

THE BALOCHISTAN EMPLOYEES SPECIAL ALLOWANCE ACT,

1992

(Baln Act V of 1992)

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'THE 7BALOCHISTAN EMPLOYEES SPECIAL ALLOWANCE

Preamble.

Short title, extent
and
commencemen
t.

Definitions.

ACT, 1992

(Baln Act V of 1992)

[11 May, 1992]

An Act to provide for payment of special allowance to employees working in the Province of Balochistan.

WHEREAS it is expedient to provide further monetary relief to the employees working in the Province of Balochistan, in the manner hereinafter appearing;

It is hereby enacted as follows:—

1. (1) This Act may be called the Balochistan Employees Special Allowance Act, 1992.

(2) It extends to the whole Province of Balochistan except the *Tribal Areas.

(3) It shall come into force at once and shall be deemed to have taken effect on the 1st day of December, 1990.

2. In this Act, unless there is any thing repugnant in the subject or context;

(a) "employee" means any person employed, whether directly or through any other person, for wages, to do any skilled or unskilled, intellectual technical, clerical, manual or other work in, or in connection with the affairs of, an undertaking, under any contract of service or apprenticeship, whether written or oral, express or implied and include such a person when laid off, but does not include a person for whom a provisions has been, or may be made by the Provincial Government for grant of an allowance intended to provide relief due to arise in the cost of living;

(b) "employer" in relation to an undertaking, means

For statement of objects and reasons see Balochistan Gazette (Extraordinary) No. 15/A, dated 15" March, 1992. This Act was

the Balochistan Assembly on 18" March, 1992; and, assented to by the Governor of Balochistan; published in the Baln. Gazette (Extraordinary) No. 48/ B1, dated 11 May, 1992; deem to be effective from 1" of December, 1990.

"en?

Spelling of the word "Baluchistan", wherever it appears in this Act, is corrected by insertion of letter "o" instead of "u", as per

Government of Balochistan, S&GAD's Notification No. SORI (4) 6/ S&GAD-89, dated 18" June, 1989.

Applied to the Provincially Administered Tribal Areas of Balochistan with effect from 10% May, 1994; see Balochistan Gazette

(Extraordinary) No. 43/E-G, dated 10 May, 1994.

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any person who employs, either directly or through any other person, whether on behalf of himself any other person, any employee, and includes:—

(1)

(ii)

(iii)

a body of persons, whether incorporated or not;

a person who has ultimate control over the affairs of an undertaking, including the owner of any undertaking are entrusted to any other person (whether called a managing agent, director, manager, agent, superintendent, secretary, representative of the owner or by any other name), such other person, or in any other case, any person responsible to the owner for supervision and control of an employee or for payment of his wages; and

an heir, successor, administrator or assignee, as the case may be, of such person or association of persons;

(c) "Special Allowance" means an amount payable under the provisions of this Act;

(d) "Undertaking" means;

(1)

(ii)

(iii)

an establishment to which the West Pakistan Shops and Establishments Ordinance, 1969 (W.P. Ordinance No. VIII of 1969), for the time being applies, and notwithstanding any thing contained in section 5 thereof, includes clubs, hostels and messes not maintained profit or gain and establishment for the treatment or care of the sick, infirm, and

destitute or mentally unfit persons;

a construction industry to which the West Pakistan Industrial and Commercial Employment (Standing Orders) Ordinance, 1968 (W.P. Ordinance No.VI of 1968), for the time being applies;

a factory as defined in the Factories Act

Special Allowance.

Responsibility for
payment of

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(e)

1934 (XXV of 1934);

(iv) amine as defined in the Mines Act, 1923
(IV of 1923);

(v) a road transport service as defined in the
Road Transport Workers Ordinance,
1961 (XXVIII) of 1961);

(vi) a newspaper establishment as defined in
the Newspaper Employees (Conditions of
Service) Act, 1973 (LVIII of 1973); and

includes any class of establishments
which the Provincial Government may,
by notification in the official Gazette,
declare to be undertaking for the
purposes of this Act;

“Wages” means remuneration for services,
payable in cash to an employee without taking
account of deductions for any purpose, under a
contract of service or apprenticeship, written,
oral, express or implied, and includes any
dearness allowance or other addition in respect
of the cost of living payable or paid for the
period preceding the first day of August, 1973,
and any payment by the employer in respect of
any period of authorised leave, but does not
include:-

(i) any payment for overtime, or

(ii) | any sum paid to an employee to defray
special expenses entailed by the nature of
his employment; or

(iii) any gratuity payable on discharge; or

(iv) any sum paid as bonus, house rent,
travelling
allowance or any other allowance.

conveyance allowance,

Every employee irrespective of his wages whether on time work or piece work basis be paid by the employer a Special Allowance of Rs.200/- per month during the course of his employment on or after the first day of December, 1990.

Every employer shall be responsible for the payment of

Special
Allowance.

Time for payment
of Special
Allowance.

Claims for recovery
or delay in
payment of
Special
Allowance.

Special Allowance
to form part of
wages.

Penalty.

Cognizance of

the Special Allowance required to be paid under this Act.

5. The Special Allowance shall be paid along with wages
in accordance with any custom, usage, practice or law
applicable to the undertaking, on 1st day of January, 1991 and
subsequently on first day of every month.

6. Where contrary to the provisions of this Act the Special
Allowance of any employee has been withheld or delayed such
worker himself or through any other person authorised by him
in this behalf may apply:-

(a) In the case of an establishment to which the West
Pakistan Shops and Establishments Ordinance,
1969 (W.P. Ordinance No. VIII of 1969), for the
time being applies, to the authority appointed
under sub-section (1) of section 12 thereof
having jurisdiction and the provisions of the said
section and sections 11, 13, 21, 23, 30 and 32 of
that Ordinance shall, so far as may be and with
the necessary modifications, apply for the
purposes of recovery of the Special Allowance;
and

(b) In the other case, to the authority appointed
under subsection (1) of section 15 of the
Payment of Wages Act, 1936, having jurisdiction
and the provision of the said section and sections
6, 16, 17, 18, 19, 22, 23 and 26 of the said Act
shall, so far as may be and with the necessary

modifications, apply for the purposes of recovery

of the Special Allowance.

7. Notwithstanding any thing contained in this Act or any other law for the time being in force, the Special Allowance shall not form part of wages of worker for the purposes of any other law, including the purposes of contribution to provident fund, gratuity, bonus, social security scheme and calculating wages for overtime work.

8. Any employer who contravenes any provision of this Act shall be punishable with simple imprisonment for a term which may extend to six months, or with fine which may extend to two thousand rupees, or with both.

9. No Court shall take cognizance of any offence under

offences. this Act save on complaint made by an aggrieved employee or by an officer or a registered trade union of which such employee is a member, or by any person authorised in this behalf by the Provincial Government.

Repeal. 10. The 'Balochistan Employees Special Allowance Ordinance, 1991 (V of 1991), is hereby repealed.

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The first Ordinance on the subject was promulgated by the Governor Balochistan, on 31-12-1990 by Baln. Ord. III of 1990, published in Baln. Gazette (Extraordinary) No. 187, dated 31st December, 1990, which was amended by Baln. Ord. II of 1991, published in Baln. Gazette (Extraordinary) No. 19, dated 28th February, 1991; it was re-promulgated by Baln. Ord. III of 1991 which repealed the earlier Ordinance and published in Baln. Gazette (Extraordinary) No. 30, dated 2nd April, 1991; it was once again promulgated by Baln. Ord. III of 1991 which repealed the earlier Ordinance and published in Baln. Gazette (Extraordinary) No. 59, dated 30th June, 1991, which is now repealed by S. 10.