The Employees' Provident Fund Scheme, 1952

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EMPLOYEES' PROVIDENT FUNDS SCHEME, 1952

[SRO 1509, dated 2-9-1952]

In exercise of the powers conferred by section 5 of the Employees' Provident Funds Act, 1952 (19 of 1952), the Central Government hereby frames the following Employees' Provident Funds Scheme, 1952, namely:—

CHAPTER I
Preliminary

1. Short title and application.

(1) This Scheme may be called the Employees' Provident Funds Scheme, 1952.

(2) [Save as otherwise provided in the Scheme, this Chapter] and Chapters II and III shall come into force at once and the remaining provisions shall come into force on such date or dates as the Central Government may by notification in the Official Gazette appoint and different states may be appointed for different provisions.

(3)(a) Subject to provisions of sections 16 and 17 of the Act, this Scheme shall apply to all factories [and other establishments] to which the Act applies or is applied under sub-section (3) [or sub-section 4(1) of section 1 or section 3 thereof]:

Provided that the provisions of this scheme shall not apply to:

(i) [***]

(ii) [***]

(iii) tea factories in the State of Assam.

(b) Provisions of this Scheme shall—

(i) as respects every establishment which is a factory engaged in any industry mentioned herein, namely, cement, cigarettes, electrical, mechanical or general engineering products, iron and steel, paper and textiles (made wholly or in part of cotton or wool or jute or silk, whether natural or artificial) be deemed to have come into force, with effect from 2nd day of September, 1952;

(ia) as respects factories relating to the industries added to Schedule I of the Act, by notification of the Government of India in the Ministry of Labour, No. S.R.O. 1566, dated 4th July, 1956, come into force on the 31st day of July, 1956;

(ii) as respects factories relating to the industries added to Schedule I of the Act, by notification of the Government of India in the Ministry of Labour, No. S.R.O. 2026, dated 3rd September, 1956, come into force on the 30th day of September, 1956;

(iii) as respects factories relating to the mineral oil refining industry added to Schedule I of the Act by notification of the Government of India in the Ministry of Labour, No. S.R.O. 218, dated the 19th January, 1957, come into force on the 31st day of January, 1957;

(iv) as respects plantations of tea (other than tea plantations in the State of Assam, coffee, rubber, cardamom and pepper, covered by the notification of the Government of India in the Ministry of Labour, No. S.R.O. 529, dated the 16th February, 1957, come into force on the 30th day of April, 1957;

(v) as respects factories relating to the oxygen, acetylene and carbon dioxide gases in industry added to Schedule I of the Act as item (x) under the head "Heavy and Fine Chemicals" by the notification of the Government of India in the Ministry of Labour and Employment, No. S.R.O. 1976, dated the 15th June, 1957, come into force on the 31st day of July, 1957;

(vi) as respects iron ore, limestone, manganese and gold mines, covered by the notification of the Government of India in the Ministry of Labour and Employment, No. S.R.O. 2705, dated the 24th August, 1957, come into force on the 30th day of November, 1957;

(vii) as respects factories relating to the Industrial and Power Alcohol and Asbestos Cement Sheets Industries added to Schedule I of the Act by the notification of the Government of India in the Ministry of Labour and Employment, No. S.R.O. 3067, dated the 28th September, 1957, come into force on the 30th day of November, 1957;

(viii) as respects coffee curing establishments covered by the notification of the Government of India in the Ministry of Labour and Employment, No. S.R.O. 3411, dated the 26th October, 1957, come into force on the 30th day of November, 1957;

(ix) as respects factories relating to the biscuit making industry including composite units making biscuits and products such as bread, confectionery and milk and milk powder, added to Schedule I of the Act, vide Government of India, Ministry of Labour and Employment, Notification No. G.S.R. 170, dated the 12th March, 1958, come into force on the 30th day of April, 1958;

(x) as respects motor roads transport establishments covered by the notification of the Government of India in the Ministry of Labour and Employment, No. G.S.R. 399, dated the 24th March, 1959, come into force on the 30th day of April, 1959;

(xi) as respects mica mines and mica industry covered by the notifications of the Government of India in the Ministry of Labour and Employment, Nos. G.S.R.312 and 313, dated the 5th March, 1960, respectively, come into force on the 31st day of May, 1960;

(xii) as respects factories relating to the plywood industry covered by the notification of the Government of India in the Ministry of Labour and Employment, No. G.S.R. 632, dated the 30th May, 1960, come into force on the 30th day of June, 1960;

(xiii) as respects factories relating to the automobile repairing and servicing industry covered by the notification of the Government of India in the Ministry of Labour and Employment, No. G.S.R. 683, dated the 9th June, 1960, come into force on the 30th day of June, 1960;

(xiv) as respects any cane farm owned by a sugar factory covered by the notification of the Government of India in the Ministry of Labour and Employment, No. G.S.R. 1274, dated the 21st October, 1960, come into force on the 30th day of November, 1960;

(xv) as respects factories relating to rice, flour and dal milling industries covered by the notification of the Government of India in the Ministry of Labour and Employment, No. G.S.R. 1443, dated the 24th November, 1960, come into force on the 31st December, 1960;

(xvi) as respects factories relating to the starch industry covered by the notification of the Government of India in the Ministry of Labour and Employment, No. G.S.R. 535, dated the 10th April, 1961, come into force on the 31st May, 1961;

(xvii) as respects hotels and restaurants covered by the notification of the Government of India in the Ministry of Labour and Employment, No. G.S.R. 704, dated the 19th May, 1961, come into force on the 30th day of June, 1961;

(xviii) as respects factories relating to petroleum or natural gas exploration, prospecting, drilling or production and petroleum or natural gas refining and establishments engaged in the storage or transport or distribution of petroleum or natural gas or products of either petroleum or natural gas covered by the notifications of the Government of India in the Ministry of Labour and Employment Nos. G.S.R. 705 and 706, dated the 16th May, 1961, respectively, come into force on the 30th day of June, 1961;

(xix) as respects the establishments covered by the notification of the Government of India in the Ministry of Labour and Employment, No. G.S.R. 827, dated the 19th June, 1961, come into force on the 31st day of July, 1961;

(xx) as respects the establishments covered by the notification of the Government of India in the Ministry of Labour and Employment, No. G.S.R. 1013, dated the 29th July, 1961, come into force on the 31st day of July, 1961;

(xxi) as respects the factories relating to the leather and leather products industry covered by the notification of the Government of India in the Ministry of Labour and Employment, No. G.S.R. 993, dated the 29th July, 1961, come into force on the 31st day of August, 1961;

(xxii) as respects the factories relating to the stoneware jars and crockery industries covered by the notification of the Government of India in the Ministry of Labour and Employment, No. G.S.R. 1382, dated the 4th November, 1961, come into force on the 30th day of November, 1961;

(xxiii) as respects the establishments covered by the notification of the Government of India in the Ministry of Labour and Employment, No. G.S.R. 1458, dated the 2nd December, 1961, but not including the establishments referred to in sub-clause (xiv), come into force on the 31st December, 1961;

(xxiv) as respects every trading and commercial establishment engaged in the purchase, sale or storage of any goods including establishments of exporters, importers, advertisers, commission agents and brokers, and commodity and stock exchanges, but not including banks or warehouses established under any Central or State Act, covered by the notification of the Government of India in the Ministry of Labour and Employment, No. G.S.R. 346, dated the 7th March, 1962, come into force on the 30th day of April, 1962;

(xxv) as respects the factories relating to fruit and vegetable preservation industry covered by the notification of the Government of India, in the Ministry of Labour and Employment, No. G.S.R. 786, dated the 6th June, 1962 [as amended by the notification No. G.S.R. 1461, dated the 29th August, 1963], come into force on the 30th June, 1962;

(xxvi) as respects the factories relating to cashewnut industry covered by the notification of the Government of India in the Ministry of Labour and Employment, No. G.S.R. 1125, dated the 18th August, 1962, come into force on the 30th September, 1962;

(xxvii)as respects the establishment specified in the notification of the Government of India in the Ministry of Labour and Employment, No. G.S.R. 1232, dated the 7th September, 1962, come into force on the 31st October, 1962;

(xxviii)as respects bauxite mines covered by the notification of the Government of India in the Ministry of Labour and Employment, No. G.S.R. 1625, dated the 23rd November, 1962, come into force on the 31st December, 1962;

(xxix)as respects the confectionery industry come into force on the 31st March, 1963;

(xxx) as respects establishment engaged in laundry and laundry services referred to in the notification of the Government of India in the Ministry of Labour and Employment, No. G.S.R. 561, dated the 23rd March, 1963, come into force on the 30th April, 1963;

(xxxi) as respects the industries engaged in the manufacture of buttons, brushes, plastic and plastic products and stationery products, come into force on the 30th day of April, 1963;

(xxxii)as respects the establishments covered by the notification of the Government of India in the Ministry of Labour and Employment, No. G.S.R. 728,dated the 20th April, 1963, come into force on the 31st day of May, 1963;

(xxxiii) as respects canteens covered by the notification of the Government of India in the Ministry of Labour and Employment, No. G.S.R. 1285, dated the 29th July, 1963, come into force on 31st day of August, 1963;

(xxxiv) as respects aerated water industry, that is to say, any industry, engaged in the manufacture of aerated water, soft drinks, carbonated water, come into force on 31st day of August, 1963;

(xxxv) as respects distilling and rectifying of spirits (not falling under industrial and power alcohol) and blending of spirits industry, come into force on the 31st day of October, 1963;

(xxxvi) as respects the establishments in Pondicherry territory covered under the Employees' Provident Funds Act, 1952 (19 of 1952), by virtue of the Pondicherry (Laws) Regulation, 1963 (7 of 1963), come into force on the 31st day of October, 1963;

(xxxvii) as respects the paint and varnish industry come into force on the 31st day of January, 1964;

(xxxviii) as respects bone crushing industry come into force on the 31st day of January, 1964;

(xxxix) as respects china clay mines come into force on the 30th day of June, 1964;

(xl) as respects pikers industry come into force on the 30th day of June, 1964;

(xli) as respects the establishments in the Union territory of Goa, Daman and Diu in which territory the Employees' Provident Funds Act, 1952 (19 of 1952), has been enforced from the 1st July, 1964 by the notification of the Government of Goa, Daman and Diu, Industries and Labour Department No. LC/6/64, dated the 24th June, 1964, come into force on the 31st day of July, 1964;

(xlii) as respects the establishments specified in the notification of the Government of India in the Department of Social Security, No. G.S.R. 1398, dated the 17th September, 1964, come into force on the 31st day of October, 1964;

(xliii) as respects milk and milk products industry specified in the notification of the Government of India in the Department of Social Security, No. G.S.R.1723, dated the 27th November, 1964, come into force on the 31st day of December, 1964;

(xliv) as respects (1) travel agencies engaged in the (i) booking of international air and sea passages and other travel arrangements, (ii) booking of internal air and mail passages and other travel arrangements, and (iii) forwarding and clearing of cargo from and to overseas and within India; and (2) forwarding agencies engaged in the collection, packing, forwarding or delivery of any goods including, carloading, break-bulk service and foreign freight service specified in the notification of the Government of India in the Department of Social Security, No. G.S.R. 1796, dated the 9th December, 1964, come into force on the 31st day of January, 1965;

(xlv) as respects non-ferrous metals and alloys in the form of ingots industry specified in the notification of the Government of India in the Department of Social Security, No. G.S.R. 1795, dated the 9th December, 1964, come into force on the 31st day of January, 1965;

(xlvi) as respects bread industry specified in the notification of the Government of India in the Department of Social Security, No. G.S.R. 402, dated the 2nd March, 1965, come into force on the 31st day of March, 1965;

(xlvii) as respects the stemming or redrying of tobacco leaf industry, that is to say, any industry engaged in the stemming, redrying, handling, sorting, grading or packing of tobacco leaf specified in the notification of the Government of India in the Department of Social Security, No. G.S.R. 768, dated the 18th May, 1965, come into force on the 30th day of June, 1965;

(xlviii) as respects agarbatee (including dhoop and dhoop batee) industry specified in the notification of the Government of India in the Department of Social Security, No. G.S.R. 910, dated the 23rd June, 1965, come into force on the 31st day of July, 1965;

(xlix) as respects coir (excluding the spinning sector) industry specified in the notification of the Government of India in the Department of Social Security, No. G.S.R. 952, dated the 3rd July, 1965, come into force on the 30th day of September, 1965;

(l) as respects magnesite mines covered by the notification of the Government of India in the Department of Social Security, No. G.S.R. 1166, dated the 9th August, 1965, come into force on the 31st day of August, 1965;

(li) as respects stone quarries producing roof and floor slabs, dimension stones, monumental stones and mosaic chips covered by the notification of the Government of India in the Department of Social Security, No. G.S.R. 1779, dated the 27th November, 1965, come into force on the 31st day of December, 1965;

(lii) as respects [banks other than the nationalised banks established under any Central or State Act] covered by the notification of the Government of India in the Department of Social Security, No. G.S.R. 2, dated the 18th December, 1965, come into force on the 31st day of January, 1966;

(liii) as respects the tobacco industry, that is to say, any industry engaged in the manufacture of cigars, zarda, snuff, quivam and guraku from tobacco covered by the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment), No. G.S.R. 895, dated the 1st June, 1966, come into force on the 30th day of June, 1966;

(liv) as respects paper products industry covered by the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment), No. G.S.R. 1119, dated the 11th July, 1966, come into force on the 31st day of July, 1966;

(lv) as respects licensed salt industry covered by the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment), No. G.S.R. 1362, dated 30th August, 1966, come into force on the 30th day of September, 1966;

(lvi) as respects linoleum and indoleum industries specified in the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment), No. G.S.R. 437, dated the 27th March, 1967, come into force on the 30th day of April, 1967;

(lvii) as respects explosives industry, come into force on the 31st day of July, 1967;

(lviii) as respects Jute bailing or pressing industry specified in the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment), No. G.S.R. 1226, dated the 5th August, 1967, come into force on the 31st day of August, 1967;

(lix) as respects fireworks and percussion cap works industry specified in the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment), No. G.S.R. 1530, dated the 5th October, 1967, come into force on the 31st day of October, 1967;

(lx) as respects tent making industry specified in the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment), No. G.S.R. 1716, dated the 3rd November, 1967, come into force on the 30th day of November, 1967;

(lxi) as respects the barytes, dolomite, fireclay, gypsum, kyanite, siliminite and steatite mines, come into force on the 31st day of August, 1968;

(lxii) as respects Chinchona plantations, come into force on the 31st day of December, 1968;

(lxiii) as respects ferro-manganese industry, come into force on the 30th day of April, 1969;

(lxiv) as respect ice or ice-cream industry, come into force on the 30th day of June, 1969;

(lxv) as respects diamond mines come into force on the 30th day of June, 1969;

(lxvi) as respects establishments which are exclusively or principally engaged in general insurance business, come into force on the 31st day of January, 1970;

(lxvii) as respects establishments rendering expert services, come into force on the 31st day of May, 1971;

(lxviii) as respects factories engaged in the winding of thread and yarn reeling covered by the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment), No. G.S.R. 1988, dated the 22nd November, 1971, come into force on the 30th day of November, 1971;

(lxix) as respects Railway Booking Agencies run by the contractors or by other private establishments on commission basis specified in the notification of the Government of India in the Department of Labour and Employment, No. 4/3/65-P.F.11.(i) dated the 17th March, 1972, come into force on the 31st day of March, 1972;

(lxx) as respects cotton ginning, bailing and pressing industry specified in the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment), No. G.S.R. 1251, dated the 23rd September, 1972, come into force on the 30th day of September, 1972;

(lxxi) as respects messes other than military messes covered by the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment), No. G.S.R. 299, dated the 24th March, 1973, come into force on the 31st March, 1973;

(lxxii) [***]

(lxxiii) as respects factories relating to "Katha" making industry covered by the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment), No. G.S.R.503, dated the 2nd May, 1973, come into force on 31st day of May, 1973;

(lxxiv) as respects the establishments known as hospitals specified in the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment), No. G.S.R. 1082, dated the 29th September, 1973, come into force on the 31st August, 1973;

(lxxv) as respects the employees of the beer manufacturing industry, that is to say, any industry engaged in the manufacture of the product

of alcoholic fermentation of a mash in potable water of malted barley and hops, or of hops concentrated with or without the addition of other malted or unmalted cereals or other carbohydrate preparations, specified in the notification of the Government of India in the Ministry of Labour, No. G.S.R. 428, dated the 27th April, 1974, come into force on the 30th April, 1974;

(lxxvi)as respects the establishments engaged in sorting, cleaning and teasing of cotton waste specified in the notification of the Government of India, in the Ministry of Labour, No. G.S.R. 1094, dated the 26th September, 1974, come into force on the 30th day of September, 1974;

(lxxvii)as respect societies, clubs, or associations which render service to their members without charging any fee over and above the subscription fee or membership fee specified in the notification of the Government of India in the Ministry of Labour, No. G.S.R. 1294, dated 16th November, 1974, come into force on the 30th day of November, 1974;

(lxxviii)as respects every garments making factory specified in the notification of the Government of India in the Ministry of Labour No. G.S.R. 1295, dated 23rd November, 1974, come into force on the 30th day of November, 1974;

(lxxix)as respects the Agricultural Farms, Fruit, Orchards, Botanical gardens, and Zoological Gardens specified in the notification of the Government of India in the Ministry of Labour No. G.S.R. 1315, dated 27th November, 1974, come into force on the 31st day of December, 1974;

(lxxx) as respects soap stone mines and establishment engaged in the grinding of soap stone covered by the notification of the Government of India in the Ministry of Labour, S.O. 1955, dated the 21st June, 1975, come into force on the 30th June, 1975;

(lxxxi)as respects the apatite, asbestos, calcite, ball clay, corundum, emerald, feldspar, silica (sand), quartz, ochre, Chromite, graphite and flourite mines covered by the notification of the Government of India in the Ministry of Labour, No. G.S.R. 1102, dated the 24th July, 1976, come into force on the 30th September, 1976;

(lxxxii)as respects,—

(1) establishments which are factories engaged in the manufacture of glue and gelatine,

(2) stone quarries producing stone chips, stone sets, stone boulders, and ballasts, and

(3) establishments engaged in fish processing and non-vegetable food preservation industry including bacon factories and pork preservation plants, covered by the notification of the Government of India in the Ministry of Labour, No. G.S.R. 204, dated the 31st January, 1977, come into force on the 28th February, 1977;

(lxxxiii) as respects the beedi industry, that is to say, any industry engaged in the manufacture of beedies, specified in the notification of the Government of India in the Ministry of Labour, No. G.S.R. 660, dated the 17th May, 1977, come into force on the 31st May, 1977;

(lxxxiv) as respects the financial establishment (other than banks) engaged in the activities of borrowing, lending, advancing of money and dealing with other monetary transactions with a view to earn interest not being the Unit Trust of India established under the Unit Trust of India Act, 1963 (52 of 1963), the Agricultural Refinance Corporation established under the Agricultural Refinance Corporation Act, 1963 (10 of 1963), the Industrial Development Bank of India established under the Industrial Development Bank of India Act, 1964 (18 of 1964), the Industrial Finance Corporation of India established under the Industrial Finance Corporation Act, 1948 (15 of 1948) and State Finance Corporations established under the State Finance Corporation Acts specified in the notification of the Government of India in the Ministry of Labour No. G.S.R. 1458, dated the 18th November, 1978, come into force on the day of 31st day of December, 1978;

(lxxxv) as respects lignite mines specified in the notification of the Government of India in the Ministry of Labour, No. G.S.R. 31, dated the 16th December, 1978, come into force on the 6th January, 1979;

(lxxxvi) as respects the Ferro Chrome Industry, that is to say, any industry engaged in the manufacture of Ferro Chrome, specified in the notification of the Government of India in the Ministry of Labour No. G.S.R. 938, dated the 25th June, 1978, come into force on the 31st July, 1979;

(lxxxvii) as respects the Diamond Cutting Industry, that is to say, any industry engaged in the cutting of diamond, specified in the notification of the Government of India in the Ministry of Labour, No. G.S.R. 564, dated the 17th May, 1980, come into force on the 31st May, 1980;

(lxxxviii) as respects the quartzite mines covered by the notification of the Government of India in the Ministry of Labour, No. G.S.R. 563, dated the 17th May, 1980, come into force on the 31st May, 1980;

(lxxxix) as respects the inland water transport establishments, that is to say, any establishment engaged in the activities of inland water transport specified in the notification of the Government of India in the Ministry of Labour, No. G.S.R. 565, dated the 17th May, 1980, come into force on the 31st May, 1980;

(xc) as respects the establishments engaged in Building and Construction Industry specified in the notification of the Government of India in the Ministry of Labour, No. G.S.R. 1069, dated the 11th October, 1980, come into force on the 31st October, 1980;

(xci) as respects factories relating to the Myrobalan Extract Power, Myrobalan Extract Solid, and Vegetable Tannin Blended Extract Industries, specified in the notification of the Government of India in the Ministry of Labour No. G.S.R. 613(E), dated the 30th October, 1980, come into force on the 31st October, 1980;

(xcii) as respects the Brick Industry, that is to say, any industry engaged in the manufacture of bricks, specified in the notification of the Government of India in the Ministry of Labour, No. G.S.R. 662(E), dated the 27th November, 1980, come into force on the 30th November, 1980;

(xciii) as respects the establishments engaged in stevedoring, loading and unloading of ships specified in the notification of the Government of India in the Ministry of Labour, No. G.S.R. 611(E), dated the 23rd November, 1981, published in Part II, Section 3, sub-section (i) of the *Gazette of India*, Extraordinary, dated the 23rd November, 1981;

(xciv) as respects establishments engaged in poultry farming specified in the notification of the Government of India in the Ministry of Labour, No. G.S.R.643(E), dated the 7th December, 1981 published at page 1834 in Part II, Section 3, sub-section (i) of the *Gazette of India*, Extraordinary, dated the 7th December, 1981;

(xcv) as respects the establishments engaged in Cattle Feed Industry specified in the notification of the Government of India in the Ministry of Labour, No. G.S.R. 644(E), dated the 7th December, 1981, published at page 1834 in Part II, Section 3, sub-section (i) of the *Gazette of India*, Extraordinary, dated the 7th December, 1981;

(xcvi) as respects the educational, scientific, research and training institutions specified in the notification of the Government of India in the Ministry of Labour, No. S.O. 986, dated the 19th February, 1981,

published in Part II, Section 3, sub-section (ii) of the *Gazette of India*, dated 6th March, 1982;

(xcvii) as respects the industries based on asbestos as principal raw material, specified in the notification of the Government of India in the Ministry of Labour and Rehabilitation No. S.O. 2459, dated the 21st May, 1983, published in Part II, Section 3, sub-section (ii) of the *Gazette of India*, dated the 4th June, 1983;

(xcviii) as respect the cinema theatres employing 5 or more workers as specified in section 24 of the Cine-Workers and Cinema Theatre Workers (Regulations of Employment) Act, 1981 (50 of 1981) be deemed to have come into force with effect from the 1st day of October, 1984;

(xcix) as respects the Iron Ore pellets industry as specified in the notification of the Government of India in the Ministry of Labour, No. S.O. 2276, dated 30th August, 1989, published in Part II, Section 3, sub-section (ii) of the *Gazette of India*, dated 16th September, 1989;

(xcx) as respects the establishments engaged in Guar Gum Factories, Marble Mines and Diamond Saw Mills specified in the notification of the Government of India, in the Ministry of Labour, No. G.S.R. 170, dated 25th March, 1992, published in Part II, Section 3, sub-section (ii) of the *Gazette of India*, dated 11th April, 1992;

(ci) as respects the establishments engaged in rendering—

(i) courier services,

(ii) aircraft or airlines other than the aircrafts or air-lines owned or controlled by the Central or State Government, and

(iii) cleaning and sweeping services, specified in the notification of Government of India in the Ministry of Labour, No. S.O. 746, dated 22nd March, 2001, published in Part II, Section 3, sub-section (ii) of the Gazette of India dated 7th April, 2001; come into force with effect from 1st April, 2001;

(iv) with respect to the establishments engaged in Railways for construction, maintenance, operation and commercial activities of Railways, excluding Indian Railways exclusively managed by Government of India whose employees are in enjoyment of the Provident Fund, Pension and other retiral (sic it may be retairal) benefits under the rules made by the Central Government; specified in notification of the Government of India in the Ministry of Labour and employment, G.S.R. 401, dated 10.11.2005 published in Part II of Section 3, sub-section (i) of

the Gazette of India dated 19.11.2005 comes into force from the date of publication.

Note: Following notification are also given for the benefit of readers.

With respect to the establishment engaged in manufacture, marketing, servicing and usage of a computer as defined in clause (i) of sub-section (1) of Section 2 of the Information Technology Act (21 of 2000)/or deriving any form of output there from/or employing it for any type of processing services including software product companies, Internet and E-commerce Companies, Information Technology Services and Remote Maintenance Companies, Research and Development Companies, Systems Intergrators, On-site Services Companies and Off-shore Software Development Companies etc. specified in the notification S.O.1190(E) of Ministry of Labour and Employment New Delhi dated 27th July 2006.

With respect to the class of establishment to which the Act shall apply, with effect from 28 December 2008 the date of publication of this notification in the official Gazette, namely:-

i) companies offering life insurance, annuities etc. other than life Insurance Corporation of India;
ii) private airports and joint venture airports;
iii) electronic media companies in private sector; and
iv) lodging houses, service apartments and condominiums.

as specified in S.O.3456 notification dated 16 November 2007.

2. Definition

In this Scheme, unless the context otherwise requires:—

(a) "Act" means the Employees' [Provident Funds and Family Pension Fund] Act, 1952 (19 of 1952);

(b) [***]

(c) "Children" means legitimate children and includes adopted children if the Commissioner is satisfied that under the personal law of the member adoption of a child is legally recognized;

(d) "Commissioner" means a Commissioner for Employees' Provident Fund appointed under section 5D of the Act and includes a Deputy Provident Fund Commissioner and a Regional Provident Fund Commissioner;

"continuous service" means uninterrupted service and includes service which is interrupted by sickness, accident, authorised leave, strike which is not illegal or cessation of work not due to the employee's fault;

(f) "excluded employee" mean—

(i) an employee who, having been a member of the Fund, withdrew the full amount of his accumulations in the Fund under clause (a) or (c) of sub-paragraph (1) of paragraph 69;

(ii) an employee whose pay at the time he is otherwise entitled to become a member of the Fund, exceeds [six thousand and five hundred rupees] per month;

Explanation : --'Pay' includes basic wages with dearness allowance [retaining allowance (if any) and cash value of food concessions admissible thereon;]

(iii) [omitted];

(iv) an apprentice.

Explanation :-- An apprentice means a person who, according to the certified standing orders applicable to the factory or establishment, is an apprentice, or who is declared to be an apprentice by the authority specified in this behalf by the appropriate Government;

(g) "family" means—

(i) in the case of a male member, his wife, his children, whether married or unmarried, his dependant parents and his deceased son's widow and children:

Provided that if a member proves that his wife has ceased, under the personal law governing him or the customary law of the community to which the spouses belong, to be entitled to maintenance she shall no longer be deemed to be a part of the member's family for the purpose of this Scheme, unless the member subsequently intimates by express notice in writing to the Commissioner that she shall continue to be so regarded; and

(ii) in the case of a female member, her husband, her children, whether married or unmarried, her dependant parents, her husband's dependant parents and her deceased son's widow and children:

Provided that if a member by notice in writing to the Commissioner expresses her desire to exclude her husband from the family, the husband and his dependent parents shall no longer be deemed to be a part of the member's family for the purpose of this Scheme, unless the member subsequently cancels in writing any such notice.

Explanation -- In either of the above two cases, if the child of a member [or as the case may be, the child of a deceased son of the member] has been adopted by another person and if, under the personal law of the adopter, adoption is legally recognised, such a child shall be considered as excluded from the family of the member;

(h) "financial year" means the year commencing on the first day of April;

(i) "Government security" shall have the meaning assigned to it in the Public Debts Act, 1944 (18 of 1944);

(j) "Inspector" means a person appointed as such under section 13 of the Act;

(k) "quarter" means a period of three months commencing on the first day of January, the first day of April, the first day of July and the first day of October of each year;

(kk) 'seasonal factory' means a factory which is exclusively engaged in the manufacture of tea, sugar, rubber, [turpentine, resin], [indigo], [lac, fruit and vegetable preservation industry, rice milling industry, dal milling industry], [cashewnut industry], [stemming or redrying of tobacco leaf industry, tiles industry, hosiery industry], [oil milling industry], [licensed salt industry], [jute bailing or pressing industry], [fireworks and percussion cap works industry, ice or ice cream industry or cotton ginning, baling and pressing industry];

(kkk) "seasonal establishment" means a plantation of tea, coffee, rubber, cardamom or pepper, a coffee curing establishment, a fireclay mine or a gypsum mine;

(l) "Trustee" means a member of a Board of Trustees; and

(m) all other words and expressions shall have the meanings respectively assigned to them in the Act.

CHAPTER II

Board of Trustees, Executive Committee and Regional Committees

3. Election of certain members of the Executive Committee

(1) The Chairman of the Central Board shall call a meeting of the Board for the purpose of election to the Executive Committee of the members representing the employer or, as the case may be, the employees referred to in clauses (d) and (e) of sub-section (2) of section 5AA of the Act.

(2) In the meeting referred to in sub-paragraph (1), the Chairman of the Central Board may invite the members to propose the names of those members who represent the employers or, as the case may be, the employees and every such proposal shall be duly seconded by another member of the Board.

(3) If the number of persons proposed and seconded for election under sub-paragraph (2) does not exceed the number of vacancies to be filled up from amongst the persons representing the employers, or, as the case may be, the employees, the persons whose names have been so proposed and seconded in relation to the category of employers or employees, shall be declared elected to the Executive Committee.

(4) If the number of persons proposed and seconded for election under sub-paragraph (2) exceeds the number of vacancies to be filled up from amongst the persons representing the employers or, as the case may be, the employees, each member of the Board present at the meeting shall be given a ballot paper containing the names of all the candidates so proposed and seconded and he may record his votes thereon for as many candidates belonging to the categories of employers or employees, as there are vacancies to be filled up in relation to each such category, but not more than one vote shall be given in favour of any one candidate. If any member votes for more candidates than the number of vacancies in relation to the categories of employers or employees or given more than one vote in favour of any one candidate, all his votes shall be deemed to be invalid.

(5) The persons getting the highest number of votes shall be declared by the Chairman as duly elected to the Executive Committee at the same meeting or as soon thereafter as possible:

Provided that where there is an equality of votes between any candidates, and the addition of one vote will entitle any of the candidates to be declared elected, such candidate shall be selected by lot to be drawn in the presence of the Chairman in such manner as he may determine.

(6) If any question arises as to the validity of any election, it shall be referred to the Central Government, who shall decide the same.

4. Regional Committee

(1) Until such time as a State Board is constituted for a State, the [Chairman of the Central Board] may, [by notification in the Official Gazette,] set up a Regional Committee for the State, which will function under the control of the Central Board. The Regional Committee shall consist of the following persons, namely:—

(a) a Chairman [appointed] by the [Chairman of the Central Board];

(b) Two persons [appointed] by the [Chairman of the Central Board] on the recommendation of the State Government;

(c) [two persons] representing employers in the [industries or establishments] to which this Scheme applies in the State [appointed by the Chairman of the Central Board] in consultation with such organisations of employers in the State as may be recognised for the purpose by the Central Government;

(d) [two persons] representing employees in the [industries or establishments] to which this Scheme applies in the State [appointed by the Chairman of the Central Board] in consultation with such organisations of employees in the State as may be recognised for the purpose by the Central Government; and

(e) the non-official members of the Central Board ordinarily resident in the State:

Provided that where the Chairman of the Central Board considers it expedient so to do, he may appoint up to [five] additional representatives of the employers or, as the case may be, the employees.

(2) A Regional Committee shall advise the Central Board—

(i) on such matters as the Central Board may refer to it from time to time;
(ii) generally, on all matters connected with the administration of the Scheme in the State and, in particular on—

(a) progress of recovery of provident fund contributions and other charges,
(b) expeditious disposal of prosecutions,
(c) speedy settlement of claims,

(d) annual rendering of accounts to members of the Fund, and
(e) speedy sanction of advances.

(3) As soon as a State Board is constituted for any State, the Regional Committee constituted for that State under this paragraph shall stand dissolved.

5. Terms of office

(1) The term of office of the Chairman, Vice-Chairman and every Trustee of the Central Board referred to in clauses (b), (c), (d) and (e) of sub-section (1) of section 5A of the Act shall be five years commencing on and from the date on which their appointment is notified in the Official Gazette.

(2) The term of office of the Chairman and every Member of the Executive Committee referred to in clauses (b), (c), (d) and (e) of sub-section (2) of section 5-AA shall be two years and six months commencing on and from the date on which their appointment is notified in the Official Gazette.

(2A) The term of office of the Chairman and every Member of a Regional Committee referred to in clauses (b), (c) and (d) of sub-paragraph (1) of paragraph 4 shall be three years commencing on and from the date on which their appointment is notified in the Official Gazette.

(2B) Notwithstanding anything contained in sub-paragraphs (1), (2) and (2-A) every Trustee or Member shall continue to hold office until the appointment of his successor is notified in the Official Gazette:

Provided that a member of the Executive Committee shall cease to hold office when he ceases to be a member of the Central Board.

(3) A Trustee or a member referred to in [sub-paragraphs (1), (2) and (2A)] appointed to fill a casual vacancy shall hold office for the remaining period of the term of office of the Trustee or Member in whose place he is appointed and shall continue to hold office on the expiry of the term of office until the appointment of his successor is notified in the Official Gazette.

(4) An outgoing Trustee or Member shall be eligible for re-appointment.

6. Resignation

(1) A Trustee of the Central Board or a member of [the Executive Committee] may resign his office by letter in writing addressed to the Central Government and his office shall fall vacant from the date on which his resignation is accepted by the Central Government. [A member of a Regional Committee may resign his office by a letter in writing addressed to the Chairman, Central Board, and his office shall fall vacant from the date on which his resignation is accepted by the Chairman, Central Board.]

(2) [***]

7. Cessation and restoration of trusteeship

If a trustee or a member of [the Executive Committee or a Regional Committee] fails to attend three consecutive meetings of the Board or Committee, as the case may be, without obtaining leave of absence from the Chairman of the Board or Committee, he shall cease to be a trustee or member of the Committee:

Provided that the Central Government in the case of the Central Board [or the Executive Committee and the Chairman, Central Board in the case of any Regional Committee may restore him to trusteeship or membership of the Executive Committee or of] the Regional Committee, as the case may be, if it is satisfied that there were reasonable grounds for the absence.

8. Disqualifications for trusteeship or membership of Regional Committee

(1) A person shall be disqualified for being [appointed] as, or for being a trustee or member of a Regional Committee:—

(i) if he is declared to be of unsound mind by a competent court; or
(ii) if he is an undischarged insolvent; or
(iii) if before or after the commencement of the Act he has been convicted of an offence involving moral turpitude; [or]
(iv) if he as an employer in relation to an exempted establishment or an establishment to which the Scheme applies has defaulted in the payment of any dues to the Central Board or the Fund recoverable from him under the Act or the Scheme, as the case may be.]

(2) If any question arises whether any person is disqualified under sub-paragraph (1), it shall be referred to the Central Government and the decision of the Central Government on any such question shall be final.

9. Removal from trusteeship or membership of a Regional Committee

The Central Government may remove from office any trustee of the Central Board or the Chairman, Central Board, may remove from office any member of a Regional Committee—

(i) if, in the opinion of the Central Government or the Chairman, Central Board, such trustee or member has ceased to represent the interest which he purports to represent on the Board or Committee, as the case may be; or

(ii) if he as an employer in relation to an exempted establishment or an establishment to which the Scheme applies has defaulted in the payment of any dues to the Board or the Fund recoverable from him under the Act or the Scheme, as the case may be:

Provided that no such trustee or member shall be removed from office unless a reasonable opportunity is given to such trustee or member and the body whom he represents, of making any representation against the proposed action.

10. Absence from India

(1) Before a non-official trustee or a member of a Regional Committee, leaves India:—

(a) he shall intimate to the Chairman of the [Central Board] or of the Committee, as the case may be, of the dates of his departure from and expected return to India, or

(b) if he intends to absent himself for a period longer than six months, he shall tender his resignation.

(2) If any Trustee or a Member of a Regional Committee leaves India for a period of six months or more without intimation to the Chairman of the [Central Board] or of the Regional Committee, as the case may be, he shall be deemed to have resigned from the [Central Board] or the Committee.

11. Meetings

(1) The [Central Board] or Trustees [or the Executive Committee] or Regional Committee shall, subject to the provisions of paragraph 12, meet at such place and time as may be appointed by the Chairman:

Provided that the Central Board or the Regional Committee shall meet at least twice in each financial year and the Executive Committee shall meet at least four times in each financial year.

(2) The Chairman, may, whenever he thinks fit, and shall within fifteen days of the receipt of a requisition in writing from not less than one-third of the members in the case of the [Central Board] [or the Executive Committee] and not less than three members excluding the Chairman in the case of [a Regional Committee] call a meeting thereof.

12. Notice of meeting and list of business

Notice of not less than 15 days from the date of posting, containing the date, time and place of every ordinary meeting together with a list of business to be conducted at the meeting shall be dispatched by registered post or by

special messenger to each trustee or a member of [the Executive Committee or] the Regional Committee, as the case may be, present in India:

Provided that when the Chairman calls a meeting for considering any matter which in his opinion is urgent, a notice giving such reasonable time as he may consider necessary, shall be deemed sufficient.

13. Chairman to preside at meetings

The Chairman of the Central Board or the Executive Committee or a Regional Committee shall preside at every meeting of the Central Board or the Executive Committee or the Regional Committee, as the case may be, at which he is present. If the Chairman of the Central Board is absent at any time, the Vice-Chairman thereof shall preside over the meeting of the Central Board and exercise all the powers of the Chairman at the meeting. If the Vice-Chairman of the Central Board or the Chairman of the Executive Committee or of a Regional Committee is absent at any time, the trustees or members present shall elect one of the trustees or, as the case may be, the members to preside over the meeting and the trustee or member so elected, shall exercise all the powers of the Chairman at the meeting.

14. Quorum

(1) No business shall be transacted at a meeting of the Central Board [or the Executive Committee or a Regional Committee unless at least eleven trustees or four members of the Executive Committee or a Regional Committee, as the case may be] are present, of whom:-

(a) in the case of the Central Board at least one each shall be from among those appointed under clauses (d) and (e) respectively of sub-section (1) of section 5A of the Act;

(aa) in the case of the Executive Committee at least one each shall be from among those appointed under clauses (c) and at least one from among those appointed under clause (d) and (e) of sub-section (2) of section 5-AA of the Act;

(b) in the case of Regional Committee, at least one shall be from among those [appointed] under clause (c) and at least one from among those [appointed] under clause (d) of sub-paragraph (1) of paragraph 4.

(2) If at any meeting the number of trustees or members of [the Executive Committee or] a Regional Committee is less than the required quorum, the Chairman shall adjourn the meeting to a date not later than seven days from the date of the original meeting informing the trustees or members of [the Executive Committee or] the Regional Committee, as the case may be, of the date, time and place of the adjourned meeting and it shall thereupon be

lawful to dispose of the business at such adjourned meeting irrespective of the number of trustees or members of [the Executive Committee or] the Regional Committee present.

14A. Nomination of a substitute during the absence of a trustee/member of the [Central Board]/Regional Committee

(1) If a trustee or a member is unable to attend any meeting of the [Central Board] or the Regional Committee, as the case may be, he may, by a written instrument, signed by him, addressed to the Chairman of the [Central Board] or the Regional Committee, as the case may be, and explaining the reasons for his inability to attend the meeting, appoint any representative of the Organisation, which he represents on the [Central Board] or the Regional Committee, as his substitute for attending that meeting of the [Central Board] or the Regional Committee in his place:

Provided that no such appointment shall be valid unless—

(i) such appointment has been approved by the Chairman of the [Central Board] or the Regional Committee as the case may be; and

(ii) the instrument making such appointment has been received by the Chairman of the [Central Board] or the Regional Committee, as the case may be before the date fixed for the meeting.

(2) A substitute validly appointed under sub-paragraph (1) shall have all the rights and powers of a Trustee or a member, in relation to the meeting of the [Central Board] or the Regional Committee, in respect of which he is appointed and shall receive allowances, and be under obligations as if he were a Trustee or a member appointed under the Act and the Scheme respectively.

(3) A Trustee or a member appointing a substitute for attending any meeting of the [Central Board] or the Regional Committee, as the case may be, shall, notwithstanding anything contained in this paragraph, continue to be liable for the misappropriation or misapplication of the Fund by the substitute and shall also be liable for any act of misfeasance or non-feasance committed in relation to the Fund by the substitute appointed by him.

15. Disposal of business

Every question considered at a meeting of [the Central Board] [or the Executive Committee] or a Regional Committee shall be decided by a majority of the votes of the trustees or [members of the Executive Committee or a Regional Committee] present and voting. In the event of an equality of votes the Chairman shall exercise a casting vote:

Provided that the Chairman may, if he thinks fit, direct that any question shall be decided by the circulation of necessary papers to trustees or [members of the Executive Committee or a Regional Committee] present in India and by securing their opinions in writing. Any such question shall be decided in accordance with the opinion of the majority of trustees or members received within the time-limit allowed and if the opinions are equally divided, the opinion of the Chairman shall prevail:

Provided further that any trustee or member of [the Executive Committee or] Regional Committee may request that the question referred to trustees or, members of the [Executive Committee or a Regional Committee], as the case may be, for written opinion be considered at a meeting of the [Central Board], [or the Executive Committee] or a Regional Committee and thereupon the Chairman may, and if the request is made by not less than three Trustees or [members of the Executive Committee or a Regional Committee], shall direct that it be so considered.

16. Minutes of meetings

(1) The minutes of a meeting of [the Central Board] [or the Executive Committee] or a Regional Committee showing *inter alia* the names of the trustees or members of [Executive Committee or a Regional Committee] present thereat shall be circulated to all trustees or members of [Executive Committee or a Regional Committee] present in India not later than one month from the date of the meeting. The minutes shall thereafter be recorded in minute book as a permanent record:

Provided that if another meeting is held within a period of one month and ten days, the minutes shall be circulated so as to reach the trustees or members at least ten days before such meeting.

(2) The records of the minutes of each meeting shall be signed by the Chairman after confirmation with such modifications, if any, as may be considered necessary at the next meeting.

17. Acts of a Regional Committee not invalid by reason merely of any vacancy in, or defect in the constitution, etc.

No act or proceeding of a Regional Committee shall be deemed to be invalid by reason merely of any vacancy in or any defect in the constitution of the Regional Committee.

18. Fees and allowances

(1) The [travelling allowance and daily allowance of an official trustee or official member of the Executive Committee or a Regional Committee] shall be governed by the rules applicable to him for journeys performed on official duties and shall be paid by the authority paying his salary.

(2) Subject to the provisions of sub-paragraphs (3) and (4), every non-official trustee or non-official member of the Executive Committee or a Regional Committee shall be allowed travelling and daily allowances for attending the meeting of the Central Board or the Executive Committee or the Regional Committee, as the case may be, at the following rates, namely:—

(i) Travelling allowance:—

(A) a non-official trustee or member residing at the place where a meeting is held shall be allowed the actual expenditure incurred by him on conveyance, subject to the maximum of rupees fifty for each day on which he attends one or more meetings,

(B) a non-official trustee or member not residing at the place where a meeting is held, shall be allowed,—

(a) actual expenditure incurred by him on air journey by economy (tourist) class;

(b) actual expenditure incurred by him on single return journey fare by rail [by first air-conditioned class or] by 2nd A.C., two-tier sleeper or first class, as the case may be;

(c) actual fare or expenditure incurred by him on road journey by taxi or own car or auto-rickshaw or bus (other than an air-conditioned bus) but not exceeding the rates notified by the concerned Director of Transport for journey by taxi or autorickshaw. When the journey is performed between places connected by rail, the fare will be limited to what would have been admissible to the trustee or member under clause (b) of this item.

(ii) *Daily allowance:—*

(A) a non-official trustee or member residing at a place where a meeting is held shall not be entitled to any daily allowance.

(B) a non-official trustee or member not residing at the place where a meeting is held shall be paid daily allowance at the rate of Rs.150/- per day if the member stays in a hotel and Rs.100/- per day if the member does not stay in a hotel:

Provided that the daily allowance shall be calculated for attending the meeting for the entire absence from the normal place of residence of the non-official trustee or member on calendar day basis, *i.e.,* midnight to midnight as under :—

For absence not exceeding 6 hours	Nil
For absence exceeding 6 hours but not exceeding 12 hours	70%
For absence exceeding 12 hours	100%

(3) Where such Trustee or member being a member of a State Legislature attends a meeting of the [Central Board] or [the Executive Committee or] the Regional Committee, as the case may be, he shall be entitled—

(i) when the State Legislature is not in session, to such travelling and daily allowances as are admissible to Grade I Officers of the State Government; and

(ii) when the State Legislature is in session, to such travelling and daily allowances as are admissible to the members of that Legislature for attending meetings of the Legislature.

(4) Where such trustee or member being a member of either House of Parliament attends a meeting of the [Central Board] or [the Executive Committee or] the Regional Committee, as the case may be, he shall be entitled to such travelling and daily allowances as may be admissible to him under the rules laid down by the Central Government on the subject from time to time:

Provided that when a Minister is appointed as Chairman or member of the Board or of [the Executive Committee or of the Regional Committee], and attends a meeting of such Central Board or [the Executive Committee or] Regional Committee, as the case may be, his travelling and daily allowance shall be governed by the rules applicable to him for journeys performed on official duties and shall be paid by the authority paying his salary.

(5) [***]

Explanation I: No daily or travelling allowance in respect of any day journey, as the case may be, shall be claimed under this paragraph by a trustee or member of [the Executive Committee or] a Regional Committee if he has drawn or will draw allowance for the same from his employer or as a member of [the Executive Committee or] any Legislature or of any Committee or Conference constituted or convened by Government and no travelling allowance shall be claimed if he uses a means of transport provided at the expense of Government or his employer.

Explanation II. [***]

CHAPTER III

Appointment and Powers of Commissioner and other staff of Board of Trustees

19. Central Provident Fund Commissioner and Financial Adviser and Chief Accounts Officer

The Central Provident Fund Commissioner and the Financial Adviser and Chief Accounts Officer shall not undertake any work unconnected with their office without the previous sanction of the Central Government;

20. [***]

21. Opening of regional and other offices

The Central Board may, open such regional and local offices as it may consider desirable for the proper implementation of the Scheme. It may also define the functions and duties of the regional and local offices.

22. Secretary of the Central Board or a Regional Committee

(1) The Central Provident Fund Commissioner shall be the Secretary of the Central Board and of the Executive Committee. The Regional Provident Fund Commissioner-in-charge of the region shall be the Secretary of the Regional Committee of the State/Union Territory within his jurisdiction.

(2) The Secretary to the Central Board or [the Executive Committee or] a Regional Committee shall, in consultation with the Chairman, convene meetings of the Central Board or [the Executive Committee or] the Regional Committee, as the case may be, keep a record of its minutes and shall take the necessary steps for carrying out the decisions of the Central Board or [the Executive Committee or] the Regional Committee, as the case may be.

22A. Appointment of officers and employees of the Central Board

The power of appointment vested in the Central Board under sub-section (3) of section 5D of the Act shall be exercised by the Board in relation to posts carrying the maximum scale of pay of Rs.[14,300-18,300].

23. Information of appointments to the Central Board

References relating to all appointments of officers of the [level of the Regional Provident Fund Commissioners and above made by the Chairman, Central Board] shall be placed before the next meeting of the Central Board for information.

24. Administrative and financial powers of a Commissioner

(1) A Commissioner may, without reference to the [Central Board], sanction expenditure on contingencies, supplies and services and purchase of articles required for administering the Fund subject to financial provision in the budget and subject to the limits up to which a Commissioner may be authorised to sanction expenditure on any single item from time to time by the Central Board.

(2) A Commissioner may also exercise such administrative and financial powers other than those specified in sub-paragraph (1) above, as may be delegated to him from time to time by the Central Board.

(3) A Commissioner may delegate from time to time the administrative and financial powers delegated to him by the Central Board to any officer under his control or superintendence to the extent considered suitable by him for the administration of the Scheme. A statement of such delegation shall be placed before the next meeting of the Central Board for information.

24A. Delegation of power by the Central Board

(1) The Central Board may, by a resolution, empower its Chairman to sanction expenditure on any item, whether in the nature of capital expenditure or revenue expenditure, as it may deem necessary for the efficient administration of the Fund, subject to financial provisions in the Budget, where such expenditure is beyond the limits upto, which the Commissioner is authorised to sanction expenditure on any single item.

(2) The Central Board may also, by a resolution, empower its Chairman to such officers and employees other than those mentioned in sub-sections (1) and (2) of section 5D of the Act, as he may consider necessary for the efficient administration of the Scheme.

(3) All sanctions of expenditure made by the Chairman in pursuance of sub-paragraph (1) shall be reported to the Central Board as soon as possible after the sanction of the expenditure.

25. Powers of the Central Government until the Central Board is constituted

Until the Central Board is constituted, the Central Government shall administer the Fund and may exercise any of the powers and discharge any of the functions of the Board:

Provided that on the constitution of the Central Board, the Central Government shall transfer amounts standing to the credit of the Fund to the Central Board.

CHAPTER IV

Membership of the Fund

26. Classes of employees entitled and required to join the fund

(1)(a) Every employee employed in or in connection with the work of a factory or other establishment to which this scheme applies, other than an excluded employee, shall be entitled and required to become a member of the Fund from the day this paragraph comes into force in such factory or other establishment.

(b) Every employee employed in or in connection with the work of a factory or other establishment to which this Scheme applies, other than an excluded employee, shall also be entitled and required to become a member of the fund from the day this paragraph comes into force in such factory or other establishment if on the date of such coming into force, such employee is a subscriber to a provident fund maintained in respect of the factory or other establishment or in respect of any other factory or establishment (to which the Act applies) under the same employer:

Provided that where the Scheme applies to a factory or other establishment on the expiry or cancellation of an order of exemption under section 17 of the Act, every employee who but for the exemption would have become and continued as a member of the Fund, shall become a member of the Fund forthwith.

(2) After this paragraph comes into force in a factory or other establishment, every employee employed in or in connection with the work or that factory or establishment, other than an excluded employee, who has not become a member already shall also be entitled and required to become a member of the Fund from the date of joining the factory or establishment.

(3) An excluded employee employed in or in connection with the work of a factory or other establishment, to which this Scheme applies shall, on ceasing to be such an employee, be entitled and required to become a member of the Fund from the date he ceased to be such employee.

(4) On re-election of an employee or a class of employees exempted under paragraph 27 or paragraph 27-A to join the Fund or on the expiry or cancellation of an order under that paragraph, every employee shall forthwith become a member thereof.

(5) Every employee who is a member of a private provident fund maintained in respect of an exempted factory or other establishment and who but for exemption would have become and continued as a member of the fund shall, on joining a factory or other establishment to which this Scheme applies, become a member of the fund forthwith.

(6) Notwithstanding anything contained in this paragraph [an officer not below the rank of an Assistant Provident Fund Commissioner] may, on the joint request in writing, of any employee of a factory or other establishment to which this Scheme applies and his employer, enroll such employee as a member or allow him to contribute more than rupees [rupees six thousand and five hundred] of his pay per month if he is already a member of the Fund and thereupon such employee shall be entitled to the benefits and shall be subject to the conditions of the Fund, provided that the employer gives an undertaking in writing that he shall pay the administrative charges payable and shall comply with all statutory provisions in respect of such employee.

26A. Retention of membership

(1) A member of the Fund shall continue to be member until he withdraws under paragraph 69 the amount standing to his credit in the Fund or is covered by a notification of exemption under section 17 of the Act or an order of exemption under paragraph 27 or paragraph 27A.

Explanation: In the case of claim for refund by a member under sub-paragraph (2) of paragraph 69, the membership of the fund shall be deemed to have been terminated from the date the payment is authorised to him by the authority specified in this behalf by Commissioner irrespective of the date of claim.

(2) Every member employed as an employee other than an excluded employee, in a factory or other establishment to which this Scheme applies, shall contribute to the Fund, and the contribution shall be payable to the Fund in respect of him by the employer. Such contribution shall be in accordance with the rate specified in paragraph 29:

Provided that subject to the provisions contained in sub-paragraph (6) of paragraph 26 and [in paragraph 27], or sub-paragraph (1) of paragraph 27-A, where the monthly pay of such a member exceeds [six thousand and five hundred rupees] the contribution payable by him, and in respect of him by the employer, shall be limited to the amounts payable on a monthly pay of [six thousand and five hundred rupees] including [dearness allowance, retaining allowance (if any) and] cash value of food concession]

26-B.Resolution of doubts

If any question arises whether an employee is entitled or required to become or continue as a member, or as regards the date from which he is so entitled or required to become a member, the decision of the Regional Commissioner shall be final:

Provided that no decision shall be given unless both the employer and the employee have been heard.

27. Exemption of an employee

(1) A Commissioner may by order and subject to such conditions as may be specified in the order exempt from the operation of all or any of the provisions of this Scheme an employee to whom the Scheme applies on receipt of application in Form I from such an employee:

Provided that such an employee is entitled to benefits in the nature of Provident Fund, gratuity or old age pension according to the rules of the factory or other establishment and such benefits separately or jointly are on the whole not less favourable than the benefits provided under the Act and the Scheme.

(2) Where an employee is exempted as aforesaid, the employer shall in respect of such employee maintain such account, submit such returns, provide such facilities for inspection, pay such inspection charges and invest provident fund collections in such manner as the Central Government may direct.

(3) An employee exempted under sub-paragraph (1) may by an application to the Commissioner make a declaration that he shall become a member of the Fund.

(4) No employee shall be granted exemption or permitted to apply out of exemption more than once on each account.

27A. Exemption of a class of employees

(1) [The appropriate Government] may by order and subject to such conditions as may be specified in the order exempt from the operation of all or any of the provisions of this Scheme any class of employees to whom the Scheme applies:

Provided that such class of employees are entitled to benefits in the nature of provident fund, gratuity or old age pension according to the rules of the [factory or other establishment] and such benefits separately or jointly or on the whole not less favourable than the benefit provided under the Act and this Scheme.

(2) Where any class of employees is exempted as aforesaid, the employer shall in respect of such class of employees maintain such account, submit such returns, provide such facilities for inspection, pay such inspection charges and invest provident fund collections in such manner as the Central Government may direct.

(3) A class of employees exempted under sub-paragraph (1) or the majority of employees constituting such class may by an application to the

Commissioner make a declaration that the class desires to join the Fund and thereupon such class of employees shall become members of the Fund.

(4) No class of employees shall be granted exemption or permitted to apply out of exemption more than once on each account.

(5) The provisions of this paragraph shall be deemed to have come into force with effect from the 14th of October, 1953.

27AA. Terms and conditions of exemption

All exemptions already granted or to be granted hereafter under section 17 of the Act or under paragraph 27A of the scheme shall be subject to the terms and conditions as given in the Appendix A.

Appendix "A"

1. The employer shall establish a Board of Trustees under his Chairmanship for the management of the Provident Fund according to such directions as may be given by the Central Government or the Central Provident Fund Commissioner, as the case may be, from time to time. The Provident Fund shall vest in the Board of Trustees who will be responsible for and accountable to the employees' Provident Fund Organisation, inter alia, for proper accounts of the receipts into and payment from the Provident fund and the balance in the custody. For the purpose, the "employer" shall mean-

i) In relation to an establishment, which is factory, the owner or occupier of the factory; and
ii) In relation to any other establishment, the person who, or the authority, that has the ultimate control over the affarirs of the establishments.

2. The Board of Trustees shall meet atleast once in every three months and shall function in the accordance with the guidelines that may be issued from time to time by the Central Government/Central Provident Fund Commissioner (CPFC) or an officer authorized by him.

3. All employees, as defined in section 2(f) of the Act, who have been eligible to become members of the Provident Fund, had the establishment not been granted exemption, shall be enrolled as members.

4. Where an employee who is already a member of Employees' Provident Fund or a provident fund of any other emempted establishment is employed in his establishment, the employer shall immediately enroll him as a member of the fund. The employer should also arrange to have the accumulations in the provident fund account of such employee with his previous employer transferred and credited into his account.

5. the employer shall transfer to the Board of Trustees the contributions payable to the provident fund by himself and employees at the rate prescribed under the Act from time to time by the 15th of each month following the month for which the contributions are payable. The employer shall be liable to pay simple interest in terms of the provisions of section 7Q of the Act for any delay in payment of any dues towards the Board of Trustees.

6. The employer shall bear all the expenses of the administration of the Provident Fund and also make good any other loss that may be caused to the Provident Fund due to theft, burglary, defalcation, misappropriation or any other reason.

7. Any deficiency in the interest declared by the Board of Trustees is to be made good by the employer to bring it up the statutory limit.

8. The employer shall display on the notice board of the establishment, a copy of the rules of the funds as approved by the appropriate authority and as and when amended thereto along with a translation in the language of the majority of the employees.

9. the rate of contribution payable, the conditions and quantum of advances and other matters laid down under the provident fund rules of the establishment and the interest credited to the account of each member, calculated on the monthly running balance of the member and declared by the Board of Trustees shall not be lower than those declared by the Central Government under the various provisions prescribed in the Act and the Scheme framed there under.

10. Any amendment to the Scheme, which is more beneficial to the employees than the existing rules of the establishment, shall be made applicable to them automatically pending formal amendment of the Rules of the Trust.

11. No amendment in the rules shall be made by the employer without the prior approval of the Regional Provident Fund Commissioner (referred to as RPFC hereafter). The RPFC shall before giving his approval give a reasonable opportunity to the employees to explain their point of view.

12. All claims for withdrawals, advance and transfer should be settled expeditiously, within the maximum time frame prescribed by the Employees' Provident Fund Organisation.

13. The Board of Trustees shall maintain detailed accounts to show the contribution credited, withdrawal and interest in respect of each employee. The maintenance of such records should preferably be done electronically. The establishments should periodically transmit the details of members' accounts electronically as and when direct by the CPFC/RPFC.

14. The Board of Trustees shall issue an annual statement of accounts or pass books to every employee within six months of the close of financial/accounting year free of cost once in the year. Additional printouts can be made available as and when the members want, subject to nominal charges. In case of passbook, the same shall remain in custody of employee to be updated periodically by the trustees when presented to them.

15. the employer shall make necessary provisions to enable all the members to be able to see their account balance from the computers terminals as and when required by them.

16. The Board of Trustees and the employer shall file such returns monthly/annually as may be prescribed by the Employees' Provident Fund Organization within the specified time-limit, failing which it will be deemed as a default and the Board of Trustees and employer will jointly and separately be liable for suitable penal action by the Employees' Provident Fund Organisation.

17. the Board of Trustees shall invest the monies of the provident fund as per the directions of the government from time to time. Failure to make investments as per directions of the Government shall made the Board of Trustees separately and jointly liable to surcharge as may be imposed by the Central Provident Fund Commissioner or his representative.

18. (a) The securities shall be obtained in the name of Trust. The securities so obtained should be in dematerialized (DEMAT) form and in case the required facility is not available in the area where the trust operates, the Board of Trustees shall inform the Regional Provident Fund Commissioner concerned about the same.

b) the Board of Trustees shall maintain a script wise register and ensure timely realization of interest.

c) The DEMAT Account should be opened through depository participants approved by Reserve Bank of India and Central Government in accordance with the instruction issued by the Central government in this regard.

d) The cost of maintaining DEMAT account should be treated as incidental cost of investment by the Trust. Also all types of Cost of investment like brokerage for purchase of securities etc. shall be treated as incidental cost of investment by the Trust.

19. All such investment6 made, like purchase of securities and bonds, should be lodged in the safe custody of depository participants, approved by reserve bank of India and Central Government, who shall be the custodian of the same. On closure of establishment or liquidation or cancellation of

exemption from EPF Scheme, 1952, such custodian shall transfer the investment obtained in the name of the Trust and standing in its credit to the RPFC concerned directly on receipt of request from the RPFC concerned to that effect.

20. The exempted establishment shall intimate to the RPFC concerned the details of depository participants (approved by the Reserve Bank of India and Central Government), with whom and in whose safe custody, the investments made in the name of trust, viz., Investments made in securities, bonds, etc. have been lodged. However, the Board of Trustees may raise such sum or sums of money as may be required for meeting obligatory expenses such as settlement of claims, grant of advances as per rules and transfer of member's P.F. accumulations in the events of his/her leaving service of the employer and any other receipts by sale of the securities or other investments standing in the name of the Fund subject to the prior approval of the Regional Provident Fund Commissioner.

21. Any commission, incentive, bonus, or other pecuniary rewards given by any financial or other institutions for the investments made by the Trust should be credited to its account.

22. The employer and the members of the Board of Trustees, at the time of grant of exemption, shall furnish a written undertaking to the RPFC in such format as may be prescribed from time to time, inter alia, agreeing to abide by the conditions which are specified and this shall be legally binding on the employer and Board of Trustees, including their successors and assignees, or such conditions as may be specified latter for continuation of exemption.

23. The employer and the Board of Trustees shall also give an undertaking to transfer the funds promptly within the time limit prescribed by the concerned RPFC in the event of cancellation of exemption. This shall be legally binding on them and will make them liable for prosecution in the event of any delay in the transfer of funds.

24. (a) The account of the Provident Fund maintained by the Board of Trustees shall be subject to audit by a qualified independent chartered accountant annually. Where considered necessary, the CPFC or the RPFC in-charge of the Region shall have the right to have the accounts re-audited by any other qualified auditor and the expenses so incurred shall be borne by the employer.

(b) A copy of the Auditor's report along with the audited balance sheet should be submitted to the RPFC concerned by the Auditors directly within six months after the closing of the financial year from 1st April to 31st March. The format of the balance sheet and the information to be furnished in the report shall be as prescribed by the Employees' Provident Fund Organisation and made available with the RPFC Office in electronic format as well as a signed hard copy.

(c) The same auditors should not be appointed for two consecutive years and not more than two years in a block of six years.

25. A company reporting loss for three consecutive financial years or erosion in their capital base shall have their exemption withdrawn from the first day of the next/succeeding financial year.

26. The employer in relation to the exempted establishment shall provide for such facilities for inspection and pay such inspection charges as the Central Government may from time to time direct under clause (a) of subsection (3) of section 17 of the Act within 15 days from the close of every month.

27. In the event of any violation of the conditions for grant of exemption, by the employer or the Board of Trustees, the exemption granted may be cancelled after issuing a show cause notice in this regard to the concerned persons.

28. In the event of any loss to the trust as a result of any fraud, defalcation, wrong investment decisions etc. the employer shall be liable to make good the loss.

29. In case of any change of legal status of the establishment, which has been granted exemption, as a result of merger, demerger, acquisition, sale amalgamation, formation of a subsidiary, whether wholly owned or not, etc., the exemption granted shall stand revoked and the establishment should promptly report the matter to the RPFC concerned for grant of fresh exemption.

30. In case, there are more than one unit/establishment participating in the common Provident Fund Trust which has been granted exemption, all the trustees shall be jointly and separately liable/responsible for any default committed by any of the trustees/employer of any of the participating units and the RPFC shall take suitable legal action against all the trustees of the common Provident Fund Trust.

31. The Central government may lay down any further condition for continuation of exemption of the establishments.

28. Transfer of accumulations from existing Provident Funds

(1) Every authority in charge of, or entrusted with the management of, any Provident Fund in existence the accumulations wherein are to be transferred to the Fund under sub-section (2) of section 15 of the Act, [or sub-section (5) of section 17 thereof, as the case may be] shall —

(i) send to the Commissioner a statement showing the amount standing to the credit of each subscriber on the date of the transfer, the total accumulations to the credit of subscribers generally on that date and the advances, if any, taken by the subscribers [within twenty-five days of the application of the Scheme, or cancellation of exemption, as the case may be],

(ii) transfer to the Fund in the manner specified in sub-paragraph (2) the total accumulations standing to the credit of the subscribers in relation to each factory or other establishment [within ten days of the application of the Scheme, or cancellation of the exemption, as the case may be, in case of liquid cash in bank and within thirty days in case of securities], and

(iii) transfer to the [Central Board] all pass books, books of account and other documents relating to the said accumulations.

(2) All accumulations standing to the credit of the subscribers, howsoever invested, shall be transferred to the Fund by the authority aforesaid in cash:

Provided that where the whole or any part of such accumulations consists of investments in Government securities, [or in securities guaranteed by appropriate Government as regards repayment of principal and payment of interest or in both], the authority making the transfer to the Fund shall transfer those securities at the price for which they were actually purchased or transfer a sum equivalent to such price. In case, however, the whole or any part of such accumulations is invested in National Savings Certificates or National Plan Savings Certificates, the appreciated value of such certificates at the time of the transfer will be taken into account in determining the amount of the accumulations to be transferred, provided that the difference between the face value of such certificate and their appreciated value at the time of the transfer has already been credited to the accounts of the subscribers:

Provided further that where the whole or any part of such accumulations consists of investments in [securities bearing no guarantee of an appropriate Government as regards repayment of principal and payment of interest], the Central Government may, in exceptional cases, allow acceptance of the transfer of such securities from the authority making the transfer to the Fund at the price for which they were actually purchased.

Explanation: The total amount of provident fund accumulations includes interest thereon and the authority in charge of the Fund shall transfer in cash any balance of interest on investments which happens to be undistributed on the date of the transfer, or realised or realisable for the period prior to the registration of the securities in the name of the Central Board of Trustees, Employees' Provident Fund.

(3) Any cash transferred under sub-paragraph (2) shall be deposited in any office or branch of the Reserve Bank of India or the [State Bank of India] to the credit of the [Central Board], and the receipt obtained in respect thereof shall be forwarded to the Commissioner:

Provided that where there is no office or branch of either of the two Banks at the place where the [factory or other establishment] is situated the amount shall be credited to the Central Board by means of a Reserve Bank of India [Governmental Draft at par].

(4) The accumulations, transferred to the Fund in accordance with this paragraph shall be credited to the account of each of the members of the Fund, to the extent to which he may be entitled thereto having regard to the statement furnished by the authority aforesaid.

(5) When the accumulations in any such Provident Fund as is referred to in sub-paragraph (1) have been so transferred to the Fund, the Commissioner may, by notification in the Gazette of India, declare that the subscribers of such Provident Fund have now become members of the Fund and that the accumulations aforesaid have now become vested in the Central Board.

CHAPTER V

Contributions

29. Contributions

(1) The contributions payable by the employer under the Scheme shall be at the rate of [ten per cent] of the [basic wages, dearness allowance (including the cash value of any food concession) and retaining allowance (if any)] payable to each employee to whom the Scheme applies:

Provided that the above rate of contribution shall be [twelve] per cent in respect of any establishment or class of establishments which the Central Government may specify in the Official Gazette from time to time under the first proviso to sub-section (1) of section 6 of the Act.

(2) The contribution payable by the employee under the Scheme, shall be equal to the contribution payable by the employer in respect of such employee:

Provided that in respect of any employee to whom the Scheme applies, the contribution payable by him may, if he so desires, be an amount exceeding [ten per cent] or [twelve per cent], as the case may be, of his basic wages, dearness allowance and retaining allowance (if any) subject to the condition that the employer shall not be under an obligation to pay any contribution over and above his contribution payable under the Act;

(3) The contributions shall be calculated on the basis of [basic wages, dearness allowance (including the cash value of any food concession) and retaining allowance (if any)] actually drawn during the whole month whether paid on daily, weekly, fortnightly or monthly basis.

(4) Each contribution shall be calculated to [the nearest rupee, 50 paise or more to be counted as the next higher rupee and fraction of a rupee less than 50 paise to be ignored.

30. Payment of contributions

(1) The employer shall, in the first instance, pay both the contribution payable by himself (in this Scheme referred to as the employer's contribution) and also, on behalf of the member employed by him directly or by or through a contractor, the contribution payable by such member (in this Scheme referred to as the member's contribution).

(2) In respect of employees employed by or through a contractor, the contractor shall recover the contribution payable by such employee (in this Scheme referred to as the member's contribution) and shall pay to the principal employer the amount of member's contribution so deducted

together with an equal amount of contribution (in this Scheme referred to as the employer's contribution) and also administrative charges.

(3) It shall be the responsibility of the principal employer to pay both the contribution payable by himself in respect of the employees directly employed by him and also in respect of the employees employed by or through a contractor and also administrative charges.

Explanation: For the purposes of this paragraph the expression "administrative charges" means such percentage of the pay (basic wages, dearness allowance, retaining allowance, if any, and cash value of food concessions admissible thereon) for the time being payable to the employees other than an excluded employee, and in respect of which Provident Fund Contribution are payable as the Central Government may, in consultation with the Central Board and having regard to the resources of the Fund for meeting its normal administrative expenses, fix.

31. Employer's share not to be deducted from the members

Notwithstanding any contract to the contrary the employer shall not be entitled to deduct the employer's contribution from the wage of a member or otherwise to recover it from him.

32. Recovery of a member's share of contribution

(1) The amount of a member's contribution paid by the employer [or a contractor] shall, notwithstanding the provisions in this scheme or any law for the time being in force or any contract to the contrary, be recoverable by means of deduction from the wages of the member and not otherwise:

Provided that no such deduction may be made from any wages other than that which is paid in respect of the period or part of the period in respect of which the contribution is payable:

Provided further that the employer [or a contractor] shall be entitled to recover the employee's share from a wage other than that which is paid in respect of the period for which the contribution has been paid or is payable where the employee has in writing given a false declaration at the time of joining service with the said employer [or a contractor] that he was not already a member of the Fund:

Provided further that where no such deduction has been made on account of an accidental mistake or a clerical error, such deduction may, with the consent in writing of the Inspector, be made from the [subsequent] wages.

(2) Deduction made from the wages of a member paid on daily, weekly or fortnightly basis should be totalled up to indicate the monthly deductions.

(3) Any sum deducted by an employer [or the contractor] from the wages of an employee under this Scheme shall be deemed to have been entrusted to him for the purpose of paying the contribution in respect of which it was deducted.

32A. Recovery of damages for default in payment of any contribution

(1) Where an employer makes default in the payment of any contribution to the fund, or in the transfer of accumulations required to be transferred by him under sub-section (2) of section 15 or sub-section (5) of section 17 of the Act or in the payment of any charges payable under any other provisions of the Act or Scheme or under any of the conditions specified under section 17 of the Act, the Central Provident Fund Commissioner or such officer as may be authorised by the Central Government by notification in the Official Gazette, in this behalf, may recover from the employer by way of penalty, damages at the rates given below:—

Period of default	Rate of damages (% of arrears per annum)
(a) Less than two months	17
(b) Two months and above but less than four months	22
(c) Four months and above but less than six months	27
(d) Six months and above	37

(2) The damages shall be calculated to the nearest rupee, 50 paise or more to be counted as the nearest higher rupee and fraction of a rupee less than 50 paise to be ignored.

32B. Terms and conditions for reduction or waiver of damages

The Central Board may reduce or waive the damages levied under section 14B of the Act in relation to an establishment specified in the second proviso to section 14B, subject to the following terms and conditions, namely:—

(a) in case of a change of management including transfer of the undertaking to workers' co-operative and in case of merger or amalgamation of the sick industrial company with any other industrial company, complete waiver of damages may be allowed;

(b) in cases where the Board for Industrial and Financial Reconstruction, for reasons to be recorded in its schemes, in this behalf recommends, waiver of damages up to 100 per cent may be allowed;

(c) in other cases, depending on merits, reduction of damages up to 50 per cent may be allowed.

CHAPTER VI

DECLARATION, CONTRIBUTION CARDS AND RETURNS

33. Declaration by persons already employed at the time of institution of the Fund

Every person who is required or entitled to become a member of the Fund shall be asked forthwith by his employer to furnish and shall, on such demand, furnish to him, for communication to the Commissioner, particulars concerning himself and his nominee required for the declaration form in Form 2. Such employer shall enter the particulars in the declaration form and obtain the signature or thumb impression of the person concerned.

34. Declaration by persons taking up employment after the Fund has been established

The employer in relation to a [factory or other establishment] shall, before taking any person into employment, ask him to state in writing whether or not he is a member of the Fund and if he is, ask for the Account Number and/or the name and particulars of the last employer. If he is unable to furnish the Account Number, he shall, require such person to furnish and such person shall, on demand, furnish to him for communication to the Commissioner, particulars regarding himself and his nominee required for the Declaration Form. Such employer shall enter the particulars in the Declaration Form and obtain the signature or thumb impression of the person concerned:

Provided that in the case of any such employee who has become a member of the Family Pension Fund under the Employees' Family Pension Scheme, 1971, the aforesaid Declaration Form shall also contain such particulars as are necessary to comply with the requirements of that Scheme.

35. Preparation of Contribution Cards

The employer shall prepare a contribution card [in Form 3] [or Form 3A] as may be appropriate, in respect of every employee in his employment at the commencement of the Scheme or who is taken into employment after that date and who is required or entitled to become or is a member of the Fund including those who produce an Account Number and in respect of whom no fresh Declaration Form is prepared:

Provided that in the case of any such employee who has become a member of the Family Pension Fund under the Employees' Family Pension Scheme, 1971, the aforesaid Forms shall also contain such particulars as are necessary to comply with the requirements of that Scheme.

36. Duties of employers

(1) Every employer shall send to the Commissioner, within fifteen days of the commencement of this Scheme, a consolidated return in such form as the Commissioner may specify of the employees required or entitled to become members of the Fund showing the [basic wage, retaining allowance (if any) and dearness allowance including the cash value of any food concession] paid to each of such employees:

Provided that if there is no employee who is required or entitled to become a member of the Fund, the employer shall send a 'NiL' return.

(2) Every employer shall send to the Commissioner within fifteen days of the close of each month a return-

(a) in Form 5, of the employees qualifying to become members of the Fund for the first time during the preceding month together with the declarations in Form 2 furnished by such qualifying employees, and

(b) [in such form as the Commissioner may specify], of the employees leaving service of the employer during the preceding month:

Provided that if there is no employee qualifying to become a member of the Fund for the first time or there is no employee leaving service of the employer during the preceding month, the employer shall send a 'NIL' return.

(3) [Omitted]

(4) Every employer shall maintain an inspection note book in such form as the Commissioner may specify, for an Inspector to record his observation on his visit to the establishment.

(5) Every employer shall maintain such accounts in relation to the amounts contributed to the Fund by him and by his employees as the Central Board from time to time, direct, and it shall be the duty of every employer to assist the Central Board in making such payments from the Fund to his employees as are sanctioned by or under the authority of the Central Board.

(6) Notwithstanding anything hereinbefore contained in this paragraph, the Central Board may issue such directions to employers generally as it may consider necessary or proper for the purpose of implementing the Scheme, and it shall be the duty of every employer to carry out such directions.

36A. Employer to furnish particulars of ownership

Every employer in relation to a factory or other establishment to which the Act applies on the date of coming into force of the Employees' Provident

Funds (Tenth Amendment) Scheme, 1961, or is applied after that date, shall furnish [in duplicate] to the Regional Commissioner in Form No. 5A annexed hereto, [particulars of all the branches and departments, owners], occupiers, directors, partners, manager or any other person or persons who have the ultimate control over the affairs of such factory or establishment and also send intimation of any change in such particulars, within fifteen days of such change, to the Regional Commissioner by registered post and in such other manner as may be specified by the Regional Commissioner:

Provided that in the case of any employer of a factory or other establishment to which the Act and the Family Pension Scheme, 1971, shall apply the aforesaid Form may be deemed to satisfy the requirements of the Employees' Family Pension Scheme, 1971, for the purpose specified above.

36-B. Duties of contractors

Every contractor shall, within seven days of the close of every month, submit to the principal employer a statement showing the recoveries of contributions in respect of employees employed by or through him and shall also furnish to him such information as the principal employer is required to furnish under the provisions of the Scheme to the Commissioner.

37. Allotment of Account Numbers

On receipt of the information referred to in paragraphs 33, 34 and 36, the Commissioner shall promptly allot an Account Number to each employee qualifying to become a member and shall communicate the Account Number to the member through the employer.

38. Mode of payment of contributions

(1) The employer shall, before paying the member his wages in respect of any period or part of period for which contributions are payable, deduct the employee's contribution from his wages which together with his own contribution as well as an administrative charge of such percentage [of the pay (basic wages, dearness allowance, retaining allowance, if any, and cash value of food concessions admissible thereon) for the time being payable to the employees other than excluded employee and in respect of which provident fund contribution payable, as the Central Government may fix. He shall within fifteen days of the close of every month pay the same to the fund by separate bank drafts or cheques on account of contributions and administrative charge].

Provided that if the payment is made by a cheque, it should be drawn only on the local bank of the place in which deposits are made:

Provided further that where there is no branch of the Reserve Bank or the [State] Bank of India at the station where the [factory or other

establishment] is situated, the employer shall pay to the Fund the amount mentioned above by means of Reserve Bank of India [Governmental Drafts at par] separately on account of contributions and administrative charge.

(2) The employer shall forward to the Commissioner, within twenty-five days of the close of the month, a monthly abstract in such form as the Commissioner may specify showing the aggregate amount of recoveries made from the wages of all the members and the aggregate amount contributed by the employer in respect of all such members for the month:

Provided that an employer shall send a Nil return, if no such recoveries have been made from the employees :

Provided further that in the case of any such employee who has become a member of the pension fund under the Employees' Pension Scheme, 1995, the aforesaid form shall also contain such particulars as are necessary to comply with the requirements of that Scheme.

(3) The employer shall send to the Commissioner within one month of the close of the period of currency, a consolidated annual Contribution Statement in Form 6-A, showing the total amount of recoveries made during the period of currency from the wages of each member and the total amount contributed by the employer in respect of each such member for the said period. The employer shall maintain on his record duplicate copies of the aforesaid monthly abstract and consolidated annual contribution statement for production at the time of inspection by the Inspector.

39. Fixation of administrative charges

The Central Government may, in consultation with the Central Board and having regard to the resources of the Fund available for meeting its normal administrative expenses, fix the percentage of administrative charges payable under sub-paragraph (1) of paragraph 38 above.

40. Contributions to be entered in the contribution card

The amount recovered every month from the wages of an employee as well as the contribution made by the employer in respect of each such employee shall be entered by the employer every month in the contribution card opened in the name of each member under this Scheme.

40-A.Supply of pass books to the members

With effect from such date as the Commissioner may specify in this behalf, every employer shall, on an employee becoming a member of the Fund, provide a Pass Book to every such member and maintain the same in such form and manner as the Commissioner may direct from time to time:

Provided that different dates may be specified for different industries or classes of establishments or for different areas.

41. Currency of Contribution Cards

The contribution cards issued under this Scheme shall be current for one year:

Provided that the said period of one year may commence and terminate at such different times, in different [factories and other establishments] as may be decided by the Commissioner from time to time:

Provided further that the cards issued—

(i) in respect of the first contribution period, or

(ii) in respect of the contribution period immediately preceding the date from which the establishment is notified as an annually posted establishment, may be for a period which may be less or more than a year.

42. Renewal of contribution cards

An employer shall, on or before the expiration of the period of currency of the contribution card, prepare in respect of each member employed by him a card [in Form 3] [or Form 3A] as may be appropriate, for the next period of currency:

Provided that in the case of any such employee who has become a member of the Family Pension Fund under the Employees' Family Pension Scheme, 1971, the aforesaid Form shall also contain such particulars as are necessary to comply with the requirements of that Scheme.

43. Submission of contribution cards to the Commissioner

Every employer shall within one month from the date of expiration of the period of currency of the contribution cards in respect of members employed by him, send the contribution cards to the Commissioner together with a statement in Form 6:

Provided that where a member leaves service, the employer shall send the contribution card in respect of such members before the twentieth day of the month following that in which the members left the service:

Provided further that in the case of any such employee who has become a member of the Family Pension Fund under the Employees' Family Pension Scheme, 1971, the aforesaid Form shall also contain such particulars as are necessary to comply with the requirements of the Scheme.

44. Custody of contribution cards

The employer shall retain in his custody the contribution cards in respect of each member employed by him and shall take every precaution against loss or damage of the contribution cards.

45. Inspection of cards by members

Any member making a request in this behalf to the employer shall be permitted to inspect his cards himself or to have the same inspected by any person duly authorised by him in writing to do so, within 72 hours of making such request provided that no such request be entertained more than once in every two calendar months.

46. Production of cards and records for inspection by the Commissioner or Inspector

Every employer shall, whenever the Commissioner or any other officer authorised by him in this behalf or an Inspector so requests, either in person or by notice in writing, produce before the Commissioner, Officer or Inspector, as the case may be, the records of any member employed by him and any card then in his possession, and if so required, by the said Commissioner, Officer or Inspector shall deliver such record to the said Commissioner, Officer or Inspector, who may, if he thinks fit, retain the record provided that he shall grant a receipt for every record retained by him.

47. Supply of cards and Forms to employers

The Commissioner shall supply to employers, free of charge on demand contribution cards. [Pass books] Declaration forms and other forms referred to in this Scheme:

Provided that if any employer desires to obtain any cards, [pass books] or forms in excess of the number which the Commissioner considers to be the requirements of the employer, the Commissioner may, if he thinks fit, supply such extra cards, [pass books] or forms and make such charge therefor as he considers reasonable.

48. Current Account

The Commissioner shall deposit the Bank drafts or cheques received from the employers in the Reserve Bank or the [State] Bank of India in the Current Account of the Fund.

CHAPTER VII

ADMINISTRATION OF THE FUND, ACCOUNTS AND AUDIT

49. Administration Accounts

(1) A separate account shall be kept called the "Central Administration Account" for recording all administration expenses of the Fund including such administrative charges as the Fund may be authorised to levy.

(2) [***]

50. Provident Fund Account

The aggregate amount received as the employers' and the employees' contributions to the Fund shall be credited to an account to be called the "Provident Fund Account".

51. Interest Suspense Account

All interest, rent and other income realised, and net profits or losses, if any, from the sale or investments not including therein the transactions of the Administration Account, shall be credited or debited, as the case may be, to an account called the "Interest Suspense Account". Brokerage and commission of the purchase and sale of securities and other investments, shall be included in the purchase or sale price, as the case may be, and not separately charged to the "Interest Suspense Account".

52. Investment of moneys belonging to Employees' Provident Fund

(1) All moneys belonging to the Fund shall be deposited in the Reserve Bank or the [State] Bank of India or in such other Scheduled Banks as may be approved by the Central Government from time to time or shall be invested, subject to such directions as the Central Government may from time to time give, in the securities mentioned or referred to in clauses (a) to (d) of section 20 of the Indian Trusts Act, 1882 (11 of 1882):

Provided that such securities are payable both in respect of capital and in respect of interest in India.

(2) All expenses incurred in respect of, and loss, if any, arising from, any investment shall be charged to the Fund.

53. Disposal of the Fund

(1) Subject to the provisions of the Act and of this Scheme, the Fund, not including therein the Administration Account, shall not, except with the previous sanction of the Central Government, be expended for any purpose

other than the payment of the sums standing to the credit of individual members of the Fund or to their nominees or heirs or legal representatives in accordance with the provisions of this Scheme.

(2) The Fund shall be operated upon by such officers as may be authorised in this behalf by the [Central Board].

54. Expenses of Administration

(1) All expenses relating to the administration of the Fund including those incurred on Regional Committee shall be met from the Fund.

(2) All expenses of administration of the Fund, including the fees and allowances, of the trustees of the Central Board and salaries, leave and joining time allowances, travelling and compensatory allowances, gratuities and compassionate allowances, pensions, contributions to provident fund and other benefit fund instituted for the officers and employees of the Central Board, the cost of audit of the accounts, legal expenses and cost of all stationery and forms incurred in respect of the Central Board, cost and all expenses incurred in connection with the construction of office buildings and staff quarters shall be met from the Administration Account of the Fund.

(3) The expenses incurred by the Central Government in connection with the establishment of the Fund shall be treated as a loan and such loan shall be repaid from the Administration Account.

55. Form and manner of maintenance of accounts

The Central Board shall maintain proper accounts of its income and expenditure, including its administrative accounts, in Form 10, and the balance sheet in Form 11. The accounts shall be prepared for the financial year and the books shall be balanced on the Thirty First March each year.

56. Audit

(1) The accounts of the Fund, including the Administration Account shall be audited in accordance with the instructions issued by the Central Government in consultation with the Comptroller and Auditor-General of India.

(2) The charges on account of audit shall be paid out of the Administration Account.

57. Inter-State transfer of members

(1) Where a member of the Fund ceases to be employed in one region and secures employment in another region in an establishment to which this Scheme applies or which is an exempted establishment or which is not

covered under the Act but has a provident funds scheme of its own, he may apply to the Commissioner within whose jurisdiction he was previously employed, in such form as the Commissioner may specify, for transfer of balance of the provident fund in his existing account to his account in the other region.

(2) Where a member of the Fund ceases to be employed in one establishment and secures employment in another establishment in the same region, he may apply to the Commissioner of the region, in such form as the Commissioner may specify for the transfer of balance of the Provident Fund in his previous account to his account in the new establishment where he takes up the employment.

58. Budget

(1) The Commissioner shall place before the Central Board each year before the first fortnight of February, a budget showing separately the probable receipts from the contributions and from the levy of administrative charges and the expenditure which it proposes to incur during the following financial year. The budget as approved by the Central Board shall be submitted for sanction to the Central Government within a month of its being placed before the Central Board.

(2) The Central Government may make such modifications in the budget as it considers desirable before sanctioning it.

(3) The Commissioner may, at any time during the year, make budgetary re-appropriation of funds sanctioned in the budget by the Central Government, provided that—

(i) the total amount sanctioned in the budget by the Central Government is not exceeded;

(ii) it is made only for meeting such expenses of administration as are to be met from the Administration Account in accordance with paragraph 54; and

(iii) every re-appropriation so made shall be reported by him to the Central Board at the next meeting of such Board.

(4) The Commissioner shall place before the Central Board a supplementary budget for a financial year, giving detailed estimates and reasons, of inescapable expenditure which are likely to be incurred during the year for which no provision has been made in the sanctioned budget and which cannot be covered under the provisions of sub-paragraph (3) of paragraph 58. The supplementary budget as approved by the Central Board shall be submitted for sanction to the Central Government within a month of its being placed before the Central Board.

(5) Any expenditure incurred by the Commissioner over and above the sanctioned budget of a financial year and not covered under the provisions of sub-paragraphs (3) and (4) of paragraph 58 shall be reported to the Central Board at the earliest possible moment after the excess is established for its consideration and for obtaining sanction of the Central Government.

59. Member's Accounts

(1) All account shall be opened in the office of the Fund in the name of each member in which it shall be credited:—

(a) his contributions,
(b) the contributions made by the employer in respect of him, and
(c) Interest as provided in paragraph 60.

(2) All items of account shall be calculated to [the nearest rupee, 50 paise or more to be counted as the next higher rupee and fraction of a rupee less than 50 paise to be ignored].

(3) On receipt of the contribution card or cards of a member from his employer or employers at the end of the period of currency of the contribution card, the Commissioner shall compare the entries made in the contribution card or cards with those made in the member's individual account in the office of the Fund and shall rectify any discrepancy found in these entries.

60. Interest

(1) The Commissioner shall credit to the account of each member interest at such rate as may be determined by the Central Government in consultation with the Central Board.

(2) (a) Interest shall be credited to the member's account on monthly running balances basis with effect from the last day in each year in the following manner:—

(i) on the amount at the credit of a member on the last day of the preceding year, less any sums withdrawn during the current year— interest for twelve months;

(ii) on sums withdrawn during the current year— interest from the beginning of the current year upto the last day of the month preceding the month of withdrawal;

(iii) on all the sums credited to the member's account after the last day of the preceding year—interest from the 1st day of the month succeeding the month of credit to the end of the current year;

(iv) the total amount of interest shall be rounded to the nearest whole rupee (fifty paise counting as the next higher rupee).

(2) (b) In the case of a claim for the refund under paragraph 69 or 70, interest shall be payable up to the end of the month preceding the date on which the final payment is authorised irrespective of the date of receipt of the claim from the claimant concerned:

Provided that interest up to and for the current month shall be payable on the claims which are authorised on or after the 25th day of a particular month along with actual payment after the end of the current month:

Provided further that the rate of interest to be allowed on claims for refund for the broken currency period shall be the rate fixed for the financial year in which the refund is authorised.

Provided also that the rate of interest to be allowed on claims for refund for the broken currency period shall be the last declared rate on Employees' Provident Fund and if the rate declared for any current year happens to be less than the previous year's declared rate, then it would accrue as bonus to the outgoing members and it shall be incorporated into calculation for deriving the current year's rate of interest at the end of the year and the claims settled under this proviso shall be final.

Explanation.— If an establishment is covered for the first time under the Act/Scheme during the course of the currency period the interest shall be allowed on the sums credited to the member's account on and from the first day of the month succeeding the month of credit to the end of the current year.

(3) The aggregate amount of interest credited to the accounts of the members shall be debited to "Interest Suspense Account".

(4) In determining the rate of interest, the Central Government shall satisfy itself that there is no overdrawal on the Interest Suspense Account as a result of the debit thereto of the interest credited to the accounts of members.

(5) Interest shall not be credited to the account of a member if he informs the Commissioner in writing that he does not wish to receive it. If, however, the member subsequently asks for interest, it shall be credited to his account with effect from the first day of the period of currency in which he makes a request therefor.

CHAPTER VIII

NOMINATIONS, PAYMENTS AND WITHDRAWALS FROM THE FUND

61. Nomination

(1) Each member shall make in his declaration in Form 2, a nomination conferring the right to receive the amount that may stand to his credit in the Fund in the event of his death before the amount standing to his credit has become payable, or where the amount has become payable , before payment has been made.

(2) A member may in his nomination distribute the amount that may stand to his credit in the Fund amongst his nominees at his own discretion.

(3) If a member has a family at the time of making a nomination, the nomination shall be in favour of one or more persons belonging to his family. Any nomination made by such member in favour of a person not belonging to his family shall be invalid.

Provided that a fresh nomination shall be made by the member on his marriage and any nomination made before such marriage shall be deemed to be invalid.

(4) If at the time of making a nomination the member has no family, the nomination may be in favour of any person or persons but if the member subsequently acquires a family, such nomination shall forthwith be deemed to be invalid and the member shall make a fresh nomination in favour of one or more persons belonging to his family.

(4A) Where the nomination is wholly or partly in favour of a minor, the member may, for the purposes of this Scheme, appoint a major person of his family, as defined in clause (g) of paragraph 2, to be the guardian of the minor nominee in the event of the member predeceasing the nominee and the guardian so appointed:

Provided that where there is no major person in the family, the member may, at his discretion, appoint any other person to be a guardian of the minor nominee.

(5) A nomination made under sub-paragraph (1) may at any time be modified by a member after giving a written notice of his intention of doing so in Form [2] annexed hereto. If a nominee predeceases the member, the interest of the nominee shall revert to the member who may make a fresh nomination in respect of such interest.

(6) A nomination or its modification shall take effect to the extent that it is valid on the date on which it is received by the Commissioner.

62. Financing of Members' Life Insurance Policies

(1) Where a member desires that premium due on a policy of Life Insurance taken by him on his own life should be financed from his Provident Fund Account, he may apply in such form and in such manner as may be prescribed by the Commissioner.

(2) On receipt of such application, the Commissioner, or, where so authorised by the Commissioner, any other officer subordinate to him may make payment on behalf of the member to the Life Insurance Corporation of India towards premium due on his policy:

Provided that no such payment shall be made unless the premium is payable yearly.

(3) Any payment made under sub-paragraph (2) shall be made out of and debited to the member's own contribution with interest thereon standing to his credit in the Fund.

(4) No payment shall be made under sub-paragraph (2) unless the member's own contribution in his Provident Fund Account with interest thereon is sufficient to pay the premium; and where the payment is to be made on the first premium, sufficient to pay the premium for two years.

(5) No payment shall be made towards a policy unless it is legally assignable by the member to the Central Board.

(6) The Commissioner shall before making payment in respect of existing policies, satisfy himself by reference to the Life Insurance Corporation that no prior assignment of the policy exists and the policy is free from all encumbrances.

(7) No education endowment policy or marriage endowment policy shall be financed from the Fund, if such policy is due for payment in whole or in part before the member attains the age of 55 years.

63. Conversion of policy into a paid up one and payment of late fee, etc.

Where a policy of Life Insurance of a member is financed from his Provident Fund Account, the Commissioner may,

(a) convert the Insurance Policy into a paid up one when the credit in his Provident Fund on account of his share becomes inadequate for the payment of any premium;

(b) pay late fee and interest out of the member's own contribution in his Provident Fund Account, if any premium cannot be remitted to the Life Insurance Corporation in time because of delay in sending to the Commissioner the policy duly assigned to the Central Board or any other reasons for which the member or his employer may be responsible.

64. Assignment of policies to the Fund

(1) The policy shall, within six months of the first payment under paragraph 62, be assigned by endorsement thereon, to the Central Board and shall be delivered to the Commissioner.

(2) Notice of the assignment of the policy shall be given by the member to the Life Insurance Corporation and the acknowledgement of the said notice by the Corporation shall be sent to the Commissioner within three months of the date of assignment.

(3) The terms of the policy shall not be altered nor shall the policy be exchanged, for another policy without the prior consent of the Commissioner to whom the details of the alteration or of the new policy shall be furnished in such form as he may specify.

(4) If the policy is not assigned and delivered as required under sub-paragraph (1), or is assigned otherwise than to the Central Board or is charged or encumbered or lapses any amount paid from the Fund in respect of such policy shall, with interest thereon at the rate provided under paragraph 60, be repaid by the member forthwith to the Fund. In the event of default, the employer shall, on receipt of such directions as may be issued by the Commissioner in this behalf, deduct the amount in lump sum or in such instalments as the Commissioner may determine from the emoluments of the member and pay it to the Fund within such time and in such manner as may be specified by the Commissioner. The amount so repaid or recovered shall be credited to the member's account in the Fund.

65. Bonus on policy to be adjusted against payments made from the Fund

So long as the policy remains assigned to the Central Board, any bonus accruing on it may be drawn by the Central Board or where authorised by the Central Board by the Commissioner, and adjusted against the payments made on behalf of the member under paragraph 62.

66. Reassignment of policies

(1) Where the accumulations standing to the credit of the member are withdrawn under paragraph 69 or when the member repays to the Fund the amounts of premium paid by the Board with interest thereon at the rate

provided in paragraph 60, the Central Board or where authorised by the Central Board, the Commissioner shall reassign by endorsement thereon the policy to the member together with a signed notice of reassignment addressed to the Life Insurance Corporation.

(2) If the member dies before the policy has been reassigned under sub-paragraph (1), the Central Board or where, authorised by the Central Board, the Commissioner shall reassign by the endorsement thereon, the policy to the nominee of the member if a valid nomination subsists, and if there be no such nominee, to such person as may be legally entitled to receive it together with a signed notice of reassignment addressed to the Life Insurance Corporation.

67. Recovery of amounts paid towards Insurance Policies

If a policy matures or otherwise falls due for payment during the currency of its assignment, the Central Board or, where so authorised by the Central Board, the Commissioner shall realise the amount assured together with bonus, if any, accrued thereon place to the credit of the member the amount so realised, or the whole of the amount paid from the Fund in respect of the policy with interest thereon, whichever is less, and refund the balance, if any, to the member.

68. [***]

68A. [***]

68B. Withdrawal from the Fund for the purchase of a dwelling house/flat or for the construction of a dwelling house including the acquisition of a suitable site for the purpose

(1) The Commissioner, or where so authorised by the Commissioner, any officer subordinate to him, may on an application from a member in such form as may be prescribed and subject to the conditions prescribed in this paragraph sanction from the amount standing to the credit of the member in the fund, a [withdrawal]—

(a) for purchasing a dwelling house/flat, including a flat in a building owned jointly with others (outright or on hire purchase basis), or for constructing dwelling house including the acquisition of a suitable site for the purpose from the Central Government, the State Government, a co-operative society, and institution, a trust, a local body or a Housing Finance Corporation (hereinafter referred to as the agency/agencies); or

(b) for purchasing a dwelling site for the purpose of construction of a dwelling house or a ready-built dwelling house/flat from any individual or

(bb) for purchasing dwelling house/flat on ownership basis from a promoter governed by the provisions of any Flats or Apartments Ownership Act or by any other analogous or similar law of the Central Government or the State Government as may be in force in any State or area for the time being and who intends to construct or constructs dwelling house or block of flats and the member is required to pay to the said promoter in advance for financing the said construction of the house/flat;

Provided that the member has entered into an agreement with the promoter as may be required under the Flats or Apartments Ownership Act or any other analogous or similar law of the Central Government or State Government which may be in force in any State or any area and the said agreement is registered under the Indian Registration Act, 1908; or

(c) for the construction of a dwelling house on a site owned by the member or the spouse of the member or jointly by the member and the spouse, or for completing/continuing the construction of a dwelling house already commenced by the member or the spouse, on such site, [or for purchase of a house/flat in the joint name of the member and the spouse under clauses (a) and (b) above].

Explanation I : In this paragraph, the expression, 'co-operative society' means a society registered or deemed to be registered under the Co-operative Societies Act, 1912 (2 of 1912), or under any other law for the time being in force in any State relating to co-operative societies.

Explanation 2.- [***]

(2)(a) For the purpose of purchase of a site for construction of house thereon, the amount of withdrawal shall not exceed the member's basic wages and dearness allowance for twenty-four months or the member's own share of contributions, together with the employer's share of contributions with interest thereon or the actual cost towards the acquisition of the dwelling site, whichever is the least.

(b) For the purpose of acquisition of a ready built house/flat or for construction of a house/flat, the withdrawal shall not exceed the member's basic wages and dearness allowance for thirty-six months or the member's own share of contributions, together with the employer's share of contributions, with interest thereon, or the total cost of construction, whichever is the least.

(3) (a) No withdrawal under this paragraph shall be granted unless:

(i) the member has completed five years' membership of the Fund;

(ii) the member's own share of contributions, with interest thereon in the amount standing to his credit in the Fund is not less than one thousand rupees;

(iii) a declaration from the member that the dwelling site or the dwelling house/flat or the house under construction is free from encumbrances and the same is under title of the member and/or the spouse:

Provided that where a dwelling site or a dwelling house/flat is mortgaged to any of the agencies, referred to in clause (a) of sub-paragraph (1), solely for having obtained funds for the purchase of a dwelling house/flat or for the construction of a dwelling house including the requisition of a suitable site for the purpose, such a dwelling site or a dwelling house/flat, as the case may be, shall not be deemed to be an encumbered property:

Provided further that a land acquired on a perpetual lease or on lease for a period of not less than 30 years for constructing a dwelling house/flat or a house/flat built on such a leased land, shall also not be deemed to be an encumbered property:

Provided also that where the site of the dwelling house/flat is held in the name of any agency, referred to in clause (a) of sub-paragraph (1) and the allottee is precluded from transferring or otherwise disposing of, the house/flat, without the prior approval of such agency, the mere fact that the allottee does not have absolute right of ownership of the house/flat and the site is held in the name of the agency, shall not be a bar to the giving of a withdrawal under clause (a) of sub-paragraph (1), if the other conditions mentioned in this paragraph are satisfied.

(b) No withdrawal shall be granted for purchasing a share in a joint property or for constructing a house on a site owned jointly except on a site owned jointly with the spouse.

(4) Subject to the limitation prescribed in sub-paragraph (2)—

(a) where the withdrawal is for the purchase of a dwelling house/flat or a dwelling site from an agency referred to in clause (a) of sub-paragraph (1), the payment of withdrawal shall not be made to the member but shall be made direct to the agency in one or more instalments, as may be authorised by the member;

(b) where the withdrawal is for the construction of a dwelling house, it may be sanctioned in such number of instalments as the Commissioner or where so authorised by the Commissioner, any officer subordinate to him, thinks fit;

(c) [***]

(d) where the withdrawal is for purchasing a dwelling house/flat on ownership basis from a promoter as referred to in clause (bb) of sub-paragraph (1), the payment or withdrawal shall be made to the member in one or more instalments as may be required to be paid by the said promoter and as authorised by the member.

Explanation: "Promoter" includes a person who constructs or causes to be constructed a block or building of flats or apartments for the purpose of selling some or all of them to other persons or to a Company, Co-operative Society or other association of persons and his assignees and where the person who builds and the person who sells are different persons, the term "promoter" includes both.

(5) Where a withdrawal is sanctioned for the construction of a dwelling house, the construction shall commence within six months of the withdrawal of the first instalment and shall be completed within twelve months of the withdrawal of the final instalment. Where the withdrawal is sanctioned for the purchase of a dwelling house/flat or for the acquisition of a dwelling site, the purchase or acquisition, as the case may be, shall be completed within six months of the withdrawal of the amount:

Provided that this provision shall not be applicable in case of purchase of a dwelling house/flat on hire-purchase basis and in cases where a dwelling site is to be acquired or houses are to be constructed by a co-operative society on behalf of its members with a view to their allotment to the members.

(6) Except in the cases specified in sub-paragraphs (7) [and (7A)], no further withdrawal shall be admissible to a member under this paragraph.

(7) An additional withdrawal upto [twelve months] basic wages and dearness allowance or the member's own share of contributions with interest thereon, in the amount standing to his credit in the Fund, whichever is less, may be granted in one instalment only, for additions, substantial alterations or improvements necessary to the dwelling house owned by the member or by the spouse or jointly by the member and the spouse:

Provided that the withdrawal shall be admissible only after a period of five years from the date of completion of the dwelling house.

(7A) A further withdrawal equivalent to the amount of difference between the amount of withdrawal admissible to a member under sub-paragraph (2) above as on the date of fresh application and the amount of withdrawal that was drawn by a member under this paragraph any time during 6 years preceding 3rd October, 1981, may be granted to such a member (i) who had availed of the earlier withdrawal for purchase of a dwelling site and has now proposed to construct a dwelling house on the land so purchased or (ii) who

had availed of the earlier withdrawal for making initial payment towards the allotment/purchase of a house/flat from any agency as referred to in clause (a) of sub-paragraph (1) above and has now proposed to avail of an advance for completing the transaction to get the sole ownership of the house/flat so purchased or (iii) who had availed the earlier advance for construction of a house but could not complete the construction in the time due to lack of funds.

(7B) A further withdrawal up to twelve months basic wages and dearness allowance or member's own share of contribution with interest thereon in his account, whichever is the least, may be granted for addition, alteration, improvement or repair of the dwelling house owned by the member or by the spouse or jointly by the member and the spouse, after ten years of withdrawal, under sub-paragraph (7).

(8) [***].

(9)(a) If the withdrawal granted under this paragraph exceeds the amount actually spent for the purpose for which it was sanctioned, the excess amount shall be refunded by the member to the Fund in one lump sum within thirty days of the finalisation of the purchase, or the completion of the construction of, or necessary additions, alterations, or improvements to a dwelling house, as the case may be. The amount so refunded shall be credited to the employer's share of contributions in the member's account in the Fund to the extent of withdrawal granted out of the said share and the balance, if any, shall be credited to the member's share of contributions in his account.

(b) In the event of the member not having been allotted a dwelling site/dwelling house/flat, or in the event of the cancellation of an allotment made to the member and of the refund of the amount by the agency, referred to in clause (a) of sub-paragraph (1) or in the event of the member not being able to acquire the dwelling site or to purchase the dwelling house/flat from any individual or to construct the dwelling house, the member shall be liable to refund to the Fund in one lump sum and in such manner as may be specified by the Commissioner, or where so authorised by the Commissioner, any officer subordinate to him, the amount of withdrawal remitted under this paragraph to him or, as the case may be, to the agency referred to in clause (a) of sub-paragraph (1).

The amount so refunded shall be credited to the employer's share of contributions in the member's account in the Fund, to the extent of withdrawal granted out of the said share, and the balance, if any, shall be credited to the member's own share of contributions in his account.

(10) If the Commissioner, or where so authorised by the Commissioner, any officer subordinate to him is satisfied that the withdrawal granted under this paragraph has been utilised for a purpose other than that for which it

was granted or that the member refused to accept an allotment or to acquire a dwelling site or that the conditions of withdrawal have not been fulfilled or that there is reasonable apprehension that they will not be fulfilled wholly or partly; or that the excess amount will not be refunded in terms of clause (a) of sub-paragraph (9) or that the amount remitted back to the member by any agency referred to in clause (a) of sub-paragraph (1), will not be refunded in terms of clause (b), of sub-paragraph (9), the Commissioner, or where so authorised by the Commissioner, any officer subordinate to him, shall forthwith take steps to recover the amount due with penal interest thereon at the rate of two per cent per annum from the wages of the member in such number of instalments as the Commissioner, or where so authorised by the Commissioner, any officer subordinate to him, may determine. For the purpose of such recovery the Commissioner or where so authorised by the Commissioner, any officer subordinate to him may direct the employer to deduct such instalment from the wages of the member and on receipt of such direction, the employer shall deduct accordingly. The amount so deducted, shall be remitted by the employer to the Commissioner, or where so authorised by the Commissioner, any officer subordinate to him within such time and in such manner as may be specified in the direction. The amount so refunded, excluding the penal interest, shall be credited to the employer's share of contributions in the member's account in the Fund to the extent of withdrawal granted out of the said share and the balance, if any, shall be credited to the member's own share of contributions in his account. The amount of penal interest shall, however, be credited to the Interest Suspense Account:

Provided that the recovery of withdrawal under sub-paragraph (10) shall be restricted to cases where the recovery has been ordered by the sanctioning authority while the member is in service.

(11) Where any withdrawal granted under this paragraph has been misused by the member, no further withdrawal shall be granted to him under this paragraph within a period of three years from the date of grant of the said withdrawal or till the full recovery of the amount of the said withdrawal, with penal interest thereon, whichever is later.

68-BB. Withdrawal from the Fund for repayment of loans in special cases

(1)(a) The Commissioner, or, where so authorised by the Commissioner, any officer subordinate to him, may on an application from a member, sanction from the amount standing to the credit of the member in the Fund, [withdrawal] for the repayment, wholly or partly, of any outstanding principal and interest of a loan [obtained in the name of the member or spouse of the member or jointly by the member and spouse from a State Government, registered Co-operative Society, State Housing Board, Nationalised Banks, Public Financial Institutions], Municipal Corporation or a body similar to the

Delhi Development Authority solely for the purposes specified in sub-paragraph (i) of paragraph 68B.

(b) The amount of [withdrawal] shall not exceed the member's basic wages and dearness allowance for [thirty-six months] or his own share of contributions together with the employer's share of contributions, with interest thereon, in the member's account in the Fund or the amount of outstanding principal and interest of the said loans, whichever is least.

(2) No [withdrawal] shall be sanctioned under this paragraph unless—

(a) the member has completed [ten] years membership of the Fund; and

(b) the member's own share of contributions, with interest thereon, in the amount standing to his credit in the Fund, is one thousand rupees or more; and

(c) the member produces a certificate or such other documents, as may be prescribed by the Commissioner or where so authorised by the Commissioner, any officer subordinate to him from such agency, indicating the particulars of the member, the loan granted, the outstanding principal and interest of the loan and such other particulars as may be required.

(3) The payment of the [withdrawal] under this paragraph shall be made direct to such agency on receipt of an authorisation from the member in such manner as may be specified by the Commissioner, or where so authorised by the Commissioner, any officer subordinate to him, and in no event the payment shall be made to the member.

68BC. Withdrawal/financing from the Fund for the purchase of a dwelling house/flat or the construction of a dwelling house including the acquisition of a suitable site by the Member

(1) Notwithstanding anything contained in Paragraph 68B or 68BB, where a member desires to purchase a dwelling house/flat, including a flat in a building owned jointly with others (outright or on hire purchase basis), or for construction of a dwelling house including the acquisition of a suitable site for the purpose, from the Central Government, a State Government, or a Housing Agency under a Housing Scheme as notified by the Central Provident Fund Commissioner from time to time, may apply in such form and in such manner, as may be prescribed by the Commissioner, for withdrawal from the amount standing to the credit of the member in the Fund, and the Commissioner, or where so authorized by the Commissioner, any officer subordinate to him, on receipt of such application may sanction such amount not exceeding the members own share of contributions with interest thereon (and the employers share of contributions with interest thereon to his credit)

or the cost of the acquisition of the proposed property whichever is less by debiting to the members account:

Provided that no withdrawal under this paragraph shall be granted unless—

(i) the member has completed five years membership of the Fund; and

(ii) the share of contributions with interest thereon in the amount standing to the credit in the Fund of the member/or together with the spouse who is also a member, is not less than twenty thousand rupees:

Provided further that the Commissioner may, on sufficient grounds being shown through an application from a member in this regard, reduce the period as stipulated in (i) above to three years for withdrawal from the amount standing to the credit of the member in the Fund, for the repayment, wholly or partly, of any outstanding principal and/or interest of a loan obtained in the name of the member or spouse of the member or jointly by the member and spouse from any Government or a Housing Agency under Housing Scheme so notified, solely for the purposes specified in this proviso and the Commissioner, or where so authorized by the Commissioner, any officer subordinate to him, on receipt of such application may sanction such amount not exceeding the member's own share of contributions with interest thereon alongwith with the employers share of contributions with interest thereon, or the amount requested by the member or the outstanding balance in the loan account, whichever is less, by debiting to the members account:

Provided also that, where a member desires that monthly instalments for the repayment, wholly or partly, of any outstanding principal and/or interest of a loan obtained in the name of the member or spouse of the member or jointly by the member and spouse, solely for the purposes specified in this proviso, may be paid from the amount standing to the credit of the member in the Fund, he may apply in such form and in such manner, as may be prescribed by the Commissioner and on receipt of such an application, the Commissioner or where so authorized by the Commissioner, any other officer subordinate to him may make payment by the 15th of each month on behalf of the member to the Government or a Housing Agency concerned, as the case may be:

Provided also that when the membership of the member ceases to exist, to, where the amount standing in the credit of the member's account is not sufficient to pay the monthly instalment for any month, the Commissioner or where so authorized by the Commissioner any other officer subordinate to him shall not be liable to pay the monthly instalment or any late fee and/or interest, if any monthly instalment could not be remitted in time.

(2) The withdrawal or finance for the purchase of a dwelling house/flat or a dwelling site or construction of a dwelling house, under sub-paragraph (1) and proviso thereunder, shall not be made to the member in any event and shall be made direct to the Government or Housing Agency concerned only, as the case may be, in one or more instalments, as may be authorized by the member.

(3) No further withdrawal under this sub-paragraph (1) above shall be admissible to a member unless he has discharged his liability towards the existing loan.

(4) (a) If the withdrawal or finance granted under this paragraph exceeds the amount actually spent for the purpose for which it was sanctioned, the excess amount shall be refunded by the member to the Fund in one lump sum within thirty days of the finalisation of the purchase, or the completion of the construction of, or necessary additions or alterations to a dwelling house/flat, as the case may be.

(b) The amount so refunded under sub-paragraph (a) shall be credited to the employer's share of contributions in the member's account in the Fund to the extent of withdrawal granted out of the said share and the balance, if any, shall be credited to the member's share of contributions in his account.

(c) In the event of the member not having been allotted a dwelling site/dwelling house/flat or in the event of the cancellation of an allotment made to the member by the Government or the Housing Agency, referred to in sub-paragraph (1) above, then the Government or the said Housing Agency, to which the amount so withdrawn had been given shall be liable to refund the amount to the Fund in one lump sum in such manner as may be specified by the Commissioner, within a period not exceeding fifteen days from the date of such cancellation or non-allotment.

(d) The amount so refunded under clause (c) shall be credited to the employer's share of contributions in the members account in the Fund, to the extent of withdrawal granted out of the said share, and the balance, if any, shall be credited to members own share of contributions in his account.

(5) The Commissioner or where so authorized by the Commissioner any officer subordinate to him has reason to believe that the amount remitted to the Housing Agency under the Housing Scheme under this paragraph has been misutilized and will not be refunded, he shall forthwith take steps to recover the amount due with interest including penal interest thereon at the rate to be notified by the Commissioner from time to time and the amount so recovered shall be credited to member's account in the Fund to the extent of withdrawal granted out of the said account and interest thereon and the remaining amount, if any shall be credited to Administrative Account.

(6) The Commissioner may notify such Housing Agency be debarred from participation in the Housing Scheme.

68C. [***]

68D. [***]

68-E Computation of period of membership

In computing the period of membership of the Fund of a member under paragraphs 68-B, 68-BB and 68-K, his total service exclusive of periods of breaks under the same employer of factory/establishment before this scheme applied to him, as well as the periods, of his membership, whether of the Fund or of private provident fund of exempted factories/establishments or as an employee exempted under paragraph 27 or 27A as the case may be, immediately preceding the current membership of the Fund, shall be included:

Provided that the member has not severed his membership by withdrawal of his provident fund during such period.

68-F. [***]

68-G. [***]

68-GG.[***]

68-H Grant of advances in special cases

(1) In case a factory or other establishment has been locked up or closed down for more than fifteen days and its employees are rendered unemployed without any compensation or in case an employee does not receive his wages for a continuous period of two months or more, these being for reasons other than a strike, the Commissioner or where so authorised by the Commissioner, any officer subordinate to him may on an application from an employee, who is a member of the Fund, in such form as may be prescribed, authorise payment to him, of one or more non-recoverable advances from his provident fund account not exceeding from his own total contribution including interest thereon upto the date the payment has been authorised.

(1-A) In case a provident fund member is discharged or dismissed or retrenched by the employer and such discharge or dismissal or retrenchment is challenged by the member and the cases are pending in a Court of Law, an officer not below the rank of Assistant Provident Fund Commissioner may on an application from the member in such form as may be prescribed, authorise payment to him of one or more non-recoverable advance from his Provident Fund Account not exceeding fifty percent of his own share of

contribution with interest thereon standing to his credit in the fund on the date of such authorisation.

(2)(a) In case the factory or other establishment continues to remain locked up or closed down for more than six months, the Commissioner, or where so authorised by the Commissioner any officer subordinate to him, on being satisfied that a member who has already been granted one or more non-recoverable advances from his provident fund account under sub-paragraph (1) still continues to be unemployed and no compensation is likely to be paid to him at an early date, may, on receipt of an application therefor in such form as may be prescribed in this behalf, authorise payment to the member of one or more recoverable advances from his provident fund account up to the extent of 100% of the employers' total contribution including interest thereon upto the date on which the payment has been authorized:

Provided that if the factory or establishment in which the member is employed remains closed for more than five years for reasons other than strike, recoverable advance may be converted into non-recoverable advance on receipt of a request in writing from the member concerned.

(b) The advance granted under clause (a) shall be interest-free.

(c) The advance granted under clause (a) shall be recovered by deductions from the wages of the member in such instalments [subject to a maximum of thirty-six instalments] as may be determined by the Commissioner [or where so authorised by the Commissioner, any officer subordinate to him]. The recovery shall commence from the first wages paid to the member immediately after the re-start of the factory or establishment.

(d) The employer shall remit the amount so deducted to the Fund within such time and in such manner as may be specified by the Commissioner [or where so authorised by the Commissioner, any officer subordinate to him]. The amount on receipt, shall be credited to the member's account in the Fund.

Explanation : For the purpose of grant of advance under this paragraph, the establishment may be closed legally, illegally, with permission or without permission, so long as the establishment is closed.

68-I. [***]

68-J. Advance from the Fund for illness in certain cases

(1) A member may be allowed non-refundable advance from his account in the Fund in cases of:

(a) hospitalisation lasting for one month or more, or

(b) major surgical operation in a hospital, or

(c) suffering from T.B., leprosy, [paralysis, cancer, mental derangement or heart ailment] and having been granted leave by his employer for treatment of the said illness.

(2) The advance shall be granted if—

(a) the employer certifies that the Employees' State Insurance Scheme facility and benefits thereunder are not actually available to the member or the member produces a certificate from the Employees' State Insurance Corporation to the effect that he has ceased to be eligible for cash benefits under the Employees' State Insurance Scheme; and

(b) a doctor of the hospital certifies that a surgical operation or, as the case may be, hospitalisation for one month or more had or has become necessary [or a registered medical practitioner, or in the case of a mental derangement or heart ailment, a specialist certifies that the member is suffering from T.B., leprosy, paralysis, cancer, mental derangement or heart ailment]:

[***]

(3) A member may be allowed non-refundable advance from his account in the Fund for the treatment of a member of his family who has been hospitalised, or requires hospitalization, for one month or more-

(a) for a major surgical operation, or

(b) for the treatment of T.B., leprosy, [paralysis, cancer, mental derangement or heart ailment]:

Provided that no such advance shall be granted to a member unless he has produced—

(i) a certificate from a doctor of the hospital that the patient has been hospitalised or requires hospitalisation for one month or more, or that a major surgical operation had or has become necessary, and

(ii) a certificate from his employer that the Employees' State Insurance Scheme facility and benefits are not available to him for the treatment of the patient.

(4) The amount advanced under this paragraph shall not exceed the member's [basic wages and dearness allowance] for [six] months or his own share of contribution with interest in the Fund, whichever is less.

(5) [***]

(6) Where the Commissioner [or, where so authorised by the Commissioner, any officer subordinate to him] is not satisfied with a medical certificate furnished by the member under this paragraph, he may, before granting an advance under this paragraph, demand from the member another medical certificate to his satisfaction.

68K. Advance from the Fund for marriages or post-matriculation education of children

(1) The Commissioner or where so authorised by the Commissioner, an officer subordinate to him, may on an application from a member, authorise payment to him or her of a non-refundable advance from his or her provident fund account not exceeding fifty per cent of his or her own share of contribution, with interest thereon, standing to his or her credit in the Fund, on the date of such authorisation, for his or her own marriage, the marriage of his or her daughter, son, sister or brother or for the post-matriculation education of his or her son or daughter.

(2) No advance under this paragraph shall be sanctioned to a member unless—

(a) he has completed seven years' membership of the Fund; and

(b) the amount of [his own share of contributions] with interest thereon standing to his credit in the Fund is rupees one thousand or more.

(3) Not more than [three] advances shall be admissible to a member under this paragraph.

(4) [***]

68L. Grant of advances in abnormal conditions

(1) The Commissioner [or where so authorised by the Commissioner, any officer subordinate to him] may, on an application from a member whose property, movable or immovable, has been damaged by a calamity of exceptional nature, such as floods, earthquakes or riots, authorise payment to him from the provident fund account, a non-refundable advance of [rupees five thousand] or fifty per cent of his own total contribution including interest there on standing to his credit on the date of such authorisation, whichever is less, to meet any unforeseen expenditure:

[***]

(2) No advance under sub-paragraph (1) shall be paid unless—

(i) the State Government has declared that the calamity has affected the general public in the area;

(ii) the member produces a certificate from an appropriate authority to the effect that his property (movable or immovable) has been damaged as a result of the calamity;

(iii) the application for advance is made within a period of 4 months from the date of declaration referred to in sub-para (i).

68-M. Grant of advance to members affected by cut in the supply of electricity

A member may be allowed a non-refundable advance from his account in the Fund, if there is a cut in the supply of electricity to a factory or establishment in which he is employed on the following conditions, namely:—

(a) The advance may be granted only to a member whose total wages for any one month commencing from the month of January, 1973 were three fourths or less than three-fourths of wages for a month.

(b) The advance shall be restricted to the amount of wages for a month or [Rs.300] or the amount standing to the credit of the member in the fund as his own share of contribution with interest thereon, whichever is less.

(c) No advance shall be paid unless the State Government certify that the cut in the supply of electricity was enforced in the area in which the factory or establishment is located and the employer certifies that the fall in the member's pay was due to cut in the supply of electricity.

(d) Only one advance shall be admissible under this paragraph.

Explanation : 'Wages' means for the purpose of this paragraph, basic wages and dearness allowance excluding lay-off compensation, if any.

68-N. Grant of advance to members who are physically handicapped

(1) A member, who is physically handicapped, may be allowed a non-refundable advance from his account in the Fund, for purchasing an equipment required to minimize the hardship on account of handicap.

(2) No advance under sub-paragraph (1) shall be paid unless the member produces a medical certificate from a competent medical practitioner to the

satisfaction of the Commissioner or such other officer as may be authorised by him in this behalf to the effect that he is physically handicapped.

(3) The amount advanced under this paragraph shall not exceed the member's basic wages and dearness allowance for six months or his own share of contributions with interest thereon or the cost of the equipment, whichever is the least.

(4) No second advance under this paragraph shall be allowed within a period of three years from the date of payment of an advance allowed under this paragraph.

68-NN. Withdrawal within one year before the retirement

The Commissioner, or where so authorised by the Commissioner, any officer subordinate to him, may, on an application from a member in such form as may be prescribed, permit withdrawal of upto 90 per cent of the amount standing at his credit, at any time after attainment of the age of 54 years by the member or within one year before his actual retirement on superannuation, whichever is later.

68-NNN. Option for withdrawal at the age of 55 years for investment in Varishtha Pension Bima Yojana

The Commissioner, or where so authorized by the Commissioner, any officer subordinate to him, may, on an application from a member in such form as may be prescribed, permit withdrawal of upto 90 per cent of the amount standing at his credit at any time after attaining the age of 55 years by the member, to be transferred to the Life Insurance Corporation of India for investment in Varishtha Pension Bima Yojana.

68-O. Payment of withdrawal or advance

The payment of withdrawal or advance under paragraphs 68-B, 68-H, 68-J, 68-K, 68-L, 68-M and [68-N and 68-NN] of the Scheme may be made, at the option of the member—

(i) by postal money order, or

(ii) by deposit in the payee's bank account in any Scheduled Bank or in Co-operative Bank (including the Urban Co-operative Bank) or any post office, or

(iii) through the employer.

69. Circumstances in which accumulations in the Fund are payable to a member

(1) A member may withdraw the full amount standing to his credit in the Fund—

(a) On retirement from service after attaining of the age of 55 years:

Provided that a member, who has not attained the age of 55 years at the time of termination of his service, shall also be entitled to withdraw the full amount standing to his credit in the Fund if he attains the age of 55 years before the payment is authorized;

(b) on retirement on account of permanent and total incapacity for work due to bodily or mental infirmity duly certified by the medical officer of the establishment, or where an establishment has no regular medical officer, by a registered medical practitioner designated by the establishment;

(c) immediately before migration from India for permanent settlement abroad [or for taking employment abroad];

(d) on termination of service in the case of mass or individual retrenchment;

[***]

(dd) on termination of service under a voluntary scheme of retirement framed by the employer and the employees under a mutual agreement specifying, inter alia, that notwithstanding the provisions contained in sub-clause (a) of clause (oo) of section 2 of the Industrial Disputes Act, 1947, excluding voluntary retirements from the scope of definition of "retrenchment" such voluntary retirements shall for the purpose be treated as retrenchments by mutual consent of the parties;

(e) in any of the following contingencies, provided the actual payment shall be made only after completing a continuous period of not less than [two months] immediately preceding the date on which a member makes the application for withdrawal:—

(i) where a factory or other establishment is closed but certain employees who are not retrenched, are transferred by the employer to other factory or establishment, not covered under the Act;
(ii) where a member is transferred from a covered factory or other establishment to another factory or other establishment not covered under the Act, but is under the same employer; and
(iii) where a member is discharged and is given retrenchment compensation under the Industrial Disputes Act, 1947 (14 of 1947)] or;

(f) [***]

(1-A) For the purpose of clause (d) of sub-paragraph (1)—

(i) where an establishment has been closed, the certificate of any registered medical practitioner may be accepted;

(ii) where there is no medical officer in the establishment, the employer shall designate a registered medical practitioner stationed in the vicinity of the establishment; or

(iii) where the establishment is covered by the Employees' State Insurance Scheme, medical certificate from a medical officer of the Employees' State Insurance Dispensary with which, or from the Insurance Medical Practitioner with whom, the employee is registered under that Scheme, shall be produced:

Provided that where by mutual agreement of employers and employees, a Medical Board exists for any establishment or a group of establishments, certificate issued by such Medical Board may also be accepted for the purpose of this paragraph:

Provided further that it shall be open to the Regional Commissioner to demand from the member a fresh certificate from a Civil Surgeon or any doctor acting on his behalf where the original certificate, produced by him gives rise to suspicion regarding its genuineness:

Provided further the entire fee of the Civil Surgeon or any doctor acting in his behalf shall be paid from the Fund in case the findings of the Civil Surgeon or any doctor acting on his behalf agree with the original certificate and that where such findings do not agree with the original certificate, only half of the fee shall be paid from the Fund and the remaining half shall be debited to the member's account;

(iv) A member suffering from tuberculosis or leprosy [or cancer] even if contracted after leaving the service of an establishment on grounds of illness but before payment has been authorised, shall be deemed to have been permanently and totally incapacitated for work.

(2) In cases other than those specified in sub-paragraph (1), the Central Board, or where so authorised by the Central Board, the Commissioner, or where so authorised by the Commissioner, any officer subordinate to him, may permit a member to withdraw the full amount standing to his credit in the fund on ceasing to be an employee in any establishment to which the Act applies provided that he has not been employed in any factory or other establishment to which the Act applies for a continuous period of not less than two months immediately preceding the date on which he makes an application for withdrawal. The requirement of two months waiting period

shall not, however, apply in cases of female members resigning from the services of the establishment for the purpose of getting married.

(3) [***]

(4) [***]

(5) Any member who withdraws the amount due to him under sub-paragraph (2) shall, on obtaining re-employment in a [factory or other establishment] to which the Scheme applies, be required to qualify again for the membership of the Fund and on qualifying for membership shall be treated as a fresh member thereof.

(6) [***]

70. Accumulations of a deceased member to whom payable

On the death of a member before the amount standing to his credit has become payable, or where the amount has become payable before payment has been made—

(i) if a nomination made by the member in accordance with paragraph 61 subsists, the amount standing to his credit in the Fund or that part thereof to which the nomination relates, shall become payable to his nominee or nominees in accordance with such nomination; or

(ii) if no nomination subsists or if the nomination relates only to a part of the amount standing to his credit in the Fund, the whole amount or the part thereof to which the nomination does not relate, as the case may be, shall become payable to the members of his family in equal shares:

Provided that no share shall be payable to—

(a) sons who have attained maturity;

(b) sons of a deceased son who have attained maturity;

(c) married daughters whose husbands are alive;

(d) married daughters of a deceased son whose husbands are alive;

if there is any member of the family other than those specified in clauses (a), (b), (c) and (d):

Provided further that the widow or widows, and the child or children of a deceased son shall receive between them in equal parts only the share which

that son would have received if he had survived the member and had not attained the age of majority at the time of the member's death.

(iii) in any case to which the provisions of clauses (i) and (ii) do not apply the whole amount shall be payable to the person legally entitled to it.

Explanation : For the purpose of this paragraph a member's posthumous child, if born alive, shall be treated in the same way as a surviving child born before the member's death.

70A. Payment of provident fund accumulations in the case of a person charged with the offence of murder

(1) If a person, who in the event of the death of a member of the fund is eligible to receive provident fund accumulations of the deceased member under paragraph 70, is charged with the offence of murdering the member or abetting in the commission of such an offence, his claim to receive the share of provident fund shall remain suspended till the conclusion of the criminal proceedings initiated against him for such offence.

(2) If on the conclusion of the criminal proceedings referred to in sub-paragraph (1), the person concerned is,—

(a) convicted for the murder or abetting the murder of the member, he shall be debarred from receiving the share of provident fund accumulations which shall be payable to other eligible members, if any, of the deceased member; or

(b) acquitted of the murdering or abetting the murder of the member, his share of provident fund shall be payable to him.

71. **[*** * *]

72. Payment of Provident Fund

(1) When the amount standing to the credit of a member, becomes payable, it shall be the duty of the Commissioner to make prompt payment as provided in this scheme. In case there is no nominee in accordance with this Scheme, [or there is no person entitled to receive such amount under sub-paragraph (ii) of paragraph 70] the Commissioner may, if the amount to the credit of the Fund does not exceed [Rs.10,000] and if satisfied after enquiry about the title of the claimant, pay such amount to the claimant.

(2) If any portion of the amount, which has become payable, is in dispute or doubt, the Commissioner shall make prompt payment of that portion of the amount in regard to which there is no dispute or doubt, the balance being adjusted as soon as may be possible.

(3) If the person to whom any amount is to be paid under this Scheme is a minor for whose estate a guardian under the Guardians and Wards Act, 1890 (8 of 1890), has been appointed, the payment shall be made to such guardian. Where no guardian under the Guardians and Wards Act, 1890 (8 of 1890), has been appointed, the payment shall be made to the guardian, if any, appointed under the sub-paragraph (4A) of paragraph 61. Where no guardian under the Guardians and Wards Act, 1890 (8 of 1890) or under sub-paragraph (4A) of paragraph 61 has been appointed, the payment shall be made to the natural guardian and in the absence of a natural guardian, to such person as the Commissioner, where the amount does not exceed [Rs. 20,000] or the Chairman of the Central Board, if the amount exceeds [Rs. 20,000], considers to be the proper person representing the minor and the receipt of such person for the amount paid shall be a sufficient discharge thereof.

(3A) If the person to whom any amount is to be paid under this Scheme is a lunatic for whose estate a manager under the Indian Lunacy Act, 1912 (4 of 1912), has been appointed, the payment shall be made to such manager. If no such manager has been appointed, the payment shall be made to the natural guardian of the lunatic and in the absence of any such natural guardian, to such person as the Commissioner, where the amount does not exceed [Rs. 20,000] or the Chairman of the Central Board, if the amount exceeds [Rs. 20,000] considers to be the proper person representing the lunatic and the receipt of such person for the amount paid shall be a sufficient discharge thereof.

(4) If it is brought to the notice of the Commissioner that a posthumous child is to be born to the deceased member he shall retain the amount which will be due to the child in the event of its being born alive and distribute the balance. If subsequently no child is born or the child is still-born, the amount retained shall be distributed in accordance with the provisions of paragraph 70.

(5)(a) Every employer shall, at the time when a member of the Fund leaves the service, be required to get the claim application, for payment of provident fund in cases specified in clauses (a) to (dd) of sub-paragraph (1), of paragraph 69, duly filled in and attested, and to forward the said application [within five days of its receipt] to the Commissioner or any other officer authorised by him in this behalf.

(b) Every employer shall, at the time when a member of the Fund leaves the service, be required to get the claim application, for payment of provident fund in cases specified in clause (e) of sub-paragraph (1), and in sub-paragraph (2) of paragraph 69, duly filled in and attested, and to give the said application to the member, for submission, on completion of the period specified in sub-paragraph (2) of paragraph 69, [provided the member continues to remain

unemployed in a factory or other establishment to which the Act applies] either through post or in person with proper identification, to the Commissioner or any other officer authorised by him in this behalf.

(c) Every employer shall, on the death of the member and on receipt of an application for receiving the amount standing to the credit of such member, forward forthwith [but not later than five days of its receipt] the said application to the Commissioner or any other officer authorised by him in this behalf.

(d) If the applicant is unable to send the claim application through the employer or duly attested by him, for any reason whatsoever, he may forward it to the Commissioner or any other officer authorised by him in this behalf, and wherever necessary, the Commissioner or any other officer authorised by him in this behalf may forward such application to the employer and the employer shall be required, to return it within five days of its receipt.

(e) The payment may be made, in the option of the person to whom payment is to be made, (i) by postal money order, or (ii) by deposit in the payee's bank account in any Scheduled Bank or any Co-operative Bank (including the Urban Co-operative Banks) or any post office or (iii) by deposit in the payee's name the whole or part of the amount in the form of annuity term deposits scheme in any Nationalised Bank, or (iv) through the employer.

Provided that the provident fund amount payable by postal money order shall be to the extent of maximum Rs.2000. Any payment of benefit above Rs.2000 under the scheme shall be remitted through cheque only. Where the amount payable by postal money order exceeds Rs.500 it shall be remitted at the cost of the payee.

(6) Any amount becoming due to a member as a result of: (i) supplementary contribution from the employer in respect of leave wages/arrears of pay, instalment of arrear contribution received in respect of a member whose claim has been settled on account but which could not be remitted for want of latest address, or (ii) accumulation in respect of any member who has either ceased to be employed or died, but no claim has been preferred within a period of three years from the date it becomes payable, or if any amount remitted to a person, is received back undelivered, and it is not claimed again within a period of three years from the date it becomes payable, shall be transferred to an account to be called the [Inoperative Account]:

Provided that in the case of a claim for the payment of the said balance, the amount shall be paid by debiting the [Inoperative Account].

(7) The claims, complete in all respects submitted along with the requisite documents shall be settled and benefit amount paid to the beneficiaries within 30 days from the date of its receipt by the Commissioner. If there is any deficiency in the claim, the same shall be recorded in writing and communicated to the applicant within 30 days from the date of receipt of such application. In case the Commissioner fails without sufficient cause to settle a claim complete in all respects within 30 days, the Commissioner shall be liable for the delay beyond the said period and penal interest at the rate of 12% per annum may be charged on the benefit amount and the same may be deducted from the salary of the Commissioner.

73. Annual statement of member's account

(1) As soon as possible after the close of each period of currency of contribution card the Commissioner shall send to each member through the employer of the [factory or other establishment] in which he was last employed a statement of his account in the Fund showing the opening balance at the beginning of the period, amount contributed during the year, the total amount of interest credited at the end of the period or debited in the period and the closing balance at the end of the period.

(2) Members should satisfy themselves as to the correctness of the annual statement and any error should be brought to the notice of the Commissioner within six months of the receipt of the statement.

73A. [* * *]

CHAPTER IX

MISCELLANEOUS

74. Annual report on the work and activities of the Board and its audited accounts

(1) The annual report on the work and activities of the Central Board and its audited accounts together with the report of Comptroller and Auditor General of India shall be considered by the Executive Committee and shall be placed for adoption at a meeting of the Board to be held before the Tenth of December following the close of the financial year concerned:

Provided that if the report of the Comptroller and Auditor General is not received by the first of December following the close of the financial year to which it pertains, the audited accounts together with report of the Comptroller and Auditor General may be placed before the Executive Committee/Board separately from the annual report on the work and activities of the Board.

(2) The annual report on the work and activities of the Board and the audited accounts of the Board together with the report of the Comptroller and Auditor General of India, as adopted by the Board, shall be authenticated by affixing the common seal of the Board and four copies thereof together with the comments of the Board on the report of the Comptroller and Auditor General shall be submitted to the Central Government not later than Twentieth of December following the close of the financial year concerned for being placed before Parliament:

Provided that if the report of the Comptroller and Auditor General is not received, by the first of December following the close of the financial year to which it pertains, the audited accounts together with the report of the Comptroller and Auditor General and the comments of the Board thereon shall be submitted to the Central Government separately from the annual report on the work and activities of the Board.

75. Issue of copies of Member's Accounts, Annual Reports, etc.

The Commissioner shall furnish copies of the member's account and of the Annual Reports of the Fund to any employer or member on written

application and on payment of such fees and subject to such conditions as may be specified by the Central Board in this behalf.

76. Punishment for failure to pay contribution, etc

If any person—

(a) deducts or attempts to deduct from the wages or other remuneration of a member the whole or any part of the employer's contribution, or

(b) fails or refuses to submit any return, statement or other document required by this Scheme or submits a false return, statement or other document, or makes a false declaration, or

(c) obstructs any Inspector or other official appointed under the Act or this Scheme in the discharge of his duties or fails to produce any record for inspection by such Inspector or other official, or

(d) is guilty of contravention of or non-compliance with any other requirement of this Scheme,

he shall be punishable with imprisonment which may extend to [one year, or with fine which may extend to four thousand rupees], or with both.

77. Conduct of business of the Central Board

(1) All orders and other instruments shall be made and executed in the name of the Central Board and shall be authenticated by such person and in such manner as the Central Board may specify.

(2) All contracts and assurances of property shall be expressed to be made by the Central Board and shall be executed on behalf of the Central Board by the Commissioner.

78. Power to issue directions

(1) The Central Government may, from time to time, issue such directions to State Governments, the Central Board or any other authority under this Act or Scheme as it may consider necessary for the proper implementation of the Scheme or for the purpose of removing any difficulty which may arise in the administration thereof including difficulties in the matter of payment of accumulations in the Fund to members after they cease to be such members.

(2) [***]

(3) The authority to whom any directions are issued under this paragraph shall comply with such directions.

79. Special provisions relating to factories or other establishments in respect of which applications for exemption are received

Notwithstanding anything contained in this Scheme, the Commissioner may in relation to [factory or other establishments] in respect of which an application for exemption under section 17 of the Act has been received, relax, pending the disposal of the application the provisions of this Scheme in such manner as he may direct.

79A. Filing application for review

Any person aggrieved by an order made under sub-section (1) of section 7-A and who desires to obtain a review of such order may apply for a review of that order, as provided in sub-section (1) of section 7B of the Act in Form 9 to the officer who passed such order:

Provided that no application for review of an order will be entertained by the concerned officer, unless the application for review is submitted within 45 days from the date of making such order.

79B. Time limit for communicating the views of the Central Board to the appropriate Government on a proposal for grant of exemption to an establishment

When an appropriate Government consults the Central Board with regard to its proposal for grant of exemption to an establishment under section 17 of the Act, the Board shall give its views on the proposal within a period of three months from the date on which such proposal is received by it.

79C. Composition of the Board of Trustees of the exempted establishments and the terms and conditions of service of the trustees

(1) The Board of Trustees of the establishment granted exemption under clause (a) of sub-section (2) of section 17 of the Act shall consist of not less than two and not more than six representatives each of the employers and employees. The number of trustees shall be so fixed, as to afford, as far as possible, representation to employees of each branch or department of the establishment. In the case of common provident fund for a group of two or more establishments, there will be at least one representative each from the participating establishments:

[***]

(2) The employer shall nominate his representatives on the Board of Trustees from amongst the officers employed in managerial or administrative capacity in the establishment.

(3) The representatives of the employees, on the Board of Trustees shall be nominated or elected in the following manner, namely:—

(a) wherever there is a union recognised by the employer under the Code of Discipline in industry or under any Act, such union shall nominate the representatives of the employees;

(b) where there are more than one trade union recognised by the employer, the representatives of employees shall be elected by the members of the union in an election to be held for the purpose of any working day;

(c) where there is no union recognised by the employer under the Code of Discipline in industry or under any Act but there are more than one registered union, functioning in the establishment, the union having the largest number of members, subject to a minimum of 15 per cent membership, shall have the right to nominate employees' representatives; and in case there is only one registered union, it shall have the right to nominate the employees' representative, provided it has a minimum of 15 per cent membership.

(4) The employer shall nominate one of his representatives on the board to be the Chairman thereof. In the events of equality of votes, the Chairman may exercise a casting vote.

(5) The terms of office of the Trustee shall be five years from the date of election or nomination. An outgoing Trustee shall be eligible for re-election or re-nomination. A Trustee elected or nominated to fill the casual vacancy shall hold office for the remaining period of the term of the trustee in whose place he is elected or nominated.

(6) A person shall be disqualified from being a trustee if he,—

(a) is declared to be of unsound mind by a competent court; or

(b) has been convicted of an offence involving moral turpitude; or

(c) is an undischarged insolvent; or

(d) is an employer of an exempted or un-exempted establishment which has defaulted in payment of any dues under the Act.

(7) A person shall cease to be a Trustee of the Board if,—

(a) he ceases to be an employee of the establishment; or

(b) he ceases to be a member of the provident fund of the establishment; or

(c) the union on whose behalf he was elected or nominated, ceases to be recognised by the employer; or

(d) he fails to attend three consecutive meetings of the Board without obtaining leave of absence from the Chairman of the Board of Trustees. The Chairman may, however, condone the absence of a trustee if he is satisfied that there were reasonable grounds for such absence.

(8) The procedure for election or nomination of trustees, the quorum at the meeting of the Board, records to be kept of the transaction of business and all other matters not specifically provided for in the Scheme shall be regulated as per the provisions of the approved provident fund rules of the establishment and the guidelines for the functioning of the Board of Trustees of the exempted establishments which the Commissioner may specify from time to time.

(9) In case of any dispute or doubt, the matter shall be referred to the Regional Provident Fund Commissioner in whose jurisdiction the head office of the establishment is located. The decision of the Commissioner in the matter shall be final and binding.

CHAPTER X

80. Special provisions in the case of newspaper establishments and newspaper employees

The Scheme shall, in its application to newspaper establishments and newspaper employees, as defined in section 2 of the Working Journalists (Conditions of Service) and Miscellaneous Provisions Act, 1955, come into force on the 31st day of December, 1956 and be subject to the modifications mentioned below :—

1. In Chapters I to IX, references to 'industry', 'factories' and 'employees' shall be construed as references to 'newspaper industry', 'newspaper establishments' and 'newspaper employees', respectively;

2. For paragraph 2(f), the following shall be substituted, namely:—

"(f) 'excluded employee' means,-

(i) an employee who, having been a member of the Fund, has withdrawn the full amount of his accumulations in the Fund under clause (a) or (c) of sub-paragraph (1) of paragraph 69;

(ii) an apprentice.

Explanation : 'Apprentice' means a person who, according to the standing orders applicable to the newspaper establishment concerned, is an apprentice or who is declared to be an apprentice by the authority specified in this behalf by the appropriate Government.

3. For para.26, the following shall be substituted, namely:—

26. *Class of employees entitled and required to join the Fund*

(1) (a) Every newspaper employee employed to do any work in, or in relation to, any newspaper establishment to which this Scheme applies, other than an excluded employee, shall be entitled and required to become a member of the Fund from the beginning of the months following that in which this paragraph comes into force in such establishment, if on the date of such coming into force he has completed [three months' continuous service] or has actually worked for not less than [60 days during a period of three months or less] in that newspaper establishment or in other such establishment [to which the Act applies]under the same employer or partly in one and partly in the other [or has been declared permanent in any such factory or other newspaper establishment, whichever is the earliest].

(b) Every newspaper employee employed to do any work, in or in relation to, any newspaper establishment to which this Scheme applies other than an excluded employee, shall be entitled and required to become a member of the Fund from the beginning of the month following that in which this paragraph comes into force in such newspaper establishment, if on the date of such coming into force, such employee is a subscriber to a provident fund maintained in respect of the establishment or in respect of another establishment [to which the Act applies] under the same employer.

(2) Where the Scheme applies to a newspaper establishment on the expiry or the cancellation of an order of exemption under section 17 of the Act, every employee, who, but for the exemption, would have become and continued as a member of the Fund shall become a member of the Fund forthwith.

(3) After this paragraph comes into force in a newspaper establishment, every newspaper employee thereof, other than an excluded employee, who has not become a member already shall also be entitled and required to become a member from the beginning of the month following that in which he completes [three months' continuous service] or has actually worked for not less than [60 days during a period of three months or less], in that establishment or in another such establishment [to which the Act applies] under the same employer or partly in one and partly in the other [or has been declared permanent in any such factory or other newspaper establishment, whichever is the earliest.

(4) An excluded employee referred to in clause (ii) or paragraph 2(f) of a newspaper establishment to which this Scheme applies shall, on ceasing to be such an employee be entitled and required to become a member of the Fund from the beginning of the month following that in which he ceases to be such employee, provided that on the date on which he ceases to be an excluded employee, he has completed [three months' continuous service] or has actually worked for not less than [60 days during a period of three months or less] in the newspaper establishment or in another such establishment [to which the Act applies] under the same employer or partly in one and partly in the other [or has been declared permanent in any such newspaper establishment, whichever is the earliest].

(5) On re-election of a class of newspaper employees exempted under paragraph 27-A to join the Fund or on the expiry or cancellation of an order under that paragraph, every newspaper employee, who but for such exemption would have become and continued as a member of the Fund, shall forthwith become a member thereof.

(6) Every newspaper employee who is a member of a private provident fund maintained in respect of an exempted newspaper establishment and who, but for the exemption would have become and continued as a member of the Fund shall, on joining a newspaper establishment to which this Scheme applies, become a member of the Fund forthwith.

(7) Notwithstanding the other provisions of this paragraph, a Commissioner may, on a joint request in writing of any newspaper employee of a newspaper establishment to which this Scheme applies and his employer, enroll such employee as a member who shall, thereafter, be entitled to the benefits and shall be subject to the conditions of the Fund:

Provided that the employer gives an undertaking, in writing, that he shall pay the administrative charges payable and comply with all statutory provisions of the Act and this Scheme in respect of such employee.

Explanation I: For purposes of this paragraph the provision contained in clause (e) of paragraph (2) shall not apply and "continuous service" shall mean uninterrupted service but include service which is interrupted by sickness, accident, authorised leave, strike which is not illegal or involuntary unemployment.

Explanation II : In computing the period of work for [60 days] under this paragraph:

(a) periods of involuntary unemployment caused by stoppage of work due to shortage of raw materials or fuel, changes in the line of production, breakdown of machinery or any other similar cause;

(b) periods of authorised leave;

(c) in the case of female employees, period of maternity leave for any number of days not exceeding twelve weeks; and

(d) Sundays and holidays intervening the days of actual work,

shall also be deemed to be days on which the employee has worked in the [establishment].

26A. *Retention of membership*

A member of the Fund shall continue to be a member until he withdraws under paragraph 69 the amount standing to his credit in the Fund or is covered by a notification of exemption under section 17 of the Act or an order of exemption under paragraph 27 or 27-A.

Explanation.—In the cases of a claim for refund by a member under sub-paragraph (2) of paragraph 69 the membership of the Fund shall be deemed to have been terminated from the date the payment is authorised to him by the authority specified in this behalf by the Commissioner irrespective of the date of claim.

26B.*Resolution of doubts*

If any question arises as to whether a newspaper employee is entitled or required to become or continue as member or as to the date from which he is entitled or required to become a member, the decision thereon of the Regional Commissioner shall be final.

Provided that no decision shall be given unless both the employer and the employee have been given an opportunity of being heard.

81. Special provisions in the case of cine-workers

The Scheme shall, in its application to cine-workers as defined in clause (c) of section 2 of the Cine-Workers and Cinema Theatre Workers (Regulation of Employment) Act, 1981 (50 of 1981), be subject to the following modifications, namely :—

(1) In Chapters I to IX references to "industry" and "employees" shall be construed as references to "film production" and "cine-workers", respectively;

(2) For sub-paragraph (f) of paragraph 2, the following sub-paragraph shall be substituted, namely:—

(f) "excluded employee" means :—

(i) a cine-worker who having been a member of the Fund, has withdrawn the full amount of his accumulations in the fund under clause (a) or clause (c) of sub-paragraph (1) of paragraph 69;

(ii) a "cine-worker" whose wages at the time he is otherwise entitled to become a member of the Fund exceeds one thousand and six hundred rupees per month and where such remuneration is by way of a lump sum exceeding fifteen thousand rupees.

Explanation : "Wages" means "wages" as defined in clause (k) of section 2 of the Cine Workers and Cinema Theatre Workers (Regulation of Employment) Act, 1981 (50 of 1981);

(3) For paragraph 26, the following paragraphs shall be substituted:—

‘26. *Class of employees entitled and required to join the fund*

(1)(a) Every cine-worker to whom this scheme applies, other than an excluded employee, shall be entitled and required to become a member of the Fund from the beginning of the month following that in which this paragraph comes into force, if on the date of such coming into force he had worked in not less than three feature films with one or more producers.

Explanation: “Feature film” means “feature film” as defined in clause (f) of section 2 of the Cine-Workers and Cinema Theatre Workers (Regulation of Employment) Act, 1981 (50 of 1981).

(b) Every cine-worker employed to do any work, in or relation to any feature film in a film production unit to which this scheme applies, other than an excluded employee, shall be entitled and required to become a member of the Fund from the beginning of the month following that in which this paragraph comes into force in such film production unit, if on the date of such coming into force, such employee is a subscriber to a provident fund maintained in respect of the establishment or in respect of another establishment under the same employer.

(2) Where the scheme applies to a film production unit on the expiry or cancellation of an order of exemption under section 17 of the Act, every cine-worker who, but for the exemption would have become and continued as a member of the Fund shall become a member of the fund forthwith.

(3) After this paragraph comes into force in a film production unit, every cine-worker thereof, other than an excluded employee, who has not become a member already shall also be entitled and required to become a member from the beginning of the month following that in which he completes work in three feature films in that production unit or in another such unit (to which the Act applies) under the same producer or partly in one and partly in the other.

(4) An excluded employee referred to in clause (ii) of paragraph 2(f) of a film production unit to which this scheme applies shall, on ceasing to be such an employee be entitled and required to become a member of the Fund from the beginning of the month following that on which he ceases to be such employee provided that on the date on which he ceases to be an excluded employee, he had worked in not less than three feature films in that production unit to which the Act applies under the same producer or partly in one and partly in the other.

(5) On re-election of a class of cine-workers exempted under paragraph 27-A to join the Fund or on the expiry or cancellation of an order under that paragraph, every cine-worker, who but for such

exemption would have become and continued as a member of the fund, shall forthwith become a member thereof.

(6) Every cine-worker who is a member of a private Provident Fund maintained in respect of an exempted film production unit and who but for the exemption, would have become and continued as a member of the Fund shall, on joining a film production unit to which this scheme applies, become a member of the Fund forthwith.

(7) Notwithstanding, the other provisions of this paragraph, a Commissioner may, on a joint request in writing of any cine-worker of a film production unit to which this Scheme applies and his producer, enroll such cine-worker as a member who shall, thereafter, be entitled to the benefits and shall be subject to the conditions of the fund:

Provided that the producer gives an undertaking in writing, that he shall pay the administrative charges payable and comply with all statutory provisions of the Act and this Scheme in respect of such cine-worker.

26-A. *Retention of membership*

A member of the Fund shall continue to be a member until he withdraws under paragraph 69 the amount standing to his credit in the Fund or is covered by a notification of exemption under section 17 of the Act or an order of exemption under paragraph 27 or 27A.

Explanation.—In the case of a claim for refund by a member under sub-paragraph (2) of paragraph 69, the membership of the fund shall be deemed to have been terminated from the date of the payment is authorised to him by the authority specified in this behalf by the Commissioner irrespective of the date of claim.

26-B. *Resolution of doubts*

If any question arises as to whether a cine-worker is entitled or required to become or continue as member, or as to the date from which he is entitled or required to become a member, the decision thereon of the Regional Commissioner shall be final:

Provided that no decision shall be given unless both the film producer and the Cine-Worker have been given an opportunity of being heard.

82. Special provisions in respect of certain' employees

The Scheme shall, in its application to an employee who is a person with disability under the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (1 of 1996) and under the National Trust for Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation

and Multiple Disabilities Act, 1999 (44 of 1999) respectively, be subject to the following modifications, namely:-

(1) For douse (1) of paragraph 2, the following clause shall be substituted, namely:-

"(1)" excluded employee" means-

(i) a persons with disability, who having been a member of the Fund has withdrawn the full amount of his accumulations in the Fund under clause (a) or clause (c) of sub-paragraph (1) of paragraph 69;
(ii) a person with disability, whose pay at the tune he is otherwise entitled to become a member of the Fund, exceeds twenty-five thousand rupees per month;
(iii) an apprentice."

(2) In paragraph 30, after sub-paragraph (3), the following proviso shall be inserted, namely:-

"Provided mat the Central Government shall contribute the employer's share of contribution up to a maximum period of three years from the date of commencement of membership of the Fund, in respect of an employee who is a person with disability, employed directly by the principal employer or through a contractor."

(3) In paragraph 34, after the first proviso, the following proviso shall be inserted, namely:-

"Provided further that in the case of any such employee who is a person with disability, the aforesaid Declaration Form shall further contain such particulars as are necessary for such employees."

(4) In paragraph 36, after sub-paragraph (1), the following sub-paragraph shall be inserted, namely:-

"(1-A) Every employer shall send to commissioner, within fifteen days of every month commencing from the 1st day of April, 2008, in such form as the commissioner may specify, the particulars as are necessary, of an employee who is a person with disability and is a member on or entitled to become a member after the 1st day of April, 2008."

(5) In paragraph 38, in sub-paragraph (1), after the second proviso, the following proviso shall be inserted, namely:-

"Provided also that the Central government shall pay the employer's share of contribution in respect of an employee who is a person with disability, up to a maximum period of three years from the date of commencement of membership of the Fund.