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THE WORKERS' CHILDREN (EDUCATION) ORDINANCE, 1972

(XI of 1972)

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TEXT

**'THE WORKERS' CHILDREN (EDUCATION) ORDINANCE, 1972
(XI of 1972)**

[13th April, 1972]

**An
Ordinance**

to provide for the education of workers' children and matters ancillary thereto

Preamble.— WHEREAS it is expedient to provide for the education of workers' children and for matters ancillary thereto;

AND WHEREAS the national interest of Pakistan in relation to the economic and financial stability of Pakistan and the achievement of uniformity requires ²[Federal] legislation in the matter;

NOW, THEREFORE, in pursuance of the Proclamation of the 25th day of March, 1969, read with the Proclamation of the 20th day of December, 1971, and the Provisional Constitution Order, and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance:—

1. Short title, extent and commencement.— (1) This Ordinance may be called the Workers' Children (Education) Ordinance, 1972.

(2) It extends to the whole of ³[the Punjab].

(3) It shall come into force at once.

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

(a) "employer", in relation to an establishment, means the person who has ultimate control over the affairs of the establishment;

⁴[(b) "establishment" means any office, firm, industrial unit, undertaking, shop or premises in which workers are employed for the purpose of carrying on any business, trade, manufacture, calling, service, employment or occupation;]

¹Pursuant to the Proclamation of the 25th day of March, 1969, read with the Proclamation of the 20th day of December, 1971, and the Provisional Constitution Order, and in exercise of all powers enabling him in that behalf, the President of Pakistan promulgated this Ordinance which was published in the Gazette of Pakistan dated 13 April 1972, pages 522-523. The Ordinance was applied to the Provincially Administered Tribal Areas or to the parts of those areas to which it did not already apply, see Regulation No. I of 1972, s. 2 and Sch.

This Ordinance was originally in the Federal ambit, however, the subject on which this law was enacted, devolved to the provinces by virtue of 18th Amendment in the Constitution, hence it was adapted, with amendments, for the province of the Punjab by the Punjab Workers' Children (Education) (Amendment) Act 2012 (XXIII of 2012); and published in the Punjab Gazette (Extraordinary), dated 11.2.2012, pages 40167-40168.

²Substituted for the word "Central" by the Federal Adaptation of Laws Order, 1975 (P.O.4 of 1975); and published in the Gazette of Pakistan (Extraordinary), dated 1.8.1975, pages 435-467, see s.2 (3) and Table of General Adaptations.

³Substituted for the word "Pakistan" by the Punjab Workers' Children (Education) (Amendment) Act 2012 (Act XXIII of 2012); and published in the Punjab Gazette (Extraordinary), dated 11.2.2012, pages 40167-40168, s.2.

⁴Clause (b) substituted for the original by the Workers' Children (Education) (Amendment) Act, 1973 (XXIV of 1973); and published in the Punjab Gazette (Extraordinary), Part I, dated 9.2.1973, s.2

- ⁵[(bb) "Government" means Government of the Punjab;]
- (c) "worker" means ⁶[a worker as defined in section 2 of the Punjab Industrial Relations Act 2010 (XIX of 2010)], but does not include—
- (i) Persons in the service of the State including members of the Armed Forces, Police Force, Railway servants;
 - (ii) Persons employed in any undertaking under the control of any Defence organisation or Railway administration;
 - (iii) persons in the service of a local council, a municipal committee, a cantonment board or any other local authority⁷[:]
- ⁸[Provided that a worker shall not cease to be a worker for the reason that ⁹[****] the number of persons employed in the establishment, at any time is reduced to less than ten.]

¹⁰**[3. Levy of education cess.—** (1) Every employer of an establishment in which the number of workers employed at any time during a year is ¹¹[ten] or more shall pay to the ¹²[****] Government an education cess at the rate of one hundred rupees per worker per annum.¹³

(2) Every employer shall, within every three months beginning from the first day of the calendar month following the ¹⁴commencement of the Workers' Children (Amendment) Act, 1973, prepare and deliver, or cause to be prepared and delivered, in the form and to the officer prescribed by the ¹⁵[****] Government, a return showing the number of workers employed in the establishment during the preceding quarter and shall subscribe a declaration of the truth of the return at the foot thereof.

(3) The levy of education cess shall be on the basis of the number of

⁵Inserted by the Punjab Workers' Children (Education) (Amendment) Act 2012 (Act XXIII of 2012); and published in the Punjab Gazette (Extraordinary), dated 11.2.2012, pages 40167-40168, s.3.

⁶Substituted for the words "any person employed, whether directly or through any other person, in any establishment to do any skilled or unskilled, manual or clerical work for hire or reward whose monthly wages do not exceed three thousand rupees" by the Punjab Workers' Children (Education) (Amendment) Act 2012 (Act XXIII of 2012); and published in the Punjab Gazette (Extraordinary), dated 11.2.2012, pages 40167-40168, s.3.

⁷At the end of section 2, in clause (c)(iii), a colon is substituted for full stop by the Labour Laws (Amendment) Act, 1994 (XI of 1994); and published in the Gazette of Pakistan (Extraordinary), Pt. 1, dated 29.6.1994, pages, 224-235, see s.7 (1)(a)(ii).

⁸Proviso added by the Labour Laws (Amendment) Act, 1994 (XI of 1994); and published in the Gazette of Pakistan (Extraordinary), Pt. 1, dated 29.6.1994, pages, 224-235, see s.7 (1)(a)(ii).

⁹Omitted the words "his monthly wages exceed three thousand rupees or" by the Punjab Workers' Children (Education) (Amendment) Act 2012 (Act XXIII of 2012); and published in the Punjab Gazette (Extraordinary), dated 11.2.2012, pages 40167-40168, s.5.

¹⁰Section 3, 4 & 5 substituted for the original sections 3, 4 & 5 by the Workers' Children (Education) (Amendment) Act, 1973 (XXIV of 1973); and published in the Punjab Gazette (Extraordinary), Part I, dated 9.2.1973, s.3

¹¹Substituted for "twenty" by the Labour Laws (Amendment) Act, 1985 (XVI of 1985); and published in the Punjab Gazette (Extraordinary), date 27.7.1985, see s.2 and Schedule.

¹²Omitted the word "Provincial" by the Punjab Workers' Children (Education) (Amendment) Act 2012 (Act XXIII of 2012); and published in the Punjab Gazette (Extraordinary), dated 11.2.2012, pages 40167-40168, s.4.

¹³Non-payment of cess attracts the provisions of Sind Tax Evasion (Punishment) Act, 1974, which was amended by Sind Act, XI of 1976 to provide penalty for such non payment in the Province of Sind. Sind Govt Gaz. Extr' 15 July, 1976, Pt. IV. p. 127

¹⁴Viz. February 9, 1973.

¹⁵Omitted the word "Provincial" by the Punjab Workers' Children (Education) (Amendment) Act 2012 (Act XXIII of 2012); and published in the Punjab Gazette (Extraordinary), dated 11.2.2012, pages 40167-40168, s.4.

workers shown in the return referred to in sub-section (2).

¹⁶**[4. Education of Workers' Children.**—The ¹⁷[****] Government shall provide education free of cost up to ¹⁸[any level of education to two children] of every worker employed in an establishment referred to in section 3.

Explanation.— 'Education free of cost' includes provision of text books free of cost and exemption from admission fee, tuition fee, examination fee and school fund.

¹⁹**[5. Manner of levying cess.**— The cess described in section 3 shall be levied so far as may be, in the same manner, and under the same provisions of law, as the land revenue ²⁰[:]

²¹[Provided that the amount of the cess shall be held in a separate account and shall be expended only for the purposes of this Ordinance.]

²²**[5-A. Collection and administration of cess.**—The collection of cess referred to in section 3 and its administration may be entrusted to the Social Security Institution or to such other agency as the ²³[****] Government may nominate.]

²⁴**[6. Power to make rules.**—The ²⁵[****] Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.]

¹⁶Section 3, 4 & 5 substituted for the original sections 3, 4 & 5 by the Workers' Children (Education) (Amendment) Act, 1973 (XXIV of 1973); and published in the Punjab Gazette (Extraordinary), Part I, dated 9.2.1973, s.3

¹⁷Omitted the word "Provincial" by the Punjab Workers' Children (Education) (Amendment) Act 2012 (Act XXIII of 2012); and published in the Punjab Gazette (Extraordinary), dated 11.2.2012, pages 40167-40168, s.4.

¹⁸Substituted in section 4, for the words "Matric and thereafter in a Poly-technic or vocational training institute to one child" by the Labour laws (Amendment) Act, 1994 (XI of 1994); and published in the Gazette of Pakistan (Extraordinary), Pt. 1, dated 29.6.1994, pages, 224-235, see s.7 (2). Previously the words "and thereafter in a Poly-technic or vocational training institute" was inserted by the Labour Laws (Amendment) Act, 1985 (XVI of 1985); and published in the Punjab Gazette (Extraordinary), date 27.7.1985, see s.2 and Schedule.

¹⁹Section 3, 4 & 5 substituted for the original sections 3, 4 & 5 by the Workers' Children (Education) (Amendment) Act, 1973 (XXIV of 1973); and published in the Punjab Gazette (Extraordinary), Part I, dated 9.2.1973, s.3

²⁰Substituted for the full-stop, by the Labour (Laws) (Amendment) Act, 1975 (XI of 1975); and published in the Gazette of Pakistan (Extraordinary), Part I, dated 25.1.1975, s.2 and Schedule, at serial No.5.

²¹Proviso added *ibid*.

²²New section 5A inserted by the Labour laws (Amendment) Act, 1994 (XI of 1994); and published in the Gazette of Pakistan (Extraordinary), Part 1, dated 29.6.1994, pages, 224-235, see s.7 (3).

²³Omitted the words "Provincial" by the Punjab Workers' Children (Education) (Amendment) Act 2012 (Act XXIII of 2012); and published in the Punjab Gazette (Extraordinary), dated 11.2.2012, pages 40167-40168, s.5.

²⁴Added by the Workers' Children (Education) (Amendment) Act, 1973 (XXIV of 1973); and published in the Punjab Gazette (Extraordinary), Part I, dated 9.2.1973, s.3

²⁵Omitted the word "Provincial" by the Punjab Workers' Children (Education) (Amendment) Act 2012 (Act XXIII of 2012); and published in the Punjab Gazette (Extraordinary), dated 11.2.2012, pages 40167-40168, s.5.