

## **C O N F I D E N T I A L**

Not to be released for publication in the press before presentation to the Assembly

### **PROVINCIAL ASSEMBLY OF THE PUNJAB**

#### **REPORT OF THE SPECIAL COMMITTEE NO.1 REGARDING THE PUNJAB WORKMEN'S COMPENSATION (AMENDMENT) BILL 2013 (BILL NO. 15 OF 2013)**

The Punjab Workmen's Compensation (Amendment) Bill 2013 (Bill No. 15 of 2013) was referred to Special Committee No.1 on 15 August 2013. The Committee considered the bill in its meetings held on 3 and 10 September 2013.

**2. The following were present:—**

1.	Mian Naseer Ahmad, MPA (PP-155)	Convener
2.	Raja Ashfaq Sarwar Minister for Labour & Human Resources, Punjab	<i>ex-officio</i> Member
3.	Rana Muhammad Arshad, MPA (PP-171)	Member
4.	Mian Tariq Mehmood, MPA (PP-113)	Member
5.	Sardar Qaisar Abbas Khan Maggasi, MPA (PP-264)	Member
6.	Mr Muhammad Khurram Gulfam, MPA (PP-162) (attended on 3 September 2013)	Member
7.	Mrs Ayesha Javed, MPA (W-317) (attended on 3 September 2013)	Member
8.	Dr Murad Raas, MPA (PP-152)	Member

**3.** Mr Muhammad Yousaf, Secretary to Government of the Punjab, Labour and Human Resource Department and Mr Mohsin Abbas Syed, Director, Law and Parliamentary Affairs Department represented their Departments. Hafiz Muhammad Shafiq Adil, Additional Secretary (Legislation), Provincial Assembly of the Punjab functioned as Secretary to the Committee.

**4.** The Secretary to the Government of Punjab, Labour and Human Resources Punjab, explained that the subject on which that law had been enacted had been devolved on the Provinces by virtue of the Constitution (Eighteenth Amendment) Act 2010. The Ordinance was required to be adapted by the Provincial Assembly of the Punjab in terms of clause (6) of Article 270AA of the Constitution. He added that some other amendments like extinguishing the limit of wages for entitlement of compensation, enhancement of minimum level of awarded amount to lodge an appeal, enhancement of death compensation from Rs. 2,00,000 to Rs. 4,00,000 and enhancement of fiscal penalties had also been incorporated in the Bill in order to bring the law in accordance with the present day situation.

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5. After detailed discussion on the aims and objects and clauses of the bill, the Committee unanimously decided to recommend that the bill may be passed by the Assembly subject to the following amendments:-

**AMENDMENTS IN THE BILL**

**(1) CLASUE 4**

- i)* in sub-clause (c), for the figures "(3)" and "(4)", the figures "(2)" and "(3)" be substituted; and
- ii)* in the beginning, the figure "(4)" be substituted by the figure "(3)".

**(2) CLAUSE 7**

after the word "hundred", occurring in line 2, the word "rupees", be added, and the words "two thousand", be substituted by the words "five thousand rupees but not less than one thousand rupees".

6. A copy of the bill as introduced in the Assembly is at Annexure-A and a copy of the bill as recommended by the Committee is at Annexure-B.

Lahore  
10 September, 2013

  
**MIAN NASEER AHMAD**  
Convener  
Special Committee No.1

Lahore  
10 September, 2013

  
**(RAI MUMTAZ HUSSAIN BABAR)**  
Acting Secretary

# PROVINCIAL ASSEMBLY OF THE PUNJAB

BILL NO. 15 OF 2013

## THE PUNJAB WORKMEN'S COMPENSATION (AMENDMENT) BILL 2013

A  
BILL

*further to amend the Workmen's Compensation Act, 1923.*

**Preamble.**— Whereas it is expedient further to amend the Workmen's Compensation Act, 1923 (VIII of 1923) for purposes hereinafter appearing;

It is enacted as follows:

**1. Short title and commencement.**— (1) This Act may be cited as the Punjab Workmen's Compensation (Amendment) Act 2013.

(2) It shall come into force at once.

**2. Amendment in section 1 of Act VIII of 1923.**— In the Workmen's Compensation Act 1923 (VIII of 1923), hereinafter referred to as the said Act, in section 1, in subsection (2), for the word "Pakistan", the words "the Punjab" shall be substituted.

**3. Amendment in section 2 of Act VIII of 1923.**— In the said Act, in section 2, in subsection (1):

(a) after clause (h), the following clause (hh) shall be inserted:

"(hh) "Provincial Government" means Government of the Punjab;"

(b) clause (k) shall be omitted;

(c) for clause (ll), the following shall be substituted:

"(ll) "Tribunal" shall mean the same as in the Punjab Industrial Relations Act 2010 (XIX of 2010);" and

(d) in clause (n), in sub-clause (ii), the words and comma "on monthly wages not exceeding three thousand rupees," shall be omitted.

**4. Amendment in section 4 of Act VIII of 1923.**— In the said Act, in section 4, in subsection (1):

(a) for paragraphs A and B, the following shall be substituted:

"A. Where death results from injury to a workman - the amount shown in the second column of Schedule IV;

B. Where total disablement of permanent nature results from injury to a workman - the amount shown in the third column of Schedule IV;" and

(b) for paragraph D, the following shall be substituted:

"D. Where temporary disablement, whether total or partial, results from injury, a half monthly payment payable on the sixteenth day after the expiry of a waiting period of four days from the date of the disablement, and thereafter, half-monthly during the disablement or during the period of five years, whichever period is shorter - the amount shown in the fourth column of Schedule IV:

Provided that—

(a) there shall be deducted from any lump-sum or half-monthly payments to which the workman is

entitled the amount of any payment or allowance which the workman has received from the employer by way of compensation during the period of disablement prior to the receipt of such lump-sum or of the first half-monthly payment as the case may be except payments made to the worker during the period of his convalescence towards medical treatment and the half-monthly payments made for the first four months of disablement;

- (b) no half-monthly payment shall in any case exceed the amount, if any, by which half the amount of the monthly wages of the workman before the accident exceeds half the amount of such wages which he is earning after the accident; and
- (c) the amount of half-monthly payments to which a workman is entitled shall in no case be less than the amount of half-monthly payments to which a workman drawing lesser monthly wages than such workman is entitled."; and
- (c) after subsection (3), the following subsection (4) shall be inserted:  
 "(4) The Provincial Government may, by notification in the official Gazette, revise the amount of compensation specified in Schedule IV."

**5. Amendment in section 8 of Act VIII of 1923.**— In the said Act, in section 8:

- (a) in subsection (1), in the proviso, for the words "an aggregate of one hundred rupees, and so much of such aggregate as does not exceed", the words "ten percent of the amount of", shall be substituted;
- (b) in subsection (2), for the word "ten", the words "<sup>four</sup> thousand" shall be substituted; and
- (c) in subsection (4), for the words "twenty five", the words "five thousand" shall be substituted.

**6. Omission of section 15 of Act VIII of 1923.**— In the said Act, section 15 shall be omitted.

**7. Amendment in section 18-A of Act VIII of 1923.**— In the said Act, in section 18-A, in subsection (1), for the words "one hundred", the words "two thousand" shall be substituted.

**8. Amendment in section 30 of Act VIII of 1923.**— In the said Act, in section 30:

- (a) in subsection (1), in the first proviso, for the words "three hundred", the words "five thousand" shall be substituted; and
- (b) subsection (4) shall be omitted.

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9. **Omission of section 35 of Act VIII of 1923.**— In the said Act, section 35 shall be omitted.

10. **Amendment in Schedule II of Act VIII of 1923.**— In the said Act, in Schedule II:

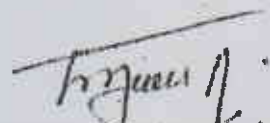
- (a) clauses (vi), (vii), (viiia) and (xiiia) shall be omitted; and
- (b) in clause (viii), sub-clause (d) shall be omitted.

11. **Amendment in Schedule IV of Act VIII of 1923.**— In the said Act, in Schedule IV:

- (a) the entries in the first column shall be omitted; and
- (b) for the figure "2,00,000", wherever occurs, the figure "400,000" shall be substituted.

#### **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 Ordinance is required to be adapted by the Provincial Assembly of the Punjab in terms of clause (6) of Article 270AA of the Constitution. Some other amendments like extinguishing the limit of wages for entitlement of compensation, enhancement of minimum level of awarded amount to lodge an appeal, enhancement of death compensation from Rs.2,00,000 to Rs. 4,00,000 and enhancement of fiscal penalties have also been incorporated in the Bill in order to bring the law in accord with the present day situation. Hence this Bill.



**MINISTER FOR LAW & PA**

15 August 2013

**RAI MUMTAZ HUSSAIN BABAR**  
Acting Secretary



**ANNEXURE – B**

**(BILL AS RECOMMENDED BY THE  
SPECIAL COMMITTEE NO.1)**

A  
Bill

*further to amend the Workmen's Compensation Act, 1923.*

**Preamble.**— Whereas it is expedient further to amend the Workmen's Compensation Act, 1923 (VIII of 1923) for purposes hereinafter appearing;

It is enacted as follows:—

**1. Short title and commencement.**— (1) This Act may be cited as the Punjab Workmen's Compensation (Amendment) Act, 2013.

(2) It shall come into force at once.

**2. Amendment in section 1 of Act VIII of 1923.**— In the Workmen's Compensation Act, 1923 (VIII of 1923), hereinafter referred to as the said Act, in section 1, in subsection (2), for the word "Pakistan", the words "the Punjab" shall be substituted.

**3. Amendment in section 2 of Act VIII of 1923.**— In the said Act, in section 2, in subsection (1)–

(a) after clause (h), the following clause (hh) shall be inserted:–

“(hh) **“Provincial Government”** means Government of the Punjab;”

(b) clause (k) shall be omitted;

(c) for clause (ll), the following shall be substituted:

“(ll) **“Tribunal”** shall mean the same as in the Punjab Industrial Relations Act, 2010 (XIX of 2010);” and

(d) in clause (n), in sub-clause (ii), the words and comma “on monthly wages not exceeding three thousand rupees,” shall be omitted.

**4. Amendment in section 4 of Act VIII of 1923.**— In the said Act, in section 4, in subsection (1)–

(a) for paragraphs A and B, the following shall be substituted:–

“A. Where death results from injury to a workman – the amount shown in the second column of Schedule IV;

B. Where total disablement of permanent nature results from injury to a workman – the amount shown in the third column of Schedule IV;” and

(b) for paragraph D, the following shall be substituted:–

“D. Where temporary disablement, whether total or partial, results from injury, a half monthly payment payable on the sixteenth day after the expiry of a waiting period of four days from the date of the disablement, and thereafter, half-monthly during the disablement or during the period of five years, whichever period is shorter – the amount shown in the fourth column of the Schedule IV:

Provided that–

(a) there shall be deducted from any lump sum or half-monthly payments to which the workman is entitled the amount of any payment or allowance which the workman has received from the employer by way of compensation during the period of disablement prior to the receipt of such lump sum or of the first half-monthly payment as the case may be except payments made to the worker

during the period of his convalescence towards medical treatment and the half-monthly payments made for the first four months of disablement;

- (b) no half-monthly payment shall in any case exceed the amount, if any, by which half the amount of the monthly wages of the workman before the accident exceeds half the amount of such wages which he is earning after the accident; and
- (c) the amount of half-monthly payments to which a workman is entitled shall in no case be less than the amount of half-monthly payments to which a workman drawing lesser monthly wages than such workman is entitled." and
- (c) after subsection (2), the following subsection (3) shall be inserted:-  
 "(3) The Provincial Government may, by notification in the official Gazette, revise the amount of compensation specified in Schedule IV."

**5. Amendment in section 8 of Act VIII of 1923.**— In the said Act, in section 8—

- (a) in subsection (1), in the proviso, for the words "an aggregate of one hundred rupees, and so much of such aggregate as does not exceed", the words "ten percent of the amount of" shall be substituted;
- (b) in subsection (2), for the word "ten", the words "four thousand" shall be substituted; and
- (c) in subsection (4), for the words "twenty five", the words "five thousand" shall be substituted.

**6. Omission of section 15 of Act VIII of 1923.**— In the said Act, section 15 shall be omitted.

**7. Amendment in section 18-A of Act VIII of 1923.**— In the said Act, in section 18-A, for the words "one hundred rupees", the words "five thousand rupees but not less than one thousand rupees" shall be substituted.

**8. Amendment in section 30 of Act VIII of 1923.**— In the said Act, in section 30—

- (a) in subsection (1), in the first proviso, for the words "three hundred", the words "five thousand" shall be substituted; and
- (b) subsection (4) shall be omitted.

**9. Omission of section 35 of Act VIII of 1923.**— In the said Act, section 35 shall be omitted.

**10. Amendment in Schedule II of Act VIII of 1923.**— In the said Act, in Schedule II—

- (a) clauses (vi), (vii), (viii) and (xiii) shall be omitted; and
- (b) in clause (viii), sub-clause (d) shall be omitted.

**11. Amendment in Schedule IV of Act VIII of 1923.**— In the said Act, in Schedule IV—

- (a) the entries in the first column shall be omitted; and
- (b) for the figure "2,00,000" wherever occurs, the figure "4,00,000" shall be substituted.