

SIND ACT NO. X OF 1986.

THE SIND EMPLOYEES SPECIAL ALLOWANCE (PAYMENT) ACT, 1986

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THE SIND EMPLOYEES SPECIAL ALLOWANCE (PAYMENT) ACT, 1986

[26<sup>th</sup> November 1986]

An Act to provide for payment of a special allowance to employees.

WHEREAS it is expedient to provide for payment of a Preamble. special allowance to employees and for matters ancillary thereto, in the manner hereinafter appearing;

It is hereby enacted as follows:—

1. (1) This Act may be called the Sind Employees Special Short title and Allowance (Payment) Act, 1986. commencement.

(2) It shall come into force at once and shall be deemed to have taken effect on and from 15 day of July, 1986.

2. In the Act unless there is anything repugnant to the Definition. subject or context—

(a) “employee” means any person employed, whether directly or through or by 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 or, an undertaking, under any contract of service or apprenticeship, whether written or oral, express or implied and includes such a person when laid off;

(b) “employer” in relation to an undertaking, means any person who employs, either directly or through or by any other person, whether on behalf of himself or any other person, any employee, and includes—

(i) a body of persons, whether incorporated or not;

(ii) a person who has ultimate control over the affairs of an undertaking, including the owner of the undertaking or where the affairs 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

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(iii) an heir, successor, administrator or assign, as the case may be, of such person or association of person;

(c) "Government" means the Government of Sind;

(d) "Special allowance" means an amount payable under the provision of this Act;

(e) "undertaking" means—

(i) an establishment to which the West Pakistan Shops and Establishments Ordinance, 1969, for the time being applies, and notwithstanding anything contained in section 5. thereof, includes clubs, hotels and messes not maintained for profit or gain and establishments for the treatment or care of the sick, infirm, and destitute or mentally unfit persons;

(ii) a construction industry to which the West Pakistan Industrial and Commercial Employment (Standing Orders) Ordinance, 1968 for the time being applies;

(iii) a factory as defined in the Factories Act, 1934;

(iv) a mine as defined in the Mines Act, 1923;

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

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

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

(f) "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 under any law for the time being in force; but does not include—

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- (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) Contribution of Provident Fund; or
- (iv) Any gratuity payable on discharge; or
- (v) Any sum paid as bonus.

3. Every employee whose wages do not exceed one thousand rupees shall, in respect of his employment on or after the 1st day of

July, 1986 be paid by his employer a special allowance—

(a) equal to fifty rupees per month, if his wages do not exceed one thousand rupees; or

(b) at such rate as, together with his wages, makes a total of one thousand rupees per month, if his wages are more than nine hundred fifty rupees.

4. Every employer shall be responsible for the payment 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.

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, 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 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 any other case, to the authority appointed under sub-section (1) of section 15 of the Payment of Wages Act, 1936 having jurisdiction

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and the provisions 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 anything contained in this Act or any other law for the time being in force, the special allowance shall not form part of wages of a worker for the purposes of any other law including the purposes of contribution to provident fund, gratuity, bonus and calculating wages for overtime work.

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

9. No court shall take cognizance of any offence under this Act save on a complaint made by an aggrieved employee or by an officer of a registered trade union of which such employee is a member, or by any person authorised in this behalf by Government.

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