

SINDH ACT NO.XXIII OF 2016

THE SINDH EMPLOYEES' OLD-AGE BENEFITS (AMENDMENT) ACT, 2016

[28th June, 2016]

to amend the Sindh Employees' Old-Age Benefits Act,2014.

WHEREAS it is expedient to amend the Sindh Employees' Old- Age Benefits Act,2014, in the manner hereinafter appearing;

Preamble

It is hereby enacted as follows:-

1. (1) This Act may be called The Sindh Employees' Old-Age Benefits (Amendment) Act, 2016.

Short title and commencement.

(2) It shall come into force at once and shall be deemed to have taken effect on and from 1st day of July, 2014.

2. In the Sindh Employees' Old-Age Benefits Act, 2014, hereinafter referred to as the said Act, in section 1, in sub-section (3), after the words "at once" the words "and shall take effect on and from 1st day of July, 2014" shall be added.

Amendment in section 1 of Sindh Act No.X of 2015.

3. In the said Act, in section 2 –

Amendment in section 2 of Sindh Act No.X of 2015.

(i) in clause (d), after the words "an insured person" the words "or insured person for himself" shall be inserted;

(ii) in clause (i), for the figure "17", the figure "21 " shall be substituted;

(iii) in clause (k), between the words "calling" and "service", a comma shall be inserted;

(iv) for clause (u), the following shall be substituted:-

"(u) "wages" means the minimum wages for unskilled workers notified under the Minimum Wages Ordinance, 1961(XXXIX of 1961);

(a) for clause (v), the following shall be substituted:-

"(v) "year" with respect to insurable employment, means a total of three hundred and sixty-five days for which contributions are payable."

4. In the said Act, in section 3, after the word "establishment", the word "including the employees engaged by or through the contractor" shall be inserted.

Amendment of section 3 of Sindh Act No. X of 2015.

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5. In the said Act, in section 10, for sub-section (1), the following shall be substituted:- [Amendment of section 10 of Sindh Act No. X of 2015.](#)
- “(1) On and from the first day of January , 2016, the contribution shall be payable every month by the employer to the Institution in respect of every person in his insurable employment, including the persons employed through and by the contractors, at the rate of five percent of his wages in the prescribed manner:
- Provided that no contribution shall be payable in respect of an insured person who is in receipt of old-age pension under this Act or has attained the age of sixty years, or fifty-five years in the case of a woman.”.
6. In the said Act, sub-section (2), the following shall be substituted:- [Amendment of section 14 of Sindh Act No. X of 2015.](#)
- “(2) Every insured person may also communicate his name and other prescribed particulars to the Institution. Notwithstanding anything contained in any other law, for the time being in force, the employer shall not take any adverse action against the insured person who has communicated his name and other particulars under this sub-section, to the Institution for registration.”.
7. In the said Act, in section 16, for sub-section(2) including the proviso, the following shall be substituted:- [Amendment of section 16 of Sindh Act No. X of 2015.](#)
- “The official referred to in sub-section (1) shall not demand production of account books and other documents referred to in clause (b) of sub-section (1) for a period of two years from the date of registration of the establishment of the 1st day of July, 2014, whichever is later.”.
8. In the said Act, in section 26- [Amendment of section 26 of Sindh Act No. X of 2015.](#)
- (a) in sub-section (1), in the proviso, in clause (b), the second proviso shall be omitted; and
- (b) sub-section (2) shall be omitted.
9. In the said Act, in section 27- [Amendment of section 27 of Sindh Act No. X of 2015.](#)
- (a) the first proviso shall be omitted; and
- (b) in second proviso for the word “further” the word “ that” shall be substituted.
10. In the said Act, in section 28, in sub-section (4)- [Amendment of section 28 of Sindh Act No. X of 2015.](#)
- (a) for clause (ii), the following shall be substituted:-
- “(ii) in case of a female child, until marriage;”;
- (b) after clause (ii), a new clause shall be added:-

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“(iii) in case of differently able child, as defined in the Sindh Differently Able Persons (Employment, Rehabilitation and Welfare) Act, 2014, till death.”.

11. In the said Act, in section 29, in sub-section (1)-

- (i) in clause (c), the first proviso shall be omitted; and
- (ii) in the second proviso, for the word “further” the word “that” shall be substituted.

[Amendment of section 29 of Sindh Act No. X of 2015.](#)

12. In the said Act, in section 34, in sub-section (3), the following proviso shall be added:-

“Provided that an insured person in receipt of Survivor’s Pension under this Act, shall, subject to fulfillment of conditions enumerated in sections 26, 27 and 29 be entitled for Old-age Pension, Old-age Grant or Invalidity Pension, in addition to Survivor’s Pension.”.

[Amendment of section 34 of Sindh Act No. X of 2015.](#)

13. In the said Act, in section 50, in sub-section (2), after sub-clause (iii), the following new clauses shall be inserted:-

- “(iii-a) powers and functions of the Chairperson;
- (iii-b) powers and duties of the internal auditors;”.

[Amendment of section 50 of Sindh Act No. X of 2015.](#)

14. In the said Act, in section 51, in sub-section (2), clauses (ii) and (vi) shall be omitted.

[Amendment of section 51 of Sindh Act No. X of 2015.](#)

15. In the said Act, for section 54, the following shall be substituted:-

“54. There shall be no discrimination on the basis of sex, religion, race, creed, color, caste, ethnic background or domicile in respect of the rate of contribution or the benefits payable under this Act **as well as in employment, professional development and the wages for work of equal value.**”.

[Amendment of section 54 of Sindh Act No. X of 2015.](#)

16. In the said Act, in section 55, in sub-section(2), after clause (b), the following new clause shall be added:-

“(c) the Employees Old-age Benefits Institution, established under repealed Act, shall stop registration of establishments and insured persons and receipt of contributions with effect from 1st January, 2016. However it will continue to accept, process and dispose the claims of benefits and payment of old-age pension, old-age grant, invalidity pension and survivors’ pension till final transfer of assets and funds etc. to the Sindh Employees’ Old-age Benefits Institution.”.

[Amendment of section 55 of Sindh Act No. X of 2015.](#)

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17. In the said Act, in Schedule-

- (i) in clause (2)in proviso, for the words and figure “ first day of July,2008”, the words and figure “1st January,2016” shall be substituted;
- (ii) clause (3) shall be omitted.

[Amendment of
Schedule of Sindh Act
No. X of 2015.](#)