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**The Sindh
Employees'
Social Security
Act, 2016
With Rules**

Amended & Corrected

by

ZAKA ALI
(ADVOCATE HIGH COURT)

REVISED EDITION

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THE SINDH EMPLOYEES' SOCIAL SECURITY ACT, 2016

(Sindh Act No. VI of 2016)

[Karachi, the 12th April, 2016]

Notification No. PAS/Legis-B-04/2016. – The Sindh Employees' Social Security Bill, 2016 having been passed by the Provincial Assembly of Sindh on 29th February, 2016 and assented to by the Governor of Sindh on 21st March, 2016 is hereby published as an Act of the Legislature of Sindh.

AN

ACT

¹[to introduce a scheme of social security for providing benefits to certain employees or their dependents in the event of sickness, maternity, employment injury or death, iddat and for matters ancillary thereto.]

²[Preamble. – WHEREAS it is expedient to introduce a scheme of social security for providing benefits to certain employees or their dependents in the event of sickness, maternity, employment injury or death, iddat and for matters ancillary thereto.]

*Published in the Sindh Government Gazette, Extr., Pt. IV, P. No. 12, dt. April 12, 2016.

¹Long Title substituted by the Sindh Employees Social Security (Amendment) Act, 2018 (Sindh Act No. XVIII of 2018), the Sindh Govt. Gaz., Extr., Pt. IV, P. No. 284, dt. 17th May, 2018.

²Preamble substituted, *ibid.*

It is hereby enacted as follows : -

CHAPTER - I

PRELIMINARY

1. Short title, extent, commencement and application. -

(1) This Act may be called the Sindh Employees' Social Security Act, 2016.

(2) It shall extend to the whole of the Province of Sindh.

(3) It shall come into force at once, but shall apply only to such areas, classes of persons, industries or establishments, from such date or dates, and with regard to the provision of such benefits as Government may, by notification, specify in this behalf.

2. Definitions. - In this Act, unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them, that is to say -

(1) "appointed day" means in relation to any area, class of persons, industries, establishments or benefits, the day on which this Act is applied to such area or in respect of such class of persons, industries, establishments or benefits;

(2) "Chairman" means the Chairman of the Governing Body;

(3) "Commissioner" means the Commissioner of the Institution;

(4) "confinement" means labour resulting in the issue of a living child, or labour after twenty-six

weeks of pregnancy resulting in the issue of a child, whether alive or dead;

*[(5) **"contribution"** means the sum of money payable to the Institution by an employer in respect of an employee and includes any amount payable by or behalf of the employee, in accordance with the provisions of this Act;]

(6) **"dependent"** means the wife or wives or a needy invalid husband, dependent parents and any unmarried children under the age of twenty-one years dependent upon the secured person :

Provided that such age limit shall not apply to unmarried dependent daughters;

(7) **"disablement"** means a condition caused by an employment injury which, as certified by a medical practitioner authorized for the purpose as provided in the regulations, has permanently reduced or is likely to reduce permanently a secured person's earning capacity, and disablement shall be "minor" where the loss of earning capacity is less than twenty per centum, "partial" where the loss of earning capacity ranges from twenty-one per centum to sixty-six per centum, and "total" where the loss of earning capacity is in excess of sixty-six per centum;

(8) **"domestic servant"** means any person working whole-time in connection with the work of any household for any consideration, whether in cash or in kind;

*Sub-section (5) substituted by the Sindh Employees Social Security (Amendment) Act, 2018 (Sindh Act No. XVIII of 2018), the Sindh Govt. Gaz., Extr., Pt. IV, P. No. 284, dt. 17th May, 2018.

weeks of pregnancy resulting in the issue of a child, whether alive or dead;

*[(5) **"contribution"** means the sum of money payable to the Institution by an employer in respect of an employee and includes any amount payable by or behalf of the employee, in accordance with the provisions of this Act;]

(6) **"dependent"** means the wife or wives or a needy invalid husband, dependent parents and any unmarried children under the age of twenty-one years dependent upon the secured person :

Provided that such age limit shall not apply to unmarried dependent daughters;

(7) **"disablement"** means a condition caused by an employment injury which, as certified by a medical practitioner authorized for the purpose as provided in the regulations, has permanently reduced or is likely to reduce permanently a secured person's earning capacity, and disablement shall be "minor" where the loss of earning capacity is less than twenty per centum, "partial" where the loss of earning capacity ranges from twenty-one per centum to sixty-six per centum, and "total" where the loss of earning capacity is in excess of sixty-six per centum;

(8) **"domestic servant"** means any person working whole-time in connection with the work of any household for any consideration, whether in cash or in kind;

*Sub-section (5) substituted by the Sindh Employees Social Security (Amendment) Act, 2018 (Sindh Act No. XVIII of 2018), the Sindh Govt. Gaz., Extr., Pt. IV, P. No. 284, dt. 17th May, 2018.

(9) "employee" means any person employed, whether directly or through any other person for wages or otherwise to do any skilled or unskilled, supervisory, clerical, manual or other work in, or in connection with the affairs of an industry or establishment, under a contract of service or apprenticeship, whether written or oral, expressed or implied ¹[self-employed worker] but does not include –

- (a) persons in the service of the State, including members of the Armed Forces, Police Force and Railway servants;
- (b) persons employed in any undertaking under the control of any Defence Organization or Railway Administration;
- (c) persons in the service of a local council, a municipal committee, a cantonment board or any other local authority;
- (d) any person in the service of his father, mother, wife, son or daughter, or of her husband;
- ²[(e) any person employed on wages exceeding the upper wage limit determined under section 75 :

Provided that an employee shall not cease to be an employee for the reason that his monthly wages exceed the upper wage limit determined under section 75;]

¹In sub-section (9), inserted by the Sindh Employees Social Security (Amendment) Act, 2021 (Sindh Act No. XIX of 2021), the Sindh Govt. Gaz., Extr., Pt. IV, P. No. 55, dt. August 4, 2021.

²Clause (e) substituted by the Sindh Employees Social Security (Amendment) Act, 2018 (Sindh Act No. XVIII of 2018), the Sindh Govt. Gaz., Extr., Pt. IV, P. No. 284, dt. 17th May, 2018.

- *[(17) **"Institution"** means the Sindh Employees Social Security Institution established under section 3;]
- (18) **"Medical Advisor"** means the Medical Advisor appointed under section 15;
- (19) **"Medical Board"** means a Board consisting of two or more medical practitioners, appointed under section 17;
- (20) **"medical practitioner"** means a person practicing medicine and having such qualifications as may be provided in the regulations;
- (21) **"Member"** means a member of the Governing Body;
- (22) **"prescribed"** means prescribed by rules;
- *[(23) **"registered trade union"** means a trade union as defined in the Sindh Industrial Relations Act, 2013 (Sindh Act No. XXIX of 2013);]
- (24) **"regulations"** means regulations made under this Act;
- (25) **"rules"** means rules made under this Act;
- (26) **"secured person"** means a person in respect of whom contributions are or were payable under this Act;
- *[(27) **"Self-Assessment Scheme"** means a scheme of social security benefits, effective from the 1st July, 2001, with no intervention through checking

*Sub-sections (17), (23) & (27) substituted by the Sindh Employees Social Security (Amendment) Act, 2018 (Sindh Act No. XVIII of 2018), the Sindh Govt. Gaz., Extr., Pt. IV, P. No. 284, dt. 17th May, 2018.

by any staff member of the Institution, in respect of employees secured under this Act and the employer undertakes to pay a contribution in respect of them at the fixed rate of six percent of the lower wage limit determined under section 75 per month per secured employee;]

¹[(27-A) **"self-employed worker"** means a person who engages himself in any work such as daily wages worker, construction worker, homebased worker, transport worker, fisheries worker, agriculture worker, seasonal worker and the worker employed under the Sindh Shops and Commercial Establishments Act, 2015 (Sindh Act No. XII of 2016);

(27-B) **"smart card"** means the Benazir Mazdoor Card to be issued by the National Database and Registration Authority (NADRA) to all secured workers for the purpose of social security benefits admissible under the Social Security Scheme;]

(28) **"sickness"** means a condition which requires medical treatment or necessitates abstention from work on medical grounds;

(29) **"Social Security Area"** means an area to which this Act has been applied;

²[(30) **"Social Security Court"** means a court constituted under section 64;]

¹Sub-sections (27-A) & (27-B) inserted by the Sindh Employees Social Security (Amendment) Act, 2021 (Sindh Act No. XIX of 2021), the Sindh Govt. Gaz., Extr., Pt. IV, P. No. 55, dt. August 4, 2021.

²Sub-section (30) substituted by the Sindh Employees Social Security (Amendment) Act, 2018 (Sindh Act No. XVIII of 2018), the Sindh Govt. Gaz., Extr., Pt. IV, P. No. 284, dt. 17th May, 2018.

(31) "strike" and "lock-out" shall have the same meaning as is respectively assigned to them in the Industrial Disputes Ordinance, 1959 (LVI of 1959);

¹[(31-A) "upper wage limit" means the upper wage limit determined under section 75;]

(32) "wages" means remuneration for service paid or payable in cash or in kind to a secured person, not being less than remuneration based on the minimum rates of wage declared under the ²[Sindh Minimum Wages Act, 2015 (Act No. VIII of 2016)], without taking account of deductions for any purpose, under a contract of service or apprenticeship, expressed or implied, and shall be deemed to include any dearness allowance or other addition in respect of the cost of living and any payment by the employer to a secured person in respect of any period of authorized leave, illegal lock-out or legal strike; but does not include –

(a) any payment for overtime; or

(b) any sum paid to the person employed to defray special expenses entailed by the nature of his employment; or

(c) any gratuity payable on discharge; or

(d) any sum paid as bonus by the employer;

(33) "week" means a period of seven days commencing at midnight of Sunday night.

¹Sub-section (31-A) inserted by the Sindh Employees Social Security (Amendment) Act, 2018 (Sindh Act No. XVIII of 2018), the Sindh Govt. Gaz., Extr., Pt. IV, P. No. 284, dt. 17th May, 2018.

²In sub-sections (32), substituted, *ibid*, for "Minimum Wages Ordinance, 1961 (XXXIX of 1961)".

CHAPTER – II
ORGANIZATION

3. Establishment and incorporation of Employees' Social Security Institution. – (1) As soon as may be after the commencement of this Act, Government shall establish by notification in the official gazette, an institution to be called the *[Sindh Employees' Social Security Institution].

(2) The Institution shall be a body corporate having perpetual succession and a common seal, with power, subject to the provisions of this Act, to acquire, hold and dispose of property, both movable and immovable, and shall by the aforesaid name sue and be sued.

(3) The Institution shall have its own fund, to be called the Employees' Social Security Fund, and may incur out of the said Fund such expenditure as may be necessary.

4. Management. – (1) The general direction and superintendence of the affairs of the Institution shall vest in a Governing Body which, with the assistance of a Commissioner, may exercise all powers and do all acts and things which may be exercised or done by the Institution.

(2) In discharging its functions, the Institution shall be guided by such instructions on questions of policy as may be given to it from time to time by Government, which shall be the sole judge as to whether any instructions are on a question of policy or not.

5. Governing Body. – (1) The Governing Body shall consist of the following members to be appointed by Government, by notification in the official gazette, namely : –

*In section 3, in sub-sections (1), substituted by the Sindh Employees Social Security (Amendment) Act, 2018 (Sindh Act No. XVIII of 2018), the Sindh Govt. Gaz., Extr., Pt. IV, P. No. 284, dt. 17th May, 2018, for "Employees' Social Security Institution".

- (a) Minister Labour, Government of the Sindh or a person who is or has been a Judge of the High Court or a senior officer in the service of Province not below the rank of a Commissioner of a Division or Secretary to Government, and such person shall be the Chairman of the Governing Body;

*[(b) two persons to represent Government, one each respectively from the Labour and Finance Department;

- (c) four persons to represent employers, two persons from Karachi, one person from Nooriabad or Kotri and one person from Hyderabad or Sukkur :

Provided that the representation from Nooriabad or Kotri and Hyderabad or Sukkur shall be on rotation basis for term of three years;

- (d) four persons to represent secured persons, two persons from Karachi, one person from Nooriabad or Kotri and one person from Hyderabad or Sukkur :

Provided that the representation from Nooriabad or Kotri and Hyderabad or Sukkur shall be on rotation basis for term of three years;]

- (e) the Commissioner and the Medical Adviser, *ex-officio*.

*[(f) the Chairman, Standing Committee on Labour and Human Resources in the Provincial Assembly, *ex-officio*.]

- (2) Members to be appointed under clause (c) or clause

¹Clauses (b), (c) & (d) substituted by the Sindh Employees Social Security (Amendment) Act, 2018 (Sindh Act No. XVIII of 2018), the Sindh Govt. Gaz., Extr., Pt. IV, P. No. 284, dt. 17th May, 2018.

²Clause (f) added, *ibid*.

(d) of sub-section (1) shall respectively be chosen from a list of names submitted in the prescribed manner by the organizations of employers and employees recognized by Government for that purpose :

Provided that pending the making of rules in this behalf, the first members to be so appointed shall be chosen from such persons as Government may deem suitable.

(3) Subject to the other provisions of this Act a member shall hold office for three years from the date on which his appointment is notified under sub-section (1).

6. Powers and functions of the Governing Body. – In addition to the powers conferred on, and the functions entrusted to it by the other provisions of this Act or by the rules, the Governing Body shall have powers –

- (a) to approve the budget estimates, the audited accounts and the annual report of the Institution for submission to Government in accordance with the provisions of this Act; and
- (b) to call for any information, or direct any research to be made for the furtherance of the objects of this Act.

7. Meetings of the Governing Body. – (1) The meetings of the Governing Body shall be held at such times and at such places as may be provided by regulations, and until regulations are made in this behalf, such meetings shall be convened by the Chairman.

(2) To constitute a quorum at a meeting of the Governing Body, the number of members present shall be five.

(3) Each member shall have one vote, and, in the event of equality of votes, the Chairman shall have second or casting vote.

(4) The meetings of the Governing Body shall be presided over by the Chairman, and in the absence of the Chairman, *[by the Secretary of the Department in case he is not Chairman by virtue of clause (a) of sub-section (1) of section 5].

8. Authentication of orders, etc. – All orders and decisions of the Governing Body shall be authenticated by the signature of the Chairman or of such other member as may have been authorized by the Governing Body in writing for the purpose.

9. Supersession of the Governing Body. – (1) If, in the opinion of Government, the Governing Body has persistently failed to perform the duties imposed upon it by or under this Act, or has abused its powers, Government may, by notification in the official gazette, supersede the Governing Body :

Provided that before such supersession, Government shall give the Governing Body a reasonable opportunity to show cause why it should not be superseded, and shall consider any explanation or objection which it submits.

(2) Upon the publication of a notification under sub-section (1), the person holding office as Chairman and members shall cease to hold such office.

(3) Immediately upon the supersession of a Governing Body, Government shall constitute another Governing Body by appointing new members in accordance with the provisions of section 5.

10. Fees and allowances. – Members shall receive such fees and allowances as may be prescribed.

*In section 7, in sub-section (4), substituted by the Sindh Employees Social Security (Amdt.) Act, 2018 (Sindh Act No. XVIII of 2018), the Sindh Govt. Gaz., Extr., Pt. IV, P. No. 284, dt. 17th May, 2018, for "by the person elected for the purpose by the members present from amongst themselves".

11. **Resignation.** – A member, other than an ex-officio member, may resign his office by notice in writing to Government, and his seat shall fall vacant on the acceptance of the resignation.

12. **Disqualifications.** – (1) No person shall be or shall continue to be member, if he –

- (a) has been convicted of an offence involving moral turpitude; or
- (b) is declared to be of unsound mind by a competent Court; or
- (c) is an undischarged insolvent; or
- (d) is a member of the staff of the Institution other than the Commissioner and the Medical Adviser;
- (e) has any direct or indirect interest in a contract with, or in any work being done for, the Institution, except as a shareholder (not being a Director) of a company; or
- (f) owes to the Institution contributions to the extent specified in the regulations; or
- (g) has lost the capacity by virtue of which he was appointed as a member; or
- (h) has failed to attend more than one-third of the number of meetings of the Governing Body held during any year.

(2) Government may, by order in writing, remove the Chairman or a member, if he –

- (a) refuses or fails to discharge or becomes, in the opinion of Government, incapable of discharging his responsibilities under this Act; or

- (b) has, in the opinion of Government, abused his position as a member; or
- (c) has absented himself from three consecutive meetings of the Governing Body without the leave of Government in the case of the Chairman, or of the Chairman in the case of a member :

Provided that before such removal, Government shall give the Chairman or the member, as the case may be, a reasonable opportunity of showing cause as to why he should not be removed, and shall consider any explanation or objection which he submits.

13. Filling of casual vacancies. – A member appointed to fill a vacancy other than a full-term vacancy, shall hold office for only so long as the member in whose place he is appointed would have been entitled to hold office if the vacancy had not occurred.

14. Head Office. – The head Office of the Institution shall be at Karachi, but Government may, by notification, transfer it to such other place as may be specified in such notification.

15. Medical Advisor. – As soon as may be, Government shall appoint a Medical Advisor having the prescribed qualifications.

16. Duties of Medical Advisor. – The Medical Advisor shall –

- (a) advise the Governing Body on matters relating to the administration of medical care and the prevention and treatment of diseases among secured persons;
- (b) perform such other duties in connection with

medical care as may be specified in the regulations.

17. Medical practitioners and Medical Boards. – (1) The Institution shall appoint Medical Practitioners and Medical Boards in such Social Security areas and in such manner as may be provided by regulations.

(2) The powers and functions of Medical Practitioners and Medical Boards, and the fees and allowances to be paid to such practitioners or the members of such boards, shall be such as may be provided by regulations.

18. Commissioner and Vice-Commissioner.– (1) There shall be a Commissioner and a Vice-Commissioner of the Institution both to be appointed by Government.

(2) The Commissioner shall –

- (a) be the Chief Executive of the Institution and shall act as Secretary to the Governing Body;
- (b) be responsible to the Governing Body in respect of all matters relating to the structure, administration and personnel of the Institution; and
- (c) have such powers regarding appointment, transfer, promotion, dismissal and other matters affecting the staff of the Institution as are provided for by regulations.

(3) The Vice-Commissioner shall perform the duties of the Commissioner when the latter is absent or prevented from acting, and the Commissioner may assign to the Vice-Commissioner the responsibility for the direction of certain services or delegate to him any of his own powers under this Act, the rules and the regulations.

19. Officers and staff of the Institution. – The Governing

Body may employ such officers and staff for the administration of the affairs of the Institution as the regulations may provide.

CHAPTER – III

CONTRIBUTIONS

20. Amount and payment of contributions. – (1) Subject to the other provisions of this Chapter, the employer shall, in respect of every employee, whether employed by him directly or through any other person pay to the Institution a contribution at such times, at the rate of six per cent and subject to such conditions as may be prescribed :

*[Provided that no contribution shall be payable on so much of an employee's wages as is in excess of the upper wage limit determined under section 75 :

Provided further that the rate of contribution shall be the minimum wage rate prevailing at the time of paying the contribution under the Sindh Minimum Wage Act, 2015.]

(2) The employer shall not be entitled, to deduct his own share of contribution from the employee's wages or otherwise to recover from him any portion of the contribution, notwithstanding any agreement to the contrary.

(3) For the purpose of determining the amount of the contribution payable, daily wages shall be calculated in such manner as may be provided by regulations.

(4) Where the mode of payment of remuneration, whether in cash or in kind, makes it difficult to determine the

*In section 20, proviso substituted by the Sindh Employees Social Security (Amendment) Act, 2018 (Sindh Act No. XVIII of 2018), the Sindh Govt. Gaz., Extr., Pt. IV, P. No. 284, dt. 17th May, 2018.

amount of wages for computing the contribution, the Commissioner may, subject to regulations and in consultation with the representatives of employers and employees, determine such wages.

(5) Any sum deducted from another employee's wages by the employer under this Act shall be deemed to have been entrusted to him for the purpose of paying the employee's contribution in respect of which it was deducted.

(6) In the case of construction work the owner of the building shall guarantee the payment of contributions by the contractors.

(7) In the case of works executed or undertakings carried on behalf of the State by a contractor or licensee, the competent public authority shall, before final settlement of the claims of the contractor or licensee arising out of the contract, require the production of a certificate from the Institution showing that the necessary contributions have been paid, and in default of such certificate it shall deduct from the amount otherwise payable in settlement of such claim, the appropriate amount of the contributions payable, and pay such amount direct to the Institution.

*[20-A. Contribution by the self-employed workers. Notwithstanding anything contained in this Act, the employee other than employed by the employer shall pay the contribution to the Institution at the fixed rate of rupees fifteen hundred per month, subject to such conditions as may be prescribed.]

21. Self-Assessment Scheme. – (1) Notwithstanding anything contained in this Act, an employer who opts for the

*Section 20-A inserted by the Sindh Employees Social Security (Amendment) Act, 2021 (Sindh Act No. XIX of 2021), the Sindh Govt. Gaz., Extr., Pt. IV, P. No. 55, dt. August 4, 2021.

self-assessment scheme shall be liable to pay to the Institution a contribution of six percent *[of the lower wage limit per month per secured employee].

(2) The liability of an employer to pay contribution under the self-assessment scheme shall be in respect of those employees who were secured under this Act on opting the self-assessment scheme.

(3) Every employee secured under this Act in respect of whom the employer pays contribution shall be liable to pay through the employer an amount of forty rupees per month as his share to the Institution.

22. Records and returns by employers. – Every employer shall keep such records and shall submit to the Institution such returns, at such times, in such form and containing such particulars relating to persons employed by him, as may be provided in the regulations.

23. Officials of Institution to check employer's books. – (1) Any official of the Institution duly authorized by a certificate in a form specified in the regulations, may, for the purpose of inquiring into the correctness of any of the particulars stated in the records or returns referred to in section 22 or for the purpose of ascertaining whether any of the provisions of this Act have been complied with –

(a) require an employer to furnish to him such information as he may consider necessary; or

(b) at any reasonable time enter in any establishment

*In section 21, in sub-section (1), substituted by the Sindh Employees Social Security (Amdt.) Act, 2018 (Sindh Act No. XVIII of 2018), the Sindh Govt. Gaz., Extr., Pt. IV, P. No. 284, dt. 17th May, 2018, for "of the wage limits determined under section 75 per month per secured employee".

or other premises occupied by such employer and require any person found incharge thereof to produce and allow him to examine such *[books of accounts] and other documents relating to the employment of persons and payment of wages, or to furnish to him such information, as he may consider necessary; or

- (c) examine, with respect to any matter relevant to the purposes aforesaid, the employer, his agent or any person found in such establishment or other premises, or any other person whom the said official has reasonable cause to believe to be or to have been a secured person.

(2) The official referred to in sub-section (1), shall be bound to secrecy as regards all matters with which he becomes acquainted in the performance of his duties and which do not relate to matters provided for in this Act.

(3) If an employer fails to maintain records or to submit returns as required by regulations, or otherwise fails to comply with the provisions of sub-section (1) and thereby makes it difficult to ascertain the identity of persons required to be secured or the amount of contribution payable, the contribution shall be assessed on the basis of such evidence as the Institution may find satisfactory for this purpose.

(4) No staff member of the Institution shall visit the premises of any establishment, opting for the Self-Assessment Scheme under section 21, for the purpose of checking of employer's books, record, etc., during the period of two years.

*In section 23, in clause (b), substituted by the Sindh Employees Social Security (Amdt.) Act, 2018 (Sindh Act No. XVIII of 2018), the Sindh Govt. Gaz., Extr., Pt. IV, P. No. 284, dt. 17th May, 2018, for "accounts, books".

(5) The number of annual inspections in respect of those establishments which do not opt for self-assessment scheme shall be restricted to only one which shall be notified to the establishments in advance and shall, at the maximum, be restricted to last two years.

24. Increase of unpaid contributions and recovery of contributions, etc., as arrears of land revenue. – (1) If any employer fails to pay, on the due date, the contributions payable by him under sub-section (1) of section 20, the amount so payable by him shall be increased by such percentage or amount as may be prescribed :

Provided that in no case shall such increase exceed fifty per centum of the amount due :

Provided further that no part of such increase shall be payable by, or the liability to pay the same be passed on by the employer to his employees.

(2) Without prejudice to any other remedy, the amount of the contributions due, together with the increase provided for under sub-section (1), may be recovered as arrears of land-revenue.

25. Safeguard of secured persons' rights in default of payment of contributions by employer. – In the event of default in payment of contributions by the employer in respect of a secured person, such secured person shall, unless he has connived at such default, have and enjoy the same rights under this Act as if no such default had occurred.

26. Return of contributions paid erroneously. – *[An

*In section 26, substituted by the Sindh Employees Social Security (Amdt.) Act, 2018 (Sindh Act No. XVIII of 2018), the Sindh Govt. Gaz., Extr., Pt. IV, P. No. 284, dt. 17th May, 2018, for "An employer shall be entitled to refund to any contribution".

employer shall be entitled to the refund of any contribution] paid to the institution under the erroneous belief that it was payable under the provisions of this Act, and shall be entitled to the refund of the excess amount of the contribution where such contribution had been paid at a higher rate than the rate prescribed :

Provided that where a contribution was paid under the erroneous belief that a person was a secured person, any sum paid to such person or his dependents by way of benefits shall, in so far as possible, be deducted from the amount of such refund :

Provided further that no contribution or excess amount of any contribution shall be refunded unless an application for such refund is made within six months of the date on which the contribution was paid.

27. Increase of contributions where safety rules not observed. – If an employer fails to observe rules of safety or hygiene prescribed by or under any enactment applicable to his establishment, the Commissioner may, subject to rules, by order in writing, increase the employer's rate of contribution provided that such increase shall not exceed twenty per centum of the contribution otherwise payable.

28. Extinguishment of claims to contributions. – Any claim of the Institution for unpaid contributions shall be extinguished in the manner provided in the regulations.

CHAPTER – IV

FINANCE AND AUDIT

29. Employees' Social Security Fund. – (1) All contributions paid under this Act, and all other moneys received by or on behalf of the Institution shall be paid into the Fund, which

shall be held and administered by the Institution for the purposes of this Act.

(2) The Institution may accept grants, donations and gifts from any Government or from a local authority or other body for all or any of the purposes of this Act.

(3) All moneys accruing or payable to the Fund shall be paid into such scheduled bank as may be approved by the Governing Body, or to any office of the Institution.

(4) The Institution shall maintain separate accounts for administrative expenses, and for such branches of social security and such other purposes as may be prescribed.

30. Security reserves. – The Institution shall establish and maintain reserves in connection with the branches of social security prescribed in accordance with sub-section (4) of section 29 at such times, upto such amounts, and in such manner as may be prescribed.

31. Investments and loans. – (1) Subject to rules, the Institution may, from time to time, invest any moneys which are not immediately required for payments under this Act, and may reinvest or realize such investments.

(2) The Institution may, with the previous sanction of Government and on such terms as it may specify raise loans and take measures for discharging such loans.

32. Budget. – (1) The Institution shall, before such date and in such manner as may be prescribed, draw up estimates for the ensuing year of –

(a) the administrative expenses of the Institution;

- (b) the expenditure to be incurred under each of the branches of social security and other purposes for which separate accounts are prescribed in accordance with sub-section (4) of section *[29]; and
- (c) the income of the Institution from contributions, the special tax payable under section 74, and other sources, if any.

(2) The Institution shall allocate the estimated income from the special tax towards meeting capital expenditure in accordance with sub-section (3) of section 74, and after allocating sufficient of the estimated income from contributions and other sources, if any, to cover the estimated administrative expenses, shall allocate the remainder of such estimated income among the branches of social security and other purposes referred to in clause (b) of sub-section (1).

(3) Such estimates and allocations shall, before such date as may be prescribed be submitted to Government and, when approved by it, shall constitute the budget^o of the Institution for the ensuing year.

(4) If Government has not approved such estimates and allocations, with or without amendments, within thirty days of their submission or before the commencement of the financial year to which such estimates relate, whichever is the later, its approval shall be deemed to have been given and the estimates and allocations as submitted shall constitute the budget of the Institution for the financial year to which they relate.

(5) If it appears that expenditure under any budget head

*In section 32, in clause (b), substituted for the figure "28" by the Sindh Employees Social Security (Amendment) Act, 2018 (Sindh Act No. XVIII of 2018), the Sindh Govt. Gaz., Extr., Pt. IV, P. No. 284, dt. 17th May, 2018.

is likely to exceed the budget provision under such head, the Governing Body may increase such budget provision by transferring thereto from any other budget head, any amounts not required or not expected to be required *[* * *] under such head :

Provided that no such transfer shall be made to the budget heads for either administrative expenses or the provision of medical care without the prior approval of Government.

(6) If, notwithstanding the application of the provisions of sub-section (5), it appears that expenditure under any budget head is likely to exceed the corresponding budget provision, or that income under any budget head is likely to fall short of the corresponding budget provision, the expected excess or deficiency, as the case may be, shall be reported to Government, who shall take such action, if any, as may seem appropriate :

Provided that no payment to which a claimant is entitled under this Act shall be withheld pending such action.

33. Accounts and Audit. – (1) The Institution shall maintain accounts of its income and expenditure and of its assets and liabilities in such form and manner as may be prescribed.

(2) The Institution shall appoint an internal auditor who shall perform such duties and exercise such powers as may be provided by regulations.

(3) The accounts of the Institution shall be audited by an external auditor appointed by Government, at such times and in such manner as may be prescribed.

*In section 32, in sub-section (5), the words "or not" omitted by the Sindh Employees Social Security (Amdt.) Act, 2018 (Sindh Act No. XVIII of 2018), the Sindh Govt. Gaz., Extr., Pt. IV, P. No. 284, dt. 17th May, 2018.

(4) The external auditor shall have access to the books, accounts and other documents of the Institution at all reasonable times, and may call for such explanations and information as he may require, or examine any officer of the Institution.

(5) The external auditor shall forward his report to Government together with an audited copy of the accounts of the Institution.

34. Annual Reports. – (1) The Institution shall, within six months after the closing of a financial year, submit to Government an annual report of its work and activities during that financial year, and such report shall cover such matters as may be prescribed.

(2) The annual report, together with the audited accounts of the Institution, shall be published and copies thereof shall be made available for sale to the public.

35. Valuation of assets and liabilities. – The Institution shall, at intervals of not more than five years, have an actuarial valuation made of its assets and liabilities :

Provided that Government may direct a valuation to be made at such other times as it may consider necessary.

CHAPTER – V

BENEFITS

36. Sickness benefit. – (1) A secured person who is certified, by a medical practitioner authorized by the Institution in the manner provided in the regulations to give such a certificate, to be incapable of attending to his work on account of sickness shall, subject to regulations, be entitled to receive

sickness benefit at such rate as may be fixed by Government by notification, in consultation with the Institution, if during the six calendar months immediately preceding the date on which his incapacity or work was so certified, contributions in respect of him were paid or payable for not less than ninety days.

(2) A secured person shall be entitled to receive sickness benefits throughout the period of sickness :

Provided that during a continuous period of three hundred and sixty-five days such benefit shall not be allowed for a period exceeding -

- (a) three hundred and sixty-five days, in case he has been suffering from Tuberculosis or Cancer which render an employee incapable to earn his livelihood; and
- (b) one hundred and twenty-one days, in case he has been suffering from any other disease :

Provided further that he shall not be entitled to receive such benefit for the first two days of his sickness if such sickness does not, within fifteen days, follow the previous period of sickness for which he received or was entitled to receive such benefit.

37. Maternity benefit. - A secured woman shall, subject to regulations be entitled to receive maternity benefit at such rate as may be fixed by Government by notification, in consultation with the Institution, if contributions in respect of her were paid or payable for not less than one hundred and eighty days during the twelve calendar months immediately preceding the expected date of her confinement as certified by a

determined under section 75 per month per secured employee".

medical practitioner authorized by the Institution in the manner provided in the regulations to give such a certificate, and such benefit shall be paid for all days on which she does not work for remuneration during a period of twelve weeks, of which not more than six weeks shall precede the expected date of confinement.

38. *[Death grant and Iddat Benefits]. – (1) On the death of secured person receiving or entitled to receive injury benefit, sickness or medical care at the time of his death, the surviving widow or widows or needy widower, or if there be no surviving widow, widows or needy widower, the person who provided for the funeral, shall, subject to regulations, be entitled to a death grant equal to the daily rate of sickness benefit multiplied by thirty, but in no case less than fifteen thousand rupees.

(2) Where husband of a secured woman dies, she shall, subject to regulations, be entitled to receive iddat benefit equal to the daily rate of her wages during the period of her iddat :

Provided that a secured woman being a seasonal employee shall be entitled to receive iddat benefit in the same manner and to the same extent notwithstanding termination of seasonal employment during the period of iddat :

Provided further that no employer shall refuse leave for the period of iddat and such leave shall not be accounted towards leave provided under any other law for the time being in force.

39. Medical care during sickness and maternity. – (1) A

*In section 38, substituted for the margin "Death grant" by the Sindh Employees Social Security (Amendment) Act, 2018 (Sindh Act No. XVIII of 2018), the Sindh Govt. Gaz., Extr., Pt. IV, P. No. 284, dt. 17th May, 2018.

secured person and his dependents shall be entitled to medical care in the manner and to the extent provided in the regulations.

*[(2) A secured woman shall be entitled to prenatal confinement and post-natal medical care, in the manner and to the extent provided in the Regulations.]

40. Medical care of dependents, etc. – Where a secured person dies other than due to any employment injury, his dependents shall, subject to regulations, be entitled to medical care for one year from the date of death of the secured person :

Provided that the deceased secured person had been in continuous employment of an establishment for not less than twelve months immediately preceding his death :

Provided further that where the deceased secured person was a seasonal employee, his dependents shall be entitled to medical care for six months from the date of death of such secured person :

Provided also that the deceased had been in employment of an establishment for not less than six months during two continuous seasons immediately preceding his death.

41. Injury benefits. – A secured person shall, subject to regulations, be entitled to receive injury benefit at such rate as may be fixed by Government by notification in the official gazette, in consultation with the Institution, in respect of any day including the day on which, as a result of an employment injury, he is certified by a medical practitioner authorized by

*In section 39, sub-section (2), substituted by the Sindh Employees Social Security (Amendment) Act, 2018 (Sindh Act No. XVIII of 2018), the Sindh Govt. Gaz., Extr., Pt. IV, P. No. 284, dt. 17th May, 2018.

the Institution in the manner provided in the regulations to give such a certificate to be incapable of work, but for not more than one hundred and eighty days.

42. Disablement pension. – (1) A secured person who sustains total or partial disablement shall, subject to regulations, be entitled, upon the expiration of his entitlement to injury benefit, to receive disablement pension, according to the degree of disablement determined from time to time, at such rates for different degrees of disablement as may be fixed by Government by notification, in consultation with the Institution.

(2) Disablement pension shall terminate with the death of the recipient or when disablement ceases, or ceases to be total or partial disablement :

Provided that if a disablement pension has been paid for five years it shall be payable for life.

43. Disablement gratuity. – (1) A secured person who sustains minor disablement shall, subject to regulations, be entitled to a disablement gratuity at such rates for different degrees of disablement as may be fixed by Government by notification, in consultation with the Institution.

(2) Where a person receiving disablement pension ceases to suffer from total or partial disablement but continues to suffer from minor disablement he shall, on the termination of his disablement pension, be entitled to disablement gratuity under this section.

44. Survivor's Pension. – (1) Where a secured person dies as a result of an employment injury, a survivor's pension shall, subject to regulations, be payable to each of his dependents as follows, that is to say –

(a) to the widow, widows, or needy widower, during life, at a rate equal to three-fifths of the rate of total disablement pension to which the secured person was, or would have been entitled, and where there are two or more widows, the pension shall be divided equally between them;

(b) to each dependent child, at a rate equal to one-fifth of the rate of such total disablement pension :

Provided that if the child is a full orphan, the rate shall be two-fifths of the rate of the total disablement pension :

Provided further that if and so long as the total of the survivor's pensions would otherwise exceed the rate of such total disablement pension, the pension of each of the survivors shall be reduced proportionately so that the total pensions payable to them does not exceed the rate of the said total disablement pension.

(2) In case the deceased person does not leave a widow, or needy widower, a survivor's pension shall be payable for life to a dependent father, if he be alive, and if he be not alive, to a dependent mother, if she be alive, at a rate equal to one-fifth of the rate of the total disablement pension to which the secured person was or would have been entitled.

(3) Survivor's pension shall be payable upon the death of the secured person and shall terminate -

(a) upon the death of the survivor; or

(b) where the survivor is a widow, upon her remarriage; or

- (c) where the survivor is a dependent child on attaining the age of twenty one years; provided that such age limit shall not apply to dependent unmarried daughter *[* * *],

and in any such case the pensions of the remaining survivors shall, if necessary, be adjusted within the maximum laid down in the second proviso to sub-section (1).

45. Death grant in case of death while in receipt of injury benefit or total disablement pension. - Where a secured person dies while he is in receipt of injury benefit or of a total disablement pension, the widow, widows or needy widowers, or, if there is no widow or needy widower, the person who provided for the funeral, shall, subject to regulations, be entitled to a death grant equal to the daily rate of the injury benefit or of the total disablement pension, as the case may be, multiplied by thirty, but in no case less than fifteen thousand rupees.

46. Medical care in the case of employment injury. - (1) When medical care is required as a result of an employment injury -

- (a) no conditions as regards payment of contributions shall apply; and
- (b) it shall include dental care in addition to the services referred to in section 47.

(2) A person in receipt of injury benefit, disablement pension for loss of earning capacity not less than fifty per centum of a survivor's pension shall be entitled to medical care for so long as the injury benefit, disablement pension or survivor's

*In section 44 (3), in clause (c), the word "child" omitted by the Sindh Employees Social Security (Amendment) Act, 2018 (Sindh Act No XVIII of 2018), the Sindh Govt. Gaz., Extr., Pt. IV, P. No. 284, dt. 17th May, 2018.

pension, as the case may be, continues, and, in the case of a disablement pension being received by the secured person, for six months after the termination of the pension.

47. Content of medical care. – (1) Medical care shall include –

- (a) general practitioner care, including domiciliar visiting;
- (b) specialist care in hospitals for in-patients and out-patients and such specialist care as may be available outside hospitals;
- (c) essential pharmaceutical supplies as prescribed by a medical practitioner;
- (d) hospitalization where necessary, including cases of pregnancy and confinement;
- (e) pre-natal confinement and post-natal care, either by medical practitioners or by qualified mid-wives.

48. Manner of providing medical care. – (1) Regulations shall specify the manner in which medical care shall be provided.

(2) The Institution may, with the approval of Government, establish and maintain such hospitals, dispensaries and other facilities as it finds necessary for providing medical care in pursuance of the provisions of this Act.

(3) The Institution may buy or import and dispense pharmaceutical supplies direct to the beneficiaries.

(4) The Institution may enter into agreements with

Government, any local authority, private body or individual in regard to the provision of medical care to persons entitled to it under this Act.

(5) The Institution may enter into an agreement with an employer who maintains a hospital or dispensary or any other medical facility for the benefit of his employees for the utilization of such hospital, dispensary or facility for the purposes of the Institution and such agreement may, among other things, specify the persons to whom medical care shall be provided, the type of benefit to be made available, the minimum level of such benefit, the conditions under which such benefit shall be provided, the extent of supervision which the Institution may exercise over the hospital, dispensary or other medical facility, the submission of reports to the Institution by the employer, and the extent and manner of re-imbursement to the employer.

49. Institution's power to promote measures for health, welfare etc. of secured persons. – The Institution may, in addition to the benefits specified in this Act, undertake other measures for improving the health and welfare of secured persons and for the rehabilitation and settlement of such secured persons as may have been disabled or injured, and may for that purpose incur expenditure from the Fund.

50. Manner of claiming benefit. – (1) All claims for benefits under this Act shall be made within such times as may be prescribed, and in such form and manner, and shall be accompanied by such documents, information and evidence as to entitlement as may be provided in the regulations.

(2) Payment in respect of benefits shall be made in such manner, and at such times and places as may be provided in the regulations.

51. Benefit not assignable or attachable. – (1) The right

to receive any payment in respect of any benefit under this Act shall not be transferable or assignable.

(2) No benefit payable under this Act shall be liable to attachment or sale in execution of any decree or order of any Court.

52. Exemption from stamp duty. – Notwithstanding anything to the contrary contained in the Stamp Act, 1899 (Act II of 1899), stamp duty shall not be chargeable upon any draft or order or receipt in respect of any benefit payable under this Act.

53. Non-duplication of benefits. – (1) A secured person shall not be paid, for the same period, more than one of the benefits referred to in sections 36, 37 and 41, namely, sickness benefit, maternity benefit and injury benefit, and where any person is entitled to more than one of these benefits shall be given the higher or highest of such benefits.

(2) No person shall be entitled to sickness benefit or maternity benefit or injury benefit for any day for which he receives wages.

54. Repayment of benefit improperly received. – (1) When a person has received any benefit or payment under this Act to which he is not lawfully entitled, he shall be liable to repay to the Institution the value of the benefit or the amount of such payment, and, in the case of his death, his legal heirs shall be liable to repay the same from the assets of the deceased :

Provided that the Institution may waive repayment where there was no misrepresentation on the part of the beneficiary and the repayment would cause undue hardship to him, or as the case may be, to his survivors.

(2) For the purposes of this section, the value of any benefit received otherwise than in cash shall be determined in accordance with the regulations.

55. Institution's right to recover damages from employer in certain cases. – Where, according to the finding of a Court, an employment injury was sustained by a secured person by reason of a wrongful act or omission of the employer or his agent, the employer or his agent shall reimburse to the Institution the actuarial present value of any periodical payment or the amount of any lump sum payment which the Institution is liable to make under this Act and such actuarial value shall be determined in accordance with the regulations.

56. Institution's right to be indemnified in certain cases. – Where a secured person is entitled to receive or to recover, but has not received or recovered, from any person, compensation or damages in respect of any sickness or employment injury caused under circumstances creating a liability in some person other than, in case of employment injury, the employer or his agent, the Institution shall be entitled to be indemnified by the person so liable.

***[57. Extent of benefits, etc.** – Notwithstanding anything contained in this Chapter, the wages of a secured person as are in excess of upper wage limits determined under section 75 shall not be accounted for the purpose of determining the rate of benefits provided under sections 36, 37, 38, 38-A, 41, 42, 43, 44 and 45.]

58. Recovery of amounts due. – Any amount recoverable by the Institution under this Chapter may be recovered as arrears of land revenue.

*Section 57 substituted by the Sindh Employees Social Security (Amendment) Act, 2018 (Sindh Act No. XVIII of 2018), the Sindh Govt. Gaz., Extr., Pt. IV, P. No. 284, dt. 17th May, 2018.

CHAPTER – VI

MEDICAL TREATMENT OF DOMESTIC SERVANTS

59. Medical treatment of domestic servants. – Every employer of a domestic servant shall be liable to provide at his own cost to the domestic servant medical care to the extent mentioned in section 47.

CHAPTER – VII

DETERMINATION OF QUESTIONS AND CLAIMS

60. Assessment of disablement. – All questions as to the assessment of the degree of disablement shall be determined by a medical board or medical practitioner appointed under section 17.

61. Decisions on complaints, questions and disputes. – If any complaint is received or any question or dispute arises as to –

- (a) whether any person is a secured person within the meaning of this Act; or
- (b) the rate of wages or average daily wages of a secured person for the purposes of this Act; or
- (c) the rate of contribution payable by an employer in respect of an employee; or
- (d) the person who is or was the employer in respect of a secured person; or
- (e) any benefit and the amount and duration thereof; or

- (f) any other matter in respect of any contribution or benefit or other dues payable or recoverable under this Act,

the matter shall be decided by the Institution, in such manner, and within such time as the regulations may provide, and the Institution shall notify its decision to the person or persons concerned, in writing, stating therein the reason or reasons for its decisions;

provided ¹[if] that the question or dispute relates to demand or assessment of social security contribution, the complainant shall deposit twenty five percent of the demand or assessment to the Institution.

62. Review on account of new facts. – The Institution may, subject to regulations, on new facts being brought to its notice, review a decision given by it under section 61 :

Provided that no decision shall be ²[*] reviewed without giving the person or persons concerned an opportunity of being heard and adducing evidence in support of or against the decision, as the case may be.

63. Appeal to Social Security Court. – Any person aggrieved by a decision of the Institution under section 61 or on a review under section 62 may appeal to the appropriate Social Security Court.

64. Constitution of Social Security Court. – (1) Government may for purposes of this Act constitute, by notification, a Social Security Court for any Social Security area or areas specified in the notification.

¹In section 61, in the proviso, the word "if" inserted by the Sindh Employees Social Security (Amendment) Act, 2018 (Sindh Act No. XVIII of 2018), the Sindh Govt. Gaz., Extr., Pt. IV, P. No. 284, dt. 17th May, 2018.

²In section 62, in the proviso, the word "so" omitted, *ibid*.

(2) A Social Security Court shall be presided over by a Judge who shall be appointed by Government.

(3) A person shall not be appointed as a Judge of a Social Security Court unless he has –

- (a) for a period of not less than three years held a judicial office; or
- (b) for a period, or for periods aggregating, not less than seven years, been an advocate or pleader of the High Court.

65. Jurisdiction of Social Security Courts. – (1) Subject to the provisions of sub-section (2), a Social Security Court shall have exclusive jurisdiction to hear and decide appeals from decisions of the Institution under section 61 or review under section 62 in respect of all claims, questions and disputes arising in the appropriate Social Security Area.

(2) Government may, by order in writing, transfer an appeal from one Social Security Court to another, whenever it appears to it that such transfer will promote the ends of justice or tend to the general convenience of the parties and witnesses.

(3) The Social Security Court to which an appeal has been transferred under the provisions of sub-section (2) shall deal with the same as if it had been originally instituted in, or presented to, such Court.

66. Powers of Social Security Court, etc. – (1) A Social Security Court shall have all the powers of a Civil Court for the purposes of summoning and enforcing the attendance of witnesses, compelling the discovery and production of documents and material objects, administering oath and recording evidence, and such a Court shall be deemed to be a Civil Court within the meaning of section 195 of the Code of Criminal Procedure, 1898 (Act V of 1898).

(2) Notwithstanding anything contained in any other law, a Social Security Court may, for the purpose of deciding any appeal, examine such witnesses and take such evidence as it considers necessary.

(3) A Social Security Court may make such order with regard to costs incidental to any appeal as it thinks fit.

(4) An order of a Social Security Court shall be enforceable as if it were a decree of a Civil Court.

(5) A person shall be guilty of contempt of a Social Security Court if he, without lawful excuse –

- (a) offers any insult to the Social Security Court or any member thereof while the Court is functioning as such; or
- (b) causes any interruption in the work of the Social Security Court; or
- (c) fails to produce or deliver a document when ordered by the Social Security Court to do so; or
- (d) refuses to answer any question of the Social Security Court which he is bound to answer; or
- (e) refuses to take oath to state the truth or to sign any statement made by him when required by the Social Security Court to do so,

and the Social Security Court may, without any complaint having been made to it, forthwith try such person for such contempt and sentence him to a fine not exceeding fifty rupees.

67. Appearance by legal practitioners. – Any application, appearance or act required to be made or done by any person to or before a Social Security Court (other than the appearance of a person required for the purposes of his examination as a

witness) may be made or performed by a legal practitioner or by an officer of a registered trade union authorized in writing by such person, or, with the permission of the Court, by any other person so authorized.

68. Appeal. – (1) Save as expressly provided in this section, no appeal shall lie from an order of a Social Security Court.

(2) An appeal shall lie to the High Court from an order of a Social Security Court if it involves a substantial question of law.

(3) The period of limitation for an appeal under this section shall be thirty days.

(4) The provisions of sections 5 and 12 of the Limitation Act, 1908 (IX of 1908) shall, apply to appeals under this section.

69. Stay of payment pending appeals. – Where the Institution has appealed against an order of a Social Security Court that Court may, and, if so directed by the High Court shall, pending the decision of the appeal, direct that the payment of any sum required to be paid by the order appealed against shall be withheld.

CHAPTER – VIII

OFFENCES AND PENALTIES

70. Offences. – (1) If any person –

- (a) for the purpose of obtaining the allowance or denial of any payment or benefit under this Act, whether for himself or some other person, or for the purpose of avoiding any payment to be made by himself or any other person under this Act –

- (i) knowingly makes or causes to be made any false statement or false representation; or
- (ii) produces or furnishes, or causes or knowingly allows to be produced or furnished, any document or information which he knows to be false in a material particular; or
- (b) fails to pay any contribution which under this Act he is liable to pay; or
- (c) recovers or attempts to recover from a secured person, or deducts or attempts to deduct from his wages the whole or any part of the contribution; or
- (d) fails or refuses to submit any return required by regulations or makes a false return; or
- (e) obstructs any official of the Institution in the discharge of his duties; or
- (f) is guilty of any contravention of, or non-compliance with, any of the requirements of this Act or the rules or the regulations,

he shall, without prejudice to any action to which he may be liable under section 24 or section 74 or any other provision of this Act, be punished with imprisonment which may extend to three months, or with fine not exceeding fifty thousand rupees, or with both.

71. Prosecution. – (1) No prosecution under this Act shall be instituted except with the previous sanction of the Commissioner or of an officer authorized by him in writing in this behalf.

(2) No Court inferior to that of a magistrate of the first class shall try any offence under this Act.

(3) No Court shall take cognizance of any offence under this Act except on a complaint made in writing within six months of the date on which the offence was discovered.

CHAPTER – IX

MISCELLANEOUS

72. Contributions, etc., to have priority over other debts.
– In any proceedings of insolvency against a person or proceedings for the winding up of a company, any contribution or other amount payable under this Act by such person or company shall be deemed to be included among debts to be paid in priority to all other debts.

73. Exemption from taxes. – Notwithstanding anything contained in any other law, Government may, by order in writing, exempt the Institution from any tax, rate or duty leviable by Government or by a local authority under the control of Government.

74. Levy of special tax. – (1) Where, in respect of any group of undertakings producing a particular type of product or performing a particular type of service, this Act is, in accordance with the provisions of sub-section (3) of section 1, applied to some areas or establishment, but not to other areas or establishments, Government may, after consultation with the Institution by a notification, levy on the employers in the areas or establishments to which the Act is not applied, notwithstanding anything contained in this Act, a special tax, to be paid to the Institution, at such rate, not exceeding five per centum of the total wages paid by the employer, at such times and subject to such conditions, as may be prescribed.

(2) For the purposes of sub-section (1), the total wages paid by the employers shall mean the total wages which have accrued to all his employees not taking into account so much

of an employee's wages ¹[wages as are in excess of upper wage limit determined under section 75].

(3) The proceeds of the special tax shall be paid into the Fund and shall be utilized for capital expenditure towards building up and improving the medical facilities available for the provision of medical care under this Act.

(4) All provisions of this Act and rules or regulations relating to contributions, with the exception of section 27 and the rules made thereunder, shall apply to the special tax as if it were a contribution payable under section ²[20].

³[75. **Determination of wage limits.** – (1) For the purpose of determining the wage limit so specified for payment of social security compensation and rates of benefits payable under this Act, a lower wage limit and an upper wage limit shall be defined as sub-section (2) and (3).

(2) The lower wage limit shall be equivalent to the minimum wages determined by Government under the Sindh Minimum Wages Act, 2015 (Sindh Act No. VIII of 2016) prevailing at the time of paying contributions payable under this Act.

Illustration : – If the minimum wage rate determined by Government is fifteen thousand rupees then the lower wage limit shall also be fifteen thousand rupees per month or rupees five hundred per day.

(3) The upper wage limit shall be five thousand rupees plus the minimum wages determined by Government under

¹In section 74, in sub-section (2), the words "as determined by Government under section 75 per month" substituted by the Sindh Employees Social Security (Amendment) Act, 2018 (Sindh Act No. XVIII of 2018), the Sindh Govt. Gaz., Extr., Pt. IV, P. No. 284, dt. 17th May, 2018.

²In sub-section (4), substituted, *ibid*, for figure "21".

³Section 75 substituted, *ibid*.

Sindh Minimum Wages Act, 2015 (Sindh Act No. VIII of 2016) at the time of paying contributions payable under this Act.

Illustration. – If the minimum wage rate determined by Government is fifteen thousand rupees then the upper wage limit shall be rupees fifteen thousand plus five thousand rupees (total rupees twenty thousand) or rupees six hundred sixty six per day.]

76. Employers not to dismiss or punish employee during the period of sickness, etc. – (1) No employer shall dismiss, discharge or reduce or otherwise punish an employee during the period in which the employee is in receipt of sickness benefit, maternity benefit, injury benefit or medical care.

(2) No notice of dismissal or discharge or reduction given to an employee during the period specified in sub-section (1) shall be valid or operative.

77. Bar on benefits under other law. – When a person is entitled to any of the benefits provided by this Act, he shall not be entitled to any similar benefit under any other law.

78. Suit for damages in a Civil Court. – No suit for damages shall be instituted by secured person against the employer in any Civil Court in respect of employment injury covered by this Act.

79. Members and servants of the Institution to be public servants. – The members of the Governing Body and all officers and servants of the Institution shall be deemed to be public servants within the meaning of the Pakistan Penal Code (Act XLV of 1860).

80. Removal of difficulties. – (1) If any difficulty arises in giving effect to the provisions of Chapters III and V, Government may, by order notified in the official Gazette, make such provision or give such direction as appears to it to be necessary for the removal of the difficulty.

(2) Any order made under sub-section (1) shall have effect notwithstanding anything inconsistent therewith in any rules or regulations.

81. Delegation of powers. – The Governing Body may direct that all or any of its powers and functions may, in relation to such matter, and subject to such conditions, if any, as may be specified, be also exercisable by the Commissioner or any other officer or authority subordinate to the Institution.

82. Protection of proceedings of the Governing Body. – No act or proceeding of the Governing Body shall be invalid or questioned merely on the ground of existence of any vacancy therein or of any defect in the constitution thereof or in the appointment or qualification of any member.

83. Power to make rules. – (1) Government may, subject to the condition of previous publication, by notification, make rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power such rules may provide for all or any of the following matters, namely : –

- (i) the manner in which names of persons from whom members of the Governing Body may be appointed shall be submitted by organizations of employers and employees recognized by Government for that purpose;
- (ii) powers and functions of the Governing Body;
- (iii) fees and allowances of the members of the Governing Body;
- (iv) qualifications to be possessed by the Medical Advisor;
- (v) times and rates at which and conditions subject

to which contributions and the special tax shall be payable;

- (vi) percentage or amount by which contributions and special tax in arrears may be increased under section 24;
- (vii) increase of contribution under section 27 where employer fails to observe rules of safety or hygiene;
- (viii) branches of social security and other purposes for which separate accounts shall be maintained by the Institution;
- (ix) times at which, amounts up to which and the manner in which security reserves shall be established and maintained;
- (x) investment of surplus moneys, realization of investments and reinvestment of the proceeds;
- (xi) times at which and the manner in which the budget shall be prepared and submitted to Government;
- (xii) form and the manner in which the Institution shall keep accounts of its income and expenditure and of its assets and liabilities;
- (xiii) times at which and the manner in which the accounts of the Institution shall be audited by the external auditor;
- (xiv) matters which the annual report of the Institution shall cover;
- (xv) times within which claims for benefit shall be made;
- (xvi) remuneration and conditions of service of offi-

cers to be appointed by Government under this Act;

(xvii) any other matter which is required or allowed by this Act to be prescribed.

84. Power to make regulations. – (1) The Governing Body may, subject to the condition of previous publication, by notification, make regulations not inconsistent with the provisions of this Act or the rules.

(2) In particular, and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely : –

- (i) the manner in which medical practitioners shall be authorized to give certificates required under any of the provisions of this Act, the form of such certificates and the duties of medical practitioners in that regard;
- (ii) occupational diseases which may cause employment injury;
- (iii) qualifications which a person practicing medicine shall possess for appointment as a medical practitioner under section 17 or to be authorized to give certificates under sections 36, 37 and 41 or for recognition for any other purpose under this Act;
- (iv) times and places at which meetings of the Governing Body shall be held;
- (v) amount of contributions owed to the Institution which shall disqualify a person from being or continuing to be a member of the Governing Body;
- (vi) duties of Medical Advisor in connection with medical care;

- (vii) powers, functions, fees and allowances of medical practitioners and medical board and the areas for which and the manner in which they shall be appointed;
- (viii) powers of the Governing Body to employ officers and staff for administration of the affairs of the institution;
- (ix) method of recruitment, pay and allowances, superannuation benefits and other conditions of service of officers and servants of the Institution;
- (x) powers of the Commissioner with regard to appointment, transfer, promotion, dismissal and other matters affecting the staff of the Institution;
- (xi) the manner in which daily wages shall be calculated for the purpose of determining the contribution payable;
- (xii) determination of wages for computation of contributions where the mode of payment of remuneration, in cash or kind, makes such computation difficult;
- (xiii) records to be kept and returns to be submitted by employers, times at which and the form in which such returns are to be submitted, and the particulars relating to employees to be stated in such returns;
- (xiv) form of certificate authorizing an official of the Institution to exercise the powers of inspection under section *[23];
- (xv) the manner in which any claim of the Institution for unpaid contributions may be extinguished;

*In clause (xiv), substituted for the figure "22" by the Sindh Employees Social Security (Amendment) Act, 2018 (Sindh Act No. XVIII of 2018), the Sindh Govt. Gaz., Extr., Pt. IV, P. No. 284, dt. 17th May, 2018.

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- (xvi) powers and duties of internal auditor;
 - (xvii) conditions of entitlement to receive sickness
*[benefits], maternity and injury benefit, disable-
ment pension, disablement gratuity, death grant,
survivor's pension and medical care;
 - (xviii) the items of medical care in respect of specified
disease to which a secured person shall be enti-
tled;
 - (xix) the manner in which medical care shall be pro-
vided;
 - (xx) arrangements under which beneficiaries shall
share the costs of certain kinds of medical care
and the manner in which such costs shall be
determined;
 - (xxi) the form and manner in which claims for bene-
fits shall be preferred, and the documents, infor-
mation and evidence which shall accompany
such claims;
 - (xxii) the manner in which and the times and places at
which payment in respect of benefits shall be
made;
 - (xxiii) determination, for the purpose of repayment to
the Institution, of the value of any benefit
received otherwise than in cash;
 - (xxiv) determination of the actuarial present value of
any periodical payment for which the Institution
becomes liable by reason of a wrongful act or
omission of the employer or his agent;

*In clause (xvii), inserted by the Sindh Employees Social Security (Amendment) Act, 2018 (Sindh Act No. XVIII of 2018), the Sindh Govt. Gaz., Extr., Pt. IV, P. No. 284, dt. 17th May, 2018.

- (xxv) the manner in which and the time within which complaints, questions and disputes shall be decided;
- (xxvi) the circumstances and manner in which, on new facts coming to light, the Institution may reopen cases and review decisions;
- (xxvii) the manner in which supplies for the use of the Institution shall be obtained and immovable property hired or acquired, and in which such supplies or property shall be sold or otherwise disposed of; and
- (xxviii) any other matter not provided for in this Act or rules and necessary to give effect to the provisions of this Act.

85. Supersession of certain laws, etc. – Workmen's compensation and maternity benefit payable under the Workmen's Compensation Act, 1923 (VIII of 1923), the Employers' Liability Act, 1938 (XXIV of 1938), the Mines Maternity Benefit Act, 1941 (XIX of 1941), the West Pakistan Maternity Benefit Ordinance, 1958 (West Pakistan Ordinance XXXII of 1958), or under any other law shall not be payable in respect of any employment on or after the appointed day in respect of such employment and the enactments and laws aforesaid shall, in so far as they are inconsistent with the provisions of this Act, cease to have effect.

86. Repeal. – (1) The provisions of the Employees Social Securities Ordinance, 1965, hereinafter referred to as the repealed Ordinance, relating to the Province of Sindh are hereby repealed.

(2) Notwithstanding the repeal of the provisions under sub-section (1), the rules and regulations framed and notifications and orders issued under the repealed Ordinance, shall continue to remain in force until altered, repealed or amended by the competent authority.

The Sindh Employees' Social Security (Contributions) Rules, 2019

GOVERNMENT OF SINDH

LABOUR & HUMAN RESOURCES DEPARTMENT

[Karachi, dated the 20th December, 2019]

Notification No. L-II (SESSI)-2-3-2019. – In exercise of the powers conferred by Section 83 of the Sindh Employees' Social Security Act, 2016 (Sindh Act No. VI of 2016), the Government of Sindh are pleased to make the following rules, namely : –

1. Short title and commencement. – (1) These rules may be called the Sindh Employees' Social Security (Contributions) Rules, 2019.

(2) They shall come into force at once.

2. Definition. – (1) In these rules, unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them, that is to say –

(a) "Act" means the Sindh Employees' Social Security Act, 2016 (Sindh Act No. VI of 2016);

(b) "section" means a section of the Act; and

(c) "special tax" means the special tax payable under section 74.

(2) All expressions used but not defined in these rules, shall have the same meaning as assigned to them in the Act.

PART - I

SOCIAL SECURITY CONTRIBUTION

3. **Rate of Contribution.** – Subject to the provisions of sub-rule (3) of rule 4, the rate of contributions payable by the employer in respect of each employee shall be six percent of the wages.

4. **Amount of contribution payable.** – (1) The employer shall show the amount of the contribution payable as follows : –

- (i) by entering on a form of pay roll approved by the Institution for the purpose, the registration numbers of the secured persons against their names as shown thereon, together with the amount of contributions applicable thereto and submit a true copy of such form to the Institution; or
- (ii) by completing and submitting to the Institution a contribution schedule to be obtained from the Directorate of the Institution at which the employer is registered and shall provide such information as the Institution may, from time to time, require;
- (iii) In either case the period covered by the wages paid to such secured person shall be stated by the employer.

(2) The employer shall retain in his possession, for a period of not less than two years, a legible copy of each pay roll

or contribution schedule so submitted and shall, on request by an official of the Institution authorized under sub-section (1) of section 23, produce any such copy for inspection.

(3) Where the provisions of the Sindh Minimum Wages Act, 2015 (Act No. VIII 2016), are applicable to any establishment and it is found that any wages paid are less than those specified in that Act, the contribution payable shall be calculated on the wages so specified in that Act.

5. Employer to submit copies of pay-rolls and contribution schedules. – The employer shall submit to the Directorate of the Institution at which he is registered, the copies of pay rolls or contribution schedules referred to in rule 4(1), by the end of the following calendar month to which the contribution relates.

6. Employer's failure to pay total amount of contribution. – If any employer fails to pay the total amount of contribution within the period prescribed in rule 5, the amount payable shall be increased by one-half per centum per day for each day after expiry of the prescribed date, subject to the maximum increase provided in sub-section 24.

7. Production of certificate of contribution paid. – (1) When, in accordance with the provisions of sub-section (7) of section 20, a competent public authority requires the production of a certificate to the effect that the necessary contribution have been paid, the institution shall cause necessary examination of the relevant accounts and records to be made and if satisfied that no contributions are due, shall give the desired certificate.

(2) If on such examination, it is found that any contribution is due, a statement of the contribution due, shall be given to the competent public authority, who shall thereupon

deduct the contribution due from and amount due to the contractor or license and shall pay the said contribution direct to the institution.

PART - II

SOCIAL SECURITY CONTRIBUTION UNDER SELF ASSESSMENT SCHEME

8. **Employer's option for Self-Assessment Scheme.** – (1) The employer may opt Self-Assessment Scheme showing or declaring number of employees to be secured under the scheme, subject to prior verification and confirmation by the Institution and shall undertake to pay social security contribution in respect of such employees at the fixed rate of six percent of the minimum wages determined by the Government under Sindh Minimum Wages Act, 2015 prevailing at the time of paying contribution.

(2) Every secured employee in respect of whom employers pay social security contribution shall pay the Institution through the employers and amount of Rs. 40/- per month as his share. The duration of Self-Assessment Scheme opted by the employers shall be two years during which period there will be no intervention through checking of record by any staff member of the Institution.

(3) After expiry of period of two years mentioned under sub-rule (2), the employer may again opt Self-Assessment Scheme declaring existing number of employees to be secured under the scheme, subject to prior verification and confirmation by the institution and shall undertake to pay contribution in respect of the employees, at the fixed rate of six percent of the minimum wages determined by Government under Sindh Minimum Wages Act, 2015 prevailing at the time of paying

contribution. The duration of Self-Assessment Scheme will again be for a period of two years.

PART - III

SPECIAL TAX

9. (1) The rate Special Tax shall be two per cent of the wages.

(2) The provisions of rules 4, 5, 6 and 7 of these rules shall apply to the recovery of the Special Tax as they do to the payment of social security contribution.

(3) No part of the Special Tax shall be recovered from any employee.

PART - IV

SAFETY AND HYGIENE

10. Where the institution has reason to believe that an employer has failed to observe rules of safety or hygiene prescribed by or under any enactment, applicable to his establishment, the institution shall request the Inspector appointed under section 18 of the Sindh Occupational Safety and Health Act, 2017 (Sindh Act No. I of 2018) to make such examination as appears to be necessary and the said Inspector shall thereupon make the necessary examination and submit a report in this behalf to the Institution, in writing, within fourteen days.

11. (1) A copy of the report submitted by the Inspector under rule 10, shall be sent to the employer concerned, who shall be given an opportunity of making any representation by registered post in regard thereto and the Commissioner,

after considering any such representation, may, if he considers that the circumstances so warrant, direct by an order in writing, that the employer's contribution shall be increased to such percentage, not exceeding twenty per centum as, in his opinion, is merited by the employer's failure :

Provided that no part of such increase shall be recovered from any employee.

(2) The increase so directed shall take effect from the date of the delivery of such direction at the date on which the Commissioner rescinds his direction on being satisfied that the employer is duly observing the rules of safety and hygiene prescribed under the law applicable to the employer's establishment.

THE SINDH EMPLOYEES' SOCIAL SECURITY (APPOINTMENT OF MEMBERS OF THE GOVERNING BODY) RULES, 2019

GOVERNMENT OF SINDH

LABOUR & HUMAN RESOURCES DEPARTMENT

[Karachi, dated the 20th December, 2019]

Notification No. L-1(SESSI)-2-3-2019. -- In exercise of the powers conferred by Section 83 of the Sindh Employees' Social Security Act, 2016 (Sindh Act No. VI of 2016), the Government of Sindh are pleased to make the following rules, namely : -

1. Short title and commencement. - (1) These rules may be called the Sindh Employees' Social Security (Appointment of Members of the Governing Body) Rules, 2019.

(2) They shall come into force at once.

2. Definitions. - (1) In these rules, unless the context otherwise requires, the following expressions shall have the meanings thereby respectively assigned to them, that is to say : -

(a) "Act" means the Sindh Employees' Social Security Act, 2016 (Sindh Act No. VI of 2016);

(b) "Member" means a Member of the Governing Body of the Sindh Employees' Social Security Institution, appointed under these Rules;

(c) "Non-official Member" means a Member of the Governing Body other than a person in the service of Sindh or the Medical Adviser. A non-official Member shall be paid a fee of Rs. 10,000/- for the members residing at Karachi and Rs. 20,000/- for the member residing outside Karachi for each day on he attends meeting of Governing Body or of any Standing Committee or other Committee thereof;

(d) "section" means a section of the Act.

(2) The words and expressions used but not defined in these rules shall have the same meaning as assigned to them in the Act.

3. Selection of Members to be appointed under section 5(1)(c) and (d) of the Act. – (1) Government shall publish in the official Gazette a list showing separately the Organizations of employers and employees recognized for the purpose of submitting names from which members to be appointed under clauses (c) and (d) of sub-section (1) of section 5 shall be chosen.

(2) Within one month of the publication of such list, it shall be open to an organization included in the list to submit to Government the name of a person whom it desires to be considered for appointment, where such organization is of employers, as a representative of employers, and where such organization is of employees, as representative of employees, together with a summary of the qualification of that person.

(3) Government shall consider the names so submitted, and shall from such names, select four persons to represent

employers, and four persons to represent the secured persons; two persons from Karachi, one person from Nooriabad or Kotri and one person from Hyderabad or Sukkur. The names of the representatives so selected shall be published in official gazette :

Provided that the representation of employers and employees from Nooriabad or Kotri and Hyderabad or Sukkur shall be on rotation basis for term of three years.

(4) If any member dies, resigns, becomes disqualified under sub-section (1) of section 12 or is removed under sub-section (2) of section 12, Government shall notify the existence of the vacancy in the official gazette and the procedure prescribed in sub-rules (2) and (3) shall, with the necessary modifications and changes, be followed in filling the vacancy.

4. Eligibility of re-appointment. – A member shall be eligible for re-appointment on or after the expiration of his term of office, and until such re-appointment is made or another person is appointed, the existing member shall continue to hold office.

5. Fees and allowances payable to non-official Member. – A Member shall be paid a fee of Rs. 10,000/- (Rupees Ten Thousand) for the members residing at Karachi and Rs. 20,000/- (Rupees Twenty Thousand) for the members residing outside Karachi for each day on which he attends a meeting of the Governing Body or of any Standing Committee or other Committee thereof.

6. Additional Functions and powers of Governing Body. – Government may, by notification in the official gazette, entrust any other functions and powers to the Governing Body not inconsistent with the provisions of the Act or the rules and regulations, made thereunder.

THE UNIVERSITY OF CHICAGO
THE DIVISION OF THE PHYSICAL SCIENCES

REPORT OF THE DIVISION OF THE PHYSICAL SCIENCES
FOR THE YEAR 1955-1956

THE DIVISION OF THE PHYSICAL SCIENCES
WAS FOUNDED IN 1953 AS A PART OF THE
REORGANIZATION OF THE UNIVERSITY OF CHICAGO

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The Sindh Employees' Social Security (Time Limit for claiming Benefits) Rules, 2019

LABOUR & HUMAN RESOURCES DEPARTMENT

[Karachi, dated the 20th December, 2019]

Notification No. L-II(SESSI)-2-3-2019. – In exercise of the powers conferred by Section 83 of the Sindh Employees' Social Security Act, 2016 (Sindh Act No. VI of 2016), the Government of Sindh are pleased to make the following rules, namely : –

1. Short title and commencement. – (1) These rules may be called the Sindh Employees' Social Security (Time Limit for claiming Benefits) Rules, 2019.

(2) They shall come into force at once.

2. Definitions. – (1) In these rules, unless the context otherwise requires, the following expressions shall have the meanings thereby respectively assigned to them, that is to say : –

(i) "Act" means the Sindh Employees' Social Security Act, 2016;

(ii) "authorized medical practitioner" means a medical practitioner authorized by the institution, in the manner specified in the Regulations to give a certificate of incapacity, or of the expected date of confinement, as the case may be;

(iii) "section" means a section of the Act.

(2) The words and expressions used but not defined in these rules shall have the same meaning as assigned to them in the Act.

3. **Time Limits.** – The time within which claims for benefits payable in cash under sections 36, 37, 38, 41 and 44 shall be made as follows : –

- (a) **Sickness benefit :** Within seven days of the date of the first certificate of incapacity given by an authorized medical practitioner;
- (b) **Maternity benefit :** Within fifteen days of the date of the Certificate of the expected date of confinement required under section 27 of the Act;
- (c) **Death Grant :** Within fifteen days of the date of death of the secured person;
- (d) **Iddat benefit :** Within thirty days of the death of the husband of a secured woman;
- (e) **Injury benefit :** Within seven days of the date of the first certificate of incapacity given by an authorized medical practitioner;
- (f) **Survivor's pension :** Within fifteen days of death of the secured person :

Provided that if there are sufficient grounds for not submitting the claim within the specified period, such claim may be accepted by the Commissioner within three months and by the institution at any time after the expiry of the specified period.

4. **Medical care claim.** – A claim for medical care under section 39 of the Act may be made at any time during which in the opinion of the medical practitioner examining the claimant and such medical care is required.

The Sindh Employees' Social Security (Medical Adviser's Qualifications) Rules, 2019

GOVERNMENT OF SINDH

LABOUR & HUMAN RESOURCES DEPARTMENT

[Karachi, dated the 20th December, 2019]

Notification No. L-II(SESSI)-2-3-2019. – In exercise of the powers conferred by Section 83(2)(iv) of the Sindh Employees' Social Security Act, 2016 (Sindh Act No. VI of 2016), the Government of Sindh is pleased to make the following rules : –

1. Short title and commencement. – (1) These rules may be called the Sindh Employees' Social Security (Medical Adviser's Qualifications) Rules, 2019.

(2) They shall come into force at once.

2. Qualifications of Medical Adviser. – No person shall be appointed as the Medical Adviser unless he –

(a) Holds a M.B.B.S. degree conferred by a University in Pakistan, or a qualification recognized by Government as equivalent or superior to such qualification; and

(b) has had not less than Ten years experience of

THE SINDH EMPLOYEES' SOCIAL SECURITY
(MEDICAL ADVISER'S QUALIFICATIONS) RULES, 2019

Government Organization or administration connected with the practice of medicine; and

- (c) is registered as medical practitioner under the Pakistan Medical and Dental Council Ordinance No. XXXII of 1962, as amended from time to time.
 - (d) The Medical Adviser shall be an officer of BS-19.
-