

RAJASTHAN STATE ROAD TRANSPORT CORPORATION

**CONTRIBUTORY PROVIDENT FUND REGULATION 1964 &
REVISED REGULATIONS 2008**

**THE RAJASTHAN STATE ROAD TRANSPORT CORPORATION
CONTRIBUTORY PROVIDENT FUND REGULATIONS, 1964
APPROVED BY THE STATE GOVERNMENT VIDE HOME
DEPARTMENT LETTER NO.F.2(4)(2)HB-GR.I/65/122 DATED
JANUARY, 1966.**

SHORT TITLE

- 1.(i) These Regulations be called the Rajasthan State Road Transport Corporation contributory Provident Fund Regulations 1964 and Revised Regulations 2008.
- (ii) These Regulations shall come into force with effect from 1.10.64 and Revised Regulations shall come into force with immediate effect.

DEFINITIONS

2. In these Regulations unless there is anything repugnant in the subject or context:
- (a) **Corporation** – means the Rajasthan State Road Transport Corporation established under Section 45 of the Road Transport Corporations Act, 1950 having registered office at Parivahan Marg, Jaipur.
- (b) **Employer** – means the Managing Director of the Rajasthan State Road Transport Corporation.
- (c) **Act** – means Employees Provident Fund and

Miscellaneous Provisions Act, 1952.

(d) **Basic Wages** – means all emoluments which are earned by an employee while on duty or on leave with wages in accordance with the terms of the contract of employment and which are paid or payable in cash to him but does not include:-

(i) The cash value of and food concession

(ii) any dearness allowance that is to say all cash payment by whatever name called paid to an employee on account of a rise in the cost of living house rent allowance, overtime allowance, bonus, commission or any other similar allowance, payable to the employee in respect of his employment of work done in such employment and

(iii) any presents made by the corporation.

(e) Family – means:--

(i) in the case of a male member, the wife, children whether married or unmarried and dependent parents of the member and the widow and children of a deceased son of the member.

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 these Regulations, unless the member subsequently intimates by express notice in writing to the Board of Trustees 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 dependent parents, her husband's dependent parents and her deceased son's widow and children.

Provided that if a member, by notice in writing to the Board of trustees 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 he member's family for the purpose of these Regulations, unless the member subsequently cancels in writing and such notice.

EXPLANATION : In either of the above two cases, if the child of a member has been adopted by another persons, and if under the personal law of the adopter, adoption is legally recongnized. Such a child shall be considered as excluded from the family of the member.

(f) “Children” – means legitimate children and includes adopted children if the Board of Trustees is satisfied that under the personal law of the member adoption of the child is legally recognized.

(g) “Appropriate Government” – means the Government as defined in Section 2(a) of the Act.

(h) “Year”—means the financial year commencing on the 1st of April and ending on 31st March.

(i) “Fund” – means the Rajasthan State Road Transport Corporation contributory Provident Fund established under these regulations.

(j) “Trustees” – means and includes the trustees of the Rajasthan State Road Transport Corporation contributory Provident Fund for the time being.

(k) “Contribution”- Means a contribution payable in respect of a member under these Regulations.

(k-i) “ 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 first day of October of

each year.

(l) “Employee”- means any person who is employed for wages in any kind of work, manual or otherwise, in or in connection with the work of the corporation and who gets his wages directly or indirectly from the corporation; and includes any person:

i) Employed by or through a contractor in or in connection with the work of corporation.

ii) Engaged as an apprentice, not being an apprentice under the apprentices Act 1961 (52 of 1961) or under the standing orders of the corporation.

(m) “Excluded Employee”- means;-

(i) an employee on deputation to the Corporation.

(ii)(a) 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 the sub-regulation(1) of the regulation 50.

(b) re-employed retired employee who on reaching the age of 55 years have received the contributory provident fund benefits from his previous employer.

(c) re-employed retired Government employee, including ex-state servants and ex-employees of local fund who having reached the age of 55 or the age of superannuation are in receipt of Pension.

(iii) and apprentice

Explanation : An apprentice means a person who according to the certified standing orders applicable to the corporation is an apprentice, or who is declared to be an apprentice by the authority specified in this behalf by

the appropriate government.

(iv) an employee who is governed by the Rajasthan State Road Transport Corporation Pension Regulation 1989.

(n) “Member” – means an employee who is required under these regulation to subscribe to the fund and shall include such other persons to whom the employees Provident Fund Scheme may be extended.

(o) All other words and expressions not defined herein shall have the same meaning respectively assigned to them in the Employees Provident Fund and Miscellaneous Provisions Act 1952 (Central Act 19 of 1952) and the scheme framed there under. The Rajasthan State Road Transport Corporation Rules 1964 and The Rajasthan State Road Transport Corporation employees service regulations.

2. (a) The fund shall be called Rajasthan State Road Transport Corporation contributory Provident Fund Trust and these regulations , framed under the EPF & MP Act, 1952 shall be deemed to be applicable.
3. The Fund shall be administered by Corporation through a Board of Trustees.

Classes of Employees entitled and/required to become a member :

4. (a) Every employee employed in or in connection with the work of the corporation other than an excluded employee shall be entitled and required to become a member of the fund from the day this regulation comes in to force.
(b) After this regulation comes into force every

employee employed in or in connection with the work of the corporation 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 Corporation.

(c) An excluded employee employed in or in connection with the work of Corporation 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.

(d) On re-election of an employee or a class of employee exempted under Regulation 7 or Regulation 8 to join the fund or on the expiry or cancellation of an order under that Regulation, every employee shall forthwith become a member thereof.

(e) 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 member of the fund shall on joining the Corporation becomes a member of the fund forthwith.

(f) Every employee on becoming a member shall remain and continue to be a member until he withdraws his provident fund accumulation from the fund.

(g) Every employee shall on becoming member sign a declaration in the form set out in Annexure-B. Absence of

(h) if any question arises whether an employee is entitled or required to become or continue as member or as regards the date from which he is so entitled or required to become a member, the decision thereon of

the Regional Provident Fund Commissioner shall be final.

Retention of Membership

- 5.(1) A member of the fund shall continue to be a member until he withdraws under Regulation 50 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 Regulation 7 or Regulation 8.

Explanation - In the case of claim for refund by a member under sub- regulation (2) of Regulation 50, the membership of the fund shall be deemed to have been terminated from the date the payment is authorized to him by the Managing Director irrespective of the date of claim.

- (2) Every member employed as an employee, other than an excluded employee, in the Corporation shall contribute to the fund and the contribution shall also be payable to the fund in respect of him by the Corporation. Such contribution shall be in accordance with the rate specified in Regulation 29:

Explanation:- The contribution payable by employee and in respect of employee by the Corporation , shall be made on the actual wages of employee including dearness allowance. Retaining allowance , if any, and cash value of food concession w.e.f. 1st March , 1989.

Resolution of Doubts

6. If any question arise whether an employee is entitled or

required to become or continue as member, or as regards the date from which he is so entitled or required to become a member, the decision thereon of the Managing Director shall be final. A employee shall have an option to prefer an appeal to the Regional Provident Fund Commissioner against the order of the Managing Director.

Exemption of an Employee

- 7.(1) The Regional Provident Fund 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 these regulations an employee to whom the Regulations apply on receipt of application in form-I form 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 Corporation or other establishment and such benefits separately or jointly are on the whole not less favorable then the benefits provided under the Act and the Regulations.
- (2) Where an employee is exempted as aforesaid, the Corporation shall in respect of such employee maintain such accounts, submit such return, provide such facilities for inspection, pay such inspection charges and invest provident fund collections in such manner as the Central Govt. may direct.
- (3) An employee exempted under sub-regulation (1) may by and application to the Managing Director make a declaration the 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.

Exemption of a Class of Employee

- 8.(1) The 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 provision of these Regulation any class of employee to whom these Regulation apply.

Provided that such class of employees is entitled to benefits in the nature of Provident Fund, gratuity or old age pension according to the Rules of the Corporation or other establishment and such benefits separately or jointly or on the whole not less favorable then the benefits provided under the Act and the Regulations.

- (2) Where an employee is exempted as aforesaid, the Corporation shall in respect of such employee maintain such accounts, submit such return, provide such facilities for inspection, pay such inspection charges and invest provident fund collections in such manner as the Central Govt. may direct.
- (3) An employee exempted under sub-regulation (1) or the majority of employee constituting such class may by a application to the Managing Director make a declaration that the class of employees shall become member 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.

Board of Trustees

9. The Fund shall be vested in Trustees under a Trust.

10.(1) The Corporation shall set up a Board of Trustees which will function under its control. The Board of Trustee shall consist of the following persons namely.

1. A Chairman nominated by the Corporation.

2. Three persons representing the Corporation nominated by the Corporation.

3. Three persons representing employees to be elected by the member of the fund.

The representative of the employees shall be elected by the members of the fund in an election to be held for the purpose on any working day.

Provided that if there is a Union recognized under the code of discipline, such union shall nominate the Employees Representatives.

Further that if there is no such recognized Union nor a representative Union or workers any Union existing in the Corporation and qualified for recognition shall nominate the Employees Representatives. If there is more than Union the procedure laid down in the Industrial Dispute Act Control Rules 1957 for the election of workers Representatives on the Works Committee shall be followed with such modifications, if any , as may be considered necessary by the Regional / State Provident Fund Commissioner.

(2) The Board of Trustee shall advise the Corporation :

(i) on such matters as the corporation may refer to it from time to time;

- (ii) generally, on all matters connected with the administration of Regulations and, in particular, on
 - (a) Progress of recovery of provident fund contributions and other charges.
 - (b) Expeditious disposal of securities
 - (c) Speedy settlement of claims
 - (d) Maintenance of individual accounts separately for each member and annual rendering of accounts to the members of the Fund and such other matters pertaining there to being carried on by the Managing Director on behalf of the Board of Trustees; and
 - (e) Speedy sanction of advances and recovery thereof.

(3) The Trustees shall not be responsible for the correct Calculation and payment by the Corporation to the Trustees of the amount of the Corporation's own contribution or the corporation of the members nor shall the Trustees be bound at the request of a member or otherwise to take any proceedings against the Corporation for moneys which such member may consider should have been paid by the Corporation to the Trustee on such member's account.

Terms of Office

11.(1) The term of office of the Trustees of the Board of Trustees shall be five year commencing from the date on which their appointment is notified . An outgoing trustee shall be eligible for reelection or re-nominations.

Provided that any such Trustee shall, notwithstanding the expiry of the said period of five year , continue to hold

office until the appointment of his successor is notified.

- (2) A Trustee referred to in sub-regulation (1) appointed to fill a casual vacancy shall hold office for the remaining period of the term of office of the Trustee in whose place he is appointed.
- (3) An outgoing Trustee shall be eligible for re-appointment.

Resignation.

- 11(A)-I A Trustee of the Board of Trustees May resign his office by letter in writing addressed to the Chairman Board of Trustee and his office shall fall vacant from the date on which his resignation is accepted by the Corporation.
- ii) The vacancies so caused in the Board shall be filled in accordance with the provision of rule 10(3) and or continuance and new trustee, such trustee shall hold office up to the end of the term of other BOT's.

Cessation and Restoration of Trusteeship

- 12. If a Trustee fails to attend three consecutive meetings of the Board without obtaining leave of absence from the Chairman of the Board , he shall cease to be a Trustee.
Provided that the Corporation may restore him to trusteeship, if it is satisfied that there were reasonable grounds of the absence.

Disqualification for Trusteeship

- 13.(1) A Person shall be disqualified for being nominated or for being a trustee.
 - (i) if he is declared to be of unsound mind by a competent

court; or

(ii) if he is an un discharged insolvent; or

(iii) if before or after the commencement of the Regulations he has been convicted of an offence involving moral turpitude

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

- (2) If any question arises whether any person is disqualified under sub-regulation(1). It shall be referred to the Corporation and the decision of the Corporation shall be final.

Removal from Trusteeship

14. The Corporation may remove from office any Trustee of the Board of Trustees if in its opinion such Trustee has ceased to represent the interests which he purports to represent on the Board:

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

Absence from India

- 15.(1) Before a non-official Trustee leaves India:
- (a) he shall intimate to the Chairman of the Board of Trustees of the dated of his departure from and expected return to India; or
- (b) if he intends to leave India for a period of longer than six months he shall tender his resignation.
- (2) If any Trustee leaves India for period of six months or more without intimation to the Chairman of the Board of

Trustees he shall be deemed to have resigned from the Board of Trustee.

Meetings

- 16(1) Subject to the provisions of Regulation 17 , the board of Trustees shall meet at such place and time as may be appointed by the Chairman and a meeting of BOT shall be held at least once in every quarter
- (2) The chairman may, whenever he thinks fit, and shall within 15 days of the receipt of a requisition in writing from not less than two members excluding the chairman, call a meeting thereof.

Notice of Meeting & List of Business

17. 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 a meeting, shall be dispatched by registered post or by special messenger to each Trustee 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.

Chairman to preside at Meeting

18. The Chairman of the Board of Trustees shall preside at every meeting of the Board at which he is present. If the Chairman is absent at any time, the Trustee present shall elect one of their members to preside over the meeting and the Trustee so elected shall exercise all the power of the Chairman at the meeting.

Quorum

- 19.(1) No business shall be transacted at a meeting of the Board of Trustee unless at least four Trustee are present, of whom;
- (a) at least two shall be from employer and two shall be from employee nominated under clause (c) of sub-regulation (1) of Regulation 10.
- (2) If at any meeting the number of Trustee 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 Trustee of the date, time and place of the adjourned meeting and it shall thereupon be lawful to dispose off the business at such adjourned meeting irrespective of the number of Trustees present. In case any dispute or doubt the matter shall be referred to RPFC and his decision will be final and binding.

Nomination of a substitute during the absence of a Trustee

- 20.(1) If a Trustee is unable to attend a meeting of the Board of Trustee he may by a written instrument, signed by him, addressed to the Chairman of the Board and explaining the reasons of his inability to attend the meeting appoint any representative of the organization, which he represent on the Board , as his substitute for attending that meeting of the Board in his Place.
- Provided that no such appointment shall be valid unless-
- (i) Such appointment has been approved by the Chairman of the Board ;and
- (ii) The instrument making such appointment has been received by the chairman of the Board at

least 15 days before the date fixed for the meeting.

- (2) A substitute validity appointed under sub-regulation (1) shall have all the right and powers of a Trustee in relation to the meeting of the Board, in respect of which he is appointed and shall receive allowances, and be under obligation as if he were a Trustee appointed under the Regulations.
- (3) A Trustee appointing a substitute for attending any meeting of the Board of Trustee shall, notwithstanding anything contained in the Regulation, 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 nonfeasance committed in relation to the Fund by the substituted appointed by him.

Disposal of Business

21. Every question considered at a meeting of the Board of the Trustee shall be decided by the majority of voted of the Trustees 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 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 Trustee received within the time limit allowed and if the opinions are equally divided all matter of dispute will be referred to RPFC, Jaipur Whose decision in the matter will be final and binding.

Provided further that any Trustee may request that the question referred to Trustee for written opinion be considered at a meeting the Board of Trustee and thereupon the Chairman may, and if the request is made by not less than two Trustee, shall direct that it be so considered.

Minutes of Meetings

22(1) The minutes of a meeting of the Board of Trustees showing inter-alia the names of the Trustee present there at shall be circulated to all the Trustees 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 hold within a period of as to reach the Trustee 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.

Act of the Board of Trustees not invalid by reason merely of any vacancy in or defect in the constitution etc.

23. No act or proceeding of the Board of Trustees shall be deemed to be invalid by reason merely of any vacancy in or any defect in the constitution of the Board of Trustee.

Fees and Allowances

24(1) The Traveling allowance of an official Trustee 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-regulation (3),(4) and (5), every non- official trustee shall be paid travelling allowance for attending the meeting of the Board of Trustees at such rates as are admissible to Grade I officers of the Corporation & daily allowance calculated at the maximum rates admissible to Grade I officers of the corporation in the respective localities;

Provided that, where such Trustee:

(i) Arrives at the place of meeting in the afternoon of the day immediately preceding the day of the meeting or leaves the place of the meeting in the forenoon of the day immediately succeeding the day of the meeting, he shall be entitled to one half of the daily allowance for such days of arrival and departure;

(ii) Arrives at the place of the meeting in the forenoon of the day immediately preceding the day of meeting or leaves the place of the meeting in the afternoon of the day immediately succeeding the day of the meeting, he shall be entitled to full daily allowance for such day of arrival and departure.

(iii) Arrives at and depart from the place of the meeting on the same day, he shall be entitled to full daily allowance for the day of the meeting.

(3) Where such Trustee being a member of the State Legislature attends the meeting of the Board of Trustee he

shall be entitled;

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

(ii) When the State Legislature is in session, to such traveling and daily allowance as are admissible to the members of the State Legislature for attending meeting of the Legislature.

(4) Where such Trustee being a member of either House of Parliament attends the meeting of the Board of trustees he shall be entitled to such Traveling allowance and daily allowances as are he admissible to him under the Rules laid down by the central Government on the subject from time to time.

(5) Where such trustee is neither the member of the State Legislature nor a either house of Parliament and he resides at the place where the meeting of the Board of Trustees is hold & he attends such meeting , he shall be entitled only to the actual amount of conveyance hire subject to a maximum of Rs. 10) per day.

Explanation I:- No travelling or daily allowance in respect of any day or journey as the case may be , shall be claimed under this Regulation by the Trustee if he has drawn or will draw allowance for the same from his employer or as a member of State Legislature or of any committee or conference constituted or convened by the Government and no travelling allowance shall be claimed if he uses a means of transport provided at the expenses of the government or his employer.

Explanation II :- Where the journey is performed by road between places connected by Railways, road mileage shall

be paid only if the Trustee certifies that the journey was undertaken by road to avoid loss of time which the journey by railway would have entailed and the distance traveled does not exceed 75 miles in a single journey.

Secretary to the Board of Trustees

- 25(1) The Corporation shall appoint a Secretary to the Board of Trustee.
- (2) The Secretary to the board of Trustee shall , in consultation with the Chairman , convene meetings of the Board keep a record of its minutes and shall take the necessary steps for carrying out the decisions of the Board.

Information of appointment to the Board of Trustee

26. References relating to all appointments of officers of the Fund made by the Corporation shall be placed before the next meeting of the Board of Trustee for information.

Declaration and Nomination

Declaration by persons already employed at the time of the institution of the fund

- 27.A(i) Every person who is required or entitled to become a member of the Fund shall be asked forthwith by head of office in the Corporation to furnish and shall, on such demand, furnish to him, for communication to the Managing Director , Particular concerning himself and his nominee required for the declaration form set out in Annexure-D. Such head of an Office in the Corporation shall enter the particular in the declaration form and obtain the signature or thumb impression of the person

concerned.

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

ii) The Managing Director 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 particulars regarding himself Managing Director shall enter the particular in the Declaration Form and obtain the signature or thumb impression of the person concerned.

(iv) The Corporation shall accept the past provident fund accumulations of an employee who is already a member of the statutory fund or provident fund of an exempted establishment and who subsequently obtained employment in the Corporation . Such an employee shall immediately be admitted as a member of the Fund and his accumulations shall be transferred to the fund within three month of his joining the establishment and shall be credited to his account.

Nomination

27(1) Each person who is required or entitled to become member of the Fund shall make in his declaration in the form set out in Annexure-D to the Managing Director 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 the 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 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.
- (4) If at the time of making a nomination the member has no family, the nomination may be in favor of any person or persons but if the member subsequently acquires a family, such nomination shall forthwith be deemed to be invalid and a member shall make a fresh nomination in favor of one of more members belonging to his family.
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.
- (5) A nomination made under sub-regulation (1) may at any time be modified by a member after giving a written notice of his intention of doing so in Form at Annexure-D hereto to the Managing Director if the nominee predecease the member, the interest of the nominee shall revert to the member who may make 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 B.O.T.
- (7) Where the nomination is wholly or partly in favor of a minor, the member may, for the purpose of this rule appoint a major person of his family, as defined in clause

(g) of regulation 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 guardian of the minor nominee.

Conditions and Rate of Contribution

28.(1) Every member shall contribute monthly to the fund whether on duty or on leave or on foreign service but not during period of suspension.

Provided that a member on re-instatement after a period passed under suspension shall be allowed the option of paying in on sum or in installments in sum not exceeding the maximum amount of arrears of contribution permissible for that period.

(2) “ A member who has under regulation 50 withdrawn the amount of Corporation an interest thereon shall not contribute to the fund after such withdrawal unless and until he returns on duty.

Contribution

29(1) The Contribution Payable by a member under these regulations shall be at the rate of 12% of the basic wages, dearness allowance (including the cash value of any food concession) and retaining allowance , if any, payable to each member to whom these Regulation apply:

Note :- The Corporation shall enhance the rate of Provident Fund Contributions if the statutory rate applicable to Transport Corporation is enhanced under the 1st proviso to section 6 of the Employee Provident Fund

Act, 1952 so that the benefits under the scheme may not be less favorable than the benefits under the statutory employees provident fund.

- (2) Every member contributing to the provident fund under sub regulation (1) herein may, if so desired, contribute voluntarily to the provident fund and amount exceeding 12% rule (a) and (b) here and shall transfer every month not later than 15th of the following month to the BOT, the amount so deducted shall be credited to member's in his individual account.

Realization of Contribution

30(1) Before the wages to the member of the fund are disbursed by any disbursement officer under the Corporation, recovery of contributions on account of these wages and of the principal and interest of advances shall be made from the wages and paid to the trustees of the fund.

- (2) When Wages are drawn from any other source the member shall forward his dues monthly to the chief accounts officer, who will pay them to the Trustees of the fund.

Contribution by Corporation

31(1) The contribution payable by the Corporation shall be at the rate of 12% of basic Wages, Dearness Allowance (including the cash value of any food concession) and retaining allowance (if any) payable to each employee to whom the Regulation apply.

- (2) The Corporation shall make a contribution to the account to each member monthly by causing such amount to be paid to the Trustees by the Chief Accounts officers along

with the contributions received from the members;

Provided that, if a member quits the service or dies during any month, contribution shall be credited to his account for the period between the close of the preceding month and the date of quitting the service on the casualty, as the case may be. Of his basic pay and D.A. A member desiring to contribute to the provident fund an amount exceeding 12% of his basic pay and D.A. per month shall submit an application in the form set out in Annexure-E A member who is permitted to contribute to the provident fund an amount exceeding 12% of his total monthly basic pay and D.A. shall be allowed to change the rate of voluntary contribution on his applying for such change in contribution, only at intervals of a minimum period of one year. Such a change in the rate by way of voluntary contribution shall only be given effect to from the beginning of an accounting period of the fund.

Explanation:- The term D.A. shall include the cash value of food concession and retaining allowance, if any.

- (3) The contribution shall be calculated on the basis of the basic wages, dearness allowance (including the cash value of any food concession) and retaining allowance (if any) actually drawn during the whole month.
- (4) Each contribution shall be calculated to the nearest of a rupee only. The calculation of less than the calculation 50 paise be omitted and of 50 paise and more be counted as a rupee.
- (5) In the case of an employee on deputation out of India, the calculation shall be made on the amount to which he would have been entitled had he been on duty in India.
- (6) When an employee is transferred to foreign service or sent

on deputation out of India, he shall remain subject to the regulation of the fund in the same manner as if he were not so transferred or sent on deputation.

31 (A) (i) The corporation shall in the first instance pay both the contribution payable by himself towards employers contribution and also, on behalf of the member employed by him directly or by through a contractor, the contribution payable by such member (in the regulations referred to as the member's contribution)

(iii) In respect of employees employed by or through a contractor, the contractor shall recover the contribution payable by such employee (i.e. members contribution) and shall pay to the principle employer the amount of member's contribution so deducted together with an equal amount of contribution. (in this regulations referred to as the employer contribution) and also inspection charges.

(iii) It shall be the responsibility of the principle 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 inspection charges.

31(B) (a) The Corporation shall not later than fifteenth day of the succeeding month in respect of each the member of fund, pay to the trust as employers contribution to the fund a sum equal to the total of the members compulsory contribution under regulation 29 (1) hereinbefore.

(b) from and out of the contribution payable of the corporation each month under rule 31(1) above a part of contribution representing 8.33% of the employee pay shall be remitted by the corporation to employees' pension fund with in fifteen day of the close of every month by a

separate bank draft or cheque on amount employees' pension fund contribution in such manner as may be specified in the behalf by the Regional Provident Fund Commissioner. The cost of remittance if any, shall be born by the corporation. The balance of Corporation contribution after the remittance of contribution to the employees' pension fund shall be credited to the member individual account.

(c) The contribution to employee Pension fund shall be applicable only in cash the Employee in question is a member of Employee's Pension Scheme, 1995 as laid down in Para'6 of Employee's Pension Scheme,1995 and shall cease on the employee attaining the age of superannuation as defined in the Employees Pension Scheme, 1995 .

Provided further that the employee continues in service even after the date of superannuation the entire contribution payable by the employer as per regulation 31(1) shall be credited to the member's account.

Employer's Share not to be deducted from the member's

31(c) Notwithstanding any contract to the contrary the corporation shall not be entitled to deduct the employers contribution from the wages of a member or other wise to recover it from him.

Payment of interest and damages by employer

31 (D) The corporation shall be liable to pay simple interest and penal damages to the BOT at such rate as may be specified by the RPFC for the delay in the payment of Contributions in the same manner as an un-exempted establishment is liable under similar circumstances.

Member's Account

- 32(1) An account shall be kept by BOT in the name of each member in which shall be credited:
- (a) His contribution
 - (b) The contribution made by the corporation in respect of him; and
 - (c) Interest as provided in Regulation 33 and profit
- (2) All item of accounts shall be calculated to the nearest of a rupee only. The calculation of less than 50 paisa be omitted and the calculation of 50 paisa and more be counted as a rupee.

Interest

- 33(1) The account of the member shall be credited with interest at such rate as the corporation from time to time prescribe.
- (2) Interest will be credited on monthly running balances with effect from 01-04-2008 , the account of each employee shall be credited with interest calculated on monthly running balance basis with effect from the last day in each year at such rate as may be decided by the Board of Trustee but shall not be lower than the rate declared for the Employees Provident Fund by the Govt. of India under Para 60 of the Employee's Provident Fund Scheme , 1952. Calculation shall be done 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 up to the last day of the month preceding the month of withdrawal.
 - iii- on all the sums credited to the members account after the last day of the preceding year- interest from the first 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 (50 paisa counting as the next higher rupee)

(3) if the Board of Trustee are unable to pay interest at the rate declared for Employees Provident fund by the Govt. of India under Para 60 of the employees provident fund scheme, 1952 for the reason that the return on investment is less or for any other reason than the deficiency shall be made good by the corporation.

(4) For the purpose of this Regulation, the date of deposit shall be deemed to be the first day of the month of receipt if they are received by the Managing director before the fifth day of the month, or if they are received on or after the fifth day of the month the first day on the next succeeding month.

(5) In addition to any amount to be paid under Regulation 58 interest thereupon upto the end of the month preceding that in which payment is made.

Provided that no interest shall be paid in respect of any period after the date which the Managing Director has intimated to that person (or his agent), as the date on which he is prepared to make payment in cash or , if he pays by cheque after the date on which the cheque in that person's favour is put in the post.

(6) Interest shall not be credited to the account, of the member, if he informs the Chairman Board of Trustees that he does not wish to receive it, but if he subsequently asks for interest, it shall be credited with effect from the 1st April of the year in which he asks for it.

(7) The interest on amount, which under sub-regulation(2) of

Regulation 35, or sub regulation (4) of Regulation 36, or Regulation 39 or Regulation 50 are replaced at the credit of the member in the Fund, shall be calculated at such rate as may be successively prescribed under sub regulation(1) of this Regulation and so far as may be in the manner described in this Regulation.

Payments Towards Insurance Policies

Withdrawals from the fund for payment towards Insurance Policies

34. Any amount with interest there on standing to the credit of a member in the account of the fund may be withdrawn not more than once in every six months to make a payment towards a policy of life insurance;

Provided that the withdrawal shall not be permitted before the details of the proposed policy have been submitted to the Managing Director in such form as he may specify and accepted by him as suitable. Nor shall the withdrawal be permitted in excess of the amount required to pay a premium of subscription actually due for payment within six month of the date of withdrawal;

Provided further that no amount may be withdrawn to make any payment in respect of , or for the purpose of purchasing, an educational endowments policy if that policy is due for payment in whole or part before the member attains the age of 55 years;

Provided further that the amount withdrawal shall not exceed the total contribution of the member up to the date of withdrawal.

Chairman BOT to be satisfied

Regarding the utilization of amount withdrawn

- 35(1) A member desiring to withdraw any amount under Regulation 34 shall:
- (a) Intimate the reasons for the withdrawal to the Chairman BOT
 - (b) Make arrangements with the Chairman BOT for the withdrawal; and
 - (c) Send to the Chairman BOT, within such period as he may require, a receipt in order to satisfy him that the amount withdrawn was duly applied for the specified purpose.
- (2) The Chairman BOT shall order the recovery of any amount withdrawn, in respect of which he is not satisfied that the amount withdrawn was actually spent for the specified purpose, with interest thereon at the rate provided in Regulation 33 from the emoluments of the member and credit it to his account in the fund.

Assignment of policies to the Fund

- 36(1) The policy within six months after the first withdrawal in respect of it, shall be assigned by endorsement thereon to BOT as security for the payment of the amount withdrawn
- And shall be delivered to the Chairman BOT.
- (2) The Managing Director shall, before allowing withdrawal in respect of old policies, satisfy himself by reference to the Insurance Company that the prior assignment of the exists and the policy is free from all encumbrances.
 - (3) The term of the Policy shall not be altered nor shall the policy be exchanged for another policy without the prior consent of the Managing Director to whom the details of

the alteration or of the new policy shall be furnished.

- (4) If the policy is not assigned and delivered, any amount withdrawn from the fund in respect of the policy shall, with interest, thereon at the rate provided in Regulation 33, forthwith be repaid by the member to the Fund, or in default be ordered by the Managing Director to be recovered by reduction from the emoluments of the member in such installment as he may determine.
- (5) A policy to be acceptable under this Regulation shall be effected by the member on his own life and shall be such as may be legally assigned by the member to the Corporation.

Bonus to be adjusted against the withdrawal

37. A member shall not during the currency of the policy draw any bonus the drawl of which during such currency is optional under the terms of the policy and the amount of any bonus which under the terms of the policy the member has no option to reframe from drawing during its currency shall be paid by him forthwith into the fund to be adjusted against the amount withdrawn, or in default be recovered by deduction from his emoluments by such installments as the Managing Director may determine.

Reassignment of Policies

- 38(1) When the member:
- (a) Permanently retires from service in the corporation after the attainment of the age of superannuation; or
 - (b) Retires on account of permanent and total incapacity for work in the Corporation due or bodily or mental infirmity as provided in sub-regulation (1)(b) of Regulation 50, or
 - (c) Is permitted by the Corporation or where so

authorized by the Corporation , the Managing Director under sub-regulation(2) of Regulation 50 to withdraw the amount standing to his credit in the fund, or

(d) Repays to the fund the whole of any amount withdrawn from the fund for any of the purposes mentioned in Regulation 34 with interest thereon at the rate provided in Regulation 33.

(2) If the member dies before quitting service the Corporation shall re-assign the policy to the beneficiary, if any, or to such persons as may be legally entitled to receive it and shall make over the policy to the beneficiary or to such person together with a signed notice of the re-assignment addressed to the Insurance Company.

Re-Payment of the amount Withdrawn

39. If a policy assigned to the Corporation matures or otherwise falls due for payment before the member quits service, the Corporation shall

(i) if the amount assured together with the amount of any accrued bonus is greater than the whole of the amount withdrawn from the fund in respect of the policy with interest thereon at the rate provided, in Regulation 33, re assign the policy to the member and make it, over to him who shall immediately on receipt of the policy monies from the insurance company repay to the Fund the whole of any amount withdrawn with interest.

(2) if the amount assured together with the amount of any accrued bonus is less than the whole of the amount withdrawn with interest, realize to the credit of the member in the Fund.

Recovery of the amount withdrawn in certain cases

40. The provision of sub-regulation (4) of Regulation 36 applicable to a failure to assign and deliver a policy shall apply :

(i) if the policy lapses or is assigned otherwise than to the corporation charged to encumbered: or

(ii) if the member does not repay the whole to the amount withdrawn with interest under sub-regulation (1) of Regulation 39.

Withdrawal for house building purposes etc.

Withdrawal from the Fund the purchase of a dwelling house or a dwelling site or for construction of a dwelling house.

41. Withdrawal from the fund for the purchase of a dwelling House/ flat or for the construction of dwelling house including the acquisition suitable site for the purpose :-

(1) The Chairman of the Trust may on an application in the prescribed form from a member, subject to the conditions prescribed in this paragraph, Sanction form the amount standing to 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 (Out right or an hire purchase basis) all for a construction a dwelling house including the acquisition of the suitable site for the purpose from the Central Govt. the State Govt. a co-operative society, an institution . a Trust a local body including Raj. Housing Board of a housing finance Corporation (hereinafter referred to as the agency/ agencies).

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

(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 completing/continuing the constructing of a dwelling house already commenced by the member or the member or the spouse, on such site or for purchase of House/Flat in the joint name of the member and the spouse under clause (a) and (b) above.

Explanation 1 : In this regulation, 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 the state relation to co-operative societies.

- (2) The amount of withdrawal shall not exceed the member's basic wages and dearness allowance for thirty six months or the member's own share of contribution together with the amount of the employer's share of contribution with interest thereon in his account in the fund or the actual cost towards the acquisition of the dwelling site or the purchase of the dwelling house/flat or the construction of the dwelling house, whichever is the least.
- (3) (a) No withdrawal under this regulation 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 spouse, is submitted;

Provided that where a dwelling site or dwelling house/flat is mortgaged to any of the agencies, referred to in clause (a) of sub-regulation (1) solely for having obtained funds for the purchase of

a dwelling house/flat, or for the construction of a dwelling house including the acquisition of 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 leased land shall also not be deemed to be deemed to be an encumbered property.

Provided also that where the site of the dwelling house/flat is hold in the name of any agency, referred to in clause (a) of sub regulation (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 house/flat and the site is held in the name of the agency shall not be a bar to the giving of an withdrawal under clause (a) of sub-regulation (1) if the other conditions mentioned in the regulation are satisfied.

(b) No withdrawal shall be granted for purchasing a share in a jointly 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 regulation 2.

(a) Where the withdrawal is for the purchases of a dwelling house / flat or a dwelling site from an agency, referred to in clause(a) sub-regulation the payment of withdrawal shall not be made to the member but shall be made directly to the agency, in one or more installments, as may be authorized by the member;

(b) where the withdrawal is for the construction of dwelling house, it may be sanctioned in such number of installments as the chairman of the trust think fit.

(c) Where the withdrawal is for the acquisition of a dwelling site for the purpose of construction of dwelling house there on from any individual or any agency, the amount shall be paid in not less

than two equal installment, first installment at the time of the acquisition of the dwelling site and the remaining at his request at the time of the construction of dwelling house on such dwelling site.

- (5) Where a withdrawal is sanctioned for the construction of a dwelling house. The construction shall commence within six month of the withdrawal of the first installment and shall be completed within twelve month of the withdrawal is sanctioned for the purchase of dwelling house/flat or for the acquisition of a dwelling site, the purchase or acquisitions as the case may be shall be completed within six month of the withdrawal of the amount.

Provided that this provision shall not be applicable in case of purchase of dwelling house/flat in 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 member with a view to their allotment to the members.

6. Except in the case specified in sub-regulation (7) & 7 (A) no further withdrawal shall be admissible to a member under this regulation.

7. An additional withdrawal up to twelve months basic wages and dearness allowance or the member's own share of contribution with interest thereon in the amount standing of his credit in the fund whichever is less, may be granted once and in one installment only, for additions substantial alternations or improvement necessary to the dwelling house owned by the member or by the spouse of jointly by the member and the spouse.

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

8. A further withdrawal equivalent to the amount of difference between the amount of withdrawal admissible to a member under sub-regulation (2) above as on the date of fresh application and the amount of withdrawal that was drawn by member under this regulation any time during six year, preceding 03.10.1981, may be granted to such member;-

(i) Who had availed earlier withdrawal for purchase of dwelling site and has now proposed to construct dwelling house on the land so purchased; or

(ii) who have availed 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-regulation (1) above and has now proposed to avail a withdrawal for completing the transition to get the sole ownership of the house/flat so purchased or;

(iii) Who had availed the earlier withdrawal for construction of house but could not complete the construction in time due to lack of fund.

8. The member shall produce the title deed and such other document as may be required for inspection which shall be returned to the member after the grant of withdrawal.

9(a) If the withdrawal granted under this regulation 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 with in thirty days of the finalization of the purchase, or the completion of the construction of . or necessary additions, alterations or improvement to a dwelling house, as the case may be. The amount so refunded shall be credited to the employer

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 contribution in his account.

(b) In the event of the member not having been allotted a dwelling site/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- regulation (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 chairman of Trust. The amount of withdrawal remitted under this regulation to him or as the case may be, to the agency referred to in clause (a) of sub regulation(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 balance, if any, shall be credited to the member's own share of contributions in his account.

10. If the chairman BOT is satisfied that the withdrawal granted under this regulation has been utilized for a purpose other than that for which is 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 regulation(9) or that the amount remitted back

to the member by any agency referred to in clause (a) sub-regulation (9) the Chairman of Trust 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 member in such number of installment as the Chairman of Trust may determine. For the purpose of such recovery the Board of Trustee may direct the employer to deduct such installment from the wages of member and on receipt of such direction, the employer shall deduct accordingly. The amount so deducted, shall be remitted by the employer to chairman of Trust within such time and in such manner as may be specified in this 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 share of contributions in his accounts. The amount of penal interest shall , however, be credited to interest Suspense account and revenue account.

11. Where any withdrawal granted under this regulations has been misused by the member, no further withdrawal shall be granted to him under this regulation within a period of three year 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.

**Withdrawal from the fund for repayment of loans
in special Cases.**

- 42(1) (a) The Chairman of the Trust may on an application from a

member sanction from the amount standing to the credit of the member sanction form the fund and withdrawal for the repayment, wholly or partly of any outstanding principal and interest of a loan obtained from a state Govt. Co operative Society, housing Board, Municipal Corporation or a body similar to the Jaipur Development Authority solely for the purpose specified in sub regulation (1) of regulation 41:-

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

(2) No withdrawal shall be sanctioned under this regulations unless;

(a) The member has completed Ten years of membership of the fund and

(b) The members own share of contribution, with interest thereon, in the amount standing to his credit in the fund is one thousand rupees or more, and

(C) The member produce a certificate or such other document as may be prescribed by the chairmen BOT from such agency indicating the particulars of the members, the loan granted, the outstanding principal and interest of the loan and such other particulars as may be required.

(3) The payment of the advance under this regulation shall be made direct to such agency or receipt of an authorization from the member in such manner as may be

specified by the Chairman BOT and no event the payment shall be made to the member.

43. Except as otherwise provided , the withdrawals made under Regulation 41 and 42 shall be non- refundable.
44. Deleted vide order no, 6061 dt. 27.06.1983.
45. Deleted vide order no, 6061 dt. 27.06.1983.
46. Deleted vide order no, 6061 dt. 27.06.1983.

Grant of advances in Special Cases

47. In case the corporation has been locked up or closed down for more than fifteen days and if any employees does not get wages for continuous period of two months or more, the chairman BOT , on being satisfied that no compensation to the employee is likely to be paid by the Corporation within a reasonable time, may authorize payment to a member who was employed in the Corporation , one or more non-recoverable advances form his provident fund account not exceeding his own total contribution including interest thereon up to the date the payment has been authorized.
- 47(a). In case the Corporation continues to remain locked up or closed down for more than six months, the chairman BOT or , where so authorized by the Chairman BOT, any other officer subordinated to him on being satisfied that a member who has already been granted one or more non refundable advances from his P.F. account under Regulation 47 still continues to be unemployed and no compensation is likely to be paid to him at and early date, may on receipt of an application therefore in such form as may be prescribed in this behalf , authorize payment to

the member of one or more refundable advances from his Provident Fund Account up to the extent of 100% of employer's total contribution including interest thereon upto the date on which the payment has been authorized.

(b) The advance granted under sub regulation(a) shall be interest free.

(c) The advance granted under sub-regulation(a) shall be recovered by deductions from the wages of the member in such installments as may be determined by the chairman BOT , or, Where so authorized by the Chairman BOT, any officer subordinate to him. The recovery shall commence form the first wages paid to the member immediately after the restart of the Corporation and maximum installments shall be 36.

(d) The Corporation shall remit the amount so deducted to the fund within such time and in such manner as may be specified by the Chairman BOT, or where so authorized by the Chairman BOT any officer subordinate to him . The amount on receipt , shall be credited to the members account in the fund.

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

Advanced from the Fund for purchasing share/s of consumer's cooperative societies

48. A member may be allowed a non-refundable advances from his account in the Fund for the purchase or

purchasing share/s of consumer's Cooperative Societies subject of the following condition namely:

(a) the total amount of such advance shall not exceed Rs. 30/- or his own contribution to the Fund , whichever is less:

Provided that no such advances shall be granted unless the Managing Director is satisfied that the Consumer's Cooperative Society, the share of which is proposed to be purchased by the member, aims at a minimum membership of 250 ; and

(b) the member shall authorize the Managing Director to draw the required amount from the member's contributions to the Fund and the said authorization shall be valid discharged for the Consumers Cooperative Society, towards the price of the share purchased by the member, The Managing Director shall not make payment to the said society unless he receives an undertaking from the society to the effect that the society will not transfer the share/s to any persons without the prior approval of the Managing Director.

Advance from the fund for illness in certain cases

49(1) A member may be allowed non-refundable advances from his account in the fund in cases of ;

- (a) Hospitalization lasting for one month or more; or
- (b) Major surgical operation in a hospital, or
- (c) Suffering from TB , leprosy, Paralysis, cancer, mental derangement or heart ailment and having been granted leave by the Corporation for the treatment of the said illness.

(2) The advance shall be granted if:

- (a) The Employee's State Insurance Scheme facility

and benefit there under are not actually available to the member or the member produces a certificate from the Employee's State Insurance Corporation to the effect that he has ceased to be eligible for cash benefits under the Employee's State Insurance Scheme; and

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

2(A) A member may be allowed non-refundable advances from his account in the fund for the treatment of a member of his family who has been hospitalized, or required hospitalization for one month or one;-

(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 hospitalized or required hospitalization for one month or more or that a major surgical operation had or has become necessary and

(ii) A certificate that the Employee's State insurance Scheme facility and benefits are not available to him for the treatment of the patient.

(C) The amount advanced under this regulation shall not exceed the member's basic wages and the dearness

allowance for six month or his own share of contribution with interest it the fund, whichever is less.

Advance from the fund for marriages or post matriculation education of the children :

- 49(3) (i) The Chairman BOT may on an application from a member authorized payment to him of a non-refundable advance from his/her own total contribution including interest thereon standing to his/her credit on the date of such authorization for his/her daughters or son's marriages, his/her brothers or for the post matriculation education of his/her son or daughter.
- (ii) No advance under this regulation shall be sanctioned to a member unless :-
- (a) He has completed seven years membership of the fund and.
- (b) The amount of his total contribution with interest there on standing to his credit in the fund is Rs. One thousand or. More.
- (iii) Not more than three advances shall be admissible to member under this regulation.

Grant of advance to members who are physically handicapped.

- 49(4) i) A member who 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.
- (ii) No advance under sub-regulation(i) shall be paid unless the member produce a medical certificate from a competent medical practitioner to the satisfaction of the Chairman of Trust to the effect that hi is physically handicapped.

(iii) The amount of advance under this regulation 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 less.

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

Refundable advance form the fund for house building:

49(5) (i) A member having 10 years service may be allowed refundable house building advance.

(ii) The amount which shall be granted under this regulation shall be limited to the balance available in the members account or 24 months' salary whichever is less.

(iii) The advance granted under this Regulation shall be reimbursed from the employee in 60 equal installments and balancing figure if and shall be reimbursed in the 61st installment. The number of installments shall not be changed in any case. If any violation is made by the employee he shall be debarred from granting the CPF loan of any type for five years from the date on which he deposits last installment.

(iv) The advance under this Regulation shall be sanctioned only to those employee who had not obtained the House Building Advance under Regulation 41.

(v) The advance under this Regulation shall be sanctioned only once throughout the service period of the employee.

(vi) The employees who have obtained the House Building loan under Regulation 41, can if they desire so may convert it as refundable advance by applying in

prescribed form to the Chairman of the Trust. The recovery of the advance shall be made in the same manner as specified under sub regulation(iii).

(vii) The document which will be required for granting the House building advance under this regulation shall be the same as required under Regulation 41.

(viii) The document which will be required for granting the House building advance under this regulation shall be the same as required under Regulation 41.

(ix) Where any advance granted under this regulation has been misused by the member, the Chairman of the Trust shall be empowered to recover the amount so sanctioned in lump sum from the salary of the employee with 2% penal interest thereon

Refundable advance from the fund

- 49(A) (i) Permanent employees and temporary employees with three years' service may be allowed refundable advances from their own contributions to the fund for the purposes of marriage of their legitimate children, wholly dependent sisters and themselves.
- (ii) The amount to be withdrawn in respect of each marriage will be limited to six months' salary or 75% of the own contribution of an employee to the fund, whichever is less. In the case of sons, the advance will be restricted to half of the limit.
- (iii) No withdrawal will be allowed before three months preceding the month in which marriage actually takes place or one month after the month in which the marriage took place. The subscriber will have to furnish a certificate to the sanctioning authority within one month from the date of marriage to the effect that the amount withdrawn has

actually been utilized for the purpose for which it was taken.

(iv) The number of monthly installments for recovery of loan shall not be more than 30.

49(B)(1) Permanent / temporary employees/ with three years' service may be allowed refundable advance out of their own contribution to the fund for the following purposes:

(i) In event of delivery for not more than two occasions.

(ii) In event of Mundan ceremony for not more than two occasions.

(iii) On the occasions of the death of parents.

(2) The maximum amount of advance for the above purposes shall be permissible up to Rs. 500/- only on each occasion which shall be recoverable in not more than 20 installments.

(3) No fresh advance shall be admissible in case of any of the previous refundable advance is outstanding.

49(D)(1) Only three refundable advance for the purpose of marriage be allowed during the total period of service of the member. This decision is however made applicable w.e.f. 1.4.2004 Such loans sanctioned in the past shall not be counted for this limit.

49(D)(2) The refundable advance for religious purposes be restricted for two times only in the whole service period.

Circumstances in which accumulations are payable

Circumstances in which accumulations in the fund are payable to a member

50(1) A member may withdraw the full amount standing to his credit in the Fund:

(a) on retirement from service after attaining 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 a medical officer designated by the Corporation.

Provided that it shall be open to the Managing Director to demand from the member a fresh certificate from a Civil Surgeon or any doctor acting in his behalf where the original certificate produced by him gives rise to suspicion regarding its genuineness.

Provided further that 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 in 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 remaining half shall be debited to the member's account.

Explanation : I, A member suffering from tuberculosis or leprosy even if contracted after leaving the service of the Corporation on grounds of illness but before payment has been authorized, shall be deemed to have been permanently and totally incapacitated for work, or

Explanation : II For the purpose of this Regulation, the Corporation shall designate a Registered Medical Practitioner.

(c) immediately before migration from India for permanent settlement abroad;

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

Provided that in the case of mass retrenchment the payment shall be made immediately and in the case of individual retrenchment payment shall be made if the member 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 the member makes the application for withdrawal.

(e) “ on compulsory retirement after completion of 20 years of service or 50 year of age.”

50(2) In case other than those specified in sub regulation(1), the Corporation or where so authorized by the Corporation, the Managing Director , or where so authorized by the Managing Director, any officer sub-ordinate to him may permit a member to withdrawn the full amount standing to his credit in the fund on ceasing to the and employee, 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 corporation for the purpose of getting married.

50(3) Deleted by order no. 1269 dt. 01.04.1991 & 5127 dt. 03.05.1988

50(4) Any member who withdraws the amount due to him under sub-regulation (2) shall, on obtaining re-employment in the Corporation, be required to qualify again for the membership of the Fund and on qualifying for

membership shall be treated as fresh member thereof.

50(5) Deleted by order no. 1269 dt. 01.04.1991.

50(6) The amount payable to any member upon his ceasing to be an employee of the Corporation by way of employer's and employee contribution plus interest thereon taking together with the amount, if any, payable under the Gratuity pension, rules be less than the amount that would be payable as employers and employees contribution and Interest thereon, if he were a member of the provident fund under the employees Provident Fund Scheme (statutory) Fund the Corporation shall pay the difference to the member as compensation/special contribution.

50(7) " in case where deduction of Provident Fund have been made erroneously from the employee who are actually not covered by the Provident Fund Scheme, the entire employees contribution shall be refunded to the corporation without forfeiting any fraction thereof."

Accumulation of a deceased member to whom payable

51. 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 a member in accordance with Regulation 27 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 on to 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 member of his family in equal

shares:

Provided that not share shall be payable to:

- (a) Sons who have attained majority;
- (b) Sons of a deceased son who have attained majority;
- (c) Married daughters whose husband 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 Regulation 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.

Payment of Provident Fund

52(1) When the amount standing to the credit of a member becomes payable, it shall be the duty of the Chairman BOT to make prompt payment as provided in this regulation. In case there is not nominee in accordance with this amount under rule 51 the Chairman BOT 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 clamant.

- (2) If any portion of the amount which has become payable is in dispute or doubt, the Chairman BOT shall make prompt payment of that portion of the amount in regard to which there is not 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 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, such person as the officials authorized to make the payment (where the amount does not exceed Rs. 20,000/- or the Chairman (if the amount exceed Rs. 20,000/-) considers to be the proper person representing the lunatic and receipt of such person for the amount paid shall be a sufficient discharge thereof.
- (4) If the amount to whom , any amount is to be paid under this regulation is a minor for whose estate a guardian under the Guardian and wards Act, 1890(8 of1890) has been appointed, the payment shall be made to such guardian, where no guardian under the Guardians and Wards Act , 1890(8 of1890) , has been appointed, the payment shall be made to such guardian, if any, appointed sub-regulation (4) of Regulation 53. Where no guardian under the Guardians and Wards Act , 1890(8 of1890) or under sub regulation (e) of Regulation 53 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 official authorized to make payment (where the amount does not exceed Rs. 20,000/- or the Chairman (if the amount exceed 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.

(5) If it is brought to the notice of the Board that a posthumous child is to be born to deceased member , it shall retain the amount which will be due to the child in the event of the 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 provision laid down under Regulation No.51.

(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 installment 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 three years from the date it become payable , or if any amount remitted to a person, is received back undelivered and it is not claimed again within a period of three year from the date it becomes payable , shall be transferred to an account to be called the “Unclaimed Deposits Accounts.”

Provided that in the case of a claim for payment of the said balance, the amount shall be paid by debiting to the “Unclaimed Deposits Accounts.”

Annual statements of member’s account

53(1) As soon as possible after the close of each year the Managing Director shall send to each member a statement of

his account in the Fund showing the end of the period and the closing balance at the end of the year.

- (2) Member should satisfy themselves as to the correctness of the annual statement and error should be brought to the notice of the Managing Director within six months of the receipt of the statement.

Preparation of contribution cards.

- 54(1) The Chief Accounts Officer shall prepare ledger account as may be appropriate in respect of every employee in the service of the Corporation at the commencement of the Regulation or who is taken into employment after that date and who is required or entitled to become or is a date and who is required of 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.
- (2) The head of an office in various sections/ offices of the Corporation shall send to the Chief Account Officer, within 15 days of the commencement of these Regulations, a consolidated return in such form as the Chief Accounts Officer may specify, of the employees required or entitled to become members of the Fund showing the basic wages, retaining allowance, if any, and dearness allowance including the cash value of food concession paid to each of such employees.
- (3) Every head of office shall send to the Chief Accounts Officer within 15 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 declaration in Form 2 furnished by such qualifying employees, and
 - (b) In such form as the Chief Account Officer may specify, of the employees leaving service of the Corporation during the

preceding month.

Allotment of Account nos.

- (4) On receipt of the information referred to in sub-regulation (3) and Regulation 27(A), the Chief Accounts Officer shall promptly allot an Account Number to each employee qualifying to become a member and shall communicate the Account Number to the member.

Contribution to be entered in the Ledger Account

- (5) The amount recovered every month from the wages of an employee as well as the contribution made by the Corporation in respect of each such employee shall be entered by the Chief Accounts Officer every month in the Ledger Account in the name of each member under these Regulations.

Renewal of Ledger Account

- (6) The Chief Accounts Officer on or before the expiration of the period of currency of the Ledger Account, prepare in respect of each member Ledger Account as may be appropriate, for the next period of currency.

Custody of Ledger Account

- (7) The Chief Account Officer shall retain in his custody the Ledger Account in respect of each member and shall take every precaution against loss or damage of the Ledger account.

Inspection of Ledgers by Members

- (8) Any member making a request in this behalf to the Chief Accounts Officer shall be permitted to inspect his ledger himself or to have the same inspected by any person authorized by him in writing to do so, within 72 hours of making such request provided that no such request shall be entertained more than once in every two calendar months.

Produce

- 55(A) The Board of Trustees shall invest all accumulation in the fund in approved securities of the central government. The re-investment or conversion of securities on maturity shall of Trustees may formulate a procedure for prompt investment of the fund moneys and retaining of permissible amount in any scheduled bank to be operated by the Secretary of the Trust or Secretary and the procedure jointly up to certain limits and shall get the procedure approved from the Regional Provident Fund Commissioner.
- (B) When paying a contribution either by deduction from emoluments or in cash, a member shall quote the number of account in the Fund, which shall be communicated to him by the Chief Accounts Officer. Any change in number shall similarly be communicated to the member by the Chief Accounts Officers.
- (C) The Chief Accounts Officer shall attach to the statement of the account to be furnished to each member as provided under Regulation 54 an enquiry whether the member –
- (a) desires to make any alteration in any nomination made under Regulation 27.
- (b) has acquired a family (in cases the member has made no nomination in favour of a member of his family under sub-regulation(3) of Regulation 27).
- (D) (1) The Trustees shall from time to time pay to the person entitled such sums as may be payable under the provisions of those Regulations and shall, if necessary, raise the moneys required for the same by sale of securities and loans held by the Trustees or of sufficient part there of or by loan on the security of the same.
- (2) The Board of Trustees may from time to time, by a Resolution, authorize any two members of the Board to hold

buy, sell, negotiate, or otherwise deal with the Government securities Government loan and other loans mentioned in Regulation 56(E) on their behalf.

- (E) All moneys of Fund shall be deposited in the State Bank of Bikaner & Jaipur, Jaipur or such other scheduled Bank that may, to an account named the Rajasthan State Road Transport Corporation Contributory Provided Fund Account. Such money as is not immediately required for the purpose of Fund, may be invested in Government securities and Government loans and such other loans as both the principal whereof and interest whereon are guaranteed by the Government.

The Board of Trustees may from time to time, by a resolution, authorize any two members of the Board to operate jointly or severally the Bank Account of the Fund with the State Bank of Bikaner & Jaipur, Jaipur.

- (F) A Trustee or Trustees shall not at any time be made liable for any more money than actually come into his or their own proper hands or for the loss of variation in price of securities or for failure of any Bank, company or firm or the dishonesty of any clerk or servant or other person with whom any part of the Trust Property may be deposited or be placed in charge or be liable for any other than his own immediate and respective willful acts, deeds and defaults and every such Trustee shall be at liberty from and out of all or any part of the Fund in the First place to reimburse himself all sums of moneys. Cost, charges, damages, expenses and demand whatsoever which he can, shall or may reasonable bear, sustain or be put to in any manner howsoever by reason or on account of his accounts or execution of the Trust anything herein above contained to the contrary there of in anywise notwithstanding.

- (G) Any dispute or difference which may arise between any

member of his executors, administrators, nominee or representatives and the Trustees, or between any member and his executors, or administrators, or nominees or representatives as to the meaning or effect of any Regulation or as to the any matter relating to or arising out of the same shall be referred to the Regional Provident Fund Commissioner whose decision shall be final and binding upon any member, his executors, administrators, nominees or representatives.

(H) Every Trustee shall be entitled to be indemnified by the Fund against all proceedings, costs and expenses occasioned by any claim in connection with the Fund not arising from his negligence or fraud.

56 (A) The Trustees shall set up a death relief fund and transfer it to accounts relating to forfeiture of Provident Fund balances, the claimed Provident Fund money and other receipts as the Trustees may think fit.

(B) The death relief fund will be utilized for affording financial assistance to nominees/ heirs of the deceased members so that a minimum of Rs. 1250/- is assured in the nominees/ heirs of every deceased member of the fund. The death relief fund will be operated upon as follows.

If the amount standing to the credit of the deceased falls short of Rs. 1250/- by any sum the Managing Director will be empowered to pay that sum from the death relief fund to his nominee/ heir in the same rates in which he/they would have kept their claim for the money. The amount standing to the credit of the deceased member will be the total of the following:

(a) The sum actually credited to the members account in the ledger.

- (b) The sum that may have to be paid out of the special reserve fund.
- (c) The sum of non-refundable advances granted to the member.
- (d) The balance amount of the refundable advances which is outstanding.

(C) No entries will be made in the Provident Fund Ledgers regarding the amount paid on account of death relief fund. A separate ledger will be maintained in respect of such payments along with the other register of the forfeiture amount.

(D) The benefit of the death relief fund will be given to the nominees/ heir of the deceased member whose pay (basic pay. DA including cash value of any food concession and retaining allowances. If any does not exceed Rs. 1000/- per month.

57. The corporation shall pay inspection charges as fixed by the Government from time to time within 15 days on the close of every month to which they are relating falling which damages shall be paid at such rate not exceeding 25% of the amount due.

57(A) The Corporation shall within fifteen days of the close of every month pay the inspection charges at the rate of 0.18% of the basis wages. DA Cash Value of food concession and retaining allowance, if any. Or at such rate as may be fixed by the Central Government.

58. The Corporation shall submit audited balance sheet of the Provident Fund every year to the Regional Provident Fund Commissioner, Rajasthan, Jaipur.

59. The Corporation shall display on the notice Board of the Corporation in English a copy of the regulations of the fund as and when amended and a translation of salient points there of in Hindi.

60. When the fund is wound up or exemption granted to the Corporation cancelled, accumulations standing to the credits of the employees, but for the exemption, would have been members of the statutory fund shall be transferred to that fund as soon as possible, in any case not later than 30 days in the date case of securities cash in hand or bank after the date of cancellation of the exemption together with a statement or statements as may be required by the Regional Provident Fund Commissioner.
61. No amendment of the regulations of the Fund shall be made without the prior approval of the Regional Provident Fund Commissioner.

Bankers of the Fund :-

62. The Bankers of the Fund shall be the State Bank of Bikaner & Jaipur. The Bank of Rajasthan Ltd, and HDFC Bank, Jaipur or such other scheduled Bank that may be selected by the Board of Trustees from time to time. The fund's Saving's Bank Account shall be credited with:-
- (i) All moneys deducted by the Corporation from the monthly emoluments of the members, including installments of refundable advances, if any. And interest, thereon deducted from the emoluments of the members or remitted by the members;
 - (ii) All moneys paid by the Corporation as its contribution to the fund shall be paid into the Fund's Savings Bank Account with the said Bank.
 - (iii) Interest and maturity proceeds on investments.
 - (iv) Transfers of past accumulations of members who join the Fund and
 - (v) Interest and penal damages payable by the Corporation for the belated remittances of dues as ordered by the Regional

Provident Fund Commissioner.

The name of the said account with the said Bank shall be Secretary RSRTC C.P.F. Trust, withdrawals from this account shall be by cheque which shall be in respect of each cheque, be signed by two trustees, one of them must be the representative of the employee.

Investment of the fund:

63. (i) The moneys of the Fund not immediately required by the Board of Trustees shall be invested by the Board within two weeks from the date of receipt of contribution from the Corporation in the pattern prescribed by the Government of India from time to time.

(ii) 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 areas where the trust operates, the Board of Trustees shall inform the Regional operates, the Board of Trustees shall inform the Regional operates, the Board of Trustees shall inform the Regional operates, the Board of Trustees shall inform the Regional Provides Fund Commissioner, concerned about the same.

(iii) The Board of Trustees shall maintain a script wise register and ensure timely realization of interest.

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

(v) The cost of maintaining DEMAT account should be treated as incidental cost of investment by the Trust, also all types of cost of investments like brokerage for purchase of securities etc. Shall be treated as incidental cost of investment by the

trust.

(vi) All such investments made like purchase of securities and bonds, should be lodged in the safe custody of depository participants, approved by the Reserve Bank of India and Central Government who shall be the custodian of the same. On closure of the Corporation or liquidation or cancellation of exemption from the EPF Scheme, 1952, such custodian shall transfer the investment obtained in the name of Trust and standing in its credit to the RPFC Jaipur directly on request from the RPFC Jaipur to that effect.

(vii) The Corporation shall intimate to the RPFC Jaipur the details of depository participants (approved by Reserve Bank of India and Central Government). With whom and in whose safe custody, the investment made in the name of trust, viz, investments made in securities, bonds etc. have been lodged.

(viii) Any commissions, 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 accounts.

Sale of Securities

64. 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 event of his/her leaving service of the Corporation 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.

Audit of Accounts

65. (i) The accounts shall be audited yearly by auditors appointed by the Board of Trustees for this Fund. A copy of the audited

annual provident Fund Accounts together with the audited Balance Sheet of the R.S.R.T.C C.P.F. Trust

- (2) No advances under sub-regulation (1) shall be paid unless
- (i) the State Govt. 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 (moveable or immovable) has been damaged as a result of the calamity;
 - (iii) the application for advance is made within a period of four months from the date of declaration referred to in this sub-regulation(i).

Withdrawal within one year before the retirement

68. The Board of Trustees may on an application from a member in such form as may be prescribed, permit withdrawal of up to 90 (Ninety) percent 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.

Utilization of the forfeited amount lying in the fund

69. (1) Amount forfeited the fund may be utilized for the following purposes:-
- (a) maintaining a higher rate of interest on the member account at least at par with the rate of interest declared by the Govt. of India in respect of un-exempted establishment.
 - (b) operating the Death Relief Fund.
 - (c) making good the capital loss to the Fund on account of purchase/sale redemption of securities.

(d) meeting the money order commission in connection with dispatch of provident Fund consequent on settlement of claims to the members or their deceased family members.

Provided that where the Provident Fund amount payable by postal money order exceeds Rs. 500/- it shall be remitted at the cost of payee.

(e) making an ad-hoc payment of Rs. 30/- to the heirs of a deceased members as an aid for procuring succession/ guardianship certificate.

(2) Death Relief Fund shall be created by transferring to it a part from the forfeited amount. The quantum benefit from Death Relief Fund will be determined if the amount standing to the credit of the deceased member falls short of Rs. 2,000/- and the difference will be paid from the Death Relief Fund to his nominee(s) in the same ratio in which they would get the claim money.

NOTE : This rule is applicable only to those Trusts setup prior to 1990 where there are accumulation by way of forfeiture in their funds prior to deletion of this clause from their Trust rules and the amount has not yet been utilized fully.

Protection against attachment;

70. The amount standing to the credit of any member in the Fund shall not in any way be capable of being assigned or charged and shall not be liable to attachment under any decree or order of any court in respect of any debt or liability incurred by the member and neither the Official Assignees appointed under the Presidency Towns Insolvency Act, 1909 (3 of 1909) nor any Receiver appointed under the Provincial insolvency Act, 1909 (3 of 1909) nor any Receiver appointed under the Provincial

insolvency Act, 1920 (5 of 1920) shall be entitled to or have any claim on any such amount, Any amount standing to the credit of a member in the Fund at the time of his death and payable to his nominee under these Regulation vest in the nominee and shall be free from and debt or other liability incurred by the deceased or the nominee before the death of the member and shall also not be liable to attachment under any decree or order of any court.

Alterations or amendments in the rules:

71. These Regulation shall not be altered or amended except with the previous approval of the Commissioner of the Income Tax and the Regional Provident Fund Commissioner to whom copies of such amendments to these rules shall be sent. The members shall have a right to appeal to the Regional Provident Fund Commissioner approves any amendment to their disadvantage.

Provided further that any amendment suggested by the Regional Provident Fund Commissioner from time to time in conformity with the Employees' Provident Funds & Miscellaneous Provisions Act 1952 and the Scheme framed there under shall always be effected.

Transfer of P.F. Accumulation to other provident funds:-

- 72(1) The amount of accumulations standing to the credit of the member in the Fund shall when he leaves his employment and obtains re-employment in another establishment to which the Employees Provident Fund & Miscellaneous Provisions Act, 1952 applies be transferred to the credit of his account in the Provident Fund of the exempted or of a Fund maintained by the exempted establishment and who obtains employment in the cooperation. Such an employee

shall immediately be admitted as a member of the Fund. His accumulations which shall be transferred within three months of his joining the cooperation shall be credited to his account.

Difference in benefits to be paid :-

73. Notwithstanding anything contained in these Regulation if on the cessation of the individual from the membership of the Fund consequent of retiring from services or on taking up employment in some other establishment it is found that the rate of contribution etc. under these rules is less favorable as compared to those under the statutory scheme the different shall be borne by the Corporation.

Statutory provisions to have overriding effect:-

- 74(1) In the absence of any specific provision in these rules of if any provision of these rules is less beneficial than the corresponding provision of the Employee's Provident Funds & Miscellaneous Provisions Act, 1952 and the Employees Provident Fund Scheme 1952 framed there under the latter provision shall prevail, mutatis-mutandis.
- (2) Where any provisions of Regulations conflicts with any provisions of the E.P.F. Scheme, 1952 the latter shall always be deemed to prevail.
- (3) Question whether a particular regulation is beneficial or not shall be decided by the Regional Provident Fund Commissioner whose decision shall be final.
- (4) In case of any change of legal status of the Corporation which has been granted exemption, as a result of merger de-merger, 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.

- (5) In case there are more than one unit/ establishment participating in the common P.F. trust which has been granted permission, 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.