

# BALUCHISTAN PROVINCIAL ASSEMBLY SECRETARIAT

## NOTIFICATION.

Dated Quetta, the 3rd November, 2009

No. PAB/Legis: V (10)/ 2009. The Balochistan Provincial Employees Group Insurance Act, 2009 having been passed by the Provincial Assembly of Balochistan on 20<sup>th</sup> October, 2009 and assented to by the Governor, Balochistan on 28<sup>th</sup> October, 2009 is hereby published as an Act of the Provincial Assembly.

### THE BALUCHISTAN PROVINCIAL EMPLOYEES GROUP INSURANCE ACT, 2009 ACT NO.10 OF 2009.

AN

ACT

to provide for establishment of a Board for the common benefit of the Provincial employees of the Government and to provide for their group insurance and the matters connected therewith or ancillary thereto.

#### **Preamble.**

WHEREAS, it is expedient to provide for establishment of the Balochistan Provincial Employees Group Insurance to regulate the Group Insurance of the Provincial employees of the Government of Balochistan and to promote and protect their legitimate interests in the same; and to provide for their group insurance and the benefits attach therewith;

It is hereby enacted as follows: —

#### **CHAPTER-I** **PRELIMINARY**

#### **Short title, extent and commencement.**

1. (1) This Act may be called the Balochistan Provincial Employees Group Insurance Act, 2009.  
(2) It extends to whole of the Province of the Balochistan except the Tribal Areas and shall apply to every employee wherever he may be.  
(3) It shall come into force at once.

#### **Definitions.**

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

- (a) “Act” means the Balochistan Provincial Employees Group Insurance Act, 2009
- (b) “Board” means the Board of Trustees set up under section 4 of this Act;
- (c) “Employees” means any person who is a member of civil service of the Province or who holds a civil post in connection with the affairs of the Province; and includes any such person, officer, servant or member of the staff who is -
  - (i) on deputation elsewhere or on foreign service within the meanings of the Fundamental Rules,
  - (ii) undergoing study or training in or outside Pakistan.
  - (iii) on leave, or
  - (iv) under orders of suspension
- (d) “family” means -
  - (i) in the case of a male employee, the wife or wives, and in the case of female employee the husband of the employee, and
  - (ii) mother;
  - (iii) father;
  - (iv) unmarried sisters below the age of 21 years and widowed sisters; and
  - (v) brothers below the age of 21 years.
- (e) “Government” means the Government of Balochistan.  
“Government” means the Government of Balochistan.
- (f) “Group Insurance” means the Provincial Employees Group Insurance established under section 10 of this Act;

- (g) “Insurance Fund” means the Provincial Employees Insurance Fund established under section 12 of this Act;
- (h) “Member” means a member of the Board of Trustees.
- (i) “Prescribed” means prescribed by rules;
- (j) “Retired Government Employee” Retired Government employee includes an employee who opt to retire after completing 25 years qualifying service or who has attained the age of superannuation; *and*
- (k) “Rules” mean rules made under this Act;

**Act to override other laws.**

3. The provisions of this Act shall have effect notwithstanding anything to the contrary contained in any other law for time being in force and the rules made thereunder:

Provided that nothing herein contained shall affect the right to receive any pension, provident fund, gratuity or other benefits accruing to an employee on his retirement or invalidation or to his family upon his death otherwise than under this Act.

**CHAPTER-II**

**BOARD OF TRUSTEES**

**Board of Trustees.**

4. (1) There shall be set up a Board to be known as the Board of Trustees of the ‘Provincial Employees Insurance Fund which shall consist of the following namely: -

- (a) Chief Secretary Balochistan. -- Chairman.
- (b) Secretary Finance Govt. of Balochistan. -- Member.
- (c) Secretary Labour Govt. of Balochistan. -- Member.
- (d) Secretary, Industries Govt. of Balochistan. -- Member.

- (e) Additional Secretary -- Member.  
Law Department.
- (f) Additional Secretary -- Member.  
S&GA Department.
- (g) Additional Secretary -- Member.  
C&W Department.
- (h) Additional Secretary -- Member/  
Finance Department. Secretary

**Board to be body corporate.**

5. The Board shall be a body corporate having perpetual succession and a common seal with power, subject to the provisions of this Act, to acquire, hold and dispose of property both movable and immovable and may be sue or be sued by its name.

**Head Office.**

6. The head office of the Board shall be at Quetta and it may have regional Offices at such places as it may decide.

**Function and powers of the Board.**

7. The Board shall have powers: -
- (a) to settle claims for sums assured under this Act and all matters connected with such claims;
  - (b) to sanction grant from the Group Insurance to the employees or their families in accordance with the provisions of this Act and the rules made thereunder;
  - (c) to do or cause to be done all acts and things necessary for the proper administration and management of the moneys or properties in the Group Insurance;
  - (d) to sanction expenditure connected with the administration and management of the Group Insurance;
  - (e) to make arrangement for the insurance of the life of the employees to give effect to the provisions of this Act;
  - (f) to invest moneys held in the Group Insurance in profitable ventures;

- (g) to appoint or employ such persons as it considers necessary for the efficient performance of its operations on such terms and conditions as it may determine; *and*
- (h) to do or cause to be done all things ancillary or incidental to any of the aforesaid powers or to the purposes of the Group Insurance.

**Meeting of the Board.**

8. (1) The meetings of the Board shall be held at Quetta.
- (2) To constitute a quorum at a meeting of the Board, the number of members present shall be five.
- (3) Unless otherwise prescribed by this Act, all orders and decisions of the Board shall be with a majority view for which each Member shall have one vote; and in the event of equality of votes on any matter, the Chairman shall have a casting vote.
- (4) The meetings of the Board shall be presided over by the Chairman and in his absence by the Finance Secretary.
- (5) All orders and decisions of the Board shall be authenticated by the signature of the Chairman or of such other member as may have been authorized by the Board.

**Delegation of powers.**

9. The Board may delegate such of its powers and duties under the Act, to any of the Member (s) individually or jointly, as it may deem necessary to facilitate the discharge of its function and to ensure efficient operation of the Insurance Fund, subject to such conditions and limitations if any, as may be specified therein.

**CHAPTER-III**  
**GROUP INSURANCE**

**Insurance of employees.**

10. Subject to the provisions of this Act in the event of retirement or the death of an employee during employment, occurring by whatsoever cause, the Board shall pay to the retired employee or to the family of the deceased employee a sum as may be prescribed.

**Arrangements  
with Insurance  
Company etc.**

11. The Board may from time to time if considered necessary arrange for the insurance of the life of the employees in sums as may be prescribed with such insurance company or other insurer and for such period as it deems fit, and where any such arrangement subsists, the liability to pay the said specified sums shall directly devolve upon the insurance company or other insurer.

**Provincial  
Employees**

**Insurance Fund.** by the Board.

12. (1) There shall be established a fund to be called the Provincial Employees Insurance Fund which shall vest in and be held and administered by the Board.

(2) All sums received from the employees as premium for the group insurance of the employees and any interest or profit accruing thereon shall be credited to the Insurance Fund.

(3) The moneys credited to the Insurance Fund shall be kept in such banks/financial institutions as the Board may decide.

(4) All payments made under section 10, the expenses on any arrangement entered into by the Board with any insurance company or other insurer as provided for in section 11 and all expenses on the administration of the Insurance Fund shall be defrayed from the Insurance Fund.

(5) Any sums remaining in the Insurance Fund after defraying the expenses referred to in sub-section (4) may be utilized for such purposes connected with the benefit of the employee and their families as the Board may direct.

**Payment of  
premium.**

13. (1) Every employee during continuance of his service shall pay a monthly payment to the Provincial Group Insurance Fund at the rate specified in column 3 of the schedule.

Provided that the Government may from time to time, on the recommendations of the Board, re-fixed the rates of the deduction of premium specified in the Scheduled by a notification to be published in the official Gazette.

(2) Where the amount of premium cannot for any reason be deducted from the pay of the employee, the employee shall remit to the Insurance Fund the

sum of premium payable by him, and any premium remaining unpaid due to inadvertence or negligence of the employee or otherwise shall be recoverable from him in such manner as may be determined by the Board.

(3) Default in the payment of premium either for the reason that the pay of the employee was not drawn or due to his negligence or fault or for any other reason whatsoever shall not affect the right of the employee or his family to receive the sum assured in the event of his retirement or death of the employee, but the premium remaining unpaid at the time of his retirement or death may be recovered from the assured amount.

**Payment of the sum assured.**

14. (1) At the time of retirement or the death of an employee, the sum assured shall be paid to the employee or such member or members of his family as he might have nominated in accordance with the rules in full or in the shares specified by him at the time of making the nomination or in absence of any nomination to the family member(s) receiving pension of deceased employee at the rate specified in column 2 of the schedule within 60 days: Provided that the employee retiring before the 1<sup>st</sup> of January 2009 shall be paid the actual amount of his contribution plus a reasonable increase not exceeding rupees fifty thousands.

Provided further that the Government may from time to time, on the recommendations of the Board, re-fixed the rates of "sum assured" as specified in the Scheduled by a notification to be published in the official Gazette.

**CHAPTER-IV**

**GENERAL PROVISIONS**

**Audit and accounts.**

15. (1) The accounts of the Insurance Fund shall be maintained in such form and in such manner as the Board may from time to time, direct and by such officer (s) as the Board may appoint.

(2) The accounts of the Insurance Fund shall be audited by Local Fund Audit or Auditor General of Pakistan or a registered Chartered Accountant as the Board may decide.

(3) Audit Report of the Accounts shall be submitted to the Board for appropriate action.

**Protection of action taken in good faith.**

16. No suit, prosecution or other proceedings shall lie against the Board or any officer or other authorized person for anything done in good faith or purporting to have been done in pursuance of this Act or the rules.

**Power to make rules.**

17. The Government may make rules for the purpose of giving effect to all or any of the provisions of this Act.

**Removal of Difficulties.**

18. If any difficulty arises in giving effect to any of the provisions of this Act the Government 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 the difficulty.

**Repeal.**

19. The Provincial Employees Group Insurance Ordinance, 2007 (Ordinance No.XII of 2007), is hereby repealed. Ordinance

**Savings.**

20. (1) Notwithstanding anything contained in any other law, upon coming into force of this Act everything done, action taken, obligations or liabilities incurred, rights and assets acquired, persons appointed or authorized, jurisdiction or powers conferred, endowments, bequests, funds or trust created, donations or grants made, Scholarships or privileges granted and orders issued under any of the provisions of the Provincial Employees Group Insurance Ordinance, 2007 (Ordinance No. XII of 2007) or other legislative instruments or the statutes, the Regulations and the Rules made or deemed to have been made thereunder, shall if not inconsistent with the provisions or the Rules made under this Act, be continued and, so far as may be deemed to have been respectively done, taken, incurred, acquired, appointed, instituted, granted, and issued under this Act, and any documents



referring to any of the provisions of the said Ordinance, other legislative instruments or statutes the Regulations, and the Rules first referred shall so far as may be, be considered to refer to the corresponding provisions of the Ordinance or the statutes, the Regulations and the Rules made, under this Act.

(2) The offices of the Board functioning in terms of the provisions of the Provincial Employees Group Insurance Ordinance, 2007 (Ordinance No. XII of 2007), or other legislative instruments shall continue to function in terms of the said Ordinance.

(3) Any statutes, Regulations or Rules made or deemed to have been made under the Provincial Employees Group Insurance Ordinance, 2007 (Ordinance No. XII of 2007) or other legislative instrument shall, if not inconsistent with the provisions of this Act, be deemed to be statutes, Regulations or Rules made under this Act having regard to the various matters which by the Ordinance have to be regulated or prescribed by Statutes Regulations and Rules respectively, and shall continue to be in force until they are repealed, rescinded or modified in accordance with the provisions of the Act.

#### SCHEDULE (See Section 13 and 14)

##### GROUP INSURANCE

The rate of contribution to the Provincial Employees Group Insurance Fund and the amount of sum assured to be paid to the employees or to the family of an employee, with effect from 1<sup>st</sup> July, 2007, shall be as under:-

<u>Grade of the Employees</u>	<u>Assured Sum* on Retirement/Death</u>	<u>Monthly Deduction of Premium</u>
	(In Rupees)	(In Rupees)
BPS - 1 to 4	120,000/-	120/-
BPS - 5 to 10	150,000/-	150/-
BPS - 11 to 15	250,000/-	250/-
BPS – 16	400,000/-	400/-

BPS – 17	500,000/-	500/-
BPS – 18	700,000/-	700/-
BPS – 19	850,000/-	800/-
BPS - 20 and above.	1,000,000/-	1,000/-

\*The sum assured shall be paid to employee or his family at the time of retirement or death according to his last Pay Scale/Grade. In case employee has been promoted after his retirement/death the differential amount shall be paid according to the revised grade/pay subject to payment of difference in premium.

**Secretary**  
**Balochistan Provincial Assembly**