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THE SINDH COVID-19 EMERGENCY RELIEF ACT, 2020

SINDH ACT NO. XII OF 2020

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THE SINDH COVID-19 EMERGENCY RELIEF ACT, 2020

SINDH ACT NO. XII OF 2020

[15th July, 2020]

AN ACT to provide relief to the people of Sindh in an emergency situation arising due to widespread pandemic of Corona Virus (Covid-19) disease, which has badly hit, hurt or affected the population of the Province, directly or indirectly by the measures adopted or taken by Government to stop the spread of the disease for the general welfare of the public and to mitigate challenges emanating from the ban/lockdown imposed by the Government of Sindh throughout the Province.

WHEREAS it is expedient to provide relief to the people of Sindh in an emergency situation arising due to widespread pandemic of Corona Virus (Covid-19) disease, which has badly hit, hurt or affected the population of the Province, directly or indirectly by the measures adopted or taken by Government to stop the spread of the disease for the general welfare of the public and to mitigate challenges emanating from the ban/lockdown imposed by the Government of Sindh throughout the Province;

Preamble.

It is hereby enacted as follows:-

1. (1) The Act may be called the Sindh Covid-19 Emergency Relief Act, 2020. **Short title, extent and commencement.**
 - (2) It shall extend to the whole of the Province of Sindh.
 - (2) It shall come into force at once and shall be deemed to have taken effect on and from the 1st of April, 2020.
2. In this Act, unless there is anything repugnant in the subject or context- **Definitions.**
 - (a) “educational institution” means any preschool, elementary or secondary school, college, university, higher educational institute, madaris or any vocational, commercial, professional whether in public or private sector providing formal or non-formal education;
 - (b) “employee” means a person not falling within the definition of employer who is employed in an establishment for hire or reward either directly or through a contactor whether the terms of employment are express or implied and includes a worker for wages;

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- (c) “employer” means the owner of an establishment and also includes any person or body of persons, whether incorporated or not, who or which hires employees in the establishment under a contract of employment and includes-
 - (i) a successor, heir, or assignee, as the case may be, of such person or body as aforesaid;
 - (ii) any person responsible for the management and control of the establishment;
 - (iii) in relation to an establishment run by or under the authority of any department of the Government, the authority appointed in this behalf or, where no authority is so appointed, the Head of the department;
 - (iv) in relation to an establishment run by or on behalf of a local authority, the officer appointed in this behalf, or where no officer is so appointed, the chief executive officer of that authority;
- (d) “establishment” means any office, firm, factory, society, undertaking, industry, company of all types, educational institution, shop, restaurant, corporation or any other enterprise, which hire employees directly or through a contractor for the purpose of carrying on any business or industry and includes all its departments and branches in the Province of Sindh;
- (e) “Government” means the Government of Sindh;
- (f) “Landlord” means the owner of the premises and includes a person who is for the time being authorized or entitled to receive rent of the premises;
- (g) “premises” means a building or land, let out on rent, but does not include a hotel;

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- (h) “prescribed manner” means the manner as may be notified by Government in which the suspended amount shall be recovered by the relevant person (s), or entitles;
- (i) “prescribed period” means the period commencing from 1st of April, 2020, continuing to the date on which the Government, by notification in the official gazette, declares as having come to an end;
- (j) “Schedule” means the Schedule to this Act;
- (k) “tenant” means any person who undertakes or is bound to pay rent as consideration for the possession or occupation of any premises by him or by any other person on his behalf and includes-
 - (i) any person who continues to be in possession or occupation of the premises after the termination of his tenancy;
 - (ii) heirs of the tenant in possession or occupation of the premises after the death of the tenant.

3. (1) For carrying out the purposes of this Act, the reliefs under sub-section (2) shall be provided to the affected people of the Province of Sindh. **Reliefs.**

(2) That during the prescribed period-

- (a) no educational institution shall charge more than eighty percent (80%) of the total monthly fees. The relief amount, reduced equivalent to twenty percent (20%), under this Act, shall not be recovered as arrears under any circumstances or under any existing or new head of account;

Provided that in addition no student shall be placed at any disadvantageous position in terms of fee which he or she was paying before the promulgation of this Act;

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- (b) no employee or worker shall be laid off, terminated or removed and the employee shall be paid salary by the employer during the closure of an establishment as indicated in Schedule-I;

Provided that this Act shall not prevent an employer from paying the full salary of the employee if he chooses to:

Provided further that the period of closure of an establishment may be considered by the employer as paid leave;

- (c) the relief shall be provided to all residential consumers in the monthly bills of water and sewerage as per Schedule-II;
- (d) the landlord shall defer or suspend the recovery of the fifty percent of the total rent of the premises;

Provided that the same shall not apply in cases where the owner is a widow, differently abled person or senior citizen as defined in the Sindh Senior Citizen Act, 2014;

Provided further that there shall be no bar if the tenant chooses to pay the full monthly rent to the landlord;

- (e) the Government may provide exemption in the provincial taxes, duties, fees, cess, levies and charges in a manner as notified by Government;
- (f) the Non-governmental Organization (NGO) registered with the departments of Government, shall, within fifteen days from the date of commencement of this Act, provide the data to the departments with which they are registered, the details of the relief activities being undertaken by them across the Province of Sindh for mitigating COVID-19 pandemic;
- (g) any other relief as may be notified by Government in the official gazette.

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- ¹[(h) the Health Department, Government of Sindh shall motivate and encourage the people to conduct Covid-19 tests at prescribed health facilities free of cost in the Province through mass awareness campaign, workshops, seminars, electronic and print media;
- (i) any person employed at any establishment who is tested positive for Covid-19 shall be allowed paid-leave for the period he remains in isolation and shall follow the Standard Operating Procedures prescribed by the Health Department during isolation; provided that Government shall provide financial assistance to daily wage workers who test positive and shall follow Standard Operating Procedures prescribed by the Health Department during the isolation period.]

(3) The reliefs provided under sub-section (2) shall be for the prescribed period as may be notified by Government.

(4) The recovery of the suspended amount as mentioned in sub-section (2) shall be made by the concerned person(s) or entitles in the prescribed manner.

(5) Government shall adopt the measures for prevention of price hiking or hoarding of essential commodities through the officer authorized under section 11.

(6) The Government shall provide all possible facilities for protection of hospitals, doctors, paramedics, health workers or any other person involved in treating the Covid-19 and if any person who obstructs in performing after duties or causes harm to such hospitals, doctors, paramedics, health workers or any other person involved, shall be punished under section-4.

²[(7) It shall be mandatory for the person who visits any public place to wear face mask for the prescribed period to mitigate the spread of infection of Covid-19.

4. (1) Whoever contravenes the provisions of section 3, without **Penalty.** prejudice to any punishment to which he may be liable under any other law of the time being in force, shall be punishable with on

¹ Added clauses by Sindh Act No. XVII of 2020, dated 12th August, 2020.

² Added sub-section by Sindh Act No. XVII of 2020, dated 12th August, 2020.

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spot fine which may extend upto rupees one million or seizure of movable or immovable property or both, on a complaint made by an officer, official or any aggrieved person in writing to an officer authorized under section 11.

Provided that the order of imposing the penalty shall be in writing containing reasons for the issuance of the order thereof.

(2) In case of non-payment of fine, the same shall be recovered as arrears of land revenue under the Sindh Land Revenue Act, 1967 (Act No. XVII of 1967).

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| 5. | Where, by any law, rule, regulation, order, contract or otherwise, any act or proceeding is directed or required to be done or undertaken in any court or office or any legal, regulatory, contractual or other obligation, by any person in the Province, that act, proceeding or obligation shall be considered as done or undertaken in due time if it is done or undertaken thirty working days after the prescribed period, and the period to do or undertake such act, proceeding or obligation shall be deemed to be extended by such period. | Extension of period to perform duties, etc. |
| 6. | The provisions of this Act shall have effect notwithstanding anything to the contrary contained in any laws, rules, regulations, judgments or anything otherwise for the time being in force. | Overriding effect. |
| 7. | Government may make rules and regulations for carrying out the purpose of this Act. | Power to make rules and regulations. |
| 8. | No suit or other legal proceeding shall lie against any person for anything done or in good faith intended to be done under this Act. | Indemnity. |
| 9. | If any difficulty arises in giving effect to any provision of this Act, the Chief Minister may make such order, not inconsistent with the provisions of this Act, as may appear to him to be necessary for the purpose of removing such difficulty. | Removal of difficulty. |
| 10. | Chief Minister may, by notification in the official gazette, amend any of the Schedules by modification, addition in omission any entry therein or therefrom. | Amendment of Schedule. |
| 11. | Chief Minister may, by notification in the official gazette, authorize Departments, attached departments, or any officer or authority to perform such functions and exercise such powers under this Act. | Authorization. |

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12. Notwithstanding anything contained in this Act, or any law for the time being in force, or any judgment, decree or order of any court, the notifications, orders, circulars, issued, powers conferred, assumed or exercised by any person or authority or forum between the 20th March 2020 and the date this Act comes into force (both days inclusive) in connection with Covid-19 Pandemic, shall be deemed to have been validly initiated, conducted, done, taken, passed, made, issued, conferred, assumed or exercised under this Act and shall have effect accordingly and shall be deemed to have been validly issued or passed under this Act. **Validity.**
13. The Sindh COVID-19 Emergency Relief Ordinance, 2020 is hereby repealed. **Repeal.**

<u>Schedule-I</u> <u>(See section 3(2)(b))</u>		
Serial No.	Monthly Salary to be paid to the employee for the prescribed period	Deduction to be made in monthly salary by the employer
1.	Where the salary does not exceed Rs.50,000/-	No deduction
2.	Where salary exceeds Rs.50,000/- but does not exceed Rs.100,000/-	5%
3.	Where salary exceeds Rs.100,000/- but does not exceed Rs.150,000/-	7.5%
4.	Where salary exceeds Rs.150,000/- but does exceed Rs.200,000/-	10%
5.	Where salary exceeds Rs.200,000/- but does not exceed Rs.300,000/-	12.5%
6.	Where salary exceeds Rs.300,000/- but does not exceed Rs.400,000/-	15%
7.	Where salary exceeds Rs.400,000/- but does not exceed Rs.700,000/-	17.5%
8.	Where salary exceeds Rs.700,000/-	20%

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<u>Schedule-II</u> <u>(See section 3(2)(c))</u> <u>Monthly Consumption of Water</u>		
Serial No.	Area per Sq. yds (House/Portion)	Waiver in Monthly Bill for prescribed period.
1	House upto 80 sq.yds.	No amount of Bill to be paid
2	81-160 sq. yds	25% amount of the Bill to be paid
3	161-240 sq. yds	50% amount of Bill to be paid
4	Above 240 sq. yds	100% amount of the Bill to be paid

Serial No.	Area per Sq. ft (Flat/Apartment).	Waiver for prescribed period.
1	Flat up to 800 Sq. ft	No amount of Bill to be paid
2	800 to 1000 Sq. ft	25% amount of the Bill to be paid
3	1000-1200 Sq. ft	50% amount of the Bill to be paid
4	Above 1200 Sq. ft	100% amount of the Bill to be paid