



The Sindh Government Gazette

Published by Authority

KARACHI FRIDAY AUGUST 12, 2022

PART-IV

PROVINCIAL ASSEMBLY OF SINDH
NOTIFICATION
KARACHI, THE 12TH AUGUST, 2022

NO.PAS/LEGIS-B-13/2022-The Sindh Social Protection Authority Bill, 2022 having been passed by the Provincial Assembly of Sindh on 27th July, 2022 and assented to by the Governor of Sindh on 02nd August, 2022 is hereby published as an Act of the Legislature of Sindh.

THE SINDH SOCIAL PROTECTION AUTHORITY ACT, 2022.

SINDH ACT NO. IX OF 2022

AN
ACT

to provide comprehensive, efficient and effective and consolidated institutional and regulatory mechanism for providing social protection to the vulnerable people residing in the Province of Sindh and for the purpose to establish an Authority known as the Sindh Social Protection Authority.

Preamble. WHEREAS it is expedient in the public interest to provide for comprehensive, efficient and effective and consolidated institutional and regulatory mechanism for providing social protection to the vulnerable people residing in the Province of Sindh and for the purpose to establish an Authority known as the Sindh Social Protection Authority, and to provide for the matters ancillary or incidental thereto.

It is hereby enacted as follows:-

PART-I
PRELIMINARY

1. **Short title, extent and commencement.**—(1) This Act may be called the Sindh Social Protection Authority Act, 2022.

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

(3) It shall come into force at once.

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

- (a) "Authority" means Sindh Social Protection Authority established under section 3;
- (b) "Board" means the Board of Directors constituted under section 5;
- (c) "Chairperson" means Chairperson of the Authority;
- (d) "Chief Executive Officer" means Chief Executive Officer of the Authority appointed under section 9;
- (e) "Government" means the Government of Sindh;
- (f) "grievance redressal mechanism" means an efficient and transparent system for the purpose of resolving the complaints or disputes by participation in a Social Protection Programme and receive benefits therefrom in efficient and timely manner;
- (g) "Member" means a Member of the Board;
- (h) "Planning Unit" means a fully staffed and resourced unit for conducting evidence-based analysis of the social protection situation and for technical assessments of design options for Social Protection programming;
- (i) "poor and vulnerable" means an individual or household who is and/or faces the prospect of falling below a minimum income/consumption threshold as determined or prescribed by the Board;
- (j) "Province" means the Province of Sindh;
- (k) "prescribed" means prescribed by rules or regulations made under this Act;
- (l) "recipient organization" means the Authority or other constituent body of the Authority that is required to receive the employees of another organization on the direction of the Government pursuant to Section 15 of this Act;
- (m) "regulations" means the regulations framed under this Act;
- (n) "rules" means the rules made under this Act;

- (o) "services" means the cemetery services, funeral services, crematorium services, transfer services and other related or incidental services and such other services as may be prescribed;
- (p) "social protection" means public initiatives which provide income or consumption transfers to the poor, protect the vulnerable against livelihood risks and volatility and enhance the human capital and rights of the marginalized with the overall objective of reducing the economic and social vulnerability of poor, vulnerable and marginalized individuals and communities;
- (q) "Social Protection Plan" means the annual and/or other periodic Social Protection plan approved by the Board;
- (r) "transfer services" means the service to the public with respect to the disposition of dead human bodies, including transportation of dead human bodies and necessary documentation with respect to the disposition of dead human bodies;
- (s) "transferring to organization" means the any Authority or body, public sector entity or organization which is required to transfer its employees on the directions of Government pursuant to section 16; and
- (t) "Vice Chairperson" means the Vice Chairperson of the Board.

PART-II ESTABLISHMENT OF AUTHORITY

3. **Establishment of the Sindh Social Protection Authority.**-(1) Government shall, by notification in the official Gazette, establish an Authority to be known as Sindh Social Protection Authority for carrying out the purposes of this Act.

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

(3) The Authority shall not dispose of its immovable property without prior approval, in writing, of Government.

(4) The Headquarters of the Authority shall be at **Karachi** and it may establish an office(s) at such place or places as it may considers necessary.

4. **Functions and powers of the Authority.**-(1) The Authority may perform such functions and exercise such powers as are necessary for carrying out the purposes of this Act.

(2) Without prejudice to the generality of functions and powers mentioned in sub-section (1), the Authority shall have the following powers and functions:-

- (a) to cause formulation of social protection policies and programmes aimed vulnerable individuals and groups for alleviating poverty and affording social protection;
- (b) to coordinate and consolidate all public social protection and poverty alleviation initiatives in the province and ensure synergies with federal and donor funded interventions in the sector;
- (c) to approve the policy and mechanism for identifying the poor and the vulnerable, at regular intervals of no more than five (5) years, and approve the criteria for identification and inclusion of eligible persons and households for assistance under any program or plan or scheme developed pursuant to this Act;
- (d) formulate criteria and mechanisms for allocation of resources in public sector development and non-development budgets to ensure adequate resources for social protection and poverty alleviation;
- (e) to institute mechanisms for collecting data and the procurement of relevant data from the Federal Government, any provincial government or any other authority or body that gathers such data to create a registry of the poor and vulnerable and devise a mechanism for regular updating of such registry;
- (f) to approve mechanisms and frameworks to prepare, store and disseminate data regarding eligible individuals, families and households under various categories of poverty and vulnerability, and to ensure the confidentiality of such data in the manner prescribed;
- (g) to approve mechanisms and procedures for social protection programme implementation and the day to day management of the Authority functions;
- (h) to approve short and medium-term work-plans of the Authority for the effective implementation of policies and programmes approved;
- (i) to approve initiatives outside of approved work-plans in response to specific vulnerabilities and contingencies as it may consider necessary;
- (j) to establish a mechanism to measure and evaluate the efficacy of Social Protection plans in reducing poverty and mitigating vulnerability;
- (k) to advise Government on social protection and matters incidental thereto;
- (l) to review on regular basis the existing social protection programs and advise Government on their reorganization, consolidation or amalgamation in the interest of efficiency, synergy and impact;

- (m) to cause establishment of an efficient and effective Grievance Redressal Mechanism for complaints, questions or disputes; and
- (n) to perform such other functions as may be incidental to the functions mentioned above or as Government may assign or as may be prescribed.

PART-III
MANAGEMENT AND ADMINISTRATION
OF THE AUTHORITY

5. **Management and Administration of the Authority.** (1) The general directions and administration of the Authority and its affairs shall vest in a Board which may exercise all powers, perform all functions and do all acts and things which may be exercised, performed or done by the Authority.

(2) The Board shall consist of –

- | | |
|---|-------------------------|
| (a) Chief Minister, Sindh | Chairperson |
| (b) Minister for Social Protection, Sindh | Vice-Chairperson |
| (c) Minister for Finance, Sindh | Member |
| (d) Minister for Health, Sindh | Member |
| (e) Minister for Education, Sindh | Member |
| (f) Minister for Labour & Manpower, Sindh | Member |
| (g) Chairman, Planning & Development Board, Planning & Development Department | Member |
| (h) Secretary, Finance Department, Government of Sindh | Member |
| (i) Secretary, Social Protection Department, Government of Sindh | Member |
| (j) Five persons of known integrity, expertise and experience in the spheres of Social Protection, Human Development, Poverty Alleviation or any other relevant field of expertise, to be nominated by the Chief Minister | Members |
| (k) Chief Executive Officer, Sindh Social Protection Authority | Member |

(3) The Chief Executive Officer shall also act as Secretary of the Board.

(4) The Board may co-opt any person as a member for any particular purpose, but such person shall not have right of vote.

(5) An official member appointed by virtue of his office shall cease to be the member on vacating such office.

(6) Subject to sub-section (3), a non-official member shall hold office for a period of three years unless he resigns or is removed earlier and shall be eligible for re-appointment for further one more term of three years only.

(7) Government may remove a member, other than ex-officio member at any time if he has incurred any of the disqualification mentioned in section 5, and appoint another person as the member for the remaining term of the outgoing member.

(8) A non-official member may, at any time, resign from his office by addressing a letter to Government and his resignation shall take effect from the date on which it is accepted by Government.

(9) No act or proceedings of the Authority shall be invalid merely by reason of any vacancy or defect in the constitution of the Board.

(10) The Government may, by notification, increase or decrease the membership of the Authority in public interest.

(11) The non-official Members shall be paid such honorarium for discharge of their functions as may be prescribed by regulations.

6. **Disqualifications of members.** No person shall be appointed or continue as a member who –

- (a) is not a citizen of Pakistan;
- (b) is found a lunatic or becomes of un-sound mind;
- (c) is or at any time has been convicted of an offence involving moral turpitude;
- (d) is or has at any time been adjudicated insolvent;
- (e) is or has at any time been disqualified for employment in or dismissed from Government service;
- (f) is acting in contravention of the provisions of this Act;
- (g) has without permission of Government directly or indirectly any financial interest in any project or scheme or property of the Authority.

7. **Powers and functions of the Board.** The powers and functions of the Board shall be -

- (i) to provide over all directions in respect of Social Protection Plan based on the policies and for the purpose approve plans, programs and projects; and overall management and organogram of the Authority structure;
- (ii) to approve establish a Planning Unit for evidence-based proposals and analysis of policy and programme;
- (iii) to provide for policy framework for creating institutional linkages with Government, Federal Government or other organizations in public and private sector with respect to social protection schemes and programs;
- (iv) to acquire land, buildings and other assets through donation or transfer of rights to the Board and to sell, lease, exchange or

otherwise dispose of any property vested in the Agency with the approval of Government;

- (v) to create and abolish the posts, appoint the staff to the Authority and define their duties and conditions of services;
- (vi) to enter into contracts and agreements or other instruments as the Board may consider necessary; and
- (vii) to approve proposals relating to financial management and fiscal resources of the Authority including proposals for grants, budgets and transfers to various institutions;
- (viii) to oversee the implementation of programs and undertake their evaluation to determine their effectiveness through in house and outsourcing; and
- (ix) to do all other acts and things which are incidental or are required to further the objectives of the Board.

PART-IV MEETINGS OF THE BOARD

8. **Meetings of the Board.** (1) The meetings of the Board shall be regulated by regulations but until such regulations are framed, the meetings shall be held as directed by the Chairperson; provided that the meeting shall be held atleast once in a quarter.

(2) The meetings of the Board shall normally be presided over by the Chairperson and in his absence the Vice-Chairperson shall preside over the meeting; and in absence of both, the members present shall elect from amongst themselves, a member to preside the meeting.

(3) One-third of the total members shall constitute a quorum for a meeting of the Authority.

(4) The members shall have reasonable notice of the time and place of the meeting and matters on which a decision by the Board shall be taken in such meeting.

(5) The decision of the Board shall be taken by the majority of its members present and, in case of a tie, the member presiding a meeting shall have a casting vote.

(6) All orders, determination and decision of the Board shall be taken in writing and shall be signed by the Secretary of the Board.

PART-V APPOINTMENT OF OFFICERS AND STAFF

9. **Chief Executive Officer.** (1) There shall be a Chief Executive Officer of the Authority to be appointed by Government for a period of four years following a competitive and transparent recruitment process. The Chief Executive Officer shall be an eminent professional of known integrity and competence with at least 20 year management level experience in the fields of Social Protection, social entrepreneurship and poverty:

Provided that the Government may appoint an officer of BPS-20 of PAS, Ex-PCS, PMS and PSS cadre, having atleast twenty years of experience and atleast five years in the relevant field of social protection, social entrepreneurship and poverty.

(2) The Government shall determine the terms and conditions of service of the Chief Executive Officer.

(3) The Chief Executive Officer shall be the Head of the Authority and, subject to the general supervision, control and direction of the Board, shall exercise such administrative and financial powers as the Board may delegate to him or as may be prescribed.

(4) The Chief Executive Officer may resign from his office by serving thirty days' prior notice or on payment of thirty days' pay in lieu of the notice.

(5) Government may remove the Chief Executive Officer by serving thirty days' prior notice or on payment of thirty days' pay in lieu of the notice.

(6) The Chief Executive Officer shall manage the affairs of the Authority in accordance with the provisions of this Act, rules and regulations and shall have the following powers and functions:-

- (a) to be the Principal Accounting Officer of the Authority;
- (b) to exercise administrative control over the day to day functioning of the Authority including management, financial management, human resource management and management of social protection social entrepreneurship and poverty;
- (c) to conduct the official correspondence of the Agency for implementation of all the decisions and other business of the Board;
- (d) to run the affairs of the Authority for attaining its objectives through the executive tier;
- (e) to ensure that all grants are to be deposited in the Fund in efficient manner;
- (f) act on behalf of the Board in any emergency, subject to the obligation to report such action to the Board at its next meeting;
- (g) to keep in custody the record and seal of the Authority;
- (h) to undertake and authorize payment of monthly salaries and allowances to the employees or the persons working in the Authority;
- (i) to sanction or re-appropriate an amount not exceeding two lacs (two hundred thousand) rupees during the fiscal year for an unseen item not provided in the budget and submit report to the Board in this behalf in its next meeting for ratification;

- (j) to prepare budget estimates and supplementary budget estimates and place the same before the Board for approval and subsequently its submission to Government;
- (k) to pass payment of bills, under any head of the budget duly approved and authorized;
- (l) to issue notices of meeting of the Board and its committees in consultation with the Chairperson or in his absence, the Vice Chairperson; and to prepare and maintain minutes and record and proceedings of the meeting;
- (m) to take steps for the implementation of decisions of the Board and submit report thereof to Government;
- (n) to carry on all the correspondence of the Authority;
- (o) to create and fill temporary posts for a period not exceeding six months to achieve the purpose of this Act, rules and regulations;
- (p) to execute deeds and documents on behalf of the Authority; and
- (q) to exercise such other power and perform such other function as may be assigned to him by the Board or Government.

(2) The Director General shall not except with the previous approval of the Board in each case or unless already approved in the budget, allow expenditure on items of civil works, capital expenditures equipment or automobiles.

10. **Organizational Tier.** There shall be established a full-fledged organizational tier of the Authority under the Chief Executive Officer in such manner and with such functions as may be determined by the Board.

11. **Appointment of employees.**—(1) The Authority may, for efficient performance of its functions, appoint such officers, advisers, consultants, experts and other staff possessing requisite professional, technical, ministerial or secretarial qualifications and experience on such terms and conditions as may be prescribed by rules; provided that until such rules are framed, as may be determined by the Board.

(2) The officers, advisers, consultants and other staff shall be liable to such disciplinary action and in such manner as may be prescribed and until so prescribed as may be determined by the Board.

PART-VI

FUND OF THE AUTHORITY

12. **Sindh Social Protection Authority Fund.** (1) There shall be established a Fund to be known as the Sindh Social Protection Authority Fund which shall vest in the Authority.

(2) The Fund shall consist of -

- (a) the grants received from Government;
- (b) the grants received from Federal, Provincial or Local Government or any other authority or agency;

- (c) income from fees charged by the Authority;
- (d) donations made to the Authority; and
- (e) income from any other source.

(3) The Fund shall be maintained in such manner as may be prescribed.

(4) The Fund shall be utilized to meet the expenses of the Authority in connection with the discharge of its functions under this Act.

(5) The Authority, while performing its functions and exercising its powers under the Act and these rules, shall exercise highest sense of prudence as far as expenditures are concerned.

(6) The Authority shall not incur any debt without prior approval of Government.

(7) The Board may invest its funds in investment schemes including Government securities for raising funds.

(8) The Fund shall be managed and operated in the manner as may be prescribed by rules or until such rules are framed as may be determined by the Board or in accordance with the guidelines given by Government from time to time.

(9) With prejudice to the foregoing powers, the Fund shall be expended for the purpose of –

- (a) paying any expenditure lawfully incurred by the Authority, relating to remuneration of its non-official members, employees, advisors, and consultants of the Authority, including provident fund contributes superannuating allowances or gratuities, legal fees and costs as well as other fees and costs;
- (b) paying any other expenses, costs or expenditure properly incurred or accepted by the Authority in the performance of its functions or the exercise of its powers under this Act, rules or regulations;
- (c) purchasing or hiring equipment, machinery and any other work and undertakings in the performance of its functions or the exercise of its powers under this Act, rules or regulations;
- (d) repaying any financial accommodation received; and
- (e) generally paying any expenses for carrying into effect the provisions of this Act, rules or regulations.

13. **Budget and accounts.**—(1) The Chief Executive Officer shall, before the commencement of each financial year, prepare a statement of the estimated receipts and expenditure for the next financial year and submit it to the Board for approval.

(2) The Authority shall maintain proper accounts and other records relating to its financial affairs including its income and expenditure and its assets and liabilities in such form and manner as may be prescribed.

(3) As soon as may be, after the end of each financial year, the Authority shall, for that financial year, prepare and approve in the manner prescribed, statements of account of the Authority which shall include a balance-sheet and an account of income and expenditure.

14. **Audit.** (1) The Auditor General of Pakistan shall annually audit the accounts of the Authority.

(2) The Authority may, with the approval of Government, in addition to the audit under sub-section (1), cause the annual accounts of the Authority be audited, in the prescribed manner by a Chartered Accountant or a firm of Chartered Accountants.

15. **Annual report.**—(1) The Chief Executive Officer shall, by 30th September each year, submit annual performance report to the Authority enumerating all the activities, developmental initiatives undertaken and targets achieved during the previous financial year for the betterment of the social protection, social entrepreneurship and poverty.

(2) The Authority shall submit the report to Government which shall lay the report in Provincial Assembly of Sindh within ninety days of its receipt.

PART-VII MISCELLANEOUS PROVISIONS

16. **Transfer of functions, etc.**—(1) Government may on its own or on the recommendation of the Board may reorganize, consolidate or amalgamate one or more Social Protection programs in the interest of their consolidation, efficiency, impact and utility.

(2) Where Government decides to reorganize, consolidate or amalgamate a Social Protection program and transfer the functions of a body, authority or organization, to another body, authority or organization, including *inter alia*, the Authority, that assumes such functions, Government may direct—

(a) that any of the employees of the Transferring Organization connected with that function shall become employees of the Recipient Organization on such terms and conditions as the Recipient Organization may determine, subject to the condition that the said terms and conditions are not less favourable than those admissible to them as employees of the Transferring Organization;

(b) that such part of funds of the Transferring Organization as the Government may determine shall stand transferred to the said Recipient Organization.

17. **Obligation to produce documents and provide information.**—(1) The Chief Executive Officer, on behalf of the Board, may require in writing, any person, Government department, authority, statutory body, company or organization, as the case may be, to provide any information or data held by, that person, Government department, authority, statutory body, company or organization, which is required for purposes of formulation of policy or exercise of powers under the provisions of this Act.

(2) Every person, Government department, authority, statutory body, company or organization shall furnish the information requisitioned under sub-section (1), within the time specified in the notice issued by the Chief Executive Officer.

18. **Delegation of powers.** The Government or Board may, by general or special order, delegate all or any of its powers, functions and duties, to the Chairperson, member or any officer of the Board.

19. **Public Servants.** Every employee of the Board including officers, advisors, consultants and every person acting or purporting to act under this Act, rules and regulations shall be deemed to be a public servant within the meaning of section 21 of the Pakistan Penal Code, 1860.

20. **Immunity.**—No suit, prosecution or any other legal proceedings shall lie against the Government, Authority, the Chairperson, Vice Chairperson, members, Chief Executive Officer and any employee of the Authority, in respect of anything done or intended to be done in good faith under this Act.

21. **Provisions in addition and not in derogation of any other laws.** The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force.

22. **Power to make rules.**— Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.

23. **Power to frame regulations.**— Subject to this Act and the rules, the Authority may frame regulations in respect of the matters not provided for in this Act or the rules.

24. **Removal of difficulties.** If any difficulty arises in implementation of the provision of this Act, Chief Minister may on the recommendation of the Board or otherwise, give appropriate direction to remove such difficulties.

BY ORDER OF THE MADAM ACTING SPEAKER
PROVINCIAL ASSEMBLY OF SINDH

G.M.UMAR FAROOQ
SECRETARY
PROVINCIAL ASSEMBLY OF SINDH