

Dated Quetta, the 20th November, 2018

NOTIFICATION

No.PAB/Legis:II(32)/2018. The Balochistan Government Employees Benevolent Fund Bill, 2018 Bill No. 32 of 2018, having been passed by the Provincial Assembly of Balochistan on 03rd November, 2018 and assented to by the Governor Balochistan, on 19th November, 2018 is hereby published as an Act of the Balochistan Provincial Assembly.

**The Balochistan Government Employees Benevolent Fund
Act, 2018
Act No. XV of 2018**

**AN
ACT**

to provide for the establishment of a Board for the common benefit of the provincial employees of Government of Balochistan; and to a mechanism provide for their Benevolent Fund and the matters connected therewith or ancillary thereto.

Preamble.

WHEREAS, it is expedient to provide for establishment of the Balochistan Government Employees Benevolent Fund to regulate the Benevolent Fund 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 benevolent fund and the benefits attached therewith:

It is hereby enacted as follows: —

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

1. (1) This Act may be called the Balochistan Government Employees Benevolent Fund Act, 2018.
- (2) It 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 Government Employees Benevolent Fund Act, 2018;
 - (b) “Board” means the Board of Management as set up under section 4 of this Act;
 - (c) “Employees” means any person who is a member of civil service of the Government and who holds a civil post in connection with the affairs of the Government (except employees of Balochistan Police/Levies/Jails or a class of employees as so determined by Government from time to time in the official gazette); 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;
 - (ii) parents, sisters and minor brothers, if residing with and wholly dependent upon him or her;
 - (iii) Legitimate children and step children less than twelve years old;
 - (iv) Legitimate children and step children not less than twelve years old, if residing with and wholly dependent upon him or her;
- (e) “Government” means the Government of Balochistan;
 - (f) “Provincial Government Employees Benevolent Fund” means the Balochistan Government Employees Benevolent Fund established under section 10 of this Act;
 - (g) “Board of Management” means the Board of Management established under section 4 of this Act;
 - (h) “Prescribed” means prescribed by rules made under this Act;
 - (i) “Retired Government Employee” means and includes an employee who opts to retire after completing 10 years pension-able service or 25 years qualifying service or who has attained the age of superannuation;
 - (j) “Rules” mean rules made under this Act;
 - (k) “Department” means the Services & General Administration Department (S&GAD) Government of Balochistan;
 - (l) “Death” means death of employee during the service/employment;
 - (m) “Shaheed” means an employee who has been declared Shaheed by the Government of Balochistan, Home & Tribal Affairs Department after an incident of terrorism;
 - (n) “Funeral Charges” means the funeral charges, as prescribed by rules; and
 - (o) “Maintenance Allowance” means Maintenance Allowance as prescribed by rules.

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, general provident fund, group insurance, 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.

Board of Management for Benevolent Fund.

4. A Board shall be established to be known as the Board of Management for the Balochistan Government Employees Benevolent Fund with approval of the Government and notified by the S&GAD in the official Gazette.

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.

Meeting of the Board.

7. The meeting of the Board shall be held at Quetta at such date and time as the Chairman of the Board may decide.

Function and powers of the Board.

8. The Board shall have the following powers: -
- (a) to settle claims for Lump Sum Payment under this Act and all matters connected with such claims;
 - (b) to sanction grant from the Benevolent Fund to the employees or their families in accordance with the provisions of this Act and the rules made there under;
 - (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 Benevolent Fund;
 - (d) to sanction expenditure connected with the administration and management of the Benevolent Fund;
 - (e) to make arrangement for the Lump Sum Payment to the employees to give effect to the provisions of this Act;
 - (f) to invest moneys held in the Benevolent Fund 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 may be prescribed by the rules; *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 Benevolent Fund.

Assurance/ Guaranty of Benevolent Fund.

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

Provincial Employees Benevolent Fund.

10. (1) There shall be established a fund to be called “the Balochistan Government Employees Benevolent Fund”, which shall vest in and be held and administered by the Board.

(2) All Benevolent Fund contributions received from the employees and any interest or profit accruing thereon shall be credited to the Benevolent Fund.

(3) The moneys credited to the Benevolent 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 and all expenses on the administration of the Benevolent Fund, shall be defrayed from the Benevolent Fund.

(5) Any sums remaining in the Benevolent 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.

Contribution to the Benevolent Fund.

11. (1) Contribution to the fund shall be made as may be prescribed:

Provided that the Government may from time to time, on the recommendations of the Board, revise the rates of the deduction of Benevolent Fund contributions specified in the Scheduled by a notification to be published in the official Gazette.

(2) Where the amount of Benevolent Fund cannot for any reason be deducted from the pay of the employee, the employee shall remit to the Benevolent Fund the sum of Contribution payable by him, and any contribution remaining unpaid due to inadvertence or negligence of the employee or otherwise shall be recoverable from him in such manner as may be prescribed.

(3) Default in the payment of contribution 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 Benevolent Fund 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 Benevolent Fund benefit/amount.

Payment of Lump Sum Benevolent Fund.

12. (1) At the time of retirement, death or Shahadat of an employee, the Benevolent Fund shall be paid to the employee as may be prescribed.

(2) Besides the lump sum payment the Board may order for making special grants to Government servants in exceptional cases;

(3) Defraying expenditure incurred in respect of management of Fund.

(4) The lump sum Benevolent Fund shall be paid to employee or his family at the time of retirement or death according to his last Substantive Pay Scale/Original Grade of the Post.

In case employee has been promoted after his retirement/death the differential amount shall be paid according to the revised grade/Substantive Pay Scale subject to payment of difference in Benevolent Fund Contribution. An in case of retirement after completing 10 years of pension-able service he/she shall be entitled to receive own contribution and 50% of the same as lump sum grant.

Grant of monthly maintenance allowance.

13. Grant of monthly maintenance allowance shall be granted to widows of the deceased or Shaheed employee as may be prescribed.

Funeral expenses

14. The funeral expenses shall be paid on the death of a family member of BPS-1 to 15 employees and in case of death of BPS-1 to 15 employee to his/her legal heir.

Audit and accounts.

15. (1) The accounts of the Benevolent 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 Benevolent Fund shall be audited by 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 Balochistan Government Servants Benevolent Fund Ordinance, 1960 in its application to province of Balochistan (W.P. Ordinance XIV of 1960) is hereby repealed.

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 Balochistan Government Servants Benevolent Fund Ordinance 1960 (W.P. Ordinance XIV of 1960) 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 Balochistan Government Servants Benevolent Fund Ordinance 1960 (W.P. Ordinance XIV of 1960), 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.

(SHAMS-UD-DIN)
Secretary