THE EMPLOYEES’ PROVIDENT FUNDS AND
MISCELLANEOUS PROVISIONS ACT, 1952

(ACT NO. 19 OF 1952) ¹

(4th March, 1952)

An Act to provide for the Institution of Provident Funds ²[***] ³[Pension Fund], and Deposit-Linked Insurance Fund] for Employees in Factories and other Establishments.

BE it enacted by Parliament as follows:—

1. Short title, extent and application.- ⁴[(1) This Act may be called the Employees’ Provident Funds and Miscellaneous Provisions Act, 1952.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) Subject to the provisions contained in section 16, it applies—

(a) to every establishment which is a factory engaged in any industry specified in Schedule I and in which ⁶[twenty] or more persons are employed, and

(b) to any other establishment employing ⁷[twenty] or more persons or class of such establishments which the Central Government may, by notification in the Official Gazette, specify in this behalf:

Provided that the Central Government may, after giving not less than two months’ notice of its intention so to do, by notification in the Official Gazette, apply the provisions of this Act to any establishment employing such number of persons less than ⁸[twenty] as may be specified in the notification.

(4) Notwithstanding anything contained in sub-section (3) of this section or sub-section (1) of the section 16 where it appears to the Central Provident Fund Commissioner, whether on an application made to him in this behalf or otherwise, that the employer and the majority of employees in relation to any establishment have agreed that the provisions of this Act should be made applicable to the establishment, he may, by notification in the Official Gazette, apply the provisions of this Act to that establishment on and from the date of such agreement or from any subsequent date specified in such agreement.]

(5) An establishment to which this Act applies shall continue to be governed by this Act notwithstanding that the number of persons employed therein at any time falls below twenty.]

2. Definitions - In this Act, unless the context otherwise requires,-

(a) “appropriate Government” means-

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² Subs. by Act 99 of 1976 sec. 16, for “and family pension fund” (w.e.f.1-8-1976).
³ Subs. by Act 25 of 1996, sec. 2, for “family pension fund” (w.e.f.16.11.1995).
⁴ Subs. by Act 99 of 1976, sec. 17, for sub-section (1) (w.e.f.1-8-1976).
⁵ Subs. by Act 94 of 1956, sec. 2, for sub-section (3).
⁶ Subs. by Act 46 of 1960, sec. 2, for “fifty” (w.e.f.31-12-1960).
⁷ Subs. by Act 46 of 1960, sec. 2, for “fifty” (w.e.f.31-12-1960).
⁸ Subs. by Act 46 of 1960, sec. 2, for “fifty” (w.e.f.31-12-1960).
⁹ Subs. by Act 33 of 1988 (w.e.f.1.8.1988).
10 Ins. by Act 46 of 1960, sec. 2, (w.e.f.31-12-1960).
(i) in relation to an establishment belonging to, or under the control of, the Central Government or in relation to an establishment connected with a railway company, a major port, a mine or an oil field or a controlled industry. \(^2\) or in relation to an establishment having departments or branches in more than one State, the Central Government; and

(ii) in relation to any other establishment, the State Government;

3)\((aa)\) “authorised officer” means the Central Provident Fund Commissioner, Additional Central Provident Fund Commissioner, Deputy Provident Fund Commissioner, Regional Provident Fund Commissioner or such other officer as may be authorised by the Central Government, by notification in the Official Gazette;

(b) “basic wages” means all emoluments which are earned by an employee while on duty or \(^4\) on leave or on holidays with wages in either case 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 any food concession;

(ii) any dearness allowance (that is to say, all cash payments by whatever named 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 or of work done in such employment;

(iii) any presents made by the employer;

(c) “contribution” means a contribution payable in respect of a member under a Scheme \(^5\) or the contribution payable in respect of an employee to whom the Insurance Scheme applies;

(d) “controlled industry” means any industry the control of which by the Union has been declared by a Central Act to be expedient in the public interest;

4)\((e)\) “employer” means-

(i) in relation to an establishment which is a factory, the owner or the occupier of the factory, including the agent of such owner or occupier, the legal representative of a deceased owner or occupier and, where a person has been named as a manager of the factory under clause (f) of sub-section (1) of section 7 of the Factories Act, 1948 (63 of 1948), the person so named; and

(ii) in relation to any other establishment, the person who, or the authority which, has the ultimate control over the

1 Subs. by Act 22 of 1958, sec. 2, for clause (a).
2 Ins. by Act 22 of 1965, sec. 2 (w.e.f. 24.11.1964).
3 Ins. by Act 33 of 1988, sec. 3 (w.e.f. 1.8.1988).
4 Subs. by Act 33 of 1988, sec. 3, for “on leave with wages” (w.e.f. 1.8.1988).
5 Ins. by Act 99 of 1976 sec. 18 (w.e.f. 1-8-1976).
6 Subs. by Act 94 of 1956, sec. 4, for clause (e).
affairs of the establishment, and where the said affairs are entrusted to a manager, managing director or managing agent; such manager, managing director or managing agent;]

(f) “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 1[an establishment], and who gets, his wages directly or indirectly from the employer, 2[and includes any person]-

(i) employed by or through a contractor in or in connection with the work of the establishment;

(ii) engaged as an apprentice, not being an apprentice engaged under the Apprentices Act, 1961 (52 of 1961) or under the standing orders of the establishment;]

3)[(ff) “exempted employee” means an employee to whom a Scheme 4[or the Insurance Scheme, as the case may be,] would, but for the exemption granted under 5[***] section 17, have applied;

(ff) “exempted 6[establishment]” means 7[an establishment] in respect of which an exemption has been granted under section 17 from the operation of all or any of the provisions of any Scheme 8[or the Insurance Scheme, as the case may be], whether such exemption has been granted to the 9[establishment] as such or to any person or class of persons employed therein;

(g) “factory” means any premises, including the precincts thereof, in any part of which a manufacturing process is being carried on or is ordinarily so carried on, whether with the aid of power or without the aid of power;

10][***]

(h) “Fund” means the provident fund established under a Scheme;

(i) “industry” means any industry specified in Schedule I, and includes any other industry added to the Schedule by notification under section 4;

11][(ia) “Insurance Fund” means the Deposit-Linked Insurance Fund established under sub-section (2) of section 6C;

(ib) “Insurance Scheme” means the Employees’ Deposit-linked Insurance Scheme framed under sub-section (1) of section 6C;]

12][13]“manufacture” or “manufacturing process” means any process for making, altering, repairing, ornamenting, finishing, packing, oiling, washing, cleaning, breaking up, demolishing or otherwise
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treating or adapting any article or substance with a view to its use, sale, transport, delivery or disposal;

(l) “member” means a member of the Fund;

(k) “occupier of a factory” means the person who has ultimate control over the affairs of the factory, and, where the said affairs are entrusted to a managing agent, such agent shall be deemed to be the occupier of the factory;

1[(kA) “Pension Fund” means the Employees’ Pension Fund established under sub-section (2) of section 6-A;]

(kB) “Pension Scheme” means the Employees’ Pension Scheme framed under sub-section (1) of Section 6-A;]

2[(ka) “prescribed” means prescribed by rules made under this Act;]

(kb) “Recovery Officer” means any officer of the Central Government, State Government or the Board of Trustees constituted under section 5A, who may be authorised by the Central Government, by notification in the Official Gazette, to exercise the powers of a Recovery Officer under this Act;]

3[(l) “Scheme” means the Employees’ Provident Fund Scheme framed under section 5;]

4[(ll) “Superannuation”, in relation to an employee who is the member of the Pension Scheme, means the attainment, by the said employee, the age of fifty-eight years.]}

5[(tm) “Tribunal” means the Employees’ Provident Funds Appellate Tribunal constituted under section 7D;]

6[2A. Establishment to include all departments and branches.- For the removal of doubts, it is hereby declared that where an establishment consists of different departments or has branches, whether situated in the same place or in different places, all such departments or branches shall be treated as parts of the same establishment.]}

7[3. Power to apply Act to an establishment which has a common provident fund with another establishment.- Where immediately before this Act becomes applicable to an establishment there is in existence a provident fund which is common to the employees employed in that establishment, and employees in any other establishment, the Central Government may, by notification in the Official Gazette, direct that the provisions of this Act shall also apply to such other establishment.]

4. Power to add to Schedule I.- (1) The Central Government may, by notification in the Official Gazette, add to Schedule-I any other industry in respect of the employees whereof it is of opinion that a Provident Fund Scheme should be framed under this Act, and thereupon the industry so added shall be deemed to be an industry specified in Schedule-I for the purposes of this Act.

(2) All notifications under sub-section (1) shall be laid before Parliament, as soon as may be, after they are issued.

1 Ins. by Act 25 of 1996 sec. 3 (w.r.e.f. 16-11-1995).
2 Ins. by Act 33 of 1988, sec. 3 (w.e.f.1.8.1988).
3 Subs. by Act 16 of 1971 sec. 14, for clause (1) (w.e.f.23-4-1971).
4 Ins. by Act 25 of 1996, sec. 3 (w.r.e.f.16.11.1995).
5 Ins. by Act 33 of 1988, sec. 3 (w.e.f.1.8.1988).
6 Ins. by Act 46 of 1960, sec. 3, (w.e.f.31-12-1960).
7 Subs. by Act 94 of 1956, sec. 5, for section 3.
5. Employees' Provident Fund Scheme.- 1[(1)] The Central Government may, by notification in the Official Gazette, frame a Scheme to be called the Employees' Provident Fund Scheme for the establishment of provident funds under this Act for employees or for any class of employees and specify the [establishments] or class of [establishments] to which the said scheme shall apply 4[and there shall be established, as soon as may be after the framing of the scheme, a fund in accordance with the provisions of this Act and the Scheme.]

5[(1-A) The fund shall vest in, and be administered by, the Central Board constituted under Section 5-A.]

(1-B) Subject to the provisions of this Act, a Scheme framed under sub-section (1) may provide for all or any of the matters specified in Schedule-II.]

6[(2) A scheme framed under sub-section (1) may provide that any of its provisions shall take effect either prospectively or retrospectively on such date as may be specified in this behalf in the Scheme.]

7[(5A. Central Board.- (1) The Central Government may, by notification in the Official Gazette, constitute with effect from such date as may be specified therein, a Board of Trustees for the territories to which this Act extends (hereinafter in this Act referred to as the Central Board) consisting of the following [persons, as members, namely:

[a] 9[a Chairman and a Vice-Chairman] to be appointed by the Central Government;

[aa] the Central Provident Fund Commissioner, Ex-officio;

(b) not more than five persons appointed by the Central Government from amongst its officials;

(c) not more than fifteen persons representing Governments of such States as the Central Government may specify in this behalf appointed by the Central Government;

(d) 10[Ten persons] representing employers of the establishment to which the Scheme applies, appointed by the Central Government after consultation with such organisations of employers as may be recognised by the Central Government in this behalf; and

(e) 11[Ten persons] representing employees in the establishments to which the Scheme applies, appointed by the Central Government after consultation with such organisations of employees as may be recognised by the Central Government in this behalf.]

(2) The terms and conditions subject to which a member of the Central Board may be appointed and the time, place and procedure of the meetings of the Central Board shall be such as may be provided for in the Scheme.

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1 Section 5 re-numbered as sub-section (1) thereof by Act 37 of 1953, sec. 4.
2 Subs. by Act 94 of 1956, sec. 3, for “factories”.
3 Subs. by Act 94 of 1956, sec. 3, for “factories”.
4 Added by Act 37 of 1953, sec. 4.
5 Ins. by Act 28 of 1963, sec. 3 (w.e.f. 30-11-1963).
6 Ins. by Act 37 of 1953, sec. 4.
7 Ins. by Act 28 of 1963, sec. 4 (w.e.f. 30-11-1963).
8 Subs. by Act 33 of 1988, sec. 4, for "persons" (w.e.f. 1.8.1988).
9 Subs. by Act 33 of 1988 sec. 4, for “a Chairman” (w.e.f. 1.8.1988).
10 Ins. by Act 33 of 1988 sec. 4, (w.e.f. 1.8.1988).
11 Subs. by Act .33 of 1988 sec. 4, for “six persons” (w.e.f. 1.8.1988).
12 Subs. by Act .33 of 1988 sec. 4, for “six persons” (w.e.f. 1.8.1988).
(3) The Central Board shall, subject to the provisions of Section 6-A \[and Section 6-C]\) administer the fund vested in it in such manner as may be specified in the Scheme.

(4) The Central Board shall perform such other functions as it may be required to perform by or under any provisions of the Scheme \[the \[Pension\] Scheme and the Insurance Scheme].

(5) The Central Board shall maintain proper accounts of its income and expenditure in such form and in such manner as the Central Government may, after consultation with the Comptroller and Auditor-General of India, specify in the Scheme.

(6) The accounts of the Central Board shall be audited annually by the Comptroller and Auditor-General of India and any expenditure incurred by him in connection with such audit shall be payable by the Central Board to the Comptroller and Auditor-General of India.

(7) The Comptroller and Auditor-General of India and any person appointed by him in connection with the audit of the accounts of the Central Board shall have the same rights and privileges and authority in connection with such audit as the Comptroller and Auditor-General has, in connection with the audit of Government Accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers, documents and papers and inspect any of the offices of the Central Board.

(8) The accounts of the Central Board as certified by the Comptroller and Auditor-General of India or any other person appointed by him in this behalf together with the audit report thereon shall be forwarded to the Central Board which shall forward the same to the Central Government along with its comments on the report of the Comptroller and Auditor-General.

(9) It shall be the duty of the Central Board to submit also to the Central Government an annual report of its work and activities and the Central Government shall cause a copy of the annual report, the audited accounts together with the report of the Comptroller and Auditor-General of India and the comments of the Central Board thereon to be laid before each House of Parliament.

5\[5AA. Executive Committee.-\] (1) The Central Government may, by notification in the Official Gazette, constitute, with effect from such date as may be specified therein, an Executive Committee to assist the Central Board in the performance of its functions.

(2) The Executive Committee shall consist of the following persons as members, namely:-

(a) a Chairman appointed by the Central Government from amongst the members of the Central Board;

(b) two persons appointed by the Central Government from amongst the persons referred to in clause (b) of sub-section (1) of Section 5-A;

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1 Ins. by Act 16 of 1971 sec. 15 (w.e.f. 23-4-1971).
3 Subs. by Act 99 of 1976, sec. 19, for “and the Family Pension Scheme” (w.e.f. 1.8.1976).
4 Subs. by Act 25 of 1996, sec. 4, for “Family Pension” (w.r.e.f. 16.11.1995).
5 Ins. by Act 33 of 1988, sec. 4 (w.e.f.1.8.1988).
6 Ins. by Act 33 of 1988, sec. 5 (w.e.f. 1.8.1988).
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c) three persons appointed by the Central Government from amongst the persons referred to in clause (c) of sub-section (1) of Section 5-A;
d) three persons representing the employers elected by the Central Board from amongst the persons referred to in clause (d) of sub-section (1) of Section 5-A;
e) three persons representing the employees elected by the Central Board from amongst the persons referred to in clause (e) of Sub-section (1) of Section 5-A;
f) the Central Provident Fund Commissioner, ex-officio.

(3) The terms and conditions subject to which a member of the Central Board may be appointed or elected to the Executive Committee and the time, place and procedure of the meetings of the Executive Committee shall be such as may be provided for in the Scheme.

1[5B. State Board.- (1) The Central Government may, after consultation with the Government of any State, by notification in the Official Gazette, constitute for that State a Board of Trustees (hereinafter in this Act referred to as the State Board), in such manner as may be provided for in the Scheme.

(2) A State Board shall exercise such powers and perform such duties as the Central Government may assign to it from time to time.

(3) The terms and conditions subject to which a member of a State Board may be appointed and the time, place and procedure of the meetings of a State Board shall be such as may be provided for in the Scheme.

2[5C. Board of Trustees to be body corporate.- Every Board of Trustees constituted under Section 5-A or Section 5-B shall be a body corporate under the name specified in the notification constituting it, having perpetual succession and a common seal and shall by the said name sue and be sued.

3[5D. Appointment of Officers.- (1) The Central Government shall appoint a Central Provident Fund Commissioner who shall be the Chief Executive Officer of the Central Board and shall be subject to the general control and superintendence of that Board.

(2) The Central Government may also appoint 4[a Financial Adviser and Chief Accounts Officer] to assist the Central Provident Fund Commissioner in the discharge of his duties.

(3) The Central Board may appoint, 5[subject to the maximum scale of pay, as may be specified in the scheme, as many Additional Central Provident Fund Commissioners, Deputy Provident Fund Commissioners, Regional Provident Fund Commissioners, Assistant Provident Fund Commissioners and] such other officers and employees as it may consider necessary for the efficient administration of the scheme, 6[i.e., the 7[Pension] Scheme and the Insurance Scheme.

1 Ins. by Act 28 of 1963, sec. 4 (w.e.f. 30-11-1963).
2 Ins. by Act 28 of 1963, sec. 4 (w.e.f. 30-11-1963).
3 Ins. by Act 28 of 1963, sec. 4 (w.e.f. 30-11-1963).
4 Subs. by Act 33 of 1988, sec. 6, for certain words (w.e.f.1.8.1988).
5 Ins. by Act 33 of 1988, sec. 6 (w.e.f.1.8.1988).
6 Subs. by Act 99 of 1976, sec. 20, for “and the Family Pension Scheme” (w.e.f. 1.8.1976).
7 Subs. by Act 25 of 1996, sec. 4, for “Family Pension” (w.r.e.f. 16.11.1995).
(4) No appointment to \[the post of the Central Provident Fund Commissioner or an Additional Central Provident Fund Commissioner or a Financial Adviser and Chief Accounts Officer or any other post under the Central Board carrying a scale of pay equivalent to the scale of pay of any Group ‘A’ or Group ‘B’ post under the Central Government\] shall be made except after consultation with the Union Public Service Commission:

Provided that no such consultation shall be necessary in regard to any such appointment-

(a) for a period not exceeding one year; or
(b) if the person to be appointed is at the time of his appointment-
   (i) a member of the Indian Administrative Service, or
   (ii) in the service of the Central Government or a State Government or the Central Board in a \[Group ‘A’ or Group ‘B’ post\].

(5) A State Board may, with the approval of the State Government concerned, appoint such staff as it may consider necessary.

(6) The method of recruitment, salary and allowances, discipline and other conditions of service of the Central Provident Fund Commissioner, \[and the Financial Adviser and Chief Accounts Officer\] shall be such as may be specified by the Central Government and such salary and allowances shall be paid out of the Fund.

(7) (a) The method of recruitment, salary and allowances, discipline and other conditions of service of the Additional Central Provident Fund Commissioner, Deputy Provident Fund Commissioner, Regional Provident Fund Commissioner, Assistant Provident Fund Commissioner and other officers and employees of the Central Board shall be such as may be specified by the Central Board in accordance with the rules and orders applicable to the officers and employees of the Central Government drawing corresponding scales of pay:

Provided that where the Central Board is of the opinion that it is necessary to make a departure from the said rules or orders in respect of any of the matters aforesaid, it shall obtain the prior approval of the Central Government.

(b) In determining the corresponding scales of pay of officers and employees under clause (a), the Central Board shall have regard to the educational qualifications, method of recruitment, duties and responsibilities of such officers and employees under the Central Government and in case of any doubt, the Central Board shall refer the matter to the Central Government whose decision thereon shall be final.

(8) The method of recruitment, salary and allowances, discipline and other conditions of service of officers and employees of a State Board shall be such as may be specified by that Board, with the approval of the State Government concerned.

5[5DD. Acts and proceeding of the Central Board or its Executive Committee or the State Board not to be invalidated on certain grounds.- No act done or proceeding taken by the Central Board or the Executive Committee constituted under Section 5-AA or the State Board shall be questioned on the ground merely of the existence of any vacancy in, or any defect in the

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1 Subs. by Act 33 of 1988, sec. 6, for “Class I or Class II post” (w.e.f. 1.8.1988).
2 Subs. by Act 33 of 1988, sec. 6, for “Class I or Class II post” (w.e.f. 1.8.1988).
3 Subs. by Act 33 of 1988, sec. 6, for certain words (w.e.f. 1.8.1988).
4 Subs. by Act 33 of 1988, sec. 6, for sub-section (7) (w.e.f. 1.8.1988).
5 Ins. by Act 33 of 1988, sec. 7 (w.e.f. 1.8.1988).
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The constitution of the Central Board or the Executive Committee or the State Board, as the case may be.

1[5E. Delegation.-] The Central Board may, delegate to the Executive Committee or to the Chairman of the Board or to any of its officers and a State Board may delegate to its Chairman or to any of its officers, subject to such conditions and limitations, if any, as it may specify, such of its powers and functions under this Act as it may deem necessary for the efficient administration of the Scheme, 2[the 3[Pension] Scheme and the Insurance Scheme.

4[6.] Contribution and matters which may be provided for in Schemes.-

5[[***] The Contribution which shall be paid by the employer to the Fund shall be 6[ten per cent] of the basic wages, 8[dearness allowance and retaining allowance (if any), for the time being payable to each of the employees 9[(Whether employed by him directly or by or through a contractor)], and the employee’s contributions shall be equal to the contribution payable by the employer in respect of him and may, 10[if any employee so desires, be an amount exceeding 11[ten per cent] of his basic wages, dearness allowance and retaining allowance (if any), subject to the condition that the employer shall not be under an obligation to pay any contribution over and above his contribution payable under this section];

12[Provided that in its application to any establishment or class of establishments which the Central Government, after making such enquiry as it deems fit, may, by notification in the Official Gazette specify, this section shall be subject to the modification that for the words 13["ten per cent"], at both the places where they occur the words 14[twelve per cent] shall be substituted];

Provided further that where the amount of any contribution payable under this Act involves a fraction of a rupee, the Scheme may provide for the rounding off of such fraction to the nearest rupee, half of a rupee or quarter of a rupee.

15[Explanation 1.-] For the purposes of this 16[section], dearness allowance shall be deemed to include also the cash value of any food concession allowed to the employee.

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1 Subs. by Act 33 of 1988, sec. 8, for certain words (w.e.f.1.8.1988).
2 Subs. by Act 99 of 1976, sec. 20, for “and the Family Pension Scheme” (w.e.f. 1.8.1976).
3 Subs. by Act 25 of 1996, sec. 4, for “Family Pension” (w.e.f. 16.11.1995).
4 Subs-s. (1) of s. 6 numbered as S. 6 by Act 28 of 1963, s. 5.
5 Brackets and figures omitted by Act 28 of 1963 (w.e.f. 30-11-1963).
6 Subs. by Act 33 of 1988, sec. 9, for “six and a quarter per cent” (w.e.f.1.8.1988).
7 Subs. by Act No.10 of 1998, deemed to have come into force from 22.9.1997
8 Subs. by Act 46 of 1960, sec. 4 for “and the dearness allowance” (w.e.f. 30-11-1963) (w.e.f.31-12-1960)
9 Ins. by Act 28 of 1963, sec. 5 (w.e.f. 30-11-1963)
10 Subs. by Act 33 of 1988, sec. 9, for certain words (w.e.f.1.8.1988).
11 Subs. by Act No.10 of 1998, deemed to have come into force from 22.9.1997
12 Subs. by Act 33 of 1988, sec. 9, for certain words (w.e.f.1.8.1988).
13 Subs. by Act 10 of 1998, sec. 2, for “eight and one third per cent.” and “ten per cent.” respectively (w.e.f. 22.9.1997).
14 Subs. by Act 10 of 1998, sec. 2, for “eight and one third per cent.” and “ten per cent.” respectively (w.e.f. 22.9.1997).
15 Original Explanation re-numbered as Explanation 1 by Act 46 of 1960, sec. 4. (w.e.f.31-12-1960).
16 Subs. by Act 28 of 1963, sec. 5, for “sub-section” (w.e.f. 30-11-1963).
1[Explanation 2.- For the purposes of this 2[section] ‘retaining allowance’ means an allowance payable for the time being to an employee of any factory or other establishment during any period in which the establishment is not working, for retaining his services.]

4[6A. Employees' Pension Scheme.- (1) The Central Government may, by notification in the Official Gazette, frame a scheme to be called the Employees' Pension Scheme for the purpose of providing for-
(a) superannuation pension, retiring pension or permanent total disablement pension to the employees of any establishment or class of establishments to which this Act applies; and
(b) widow or widower's pension, children pension or orphan pension payable to the beneficiaries of such employees.

(2) Notwithstanding anything contained in section 6, there shall be established, as soon as may be after framing of the Pension Scheme, a Pension Fund into which there shall be paid, from time to time, in respect of every employee who is a member of the Pension Scheme,-
(a) such sums from the employer's contribution under section 6, not exceeding eight and one-third per cent. of the basic wages, dearness allowance and retaining allowance, if any, of the concerned employees, as may be specified in the Pension Scheme;
(b) such sums as are payable by the employers of exempted establishments under sub-section (6) of section 17;
(c) the net assets of the Employees' Family Pension Fund as on the date of the establishment of the Pension Fund;
(d) such sums as the Central Government may, after due appropriation by Parliament by law in this behalf, specify.

(3) On the establishment of the Pension Fund, the Family Pension Scheme (hereinafter referred to as the ceased scheme) shall cease to operate and all assets of the ceased scheme shall vest in and shall stand transferred to, and all liabilities under the ceased scheme shall be enforceable against, the Pension Fund and the beneficiaries under the ceased scheme shall be entitled to draw the benefits, not less than the benefits, they were entitled to under the ceased scheme, from the Pension Fund.

(4) The Pension Fund shall vest in and be administered by the Central Board in such manner as may be specified in the Pension Scheme.

(5) Subject to the provisions of this Act, the Pension Scheme may provide for all or any of the matters specified in Schedule III.

(6) The Pension Scheme may provide that all or any of its provisions shall take effect either prospectively or retrospectively on such date as may be specified in that behalf in that Scheme.

(7) A Pension Fund Scheme, framed under sub-section (l) shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session

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1 Ins. by Act 46 of 1960, sec. 4. (w.e.f. 31-12-1960).
2 Subs. by Act 28 of 1963, sec. 5, for “sub-section” (w.e.f. 30-11-1963).
3 Sub-section (2) and (3) omitted by Act 28 of 1963, sec. 5 (w.e.f. 30-11-1963), sub-section (3) was ins. by Act 37 of 1953, sec. 5.
4 Subs. by Act 25 of 1996, sec. 5, for sections 6A and 6B (w.r.e.f. 16-11-1995). Earlier sections 6A and 6B were ins. by Act 61 of 1971, sec. 18 (w.e.f. 23-4-1971).
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or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the scheme or both Houses agree that the scheme should not be made, the scheme shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that scheme.]

1[***]

2[6C. Employees' Deposit Linked Insurance Scheme.- (1) The Central Government may, by notification in the Official Gazette, frame a scheme to be called the Employees' Deposit-Linked Insurance Scheme for the purpose of providing life insurance benefits to the employees of any establishment or class of establishments to which this Act applies.

(2) There shall be established, as soon as may be after the framing of the Insurance Scheme, a Deposit-Linked Insurance Fund into which shall be paid by the employer from time to time in respect of every such employee in relation to whom he is the employer, such amount, not being more than one per cent of the aggregate of the basic wages, dearness allowance and retaining allowance (if any) for the time being payable in relation to such employee, as the Central Government may, by notification in the Official Gazette, specify.

Explanation.- For the purposes of this sub-section, the expressions 'dearness allowance' and 'retaining allowance' have the same meaning as in Section 6.

3[***]

(4)(a) The employer shall pay into the Insurance Fund such further sums of money, not exceeding one-fourth of the contribution which he is required to make under sub-section (2), as the Central Government may, from time to time, determine to meet all the expenses in connection with the administration of the Insurance Scheme other than the expenses towards the cost of any benefits provided by or under that scheme.

4[***]

(5) The Insurance Fund shall vest in the Central Board and be administered by it in such manner as may be specified in the Insurance Scheme.

(6) The Insurance Scheme may provide for all or any of the matters specified in Schedule IV.

(7) The Insurance Scheme may provide that any of its provisions shall take effect either prospectively or retrospectively on such date as may be specified in this behalf in that Scheme.]

5[6D. Laying of Schemes before Parliament.- Every scheme framed under Section 5, Section 6-A and Section 6-C shall be laid, as soon as may be after it is framed, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making

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1 Subs. by Act 25 of 1996, sec. 5, for sections 6A and 6B (w.e.f. 16-11-1995). Earlier sections 6A and 6B were ins. by Act 61 of 1971, sec. 18 (w.e.f. 23-4-1971).
2 Ins. by Act 99 of 1976 sec. 21 (w.e.f.1-8-1976).
3 Sub-section (3) omitted by Act No.25 of 1996, sec. 6 (w.r.e.f. 16-11-1995).
4 Clause (b) omitted by Act No.25 of 1996, sec. 6 (w.r.e.f. 16-11-1995).
5 Ins. by Act 4 of 1986, sec. 2 and Sch. (w.e.f. 15.5.1986).
any modification in the scheme, or both Houses agree that the scheme should not be framed, the scheme shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that scheme.

7. Modification of Scheme.- (1) The Central Government may, by notification in the Official Gazette, add to \[amend or vary, either prospectively or retrospectively, the Scheme, the \[Pension\] Scheme, or the Insurance Scheme as the case may be].

(2) Every notification issued under Sub-section (1) shall be laid, as soon as may be after it is issued, before each House of Parliament while it is in session, for a total period of thirty days, which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the sessions or the successive sessions aforesaid, both Houses agree in making any modification in the notification, or both Houses agree that the notification should not be issued, the notification shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that notification.

7A. Determination of moneys due from employers.- [(1) The Central Provident Fund Commissioner, any Additional Central Provident Fund Commissioner, any Deputy Provident Fund Commissioner, any Regional Provident Fund Commissioner or any Assistant Provident Fund Commissioner may by order,-

(a) in a case where a dispute arises regarding the applicability of this Act to an establishment, decide such dispute; and
(b) determine the amount due from any employer under any provision of this Act, the Scheme or the \[Pension\] Scheme or the Insurance Scheme, as the case may be,
and for any of the aforesaid purposes may conduct such inquiry as he may deem necessary.]

(2) The Officer conducting the inquiry under sub-section (1) shall, for the purposes of such inquiry, have the same powers as are vested in a Court under the Code of Civil Procedure, 1908 (5 of 1908), for trying a suit in respect of the following matters, namely-

(a) enforcing the attendance of any person or examining him on oath;
(b) requiring the discovery and production of documents;
(c) receiving evidence on affidavit;
(d) issuing commissions for the examination of witnesses;
and any such inquiry shall be deemed to be a judicial proceeding within the meaning of Sections 193 and 228, and for the purpose of Section 196, of the Indian Penal Code (45 of 1860).

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1 Subs. by Act 99 of 1976, sec. 22, for “Family Pension” (w.e.f. 1.8.1976).
2 Subs. by Act 25 of 1996, sec. 4, for “Family Pension” (w.e.f. 16.11.1995).
3 Ins. by Act 4 of 1986, sec. 2 and Sch., for sub-section (2) (w.e.f. 15.5.1986).
4 Ins. by Act 28 of 1963, sec. 6 (w.e.f. 30-11-1963).
5 Subs. by Act 33 of 1988, sec. 10, for sub-section (1) (w.e.f.1.8.1988).
6 Subs. by Act 25 of 1996, sec. 4, for “Family Pension” (w.r.e.f. 16.11.1995).
(3) No order \[***\] shall be made under sub-section (1), unless the employer concerned is given a reasonable opportunity of representing his case.

3[(A) Where the employer, employee or any other person required to attend the inquiry under sub-section (1) fails to attend such inquiry without assigning any valid reason or fails to produce any document or to file any report or return when called upon to do so, the officer conducting the inquiry may decide the applicability of the Act or determine the amount due from any employer, as the case may be, on the basis of the evidence adduced during such inquiry and other documents available on record].

4[(4) Where an order under Sub-section (1) is passed against an employer ex parte, he may, within three months from the date of communication of such order, apply to the officer for setting aside such order and if he satisfies the officer that the show cause notice was not duly served or that he was prevented by any sufficient cause from appearing when the inquiry was held, the officer shall make an order setting aside his earlier order and shall appoint a date for proceeding with the inquiry:

Provided that no such order shall be set aside merely on the ground that there has been an irregularity in the service of the show cause notice if the officer is satisfied that the employer had notice of the date of hearing and had sufficient time to appear before the officer.

Explanation. - Where an appeal has been preferred under this Act against an order passed ex parte and such appeal has been disposed of otherwise than on the ground that the appellant has withdrawn the appeal, no application shall lie under this sub-section for setting aside the ex-parte order.

5[(5) No order passed under this Section shall be set aside on any application under sub-section (4) unless notice thereof has been served on the opposite party.]]

5[7B. Review of orders passed under section 7-A- (1) Any person aggrieved by an order made under sub-section (1) of section 7A, but from which no appeal has been preferred under this Act, and who, from the discovery of new and important matter or evidence which, after the exercise of due diligence was not within his knowledge or could not be produced by him at the time when the order was made, or on account of some mistake or error apparent on the face of the record or for any other sufficient reason, desires to obtain a review of such order may apply for a review of that order to the officer who passed the order:

Provided that such officer may also on his own motion review his order if he is satisfied that it is necessary so to do on any such ground.

(2) Every application for review under sub-section (1) shall be filed in such form and manner and within such time as may be specified in the Scheme.

(3) Where it appears to the officer receiving an application for review that there is no sufficient ground for a review, he shall reject the application.

(4) Where the officer is of the opinion that the application for review should be granted, he shall grant the same:

Provided that,]
(a) no such application shall be granted without previous notice to all the parties before him to enable them to appear and be heard in support of the order in respect of which a review is applied for, and

(b) no such application shall be granted on the ground of discovery of new matter or evidence which the applicant alleges was not within his knowledge or could not be produced by him when the order was made, without proof of such allegation.

(5) No appeal shall lie against the order of the officer rejecting an application for review, but an appeal under this Act shall lie against an order passed under review as if the order passed under review were the original order passed by him under section 7-A.

7C. Determination of escaped amount.- Where an order determining the amount due from an employer under section 7-A or section 7-B has been passed and if the officer who passed the order—

(a) has reason to believe that by reason of the omission or failure on the part of the employer to make any document or report available, or to disclose, fully and truly, all material facts necessary for determining the correct amount due from the employer, any amount so due from such employer for any period has escaped his notice;

(b) has, in consequence of information in his possession, reason to believe that any amount to be determined under section 7-A or section 7-B has escaped from his determination for any period notwithstanding that there has been no omission or failure as mentioned in clause (a) on the part of the employer,

he may, within a period of five years from the date of communication of the order passed under section 7-A or section 7-B, re-open the case and pass appropriate orders re-determining the amount due from the employer in accordance with the provisions of this Act:

Provided that no order re-determining the amount due from the employer shall be passed under this section unless the employer is given a reasonable opportunity of representing his case.]

7D. Employees' Provident Funds Appellate Tribunal.- (1) The Central Government may, by notification in the Official Gazette, constitute one or more Appellate Tribunals to be known as the Employees' Provident Fund Appellate Tribunal to exercise the powers and discharge the functions conferred on such Tribunal by this Act and every such Tribunal shall have jurisdiction in respect of establishments situated in such area as may be specified in the notification constituting the Tribunal.

(2) A Tribunal shall consist of one person only to be appointed by the Central Government.

[(3) A person shall not be qualified for appointment as a Presiding Officer of a Tribunal (hereinafter referred to as the Presiding Officer) unless he is, or has been or is qualified to be,-

(i) a Judge of a High Court; or

(ii) a District Judge.]
7E. Term of Office.- The Presiding Officer of a Tribunal shall hold office for a term of five years from the date on which he enters upon his office or until he attains the age of sixty-two years, whichever is earlier.]

7F. Resignation.- 1[(1)] The Presiding Officer may, by notice in writing under his hand addressed to the Central Government, resign his office:

Provided that the Presiding Officer shall, unless he is permitted by the Central Government to relinquish his office sooner, continue to hold office until the expiry of three months from the date of receipt of such notice or until a person duly appointed as his successor enters upon his office or until the expiry of his term of office, whichever is the earliest.]

2[(2) The Presiding Officer shall not be removed from his office except by an order made by the President on the ground of proved misbehaviour or incapacity after an inquiry made by a Judge of the High Court in which such Presiding Officer had been informed of the charges against him and given a reasonable opportunity of being heard in respect of those charges].

(3) The Central Government may, by rules, regulate the procedure for the investigation of misbehaviour or incapacity of the Presiding Officer.]

7G. Salary and Allowances and other terms and conditions of service of Presiding Officer.- The salary and allowances payable to, and the other terms and conditions of service (including pension, gratuity and other retirement benefits) of, the Presiding Officer shall be such as may be prescribed:

Provided that neither the salary and allowances nor the other terms and conditions of service of the Presiding Officer shall be varied to his disadvantage after his appointment.]

7H. Staff of Tribunal.- (1) The Central Government shall determine the nature and categories of the officers and other employees required to assist a Tribunal in the discharge of its functions and provide the Tribunal with such officers and other employees as it may think fit.

(2) The officers and other employees of a Tribunal shall discharge their functions under the general superintendence of the Presiding Officer.

(3) The salaries and allowances and other conditions of service of the officers and other employees of a Tribunal shall be such as may be prescribed.]

7I. Appeals to Tribunal.- (1) Any person aggrieved by a notification issued by the Central Government, or an order passed by the Central Government or any authority, under the proviso to Sub-section (3), or sub-section (4), of section 1, or section 3, or sub-section (1) of section 7-A, or section 7-B [except an order rejecting an application for review referred to in sub- section(5) thereof], or section 7-C, or section 14-B, may prefer an appeal to a Tribunal against such notification or order.

(2) Every appeal under sub-section (1) shall be filed in such form and manner, within such time and be accompanied by such fees, as may be prescribed.]

7J. Procedure of Tribunals.- (1) A Tribunal shall have power to regulate its own procedure in all matters arising out of the exercise of its powers or of the discharge of its functions including the places at which the Tribunal shall have its sittings.

1 Section 7F re-numbered as sub-section (1) thereof by Act No.10 of 1998, sec 4 (w.r.e.f. 22-9-1997).
2 Ins. by Act No.10 of 1998, sec. 4 (w.e.f. 22.9.1997).
(2) A Tribunal shall, for the purposes of discharging its functions, have all the powers which are vested in the officers referred to in section 7-A and any proceeding before the Tribunal shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228, and for the purpose of section 196, of the Indian Penal Code, 1860 (45 of 1860) and the Tribunal shall be deemed to be a civil court for all the purposes of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973 (2 of 1974).]

7K. Right of Appellant to take assistance of Legal Practitioner and of Government etc., to Appoint Presenting Officers.- (1) A person preferring an appeal to a Tribunal under this Act may either appear in person or take the assistance of a legal practitioner of his choice to present his case before the Tribunal.

(2) The Central Government or a State Government or any other authority under this Act may authorise one or more legal practitioners or any of its officers to act as presenting officers and every person so authorised may present the case with respect to any appeal before a Tribunal.]

7L. Orders of Tribunal.- (1) A Tribunal may, after giving the parties to the appeal, an opportunity of being heard, pass such orders thereon as it thinks fit, confirming, modifying or annulling the order appealed against or may refer the case back to the authority which passed such order with such directions as the Tribunal may think fit, for a fresh adjudication or order, as the case may be, after taking additional evidence, if necessary:

(2) A Tribunal may, at any time within five years from the date of its order, with a view to rectifying any mistake apparent from the record, amend any order passed by it under sub-section (1) and shall make such amendment in the order if the mistake is brought to its notice by the parties to the appeal:

Provided that an amendment which has the effect of enhancing the amount due from, or otherwise increasing the liability of, the employer shall not be made under this sub-section, unless the Tribunal has given notice to him of its intention to do so and has allowed him a reasonable opportunity of being heard.

(3) A Tribunal shall send a copy of every order passed under this section to the parties to the appeal.

(4) Any order made by a Tribunal finally disposing of an appeal shall not be questioned in any Court of law.]

7M. Filling up of vacancies.- If, for any reason, a vacancy occurs in the office of the Presiding Officer, the Central Government shall appoint another person in accordance with the provisions of this Act, to fill the vacancy and the proceedings may be continued before a Tribunal from the stage at which the vacancy is filled.]

7N. Finality of orders constituting a Tribunal.- No order of the Central Government appointing any person as the Presiding Officer shall be called in question in any manner, and no act or proceeding before a Tribunal shall be called in question in any manner on the ground merely of any defect in the constitution of such Tribunal.]

7O. Deposit of amount due, on filing appeal.- No appeal by the employer shall be entertained by a Tribunal unless he has deposited with it seventy-five per cent of the amount due from him as determined by an officer referred to in Section 7-A:

Provided that the Tribunal may, for reasons to be recorded in writing, waive or reduce the amount to be deposited under this section.]


7P. Transfer of certain applications to tribunals.- All applications which are pending before the Central Government under Section 19-A, before its repeal, shall stand transferred to a Tribunal exercising jurisdiction in respect of establishment in relation to which such applications had been made as if such applications were appeals preferred to the Tribunal.

7Q. Interest payable by the employer.- The employer shall be liable to pay simple interest at the rate of twelve per cent per annum or at such higher rate as may be specified in the Scheme on any amount due from him under this Act from the date on which the amount has become so due till the date of its actual payment:

Provided that higher rate of interest specified in the Scheme shall not exceed the lending rate of interest charged by any scheduled bank.

8. Mode of Recovery of moneys due from employers.- Any amount due-

(a) from the employer in relation to an establishment to which any Scheme or the Insurance Scheme applies in respect of any contribution payable to the Fund or, as the case may be, the Insurance Fund, damages recoverable under Section 14B, accumulations required to be transferred under sub-section (2) of section 15 (or under sub-section (5) of section 17) or any charges payable by him under any other provision of this Act or of any provision of the Scheme or the Insurance Scheme; or

(b) from the employer in relation to any exempted establishment in respect of any damages recoverable under section 14B or any charges payable by him to the appropriate Government under any provision of this Act or under any of the conditions specified under section 17 or in respect of the contribution payable by him towards the Pension Scheme (or the Insurance Scheme) under the said section 17),

may, if the amount is in arrear, be recovered in the manner specified in Sections 8B to 8G.

8A. Recovery of Moneys by Employers and Contractors.- (1) The amount of contribution (that is to say the employer's contribution as well as the employee's contribution in pursuance of any Scheme and the employer's contribution in pursuance of the Insurance Scheme), and any charges for meeting the cost of administering the Fund paid or payable by an employer in

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1 Subs. by Act 37 of 1953, sec. 6, for section 8.
2 Subs. by Act 94 of 1956, sec. 3, for "a factory".
3 Subs. by Act 99 of 1976 sec. 24, for "the Fund" (w.e.f. 1-8-1976).
4 Ins. by Act 28 of 1963, sec. 7 (w.e.f. 30-11-1963).
5 Subs. by Act 99 of 1976 sec. 24, for "Scheme" (w.e.f. 1-8-1976).
6 Subs. by Act 94 of 1956, sec. 3, for "factory".
7 Subs. by Act 25 of 1996, sec. 4, for "Family Pension" (w.e.f. 16.11.1995).
9 Subs. for the words "by the Central Provident Fund Commissioner or such other officer as may be authorised by him, by notification in the Official Gazette, in this behalf, in the same manner as an arrear of land revenue" (w.e.f. 1.7.1990).
10 Ins. by Act 28 of 1963, sec. 8 (w.e.f. 30-11-1963).
11 Subs. by Act 99 of 1976 sec. 25, for certain words (w.e.f. 1-8-1976).
12 The words "on the basis of such contribution" omitted by Act No.33 of 1988, sec. 13 (w.e.f. 1.8.1988).
respect of an employee employed by or through a contractor may be recovered by such employer from the contractor, either by deduction from any amount payable to the contractor under any contract or as a debt payable by the contractor.

(2) A contractor from whom the amounts mentioned in sub-section (1) may be recovered in respect of any employee employed by or through him, may recover from such employee the employee’s contribution ¹[under any Scheme] by deduction from the basic wages, dearness allowance and retaining allowance (if any) payable to such employee.

(3) Notwithstanding any contract to the contrary, no contractor shall be entitled to deduct the employer’s contribution or the charges referred to in sub-section (1) from the basic wages, dearness allowance and retaining allowance (if any) payable to an employee employed by or through him or otherwise to recover such contribution or charges from such employee.

Explanation. In this section, the expressions, ‘dearness allowance’ and ‘retaining allowance’ shall have the same meanings as in section 6.]

²[8B. Issue of Certificate to the Recovery Officer.- (1) Where any amount is in arrear under Section 8, the authorised officer may issue, to the Recovery Officer, a certificate under his signature specifying the amount of arrears and the Recovery Officer, on receipt of such certificate, shall proceed to recover the amount specified therein from the establishment or, as the case may be, the employer by one or more of the modes mentioned below:-
(a) attachment and sale of the movable or immovable property of the establishment or as the case may be, the employer;
(b) arrest of the employer and his detention in prison;
(c) appointing a receiver for the management of the movable or immovable properties of the establishment or, as the case may be, the employer:

Provided that the attachment and sale of any property under this section shall first be effected against the properties of the establishment and where such attachment and sale is insufficient for recovering the whole of the amount of arrears specified in the certificate, the Recovery Officer may take such proceedings against the property of the employer for recovery of the whole or any part of such arrears.

(2) The authorised officer may issue a certificate under sub-section (1), notwithstanding that proceedings for recovery of the arrears by any other mode have been taken.]

³[8C. Recovery Officer to whom certificate is to be forwarded.- (1) The authorised officer may forward the certificate referred to in Section 8-B to the Recovery Officer within whose jurisdiction the employer:
(a) carries on his business or profession or within whose jurisdiction the principal place of his establishment is situate; or
(b) resides or any movable or immovable property of the establishment or the employer is situate.

(2) Where an establishment or the employer has property within the jurisdiction of more than one Recovery Officers and the Recovery Officer to whom a certificate is sent by the authorised officer-
(a) is not able to recover the entire amount by the sale of the property, movable or immovable, within his jurisdiction; or

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¹ Ins. by Act 99 of 1976 sec. 25 (w.e.f.1-8-1976).
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(b) is of the opinion that, for the purpose of expediting or securing the recovery of the whole or any part of the amount, it is necessary so to do,

he may send the certificate or, where only a part of the amount is to be recovered, a copy of the certificate certified in the prescribed manner and specifying the amount to be recovered to the Recovery Officer within whose jurisdiction the establishment or the employer has property or the employer resides, and thereupon that Recovery Officer shall also proceed to recover the amount due under this section as if the certificate or the copy thereof had been the certificate sent to him by the authorised officer.]

1[8D. Validity of certificate and amendment thereof.- (1) When the authorised officer issues a certificate to a Recovery Officer under Section 8-B, it shall not be open to the employer to dispute before the Recovery Officer the correctness of the amount, and no objection to the certificate on any other ground shall also be entertained by the Recovery Officer.

(2) Notwithstanding the issue of a certificate to a Recovery Officer, the authorised officer shall have power to withdraw the certificate or correct any clerical or arithmetical mistake in the certificate by sending an intimation to the Recovery Officer.

(3) The authorised officer shall intimate to the Recovery Officer any orders withdrawing or cancelling a certificate or any correction made by him under sub-section (2) or any amendment made under sub-section (4) of Section 8E.]

2[8E. Stay of Proceedings under Certificate and amendment or withdrawal thereof.- (1) Notwithstanding that a certificate has been issued to the Recovery Officer for the recovery of any amount, the authorised officer may grant time for the payment of the amount, and thereupon the Recovery Officer shall stay the proceedings until the expiry of the time so granted.

(2) Where a certificate for the recovery of amount has been issued, the authorised officer shall keep the Recovery Officer informed of any amount paid or time granted for payment, subsequent to the issue of such certificate.

(3) Where the order giving rise to a demand of amount for which a certificate for recovery has been issued has been modified in appeal or other proceeding under this Act, and, as a consequence thereof, the demand is reduced but the order is the subject-matter of a further proceeding under this Act, the authorised officer shall stay the recovery of such part of the amount of the certificate as pertains to the said reduction for the period for which the appeal or other proceeding remains pending.

(4) Where a certificate for the recovery of amount has been issued and subsequently the amount of the outstanding demand is reduced as a result of an appeal or other proceeding under this Act, the authorised officer shall, when the order which was the subject-matter of such appeal or other proceeding has become final and conclusive, amend the certificate or withdraw it, as the case may be.]

3[8F. Other modes of recovery.- (1) Notwithstanding the issue of a certificate to the Recovery Officer under section 8B, the Central Provident Fund
Commissioner or any other officer authorised by the Central Board may recover the amount by any one or more of the modes provided in this section.

(2) If any amount is due from any person to any employer who is in arrears, the Central Provident Fund Commissioner or any other officer authorised by the Central Board in this behalf may require such person to deduct from the said amount the arrears due from such employer under this Act and such person shall comply with any such requisition and shall pay the sum so deducted to the credit of the Central Provident Fund Commissioner or the officer so authorised, as the case may be:

Provided that nothing in this sub-section shall apply to any part of the amount exempt from attachment in execution of a decree of a civil court under section 60 of the Code of Civil Procedure, 1908 (5 of 1908).

(3)(i) The Central Provident Fund Commissioner or any other officer authorised by the Central Board in this behalf may, at any time or from time to time, by notice in writing, require any person from whom money is due or may become due to the employer or, as the case may be, the establishment, or any person who holds or may subsequently hold money for or on account of the employer or, as the case may be, the establishment to pay to the Central Provident Fund Commissioner either forthwith upon the money becoming due or being held or at or within the time specified in the notice (not being before the money becomes due or is held) so much of the money as is sufficient to pay the amount due from the employer in respect of arrears or the whole of the money when it is equal to or less than that amount.

(ii) A notice under this sub-section may be issued to any person who holds or may subsequently hold any money for or on account of the employer jointly with any other person and for the purposes of this sub-section, the shares of the joint holders in such account shall be presumed, until the contrary is proved, to be equal.

(iii) A copy of the notice shall be forwarded to the employer at his last address known to the Central Provident Fund Commissioner, or as the case may be, the officer so authorised and in the case of a joint account to all the joint holders at their last addresses known to the Central Provident Fund Commissioner or the officer so authorised.

(iv) Save as otherwise provided in this sub-section, every person to whom a notice is issued under this sub-section shall be bound to comply with such notice, and, in particular, where any such notice is issued to a post office, bank or an insurer, it shall not be necessary for any pass book, deposit receipt, policy or any other document to be produced for the purpose of any entry, endorsement or the like being made before payment is made notwithstanding any rule, practice or requirement to the contrary.

(v) Any claim respecting any property in relation to which a notice under this sub-section has been issued arising after the date of the notice shall be void as against any demand contained in the notice.

(vi) Where a person to whom a notice under this sub-section is sent objects to it by a statement on oath that the sum demanded or any part thereof is not due to the employer or that he does not hold any money for or on account of the employer, then, nothing contained in this sub-section shall be deemed to require such person to pay any such sum or part thereof, as the case may be, but if it is discovered that such a statement was false in any material particular, such person shall be personally liable to the Central Provident Fund Commissioner or the officer so authorised to the extent of his own liability to the employer on the date of the notice, or to the extent of the employer's liability for any sum due under this Act, whichever is less.
(vii) The Central Provident Fund Commissioner or the officer so authorised may, at any time or from time to time, amend or revoke any notice issued under this sub-section or extend the time for making any payment in pursuance of such notice.

(viii) The Central Provident Fund Commissioner or the officer so authorised shall grant a receipt for any amount paid in compliance with a notice issued under this sub-section, and the person so paying shall be fully discharged from his liability to the employer to the extent of the amount so paid.

(ix) Any person discharging any liability to the employer after the receipt of a notice under this sub-section shall be personally liable to the Central Provident Fund Commissioner or the officer so authorised to the extent of his own liability to the employer so discharged or to the extent of the employer's liability for any sum due under this Act, whichever is less.

(x) If the person to whom a notice under this sub-section is sent fails to make payment in pursuance thereof to the Central Provident Fund Commissioner or the officer so authorised, he shall be deemed to be an employer in default in respect of the amount specified in the notice and further proceedings may be taken against him for the realisation of the amount as if it were an arrear due from him, in the manner provided in sections 8B to 8E and the notice shall have the same effect as an attachment of a debt by the Recovery Officer in exercise of his powers under section 8B.

(4) The Central Provident Fund Commissioner or the officer authorised by the Central Board in this behalf may apply to the court in whose custody there is money belonging to the employer for payment to him of the entire amount of such money, or if it is more than the amount due, an amount sufficient to discharge the amount due.

(5) The Central Provident Fund Commissioner or any officer not below the rank of Assistant Provident Fund Commissioner may, if so authorised by the Central Government by general or special order, recover any arrears of amount due from an employer or, as the case may be, from the establishment by distraint and sale of his or its movable property in the manner laid down in the Third Schedule to the Income-tax Act, 1961 (43 of 1961).

1[8G. Application of certain provisions of Income Tax Act.- The provisions of the Second and Third Schedules to the Income-tax Act, 1961 (43 of 1961) and the Income-tax (Certificate Proceeding) Rules, 1962, as in force from time to time, shall apply with necessary modifications as if the said provisions and the rules referred to the arrears of the amount mentioned in section 8 of this Act instead of to the income-tax:

Provided that any reference in the said provisions and the rules to the “assessee” shall be construed as a reference to an employer as defined in this Act.]

9. Fund to be recognised under Act 11 of 1922- For the purposes of the Indian Income-tax Act, 1922 (11 of 1922), the Fund shall be deemed to be a recognised provident fund within the meaning of Chapter IX-A of the Act:

2[Provided that nothing contained in the said Chapter shall operate to render ineffective any provision of the Scheme (under which the Fund is established) which is repugnant to any of the provisions of that Chapter or of the rules made thereunder.]
10. Protection against attachment.- (1) The amount standing to the credit of any member in the Fund [1][or of any exempted employee in a provident 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 [2][or the exempted employee], and neither the official assignee appointed under the Presidency Towns 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.

3[(2) Any amount standing to the credit of a member in the fund or of an exempted employee in a provident fund at the time of his death and payable to his nominee under the Scheme or the rules of the provident fund shall, subject to any deduction authorised by the said Scheme or rules, vest in the nominee and shall be free from any debt or other liability incurred by the deceased or the nominee before the death of the member or of the exempted employee, [4][and shall also not be liable to attachment under any decree or order of any Court].]

5[(3) The provisions of sub-section (1) and sub-section (2) shall, so far as may be, apply in relation to the [4][Pension] or any other amount payable under the [7][Pension] Scheme [8][and also in relation to any amount payable under the Insurance Scheme] as they apply in relation to any amount payable out of the Fund.]

11. Priority of payment of contributions over other debts.- [9][1][10][Where any employer is adjudicated insolvent or, being a Company, an order for winding up is made, the amount due-

(a) from the employer in relation to [11][an establishment] to which any [12][Scheme or the Insurance Scheme] applies in respect of any contribution payable to the Fund [13][or, as the case may be, the Insurance Fund], damages recoverable under section 14B, accumulations required to be transferred under sub-section (2) of section 15 or any charges payable by him under any other provision of this Act or of any provision of the [14][Scheme or the Insurance Scheme]; or

(b) from the employer in relation to an exempted [15][establishment] in respect of any contribution to [16][the provident fund or any insurance fund] (in so far as it relates to exempted employees),

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1 Ins. by Act 37 of 1953, sec. 8.
2 Ins. by Act 37 of 1953, sec. 8.
3 Subs. by Act 37 of 1953, sec. 8, for sub-section (2).
4 Added by Act 33 of 1988, sec. 15 (w.e.f. 1-8-1988).
5 Ins. by Act 16 of 1971, sec. 22 (w.e.f. 23-4-1971).
6 Subs. by Act 25 of 1996, sec. 4, for “Family Pension” (w.r.e.f 16-11-1995).
7 Subs. by Act 25 of 1996, sec. 4, for “Family Pension” (w.r.e.f 16-11-1995).
9 Section 11 was re-numbered as sub-section (1) of that section by Act 40 of 1973, sec. 3 (w.e.f. 1-11-1973).
10 Subs. by Act 37 of 1953, sec. 9, for certain words.
11 Subs. by Act 94 of 1956, sec. 3, for “a factory”.
12 Subs. by Act 99 of 1976 sec. 27, for “Scheme” (w.e.f. 1-8-1976).
14 Subs. by Act 99 of 1976 sec. 27, for “Scheme” (w.e.f.1-8-1976).
15 Subs. by Act 94 of 1956, sec. 3, for “factory”.
16 Subs. by Act 99 of 1976 sec. 27, for “the provident fund” (w.e.f.1-8-1976).
under the rules of 1[the provident fund or any insurance fund],
2[any contribution payable by him towards the 3[Pension] Fund under sub-section (6) of section 17.] damages recoverable under section 14B or any charges payable by him to the appropriate Government under any provision of this Act or under any of the conditions specified under section 17.

shall, where the liability therefor has accrued before the order of adjudication or winding up is made, be deemed to be included] among the debts which under section 49 of the Presidency-Towns Insolvency Act, 1909 (3 of 1909) or under section 61 of the Provincial Insolvency Act, 1920 (5 of 1920) or under 4[section 530 of the Companies Act, 1956 (1 of 1956)], are to be paid in priority to all other debts in the distribution of the property of the insolvent or the assets of the company being wound up, as the case may be.

5[Explanation In this sub-section and in section 17, “insurance fund” means any fund established by an employer under any scheme for providing benefits in the nature of life insurance to employees, whether linked to their deposits in provident fund or not, without payment by the employees of any separate contribution or premium in that behalf].

6[(2) Without prejudice to the provisions of sub-section (1), if any amount is due from an employer 7[whether in respect of the employee’s contribution (deducted from the wages of the employee) or the employer’s contribution], the amount so due shall be deemed to be the first charge on the assets of the establishment, and shall, notwithstanding anything contained in any other law for the time being in force, be paid in priority to all other debts.]

8[12. Employer not to reduce wages, etc.- No employer in relation to 9[an establishment] to which any 10[Scheme or the Insurance Scheme] applies shall, by reason only of his liability for the payment of any contribution to 11[the Fund or the Insurance Fund] or any charges under this Act or the 12[Scheme or the Insurance Scheme] reduce whether directly or indirectly, the wages of any employee to whom the 13[Scheme or the Insurance Scheme] applies or the total quantum of benefits in the nature of old age pension, gratuity 14[, provident fund or life Insurance] to which the employee is entitled under the terms of his employment, express or implied.]

13. Inspectors.- (1) The appropriate Government may, by notification in the Official Gazette, appoint such persons as it thinks fit to be Inspectors for the

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1 Subs. by Act 99 of 1976 sec. 27, for “the provident fund” (w.e.f. 1-8-1976).
2 Ins. by Act 16 of 1971, sec. 23, (w.e.f. 23-4-1971).
3 Subs. by Act 25 of 1996, sec. 4, for “Family Pension” (w.r.e.f 16-11-1995).
4 Subs. by Act 40 of 1973, sec. 3, for certain words (w.e.f. 1-11-1973).
5 Ins. by Act 99 of 1976 sec. 27 (w.e.f. 1.8.1976).
7 Subs. by Act 33 of 1988, sec. 16, for certain words (w.e.f. 1.8.1988).
8 Subs. by Act 37 of 1953, sec. 10, for section 12.
9 Subs. by Act 94 of 1956, sec. 3, for “a factory”.
10 Subs. by Act 99 of 1976 sec. 28, for “Scheme” (w.e.f. 1-8-1976).
11 Subs. by Act 99 of 1976 sec. 28, for “the Fund” (w.e.f. 1-8-1976).
12 Subs. by Act 99 of 1976 sec. 28, for “Scheme” (w.e.f. 1-8-1976).
13 Subs. by Act 99 of 1976 sec. 28, for “Scheme” (w.e.f. 1-8-1976).
14 Subs. by Act 99 of 1976 sec. 28, for “or provident fund” (w.e.f. 1-8-1976).
purposes of this Act 1], the Scheme 2], the 3]Pension Scheme or the Insurance Scheme], and may define their jurisdiction.

(2) Any Inspector appointed under sub-section (1) may, for the purpose of inquiring into the correctness of any information furnished in connection with this Act or with any 4]Scheme or the Insurance Scheme] or for the purpose of ascertaining whether any of the provisions of this Act or of any 5]Scheme or the Insurance Scheme] have been complied with 6]in respect of 7]an establishment] to which any 8]Scheme or the Insurance Scheme] applies or for the purpose of ascertaining whether the provisions of this Act or any 9]Scheme or the Insurance Scheme] are applicable to any 10]establishment] to which the 11]Scheme or the Insurance Scheme] has not been applied or for the purpose of determining whether the conditions subject to which exemption was granted under section 17 are being complied with by employer in relation to an exempted 12]establishment]-

(a) require an employer 13]or any contractor from whom any amount is recoverable under Sec. 8A] to furnish such information as he may consider necessary 14[**];

(b) at any reasonable time 15]and with such assistance, if any, as he may think fit, enter and search] any 16]establishment] or any premises connected therewith and require any one found in charge thereof to produce before him for examination any accounts, books, registers and other documents relating to the employment of persons or the payment of wages in the 17]establishment];

(c) examine, with respect to any matter relevant to any of the purposes aforesaid, the employer 18]or any contractor from whom any amount is recoverable under section 8A], his agent or servant or any other person found in charge of the 19]establishment] or any premises connected therewith or whom the Inspector has reasonable cause to believe to be or to have been an employee in the 20]establishment];

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1 Subs. by Act 16 of 1971, sec. 24, for “or of any Scheme” (w.e.f. 23-4-1971).
2 Subs. by Act 99 of 1976 sec. 29, for “or the Family Pension Scheme” (w.e.f.1-8-1976).
3 Subs. by Act 25 of 1996, sec. 4, for “Family Pension” (w.e.f. 16-11-1995).
4 Subs. by Act 99 of 1976 sec. 28, for “Scheme” (w.e.f.1-8-1976).
5 Subs. by Act 99 of 1976 sec. 28, for “Scheme” (w.e.f.1-8-1976).
6 Ins. by Act 37 of 1953, sec. 11.
7 Subs. by Act 94 of 1956, sec. 3, for “a factory”.
8 Subs. by Act 99 of 1976 sec. 28, for “Scheme” (w.e.f.1-8-1976).
9 Subs. by Act 99 of 1976 sec. 28, for “Scheme” (w.e.f.1-8-1976).
10 Subs. by Act 94 of 1956, sec. 3, for “factory”.
11 Subs. by Act 99 of 1976 sec. 28, for “Scheme” (w.e.f.1-8-1976).
12 Subs. by Act 94 of 1956, sec. 3, for “factory”.
13 Ins. by Act 28 of 1963, sec. 9 (w.e.f. 30-11-1963).
14 The words “in relation to the Scheme” omitted by Act 37 of 1953, sec. 11.
15 Subs. by Act 28 of 1963, sec. 9, for “enter” (w.e.f. 30-11-1963).
16 Subs. by Act 94 of 1956, sec. 3, for “factory”.
17 Subs. by Act 94 of 1956, sec. 3, for “factory”.
18 Ins. by Act 28 of 1963, sec. 9 (w.e.f. 30-11-1963).
19 Subs. by Act 94 of 1956, sec. 3, for “factory”.
20 Subs. by Act 94 of 1956, sec. 3, for “factory”.
14. **Penalties.**—(1) Whoever, for the purpose of avoiding any payment to be made by himself under this Act, the scheme, or of enabling any other person to avoid such payment, knowingly makes or causes to be made any false statement or false representation shall be punishable with imprisonment for a term which may extend to one year, or with fine of five thousand rupees, or with both.

10[(1A) An employer who contravenes, or makes default in complying with, the provisions of section 6 or clause (a) of sub-section (3) of section 17 in so far as it relates to the payment of inspection charges, or paragraph 38 of the Scheme in so far as it relates to the payment of administrative charges, shall be

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1 Subs. by Act 28 of 1963, sec. 9, for clause (d) (w.e.f. 30-11-1963).
2 Subs. by Act 99 of 1976 sec. 28, for “Scheme” (w.e.f. 1-8-1976).
3 Ins. by Act 16 of 1971, sec. 24. (w.e.f. 23-4-1971).
4 Subs. by Act 25 of 1996, sec. 4, for “Family Pension” (w.r.e.f. 16-11-1995).
5 Subs. by Act 25 of 1996, sec. 4, for “Family Pension” (w.r.e.f. 16-11-1995).
6 Subs. by Act 25 of 1996, sec. 4, for “Family Pension” (w.r.e.f. 16-11-1995).
7 Ins. by Act 28 of 1963, sec. 9, (w.e.f. 30-11-1963).
8 Sub-section (2A) re-numbered as sub-section (2B) by Act 16 of 1971, sec. 24, (w.e.f. 23-4-1971).
10 Ins. by Act 16 of 1971, sec. 24, (w.e.f. 23-4-1971).
11 Sub-section (3) omitted by Act No.33 of 1988, sec. 17 (w.e.f. 1-8-1988). 
12 Subs. by Act 16 of 1971, sec. 25, for “or under any Scheme”. 
13 Subs. by Act 99 of 1976 sec. 30, for “or the Family Pension Scheme” (w.e.f. 7-9-1976). 
14 Subs. by Act 25 of 1996, sec. 4, for “Family Pension” (w.r.e.f. 16-11-1995). 
15 Subs. by Act 33 of 1988, sec. 18, for certain words (w.e.f. 1-8-1988). 
punishable with imprisonment for a term which may extend to 1[three years], but-

(a) which shall not be less than 2[one year and a fine of ten thousand rupees] in case of default in payment of the employees' contributions which has been deducted by the employer from the employees' wages;

3[(b) which shall not be less than six months and a fine of five thousand rupees in any other case:]

4[***]

Provided that the Court may, for any adequate and special reasons to be recorded in the judgment, impose a sentence of imprisonment for a lesser term 5[***].

6[(1-B) An employer who contravenes, or makes default in complying with, the provisions of section 6C, or clause (a) of sub-section (3A) of section 17 in so far as it relates to the payment of inspection charges, shall be punishable with imprisonment for a term which may extend to 7[one year] but which shall not be less than 8[six months] and shall also be liable to fine which may extend to 9[five thousand rupees]:

Provided that the Court may, for any adequate and special reasons to be recorded in the judgment, impose a sentence of imprisonment for a lesser term 10[***].]

(2) 11[Subject to the provisions of this Act, the Scheme], 12[the Pension Scheme or the Insurance Scheme] may provide that any person who contravenes, or makes default in complying with, any of the provisions thereof shall be punishable with imprisonment for a term which may extend to 14[one year, or with fine which may extend to four thousand rupees, or with both.]

15[2-A] Whoever contravenes or makes default in complying with any provision of this Act or of any condition subject to which exemption was granted under section 17 shall, if no other penalty is elsewhere provided by or under this Act for such contravention or non-compliance, be punishable with imprisonment which may extend to 16[six months, but which shall not be less than one month and shall also be liable to fine which may extend to five thousand rupees].

17[***]
14A. Offences by Companies.- (1) If the person committing an offence under this Act, or the Scheme made thereunder, or the Pension Scheme or the Insurance Scheme is a company, every person, who at the time the offence was committed was in charge of, and was responsible to, the company for the conduct of the business of the Company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act, or the Scheme made thereunder, has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to, any neglect on the part of, any director or manager, secretary or other officer of the company, such director, manager, secretary or other officer shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.- For the purposes of this section,-
(a) “company” means any body corporate and includes a firm and other association of individuals; and
(b) “director” in relation to a firm, means a partner in the firm.

14AA. Enhanced punishment in certain cases after previous conviction.- Whoever, having been convicted by a court of an offence punishable under this Act, the Scheme or the Pension Scheme, commits the same offence shall be subject for ever such subsequent offence to imprisonment for a term which may extend to five years, but which shall not be less than two years, and shall also be liable to a fine of twenty five thousand rupees.

14AB. Certain offences to be cognizable.- Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (5 of 1898) an offence relating to default in payment of contribution by the employer punishable under this Act shall be cognizable.

14AC. Cognizance and trial of offences.- (1) No court shall take cognizance of any offence punishable under this Act, the Scheme or the Pension Scheme or the Insurance Scheme, except on a report in writing of the facts constituting such offence made with the previous sanction of the Central
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Provident Fund Commissioner or such other officer as may be authorised by the Central Government, by notification in the Official Gazette, in this behalf, by an Inspector appointed under section 13.

(2) No court inferior to that of a Presidency Magistrate or a Magistrate of the first class shall try any offence under this Act or the Scheme or [the Pension Scheme or the Insurance Scheme].

3[14B. Power to recover damages.- Where an employer makes default in the payment of any contribution to the Fund or the Insurance Fund or in the transfer of accumulations required to be transferred by him under sub-section (2) of section 15 or sub-section (5) of section 17 or in the payment of any charges payable under any other provision of this Act or of any Scheme or Insurance Scheme or under any of the conditions specified under section 17, the Central Provident Fund Commissioner or such other officer as may be authorised by the Central Government, by notification in the Official Gazette, in this behalf, may recover from the employer by way of penalty such damages, not exceeding the amount of arrears, as may be specified in the scheme.]

[Provided that before levying and recovering such damages, the employer shall be given a reasonable opportunity of being heard:] [Provided further that the Central Board may reduce or waive the damages levied under this section in relation to an establishment which is a sick industrial company and in respect of which a scheme for rehabilitation has been sanctioned by the Board for Industrial and Financial Reconstruction established under section 4 of the Sick Industrial Companies (Special Provisions) Act, 1985, (1 of 1986) subject to such terms and condition as may be specified in the scheme.]

12[14C. Power of Court to make orders.- (1) Where an employer is convicted of an offence of making default in the payment of any contribution to the Fund, or in the transfer of accumulations required to be transferred by him under sub-section (2) of section 15 or sub-section (5) of section 17, the court may, in addition to awarding any punishment, by order in writing require him within a period specified in the order (which the court may, if it thinks fit and on application in that behalf, from time to time, extend), to pay the amount of contribution or transfer the

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1 Subs. by Act 99 of 1976, sec. 31, for “the Family Pension Scheme” (w.e.f. 7.9.1976).
2 Subs. by Act 25 of 1996, sec. 4, for “Family Pension” (w.r.e.f 16-11-1995).
3 Ins. by Act 37 of 1953, sec. 13.
4 Subs. by Act 99 of 1976, sec. 31, for “the Family Pension Scheme” (w.e.f. 7.9.1976).
5 Subs. by Act 25 of 1996, sec. 4, for “Family Pension” (w.r.e.f 16-11-1995).
6 Ins. by Act 28 of 1963, sec. 10 (w.e.f. 30-11-1963).
7 Subs. by Act 99 of 1976 sec. 32, for “any Scheme” (w.e.f.1-8-1976).
8 Subs. by Act 40 of 1973, sec. 6, for “the appropriate Government” (w.e.f. 1-11-1973).
9 The words “from the employer by way of penalty such damages, not exceeding the amount of arrears, as may be specified in the Scheme” shall stand subs. by Act 33 of 1988, sec. 20 (to be notified).
11 Ins. by Act No.33 of 1988, sec. 20 (to be notified).
13 Subs. by Act 99 of 1976, sec. 33, for “or the Family Pension Scheme” (w.e.f. 7.9.1976).
14 Subs. by Act 25 of 1996, sec. 4, for “Family Pension” (w.r.e.f 16-11-1995).
accumulations, as the case may be, in respect of which the offence was committed.

(2) Where an order is made under sub-section (1), the employer shall not be liable under this Act in respect of the continuation of the offence during the period or extended period, if any, allowed by the court, but if, on the expiry of such period or extended period, as the case may be, the order of the Court has not been fully complied with, the employer shall be deemed to have committed a further offence and shall be punished with imprisonment in respect thereof under section 14 and shall also be liable to pay fine which may extend to one hundred rupees for every day after such expiry on which the order has not been complied with.

15. Special provisions relating to existing provident funds.- (1) Subject to the provisions of section 17, every employee who is a subscriber to any provident fund of an establishment to which this Act applies shall, pending the application of a Scheme to the establishment in which he is employed, continue to be entitled to the benefits accruing to him under the provident fund, and the provident fund shall continue to be maintained in the same manner and subject to the same conditions as it would have been if this Act had not been passed.

(2) On the application of any Scheme to an establishment, the accumulations in any provident fund of the establishment, standing to the credit of the employees who become members of the Fund established under the Scheme shall, notwithstanding anything to the contrary contained in any law for the time being in force or in any deed or other instrument establishing the provident fund but subject to the provisions, if any, contained in the Scheme, be transferred to the fund established under the Scheme, and shall be credited to the accounts of the employees entitled thereto in the Fund.

16. Act not to apply to certain establishments.- (1) This Act shall not apply:

(a) to any establishment registered under the Co-operative Societies Act, 1912 (2 of 1912), or under any other law for the time being in force in any State relating to co-operative societies, employing less than fifty persons and working without the aid of power; or

(b) to any other establishment belonging to or under the control of the Central Government or a State Government and whose employees are entitled to the benefit of contributory provident fund or old age pension in accordance with any Scheme or rule framed by the Central Government or the State Government governing such benefits; or

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1 Subs. by Act 37 of 1953, sec. 14, for certain words.
2 Subs. by Act 94 of 1956, sec.3, for “a factory”.
3 Subs. by Act 94 of 1956, sec.3, for “factory”.
4 Subs. by Act 37 of 1953, sec. 14, for certain words.
5 Subs. by Act 94 of 1956, sec.3, for “a factory”.
6 Subs. by Act 94 of 1956, sec.3, for “factory”.
7 Subs. by Act 46 of 1960, sec. 5, for sub-section (1) (w.e.f. 31-12-1960). Formerly section 16 was renumbered as sub-section (1) of that section by Act 37 of 1953, sec. 15.
8 Subs. by Act 33 of 1988, sec. 21, for clause (b) (w.e.f. 1.8.1988).
(c) to any other establishment set up under any Central, Provincial or State Act and whose employees are entitled to the benefits of contributory provident fund or old age pension in accordance with any scheme or rule framed under that Act governing such benefits; [1][***]

[2][***]

3) [16A. Authorising certain employers to maintain provident fund accounts.- (1) The Central Government may, on an application made to it in this behalf by the employer and the majority of employees in relation to an establishment employing one hundred or more persons, authorise the employer, by an order in writing, to maintain a provident fund account in relation to the establishment, subject to such terms and conditions as may be specified in the Scheme:

Provided that no authorisation shall be made under this sub-section if the employer of such establishment had committed any default in the payment of provident fund contribution or had committed any other offence under this Act during the three years immediately preceding the date of such authorisation.

(2) Where an establishment is authorised to maintain a provident fund account under sub-section (1), the employer in relation to such establishment shall maintain such account, submit such return, deposit the contribution in such manner, provide for such facilities for inspection, pay such administrative charges, and abide by such other terms and conditions, as may be specified in the Scheme.

(3) Any authorisation made under this section may be cancelled by the Central Government by order in writing if the employer fails to comply with any of the terms and conditions of the authorisation or where he commits any offence under any provision of this Act:

Provided that before cancelling the authorisation, the Central Government shall give the employer a reasonable opportunity of being heard].

8) [17. Power to exempt.- (1) The appropriate Government may, by notification in the Official Gazette, and subject to such conditions as may be specified in the notification, exempt, whether prospectively or retrospectively, from the operation of all or any of the provisions of any Scheme -

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1 The word "or" omitted by Act 10 of 1998, sec. 5 (w.e.f. 22-9-1997).
2 Clause (d) and Explanation omitted by Act No.10 of 1998, sec. 5 (w.e.f. 22-9-1997).
3 Ins. by Act 37 of 1953, sec. 15.
4 Subs. by Act 94 of 1956, sec. 3, for "factories".
5 Ins. by Act 33 of 1988, sec. 21 (w.e.f. 1-8-1988).
6 Subs. by Act 94 of 1956, sec. 3, for "factories".
7 Ins. by Act 33 of 1988, sec. 22, (to be notified).
8 Subs. by Act 37 of 1953, sec. 16, for section 17.
9 Subs. by Act 33 of 1988, sec. 23, for "exempt from the operation" (w.e.f.1-10-1988).
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(a) any establishment to which this Act applies if, in the opinion of the appropriate Government, the rules of its provident fund with respect to the rates of contribution are not less favourable than those specified in section 6 and the employees are also in enjoyment of other provident fund benefits which on the whole are not less favourable to the employees than the benefits, provided under this Act or any Scheme in relation to the employees in any other establishment of a similar character; or

(b) any establishment if the employees of such establishment are in enjoyment of benefits in the nature of provident fund, pension or gratuity and the appropriate government is of opinion that such benefits, separately or jointly, are on the whole not less favourable to such employees than the benefits provided under this Act or any Scheme in relation to employees in any other establishment of a similar character.

[***]

Provided that no such exemption shall be made except after consultation with the Central Board which on such consultation shall forward its views on exemption to the appropriate Government within such time limit as may be specified in the Scheme.

[(1-A) Where an exemption has been granted to an establishment under clause (a) of sub-section (1),

(a) the provisions of sections 6, 7, 8 and 14B shall, so far as may be, apply to the employer of the exempted establishment in addition to such other conditions as may be specified in the notification granting such exemption, and where such employer contravenes, or makes default in complying with any of the said provisions or conditions or any other provisions of this Act, he shall be punishable under section 14 as if the said establishment had not been exempted under the said clause (a);

(b) the employer shall establish a Board of Trustees for the administration of the provident fund consisting of such number of members as may be specified in the Scheme;

(c) the terms and conditions of service of members of the Board of Trustees shall be such as may be specified in the Scheme;

(d) the Board of Trustees constituted under clause (b) shall-

(i) maintain detailed accounts to show the contributions credited, withdrawals made and interest accrued in respect of each employee;

(ii) submit such returns to the Regional Provident Fund Commissioner or any other officer as the Central Government may direct from time to time.

1 Subs. by Act 94 of 1956, sec. 3, for “factory”.
2 Subs. by Act 94 of 1956, sec. 3, for “factory”.
3 Subs. by Act 94 of 1956, sec. 3, for “factory”.
4 Subs. by Act 94 of 1956, sec. 3, for “factory”.
5 Subs. by Act 94 of 1956, sec. 3, for “factory”.
6 Explanation omitted by Act 28 of 1963, sec. 11 (w.e.f. 30-11-1963).
7 Added by Act 33 of 1988, sec. 23 (w.e.f. 1-10-1988).
8 Subs. by Act 33 of 1988, sec. 23, for sub-section (1A) (w.e.f. 1-10-1988).
(iii) invest the provident fund monies in accordance with the directions issued by the Central Government from time to time;

(iv) transfer, where necessary, the provident fund account of any employee; and

(v) perform such other duties as may be specified in the Scheme.

(1B) Where the Board of Trustees established under clause (b) of sub-section (1A) contravenes, or makes default in complying with, any provisions of clause (d) of that sub-section, the Trustees of the said Board shall be deemed to have committed an offence under sub- section (2A) of Section 14 and shall be punishable with the penalties provided in that sub-section.

1[(1C) The appropriate Government may, by notification in the Official Gazette, and subject to the condition on the pattern of investment of pension fund and such other conditions as may be specified therein, exempt any establishment or class of establishments from the operation of the Pension Scheme, if the employees of such establishment or class of establishments are either members of any other pension scheme or propose to be members of such pension scheme, where the pensionary benefits are at par or more favourable than the Pension Scheme under this Act].

(2) Any Scheme may make provision for exemption of any person or class of persons employed in any 2[establishment] to which the Scheme applies from the operation of all or any of the provisions of the Scheme, if such person or class of persons is entitled to benefits in the nature of provident fund, gratuity or old age pension and such benefits, separately or jointly, are on the whole not less favourable than the benefits provided under this Act or the Scheme:

Provided that no such exemption shall be granted in respect of a class of persons unless the appropriate Government is of opinion that the majority of persons constituting such class desire to continue to be entitled to such benefits.

3)[(2-A) 4/The Central Provident Fund Commissioner may, if requested so to do by the employer, by notification in the Official Gazette, and subject to such conditions as may be specified in the notification, exempt whether prospectively or retrospectively, any establishment from the operation of all or any of the provisions of the Insurance Scheme, if he is satisfied that the employees of such establishment are, without making any separate contribution or payment of premium, in enjoyment of benefits in the nature of life insurance, whether linked to their deposits in provident fund or not, and such benefits are more favourable to such employees than the benefits admissible under the Insurance Scheme.

(2-B) Without prejudice to the provisions of sub-section (2A), the Insurance Scheme may provide for the exemption of any person or class of persons employed in any establishment and covered by that scheme from the operation of all or any of the provisions thereof, if the benefits in the nature of life insurance admissible to such person or class of persons are more favourable than the benefits provided under the Insurance Scheme.]

4)[(3) Where in respect of any person or class of persons employed in an establishment an exemption is granted under this section from the operation of

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1 Subs. by Act 25 of 1996, sec. 7 (w.e.f. 16-11-1995).
2 Subs. by Act 94 of 1956, sec. 3, for “factory”.
4 Subs. by Act .33 of 1988 sec. 23, for certain words (w.e.f. 1-10-1988).
5 Subs. by Act 28 of 1963, sec. 11, for sub-section (3) (w.e.f. 30-11-1963).
all or any of the provisions of any Scheme (whether such exemption has been granted to the establishment wherein such person or class of persons is employed, or to the person or class of persons as such), the employer in relation to such establishment-

(a) shall, in relation to the provident fund, pension and gratuity to which any such person or class of persons is entitled, maintain such accounts, submit such returns, make such investment, provide for such facilities for inspection and pay such inspection charges, as the Central Government may direct;

(b) shall not, at any time after the exemption, without the leave of the Central Government, reduce the total quantum of benefits in the nature of pension, gratuity or provident fund to which any such person or class of persons was entitled at the time of the exemption; and

(c) shall, where any such person leaves his employment and obtains re-employment in another establishment to which this Act applies, transfer within such time as may be specified in this behalf by the Central Government, the amount of accumulations to the credit of that person in the provident fund of the establishment left by him to the credit of that person's account in the provident fund of the establishment in which he is re-employed or, as the case may be, in the Fund established under the Scheme applicable to the establishment.]

1[(3-A) Where, in respect of any person or class of persons employed in any establishment, an exemption is granted under sub-section (2A) or sub-section (2B) from the operation of all or any of the provisions of the Insurance Scheme (whether such exemption is granted to the establishment wherein such person or class of persons is employed or to the person or class of persons as such), the employer in relation to such establishment-

(a) shall, in relation to the benefits in the nature of life insurance, to which any such person or class of persons are entitled, or any insurance fund, maintain such accounts, submit such returns, make such investments, provide for such facilities for inspection and pay such inspection charges, as the Central Government may direct;

(b) shall not, at any time after the exemption without the leave of the Central Government, reduce the total quantum of benefits in the nature of life insurance to which any such person or class of persons was entitled immediately before the date of the exemption, 2[***]

(c) 3[***]

(4) Any exemption granted under this section may be cancelled by the authority which granted it, by order in writing, if an employer fails to comply-

(a) in the case of an exemption granted under sub-section (1), with any of the conditions imposed under that sub-section 4[or Sub-section (1A)] or with any of the provisions of sub-section (3); 5[***]

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1 Ins. by Act 99 of 1976 sec. 34 (w.e.f.1-8-1976).
2 The word “and” omitted by Act No.33 of 1988, sec. 23 (w.e.f. 1.10.1988).
3 Clause (c) omitted by Act No.33 of 1988, sec. 23 (w.e.f. 1.10.1988).
4 Ins. by Act No.33 of 1988, sec. 23 (w.e.f. 1.10.1988).
5 The word “and” omitted by Act 16 of 1971, sec. 27 (w.e.f. 23-4-1971).
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[(aa) in the case of an exemption granted under sub-section [(1C)] with any of the conditions imposed under that sub-section; and]

[(b) in the case of an exemption granted under sub-section (2), with any of the provisions of sub-section (3);]

[(c) in the case of an exemption granted under sub-section (2A), with any of the conditions imposed under that sub-section or with any of the provisions of sub-section (3A);]

[(d) in the case of an exemption granted under sub-section (2B), with any of the provisions of sub-section (3A).]

[(5) Where any exemption granted under sub-section (1), sub-section [(1C)], [(2), sub-section (2A) or sub-section (2B)] is cancelled, the amount of accumulations to the credit of every employee to whom such exemption applied, in the provident fund, the Pension Fund or the Insurance Fund of the establishment in which he is employed shall be transferred within such time and in such manner as may be specified in the Scheme or the Pension Scheme or the Insurance Scheme to the Credit of his account in the Fund or the Pension Fund or the Insurance Fund, as the case may be.

(6) Subject to the provisions of sub-section [(1C)], the employer of an exempted establishment or of an exempted employee of an establishment to which the provisions of the Pension Scheme apply, shall, notwithstanding any exemption granted under sub-section (1) or sub-section (2), pay to the Pension Fund such portion of the employer’s contribution to its provident fund within such time and in such manner as may be specified in the Pension Scheme.

20[17A. Transfer of accounts.- (1) Where an employee employed in an establishment to which this Act applies leaves his employment and obtains re-employment in another establishment to which this Act does not apply, the

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1. Ins. by Act 16 of 1971, sec. 27 (w.e.f. 23-4-1971).
2. Subs. by Act No.33 of 1988, sec. 23 for “(1A)” (w.e.f. 1.10.1988).
5. Subs. by Act 16 of 1971, sec. 27, for sub-section (5) (w.e.f. 23-4-1971).
7. Sub. by Act 99 of 1976, sec. 34, for certain words (w.e.f.1-8-1971).
8. Sub. by Act 99 of 1976, sec. 34, for certain words (w.e.f.1-8-1971).
11. Subs. by Act 25 of 1996, sec. 4, for “Family Pension” (w.r.e.f. 16.11.1995).
15. Subs. by Act 33 of 1988, sec. 23, for “(1A)” (w.e.f. 1.10.1988).
17. Subs. by Act 25 of 1996, sec. 4, for “Family Pension” (w.r.e.f. 16.11.1995).
amount of accumulations to the credit of such employee in the Fund, or as the case may be, in the provident fund of the establishment left by him shall be transferred, within such time as may be specified by the Central Government in this behalf, to the credit of his account in the provident fund of the establishment in which he is re-employed, if the employee so desires and the rules in relation to that provident fund permit such transfer.

(2) Where an employee employed in an establishment to which this Act does not apply leaves his employment and obtains re-employment in another establishment to which this Act applies, the amount of accumulations to the credit of such employee in the provident fund of the establishment left by him may, if the employee so desires and the rules in relation to such provident fund permit, be transferred to the credit of his account in the Fund or, as the case may be, in the provident fund of the establishment in which he is re-employed.

\[\textbf{17AA. Act to have effect notwithstanding anything contained in Act 31 of 1956.} - The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in the Life Insurance Corporation Act, 1956 (31 of 1956).\]

\[\textbf{17B. Liability in case of transfer of establishment.} - Where an employer, in relation to an establishment, transfers that establishment in whole or in part, by sale, gift, lease or licence or in any other manner whatsoever, the employer and the person to whom the establishment is so transferred shall jointly and severally be liable to pay the contribution and other sums due from the employer under any provision of this Act or the Scheme or the Insurance Scheme, as the case may be, in respect of the period up to the date of such transfer:

Provided that the liability of the transferee shall be limited to the value of the assets obtained by him by such transfer.]\]

\[\textbf{18. Protection of action taken in good faith.} - No suit, prosecution or other legal proceeding shall lie against the Central Government, a State Government, the Presiding Officer of a Tribunal, any authority referred to in section 7-A, an Inspector or any other person for anything which is in good faith done or intended to be done in pursuance of this Act, the Scheme, the Pension scheme or the Insurance scheme.

\textbf{18A. Presiding Officer and other officers to be public servants.} - The Presiding Officer of a Tribunal, its officers and other employees, the authorities referred to in Section 7-A and every Inspector shall be deemed to be public servants within the meaning of Section 21 of the Indian Penal Code (45 of 1860).\]

\[\textbf{19. Delegation of powers.} - The appropriate Government may direct that any power or authority or jurisdiction exercisable by it under this Act \[the Scheme, the Pension Scheme or the Insurance Scheme\] shall, in relation to
such matters and subject to such conditions, if any, as may be specified in the direction, be exercisable also -

(a) where the appropriate Government is the Central Government, by such officer or authority subordinate to the Central Government or by the State Government, or by such officer or authority subordinate to the State Government, as may be specified in the notification; and

(b) where the appropriate Government is a State Government, by such officer or authority subordinate to the State Government as may be specified in the notification.

2[19A].

3[20. Power of Central Government to give directions.- The Central Government may, from time to time, give such directions to the Central Board as it may think fit for the efficient administration of this Act and when any such direction is given, the Central Board shall comply with such direction.


(2) Without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:-

(a) the salary and allowances and other terms and conditions of service of the Presiding Officer and the employees of a Tribunal:

(b) the form and the manner in which, and the time within which, an appeal shall be filed before a Tribunal and the fees payable for filing such appeal;

(c) the manner of certifying the copy of the certificate to be forwarded to the Recovery Officer under sub-section (2) of section 8C; and

(d) any other matter which has to be, or may be, prescribed by rules under this Act.

(3) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

22. Power to remove difficulties.- (1) If any difficulty arises in giving effect to the provisions of this Act, as amended by the Employees’ Provident Funds and Miscellaneous Provisions (Amendment) Act, 1988, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for the removal of the difficulty:

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1 Subs. by Act 25 of 1996, sec. 4, for “Family Pension” (w.r.e.f.16-11-1995).
3 Subs. by Act 33 of 1988, sec. 25, for section 19-A, (w.e.f. 1.7.1997). Earlier section 19A was subs. by Act 37 of 1935, sec. 17, for section 18.
Provided that no such order shall be made after the expiry of a period of three years from the date on which the said amendment Act receives the assent of the President.

(2) Every order made under this section shall, as soon as may be after it is made, be laid before each House of Parliament.


SCHEDULE I

[SEE SECTIONS 2 (I) AND 4]

Any industry engaged in the manufacture of any of the following, namely:

Cement.
Cigarettes.
Electrical, mechanical or general engineering products.
Iron and steel.
Paper.
Textiles (made wholly or in part of cotton or wool or jute or silk, whether natural or artificial).

1. Matches.
2. Edible oils and fats.
3. Sugar.
4. Rubber and Rubber products.
5. Electricity including the generation, transmission and distribution thereof.
6. Tea.
7. Printing other than printing industry relating to newspaper establishment as defined in the Working Journalists (Conditions of Service) and Miscellaneous Provisions Act, 1955 (45 of 1955) including the process of composing types for printing, printing by letter press, lithography, photogravure or other similar process or book-binding.
8. Glass.
10. Sanitary wares.
11. Electrical porcelain insulators of high and low tension.
12. Refractories.
13. Tiles.

Heavy and fine chemicals, including-

(i) Fertilizers,
(ii) Turpentine,
(iii) Resin,
(iv) Medical and pharmaceutical preparations,
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(v) Toilet preparations,
(vi) Soaps,
(vii) Inks,
(viii) Intermediates, dyes, colour lacs and toners,
(ix) Fatty acids, and
1[(x) Oxygen, acetylene, and carbon-dioxide gases industry]:

2. Indigo.
3. Lac including shellac.
4. Non-edible vegetable and animal oils and fats.]
2[Mineral oil refining industry.]
3[(i) Industrial and Power Alcohol industry; and
(ii) Asbestos Cement sheets industry.]
4[Biscuit making industry including composite units making biscuit and products such as bread, confectionery, milk and milk powder.]
5[Mica industry.]
6[Plywood industry.]
7[Automobile repairing and servicing industry.]

8[1. Rice Milling.
2. Flour Milling.
3. Dal Milling.]

9[Starch industry.]
10[1. Petroleum or natural gas exploration, prospecting, drilling or production.
2. Petroleum or natural gas refining.] 11[Leather and leather products industry.
12[1. Stone-ware jars.]

1 Added by S.R.O. 1976, dt. 8th June, 1957, see Gazette of India, Pt. II, Sec. 3, p. 1242 (w.e.f. 31-7-1957).
2 Added by S.R.O. 218, dt. 12th January, 1957, see Gazette of India, Pt. II, Sec. 3, p. 175 (w.e.f. 31-7-1957).
3 Added by S.R.O. 3067, dt. 19th September, 1957, see Gazette of India, Pt. II, Sec. 3, p. 2058, (w.e.f. 30-1-1957).
4 Added by G.S.R. 170, dt. 12th March, 1958, see Gazette of India, Pt. II, Sec. 3, p. 131 (w.e.f. 30-4-1958).
5 Added by G.S.R. 312, dt. 5th March, 1960, see Gazette of India, Pt. II, Sec. 3(i), p. 569 (w.e.f. 31-7-1960).
6 Added by G.S.R. 632, dt. 30th May, 1960, see Gazette of India, Pt. II, Sec. 3(i), p. 853 (w.e.f. 30-6-1960).
7 Added by G.S.R. 683, dt. 9th June, 1960, see Gazette of India, Pt. II, Sec. 3(i), p. 951 (w.e.f. 30-6-1960).
8 Added by G.S.R. 1443, dt. 24th November, 1960, see Gazette of India, Pt. II, Sec. 3(i), p. 1819 (w.e.f. 31-12-1960).
9 Added by G.S.R. 535, dt. 10th April, 1961, see Gazette of India, Pt. II, Sec. 3(i), p. 654 (w.e.f. 31-5-1961).
10 Added by G.S.R. 705, dt. 16th May, 1961, see Gazette of India, Pt. II, Sec. 3(i), p. 789 (w.e.f. 30-6-1961).
11 Added by G.S.R. 993, dated 29th July 1961, see Gazette of India, Pt. II, Sec. 3(i), p. 1218, (w.e.f. 31.8.1961).
12 Added by G.S.R. 1382, dated 4th November, 1961, see Gazette of India, Pt. II, Sec. 3(i), p. 1694 (w.e.f. 30.11.1961).
1[Sch.[1]


[3]Fruit and vegetable preservation industry that is to say, any industry which is engaged in the preparation or production of any of the following articles, namely:-

(i) canned and bottled fruits, juices and pulps,
(ii) canned and bottled vegetables,
(iii) frozen fruits and vegetables,
(iv) jams, jellies and marmalades,
(v) tomato products, ketchups and sauces,
(vi) squashes, crushes, cordials and ready-to-serve beverages or any other beverages containing fruit juice or fruit pulp,
(vii) preserved, candied and crystallised fruits and peels,
(viii) chutneys,
(ix) any other unspecified item relating to the preservation or canning of fruits and vegetables.

3[Cashewnut industry.]

4[Confectionery industry.]

5[Buttons.

2. Brushes.


4. Stationery products.]

6[The aerated water industry (i.e. any industry engaged in the manufacture of aerated water, soft drinks or carbonated water.]

7[Distilling and rectifying of spirits (not falling under industrial and power alcohol) and blending of spirits industry.]

8[Paint and varnish industry.]

9[Bone crushing industry.]

10[Pickers industry.]

11[Milk and milk products industry.]

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1 Added by G.S.R. 1382, dated 4th November, 1961, see Gazette of India, Pt. II, Sec. 3(i), p. 1694 (w.e.f. 30.11.1961).
3 Added by G.S.R. 1125 dated 18th August, 1962 see Gazette of India, Pt. II, Sec. 3(i), p. 1233 (w.e.f. 30.9.1962).
4 Added by G.S.R. 424, dated 28th February, 1963, see Gazette of India, Pt. II, Sec. 3(i), p. 390 (w.e.f. 31.3.1963).
5 Added by G.S.R. 591, dated 27th March, 1963, see Gazette of India, Pt. II, Sec. 3(i), p. 629 (w.e.f. 30.4.1963).
6 Added by G.S.R. 1432, dated 3rd August, 1963, see Gazette of India, Pt. II, Sec. 3(i), p. 693 (w.e.f. 31.8.1963).
7 Added by G.S.R. 1605, dated 26th September, 1963, see Gazette of India, Pt. II, Sec. 3(i), p. 1880 (w.e.f. 31.10.1963).
9 Added by G.S.R. 67, dated 31st December, 1963, see Gazette of India, Pt. II, Sec. 3(i), p. 82 (w.e.f. 31.12.1963).
10 Added by G.S.R. 822, dated 22nd May, 1964, see Gazette of India, Pt. II, Sec. 3(i), p. 834 (w.e.f. 30.6.1964).
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1[Non-ferrous metals and alloys in the form of ingots industry.]
2[Bread industry.]
3[Stemming or redrying of tobacco leaf industry (i.e., any industry engaged in the stemming, redrying, handling, sorting, grading or packing of tobacco leaf.)]
4[Agarbatee (including dhoop and dhoopbatee) industry.]
5[Coir (excluding the spinning sector) industry.]
6[Tobacco industry, that is to say, any industry engaged in the manufacture of Cigars, Zarda, snuff, quivam and guraku from tobacco.]
7[Paper products industry.]
8[Licensed salt industry (i.e., any industry engaged in the manufacture of salt for which a licence is necessary and which has land not less than 10[4.05 hectares.]
9[Linoleum industry' and 'Indoleum industry'.]
10[Explosives industry.]
11[Jute baling or pressing industry.]
12[Fire-works and percussion cap works industry.]
13[Tent-making industry.]
14[Ferro-Manganese industry.]

1 Added by G.S.R. 1723, dated 27th November, 1964, see Gazette of India, Pt. II, Sec. 3(i), p. 1897 (w.e.f. 31.12.1964).
2 Added by G.S.R. 1795, dated 9th December, 1964, see Gazette of India, Pt. II, Sec. 3(i), p. 1980 (w.e.f. 31.1.1965).
3 Added by G.S.R. 402, dated 2nd March 1965, see Gazette of India, Pt. II, Sec. 3(i), p. 436 (w.e.f. 31.3.1965).
4 Added by G.S.R. 768, dated 18th May, 1965, see Gazette of India, Pt. II, Sec. 3(i), p. 818 (w.e.f. 30.6.1965).
5 Added by G.S.R. 910, dated 23rd June, 1965, see Gazette of India, Pt. II, Sec. 3(i), p. 1006 (w.e.f. 31.7.1965).
6 Added by G.S.R. 952, dated 3rd, July, 1965, see Gazette of India, Pt. II, Sec. 3(i), p. 1006 (w.e.f. 30.9.1965).
8 Added by G.S.R. 1119, dated 11th July, 1966, see Gazette of India, Pt. II, Sec. 3(i), p. 1262 (w.e.f. 31.7.1966).
10 Added by G.S.R. 1445, dated 16th December, 1966, see Gazette of India, 1967, Pt. II, Sec. 3(i), p. 2284 for “ten acres”.
14 Added by G. S. R. 1530, dated 5th October, 1967, see Gazette of India, Pt. II, Sec. 3(i), p. 1670 (w.e.f. 31.10.1967).
2[Ice or Ice-cream industry.]
3[Winding of thread and yarn reeling industry.]
4[Cotton ginning, baling and pressing industry].
5[Katha making industry.
6[Beer manufacturing industry, that is to say, any industry engaged in the manufacture of the product of alcoholic fermentation of a mash in potable water of malted barley and hops, or of hops concentrated with or without the addition of other malted or unmalted cereals or other carbohydrate preparations.]
7[Beedi industry, that is to say, any industry engaged in the manufacture of beedis.]
8[Ferro-Chrome industry i.e., any industry engaged in manufacture of ferro-chrome.]
9[Diamond cutting industry.]
10[Industries engaged in the manufacture of Myrobalan Extract Powder, Myrobalan Extract Solid and Vegetable Tanin Blended Extract.]
11[Bricks Industry, i.e., any industry engaged in manufacture of bricks.]
12[All Industries based on asbestos as principal raw material.]
13[Industries manufacturing iron ore pellets.]
14[Explanation.- In this Schedule, without prejudice to the ordinary meaning of expressions used therein,-]
(a) the expression “electrical, mechanical or general engineering products” includes-
(1) machinery and equipment for the generation, transmission, distribution or measurement of electrical energy and motors including cables and wires,
(2) telephones, telegraph and wireless communication apparatus,
(3) electric lamps (not including glass bulbs),
(4) electric fans and electrical domestic batteries,
(5) storage and dry batteries,
(6) radio receivers and sound reproducing instruments,
(7) machinery used in industry (including textile machinery) other than electrical machinery and machine tools,
(8) boilers and prime movers, including internal combustion engines, marine engines, and locomotives,
(9) machine tools, that is to say, metal and wood working machinery,
(10) grinding wheels,
(11) ships,
(12) automobiles and tractors,
(13) bolts, nuts and rivets,
(14) Power-driven pumps,
(15) bicycles,
(16) hurricane lanterns,
(17) Sewing and knitting machines;
(18) mathematical and scientific instruments;
(19) products of metal rolling and re-rolling;
(20) wires, pipes, tubes and fittings,
(21) ferrous and non-ferrous castings,
(22) safes, vaults and furniture made of iron or steel or steel alloys,
(23) cutlery and surgical instruments,
(24) drums and containers,
(25) parts and accessories of products specified in items 1 to 24;

(b) the expression “Iron and Steel” includes pig iron, ingots, blooms, billets and rolled or re-rolled products into basic forms and tool and alloy steel;

(c) the expression “Paper” includes pulp, paperboards and strawboard;

(d) the expression “textiles” includes the products of carding, spinning, weaving, finishing and dyeing yarn and fabrics, printing, knitting and embroidering.]
SCHEDULE II

MATTERS FOR WHICH PROVISION MAY BE MADE IN A SCHEME

1. The employees or class of employees who shall join the Fund, and the conditions under which employees may be exempted from joining the Fund or from making any contribution.

2. The time and manner in which contribution shall be made to the Fund by employers and by, or on behalf of, employees, \[whether employed by him directly or by or through a contractor,\] the contributions which an employee may, if he so desires, make under, Section 6, and the manner in which such contributions may be recovered.

3. The manner in which employee's contributions may be recovered by contractors from employees employed by or through such contractors.

4. The payment by the employer of such sums of money as may be necessary to meet the cost of administering the Fund and the rate at which and the manner in which the payment shall be made.

5. The constitution of any committee for assisting any Board of Trustees.

6. The opening of regional and other offices of any Board of Trustees.

7. The manner in which accounts shall be kept, the investment of moneys belonging to the Fund in accordance with any directions issued or conditions specified by the Central Government, the preparation of the budget, the audit of accounts and the submission of reports to the Central Government or to any specified State Government.

8. The conditions under which withdrawal from the Fund may be permitted and any deduction or forfeiture may be made and the maximum amount of such deduction or forfeiture.

9. The fixing by the Central Government in consultation with the boards of trustees concerned of the rate of interest payable to members.

10. The form in which an employee shall furnish particulars about himself and his family whenever required.

11. The nomination of a person to receive the amount standing to the credit of a member after his death and the cancellation or variation of such nomination.

12. The registers and records to be maintained with respect to employees and the returns to be furnished by employers \[or contractors,\]

13. The fees to be levied for any of the purposes specified in this Schedule.

14. The contraventions or default which shall be punishable under Sub-section (2) of Section 14.

15. The further powers if any, which may be exercised by Inspectors.

16. The manner in which accumulations in any existing provident fund shall be transferred to the Fund under Section 15, and the mode of valuation of any assets which may be transferred by the employers in this behalf.

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1 Subs. by Act No.28 of 1963, sec. 13, for "(See section 6(2))" (w.e.f. 30.11.1963).
2 Ins. by Act No.28 of 1963, sec. 13 (w.e.f. 30.11.1963).
3 The words "sub-section (1) of" omitted by Act 28 of 1963, sec. 13 (w.e.f. 30.11.1963).
4 Ins. by Act No.28 of 1963, sec. 13 (w.e.f. 30.11.1963).
5 Subs. by Act 28 of 1963, sec. 13, for items 4 and 5 (w.e.f. 30.11.1963).
6 Ins. by Act No.28 of 1963, sec. 13 (w.e.f. 30.11.1963).
17. The conditions under which a member may be permitted to pay premia on life insurance, from the Fund.
18. Any other matter \[1\]which is to be provided for in the Scheme or] which may be necessary or proper for the purpose of implementing the Scheme.

**SCHEDULE III**

**SEE SECTION 6A(5)**

**MATTERS FOR WHICH PROVISION MAY BE MADE IN THE PENSION SCHEME**

1. The employees or class of employees to whom the Pension Scheme shall apply.
2. The time within which the employees who are not members of the \[3\]Pension Scheme under section 6A as it stood before the commencement of the Employees' Provident Funds and Miscellaneous Provisions (Amendment) Act, 1996 (hereinafter, in this Schedule, referred to as the amending Act) shall opt for the Pension Scheme.
3. The portion of employers' contribution to the Provident Fund which shall be credited to the Pension Fund and the manner in which it is credited.
4. The minimum qualifying service for being eligible for pension and the manner in which the employees may be granted the benefits of their past service under section 6A, as it stood before the commencement of the amending Act.
5. The regulation of the manner in which, the period of service for which no contribution is received.
6. The manner in which employees' interest will be protected against default in payment of contribution by the employer.
7. The manner in which the accounts of the pension fund shall be kept and investment of moneys belonging to pension fund to be made subject to such pattern of investment as may be determined by the Central Government.
8. The form in which an employee shall furnish particulars about himself and the members of his family whenever required.
9. The forms, registers and records to be maintained in respect of employees, required for the administration of the Pension Scheme.
10. The scale of pension and pensionary benefits and the conditions relating to grant of such benefits to the employees.
11. The manner in which the exempted establishments have to pay contribution towards the Pension Scheme and the submission of returns relating thereto.
12. The mode of disbursement of pension and arrangements to be entered into with such disbursing agencies as may be specified for the purpose.
13. The manner in which the expenses for administering the Pension Scheme will be met from the income of the Pension Fund.
14. Any other matter which is to be provided for in the Pension Scheme or which may be necessary or proper for the purpose of implementation of the Pension Scheme.

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1 Ins. by Act No.28 of 1963, sec. 13 (w.e.f. 30.11.1963).
2 Subs. by Act 25 of 1996, sec. 8 (w.r.e.f. 16-11-1995). Earlier Schedule III was ins. by Act 16 of 1971, sec. 30 (w.e.f. 23-4-1971).
3 Subs. by “Family Pension” by Act No. 25 of 1996, s. 7 (w.e.f. 16.11.1995).
MATTERS TO BE PROVIDED FOR IN THE EMPLOYEES' DEPOSIT LINKED INSURANCE SCHEME

1. The employees or class of employees who shall be covered by the Insurance Scheme.
2. The manner in which the accounts of the Insurance Fund shall be kept and the investment of moneys belonging to the Insurance Fund subject to such pattern of investment as may be determined, by order, of the Central Government.
3. The form in which an employee shall furnish particulars about himself and the members of his family whenever required.
4. The nomination of a person to receive the insurance amount due to the employee after his death and the cancellation or variation of such nomination.
5. The registers and records to be maintained in respect of employees; the form or design of any identity card, token or disc for the purpose of identifying any employee or his nominee or member of his family entitled to receive the insurance amount.
6. The scales of insurance benefits and conditions relating to the grant of such benefits to the employees.
7. The manner in which the amount due to the nominee or the member of the family of the employee under the scheme is to be paid including a provision that the amount shall not be paid otherwise than in the form of a deposit in a savings bank account, in the name of such nominee or member of family in any corresponding new bank specified in the First Schedule to the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 (5 of 1970).
8. Any other matter which is to be provided for in the Employees' Deposit-Linked Insurance Scheme or which may be necessary or proper for the purpose of implementing that Scheme.

ANNEXURE RECOVERY OF DAMAGES FROM EMPLOYERS

Central Government has, by Notification No. S. O. 1553, dated 17th April, 2002, authorised the officers to recover damages from the employers under the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 with effect from 4th May, 2002.

In exercise of the powers conferred by section 14B of the Employees' Provident Fund and Miscellaneous Provisions Act, 1952 (19 of 1952), and in supersession of Notification No. S. O. 548 (E), dated the 17th October, 1973, issued in this regard, the Central Government authorises the officers mentioned in column (2) of the Schedule mentioned below to exercise the powers to recover from the employers by way of penalty such damages under the said Act for the respective areas mentioned in column (3) of the said Schedule in relation to factories/establishments covered under the provisions of the said Act.

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2 Subs. by Act 33 of 1988, sec. 26, for “item 6 and 7” (w.e.f. 1.8.1988).
3 Omitted by Act No.33 of 1988 (w.e.f.) 1.8.1988.
<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Designation of the officer</th>
<th>Areas in relation to which jurisdiction to be exercised</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Additional Central Provident Fund Commissioners of Employees’ Provident Fund Organisation.</td>
<td>The whole of India except the State of Jammu and Kashmir</td>
</tr>
<tr>
<td>2.</td>
<td>Regional Provident Fund Commissioners/Assistant Provident Fund Commissioners at Corporate Headquarters of Employees’ Provident Fund Organisation.</td>
<td>The whole of India except the State of Jammu and Kashmir</td>
</tr>
<tr>
<td>3.</td>
<td>Regional Provident Fund Commissioners/Assistant Provident Fund Commissioners working in Andhra Pradesh region of the Employees’ Provident Fund Organisation.</td>
<td>The State of Andhra Pradesh and the area of Yaman in the territory of Pondicherry</td>
</tr>
<tr>
<td>4.</td>
<td>Regional Provident Fund Commissioners/Assistant Provident Fund Commissioners working in Bihar region of the Employees’ Provident Fund Organisation.</td>
<td>The State of Bihar</td>
</tr>
<tr>
<td>5.</td>
<td>Regional Provident Fund Commissioners/Assistant Provident Fund Commissioners working in Chattisgarh region of the Employees’ Provident Fund Organisation.</td>
<td>The State of Chhattisgarh</td>
</tr>
<tr>
<td>6.</td>
<td>Regional Provident Fund Commissioners/Assistant Provident Fund Commissioners working in Delhi region of the Employees’ Provident Fund Organisation.</td>
<td>National Capital Territory of Delhi</td>
</tr>
<tr>
<td>7.</td>
<td>Regional Provident Fund Commissioners/Assistant Provident Fund Commissioners working in Goa region of the Employees’ Provident Fund Organisation.</td>
<td>The State of Goa</td>
</tr>
<tr>
<td>8.</td>
<td>Regional Provident Fund Commissioners/Assistant Provident Fund Commissioners working in Gujarat region of the Employees’ Provident Fund Organisation.</td>
<td>The State of Gujarat and Union Territories of Dadra and Nagar Haveli and Daman and Diu</td>
</tr>
<tr>
<td>9.</td>
<td>Regional Provident Fund Commissioners/Assistant Provident Fund Commissioners working in Haryana region of the Employees’ Provident Fund Organisation.</td>
<td>The State of Haryana</td>
</tr>
<tr>
<td>10.</td>
<td>Regional Provident Fund Commissioners/Assistant Provident Fund Commissioners working in Himachal Pradesh region of the Employees’ Provident Fund Organisation.</td>
<td>The State of Himachal Pradesh</td>
</tr>
<tr>
<td>Sl. No.</td>
<td>Designation of the officer</td>
<td>Areas in relation to which jurisdiction to be exercised</td>
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</tr>
<tr>
<td>11.</td>
<td>Regional Provident Fund Commissioners/Assistant Provident Fund Commissioners working in Jharkhand region of the Employees’ Provident Fund Organisation.</td>
<td>The State of Jharkhand</td>
</tr>
<tr>
<td>12.</td>
<td>Regional Provident Fund Commissioners/Assistant Provident Fund Commissioners working in Karnataka region of the Employees’ Provident Fund Organisation.</td>
<td>The State of Karnataka</td>
</tr>
<tr>
<td>13.</td>
<td>Regional Provident Fund Commissioners/Assistant Provident Fund Commissioners working in Kerala region of the Employees’ Provident Fund Organisation.</td>
<td>The State of Kerala</td>
</tr>
<tr>
<td>14.</td>
<td>Regional Provident Fund Commissioners/Assistant Provident Fund Commissioners working in Madhya Pradesh region of the Employees’ Provident Fund Organisation.</td>
<td>The State of Madhya Pradesh</td>
</tr>
<tr>
<td>15.</td>
<td>Regional Provident Fund Commissioners/Assistant Provident Fund Commissioners working in Maharashtra region of the Employees’ Provident Fund Organisation.</td>
<td>The State of Maharashtra</td>
</tr>
<tr>
<td>16.</td>
<td>Regional Provident Fund Commissioners/Assistant Provident Fund Commissioners working in North Eastern region of the Employees’ Provident Fund Organisation.</td>
<td>The State of Assam, Nagaland, Manipur, Meghalaya, Arunachal Pradesh, Mizoram and Tripura</td>
</tr>
<tr>
<td>17.</td>
<td>Regional Provident Fund Commissioners/Assistant Provident Fund Commissioners working in Orissa region of the Employees’ Provident Fund Organisation.</td>
<td>The State of Orissa</td>
</tr>
<tr>
<td>18.</td>
<td>Regional Provident Fund Commissioners/Assistant Provident Fund Commissioners working in Punjab region of the Employees’ Provident Fund Organisation.</td>
<td>The State of Punjab and Union Territory of Chandigarh</td>
</tr>
<tr>
<td>19.</td>
<td>Regional Provident Fund Commissioners/Assistant Provident Fund Commissioners working in Rajasthan region of the Employees’ Provident Fund Organisation.</td>
<td>The State of Rajasthan</td>
</tr>
<tr>
<td>Sl. No.</td>
<td>Designation of the officer</td>
<td>Areas in relation to which jurisdiction to be exercised</td>
</tr>
<tr>
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</tr>
<tr>
<td>20.</td>
<td>Regional Provident Fund Commissioners/Assistant Provident Fund Commissioners working in Tamil Nadu region of the Employees’ Provident Fund Organisation.</td>
<td>The State of Tamil Nadu and the Union Territory of Pondicherry and Karikkal except the area of Yaman and Mahe</td>
</tr>
<tr>
<td>21.</td>
<td>Regional Provident Fund Commissioners/Assistant Provident Fund Commissioners working in Uttarakhand region of the Employees’ Provident Fund Organisation.</td>
<td>The State of Uttarakhand</td>
</tr>
<tr>
<td>22.</td>
<td>Regional Provident Fund Commissioners/Assistant Provident Fund Commissioners working in Uttar Pradesh region of the Employees’ Provident Fund Organisation.</td>
<td>The State of Uttar Pradesh</td>
</tr>
<tr>
<td>23.</td>
<td>Regional Provident Fund Commissioners/Assistant Provident Fund Commissioners working in West Bengal region of the Employees’ Provident Fund Organisation.</td>
<td>The State of West Bengal and Sikkim and Union Territory of Andaman and Nicobar Islands</td>
</tr>
</tbody>
</table>
THE EMPLOYEES’ PROVIDENT FUNDS SCHEME, 1952

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

CHAPTER I
PRELIMINARY

1. Short title and application.-(1) This Scheme may be called the Employees’ Provident Funds Scheme, 1952.

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

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

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

(iii) tea factories in the State of Assam;

(b) Provisions of this Scheme shall—

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


as respects factories relating to the industries added to Schedule I of the Act by notification of the Government

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1 Vide S.R. O. 1509, dated 2nd September, 1952.
2 Subs. by S.R.O. 2035, dated 28th October, 1953.
3 Added by S.R.O. 2035, dated 31st October, 1953.
7 Sub-clauses (i) and (ii) omitted by Notification No. 417, dated 19th March, 1962 w.e.f. 31-3-1962.
8 Subs. vide S.R.O. 1567, dated 4.7.1956 for cl. (b).
10 Sub-clause (i) renumbered as sub-clause (ia) by G. S.R. 571, dated 12th April, 1977.
of India in the Ministry of Labour, No. S.R.O. 2026, dated 3rd September, 1956, come into force on the 30th day of September, 1956:]

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

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

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

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

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

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

7[[ix)] as respects factories relating to the biscuit making industry including composite units making biscuits and other products such as bread, confectionery and milk and milk powder, added to Schedule I of the Act vide Government of India, Ministry of Labour and Employment, Notification No. G.S.R. 170, dated the 12th

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2 Ins. by S.R.O. 815, dated 26th April, 1957.
6 Ins. by S.R.O. 3972, dated 4th December 1957.
7 Ins. by G.S.R. 261, dated 10th April, 1958.
March, 1958, come into force on the 30th day of April, 1958;]

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

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

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

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

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

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

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

8[(xvii) as respects hotels and restaurants covered by the notification of the Government of India in the Ministry of Labour and Employment, No. G.S.R. 704, dated the 16th May, 1961, come into force on the 30th day of June, 1961;

(xviii) as respects factories relating to petroleum or natural gas exploration, prospecting, drilling or production and

1 Ins. by G. S.R. 583, dated 8th May, 1959.
3 Ins. by G. S.R. 718, dated 17th June, 1960.
5 Ins. by G. S.R. 1444, dated 24th November, 1960
6 Ins. by G. S.R. 1548, dated 24th December 1960.
petroleum or natural gas refining and establishments engaged in the storage or transport or distribution of petroleum or natural gas or products of either petroleum or natural gas covered by the notifications of the Government of India in the Ministry of Labour and Employment Nos. G.S.R. 705 and 706, dated the 16th May, 1961, respectively, come into force on the 30th day of June, 1961;]

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

(This notification covers (1) Cinemas including preview theatres, (2) Film studios, (3) Film production concerns, (4) Distribution concerns dealing with exposed films and (5) Film processing laboratories.

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

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

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

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

(Notification No. G.S.R. 1458 dt. 2.12.1961 covers every cane farm owned by the owner or occupier of a sugar factory or cultivated by such owner or occupier or any person on his behalf.)

5[(xxiv) as respects every trading and commercial establishment engaged in the purchase, sale or storage of any goods, including establishments of exporters, importers, advertisers, commission agents and brokers, and

5 Ins. by G. S.R. 460, dated 3rd April, 1962.
commodity and stock exchanges, but not including banks or warehouses established under any Central or State Act, covered by the notification of the Government of India in the Ministry of Labour and Employment, No. G.S.R. 346, dated the 7th March, 1962, come into force on the 30th day of April, 1962;]

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

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

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


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

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

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

9[(xxxii) as respects the establishments covered by the notification of the Government of India in the Ministry of Labour and Employment, No. G.S.R. 728, dated the 20th

7 Ins. by G. S.R. 663, dated 10th April, 1963.
April, 1963, come into force on the 31st day of May, 1963.]

(Establishments covered are: (1) Theatres where

theatrical performances or other forms of entertainment

are held and where payment is required to be made for

admission as audience or spectators; (2) Societies, clubs

or associations which provide boarding or lodging or

both or facility for amusement or any other service to

any of their Members or to any of their guests on

payment; and (3) Companies, societies, associations,

clubs or troupes which give any exhibition of acrobatic or

other performances or both, in any arena, circular or

otherwise or perform or permit any other form of

entertainment in any place, other than a theatre, and

require payment for admission into such exhibition or

entertainments as spectators or audience.)

1[(xxxiii) as respects canteens covered by the notification of the

Government of India in the Ministry of Labour and

Employment, No. G.S.R. 1285, dated the 29th July,

1963, come into force on 31st day of August, 1963;]

2[(xxxiv) as respects aerated water industry, that is to say, any

industry, engaged in the manufacture of aerated water,

soft drinks, carbonated water, come into force on 31st
day of August, 1963;]

3[(xxxv) as respects distilling and rectifying of spirits (not falling

under industrial and power alcohol) and blendings of

spirits industry come into force on the 31st day of

October, 1963;]

4[(xxxvi) as respects the establishments in Pondicherry territory

covered under the Employees’ Provident Funds Act,

1952 (19 of 1952), by virtue of the Pondicherry (Laws)

Regulation, 1963 (7 of 1963), come into force on the 31st
day of October, 1963;]

5[(xxxvii) as respects the paint and varnish industry come into

force on the 31st day of January, 1964;]

6[(xxxviii) as respects bone crushing industry come into force on

the 31st day of January, 1964;]

7[(xxxix) as respects china-clay mines come into force on the

30th day of June, 1964;]

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

9[(xli) as respects the establishments in the Union Territory of

Goa, Daman and Diu in which territory the Employees’
The Employees’ Provident Funds Scheme, 1952

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

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

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

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

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

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

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

7[(xlviii) as respects agarbattee (including dhoop and dhoopbattee) industry specified in the notification of the Government

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1 Ins. by G. S.R. 1500, dated 8th October, 1964.
The Employees’ Provident Funds Scheme, 1952

of India in the Department of Social Security, No. G.S.R. 910, dated the 23rd June, 1965, come into force on the 31st day of July, 1965;]

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

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

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

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

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

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

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

3 Ins. by G. S.R. 1837, dated 9th December, 1965.
5 Subs. by G. S.R. 79, dated 23rd February, 2000, (w.e.f. 4-3-2000).
The Employees’ Provident Funds Scheme, 1952

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

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

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

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

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

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

7[(lxii) as respects Cinchona plantations come into force on the 31st day of December, 1968;]

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

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

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

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

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1 Ins. by G. S.R. 553, dated 11th April, 1967.
7 Ins. by G. S.R. 2083, dated 22nd November, 1968.
8 Ins. by G. S.R. 1017, dated 22nd April, 1969.
The Employees’ Provident Funds Scheme, 1952

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

2[(lxviii) as respects factories engaged in the winding of thread and yarn reeling covered by the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment), No. G.S.R. 188, dated the 22nd November, 1971, come into force on the 30th day of November, 1971;]

3[(lxix) as respects Railway Booking Agencies run by the contractors or by other private establishments on commission basis specified in the notification of the Government of India in the Department of Labour and Employment, No. 4/3/65-PF-II(1), dated the 17th March, 1972, come into force on the 31st day of March, 1972;]

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


6[***]

7[(lxxi) as respects factories relating to “Katha” making industry covered by the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment). No. G.S.R. 503, dated the 2nd May, 1973, come into force on 1st day of May, 1973;]

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

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

6 Sub-clause (lxii) omitted by G. S.R. 571, dated 12th April, 1977.
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a mash in potable water of malted barley and hops, or of hops concentrated with or without the addition of other malted or unmalted cereals or other carbohydrate preparations, specified in the notification of the Government of India in the Ministry of Labour, No. G.S.R. 428, dated the 27th April, 1974, come into force on the 30th April, 1974;]

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

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

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

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

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

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

7[(lxxxi) as respects,—

1 Ins. by G. S.R. 1255, dated 12th November, 1974.
(1) establishments which are factories engaged in the manufacture of glue and gelatine,
(2) stone quarries producing stone chips, stone sets, stone boulders, and ballasts, and
(3) establishments engaged in fish processing and non-vegetable food preservation industry including bacon factories and pork preservation plants,
1[[(lxxxiii) as respects the beedi industry, that is to say, any industry engaged in the manufacture of beedies, specified in the notification of the Government of India in the Ministry of Labour, No. G.S.R. 660, dated the 17th May, 1977, come into force on the 31st May, 1977;]
2[[(lxxxiv) as respects the financial establishment (other than banks) engaged in the activities of borrowing, lending, advancing of money and dealing with other monetary transactions with a view to earn interest not being the Unit Trust of India established under the Unit Trust of India Act, 1963 (52 of 1963), the Agricultural Refinance Corporation established under the Agricultural Refinance Corporation Act, 1963 (10 of 1963), the Industrial Development Bank of India established under the Industrial Development Bank of India Act, 1964 (18 of 1964), the Industrial Finance Corporation of India established under the Industrial Finance Corporation Act, 1948 (15 of 1948) and State Finance Corporation established under the State Finance Corporation Acts specified in the notification of the Government of India in the Ministry of Labour, No. G.S.R. 1458, dated the 18th November, 1978, come into force on the day of December 31, 1978;]
4[[(lxxxvii) as respects the Ferro Chrome Industry, that is to say, any industry engaged in the manufacture of Ferro Chrome, specified in the notification of the Government of India in the Ministry of Labour No. G.S.R. 938, dated the 25th June, 1978, come into force on the 31st July, 1979;]
5[[(lxxxviii) as respects the Diamond Cutting Industry, that is to say, any industry engaged in the cutting of diamond, specified in the notification of the Government of India in

4 Ins. by G. S.R. 982, dated 13th July, 1979 (w.e.f. 21-7-1979)..
5 Ins. by G. S.R. 605, dated 24th May, 1980 (w.e.f. 31-5-1980).
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the Ministry of Labour, No. G.S.R. 564, dated the 17th May, 1980, come into force on the 31st May, 1980;

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

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


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

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


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

(xcv) as respects the establishments engaged in Cattle Feed Industry specified in the notification of the Government of India in the Ministry of Labour, No. G.S.R. 643(E),

1 Ins. by G. S.R. 605, dated 24th May, 1980 (w.e.f. 31-5-1980).
2 Ins. by G. S.R. 605, dated 24th May, 1980 (w.e.f. 31-5-1980).
3 Ins. by G. S.R. 592 (E), dated 22nd October, 1980 (w.e.f. 22-10-1980).
4 Ins. by G. S.R. 614 (E), dated 31st October, 1980 (w.e.f. 31-10-1980).
5 Ins. by G. S.R. 665 (E), dated 29th November, 1980 (w.e.f. 29-11-1980).
6 Ins. by G. S.R. 642 (E), dated 5th December, 1981.
7 Ins. by G. S.R. 437, dated 23rd April, 1982.
dated the 7th December, 1981, published at page 1834 in Part II, section 3, sub-section (i) of the Gazette of India, Extraordinary, dated the 7th December, 1981:]

1[(xcvi) as respects the educational, scientific, research and training institutions specified in the notification of the Government of India in the Ministry of Labour, No. S.O. 986, dated the 19th February, 1982, published in Part II, section 3, sub-section (ii) of the Gazette of India, dated 6th March, 1982:]

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

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


5[(cxi) as respects the establishments engaged in rendering—
(i) courier services,
(ii) aircraft or airlines other than the aircrafts or airlines owned or controlled by the Central or State Government, and
(iii) cleaning and sweeping services, specified in the notification of Government of India in the Ministry of Labour, No. S.O. 746, dated 22-3-2001, published in Part II, Section 3, sub-section (ii) of the Gazette of India dated 7th April, 2001, come into force with effect from 1st April, 2001:]

6[(cii) with respect to the establishment engaged in Railways for construction maintenance, operation and commercial activities

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3 Ins. by G. S.R. 347, dated 30th April, 1986 (w.e.f. 10-5-1986).
5 Ins. by Notification NO. S-35016/1/1997-SS. II dated 22nd July, 2002.
6 Ins. by the EPF (Amendment) Scheme, 2004 vide Notification No. SO 45 (E), dated 17.1.2006 (w.e.f 17.1.2006).
of Railways, excluding Indian Railways exclusively managed by Government of India whose employees are in enjoyment of the Provident Fund Pension and other retiral benefits under the rules made by the Central Government; specified in notification of the Government of India in the Ministry of Labour and Employment, GSR 401, dated 10.11.2005 published in Part I of Section 3, sub-section (i) of the Gazette of India dated 19.11.2005 comes into force from the date of publication.]

2. Definitions:- In this Scheme, unless the context otherwise requires:—

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

(b) "Children” means legitimate children and includes adopted children if the Commissioner is satisfied that under the personal law of the Member adoption of a child is legally recognised;

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

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

(e) "excluded employee” means—

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

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

Explanation: ‘Pay’ includes basic wages with dearness allowance, retaining allowance (if any) and cash value of food concessions admissible thereon;

(f) "family” means—

1 Subs. by G. S.R. 320, dated 16th February, 1972 (w.e.f. 13-2-1971).
5 Subs. by S.R.O. 1337, dated 15th January, 1958, for clauses (iv) and (v).
6 Subs. by S.R.O. 331, dated 15th January, 1958, for clauses (iv) and (v).
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(i) [In the case of a male Member, his wife, his children, whether married or unmarried, his dependant parents and his deceased son's widow and children:]

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

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

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

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

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

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

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

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

4[(kk) 'seasonal factory' means a factory which is exclusively engaged in the manufacture of tea, sugar, rubber [5], turpentine, rosin, [6]indigo, [7]lac, fruit and vegetable preservation industry, rice milling industry, dal milling industry, [8]cashewnut industry, [9]stemming or redrying of tobacco leaf industry, tiles industry, hosiery industry . [10]oil milling industry, [11]licensed salt industry.,] 12[jute baling or pressing industry], 13[fire works and

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1 Subs. by G. S.R. 351, dated 3rd March 1966.
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percussion cap works industry, ice or ice cream industry or cotton ginning, baling and pressing industry;

1[(kkk) “seasonal establishment” means a plantation of tea, coffee, rubber, cardamom or pepper], 2[a coffee curing establishment], a fireclay mine or a gypsum mine];

(l) “Trustee” means a Member of a Board of Trustees; and

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

CHAPTER II

3[BOARD OF TRUSTEES, EXECUTIVE COMMITTEE AND REGIONAL COMMITTEES]

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

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

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

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

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

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

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

1 Subs. by G. S.R. 1510, dated 10th June, 1969.
2 Subs. by G. S.R. 12, dated 22nd December, 1969.
3 Subs. by G. S.R. 690(E), dated 30th June, 1989 (w.e.f. 1-7-1989).
4 Ins. by G. S.R. 690(E), dated 30th June, 1989 (w.e.f. 1-7-1989).]
4. **Regional Committee:** (1) Until such time as a State Board is constituted for a State, the ¹[Chairman of the Central Board] may, ²(by notification in the Official Gazette), set up a Regional Committee for the State, which will function under the control of the Central Board. The Regional Committee shall consist of the following persons, namely:—

(a) a Chairman ³[appointed] by the ⁴[Chairman of the Central Board];

(b) Two persons ⁵[appointed] by the ⁶[Chairman of the Central Board] on the recommendation of the State Government;

(c) ⁷[two persons] representing employers in the ⁸[industries or other establishments] to which this Scheme applies in the State ⁹[appointed by the Chairman of the Central Board] in consultation with such organisations of employers in the State as may be recognised for the purpose by the Central Government;

(d) ¹⁰[two persons] representing employees in the ¹¹[industries or establishments] to which this Scheme applies in the State ¹²[appointed by the Chairman of the Central Board] in consultation with such organisations of employees in the State as may be recognised for the purpose by the Central Government; ¹³[and]

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

¹⁴[Provided that where the Chairman of the Central Board considers it expedient so to do, he may appoint up to ¹⁵[five] additional representatives of the employers or, as the case may be, the employees.]

¹⁶][2] A Regional Committee shall advise the Central Board,—

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

(ii) generally, on all matters connected with the administration of the Scheme in the State and, in particular, on—

(a) progress of recovery of provident fund contributions and other charges,

(b) expeditious disposal of prosecutions,

(c) speedy settlement of claims,

(d) annual rendering of accounts to Members of the Fund, and

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1 Subs. by G. S.R. 690(E), dated 30th, June, 1989 (w.e.f. 1-7-1989).
3 Subs. by G. S.R. 401, dated 1st March, 1965 for “nominated”.
4 Subs. by G. S.R. 690(E), dated 30th, June, 1989 (w.e.f. 1-7-1989).
5 Subs. by G. S.R. 401, dated 1st March, 1965 for “nominated”.
6 Subs. by G. S.R. 690(E), dated 30th, June, 1989 (w.e.f. 1-7-1989).
7 Subs. by G. S.R. 690(E), dated 30th, June, 1989 (w.e.f. 1-7-1989).
8 Subs. by S.R.O. 1363, dated 26th April, 1957.
9 Subs. by G. S.R. 690(E), dated 30th, June, 1989 (w.e.f. 1-7-1989).
10 Subs. by G. S.R. 690(E), dated 30th, June, 1989 (w.e.f. 1-7-1989).
12 Subs. by G. S.R. 690(E), dated 30th, June, 1989 (w.e.f. 1-7-1989).
14 Ins. by G. S.R. 690(E), dated 30th, June, 1989 (w.e.f. 1-7-1989).
15 Subs. by G. S.R. 85(E), dated 28th, June, 2004 (w.e.f. 29-1-2004).
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(3) As soon as a State Board is constituted for any State, the Regional Committee constituted for that State under this paragraph shall stand dissolved.

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

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

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

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

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

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

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

6. Resignation:- A Trustee of the Central Board or a Member of 5[the Executive Committee] may resign his office by letter in writing addressed to the Central Government and his office shall fall vacant from the date on which his resignation is accepted by the Central Government.

6[A Member of a Regional Committee may resign his office by a letter in writing addressed to the Chairman, Central Board, and his office shall fall vacant from the date on which his resignation is accepted by the Chairman, Central Board.]

7[* * *]

7. Cessation and restoration of Trusteeship:- If a Trustee or a Member of 8[the Executive Committee or a Regional Committee] fails to attend three consecutive meetings of the Board or Committee, as the case may be, without obtaining leave of absence from the Chairman of the Board or Committee, he shall cease to be a Trustee or Member of the Committee:

1 Subs. by G. S.R. 1298, dated 27th, September, 1972.
2 Subs. by G. S.R. 690 (E), dated 30th June, 1989 [w.e.f. 1-7-1989].
3 Subs. by G. S.R. 690 (E), dated 30th June, 1989 [w.e.f. 1-7-1989].
4 Subs. by G. S.R. 18, dated 22nd December, 2000 [w.e.f. 6-1-2001].
5 Subs. by G. S.R. 690 (E), dated 30th June, 1989 [w.e.f. 1-7-1989].
6 Ins. by G. S.R. 690(E), dated 30th, June, 1989 [w.e.f. 1-7-1989].
7 Sub-paragraph (2) omitted by G. S.R. 1845, dated 28th November, 1963 [w.e.f. 30-11-1963].
8 Subs. by G. S.R. 690 (E), dated 30th June, 1989 [w.e.f. 1-7-1989].
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[Provided that the Central Government in the case of the Central Board or the Executive Committee and the Chairman, Central Board, in the case of any Regional Committee may restore him to Trusteeship or Membership of the Executive Committee or of the Regional Committee, as the case may be, if it is satisfied that there were reasonable grounds for the absence.]

8. Disqualifications for Trusteeship or Membership of Regional Committee:-(1) A person shall be disqualified for being appointed as, or for being a Trustee or Member of a Regional Committee:—
   (i) if he is declared to be of unsound mind by a competent court; or
   (ii) if he is an undischarged insolvent; or
   (iii) if before or after the commencement of the Act he has been convicted of an offence involving moral turpitude; or
   (iv) if he as an employer in relation to an exempted establishment or an establishment to which the Scheme applies has defaulted in the payment of any dues to the Central Board or the Fund recoverable from him under the Act or the Scheme, as the case may be.]

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

6[9. Removal from Trusteeship or Membership of a Regional Committee:—(1) The Central Government may remove from office any Trustee of the Central Board or the Chairman, Central Board, may remove from office any Member of a Regional Committee—
   (i) if, in the opinion of the Central Government or the Chairman, Central Board, such Trustee or Member has ceased to represent the interest which he purports to represent on the Board or Committee, as the case may be; or
   (ii) if he as an employer in relation to an exempted establishment or an establishment to which the Scheme applies has defaulted in the payment of any dues to the Central Board or the Fund recoverable from him under the Act or the Scheme, as the case may be:

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

10. Absence from India:—(1) Before a non-official Trustee or a Member of a Regional Committee leaves India:—
   (a) he shall intimate to the Chairman of the Central Board or of the Committee, as the case may be, of the dates of his departure from and expected return to India, or
   (b) if he intends to absent himself for a period longer than six months, he shall tender his resignation.

1 Subs. by G. S.R. 1845, dated 28th November, 1963 (w.e.f. 30-11-1963).
7 Subs. by G. S.R. 690(E), dated 30th June, 1989 (w.e.f. 1-7-1989).
(2) If any Trustee or a Member of a Regional Committee leaves India for a period of six months or more without intimation to the Chairman of the Central Board or of the Regional Committee, as the case may be, he shall be deemed to have resigned from the Central Board or the Committee.

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

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

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

12. Notice of meeting and list of business:- Notice of not less than 15 days from the date of posting, containing the date, time and place of every ordinary meeting together with a list of business to be conducted at the meeting, shall be despatched by registered post or by special messenger to each Trustee or a Member of the Executive Committee or the Regional Committee, as the case may be, present in India:

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

13. Chairman to preside at meetings:- The Chairman of the Central Board or the Executive Committee or a Regional Committee shall preside at every meeting of the Central Board or the Executive Committee or the Regional Committee, as the case may be, at which he is present. If the Chairman of the Central Board is absent at any time, the Vice-Chairman thereof shall preside over the meeting of the Central Board and exercise all the powers of the Chairman at the meeting. If the Vice-Chairman of the Central Board or the Chairman of the Executive Committee or of a Regional Committee is absent at any time, the Trustees or Members present shall elect one of the Trustees or, as the case may be, the Members to preside over the meeting and the Trustee or Member so elected, shall exercise all the powers of the Chairman at the meeting.

14. Quorum:- (1) No business shall be transacted at a meeting of the Central Board or the Executive Committee or a Regional Committee unless at
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least eleven Trustees or four Members of the Executive Committee or a Regional Committee, as the case may be, are present, of whom—

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

1[(aa) in the case of the Executive Committee at least one each shall be from among those elected under clauses (d) and (e) of sub-section (2) of section 5AA of the Act:]

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

(2) If at any meeting the number of Trustees or Members of 4[the Executive Committee or] a Regional Committee is less than the required quorum, the Chairman shall adjourn the meeting to a date not later than seven days from the date of the original meeting informing the Trustees or Members of 5[the Executive Committee or] the Regional Committee, as the case may be, of the date, time and place of the adjourned meeting and it shall thereupon be lawful to dispose of the business at such adjourned meeting irrespective of the number of Trustees or Members of 4[the Executive Committee or] the Regional Committee present.]

7[14A. Nomination of a substitute during the absence of a Trustee/Member of the Central Board/Regional Committee:—(1) If a Trustee or a Member is unable to attend any meeting of the 8[Central Board] or the Regional Committee, as the case may be, he may, by a written statement, signed by him, addressed to the Chairman of the 9[Central Board] or the Regional Committee, as the case may be, and explaining the reasons for his inability to attend the meeting, appoint any representative of the Organisation, which he represents on the 10[Central Board] or the Regional Committee, as his substitute for attending that meeting of the 11[Central Board] or the Regional Committee in his place:

Provided that no such appointment shall be valid unless—

(i) such appointment has been approved by the Chairman of the 12[Central Board] or the Regional Committee as the case may be; and

(ii) the instrument making such appointment has been received by the Chairman of the 13[Central Board] or the Regional Committee present.

1 Ins. by G. S.R. 690(E), dated 30th, June, 1989 (w.e.f. 1-7-1989).
4 Ins. by G. S.R. 690(E), dated 30th, June, 1989 (w.e.f. 1-7-1989).
5 Ins. by G. S.R. 690(E), dated 30th, June, 1989 (w.e.f. 1-7-1989).
6 Ins. by G. S.R. 690 (E), dated 30th June, 1989 (w.e.f. 1.7.1989).
7 Ins. by G. S.R. 1666, dated 10th, November, 1963.
8 Subs. by G. S.R. 1845, dated 28th November, 1963 (w.e.f. 30-11-1963).
9 Subs. by G. S.R. 1845, dated 28th November, 1963 (w.e.f. 30-11-1963).
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Committee, as the case may be, before the date fixed for the meeting.

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

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

15. Disposal of business:- Every question considered at a meeting of the Central Board, or the Executive Committee or a Regional Committee shall be decided by a majority of the votes of the Trustees or Members of the Executive Committee or a Regional Committee present and voting. In the event of an equality of votes the Chairman shall exercise a casting vote:

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

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

16. Minutes of meetings:- (1) The minutes of a meeting of the Central Board, or the Executive Committee or a Regional Committee showing inter alia the names of the Trustees or Members of the Executive Committee or a Regional Committee, as the case may be, before the date fixed for the meeting.

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

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

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1 Omitted by G. S.R. 363, dated 25th March, 1985 (w.e.f. 6-4-1985).
4 Subs. by G. S.R. 1845, dated 28th November, 1963 (w.e.f. 30-11-1963).
5 Ins. by G. S.R. 690(E), dated 30th, June, 1989 (w.e.f. 1-7-1989).
6 Subs. by G. S.R. 690(E), dated 30th, June, 1989 (w.e.f. 1-7-1989).
7 Subs. by G. S.R. 690(E), dated 30th, June, 1989 (w.e.f. 1-7-1989).
8 Ins. by G. S.R. 690(E), dated 30th, June, 1989 (w.e.f. 1-7-1989).
9 Subs. by G. S.R. 690(E), dated 30th, June, 1989 (w.e.f. 1-7-1989).
11 Ins. by G. S.R. 690(E), dated 30th, June, 1989 (w.e.f. 1-7-1989).
12 Subs. by G. S.R. 690(E), dated 30th, June, 1989 (w.e.f. 1-7-1989).
14 Ins. by G.S.R. 690(E), dated 30th, June, 1989 (w.e.f. 1-7-1989).
15 Subs. by G. S.R. 690(E), dated 30th, June, 1989 (w.e.f. 1-7-1989).
Committee] present thereat shall be circulated to all Trustees or Members of 
[Executive Committee or a Regional Committee] present in India not later than one month from the date of the meeting. The minutes shall thereafter be recorded in minute book as a permanent record:

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

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

2[17. Acts of a Regional Committee not invalid by reason merely of any vacancy in, or defect in the constitution, etc.:—No act or proceeding of a Regional Committee shall be deemed to be invalid by reason merely of any vacancy in or any defect in the constitution of the Regional Committee.]

18. Fees and allowances:—(1) The travelling allowances and daily allowances of an official Trustee or official Member of the Executive Committee or a Regional Committee shall be governed by the rules applicable to him for journeys performed on official duties and shall be paid by the authority paying his salary.

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

(i) Travelling allowance:—

(A) a non-official Trustee or Member residing at the place where a meeting is held shall be allowed the actual expenditure incurred by him on conveyance, subject to the maximum of rupees one hundred and fifty for each day for travel within the city;

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

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

(b) actual expenditure incurred by him on single return journey fare by rail by first air-

1 Subs. by G. S.R. 690(E), dated 30th June, 1989 (w.e.f. 1-7-1989).
3 Omitted by G.S.R. 690(E), dated 30th June, 1989 (w.e.f. 1-7-1989).
4 Omitted by G.S.R. 690(E), dated 30th June, 1989 (w.e.f. 1-7-1989).
5 Omitted by G.S.R. 690(E), dated 30th June, 1989 (w.e.f. 1-7-1989).
6 Omitted by G.S.R. 690(E), dated 30th June, 1989 (w.e.f. 1-7-1989).
7 Subs. by G.S.R. 690(E), dated 30th June, 1989 (w.e.f. 1-7-1989).
8 Subs. by G.S.R. 690(E), dated 30th June, 1989 (w.e.f. 1-7-1989).
9 Substituted for “rupees fifty for each day on which he attends one or more meetings” by the Employees’ Provident Fund Scheme (Amendment) Scheme, 2010, G.S.R. 744(E), dated 9th September, 2010.
10 The word and brackets “(Tourist)” omitted by the Employees’ Provident Fund Scheme (Amendment) Scheme, 2010, G.S.R. 744(E), dated 9th September, 2010.
11 Ins. by G.S.R. 81, dated 20th January, 1993 (w.e.f. 6-2-1993).
conditioned class or] by 2nd A.C., two-tier sleeper or first class, as the case may be;

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

(ii) Daily allowance:—

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

(B) a non-official trustee or a member not residing at the place where a meeting is held shall be paid Rs. 1500 per day if the member stays in a hotel, and, not exceeding Rs. 200 per day as expenses towards food:

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

For absence not exceeding 6 hours Nil
For absence exceeding 6 hours but not exceeding 12 hours 70 per cent
For absence exceeding 12 hours 100 per cent

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

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

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

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

Provided that when a Minister is appointed as Chairman or Member of the Board or of [the Executive Committee or of the Regional Committee], and

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1 Substituted by the Employees’ Provident Fund Scheme (Amendment) Scheme, 2010, G.S.R. 744(E), dated 9th September, 2010.
4 Ins. by G.S.R. 690(E), dated 30th June, 1989 (w.e.f. 1-7-1989).
7 Ins. by G.S.R. 690(E), dated 30th June, 1989 (w.e.f. 1-7-1989).
8 Ins. by G.S.R. 1427, dated 16th June, 1976.
attends a meeting of such Central Board or 2[the Executive Committee or] Regional Committee, as the case may be, his travelling and daily allowance shall be governed by the rules applicable to him for journeys performed on official duties and shall be paid by the authority paying his salary.]

3[***]

**Explanation** I: No daily or travelling allowance in respect of any day or journey, as the case may be, shall be claimed under this paragraph by a Trustee or Member of 4[the Executive Committee or] a Regional Committee if he has drawn or will draw allowance for the same from his employer or as a Member of any Legislature or of any Committee or Conference constituted or convened by Government and no travelling allowance shall be claimed if he uses a means of transport provided at the expense of Government or his employer.

5[***]

**CHAPTER III**

**APPOINTMENT AND POWERS OF COMMISSIONER AND OTHER STAFF OF BOARD OF TRUSTEES**

6[**19. Central Provident Fund Commissioner and Financial Adviser and Chief Accounts Officer:** The Central Provident Fund Commissioner and the Financial Adviser and Chief Accounts Officer shall not undertake any work unconnected with their office without the previous sanction of the Central Government.]

7[***]

8[**21. Opening of regional and other offices:** The Central Board may, 9[***] open such regional and local offices as it may consider desirable for the proper implementation of the Scheme. It may also define the functions and duties of the regional and local offices.]

22. **Secretary of the Central Board or a Regional Committee:**

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

(2) The Secretary to the Central Board or 11[the Executive Committee or] a Regional Committee shall, in consultation with the Chairman, convene meetings of the Central Board or 12[the Executive Committee or] the Regional Committee, as the case may be, keep a record of its minutes and shall take the necessary steps for carrying out the decisions of the Central Board or 13[the Executive Committee or] the Regional Committee, as the case may be.]

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1 Subs. by G.S.R. 690(E), dated 30th June, 1989 (w.e.f. 1-7-1989).
2 Ins. by G.S.R. 690(E), dated 30th June, 1989 (w.e.f. 1-7-1989).
3 Sub-paragraph (5) omitted by G.S.R. 690(E), dated 30th June, 1989 (w.e.f. 1-7-1989).
4 Ins. by G.S.R. 690(E), dated 30th June, 1989 (w.e.f. 1-7-1989).
5 Explanation II omitted by G.S.R. 690(E), dated 30th June, 1989 (w.e.f. 1-7-1989).
6 Subs. by G.S.R. 690(E), dated 30th June, 1989 (w.e.f. 1-7-1989).
8 Subs. by G. S.R. 1845, dated 28th November, 1963 (w.e.f. 1-7-1963).
9 Omitted by G. S.R. 1845(E), dated 30th June, 1989 (w.e.f. 1-7-1989).
11 Ins. by G.S.R. 690(E), dated 30th June, 1989 (w.e.f. 1-7-1989).
12 Ins. by G.S.R. 690(E), dated 30th June, 1989 (w.e.f. 1-7-1989).
13 Ins. by G.S.R. 690(E), dated 30th June, 1989 (w.e.f. 1-7-1989).
1[22A. Appointment of officers and employees of the Central Board:—The power of appointment vested in the Central Board under sub-section (3) of section 5D of the Act shall be exercised by the Board in relation to posts carrying the maximum scale of pay of Rs. 14,300-18,300.]  

3[23. Information of appointments to the Central Board:—References relating to all appointments of officers of the [level of the Regional Provident Fund Commissioners and above made by the Chairman, Central Board] shall be placed before the next meeting of the Central Board for information.]  

5[24. Administrative and financial powers of a Commissioner:—(1) A Commissioner may, without reference to the [Central Board] sanction expenditure on contingencies, supplies and services and purchase of articles required for administering the Fund subject to financial provision in the budget and subject to the limits upto which a Commissioner may be authorised to sanction expenditure on any single item from time to time by the Central Board 7[***].  

(2) A Commissioner may also exercise such administrative and financial powers other than those specified in sub-paragraph (1) above, as may be delegated to him from time to time by the Central Board 8[***].  

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

9[24A. Delegation of power by the Central Board:—10[(1) The Central Board 11[***] may, by a resolution, empower its Chairman to sanction expenditure on any item, whether in the nature of capital expenditure or revenue expenditure, as it may deem necessary for the efficient administration of the Fund, subject to financial provisions in the Budget, where such expenditure is beyond the limits up to which a Commissioner is authorised to sanction expenditure on any single item.]  

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

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

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1 Ins. by G.S.R. 690(E), dated 30th, June, 1989 (w.e.f. 1-7-1989).  
2 Subs. by Min. of Labour, Noti. No. S. 35016/1/98, S.S> II dt. 25.2.2000 (w.e.f. 4-3-2000).  
4 Subs. by G.S.R. 690(E), dated 30th, June, 1989 (w.e.f. 1-7-1989).  
5 Subs. by G.S.R. 147, dated 29th, January, 1960 (w.e.f. 6-2-1960).  
7 Omitted by G.S.R. 690(E), dated 30th, June, 1989 (w.e.f. 1-7-1989).  
8 Omitted by G.S.R. 690(E), dated 30th, June, 1989 (w.e.f. 1-7-1989).  
9 Subs. by G. S.R. 1845, dated 28th November, 1963 (w.e.f. 30-11-1963).  
11 Omitted by G.S.R. 690(E), dated 30th, June, 1989 (w.e.f. 1-7-1989).
25. Powers of the Central Government until the Central Board is constituted:

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

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

CHAPTER IV
MEMBERSHIP OF THE FUND

1(26. Classes of employees entitled and required to join the fund):-(1) (a) Every employee employed in or in connection with the work of a factory or other establishment to which this Scheme applies, other than an excluded employee, shall be entitled and required to become a Member of the Fund from the day this paragraph comes into force in such factory or other establishment.

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

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

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

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

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

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

(6) Notwithstanding anything contained in this paragraph, an officer not below the rank of an Assistant Provident Fund Commissioner may, on the joint request in writing of any employee of a factory or other establishment to which this Scheme applies and his employer, enrol such employee as a Member or allow

him to contribute more than \$six thousand and five hundred rupees\$ of his pay per month if he is already a Member of the fund and thereupon such employee shall be entitled to the benefits and shall be subject to the conditions of the Fund, provided that the employer gives an undertaking in writing that he shall pay the administrative charges payable and shall comply with all statutory provisions in respect of such employee.]

26A. Retention of Membership:-(1) A Member of the Fund shall continue to be Member until he withdraws under paragraph 69 the amount standing to his credit in the Fund or is covered by a notification of exemption under section 17 of the Act or an order of exemption under paragraph 27 or paragraph 27A.

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

(2) Every Member employed as an employee other than an excluded employee in a factory or other establishment to which this Scheme applies shall contribute to the Fund, and the contribution shall be payable to the Fund in respect of him by the employer. Such contribution shall be in accordance with the rate specified in paragraph 29:
Provided that subject to the provisions contained in sub-paragraph (6) of paragraph 26 \$in paragraph 27\$ or sub-paragraph (1) of paragraph 27A, where the monthly pay of such a Member exceeds \$six thousand and five hundred rupees\$ the contribution payable by him, and in respect of him by the employer, shall be limited to the amounts payable on a monthly pay of \$six thousand and five hundred rupees\$ including \$dearness allowance, retaining allowance (if any) and cash value of food concession.\$]

26B. Resolution of doubts:-If any question arises whether an employee is entitled or required to become or continue as a Member, or as regards the date from which he is so entitled or required to become a Member, the decision, thereon of the Regional Commissioner \$[***\$ shall be final:
Provided that no decision shall be given unless both the employer and the employee have been heard.\$]

27. Exemption of an employee:-(1) A Commissioner may by order and subject to such conditions as may be specified in the order exempt from the operation of all or any of the provisions of this Scheme an employee to whom the Scheme applies on receipt of application in Form I from such an employee:
Provided that such an employee is entitled to benefit in the nature of Provident Fund, gratuity or old age pension according to the rules of the factory or their establishment and such benefits separately or jointly are on the whole not less favourable than the benefits provided under the Act and the Scheme.

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1 Subs. by G.S.R. 326 (E), dt. 4.5.2001 (w.e.f. 1-6-2001).
2 Subs. by G. S.R. 1522, dated 16th December, 1960 for certain words.
3 Subs. by G.S.R. 326 (E), dt. 4.5.2001 (w.e.f. 1-6-2001).
4 Subs. by G.S.R. 326 (E), dt. 4.5.2001 (w.e.f. 1-6-2001).
5 Ins. by G.S.R. 201, dated 8th February, 1961 (w.e.f. 31-12-1960).
(2) Where an employee is exempted as aforesaid, the employer shall in respect of such employee maintain such account, submit such returns, provide such facilities for inspection, pay such inspection charges and invest provident fund collections in such manner as the Central Government may direct.

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

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

1[27A. Exemption of a class of employees:-(1) The appropriate Government] may by order and subject to such conditions as may be specified in the order exempt from the operation of all or any of the provisions of this Scheme any class of employees to whom the Scheme applies:

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

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

(3) A class of employees exempted under sub-paragraph (1) or the majority of employees constituting such class may by an application to the Commissioner make a declaration that the class of employees shall become Members of the Fund.

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

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

4[27AA. Terms and conditions of exemption:-All exemptions already granted or to be granted hereafter under section 17 of the Act or under paragraph 27A of the scheme shall be subject to the terms and conditions as given in the Appendix A.]

5[APPENDIX A

REVISED CONDITIONS FOR GRANT OF EXEMPTION UNDER SECTION 17 OF THE EMPLOYEES' PROVIDENT FUNDS AND MISCELLANEOUS PROVISIONS

ACT, 1952

The following are the revised conditions for grant of exemption under section 17 of the Act, 1952:

1. The employer shall establish a Board of Trustees under his chairmanship for the management of the provident fund according to such directions as may be given by the Central Government or the Central Provident Fund Commissioner, as the case may be, from time to time. The provident fund shall vest in the Board of Trustees who will be responsible for and accountable to the Employees’ Provident Fund Organisation, *inter alia*, for proper accounts of the receipts into

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1 Ins. by G. S.R. 2035, dated 28th October, 1953.
3 Subs. by S.R.O. 1363, dated 26th April, 1957.
4 Ins. by G. S.R. 18, dated 22nd December, 2000 (w.e.f. 6-1-2001).
5 Subs. by G. S.R. 853 (E), dated 29th October, 2003 (w.e.f. 30-10-2003).
and payment from the provident fund and the balance in their custody. For this purpose, the “employer” shall mean—

(i) in relation to an establishment, which is a factory, the owner or the occupier of the factory; and

(ii) in relation to any other establishment, the person who, or the authority, that has the ultimate control over the affairs of the establishment.

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

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

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

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

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

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

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

9. The rate of contributions payable, the conditions and quantum of advances and other matters laid down under the Provident Fund Rules of the establishment and the interest credited to the account of each Member, calculated on the monthly running balance of the Member and declared by the Board of Trustees shall not be lower than those declared by the Central Government under the various provisions prescribed in the Act and the Scheme framed thereunder.

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

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

12. All claims for withdrawals, advances and transfers should be settled expeditiously, within the maximum time frame prescribed by the Employees’ Provident Fund Organisation.
13. The Board of Trustees shall maintain detailed accounts to show the contributions credited, withdrawal and interest in respect of each employee. The maintenance of such records should preferably be done electronically. The establishments should periodically transmit the details of Members’ accounts electronically as and when directed by the CPFC/RPFC.

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

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

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

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

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

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

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

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

19. 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 the Central Government, who shall be the custodian of the same. On closure of establishment or liquidation or cancellation of exemption from the Employees’ Provident Fund Scheme, 1952, such custodian shall transfer the investment obtained in the name of the trust and standing in its credit to the Regional Provident Fund Commissioner concerned directly on receipt of request from the Regional Provident Fund Commissioner concerned to that effect.

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

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

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

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

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

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

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

25. A company reporting loss for three consecutive financial years or erosion in their capital base shall have their exemption withdrawn from the 1st day of the next / succeeding financial year.

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

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

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

29. In case of any change of legal status of the establishment, which has been granted exemption, as a result of merger, demerger, acquisition, sale, amalgamation, formation of a subsidiary, whether wholly owned or not, etc., the exemption granted shall stand revoked and the establishment should promptly report the matter to the RPFC concerned for grant of fresh exemption.
30. In case, there are more than one unit / establishment participating in the common provident fund trust which has been granted exemption, all the Trustees shall be jointly and separately liable / responsible for any default committed by any of the Trustees / employer of any of the participating units and the RPFC shall take suitable legal action against all the Trustees of the common provident fund trust.

31. The Central Government may lay down any further conditions for continuation of exemption of the establishments.

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

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

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

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

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

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

6 The word “appropriate” omitted vide G. S.R. 1845, dated 28th November 1963.
7 Subs. by S.R.O. 1363, dated 26th April, 1957.
9 Subs. by G. S.R. 1845, dated 28th November, 1963 (w.e.f. 30-11-1963).
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value of such certificate and their appreciated value at the time of the transfer has already been credited to the accounts of the subscribers:

1[Provided further that where the whole or any part of such accumulation consists of investments in 2[securities bearing no guarantee of an appropriate Government as regards repayment of principal and payment of interest], the Central Government may, in exceptional cases, allow acceptance of the transfer of such securities from the authority making the transfer to the Fund at the price for which they were actually purchased.]

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

(3) Any cash transferred under sub-paragraph (2) shall be deposited in any office or branch of the Reserve Bank of India or the 3[State Bank of India] to the credit of the 4[Central Board] and the receipt obtained in respect thereof shall be forwarded to the 5[Commissioner):

Provided that where there is no office or branch of either of the two Banks at the place where the 6[factory or other establishment] is situated the amount shall be credited to the 7[Central Board] by means of a Reserve Bank of India 8[Governmental Draft at par.]

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

(5) When the accumulations in any such Provident Fund as is referred to in sub-paragraph (1) have been so transferred to the Fund, the 9[Commissioner] may, by notification in the Gazette of India, declare that the subscribers of such Provident Fund have now become Members of the Fund and that the accumulations aforesaid have now become vested in the 10[Central Board.]

CHAPTER V
CONTRIBUTIONS

11[29. Contributions :-(1) The contribution payable by the employer under the Scheme shall be at the rate of 12[ten per cent] of the 13[basic wages, dearness allowance (including the cash value of any food concession) and retaining allowance (if any)] payable to each employee to whom the Scheme applies:

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13 Added by G. S.R. 201, dated 8th February, 1961 (w.e.f. 31-12-1960).
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1[Provided that the above rate of contribution shall be 2[twelve] per cent in respect of any establishment or class of establishments which the Central Government may specify in the Official Gazette from time to time under the first proviso to sub-section (1) of section 6 of the Act.]

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

3[Provided that in respect of any employee to whom the Scheme applies, the contribution payable by him may, if he so desires, be an amount exceeding 4[ten] per cent or 5[twelve] per cent, as the case may be, of his basic wages, dearness allowance and retaining allowance (if any) subject to the condition that the employer shall not be under an obligation to pay any contribution over and above his contribution payable under the Act.]

(3) The contribution shall be calculated on the basis of 6[basic wages, dearness allowance (including the cash value of any food concession) and retaining allowance (if any)] actually drawn during the whole month whether paid on daily, weekly, fortnightly or monthly basis.

7[(4) Each contribution shall be calculated to 8[the nearest rupee, 50 paise or more to be counted as the next higher rupee and fraction of a rupee less than 50 paise to be ignored].]

9[30. Payment of contribution:-(1) The employer shall, in the first instance, pay both the contribution payable by himself (in this Scheme referred to as the employer's contribution) and also, on behalf of the Member employed by him directly or by or through a contractor, the contribution payable by such Member (in this Scheme referred to as the Member's contribution).

(2) In respect of employees employed by or through a contractor, the contractor shall recover the contributions payable by such employee in this Scheme referred to as the Member's contribution and shall pay to the principal employer the amount of Member's contribution so deducted together with an equal amount of contribution (in this Scheme referred to as the employer's contribution) and also administrative charges 10[***].

(3) It shall be the responsibility of the principal employer to pay both the contribution payable by himself in respect of the employees directly employed by him and also in respect of the employees employed by or through a contractor and also administrative charges 11[***].]

12[Explanation:-For the purposes of this paragraph the expression "administrative charges" means such percentage of the pay (basic wages, dearness allowance, retaining allowance, if any, and cash value of food concessions admissible thereon) for the time being payable to the employees other than an excluded employee, and in respect of which provident fund contributions are payable as the Central Government may, in consultation with

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1 Ins. by G. S.R. 1756, dated 12th December, 1962.
3 Subs. by G. S.R. 690(E), dated 30th June, 1989 (w.e.f. 1-7-1989).
6 Added by G. S.R. 201, dated 8th February, 1961 (w.e.f. 31-12-1960).
7 Subs. by S.R.O. 3375, dated 10th October, 1957.
8 Subs. by G. S.R. 548, dated 23rd July, 1983 (w.e.f. 1-4-1983).
9 Subs. by G. S.R. 1845, dated 28th November, 1963 (w.e.f. 30-11-1963).
10 Omitted by G. S.R. 1399, dated 18th September, 1964 (w.e.f. 1-10-1964).
11 Omitted by G. S.R. 1399, dated 18th September, 1964 (w.e.f. 1-10-1964).
12 Ins. by G. S.R. 1399, dated 18th September, 1964 (w.e.f. 1-10-1964).
the Central Board and having regard to the resources of the Fund for meeting its normal administrative expenses, fix.]

31. **Employer's share not to be deducted from the Members**: Notwithstanding any contract to the contrary the employer shall not be entitled to deduct the employer's contribution from the wage of a Member or otherwise to recover it from him.

32. **Recovery of a Member's share of contributions**:-(1) The amount of a Member's contribution paid by the employer or a contractor shall, notwithstanding the provisions in this scheme or any law for the time being in force or any contract to the contrary, be recoverable by means of deduction from the wages of the Member and not otherwise:

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

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

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

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

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

6[32A. **Recovery of damages for default in payment of any contribution**:-(1) Where an employer makes default in the payment of any contribution to the Fund, or in the transfer of accumulations required to be transferred by him under section (2) of Section 15 or sub-section (5) of Section 17 of the Act or in the payment of any charges payable under any other provisions of the Act or the Scheme or under any of the conditions specified under Section 17 of the Act, the Central Provident Fund Commissioner or such officer as may be authorised by the Central Government by notification in the Official Gazette in this behalf, may recover from the employer by way of penalty, damages at the rates given in the table below:-

<table>
<thead>
<tr>
<th>Sr. No.</th>
<th>Period of default</th>
<th>Rates of damages (percentage of arrears per annum)</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1)</td>
<td>(2)</td>
<td>(3)</td>
</tr>
<tr>
<td>[a]</td>
<td>Less than 2 months</td>
<td>Five</td>
</tr>
</tbody>
</table>

1 Ins. by G. S.R. 1845, dated 28th November, 1963 (w.e.f. 30-11-1963).
3 Ins. by G. S.R. 1845, dated 28th November, 1963 (w.e.f. 30-11-1963).
7 Substituted by G. S.R. 689(E), dated 26th September, 2008 (w.e.f. 26-09-2008).
Sr. No. | Period of default | Rates of damages (percentage of arrears per annum)
--- | --- | ---
(b) Two months and above but less than four months | Ten |
(c) Four months and above but less than six months | Fifteen |
(d) Six months and above | Twenty Five. |

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

1[^32B. Terms and conditions for reduction or waiver of damages:] The Central Board may reduce or waive the damages levied under section 14B of the Act in relation to an establishment specified in the second proviso to section 14B, subject to the following terms and conditions, namely:—

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

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

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

CHAPTER VI

DECLARATION, CONTRIBUTION CARDS AND RETURNS

33. Declaration by persons already employed at the time of institution of the Fund:—Every person who is required or entitled to become a Member of the Fund shall be asked forthwith by his employer to furnish and shall, on such demand, furnish to him, for communication to the Commissioner, particulars concerning himself and his nominee required for the Declaration Form in Form 2. Such employer shall enter the particulars in the declaration form and obtain the signature or thumb impression of the person concerned.

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

[^3][Provided that in the case of any such employee who has become a Member of the Family Pension Fund under the Employees’ Family Pension Scheme, 1971, the aforesaid Declaration Form shall also contain such particulars as are necessary to comply with the requirements of that Scheme.]

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2 Subs. by S.R.O. 1363, dated 26th April, 1957.
3 Ins. by G. S.R. 320, dated 16th February, 1972 (w.e.f. 18-3-1972.).
35. Preparation of contribution cards:- The employer shall prepare a contribution card [1][in Form 3] [2][or Form 3A] as may be appropriate, in respect of every employee in his employment at the commencement of the Scheme or who is taken into employment after that date and who is required or entitled to become or is a Member of the Fund including those who produce an Account Number and in respect of whom no fresh Declaration Form is prepared:

3[Provided that in the case of any such employee who has become a Member of the Family Pension Fund under the Employees’ Family Pension Scheme, 1971, the aforesaid Forms shall also contain such particulars as are necessary to comply with the requirement of that Scheme.]

36. Duties of employers:-
(1) Every employer shall send to the Commissioner, within fifteen days of the commencement of this Scheme, a consolidated return in such form as the Commissioner may specify, 4[***] of the employees required or entitled to become Members of the Fund showing the 5[basic wage, retaining allowance (if any) and dearness allowance including the cash value of any food concession] paid to each of such employee:

6[Provided that if there is no employee who is required or entitled to become a Member of the Fund, the employer shall send a 'NIL’ return.]

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

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

(b) 7[in such form as the Commissioner may specify], of the employees leaving service of the employer during the preceding month:

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

9[***]

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

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

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1 Subs. by G. S.R. 1300, dated 19th September, 1962.
3 Ins. by G. S.R. 320, dated 16th February, 1972 (w.e.f. 18-3-1972.).
5 Subs. by G. S.R. 201, dated 8th February, 1961 (w.e.f. 31-12-1960).
9 Sub-paragraph (3) omitted by G. S.R. 1300, dated 19th September, 1962.
11 Sub-paragraph (4) and (5) re-numbered as Sub-paragraph (5) and (6) by G. S.R. 1176, dated 17th August, 1964.
1[6] Notwithstanding anything hereinbefore contained in this paragraph, the Central Board may issue such directions to employers generally as it may consider necessary or proper for the purpose of implementing the Scheme, and it shall be the duty of every employer to carry out such directions.

2[36A. Employer to furnish particulars of ownership: ]Every employer in relation to a factory or establishment to which the Act applies on the date of coming into force of the Employees' Provident Funds (Tenth Amendment) Scheme, 1961, or is applied after that date, shall furnish [in duplicate] to the Regional Commissioner in Form No. 5A annexed hereto, [particulars of all the branches and departments, owners], occupiers, directors, partners, manager or any other person or persons who have the ultimate control over the affairs of such factory or establishment and also send intimation of any change in such particulars, within fifteen days of such change, to the Regional Commissioner by registered post and in such other manner as may be specified by the Regional Commissioner:

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

6[36B. Duties of contractors: ]Every contractor shall, within seven days of the close of every month, submit to the principal employer a statement showing the recoveries of contributions in respect of employees employed by or through him and shall also furnish to him such information as the principal employer is required to furnish under the provisions of the Scheme to the Commissioner.

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

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

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

1 Sub-paragraph (4) and (5) re-numbered as Sub-paragraph (5) and (6) by G. S.R. 1176, dated 17th August, 1964.
5 Ins. by G. S.R. 320, dated 16th February, 1972.
6 Added by G. S.R. 1845, dated 28th November, 1963 (w.e.f. 30-11-1963).
8 Subs. by G. S.R. 706, dated 9th September, 1983.
Provided further that where there is no branch of the Reserve Bank or the State Bank of India at the station where the factory or other establishment is situated, the employer shall pay to the Fund the amount mentioned above by means of Reserve Bank of India Governmental Drafts at par separately on account of contributions and administrative charge.

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

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

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

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

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

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

6[40A. Supply of Pass Books to the Members: - With effect from such date as the Commissioner may specify in this behalf, every employer shall, on an employee becoming a Member of the fund, provide a Pass Book to every such Member and maintain the same in such form and manner as the Commissioner may direct from time to time:

Provided that different dates may be specified for different industries or classes of establishments or for different areas.]
41. **Currency of contribution cards:** The contribution cards issued under this Scheme shall be current for one year:

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

1. Provided further that the cards issued,—
   1. in respect of the first contribution period, or
   2. in respect of the contribution period immediately preceding the date from which the establishment is notified as an annually posted establishment,

may be for a period which may be less or more than a year.

42. **Renewal of contribution cards:** An employer shall, on or before the expiration of the period of currency of the contribution card, prepare in respect of each Member employed by him a card in Form 3 or Form 3A as may be appropriate, for the next period of currency:

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

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

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

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

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

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

46. **Production of cards and records for inspection by the Commissioner or Inspector:** Every employer shall, whenever the Commissioner or any other officer authorised by him in this behalf or an Inspector so requests, either in person or by notice in writing, produce before the Commissioner, Officer, or Inspector, as the case may be, the records of any Member employed by him and

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4. Ins. by G. S.R. 320, dated 16th February, 1972 (w.e.f. 18-3-1972.).
6. Ins. by G. S.R. 320, dated 16th February, 1972 (w.e.f. 18-3-1972.).
any card then in his possession, and if so required, by the said Commissioner, Officer or Inspector shall deliver such record to the said Commissioner, Officer or Inspector, who may, if he thinks fit, retain the records provided that he shall grant a receipt for every record retained by him.

47. **Supply of cards, pass books and Forms to employers**: The Commissioner shall supply to employers, free of charge on demand contribution cards, declaration forms and other forms referred to in this Scheme:

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

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

**CHAPTER VII**

**ADMINISTRATION OF THE FUND, ACCOUNTS AND AUDIT**

49. **Administration Accounts**: A separate account shall be kept called the “Central Administration Account” for recording all administrative expenses of the Fund including such administrative charges as the Fund may be authorised to levy.

50. ** Provident Fund Account**: The aggregate amount received as the employers’ and the employees’ contributions to the Fund shall be credited to an account to be called the “Provident Fund Account”.

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

52. **Investment of moneys belonging to Employees’ Provident Fund**: (1) All moneys belonging to the Fund shall be deposited in the Reserve Bank or the State Bank of India or in such other Scheduled Banks as may be approved by the Central Government from time to time or shall be invested, subject to such directions as the Central Government may from time to time give, in the securities mentioned or referred to in clauses (a) to (d) of section 20 of the Indian Trusts Act, 1882 (2 of 1882).
[Provided that such securities are payable both in respect of capital and in respect of interest in India.
(2) All expenses incurred in respect of, and loss, if any, arising from, any investment shall be charged to the Fund.

53. Disposal of the Fund:—[(1) Subject to the provisions of the Act and of this Scheme, the Fund, not including therein the Administration Account, shall not, except with the previous sanction of the Central Government, be expended for any purpose other than the payment of the sums standing to the credit of individual Members of the Fund or to their nominees or heirs or legal representatives in accordance with the provisions of this Scheme.]
(2) The Fund shall be operated upon by such officers as may be authorised in this behalf by the Central Board concerned.

54. Expenses of Administration:—(1) All expenses relating to the administration of the Fund including those incurred on Regional Committee shall be met from the Fund.
(2) All expenses of administration of the Fund, including the fees and allowances, of the Trustees of the Central Board and salaries, leave and joining time allowances, travelling and compensatory allowances, gratuities and compassionate allowances, pensions, contributions to provident fund and other benefit fund instituted for the officers and employees of the Central Board, the cost of audit of the accounts, legal expenses and cost of all stationery and forms incurred in respect of the Central Board, cost and all expenses incurred in connection with the construction of office buildings and staff quarters shall be met from the Administration Account of the Fund.
(3) The expenses incurred by the Central Government in connection with the establishment of the Fund shall be treated as a loan and such loan shall be repaid from the Administration Account.]

55. Form and manner of maintenance of accounts:—The Central Board shall maintain proper accounts of its income and expenditure, including its administrative accounts, in Form 10, and the balance sheet in Form 11. The accounts shall be prepared for the financial year and the books shall be balanced on the thirty-first March each year.]

56. Audit:—(1) The accounts of the Fund, including the Administration Account shall be audited in accordance with the instructions issued by the Central Government in consultation with the Comptroller and Auditor-General of India.
(2) The charges on account of audit shall be paid out of the Administration Account.

57. Inter-State transfer of Members:—(1) Where a Member of the Fund ceases to be employed in one region and secures employment in another region in an establishment to which this Scheme applies or which is an exempted establishment or which is not covered under the Act but has a provident fund scheme of its own, he may apply to the Commissioner within whose jurisdiction he was previously employed, in such form as the Commissioner may specify, for

1 Subs. by G. S.R. 1314, dated 16th August, 1960.
4 Subs. by G. S.R. 11, dated 21st December, 1992 (w.e.f. 2-1-1993).
transfer of balance of the provident fund in his existing account to his account in the other region.

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

1[58. Budget:- (1) The Commissioner shall place before the Central Board each year before the first fortnight of February, a budget showing separately the probable receipts from the contributions and from the levy of administrative charges and the expenditure which it proposes to incur during the following financial year. The budget as approved by the Central Board shall be submitted for sanction to the Central Government within a month of its being placed before the Central Board.

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

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

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

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

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

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

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

59. Member’s accounts:- (1) An account shall be opened in the office of the Fund in the name of each Member in which it shall be credited:—

(a) his contributions,

(b) the contributions made by the employer in respect of him, and

(c) interest as provided in paragraph 60.

4[(2) All items of account shall be calculated to the nearest rupee, 50 paise or more to be counted as the next higher rupee and fraction of a rupee less than 50 paise to be ignored].]
(3) On receipt of the contribution card or cards of a Member from his employer or employers at the end of the period of currency of the contribution card, the Commissioner shall compare the entries made in the contribution card or cards with those made in the Member’s individual account in the office of the Fund and shall rectify any discrepancy found in these entries.

60. Interest:

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

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

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

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

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

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

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

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

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

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

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

(3) The aggregate amount of interest credited to the accounts of the Members shall be debited to “Interest Suspense Account”.

1 Subs. by G. S.R. 222, dated 31st March, 1993 (w.e.f. 1-4-1993).

2 Subs. by G. S.R. 206, dated 30th January, 1964 (w.e.f. 25-7-1955).

3 Subs. by G. S.R. 393, dated 31st March, 1982 (w.e.f. 17-4-1982).

4 Proviso inserted by S.O 380(E), dated 15th March 2007 (w.e.f 15-03-2007)

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

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

CHAPTER VIII
NOMINATIONS, PAYMENTS AND WITHDRAWALS FROM THE FUND

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

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

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

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

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

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

5[(5) A nomination made under sub-paragraph (1) may at any time be modified by a Member after giving a written notice of his intention of doing so in Form 4[2] annexed hereto. If the nominee predeceases the Member, the interest of the nominee shall revert to the Member who may make a fresh nomination in respect of such interest.

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

5[62. Financing of Members' Life Insurance Policies:-(1) Where a Member desires that premium due on a policy of Life Insurance taken by him on his own

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life should be financed from his Provident Fund Account, he may apply in such form and in such manner as may be prescribed by the Commissioner.

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

Provided that no such payment shall be made unless the premium is payable ![***] yearly.

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

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

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

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

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

63. Conversion of policy into a paid-up one and payment of late fee, etc.:—Where a policy of Life Insurance of a Member is financed from his Provident Fund Account, the Commissioner may,

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

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

64. Assignment of Policies to the Fund:—[1][2]

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

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

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

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

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

66. Reassignment of policies:—(1) Where the accumulations standing to the credit of the Member are withdrawn under paragraph 69 or when the Member repays to the Fund the amounts of premium paid by the Board with interest thereon at the rate provided in paragraph 60, the Central Board or where authorised by the Central Board, the Commissioner shall reassign by endorsement thereon the policy to the Member together with a signed notice of reassignment addressed to the Life Insurance Corporation.

(2) If the Member dies before the policy has been reassigned under subparagraph (1), the Central Board or where authorised by the Central Board, the Commissioner, shall reassign the endorsement thereon the policy to the Member together with a signed notice of reassignment addressed to the Life Insurance Corporation.

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

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

1 Subs. by G. S.R. 1083, dated 30th June, 1966.
4 Paragraph 68A ins. by G. S.R. 400, dated 28th March, 1959 (w.e.f. 1-3-1956) and omitted by G. S.R. 98, dated 15th January, 1962. Omission not to effect the operation of this paragraph in respect of loans advanced before coming into force of this Scheme.
6 Subs. by G. S.R. 954, dated, 22nd August, 1984 (w.e.f. 8-9-1984).
acquisition of a suitable site for the purpose:- (1) The Commissioner, or where so authorised by the Commissioner, any officer subordinate to him, may on an application from a Member in such form as may be prescribed and subject to the conditions prescribed in this paragraph sanction from the amount standing to the credit of the Member in the fund, an [withdrawal]—

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

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

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

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

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

Explanation 1:-In this paragraph, the expression ‘co-operative society’ means a society registered or deemed to be registered under the Co-operative Societies Act, 1912 (2 of 1912), or under any other law for the time being in force in any State relating to co-operative societies.

[***]

[2][a] For the purpose of purchase of a site for construction of house thereon, the amount of withdrawal shall not exceed the Member’s basic wages and dearness allowance for twenty-four months or the Member’s own share of contributions, together with the employer’s share of contributions with interest

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1 Subs. by G. S.R. 954, dated, 22nd August, 1984 (w.e.f. 8-9-1984).
2 Omitted by G. S.R. 954, dated, 22nd August, 1984 (w.e.f. 8-9-1984).
3 Ins. by G. S.R. 421, dated, 12th May, 1988 (w.e.f. 21-5-1988).
4 Added by G. S.R. 954, dated, 22nd August, 1984 (w.e.f. 8-9-1984).
5 Explanation II omitted by G. S.R. 954, dated, 22nd August, 1984 (w.e.f. 8-9-1984).
6 Subs. by G. S.R. 81, dated, 20th January, 1993 (w.e.f. 6-2-1993).
thereon or the actual cost towards the acquisition of the dwelling site, whichever is the least.

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

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

(i) the Member has completed five years’ Membership of the Fund;

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

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

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

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

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

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

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

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

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

1 Subs. by G. S.R. 79, dated 25th February, 2000, (w.e.f. 4-3-2000).
2 Subs. by G. S.R. 954, dated, 22nd August, 1984 (w.e.f. 8-9-1984).
3 Subs. by G. S.R. 954, dated, 22nd August, 1984 (w.e.f. 8-9-1984).
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1[***]

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

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

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

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

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

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

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

1[7A] A further withdrawal equivalent to the amount of difference between the amount of withdrawal admissible to a Member under sub-paragraph (2) above as on the date of fresh application and the amount of withdrawal that was drawn by a Member under this paragraph any time during 6 years preceding 3rd October, 1981, may be granted to such a Member.

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1 Clause (c) omitted by G. S.R. 81, dated, 20th January, 1993 (w.e.f. 6-2-1993).
2 Ins. by G. S.R. 421, dated 12th May, 1988 (w.e.f. 21-5-1988).
3 Subs. by G. S.R. 954, dated, 22nd August, 1984 (w.e.f. 8-9-1984).
4 Subs. by G. S.R. 954, dated, 22nd August, 1984 (w.e.f. 8-9-1984).
5 Added by G. S.R. 954, dated, 22nd August, 1984 (w.e.f. 8-9-1984).
6 Subs. by G. S.R. 954, dated, 22nd August, 1984 (w.e.f. 8-9-1984).
7 Subs. by G. S.R. 954, dated, 22nd August, 1984 (w.e.f. 8-9-1984).
8 Subs. by G. S.R. 954, dated, 22nd August, 1984 (w.e.f. 8-9-1984).
10 Subs. by G. S.R. 954, dated, 22nd August, 1984 (w.e.f. 8-9-1984).
11 Ins. by G. S.R. 954, dated, 22nd August, 1984 (w.e.f. 8-9-1984).
12 Subs. by G. S.R. 954, dated, 22nd August, 1984 (w.e.f. 8-9-1984).
13 Subs. by G. S.R. 954, dated, 22nd August, 1984 (w.e.f. 8-9-1984).
14 Subs. by G. S.R. 954, dated, 22nd August, 1984 (w.e.f. 8-9-1984).
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(i) who had availed of the earlier 1[withdrawal] for purchase of a dwelling site and has now proposed to construct a dwelling house on the land so purchased or (ii) who had availed of the earlier 2[withdrawal] for making initial payment towards the allotment/purchase of a house/flat from any agency as referred to in clause (a) of sub-paragraph (1) above and has now proposed to avail of a 3[withdrawal] for completing the transaction to get the sole ownership of the house/flat so purchased or (iii) who had availed of the earlier 4[withdrawal] for construction of a house but could not complete the construction in the time due to lack of funds.

5[(7B) A further withdrawal up to twelve months’ basic wages and dearness allowance or Member’s own share of contribution with interest thereon in his account, whichever is the least, may be granted for addition, alteration, improvement or repair of the dwelling house owned by the Member or by the spouse or jointly by the Member and the spouse, after ten years of withdrawal, under sub-paragraph (7).]

6[***].

7[(9)(a) If the 7[withdrawal] granted under this paragraph exceeds the amount actually spent for the purpose for which it was sanctioned, the excess amount shall be refunded by the Member to the Fund in one lump sum within thirty days of the finalisation of the purchase, or the completion of the construction of, or necessary additions, alterations or improvements to a dwelling house, as the case may be. The amount so refunded shall be credited to the employer’s share of contributions in the Member’s account in the Fund to the extent of 8[withdrawal] granted out of the said share and the balance, if any, shall be credited to the Member’s share of contributions in his account.

(b) in the event of the Member not having been allotted a dwelling site/dwelling house/flat, or in the event of the cancellation of an allotment made to the Member and of the refund of the amount by the agency, referred to in clause (a) of sub-paragraph (1) or in the event of the Member not being able to acquire the dwelling site or to purchase the dwelling house/flat from any individual or to construct the dwelling house, the Member shall be liable to refund to the Fund in one lump sum and in such manner as may be specified by the Commissioner, or where so authorised by the Commissioner, any officer subordinate to him, the amount of 9[withdrawal] remitted under this paragraph to him or, as the case may be, to the agency referred to in clause (a) of sub-paragraph (1).

The amount so refunded shall be credited to the employer’s share of contributions in the Member’s account in the Fund, to the extent of 10[withdrawal] granted out of the said share, and the balance, if any, shall be credited to the Member’s own share of contribution in his account.

1 Subs. by G. S.R. 954, dated, 22nd August, 1984 (w.e.f. 8-9-1984).
2 Subs. by G. S.R. 954, dated, 22nd August, 1984 (w.e.f. 8-9-1984).
3 Subs. by G. S.R. 954, dated, 22nd August, 1984 (w.e.f. 8-9-1984).
4 Subs. by G. S.R. 954, dated, 22nd August, 1984 (w.e.f. 8-9-1984).
6 Sub-paragraph (8) omitted by G. S.R. 79, dated 25th February, 2000, (w.e.f. 4-3-2000).
7 Subs. by G. S.R. 954, dated, 22nd August, 1984 (w.e.f. 8-9-1984).
8 Subs. by G. S.R. 954, dated, 22nd August, 1984 (w.e.f. 8-9-1984).
9 Subs. by G. S.R. 954, dated, 22nd August, 1984 (w.e.f. 8-9-1984).
10 Subs. by G. S.R. 954, dated, 22nd August, 1984 (w.e.f. 8-9-1984).
(10) If the Commissioner, or where so authorised by the Commissioner, any officer subordinate to him is satisfied that the withdrawal granted under this paragraph has been utilised for a purpose other than that for which it was granted or that the Member refused to accept an allotment or to acquire a dwelling site or that the conditions of withdrawal have not been fulfilled or that there is reasonable apprehension that they will not be fulfilled wholly or partly; or that the excess amount will not be refunded in terms of clause (a) of sub-paragraph (9) or that the amount remitted back to the Member by any agency referred to in clause (a) of sub-paragraph (1), will not be refunded in terms of clause (b) of sub-paragraph (9), the Commissioner, or where so authorised by the Commissioner, any officer subordinate to him, shall forthwith take steps to recover the amount due with penal interest thereon at the rate of two per cent per annum from the wages of the Member in such number of instalments as the Commissioner, or where so authorised by the Commissioner, any officer subordinate to him, may determine. For the purpose of such recovery the Commissioner or where so authorised by the Commissioner, any officer subordinate to him may direct the employer to deduct such instalment from the wages of the Member and on receipt of such direction, the employer shall deduct accordingly. The amount so deducted, shall be remitted by the employer to the Commissioner, or where so authorised by the Commissioner, any officer subordinate to him within such time and in such manner as may be specified in the direction. The amount so refunded, excluding the penal interest, shall be credited to the employer’s share of contributions in the Member’s account in the Fund to the extent of withdrawal granted out of the said share and the balance, if any, shall be credited to the Member’s own share of contributions in his account. The amount of penal interest shall, however, be credited to the interest suspense account:

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

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

9[68BB. 10[Withdrawal] from the Fund for repayment of loans in special cases:-(1)(a) The Commissioner, or, where so authorised by the Commissioner, any officer subordinate to him, may on an application from a Member, sanction from the amount standing to the credit of the Member in the Fund, withdrawal for the repayment, wholly or partly, of any outstanding principal

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1 Subs. by G. S.R. 954, dated 22nd August, 1984 (w.e.f. 8-9-1984).
2 Subs. by G. S.R. 954, dated 22nd August, 1984 (w.e.f. 8-9-1984).
3 Subs. by G. S.R. 954, dated 22nd August, 1984 (w.e.f. 8-9-1984).
5 Subs. by G. S.R. 954, dated 22nd August, 1984 (w.e.f. 8-9-1984).
6 Subs. by G. S.R. 954, dated 22nd August, 1984 (w.e.f. 8-9-1984).
7 Subs. by G. S.R. 954, dated 22nd August, 1984 (w.e.f. 8-9-1984).
8 Subs. by G. S.R. 954, dated 22nd August, 1984 (w.e.f. 8-9-1984).
10 Subs. by G. S.R. 221, dated 15th March, 1990 (w.e.f. 1-7-1990).
11 Subs. by G. S.R. 954, dated 22nd August, 1984 (w.e.f. 8-9-1984).
and interest of a loan 1[obtained in the name of the Member or spouse of the Member or jointly by the Member and spouse from a State Government, registered co-operative society, State Housing Board, Nationalised banks, public financial institutions], Municipal Corporation or any body similar to the Delhi Development Authority solely for the purposes specified in sub-paragraph (i) of paragraph 68B.

(b) The amount of 2[withdrawal] shall not exceed the Member’s basic wages and dearness allowance for 3[thirty-six months] or his own share of contributions together with the employer’s share of contributions, with interest thereon, in the Member’s account in the Fund or the amount of outstanding principal and interest of the said loan, whichever is least.

(2) No 4[withdrawal] shall be sanctioned under this paragraph unless—

(a) the Member has completed 5[ten] years’ Membership of the Fund; and

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

(c) the Member produces a certificate or such other documents, as may be prescribed by the Commissioner or where so authorised by the Commissioner, any officer subordinate to him, from such agency, indicating the particulars of the 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 6[withdrawal] under this paragraph shall be made direct to such agency on receipt of an authorisation from the Member in such manner as may be specified by the Commissioner, or where so authorised by the Commissioner, any officer subordinate to him, and in no event the payment shall be made to the Member.

7(68BC. Withdrawal/financing from the Fund for the purchase of a dwelling house/flat or the construction of a dwelling house including the acquisition of a suitable site by the Member:-) (1) Notwithstanding anything contained in Paragraph 68B or 68BB, where a Member desires to purchase a dwelling house/flat, including a flat in a building owned jointly with others (outright or on hire-purchase basis), or for construction of a dwelling house including the acquisition of a suitable site for the purpose, from the Central Government, a State Government, or a Housing Agency under a Housing Scheme as notified by the Central Provident Fund Commissioner from time to time, may apply in such form and in such manner, as may be prescribed by the Commissioner, for withdrawal from the amount standing to the credit of the Member in the Fund, and the Commissioner, or where so authorized by the Commissioner, any officer subordinate to him, on receipt of such application may sanction such amount not exceeding the Members own share of contributions with interest thereon (and the employers share of contributions with interest thereon to his credit) or the

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1 Subs. by G. S.R. 79, dated 25th February, 2000. (w.e.f. 4-3-2000).
2 Subs. by G. S.R. 954, dated 22nd August, 1984 (w.e.f. 8-9-1984).
3 Subs. by G. S.R. 667, dated 27th June, 1985, (w.e.f. 13-7-1985).
4 Subs. by G. S.R. 954, dated 22nd August, 1984 (w.e.f. 8-9-1984).
6 Subs. by G. S.R. 954, dated 22nd August, 1984 (w.e.f. 8-9-1984).
7 Ins. by G. S.R. 783 (E), dated 3rd October, 2003 (w.e.f.6-10-2003).
cost of the acquisition of the proposed property whichever is less, by debiting to the Members account:

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

(i) the Member has completed five years Membership of the Fund; and

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

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

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

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

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

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

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

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

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

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

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

168-C. [***]

168D. [***]

3[68E. Computation of period of Membership:-In computing the period of Membership of the Fund of a Member under paragraphs 68B, 68BB and 68K, his total service exclusive of periods of breaks under the same employer of factory/establishment before this scheme applied to him, as well as the periods, of his Membership, whether of the Fund or of private provident fund of exempted factories/establishments or as an employee exempted under paragraph 27 or 27A, as the case may be, immediately preceding the current Membership of the Fund, shall be included:

Provided that the Member has not severed his Membership by withdrawal of his provident fund during such period.]

4[***]
68H. Grant of advances in special cases:-

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

2[(1A) In case a provident fund Member is discharged or dismissed or retrenched by the employer and such discharge or dismissal or retrenchment is challenged by the Member and the cases are pending in a Court of Law, an officer not below the rank of Assistant Provident Fund Commissioner may, on an application from the Member in such form as may be prescribed, authorise payment to him of one or more non-recoverable advances from his Provident Fund Account not exceeding 50 per cent of his own share of contribution with interest thereon standing to his credit in the Fund on the date of such authorisation.]

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

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

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

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

(d) The employer shall remit the amount so deducted to the Fund within such time and in such manner as may be specified by the

1 Subs. by G. S.R. 321, dated, 4th April, 1983 (w.e.f. 16-4-1983).
2 Ins. by G. S.R. 421, dated, 12th May, 1988 (w.e.f. 21-5-1988).
3 Ins. by G. S.R. 1900, dated, 16th October, 1968.
4 Subs. by G. S.R. 221, dated, 16th March, 1990 (w.e.f. 1-1-1990).
7 Ins. by G. S.R. 321, dated, 4th April, 1983 (w.e.f. 16-4-1983).
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Commissioner 1[or where so authorised by the Commissioner, any officer subordinate to him]. The amount on receipt shall be credited to the Member’s account in the Fund.

2[Explanation:-For the purpose of grant of advance under this paragraph, the establishment may be closed legally, illegally, with permission or without permission, so long as the establishment is closed.] 3[***]

4[68J. Advance from the Fund for illness in certain cases:- (1) A Member may be allowed non-refundable advance from his account in the Fund in cases of (a) hospitalisation lasting for one month or more, or (b) major surgical operation in a hospital, or (c) suffering from T.B., leprosy, 5[paralysis, cancer, mental derangement or heart ailment] and having been granted leave by his employer for treatment of the said illness.

(2) 6[The advance shall be granted if—
(a) the employer certifies that the Employees’ State Insurance Scheme facility and benefits thereunder are not actually available to the Member or the Member produces a certificate from the Employees’ State Insurance Corporation to the effect that he has ceased to be eligible for cash benefits under the Employees’ State Insurance Scheme; and
(b) a doctor of the hospital certifies that a surgical operation or, as the case may be, hospitalisation for one month or more had or has become necessary] 7[or a registered medical practitioner, or in the case of a mental derangement or heart ailment, a specialist certifies that the Member is suffering from T.B., leprosy, paralysis, cancer, mental derangement or heart ailment.]

8[***]

9[(3) A Member may be allowed non-refundable advance from his account in the Fund for the treatment of a Member of his family who has been hospitalised, or requires hospitalisation, for one month or more.
(a) for a major surgical operation, or
(b) for the treatment of T.B., Leprosy, 10[paralysis, cancer, mental derangement or heart ailment]:

Provided that no such advance shall be granted to a Member unless he has produced—
(i) a certificate from a doctor of the hospital that the patient has been hospitalised or requires hospitalisation for one month or more, or that a major surgical operation had or has become necessary, and

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1 Ins. by G. S.R. 321, dated, 4th April, 1983 (w.e.f. 16-4-1983).
4 Added by G. S.R. 126, dated, 16th January, 1964.
8 Proviso omitted by G. S.R. 1858, dated, 30th November, 1968.
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(ii) a certificate from his employer that the Employees’ State Insurance Scheme facility and benefits are not available to him for the treatment of the patient.

1[(4) The amount advanced under this paragraph shall not exceed the Member’s 2[3six] months or his own share of contribution with interest in the Fund, whichever is less.]

4[***]

5[(6) Where the Commissioner 5[or, where so authorised by the Commissioner any officer subordinate to him] is not satisfied with a medical certificate furnished by the Member under this paragraph, he may, before granting an advance under this paragraph, demand from the Member another medical certificate to his satisfaction.] 6

6[68K. 7[Advance from the Fund for marriages or post-matriculation education of children.]-8][1(1) The Commissioner or where so authorised by the Commissioner, an officer subordinate to him may on an application from a Member, authorise payment to him or her of a non-refundable advance from his or her provident fund account not exceeding fifty per cent of his or her own share of contribution with interest thereon, standing to his or her credit in the Fund, on the date of such authorisation, for his or her own marriage, the marriage of his or her daughter, son, sister or brother or for the post-matriculation education of his or her son or daughter.] 9

9[(2) No advance under this paragraph shall be sanctioned to a Member unless—

(a) he has completed seven years’ Membership of the Fund; and

(b) the amount of 10[1his own share of contributions with interest thereon standing to his credit in the Fund is rupees one thousand or more.] 11

(3) 11[Not more than 12[three] advances shall be admissible to a Member under this paragraph.] 13[***]

14[68L. Grant of advances in abnormal conditions:-1(1) The Commissioner 15[or where so authorised by the Commissioner, any officer subordinate to him] may, on an application from a Member whose property, movable or immovable, has been damaged by a calamity of exceptional nature, such as floods, earthquakes or riots, authorise payment to him from the provident fund account,]
of a non-refundable advance, of [rupees five thousand] or fifty per cent of his own total contribution including interest thereon standing to his credit on the date of such authorisation, whichever is less, to meet any unforeseen expenditure:

2[***]

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

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

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

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

6[68M. Grant of advance to Members affected by cut in the supply of electricity:—A Member may be allowed a non-refundable advance from his account in the Fund, if there is a cut in the supply of electricity to a factory or establishment in which he is employed on the following conditions, namely:—

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

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

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

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

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

9[68N. Grant of advance to Members who are physically handicapped:—

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

(2) No advance under sub-paragraph (1) shall be paid unless the Member produces a medical certificate from a competent medical practitioner to the satisfaction of the Commissioner or such other officer as may be authorised by him in this behalf to the effect that he is physically handicapped.

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1 Subs. by G. S.R. 343, dated, 8th May, 1991 (w.e.f. 1-4-1991).
4 The word “and” omitted by G. S.R. 1118, dated 21st August, 1979.
(3) The amount advanced under this paragraph shall not exceed the Member’s basic wages and dearness allowance for six months or his own share of contributions with interest thereon or the cost of the equipment, whichever is the least.

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

1[68NN. Withdrawal within one year before the retirement:-The Commissioner, or where so authorised by the Commissioner, any officer subordinate to him, may, on an application from a Member in such form as may be prescribed, permit withdrawal of up to 90 per cent of the amount standing at his credit, at any time after attainment of the age of 54 years by the Member or within one year before his actual retirement on superannuation, whichever is later.]

2[68NNN. Option for withdrawal at the age of 55 years for investment in Varishtha Pension Bima Yojana:-The Commissioner, or where so authorized by the Commissioner, any officer subordinate to him, may, on an application from a Member in such form as may be prescribed, permit withdrawal of up to 90 per cent of the amount standing at his credit at any time after attaining the age of 55 years by the Member, to be transferred to the Life Insurance Corporation of India for investment in Varishtha Pension Bima Yojana.]

3[68O. Payment of withdrawal or advance:-The payment of withdrawal or advance under paragraphs 68B, 4[***] 68H, 68J, 68K, 68L, 68M, 5[68N and 68NN] of the Scheme may be made, at the option of the Member—

(i) by postal money order, or

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

(iii) through the employer.]

6[69. Circumstances in which accumulations in the Fund are payable to a Member:-]{1} A Member may withdraw the full amount standing to his credit in the Fund—

(a) On retirement from service after attaining 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 authorised.]

(b) on retirement on account of permanent and total incapacity for work due to bodily or mental infirmity duly certified by the medical officer of the establishment or where an establishment has no regular medical officer, by a registered medical practitioner designated by the establishment;]
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(c) immediately before migration from India for permanent settlement abroad \[1\] or for taking employment abroad;\]

\[2\](d) on termination of service in the case of mass or individual retrenchment;

\[3\][***]

\[4\](dd) on termination of service under a voluntary scheme of retirement framed by the employer and the employees under a mutual agreement specifying, inter alia, that notwithstanding the provisions contained in sub-clause (a) of clause (oo) of section 2 of the Industrial Disputes Act, 1947, excluding voluntary retirement from the scope of definition of “retrenchment” such voluntary retirements shall for the purpose be treated as retrenchments by mutual consent of the parties;

\[5\][e] in any of the following contingencies, provided the actual payment shall be made only after completing a continuous period of not less than \[6\](two months) immediately preceding the date on which a Member makes the application for withdrawal:

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

\[7\][***]

\[8\][(1A) For the purpose of clause (b) of sub-paragraph (1)—

- (i) where an establishment has been closed, the certificate of any registered medical practitioner may be accepted;
- (ii) where there is no medical officer in the establishment, the employer shall designate a registered medical practitioner stationed in the vicinity of the establishment; or
- (iii) where the establishment is covered by the Employees’ State Insurance Scheme, medical certificate from a medical officer of the Employees’ State Insurance Dispensary with which or from the Insurance Medical Practitioner with whom, the employee is registered under that Scheme, shall be produced:

Provided that where by mutual agreement of employers and employees, a Medical Board exists for any establishment or a group of establishments, a

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1 Ins. by G. S.R. 832, dated, 23rd October, 1987 (w.e.f. 7-11-1987).
3 Proviso omitted by G. S.R. 1184, dated, 16th October, 1974 (w.e.f. 2-11-1974).
7 Clause (f) omitted by G. S.R. 341, dated 18th March, 1974.
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certificate issued by such Medical Board may also be accepted for the purpose of this paragraph:

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

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

(iv) A Member suffering from tuberculosis or leprosy 1[or cancer]
even if contracted after leaving the service of an establishment on grounds of illness but before payment has been authorised, shall be deemed to have been permanently and totally incapacitated for work.]

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

3[***]

4[***]

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

6[***]

70. Accumulations of a deceased Member - to whom payable:—On the death of a Member before the amount standing to his credit has become payable, or where the amount has become payable before payment has been made—

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

1 Ins. by G. S.R. 1457, dated 16th November, 1978 (w.e.f. 2-12-1978).
3 Sub-paragraph (3) omitted by G. S.R. 221, dated 15th March, 1990 (w.e.f. 1-1-1990).
5 Subs. S.R.O. 3374, dated 10th October, 1957 (w.e.f. 24-8-1957).
6 Sub-paragraph (6) and Explanation omitted by G. S.R. 221, dated 15th March, 1990 (w.e.f. 1-1-1990).
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(ii) if no nomination subsists or if the nomination relates only to a part of the amount standing to his credit in the Fund, the whole amount or the part thereof to which the nomination does not relate, as the case may be, shall become payable to the Members of his family in equal shares:

Provided that no share shall be payable to—

(a) sons who have attained majority;
(b) sons of a deceased son who have attained majority;
(c) married daughters whose husbands are alive;
(d) married daughters of a deceased son whose husbands are alive;

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

Provided further that the widow or widows, and the child or children of a deceased son shall receive between them in equal parts only the share which that son would have received if he had survived the Member and had not attained the age of majority at the time of the Member’s death.

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

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

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

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

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

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

2[***]

72. Payment of Provident Fund:-(1) When the amount standing to the credit of a Member, 3[***] becomes payable, it shall be the duty of the Commissioner to make prompt payment as provided in this Scheme. 4[***] In case there is no nominee in accordance with this Scheme 5[or there is no person entitled to receive such amount under sub-paragraph (ii) of paragraph 70], the Commissioner may, if the amount to the credit of the Fund does not exceed 6[Rs.

1 Ins. by G. S.R. 341, dated 9th July, 1992 (w.e.f. 25-7-1992).
5 Ins. by G. S.R. 473, dated 14th March, 1977 (w.e.f. 2-4-1977).
6 Subs. by G. S.R. 473, dated 14th March, 1977 (w.e.f. 2-4-1977).
The Employees’ Provident Funds Scheme, 1952

10,000] and if satisfied after enquiry about the title of the claimant, pay such amount to the claimant.

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

1[3) If the person to whom any amount is to be paid under the Scheme is a minor for whose estate a guardian under the Guardians and Wards Act, 1890 (8 of 1890) has been appointed, the payment shall be made to such guardian. Where no guardian under the Guardians and Wards Act, 1890 (8 of 1890) has been appointed, the payment shall be made to the guardian, if any, appointed under the sub-paragraph (4A) of paragraph 61. Where no guardian under the Guardians and Wards Act, 1890 (8 of 1890) or under sub-paragraph (4A) of paragraph 61 has been appointed, the payment shall be made to the natural guardian and in the absence of a natural guardian, to such person as the Commissioner, 2[where the amount does not exceed 3[Rs. 20,000] or the Chairman of the Central Board, if the amount exceeds 4[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[***].

3A) If the person to whom any amount is to be paid under this Scheme is a lunatic for whose estate a manager under the Indian Lunacy Act, 1912 (4 of 1912), has been appointed, the payment shall be made to such manager. If no such manager has been appointed, the payment shall be made to the natural guardian of the lunatic and in the absence of any such natural guardian, to such person as the Commissioner, 6[where the amount does not exceed 7[Rs. 20,000] or the Chairman of the Central Board, if the amount exceeds 8[Rs. 20,000]] considers to be the proper person representing the lunatic and the receipt of such person for the amount paid shall be a sufficient discharge thereof 9[***].

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

5) Every employer shall, at the time when a Member of the Fund leaves the service, be required to get the claim application, for payment of provident fund in cases specified in clauses (a) to (dd) of sub-paragraph (1) 10[***] of paragraph 69, duly filled in and attested and to forward the said application 11[within five days of its receipt] to the Commissioner or any other officer authorised by him in this behalf.

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3 Subs. by G. S.R. 832, dated, 23rd October, 1987 (w.e.f. 7-11-1987).
4 Subs. by G. S.R. 832, dated, 23rd October, 1987 (w.e.f. 7-11-1987).
5 Omitted by G. S.R. 473, dated 14th March, 1977 (w.e.f. 2-4-1977).
6 Subs. by G. S.R. 473, dated 14th March, 1977 (w.e.f. 2-4-1977).
7 Subs. by G. S.R. 832, dated, 23rd October, 1987 (w.e.f. 7-11-1987).
8 Subs. by G. S.R. 832, dated, 23rd October, 1987 (w.e.f. 7-11-1987).
9 Omitted by G. S.R. 473, dated 14th March, 1977 (w.e.f. 2-4-1977).
10 Subs. by G. S.R. 141, dated, 28th January, 1982 (w.e.f. 6-2-1982).
(b) Every employer shall, at the time when a Member of the Fund leaves the service, be required to get the claim application, for payment of provident fund in cases specified in clause (e) of sub-paragraph (1), and in 1[**] sub-paragraph (2) of paragraph 69, duly filled in and attested, and to give the said application to the Member, for submission, on completion of the period specified in 2[**] sub-paragraph (2) of paragraph 69. 3[provided the Member continues to remain unemployed in a factory or other establishment to which the Act applies], either through post or in person with proper identification, to the Commissioner or any other officer authorised by him in this behalf.

(c) Every employer shall, on the death of the Member and on receipt of an application for receiving the amount standing to the credit of such Member, forward forthwith, 4[but not later than five days of its receipt,] the said application to the Commissioner or any other officer authorised by him in this behalf.

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

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

6[Provided that the provident fund amount payable by postal money order shall be to the extent of maximum Rs. 2,000. Any payment of benefit above Rs. 2,000 under the scheme shall be remitted through cheque only. Where the amount payable by postal money order exceeds Rs. 500 it shall be remitted at the cost of the payee.]

7[**(f)**] Any amount becoming due to a Member as a result of (i) supplementary contribution from the employer in respect of leave wages / arrears of pay, instalment of arrears contribution received in respect of a Member whose claim has been settled on account but which could not be remitted for want of latest address, or (ii) accumulation in respect of any Member who has either ceased to be employed or died, but no claim has been preferred within a period of three years from the date it becomes payable, or if any amount remitted to a person, is received back undelivered, and it is not claimed again within a period of three years from the date it becomes payable shall be transferred to an account to be called the 8[Inoperative Account]:

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3 Ins. by G. S.R. 421, dated 12th May, 1988 (w.e.f. 21-5-1988).
5 Subs. by G. S.R. 188, dated 2nd February, 1985 (w.e.f. 16-2-1985).
6 Added by G. S.R. 449, dated 31st May, 1983 (w.e.f. 13-6-1983) and subs. by G. S.R. 79, dated 25th February, 2000, (w.e.f. 4-3-2000).
8 Substituted for “Unclaimed Deposits Account” by G.S.R. 228(E), dated 22nd March 2007 (w.e.f. 22-03-2007).
Provided that in the case of a claim for the payment of the said balance, the amount shall be paid by debiting the [1]Inoperative Account.]

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

73. **Annual statement of Member’s account:**-(1) As soon as possible after the close of each period of currency of contribution card the Commissioner shall send to each Member through the employer of the [3]factory or other establishment in which he was last employed a statement of his account in the Fund showing the opening balance at the beginning of the period, amount contributed during the year, the total amount of interest credited at the end of the period or debited in the period and the closing balance at the end of the period.

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

4[***]

**CHAPTER IX**

**MISCELLANEOUS**

5[74. Annual report on the work and activities of the Board and its audited accounts:**-(1) The annual report on the work and activities of the Central Board and its audited accounts together with the report of Comptroller and Auditor General of India shall be considered by the Executive Committee and shall be placed for adoption at a meeting of the Board to be held before the Tenth of December following the close of the financial year concerned:

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

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

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1 Substituted for “Unclaimed Deposits Account” by G.S.R. 228(E), dated 22nd March 2007 (w.e.f. 22-03-2007).
3 Subs. by S.R.O. 1363, dated 26th April, 1957.
Provided that if the report of the Comptroller and Auditor General is not received by the first of December following the close of the financial year to which it pertains, the audited accounts together with the report of the Comptroller and Auditor General and the comments of the Board thereon shall be submitted to the Central Government separately from the annual report on the work and activities of the Board.

75. Issue of copies of Member’s Accounts, Annual Reports, etc.:—The Commissioner shall furnish copies of the Member’s accounts and of the annual reports of the Fund to any employer or Member on written application and on payment of such fees and subject to such conditions as may be specified by the Central Board in this behalf.

176. Punishment for failure to pay contributions, etc.:—If any person—

2[***]  
3[(a)] deducts or attempts to deduct from the wages or other remuneration of a Member the whole or any part of the employer’s contribution, or

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

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

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

he shall be punishable with imprisonment which may extend to 7[one year, or with fine which may extend to four thousand rupees], or with both.

77. Conduct of business of the 8[Central Board]:—(1) All orders and other instruments shall be made and executed in the name of the 9[Central Board] and shall be authenticated by such person and in such manner as the 10[Central Board] may specify.

(2) All contracts and assurances of property shall be expressed to be made by the 10[Central Board] and shall be executed on behalf of the 11[Central Board] by the Commissioner.

78. Power to issue directions:—(1) The Central Government may, from time to time, issue such directions to State Governments, the Central Board or any other authority, under this Act or Scheme as it may consider necessary for the proper implementation of the Scheme or for the purpose of removing any difficulty which may arise in the administration thereof including difficulties in

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1 Amended by G. S. R. 305, dated 11th March, 1974.
2 Omitted by G.S.R. 305, dt. 11.3.1974 (w.e.f. 28.2.1974).
3 Re-numbered vide G.S.R. 305 dt. 11-3-1974.
4 Re-numbered vide G.S.R. 305 dt. 11-3-1974.
5 Re-numbered vide G.S.R. 305 dt. 11-3-1974.
6 Re-numbered vide G.S.R. 305 dt. 11-3-1974.
7 Subs. by G. S.R. 690(E), dated 30th June, 1989 (w.e.f. 1-7-1989).
8 Subs. by G.S.R. 1845 dt. 28.11.1963 for “Board”.
9 Subs. by G.S.R. 1845 dt. 28.11.1963 for “Board”.
10 Subs. by G.S.R. 1845 dt. 28.11.1963 for “Board”.
11 Subs. by G.S.R. 1845 dt. 28.11.1963 for “Board”.
the matter of payment of accumulations in the Fund to Members after they cease to be such Members.

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

2[79. Special provisions relating to [factories and other establishments] in respect of which applications for exemption are received:]-Notwithstanding anything contained in this Scheme, the Commissioner may, in relation to a [factory or other establishment] in respect of which an application for exemption under section 17 of the Act has been received, relax pending the disposal of the application the provisions of this Scheme in such manner as he may direct.]

6[79A. Filing application for review:-Any person aggrieved by an order made under sub-section (1) of section 7A and who desires to obtain a review of such order may apply for a review of that order, as provided in sub-section (1) of section 7B of the Act in Form 9 to the officer who passed such order:

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

7[79B. Time limit for communicating the views of the Central Board to the appropriate Government on a proposal for grant of exemption to an establishment:]-When an appropriate Government consults the Central Board with regard to its proposal for grant of exemption to an establishment under section 17 of the Act, the Board shall give its views on the proposal within a period of three months from the date on which such proposal is received by it.]

8[79C. Composition of the Board of Trustees of the exempted establishments and the terms and conditions of service of the Trustees:]-

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

9[***]
(2) The employer shall nominate his representatives on the Board of Trustees from amongst the officers employed in managerial or administrative capacity in the establishment.

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

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

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

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

(4) The employer shall be the Chairman of the Board of Trustees. In the events of equality of votes, the Chairman may exercise a casting vote.

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

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

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

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

(c) is an undischarged insolvent; or

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

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

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

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

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

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

(8) The procedure for election or nomination of Trustees, the quorum at the meeting of the Board, records to be kept of the transaction of business and all other matters not specifically provided for in the Scheme shall be regulated as per the provisions of the approved provident fund rules of the establishment and

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1 Subs. by G. S.R. 868 (E), dated 3rd November, 2003, (w.e.f. 3-11-2003).
the guidelines for the functioning of the Board of Trustees of the exempted establishments which the Commissioner may specify from time to time.

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

CHAPTER X

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

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

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

“(f) ‘excluded employee’ means,—

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

(ii) an apprentice

Explanation:—‘Apprentice’ 3[***] means a person who, according to the standing orders applicable to the newspaper establishment concerned, is an apprentice 4[***] or who is declared to be an apprentice 5[***] by the authority specified in this behalf by the appropriate Government.”

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

“26. Class of employees entitled and required to join the Fund.—(1)(a) Every newspaper employee employed to do any work in, or in relation to, any newspaper establishment to which this Scheme applies, other than an excluded employee, shall be entitled and required to become a Member of the Fund from the beginning of the months following that in which this paragraph comes into force in such establishment, if on the date of such coming into force he has completed 6[three months’ continuous service] or has actually worked for not less than 7[60 days during a period of three months or less] in that newspaper establishment or in another such establishment 8[to which the Act applies] under the same employer or partly in one and partly in the other 9[or has been declared permanent in any such newspaper establishment, whichever is the earliest.]

(b) Every newspaper employee employed to do any work, in or in relation to, any newspaper establishment to which this Scheme applies other than an excluded employee, shall be entitled and

1 Ins. by S.R.O. 2981, dated 4th December, 1956.
3 The words “or probationer” omitted by G.S.R. 767, dt. 18.5.1965.
4 The words “or probationer” omitted by G.S.R. 767, dt. 18.5.1965.
5 The words “or probationer” omitted by G.S.R. 767, dt. 18.5.1965.
7 Ins. by S.R.O. 2981, dated 4th December, 1956.
required to become a Member of the Fund from the beginning of the month following that in which this paragraph comes into force in such newspaper establishment if on the date of such coming into force such employee is a subscriber to a provident fund maintained in respect of the establishment or in respect of another establishment [to which the Act applies] under the same employer.

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

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

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

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

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

(7) Notwithstanding the other provisions of this paragraph, a Commissioner may, on a joint request in writing of any newspaper employee of a newspaper

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1 Ins. by G. S.R. 1176, dated 14th September, 1961.
Establishment to which this Scheme applies and his employer, enrol such employee as a Member who shall, thereafter, be entitled to the benefits and shall be subject to the conditions of the Fund:

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

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

Explanation II:—In computing the period of work for 1[60 days] under this paragraph:

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

(b) periods of authorised leave;

(c) in the case of female employees, periods of maternity leave for any number of days not exceeding twelve weeks; 2[and

(d) Sundays and holidays intervening the days of actual work], shall also be deemed to be days on which the employee has worked in the 3[establishment].

26A. Retention of Membership.—A Member of the Fund shall continue to be a Member until he withdraws under paragraph 69 the amount standing to his credit in the Fund or is covered by a notification of exemption under section 17 of the Act or an order of exemption under paragraph 27 or 27A.

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

26B. Resolution of doubts.—If any question arises as to whether a newspaper employee is entitled or required to become or continue as Member or as to the date from which he is entitled or required to become a Member, the decision thereon of the Regional Commissioner, 4[***] shall be final:

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

5[81. Special provisions in the case of cine-workers:—The Scheme shall, in its application to cine-workers as defined in clause (c) of section 2 of the Cine-Workers and Cinema Theatre Workers (Regulation of Employment) Act, 1981 (50 of 1981), be subject to the following modifications, namely :—

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

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3 Subs. by G. S.R. 1307, dated 24th November, 1959 (w.e.f. 31-12-1959).
For sub-paragraph (f) of paragraph 2, the following sub-paragraph shall be substituted, namely:

‘(f) “excluded employee” means:

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

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

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

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

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

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


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

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

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

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

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

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

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

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

26A. Retention of Membership.—A Member of the Fund shall continue to be a Member until he withdraws under paragraph 69 the amount standing to his credit in the Fund or is covered by a Notification of exemption under section 17 of the Act or an order of exemption under paragraph 27 or 27A.

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

26B. Resolution of doubts.—If any question arises as to whether a cine-worker is entitled or required to become or continue as Member, or as to the date from which he is entitled or required to become a Member, the decision thereon of the Regional Commissioner shall be final:

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

82. Special provisions in respect of certain employees.- The Scheme shall, in its application to an employee who is a person with disability under the Persons with Disabilities (Equal Opportunities, Protection of Right and Full Participation) Act, 1995 (1 of 1996) and under the National Trust for Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act, 1999 (44 of 1999) respectively, be subject to the following modifications, namely:-

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

(f) “excluded employee” means-

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

(ii) a person with disability, whose pay at the time he is otherwise entitled to become a member of the Fund, exceeds twenty-five thousand rupees per month;

(iii) an apprentice.”.

1 Sub-clause 82 inserted by G.S.R. 253(E), dated 31st March, 2008 (w.e.f. 01-04-2008).
(2) In Paragraph 30, after sub-paragraph (3), the following proviso shall be inserted, namely:-
“Provided that the Central Government shall contribute the employer’s share of contribution up to a maximum period of three years from the date of commencement of membership of the Fund, in respect of an employee who is a person with disability, employed directly by the principal employer or through a contractor.”

(3) In Paragraph 34, after the first proviso, the following proviso shall be inserted, namely:-
“Provided further that in the case of any such employee who is a person with disability, the aforesaid Declaration Form shall further contain such particulars as are necessary for such employees.”

(4) In Paragraph 36, after sub-paragraph (1), the following sub-paragraph shall be inserted, namely:-
“(1-A) Every employer shall send to the Commissioner, within fifteen days of every month commencing from the 1st day of April, 2008, in such form as the Commissioner may specify, the particulars as are necessary, of an employee who is a person with disability and is a member on or entitled to become a member after the 1st day of April, 2008.”

(5) In Paragraph 38, in sub-paragraph (1), after the second proviso, the following proviso shall be inserted, namely:-
“Provided also that the Central Government shall pay the employer’s share of contribution in respect of an employee who is a person with disability, up to a maximum period of three years from the date of commencement of membership of the Fund.”

83. Special provision in respect of International Workers. - The Scheme shall, in its application to International Workers as defined in this paragraph, be subject to the following modifications, namely:-

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

(f) “excluded employee” means an International Worker, who is contributing to a social security, programme of his country of origin, either as a citizen or resident, with whom India has entered into a social security agreement on reciprocity basis and enjoying the status of detached worker for the period and terms, as specified in such an agreement;

(2) After clause (j) of paragraph 2, the following clause shall be substituted, namely:-

(ja) “International Worker” means—

(a) an Indian employee having worked or going to work in a foreign country with which India has entered into a social security agreement and being eligible to avail the benefits under a social security programme of that country, by virtue of the eligibility gained or going to gain, under the said agreement;

(b) an employee other than an Indian employee, holding other than an Indian passport, working for an establishment in India to which the Act applies;

2. For the paragraphs 26, 26A and 26B, the following paragraphs shall be substituted, namely:

26. Class of International Workers entitled and required to join the fund.- (1)(a) Every International Worker (other than an excluded employee), employed as on the 1st day of October, 2008, in an establishment to which this Scheme applies, shall be entitled and required to become a member of the Fund with effect from the 1st day of November, 2008.

(2) Every International Worker (other than an excluded employee), employed after the 1st day of October, 2008 in an establishment to which this Scheme applies, who has not become a member already shall be entitled and required to become a member of the Fund from the date of his joining the establishment.

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

(4) An excluded employee of an establishment to which this Scheme applies shall, on ceasing to be such an employee, be entitled and required to become a member of the Fund from the date he ceases to be such employee.

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

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

26A. Retention of membership.- A member of the Fund shall continue to be a member until he withdraws under paragraph 69 the amount standing to his credit in the Fund or is covered by a notification of exemption under section 17 of the Act or an order of exemption under paragraph 27 or 27A or the benefits are settled in terms of the relevant provisions under the social security agreement entered into between India and his country of origin.

26B. Resolution of doubts.- If any question arises as to whether an International Worker is entitled or required to become or continue as member, or as to the date from which he is entitled or required to become a member, the decision thereon of the Regional Commissioner shall be final:

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

4. In paragraph 29, in sub-paragraph (1), after the points, the following proviso shall be inserted, namely:—

Provided further that where wages are paid in a currency other than in the Indian Rupee, the rate of conversion of that currency shall be the telegraphic transfer buying rate offered by the State Bank of India established under the State Bank of India Act, 1955 (23 of 1955) for buying such currency on the last working of the month for which the wages are due.
5. For paragraph 36, the following paragraph shall be substituted, namely:-

36. Duties of employer.- (1) Every employer of an establishment to which this Scheme applies shall send to the Commissioner within fifteen days from the application of the Scheme to such establishment, a consolidated return in such form as the Commissioner may specify, of the International Workers (indicating distinctly the nationality of each and every International Worker) required or entitled to become members of the Fund showing the basic wage, retaining allowance (if any) and dearness allowance including the cash value of any food concession paid to each of such International Worker:

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

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

(a) in Form 5, of the International Workers qualifying to become members of the Fund for the first time during the preceding month together with the declarations in Form 2 furnished by such qualifying International Workers (indicating distinctly the nationality of each and every International Worker), and

(b) in such form as the Commissioner may specify, of the International Workers (indicating distinctly the nationality of each and every International Worker) leaving service of the employer during the preceding month:

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

6. For paragraph 69, the following paragraph shall be substituted, namely:-

69. Circumstances in which accumulations in the Fund are payable to an International Worker.- (1) An International Worker may withdraw the full amount standing to his credit in the fund—

(a) on retirement from service in the establishment at any time after the attainment of 58 years;

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

Provided that—

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

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

(iii) where by mutual agreement of employers and employees, a Medical Board exists for any establishment or a group of establishments, a certificate issued by such Medical Board may also be accepted for the purposes of this sub-paragraph.

(2) It shall be open to the Regional Commissioner to demand from the member a fresh certificate from a Civil Surgeon or any doctor acting on his behalf
where the original certificate produced by him under clause (b) of sub-paragraph (1) gives rise to suspicion regarding its genuineness:

Provided 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 on his behalf agree with the original certificate, and that where such 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 the remaining half shall be debited to the member’s account.

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

(4) In respect of a member covered under a social security agreement entered into between the Government of India and any other country, on such grounds as may be specified in that agreement.

7. For paragraph 72, the following paragraph shall be substituted, namely:-

72. Payment of Provident Fund.- (1) When the amount standing to the credit of a member becomes payable, it shall be the duty of the Commissioner to make prompt payment as provided in the Scheme.

(2) The due amount shall be payable to the member covered under a social security agreement entered into between the Government of India and any other country, in the manner and as per the terms specified in the agreement.

(3) In all other cases, the amount due shall be payable to the credit of the payee’s bank account in India.

8. After paragraph 78, the following paragraph shall be inserted, namely:-

78A. Performing certain special functions under social security agreements.- The Commissioner shall perform all such functions as are assigned to the Employees’ Provident Fund Organisation under a social security agreement entered into between by the Government of India and any other country, in the manner and as per the terms specified therein.

FORM 1

THE EMPLOYEES’ PROVIDENT FUND SCHEME, 1952
APPLICATION FOR EXEMPTION UNDER PARAGRAPH 27 OF THE SCHEME

I hereby apply for exemption from the operation of all or the following provisions of the Scheme :-

(a) ....................
(b) ....................
(c) ....................
(d) ....................
(e) ....................

1. Name (in block letters) : 
2. Occupation : 
3. Sex : 
4. Religion : 
5. Father’s name : 
6. Husband’s name (for married women only) : 

The Employees' Provident Funds Scheme, 1952

7. Permanent Address
8. Details of the Provident Fund, gratuity or old age pension.
   I declare that all the particulars stated above are true to the best of my knowledge and belief.
   Dated..............................the...........................20
   [Signature or left hand thumb impression in case of both female and male Members of the fund]

Certified that the above declaration has been signed by..................................................employed in**.................................................before me and that he/she is getting the benefits of provident fund, gratuity or old age pension as above.
   Dated..............................the...........................20
   Signature of the manager or other authorised officer of the Factory/Establishment
   **Here give the name and address of the factory or other establishment in which employed.

2[FORM 2 (REVISED)]

NOMINATION AND DECLARATION FORM FOR UNEXEMPTED / EXEMPTED ESTABLISHMENTS

(Declaration and nomination form under the Employees' Provident Funds and Employees' Family Pension Schemes)

[Paragraphs 33 and 61(1) of the Employees' Provident Funds Scheme, 1952, and paragraph 18 of the Employees' Family Pension Scheme, 1995.

1. Name (in block letters) : 
2. Father's/Husband's Name 
3. Date of birth 
4. Sex 
5. Marital Status 
6. Account No. 
7. Address (Permanent) 
   (Temporary) 
8. (A) Date of Joining of EPF Scheme, 1952 
   (B) Date of Joining of EPF Scheme, 1971 
   (C) Date of Joining of EPF Scheme, 1995 

PART A (EPF)

I hereby nominate the person(s)/cancel the nomination made by me previously and nominate the person(s), mentioned below, to receive the amount

1 Subs. by G. S.R. 20, dated 26th December, 1984.
standing to my credit in the Employees' Provident Fund, in the event of my death:

<table>
<thead>
<tr>
<th>Name and Address of the nominee/nominees</th>
<th>Nominee's relationship with the Member</th>
<th>Date of Birth</th>
<th>Total amount or share of accumulations in Provident Fund to be paid to each nominee</th>
<th>If the nominee is a minor name and relationship and address of the guardian who may receive the amount during the minority of nominee</th>
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<td>(3)</td>
<td>(4)</td>
<td>(5)</td>
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</tbody>
</table>

1. *Certified that I have no family as defined in para 2(g) of the Employees' Provident Funds Scheme, 1952, and should I acquire a family hereafter, the above nomination should be deemed as cancelled.
2. *Certified that my father/mother is/are dependent upon me.
3. *Strike out whichever is not applicable.

................................................................................................................................................
Signature/thumb impression of the subscriber.

**PART B (EPF)**

**(PARA 18)**

I hereby furnish below particulars of the Members of my family who would be eligible to receive widow/children pension in the event of my death.

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Name and address of the family Member</th>
<th>Date of Birth</th>
<th>Relationship with the Member</th>
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*Certified that I have no family as defined in para 2(vii) of the Employees' Pension Scheme, 1995, and should I acquire a family hereafter, I shall furnish particulars thereon in the above form.

I hereby nominate the following person(s) for receiving the monthly widow pension admissible under para 16 (2) (a) (i) & (ii) of Employees’ Pension Scheme, 1995 in the event of my death without leaving any eligible family Member for receiving pension.

<table>
<thead>
<tr>
<th>Name and address of the Nominee</th>
<th>Date of Birth</th>
<th>Relationship with the Member</th>
</tr>
</thead>
</table>
Date: Signature or thumb impression of the subscriber

*Strike out whichever is not applicable.

CERTIFICATE BY EMPLOYER

Certified that the above declaration and nomination has been signed/thumb impressed before me by Shri/Smt./Km. employed in my establishment after he/she has read the entries. The entries have been read over to him/her by me and got confirmed by him/her.

Signature of the employer or other authorised officer of the establishment.

Place : .............................................

Date the ..................20..................

Designation..................................

Name and address of the factory/establishment or rubber stamp thereof.

Note: Whom you can nominate

(A) Under the Employees' Provident Fund Scheme:

(1) A Member of the Employees' Provident Fund who is married and/or his father/mother is/are dependent upon him can nominate only one or more persons belonging to his family as defined below:—

(a) in the case of a male Member, his wife, his children, his dependent parents, and his deceased son's widow and children;

(b) in the case of a female Member, her husband, her children, her dependent parents, her husband’s dependent parents, her deceased son’s widow and children.

(2) If the Member has got no family, or is a bachelor, nomination may be in favour of any person or persons, whether related to him or not or even to an institution. If the Member subsequently acquires a family such nomination shall forthwith become invalid and the Member should make a fresh nomination in favour of one or more persons belonging to his family.

(B) Under the Family Pension Scheme:

(1) On the death of a Member of the Family Pension Scheme, his family will be entitled to the benefits under the Family Pension Scheme. The family is defined as under:

(i) wife in the case of a male Member;

(ii) husband in the case of a female Member; and

(iii) minor sons and unmarried daughters.

Explanation: The expression “sons” and “daughters” shall include children adopted legally before death in service.

(2) If the Member has got no family, the monthly family pension, on the death of the Member, will not be paid. However, life assurance benefit will be paid to the person or persons entitled to receive his provident fund accumulations.

FORM 3

FOR UNEXEMPTED ESTABLISHMENTS ONLY

THE EMPLOYEES’ PROVIDENT FUNDS SCHEME, 1952

[PARAGRAPHS 35 AND 42]

CONTRIBUTION CARD FOR THE CURRENCY PERIOD FROM ..........TO........

1. Account No.

2. Name .................................................. Surname..................................

(In Block Capitals)

---

1 Subs. by G.S.R. 1229, dated 22nd August, 1977.
3. Father's/Husband's Name.................................................................
4. Name and address of establishment................................................
5. Statutory rate of contribution........................................................
6. Voluntary higher rate of employee’s contribution, if any..........................
7. Age as on......................................................................................
8. Occupation/Job............................................................................... 
9. Income per month ...........................................................................
10. Permanent/Temporary/Contractual.................................................. 

### CONTRIBUTIONS

<table>
<thead>
<tr>
<th>Months</th>
<th>Member’s Share</th>
<th>Employer’s Share</th>
<th>Refund of advance</th>
<th>Break in Membership/reckonable service</th>
<th>Remarks</th>
</tr>
</thead>
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<td>E.P.F. Rs.</td>
<td>E.P.F. @ 1/6 % Rs.</td>
<td>Total Rs.</td>
<td>E.P.F. Rs.</td>
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Dated the........20....

Signature of the Employer
(Office Seal)

1[FORM 3A]
(For Unexempted Establishments only)
THE EMPLOYEES’ PROVIDENT FUNDS SCHEME, 1952
[PARAGRAPHS 35 AND 42]
AND
THE EMPLOYEES’ FAMILY PENSION SCHEME, 1995
[PARAGRAPH 19]
CONTRIBUTION CARD FOR THE CURRENCY PERIOD FROM 1ST APRIL
........20.... TO 30TH MARCH ..........20....

1. Account No. .................................................................
2. Name.............................................................Surname ..............
   (In Block Capitals).
3. Father’s/Husband’s Name ................
4. Name & address of the 1[Factory Establishment] ................

---

1 Subs. by G.S.R. 1229, dated 22nd August, 1977.
5. Statutory rate of contribution ..................
6. Voluntary higher rate of employees’ contribution, if any ..................

### CONTRIBUTIONS

<table>
<thead>
<tr>
<th>Months</th>
<th>Worker’s share</th>
<th>Employer’s share</th>
<th>Refund of Advances</th>
<th>No. of days/period of non-contributing service (if any)</th>
<th>Remarks</th>
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<td>Amount of wages</td>
<td>EPF</td>
<td>EPF difference between 12% and 10%, if any</td>
<td>Pension Fund contribution (10%)</td>
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<td>March paid in April, 20…</td>
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Certified that the total amount of contributions indicated in this card i.e. Rs.………has already been remitted in full in EPF A/c No. 1 (P.F.A/c) and A/c No. 10 ………… vide Note below.

Certified that the difference between the total of the contributions shown under Cols. (3) and (4)(a) and (4) (b) of the above table and that arrived at on the total wages shown in Col. (2) at the prescribed rate is solely due to the rounding off of contributions to the nearest rupee under the rules.

Dated the …………20……

Signature of Employer
(Office Seal)

---

1 Subs. by S.R.O. 1963, dated 26th April, 1957.
**Note:**
(1) In respect of the Form (3A) sent to the Regional Office during the course of the Currency period for the purpose of final settlement of the accounts of the Members who had left service, details of date and reasons for leaving service, should be furnished under column 7(a) & (b).
(2) In respect of those who are not Members of the Pension Fund the employers share of contribution to the EPF will be \[10\% to 12\%\] as the case may be and is to be shown under column 4(a).

**FORM 4**

**THE EMPLOYEES’ PROVIDENT FUNDS SCHEME, 1952**

[PARAGRAPHS 35 AND 42]

**CONTRIBUTION CARD FOR EMPLOYEES OTHER THAN MONTHLY PAID**

**EMPLOYEES FOR THE PERIOD FROM...........TO ............**

1. Account No. .................................................................
2. Name (in block capitals).................................Surname.............
3. Caste...........................................................
4. Sex........................................................................
5. Date of birth as given in Form 2...............................
6. Occupation..........................................................
7. Father’s name......................................................
8. Husband’s name..........................................................
   (for married women only)
9. Marital status..........................................................
   (whether bachelor, spinster, married, widow or widower)
10. Permanent Address...........................................
    Village.................................Thane............................................Taluk/Sub-Division..............................District.............., District..............State..........................
11. Signature or left hand thumb impression of Member..................................
12. Signature of person preparing the card.........................
13. Signature of the Manager of the [factory or other establishment]..
14. Registered Number of the [factory or other establishment].............
15. Name and address of the [factory or other establishment]..................

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<tr>
<th>Particulars of employment</th>
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<tbody>
<tr>
<td>Registered number of [factory or other establishment]</td>
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<td>Duration of Employment</td>
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The employer's and Member's contribution should be shown separately for each week

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<th>Week</th>
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<td>37</td>
<td>38</td>
<td>39</td>
<td>40</td>
<td>41</td>
<td>42</td>
<td></td>
</tr>
<tr>
<td>Week</td>
<td>Week</td>
<td>Week</td>
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<td>43</td>
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<td>47</td>
<td>48</td>
<td>49</td>
<td>50</td>
<td>51</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Week</th>
<th>52</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Total Contribution of the employer</th>
<th>Rs.</th>
<th>Signature of the employer’s Head Clerk or any Authorised Clerk Checked and found correct</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Contribution by the Member</td>
<td></td>
<td>Authorised official of the Office of the Commissioner.</td>
</tr>
<tr>
<td>Grand Total</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Amount refunded</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

1[***]

---

FORM 5
THE EMPLOYEES PROVIDENT FUNDS SCHEME, 1952
(PARAGRAPH 36(2) (A) AND
THE EMPLOYEES PENSION SCHEME, 1995 [PARA 20(4)]
[PARAGRAPH 15 (2)]
RETURN OF EMPLOYEES QUALIFYING FOR MEMBERSHIP OF THE EMPLOYEES' PROVIDENT FUND, EMPLOYEES' PENSION FUND AND EMPLOYEES' DEPOSIT LINKED INSURANCE FUND FOR THE FIRST TIME DURING THE MONTH OF

(TO BE SENT TO THE COMMISSIONER WITH FORM NO. 2) (EPF AND EPS)

Name and address of factory/establishment ............................
Code No. of factory/establishment ............................

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Account No.</th>
<th>Name of the employee (in block capitals)</th>
<th>Father's Name or Husband's Name in case of married woman</th>
<th>Date of Birth</th>
<th>Sex</th>
<th>Date of joining the Fund</th>
<th>Total period of previous service as on the date of joining the Fund (Enclose Scheme Certificate if applicable)</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
<td>6</td>
<td>7</td>
<td>8</td>
<td>9</td>
</tr>
</tbody>
</table>

Date ......................

Stamp of the Factory/Establishment

Signature of the Employer or any other Authorized Officer of the Establishment

1. This Form should be accompanied by declaration and nomination in Form 2(EPF).
2. All particulars to be filled in CAPITAL LETTERS.

1 Form 5 subs. by G.S.R. 294, dated 24.5.1994 (w.e.f. 1.3.1994).
FORM 5A
(For Exempted / Unexempted Establishments Only)

THE EMPLOYEES’ PROVIDENT FUNDS SCHEME, 1952
[SEE PARAGRAPH 36A]
THE EMPLOYEES’ PENSION SCHEME, 1995 (PARA 21)
AND
THE EMPLOYEES’ DEPOSIT-LINKED INSURANCE SCHEME, 1976
[SEE PARAGRAPH 1]

Return of ownership to be sent to the Regional Commissioner.

<p>| | | | | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Name of the Establishment</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2.</td>
<td>Code Number of the establishment under the Employees’ Provident Funds and Miscellaneous Provisions Act, 1952</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3.</td>
<td>Postal address of the establishment and its branches/departments, if any.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4.</td>
<td>Industry or business in which engaged</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5.</td>
<td>Date of first commencement of production/business (Trial/regular)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6.</td>
<td>Date of closure by the previous management</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>7.</td>
<td>Whether run by the owners or lessees (if by lessees, period of the lease should be indicated).</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>8.</td>
<td>Particulars of owners</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<p>| | | | | | |</p>
<table>
<thead>
<tr>
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<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>(a)</td>
<td>(b)</td>
<td>(c)</td>
<td>(d)</td>
<td>(e)</td>
<td>(f)</td>
</tr>
<tr>
<td>(i)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>(ii)</td>
<td></td>
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<td></td>
</tr>
<tr>
<td>(iii)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

*Whether proprietor, Partner, Mg. Partner, Mg. Director, Director, etc.

9. If on lease, Particulars of lessees:

<p>| | | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>(a)</td>
<td>(b)</td>
<td>(c)</td>
<td>(d)</td>
</tr>
<tr>
<td>(i)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(ii)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(iii)</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

10. If registered under the Factories Act, particulars of the Manager/occupier,

<p>| | | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>(a)</td>
<td>(b)</td>
<td>(c)</td>
<td>(d)</td>
</tr>
<tr>
<td>(i)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(ii)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(iii)</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

A. Occupier
B. Manager
11. Particulars of the persons mentioned above, who are in charge of, and responsible for the conduct of, the business of the establishment

<table>
<thead>
<tr>
<th>Name</th>
<th>Age</th>
<th>Father’s name</th>
<th>Residential Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a)</td>
<td>(b)</td>
<td>(c)</td>
<td>(d)</td>
</tr>
<tr>
<td>(i)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(ii)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(iii)</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Signature of the employer.

Date.. Seal of the establishment

Designation.

Note: Any change in the information given above should be intimated, in writing, to the Regional Commissioner within fifteen days of such change by registered post and in the prescribed manner under copy to the Provident Fund Inspector.

FORM 6 (REVISED)
THE EMPLOYEES’ PROVIDENT FUNDS SCHEME, 1952
(PARAGRAPH 43)
REFUND OF THE CONTRIBUTION CARDS SENT TO THE COMMISSIONER ON THE EXPIRY OF THE PERIOD OF CURRENCY FROM ......... TO ..........

Name and address of the Factory/Establishment.................
Code No. of the Factory/Establishment.............................

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Account No.</th>
<th>Name of the Member (in block capitals)</th>
<th>Employee’s Total Contribution</th>
<th>Member’s total contribution</th>
<th>Amount refunded</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>EPF EPF Total</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>@ 1 1/6% Rs. Rs. Rs.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>EPF EPF Total</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>@ 1 1/6% Rs. Rs. Rs.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Total number of Cards sent....................

Signature of the employer or other authorised officer of Factory/Establishment.

Dated........20......
Stamp of the Factory/Establishment.
**FORM 6A**
(For un-exempted establishments only)

**THE EMPLOYEES' PROVIDENT FUNDS SCHEME, 1952**
[PARAGRAPHS 38(3)]

**CONSOLIDATED ANNUAL CONTRIBUTION STATEMENT**

Annual statement of contributions for the Currency Period from 1st................20........ to..............20......

Name and address of the Factory/Establishment..........................................................Statutory rate of contribution ....

Code No. of the factory / Establishment.................................................................No. of Members voluntarily contributing at a higher rate ....

<table>
<thead>
<tr>
<th>S. No.</th>
<th>Account No.</th>
<th>Name of the Members (in block capitals)</th>
<th>Wages, retaining allowance (if any) and D.A. including cash value of food concession paid during the currency period</th>
<th>Amount of worker's contribution deducted from the wages</th>
<th>Employer's Contribution</th>
<th>Refund of advances</th>
<th>Rate of higher voluntary contribution (if any)</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1)</td>
<td>(2)</td>
<td>(3)</td>
<td>(4)</td>
<td>(5)</td>
<td>(6)</td>
<td>(7)</td>
<td>(8)</td>
<td>(9)</td>
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<td></td>
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<td></td>
<td></td>
</tr>
</tbody>
</table>

**Reconciliation of Remittances**

|                      | Total Rs. | Rs. | Rs. | Rs. |
### RECONCILIATION OF REMITTANCES

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Month</th>
<th>Amount remitted EPF contribution including refund of advances A/c. No. 1</th>
<th>Pension Fund contribution A/c. No. 10</th>
<th>EDLI contribution A/c. No. 21</th>
<th>Admin. charges Rs. 1.10% of wages</th>
<th>EDLI Admin. charges 0.01</th>
<th>Aggregate Contributions Cols. 5+6+7 (Rs.)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
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<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>March</td>
<td>paid in April</td>
<td>Rs.</td>
<td>Rs.</td>
<td>Rs.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>April</td>
<td></td>
<td>Rs.</td>
<td>Rs.</td>
<td>Rs.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>May</td>
<td></td>
<td>Rs.</td>
<td>Rs.</td>
<td>Rs.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>June</td>
<td></td>
<td>Rs.</td>
<td>Rs.</td>
<td>Rs.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>July</td>
<td></td>
<td>Rs.</td>
<td>Rs.</td>
<td>Rs.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>Aug.</td>
<td></td>
<td>Rs.</td>
<td>Rs.</td>
<td>Rs.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>7</td>
<td>Sept.</td>
<td></td>
<td>Rs.</td>
<td>Rs.</td>
<td>Rs.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>8</td>
<td>Oct.</td>
<td></td>
<td>Rs.</td>
<td>Rs.</td>
<td>Rs.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>9</td>
<td>Nov.</td>
<td></td>
<td>Rs.</td>
<td>Rs.</td>
<td>Rs.</td>
<td></td>
<td></td>
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<tr>
<td>10</td>
<td>Dec.</td>
<td></td>
<td>Rs.</td>
<td>Rs.</td>
<td>Rs.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>11</td>
<td>Jan.</td>
<td></td>
<td>Rs.</td>
<td>Rs.</td>
<td>Rs.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>12</td>
<td>Feb.</td>
<td>paid in March</td>
<td>Rs.</td>
<td>Rs.</td>
<td>Rs.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>13</td>
<td>Arrear, if any</td>
<td></td>
<td>Rs.</td>
<td>Rs.</td>
<td>Rs.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td></td>
<td>Rs.</td>
<td>Rs.</td>
<td>Rs.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Signature of employer with official seal
NOTES :

(1) The names of all the Members, including those who had left service during the currency period, should be included in this statement. Where the Form 3A in respect of such Members had left service were already sent to the Regional Office for the purpose of final settlement of their account, the fact should be stated against the Members in the 'Remarks' column above thus: “Form 3A already sent in the month of .................”

(2) In case of substantial variation in the wages/contributions of any Member as compared to those shown in the previous month’s statement, the reason should be explained adequately in the ‘Remarks’ column.

(3) In respect of those Members who have not opted for Pension Fund their entire employers contribution @ 10% or 12% as the case may be shown under column No. 6.

1[FORM 7]

2[FORM 8]
1 FORM 9
APPLICATION FOR REVIEW FILED UNDER SUB-SECTION (1) OF SECTION 7-B OF THE EMPLOYEES’ PROVIDENT FUNDS AND MISCELLANEOUS PROVISIONS ACT, 1952
(PARA 79-A)

<table>
<thead>
<tr>
<th>For use in Commissioner’s Office</th>
<th>Signature of Commissioner</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date of filing or</td>
<td></td>
</tr>
<tr>
<td>Date of receipt by post</td>
<td></td>
</tr>
<tr>
<td>Registration No.</td>
<td></td>
</tr>
</tbody>
</table>

1. Name of the applicant
2. Designation of the applicant or his relationship with the factory/establishment (whether owner/partner/director/manager, etc., to be indicated)
3. Name and complete address of the factory/establishment
4. Address of the employer for service of notice/summons.
5. Particulars of the order against which the review application is filed:—
   (i) Order No.  
   (ii) Date of order  
   (iii) Passed by  
   (iv) Subject in brief
6. Main ground(s) on which the application for review has been made and the relief(s) sought. (If necessary, attach a duly signed statement with copies of the documents relied upon marked as A-1, A-2, A-3 and so on.)

Verification
I……………………. (name of the applicant) s/o, d/o, w/o…………………… age…………… working as……. resident of……………do hereby verify that the contents of particulars given at Sl. Nos. 1 to 6 above are true to the best of my knowledge and belief and I have not suppressed any material fact. I further declare that:—
   (i) I am filing the application within 45 days from the date of the original order.
   (ii) I have not preferred any appeal against the original order under the Employees’ Provident Funds and Miscellaneous Provisions Act, 1952.
   (iii) I am filing with this application, the original document authorising me to represent the aggrieved person (applicable only in cases where the application is filed by agent, advocate or other representative).

1 Ins. by G. S.R. 690(E), dated 30th June, 1989 (w.e.f. 1-7-1989).
Employees’ Provident Fund Organisation  Income and Expenditure Account for the year.....

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Previous Year</th>
<th>Expenditure Amount (Rs.)</th>
<th>Sl. No.</th>
<th>Previous Year</th>
<th>Income Sch. No.</th>
<th>Amount (Rs.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td></td>
<td></td>
<td>5</td>
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<tr>
<td>4</td>
<td></td>
<td></td>
<td>9</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

1. Salaries of Officers and Staff
2. Allowances and Honorarium
3. T.A. and L.T.C.
4. Pension/Family Pension/Death-cum-Retirement Gratuity
5. S.P.F., D.L.I. Benefits
6. (a) Other charges (Recurring/non-recurring)
   (b) Maintenance of office building/staff quarters
7. (a) Grants
   (b) Refund of G.I. Savings Fund
8. Expenditure incurred on E.P.F. Scheme.
9. Expenditure incurred on

---

1 Ins. by G. S.R. 11, dated 21st December, 1992 (w.e.f. 2-1-1993).
The Employees' Provident Funds Scheme, 1952

Administration of:
(a) E.P.F. Scheme
(b) E.D.L.I. Scheme
(c) A.E.C.D. Scheme

9. Excess of Income over Expenditure

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Expenditure</th>
<th>Income</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2</td>
<td>3</td>
</tr>
<tr>
<td>4</td>
<td>5</td>
<td>6</td>
</tr>
</tbody>
</table>

INCOME AND EXPENDITURE APPROPRIATION ACCOUNT

<table>
<thead>
<tr>
<th>Previous year</th>
<th>Sl. No.</th>
<th>Expenditure Amount (Rs.)</th>
<th>Previous year</th>
<th>Sl. No.</th>
<th>Income Amount (Rs.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
<td>6</td>
</tr>
</tbody>
</table>

1. Excess of Expenditure over Income
2. Provision for building construction Fund.
4. Balance carried down to Balance Sheet.

Foot Note:
(i) The accounts have been compiled on actual basis.
(ii) Interest earned on investment of surplus Administrative Fund of previous years included in the current year.
(iii) Expenditure incurred for Administration of F.P.F. Scheme due from the Government.
(iv) Expenditure incurred for Administration of A.E.C.D. Scheme
(v) Estimated amount in arrear due from the employers but not received.
Financial Advisor and Chief Accounts Officer

1FORM 11
EMPLOYEES’ PROVIDENT FUNDS SCHEME, 1952
(SEE PARAGRAPH 55)
Employees’ Provident Fund Organisation
Balance Sheet as at......

<table>
<thead>
<tr>
<th>Previous Year</th>
<th>Sl. No.</th>
<th>Liabilities</th>
<th>Sch. No.</th>
<th>Amount (Rs.)</th>
<th>Assets</th>
<th>Sch. No.</th>
<th>Amount (Rs.)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
<td>6</td>
<td>7</td>
</tr>
<tr>
<td>1. Employees’ Provident Fund A/c - III</td>
<td>1. Investment account</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2. Unclaimed Deposit A/c IV</td>
<td>(a) Employees’ XVI Provident Fund</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3. Special Reserve Fund A/c V</td>
<td>(b) Staff XVII Provident Fund</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4. Death Relief Fund A/c VI</td>
<td>(c) Pension cum XVIII Gratuity Fund</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5. Interest Suspense A/c VII</td>
<td>(d) Administration Fund</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

5. Interest Suspense A/c VII
(a) Balance in the A/c to be credited to Members up to 31-3-20...
(b) Amount received during the year and to be credited to Members Account next year.

6.(a) Staff Provident Fund Account VIII
(b) Staff Provident Fund Interest Account IX

7. Pension-cum-Gratuity A/c (Staff)

3. Recoverable Advances (Staff) XX
4. Special Reserve Fund (Recoverable)
5. Security Deposits (Advances to parties)

---

1 Ins. by G. S.R. 11, dated 21st December, 1992 (w.e.f. 2-1-1993).
8. Investment XI
7. Remittance in XXI
  Fluctuation transit
Account
6. Remittance in XXI
9. Security transit
Deposits
7. Cash in hand
10. Building XII
8. Cash at Bank XXII
Construction Fund (Both SBI & RBI)
11. Building XIII
9. Sundry Debits XXIII
Maintenance Fund
10. Building XII
11. Building XIII
(repair, renewal and replacement)
12. Revenue XIV
Fund
13. Group Insur-
ance Scheme.
14. Sundry credits XV
15. Sundry credits XV
TOTAL : TOTAL

<table>
<thead>
<tr>
<th>Previous year</th>
<th>Foot Note:</th>
</tr>
</thead>
<tbody>
<tr>
<td>(i) The accounts have been compiled on actual basis.</td>
<td></td>
</tr>
<tr>
<td>(ii) Estimated amount due from the employees but not received.</td>
<td></td>
</tr>
<tr>
<td>(a) E.P.F. contribution</td>
<td></td>
</tr>
<tr>
<td>(b) Penal damages on contribution, Administration charges and inspection charges.</td>
<td></td>
</tr>
<tr>
<td>(iii) The investment of E.P.F., S.P.F. and Pension-cum-Gratity Fund are shown in the Balance sheet at cost price.</td>
<td></td>
</tr>
<tr>
<td>(iv) Out of the building construction Fund of Rs. the cost of Land and Building acquired as on 31-3-20...including the advances paid is Rs and the balance of Rs. is invested along with E.P.F. Administration Fund.</td>
<td></td>
</tr>
</tbody>
</table>

Financial Advisor and Chief Accounts Officer

Employees' Provident Fund Account: Schedules
Schedule No. 1

Details of Income:

(1) Administration Charges
(2) Inspection Charges
(3) Penal Damages

Total:
Schedule No. II
Receipt from Government and other Accounts:
(1) From Government for Administration of Family Pension Scheme
   (A.E. C.D.) Scheme.
(2) From other Accounts.

Details of Receipt from other Accounts appearing in Sch. No. II
(1) From administration A/c of E.D.L.I. Scheme.
(2) From other Accounts.

Total:

Less:
1. Amount transferred to other Accounts in Adjustment.
2. Transfer from A/c. No. 2 to Account No. 4 and vice versa as per Regional
   Offices Accounts and Central Office Accounts.

Total:
Net Total:

Schedule No. III
Employees’ Provident Fund A/c.
Balance as per last Balance Sheet
Add:
Contribution (including refund of withdrawal and transferred securities)
received during the year.
Contribution received by way of transferred securities (H.Q. Office contra).
Interest credited to Member’s Account.
Other Receipts.

Total:

Less:
Payment made during the year to outgoing Members on final settlement.
Premia paid during the year on Member’s Life Insurance Policies.
Loan paid during the year to the Members.
Unclaimed Deposit Account
Miscellaneous Payment
Amount of securities transferred back to exempted estts.

Balance as on 31-3-20....

Schedule No. IV
Unclaimed Deposit Account
Balance as per last Balance Sheet
Add:
Amount transferred during the year.

Total:

Schedule No. V
Special Reserve Fund
Balance as per last Balance Sheet.
Add:
Amount recovered from employers Interest on S.R.F. Account.

Less:
1. Amount paid from Special Reserve Fund during the year.
2. Amount transferred to Death Relief Fund.

Balance as on 31-3-20....
Schedule No. VI

Death Relief Fund
Balance as per last Balance Sheet.
Amount received from S.R.F. Account.
Amount recouped during the year.
Less:
Payment made during the year.
Balance as on 31-3-20....

Schedule No. VII

Interest Suspense Account
Balance as per last Balance Sheet.
Less:
1. Interest credited to Members Account during the year.
2. Interest paid on deposits refunded to exempted estts.
3. Interest paid to vendors
5. Interest accrued on fluctuation Account adjusted.
6. Balance in the Accounts to be credited to the subscribers/Members A/c uptol 31-3-20....
Add:
1. Interest realised on investment of securities.
2. Interest on S.B. Accounts (Central).
3. Interest on S.B. Accounts (Regional).
4. Interest on securities received from the estts.
5. Interest realised from Members on loans.
6. Penal damages on belated contributions received during the year.
7. Amount of loss on sale of securities credited.
Balance as on 1-4-20....

Schedule No. VIII

A. Staff Provident Fund A/c
Balance as per last Balance Sheet.
Add:
Contribution (including refund of withdrawal) received during the year.
Interest credited to Members’ account.
Other receipts.
Less:
Payment made during the year to outgoing Members on final settlement..
Premia paid during the year on Members’ Life Insurance policies.
Loan paid during the year to the Members other payments (Transfer to other Regions):
Balance as on 31-3-20....

B. S.P.F. A/c transferred from other Regions.
Balance as on 31-3-20....
Add:
Amount transferred out to the regions.
Less:
Amount received from other regions.
Balance as on 31-3-20....

Total (A+B):
Schedule No. IX
Staff Provident Fund.
Interest Account.
Balance as per last Balance Sheet.
Add:
1. Interest realised on investment of securities.
2. Interest on S.B. Account.
Less:
1. Interest credited to Members’ Account during the year.
2. Interest paid to vendors.
Balance as on 31-3-20....

Schedule No. X
Pension-cum-Gratuity Account.
Balance as per last Balance Sheet.
Add:
Amount transferred during the year from A/c. No. 4.
Interest realised on S.B. Account.
Interest realised on securities during the year.
Less:
Payment made by the regions.
Interest paid to vendors during the year.
Balance as on 31-3-20....

Schedule No. XI
Investment Fluctuation A/c
(A) Gain on redemption of securities accounted up to.
(B) Gain on redemption of securities accounted for the year.
(C) Interest on Fluctuation Account.
Total:
Less:
Loss on sale of securities.
Balance as on 31-3-20....

Schedule No. XII
Building Construction Fund:
Balance as per last Balance Sheet.
Add:
1. Provision made during the year.
2. Interest credited to the fund.
Balance as on 31-3-20....
Note:- The cost of Land and Building acquired as on 31-3-20.... is Rs. .......
and the amount available for construction purposes as on 31-3-20...... is Rs. .......

Schedule No. XIII
Building Maintenance (Repair, Renewal, Replacement) Fund:
Balance as per last Balance Sheet.
Add:
1. Amount appropriated from Revenue Surplus during the year.
2. Interest credited.
Balance as on 31-3-20....

Schedule No. XIV
Revenue Surplus.
Balance as per last Balance Sheet.
Less:
1. Amount adjusted by the Regional Office.
2. Excess of expenditure over income during the year as transferred from Income and Expenditure Appropriation Account.
   Add:
   (i) Amount adjusted by Regional Office.
   (ii) Excess of income over expenditure during the year as transferred from Income and Expenditure Appropriation Account
   Balance as on 31-3-20....

**Schedule No. XV**

Sundry Credits:
(a) Suspense Account (Unclassified)
(b) Erroneous Receipt.
(c) Irregular Payments.
(d) Over Payments.
(e) AFC (DA) Account.
(f) Amount repayable to E.D.L.I. Account.
(g) (i) Pension Fund Investment A/c and S.P.F. Investment A/c.
   (ii) Amount invested in EPF A/c
(h) Erroneous Credit to A/c No. 5
   (i) Amount not accounted for by the Regions though received in A/c. No. 5 from A/c. No. 1.
   (ii) Extra credit given by Bank to A/c. No. 1/3 without any corresponding debit to A/c.
   (iii) Amount credited to A/c. No. 5, No. 1/3 but not debited to A/c. No. 5
   (iv) Erroneous credit to A/c. No. 5
(i) Erroneous/Excess credit to A/c No. 8
(j) Excess credit to A/c No. 9.

**Schedule No. XVI**

*Investment Account of Employees’ Provident Fund*
(a) Securities purchased centrally (cost price).
   Balance as per last Balance Sheet.
Add:
   (i) Amount invested centrally during the year (cost price)
   (ii) Gain on the purchase of securities for the years.
Less:
   (i) Loss on sale of securities during the year.
   (ii) Value of securities redeemed during the year.
   Balance (a) as on 31-3-20....
   (b) Securities transferred by regions: balance as per last balance sheet (Accepted value).
Add:
Securities received during the year (Accepted value).
Other Adjustment.
Less:
Securities returned back to estts. (Accepted value).
Other Adjustment.
Balance (b) as on 31-3-20....
Total (a) and (b).
Schedule No. XVII
Investment Account of Staff Provident Fund.
Balance as per last Balance Sheet.
Add :
Amount invested centrally during the year (Purchase price)
TOTAL

Less :
Value of securities redeemed during the year.

Schedule No. XVIII
Investment Account of Pension-cum-Gratuity Fund (Staff).
Balance as per last Balance Sheet.
Add :
Amount invested centrally during the year purchase price.
Less :
Value of Securities redeemed during the year.
Balance as on 31-3-20....

Schedule No. XIX
Investment A/c of Administration Fund.
Balance as per last Balance Sheet.
Add :
Investments made
Less :
Securities redeemed during the year.
Balance as on 31-3-20....

Schedule No. XX
Recoverable advance (staff).
as on 31-3-20....
(a) Conveyance advance.
(b) House building advance.
(c) Fan advance.
(d) Warm clothing advance.
(e) Festival advance.
(f) Natural calamity advance.
(g) Advance of pay/DA/TA
(h) Foodgrain advance.
(i) Advance to Staff Co-operative Canteen/Stores.
(j) Miscellaneous Payment.
TOTAL :

Schedule No. XXI
Amount in transit :
(a) E.P.F. Account No. 4
(b) E.P.F. Account No. 5
(c) S.P.F. Account No. 8
(d) Pension-cum-Gratuity Account No. 9
(e) S.P.F. Investment A/c
(f) Pension-cum-Gratuity Investment Account.
TOTAL :

Schedule No. XXII
Cash balance as on 31st March :
(a) State Bank of India
   E.P.F. Account No. 1
   E.P.F. Account No. 2
   E.P.F. Account No. 4
   E.P.F. Account No. 5
E.P.F. Account No. 8  
E.P.F. Account No. 9  
(b) Reserve Bank of India  
E.P.F. Investment A/c  
S.P.F. Investment A/c  
Pension-cum-Gratuity  
Investment Account.  

TOTAL : (a) + (b)

Schedule No. XXIII

Sundry debits:
A. Suspense Account (unclassified)  
B. Irregular payments  
C. Over Payments  
D. Erroneous debit to A/c No. 5  
(a) Excess accounted for by Regional Office as transfer to A/c No. 5 from Account No. 1  
(b) Extra debit made to A/c. No. 5 by Bank.  

TOTAL : [ ]

FORM 12 (REVISED)
THE EMPLOYEES PROVIDENT FUND SCHEME, 1952  
[PARA 38 (2)]

STATEMENT OF CONTRIBUTIONS FOR THE MONTH OF...... 20 ......

Name and Address of the Establishment ...............Code No. ...........

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>A/c No.</th>
<th>Name of the Member (in block Capitals)</th>
<th>Wages, retaining allowance (if any) and D.A. including cash value of food concession paid to the Member during the wage period</th>
<th>Amount of Member’s contribution deducted from the wages</th>
<th>Employer's contribution</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>EPF FPF 1 1/6 %</td>
<td>EPF FPF 1 1/6 %</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>(a) (b) (c)</td>
<td>(a) (b) (c)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Total amount of contributions including refund of advances........

Administrative charges...............  

Total amount deposited in  
(i) Account No. 1 Rs. ..............  
(ii) Account No. 10 Rs. .............  

Bank in which deposited..................  

No. and date of Bank Draft/Cheque Reserve Bank of India...............

Signature of the Employer or other Authorised Officer  
Stamp of the Establishment

152 The Employees' Provident Funds Scheme, 1952
Note:– (1) The names of existing Members should be shown in the list of each month in the consecutive serial order of the account numbers. New Members whose names are shown in the return for the first time should be shown at the end with a heading "NEW MEMBERS". In the case of Members transferred from another factory/establishment the name of the factory/establishment from which transferred should be given in the ‘Remarks’ column.

(2) Mention should be made in column No. 8 above, about Member’s rate of voluntary contribution.

(3) Variation in wages/contribution with that of previous month should be explained suitably in the Remarks column.

**FORM 12A (REVISED)**

**(FOR UNEXEMPTED ESTABLISHMENT ONLY)**

**THE EMPLOYEES PROVIDENT FUND SCHEME, 1952**

**[PROVISO TO PARAGRAPH 38(2)]**

**STATEMENT OF CONTRIBUTIONS FOR THE MONTH OF…… 20 ……**

Name and Address of the Establishment .................................

Code No. of the Establishment  ...........................................

<table>
<thead>
<tr>
<th>Total No. of Subscribers</th>
<th>Wages on which contributions are recovered</th>
<th>Amount of contributions due as per recoveries made in the wages/acquaintance register</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Worker’s Share</td>
<td>Employer’ Share</td>
</tr>
<tr>
<td></td>
<td>EPF</td>
<td>FPF 1 1/6 %</td>
</tr>
<tr>
<td></td>
<td>(a)</td>
<td>(b)</td>
</tr>
<tr>
<td>1</td>
<td>2</td>
<td>3</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Amount of contributions remitted in Account Nos. 1 and 10</th>
</tr>
</thead>
<tbody>
<tr>
<td>Worker’s Share</td>
</tr>
<tr>
<td>EPF</td>
</tr>
<tr>
<td>(a)</td>
</tr>
<tr>
<td>5</td>
</tr>
</tbody>
</table>

1. Total amount remitted in Account No. 1 Rs......................
   Date of remittance..................................................

2. Total amount remitted in Account No. 10 Rs. ....................
   Date of remittance..................................................

<table>
<thead>
<tr>
<th>Amount of Adm. Charges due 0.37% of the amount of wages shown in column 2</th>
<th>Amount of Adm. Charges remitted in A/c. No. 2</th>
<th>Date of remittance</th>
</tr>
</thead>
<tbody>
<tr>
<td>9</td>
<td>10</td>
<td>11</td>
</tr>
<tr>
<td>Name and location of the bank in which remitted or No. and date of the cheque/draft sent to Regional Officer</td>
<td>Whether the triplicate chalan receipt is enclosed, if not, state reason</td>
<td>Remarks</td>
</tr>
<tr>
<td>---</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Account No. 1 
Account No. 10 
Account No. 2 

No. as per last month’s return 
(+ ) No. of New Subscribers vide Form 5 
(- ) No. of Subscribers left service -- vide Form 10 
*Net Total 
This should tally with the figure given at the top right hand corner of this Form 

Total No. of Employees .......................... 
Contract..................Rest.........Total....... 
Total No. of Subscribers.......................... 

Currency period form 1st April, 20........... to 31st March, 20.......... 
Statutory Rate of Contribution......................... 
No. of Members voluntarily contributing at higher than the statutory rate..... 
Signature of the Employer 
(with official seal) 

Date............... 

Notes:-(1) If there is any substantial variation between the wages and amount of contribution shown above and those shown in the last month’s return suitable explanation should be given in the ‘Remarks’ column. 
(2) If any arrears of contributions or damages are included in the figures under Columns 6 to 8, suitable details indicating the circumstances, amount, No. of subscribers and the period involved should be furnished in the ‘Remarks’ column or on the reverse. 
(3) Remittance shall in invariably be made by deposits in the State Bank of India or its subsidiaries.

**FORM 13**

**FOR OFFICIAL USE ONLY**

**DATES / SEAL / REG. NO.**

**THE EMPLOYEES PROVIDENT FUND SCHEME, 1952**

**[PARA 57]**

**APPLICATION FOR TRANSFER OF E.P.F. ACCOUNT**

Note:- (i ) To be submitted by the Member to the present employer for onward transmission to the Commissioner, EPF by whom the transfer is to be effected. 
(ii ) In case the P.F. transfer is due from the P.F. Trust of an exempted establishment, the application should be sent direct by the employer to the P.F. Trust of the exempted establishment, with a copy to the RPFC concerned for details of the Family Pension Membership.

To, 
The Commissioner, 
Employees’ Provident Fund 

To, 
M/s. ..................
Sir,

I request that my Provident Fund balance along with the Membership details in Family Pension Fund may please be transferred to my present account under intimation to me.

Necessary particulars are furnished below:

1. Name
2. Fathers/husband’s name in case of Married woman
3. Name and address of previous employer
4. EPF account number with previous employer
5. By whom the PF account of the previous establishment is kept
   with Regional PF Commissioner at
   With P.E. Trust
6. EPF account number with the previous employer (if allotted a separate one)
7. Date of leaving service with previous employer
8. Date of joining the present employer

Date:…………………..

Signature/left hand thumb
Impression of the Member

TO BE FILLED IN BY THE PRESENT EMPLOYER

9. Name and address of the establishment
10. EPF Code Account No. allotted to the Member
11. EPF Account No. allotted to the Member separately, if any
12. By whom the EPF Account of the Member in the present establishment is kept:
   (i) By Regional Office at...
   (ii) Sub-Regional Office at.....
   (iii) By exempted PF Trust, viz…………………..
   (iv) By Private PF-Not covered under Act, viz…………………..

Being an exempted establishment.

13. By whom the EPF account of the Member in present establishment is kept:
   (i) PF-Regional Office at...
   (ii) PF-Sub-Regional Office at.....

14. In whose favour transfer is to be effected i.e., payee’s details

Date:…………………..

Signature of Employer/Authorised Official with Office Seal

(for the use of P.F. Office only)

A sum of Rs. ………….(Rupees………………..) is authorised for transfer, vide Annexure K (Revised). Transfer proceeds to be sent along with Annexure K (Revised):
The Employees' Provident Funds Scheme, 1952

- By D.D. to the Regional EF Commissioner/Officer-in-charge of Sub-Regional Office at............
- By D.D. to the P.F. Trust of the establishment with reference to details in Serial No. 13 above.
- Membership details under Family Pension Fund forwarded to P.F. Regional Office/Sub-Regional Office at...........
- By transfer entries to the Members' Ledger Card bearing Number ..............in the present establishment from the Ledger Card bearing Number..............of the previous establishment.
- Transfer intimation/copy of Annexure K (Revised) to the Member placed below:

P. I. No.  CLERK    S.S.    A.A.O.    A.P.F.C.
SCROLL No.  
Paid by Cheque No..........................Dated....................
Cashier/Clerk    S.S.    A.P.F.C.

FORM 13A (REVISED)
THE EMPLOYEES PROVIDENT FUND SCHEME, 1952
[PARA 57]
APPLICATION FOR INTER-REGIONAL TRANSFER OF ACCOUNTS TO BE SUBMITTED THROUGH THE PRESENT EMPLOYER

To,
The Commissioner,
Employees' Provident Fund
..............................................

Sir,

I request that the Provident Fund and Family Pension Account may please be transferred to my present account under intimation to me. Necessary particulars regarding Provident Fund and Family Pension Fund are furnished below:

1. Name ...........................................................................................................
2. Fathers name (or husband's name in case of married woman) ..........
3. Name and address of previous employer ........................................
   Whether unexempted/exempted/uncovered........................................
4. (a) Previous Provident Fund Account No. .................................
   (b) Previous Family Pension Fund Account No. .............................
5. Date of leaving service with previous employer ..............................
6. Name and address of the employer ......................................................
7. Whether unexempted/exempted/uncovered........................................
8. (a) Present Provident Fund Account No. ..............................
   (b) Present Family Pension Fund Account No. (if any ..............
9. Date of joining with present employer ........................................
   *Signature or left/right hand thumb impression of the Member

Endorsement to be completed by the forwarding authority
Forwarded with the particulars furnished above duly verified. **(The rules of our private provident fund permit such transfer and hence the transfer may be made. The cheque may be drawn in favour of ..............including/excluding bank collection charges.)

Signature of employer or other authorised officer of the factory/establishment with official seal
* Left-hand thumb-impression in the case of illiterate male Member and right-hand thumb impression in the case of illiterate female Member.
** Will apply in case of transfer to uncovered establishment.

Note:- In case of transfer to provident fund accumulation to uncovered establishment, the benefit under Family Pension Fund Scheme should be paid to the Member.

**FORM 14**

**THE EMPLOYEES PROVIDENT FUND SCHEME, 1952**

**[PARA 62]**

**APPLICATION FOR FINANCING A LIFE INSURANCE POLICY OUT OF THE PROVIDENT FUNDS ACCOUNT**

To,
The Commissioner,
Employees' Provident Fund

I…………………….. S/o D/o W/o ………………………….. (Name in block capitals) an employee of ………………….authorise the Commissioner to—

(name of the establishment)

(i) withdraw, a sum of Rs. …………………(Rupees………………) from my Provident Fund Account No. …………………and remit the same to the Life Insurance Corporation of India towards the initial premium in respect of my Life Insurance Policy/proposal for Life Insurance details of which are given herein;

(ii) make periodical withdrawal, of Rs…………………………(Rupees…………………………) from my Provident Fund Account No. …………………each time the premium falls due for payment and remit the same to the Life Insurance Corporation of India towards the premia in respect of my Life Insurance Policy, details of which are given herein so as to reach the said Corporation within the time allowed for such payments;

(iii) to convert the said insurance policy into a paid-up one when the credit in my provident fund relating to my own contribution becomes inadequate for the payment of any premium, unless the payment of further premium is arranged by me with the Life Insurance Corporation of India and I inform the Regional Commissioner accordingly;

(iv) to pay late fees and/or interest on my own contribution in my Provident Fund Account. If any premium cannot be remitted to the said Corporation in time because of delay in sending to the Commissioner the Policy duly assigned to the Central Board of Trustees of the Employees' Provident Fund on any other reason for which I or any employer may be responsible.

2. I accept that:

(i) the authorisation at Paragraph 1(ii) above shall be effective only when my life insurance policy duly assigned to the Central Board of Trustees, Employees' Provident Fund has been received by the Commissioner after proper registration of the assignment in the books of the said Corporation,

(i) the said authorisation shall thereafter remain operative till such time as I continue to be a Member of the Fund and have enough accumulations to my credit as my own share in the Fund or till the maturity of the policy, whichever is earlier,
The Employees’ Provident Funds Scheme, 1952

(iii) the terms of the policy shall not be altered nor shall the policy be exchanged for another policy without the prior written consent of the Regional Commissioner.

3. The policy is enclosed for inspection/will be forwarded when received/has already been assigned to the Central Board of Trustees of the Employees’ Provident Fund and accepted by the Commissioner vide his letter No. ………….., dated the…………………

4. I am aware that the policy is to be assigned to the Central Board of Trustees of the Employees’ Provident Fund as security within six months of the date of the first remittance by the Fund to the said Corporation and sent to the Commissioner after registration of the assignment in the books of the said Corporation.

5. I declare that:
(a) I have been a Member of the Fund for the period of not less than two years which is the minimum period for being eligible for financing insurance policy from the Fund.
(b) The amount standing to my credit in my E.P.F. Account (my own share) is Rs. …………..as on………..which is sufficient for making payment to L.I.C. for two years.
(c) My annual contribution to the fund is Rs. …………..which is sufficient to pay my yearly premia.
(d) I propose to nominate the same person as for the P.F

6. I also declare that the policy is free from any ‘encumbrances’ and the details of the *policy/proposal given herein are correct to the best of my knowledge.

7. Details of the *policy/proposal:
(i) Address of the branch office or unit of the Life Insurance Corporation where the policy account* is to be maintained.
(ii) *Policy/proposal No. and date.
(iii) Sum assured/proposal to be assured.
(iv) Probable date of purchase of the policy.
(v) Where the proposal has been accepted and if so, by what date the first premium is to be paid.
(vi) Cost of the Policy (in the case of single payment of policy).
(vii) Amount of yearly premia.
(viii) Due date(s) for payment of premium.
(ix) Date of payment of last premium.
(x) Whether age has been admitted. If not, state the nature of proof presented to Life Insurance Corporation.
(xi) Name(s) of the nominee(s) under section 39 of the Insurance Act, 1938.
(xii) Guardian appointed under section 39 of the Insurance Act, 1938 in respect of minor nominees, if any.
(xiii) Details of any previous policy already assigned to the C.B.T., or
"Certified that I have not withdrawn any amount previously for financing out of my provident fund account."
(xiv) Remarks.

Date…………… **Signature or left/right hand thumb impression of the Member

Certified that this form has been *signed/thumb-impressed before me by ……………………………..(Name of Member) Account No………..employed in ……………………………..(Name of establishment)

Signature of the employer or his authorised official
**Designation**…………………………

**Date**………………

**Code No. of the Estt.** …………………

**Name and address of the establishment and its stamp**

*Deleted portion not applicable.

** Left hand thumb-impression in the case of illiterate male Member and right hand thumb impression by illiterate female Member.

*For use in Regional Commissioner’s Office

(Accounts Section)*

Please furnish the following information in respect of the subscriber:

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<th>Average of yearly contribution (employee’s share only) on the basis of recent 12 months Form No. 12</th>
<th>Total contribution (Employee’s share only) as on</th>
<th>Whether any other L.I.P. advance has been granted before. If so, mention the date of withdrawal</th>
<th>Whether the subscriber has contributed for two years</th>
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The above case has been examined vide Paragraphs 62 to 64 of the Employee’s Provident Fund Scheme, 1952. A sum of Rs. ……………..(Rupees… … …) may be paid.

Clerk   Head Clerk   Account Officer   R.P.F.C.

**INSURANCE SECTION**

D.P. sheet prepared and put up for signature

Clerk   Head Clerk   Account Officer   R.P.F.C.

---

**FORM 15**

**THE EMPLOYEES PROVIDENT FUND SCHEME, 1952**

**FORM OF ASSIGNMENT OF POLICIES UNDER PARAGRAPH 64(1)**

TO BE ENDORSED ON POLICY,

I …………………………… S/o D/o W/o ………………………… hereby assign unto the 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Designation: .................................................................
Date...........  Stamp of the Establishment: .................................

**Note:**
1. The Policy is required to be assigned within six months after the first withdrawal in respect of it by endorsement thereon in terms of the above Form.
2. While assigning the Policy the notice hereunder should be given to the Life Insurance Corporation.

**NOTICE**

To
The Divisional Manager,
The Life Insurance Corporation of India.
Unit:..............
Subject: Assignment of Policy No. ..............
Notice is hereby given that policy No. ..............for Rs. ..............on the life of Shri/Shrimati. ..........................................................as on this........................................day of ......20........been assigned in favour of Central Board of Trustees, Employees’ Provident Fund by Shri/Shrimati..........................

2. The said policy is enclosed. Please have the assignment registered in books and return the policy to the Regional Provident Fund Commissioner.........

State.

(give complete address)
Yours faithfully
Signature of the Assignee
Full Address

**FORM 16**
[OMITTED]

**FORM 17**
[OMITTED]

**FORM 18**
[OMITTED]

**FORM 19**

THE EMPLOYEES PROVIDENT FUND SCHEME, 1952

[PARA 72(5)]

APPLICATION BY AN ADULT MEMBER OF THE EMPLOYEES’ PROVIDENT FUND SCHEME, 1952 FOR CLAIMING THE EMPLOYEES’ PROVIDENT FUND DUES

1 Name of the Member (in block letters)..............................
2 Father’s name (or husband’s name) ................................
in the case of married woman
3 Name and address of the Factory/Establishment in which the Member was last employed..............................................
4 Account No. ..............................................................
5 Date of leaving service................................................
6 Reason of leaving service..............................................
7 Full postal address (in block letters) Shri./Smt./Kumari.............
   Father/Husband’s name
   S/o. W/o. D/o..............................................

...........................Pin
8. **Mode of remittance [Put a ‘tick’ in the Box against the one opted]**

   (a) By Postal money order ☐ To the address given against item No. 7

   (b) By account payee ☐ S.B. Account No. (in figures) ........
      (in words)..........................
      (Scheduled Bank/PO) Name of the Bank ...............  
      (Branch) ................................
      under intimation to me. Full address of the branch ........

   (Advance stamped receipt furnished below) of the Branch  
   Certified that the particulars are true to the best of my knowledge.  
   Date of joining the establishment .....................  
   Date of leaving service .....................  

   **CONTRIBUTION FOR THE CURRENT FINANCIAL YEAR**

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<th>Month</th>
<th>Wages</th>
<th>Contribution</th>
<th>Period of break, if any</th>
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<td>EPF</td>
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   (information to be furnished by the employer if the claim form is attested by the employer)  
   Certified that the above contributions have been included in the regular monthly remittances.  
   The applicant has signed/thumb-impressed before me.  
   Signature of the employer or authorised official  
   **Signature or left/right hand thumb impression of the Member**  
   
   Designation and seal  
   Date .............  
   Encl .............

   **Declaration of non-employment**  
   I declare that I have not been employed in any factory/establishment to which the Act applies for a continuous period of not less than 2 months immediately preceding the date of my application for final withdrawal of my Provident Fund money.  
   Date .............  
   Signature or left/right thumb impression of the Member  

   **Advance stamped receipt**  
   [To be furnished only in case of 8(b) above]  
   Received a sum of Rs.* ............. (Rupees* ............. only) from Regional Provident Fund Commissioner/Officer-in-charge of Sub-Regional office ............. by deposit in my Savings Bank Account towards the settlement of my Provident Fund Account.  
   Signature or left/right thumb
The Employees’ Provident Funds Scheme, 1952

impression of the Member

* The space should be left blank which shall be filled in by the
RPFC/Officer-in-charge of sub-Regional office.

Affix Re. 1.
Revenue
Stamp

Signature or left/right hand thumb
impression of the Member

(For the use of Commissioner’s office)
Account settled in part/full entered in
Form 21A/24/2/9 and withdrawal register
Clerk Head Clerk
(P.I. No.) ....................(M.O./Cheque)............Account No............
(Section) ...................under Rs. .................
[Passed for payment of Rs. ...................(in words)]
M.O. Commission, if any Account Officer
Net amount paid by M.O...................... Date............
(For use in cash section)
Paid by inclusion in cheque No............dated ............vide.......Cash
Book (Bank) Account No. 10 Debit item no. ............
Head clerk AC/RC
Remarks

ACKNOWLEDGEMENT CARD
Account No. EPFO Office of the RPFC/Office-in-Charge
of Sub-Regional Office

ACKNOWLEDGEMENT
Received the following claims Registration No........
EPF Date Office Seal........
FPF .................................
IF .................................

POSTCARD
In case, no intimation is received within
a month, you may write to the Complaints
Office, Employees’ Provident Fund duly
quoting the Registration Number and your
Provident Fund Account Number
PIN...............EPLOYEES’ PROVIDENT FUND ORGANISATION
Office of the Regional Provident Fund Commissioner/S.R.O...........(Full
Address).................................................................
Instructions for filling up the applications (Form 19 & 10-B)
(For the guidance of applicant only. Not to be sent alongwith the claims)
1. All the columns in the form should be filled in completely in ink, without
any overwriting.
2. Against the column reasons for leaving service, indicate the one
applicable.
(a) Retired from service after attaining the age of 55 years/attained
the age of 55 years.
(b) Retired on account of permanent and total incapacity for work
due to Bodily/Mental infirmity.
(c) Retired under voluntary retirement scheme.
The Employees’ Provident Funds Scheme, 1952

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3. “Full postal address”, should be given clearly in Block Letters. Since the M.O. & payment intimation is to be sent to this Address the name of the Member and Father’s (Husband’s) should also be furnished in this column. Correct postal address including pin code will enable the Commissioner to make prompt payment to the correct payees.

4. It was advisable to have the payment by cheque. For this purpose the account payee cheque will be sent direct to the Scheduled Bank in which the S. B. A/c. is maintained under intimation to the Member. This will expedite the settlement of the correct payee.

5. The literate Member should sign the application form, illiterate male Member should affix his left hand thumb impression and illiterate female Member should affix her right hand thumb impression and the fact should be clearly recorded below thumb impression.

6. If the claim is to be submitted after completing the prescribed period (i.e. in case falling under item 2(g) and (h) above only, the declaration of non-employment in the application should be completed duly dated.

7. The claim application should be attested and forwarded by the employer under whom the Member was last employed.

If the Member is unable to send the application through the employer or duly attested by him for any reason whatsoever he may forward the claims duly signed in the presence of any one of the following authorised and got attested over his official seal.

(i) Magistrate; (ii) A Gazetted Officer; (iii) Post/Sub-Postmaster; (iv) President of the Village Union; (v) President of the Village Panchayat where if no Union Board; (vi) Chairman/Secretary/Member of the Municipal/District Local Board (vii) Member of Parliament/Legislative Assembly; (viii) Member of Central Board of Trustee/Regional Committees Employee’s Provident Fund; (ix) Manager of the Bank in which the Savings Bank Account is maintained” (x) Head of any recognised education institution; (xi) any authorised person as may be approved by the Commissioner.

8. The following documents should be enclosed in support of the claim:

If the Member retired on account of permanent and total incapacity due to bodily or mental infirmity a medical certificate from the ESI or if the employee is covered under the ESI Scheme the Medical Officer designated by the Establishment should be attached.

In case of migration from India for permanent settlement abroad Visa, Passport, Journey ticket, etc., should be sent for perusal and return.

9. The Member should also furnish the address in the acknowledgement card attached to the claim(s).

10. Instructions to the employer before forwarding the claims.

Details of contribution in of the Member for the current financial year should be furnished in the certificate portion, in case, the contribution is not already paid it should be remitted by separate challan and receipted triplicate challan should be enclosed to the claim.

11. In support of claim under Employee’s Family Pension Scheme, 1971 the period of break in reckonable service (i.e. period for which EPF contribution is
not payable) should be furnished if not already intimated through contribution card.

**Note.** If claim in Form 10-B (EPF) along prefered S. Nos. 2, 6 and 8 are not applicable.

**FORM 20
THE EMPLOYEES PROVIDENT FUND SCHEME, 1952**

Regn. No. ..................................(For Office use only)

Form to be used

(1) by the guardian of minor/lunatic Member, or
(2) by a nominee or legal heir of the deceased Member, or
(3) by the guardian of the minor/lunatic nominee or heir for claiming the Provident Funds accumulation of minor/deceased Member.

Note.:-Read the instructions carefully before completing this form.

**Particulars of Member**

1. (a) Name of the Member (in Block Letters)..............................
   (b) Father's / husband's name ............................................
   (c) Name and address of the factory/establishment in which the Member was last employed..........................................
   (d) Account No.................................................................
   (e) Date of leaving service..................................................
   (f) Reason for leaving service (in case of deceased Member)
   (g) Date of death of the Member...........................................
   (h) Marital status of the Member on the day of death..................

**Particulars of the claimant**

2. (To be filled in by a major nominee/legal heir/Member of the family of the deceased Member)

   (a) Name of the claimant (in Block Letters).........................
   (b) Father's/husband's name..............................................
   (c) Sex..............................................................................
   (d) Age (as on the date of death of the Member)......................
   (e) Marital status (as on the date of death of the Member)........
       Whether unmarried, married, widow, widower
   (f) Relationship with the deceased Member..........................

*3. (To be filled in by the Guardian/Manager of minor/lunatic Member or lunatic minor *[Nominee(s)/legal heir(s)]/Family Member(s) of the deceased Member)*

   (a) Name of the claimant (i.e. guardian).........................
   (b) Father's/Husband’s name............................................
   (c) Relationship with the Member/deceased Member.............

*3A. Particulars of the minor/lunatic nominee(s)/legal heir(s)/Family Member(s)* on whose behalf the provident fund amount is claimed.

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<th>Sl. No</th>
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<th>Sex</th>
<th>Age</th>
<th>Religion</th>
<th>Relationship with the deceased Member</th>
<th>Relationship with the guardian</th>
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</tr>
</tbody>
</table>

Delete if not applicable.

4. Claimant's full postal address
   Shri/Smt. ......................(in block letters)
The Employees’ Provident Funds Scheme, 1952

[S/o W/o H/o ....................
Pin .....................

5. Mode of remittance: (Put a tick in the box against the one opted)
   (a) By postal money order at my cost ....  
      * to the address given in item No. 4
      or
   (b) By account payee cheque sent direct  
      for credit to my S.B. A/c. (Sch.  
      Bank/Post Office) under intimation  
      to me (Advance stamped receipt  
      furnished below)
      S. B. Account No.

Certificate
   - To the best of my knowledge no posthumous child will be born to the 
     deceased Member.
   - I certify that the particulars given above are true to the best of my 
     knowledge.
   * I certify that the minor(s) /lunatic Shri/Smt. ..............is living with me 
     and is being supported and looked after by myself and the Provident Fund money 
     claimed on behalf of minor/lunatic will be spent in his/her best interests and 
     benefits.
   - I certify that the minor Member has not been employed in any 
     factory/establishment to which the Act applies for a continuous period of not less 
     than 6 months immediately preceding the date of this application.

Enclosures:
   Date .................

*Delete, if not applicable.

Advance Stamped Receipt
[To be furnished only in case of 5(b) above]
Received a sum of Rs.* .................(Rupees*.....................only) from 
Regional Provident Fund Commissioner/Officer-in-charge of Sub-regional 
office......................by deposit in my Savings Bank Account towards the settlement 
of Provident Fund account of Sri./Smt......................

Affix Re. 1. 
Revenue 
Stamp

Signature or left/right hand 
thumb impression of the 
claimant

* The space should be left blank which shall be filled in by the 
RPFC/Officer-in-charge of SRO.

Certificate by the attesting authority

CONTRIBUTION FOR THE CURRENT PERIOD

<table>
<thead>
<tr>
<th>Month</th>
<th>Contribution</th>
<th>Period of break, if any</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Employee</td>
<td>Employer</td>
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<td>E</td>
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<tr>
<th>Month</th>
<th>Contribution</th>
<th>Period of break, if any</th>
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<td></td>
<td>E</td>
<td>P</td>
</tr>
</tbody>
</table>

Signature or left/right hand thumb 
impression of the claimant
Certified that the above contributions have been included in the regular monthly remittances.-
Certified that the facts stated above are correct.
Certified that the claimant Shri./Smt./Kumari………………..is known to me and has signed/thumb impressed before me.

Signature of the employer or any authorised officer
Designation and office seal………………..

(For the use of Commissioner’s office)
Account settled in part/full Entered in Form 21A/24/2/9 (Revised)
Clerk Head Clerk
P.I. No…………………………..M.O./Cheque……………Account No…………

Section …………………
Passed for payment of Rs. ………………..(in words)
M.O. Commission, (if any)
Net amount to be paid by M.O……………………

Accounts officer

Date………………

For use in cash section
Paid by inclusion in cheque No…………………dated ………………..vide Cash book
(Bank) Account No. 3 debit item No. …………………
Head clerk Assistant Commissioner/Regional Commissioner
Remarks…………………………………………………………………………………

POSTCARD

In case, no intimation is received within a month, you may write to the Complaints Office, Employees’ Provident Fund duly quoting the Registration Number and your Provident Fund Account Number PIN……………….

EMPLOYEES’ PROVIDENT FUND ORGANISATION
Office of the Regional Provident Fund Commissioner/S.R.O………………
Full Address………………………………………………………………………..

Instructions
(For the Guidance of applicant only, not to be sent along with the claim)
The following instructions should be carefully read before completing the form.
1. Employees’ Provident Fund Scheme, 1952; Form 20: Claim for the withdrawal of Provident Fund Accumulation of minor/deceased Member.
   By whom the claim application should be preferred?
2. If the Member is a minor by the guardian.
   OR
   (a) If nomination subsists; by the nominee(s) if the nominee(s) is/are minor by the guardian of minor(s).
The Employees’ Provident Funds Scheme, 1952

(b) If no nomination subsists: by the family Member’s (family) includes posthumous child if any, except major sons, and married daughters whose husbands, are alive, of the deceased Member duly supported by the list of surviving family Members (as on the date of the death of the Member) furnished by the last employer or mamlatdar/Tehsildar or Executive Magistrate indicating complete particulars such as name, relationship with deceased Member (in the case of parents whether dependant or not) age, marital status. If any family Member is a minor by the guardian of minor. If both (a) & (b) above are not applicable: by legal heir(s) duly supported by a legal heirship certificate (from the appropriate State normally Revenue authorities).

3. Documents to be enclosed:
   (a) if the application is preferred by a guardian other than the natural guardian or minor Member/nominee/family Member/legal heir a guardianship certificate issued by competent court of law should be enclosed.
   (b) Death certificate.
   (c) If the amount receivable exceeds Rs. 5000 but less than 25,000 an affidavit-cum-indemnity bond (Form may be obtained from the ex-employer of Regional Provident Fund Commissioner or Officer-in-Charge of Sub-Regional Office...........) or Estate Duty Clearance Certificate.
   (d) If the amount receivable exceeds Rs. 25,000 on Estate Duty Clearance Certificate.

Form 11 (FPF): Claim for benefits as admissible under the Employee’s Pension Scheme, 1971. By whom claim application should be preferred?

(1) If the Member is minor by his guardian, 
   OR

(2) On death of the Member:
   (i) If the deceased had ‘family’ on the day of death the claim should be preferred by.
      (a) the widow or widower.
      *(b) failing (a) above, by the guardian or eldest surviving minor son.
      *(c) failing (a) and (b) above by the guardian or eldest surviving minor, unmarried daughter.
   (ii) If the deceased Member had no family on the day of death, the Family Pension Fund benefit should be claimed by the person(s) eligible to receive the Provident Fund accumulation of the deceased Member and if such Member is a minor by the guardian. *(If the claimant being other than the natural guardian a guardianship certificate issued by the court of law should be enclosed.

Important Note: In case the Member died while in service after contributing to the Family Pension Fund for a period of not less than two years, an application in Form 10A should also be preferred for claiming monthly Family Pension.

(iii) Form 5(F) ‘Benefit under Employees’ Deposit-Linked Insurance Scheme, 1976.

The benefit under Employees’ Deposit-Linked Insurance Scheme, 1976, is admissible to the person(s) entitled to receive the Provident Fund accumulation of the deceased Member only under the following conditions:

(1) The death should have occurred while in service and,
(2) The average balance in the accounts of the deceased employee should not be below the sum of Rs. 1000 during the preceding three years or during the period of his Membership, whichever is less.

An affidavit-cum-indemnity bond in the prescribed form should be furnished wherever the payment under Employee’s Deposit-Linked Insurance exceeds Rs. 5000 (if amount receivable under Employees’ Provident Fund and Employees’ Deposit-Linked Insurance does not exceed Rs. 25,000 one affidavit-cum-indemnity bond is sufficient).

GENERAL
(1) All the columns in the form should be filled in, in ink, without any overwriting.
(2) Correct postal address, including Pin Code will enable to make prompt payment to the correct payee.
(3) The Claimant should also furnish the address in the acknowledgement attached to the claims.
(4) The literate claimant should sign the application form.
In case of illiterate:- Left hand thumb impression by illiterate male claimant and right hand thumb impression by illiterate female should affixed in the claim form.
(5) Attestation of claim application:- The application should be submitted through the employer under whom the Member was last employed if for any reason, the claimant is unable to submit through the employer, the claim may be got attested with official seal by any one of the following officials; (i) Magistrate; (ii) A Gazetted Officer; (iii) Post/Sub-Postmaster; (iv) President of the Village Union; (v) President of the Village Panchayat where there is no Union Board; (vi) Chairman/Secretary/Member of the Municipal/District Local Board; (vii) Member of Parliament/Legislative Assembly; (viii) Member of C.B.T. Regional Committees of E.P.F.; (ix) Manager of the Bank where claimant has account; (x) Head of any recognised education institution; (xi) Any other official as may be approved by the Commissioner.
(6) Instruction to employers:-While forwarding the claims the employer should ensure that all the information required in the claim furnished correctly and requisites documents are enclosed in support of claim under Employees’ Family Pension Scheme, 1971 the period of break in reckonable service (i.e. period for EPF contribution is not payable should be furnished, if not already intimated through contribution card.

Date:...........
Official seal and Registration No. ............

FORMS 21-30
[NOT PRINTED AS THESE FORMS ARE FOR DEPARTMENTAL USE]

FORM 31
APPLICATION FOR ADVANCE FROM THE FUND
[REFER: INSTRUCTIONS]
(For office use only)

Purpose of which advance is required
Amount of advance required (in words) ...............................

1. Name in full (in block letters) ..............................................
2. Father’s /Husband’s name.............................................
3. Name of the factory/establishment in which employed and address ...... .................................................................
4. Provident Fund Account No. .................
5. Monthly basic wages, DA: Basic + DA Total ......................
6. Full postal address of the Member to which payment/intimation to be sent..........................................................
7. Mode of remittance

(a) In case of advance for purchase of site/house/flat or construction through an agency or repayment of housing loan, indicate

(i) in whose favour of the cheque is to be drawn and

(ii) full address

In other cases put a tick against any one of the following:

(b) By account payee cheque, through the (employer to the address given against Sl. No. 3)

(c) By deposit in Bank A/c. No. located at [full postal address]

(d) By money order at my cost to the address given against Sl. No. 6

*I declare that the advance is required to meet the expenses in connection, with marriage/marriage of my son/daughter/brother/sister Shri/Kumari aged to be celebrated on (Date) at (Address)

Date Address

I declare that the above particulars are true to the best of my knowledge and I will abide by the conditions governing the grant of advance under the Scheme. Certificate(s)/document(s) in support of my application is/are furnished / enclosed.

Station Signature/left or right hand thumb

Date impression of the Member.

*Delete if the advance applied for is not for marriage.

Advance stamped receipt

[To be furnished with reference to 7(a) or (b) or (c) above only]

Received a sum of *Rs. (Rupees ) from the Regional Provident Fund Commissioner/Officer-in-charge of Sub-Regional Office, Employees’ Provident Fund towards the grant of advance from my Employees’ Provident Fund Account maintained by him.

Signature of Member

*To be filled by the Employees’ Provident Fund Office

(To be furnished by the employer)

(During the closure/lock-out of the factory/establishment by any Gazette Officer or the Chief Executive/Head of a local authority or MP or MLA or a Member of CBT/Regional Committee, EPF)

Certified that the application has been signed by the Member in my presence after he/she had read the contents/had been explained to him/her by me and that the information given in the application is correct. Required certificate(s) is/are enclosed.

Date Designation of the signing official with Stamp of the factory/establishment

Encls Signature of employer or an authorised official of the factory/establishment

For use in Provident Fund Commissioner’s Office

Section Account No.

Authority for payment of advance only para 68

Passed for payment of Rs. (Rupees only)

Mode of remittance: Refer Sl. No. 7

M.O. Commission, if any Net amount to be paid by MO

Clerk Head Clerk Accounts officer

P.I. No. vide payment scroll P.C. to A.O.

For use in cash section
A Member of the Fund may avail the following non-refundable advances:

Instructions

1. **Purchase of a dwelling site**
   (From an ‘Agency’) – Original allotment order.
   (From an individual) – original title deed non-encumbrance certificate.
   (for verification and return agreement with the seller)

2. **Purchase of a dwelling-house/flat**
   (From an ‘Agency’) – Original allotment order.
   (From an individual) – original title deed (for verification and return / agreement with the seller, non-encumbrance certificate from an appropriate authority that the house/flat is a new and unhived one furnishing the number and date of approval of plan, commencement and completion of the house/flat tax bills and receipts.

3. **Construction of house**
   Original title deed for verification and return non-encumbrance certificate estimated cost of construction. Approved plan.

   Note: While claiming the second and subsequent instalments the declaration/certificate as required by the Commissioner in his letter sanctioning the advance should be submitted along with the application.

   ‘Agency’ referred to in 1 to 3 above would mean Central/State Government, a Co-operative Society, an institution, a Trust, a local Body or a housing finance corporation. In case of transactions through an agency the payment will be made only Account Payee Cheque, direct to the ‘Agency’ concerned.

4. **Additions, alteration or improvement to the house owned by Member or by spouse**
   (Approval of the appropriate authority, estimate of the work, original title deed of the house (for verification), non-encumbrance certificate, a certificate from the appropriate authority specifying the date of completion of the house.)

5. **Repayment of (Housing) loan to the State Government Housing Board, Municipal Corporation or a body similar to Delhi Development Authority.**
   (A certificate from the lending authority furnishing the details of loan and outstanding amount.)

6. **Closure/lock-out of the factory/establishment, for reasons other than strike**
   (Furnish certificate ‘A’)

7. **Non-receipt of wages for 2 months.**
   (Furnish certificate ‘B’)

8. **Illness of Member/family Member.**
   (Furnish certificate ‘C’)

9. **Marriage of self/son/daughter/sister/brother.**

10. **Post-matriculation education of son/daughter**
    (Certificate from the Institution regarding the course of study and anticipated expenditure)

11. **Damage to the property due to natural calamity (Flood/riot/earthquake)**
    (Furnish certificate ‘D’)

12. **Affected by cut in electricity.**
    (Furnish certificate ‘E’)

13. **Purchase of equipment for physically handicapped Members**
(Furnish certificate 'F')

Note:-(1) Such other document, certificate, etc. as may be required by the sanctioning authority are also required to be furnished through the establishment.

(2) In case no intimation is received within a month please write to the RPFC/Office-in-charge of such regional office, through the establishment.

**Certificate A (Refer instruction Sl. No. 6)**

Certified that no compensation was paid to the Member Sri/Smt. ..................for the period of lock-out/closure.

Signature of employer/authorised official with date and seal

**Certificate B (Refer instruction Sl. No. 7)**

Certified that Member Sri/Smt.............................................has not received his/ wages for a continuous period of two months or more, i.e. from ..................to ..................

Signature of employer/authorised official with date and seal

**Certificate C (Refer instruction Sl. No. 8)**

Certified that-

(i) The Member Sri/Smt. ......................has/had been granted leave for a period of ..................from..................to..................

(ii) The ESI facilities/cash benefits are not actually available to the Member/the Member has ceased to be eligible for cash benefits under ESI-Certificate from ESI enclosed.

Signature of employer/authorised official with date and seal

Medical certificate to be issued: (i) in case of major surgical operation or where the hospitalisation for one month or more had or has become necessary- By a doctor of the Government/ESI/Private hospital; (ii) in case of treatment of TB, leprosy, paralysis or cancer, by a doctor of Government/private hospital/ESI or by a registered medical practitioner; (iii) in case of treatment of heart ailment or mental derangement-By a specialist doctor.

**DOCTOR’S CERTIFICATE**

(ii) Certified that Sri./Smt./Kumar..................S/o., W/o., D/o. .......

*(i) is suffering from TB /leprosy/paralysis/cancer/mental derangement/heart ailment.

*(ii) is suffering from...........(disease) for which a major surgical operation/ and hospitalisation for a period of...............days from...............to...............had or has become necessary.

*(iii) is suffering from...............and hospitalisation for a period of ........days from...............to...............had or has become necessary.

Signature of the Doctor with date and seal

* Delete whichever is not applicable.

**Certificate D (Refer instruction Sl. No. 11)**

Certified that the movable/immovable property of Sri/Smt. ..................viz. ..................situated at ..................has been damaged due to..........on (date)..............The estimated loss of property due to ..........calamity is valued at Rs. .............. The State Government has declared the calamity has affected the general public in the area in which the property of the Member is/was located vide Notification/Press release No. and date.

Signature of employer/Revenue Official/Gazetted officer/MLA/MP/
Member of CBT/Regional Committee with seal and date

Certificate E (Refer instruction Sl. No. 12)
Certified that the fall in wages amounting to 25% more than 25% of the wages in respect of Sri/Smt. …………………due to power cut.
Signature of the employer/authorised official with date and seal

Certificate F (Refer instruction Sl. No. 13)
Certified that Sri./Smt./Kum. ………………………..S/o., W/o., D/o. ………….. is physically handicapped, viz……………….. (Nature of handicap) and requires the equipment, viz. ……………………..costing about Rs. ……………to minimise the hardship on account of handicap.
Signature of the doctor with date and seal
THE EMPLOYEES' DEPOSIT-LINKED INSURANCE SCHEME, 1976

In exercise of the powers conferred by section 6C of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), the Central Government hereby makes the following Scheme, namely:

CHAPTER I
PRELIMINARY

1. Short title, commencement and application:- (1) This Scheme may be called the Employees' Deposit-Linked Insurance Scheme, 1976.

(2) The provisions of this Scheme shall come into force on the 1st day of August, 1976.

(3) Subject to the provisions of sub-section (2) of section 16 and section 17(2A) of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952, this Scheme shall apply to the employees of all factories and other establishments to which the said Act applies:

Provided that the provisions of this Scheme shall not apply to tea factories in the State of Assam.

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

(a) "Act" means the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952);

(b) "Assurance benefit" means a payment linked to the average balance in the Provident Fund Account of an employee, payable to a person belonging to his family or otherwise entitled to it in the event of death of the employee while being a Member of the Fund;

(c) all other words and expressions used herein but not defined shall have the meaning respectively assigned to them in the Act or the Employees' Provident Funds Scheme, 1952;

3. Administration of the Scheme:- The Schedule shall be administrated by the Central Board constituted under section 5A of the Act.

4. Regional Committee:- The Regional Committee set up under paragraph 4 of the Employees' Provident Funds Scheme, 1952, shall advise the Central Board on such matters, in relation to the administration of this Scheme, as the Central Board may refer to it from time to time and in particular, on-

(a) progress of recovery of contributions, under this Scheme, both from factories and establishments exempted under section 17 of the Act and other factories and establishments covered under the Act; and

(b) expeditious disposal of prosecutions.

5. Delegation of power by the Central Board:- (1) The Central Board may, by a resolution, empower its Chairman or the Commissioner or both to sanction expenditure, subject to such limits as may be specified in the resolution, on contingencies, supplies and purchases of articles required for administering the

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Insurance Fund subject to financial provision in the Budget, where such expenditure is beyond the limits up to which the Chairman or the Commissioner is authorised to sanction expenditure on any single item.

(2) The Central Board may also by a resolution empower its Chairman or the Commissioner or both, to appoint such officers and employees other than those mentioned in sub-sections (2) and (3) of section 5D of the Act, as the Chairman or the Commissioner may consider necessary for the efficient administration of this Scheme.

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

6. Administrative and financial powers of the Commissioner:- The Commissioner may, without reference to the Central Board, sanction expenditure on contingencies, supplies and services and purchase of articles required for administering the Insurance Fund, subject to financial provision in the Budget and subject to the limits up to which he may be authorised to sanction expenditure on any single item from time to time by the Central Board.

7. Contribution:- (1) The contribution payable by the employer and the Central Government under sub-section (2) and sub-section (3) of section 6C of the Act, shall be calculated on the basis of basic wages, dearness allowance (including the cash value of any food concession) and retaining allowance, if any, actually drawn during the whole month whether paid on daily, weekly, fortnightly or monthly basis:

1[Provided that where the monthly pay of an employee exceeds 2[six thousand five hundred rupees], the contribution payable in respect of him by the employer and the Central Government shall be limited to the amounts payable on a monthly pay of 3[six thousand five hundred rupees], including dearness allowance, retaining allowance (if any) and cash value of food concession].

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

8. Mode of payment of contribution:- (1) The contribution by the employer shall be remitted by him together with administrative charges at such rate as the Central Government may fix from time to time under sub-section (4) of section 6C of the Act to be deposited within fifteen days of the close of every month by a separate bank draft or cheque or by remittance in cash in such manner as may be specified in this behalf by the Commissioner. The cost of remittance, if any, shall be borne by the employer.

(2) It shall be the responsibility of the employer to pay 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.

(3) The Central Government shall credit its contribution to the Insurance Fund as soon as possible after the close of every financial year.

(4) The Commissioner shall deposit the bank draft or cheque received from the employers in the State Bank of India or any Bank specified in the First

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1 Ins. by G. S.R. 969, dated 14th July, 1978 (w.e.f. 29-7-1978).
2 Subs. by G.S.R. 398(E), dt. 30.5.2001 (w.e.f. 1.6.2001).
4 Subs. by G. S.R. 547, dated 19th July, 1983 (w.e.f. 1-4-1983).

1. **Recovery of damages for default in payment of any contribution:**

   (1) Where an employer makes default in the payment of any contribution to the Insurance Fund, or in the payment of any charges payable under any other provisions of the Act or of the Scheme, the Central Provident Fund Commissioner or such officer as may be authorised by the Central Government by notification in the Official Gazette in this behalf, may recover from the employer by way of penalty, damages at the rates given in the table below:

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Period of default</th>
<th>Rates of damages (% of arrears per annum)</th>
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<tbody>
<tr>
<td>(1)</td>
<td>(2)</td>
<td>(3)</td>
</tr>
<tr>
<td>(a)</td>
<td>Less than two months</td>
<td>Five</td>
</tr>
<tr>
<td>(b)</td>
<td>Two months and above but less than four months</td>
<td>Ten</td>
</tr>
<tr>
<td>(c)</td>
<td>Four months and above but less than six months</td>
<td>Fifteen</td>
</tr>
<tr>
<td>(d)</td>
<td>Six months and above</td>
<td>Twenty Five.</td>
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   (2) The damages shall be calculated to the nearest rupee, 50 paise or more to be counted as the nearest higher rupee and fraction of a rupee less than 50 paise to be ignored.

2. **Terms and conditions for reduction or waiver of damages:**

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

   (a) in case of a change of management including transfer of the undertaking to workers’ co-operative and in case of merger or amalgamation of the sick industrial company with any other industrial company, complete waiver of damages may be allowed;
   (b) in cases, where the Board for Industrial and Financial Reconstruction, for reasons to be recorded in its scheme, in this behalf recommends waiver of damages up to 100 per cent may be allowed;
   (c) in other cases, depending on merits, reduction of damages up to 50 per cent may be allowed.

3. **Employer’s contribution not to be deducted from the wages of the employees:**

   Notwithstanding any contract to the contrary, the employer shall not be entitled to deduct the employer’s contribution payable by him under this Scheme from the wages of the employees or to recover it from them in any other manner.

4. **Duties of employers:**

   (1) Every employer shall send to the Commissioner within fifteen days of the commencement of the Scheme, a consolidated return in such form as he may specify, of the employees who are entitled and required to become Members of the Insurance Scheme showing, inter alia, the Insurance Scheme number, name, accumulations in the Insurance Scheme as at the end of the financial or accounting year preceding the date on which the Scheme begins.

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2 Subs. by G. S.R. 690(E), dated 26th September, 2008.
which this Scheme comes into force together with certified copies of nomination executed by each employee under the rules of the Provident Fund of the establishment.]

1[(1A) Every employer shall send to the Commissioner, within fifteen days of the close of each month, a return 2 [in Form 5 of the Employees' Provident Fund Scheme] of the employees,—

(a) qualifying to become Members of the Insurance Fund, for the first time during the preceding month together with the certified copies of nomination made by each such qualifying employee and

(b) leaving service of the employee during the preceding month 3[***].

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

(1B) Every employer shall send to the Commissioner, within twenty-five days of the close of the month, in such form as he may specify, a monthly abstract showing *inter alia*, the aggregate amount of wages of all the Members on which contributions are payable and the employers' contribution in respect of all such Members for the month.]

(2) Every employer shall maintain such accounts in relation to the amounts contributed to the Insurance Fund by him as the Central Board may, from time to time, direct, and it shall be the duty of every employer to assist the Central Board in making such payment from the Insurance Fund 4[***] as are sanctioned by or under the authority of the Central Board.

5[***]

6[***]

11. Inspection of records and registers by the Commissioner or Inspector:—Every employer shall, whenever the Commissioner or any other officer authorised by him in this behalf or an inspector so requires, produce before him the records and other registers then in his possession, for inspection.

12. Supply of forms to employers:—The Commissioner shall supply to employer free of charge, on demand, forms referred to in this Scheme to the extent absolutely necessary.

13. Administration Account:—The contributions received from the employers and the Central Government under sub-section (4) of section 6C of the Act shall be credited to a separate account called “The Insurance Fund Central Administration Account” and all expenses in connection with the administration of this Scheme, other than the cost of benefits, provided by or under this Scheme, shall be met out of this account.

14. Deposit-linked Insurance Fund Account:—The amount received as the employer’s contribution and also the Central Government’s contribution to the Insurance Fund under sub-sections (2) and (3) of section 6C shall be credited to

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3 Subs. by G. S.R. 331, dated 24th May, 1994 (w.e.f. 1-3-1994) and omitted by G. S.R. 24, dated 31st December, 1996 (w.e.f. 11-1-1997).
4 Omitted by G.S.R. 329, dated 20th February, 1978 (w.e.f. 4-3-1978)
5 Sub-paragraph (3) omitted by G.S.R. 329, dated 20th February, 1978 (w.e.f. 4-3-1978)
6 Sub-paragraph (4) omitted by G.S.R. 648, dated 4th May, 1977 (w.e.f. 21-5-1977)
an account called the “Deposit-Linked Insurance Funds Account”, and all expenses towards the cost of any benefits provided by or under the Scheme shall be met out of this account.

15. Investment of moneys belonging to the Insurance Fund:

(1) All moneys standing to the credit of the Insurance Fund in the Public Account and the Central Government as on 31st March 1997 shall be kept in deposit with the Central Government shall allow interest at a rate not less than 8½ % per annum

(2) The moneys credited as contributions to the Insurance Fund on and from the 1st day of April, 1997 shall be invested as per the investment pattern notified under paragraph 52 of the Employees’ Provident Funds Scheme, 1952.

16. Interest:

All interest, rent and other income realised and net profits or losses, if any, from the sale or investments, not including therein the transaction of the Insurance Fund Central Administration Account shall be credited or debited as the case may be to the Insurance Fund.

17. Disposal of the Insurance Fund:

(1) Subject to the provisions of the Act and of this Scheme, the Insurance Fund, not including therein the Insurance Fund Central Administration Account, shall not, except with the previous sanction of the Central Board, be expended for any purpose other than the payment of the benefits in accordance with the provisions of this Scheme.

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

18. Expenses of Administration:

All expenses relating to the administration of this Scheme including the expenses incurred on Regional Committee shall be met from the “Insurance Fund Central Administration Account”

19. Forms and manner of maintenance of accounts:

The Central Board shall maintain the accounts of its income and expenditure including its administrative account in Form 1 and Form 2 and the balance-sheet in Form 3. The accounts shall be prepared for the financial year and the books shall be balanced on the thirty-first March each year.

20. Audit:

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

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

21. Budget:

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

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2 Subs. G. S.R. 12, dated 21st December, 19912 (w.e.f. 2-1-1993).
(2) The Central Government may make such modification in the budget as it considers desirable before sanctioning it:

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

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

(ii) it is made only for meeting such expenses of Administration as are to be met from the Insurance Fund Central Administration Account in accordance with paragraph 18; and

(iii) every reappropriation so made shall be reported by him to the Central Board at its next meeting.

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

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

22. Scales of assurance benefits and the minimum average balance to be maintained by an employee:—

(1) On the death of an employee, who is a member of the Fund or of a provident fund exempted under section 17 of the Act, as the case may be, the persons entitled to receive the provident fund accumulations of the deceased shall, in addition to such accumulations be paid an amount, equal to the average balance in the account of the deceased in the Fund or of a provident fund exempted under section 17 of the Act, as the case may be, during preceding twelve months or during the period of his membership, whichever is less, except where the average balance exceeds Rupees Fifty thousand, the amount payable shall be Rupees Fifty thousand plus 40% of the amount in excess of Rupees Fifty thousand subject to a ceiling of Rupees One lakh.

Explanation 1:- For the purpose of determining the average balance in the Fund or in the provident fund exempted under section 17 of the Act, as the case may be, in relation to any employee, the sum total of contributions by the employee and the employers, due for and up to the relevant period, whether paid or unpaid in the Fund or in the provident fund exempted under section 17 of the Act, as the case may be, together with interest thereon, shall be included.

Explanation 2:- The period of twelve months for calculation of benefits under this Scheme shall be computed backwards from the month preceding the month in which death of the Member occurs.

1 Substituted by the Employees’ Deposit Linked Insurance (Amendment) Scheme, 2010, G.S.R. 523, dated 18th June, 2010.
3 Ins. by G.S.R. 329, dated 23rd February, 1978 (w.e.f. 4-3-1978)
4 Subs. by G.S.R. 354, dated 22nd May, 1990 (w.e.f. 1-3-1990)
(2) In the case of a part-time employee who was a Member of Fund \(^1\) [or of a Provident Fund exempted under section 17 of the Act, as the case may be], while serving in more than one factory or establishment the quantum of benefit under this Scheme shall be determined with reference to the average of the aggregate balance in all his accounts in the Fund \(^2\) [or of a Provident Fund exempted under section 17 of the Act, as the case may be] during the preceding \(^3\) [twelve months].

23. **Assurance benefit to whom payable**:-(1) The nomination made by an employee under the Employees’ Provident Funds Scheme, 1952 \(^4\) [or under the provident fund exempted under section 17 of the Act, as the case may be] shall be treated as nominations under this Scheme and the assurance amount shall become payable to such nominee or nominees.

(2) If no nomination subsists or if the nomination relates only to part of the amount standing to his credit in the Fund \(^5\) [or of a provident fund exempted under section 17 of the Act, as the case may be] he whole amount or the part thereof to which the nomination does not relate, as the case may be, shall become payable to the Members of his family in equal shares:

Provided that no share shall be payable to:

- (a) sons who have attained majority;
- (b) sons of a deceased son who have attained majority;
- (c) married daughters whose husbands are alive;
- (d) married daughters of a deceased son whose husbands are alive; if there is any Member of the family other than those specified in clauses (a), (b), (c) and (d):

Provided further that the widow or widows, and the child or children of a deceased son shall receive between them in equal parts only the share which that son would have received if he had survived the employee and had not attained the age of majority at the time of his death.

(3) In any case to which the provisions of sub-paragraphs (1) and (2) do not apply the whole amount shall be payable to the person legally entitled to it.

\(^6\) (4) If a person who is eligible to receive Assurance Scheme benefit of the deceased Member in terms of sub-paragraphs (1), (2), or (3) is charged with the offence of murdering the Member or for abetting in the commission of such an offence, his claim to receive assurance benefit shall remain suspended till the conclusion of the criminal proceedings instituted against him. If on the conclusion of the criminal proceedings, the person concerned is-

- (a) convicted for the murder or abetting in the murder of the Member, he shall be debarred from receiving his share of deposit linked assurance benefit which shall be payable to any other eligible Members, of any of the family, or
- (b) acquitted of the charge of murdering or abetting in the murder of the Member, his share shall be payable to him.

*Explanation:* For the purpose of this paragraph and employee’s posthumous child, if born alive, shall be treated in the same way as a surviving child born before his death.

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1 Ins. by G.S.R. 329, dated 20th February, 1978 (w.e.f. 4-3-1978)
2 Ins. by G.S.R. 329, dated 20th February, 1978 (w.e.f. 4-3-1978)
3 Ins. by G.S.R. 354, dated 22nd May, 1990 (w.e.f. 1-3-1990)
4 Ins. by G.S.R. 329, dated 23rd February, 1978 (w.e.f. 4-3-1978)
5 Ins. by G.S.R. 329, dated 23rd February, 1978 (w.e.f. 4-3-1978)
24. **Assurance amount – How to be paid:** (1) The nominee or nominees or other claimants shall send a written application to the Commissioner through the employer in such form as the Commissioner may specify, to claim payment under this Scheme.

   (2) If the person to whom any amount is to be paid under this Scheme is a minor or a lunatic, the payment shall be made in accordance with the provisions in the Employees’ Provident Funds Scheme, 1952, relating to payment to such persons.

   (3) The payment may be made, at the option of the person to whom payment is to be made,

   (i) by postal money order, or
   (ii) by deposit in the payee’s bank account in any Scheduled Bank or any Co-operative Bank (including the Urban Co-operative Bank or any post office, or
   (iii) by deposit in the payee’s name (the whole or part of the amount) in the form of annuity/term deposits scheme in any nationalised bank, or
   (iv) through the employer.

25. **Registers, Records, etc.:** The Commissioner may with the approval of the Central Board specify the registers and records to be maintained in respect of the employees, the form or design of any identity card, token or disc for the purpose of identifying any employee or his nominee or nominees or a Member of his family entitled to receive the benefits under this Scheme and such other formalities as have to be completed in connection with the payment of said benefit, subject to such periodical verification as may be considered necessary.

26. **Annual Report on the working of this Scheme:** The Central Board shall approve before the 31st October and submit to the Central Government before the 31st December each year, a report on the working of the Scheme during the previous financial year.

28. **Special provisions relating to coal mines in respect of which applications are received for exemption from the provisions of this Scheme:** (1) (i) A Commissioner may, by order and subject to such conditions as may be specified in the order exempt from the operation of all or any of the

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1 Subs. by G. S.R. 873, dated 25th September, 1986 (w.e.f. 11-10-1986).
provisions of this Scheme an employee to whom the Scheme applies on receipt of application from such an employee:

Provided that such an employee is without making any separate contribution or payment of premium, in enjoyment of benefits in the nature of life assurance, whether linked to their deposits in provident fund or not, according to the rules of the factory or other establishment and such benefits are more favourable than the benefits provided under this Scheme.

(ii) Where an employee is exempted, as aforesaid, the employer shall in respect of such employee maintain such accounts, submit such returns, provide such facilities for inspection as the Commissioner, may direct and pay such inspection charges and make such investments as the Central Government may direct.

(2) An employee exempted under sub-paragraph (1) may, by an application to the Commissioner, make a request that the benefits of the Scheme be extended to him.

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

(4) (i) The Central 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 this Scheme any class of employees to whom this Scheme applies, on receipt of an application therefore in such form as the Commissioner may specify.

Provided that such a class of employees is, without making any separate contribution or payment of premium, in enjoyment of benefits in the nature of Life assurance, whether linked to their deposits in provident fund or not, according to the rules of the factory or other establishment and such benefits are more favourable than the benefits provided under this Scheme.

(ii) Where any class of employees is exempted as aforesaid, the employer shall in respect of such class of employees maintain such accounts, submit such returns, provide such facilities for inspection, charges and make investments in such manner as the Central Provident Fund Commissioner may direct.

(5) A class of employees exempted under sub-paragraph (4) or the majority of employees constituting such class may, by an application to the Commissioner, make a request that the benefits, of this Scheme be extended to them.

(6) No class of employees or the majority of employees constituting such class shall be granted exemption or permitted to apply out of exemption more than once on each account.

(7) Notwithstanding anything contained in this Scheme the Commissioner may in relation to a factory or other establishment in respect of which an application for exemption under section 17(2A) of the Act has been received, relax, pending the disposal of the application, the provisions of this Scheme in such manner as he may direct.

3[29. Punishment for failure to submit returns, etc.:—If any person,—

(a) deducts or attempts to deduct from the wages or other remuneration of Member the whole or any part of the employer’s contribution; or

1 Subs. by G.S.R. 354, dated 22.5.1990 [w.e.f. 1.3.1990].
2 Subs. by G.S.R. 354, dated 22.5.1990 [w.e.f. 1.3.1990].
The Employees’ Deposit-Linked Insurance Scheme, 1976

(b) fails or refuses to submit any return, statement or other documents required by this Scheme or submits a false return, statement or other documents, or makes a false declaration; or
(c) obstructs any Inspector or other official appointed under the Act or this Scheme in the discharge of his duties or fails to produce any record for inspection by such Inspector or other official; or
(d) is guilty of contravention of or non-compliance with any other requirements of this Scheme, he shall be punishable with imprisonment which may extend to one year or with fine which may extend to four thousand rupees, or with both.

**FORM 1(IF)**

(For exempted establishments)

**EMPLOYEES’ DEPOSIT-LINKED INSURANCE SCHEME, 1976.**

CONSOLIDATED RETURN OF EMPLOYEES WHO ARE ENTITLED AND REQUIRED TO BECOME MEMBERS OF INSURANCE FUND ON THE DATE THE SCHEME COMES INTO FORCE

(PARA 10)

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>A/c No. as in PF</th>
<th>Name of the employee (in block letters)</th>
<th>Father’s name (or husband’s name in the case of married woman)</th>
<th>Sex</th>
<th>Accumulations in his/her Provident Fund account at the end of the financial/accounting years, preceding the date the Scheme comes into force</th>
<th>Remarks</th>
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</table>

Date ............ Signature of the employer or other Authorised officer of the establishment
Station............ Stamp of the establishment

Note (1):-This form should be accompanied by certified copies of the nomination(s) and or changes therein made by each employee under Provident Fund rules of the establishment.

(2) Remarks for the missing A/c. No. (i.e. those in respect of employees who had left service, etc. should be given at the end).

**FORM 2(IF)**

(For exempted establishments)

**EMPLOYEES’ DEPOSIT-LINKED INSURANCE SCHEME, 1976.**

RETURN OF EMPLOYEES ENTITLED FOR MEMBERSHIP OF INSURANCE FUND

(PARA 10)

Name and address of the establishment....................
During the month of ............
Code No. of the establishment....................
The Employees’ Deposit-Linked Insurance Scheme, 1976

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>A/c No. as in PF</th>
<th>Name of the employee (in block letters)</th>
<th>Father’s name (or husband’s name in the case of married woman)</th>
<th>Sex</th>
<th>Date of entitlement for Membership</th>
<th>Remarks (Previous A/c No. in Provident Fund and particulars of previous employer and the amount of accumulation)</th>
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</table>

Date ……………… Signature of the employer or other authorised officer of the establishment
Stamp of the establishment

Note (1): This form should be accompanied by certified copies of the nomination(s) and or changes therein made by each employee under Provident Fund rules of the establishment.

**FORM 3(IF)**

(For exempted establishments)

EMPLOYEES’ DEPOSIT-LINKED INSURANCE SCHEME, 1976.

RETURN OF MEMBERS OF INSURANCE FUND LEAVING SERVICE DURING THE MONTH OF ……20………………

(PARA 10)

Name and address of the establishment………………
Code No. of the establishment………………

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>A/c No.</th>
<th>Name of the Member (in block letters)</th>
<th>Father’s name (or husband’s name in the case of married woman)</th>
<th>Date of leaving service</th>
<th>Reasons for leaving service</th>
<th>Year-wise balance in his/her Provident Fund account during the three years preceding his/her death</th>
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Date ……………… Signature of the employer or other authorised officer of the establishment
Stamp of the establishment

**FORM 4(IF)**

(For exempted establishments)

EMPLOYEES’ DEPOSIT-LINKED INSURANCE SCHEME, 1976.

STATEMENT OF CONTRIBUTION FOR THE MONTH OF ……20………………

(PARA 10)

Total No. of Members………………………………………
Name and address of the establishment…………………
Currency period from 1-4-20……to 31-3-20………
Code No. of the establishment……………… Statutory rate of contribution 0.5%

Contract Rest Total
The Employees' Deposit-Linked Insurance Scheme, 1976

<table>
<thead>
<tr>
<th>Wages on which contributions are payable</th>
<th>Amount of employer's share of contribution due @ 0.5% of the amount of wages shown in col. 1</th>
<th>Amount of administrative charges due at 0.1% of the amount of wages shown in col. 1</th>
<th>Employees' share of contribution remitted in A/c. No. 21</th>
<th>Amount of administrative charges remitted in A/c. No. 22</th>
<th>Date of remittance</th>
<th>Name &amp; location of the bank in which remitted or not and date of the cheque draft sent to regional office</th>
<th>Whethe the triplicate challan receipt is enclosed, if not, state reasons</th>
<th>Remarks</th>
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<tr>
<td>Date .............</td>
<td>Signature of the employer (with official seal)</td>
<td>No. as per last months' return (+) No. of new Members vide Form 2(IF) (-) No. of Members left service vide Form 3(IF)* Net Total</td>
<td>This should tally with the figures given at the top right hand corner of the form.</td>
<td>Note (1): If there is any substantial variation between the wages and amount of contribution shown above and those shown in the last month's return, suitable explanation should be given in the Remarks column.</td>
<td>(2) If any arrears or contributions or damages are included in the figures under column 4 suitable replies indicating the circumstances, amount No. of Members and the period involved should be furnished in the Remarks col. or on reverse.</td>
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</table>

**FORM 5(IF)**

**EMPLOYEES' DEPOSIT-LINKED INSURANCE SCHEME, 1976.**

Form to be used by a nominee / legal heir of the deceased or guardian of the minor nominee(s) / legal heir under Paragraph 23 of this Scheme:

Note: Read the 'Instructions' carefully before completing this form

*(Through the employer under whom the deceased was last employed)*

I being a nominee/legal heir/guardian of minor nominee(s) or minor heir(s) of the deceased employee apply for the payment of Assurance Benefit under the Employees' Deposit-Linked Insurance Scheme, 1976.

*(For use by the nominee(s)/legal heir(s), other than minors)*
The Employees’ Deposit-Linked Insurance Scheme, 1976

<table>
<thead>
<tr>
<th>Name &amp; address of the applicant(s)</th>
<th>Sex</th>
<th>Age or year of birth</th>
<th>Marital status</th>
<th>Relationship with the deceased</th>
<th>Remarks</th>
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(For use in respect of minor nominee(s)/heir(s))

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<tr>
<th>Name &amp; address of the applicant(s)</th>
<th>Sex</th>
<th>Age or year of birth</th>
<th>Name of minor nominee(s)/heir(s)</th>
<th>Sex</th>
<th>Age or year of birth</th>
<th>Relationship of the guardian with the minor nominee(s)/heir(s)</th>
<th>Remarks</th>
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2. The particulars in respect of the deceased Member are furnished below:
   (a) Name of the deceased
   (b) Father’s name (or husband’s name in the case of married woman)
   (c) Date of birth
   (d) Last employed in
   (e) Account Number in Provident Fund/Insurance Fund

3. The particulars of the savings bank account into which the amount is to be deposited.
   (Para 24 (2) of Employees’ Deposit Linked Insurance Scheme, 1976)
   (a) Name and address of the claimant.
   (b) Name and full address of the Bank specified in Sch. 1 to the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970.
   (c) Savings Bank Account Number of the claimant:

I declare that the above particulars are true to the best of my knowledge.

Date:...........

Signature or left/right hand thumb-impression of Shri/Smt./Kum............ the applicant.

(Left thumb-impression in the case of illiterate male applicants and right thumb impression in the case of illiterate female applicants)

**Advance stamped Receipt**

Received a sum of Rs. *..............*(Rupees*..............*) from Regional Provident Fund Commissioner/Officer-in-charge of Sub-Regional Office

Office.................by deposit in my savings bank account towards the Employees’ Deposit-Linked-Insurance benefit.

Date ............... 200

The space should be left blank which shall be filled in by Regional Provident Fund Commissioner/Officer-in-charge of Sub-Regional Office.
Signature or left/right hand thumb impression of the claimant.
Certified that the claimant signed/thumb-impressed before me.
Encl: Signature of the employer or any authorised official

Designation..........................
Stamp of the Factory/Estt.

Date:............

Note: The employer of unexempted establishments should fill in the columns 2 and 3 only and the employer of exempted establishments should fill in all the columns.

Balance in Provident Fund at the end of the month preceding the 36 months immediately preceding the death of the Member:

<table>
<thead>
<tr>
<th>Month</th>
<th>Both shares of contributions</th>
<th>Refund of withdrawal</th>
<th>Interest</th>
<th>Withdrawal</th>
<th>Progressive Balance</th>
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<td>21.</td>
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<td>22.</td>
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<td>23.</td>
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<td>24.</td>
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<tr>
<td>25.</td>
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<tr>
<td>26.</td>
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<tr>
<td>27.</td>
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<td>28.</td>
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<tr>
<td>29.</td>
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<tr>
<td>30.</td>
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<tr>
<td>31.</td>
<td></td>
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<td></td>
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</tr>
<tr>
<td>32.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### The Employees’ Deposit-Linked Insurance Scheme, 1976

<table>
<thead>
<tr>
<th>Month</th>
<th>Both shares of contributions</th>
<th>Refund of withdrawal</th>
<th>Interest</th>
<th>Withdrawal</th>
<th>Progressive Balance</th>
</tr>
</thead>
<tbody>
<tr>
<td>33.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>34.</td>
<td></td>
<td></td>
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<td></td>
<td></td>
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<tr>
<td>35.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>36.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total of 36 months’ Provident Fund Balance</td>
<td>Rs.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Average balance</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

1[FORM 1](SEE PARAGRAPH 19) [EMPLOYEES’ DEPOSIT-LINKED INSURANCE SCHEME, 1976. RECEIPT AND PAYMENT ACCOUNT FOR THE YEAR.........](Contribution Account)

<table>
<thead>
<tr>
<th>Sl. No</th>
<th>Receipt</th>
<th>Amount</th>
<th>Sl. No</th>
<th>Receipt</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Opening balance as on 1st April.</td>
<td></td>
<td>1.</td>
<td>Assurance benefits</td>
<td></td>
</tr>
<tr>
<td>2.</td>
<td>(i) Contribution of employers</td>
<td></td>
<td>2.</td>
<td>Amount refunded to employers on grant of exemption</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(ii) Contribution of Government</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>(iii) Arrears of contribution of Govt. for</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3.</td>
<td>Interest on investment in Public Account</td>
<td></td>
<td>3.</td>
<td>Other payments in Account No. 21</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Interest on investment in securities</td>
<td></td>
<td>4.</td>
<td>Closing balance</td>
<td></td>
</tr>
<tr>
<td>5.</td>
<td>Interest on S.B. Account</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6.</td>
<td>Penal Damages</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>7.</td>
<td>Other receipts in: Account No. 21 Account No. 25</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

TOTAL TOTAL

Financial Advisor & Chief Accounts Officer

---

1 Forms 1, 2 and 3 ins. by G. S.R. 12, dated 21st December, 1992 (w.e.f. 2-1-1993).
**FORM 2**  
**SEE PARAGRAPH 19**  
**EMPLOYEES’ DEPOSIT-LINKED INSURANCE SCHEME, 1976.**  
**RECEIPT AND PAYMENT ACCOUNT FOR THE YEAR.**  

*(Administration Account)*

<table>
<thead>
<tr>
<th>Sl. No</th>
<th>Receipt</th>
<th>Amount</th>
<th>Sl. No</th>
<th>Receipt</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Opening balance as on 1st April,</td>
<td></td>
<td>1.</td>
<td>Payment on Administration</td>
<td></td>
</tr>
<tr>
<td>2.</td>
<td>Administrative charges received from the employers during the year</td>
<td></td>
<td>(a)</td>
<td>Revenue Expenditure:</td>
<td></td>
</tr>
<tr>
<td>3.</td>
<td>Inspection charges received</td>
<td></td>
<td>1.</td>
<td>Salaries</td>
<td></td>
</tr>
<tr>
<td>4.</td>
<td>Penal damages</td>
<td></td>
<td>2.</td>
<td>Allowances &amp; Honoraria</td>
<td></td>
</tr>
<tr>
<td>5.</td>
<td>Amount received from Govt. towards cost of Administration of the Fund for</td>
<td></td>
<td>3.</td>
<td>T.A. &amp; L.T.C.</td>
<td></td>
</tr>
</tbody>
</table>
| 6.    | (a) Interest received on investment from Administration Account  
(b) Interest on S.B. Account  
(c) Interest on Advances |        | 4.    | Pension Gratuity (Staff) |        |
| 7.    | Other Receipts:  
Account No. 22  
Account No. 24 |        | 5.    | Staff Provident Fund DLI Benefits |        |
| 6.    | Other charges (recurring and non-recurring) |        | 7.    | Grants |        |
| 8.    | Maintenance and repairs of office building, etc.  
(b) Capital Expenditure:  
1. Construction of office building / staff quarters etc.  
2. Other payments:  
Account No. 22  
Account No. 24  
3. Closing Balance |        |        |        |        |        |

**TOTAL**  
**TOTAL:**

Financial Advisor & Chief Accounts Officer
### Balance Sheet as at 31st March

<table>
<thead>
<tr>
<th>Sl. No</th>
<th>Liabilities</th>
<th>Sch. No</th>
<th>Amount</th>
<th>Balance as at 31st March</th>
<th>Assets</th>
<th>Sch. No</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Employees' Deposit-linked Insurance Fund Account</td>
<td>(a) Employees' Deposit-linked Insurance Fund Account</td>
<td></td>
<td></td>
<td>(i) Investment in securities</td>
<td>II</td>
<td></td>
</tr>
<tr>
<td>2.</td>
<td>Employees' Deposit-linked Insurance Fund Account</td>
<td>(ii) Deposit in public Accoun t</td>
<td></td>
<td></td>
<td>(b) Employees' Deposit-linked Insurance Fund Adm.</td>
<td>III</td>
<td></td>
</tr>
<tr>
<td>3.</td>
<td>Sund...I Credits</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### The Employees’ Deposit-Linked Insurance Scheme, 1976

<table>
<thead>
<tr>
<th>Balance as at 31st March Previous Year</th>
<th>Sl. No</th>
<th>Liabilities</th>
<th>Sch No</th>
<th>Amount</th>
<th>Balance as at 31st March Previous Year</th>
<th>Sl. No</th>
<th>Assets</th>
<th>Sch No</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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<td></td>
</tr>
</tbody>
</table>

- **A/c (i)**: Amount invested in Term Deposits
- **A/c (ii)**: Amount due from EPF ADM. Account

<table>
<thead>
<tr>
<th>Sl. No</th>
<th>Assets</th>
<th>Sch No</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.</td>
<td>Cash balance</td>
<td>VI</td>
<td></td>
</tr>
<tr>
<td>3.</td>
<td>Remittance in Transit</td>
<td>VII</td>
<td></td>
</tr>
<tr>
<td>4.</td>
<td>Sundry Debits</td>
<td>VIII</td>
<td></td>
</tr>
</tbody>
</table>

**Total:**

<table>
<thead>
<tr>
<th>Previous Year</th>
<th>Foot Note:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rs. Lakhs</td>
<td>EDLI contribution due from employers as on 31-3-</td>
</tr>
<tr>
<td>Rs. Lakhs</td>
<td>EDLI ADM. And Inspection charges due from employers as on 31-3</td>
</tr>
<tr>
<td>Rs. Lakhs</td>
<td>EDLI contribution (Govt.) share due as on 31-3-</td>
</tr>
<tr>
<td>Rs. Lakhs</td>
<td>EDLI ADM. Charges (Govt.) share due as on 31-3-</td>
</tr>
</tbody>
</table>

**Financial Advisor & Chief Accounts Officer**
EMPLOYEES DEPOSIT-LINKED INSURANCE ACCOUNT SCHEDULES

Schedule No. I

Sundry Creditors:
1. Excess credit in A/c No. 21
2. Excess credit in A/c No. 25
3. Excess credit in R.B.I. A/c
4. Excess credit in A/c No. 22
5. Excess credit in A/c No. 24

Balance as on 31st March:

Schedule No. II

Investment in securities:
Balance as per last Balance-sheet

Less:
Securities redeemed during the year
Balance as on 31st March:

Schedule No. III

Amount deposited in Public A/c.
Balance as per last Balance-sheet
1. Deposits made during the year
2. Government share of contribution for
3. Government share arrears up to
4. Interest on balance in Public-Account

Balance as on 31st March:

Schedule No. IV

Amount Invested:
Balance as per last Balance-sheet

Add
Amount deposited during the year

Less:
Amount redeemed during the year
Balance as on 31st March:

Schedule No. V

Amount due from EPF Administration Account:
(a) Transaction in A/c No. 24
Balance as per last Balance-sheet

Add
During the year

Less:
Amount received back
Balance as on 31st March:
(b) Transaction in regard to Account No. 22
Amount transferred to EPF Account No. 2
Balance as on 31st March: (a)-(b)

Schedule No. VI

Cash Book Balance:
1. Account No. 21
2. Account No. 25
3. Account No. 22
4. Account No. 24
Balance as on 31st March:
Remittance in Transit:
1. From A/c No. 21 to 25
2. From RBI A/c to A/c No. 25
3. From A/c No. 22 to 24
Balance as on 31st March:

Sundry Debits:
1. Account No. 21
2. Account No. 25
3. Account No. 22
4. Account No. 24
Balance as on 31st March:
THE EMPLOYEES’ PENSION SCHEME, 1995

G.S.R. 748(E), DATED 16-11-1995

In exercise of the powers conferred by section 6A of the Employees’ Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), the Central Government hereby makes the following Scheme, namely :—

1. Short title, commencement and application:-(1) This Scheme may be called the Employees’ Pension Scheme, 1995.
(2) (a) This Scheme shall come into force on the 16th day of November, 1995;
(b) Subject to the provisions of this Scheme the employees have an option to become the Members of the Scheme with effect from 1st April, 1993.
(3) Subject to the provisions of section 16 of the Employees’ Provident Funds and Miscellaneous Provisions Act, 1952, this Scheme shall apply to the employees of all factories and other establishments to which the Employees’ Provident Funds and Miscellaneous Provisions Act, 1952, applies or is applied under sub-section (3) or sub-section (4) of section 1 or section 3 thereof.

2. Definitions:- (1) In this Scheme unless the context otherwise requires :—
(i) “Act” means the Employees’ Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952);
(ii) “Actual service” means the aggregate of periods of service rendered from the 16th November, 1995, or from the date of joining any establishment, whichever is later, to the date of exit, from the employment of the establishment covered under the Act;
(iii) “Commissioner” means a Commissioner for Employees’ Provident Funds appointed under section 5D of the Act;
(iv) “Contributory Service” means the period of “actual service” rendered by a Member for which the contributions to the fund have been received or are receivable;
(v) “Eligible Member” means “an employee who is eligible to join the Employees’ Pension Scheme”; 
(vi) “existing Member” means an existing employee who is a Member of the Employees’ Family Pension Scheme, 1971;
(vii) “Family” means—
(i) wife in the case of a male Member of the Employees’ Pension Fund;
(ii) husband in the case of a female Member of the Employees’ Pension Fund; and
(iii) sons and daughters of a Member of the Employees’ Pension Fund.

Explanation:-The expression “sons” and “daughters” shall include children legally adopted by the Member;

Subs. by G.S.R. 134, dated 28th February, 1996 (w.e.f. 16-3-1996).
Omitted by G.S.R. 134, dated 28th February, 1996 (w.e.f. 16-3-1996).
Subs. by G.S.R. 134, dated 28th February, 1996 (w.e.f. 16-3-1996).
(viii) “Pension” means the pension payable under the Employees’ Pension Scheme and also includes the Family Pension admissible and payable under the Employees’ Family Pension Scheme, 1971, immediately preceding the commencement of the Employees’ Pension Scheme, 1995, with effect from 16th November, 1995;

(ix) “Member” means an employee who becomes a Member of the Employees’ Pension Fund in accordance with the provisions of this Scheme.

1[Explanation: An employee shall cease to be the Member of Pension Fund from the date of attaining 58 years of age or from the date of vesting admissible benefits under the Scheme, whichever is earlier;]

(x) “non-contributory service” is the period of “actual service” rendered by a Member for which no contribution to the “Employees’ Pension Fund” has been 2[received or is receivable];

(xi) “orphan” means a person, none of whose parents is alive 3[***];

(xii) “past service” means the period of service rendered by an existing Member from the date of joining the Employees’ Family Pension Fund till 15th November, 1995;

(xiii) “pay” means basic wages, with dearness allowance, retaining allowance and cash value of food concessions admissible, if any;

(xiv) “pension fund” means the Employees’ Pension Fund set up under sub-section (2) of section 6A of the Act;

(xv) “pensionable service” means the service rendered by the Member for which contributions have been received 4[or are receivable];

5[(xvi) “permanent total disablement” means such disablement of permanent nature as incapacitates an employee for all work which he/she was capable of performing at the time of disablement, regardless of whether such disablement is sustained in the course of employment or otherwise;]

(xvii) “Table” means Table appended to this Scheme;

(xviii) the words and expressions defined in the Act but not defined in this Scheme shall have the same meaning as assigned to them in the Act.

3. Employees’ Pension Fund:- (1) From and out of the contributions payable by the employer in each month under section 6 of the Act or under the rules of the Provident Fund of the establishment which is exempted either under clauses (a) and (b) of sub-section (1) of section 17 of the Act or whose employees are exempted under either paragraph 27 or paragraph 27A of the Employees’ Provident Funds Scheme, 1952, a part of contribution representing 8.33 per cent of the employee’s pay shall be remitted by the employer to the Employees’ Pension Fund within 15 days of the close of every month by a separate bank draft or cheque on account of the Employees’ Pension Fund contribution in such manner as may be specified in this behalf by the Commissioner. The cost of the remittance, if any, shall be borne by the employer.

1 Ins. by G.S.R. 66, dated 22nd February, 1999 (w.e.f. 6-3-1999).
2 Subs. by G.S.R. 134, dated 28th February, 1996 (w.e.f. 16-3-1996).
3 Omitted by G.S.R. 134, dated 28th February, 1996 (w.e.f. 16-3-1996).
4 Subs. by G.S.R. 134, dated 28th February, 1996 (w.e.f. 16-3-1996).
5 Subs. by G.S.R. 134, dated 28th February, 1996 (w.e.f. 16-3-1996).
(2) The Central Government shall also contribute at the rate of 1.16 per cent of the pay of the Members of the Employees’ Pension Scheme and credit the contribution to the Employees’ Pension Fund:

Provided that where the pay of the Member exceeds rupees 1[six thousand and five hundred] per month the contribution payable by the employer and the Central Government be limited to the amount payable on his pay of rupees 2[six thousand and five hundred] only.

(3) Each contribution payable under sub-paragraphs (1) and (2) shall be calculated to the nearest rupee, fifty paisa or more to be counted as the next higher rupee and fraction of a rupee less than fifty paisa to be ignored.

(4) The net assets of the Family Pension Scheme, 1971, shall vest in and stand transferred to the Employees’ Pension Fund.

4. Payment of Contribution:- (1) The employer shall pay the contribution payable to the Employees’ Pension Fund in respect of the 3[each] Member of the Employees’ Pension Fund employed by him directly or by or through a contractor.

(2) It shall be the responsibility of the principal employer to pay the contributions payable to the Employees’ Pension Fund by himself in respect of the employees directly employed by him and also in respect of the employees employed by or through a contractor.

4[Provided that the Central Government shall pay the contribution payable to the Employees’ Pension Fund in respect of an employee who is a person with disability under the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (1 of 1996) and under the National Trust for Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act, 1999 (44 of 1999) respectively, up to a maximum period of three years from the date of commencement of membership of the Fund.]

5. Recovery of damages for default in payment of any contribution:- 5[(1) Where a employer makes default in the payment of any contribution to the Employees’ Pension Fund, or in the payment of any charges payable under any other provisions of the Act or the Scheme, the Central Provident Fund Commissioner or such officer as may be authorised by the Central Government by notification in the Official Gazette in this behalf, may recover from the employer by way of penalty, damages at the rates given in the table below:-

<table>
<thead>
<tr>
<th>S. No.</th>
<th>Period of default</th>
<th>Rates of damages (percentage of arrears per annum)</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(a)</td>
<td>Less than 2 months</td>
<td>Five</td>
</tr>
<tr>
<td>(b)</td>
<td>Two months and above but less than four months</td>
<td>Ten</td>
</tr>
<tr>
<td>(c)</td>
<td>Four months and above but less than six months</td>
<td>Fifteen</td>
</tr>
<tr>
<td>(d)</td>
<td>Six months and above</td>
<td>Twenty Five.</td>
</tr>
</tbody>
</table>

1 Subs. by G.S.R. 383 (E), dated 24th May, 2001 (w.e.f. 1-6-2001).
3 Subs. by G.S.R. 134, dated 28th February, 1996 (w.e.f. 16-3-1996).
4 This proviso inserted by G.S.R. 252(E), dated 31st March, 2008 (w.e.f. 01-04-2008).
5 Substituted by G.S.R. 688(E), dated 26th September, 2008 (w.e.f. 26-09-2008).
(2) The damages shall be calculated to the nearest rupee, fifty paise or more to be counted as the nearest higher rupee and fraction of a rupee less than 50 paise to be ignored.

1[6. Membership of the Employees’ Pension Scheme:-Subject to sub-para (3) of paragraph 1, the Scheme shall apply to every employee—
   (a) who on or after the 16th November, 1995, becomes a Member of the Employees’ Provident Funds Scheme, 1952, or of the provident funds of the factories and other establishments exempted by the appropriate Government under section 17 of the Act, or in whose case exemption has been granted under paragraphs 27 or 27A of the Employees’ Provident Funds Scheme, 1952, from the date of such Membership;
   (b) who has been a Member of the ceased Employees’ Family Pension Scheme, 1971, before the commencement of this Scheme from 16th November, 1995;
   (c) who ceased to be a Member of the Employees’ Family Pension Scheme, 1971, between 1st April, 1993, and 15th November, 1995, and opts to exercise his option under paragraph 7;
   (d) who has been a Member of the employees’ provident fund or of the provident funds of factories and other establishments exempted by the appropriate Government under section 17 of the Act or in whose case exemption has been granted under paragraphs 27 or 27A of the Employees’ Provident Funds Scheme, 1952, on 15th November, 1995, but not being a Member of the ceased Employees’ Family Pension Scheme, 1971, opts to exercise his option under paragraph 7.]

2[6A. Retention of Membership:-A Member of the Employees’ Pension Fund shall continue to be such Member till he attains the age of 58 years or he avails the withdrawal benefit to which he is entitled under paragraph 14 of the Scheme, or dies, or the pension is vested in him in terms of paragraph 12 of the Scheme, whichever is earlier.]

3[7. Option for joining the Scheme:-]{(1) Members referred to under sub-paragraph (c) of paragraph 6 who have died between 1st April, 1993, and 15th November, 1995, shall be deemed to have exercised the option of joining the scheme on the date of his death.
   (2) Members referred to in sub-paragraph (c) of paragraph 6 who are alive shall have the option to join the Scheme as per the provisions of paragraph 17 from the date of exit from the employment.
   (3) Members, referred to in sub-paragraph (c) of paragraph 6, shall have the option to join the Scheme as per the provisions of paragraph 17 from 16th November, 1995.]

8. Resolution of doubts:-If any doubt arises whether an employee is entitled to become a Member of the Employees’ Pension Fund, the same shall be referred to the Regional Provident Fund Commissioner who shall decide the same:
   Provided that both the employer and the employee shall be heard before passing final order in the matter.

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1 Subs. by G.S.R. 134, dated 28th February, 1996 (w.e.f. 16-3-1996).
2 Ins. by G.S.R. 66, dated 22nd February, 1999 (w.e.f. 6-3-19969).
3 Subs. by G.S.R. 134, dated 28th February, 1996 (w.e.f. 16-3-1996).
9. Determination of eligible service:- The eligible service shall be determined as follows:

(a) In the case of “new entrant” the “actual service” shall be treated as eligible service. The total actual service shall be rounded off to the nearest year. The fraction of service for six months or more shall be treated as one year and the service less than six months shall be ignored.

Explanation:- In the case of employees employed seasonally in any establishment, the period of “actual service” in any year, notwithstanding that such service is less than a year shall be treated as a full year.

(b) In the case of the “existing Member” the aggregate of actual service and the “past service” shall be treated as eligible service:

Provided that if there is any period in the “past service” for which the contributions towards the Family Pension Scheme, 1971, has not been received, the said period shall count as eligible service only if the contributions thereof have been received in the Employees’ Pension Fund.

1[Explanation: - For the purpose of this sub-paragraph, the aggregate of actual service and past service for less than six months shall be ignored and six months and above shall be rounded off to a year.]

10. Determination of pensionable service:- (1) The pensionable service of the Member shall be determined with reference to the contributions received [or are receivable] on his behalf in the Employees’ Pension Fund.

(2) In the case of a Member who superannuates on attaining the age of 58 years, [and] who has rendered 20 years’ pensionable service or more, his pensionable service shall be increased by adding a weightage of two years.

11. Determination of pensionable salary:- (1) Pensionable salary shall be the average monthly pay drawn [in any manner including on piece-rate basis] during the contributory period of service in the span of 12 months preceding the date of exit from the Membership of the Employees’ Pension Fund:

Provided that if a Member was not in receipt of full pay during the period of twelve months preceding the day he ceased to be the Member of Pension Fund, the average of previous 12 months full pay drawn by him during the period for which contribution to the pension fund was recovered, shall be taken into account as pensionable salary for calculating pension.

(2) If during the said span of 12 months, there are non-contributory periods of service including cases where the Member has drawn salary for a part of the month, the total wages during the 12 months, span shall be divided by the actual number of days for which salary has been drawn and the amount so derived shall be multiplied by 30 to work out the average monthly pay.

(3) The maximum pensionable salary shall be limited to [rupees six thousand and five hundred] per month:

Provided that if at the option of the employer and employee, contribution paid on salary exceeding [Rs. 6,500] per month from the date of commencement
of this Scheme or from the date salary exceeds ₹6,500, whichever is later, and 8.33 per cent share of the employers thereof is remitted into the Pension Fund, pensionable salary shall be based on such higher salary.]

12. Monthly Member's pension:— 4[(1) A Member shall be entitled to :
   (a) superannuation pension if he has rendered eligible service of 10 years or more and retires on attaining the age of 58 years;
   (b) early pension, if he has rendered eligible service of 10 years or more and retires or otherwise ceases to be in the employment before attaining the age of 58 years.
   (2) In the case of a new entrant, the amount of monthly superannuation pension or early pension, as the case may be, shall be computed in accordance with the following factors, namely :

\[
\text{Monthly Member's Pension} = \frac{\text{Pensionable salary} \times \text{Pensionable service}}{70}
\]

(3) In the case of an existing member in respect of whom the date of commencement of pension is after the 16th November, 2005, -
   (i) superannuation or early pension shall be equal to the aggregate of :
      (a) pension as determined under sub-paragraph (2) for the period of pensionable service rendered from the 16th November, 1995 or ₹635 per month whichever is more;
      (b) past service pension shall be as given below :

<table>
<thead>
<tr>
<th>Sl No</th>
<th>Years of past service</th>
<th>Salary up to Rs. 2,500 per month</th>
<th>Salary more than Rs. 2,500 per month</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1)</td>
<td></td>
<td>(2)</td>
<td>(3)</td>
</tr>
<tr>
<td>(i)</td>
<td>Up to 11 years</td>
<td>80</td>
<td>85</td>
</tr>
<tr>
<td>(ii)</td>
<td>More than 11 years but up to 15 years</td>
<td>95</td>
<td>105</td>
</tr>
<tr>
<td>(iii)</td>
<td>More than 15 years but less than 20 years</td>
<td>120</td>
<td>135</td>
</tr>
<tr>
<td>(iv)</td>
<td>Beyond 20 years</td>
<td>150</td>
<td>170</td>
</tr>
</tbody>
</table>

The amount under column (2) or column (3) above, as the case may be, shall be multiplied by the factor given in Table ‘B’ corresponding to the period between the 16th November, 1995 and the date of exit to arrive at past service pension payable.
   (ii) The aggregate of (a) and (b) calculated as above shall be subject to a minimum of ₹800 per month, provided the eligible service is 24 years.

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1 Added by G.S.R. 134, dated 28th February, 1996 (w.e.f. 16-3-1996).
2 Subs. by G.S.R. 774, dated 8th October, 2001 (w.e.f. 1-6-2001).
3 Subs. by G.S.R. 774, dated 8th October, 2001 (w.e.f. 1-6-2001).
4 Sub-Para (1) to (7) substituted by G.S.R 431(E), dated 15th June 2007 (w.e.f 15-06-2007)
Provided further, if it is less than 24 years, the pension as
computed above shall be reduced proportionately subject to a
minimum of Rs. 450 per month.

(4) In the case of an existing member and in respect of whom the date
of commencement of pension is between the 16th November, 2000 and the 16th
November, 2005,-

(i) superannuation or early pension shall be equal to the aggregate
of :-
(a) pension as determined under sub-paragraph (2) for the
period of service rendered from the 16th November, 1995
or Rs. 438 per month whichever is more;
(b) past service pension as provided in sub-paragraph (3):—
(ii) The aggregate of (a) and (b) calculated as above shall be subject
to a minimum of Rs. 600 per month, provided the eligible service
is 24 years.

Provided further, if it is less than 24 years, the pension
shall be proportionately less subject to the minimum of Rs. 325
per month.

(5) In the case of an existing member and in respect of whom the date of
commencement of pension is before the 16th November, 2000,-

(i) the superannuation or early pension shall be equal to the aggregate
of :-
(a) pension as determined under sub-paragraph (2) for the
period of service rendered from the 16th November, 1995
or Rs. 335 per month whichever is more;
(b) past service pension as provided in sub-paragraph (3):—
(ii) The aggregate of (a) and (b) calculated as above shall be subject
to the minimum of Rs. 500 per month, provided the eligible service
is 24 years.

Provided further, if it is less than 24 years, the pension
shall be proportionately lesser but subject to the minimum of Rs.
265 per month.

(6) Except as otherwise expressly provided hereinafter, the monthly
Member’s pension under sub-paragraphs (2) to (5) mentioned hereinafore, as the
case may be, shall be payable from a date immediately following the date of
completion of 58 years of age notwithstanding that the Member has retired or
ceased to be in the employment before that date.

(7) A Member, if he so desires, may be allowed to draw an early pension from
a date earlier than 58 years of age, but not earlier than 50 years of age. In such
cases, the amount of pension shall be reduced at the rate of [four per cent], for
every year the age falls short of 58 years.

(8) If a Member, ceases to be in the employment by way of retirement or
otherwise earlier than the date of superannuation from which pension can be
drawn, the Member may, on his option, either be paid pension as admissible
under this Scheme on attaining the age exceeding 50 years or he may be issued a
scheme certificate by the Commissioner indicating the pensionable service, the
pensionable salary and the amount of pension due on the date of exit from the
employment. If he/she is subsequently employed in an establishment coverable

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1 Substituted for the words “three per cent” by G.S.R. 688(E), dated 26th September, 2008 (w.e.f. 26-09-2008).
under this Scheme, his/her earlier service as per the Scheme certificate shall be reckoned for pension along with the fresh spell of pensionable service. The Member postponing the commencement of payment of pension under this paragraph shall also be entitled to additional relief sanctioned under this Scheme from time to time:

Provided that if the Member does not take up an employment coverable under this Scheme, but dies before attaining the age of 58 years, the amount of contributions received in his case shall be converted into a monthly widow pension/children pension. The widow pension in such cases shall be calculated at the scale laid down in Table “C” and the children pension at 25 per cent thereof for each child (up to two). If there is no widow then the orphan pension shall be payable at the rate of 75 per cent of the amount which would have been payable as a widow pension subject to the provisions of paragraph 16.

1[***]

14. Benefits on leaving service before being eligible for monthly Member’s pension:- (1) If a Member has not rendered the eligible service prescribed in paragraph 9[9] on the date of exit, or on attaining the 58 years of age, whichever is earlier, he/she shall be entitled to a withdrawal benefit as laid down in Table “D” or may opt to receive the Scheme Certificate provided on the date he/she has not attained the 58 years of age:

Provided that an existing Member shall receive additional return of contributions for his/her past service under the Employees’ Family Pension Scheme, 1971, computed as withdrawal-cum-retirement benefits as per Table “A” multiplied by the factor given in Table “B”.

15. Benefits on permanent and total disablement during the service:- (1) A Member, who is permanently and totally disabled during the employment shall be entitled to pension as admissible under sub-paragraphs (2) to (5) of paragraph 12, as the case may be, subject to a minimum of Rs. 250 per month notwithstanding the fact that he/she has not rendered the pensionable service entitling him/her to pension under paragraph 12 provided that she/he has made at least one month’s contribution to the Pension Fund.

(2) The monthly Member’s pension in such cases shall be payable from the date following the date of permanent total disablement and shall be tenable for the life time of the Member.

(3) A Member applying for benefits under this paragraph shall be required to undergo such medical examination as may be prescribed by the Central Board to determine whether or not he or she is permanently and totally unfit for the employment which he or she was doing at the time of such disablement.

16. Benefits to the family on the death of a Member:- (1) [Pension to the family] shall be admissible from the date following the date of death of the Member if the Member dies:—

(a) while in service, provided that at least one month’s contribution has been paid into the Employees’ Pension Fund, or

(b) after the date of exit but before attaining the age of 58, from the employment having rendered service entitling him/her to

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1 Sections 12A and 13 deleted by G.S.R. 688(E), dated 26th September, 2008 (w.e.f. 26-09-2008).
2 Subs. by G.S.R. 134, dated 28th February, 1996 (w.e.f. 16-3-1996).
3 Subs. by G.S.R. 134, dated 28th February, 1996 (w.e.f. 16-3-1996).
monthly Members’ pension but 1[before the commencement of pension payment] or,
(c) after commencement of payment of the monthly Member’s pension.

Note: The cases where a Member has rendered less than 10 years eligible service on the date of exit but has retained the Membership of the Pension Fund, and dies before attaining the age of 58 years, shall be regulated under sub-paragraph (8) of paragraph 12.

(2) (a) The monthly widow pension shall be:

(i) In the cases covered by clause (a) of sub-paragraph (1) equal to the monthly Member’s pension which would have been admissible as if the Member has retired on the date of death or Rs. 450 or the amount indicated in Table “C” whichever is more.

(ii) In the cases covered by clause (b) of sub-paragraph (1), equal to the monthly Member’s pension which would have been admissible as if the Member had retired on the date of exit or 2[Rs. 450] per month or the amount indicated in Table “C” whichever is more.

(iii) In the cases covered by clause (c) of sub-paragraph (1), equal to 50 per cent of the monthly Member’s pension payable to the Member on the date of his death subject to a minimum of 3[Rs. 450] per month.

(iv) In all the cases, where the amount of family pension sanctioned under the ceased Family Pension Scheme, 1971, and is paid/payable under this scheme is less than Rs. 450 per month, the amount of family pension in such cases shall be enhanced to Rs. 450 per month.

(b) The monthly widow pension shall be payable up to the date of death of the widow or re-marriage, whichever is earlier.

Note: In cases where there are two or more widows, family pension shall be payable to the eldest surviving widow. On her death it shall be payable to the next surviving widow, if any. The term “eldest” would mean seniority with reference to the date of marriage.

(3) Monthly children pension:

(a) If there are any surviving children of the deceased Member, falling within the definition of family, they shall be entitled to a monthly children pension in addition to the monthly widow/widower pension.

(b) Monthly children pension for each child shall be equal to 25 per cent of the amount admissible to the widow/widower of the deceased Member as monthly widow pension payable under sub-paragraph (2)(a)(i) provided that minimum monthly children pension for each child of the deceased Member shall not be less than 4[Rs. 150] per month.

1 Subs. by G.S.R. 134, dated 28th February, 1996 (w.e.f. 16-3-1996).
The Employees’ Pension Scheme, 1995

1[(c) Monthly children pension shall be payable until the child attains the age of 25 years.]

(d) The Monthly Children Pension shall be admissible to a maximum of two children at a time and will run from the oldest to the youngest child in that order.

2[(e) If a Member dies leaving behind a family having son or daughter who is permanently and totally disabled, such son or daughter shall be entitled to payment of monthly children pension or orphan pension, as the case may be, irrespective of age and number of children in the family in addition to the pension provided under clause (d).]

(4) (a) If the deceased Member is not survived by any widow but is survived by children falling within the definition of family or if the widow pension is not payable, the children shall be entitled to a Monthly Orphan Pension equal to 75 per cent of the amount of the monthly widow pension as payable under sub-paragraph (2)(a)(i) provided that the minimum Monthly Orphan Pension for each Orphan shall not be less than 3[Rs. 250] per month.

(b) In the event of death or remarriage of the widow/widower after sanctioning of widow/widower pension the children shall be entitled, in lieu of the monthly children pension, to a monthly orphan pension from the date following the date of death/remarriage of the widow/widower.

3[(c) The monthly orphan pension shall be admissible to a maximum of two orphans at a time and shall run in order from the oldest to the youngest orphan.]

(5) (a) A Member who is not married or who does not have any living spouse and/or an eligible child may nominate a person to receive benefits as laid down hereinafter provided that in the event of his/her acquiring a family subsequently, the nomination so made shall become void. In the event of death of the Member such a nominee shall be entitled to receive a monthly pension equal to the monthly widow pension, as admissible under sub-clauses (i) and (ii) of clause (a) of sub-paragraph (2).

5[(aa) If a Member dies leaving behind no spouse and/or an eligible child falling within the definition of family and no nomination by such deceased Member exists, the widow pension shall be paid under sub-clauses (i) and (ii) of clause (a) of sub-paragraph (2) either to the dependant father or the dependant mother, as the case may be. On grant of pension to such dependant father and in the event of death of the father pensioner, the admissible pension shall be extended to the surviving mother life long.]

(b) If the deceased Member had not rendered pensionable service on the date of exit from the employment which would have made him entitled to a monthly Members pension under paragraph 12, but had opted to retain the Membership of this Scheme under sub-paragraph (8) of paragraph 12, the nominee 6[or the dependant father or the dependant mother, as the case may be]
shall be entitled to return of capital as provided in sub-
paragraph (1) of paragraph 13.

16A. ¹[Guarantee of pensionary benefits:-None of the pensionary benefits under this Scheme shall be denied to any Member or beneficiary for want of compliance with the requirements by the employer under sub-paragraph (1) of paragraph 3 provided, however, that the employer shall not be absolved of his liabilities under the Scheme.]

17. ²[Payments on exercise of option:- (1) Beneficiaries of the deceased Members of the Employees’ Family Pension Scheme, referred to in sub-para (i) of paragraph 7, shall receive higher of the benefits available under the Employees’ Family Pension Scheme, 1971, and under this Scheme.

(2) Members, referred to in sub-paragraph (2) of paragraph 7, shall have the option to join this Scheme by returning the amount of withdrawal benefit received, if any, together with interest at the rate of 8.5 per cent per annum from the date of payment of such withdrawal benefit and date of exercise of the option, to receive monthly pension as per the provisions of this Scheme.

(3) Members, referred to in sub-paragraph (3) of paragraph 7, shall be deemed to have joined the ceased Employees’ Family Pension Scheme, 1971, with effect from 1-3-1971 on remittance of past period contribution with interest thereon.]

17A. ³[Payment of pension:-The claims, complete in all respects submitted along with the requisite documents shall be settled and benefit amount paid to the beneficiaries within 30 days from the date of its receipt by the Commissioner. If there is any deficiency in the claim, the same shall be recorded in writing and communicated to the applicant within 30 days from the date of receipt of such application. In case, the Commissioner fails without sufficient cause to settle a claim complete in all respects within 30 days, the Commissioner shall be liable for the delay beyond the said period and penal interest at the rate of 12 per cent per annum may be charged on the benefit amount and the same may be deducted from the salary of the Commissioner.]

18. Particulars to be supplied by the employees already employed at the time of commencement of the Employees’ Pension Scheme:- Every person who is entitled to become a Member of the Employees’ Pension Fund shall be asked forthwith by his employer to furnish and that person shall, on such demand, furnish to him for communication to the Commissioner particulars concerning himself and his family in the form prescribed by the Central Provident Fund Commissioner.

19. Preparation of contribution cards:-The employer shall prepare an Employees’ Pension Fund Contribution Card, in respect of each employee who has become a Member of the Employees’ Pension Fund.

20. Duties of employers:- (1) Every employer shall send to the Commissioner, within three months of the commencement of this Scheme, a consolidated return of the employees entitled to become Members of the Employees’ Pension Fund showing the basic wage, retaining allowance, if any,

1 Ins. by G.S.R. 134, dated 28th February, 1996 (w.e.f. 16-3-1996).
2 Subs. by G.S.R. 134, dated 28th February, 1996 (w.e.f. 16-3-1996).
3 Ins. by G.S.R. 376, dated 27th October, 1997 (w.e.f. 18-11-1997).
and dearness allowance including the cash value of any food concession paid to each of such employees:

Provided that if there is no employee who is entitled to become a Member of the Employees' Pension Fund, the employer shall send a "Nil" return.

(2) Every employer shall send to the Commissioner within fifteen days of the close of each month a return in respect of the employees leaving service of the employer during the preceding month:

Provided that if there is no employee leaving service of the employer during the preceding month the employer shall send a "Nil" return.

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

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

21. Employer to furnish particulars of ownership:- Every employer in relation to a factory or other establishment to which the Act applies or is applied hereafter shall furnish to the Commissioner particulars of all the branches and departments, owners, occupiers, directors, partners, managers or any other person or persons who have the ultimate control over the affairs of such factory or establishment and also send intimation of any change in such particulars, within fifteen days of such change, to the Commissioner by registered post.

22. Duties of contractors:- Every contractor shall, within seven days of the close of every month, submit to the principal employer a statement showing the particulars in respect of employees employed by or through him in respect of whom contributions to the Employees' Pension Fund are payable and shall also furnish to him such information as the principal employer is required to furnish under the provisions of this Scheme to the Commissioner.

23. Allotment of account ¹[numbers]:- For purposes of this Scheme, where the Member has already been allotted or is allotted hereafter an account number under the Employees' Provident Funds Scheme, 1952, he shall retain the same account number.

(2) In the case of employees of the establishments exempted from the Employees' Provident Funds Scheme, 1952, under section 17 of the Act, who are Members of the Employees' Family Pension Fund the account number already allotted shall be retained by them.

(3) In the case of employees of the establishments exempted from the Employees' Provident Funds Scheme, 1952, under section 17 of the Act, who are not Members of the Employees' Family Pension Fund but opt to become Members of the Employees' Pension Fund and in case of new employees of such establishments, fresh account numbers shall be allotted by the Commissioner.

24. Declaration by persons taking up employment after the fund has been established:- The employer shall before taking any person into employment, ask him/her to state in writing whether or not he/she is a Member of the Employees' Pension Fund and, if he/she is, also ask him/her to furnish a copy of the Scheme Certificate issued by the Commissioner to him/her in respect of the

¹ Subs. by G.S.R. 134, dated 28th February, 1996 (w.e.f. 16-3-1996).
past employment in terms of paragraph 12, as the case may be. If the person concerned was not in employment previously or had availed of return of contribution in respect of his/her previous employment, he/she shall, on demand by the employer, furnish to him, for communication to the Commissioner particulars concerning him/herself and his/her family in the form prescribed by the Central Provident Fund Commissioner.

[Provided that if such person is a person with disability, the aforesaid Form shall further contain such particulars as are necessary for such person.]

25. Employees’ Pension Fund Account:- The account called the “Employees’ Pension Fund Account” shall be opened by the Commissioner in such manner as may be specified by the Central Board with the approval of the Central Government.

26. Investment of the Employees’ Pension Fund:- (1) All moneys accruing to the Employees’ Pension Fund Account except the contributions of the Central Government shall be invested in accordance with the provisions of paragraph 52 of the Employees’ Provident Funds Scheme, 1952.

(2) The net assets of the Family Pension Fund as on 16-11-1995, shall merge in the Pension Fund and remain invested in the public account of the Government of India. The future Central Government’s contribution accruing to the Pension Fund from 17th November, 1995, onwards shall also be invested in the public account of the Government of India.

27. Disposal of the fund:- (1) Subject to the provisions of the Act and this Scheme, the Fund shall not, except with the prior sanction of the Central Government be expended for any purpose other than the payment envisaged in this Scheme; for continued payment of Family Pension, life assurance benefit and retirement-cum-withdrawal benefits sanctioned under the Employees’ Family Pension Scheme, 1971, prior to the date of introduction of this Scheme or which may be sanctioned under that Scheme after the 16th November, 1995, in respect of cases arising before that date.

(2) All administrative expenses shall be met from the ‘Central Administration Account’ as specified in Paragraph 49 of the Employees’ Provident Funds Scheme, 1952. However, the cost of remittance of Pension shall be charged on the Pension Fund.]

29. Forms of accounts:- The accounts of the Employees’ Pension Fund, as also the Employees’ Pension Administration Account shall be maintained by the Commissioner in such form and in such manner as may be specified by the Central Board with the approval of the Central Government.

30. Audit:- The accounts of the Employees’ Pension Fund including the administrative expenses incurred in running this Scheme shall be audited in accordance with the instructions issued by the Central Government in consultation with the Comptroller and Auditor-General of India.

1 This proviso inserted by G.S.R. 252(E), dated 31st March, 2008 (w.e.f. 01-04-2008).
2 Sub-Para (2) substituted by G.S.R 3, dated 29th December 2006 (w.e.f 06-01-2007).
3 Paragraph 28 omitted by G.S.R 3, dated 29th December 2006 (w.e.f 06-01-2007). Prior to omission it was read as: “28. Administration account:- A separate account shall be kept, called the “Employees’ Pension Administration Account” for recording of all the administrative expenses of the Employees’ Pension Fund.”
31. **Rounding up of the benefits:** All items of benefits shall be calculated to the nearest rupee, 50 paise or more to be counted as the next higher rupee and a fraction of a rupee less than 50 paise shall be ignored.

32. **Valuation of the Employees' Pension Fund and review of the rates of contributions and quantum of the pension and other benefits:**

1. The Central Government shall have an annual valuation of the Employees' Pension Fund made by a valuer appointed by it.

   Provided that it shall be open to the Central Government to direct a valuation to be made at such other times as it may consider necessary.

   2. At any time, when the Employees' Pension Fund so permits the Central Government may alter the rate of contributions payable under this Scheme or the scale of any benefit admissible under this Scheme or the period for which such benefit may be given.

33. **Disbursement of pension and other benefits:**

   - The Commissioner shall with the approval of the Central Board, enter into arrangement for the disbursement of pension and other benefits under this Scheme with disbursing agencies like post office or nationalised banks or treasuries or scheduled commercial banks including regional rural banks or co-operative banks. The commission payable to the disbursing agencies and other charges incidental thereto shall be met as provided in paragraph 27 of this Scheme.

34. **Registers, records, etc.:**

   - The Commissioner shall, with the approval of the Central Board, prescribe the registers and records to be maintained in respect of the employees, the form or design of any identity card, token or disc for the purpose of identifying any employee or his nominee or a Member of a family entitled to receive the pension and such other forms/formalities as have to be completed in connection with the grant of pension and other benefits or for the continuance thereof subject to such periodical verification as may be considered necessary.

35. **Power to issue directions:**

   - The Central Government may issue such directions as may be deemed just and proper by it for resolving any difficulty in the disbursement of pension and other benefits or for resolving any difficulty in implementation of this Scheme.

36. **Regional committee:**

   - The regional committee set up under paragraph 4 of the Employees' Provident Funds Scheme, 1952, shall advise the Central Board, on such matters, in relation to the administration of this Scheme as the Central Board may refer to it from time to time and in particular, on—
     - progress of recovery of contributions under this Scheme both from factories and establishments exempted under section 17 of the Act and other factories and establishments covered under the Act;
     - expeditious disposal of prosecutions;
     - speedy settlement of claims relating to pension and other benefits under this Scheme.

37. **Annual report:**

   - The Central Board shall cause to be included in the annual report on the working of the Scheme prepared under paragraph 74 of the Employees’ Provident Funds Scheme, 1952, a report on the working of this Scheme during the previous financial year.

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1 Subs. by G.S.R. 134, dated 28th February, 1996 (w.e.f. 16-3-1996).
2 Modified by G.S.R. 746 (E), dated 27th September, 2001 (w.e.f. 27-9-2001).
38. Application of the provisions of the Employees' Provident Funds Scheme, 1952: In regard to the matters for which either there is no provision or there is inadequate provision in this Scheme the corresponding provisions in the Employees' Provident Funds Scheme, 1952, shall apply.

39. 1[Exemption from the operation of the Pension Scheme:] The appropriate Government may grant exemption to any establishment or class of establishments from the operation of this Scheme, if the employees of the establishments are either Members of any other pension scheme or propose to be Members of a pension scheme wherein the pensionary benefits are at par or more favourable than the benefits provided under this Scheme. Where exemption is granted to any establishment or class of establishments under this paragraph, withdrawal benefits available to the credit of the employees of such establishment(s) under the ceased Family Pension Scheme, 1971, shall be paid, subject to the consent of the employees, to the Pension Fund of the establishment(s) so exempted. An application for exemption under this paragraph shall be presented to the Regional Provident Fund Commissioner having jurisdiction by the establishment or class of establishments together with a copy of the pension scheme of the establishment(s) and other relevant documents as may be called for by him. On receipt of such an application, the Regional Provident Fund Commissioner shall scrutinise it, obtain the recommendations of the Central Provident Fund Commissioner and submit the same to the appropriate Government for decision. Pending disposal of application for exemption under this paragraph, employers’ share of the contribution shall not be remitted to the pension fund as envisaged in sub-paragraph (1) of paragraph 3. An application for exemption presented under this paragraph shall be disposed of within a period of six months from the date of its receipt or such further time as may be extended for reasons to be recorded in writing. If the application for exemption is not disposed of within the period so specified, the exemption applied for shall be deemed to have been granted.

Explanation: For the purpose of this paragraph, the period of six months will count from the date on which the application for exemption is given in complete form to the satisfaction of the Regional Provident Fund Commissioner.

39A. 2[Submission of return:] The employer of the exempted establishment or class of establishments and/or the Board of Trustees of the exempted establishment or class of establishments shall submit a monthly return to the Commissioner in Form 1.

39B. 3[Transfer value:] In case exemption is granted to any establishment or in the case of a Member being transferred from pension fund of one exempted establishment to another pension fund of exempted establishment or statutory pension fund or vice versa, a transfer value payment will be made which will consist of the following:—

(a) Withdrawal benefit relating to past service period up to 15-11-1995, as per Table A multiplied by Table B factor for the period between 16-11-1995, to the date of exemption/transfer;

(b) Transfer value for pensionable service as per Table E for the service rendered from 16-11-1995, or from the date of joining the

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1 Subs. by G.S.R. 134, dated 28th February, 1996 (w.e.f. 16-3-1996).
2 Ins. by G.S.R. 747 (E), dt. 27.9.2001 (w.e.f. 28-9-2001).
3 Ins. by G.S.R. 430 (E), dated 19th May, 2003 (w.e.f. 23-5-2003).
establishment to the date of exemption/transfer, as the case may be;

(c) In the event of cancellation of exemption granted under para 39, transfer of fund will be made as per the conditions mentioned in the exemption notification.]

40. Information to the Central Government:- The Central Board shall furnish such information to the Central Government from time to time in respect of the income and expenditure from the Employees’ Pension Fund account in such manner as may be directed by the Central Government.

41. Interpretation:—Where any doubt arises with regard to the interpretation of the provisions of this Scheme, it shall be referred to the Central Government who shall decide the same.

42. Punishment for failure to submit return, etc.:—If any person,—

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

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

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

(d) is guilty of contravention of or non-compliance with any other requirement of this Scheme, he shall be punishable with imprisonment which may extend to one year or with fine which may extend to five thousand rupees or with both.

43. Payment of pension in the case of a person charged with the offence of murder:

(1) If a person, who in the event of the death of a Member of the Pension Fund is eligible to receive pension of the deceased under paragraph 12 or paragraph 16, is charged with the offence of murdering the Member or for abetting the commission of such an offence, his claims to receive pension shall remain suspended till the conclusion of the criminal proceedings instituted against him for such offence.

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

(a) convicted for the murder or abetting in the murder of the Member, he shall be debarred from receiving pension which shall be payable to other eligible Members, if any, of the family of the Member; or

(b) acquitted of the charge of murder or abetting the murder of the Member, pension benefit shall be payable to him.

1[43A. Special provisions in respect of International Workers.— The Scheme shall, in its application to International Workers as defined in this paragraph, be subject to the following modifications, namely:—

(1) After clause (vii) of paragraph 2, the following clause shall be inserted, namely:

(viia) “International Worker” means,—

---

1 Substituted by the Employees’ Pension (Amendment) Scheme, 2010, G.S.R. 149, dated 3rd September, 2010.
(a) an Indian employee having worked or going to work in a foreign country with which India has entered into a social security agreement and being eligible to avail the benefits under a social security programme of that country, by virtue of the eligibility gained or going to gain, under the said agreement;

(b) an employee other than an Indian employee, holding other than an Indian passport, working for an establishment in India to which the Act applies;

(2) For clause (xv) of paragraph 2, the following clause shall be substituted, namely:

(xv) “pensionable service” means the service rendered by the member for which contributions have been received or are receivable and the period of coverage earned in another country and considered as eligible under a relevant social security agreement.

(3) Sub-paragraphs (2), (3) and (4) of paragraph 3 shall be omitted.

(4) Proviso to sub-paragraph (2) of paragraph 4 shall be omitted.

(5) For sub-paragraph (1) of paragraph 10, the following sub-paragraph shall be substituted, namely:

(1) The pensionable service of the member covered by an international social security agreement shall be determined with reference to the contributions received or are receivable on his behalf in the Employees’ Pension Fund:

Provided that for the purposes of determining the pensionable service of a member covered by an international social security agreement, the period of service rendered under a relevant social security programme shall be added to the pensionable service under this sub-paragraph only for the purposes mentioned under such an agreement.

(6) For paragraph 11, the following paragraph shall be substituted, namely:

11. Determination of pensionable salary. - The pensionable salary shall be the average monthly pay drawn in any manner including on piece-rate basis during the contributory period of service of the membership of the Employees’ Pension Fund.

(7) For paragraph 14, the following paragraph shall be substituted, namely:

14. Benefits on leaving service before being eligible for monthly members’ pension. - An International Worker covered under a social security agreement entered into between India and another country who has not rendered the eligible service prescribed in paragraph 9 on the date of exit, or on attaining the age of 58 years, whichever is earlier, shall be entitled to a totalisation benefit as may be provided in the said social security agreement:

Provided that if the International Worker covered under the provisions of the said agreement has not rendered the eligible service even after including the totalisation benefit as may be provided in the said agreement, then, such International Worker shall be entitled to a withdrawal benefit as laid down under Table ‘D’.

(8) After paragraph 33, the following proviso shall be inserted, namely:

Provided that if the beneficiary under the Scheme is covered under a social security agreement between India and another country, the pension and other benefits under the scheme shall be disbursed in the manner and as per the terms and conditions specified in the said agreement.
(9) After paragraph 35, the following paragraph shall be inserted, namely:

35A. Performing certain functions under the social security agreement.- The Commissioner shall perform all such functions as are assigned to the Employees’ Provident Fund Organisation under a social security agreement entered into between the Government of India and any other country, in a manner and as per the terms and conditions specified therein.

44. Repeal and savings:- (1) On commencement of this Scheme, the Employees’ Family Pension Scheme, 1971, in force immediately before such commencement shall cease to operate with effect from 16th November, 1995.

(2) Notwithstanding anything contained in sub-paragraph (1), every nomination made under the Employees’ Family Pension Scheme, 1971, and every form regarding the details of family of an employee for the purposes of the Employees’ Family Pension Scheme, 1971, shall be deemed to have been made under the provisions of this Scheme.

(3) All orders/authorisations/pension payment orders issued under the Family Pension Scheme, 1971, shall be deemed to have been made under this Scheme.

| TABLE A | (SEE PARAGRAPH 14) |
| WITHDRAWAL BENEFIT | |

<table>
<thead>
<tr>
<th>No. of full years’ contribution paid</th>
<th>Proportion of pay payable at cessation of Membership</th>
<th>No. of full years’ contribution paid</th>
<th>Proportion of pay payable at cessation of Membership</th>
</tr>
</thead>
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<td>21</td>
<td>5.21</td>
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<tr>
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<td>22</td>
<td>5.52</td>
</tr>
<tr>
<td>3</td>
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<td>23</td>
<td>5.83</td>
</tr>
<tr>
<td>4</td>
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<td>24</td>
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</tr>
<tr>
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<td>25</td>
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<td>29</td>
<td>7.81</td>
</tr>
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<td>10</td>
<td>2.23</td>
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<td>10.83</td>
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<td>4.34</td>
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<td>19</td>
<td>4.62</td>
<td>39</td>
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</table>
### TABLE B
(SEE PARAGRAPHS 12 AND 14)
FACTOR FOR COMPUTATION OF PAST SERVICE BENEFIT UNDER THE CEASED FAMILY PENSION SCHEME FOR EXISTING MEMBERS ON EXIT FROM THE EMPLOYMENT

<table>
<thead>
<tr>
<th>Years</th>
<th>Factor</th>
<th>Years</th>
<th>Factor</th>
</tr>
</thead>
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</tr>
<tr>
<td>Less than 2</td>
<td>1.122</td>
<td>Less than 19</td>
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<td>Less than 3</td>
<td>1.212</td>
<td>Less than 20</td>
<td>4.485</td>
</tr>
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<td>Less than 4</td>
<td>1.309</td>
<td>Less than 21</td>
<td>4.843</td>
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<td>Less than 5</td>
<td>1.413</td>
<td>Less than 22</td>
<td>5.231</td>
</tr>
<tr>
<td>Less than 6</td>
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</tr>
<tr>
<td>Less than 8</td>
<td>1.781</td>
<td>Less than 25</td>
<td>6.589</td>
</tr>
<tr>
<td>Less than 9</td>
<td>1.923</td>
<td>Less than 26</td>
<td>7.117</td>
</tr>
<tr>
<td>Less than 10</td>
<td>2.077</td>
<td>Less than 27</td>
<td>7.686</td>
</tr>
<tr>
<td>Less than 11</td>
<td>2.243</td>
<td>Less than 28</td>
<td>8.301</td>
</tr>
<tr>
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<td>2.423</td>
<td>Less than 29</td>
<td>8.965</td>
</tr>
<tr>
<td>Less than 13</td>
<td>2.616</td>
<td>Less than 30</td>
<td>9.682</td>
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<tr>
<td>Less than 14</td>
<td>2.826</td>
<td>Less than 31</td>
<td>10.457</td>
</tr>
<tr>
<td>Less than 15</td>
<td>3.052</td>
<td>Less than 32</td>
<td>11.294</td>
</tr>
<tr>
<td>Less than 16</td>
<td>3.296</td>
<td>Less than 33</td>
<td>12.197</td>
</tr>
<tr>
<td>Less than 17</td>
<td>3.560</td>
<td>Less than 34</td>
<td>13.173</td>
</tr>
</tbody>
</table>

### TABLE C
(SEE PARAGRAPH 16)
EQUIVALENT WIDOW PENSION

<table>
<thead>
<tr>
<th>Salary at day of death not more than (Rs.)</th>
<th>Equivalent widow pension (Rs.)</th>
<th>Salary at day of death not more than (Rs.)</th>
<th>Equivalent widow pension (Rs.)</th>
</tr>
</thead>
<tbody>
<tr>
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<td>327</td>
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1 Substituted by G.S.R. 438(E), dated 9th June, 2008 (w.e.f. 09-06-2008).
2 Ins. by G.S.R. 747 (E), dt. 27.9.2001 (w.e.f. 28-9-2001).
<table>
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<tr>
<th>Salary at day of death not more than (Rs.)</th>
<th>Equivalent widow pension (Rs.)</th>
<th>Salary at day of death not more than (Rs.)</th>
<th>Equivalent widow pension (Rs.)</th>
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<td>4,200</td>
<td>1,751</td>
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<td>561</td>
<td>4,250</td>
<td>1,761</td>
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<tr>
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<td>Equivalent widow pension (Rs.)</td>
<td>Salary at day of death not more than (Rs.)</td>
<td>Equivalent widow pension (Rs.)</td>
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\[\text{TABLE D} \]
\[\text{(SEE PARAGRAPH 14)}\]
\[\text{RETURN OF CONTRIBUTION ON EXIT FROM THE EMPLOYMENT} \]

<table>
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<th>Years of Service</th>
<th>Proportion of wages at exit</th>
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<tr>
<td>4.</td>
<td>3.99</td>
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<td>8.</td>
<td>8.22</td>
</tr>
<tr>
<td>9.</td>
<td>9.33</td>
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</table>

\textbf{Note.—} The above table is based on a flat addition in benefit.\]

\[\text{TABLE E} \]
\[\text{(SEE PARAGRAPH 39B)}\]
\[\text{(TRANSFER VALUE OF CONTRIBUTION FROM EMPLOYEES' PENSION SCHEME, 1995, TO BE EXEMPTED OR OTHER PENSION FUND AND VICE VERSA)} \]

<table>
<thead>
<tr>
<th>Number of full year's contribution paid</th>
<th>Proportion of pay on last contribution month</th>
<th>Number of full year's contribution paid</th>
<th>Proportion of pay on last contribution month</th>
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<tbody>
<tr>
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<td>14.841</td>
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1. Substituted by G.S.R. 438(E), dated 9\textsuperscript{th} June, 2008 (w.e.f. 09-06-2008).
<table>
<thead>
<tr>
<th>Number of full year's contribution paid</th>
<th>Proportion of pay on last contribution month</th>
<th>Number of full year's contribution paid</th>
<th>Proportion of pay on last contribution month</th>
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</thead>
<tbody>
<tr>
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<tr>
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<td>3.033</td>
<td>15</td>
<td>17.554</td>
</tr>
<tr>
<td>4.</td>
<td>4.093</td>
<td>16</td>
<td>18.960</td>
</tr>
<tr>
<td>5.</td>
<td>5.178</td>
<td>17</td>
<td>20.399</td>
</tr>
<tr>
<td>6.</td>
<td>6.289</td>
<td>18</td>
<td>21.872</td>
</tr>
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<td>7.</td>
<td>7.426</td>
<td>19</td>
<td>23.380</td>
</tr>
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<td>8.</td>
<td>8.590</td>
<td>20</td>
<td>24.924</td>
</tr>
<tr>
<td>9.</td>
<td>9.782</td>
<td>21</td>
<td>26.505</td>
</tr>
<tr>
<td>10.</td>
<td>11.003</td>
<td>22</td>
<td>28.123</td>
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<tr>
<td>11.</td>
<td>12.252</td>
<td>23</td>
<td>29.780</td>
</tr>
<tr>
<td>12.</td>
<td>13.531</td>
<td>24</td>
<td>31.477</td>
</tr>
</tbody>
</table>

1[FORM 1
(SEE PARAGRAPH 39A)
MONTHLY RETURN TO BE SUBMITTED BY THE EXEMPTED
ESTABLISHMENTS/CLASS OF ESTABLISHMENTS/BOARD OF TRUSTEES]

1 Ins. by G.S.R. 747 (E) dt. 27.9.2001 (w.e.f. 28-9-2001).
(a) + (b) – (c)

(e) Out of (d) above, No. of excluded employees :

(f) No. of pension fund Members as at the end of the month [Please furnish the above mentioned details unit-wise situated at different places.

Attach separate sheet, if necessary] :

3. Constitution of board of Trustees :

(a) Date on which the present board was constituted :

D D M M Y Y

(b) Its term : Years

(c) Total number of Trustees :

(i) Employees’ representatives :

(ii) Employer’s representatives :

4. Wages, contributions, etc. :

(a) Amount of gross wages liable to pension contribution :

Rs. 

(b) Rate of contribution to pension fund

% 

(c) Amount of pension contribution to be transferred for the current month :

Rs. 

(d) Amount of arrears due, if any, for transfer to the Board of Trustees at the end of the previous month :

Rs. 

(e) Total of (c) & (d) :

Rs. 

### The Employees’ Pension Scheme, 1995

<table>
<thead>
<tr>
<th>(f) Amount actually transferred to the Board of Trustees:</th>
<th>Rs.</th>
</tr>
</thead>
<tbody>
<tr>
<td>(g) Balance due, if any, for transfer to the Board of Trustees:</td>
<td>Rs.</td>
</tr>
<tr>
<td>$(e) - (f)$:</td>
<td></td>
</tr>
<tr>
<td>(h) Whether the interest payable under section 79 of the Act for the belated transfer of funds, if any, has been paid?</td>
<td>Yes</td>
</tr>
<tr>
<td>(i) Amount of interest still payable at the end of the month:</td>
<td>Rs.</td>
</tr>
</tbody>
</table>

5. Details of pensioners

| (a) No. of pensioners at the end of the month: | |
| (i) Member (self) pensioners: | |
| — Superannuation pension: | |
| — Early pension: | |
| — Disablement pension: | |
| (ii) Spouse pensioners: | |
| — Death in service: | |
| — Death away from service: | |
| — Death as pensioner: | |
| (iii) Children pensioner: | |
| — Normal children: | |
| — Disabled children: | |

(life-long pension)
(iv) Orphan pensioner :  

(v) Nominee pensioner :  

(vi) Dependent parents pensioner :  

(b) Total amount of pension paid during the month : Rs.  

6. Details of exit cases :
   (a) No. of persons who have taken withdrawal benefit during the month :  

(b) Amount paid during the month : Rs.  

   No. of exit cases where scheme certificate has been issued  

7. Details of investment :
   (a) Amount lying invested in the pension fund in the beginning of the month : Rs.  
   (b) Amount received during the month :
      (i) By way of contribution from the employer :
          Current month : Rs.  
          Arrears, if any : Rs.  
      (ii) Encashment of matured securities/deposits : Rs.  
      (iii) Interest/dividend on
The Employees’ Pension Scheme, 1995

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Investments:</td>
<td></td>
</tr>
<tr>
<td>(iv) Other transfer-in-cases:</td>
<td>Rs.</td>
</tr>
<tr>
<td>(v) Damages, if any:</td>
<td>Rs.</td>
</tr>
<tr>
<td>(vi) Interest on belated payments, if any:</td>
<td>Rs.</td>
</tr>
<tr>
<td>(vii) Miscellaneous, if any (please specify):</td>
<td>Rs.</td>
</tr>
<tr>
<td>(c) Payments made during the month:</td>
<td>Rs.</td>
</tr>
<tr>
<td>(d) Amount invested during the month:</td>
<td></td>
</tr>
</tbody>
</table>

**Securities:**

- Central Government: Rs. 
- State Governments: Rs. 
- Others, if any: Rs. 

**Deposits:**

- Public financial institutions/banks: Rs. 

(e) Whether pattern of investment followed: Yes [ ] No [ ]

(f) If so, classify the percentage:

(i) Securities:

- Central Government: %
— State Governments :  

— Others, if any :  

(ii) Deposits :

— Public financial institutions/banks :  

(iii) Annuity purchased from LIC :

(g) Amount lying uninvested in cash/bank :

8. Mode of disbursement [Tick one] :

— Through bank :  

— Through post offices :  

— Through LIC by purchase of annuity :  

— Others, if any (please specify) :  

9. Rules of establishment’s pension fund :

Details of amendment, if any carried out during the month to make the Rules at par with the statutory Pension Scheme (Employees’ Pension Scheme, 1995)

Date:  

Signature with official seal of the employer/Trustees of the board
FORM 2
DECLARATION AND NOMINATION FORM UNDER THE EMPLOYEES’ PROVIDENT FUNDS SCHEME AND EMPLOYEES’ PENSION SCHEME EMPLOYEES’ PROVIDENT FUNDS SCHEME, 1952
[PARAGRAPHS 33 AND 61 (1)]
EMPLOYEES’ PENSION SCHEME, 1995
[PARAGRAPH 18]

1. Name (in block letters) .................................................................
2. Father’s/Husband’s Name ..........................................................
3. Date of Birth ..........................................................................
4. Sex.........................................................................................
5. Marital Status .........................................................................
6. Account No.............................................................................
7. Address..................................................................................
   Permanent .............................................................................
   Temporary ............................................................................
8. (A) Date of joining of FPF Scheme, 1952.................................
   (B) Date of joining of FPF Scheme, 1971.................................
   (C) Date of joining of FPF Scheme, 1995.................................

PART A (EPF)

I hereby nominate the person(s)/cancel the nomination made by me previously and nominate the person(s), mentioned below to receive the amount standing to my credit in the Employees’ Provident Fund, in the event of my death:

<table>
<thead>
<tr>
<th>Name of the nominee/nominees</th>
<th>Address</th>
<th>Nominee’s relationship with the Member</th>
<th>Date of Birth</th>
<th>Total amount or share of accumulations in Provident Fund to be paid to each nominee</th>
<th>If the Nominee is a minor, name and relationship &amp; address of the guardian who may receive the amount during the minority of nominee</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
<td>6</td>
</tr>
</tbody>
</table>

1. *Certified that I have no family as defined in Para 2(g) of the Employees’ Provident Funds Scheme, 1952 and should I acquire a family hereafter the above nomination should be deemed as cancelled.
2. *Certified that my father/mother is/are dependant upon me.
   Signature or thumb impression of the subscriber

*Strike out whichever is not applicable.

PART B (EPS)
(PARA 18)

I hereby furnish below particulars of the Members of my family who would be eligible to receive widow/children pension in the event of my death:
The Employees’ Pension Scheme, 1995

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Name and Address of the family Members</th>
<th>Address</th>
<th>Date of Birth</th>
<th>Relationship with the Member</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td></td>
<td></td>
<td>3</td>
<td>4</td>
</tr>
</tbody>
</table>

*Certified that I have no family as defined in Para 2(vii) of the Employees’ Pension Scheme, 1995 and should I acquire a family hereafter I shall furnish particulars thereon in the above form.

I hereby nominate the following person for receiving the monthly widow pension admissible under para 16(2) (a) (i) and (ii) in the event of my death without leaving any eligible family Member for receiving pension.

<table>
<thead>
<tr>
<th>Name and Address of the nominee</th>
<th>Date of Birth</th>
<th>Relationship with the Member</th>
</tr>
</thead>
</table>

Date..............

Signature or thumb impression of the subscriber

*Strike out whichever is not applicable.

CERTIFICATE BY EMPLOYER

Certified that the above declaration and nomination has been signed/thumb impressed before me by Shri/Smt./Km. .................................................... employed in my establishment after he/she has read the entries. The entries have been read over to him/her by me and got confirmed by him/her.

Signature of the employer or other authorised officers of the establishment

Place..............

Designation..........................................

Date..............

Name and Address of the Factory/Establishment or rubber stamp thereof.
**FORM 3 (EPS)**

*for Exempted Establishments only*

**THE EMPLOYEES’ PENSION SCHEME, 1995**

[PARAGRAPH 20 (1)]

**CONSOLIDATED RETURN OF EMPLOYEES WHO ARE ENTITLED AND REQUIRED TO BECOME MEMBERS OF THE PENSION FUND ON THE DATE THE PENSION SCHEME COMES INTO FORCE**

Name and Address of the Establishment ........................................ Date of coverage......................
Industry in which the Establishment is engaged................................. Code No. of the Establishment T.N./........./ ......
Registration Number of the Establishment ........................................

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Account No.</th>
<th>Name of the employee (in block capitals)</th>
<th>Father’s Name or Husband’s Name (in case of married Woman)</th>
<th>Basic wages, D.A. including cash value of food concession and retaining allowance, if any</th>
<th>Date of Birth</th>
<th>Sex</th>
<th>Date of entitlement for Membership</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
<td>6</td>
<td>7</td>
<td>8</td>
<td>9</td>
</tr>
</tbody>
</table>

Date....................
Station.............

Signature of the employer or other Authorised Officer
Stamp of the Establishment
The information received in Form 5(PS) in respect of the Members leaving service shall be entered in this form by Commissioner specifying clearly the reason for leaving service.

Note:-This form should be accompanied by declaration in Form 2 by every employee mentioned in column 3.

**FORM 4 (EPS)**
*(for Exempted Establishments only)*

**THE EMPLOYEES’ PENSION SCHEME, 1995**

**[PARAGRAPH 20]**

RETURN OF EMPLOYEES ENTITLED FOR MEMBERSHIP OF THE EMPLOYEES’ PENSION FUND DURING THE MONTH OF…..20...

Name and Address of the Establishment ..............................

Code No. of the Establishment T.N. ..............................

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Account No.</th>
<th>Name of the employee (in block capitals)</th>
<th>Father’s Name or Husband’s Name (in case of married Woman)</th>
<th>Age at entry</th>
<th>Sex</th>
<th>Date of entitlement for Membership</th>
<th>Remarks Previous Account No. and particulars of previous service, if any</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
<td>6</td>
<td>7</td>
<td>8</td>
</tr>
</tbody>
</table>

Date....................  Stamp of the Establishment

Signature of the employer or other authorised officer of the Establishment

Note:-An employee who has attained 58 years and/or for drawing Pension under the EPS-95 is not to be enrolled as a Member.
**FORM 5 (EPS)**  
(*for Exempted Establishments only)*

**THE EMPLOYEES’ PENSION SCHEME, 1995**

**PARAGRAPH 20 (2)**

**RETURN OF MEMBERS LEAVING SERVICE DURING THE MONTH OF............... 20 ....**

Name and Address of the Establishment .................................

Code No. of the Establishment T.N....................... ...............

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Account No.</th>
<th>Name of the Member (in BLOCK capitals)</th>
<th>Father’s Name or Husband’s Name (in case of married Woman)</th>
<th>Date of leaving service</th>
<th>Reason for leaving service (See note given below)</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
<td>6</td>
<td>7</td>
</tr>
</tbody>
</table>

Signature of the Employer  
Stamp of the Establishment

Note:-An employee who has attained the age of 58 years will cease to be a Member of the Scheme and entitled to receive the due benefit under the Employees’ Pension Scheme.
FORM 6  
(for Exempted Establishments only)  
THE EMPLOYEES’ PENSION SCHEME, 1995  
[PARAGRAPH 20]  
STATEMENT OF CONTRIBUTION FOR THE MONTH OF .......20.......  
Total No. of Employees..............(Contract Rest Total)  
Total No. of Subscribers.....................  
Name and address of the Establishment ...........................................  
Currency period from 1st April, 20.............to 31st March, 20...........  
Code No. of the Establishment....................Statutory Rate of Contribution 8.33%...........  
<table>
<thead>
<tr>
<th>Total No. of Subscribers</th>
<th>Wages for which contributions are payable</th>
<th>Amount of contribution due 8.33%</th>
<th>Amount of contribution remitted in A/c. No. 10</th>
<th>Date of Remittance (Triplicate copy of the challan to be enclosed)</th>
<th>Name &amp; Address of the bank in which amount is remitted</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
<td>6</td>
</tr>
</tbody>
</table>

No. of Subscribers as per last month's return...........................................  
Add No. of new subscriber- Vide Form 4(PS)...........................................  
Less No. of subscribers left service- Vide Form 5(PS)...........................................  
Signature of the Employer  
(with official seal)  
Net total:  
(This should tally with the figures given in column 1)  
Date.............  
Note (1):- If there is any substantial variation between the wages and contribution shown above and those shown in the last month’s return, suitable explanations should be given in the ‘Remarks’ column.  
(2) If any arrears of contributions or damages are included in the figures under column 4 suitable details indicating the circumstances, amount, No. of Subscribers and the period involved should be furnished in the ‘Remarks’ column or on the reverse.  

FORM 7  
(for Exempted Establishments only)  
THE EMPLOYEES’ PENSION SCHEME, 1995  
[PARAGRAPH 19]  
CONTRIBUTION CARD FOR MEMBERS FOR THE YEAR 20.......20.......  
(1) Account No. .................................................................  
(2) Name (in Block Capitals) ..................................................  
(3) Father’s/Husband’s Name ..................................................  
(4) Name and address of the Establishment ................................  
(5) Statutory rate of contribution 8.33% ...........................................
<table>
<thead>
<tr>
<th>Month</th>
<th>Amount of wages, retaining allowance, if any and DA including cash value of food concession paid during the month</th>
<th>Contribution to Pension fund 8.33%</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>April, 20</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>May</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>June</td>
<td>(a) Date of leaving service</td>
<td></td>
<td></td>
</tr>
<tr>
<td>July</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>August</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>September</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>October</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>November</td>
<td>(b) Reason for leaving service</td>
<td></td>
<td></td>
</tr>
<tr>
<td>December</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>January</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>February</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>March</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Rs.</td>
<td>Rs.</td>
<td></td>
</tr>
</tbody>
</table>

Certified that the difference between the total contributions shown under column (3) of the above and that arrived at the total wages shown in column (2) at the prescribed rate is solely due to the rounding off of contribution to the nearest Re. under the rules.

Certified that the total amount of contributions indicated under column (3) has already been remitted in full in Account No. 10 (Pension Fund Contribution).

Date.................. 20 ......                     Signature of employer
                                             (Office Seal)
FORM 8 (EPS)
(for Exempted Establishments only)
THE EMPLOYEES’ PENSION SCHEME, 1995
[PARAGRAPH 20]
ANNUAL STATEMENT OF CONTRIBUTION FOR THE CURRENCY PERIOD
FROM 1ST ..........20.......TO....20......

Name and Address of the Establishment ........................................
Code No. of the Establishment ..................................................

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Account No.</th>
<th>Name of the Member (in block capitals)</th>
<th>Wages, retaining allowance, (if any) and D.A. including cash value of food concession paid during the currency period.</th>
<th>Employer’s Contribution to Pension fund 8.33% (Rs.)</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td></td>
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<tr>
<td>3</td>
<td></td>
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<td>4</td>
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<td>5</td>
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<td>6</td>
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<td>8</td>
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<td>9</td>
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<td></td>
<td></td>
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<tr>
<td>10</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Reconciliation of Remittances

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Month</th>
<th>Pension fund Contributions Account No. 10</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td></td>
<td>Rs.</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td></td>
<td>Rs.</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td></td>
<td>Rs.</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td></td>
<td>Rs.</td>
<td></td>
</tr>
<tr>
<td>5</td>
<td></td>
<td>Rs.</td>
<td></td>
</tr>
<tr>
<td>6</td>
<td></td>
<td>Rs.</td>
<td></td>
</tr>
<tr>
<td>7</td>
<td></td>
<td>Rs.</td>
<td></td>
</tr>
<tr>
<td>8</td>
<td></td>
<td>Rs.</td>
<td></td>
</tr>
<tr>
<td>9</td>
<td></td>
<td>Rs.</td>
<td></td>
</tr>
<tr>
<td>10</td>
<td></td>
<td>Rs.</td>
<td></td>
</tr>
</tbody>
</table>

Certified that the difference between the figures of total P.F. contributions remitted during the currency period and the total Pension Fund Contributions shown under col. 5 is solely due to the rounding of amount to the nearest rupee under the rules

(i) Total number of Contribution card enclosed [Form 7] [PS]
(ii) Certified that Form 7 (PS) duly completed, of all the numbers listed on this statement or enclosed except those already sent during the course of the currency period for the final settlement of the concerned Members account
Remarks furnished against the names of the respective numbers above.
<table>
<thead>
<tr>
<th></th>
<th></th>
<th><strong>Signature of the Employer</strong></th>
<th><strong>Signature of the Employer</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>[with office seal]</td>
<td></td>
</tr>
<tr>
<td>11</td>
<td>Rs.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>12</td>
<td>Rs.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>Rs.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Note (1):** The names of all Members, including those who had left service during the currency period should be included in the statement where the Form 7 (PS) in respect of such Members who had left service were already sent to the Regional Office for the purpose of final settlement of their Accounts, the fact should be stated against the Members in the ‘Remarks’ column above this “Form 7” (PS) already sent in the month of ……20….

(2) In case of actual variation in the wages contributions of any Member as required in lines shown in the previous statement the reason should be explained adequately in the ‘Remarks’ column.
FORM 9  
(for Exempted Establishments only)  
THE EMPLOYEES’ PENSION SCHEME, 1995  

[PARAGRAPH 24]  

DECLARATION BY A PERSON TAKING UP EMPLOYMENT IN THE  
ESTABLISHMENT  

I, ……………………………………………………S/o W/o D/o…………………do hereby  
solemnly declare that-  

(a) I was employed in M/s ………………………………………  
(name and full Address of the establishment) with PF A/c………….  
and left service on………..………..prior to that, I was employed in …….  
with PF A/c No…………………..From…………………..to…………………..  

(b) I am a Member of the Pension Fund from …………..to………..and  
copy of the Scheme Certificate is enclosed.  

(c) I have/have not withdrawn the amount of my Provident  
Fund/Pension Fund.  

(d) I have/have not drawn any benefits under the Employees’  
Pension Scheme, 1995 in respect of my past service, in any  
establishment.  

(e) I have/have never been a Member of any Provident Fund and/or  
Pension Fund.  

Date…………………..  

*Signature or left hand thumb  
impression of the employee.  

Encl: Copy of Scheme Certificate  
(To be filed by the Employer)  

(1) Shri………………………………………is appointed as……………………………..in  
(Name of Employee) (Designation)  

M/s………………………………………..with effect from…………………….  
(Name of the Factory/Establishment) (Date of appointment)  

(2) Copy of the Scheme Certificate is enclosed.  

(3) Declaration and nomination in Form 2 is enclosed.  

Date………………….. Signature of the Employer or Manager  
or other Authorised Officer.  

*Left hand thumb impression in the case of illiterate male Member and right  
hand thumb impression by illiterate female Member.  

FORM 10C  
THE EMPLOYEES’ PENSION SCHEME, 1995  
FORM TO BE USED BY A MEMBER OF THE EMPLOYEES’ PENSION SCHEME,  
1995 FOR CLAIMING WITHDRAWAL BENEFIT ONLY  

Inward No. …………………………(for office use only) …………………………  
1. Name of the Member (in block letters)……………………………..  
2. (a) Father’s name………………………………………………………….  

(b) Husband’s name………………………………………………………..  
3. Name and address of the factory/establishment …………..………..  
in which the Member was last employed……………………………..  
4. Code No…………………………………Account No………………………….  
5. Reasons for leaving service and date of leaving………………………….  
6. Full postal address (in Block Letters) Shri./Smt./Km…………………..  
S/o W/o D/o……………………………..…………………Pin □□□□□□  
7. Mode of remittance [Put a (√) in the box □ against the one opted.]
The Employees’ Pension Scheme, 1995

(a) By postal money order at my cost to the address given against item No. 6

(b) By account payee cheque sent direct for credit to my SB A/c (Scheduled Bank/PO) under intimation to me

SB Account No. ………………………………………………………………………………………………
Name and branch of the bank…………………………………………………………(in capital letters)
Full address of the branch…………………………………………………………(in capital letters)
Certified that the particulars are true to the best of my knowledge.

Date………………… Signature or left hand thumb impression of the employee.

ADVANCE STAMPED RECEIPT
[To be furnished only in case of 7(b) overleaf]

Received a sum of Rs. ………………(Rupees………………….only) from Regional Provident Fund Commissioner/Officer-in-charge of Sub-regional office …………………by deposit in my Savings Bank A/c. towards the settlement of my Pension Fund Account.

(The space should be left blank which shall be filled in by the RPFC/officer-in-charge)

Signature or left hand thumb impression of the Member on the stamp

Certified that the particulars of the Members given are correct and the Member has signed/thumb impressed before me.

Date………………… Signature of the employer and office seal

(For the use of Commissioner’s office)

As per Computerised Certificate

Control No. …………… dated………… the benefit is authorised as under:
Account settled.
(Under Rs.)…………………………………………………………………………………………………………
P.I. No………………………………………………………………………M.O./Cheque……………………………
Passed for payment of Rs. ……………….(in words)…………………………………………………………
M.O. Commission, (if any)…………………………………………………………………………………………
Net amount to be paid by MO…………………………………………………………………………………………

Date………………… Asst. Accounts Officer

For use in cash section
Paid by inclusive in cheque No……………… dated ………….vide…….Cash Book (Bank) Account No. 10 Debit Item No. ……………
Head clerk AC/RC

FORM 10D (EPS)
THE EMPLOYEES’ PENSION SCHEME, 1995
APPLICATION FOR MONTHLY PENSION
(Read Instruction before filling in this Form)

Inward No. ………………..(for office use only)

1. By whom the Pension is claimed?

2. Type of Pension claimed.

3. (a) Member’s Name (in block letters) ………………………………………

…………………………………….
The Employees’ Pension Scheme, 1995

(b) Sex: ........................................
(c) Marital Status: ........................................
(d) Date of Birth/Age: ........................................
(e) Father’s/ Husband’s name: ........................................

4. E.P.F. Account Number
   RO   SRO   Establishment Code No.

   Member’s Account No.

5. Name and address of the establishment: ........................................
in which the Member was last employed: ........................................

6. Date of leaving Services: ........................................

7. Reason for leaving Service: ........................................

8. Address of communication: ........................................

9. Option for commutation of 1/3 of Quantum Pension (If option is for lesser commutation indicate the quantum):
   Yes   No   Amount

10. Option for Return of Capital (Please refer Serial Number 10 of Instructions)
    [Put a tick (√)]

   If yes, indicate your choice of alternative

   Yes   No

   If yes, indicate your choice of alternative

11. Mention your Nominee for Return of Capital: ........................................
    Name: ........................................
    Relationship: ........................................
    Date of Birth: ........................................
    Address: ........................................

12. Particulars of Family

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Name</th>
<th>Date of Birth/Age</th>
<th>Relationship with Member</th>
<th>Indicate against Minor</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Guardian Name</td>
</tr>
<tr>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
</tbody>
</table>

Note: If any child is physically handicapped, please indicate “Disabled” below the name.

13. Date of death of Member (if applicable): ........................................

14. Details of Savings Bank Account Opened
    (1) Name of the Bank: ........................................
    (2) Name of the Branch: ........................................
    (3) Full Postal Address: ........................................
The Employees’ Pension Scheme, 1995

Sl. No. | Name of the Claimant(s) | Savings Bank Account No.
---|---|---
1 |  | 

14A. If the claim is preferred by nominee, indicate his/her
(1) Name ..................................................
(2) Relationship with the deceased Member ..............................

15. Details of Scheme Certificate already in possession of the Member, if any

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Scheme Certificate Control No.</th>
<th>Authority who issued the Scheme Certificate</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2</td>
<td>3</td>
</tr>
</tbody>
</table>

16. If pension is being drawn under E.P.S., 1995:

PPO No. issued by RO SRO

17. Documents enclosed (Indicate as per the Instructions)

(1) ..................................................
(2) ..................................................
(3) ..................................................
(4) ..................................................
(5) ..................................................
(6) ..................................................
(7) ..................................................
(8) ..................................................
(9) ..................................................
(10) ..................................................

TO BE SUBMITTED IN DUPLICATE IN RESPECT OF EACH PERSON ELIGIBLE FOR PENSION

Descriptive roll of Pensioner and his/her
Specimen Signature/Thumb impression ..................................................
1. Name of the Member ..................................................
2. E.P.F. Account No ..................................................
3. Name of the Pensioner ..................................................
4. Father’s Husband’s Name ..................................................
5. Sex ..................................................
6. Nationality ..................................................
7. Religion ..................................................
8. Height ..................................................
9. Personal Marks of Identification : (1) ..................................................
: (2) ..................................................
10. Specimen signature of Pensioner : (1) ..................................................
: (2) ..................................................
: (3) ..................................................

11. (Only in the case of illiterate Claimant (Pensioner) Left Hand Finger Impression):

Thumb Index Middle Ring Small
The Employees' Pension Scheme, 1995

Certified that:
(i) I am not drawing pension under Employees' Pension Scheme, 1995.
(ii) The particulars given in this application are true and correct.

Signature of the applicant
Left hand Thumb Impression

TO BE FILLED IN BY THE EMPLOYER, AUTHORISED OFFICER
OF THE ESTABLISHMENT

Certified that:
(i) the particulars of the Member are correct;
(ii) the particulars of Wages and Pension Contribution for the period of 12 months preceding the date of leaving service are as under:
    (in case, the wages is not earned for all 12 months, the block of 12 months will commence backwards from the last drawn)

<table>
<thead>
<tr>
<th>Year</th>
<th>Month</th>
<th>Wages</th>
<th>Pension Contribution due</th>
<th>Details of period of non-contributory service. If there is no such period, indicate 'Nil'</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>No. of days</td>
<td>Amount</td>
<td>Year</td>
<td>No. of days for which no wages were earned</td>
<td></td>
</tr>
</tbody>
</table>

Encl: 1. Documents as given in the Instructions.
2. Form of descriptive roll and specimen signature.

Signature of Employer/Authorised Official of the Establishment with Seal & Date.

(PENSION SECTION/ACCOUNTS SECTION)

Certified that the particulars in the application have been verified with the relevant concerned documents. The claimant is eligible for Pension. The Input Data Sheet is placed below for approval.

Entered in Form 9/Form 3(PS), Master Ledger Card/Claim Inward Register Form 2(R) enclosed alongwith the documents furnished by the claimant.

Clerk S.S. A.A.O. A.P.F.C.
Date Date Date Date

FOR USE IN PENSION PRE-AUDIT CELL

The Input data verified with reference to the application and the documents enclosed and found correct, P.P.O. may be generated through Computer.

Clerk S.S. A.A.O. A.P.F.C.
Date Date Date Date

FOR USE IN PENSION DISBURSEMENT SECTION

P.P.O. :___________________________
Date of issue to the Bank :___________________________
FORM 10D (EPS)
THE EMPLOYEES' PENSION SCHEME, 1995
APPLICATION FOR MONTHLY PENSION
(To be submitted in two copies in case pension is to be drawn in other region)

EXPLANATORY NOTE FOR THE APPLICATION

Serial No. given below relates to the corresponding No. given in the application.

1. By whom the pension is claimed?
   Indicate any one of the following under Sl. No. 1

<table>
<thead>
<tr>
<th>Member</th>
<th>Widow/Widower</th>
<th>Major Orphan</th>
<th>Guardian</th>
<th>Nominee</th>
</tr>
</thead>
</table>

2. Type of Pension Claim-Indicate any one of the following:-
   (a) On attaining 58 years whether in service or not
   (b) Attained the age of 50 years but below 58 years and left service
   (c) DISABLEMENT PENSION
   (d) WIDOWS & CHILDREN PENSION
   (e) ORPHAN PENSION
   (f) NOMINEE PENSION

3. (a) to (e), 4 & 5
   Please furnish the particulars relating to the Member correctly.

6. Indicate the actual date of leaving Service.
   This need not be filled by a Member who has attained 58 years and continued to be in service, indicate “still in service”.

7. If the reason for leaving service was on account of total and permanent disablement, as indicated by the establishment to the P.F. Office through Form 10, then only the Member is entitled for Disablement Pension. In all other cases the actual reason for leaving service may be given. However, a Member who continues in services beyond the age of 58 years may indicate “still in service”.

8. If the present address is temporary one, also indicate permanent address.

9. Sl. No. 9 is applicable only to a Member of the Pension Scheme and not for his family. The applicant is eligible to commute upto a maximum of 1/3rd of his pension so as to receive 100 times of the pension commuted. If a pensioner who is getting an original pension of Rs. 600 commutes 1/3rd of it, he will get Rs. 20,000 as commuted value. The commutation will be effective only from 16-11-1998. The applicant may give his option for commutation in the application and this will be effective and paid only if the Member-pensioner continues to draw his pension as on 16-11-1998.

   On opting for commuted value of pension, the original pension mentioned for Return of Capital will be the balance of pension after commutation.

10. The Member can give his option for Return of Capital. Option once exercised is final. He may choose any one of the following and indicate the number shown under alternative against Sl. No. 10 of the application.
<table>
<thead>
<tr>
<th>Alternative</th>
<th>Quantum of Pension</th>
<th>Return of Capital</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>90% of original</td>
<td>On Member’s death 100 times the original monthly pension to nominee.</td>
</tr>
<tr>
<td>2.</td>
<td>90% of original pension to Member. On his death 80% pension to Widow/Widower.</td>
<td>On death or remarriage of Widow/widower whichever is earlier. 90 times of original pension to nominee.</td>
</tr>
<tr>
<td>3.</td>
<td>87.5% of original pension for a fixed period of 20 years to Member. On his death before 20 years, nominee will get pension for balance period.</td>
<td>At the end of 20 years, 100 times of original pension to Member, if he is alive, otherwise to nominee.</td>
</tr>
</tbody>
</table>

11. The Member is required to furnish the details of his/her nominee for receiving the Return of Capital. A Member can nominate his/her spouse or sons or daughters. A married Member who is not survived by any Member or his family (spouse/sons/daughters) and a bachelor/spinster may nominate a person of his/her choice to receive the Return of Capital/Pension due, if any, under Alternative 3 as per Serial number 10 above.

12. This should be completed by the Member. In his absence, by the spouse/children. The list of surviving family Members of the Member covering his spouse, all children should be furnished. The particulars of Guardian should be given in respect of each minor child, as on the date of application. In support of the age of children, age proof certificate obtained from the School or Registrar of Birth-death or E.S.I. Record, or Municipal authorities should be enclosed. In the case of Guardian, other than natural guardian, a Guardianship Certificate should be enclosed.

13. Applicable only in case the Member is not alive. In support to the date of death. Death Certificate should be enclosed.

14. The details of Bank, Savings Bank Account number should be given.

In case the claim is preferred by spouse, he/she should give his/her Savings Bank Account Number and also separate Savings Bank Account Numbers. In respect of each child Savings Bank Account Numbers of children who are below the age of 25 years (as on date of death of the Member) should be given. On behalf of minor child, Savings Bank Account opened in the name of minor and operated by the guardian of the minor and Account Number should be given.

Pension is payable through any branch of the *PNB /SBI on the specified day of each month by credit to the Savings Bank Account of eligible pensioners. Hence, Savings Bank Account should be opened only in the said Bank. Necessary guidelines have been given to all branches of Bank to open a Savings Bank Account for the pensioners. The applicant may approach any branch of the said bank to open the account.

The Member, spouse and children (minor or major) should necessarily open Savings Bank Accounts in the same branch of the Bank.

Whenever pension is opted from a place beyond the jurisdiction of the Religion in which the Member was last employed, he should ascertain the name of the designated bank applicable in that Region and open a Savings Bank Account therein.
On sanction of Pension, intimation will be sent to the pensioner to contract the Bank.

14A. In case of death of the Member before attaining 58 years without leaving any eligible family Members to receive the pension, the nominee as appointed by the Member through the Form 2 (revised) already sent to the P.F. Office may apply giving his particulars against this column.

15. In case the Member was working in different establishments and obtained Scheme Certificate, the details should be furnished against this column. In case, no Scheme Certificate was received or not applied for the same, the details of past employment may be indicated in this column.

16. If the applicant is already receiving pension under Employees’ Pension Scheme, 1995 or claim Pension, the details should be furnished against the column.

17 List of documents to be enclosed and specified under Column No. 17:

(a) Descriptive role of pensioner and his/her specimen Signature/Thumb impression in duplicate;

(b) 3 passport size photographs (if claimed, by the Member Joint photo with spouse). If the pension is claimed by Member, there is no need to send photograph of the children. If claimed by widow, the photograph should be sent for widow/widower and his/her two children (below 25 years) separately. The photographs are to be attested by the employer or his authorised official, indicating the person to whom the photograph relates and also the P.F. Account Number of the Member, written on the reverse and placed in a separate envelope.

(c) In the case of a Member, who is permanently and totally disabled during the employment, he/she should undergo a Medical Examination before the Medical Board as advised by the E.P.F. Office. However, the disablement should occur while in employment.

(d) The application should be forwarded through the establishment in which the Member last served/died. The establishment should furnish the certificate and wage particulars duly attested by the authorised Officer.

(e) Only if the establishment is closed, the application should be forwarded through the Magistrate/Gazetted Officer/Bank Manager/any other authorised officer as may be approved by the Commissioner.

**ACKNOWLEDGEMENT CARD**

Account No. _______________________          Sale of EPFO_________________________
Employees’ Provident Fund Organisation
Regional/Sub-Regional Office

Received the following claims:

1. EPF  19  20  13  31
2. EPS  10C  10D
3. EDLI  51F

[Tick (✓) the relevant box of the form(s) received]

Registration Number____________________
Dated Office

Seal
**Back side of the post card**

In case intimation is not received within a month, you may write to the Regional PF Commissioner/Office-In charge of the concerned EPF Office quoting your Registration Number, date and your P. F. Account Number.

<table>
<thead>
<tr>
<th>POST CARD</th>
</tr>
</thead>
<tbody>
<tr>
<td>Postage</td>
</tr>
<tr>
<td>Pre-paid</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>PIN</th>
</tr>
</thead>
</table>

**FORM 12A (REVISED)**

*(for unexempted establishments only)*

**THE EMPLOYEES’ PROVIDENT FUNDS AND MISCELLANEOUS PROVISIONS ACT, 1952**

**EMPLOYEES PENSION SCHEME, 1995**

*[PARA 20 (4)]*

Name and address of the Establishment M/s. ……………

[To be filled in by the EPFO] Establishment status………

Code No. ………………………

Currency Period from 1st April, 20… … ..to 31st March, 20 … … … … … …

Group Code……………………

Statement of contributions for the month of...

Statutory rate of contribution……………..

<table>
<thead>
<tr>
<th>Particulars</th>
<th>Wages on which contributions are payable</th>
<th>Amount of contribution</th>
<th>Amount of contribution remitted</th>
<th>Amount of administrative charges due</th>
<th>Amount of administrative charges remitted</th>
<th>Date of remittance (enclose triplicate copies of challan)</th>
</tr>
</thead>
<tbody>
<tr>
<td>EPF A/c. No. 01</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pension Fund A/c. No 10</td>
<td>NIL</td>
<td>NIL</td>
<td>NIL</td>
<td>NIL</td>
<td></td>
<td></td>
</tr>
<tr>
<td>DLI A/c. No. 21</td>
<td>NIL</td>
<td>NIL</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
TOTAL No. of Employees
(a) Contract
(b) Rest
(c) Total

Name and address of the bank in which the amount is Remitted

<table>
<thead>
<tr>
<th>Details of subscribers</th>
<th>EPF</th>
<th>Pension Fund</th>
<th>EDLI</th>
</tr>
</thead>
<tbody>
<tr>
<td>No. of subscribers as per last month</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>No. of new subscribers (vide Form 5)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>No. of subscribers left service (vide Form 10)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(Net) Total Number of subscribers</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Signature of the employer and official seal
THE EMPLOYEES’ PROVIDENT FUNDS APPELLATE TRIBUNAL (PROCEDURE) RULES, 1997

In exercise of the powers conferred by sub-section (1) of section 21 of the Employees’ Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), the Central Government hereby makes the following, rules, namely:

1. **Short title and commencement:**-(1) These rules may be called the Employees’ Provident Funds Appellate Tribunal (Procedure) Rules, 1997.
   (2) They shall come into force from the date of their publication in the Official Gazette.

2. **Definitions:**- In these rules, unless the context otherwise requires,–
   (a) “Act” means the Employees’ Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952);
   (b) “agent” means a person duly authorised by a party to present an appeal or a written reply on its behalf before the Tribunal;
   (c) “appellant” means a person or the establishment making an appeal to the Tribunal under section 7-1;
   (d) “Form” means a Form specified in Appendix;
   
   *(dd) “Fund” means Provident Fund, Pension Fund and Insurance Fund established under the Act;]*
   (e) “legal practitioner” shall have the same meaning as is assigned to it in the Advocates Act, 1961 (25 of 1961);
   (f) “legal representative” means a person who in law represents the estate of the deceased;
   (g) “Registrar” means the Registrar appointed for the Tribunal and includes any officer to whom the powers and functions of the Registrar may be delegated under these rules;
   (h) “Registry” means the Registry of the Tribunal;
   (l) “Tribunal” means the Employees’ Provident Funds Appellate Tribunal established under sub-section (1) of section 7D of the Act;
   (j) the words and expressions used and not defined in these rules but defined in the Act shall have the same meanings respectively assigned to them in the Act.

3. **Language of the Tribunal:**- The language of the Tribunal shall be English:
   Provided that the parties proceeding before the Tribunal may file documents drawn up in Hindi, if they so desire:
   Provided further that–
   (a) the Tribunal may, in its discretion permit the use of Hindi in the proceedings but the final order shall be in English;
   (b) the Tribunal hearing the matter, may in its discretion, direct the English translation of pleadings and documents to be filed.

---

4. Procedure for filing appeals:- (1) An appeal to the Tribunal shall be presented in Form 1 by the appellant in person or by an agent or by a duly authorised legal practitioner to the Registry or any other officer authorised in writing by the Registrar to receive the same or be sent by registered post with acknowledgement duly addressed to the Registrar of the Tribunal.

(2) The appeal under sub-rule (1) shall be presented in triplicate in a paper book form along with one unused file size envelope bearing full address of the respondent.

(3) Where the number of respondents is more than one, as many extra copies of the appeal in paper book form as there are respondents together with unused file size envelopes bearing full address of each respondent shall be furnished by the appellant:

Provided that where the number of respondents is more than five, the Registrar may permit the appellant to file the extra copies of the appeal at the time of issue of notice to the respondents.

(4) The appellant may attach to and present with his appeal a receipt slip in Form II which shall be signed by the Registrar or the officer receiving the appeal on behalf of the Registrar in acknowledgement of the receipt of the appeal.

5. Presentation and scrutiny of appeal:- (1) The Registrar or the officer authorised by him under rule 4, shall endorse on every appeal the date on which it is presented or deemed to have been presented under that rule and shall sign the endorsement.

(2) If, on scrutiny, the appeal is found to be in order it shall be duly registered and given a serial number.

(3) If the appeal, on scrutiny, is found to be defective and the defect noticed is formal in nature, the Registrar may allow the party to rectify the same in his presence and if the said defect is not formal in nature, the Registrar may allow the appellant such time to rectify the defect as he may deem fit.

(4) If the appellant fails to rectify the defect within the time allowed under sub-rule (3), the Registrar may by order and for reasons to be recorded in writing, decline to register the appeal and inform the appellant accordingly.

6. Place of filing appeals:- The appeal shall ordinarily be filed by the appellant with the Registrar of the Tribunal within whose jurisdiction:-

(i) the appellant is residing for the time being, or

(ii) the cause of action has arisen, or

(iii) the respondent or any of the respondents against whom relief is sought, ordinarily resides:

7. Fee, time for filing appeal, deposit of amount due on filing appeal:-

(1) Every appeal filed with the Registrar shall be accompanied by a fee of Rupees Five hundred to be remitted in the form of Crossed Demand Draft on a nationalised bank in favour of the Registrar of the Tribunal and payable at the main branch of that Bank at the station where the seat of the said Tribunal situate.

(2) Any person aggrieved by a notification issued by the Central Government or an order passed by the Central Government or any other authority under the Act, may within 60 days from the date of issue of the notification/order prefer an appeal to the Tribunal.

---

1 Subs. by S.O. 498 dated 7.2.2000 (w.e.f 19.2.2000).
Provided that the Tribunal may, if it is satisfied that the appellant was prevented by sufficient cause from preferring the appeal within the prescribed period, extend the said period by a further period of 60 days.

Provided further that no appeal by the employer shall be entertained by a Tribunal unless he has ![deposited with the Tribunal a Demand Draft payable in the Fund and bearing] 75 per cent of the amount due from him as determined under section 7A;

Provided also that the Tribunal may for reasons to be recorded in writing, waive or reduce the amount to be deposited under section 7-O.

8. **Content of the appeal:**-(1) Every appeal filed under rule 4 shall set forth concisely under distinct heads the grounds for such appeal. Such grounds shall be numbered consecutively. Every appeal, including any miscellaneous appeal shall be typed in double space on one side on thick paper of good quality.

9. **Documents to accompany the appeal:**-(1) Every appeal shall be accompanied by a paper-book containing:--

   (i) an attested true copy of the order against which the appeal is filed;

   (ii) copies of the documents relied upon by the appellant and referred to in the appeal;

   (iii) an index of the documents.

   (2) The documents referred to in sub-rule (1) may be attested by a legal practitioner or by a gazetted officer and each document shall be marked serially the Annexures A1, A2, A3 and so on.

   (3) Where an appeal is filed by an agent, document authorising him to act as such agent shall also be appended to the appeal:

       Provided that where an appeal is filed by a legal practitioner, it shall be accompanied by a duly executed “Vakalatnama”.

10. **Plural remedies:**-An appeal shall be based upon a single cause of action and may seek one or more reliefs provided that they are consequential to one another.

11. **Service of notices and processes issued by the Tribunal:**-(1) Notices or processes to be issued by the Tribunal may be served by any of the following modes directed by the Tribunal:-

   (i) service by the party itself;

   (ii) by hand delivery (Dasti) through process server;

   (iii) by registered post with acknowledgement due;

   (2) Where notice issued by the Tribunal is served by the party himself by “hand delivery” (Dasti), he shall file with the Registry of the Tribunal, the acknowledgement, together with an affidavit of service.

   (3) Notwithstanding anything contained in sub-rule (1) the Tribunal may, taking into account the number of respondents and their places of residence or work and other circumstances, direct that notice of the appeal shall be served upon the respondents in any other manner including any manner of substituted service, as it appears to the Tribunal just and convenient.

   (4) Notwithstanding anything done under sub-rule (1) the Tribunal may, in its discretion, having regard to the nature and urgency of the case, direct the
service of the notice on the Standing Counsel appointed as such by the Central Government or any State Government or any other authority under the Act.

(5) Every notice issued by the Tribunal shall, unless otherwise ordered, be accompanied by a copy of the appeal along with a copy of the paper-book.

(6) Every appellant shall pay a fee for the service or execution of processes in such manner as the Tribunal may direct under sub-rule (3) such a sum, not exceeding the actual charges incurred in effecting the service, as may be determined by the Tribunal.

(7) The fee for the service or execution of processes under sub-rule (3) shall be remitted in the manner prescribed in rule 7 within one week of the date of the order determining the fee or within such extended time as the Registrar may permit.

(8) Notwithstanding anything contained in sub-rules (1) to (4), if the Tribunal is satisfied that it is not reasonably practicable to serve notice of appeal upon all the respondents, it may, for reasons to be recorded in writing, direct that the appeal shall be heard notwithstanding that some of the respondents have not been served with notice of the application: provided that no appeal shall be heard unless-

(i) notice of the appeal has been served on the Central Government or the State Government or the Central Board or if such Government or the Board is a respondent;

(ii) notice of the appeal has been served on the authority which passed the order against which the appeal has been filed; and

(iii) the Tribunal is satisfied that the interests of the respondents on whom notice of the appeal has not been served are adequately and sufficiently represented by the respondents on whom notice of the appeal has been served.

12. Filing of reply and other document by the respondents:-(1) Each respondent intending to contest the appeal, shall file in triplicate the reply to the appeal and the documents relied upon in paper-book form with the Registry within one month of the service of notice of the appeal on him.

(2) In the reply field under sub-rule (1), the respondent shall specifically admit, deny or explain the facts stated by the appellant in his appeal and may also state such additional facts as may be found necessary for the just decision of the case. It shall be signed and verified as a written statement by the respondent or any other person duly authorised by him in writing in the same manner as provided for in Order VI, Rule 15 of the Code of Civil Procedure, 1908 (5 of 1908).

(3) The documents referred to in sub-rule (2) shall also be filed along with the reply and the same shall be marked as R1, R2, R3 and so on.

(4) The respondent shall also serve a copy of the reply along with documents, as mentioned in sub-rule (1) on the appellant or his legal practitioner, if any, and file proof of such service in the Registry.

(5) The Tribunal may allow filing of the reply after the expiry of the prescribed period.

13. Date and place of hearing to be notified:-The Tribunal shall notify to the parties the date and the place of hearing of the appeal in such manner as the Presiding Officer may by general or special order direct.

14. Calendar of cases:-(1) The Tribunal shall draw up a calendar for the hearing of cases and, as far as possible, hear and decide the cases according to the calendar.
Rule 19  The Employees’ Provident Funds Appellate Tribunal
(Procedure) Rules, 1997

(2) Every appeal shall be heard and decided, as far as possible, within six
months from the date of its registration.

(3) The Tribunal shall have the power to decline an adjournment and also to
limit the time for oral arguments.

15. Action on appeal for appellant’s default:- (1) Where on the date fixed
for hearing of the appeal or on any other date to which such hearing may be
adjourned, the appellant does not appear when the appeal is called for hearing,
the Tribunal may, in its discretion either dismiss the appeal for default or hear
and decide it on the merit.

(2) Where an appeal has been dismissed for default and the appellant files
an appeal within thirty days from the date of dismissal and satisfied the Tribunal
that there was sufficient cause for his non-appearance when the appeal was
called for hearing, the Tribunal shall make an order setting aside the order
dismissing the appeal and restore the same.

Provided, however, where the case was disposed of on merits the decision
shall not be re-opened except by way of review.

16. Ex parte hearing and disposal of appeal:- (1) Where on the date fixed
for hearing the appeal or on any other date to which such hearing may be
adjourned, the appellant appears and the respondent does not appear when the
appeal is called for hearing, the Tribunal may, in its discretion adjourn the
hearing or hear and decide the appeal ex parte.

(2) Where an appeal has been heard ex parte against a respondent or
respondents, such respondent or respondents may apply to the Tribunal for an
order to set it aside and if such respondent or respondents satisfy the Tribunal
that the notice was not duly served or that he or they were prevented by any
sufficient cause from appearing when the appeal was called for hearing, the
Tribunal may make an order setting aside the ex parte hearing as against him or
them upon such terms as it thinks fit, and shall appoint a day for proceeding
with the appeal:

Provided that where the ex parte order on the appeal is of such nature that
it cannot be set aside as against one respondent only, it may be set aside as
against all or any of the other respondents also.

Provided further that in cases covered by sub-rule (8) of rule 11, the
Tribunal shall not set aside ex parte order of an appeal merely on the ground that
it was not served upon a respondent or respondents.

17. Substitution of legal representatives:- (1) In case of death of a party
during the pendency of the proceedings before the Tribunal, the legal
representatives of the deceased party may apply within thirty days of the date of
such death for being brought on record as necessary parties.

(2) Where no application is received from the legal representatives within the
period specified in sub-rule (1), the proceedings against the deceased party shall
abate.

Provided that on good and sufficient reasons the Tribunal, on an
application, may set aside the order of abatement and substitute the legal
representatives.

18. Adjournment of hearing:- The Tribunal may if sufficient cause is shown
at any stage of proceedings grant time to the parties or any of them, and adjourn
the hearing of the appeal.

19. Order to be signed and dated:- (i) Every order of the Tribunal shall be
in writing and shall be signed by the Presiding Officer who pronounced the order.
(ii) The order shall be pronounced in open Court

20. Communication of orders to parties:- (1) Every final order passed on any appeal shall be communicated to the appellant and to the respondent concerned either by hand delivery or by registered post free of cost.

(2) If the appellant or the respondent to any proceeding requires a copy of any document or proceeding the same shall be supplied to him on such terms and conditions on payment of such fees as may be fixed by the Presiding Officer by general or special order.

21. Orders and directions in certain cases:- The Tribunal may make such orders or give such directions as may be necessary or expedient to give effect to its orders or to prevent abuse of its process or to secure the ends of justice.

22. Working hours of the Tribunal:- Except on Saturdays, Sundays and other public holidays, the office of the Tribunal shall, subject to any order made by the Presiding Officer remain open from 9.30 A.M. and 6.00 P.M.

23. Sitting hours of the Tribunal:- The sitting hours of the Tribunal shall ordinarily be from 10.30 A.M. to 1.30 P.M. and 2.30 P.M. to 5.00 P.M. subject to any general or special order made by the Presiding Officer.

24. Powers and functions of the Registrar:- (1) The Registrar shall have the custody of the records of the Tribunal and shall exercise such other functions as are assigned to him under these rules or by the Presiding Officer by separate order.

(2) The official seal shall be kept in the custody of the Registrar.

(3) Subject to any general or special direction by the Presiding Officer, the seal of the Tribunal shall not be affixed to any order, summons or other process save under the authority in writing of the Registrar.

(4) The seal of the Tribunal shall not be affixed to any certified copy issued by the Tribunal save under the authority in writing of the Registrar.

25. Additional powers and duties of Registrar:- In addition to the powers conferred elsewhere in other rules, the Registrar shall have the following powers and duties subject to any general or special order of the Presiding Officer, namely:

(i) to receive all appeals and other documents;

(ii) to decide all questions arising out of the scrutiny of the appeals before they are registered;

(iii) to require any appeal presented to the Tribunal to be amended in accordance with the Act and the rules;

(iv) subject to the direction of the Tribunal, to fix the date of first hearing of the appeals or other proceedings and issue notices thereof;

(v) to direct any formal amendment of records;

(vi) to order grant of copies of documents to parties to the proceedings;

(vii) to grant leave to inspect the records of the Tribunal;

(viii) to dispose of all matters relating to the service of notices or other processes for the issue of fresh notices and for extending the time for filing such appeals and to grant time not exceeding 15 days for filing a reply or rejoinder, if any, and to place the matter before the Tribunal for appropriate orders after the expiry of the aforesaid period;
(ix) to requisition records from the custody of any court or other authority;

(x) to receive appeals within thirty days from the date of the death for substitution of legal representatives of the deceased parties during the pendency of the appeals;

(xi) to receive and dispose of appeals for substitution, except where the substitution would involve setting aside on order of abatement;

(xii) to receive and dispose of application by parties for return of documents.

26. Seal and emblem:- The official seal and emblem of the Tribunal shall be in a round shape bearing the name of the Tribunal in capital letters with Ashoka Pillar in the centre.

27. Dress of the Presiding Officer and staff of the Tribunal:- The dress for the Presiding Officer of the Tribunal and Members of the staff of the Tribunal shall be such as the Presiding Officer may specify.

28. Dress of the parties:- A legal practitioner or, as the case may be, a Presiding Officer shall appear before the Tribunal in his professional dress, if any; and if there is not such dress-

(i) if a male, in a closed collared coat and trousers or in lounge suit;

(ii) if a female, in a saree or any other customary dress of a sober colour.

29. Expenses of the Tribunals:- The entire administrative expenses of the Tribunals shall be borne by the Central Board of Trustees, Employees' Provident Fund ¹[and the fee or any other money received by the Tribunal shall form a part of the Administrative Fund of the Central Board].

APPENDIX

FORM I
(SEE RULE 4)

APPEAL UNDER SECTION 7-I OF THE EMPLOYEES’ PROVIDENT FUNDS AND MISCELLANEOUS PROVISIONS ACT, 1952

Title of the Case:

APPEAL INDEX

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<th>Serial No.</th>
<th>Description of documents relied</th>
<th>Page No.</th>
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Signature of the applicant.

For use in Tribunal Office
Date of Filing
or
Date of Receipt by post.
Registration No.

Signature for Registrar

IN THE EMPLOYEES' PROVIDENT FUNDS APPELLATE TRIBUNAL
BETWEEN

A. APPELLANT

VERSUS

B. RESPONDENT

DETAILS OF APPEAL:

1. *Particulars of the appellant*:
   (i) Name of the appellant:
   (ii) Office address:
   (iii) Address for service of notices:

2. *Particulars of the respondent*:
   (i) Name of the respondent:
   (ii) Office address:
   (iii) Address for service of notices:

3. *Particulars of the order/notification against which appeal is made*:
   The appeal is against the following order/notification:
   (i) Order/Notification No.:
   (ii) Date:
   (iii) Passed by:
   (iv) Subject in brief:

4. *Jurisdiction of the Tribunal*:
   The appellant declares that the subject-matter of the order against which he wants redressal is within the jurisdiction of the Tribunal.

5. *Limitation*:
   The appellant further declares that the appeal is within the limitation prescribed in section 7-I of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952.

6. *Facts of the case*:
   The facts of the case are given below:
   (Give here a concise statement of facts in a chronological order, each paragraph containing as nearly as possible a separate issue fact or otherwise).

7. *Details of the remedies exhausted*:
   The appellant declares that he has availed of all the remedies available to him under the Act.
   (Give here chronologically the details of representations made and the outcome of such representation with reference to the Annexure numbers.)

8. *Matters not previously filed or pending with any other Court*:
   The appellant further declares that he had not previously filed any appeal, writ petition or suit regarding the matter in respect of which this appeal has been made before any Court of law or any other authority or any other Bench of the Tribunal and nor any such appeal, writ petition or suit is pending before any of them.
   In case the appellant had previously filed any appeal, writ petition or suit, the stage at which it is pending and if decided, the gist of the decision should be given with reference to the Annexure.

9. *Relief(s) sought*:
   In view of the facts mentioned in para 6 above the appellant prays for the following relief(s):
   [Specify below the relief(s) sought explaining the ground for relief(s) and the legal provisions (in any) relied upon.]

10. *Interim order, if any, prayed for*:
    Pending final decision on the appeal, the appellant seeks issue of the following interim order:
    (Give here nature of the interim order prayed for with reasons).
11. **In the event of appeal being sent by registered post**—It may be stated whether the appellant desires to have oral hearing at the admission stage and if so, he shall attach a self-addressed post card/inland Letter, at which intimation regarding the date of hearing could be sent to him.

12. **Particulars of bank draft/postal order in respect of the appeal fee:**
   1. Name of the bank on which drawn.
   2. Demand Draft No.
   or
   1. Number of Indian Postal Order(s)
   2. Name of the issuing Post Office
   3. Date of issue of Postal Order(s)
   4. Post Office at which payable

13. **List of enclosures:**
   1.
   2.
   3.
   4.
   5.
   6.

**VERIFICATION**

I…………………………………………………. (Name of the appellant) S/o, D/o. W/o. ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………… ………
Under Employees’ Deposit-linked Insurance Scheme the contribution @ 0.50 per cent. is required to be paid up to a maximum limit @ Rs. 6500. The employer will pay administrative charges @ 0.01 on a maximum limit of Rs. 6500.

The employer also will pay administrative charges @ 0.01 per cent. on maximum limit of Rs. 6500 whereas an exempted establishment will pay inspection charges @ 0.005 per cent. out of the total wages paid.

Notes: (1) The above clarification is given by taking wages up to maximum of Rs. 6500 towards wage (basic+ DA).

(2) Since an excluded employee i.e. drawing wages more than Rs. 6500 can also become a Member of the Fund and the Schemes on joint request and if for instance, such an employee is getting Rs. 10,000 per month, his share towards provident fund contribution will be Rs. 1200 e.g. 12% and employer’s share towards provident fund contribution will be Rs. 659 and Rs. 541 towards Employees’ Pension Fund.

FORMULAE FOR CALCULATING THE CONTRIBUTION OF EMPLOYEES AND EMPLOYERS TO THE EMPLOYEES’ PROVIDENT FUND

Section 6 of The Employees’ Provident Funds and Miscellaneous Provisions Act, 1952, sets out the formulae for calculating the contribution of employees and employers to the Fund.

At the rate of 10%

Contribution is 10% of the basic wages, dearness allowance and retaining allowance of the employee

Example:

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At the rate of 12%

Contribution is 12% of the basic wages, dearness allowance and retaining allowance of the employee

Example:

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