

**THE PROVINCIAL
EMPLOYEES' SOCIAL SECURITY
(CONTRIBUTION REGULATIONS)
RULES 1967**

1. Short title and commencement: - (1) These rules may be called the Provincial Employees' Social Security (Contributions) Regulations 1967.

(2) They shall apply to all employers included in any notification issued by Government under the provisions of section 1(3) of the Provincial Employees' Social Security Ordinance 1965.

(3) They shall come into force at once.

2. Definitions: - In these regulations, unless the context otherwise requires: -

(i) the following expressions shall have the meanings respectively assigned to them, that is to say: -

(a) "Ordinance" means the Provincial Employees' Social security Ordinance 1965;

(b) "Section" means as section of the Ordinance.

(ii) other expressions shall have the meanings respectively assigned to them in section 2.

3. (1) Where wages are received partly in cash and partly in kind the employer may deduct from the amount of the wages paid in cash the employees' share of the social security contribution due for the period covered by the payment, notwithstanding that the amount payable in cash is less than Rs. 2 per day, provided that the total or wages paid by the employer, together with the value of the remuneration received in kind amounts to at least Rs. 2 per day.

(2) If no part of the remuneration of an employee is payable in cash by an employer, he may deduct the employee's share of the social security contribution from any other payment that he may be liable to make to his employee' provided that the value of remuneration in kind is equivalent to at least Rs. 2 per day.

(3) if no remuneration, whether in cash or in kind is made by an employer, the employer may require the employee to pay to him, at agreed intervals, the value of the employee's share of the social security contribution for those intervals provided that no

such payment by the employee shall be made unless the value of his remuneration, from whatever source, is equivalent to at least Rs. 2 per day.

(4) In the event of the failure of an employee to make a payment authorized by regulations 3(3), the employers shall have the right to sue the employee for that payment.

4. Manner of calculating daily wages for purpose of determining the amount of contribution: - Where, for the purpose of determining whether the wages of an employee exceed rupees twenty per day, or determining whether they are less than rupees two per day it is necessary to calculate the wage of an employee, the following provisions shall apply.

- (i) if the wage of the secured person is paid on a monthly basis then the daily wage shall be the monthly wage divided by 30;
- (ii) if the wage is paid on a weekly basis, then the daily wage shall be the weekly wage divided by 7;
- (ii) if the wage is paid at any other interval of time, the daily wage shall be the wage divided by the number of days covered by the interval.

5. Manner of calculating contribution where the mode of payment makes it difficult to determine the amount of wages: - (1) If an employer finds it difficult to determine the amount of social security contribution due to be paid in respect of any particular employee or class of employees, he shall notify the Institution without delay in order that a Social Security Officer may investigate the facts of the case from the point of view of both the employers and the employee or class of employees concerned.

(2) After consideration of the report of the S. S. O and of any submissions that either the employer or the employee or class of employees or their representatives may wish to make, the Institution shall advise the interested parties of its findings which shall be binding on both parties unless and until an appeal is decided by a Social Security Court in accordance with the provisions of section 59 and its decision differs from that given by the Institution.

(3) The employers will be liable to pay contribution at the rate determined by the Institution (or by the Social Security Court in the event of an appeal) for the whole of the period of the dispute but, will be entitled to a refund in the event of the amount of contribution due as finally determined, being less than the amount that he has paid.

6. Extinguishment of claims for unpaid contribution: - Where contributions are recorded as due from an employer but have not been paid, and where;

- (i) all steps open to the Institution have been taken, without success, to obtain payment of the amount due, and

(ii) in the opinion of the Commissioner it is unlikely that any steps that could be taken in the future would have the effect of obtaining payment of the amount due or any part thereof; the Governing Body may on the recommendations of the Commissioner, authorize the extinguishment of the claim of the Institution for such unpaid contributions.; provided that the amount of the claim so extinguished shall be transferred to an account entitled "claims for unpaid contribution extinguished" the balance of which shall be shown as a separate item in the annual account of the Institution.

7. Form of certificate: - (1) the form of certificate by which any official of the Institution may be authorized to perform the duties specified in section 22(1) of the Ordinance, shall be as shown in the Appendix to these regulations.

(2) Any certificate issued in such form shall bear a photograph of the person thereby certified as authorized and shall be issued by or on behalf of the Commissioner and authenticated by the signature of the issuer.

**APPENDIX
CERTIFICATE OF AUTHORIZATION**

1. The cover of the certificate shall be of stiff cardboard bearing the crest of the Institution and the word “West Pakistan Employees’ Social Security Institution”.
2. The contents will be on pages as indicated—Inside cover Serial No.

**WEST PAKISTAN EMPLOYEES’
SOCIAL SECURITY INSTITUTION
CERTIFICATE OF AUTHORIZATION**

Name.....
Signature of holder.....

Passport
Photograph

(Seal)

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I certify that..... whose photograph and signature appear opposite, is authorized to exercise al or any of the powers conferred by section 22(1) of the Provincial Employees’ Social Security Ordinance 1965.

Dated..... (Signature of Commissioner or
Officer acting on his behalf)

*[Extracts from West Pakistan Employees’
Social Security Ordinance 1965]*

DUTIES EMPLOYERS

Section 21- Every employer shall keep such records and shall submit to the Institution such returns, at such times, in such form and containing such particulars relating to persons employed by him, as may be provided in the regulations.

POWERS OF AUTHORIZED OFFICIALS OF THE INSTITUTION

Section-22 (1) Any official of the Institution, duly authorized by a certificate in a form specified in the regulations, may, for the purpose of inquiring into the correctness of any of the particulars stated in the records or returns referred to in section 21 or for the purpose of ascertaining whether any of the provisions of this Ordinance have been complied with;

- (a) require an employer to furnish to him such information as he may consider necessary; or
- (b) at any reasonable time enter any establishment or other premises occupied by such employer and require any person found in-charge thereof to produce and allow him to examine such accounts, books, and other documents relating to the employment of persons and payment of wages, or to furnish to him such information, as he may consider necessary; or
- (c) examine, with respect to any matter relevant to the purposes foresaid, the employer his agent or any person found in such establishment or other premises, or any other person whom the said official has reasonable cause to believe to be or to have been a secured person.

(2) The official referred to in sub-section (1), shall be bound to secrecy as regards all matters with which he becomes acquainted in the performance of his duties and which do not relate to matters provided for in this Ordinance.

(3) If an employer fails to maintain records or to submit returns as required by regulations, or otherwise fails to comply with the provisions of sub-section (1) and thereby makes it difficult to ascertain the identity of persons required to be secured or the amount of contribution payable, the contribution shall be assessed on the basis of such evidence as the Institution may find satisfactory for this purpose.

(4) No staff member of the Institution shall visit the premises of any establishment, opting for the self-assessment scheme under section 20A, for the purpose of checking of employers' books, record, etc, during the period of two years.

(5) The number of annual inspections in respect of those establishments which do not opt for self-assessment scheme shall be restricted to only one which shall be notified to the establishments in advance and shall, at the maximum, be restricted to last two years.

OFFENCES AND PENALTIES

Section 66: if any person: -

- (a) for the purpose of obtaining the allowance or denial of any payment or benefit under this Ordinance, whether for himself or some other person, or for the

purpose of avoiding any payment to be made by himself or any other person under this Ordinance;

- (i) knowingly makes or causes to be made any false statement or false representations; or
- (ii) produces or furnishes, or causes or knowingly allows to be produced or furnished, any document or information which he knows to be false in a material particular; or
- (b) fails to pay any contribution which under this Ordinance he is liable to pay;
- (c) recover or attempts to recover from a secured person, or deducts or attempts to deduct from his wages, the whole or any part of the contribution; or
- (d) fails or refuses to submit any return required by regulations or makes a false return; or
- (e) obstructs any official of the Institution in the discharge of his duties; or
- (f) is guilty of any contravention of, or non-compliance with, any of the requirements of this Ordinance or the rules or the regulations;

he shall, without prejudice to any action to which he may be liable under section 23 or section 70 or any other provision of this Ordinance, be punished with imprisonment which may extend to three months, or with fine not exceeding one thousand rupees, or with both.

Section 67.- (1) NO prosecution under this Ordinance shall be instituted except with the previous sanction of the Commissioner or of an officer authorized by him in writing in this behalf.

(2) No Court inferior to that of a Magistrate of the First Class shall try any offence under this Ordinance.

(3) NO Court shall take cognizance of any offence under this Ordinance except on a complaint made in writing within six months of the date on which the offence was discovered.

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Address of local office of the Institution to which the official bearing this certificate is attached.....

Telephone N o.....
