption under clause (a) of sub-section (2), shall be subject to such limits.

(5) Rules made under this section shall remain in force for not more than three years.

**Power to make orders exempting from restrictions.**

67. (1) Where the Government is satisfied that, owing to the nature of the work carried on or to other circumstances, it is unreasonable to require that the periods of work of any adult workers in any factory or class of factories should be fixed beforehand, it may, by written order, relax or modify the provisions of sections 62 and 63 in respect of such workers to such extent and in such manner as it may think fit, and subject to such conditions as it may deem expedient to ensure control over periods of work.

(2) The Government, or subject to the control of the Government, the Chief Inspector, may, by written order, exempt on such conditions as it or he may deem expedient, any or all the adult workers in any factory, or group or class of factories, from any or all of the provisions of sections 56, 57, 59, 60, 61, 62 and 63, on the ground that the exemption is required to enable the factory or factories to deal with an exceptional pressure of work.

(3) Any exemption given under sub-section (2) in respect

of weekly hours of work shall be subject to the maximum limits prescribed under sub-section (4) of section 66.

(4) An order under sub-section (2) shall remain in force for such period, not exceeding two months from the date on which notice thereof is given to the manager of the factory, as may be specified in the order:

Provided that if in the opinion of the Government the public interest so requires, the Government may from time to time, by notification in the official Gazette, extend the operation of any such order for a period, not exceeding six months at any one time, as may be specified in the notification.

**Further restrictions on the employment of women.**

68. (1) The provisions of this Chapter shall, in their application to women workers in factories, be supplemented by the following further restrictions: —

- a) no exemption from the provisions of section 58 ~~56~~ may be granted in respect of any woman; and
- b) ~~no woman shall be allowed to work in a factory except between 6 A.M. to 7 P.M.:~~

~~Provided that the Government may, by notification in the official Gazette, in respect of any class or classes of factories and for the whole year or any part of it, vary the limits laid down in clause (b) to any span of ten and a half hours, or where the factory is a seasonal one, of eleven and a half hours, between 5 AM and 7 30 P.M.:~~

~~Provided further that in respect of any seasonal factory or class of seasonal factories in a specified area, the Government may make rules imposing a further restriction by defining the periods of the day within which women may be allowed to work, such that the period or periods so defined shall lie within the span fixed by clause (b) or under the above proviso and shall not be less than ten hours in the aggregate.~~



~~Provided also that the conditions or restrictions so imposed shall not be construed to be based on any gender bias but the same have been imposed for the sake of protective measures in the interest of women due to cultural values and social taboos and to meet obligation arising out of corresponding ILO Conventions ratified by Pakistan. Women in all circumstances are at par with men and so in no circumstances both sexes have to be given differential treatment.~~

~~(2) The Government may make rules providing for the exemption from the above restrictions, to such extent and subject to such conditions as it may prescribe, of women working in fish curing or fish canning factories or any other kind of factory where the employment of women beyond the said hours is necessary to prevent damage or loss to the concern or deterioration in any raw material due to their training or inherent ability or any specific qualification.~~

b) A woman worker shall be allowed to work in a factory beyond 7:00 pm subject to the mandatory arrangement of transportation facility of pick and drop by the employer at the doorstep or the nearest possible place to the residence of such worker except where a separate hostel facility is provided by the employer at the premises:

Provided that prior consent of the woman worker shall be obtained by the employer for such working hours.

### **Sexual Harassment.**

69. (1) There shall not be any harassment by either sex against the other at factory premises or workplace.

(2) The factory manager shall evolve a code of decent practices for both the sexes that shall have force of law if approved by the Government and notified in the official Gazette.

(3) Any violation by any person in the factory premises of this code of practice will be an offence triable and punishable under this law before a court of competent jurisdiction.

**Special provision for nights-shifts.**

70. Where a worker works on a shift which extends over midnight, the ensuing day for him shall be deemed to be the period of twenty-four hours beginning when such shift ends and the hours he has worked after midnight shall be counted towards the previous day:

Provided the Government may, by order in writing, direct that in the case of any specified factory or any specified class of workers therein the ensuing day shall be deemed to be the period of twenty-four hours beginning when such shift begins and that the hours worked before midnight shall be counted towards the ensuing day.

**Extra pay for overtime.**

71. (1) Where a worker, -

- (a) in a non-seasonal factory works for more than nine hours in any day or for more than forty-eight hours in any week, or
- (b) in a seasonal factory works for more than nine hours in any day or for more than fifty hours in any week, he shall be entitled in respect of the overtime worked to pay at the rate of twice his ordinary rate of pay.

**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; or
- (ii) any contribution paid by the employer to any pension fund or provident fund; or
- (iii) any travelling allowance or the value of travelling concession.



(2) Where any workers are paid on a piece-rate basis, the Government in consultation with the industry concerned may, for the purposes of this section fix time-rates as nearly as possible equivalent to the average rate of earnings of those workers, and the rates so fixed shall be deemed to be the ordinary rates of those workers for the purposes of this section.

(3) The Government may prescribe the registers that shall be maintained in a factory for the purpose of securing compliance with the provisions of this section.

**Obligation to work overtime.**

72. Any adult worker may be required to work overtime, provided that such working conforms to the provisions of this Act and the rules made thereunder and the worker without any compulsion opts for it.

**Restriction on double employment.-**

73. No adult worker shall be allowed to work in any factory on any day on which he has already been working in any other factory, save in such circumstances as may be prescribed.

**Control of overlapping shifts.**

74. The Government may make rules providing that in any specified class or classes of factories work shall not be carried on by a system of shifts so arranged that more than one relay of workers is engaged in work for the same kind at the same time save with the permission of the Government and subject to such conditions as it may impose, either generally or in the case of any particular factory.

**CHAPTER IV-A  
Holiday with Pay**

**Application of Chapter.**

75. (1) The provisions of this Chapter shall not apply to a seasonal factory.

(2) The provisions of this Chapter shall not operate to the prejudice of any rights to which a worker may be entitled under any other enactment, or under the terms of any award, agreement or contract of service.

**Annual holidays**

76. (1) Every worker who has completed a period of twelve months' continuous service in a factory shall be allowed, during the subsequent period of twelve months' holidays for a period of 20 consecutive days, inclusive of



the day or days, if any, on which he is entitled to a holiday under sub-section (1) of section-57.

(2) If a worker fails in any one such period of twelve months to take the whole of the holidays allowed to him under sub-section (1), any holidays not taken by him shall be added to the holidays to be allowed to him under sub-section (1) in the succeeding period of twelve months, so however that the total number of holidays accumulated shall not increase sixty holidays in total at any one time until the same are cashed and wages in lieu thereof are received by the worker at the rate he has earned wages during the month he cashes the holidays so accumulated.

(3) If a worker entitled to holidays under sub-section (1) is discharged by his employer before he has been allowed the holidays, or if, having applied for and having been refused the holidays, he quits his employment before he has been allowed the holidays, the employer shall pay him the amount payable under section 75 in respect of the holidays available to his account.

Explanation.— A worker shall be deemed to have completed a period of twelve months continuous service in a factory notwithstanding any interruption in service during those twelve months brought about by sickness, accident or authorised leave not exceeding ninety days in the aggregate for all three, or by a lock-out, or by a strike which is not an illegal strike, or by intermittent periods of involuntary unemployment not exceeding thirty days in the aggregate; and authorised leave shall be deemed not to include any weekly holiday allowed under section-57 which occurs at beginning or end of an interruption brought about by the leave.

**Pay during annual holiday.**

77. Without prejudice to the conditions governing the day or days, if any, on which the worker is entitled to a holiday under sub-section (1) of section-57, the worker shall, for the remaining days of the holidays allowed to him under section 74 76, be paid at a rate equivalent to the daily average of his wages as defined in the Payment of Wages Act, 1936 (Act No. IV of 1936), for the days on which he actually worked during the preceding three



months, exclusive of any earning in respect of overtime.

**Power of Inspector to act for worker.**

78. Any Inspector may institute proceedings on behalf of any worker to recover any sum required to be paid under this Chapter by an employer which the employer has not paid.

**Power to make rules.**

79. (1) The Government may make rules to carry into effect the provisions of this Chapter.

(2) Without prejudice to the generality of the foregoing power, rules may be made under this section prescribing the keeping by employers of registers showing such particulars as may be prescribed and requiring such registers to be made available for examination by Inspectors.

**Exemption of factories from the provisions of this Chapter.**

80. Where the Government is satisfied that the leave rules applicable to workers in a factory provide benefits substantially similar to or better than those for which this Chapter makes provision, it may, by written order exempt the factory from the provisions of this Chapter in that regard.

**Casual leave and sick leave.**

~~80-A.~~ **81.** (1) Every worker shall be entitled to casual leave with full pay for 15 days in a year.

(2) Every worker shall be entitled to twenty days sick leave with full pay in a year if the worker produces certificate of a qualified medical doctor who is registered medical practitioner or of doctor of a Social Security hospital or dispensary if the worker is registered as secured person under the Employees Social Security Scheme in place under an existing law.

**Festival Holidays.**

82. (1) Every worker shall be allowed holidays with pay on all days declared by the Government to be festival holidays.

(2) A worker may be required to work, if he agrees, on any festival holiday but one day's additional compensatory holiday with full pay and a substitute holiday shall be allowed to him in accordance with the provisions of section ~~57~~ **58**:

Provided that the worker under compelling

circumstances may be required to work on a festival holiday if the factory manager gives him extra financial benefit in addition to the compensatory holiday in accordance with the provision of section 57 58.

#### **Quarantine leave.**

83. (1) If a worker contracts a contagious disease and his isolation becomes inevitable and is warranted for protection of other workers, he shall be asked to proceed on quarantine leave for the period he remains indisposed.

(2) The worker shall resume his work on production of fitness certificate by the medical doctor who has been treating such worker to the effect that he no longer suffers from a contagious disease.

(3) No wages of the worker shall be deducted during quarantine period he is indisposed.

### **CHAPTER V**

#### **Special Provisions for Adolescents and Children**

#### **Prohibition of employment of young children.**

84. Subject to Article 11 of the Constitution of Islamic Republic of Pakistan 1973 and in pursuance of ILO Convention 138 regarding minimum age for employment as ratified by Pakistan no child who has not completed his fourteenth year shall be allowed to work in any factory:

Provided that employment as an adolescent and young person will be permissible on the production of a birth certificate issued by the authorised officer of the body responsible for registration of births along with fitness certificate given by Certifying Surgeon as appointed under this Act or a qualified medical doctor registered under the Provincial Medical Practitioners Act.

#### **Provision of Section-84 in addition to and not in derogation of corresponding provisions of the Employment of Children Act.**

85. Notwithstanding anything contained in the Employment of Children Act, section 82 84 of this Act shall have an effect in addition to corresponding provisions thereof and not in derogation of or contrary thereto.

#### **Non-adult workers**

86. No non-adult worker who falls within age limit of



**to carry tokens  
giving reference to  
certificates of fitness.**

the adolescent and young person as defined in this Act shall be allowed to work in any factory unless, –

- a) a certificate of fitness granted to him under section-85 **87** is in the custody of the manager of the factory, *and*
- b) he carries while he is at work a token giving a reference to such certificate.

**Certificates of fitness.**

**87.** (1) A certifying surgeon shall, on the application of any non-adult or adolescent who wishes to work in a factory, or, of the parent or guardian of such person, or of the factory in which such person wishes to work, examine such person and ascertain his fitness for such work.

(2) The certifying surgeon after examination, may grant to such person, in the prescribed form—

- a) a certificate of fitness to work in a factory as a child if he is satisfied that such person has completed his fourteenth year, that he has attained the prescribed physical standards (if any), and that he is fit for such work; or
- b) a certificate of fitness to work in a factory as an adult if he is satisfied that such person has completed his fifteenth year and is fit for full day's work in a factory.

(3) A certifying surgeon may revoke any certificate granted under sub-section (2) if, in his opinion, the holder of it is no longer fit to work in the capacity stated therein in a factory.

(4) Where a certifying surgeon or a practitioner authorised under sub-section (2) of section 13 refuses to grant a certificate or a certificate of the kind requested, or revokes a certificate, he shall, if so requested by any person who could have applied for the certificate state his reasons in writing for so doing.

**Effect of certificate  
granted to adolescent.**

**88.** (1) An adolescent who has been granted a certificate of fitness to work in a factory as an adult, under clause (b) of sub-section (2) of section ~~86~~ **87**, and who, while at

work in a factory, carries a token giving reference to the certificate, shall be deemed to be an adult for all the purposes of Chapter-IV.

(2) An adolescent who has not been granted a certificate of fitness to work in a factory as an adult under sub-section (2) of section ~~86~~ **87**, shall, notwithstanding his age, be deemed to be a child for the purposes of this Act.

**Restrictions of the  
working hours of a child  
an adolescent.**

**89.** (1) No adolescent who does not possess fitness certificate to the effect that he can work full day shall not be allowed to work in a factory for more than five hours in any day.

(2) The hours of work of person under subsection (1) shall be so arranged that they shall not spread over more than seven-and-a-half hours in any day.

(3) No adolescent shall be allowed to work in a factory except between 6 a. m. and 7 p. m.:

Provided that the Government may, by notification in the Official Gazette in respect of any class or classes of factories and for the whole year or any part of it, vary these limits to any span of thirteen hours between 5 a. m. and 7.30 p.m.

(4) The provisions of section ~~57~~ **56** shall apply also to adolescent and young persons, but no exemption from the provisions of that section may be granted in respect of any young person.

(5) No young person shall be allowed work in any factory on any day on which he has already been working in another factory.

**Notice of Periods for  
Work of Adults and  
Young Persons.**

**90.** (1) There shall be displayed and correctly maintained in every factory in accordance with the provisions of sub-section (2) of section-115, a Notice of Periods for Work for young persons, showing clearly the periods within which children may be required to work.

(2) The periods shown in the Notice required by sub-section (1) shall be fixed beforehand in accordance with the method laid down for adults in section 61 and shall



be such that young person working for those periods would not be working in contravention of section-~~87~~ **88**.

(3) The provisions of section 62 shall apply also to the notice of periods for work for ~~Children~~ **young persons**.

(4) The Government may make rules prescribing form for the Notice of Periods for Work for young persons and the manner in which it shall be maintained.

### **Register of Young Workers.**

**91.** (1) The manager of every factory in which children are employed shall maintain a Register of Young Workers showing –

- a) the name and age of each young worker in the factory;
- b) the nature of his work;
- c) the group, if any, in which he is included;
- d) where his group works on shifts, the relay to which he is allotted;
- e) the number of his certificate of fitness granted under section-~~86~~ **87**; and
- f) such other particulars as may be prescribed.

(2) The Government may make rules prescribing the form of the Register of Young Workers, the manner in which it shall be maintained and the period for which it shall be preserved.

### **Hours of work to correspond with Notice and Register.**

**92.** No young person shall be allowed to work otherwise than in accordance with the Notice of Periods for Work for Young Workers displayed under sub-section (1) of section ~~89~~ **90** and the entries made before-hand against his name in the Register of Young Workers maintained under sub-section (1) of section-~~90~~ **91**.

### **Power to require medical examination.**

**93.** Where an Inspector is of opinion—

- a) that any person working in a factory without a certificate of fitness is a child or an adolescent, or

- b) that a child or adolescent working in a factory with a certificate is no longer fit to work in the capacity stated therein, he may serve on the manager of the factory a notice requiring that such person, or that such child or adolescent, as the case may be, shall be examined by a certifying surgeon or by a practitioner authorized under sub-section (2) of section 13, and such person or adolescent shall not if the Inspector so directs, be allowed to work in any factory until he has been granted a certificate of fitness or a fresh certificate of fitness, as the case may be.

#### Power to make rules.

#### 94. The Government may make rules—

- a) prescribing the forms of certificate of fitness to be granted under section 86 **87**, providing for the grant of duplicates in the event of loss of original certificates, and fixing the fees which may be charged for such certificates and such duplicates;
- b) prescribing the physical standards to be attained by adolescents;
- c) regulating the procedure of certifying surgeons under this Chapter, and specifying other duties, which they may be required to perform in connection with the employment of children and adolescents in factories; and
- d) providing for any other matter which may be expedient in order to give effect to the provisions of this Chapter.

### CHAPTER VI Penalties and Procedure

#### 95. If in any factory —

- a) there is any contravention -
  - (i) of any of the provisions of sections- 13 to 32 inclusive; or

#### Penalty for contravention of Act and rules.



- (ii) of any order made under any of the said sections; or
  - (iii) of any of the said sections read with rules made in pursuance thereof under clause (a) of section-37; or
  - (iv) of any rules made under any of the said sections or under sections-47 and 53; or
  - (v) of any condition imposed under sub-section (3) of section-52.
- b) any person is allowed to work in contravention, —
- (i) of any of the provisions of sections-56 to 61 inclusive, 71, 68, 73, 80 and ~~81~~ 82; or
  - (ii) of any rule made under any of the said sections; or under section 74; or
  - (iii) of any condition attached or any exemption granted under section 66 or section-67 or section 67 or to any permission granted under section-61 or section-102; or
- c) there is any contravention of any of the provisions of section 62 to 64 inclusive or of any rule made under section 62, section 64 or section-71, or of any condition attached to any exemption granted under section 64 or to any modification or relaxation made under section 67; or
- d) any person is not paid any extra pay to which he is entitled under the provisions of section-71; or
- e) any adolescent or child is allowed to work in contravention of any of the provisions

of sections- ~~83, 85, 88, 89, 91 and 93~~ **84, 86, 89, 90, 92 and 94**; or

- f) there is any contravention of section ~~89~~ **90** or section ~~90~~ **91** or of any rules made under either of these sections, or under clause (d) of section ~~93~~ **94**; or
- g) there is any contravention of sections 76, 77, or 80, or of any rule made under section-79.
- h) the manager and occupier of the factory shall each be punishable with fine which may extend from twenty to fifty thousand rupees:

Provided that if both the manager and the occupier are convicted, the aggregate of the fines in respect of the same contravention shall not exceed this amount.

**Enhanced penalty in certain cases after previous conviction.**

96. If any person who has been convicted of any offence punishable under clauses (b) to (g) inclusive of section 94 is again guilty of an offence involving a contravention of the same provision, he shall be punishable on the second conviction with fine which may extend to eighty thousand rupees with minimum limit of fifty thousand rupees, and if he is again so guilty, shall be punishable on the third or any subsequent conviction with fine which may extend to five hundred thousand rupees and shall not be less than fifty thousand rupees:

Provided that for the purposes of this section no cognizance shall be taken of any conviction made more than two years before the commission of the offence which is being punished:

Provided further that the Court, if it is satisfied that there are exceptional circumstances warranting such a course, may, after recording its reasons in writing, impose a smaller fine than is required by this section.

**Penalty for failure to give notice of commencement of work or of change of manager.**

97. An occupier of a factory who fails to give any notice required by sub -section (1), sub-section (1-A), (2) of section-9 shall be punishable with fine which may



extend to ~~five hundred rupees~~ **ten thousand rupees.**

**Penalty for obstructing Inspector.**

98. Whoever wilfully obstructs an Inspector in the exercise of any power under section 11, or fails to produce on demand by an Inspector any register or any documents in his custody kept in pursuance of this Act or of any of the rules made thereunder, or conceals or prevents any worker in a factory from appearing before or being examined by an Inspector, shall be punishable with fine which may extend to sixty thousand rupees in addition to sentence that may extend to one month's simple imprisonment.

**Penalty for failure to give notice of accident.**

99. A manager of a factory who fails to give notice of an accident as required under section 51 shall be punishable with fine which may extend to **seventy thousand rupees.**

**Penalty for failure to make returns.**

100. If in respect of any factory any return is not furnished as required under section ~~114~~ **116**, the manager and the occupier of the factory shall each be liable to fine which may extend to **fifty thousand rupees.**

Provided that if both the manager and the occupier are convicted, the aggregate of the fines inflicted should not exceed this amount.

**Penalty for smoking or using naked light in vicinity or inflammable material.**

101. Whoever smokes, or uses a naked light or causes or permit any such light to be used in the vicinity of any inflammable material in a factory shall be punishable with fine which may extend to twenty thousand rupees.

**Exception.** — This provision does not extend to the use, in accordance with such precautions as may be prescribed, of a naked light in the course of a manufacturing process.

**Penalty for using false certificate.**

102. Whoever knowingly uses or attempts to use, as a certificate granted to himself under section ~~86~~ **87**, a certificate granted to another person under that section, or who having procured such a certificate, knowingly allows it to be used, or an attempt to use it to be made, by another person, shall be punishable with fine which may extend to five thousand rupees or a sentence of simple imprisonment that may not be for more than 30

days.

**Penalty on guardian for permitting double employment of a young person.**

**103.** If a young person or adolescent works in a factory on any day on which he has already been working, in another factory, that parent or guardian of the young person or the person having custody of , or control over him, or obtaining any direct benefit from his wages, shall be punishable with fine which may extend to thirty thousand rupees or a simple imprisonment that may extend to three months, unless it appears to the Court that the young person so worked without the consent, connivance or wilful default of such parent, guardian or person.

**Penalty for failure to display certain notices.**

**104.** A manager of a factory who fails to display the notice required under sub-section (1) of section ~~116~~ **115** or by any rule under this Act or to display or maintain any such notice as required by sub-section (2) of that section, shall be punishable with fine which may extend to ten thousand rupees:

Provided that if the occupier has introduced electronic system for display of any information of workers he will be absolved of any such obligation.

**Determination of "occupier" for purposes of this Chapter.**

**105.** (1) Where the occupier of a factory is a firm or other association of individuals, any one of the individual partners or members thereof may be prosecuted and punished under this Chapter for any offence for which the occupier of the factory is punishable:

Provided that the firm or association may give notice to the Inspector that it has nominated one of its members who is resident in Pakistan to be the occupier of the factory for the purposes of this Chapter, and such individual shall, so long as he is so resident, be deemed to be the occupier for the purposes of this Chapter until further notice cancelling his nomination is received by the Inspector or until he ceases to be a partner or member of the firm or association.

(2) Where the occupier of a factory is a company, any one of the directors thereof, or, in the case of a private company, any one of the shareholders thereof, may be prosecuted under this Chapter for any offence for which the occupier of the factory is punishable:



Provided that the company may give notice to the Inspector that it has nominated a director, or in the case of a private company, a shareholder, who is resident in either case in Pakistan to be the occupier of the factory for the purposes of this Chapter, and such director or shareholder shall, so long as he is so resident, be deemed to be the occupier of the factory for the purposes of this Chapter until further notice cancelling his nomination is received by the Inspector or until he ceases to be director or shareholder.

**Exemption of occupier from liability in certain cases.**

106. (1) Where the occupier or manager of a factory is charged with an offence against this Act, he shall be entitled upon complaint duly made by him to have any other person whom he charges as the actual offender brought before the Court at the time appointed for hearing the charge; and if, after the commission of the offence has been proved, the occupier or manager of the factory proves to the satisfaction of the Court -

- a) that he has used due diligence to enforce the execution of this Act; *and*
- b) that the said other person committed the offence in question without his knowledge, consent or connivance, that other person shall be convicted of the offence and shall be liable to the like fine as if he were the occupier or manager, and the occupier or manager shall be discharged from any liability under this Act.

(2) When it is made to appear to the satisfaction of the Inspector at any time prior to the institution of the proceedings -

- a) that the occupier or manager of the factory has used all due diligence to enforce the execution of this Act;
- b) by what person the offence has been committed; *and*
- c) that it has been committed without the knowledge, consent or connivance of the

occupier or manager, and in contravention of his orders, the Inspector shall proceed against the person whom he believes to be the actual offender without first proceeding against the occupier or manager of the factory, and such person shall be liable to the like fine as if he were the occupier or manager.

**Presumption as to employment.**

**107.** If a child over the age of six years is found inside any part of a factory in which ~~children~~ young persons are working, he shall, until the contrary is proved, be deemed to be working in the factory.

**Evidence as to age.**

**108.** (1) When an act or omission would, if a person were under or over a certain age, be an offence punishable under this Act, and such person is in the opinion of Court apparently under or over such age, the burden shall be on the accused to prove that such person is not under or over such age.

(2) A declaration in writing by a certifying surgeon relating to a worker that he has personally examined him and believes him to be under or over the age set forth in such declaration shall, for the purposes of this Act, be admissible as evidence of the age of that worker.

**Cognizance of offences.**

**109.** (1) No prosecution under this Act, except a prosecution under section 66, shall be instituted except by or with the previous sanction of the Inspector.

(2) No Court inferior to that of a Magistrate of the first class shall try any offence against this Act or any rule or order made thereunder, other than an offence under section 66 or section-67.

**Limitation of prosecution.**

**110.** No Court shall take cognizance of any offence under this Act or any rule or order thereunder, other than an offence under section 62 or section 64, unless complaint thereof is made within six months of the date on which the offence is alleged to have been committed: Provided that when the offence consists of disobeying a written order made by an Inspector, complaint thereof may be made within twelve months of the date on which the offence is alleged to have been committed.



## CHAPTER-VII Supplemental

### **Exemption from certain provisions of the Act.**

111. 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~~ **Section 53** shall not apply in the first instance to any factory wherein not more than 19 workers are working or were working on any one day of the 12 months immediately preceding:

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

### **Internal Inspection System.**

112. (1) The occupier of the factory employing not less than 100 workers in the factory, shall introduce with the approval of the Government a bi-partite inspection system consisting of two representatives each of management and workers to undertake periodical inspection at least once in three months' time to ensure that all standards for good house-keeping and measures to maintain safe and hygienic conditions of the factory are fully complied with in keeping the provisions of this Act and rules made thereunder.

(2) Discrepancies, if found, will be removed or rectified forthwith after recording the same in the Internal Inspection Book dully signed by the factory manager and also by workers and management representatives undertaking the inspection of factory premises.

### **Protection against discrimination.**

113. There shall be no discrimination on the basis of gender, religion, sect, colour, caste, creed, ethnic background in employment, professional development and the wages for work of equal value.

### **Removal of difficulties.**

114. If any difficulty arises, in giving effect to any provisions of this Act, Government may, by notification in the official gazette, make such order, not inconsistent with the provisions of this Act, as may appear to it to be necessary for the purpose of removing the difficulty.

### **Display of factory notices.-**

115. (1) In addition to the notices required to be displayed in any factory by this Act or the rules made thereunder, there shall be displayed in every factory a

notice containing such abstracts of this Act and of the rules made thereunder, in English and in the vernacular of the majority of the workers as the Provincial Government may prescribe.

(2) All notices required to be displayed in a factory shall be displayed at some conspicuous place at or near the main entrance to the factory and shall be maintained in a clean and legible condition.

**Power of the Government to make rules.**

116. (1) The Government may make rules within a year for carrying out the purposes of this Act.

(2) The Government may make rules requiring occupiers or managers of factories to submit such returns, occasional or periodical, as may in its opinion be required for the purposes of this Act.

**Publication of rules.**

~~116. (1) All rules made under this Act shall be subject to the condition of previous publication, and the date to be specified under clause (3) of section 23 of the General Clauses Act, 1897 (X of 1897), shall not be less than three months from the date on which the draft of the proposed rules was published.~~

~~(2) All such rules shall be published in the Official Gazette and shall, unless some later date is appointed, come into force on the date of such publication.~~

**Application of the Act to Government Factories.**

117. This Act shall apply to all factories including factories wholly or partly owned or controlled by the Government, Federal Government or any other Government.

**Emergency work plan.**

118. (1) If situation of emergency arises due to war, civil commotion or spread of epidemic disease or any disaster the management will immediately draw a comprehensive work plan to cope with the situation.

(2) The work plan so drawn will be introduced for compliance after the same is got approved from the Government.

**Repeal and savings.**

119. (1) The Factories Act, 1934 (Act No. XXV of 1934), is hereby repealed in its application to the extent of the



Province of Balochistan.

(2) Notwithstanding the aforesaid repeal, anything done, action taken, rule made, and notification or order issued under the said Act, shall, so far as it is not inconsistent with the provisions of this Act, be deemed to have been done; taken, made or issued, under this Act, and shall have effect accordingly.

(3) Any document referring to the repealed Act shall be construed as referring to the corresponding provisions of this Act.

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### **STATEMENT OF OBJECTS AND REASONS**

The subject on which this law has been enacted has devolved on the Provinces by virtue of the Constitution (Eighteenth Amendment) Act 2010. The Act is required to be adapted by the Provincial Assembly of Balochistan in terms of clause 6 of Article 270AA of the Constitution. Some other amendments like enhancement of fiscal penalties, improvement of occupational safety and health standards, gender equality, leave benefits, prohibition of employment children in the light of Article 11 of the Constitution and ILO Convention 138 ratified by Pakistan and many other improvements to meet requirement of the Province have also been incorporated in the draft Bill. Hence this Bill.

**MINISTER INCHARGE LABOUR & MANPOWER**

بلوچستان صوبائی اسمبلی سیکرٹریٹ

رپورٹ  
برائے

مجلس قائمہ برائے محکمہ صحت عامہ و بہبود آبادی۔  
بابت

"بلوچستان مغربی پاکستان و یکسینیشن 1958ء میں ترمیم کا مسودہ قانون صدرہ 2021 (مسودہ قانون  
نمبر 16 صدرہ 2021)"

منجانب:-  
محترمہ زبیدہ خیر خواہ  
قائم مقام چیئر پرسن مجلس قائمہ۔



## رپورٹ مجلس قائمہ بر محکمہ صحت عامہ و بہبود آبادی۔

### بابت

"بلوچستان مغربی پاکستان و یکسینیشن 1958ء میں ترمیم کا مسودہ قانون مصدرہ 2021 (مسودہ قانون نمبر

16 مصدرہ 2021)"

پس منظر:-

مورخہ 26 اپریل 2021ء کی اسمبلی نشست میں مذکورہ مسودہ قانون پیش ہوا۔ جناب اسپیکر نے قواعد انضباط کار بلوچستان صوبائی اسمبلی مجریہ 1974ء کے قاعدہ نمبر 84 کے تحت مجلس ہذا کے سپرد کیا۔ مذکورہ مسودہ قانون پر مجلس کی نشست بروز جمعرات مورخہ 27 مئی 2021ء کو صبح 11:00 بجے بلوچستان صوبائی اسمبلی کے کمیٹی روم میں منعقد ہوئی۔ شرکاء مجلس:-

- i) محترمہ زبیدہ خیر خواہ، رکن صوبائی اسمبلی قائم مقام چیئر پرسن مجلس۔
- ii) انجینئر زمرک خان اچکزئی، صوبائی وزیر رکن مجلس۔
- iii) ڈاکٹر ربابہ خان بلیدی، پارلیمانی سیکرٹری رکن بلحاظ عہدہ۔

افسران:-

- iv) جناب طاہر شاہ کا کڑ سیکرٹری، بلوچستان صوبائی اسمبلی۔
- v) جناب عبدالرحمن اپیشل سیکرٹری (قانون و مجالس) صوبائی اسمبلی۔
- vi) جناب غلام فاروق اپیشل سیکرٹری، محکمہ صحت۔
- vii) ڈاکٹر اسحاق پانیزی پی ایچ کیو۔
- viii) سید داد محمد آغا ایڈیشنل سیکرٹری (مجالس) صوبائی اسمبلی۔
- ix) جناب محمد علی ریسرچ آفیسر، صوبائی اسمبلی۔
- x) جناب عبداللہ جان ریسرچ آفیسر، صوبائی اسمبلی۔

### آغاز:-

3- نشست کا آغاز تلاوت کلام پاک سے ہوا جس کی سعادت سیکرٹری اسمبلی، جناب طاہر شاہ کا کڑنے حاصل کی۔ بعد از تلاوت کلام پاک سیکرٹری اسمبلی نے نشست کا پس منظر بیان کرتے ہوئے کہا کہ مورخہ 26 اپریل کو بلوچستان صوبائی اسمبلی کے منعقدہ اجلاس میں "بلوچستان مغربی پاکستان و یکسینیشن 1958ء میں ترمیم کا مسودہ قانون مصدرہ 2021 (مسودہ قانون نمبر 16 مصدرہ 2021)" مجلس ہذا کے سپرد ہوا اسی مسودہ قانون پر غور و خوض کی بابت آج کی نشست منعقد کی جا رہی ہے۔

4- سیکرٹری اسمبلی کی مختصر بریفنگ کے بعد قائم مقام چیئر پرسن مجلس نے ڈاکٹر اسحاق پانیزی، کو دعوت دی کہ وہ مذکورہ مسودہ قانون کی بابت مجلس کو آگاہی دیں۔

5- ڈاکٹر اسحاق پانیزی نے مجلس کو بریف کرتے ہوئے کہا کہ چیچک کے خلاف ٹیکوں کی فراہمی کیلئے بلوچستان و یکسینیشن آرڈیننس (ڈبلیو پی آرڈیننس XXVII کا 1958) جاری کیا گیا۔ ویکسین اب بھی عمر کے تمام افراد کو انفیکشن بیماریوں سے بچنے کا سب سے طویل پائیدار طریقہ فراہم کرتا ہے۔ چونکہ ویکسینیشن کے ذریعہ بیماریوں کی روک تھام کی جاسکتی ہے۔ 1982 میں بلوچستان میں ان مہلک بیماریوں سے بچنے کیلئے اسکی بنیاد رکھی گئی۔ اس وقت دنیا میں 16 بیماریوں کا انکشاف ہوا ہے۔ جبکہ پاکستان میں اس وقت 11 بیماریاں موجود ہیں۔ اور ان ہی مہلک بیماریوں کی وجہ سے شرح اموات میں دن بدن اضافہ ہوتا جا رہا ہے۔ لہذا تمام تر مہلک بیماریوں کی روک تھام کیلئے محکمہ نے یہ ضروری سمجھا۔ کہ اس کیلئے ایک قانون وضع کیا جائے۔ تاکہ ان تمام مہلک بیماریوں سے بچا جاسکے۔

6- ڈاکٹر اسحاق پانیزی کی بریفنگ کے بعد مجلس نے باریک بینی سے مسودہ قانون پر شق وار غور و خوض کرتے ہوئے ایوان میں برائے منظوری پیش کرنے کی سفارش کی۔

نوٹ:- بل میں جن ترامیم کو شامل کرنے کی سفارش کی گئی ہیں ان کو نمایاں طور پر (BOLD) اور انڈر لائن (UNDER LINE) ظاہر کئے گئے ہیں اور جن الفاظ/جملے کو حذف کرنے کی سفارش کی گئی ہیں ان کے اوپر خط کش (OVER LINE) ظاہر کئے گئے ہیں جیسے (vaccination)۔

sd/-

(محترمہ زبیدہ خیر خواہ)

قائم مقام چیئر پرسن مجلس قائمہ۔

کامران جلیل دوتانی



# BALUCHISTAN PROVINCIAL ASSEMBLY SECRETARIAT

The Baluchistan Vaccination (Amendment), Bill 2021,

BILL NO. 16 OF 2021.

## A BILL

*further to amend the Baluchistan Vaccination Ordinance 1958 (West Pakistan Ordinance No. XXVII of 1958).*

### Preamble.

Whereas it is expedient to amend the Baluchistan Vaccination Ordinance, 1958 (~~West Pakistan Ordinance No. XXVII of 1958~~), it is hereby enacted as follows:-

### Short title and commencement.

1. (1) This Act may be called the Baluchistan Vaccination (Amendment) Act, 2021.

(2) It shall come into force at once.

### Amendment of section 2., W.P. Ordinance No. XXVII of 1958.

2. In the Baluchistan Vaccination Ordinance, 1958 (~~W.P. Ordinance No. XXVII of 1958~~), hereinafter referred as the said Ordinance, in section 2—

(a) after clause (d) the following new clause (d-1) shall be inserted:-

"( d-1) "Schedule" means the schedule annexed to this Ordinance";

(b) clause (dd) shall be renumbered as (d-2) and thereafter for the expression "Smallpox Eradication Officer", appearing twice in the clause, the expression "Vaccination Officer/**Vaccinator**" shall be substituted;

(c) in clause (f), for the words "smallpox by having had that disease" the words "Vaccine ~~Prevented~~ **Preventable** Disease as" shall be substituted;

(d) in clause (g), for the words "Vaccine Virus (lymph) in to the skin in order to confer protection against smallpox" the words "vaccine into the body for the purpose of inducing immunity against vaccine ~~prevented~~ **preventable** disease," shall be substituted; and

(e) After clause (h), the following new clause (i) shall be added

"(i) "Vaccine ~~Prevented~~ **Preventable** Diseases" means Tuberculosis,

Polio, Hepatitis B, Diphtheria, Tetanus, Pertussis, Haemophilias, Influenza, Measles, Mumps, Rubella, Chickenpox, Small Pox **Pneumonia, meningitis & typhoid.** and Pneumococcal Conjugate".

**Amendment of  
section 3., W.P.  
Ordinance XXVII  
of 1958.**

3. In the said Ordinance, in section 3—
- (a) in sub-section (1), for the words "Smallpox Eradication Officer" the words and commas "Vaccination Officer/**Vaccinator** including Superintendent of Prison, Incharge of Dar-ul-Aman, Borstal Institution, Renowned Home and other Institution where children are residing or kept to enforce the provisions of this Ordinance with their respective jurisdiction so that all unprotected children and persons are vaccinated," shall be substituted; *and*
  - (b) In sub-section (2), the words "Smallpox Eradication Officer" the words and comma "Vaccination Officer/**Vaccinator**," shall be substituted.

**Amendment of  
section 4., W.P.  
Ordinance XXVII  
of 1958.**

4. In the said Ordinance, in section 4—
- (a) in subsection (1), the words "After an unprotected child has attained the age of six months and before the child is one year of age" the words "After periodic vaccination becomes due, as provided in the Schedule" shall be substituted; *and*
  - (b) in sub-section (2), the words "inspected in order to ascertain the result of the operation" the words "further vaccinated in compliance with the schedule ~~of vaccination~~" shall be substituted.

**Amendment of  
section 6., W.P.  
Ordinance XXVII  
of 1958.**

5. In the said Ordinance, in section 6, for the words "When it is ascertained at the time of inspecting a child under section 5 that the vaccination has been successful a certificate" the words "after completion of vaccination as provided in the vaccination Schedule, a certificate of protection" shall be substituted.



**Omission of  
Section 10. ,  
Ordinance XXVII  
of 1958.**

6. In the said Ordinance, section 10 shall be omitted.

**Insertion in  
Section 15.,  
Ordinance XXVII  
of 1958.**

7. In the said Ordinance, in section 15—

(a) in the marginal heading, after the word "rules" the words "and amend the Schedule" shall be inserted; *and*

(b) after sub-section (2) the following new sub-section (3) shall be added:-

"(3) The Government may, by notification in the official Gazette, amend the Schedule in order to delete or add any vaccination from time to time".

**Insertion of  
Schedule.**

**8. In the said Ordinance, after section 16, the following Schedule shall be added, namely:-**

**"SCHEDULE**

{See section 2, 4 and 15 (3)}  
**SCHEDULE OF VACCINATION**

TIME	AGE	VACCINES			
At Birth	At Birth (as soon as possible)	BCG	OPV-0		Hep. B
2 <sup>nd</sup> Visit	6 Weeks	OPV-1	PCV10-1	Penta-1	Rotavirus-1
3 <sup>rd</sup> Visit	10 Weeks	OPV-2	PCV10-2	Penta-2	Rotavirus-2
4 <sup>th</sup> Visit	14 Weeks	OPV-3	PCV10-3	Penta-3	IPV-1
5 <sup>th</sup> Visit	9 Months	Measles-1 IPV-2		TCV (planned to be introduced in 2021)	
6 <sup>th</sup> Visit	15 Months	Measles-2			

BCG:	Vaccine against Tuberculosis;
OPV:	Oral Polio vaccine (Vaccine against Poliomyelitis)
HBV:	Vaccine for Hepatitis "B"
Pentavalent	A combination vaccines against diphtheria, tetanus toxoids, pertussis Hepatitis, Haemophilus Influenza- B
PCV-10	Vaccine against Pneumococcal infections (Pneumonia) and Meningitis.
Measles	Vaccine against Measles Virus
TCV	Typhoid Conjugated Vaccine for typhoid fever."