

THE FACTORIES (AMENDMENT) ACT 2022

(XXVI of 2022)

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TEXT

¹THE FACTORIES (AMENDMENT) ACT 2022

(XXVI of 2022)

[31 October 2022]

An

Act

to amend the Factories Act, 1934.

It is necessary to amend the Factories Act, 1934 (XXV of 1934) for the purposes hereinafter appearing.

Be it enacted by Provincial Assembly of the Punjab as follows:

1. Short title and commencement.— (1) This Act may be cited as the Factories (Amendment) Act 2022.

(2) It shall come into force at once.

2. Amendment of section 2 of Act XXV of 1934.— In the Factories Act, 1934 (XXV of 1934), for brevity referred to as the ‘Act’, in section 2:

(a) in clause (a) and clause (b), for the word "seventeenth", the word "eighteenth" shall be substituted;

(b) in clause (g):

(i) in sub-clause (i), after the expression “finishing or packing,”, the expression “mending, assembling, fabricating, blending,” shall be inserted;

(ii) in sub-clause (iii), for the semicolon, the expression “,or” shall be substituted;

(iii) after sub-clause (iii), the following sub-clauses (iv) and (v) shall be inserted:

“(iv) for construction of building, or

(v) for erection of machinery;”;

(c) in clause (h), for the expression “, but does not include any person solely employed in a clerical capacity in any room or place where no manufacturing process is being carried on”, the expression “including clerical department within the factory premises” shall be substituted;

(d) in clause (j), for the word “ten”, the word “five” shall be substituted; and

(e) for clause (k), the following shall be substituted:

“(k) “machinery” means machines or mechanical arrangements in connection with manufacturing process;”.

¹This Act was passed by Provincial Assembly of the Punjab on 19 October 2022; and was assented to by Governor of the Punjab on 27 October 2022; and was published in the Punjab Gazette (Extraordinary), dated: 31 October 2022, pp. 1683-1687.

3. Omission of section 5 of Act XXV of 1934.— In the Act, section 5 shall be omitted.

4. Amendment of section 5-A of Act XXV of 1934.— In the Act, in section 5-A:

- (a) in subsection (1), the expression “mentioned in the schedule to this Act or for purposes incidental thereto,” shall be omitted;
- (b) sub-section (3) shall be omitted; and
- (c) in sub-section (4), for the figures “5,000” and “100” respectively, the words “five thousand” and “one hundred” shall be substituted.

5. Substitution of section 6 of Act XXV of 1934.— In the Act, for section 6, the following shall be substituted:

“6. Power to declare departments to be separate factories.— (1) An authority notified by the Government may, by order in writing direct that different departments or branches of a specified factory shall be treated as separate factories for all or any of the purposes of this Act.

(2) The order under subsection (1) shall not in any case split the number of workers within the same premises of a factory to deprive the workers of their rights under this Act or any other law for the time being in force.”.

6. Amendment of section 7 of Act XXV of 1934.— In the Act, in section 7, after the word “Government”, the words “or an authority notified by the Government” shall be inserted.

7. Amendment of section 9 of Act XXV of 1934.— In the Act, in section 9, in sub-section (1), in clause (a), for the word “situation”, the word “location” shall be substituted.

8. Amendment of section 9-A of Act XXV of 1934.— In the Act, in section 9-A, in subsection (1), the words “carrying on one or more of the manufacturing processes mentioned in the schedule to this Act or for purposes incidental thereto” shall be omitted.

9. Amendment of section 10 of Act XXV of 1934.— In the Act, in section 10, in subsection (4), for the words “Any Officer notified by the Government”, the words “The Deputy Commissioner” shall be substituted.

10. Amendment of section 13 of Act XXV of 1934.— In the Act, in section 13, in subsection (2), after the word “Government”, the words “or an authority notified by the Government” shall be inserted.

11. Amendment of section 15 of Act XXV of 1934.— In the Act, in section 15, in subsection (3):

- (a) after the word “Government”, the words “or an authority notified by the Government” shall be inserted; and
- (b) for the word “prescribe”, the word “direct” shall be substituted.

12. Amendment of section 20 of Act XXV of 1934.— In the Act, in section 20, in

subsection (3), the expression “wherein more than two hundred and fifty workers are ordinarily employed,” shall be omitted.

13. Amendment of section 24 of Act XXV of 1934.— In the Act, in section 24, in subsection (1), for the words “more than two hundred and fifty”, the words “one hundred or more” shall be substituted.

14. Amendment of section 25 of Act XXV of 1934.— In the Act, in section 25, in subsection (7), the words “more than ten” shall be omitted.

15. Amendment of section 26 of Act XXV of 1934.— In the Act, in section 26, in subsection (1), in first proviso, for the word “by” appearing for the second time, the word “be” shall be substituted.

16. Amendment of section 27 of Act XXV of 1934.— In the Act, in section 27:

- (a) in subsection (1):
 - (i) the word “male” shall be omitted;
 - (ii) for the words “tight fitting”, the word “protective” shall be substituted; and
- (b) in subsections (2), for the words “woman or child”, the word “adolescent” shall be substituted.

17. Amendment of section 28 of Act XXV of 1934.— In the Act, in section 28:

- (a) in the heading, for the words “young persons”, the word “adolescents” shall be substituted;
- (b) in subsection (1), the words “child or” shall be omitted;
- (c) in subsection (2), for the word “Government”, the words “Chief Inspector” shall be substituted; and
- (d) in subsection (2), the words “children or” shall be omitted.

18. Amendment of section 29 of Act XXV of 1934.— In the Act, in section 29, in sub-section (3), for the words “this Ordinance, the expression “the Labour Laws (Amendment) Ordinance, 1972 (IX of 1972)” shall be substituted.

19. Amendment of section 32 of Act XXV of 1934.— In the Act, in section 32, for the words “woman or child” and “women and children”, the word “adolescent” be substituted respectively.

20. Amendment of section 33-D of Act XXV of 1934.— In the Act, in section 33-D, in clause (c), the expression “(there) [?]”, shall be omitted.

21. Amendment of section 33-E of Act XXV of 1934.— In the Act, in section 33-E, in subsection (2), for the word “Government”, the words “Chief Inspector” shall be substituted.

22. Amendment of section 33-F of Act XXV of 1934.— In the Act, in section 33-

F, in subsection (2), for the expression “, adolescents and children”, the words “and adolescents” shall be substituted.

23. Amendment of section 33-M of Act XXV of 1934.— In the Act, in section 33-M, in subsection (1):

- (a) for subsection (1), the following shall be substituted:
“(1) All factories shall abide by the provisions of the Punjab Restriction on Employment of Children Act 2016 (L of 2016).”; and
- (b) in subsection (2), the words “who cannot be lawfully employed therein” and the word “such” shall be omitted.

24. Amendment of section 33-Q of Act XXV of 1934.— In the Act, in section 33-Q:

- (a) in subsection (1), the words “and fifty” shall be omitted;
- (b) in subsection (2), in clause (a), the word “women”, appearing for the first time, shall be omitted;
- (c) in subsection (2), in clause (a), for the word “women”, appearing for the second time, the word “workers” shall be substituted; and
- (d) in subsection (4), in clause (b), the expression “women,” and the words “or children” shall be omitted.

25. Amendment of section 38 of Act XXV of 1934.— In the Act, in section 38, for the word “Government”, the words “Chief Inspector” shall be substituted.

26. Amendment of section 41 of Act XXV of 1934.— In the Act, in section 41:

- (a) In subsection (1), for clause (a), the following shall be substituted:
“(a) the name and date of birth of each adult worker in the factory and his dependents along with their Computerized National Identity Card Numbers” shall be inserted; and
- (b) in subsection (2), after the word “Workers”, the words “including online registry of Adult Workers” shall be inserted.

27. Amendment of section 45 of Act XXV of 1934.— In the Act, in section 45, in subsection (1), in clause (b), for the proviso, the following shall be substituted:

“Provided that if the employer arranges for safe and secure transport facilities, a woman with her consent may also work in evening and night shifts.”.

28. Amendment of section 46 of Act XXV of 1934.— In the Act, in section 46, in the proviso, for the word “Government”, the words “Chief Inspector” shall be substituted.

29. Insertion of section 49-J of Act XXV of 1934.— In the Act, after section 49-I, the following section 49-J shall be inserted:

“49-J. Paternity leave.— Every worker shall be allowed seven days paternity leave, with full pay, commencing on or immediately before the date of delivery

of his child.

Provided that the benefit of full pay shall be limited to the birth of his two children and the worker shall apply for paternity leave seven days in advance of the expected date of delivery of child.”.

30. Amendment of heading of CHAPTER V of Act XXV of 1934.— In the Act, in the heading under CHAPTER V, the words “AND CHILDREN” shall be omitted.

31. Amendment of section 50 of Act XXV of 1934.— In the Act, in section 50:

- (a) in the heading, the word “young” shall be omitted; and
- (b) for the word “fourteenth” the word “fifteenth” shall be substituted.

32. Amendment of section 51 of Act XXV of 1934.— In the Act, in section 51, the words “child who has completed his fourteenth year and no” shall be omitted.

33. Amendment of section 52 of Act XXV of 1934.— In the Act, in section 52:

- (a) in subsection (1), the words “child or” shall be omitted; and
- (b) in subsection (2):
 - (i) in clause (a), for the words “a child”, the words “an adolescent” shall be substituted, and for the word “fourteenth”, the word “fifteenth” shall be substituted; and
 - (ii) in clause (b), for the word “fifteenth”, the word “eighteenth” shall be substituted.

34. Omission of sections 54, 55, 56 and 57 of Act XXV of 1934.— In the Act, sections 54, 55, 56 and 57 shall be omitted.

35. Amendment of section 58 of Act XXV of 1934.— In the Act, in section 58:

- (a) in clause (b):
 - (i) for the words “a child or”, the word “an” shall be substituted;
- (b) in the text appearing after clause (b),
 - (ii) for the expression “child or adolescent, as the case may be”, the words “an adolescent” shall be substituted; and
 - (iii) for the words “child or”, the word “and” shall be substituted.

36. Amendment of section 59 of Act XXV of 1934.— In the Act, in section 59, in clauses (b) and (c), the words “children and” shall be omitted.

37. Amendment of section 59-A of Act XXV of 1934.— In the Act, in section 59-A:

- (a) in the heading, for the expression “V of 1991”, the expression “L of 2016” shall be substituted; and
- (b) for the expression “Employment of Children Act, 1991 (V of 1991)”, the expression “Punjab Restriction on Employment of Children Act, 2016 (L

of 2016)” shall be substituted.

38. Amendment of section 60 of Act XXV of 1934.— In the Act, in section 60:

- (a) in clause (e), the words “or child” shall be omitted;
- (b) in clause (e), the comas and figures “ , 54, 55, 57” shall be omitted; and
- (c) in clause (f), for the expression “section 55 or section 56 or of any rules made under either of these sections, or under clause (d) of section 59”, the expression “rules made under clause (d) of section 59” shall be substituted.

39. Substitution of section 62-A of Act XXV of 1934.— In the Act, for section 62-A, the following shall be substituted:

“62-A. Penalty for failure to register.— A Manager or an occupier who contravenes the provisions of section 9-A or the conditions on which a registration certificate is granted or an endorsement made shall be punishable with fine which may extend to two thousand rupees, or if he has previously been convicted of an offence under that section, to five thousand rupees on the second conviction; and for every subsequent offence the maximum amount of fine which may be imposed shall be enhanced by one thousand rupees subject to a maximum of ten thousand rupees.”.

40. Amendment of section 68 of Act XXV of 1934.— In the Act, in section 68:

- (a) the words “on any day on which he has already been working in another factory” shall be omitted; and
- (b) for the words “five hundred” the words “one thousand” shall be substituted.

41. Amendment of section 72 of Act XXV of 1934.— In the Act, in section 72, the words “in which children are working” shall be omitted.

42. Amendment of section 73 of Act XXV of 1934.— In the Act, in section 73, in subsection (2), in the beginning of the text, the expression “In the absence of Form-B or Family Registration Certificate issued by National Database and Registration Authority (NADRA),” shall be inserted, and afterwards for capital letter “A”, the small letter “a” shall be substituted.

43. Amendment of section 76 of Act XXV of 1934.— In the Act, in section 76, in subsection (1):

- (a) after the words “in English”, the words “and Urdu languages” shall be inserted; and
- (b) for the words “Government may prescribe”, the words “Chief Inspector may direct” shall be substituted.

44. Amendment of section 79 of Act XXV of 1934.— In the Act, in section 79, in subsection (1), for the word “dale”, the word “date” shall be substituted.

45. Omission of SCHEDULE to Act XXV of 1934.— THE SCHEDULE to the Act shall be omitted.