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STANDING COMMITTEE ON LABOUR

(2017-18)

(SIXTEENTH LOK SABHA)

MINISTRY OF LABOUR & EMPLOYMENT

**'REGULATORY FRAMEWORK OF THE EPFO ON THE
EXCLUDED CATEGORY VIS-A-VIS IMPLEMENTATION OF
VARIOUS PF ACTS.'**

FORTY-SECOND REPORT



LOK SABHA SECRETARIAT

NEW DELHI

August, 2018/ Shravana, 1940 (Saka)

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MINISTRY OF LABOUR & EMPLOYMENT

Presented to Lok Sabha on 9th August, 2018

Laid in Rajya Sabha on 9th August, 2018



LOK SABHA SECRETARIAT

NEW DELHI

August, 2018/ Shravana, 1940 (Saka)

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COMPOSITION OF THE STANDING COMMITTEE ON LABOUR
(2017-18)

DR. KIRIT SOMAIYA - CHAIRPERSON

MEMBERS

Lok Sabha

2. Shri Udayanraje Pratapsingh Bhonsle
3. Shri Rajesh Diwakar
4. Shri Ashok Kumar Dohrey
5. Shri Satish Chandra Dubey
6. Shri Devajibhai Fatepara
7. Shri Satish Kumar Gautam
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13. Shri Kaushalendra Kumar
14. Shri Hari Manjhi
15. Shri R. Parthipan
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17. Shri Hariom Singh Rathore
18. Shri Naba Kumar Sarania (Hira)
19. Shri Kodikunnil Suresh
20. Shri Mulayam Singh Yadav
21. Vacant

Rajya Sabha

22. Shri Ram Narain Dudi
23. Shri N. Gokulkrishnan
24. Shri Nazir Ahmed Laway
25. Shri P.L. Punia
26. Shri Rajaram
27. Shri Amar Shankar Sable
28. Ms. Dola Sen
29. Dr. Banda Prakash
30. Shri Akhilesh Prasad Singh
31. Shri Madanlal Saini

SECRETARIAT

- | | | |
|-------------------------------|---|---------------------|
| 1. Ms. Rimjhim Prasad | - | Joint Secretary |
| 2. Smt. Anita B. Panda | - | Director |
| 3. Shri C. Vanlalruata | - | Additional Director |
| 4. Shri Devudu Babu Badireddi | - | Executive Assistant |

INTRODUCTION

I, the Chairperson, Standing Committee on Labour (2017-18) having been authorized by the Committee do present on their behalf this Forty-Second Report on the Subject 'Regulatory Framework of the EPFO on the Excluded Category Vis-a-Vis Implementation of Various PF Acts' pertaining to the Ministry of Labour & Employment.

2. The Committee took evidence of the representatives of the Ministry of Labour & Employment and EPFO on 12.10.2017 and 30.05.2018. The Committee considered and adopted the Draft Report at their sitting held on 06th August, 2018. The Committee wish to express their thanks to the officers of the Ministry of Labour & Employment for tendering oral evidence and placing before them the detailed written notes and post evidence information as desired by the Committee.

3. Gist of important Observations/ Recommendations are on the next page.

New Delhi;
6th August, 2018
15th Shravana, 1940 (Saka)

DR. KIRIT SOMAIYA
CHAIRPERSON
STANDING COMMITTEE ON LABOUR

GIST OF RECOMMENDATIONS

Provident Funds have been maintained by some establishments much before the enactment of any specific provident fund in India. However apart from the PF Act, 1925 and the EPF&MP Act, 1952, some Statutory PFs have also been created for employees/workers in specific sectors like coal mines, Banks, Railways, Tea Plantations, Seamen, Universities etc.

The Standing Committee on Labour have examined the issue of Provident Funds in detail. Presently various categories/types of provident funds (PF) exist under various acts, which fall under the jurisdictions of various Ministries. Until recently, the PF Act, 1925 did not appear in the Allocation of Business Rules (AoBR) of any Department of the Government of India. However, after a detailed interaction of the Committee with various stakeholders on the matter, they were informed that the subject 'Administration of PF Act, 1925' has been allocated to Ministry of Labour & Employment under the AoBR on 26.06.2018. The Committee feel that there is a need to establish a regulatory mechanism for various PF trusts now.

The Committee, in the present report, have made several significant observations & recommendations in their report on the subject, some of which are as under:

- 1. Employees Provident Fund Organization (EPFO) is not the sole PF Organization/regulator in the country. While the Provident fund of private establishments/organizations/PSUs largely comes under EPFO according to the EPF&MP Act, 1952 which is allocated to the Ministry of Labour & Employment, there are two categories of organizations/establishments - Exempted & Excluded. Under the Exempted category, EPFO has the power to exempt large organizations from depositing EPF with EPFO. The PF can be maintained by a Trust created by that organization for the purpose.**
- 2. Under the Excluded category, a particular industry's PF has been excluded under various Acts. It is stipulated for the particular organization, under that Ministry, to form a separate PF Trust, which is to be maintained/regulated by that particular Ministry e.g. Shipping, Coal, Railways, Banking, Govt. PF and other PFs.**
- 3. The Committee recall that in the past even the exempted category of PF, though supposed to be maintained by EPFO, was also not being regulated. They had examined the subject and after the Committee submitted their 26th report (16th Lok Sabha) on Exempted category establishments/organizations to the Parliament on 7.4.17, consequently now the Ministry of Labour & Employment and EPFO as well as the Ministry of Finance have started regulating Exempted categories in the desired manner.**

4. The Committee have observed that there is no formal regulating system for organizations on matters of PF under the PF Act, 1925. In particular, the excluded category of PF is not at all regulated, either by their respective Ministry or EPFO.

5. The Committee are of the impression that various organizations/establishments, which fall under 'excluded category', have themselves developed their own rules, which, many times, are not in the interest of the employees/workers/labourers and leads to no discipline on the type of investments made from the PF corpus. It has been noticed that various Banks managing their own PF, sometimes attach the PF credit/contributions in the name of disciplinary action, which is arbitrary and illegal. Therefore, there is a need to establish norms by the Ministry of Labour & Employment to act as guidelines to these organisations/ establishments for formulating their rules for the sake of uniformity as well as for the welfare of their employees.

6. After the oral and written interaction with all the concerned Ministries including the Ministry of Labour & Employment, the Ministry of Finance (Department of Expenditure & Department of Financial Services) etc, the Committee are convinced that a strong regulatory system should be in place for all PF Trusts. The Committee have been informed by the Ministry of Labour & Employment and EPFO that a consensus has been developed in the

Government Departments that EPFO, Ministry of Labour & Employment should act as a sole regulator for all such PF trusts including those managed by the exempted, excluded and other categories of organizations/establishments. The Committee have strongly recommended that the Government, if required, may amend various acts and authorize EPFO, Ministry of Labour & Employment to act as a sole regulator for all categories of PF.

REPORT

I. INTRODUCTORY

With the Industrial growth in India, some of the big employers had introduced schemes of provident funds for the welfare of their workers. But all those schemes were private and voluntary. Workers of the small employers remained deprived of the benefits which were provided by the big employers. On 11th February, 1948, a private bill was introduced in the Constituent Assembly of India to provide for the establishment and grant of provident fund for certain classes of workers by their employers. This Bill provided for compulsory establishment of provident funds by every employer in industrial concerns for the betterment of the employees and their families. On 15th November, 1951, the Government of India promulgated the Employees' Provident Funds Ordinance which came into force on that date. Subsequently the Employees' Provident Funds and Miscellaneous Provisions Bill was introduced in the Parliament to replace the Ordinance. To avoid any hardship to new establishments, a provision had been made for exempting them for a period of three years and similar exemptions were given to other establishments which were less than three years old till they have been in operation for a period of three years in all. The rate of contribution will be 6 percent of the total emoluments of the worker, the worker and the employer each contributing these amounts. Further, the scheme could empower payment of a higher subscription by the workers at their option. Where

provident funds offering equal or more advantageous terms were operating efficiently, provision had been made for them to continue subject to certain safeguards in the interest of the workers.

1.2 The question of making some provision for the future of the industrial worker after he retires or for his dependents in case of his early death, has been under consideration for some years. The ideal way would have been provision through old age and survivors pensions as has been done in the industrially advanced countries. But in the prevailing conditions in India the institution of a pension scheme cannot be visualised in the near future. Another alternative may be for provision of gratuities after a prescribed period of service. The main defect of a gratuity scheme, however, is that amount paid to a worker or his dependents would be small, as the worker would not himself be making any contribution to the fund. Taking into account the various difficulties, financial and administrative, the most appropriate course appears to be the institution compulsorily of contributory provident funds in which both the worker and the employer would contribute. Apart from other advantages, there is the obvious one of cultivating among the workers a spirit of saving something regularly. The institution of a provident fund of this type would also encourage the stabilisation of a steady labour force in industrial centres.

1.3 The subject of legislation for instituting compulsorily of contributory provident funds in industrial undertakings was discussed several times at tripartite meetings in which representatives of the Central and State

Governments and employers and workers took part. A large measure of agreement was reached that there should be such legislation. Further, a non-official Bill on this subject was introduced in the Central Legislature in 1948 and was withdrawn only on an assurance given that Government itself would soon consider the introduction of a comprehensive Bill. The view that the proposed legislation should be undertaken was lastly endorsed by the Conference of Provincial Labour Ministers held in January, 1951. It may be added that a statutory Contributory Provident Fund already exists for workers in coalmines, covering about 300,000 persons. This has been in operation for about five years and is working very satisfactorily.

1.4 The Bill provides for institution, in the first instance, of contributory provident funds in the six major organised industries named in Sch. I, except Undertakings owned by the Central or State Government or by a local authority. There is also a provision empowering the Central Government, by notification, to add other industries to the Schedule or to apply the Act to industrial undertakings employing less than fifty persons.

1.5 To avoid any hardship to new establishments, a provision has been made for exempting them for a period of three years and similar exemptions are given to other establishments which are less than three years old till they have been in operation for a period of three years in all the rate of contribution will be 6 percent of the total emoluments of the worker, the worker and the employer each contributing these amounts. Further, the scheme could empower payment of a higher subscription by the workers at their option.

1.6 Most of the details relating to the Fund will be settled in accordance with a scheme, which, in the interest of uniformity, will be framed by the Central Government. The administration will, to a large extent, be de centralised in regard to undertakings falling within the sphere of State Governments.

1.7 Where provident funds offering equal or more advantageous terms are operating efficiently, provision has been made for them to continue subject to certain safeguards in the interest of the workers. This Bill when enacted will repeal and re-enact all Ordinance promulgated on the same lines on the 15th November 1951

II. VARIOUS PF ACTS AND THEIR REGULATORY MINISTRIES/ ORGANISATIONS IN THE COUNTRY:

2.1 When the Committee asked about the Act/Rules relating to the various Provident Funds being managed in the country presently in vogue, the Ministry informed as under:

Sl. No.	Act	Organisation
1.	The Employees' Provident Funds and Miscellaneous Provisions Act, 1952	Employees' Provident Fund Organisation – Ministry of Labour and Employment
2.	The Coal Mines Provident Funds and Miscellaneous Provisions Act, 1948	Coal Mines Provident Fund Organisation – Ministry of Coal.
3.	The Assam Tea Plantations Provident Fund and Pension Fund and Deposit Linked Insurance Fund Scheme Act, 1955	Assam Tea Employees Provident Fund Organisation – Government of Assam
4.	The Seamen's Provident Funds Act, 1966	Seamen's Provident Fund Organisation – Ministry of Shipping
5.	The Provident Funds Act, 1925	----

2.2 When queried as to whether under the allocation of business rules followed in the Government of India any nodal Ministry has been assigned the task of regulating/managing/administering the legislations/rules framed there under concerning Provident Funds as provided in the above said entry in the concurrent list of the Constitution of India. The Ministry stated as under:

"As per rule 2 of Government of India (Allocation of Business) Rules, 1961 (in short AoBR), the business of the Government of India is transacted in the Ministries, Departments, Secretariats and Offices specified in the First Schedule to the said rules (all of which are referred to as "Departments"). As per rule 3 of the said Rules, the distribution of subjects among the Departments is as specified in the Second Schedule to the said Rules.

The Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952) is allocated to the Ministry of Labour and Employment (MoL&E) (Part-V, Sl. No. 24). Similarly, the work relating to the administration of the Coal Mines Provident Fund and Miscellaneous Provision Act, 1948 (46 of 1948) is allocated to the Ministry of Coal under the AoBR (Sl. No.8) and the Seamen's Provident Fund Act, 1966 (4 of 1966) is allocated to Ministry of Shipping (Part-X, Sl. No. 43)

2.3 Further they informed that the Provident Funds (PF) Act, 1925 **(Annexure-I)** does not appear in the list of business allocated either to the Ministry of Finance (Department of Economic Affairs and Department of Financial Services) or to the MoLE under the Allocation of Business Rules

(AoBR). Further, 'Provident Fund' as a subject finds a place in Part-II, SL.No.5 of the AoBR of the MoL&E.

2.4 The Committee asked as to whether the Ministry of Labour & Employment feel that the entire work of management of the regulatory/legislative framework should come under one single Ministry having specialization in managing the various matters concerning Provident Funds for better regulation/management and handling of subscriber grievances and the Ministry replied as under:

"In view of the above a large number of Provident Fund Trusts governed under the PF Act, 1925 are not regulated by any Regulatory Authority, such as, Pension Funds Regulatory development Authority(PFRDA), EPFO, etc. As absence of regulation of these Trusts may lead to curtailment of social security benefits to workers who are members of these Trusts, it is high time to bring them under the regulatory framework of an organisation under the aegis of the MoL&E."

In this context, the Department of Financial Services, Ministry of Finance further stated as under:

"The Department of Financial Services agrees that there is a need to regulate these unregulated PF trusts, as the good governance can optimise pension outcomes for subscribers of a provident fund trust and the bad governance could hurt them. It is felt that the jurisdiction of PFRDA as defined under section 12 of the Pension Fund Regulatory and Development Authority Act, 2013 (PFRDA Act), may not cover provident fund trusts under the Provident Funds Act, 1925. PFRDA Act applies to National Pension System (NPS) and unregulated pension schemes, which are not regulated by an Act. Further, PFRDA Act

empowers the Government to notify extension of the PFRDA Act and widen the jurisdiction of PFRDA by including any pension scheme. (except the specific statutory pension schemes enumerated under sub-section(3) of section 12 of the PFRDA Act) under the domain of the PFRDA Act, and PFRDA. Government cannot issue notification under section 12(5) to cover provident funds, as this may be restricted to schemes exempted by Government under clause 9c) of sub-section (3) of section 12 of the PFRDA Act, through a notification and not the statutorily excluded schemes.

2.5 In their latest written communication to the Committee, the Ministry of Labour & Employment informed that "Administration of the Provident Funds Act, 1925 (19 of 1925)" has been allotted to the Ministry of Labour & Employment by amending the Second Schedule of the Government of India (Allocation of Business) Rules, 1961 vide notification number S.O. 3141(E) dated 26.06.2018 **(Annexure-II)**.

2.6 The Committee at every stage of examination of the subject was constantly concerned to note that all Provident Fund trusts governed under the Provident Fund Act, 1925, are not regulated by any regulatory authority, such as Pension Fund Regulatory and Development Authority (PFRDA), EPFO etc., and thus feel that the present situation may lead to curtailment of social security benefits to workers who are members of these trusts. Even the Ministry of Finance have clarified that the jurisdiction of PFRDA under PFRDA Act, 2013 may not cover PF trusts under the PF Act, 1925 as the PFRDA Act applies to NPS (National

Pension System) and unregulated pension schemes, which are not regulated by an Act. Hence, they have concurred with the view of the Committee that there is a need to regulate the unregulated PF trusts as good governance can optimise pension outcomes for subscribers of a PF trust. The Ministry of Finance have also supported the idea that the Ministry of Labour & Employment may start regulating the PF trusts under the PF Act, 1925. In this connection, the Committee further note that Provident Fund Act, 1925 does not appear in the List of Business allocated either to the Ministry of Finance or to Ministry of Labour & Employment under Allocation of Business Rule (AoBR). Thus, until recently, there was no Ministry at the Central level to monitor or regulate the organisations/ establishments under Provident Fund Act, 1925. However, after a detailed interaction of the Committee with various stakeholders on the matter, they were informed that the subject 'Administration of PF Act, 1925' has been allocated to Ministry of Labour & Employment under the AoBR. The Committee, therefore, desire the Government to conduct an expeditious study of all such Establishments/ Organisations PF trusts. They further, observe that the Government upon active examination of the subject by the Committee positively considered and revised the AoBR and allocated the business of administration of the PF Act, 1925 to the Ministry of Labour & Employment as it also has the necessary expertise and specialisation in matters concerning Provident Funds.

2.7 During the course of the sitting held on 12.10.2017, the Committee cited the fact that no Ministry of the Government of India was the Nodal agency for administering the provisions of the Provident Funds Act 1925, hence the Ministry of Labour and Employment may take up the matter with the appropriate authority *i.e.* the Cabinet Secretariat or the PMO and apprise them that the Standing Committee on Labour had taken up the matter to decide which Ministry of the Government of India may be specifically assigned the responsibility to administer the said Act. Asked to furnish details regarding the action taken in the matter so far and the response received in this regard, the Ministry informed as under:

"The details of concerted efforts made by the Ministry of Labour and Employment for assignment of the PF Act, 1925 in its name under AoBR are as under:

Date(s)	Events
28.08.2015	MoL&E requested the Department of Financial Services to either bring the Trusts under PF Act, 1925 under the regulation of PFRDA in accordance with section 12 of PFRDA Act, 2013 which applies to National Pension System (NPS) and to any other pension scheme not regulated by any other enactment or to assign the task to manage these Funds to EPFO (which may levy an administrative cost for managing these Funds, to be determined with mutual consent).
07.01.2016	The Department of Financial Services observed that the jurisdiction of PFRDA, as defined under section 12 of the PFRDA Act, 2013, may not cover provident fund trusts under the PF Act, 1925. The Department of Financial Services, however, gave its consent to this Ministry to go ahead and start regulating the provident fund trusts under the PF Act, 1925.
02.05.2016	MoL&E requested Cabinet Secretariat, to allocate the PF Act, 1925 to this Ministry under the AoBR which would enable us to create structure to bring Trusts formed under the said Act under the much needed regulatory framework
25.05.2016	Cabinet Secretariat, advised MoL&E to complete the inter-ministerial consultations and obtain the concurrence of Ministries/Departments concerned including Ministries of Railways, Coal, Shipping and Departments of Economic Affairs, Financial Services and Legislative Department with the

	approval of their Minister-in-charge and thereafter forward the proposal with the approval of the Minister-in-charge of the MoL&E.
15.06.2016	The Ministries of Railways, Coal, Shipping and Departments of Economic Affairs, Financial Services, Legislative Department and Legal Affairs were requested by the Ministry to furnish their comments on the following proposal of the Ministry: <i>“to bring these Trusts under its regulation and assign this responsibility to EPFO, an organization which apart from directly managing country’s biggest Provident Fund, is also regulating exempted PF Trusts under the EPF and MP Act, 1952. However, this is possible only when this Ministry is allocated the PF Act, 1925 and all related work. Therefore, this Ministry intends that the PF Act, 1925 may be allocated in its name under the AoBR.”</i>
28.07.2016 to 24.11.2016	The comments of the consulted Ministries/Departments on the above proposal of the Ministry were received, except from D/o Financial Services.
21.07.2017	Cabinet Secretariat sought certain clarifications on the PF Act, 1925 from MoL&E.
04.08.2017	MoL&E sent the requisite clarification to Cabinet Secretariat.
29.8.2017	A meeting was held in the Cabinet Secretariat to discuss the allocation of PF Act, 1925 to an appropriate Ministry/Department. It was decided in the said meeting that MoL&E will interact with a few select organisations notified under the PF Act, 1925 and advise Cabinet Secretariat on the relevance of the said Act. EPFO and ESIC are covered under the PF Act, 1925. Their employees are contributing to provident fund, which is also not under any regulatory authority. Both of them have adopted the Government GPF Rules. They collect contribution as per the rules as applicable to Government Servants and pay interest based on the interest announced by the Government under GPF Rules. In the case of ESIC, they also follow similar pattern. If there is a shortfall in case of the interest given to the employees, they make up by drawing money from their own account because they do not maintain a separate provident fund account for their employees in ESIC.
06.11.2017	A proposal was sent to the Cabinet Secretariat to:(a) allocate the subject “Administration of the Provident Funds Act, 1925 (19 of 1925)” to the MoL&E under the AoBR; and (b) decide on the appointment of an existing or otherwise of a Regulator under MoL&E to regulate the provident funds operating under the PF Act, 1925.
13.11.2017	Lok Sabha Secretariat informed that Standing Committee on Labour felt that the views of RBI, Cabinet Secretariat, Ministry of Agriculture and Ministry of Finance (D/o FS) may be sought by 06.12.2017 for in-depth examination of the matter
20.11.2017	A request in this regard was sent to RBI, Cabinet Secretariat, Ministry of Agriculture, Cooperation and Farmers Welfare (Department of Agriculture, Cooperation and Farmers Welfare) and Ministry of Finance (D/o Financial Services). Comments of D/o Financial Services and Department of Agriculture, Cooperation and Farmers Welfare have been received. RBI has been last reminded on 22.12.2017.
08.12.2017	In response to this Ministry’s proposal dated 06.11.2017,

	Cabinet Secretariat informed that a proposal for amendment in the PF Act, 1925 was piloted by the Deptt.of Expenditure (DoE) in 1974. Further, Deptt.of Pensions and Pensioners Welfare (DoP&PW) have from time to time issued notifications under the General Provident Fund (Central Services) Rules, 1960 and the Contributory Provident Fund Rules (India), 1962. Therefore, the comments of DoE and PoP&PW may be obtained and forwarded to them before the proposal is processed by them.
12.12.2017	Secretary (E) and Secretary(P&PW) has been requested demi-officially at the level of Secretary(L&E) to expedite the comments followed by reminder on 21.12.2017. "

2.8 The Committee also observed that the Ministry of Labour & Employment has consulted various Ministries for their suggestions / comments on excluded employers/establishments as per directions of Standing Committee on Labour. In this regard the Committee asked the Ministry to furnish the detailed note on comments / suggestions received from those Ministries along with details of correspondence, and the comments of Ministry of Labour & Employment on those suggestions in response, the Ministry submitted as under:

A note on the comments/suggestions received from the Department of Agriculture, Cooperation and Farmers' Welfare, Cabinet Secretariat, Department of Financial Services, Reserve Bank of India, Department of Expenditure, and Department of Pension and Pensioners' Welfare, consulted as per the directions of the Standing Committee on Labour, along with the comments of the Ministry of Labour and Employment is as under:

Sl. No.	Name of the Department	Suggestions
1	Department of Agriculture, Cooperation & Farmers Welfare vide OM No.R-11017/98/2013-	"..... as far as PF trusts are concerned, no information can be provided, as trusts are neither registered nor regulated by this department. It is however added that multi

	L&M dated 18.12.2017	State cooperative societies are registered and regulated by this Department and Section 69 of the Multi State Cooperative Societies Act, 2002 read with Rule 26 of the Multi State Cooperative Societies Rules, 2002 stipulates that the cooperative societies registered under the Multi State Cooperative Societies Rules, 2002 and having ten or more regular employees may establish a contributory provident fund for the benefit of its employees to which shall be credited all contributions made by the employees and the society, in accordance with the bye-laws of the society, subject to the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952)."
2	Cabinet Secretariat vide O.M. No. 1/21/10/2016-Cab dated 03.01.2018	(1)The consultation with DoE and DoP&W may be completed at the earliest with reference to earlier O.M. dated 8.12.2017. <i>(2) In respect of regulatory framework of Excluded category organisations under the EPF Act, 1952, MoLE may consult the concerned stakeholder Ministries/ Departments in the matter.</i>
3	Department of Financial Services vide OM No.11/55/2015-PR dated 06.12.2017	They have enclosed a copy of their O.M. dated 7.1.2016, which states as under: "The Department of Financial Services (DFS) agrees that there is a need to regulate these unregulated Provident Funds Trusts, as the good governance can optimise pension outcomes for subscribers of a Provident Funds Trusts and the bad governance could hurt them. It is felt that the jurisdiction of PFRDA as defined under section 12 of the Pension Fund Regulatory and Development Authority Act, 2013 (PFRDA Act), may not cover Provident Funds Trusts under the Provident Funds Act, 1925. PFRDA Act applies to National Pension System (NPS) and unregulated pension schemes, which are not regulated by an Act. Further, PFRDA Act empowers the Government to notify extension of the PFRDA Act and widen the jurisdiction of PFRDA by including any pension scheme, {except the specific statutory pension schemes enumerated under sub-section (3) of section 12 of the PFRDA Act} under the domain of the PFRDA Act, and PFRDA. Government can't issue notification under section 12(5) to cover Provident Funds, as

		<p>this may be restricted to schemes exempted by Government under clause (c) of subsection (3) of section 12 of the PFRDA Act, through a notification and not the statutorily excluded schemes.”</p> <p>Department of Financial Services has also suggested that Ministry of Labour & Employment may go ahead and start regulating the Provident Funds Trusts under the Provident Funds Act, 1925.”</p>
4	<p>Reserve Bank of India vide letter No. 480/05.00.003/2017-18 dated 11.1.2018</p>	<p>(a) In terms of Section 8 (2) of Provident Fund Act, 1925 (PF Act, 1925), the Act shall apply to any Provident Fund established for the benefit of the employees of any of the institutions specified in the Schedule (of the PF Act, 1925) or any group of such institutions.</p> <p>Further, Section 8 (3) of the PF Act, 1925 states that the appropriate Government may by notification add to the Schedule the name of any public institution it may deem fit. In terms of Section 16 (1) (c) of the Employee Provident Fund Management Act, 1952 (EPFMP Act, 1952), the EPFM Act, 1952 does not apply to any establishment set up under any Central, Provincial or State Act if the employees are entitled to the benefits of contributory Provident Fund or old age Pension in accordance with any scheme or rule governing such benefits, framed under that Act.</p> <p>(b) To the best of our knowledge we understand that PF Act, 1925 does not contemplate formation of Trust to administer the Fund. Therefore, bringing Provident Funds of all the institutions notified under Section 8 (2) and (3) of PF Act, 1925 will involve formation of Trusts for all such institutions.</p> <p>(c) PF Act 1925 has proved to be successful social welfare legislation over the years, where the institutions have control and freedom to operate its own fund in the interest of the employees under the regulation and supervision of the institution's board or any such other authority which is submitting periodic accounts and report to the controlling authority.</p> <p>(d) Any shift from the PF Act, 1925 to the EPFM Act, 1952 for management of the</p>

		<p>Provident Fund for any institute will involve a lengthy and cumbersome procedure. Institutes will have to be de-notified under section 8(2) of the PF Act, 1925. It will no longer be covered by exemption under section 16 (1) (c) of the EPFM Act, 1952. Provident Fund of all such institutes will then have to be brought within the scope of the scheme framed by the Central Government under Section 5 of the EPFM Act, 1952. Central Government will have to notify in the official gazette that the employees of such institutes would be governed by the Employees' Provident Fund Scheme framed by the Central Government. The Fund will then vest in terms of Section 5(1A) of the 1952 Act, in the Central Board constituted under Section 5A of the EPFM Act, 1952. Under Section 5A of the EPFM Act, 1952, the Central Board (Board of Trustees) is constituted by the Central Government. The Fund will then be administered by the Central Board/Board of Trustees in terms of Section 5 (1A) of the Act.</p> <p>(e) Necessary amendments to the Current Acts and Regulations governing Provident Fund of such institutes will also have to be made.</p> <p>(f) It will also increase the work of these institutes with respect to collection, remittance, investment and final settlement from/to the subscriber.</p> <p>(g) From the above, it is felt that there may not be any distinct or additional advantage by bringing such institutes under the regulatory framework of PFRDA, EPFO or any new regulatory authority.</p>
5	D/o Expenditure vide their O.M. No. 4(1)/EV/2014 dated 17.5.2018	Department of Expenditure has no objection to the proposal of Ministry of Labour and Employment to allocate the subject "Administration of the Provident Fund Act, 1925 (19 of 1925)" to them under Allocation of Business Rules.
6	D/o Pension & Pensioners' Welfare vide O.M. No. 3/4/2017-P&PW(F) dated 28.12.2017	As per Allocation of Business Rules, the work relating to administration of PF Act, 1925 is not with DoP&PW. Therefore, they have no objection to the proposal of administrative of Provident Funds Act by Ministry of Labour and Employment.

2.9 During the sitting of the Committee held on 12.10.2017, on being asked to furnish the comments of the Ministry of Labour & Employment on the above suggestions/views of various Ministries, the Ministry informed that all these Departments have agreed to the proposal of the Ministry of Labour and Employment. Hence, MoL&E has no further comments. However, the matter is now being taken up with the Cabinet Secretariat. A copy each of the aforementioned communications is enclosed at **Annexure-III**.

2.10 During the same sitting of the Committee held on 12.10.2017, the Committee when further asked the Ministry to furnish a detailed note on Reports obtained from Department of Economic Affairs containing their comments / suggestion on PF Act, 1925 along with the letter dated 28.07.2015, the Ministry's written response was as under:

"Ministry of Finance, Department of Economic Affairs vide their O.M. No.15 (10/Ec. Dn./2016 dated 28.7.2016 (copy enclosed as **Annexure-IV**) has furnished the following comments with reference to this Ministry's proposal to allocate the PF Act, 1925:

(1) A perusal of the Provident Funds Act, 1925 has several references to government and railway employees, which indicates that the same covers inter-alia government and railway employees. Possibly, the State Railway Provident Fund (SRPF) and the Contributory Provident Fund (CPF) are covered under this Act. In Rule 2 (2) of the GP Rules, 1960 also there is a reference to the PF Act, 1925. If this is correct, then there is no case for the same being brought under

the jurisdiction of MOLE. The same may please be examined de-novo by the MOLE.

(2) The PF Act, 1925 is possibly an example of an obsolete law, since it presently does not appear in the AoBR of any Department of the Government of India and may be examined for repeal.

(3) In case there is a necessity of continuing with the PF Act, 1925, then relevant clauses of the same may be considered for inclusion in the EPF & MP Act, 1952 through a partial or complete amendment.

(4) As regards the future role of EPFO as an organization, the same needs to be deliberated in detail with the stake holders. Presently, EPFO performs the role of both regulator and player, creating a conflict of interest. Instead of creating a new organization, EPFO should be split into a regulator and player after identifying and separating the activities within EPFO that are regulatory in nature in contrast to the activities that relate to a provident fund provider. After this, an amendment to the EPF & MP Act, 1952 should be proposed.

(5) The proposed changes could also deliberate whether the two forms of social security i.e. Pension (National Pension Scheme) and Provident Fund (under EPF Act, 1925 and EPF & MP Act, 1952) require to be in silos and have separate regulatory frameworks and service providers or be unified and integrated.

(6) The issue of large amounts lying unclaimed in inoperative Provident Fund Accounts administered by the EPFO needs to be addressed. Guidelines and rules may be laid down to deal with such inoperative accounts, once these Trusts are regulated."

2.11 When asked to furnish comments of the Ministry of Labour & Employment with respect to the suggestions / views received from RBI, wherein it has stated that there may not be distinct or additional advantages by bringing such institutions/establishments under regulatory framework of PFRDA, EPFO or any new regulatory authority, the Ministry stated that they do not agree with the views/suggestions of the Reserve Bank of India.

2.12 Further, during the course of sitting of the Committee, held on 30.05.2018 the Ministry were also asked to state their views on the Comments/ Suggestions received from RBI. In response, the representative of Ministry of Labour & Employment submitted as under:

"Sir, I will read the exact words. The PF Act, 1925 has proved to be a successful social welfare legislation over the years where the institutions have control and freedom to operate its own fund, in the interest of the employees under the regulation and supervision of the institutions board or any such authority which is submitting periodic accounts and report to the controlling authority. What they are saying is, these funds are being regulated by their boards, by their own controlling authority. That is why, in the last, they have written as "From the above, it is felt that there may not be any distinct or additional advantage by bringing such institutions under the regulatory framework of PFRD or EPFO or any other regulatory authority." It means that they are neutral but it may not be very useful. But we have consulted many Ministries. They are saying that yes, we can go."

2.13 The Committee express satisfaction that following the serious concern expressed by them, the Ministry of Labour & Employment made concerted efforts for bringing PF Act, 1925 under its Allocation of Business Rules (AoBR), by requesting the Ministry of Finance, (Department of Financial Services) to either bring the trusts under the PF Act, 1925 under the regulation of PFRDA in accordance with section 12 of PFRDA Act, 2013 which applies to New Pension System (NPS) or to assign the task to manage these funds to EPFO. However, the Department of Financial Services stated that jurisdiction of PFRDA may not cover PF Act, 1925 and gave its consent to the Ministry to go ahead and start regulating the PF trusts under PF Act, 1925. Thereafter, the Ministry of Labour & Employment requested the Cabinet Secretariat to allocate PF Act, 1925 to Ministry of Labour & Employment, under AoBR, which has since been done. This would enable them to create or structure to bring trusts formed under the much needed regulatory framework. The Committee have also been informed that there is a consensus between various Government departments that EPFO be made the sole authority to regulate all the PF trusts under PF Act, 1925 including Excluded, Exempted and other organisations. The Committee hope that a decision would soon be arrived at on the matter. The Committee, exhort the Government to either draft new Act on the lines of EPF&MP Act, 1952 or amend the EPF&MP Act, 1952 by inserting the relevant provisions of PF Act, 1925 and also to frame the guidelines to deal with the large PF amount lying unclaimed in operative PF accounts.

III. LEGAL PROVISIONS ON EXCLUSION OF ORGANIZATIONS/ ESTABLISHMENTS

3.1 Regarding the existence of Provident funds being managed by various entities which are in the excluded category as per Section 16 of the EPF & MP Act 1952 and are not covered under any of the existing Provident Fund Acts administered by different departments of the Government of India and which includes entities like PSU/Private Banks/Universities etc. the Ministry informed as under:

"Relevant information regarding exclusion under section 16 of EPF & MP Act, 1952 is as under:-

“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

(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;

(d) If the Central Government is of opinion that having regard to the financial position of any class of establishments or other circumstances of the case, it is necessary or expedient so to do, it may, by notification in the Official Gazette, and subject to such conditions as may be specified in the notification, exempt, whether prospectively or retrospectively, that class of establishments from the operation of this Act for such period as may be specified in the notification.”

The establishments which are excluded in terms of section 16(b) and 16(c) of the Act are generally those which fall under the provisions of the Provident Funds Act, 1925 or follow the provisions thereof.

The Provident Funds Act, 1925

This Act regulates the Government and other Provident Funds. The Act is applicable to Government Provident Fund and Railway Provident Fund. It is also applicable by notification to Provident Funds of local authorities and Provident Funds of institutions specified in the Schedule (Name of any public institution may be added in the Schedule by notification).

The relevant provisions of the Provident Funds Act, 1925 are as follows:

(a) "Government Provident Fund" means a Provident Fund, other than a Railway Provident Fund, constituted by the authority of the Secretary of State, the Central Government, the Crown Representative or any State Government for any class or classes of persons in the service of the Governmental or of persons employed in educational institutions or employed by bodies existing solely for educational purposes and references in this Act to the Government shall be construed accordingly;

(b) "Provident Fund" means a fund in which subscriptions or deposits of any class or classes of employees are received and held on their individual accounts,

and includes any contributions and any interest or increment accruing on such subscriptions, deposits or contributions under the rules of the Fund;

(c) "Railway Provident Fund" means a Provident Fund constituted by the authority of a railway administration for any class or classes of its employees."

List of all institutions that fall under the purview of PF Act, 1925 are given at

Annexure-III.

3.2 Some of the establishments/organizations are excluded from EPFO as per Provident Funds Act, 1925. In this regard, the Ministry, in their written replies submitted as under:

"The establishments which are excluded in terms of section 16(1)(b) and 16(1)(c) of the EPF and MP Act, 1952 are generally those which fall under the provisions of the Provident Funds Act, 1925 or follow the provisions thereof. At present about 140 institutions/organisations are covered under the said Act."

3.3 The Committee enquired whether PF Act, 1925 still exists and desired to know details of Organisations/ Establishments where this Act is still followed.

In response, the Ministry stated as under:

"The Provident Fund Act, 1925 exists as on date. Cabinet Secretariat, vide their O.M. No. 1/21/10/2016-Cab dated 08.12.2017 had informed that a proposal for amendment in the said Act was piloted by the Department of Expenditure in 1974.

Some of such institutions to whom the PF Act, 1925 has been made applicable are (a) A Court of Wards; (b) A College affiliated to a University established by Statute; (c) Indian Red Cross Society; (d) Bombay Board of Film Censors; (e) Calcutta University; (f) Reserve Bank of India; (g) Medical Council of India; (h) Indian Coffee Board; (i) Indian Rubber Board; (j) Employees' State Insurance Corporation; (k) Delhi Road Transport Authority, New Delhi, (l) Central Tea Board; (m) Indian Standards Institution, Delhi; and (n) Employees Provident Fund Organisation."

3.4 When asked to whether it is prudent to exclude these organizations/ establishments from EPFO, the Ministry submitted as under:

"There is a need of regulator for the purposes, inter-alia, to: (a) protect the interest of the contributing members; (b) see that the investments are done properly which yield maximum return with security; (c) make use of unclaimed amounts lying with these trusts; (d) prevent fraud, etc. as has happened in case of Seamen's Provident Fund Organisation where investment of Rs.98 crore was lost; and (e) address the grievances of the contributors."

3.5 The Committee observed from the documents furnished by the Ministry that some of the Provident Funds have been maintained by some establishments much before the enactment of specific Provident Fund Act in India like, The Calcutta Improvement Act, 1911 (Bengal Act V of 1911) and The Banaras Hindu University Act, 1915 (Act No. XVI of 1915), etc. The Committee desired to be apprised as to whether all the above mentioned acts are still in

vogue or merged in PF Act 1925 or any other PF Acts. The Ministry replied as under:

"The Calcutta Improvement Act, 1911 (Bengal Act V of 1911) is a State legislation. The Banaras Hindu University Act, 1915 (Act No. XVI of 1915) is a piece of Central legislation and is still in vogue."

3.6 The Ministry, when asked to furnish the list of organizations/ establishments excluded under Section 16 (1) and Section 17 of EPF & MP Act, 1952, submitted that the list of excluded establishments under section 16 of the EPF and MP Act, 1952 is not maintained by EPFO.

3.7 When the Committee asked whether all the provisions under PF Act 1925 are being availed by the employees of organizations/establishments under excluded category of EPFO, the Ministry stated that the implementation of the PF Act, 1925 is not monitored by the Ministry of Labour and Employment and hence the Ministry stated that they are not aware about it.

3.8 The Committee during their in depth examination of the issue of Provident Funds, have noticed that at present there are various categories or types of Provident Funds (PFs) under various ministries. This has also dispelled the myth that EPFO is the sole PF organisation/ Regulator in the Country for regulating the PF trusts, as there are atleast 3 different

types of Provident Funds in the country, *i.e* PF under PF Act 1925, excluded institutions under Employees' Provident Fund and Miscellaneous Provisions (EPF&MP) Act 1952; exempted organisations/establishments under EPF&MP Act 1952 and PF under EPF&MP Act 1952. Hence, under Excluded category of Institutions/ Organisations/ establishments, Banks/Coal Mines/ Academic Institutions/Multi-State Cooperative societies/some PSUs etc, are covered which are excluded from the purview of EPFO as per of Section 16 of EPF&MP Act, 1952 and maintain their own trusts. Presently there is no specific body/ authority at the Central level to regulate these PF Trusts. The Committee are of the opinion that there is an urgent need of a regulator for the purpose of bringing workers under PF benefits, protecting the interest of the already contributing members, ensure the investments are done judiciously, which would yield maximum return with security, make use of unclaimed amounts lying with these trusts and prevent fraud, as had happened way back in case of Seamen's Provident Fund Organisation, where fraudulent investment of crores of rupees from the PF was made and redress the grievances of the contributors. The Committee are of the view that due to lack of a body at the Central level to regulate the PF trusts, these Organisations/ Establishments/ Institutions under PF Act 1925, may venture towards financial indiscipline. The Committee appreciate that after it started the examination of the subject the Government has amended Allocation of Business Rules and placed administration of the Act under the Ministry of Labour & Employment and therefore,

recommend that the Ministry of Labour & Employment should now proactively explore the possibilities of amending the obsolete PF Act, 1925, merge all the PF trusts of all the Establishments/ Organisations under it into a single body/ trust and the same may be regulated by the Ministry of Labour & Employment, as is being done for Exempted Category under EPF&MP Act, 1952, for efficient working of all these trusts and to avert any future financial frauds.

IV. CRITERIA / GUIDELINES FOR EXCLUDING AN ESTABLISHMENT / ORAGNIZATION FROM EPFO

4.1 During the course of meeting held on 12.10.2017, the Committee asked the Ministry to provide details of procedure of excluding Organisations/ Establishments under EPFO. The representative of the Ministry explained as under:

"In the EPF&MP Act, there is one inclusion clause and one exclusion clause. Section 1 says what establishments are included in Act and they are scheduled establishments. Then, Section 16 speaks of the excluded establishments. Under Section 16, there are three groups of establishments which are excluded from the purview of the law. The first group is of establishments which are registered under the Cooperative Societies Act, 1912 or similar State Acts, employing less than 50 persons and working without the aid of power. The second group consists of establishments belonging to or under the control of the Central Government or State Government whose employees are entitled to the benefit of contributory PF or pension in accordance with any scheme or rule framed by the Central Government or the State Government. The third category is of establishments set up under any Central Act or State Act and whose employees

are entitled to benefits of contributory PF or pension in accordance with any scheme or rule framed under that Act. These are statutory organisations under Central Government or State Government where a PF scheme is available. So, these three categories of establishments are specifically excluded from the EPF law. Out of these categories, establishments under category (b) and category (c) are mostly functioning under the PF Act, 1925.

There is Section 1 which talks of establishments which are included. There, a schedule is there and lot of industries are listed there. Those industries, which are outside that schedule, are also excluded. Then, Section 1 does not include certain establishments like banks or warehouses established under any Central or State Act, military messes, State Finance Corporations, Indian Railways and Air India. Therefore, these are also excluded, though they may not specifically coming under the exclusion clause, that is, Section 16.

In addition to all this, there is another clause, that only those establishments with above 20 employees and their employees getting Rs. 15,000 or less come under EPFO. So, all those establishments which are having less than 20 employees or whose employees are having wages more than Rs.15,000 also stand excluded. That is another category.

There is a final category which is exempted; it is not excluded. The exempted category is regulated by EPFO. They are part and parcel of EPFO, but they are exempted and they are running their own schemes under the regulation of the EPFO. To that extent, they cannot be called excluded, but they are exempted and we are regulating them. So, they are already under the regulatory framework of the EPFO.

In a nutshell, I would like to summarise that in section 1 inclusion clause, there are some industries which are not included. They stand outside the purview of the Act. In Section 16, there are specifically excluded three categories which are outside the purview of the EPFO."

4.2 Asked to furnish a detailed note on criteria / guidelines followed in excluding an establishment / organizations from EPFO, the Ministry informed that non-application of the provisions of Sections 1(3) the Act is derived from conditions laid down under Section 16 of the Act itself.

4.3 The Committee also sought detailed clarification from the Ministry of Labour & Employment on the difference between 'excluded' and 'exempted' categories of establishments/ organizations. Responding to the same, the Ministry stated as under:

"Section 16 of the Act deals with exclusion of the establishment from the Act itself, whereas exemption from any Scheme under the Act is granted under Section 17 of Act. The major difference between the 'exclusion' and 'exemption' is that the provisions of the Act do not apply to an excluded establishment. Whereas, exemption is granted by the Appropriate Government from operation of all or any of the provisions of any Scheme. Act continues to apply to an establishment that has been granted exemption from any Scheme. Exempted establishments remain under the regulatory control of the CBT, EPF. The provisions of Section (16) have already been reproduced above (in reply to observation no 5(a)). Provisions of Section (17) are reproduced below:

Section 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:-

- (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 favorable 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 favorable 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 benefits, separately or jointly, are on the whole not provided under this Act or any Scheme in relation to employees in any other (establishment) of a similar character."

4.4 When further asked to furnish the details of all establishments/units/organizations under excluded category along with the Acts under these establishments are excluded and the provisions for workers of these organisations/establishments, the Ministry stated that as regards application of the provisions of the EPF & MP Act, 1952 no record is maintained for the establishments on which the EPF & MP Act, 1952 does not apply. However, the Act mandatorily applies only to such establishments employing 20 or more employees (Other than Cinema Establishments) as per the provisions of Section 1(3) of the Act.

4.5 In regard to the provisions under excluded category EPFO for welfare of workers of Organizations / Establishment, the Ministry stated that excluded establishments do not come under the purview of EPFO.

4.6 The Committee, enquired about the Nodal Ministry in regulating the organisations/establishments under excluded category and in response, the Ministry of Labour & Employment stated as:

"Ministry of Labour and Employment is the Nodal Ministry for regulating the Employees' Provident Funds & Miscellaneous Provisions Act, 1952. There is no such Ministry at the central level which is regulating the PF Act, 1925.

4.7 From the documents furnished to the Committee, they observed that the PF Act, 1925 does not appear in the list of business allocated either to the Ministry of Finance (Department of Economic Affairs and Department of Financial Services) or to the Ministry of Labour & Employment under the Allocation of Business Rules (AoBR), although 'Provident Fund' as a subject finds a place in Part II, S. No. 5 of the (AoBR) of Ministry of Labour & Employment. In this regard, when the Committee sought information about any Ministry which regulates the PF Act, 1925, the Ministry of Labour & Employment replied as under:

"As no Central Ministry is regulating the PF Act, 1925, Ministry has requested the Cabinet Secretariat to take necessary action: (a) to allocate the subject "Administration of the Provident Funds Act, 1925 (19 of 1925)" to the MoL&E under the AoBR; and (b) to decide on the appointment of an existing or otherwise of a Regulator under MoL&E to regulate the Provident Funds Trusts formed under the Provident Funds Act, 1925, vide O.M. dated 06.11.2017. The Ministry has completed the process of Inter-Ministerial consultations in this regard. The outcome has been communicated to the Cabinet Secretariat vide this Ministry's O.M. dated 28.06.2018, with reference to their O.M. dated 08.12.2017."

4.8 The Committee desired to be apprised as to how an organization/ establishment is declared to be excluded. In response, the Ministry submitted as under:

"The EPF & MP Act, 1952 mandatorily applies only to such establishments employing 20 or more employees (Other than Cinema Establishments) as per the provisions of Section 1(3) of the Act.

Out of the establishments to whom the Act applies, establishments fulfilling the criteria laid down in Section 16 are said to be excluded under the Act.

Relevant provisions of the Employees' Provident fund and Miscellaneous Provisions Act, 1952 are produced below:

Section 1: Short title, extent and application: (1) This Act may be called the Employees' Provident Fund 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 20 (twenty) or more persons are employed, and;

(b) to any other establishment employing 20 (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 20 (twenty) as may be specified in the notification.

Section 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

(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;

(2) If the Central Government is of the opinion that having regard to the financial position of any class of establishments or other circumstances of the case, it is

necessary or expedient so to do, it may, by notification in the Official Gazette, and subject to such conditions as may be specified in the notification, exempt, whether prospectively or retrospectively, that class of establishments from the operation of this Act for such period as may be specified in the notification."

4.9 When asked about the Banks/financial Institutions/Private trusts who manage their own PF Trusts themselves and the regulatory framework under such PFs and the estimated subscriber base of such PFs, the Ministry informed that entities to which EPF & MP Act, 1952 does not apply and which do not fall under the provisions of the Provident Funds Act, 1925 or any other Statute may be managing their PF trusts by themselves. However, the details of the regulatory framework, subscriber base and fund base of such entities were stated to be not available.

4.10 When the Committee desired to know whether the Ministry of Labour and Employment is aware that certain entities like Banks have framed their own PF rules, even for attachment of PF contributions lying in individual PF accounts and whether there is any oversight of the Ministry of Labour and Employment/Ministry of Finance/RBI over such rules framed by the Banks, the Ministry submitted as under:

"Establishments regulated under EPF & MP Act, 1952 cannot specify in their rules regarding attachment of PF contributions lying in individual PF accounts as section 10 of EPF & MP Act, 1952 provides for protection against

attachments. Regarding establishments not covered under EPF & MP Act, 1952, EPFO is not aware about their rules regarding attachment of PF accounts."

4.11 When queried about the apex authority in decision making in excluded establishments/organizations under EPFO, the Ministry submitted as under:

"The provisions for exclusion have been made in the Act itself and no specific authority has been prescribed to issue specified declaration about it. However, provisions have been made under the Act and authorized Officers have been designated under Section 7A of the Act for deciding the dispute raised regarding the applicability of the Act. These authorities are Central Provident Fund Commissioner, any Deputy Provident Fund Commissioner, any Regional Provident Fund Commissioner, or any Assistant Provident Fund Commissioner."

4.12 When asked about the manner in which the Provident Fund Act, 1925 is implemented, managed and regulated in the Country, the Ministry informed that the Provident Fund Act, 1925 does not appear in the list of business allocated either to the Ministry of Finance (Department of Economic Affairs and Department of Financial Services) or to the MoL&E under the AoBR. Further, 'Provident fund' as a subject finds a place in Part-II, Sl. No.5 of the AoBR of the MoL&E.

4.13 When the Committee enquired about the authority to monitor or supervise the provisions of Provident Fund Act, 1925 and Provident Funds &

Miscellaneous Provisions Act 1952 for welfare of employee in organizations / establishments under excluded category EPFO and about the establishments/ organizations which are not complying the provisions of these Acts, the Ministry informed as under:

"The establishments which are excluded in terms of section 16(1)(b) and 16(1)(c) of the EPF and MP Act, 1952 are generally those which fall under the provisions of the Provident Funds Act, 1925 or follow the provisions thereof. The list of such establishments is not maintained by the EPFO. Further, there is no regulator to monitor or supervise the provisions of the PF Act, 1925."

4.14 At the behest of the Committee, the Ministry of Labour & Employment obtained views of various Ministries / Departments on whether the Ministry of Labour & Employment should regulate the PF Act, 1925. Most of the responses received inclined towards accepting the proposal. In this context, the Ministry of Finance (Department of Expenditure) vide their O.M dated 17th May, 2018 conveyed the following to the Ministry of Labour & Employment:

"...The Ministry of Finance, (Department of Expenditure) has no objection to the proposal of Ministry of Labour and Employment to allocate the subject "Administration of Provident Fund Act, 1925 (Act 19 of 1925) to them under Allocation of Business Rules."

4.15 The Committee were further informed as under:

"It is reiterated that as there is felt need to regulate the trusts formed under the PF Act, 1925, Ministry has requested the Cabinet Secretariat to take necessary action:(a) to allocate the subject "Administration of the Provident Funds Act,

1925 (19 of 1925)" to the Mo L&E under the Allocation of Business Rules, 1961; and (b) to decide on the appointment of an existing or otherwise of a Regulator under MoL&E to regulate the Provident Funds Trusts formed under the Provident Funds Act, 1925, vide O.M. dated 06.11.2017. The Ministry has completed the process of Inter-Ministerial consultations in this regard. The outcome has been communicated to the Cabinet Secretariat vide this Ministry's O.M. dated 28.06.2018, with reference to their O.M. dated 08.12.2017."

4.16 During the course of the examination of the subject, the Committee had observed that there was no formal regulatory/ monitoring system at the Central level for Provident Funds Trusts of excluded establishments/ organisations. They further observed that some of these for instance, Banks/ Private trusts etc. have made their own separate rules arbitrarily to administer/ manage their PF trusts independently. Further, some of these Organisations/ Establishments do not have any regulatory system which could lead to financial indiscipline. The Committee feel that there is an urgent need to regulate these unregulated provident funds trusts and completely agree with the view that good governance can optimise pension outcomes for subscribers of PF trusts while bad governance can hurt those subscribers. The Committee have also been informed that organisations/ establishments regulated under EPF&MP Act, 1952 cannot, in their rules, specify any attachment of PF contribution lying in individual PF accounts, as section 10 of EPF&MP Act, 1952 provides for protection against attachments. However, due to lack of a specific

regulatory body, some organisations/ establishments/ institutions like Banks/ Private trusts, in the name of disciplinary action, are found to be deducting penalty amount from the PF contribution of their employees which is arbitrary and illegal. Even RBI, EPFO and ESIC are covered under PF Act, 1925. As these institutions don't have any specific regulatory authority, the Committee feel that there is an urgent need to establish norms to act as guidelines for the excluded establishments/ organisations under PF Act, 1925 in/formulating their own rules, in the interest of uniformity and welfare of employees. They, therefore, recommend that the Ministry of Labour & Employment should formulate stringent guidelines for the same. The Committee also recommend setting up of a regulatory body by the Ministry and desire them to take stringent action against such organisations/ establishments/ institutions which circumvent such norms.

V. NEED TO COLLECT DATA

5.1 The Committee had desired to know the details of regulatory Authority for collection and disbursement of funds under excluded category of establishments/organizations under EPFO, percentage of contribution from employee and employer under it number of subscribers, total amount collected and amount disbursed and Trust wise details of unclaimed amount of establishments/organizations under Excluded category of EPFO. However, the Ministry submitted that excluded establishments do not come under the purview of EPFO.

A List of 156 institutions under the Schedule of PF Act, 1925 is placed in Annexure-I

5.2 The Committee note that in India around 144 institutions are excluded from provision of EPF&MP Act, 1952 as all these are under the purview of PF Act, 1925. These institutions have their own PF trust, which they regulate themselves independently. The Committee also observe that certain business institutions/ organisations/ establishments are not registered under any category of PF which if not regulated properly, could have a severe impact on the welfare of their employees. The Committee therefore desire that the Ministry of Labour & Employment must now collect requisite data with regard to the total number of trusts of establishments/ organisations under PF Act, 1925, the number of subscribers, total contribution from the subscribers etc.,. Only then any unclaimed amount lying in these trusts can be identified/ utilised for the benefit of its subscribers.

**New Delhi;
6th August, 2018
15th Shravana, 1940 (Saka)**

**DR. KIRIT SOMAIYA
CHAIRPERSON
STANDING COMMITTEE ON LABOUR**

ANNEXURE - I



भविष्य निधि अधिनियम, 1925

(1925 का अधिनियम संख्यांक 19)

[1 अगस्त, 2011 को यथाविद्यमान]

The Provident Funds Act, 1925

(ACT No. 19 OF 1925)

[As on 1st August, 2011]

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PREFACE

This edition of the Provident Funds Act, 1925 is being published in diglot form. The English text and the authoritative Hindi text of the Act have been modified up to the 1st day of August, 2011.

NEW DELHI;
1st August, 2011.

V. K. BHASIN,
Secretary to the Government of India

प्राक्कथन

भविष्य निधि अधिनियम, 1925 का यह द्विभाषी संस्करण प्रकाशित किया जा रहा है। इस अधिनियम का अंग्रेजी पाठ और प्राधिकृत हिन्दी पाठ 1 अगस्त, 2011 तक अद्यतन है।

नई दिल्ली,
1 अगस्त, 2011

विनोद कुमार भसीन,
सचिव, भारत सरकार।

LIST OF AMENDING ACTS AND ADAPTATION ORDERS

1. The Provident Funds (Amendment) Act, 1925 (28 of 1925).
2. The Provident Funds (Amendment) Act, 1927 (7 of 1927).
3. The Repealing Act, 1927 (12 of 1927).
4. The Provident Funds (Amendment) Act, 1929 (1 of 1930).
5. The Government of India (Adaptation of Indian Laws) Order, 1937.
6. The Repealing and Amending Act, 1942 (25 of 1942).
7. The Provident Funds (Amendment) Act, 1946 (11 of 1946).
8. The Indian Independence (Adaptation of Central Acts and Ordinances) Order, 1948.
9. The Adaptation of Laws Order, 1950.
10. The Repealing and Amending Act, 1950 (35 of 1950).
11. The Part B States (Laws) Act, 1951 (3 of 1951).
12. The Provident Funds (Amendment) Act, 1975 (46 of 1975).

LIST OF ABBREVIATIONS USED

A. O. 1937	for	Government of India (Adaptation of Indian Laws) Order, 1937.
A.O. 1948	for	Indian Independence (Adaptation of Central Acts and Ordinances) Order, 1948.
A.O. 1950	for	Adaptation of Laws Order, 1950.
G.G in C.	for	Governor General (Central Government).
Govt.	for	Government.
Ins.	for	Inserted.
L.G	for	Local Government.
P.	for	Page.
Pt.	for	Part.
Reg.	for	Regulation.
Rep.	for	Repealed.
§	for	Section.
Sch.	for	Schedule.
Subs.	for	Substituted.
w.e.f.	for	with effect from.

संसोधन अधिनियमों और अनुसूचन आदेशों की सूची

1. अधिनियम (संसोधन) अधिनियम, 1925 (1925 का 28)।
2. अधिनियम (संसोधन) अधिनियम, 1927 (1927 का 7)।
3. विरसन अधिनियम, 1927 (1927 का 12)।
4. अधिनियम (संसोधन) अधिनियम, 1929 (1930 का 1)।
5. भारत शासन (भारतीय विधि अनुसूचन) आदेश, 1937।
6. विरसन और संसोधन अधिनियम, 1942 (1942 का 25)।
7. अधिनियम (संसोधन) अधिनियम, 1946 (1946 का 11)।
8. भारतीय स्वतंत्रता (केन्द्रीय अधिनियमों और अध्यादेशों का अनुसूचन) आदेश, 1948।
9. विधि अनुसूचन आदेश, 1950।
10. विरसन और संसोधन अधिनियम, 1950 (1950 का 55)।
11. भाग छ राज्य (विधि) अधिनियम, 1951 (1951 का 3)।
12. अधिनियम (संसोधन) अधिनियम, 1975 (1975 का 46)।

संक्षेपाक्षर

पृ-..... पृष्ठ।
सं-..... संख्यांक (नम्बर)।

THE PROVIDENT FUNDS ACT, 1925

ACT NO. 19 OF 1925¹

[27th August, 1925.]

An Act to amend and consolidate the law relating to Government and other Provident Funds.

WHEREAS it is expedient to amend and consolidate the law relating to Government and other Provident Funds:

It is hereby enacted as follows:—

1. **Short title, extent and commencement.**—(1) This Act may be called the Provident Funds Act, 1925.

(2) It extends to the whole of India ²[except the State of Jammu and Kashmir] * * *

(3) It shall come into force on such date³ as the Central Government may, by notification in the Official Gazette, appoint.

2. **Definitions.**—In this Act, unless there is anything repugnant in the subject or context,—

(a) "compulsory deposit" means a subscription to, or deposit in, a Provident Fund which, under the rules of the Fund, is not, until the happening of some specified contingency, repayable on demand otherwise than for the purpose of the payment of premia in respect of a policy of life insurance, ⁴[or the payment of subscriptions or premia in respect of a family pension fund], and includes any contribution * * * and any interest or increment which has accrued under the rules of the fund on any such subscription, deposit or contribution, and also any such subscription, deposit, contribution, interest or increment remaining to the credit of the subscriber or depositor after the happening of any such contingency;

(b) "contribution" means any amount credited in a Provident Fund, by ⁵[any authority administering the Fund], by way of addition to, ⁶[a subscription to or deposit or balance at the credit of an individual account in,] the Fund; and "contributory Provident Fund" means a Provident Fund the rules of which provide for the crediting of contributions;

(c) "dependant" means any of the following relatives of a deceased subscriber to, or a depositor in, a Provident Fund, namely, a wife, husband, parent, child, minor brother, unmarried sister and a deceased son's widow and child, and, where no parent of the subscriber or depositor is alive, a paternal grand-parent;

1. For Statement of Objects and Reasons, see Gazette of India, 1924, Pt. V, p. 122.

This Act has been declared to be in force in the district of Khondmals by Reg. 4 of 1936, s. 3 and Sch.; and the district of Angul by Reg. 5 of 1936, s. 3 and Sch., also partially extended to Berar by C. P. and Berar Act 4 of 1941, amended partially in U. P. by U. P. Act 19 of 1953.

The Act has been extended to Goa, Daman and Diu by Reg. 12 of 1962, s. 3 and Sch., to Pondicherry (w.e.f. 1-10-1963) by Reg. 7 of 1963, s. 3 and Sch. I, and to Dadra and Nagar Haveli (w.e.f. 1-7-1965) by Reg. 6 of 1963, s. 2 and Sch. I, and to Laccadive, Minicoy and Amindivi Islands (w.e.f. 1-10-1967) by Reg. 8 of 1965, s. 3 and Sch.

2. Subs. by Act 3 of 1951, s. 3 and Sch; for "except part B States".

3. The words "including British Baluchistan" omitted by the A. O. 1948.

4. 1st April, 1926, Gazette of India, 1925, Pt. I, p. 1182.

5. Ins. by Act 1 of 1930, s. 2.

6. The words "credited in respect of any such subscription or deposit" omitted by s. 2, *ibid.*

7. Subs. by Act 28 of 1925, s. 2, for "the authority by which the Fund has been constituted".

8. Subs. by Act 1 of 1930, s. 2, for "or otherwise in respect of, a subscription to, or deposit in".

भविष्य निधि अधिनियम, 1925

(1925 का अधिनियम संख्यांक 19)¹

[27 अप्रैल, 1925]

सरकारी भविष्य निधियों और अन्य भविष्य निधियों में
संबंधित विधि को संशोधित और समेकित
करने के लिए
अधिनियम

सरकारी भविष्य निधियों और अन्य भविष्य निधियों से संबंधित विधि को संशोधित और समेकित करना समीचीन है;
अतः पारित्यक्त रूप में यह अधिनियमित किया जाता है:—

1. संक्षिप्त नाम, विस्तार और प्रारम्भ—(1) इस अधिनियम का संक्षिप्त नाम भविष्य निधि अधिनियम, 1925 है।

(2) इसका विस्तार [जम्मू-कश्मीर राज्य के सिवाय] **** सम्पूर्ण भारत पर है।

(3) यह उस तारीख को प्रवृत्त होगा जिसे केन्द्रीय सरकार, राजपत्र में अधिसूचना द्वारा, नियत करे।

2. परिभाषाएँ— इस अधिनियम में, जब तक कि कोई बात विषय या संदर्भ में विरुद्ध न हो,—

(क) "अनिवार्य निक्षेप" से किसी भविष्य निधि में ऐसा अभिदाय या निक्षेप अभिप्रेत है जो उस निधि के नियमों के अधीन, जीवन बॉन्डों की किसी पॉलिसी के संबंध में प्रीमियम के संदाय [या किसी कुटुम्ब पेंशन निधि के संबंध में अभिदाय या प्रीमियम के संदाय] के प्रयोजन से अन्यथा, मांग पर तब तक प्रतिसंदेय नहीं है जब तक कोई विनिर्दिष्ट घटना न हो जाए और कोई अंशदान **** तथा कोई ऐसा ब्याज या वृद्धि जो किसी ऐसे अभिदाय, निक्षेप या अंशदान पर निधि के नियमों के अधीन प्रोद्भूत हो जाती है और कोई ऐसा अभिदाय, निक्षेप, अंशदान, ब्याज या वृद्धि भी जो ऐसी किसी घटना के होने के पश्चात् अभिदायकर्ता या निक्षेपकर्ता के खाते में बाकी बच जाती है, इसके अन्तर्गत है;

(ख) "अंशदान" से कोई ऐसा रकम अभिप्रेत है जो किसी भविष्य निधि में [उस निधि का प्रबंध करने वाले किसी प्राधिकारी] द्वारा, उस निधि में [किसी खाते में जमा अभिदाय, या निक्षेप या अतिरिक्त] के परिवर्धन के तौर पर जमा की गई है; और "अंशदायी भविष्य निधि" से ऐसी भविष्य निधि अभिप्रेत है जिसके नियम अंशदानों को जमा करने के लिए उपबंध करते हैं;

(ग) "आश्रित" से किसी भविष्य निधि में अभिदाय या निक्षेप करने वाले किसी मृत व्यक्ति के निम्नलिखित नातेदार अभिप्रेत हैं, अर्थात् पत्नी, पति, माता-पिता, संतान, अर्धरक्त भाई, अविवाहित बहिन और मृत पुत्र की विधवा तथा संतान, और जहां अभिदायकर्ता या निक्षेपकर्ता के माता-पिता में से कोई भी जीवित नहीं है वहां पितामह-पितामही;

1. उद्देश्यों और कारणों के कथन के लिए देखिए भारत का राजपत्र, 1924, भाग 5, पृ 122।

इस अधिनियम को 1936 के विनियम सं 4 की धारा 3 और अनुसूची द्वारा खोण्डमाल जिले में, 1936 के विनियम सं 5 की धारा 3 और अनुसूची द्वारा जंगल जिले में तथा 1941 के मध्य प्रान्त तथा बंगाल अधिनियम सं 4 द्वारा आंशिक रूप में बंगाल में भी प्रवृत्त घोषित किया गया है; इसका आंशिक रूप में संशोधन उत्तर प्रदेश राज्य में 1953 के उत्तर प्रदेश अधिनियम सं 19 द्वारा किया गया है।

इस अधिनियम का 1962 के विनियम सं 12 की धारा 3 और अनुसूची द्वारा गोवा, दमण और दीव पर; 1963 के विनियम सं 7 की धारा 3 और अनुसूची 1 द्वारा (1-10-1963 से) पांडिचेरी पर; 1963 के विनियम सं 6 की धारा 2 और अनुसूची 1 द्वारा (1-7-1965 से) दादर और नागर हवेली पर और 1965 के विनियम सं 8 की धारा 3 और अनुसूची द्वारा (1-10-1967 से) लक्काद्वीप, मिनीकोय और अमनीदोवी द्वीप समूह पर विस्तार किया गया।

2. 1951 के अधिनियम सं 3 की धारा 3 और अनुसूची द्वारा "भाग 'ख' राज्यों को छोड़कर" के स्थान पर प्रतिस्थापित।

3. भारतीय स्वतंत्रता (केन्द्रीय अधिनियमों तथा अध्यादेशों का अनुकूलन) आदेश, 1948 द्वारा "ब्रिटिश बलूचिस्तान सहित" शब्दों का लोप किया गया।

4. 1 अप्रैल, 1926, भारत का राजपत्र, 1925 भाग 1, पृ 1182।

5. 1930 के अधिनियम सं 1 की धारा 2 द्वारा अंतःस्थापित।

6. 1930 के अधिनियम सं 1 की धारा 2 द्वारा "ऐसे किसी अभिदाय या निक्षेप की बाबत जमा" शब्दों का लोप किया गया।

7. 1925 के अधिनियम सं 28 की धारा 2 द्वारा "प्राधिकार जिसके अधीन निधि गठित की गई है" के स्थान पर प्रतिस्थापित।

8. 1930 के अधिनियम सं 1 की धारा 2 द्वारा "या, अभिदाय या निक्षेप की बाबत से अन्यथा" के स्थान पर प्रतिस्थापित।

(d) "Government Provident Fund" means a Provident Fund, other than a Railway Provident Fund, constituted by the authority of [the Secretary of State, the Central Government, the Crown Representative or any State Government] for any class or classes of [persons in the service of the Government] or [of persons employed in educational institutions] or employed by bodies existing solely for educational purposes, [and references in this Act to the Government shall be construed accordingly];

(e) "Provident Fund" means a fund in which subscriptions or deposits of any class or classes of employees are received and held on their individual accounts, and includes any contributions and any interest or increment accruing on such subscriptions, deposits or contributions under the rules of the Fund;

(f) "Railway administration" means—

(i) any company administering a railway or tramway in [any part of India] either under a special Act of Parliament [of the United Kingdom] or an Indian law, or under contract with the Government; or

(ii) the manager of any railway or tramway administered by the [Central Government] or by a State Government,

and includes, in any case referred to in sub-clause (ii), the [Central Government] or the State Government, as the case may be;

(g) "Railway Provident Fund" means a Provident Fund constituted by the authority of a railway administration for any class or classes of its employees.

3. Protection of compulsory deposits.—(1) A compulsory deposit in any Government or Railway 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 Civil, Revenue or Criminal Court in respect of any debt or liability incurred by the subscriber or depositor, and neither the Official Assignee nor any receiver appointed under the Provincial Insolvency Act, 1920 (5 of 1920), shall be entitled to, or have any claim on, any such compulsory deposit.

(2) Any sum standing to the credit of any subscriber to, or depositor in, any such Fund at the time of his decease and payable under the rules of the Fund to any dependant of the subscriber or depositor, or to such person as may be authorised by law to receive payment on his behalf, shall, subject to any deduction authorised by this Act and, save where the dependant is the widow or child of the subscriber or depositor, subject also to the rights of an assignee under an assignment made before the commencement of this Act, vest in the dependant, and shall, subject as aforesaid, be free from any debt or other liability incurred by the deceased or incurred by the dependant before the death of the subscriber or depositor.

4. Provisions regarding repayments.—(1) When under the rules of any Government or Railway Provident Fund the sum standing to the credit of any subscriber or depositor, or the balance thereof after the making of any deduction authorised by this Act, has become payable, the officer whose duty it is to make the payment shall pay the sum or balance, as the case may be, to the subscriber or depositor, or, if he is dead, shall—

(a) if the sum or balance, or any part thereof, vests in a dependant under the provisions of section 3, pay the same to the dependant or to such person as may be authorised by law to receive payment on his behalf; or

(b) if the whole sum or balance, as the case may be, does not exceed five thousand rupees, pay the same, or any part thereof, which is not payable under clause (a), to any person nominated to receive it under the rules of the Funds, or, if no person is so nominated, to any person appearing to him to be otherwise entitled to receive it; or

1. Subs. by the A. O. 1937, for "the Government".
2. Subs. by Act 25 of 1942, s. 3 and Sch. II, for "its employees".
3. Subs. by Act 7 of 1927, s. 2, for "for teachers in educational institutions".
4. Ins. by the A. O. 1937.
5. The words "credited in respect of such subscriptions or deposits" omitted by Act 1 of 1930, s. 2.
6. Subs. by the A. O. 1937, for the original cl. (f).
7. Subs. by Act 3 of 1951, s. 3 and Sch., for "a Part A State or a Part C State".
8. Ins. by the A. O. 1950.
9. Subs. by the A. O. 1948, for "Federal Railway Authority".

(घ) "सरकारी भविष्य विधि" से किसी कोई भविष्य विधि अभिप्रेत है जो रेल भविष्य विधि से भिन्न है और जो [किसी भी अर्थ में, केन्द्रीय सरकार, प्रान्त विधि सचिवालय या किसी राज्य सरकार] के अधिकार में, उस [सरकार को लेना में अधिकारी] के अथवा [शैक्षिक संस्थानों में नियुक्ति अथवा केन्द्रीय शैक्षिक प्रयोगशाला] के लिए विद्यमान नियमों द्वारा नियंत्रित [किसी वर्ग के व्यक्तियों या किसी वर्ग के व्यक्तियों के लिए बनाई गई है, [उत्पन्न इस अधिनियम में सरकार के प्रति निर्देशों को संदर्भित कर दिया जाएगा];

(3) "भविष्य विधि" से किसी विधि अभिप्रेत है जिसमें किसी वर्ग या किसी वर्ग के कर्मचारियों के अधिपत्य या नियंत्रण प्राप्त किए जाते हैं और उनमें पुनः काता में रखे जाते हैं, और कोई संसाधन तथा कोई पैसा अथवा बटुंडा जो ऐसे अधिपत्य, नियंत्रण या संसाधन पर विधि के नियमों के अधीन प्रोदपूर्त होती है इसके अंतर्गत है;

[(घ) "रेल प्रशासन" से अभिप्रेत है—

(i) [भाग के किसी भाग में] या जो [म्यूचुअल ब्रिगिंग कों] या निवेशकों के किसी विशेष अधिनियम या किसी प्रांतीय विधि के अधीन अथवा सरकार के साथ जो गई किसी संविदा के अधीन किसी रेल या ट्राम का प्रशासन करने वाली कोई कम्पनी, या

(ii) [केन्द्रीय सरकार] द्वारा या किसी राज्य सरकार द्वारा प्रशासित किसी रेल या ट्राम का प्रबंधन, और उपखण्ड (ii) में निर्दिष्ट किसी दस्ता में, यथास्थिति, [केन्द्रीय सरकार] या वह राज्य सरकार इसके अन्तर्गत है।]

(3) "रेल भविष्य विधि" से किसी रेल प्रशासन के प्राधिकार से उसके किसी वर्ग या श्रेणी के कर्मचारियों के लिए बनाई गई भविष्य विधि अभिप्रेत है।

3. अनिवार्य निषेध का संरक्षण—(1) किसी सरकारी भविष्य विधि या रेल भविष्य विधि का कोई अनिवार्य निषेध किसी भी प्रकार से समनुदेशित या धारित नहीं किया जा सकेगा और अधिदायकर्ता अथवा निषेधकर्ता द्वारा उपगत किसी ऋण या दायित्व के संबंध में किसी सिविल, राजस्व या दायित्व न्यायालय की किसी दिवानी या आदेश के अधीन नहीं किया जा सकेगा तथा वे जो कोई शासकीय समनुदेशित और न कोई रिस्वीर ही, जो प्रांतीय विद्यालया अधिनियम, 1920 (1920 का 5) के अधीन नियुक्त किया गया हो, किसी ऐसे अनिवार्य निषेध का हकदार होगा और न उसका उस पर कोई दावा हो होगा।

(2) किसी ऐसी विधि में किसी अधिदायकर्ता या निषेधकर्ता के खाले में उसकी मृत्यु के समय जमा कोई राशि, जो विधि के नियमों के अधीन उस अधिदायकर्ता या निषेधकर्ता के किसी आश्रित को अथवा ऐसे व्यक्ति को संदेय है जो इस निमित्त संदाय प्राप्त करने के लिए विधि द्वारा प्राधिकृत किया जाए, इस अधिनियम द्वारा प्राधिकृत किसी कटौती के अधीन रहते हुए और उस दस्ता को [क्रेडिट, जब आश्रित अधिदायकर्ता या निषेधकर्ता की विधवा या संतान है, इस अधिनियम के प्रारम्भ से पूर्व किए गए किसी समनुदेशन के अधीन, किसी समनुदेशित के अधिकारों के भी अधीन रहते हुए, आश्रित में निहित होगी और मृत व्यक्ति द्वारा उपगत अथवा उस अधिदायकर्ता या निषेधकर्ता की मृत्यु से पूर्व आश्रित द्वारा उपगत किसी ऋण या अन्य दायित्व से, यथापूर्वक अधीन रहते हुए, मुक्त होगी।

4. प्रतिसंदायों के बारे में उपबंध—(1) जब किसी सरकारी भविष्य विधि या रेल भविष्य विधि के नियमों के अधीन किसी अधिदायकर्ता या निषेधकर्ता के खाले में जमा राशि या उसका अतिशेष इस अधिनियम द्वारा प्राधिकृत कोई कटौती करने के परवाना संदेय हो गया है तब वह अधिकारी, जिसका कर्तव्य उसका संदाय करना है, यथास्थिति, उस राशि या अतिशेष को अधिदायकर्ता या निषेधकर्ता को संदाय करेगा अथवा यदि उसकी मृत्यु हो गई है तो—

(क) यदि वह राशि या अतिशेष अथवा उसका कोई भाग धारा 3 के उपबंधों के अधीन किसी आश्रित में निहित है तो उसका संदाय उस आश्रित को या ऐसे व्यक्ति को करेगा जो उसके निमित्त संदाय प्राप्त करने के लिए विधि द्वारा प्राधिकृत है; या

(ख) यदि सम्पूर्ण राशि या अतिशेष पांच हजार रुपए से अधिक नहीं है तो उसका या उसके किसी भाग का संदाय, जो खंड (क) के अधीन संदेय नहीं है, विधि के नियमों के अधीन उसे प्राप्त करने के लिए नामनिर्देशित किसी व्यक्ति को अथवा यदि कोई व्यक्ति इस प्रकार नामनिर्देशित नहीं है तो किसी ऐसे व्यक्ति को करेगा जो उसे प्राप्त करने के लिए अन्यथा उसका हकदार प्रतीत हो; या

1. भारत शासन (भारतीय विधि अनुकूलन) आदेश, 1937 द्वारा "सरकार" के स्थान पर प्रतिस्थापित।
2. 1942 के अधिनियम सं 25 की धारा 3 और अनुसूची 2 द्वारा "इसके कर्मचारी" के स्थान पर प्रतिस्थापित।
3. 1927 के अधिनियम सं 7 की धारा 2 द्वारा "शिक्षा संस्थाओं में शिक्षकों के लिए" के स्थान पर प्रतिस्थापित।
4. भारत शासन (भारतीय विधि अनुकूलन) आदेश, 1937 द्वारा अंतःस्थापित।
5. 1930 के अधिनियम सं 1 की धारा 2 द्वारा "ऐसे अधिदायों या निषेधों को बाबत जमा" शब्दों का लोप किया गया।
6. भारत शासन (भारतीय विधि अनुकूलन) आदेश, 1937 द्वारा मूल खण्ड (घ) के स्थान पर प्रतिस्थापित।
7. 1951 के अधिनियम सं 3 की धारा 3 और अनुसूची द्वारा "भाग क राज्य या भाग ग राज्य" के स्थान पर प्रतिस्थापित।
8. विधि अनुकूलन आदेश, 1950 द्वारा अंतःस्थापित।
9. भारतीय स्वतंत्रता (केन्द्रीय अधिनियमों और अध्यादेशों का अनुकूलन) आदेश, 1948 द्वारा "संघीय रेल प्राधिकरण" के स्थान पर प्रतिस्थापित।

(c) in the case of any sum or balance, or any part thereof, which is not payable to any person under clause (a) or clause (b) pay the same,—

(i) to any person nominated to receive it under the rules of the Fund on production by such person of probate or letters of administration evidencing the grant to him of administration to the estate of the deceased or a certificate granted under the Succession Certificate Act, 1889¹ (7 of 1889), or under the Bombay Regulation VIII of 1827, entitling the holder thereof to receive payment of such sum, balance or part, or

(ii) where no person is so nominated, to any person who produces such probate, letters or certificate:

Provided that, where the whole or any part of any sum standing to the credit of the subscriber or depositor has been assigned to any other person before the commencement of this Act, and notice in writing of the assignment has been received by the officer from the assignee, the officer shall, after making any deduction authorised by this Act and any payment due under clause (a) to or on behalf of the widow or children of the subscriber or depositor—

(i) if the subscriber or depositor or, if he is dead, the person to whom in the absence of any valid assignment the sum or balance would be payable under this sub-section gives his consent in writing, pay the sum or part of the balance thereof, as the case may be, to the assignee, or

(ii) if such consent is not forthcoming, withhold payment of the sum, part or balance, as the case may be, pending a decision of a competent Civil Court as to the person entitled to receive it.

(2) The making of any payment authorised by sub-section (1) shall be a full discharge to the Government or the railway administration, as the case may be, from all liability in respect of so much of the sum standing to the credit of the subscriber or depositor as is equivalent to the amount so paid.

5. Rights of nominees.—²[(1) Notwithstanding anything contained in any law for the time being in force or in any disposition, whether testamentary or otherwise, by a subscriber to, or depositor in, a Government or Railway Provident Fund of the sum standing to his credit in the Fund, or of any part thereof, where any nomination, duly made in accordance with the rules of the Fund, purports to confer upon any person the right to receive the whole or any part of such sum on the death of the subscriber or depositor occurring before the sum has become payable or before the sum, having become payable, has been paid, the said person shall, on the death as aforesaid of the subscriber or depositor, become entitled, to the exclusion of all other persons, to receive such sum or part thereof, as the case may be, unless—

(a) such nomination is at any time varied by another nomination made in like manner or expressly cancelled by notice given in the manner and to the authority prescribed by those rules, or

(b) such nomination at any time becomes invalid by reason of the happening of some contingency specified therein,—

and if the said person predeceases the subscriber or depositor, the nomination shall, so far as it relates to the right conferred upon the said person, become void and of no effect:

Provided that where provision has been duly made in the nomination in accordance with the rules of the Fund, conferring upon some other person such right in the stead of the person deceased, such right shall, upon the decease as aforesaid of the said person, pass to such other person.]

(2) Notwithstanding anything contained in ³[the Indian Succession Act, 1925 (39 of 1925)], or the Bombay Regulation VIII of 1827, any ⁴[person, who becomes entitled as aforesaid, may be granted] a certificate under that Act, or that Regulation, as the case may be, entitling him to receive payment of such sum or part, and such certificate shall not be deemed to be invalidated or superseded by any grant to any other person of probate or letters of administration to the estate of the deceased.

1. See now the Indian Succession Act, 1925 (39 of 1925).

2. Subs. by Act 11 of 1946, s. 2, for the original sub-section.

3. Subs. by Act 35 of 1950, s. 3, and Sch. II, for "the Succession Certificate Act, 1889".

4. Subs. by Act 11 of 1946, s. 2, for "such person shall, on the death of the subscriber or depositor, be entitled to the grant of".

(ग) यदि ऐसी राशि या अतिशेष या उसका कोई भाग खण्ड (क) या खंड (ख) के अधीन किसी व्यक्ति को संदेय नहीं है, तो उसका संदाय—

(i) निधि के नियमों के अधीन उसे प्राप्त करने के लिए नामनिर्देशित किसी व्यक्ति को, ऐसे व्यक्ति द्वारा मृत व्यक्ति की सम्पदा का प्रबंध उसे देना याचित करने वाला प्रोबेट या प्रशासन पत्र अथवा उत्तराधिकार प्रमाणपत्र अधिनियम, 1889¹ (1889 का 7) के अधीन या 1827 के मुम्बई विनियम 8 के अधीन दिया गया प्रमाणपत्र, जो उसके भारक को ऐसी राशि, अतिशेष या भाग का संदाय प्राप्त करने का हकदार बनाता हो, पेश किए जाने पर करेगा, या

(ii) यदि कोई नामनिर्देशित व्यक्ति नहीं है तो किसी ऐसे व्यक्ति को करेगा जो ऐसा प्रोबेट, प्रशासन पत्र या प्रमाणपत्र पेश करे;

परन्तु जहां अभिदायकर्ता या निक्षेपकर्ता के खाते में जमा सम्पूर्ण राशि या उसका कोई भाग इस अधिनियम के प्रारम्भ के पूर्व किसी अन्य व्यक्ति को समनुदेशित किया गया है, और समनुदेशन की लिखित सूचना अधिकारी को समनुदेशिता से मिल चुकी है, वहां यह अधिकारी इस अधिनियम द्वारा प्राधिकृत कोई कर्तवी तथा अभिदायकर्ता या निक्षेपकर्ता को विधवा या संतान को या उनके नियत खंड (क) के अधीन देय कोई संदाय करने के परवाह—

(1) यदि अभिदायकर्ता या निक्षेपकर्ता, अथवा यदि उसकी मृत्यु हो गई है तो वह व्यक्ति, जिसको किसी विधिमान्य समनुदेशन के अभाव में वह राशि या अतिशेष उस उपधार के अधीन संदेय होता, अपनी लिखित सहमति दे देता है तो, यथास्थिति, उस राशि या भाग का या उसके अतिशेष का संदाय समनुदेशिता को करेगा, या

(ii) यदि ऐसी सहमति प्राप्त नहीं होती है तो, यथास्थिति, उस राशि, भाग या अतिशेष का संदाय, उसे प्राप्त करने के हकदार व्यक्ति के बारे में किसी मक्षम सिविल न्यायालय के विनिरन्धय तक के स्ट्रॉ, रोक रलोग।

(2) उपधार (1) द्वारा प्राधिकृत संदाय करने पर, यथास्थिति, सरकार या रेल प्रशासन, अभिदायकर्ता या निक्षेपकर्ता के खाते में जमा राशि में से इतनी राशि के संबंध में, जितनी इस प्रकार संदेय की गई रकम के बराबर है समस्त दायित्व से पूर्ण रूप से उन्मोचित हो जाएगा।

5. नामनिर्देशितियों के अधिकार—²(1) तत्समय प्रवृत्त किसी विधि में या किसी सरकारी भविष्य निधि या रेल प्रविधिक्य निधि के किसी अभिदायकर्ता या निक्षेपकर्ता द्वारा उस निधि में अपने खाते में जमा राशि या उसके किसी भाग के, वसीयती या अन्य, किसी व्ययन में से किसी बात के होते हुए भी, जहां निधि के नियमों के अनुसार सम्यक् रूप से किया गया कोई नामनिर्देशन, उस राशि के संदेय हो जाने के पूर्व, अथवा उस राशि के संदेय हो जाने पर उसका संदाय किए जाने के पूर्व, अभिदायकर्ता या निक्षेपकर्ता को मृत्यु पर ऐसी सम्पूर्ण राशि या उसके किसी भाग को प्राप्त करने का अधिकार किसी व्यक्ति को प्रदान करना तात्परित करता है वहां उक्त व्यक्ति अन्य सभी व्यक्तियों का अपवर्जन करते हुए, उस अभिदायकर्ता या निक्षेपकर्ता को यथापूर्वोक्त मृत्यु पर, यथास्थिति, ऐसी राशि या उसके किसी भाग को प्राप्त करने का हकदार हो जाएगा, किन्तु यदि—

(क) ऐसा नामनिर्देशन उसी प्रकार किए गए दूसरे नामनिर्देशन से किसी समय परिवर्तित किया गया है अथवा उन नियमों द्वारा विहित रीति से और प्राधिकारी को दी गई सूचना से अभिव्यक्ततः रद्द कर दिया गया है; अथवा

(ख) ऐसा नामनिर्देशन किसी समय उसमें विनिर्दिष्ट किसी घटना के होने के कारण अविधिमान्य हो गया है,

तो वह व्यक्ति हकदार नहीं होगा, और यदि उक्त व्यक्ति, अभिदायकर्ता या निक्षेपकर्ता से पहले मर जाता है तो नामनिर्देशन, जहां तक वह उक्त व्यक्ति को प्रदत्त अधिकार से संबंधित है, शून्य और प्रभावहीन हो जाएगा:

परन्तु जहां निधि के नियमों के अनुसार, नामनिर्देशन में मृत व्यक्ति के स्थान पर किसी अन्य व्यक्ति को ऐसा अधिकार प्रदान करने के लिए सम्यक् रूप से उपबंध किया गया है वहां ऐसा अधिकार, उक्त व्यक्ति की यथापूर्वोक्त मृत्यु हो जाने पर ऐसे अन्य व्यक्ति को संक्रांत हो जाएगा।

(2) ³[भारतीय उत्तराधिकार अधिनियम, 1925 (1925 का 39)] या 1827 के मुम्बई विनियम 8 में किसी बात के होते हुए भी किसी व्यक्ति को जो यथापूर्वोक्त हकदार हो जाता है, ऐसी राशि या भाग का संदाय प्राप्त करने का हकदार बनाने वाला एक प्रमाणपत्र, यथास्थिति, उस अधिनियम या उस विनियम के अधीन ⁴[दिया जा सकेगा] और ऐसा प्रमाणपत्र मृत व्यक्ति की सम्पदा के लिए किसी अन्य व्यक्ति को प्रोबेट या प्रशासन पत्र दिए जाने से अविधिमान्य या अधिक्रांत हुआ नहीं समझा जाएगा।

1. अब भारतीय उत्तराधिकार अधिनियम, 1925 (1925 का 39) देखिए।

2. 1946 के अधिनियम सं 11 की धारा 2 द्वारा मूल उपधार के स्थान पर प्रतिस्थापित।

3. 1950 के अधिनियम सं 35 की धारा 3 और अनुसूची 2 द्वारा "उत्तराधिकार प्रमाणपत्र अधिनियम, 1889" के स्थान पर प्रतिस्थापित।

4. 1946 के अधिनियम सं 11 की धारा 2 द्वारा कतिपय शब्दों के स्थान पर प्रतिस्थापित।

4
 (C) The provisions of this section as amended by sub-section (1) of section 2 of the Provident Funds (Amendment) Act, 1946 (11 of 1946), shall apply also to all such nominations made before the date of the commencement of that Act;

Provided that the provisions of this section as so amended shall not operate to affect any case, in which before the said date any sum has been paid, or has under the rules of the Fund become payable in pursuance of any nomination duly made in accordance with those rules.]

6. Power to make deductions.—When the sum standing to the credit of any subscriber or depositor in any Government or Railway Provident Fund which is a contributory Provident Fund becomes payable, there may, if the authority [specified in this behalf in the rules of the Fund] so directs, be deducted therefrom and paid to [Government or the Railway administration, as the case may be.]—

(a) any amount due under a liability incurred by the subscriber or depositor to [Government or the Railway administration], but not exceeding in any case the total amount of any contributions credited to the account of the subscriber or depositor and of any interest or increment which has accrued on such contributions; or

(b) where the subscriber or depositor has been dismissed from [his employment] for any reasons specified in this behalf in the rules of the Fund, or where he has resigned such employment within five years of the commencement thereof, the whole or any part of the amount of any such contributions, interest and increment.

[6A. Withholding or recovery of Government contributions in case of Central Government officers taking up, without prior permission, commercial employment within two years of their retirement.—(1) in this section, unless the context otherwise requires,—

(a) "Central Government officer" means a subscriber to, or depositor in, a contributory provident fund constituted by the Central Government, who, immediately before his retirement, is a member of a Central Service Class I, but does not include an officer appointed under a contract of service for a specified term;

(b) "commercial employment" means employment in any capacity (including that of an agent) under any company, co-operative society, firm or individual engaged in trading, commercial, industrial, financial or professional business and includes also—

(i) a directorship of a company;

(ii) the holding of any office, whether elective or otherwise, such as that of president, chairman, manager, secretary, treasurer, by whatever name called in a co-operative society; and

(iii) the setting up of practice, either independently or as partner of a firm, as adviser or consultant in matters in respect of which the Central Government officer,—

(A) has no professional qualifications and the matters in respect of which the practice is to be set up or is carried on are relatable to his official knowledge or experience, or

(B) has professional qualification, but the matters in respect of which such practice is to be set up are such as are likely to give his clients an unfair advantage by reason of the posts held by him under the Central Government, or

(C) has to undertake work involving liaison or contact with the offices or officers of Central Government,

but does not include employment in or under a corporation or company wholly or substantially owned or controlled by Government or employment in or under a body controlled or financed wholly or substantially by Government;

1. Added by Act 11 of 1946, s. 2.

2. Subs. by Act 28 of 1925, s. 3, for "by which the Fund has been constituted".

3. Subs. by s. 3, *ibid.*, for "that authority".

4. Subs. by s. 3, *ibid.*, for "the employment of that authority".

5. Ins. by Act 46 of 1975, s. 2 (w.e.f. 7-2-1977).

[(3) शुद्धि विधि (संशोधन) अधिनियम, 1946 (1946 का 2) की धारा 2 की उपधारा (1) द्वारा संशोधित इस अधिनियम के उपबंध इस अधिनियम के प्रारम्भ की तारीख से पूर्व किए गए ऐसे व्यवहारात्मकों को भी लागू होंगे: परंतु इस प्रकार संशोधित इस उपधारा के उपबंध किसी ऐसे मामले पर प्रभाव नहीं डालेंगे जिसमें उक्त तारीख से पूर्व, किसी विधियों के अनुसार सम्पन्न किए गए किसी व्यवहारात्मक के अनुसार में किसी गति का संशोधन कर दिया गया है या विधि के विधानों के अधीन यह संशोधन हो गई है।]

6. कटौतियां करने को शक्ति—जब किसी सरकारी शुद्धि विधि या रेल शुद्धि विधि के, जो अंशदायी शुद्धि विधि है, किसी अधिदायकर्ता या निक्षेपकर्ता के खाल में अथवा तब संशोधन हो जाती है तब, यदि शुद्धि विधि के विधानों में उस निमित्त विनिर्दिष्ट अधिकारी निर्देश देता है तो उसमें से निम्नलिखित रकम काट ली जाएगी और, [यथास्थिति, सरकार या रेल प्रशासन] को संशोधन कर दो जाएगी—

(क) अधिदायकर्ता या निक्षेपकर्ता द्वारा उपगत किये, दायित्व के अधीन [सरकार या रेल प्रशासन] को देय कोई रकम किन्तु जो किसी भी दशा में अधिदायकर्ता या निक्षेपकर्ता के खाल में अथवा किसी अंशदायी के तथा किसी ऐसे स्थान या बूटिकों, जो ऐसे अंशदायी पर प्रोद्भूत हो गई है, कुल रकम से अधिक नहीं होगी; या

(ख) जहां अधिदायकर्ता या निक्षेपकर्ता को [उसके विधानों में] किसी ऐसे प्रकारों से, जो विधि के विधानों में इस निमित्त विनिर्दिष्ट हैं, प्रदत्त कर दिया गया है अथवा जहां उसने ऐसे नियोजन को उसके प्रारंभ के पांच वर्ष के अन्दर त्याग दिया है, तब किसी ऐसे अंशदायी, व्याज और बूटिकों की सम्पूर्ण रकम या उसकी कोई भाग।

[6क. सेवानिवृत्ति के दो वर्ष के भीतर पूर्व अनुसूचि के बिना वाणिज्यिक नियोजन ग्रहण करने वाले केन्द्रीय सरकार के अधिकारियों की दशा में सरकारी अंशदायी को एक सेना या उनकी वसूली—(1) इस धारा में, जब तक कि संदर्भ से अन्यथा अपेक्षित न हो:—

(क) "केन्द्रीय सरकार का अधिकारी" से केन्द्रीय सरकार द्वारा बनाई गई अंशदायी शुद्धि विधि में कोई ऐसा अधिदायकर्ता या निक्षेपकर्ता अभिप्रेत है, जो अपनी सेवानिवृत्ति के लिए पूर्व केन्द्रीय सेना वर्ग 1 का सदस्य है, किन्तु किसी विनिर्दिष्ट अवधि के लिए किसी सेवा-सिंधा के अधीन नियुक्त किन्तु कोई अधिकारी इसके अन्तर्गत नहीं है;

(ख) "वाणिज्यिक नियोजन" से व्यापारिक, वाणिज्यिक, औद्योगिक, वित्तीय या वृत्तिक कारखाने में लगी हुई किसी कम्पनी, सहकारी सोसाइटी, फर्म या व्यक्ति के अधीन (अधिकारों की हैसियत सहित) किसी भी हैसियत में नियोजन अभिप्रेत है और इसके अन्तर्गत निम्नलिखित भी हैं:—

- (i) किसी कम्पनी का निर्देशक पद;
- (ii) किसी सहकारी सोसाइटी में अध्यक्ष, सभापति, प्रबंधक, सचिव, कोषपाल जैसे किसी भी नाम से उक्त किसी पद को, चाहे यह निर्यात हो या न हो, धारण करना; और
- (iii) ऐसे विषयों में सलाहकार या परामर्शों के तौर पर या जो स्वतंत्र रूप से या किसी फर्म के भागीदार के रूप में व्यवसाय प्रारम्भ करना, जिनको बाबत—

(क) केन्द्रीय सरकार के अधिकारियों के पास कोई वृत्तिक अर्हताएं नहीं हैं और वे विधय, जिनको बाबत ऐसा व्यवसाय प्रारम्भ किया जाना है या चलाया जाता है, उसकी शासकीय जानकारी या अनुभव से सम्बद्ध है, या

(ख) केन्द्रीय सरकार के अधिकारियों के पास वृत्तिक अर्हताएं हैं, किन्तु वे विधय, जिनको बाबत ऐसा व्यवसाय प्रारम्भ किया जाना है, ऐसे हैं जिनमें यह सम्भव है कि केन्द्रीय सरकार के अधीन उसके द्वारा धारित पदों के कारण उसके व्यवहारियों को नुवांजित फायदा हो; या

(ग) केन्द्रीय सरकार के अधिकारियों को ऐसे कार्य का भार ग्रहण करना है जिसमें केन्द्रीय सरकार के कार्यालयों या अधिकारियों से सम्पर्क या संबंध अन्तर्गत है,

किन्तु किसी ऐसे निगम या कंपनी में या उसके अधीन नियोजन, जो पूर्ण रूप से या पर्याप्त रूप से सरकार के स्वामित्व या नियंत्रण में है अथवा किसी ऐसे निकाय में या उसके अधीन नियोजन, जो पूर्ण रूप से या पर्याप्त रूप से सरकार के नियंत्रण में है या उसके द्वारा वित्तपोषित किया जाता है, इसके अन्तर्गत नहीं है;

1. 1946 के अधिनियम सं-11 की धारा 2 द्वारा जोड़ा गया।
2. 1925 के अधिनियम सं-28 की धारा 3 द्वारा "जिससे कि विधि गठित हुई है" के स्थान पर प्रतिस्थापित।
3. 1925 के अधिनियम सं-28 की धारा 3 द्वारा "उस प्राधिकरण" के स्थान पर प्रतिस्थापित।
4. 1925 के अधिनियम सं-28 की धारा 3 द्वारा "उस प्राधिकरण के नियोजन" के स्थान पर प्रतिस्थापित।
5. 1975 के अधिनियम सं-46 की धारा 2 द्वारा (7-2-1977 से) अन्तःस्थापित।

(c) "Government contributions" means contributions made after the commencement of the Provident Funds (Amendment) Act, 1975 (46 of 1975), in respect of any period after such commencement, by the Central Government or by a State Government or by a local authority within the meaning of the Local Authorities Loans Act, 1914 (9 of 1914);

(d) "prescribed" means prescribed by rules made by the Central Government by notification in the Official Gazette.

(2) No Central Government officer shall have any right to the Government contributions made to his credit in a contributory provident fund in any case where he takes up commercial employment at any time before the expiry of two years from the date of his retirement without the prior permission of the Central Government.

Explanation 1.—For the purposes of this sub-section and sub-section (7), "date of retirement" in relation to a Central Government officer re-employed after retirement without any break either in the same or any other Class I post under the Central Government or any other equivalent post under a State Government, shall mean the date on which such Central Government officer finally ceases to be re-employed in Government service.

Explanation 2.—A Central Government officer permitted by the Central Government to take up a particular commercial employment during his leave preparatory to retirement shall be deemed, for the purposes of this sub-section, to have obtained prior permission of the Central Government for his continuance in such employment after retirement.

(3) Subject to the provisions of sub-section (4), the Central Government may, by order in writing, on an application made in the prescribed form by a Central Government officer, grant, subject to such conditions, if any, as it may deem necessary, permission, or refuse, for reasons to be recorded in the order, permission, to such officer to take up the commercial employment specified in the application.

(4) In granting or refusing permission under this section to a Central Government officer for taking up any commercial employment, the Central Government shall have regard to the following factors, namely:—

(a) the nature of the employment proposed to be taken up and the antecedents of the employer;

(b) whether his duties in the employment which he proposes to take up might be such as to bring him into conflict with Government;

(c) whether the officer while in service had any such dealing with the employer under whom he proposes to seek employment as might afford a reasonable basis for the suspicion that such officer had shown favours to such employer;

(d) any other relevant factors which may be prescribed.

(5) Where within a period of sixty days of the date of receipt of an application under sub-section (3), the Central Government does not refuse to grant the permission applied for or does not communicate the refusal to the applicant, the Central Government shall be deemed to have granted the permission applied for.

(6) Where the Central Government grants the permission applied for subject to any conditions or refuses such permission, the applicant may, within thirty days of the receipt of the order of the Central Government to that effect, make a representation against any such condition or refusal and the Central Government may make such orders thereon as it deems fit:

Provided that no order other than an order cancelling such condition or granting such permission without any conditions shall be made under this sub-section without giving the person making the representation an opportunity to show cause against the order proposed to be made.

(7) If any Central Government officer takes up any commercial employment at any time before the expiry of two years from the date of his retirement without the prior permission of the Central Government or commits a breach of any condition subject to which permission to take up any commercial employment has been granted to him under this section, it shall be competent for the Central Government to declare by order in writing and for reasons to be recorded therein that he shall not be entitled to such part of the Government contributions made in relation to such officer as may be specified in the order and if he has received payment thereof, to direct that he shall refund to the Central Government an amount equivalent to such part of the Government contributions:

← 57 —

(ग) "सरकारी अंशदान" से भविष्य दिधि (संशोधन) अधिनियम, 1975 (1975 का 46) के प्रांग होने के परन्तु, केन्द्रीय सरकार द्वारा या किसी राज्य सरकार द्वारा या स्थानीय प्राधिकारी उभार अधिनियम, 1914 (1914 का 9) के अर्थ में किसी स्थानीय प्राधिकारी द्वारा ऐसे प्रांग के परन्तु किसी अवधि की बाधत किए गए अंशदान अधिभेद हैं;

(घ) "विहित" से केन्द्रीय सरकार द्वारा, राजपत्र में अधिसूचना द्वारा, बनाए गए नियमों द्वारा विहित अधिभेद हैं।

(2) केन्द्रीय सरकार को किसी भी अधिकारी को, उस दस्ता में जब वह अपनी सेवानिवृत्ति की तारीख से दो वर्ष की समाप्ति के पूर्व किसी समय, केन्द्रीय सरकार को पूर्व अनुज्ञा के बिना, वाणिज्यिक नियोजन ग्रहण करता है, किसी अंशदानी भविष्य दिधि में उसके नाम में जमा किए गए, सरकारी अंशदानों के संबंध में कोई अधिकार नहीं होगा।

स्पष्टीकरण 1—इस उपधारा और उपधारा (7) के प्रयोजनों के लिए "सेवानिवृत्ति की तारीख" से, सेवानिवृत्ति के परन्तु केन्द्रीय सरकार के अधीन उसी या किसी अन्य शर्तों पर या किसी राज्य सरकार के अधीन किसी भी अन्य शर्त पर सेवा-विच्छेद के बिना पुनर्नियोजित केन्द्रीय सरकार के अधिकारी के संबंध में, वह तारीख अधिभेद होगी जिसको केन्द्रीय सरकार का ऐसा अधिकारी सरकारी सेवा में अन्ततः पुनर्नियोजित नहीं रहता।

स्पष्टीकरण 2—केन्द्रीय सरकार के किसी अधिकारी के बारे में, जिसे उसकी सेवानिवृत्ति-पूर्व छुट्टी के दौरान किसी विहित वाणिज्यिक नियोजन को ग्रहण करने के लिए केन्द्रीय सरकार द्वारा अनुज्ञा दी गई है, इस उपधारा के प्रयोजनों के लिए, यह समझा जाएगा कि उसने सेवानिवृत्ति के परन्तु ऐसे नियोजन में अपने बने रहने के लिए केन्द्रीय सरकार को पूर्व अनुज्ञा प्राप्त कर ली है।

(3) उपधारा (4) के उपबंधों के अधीन रहते हुए यह है कि केन्द्रीय सरकार को किसी अधिकारी द्वारा विहित प्रकल्प में आवेदन किए जाने पर, केन्द्रीय सरकार लिखित आदेश द्वारा ऐसे अधिकारी को, उस आवेदन में विनिर्दिष्ट वाणिज्यिक नियोजन को ग्रहण करने के लिए, ऐसी शर्तों के अधीन, यदि कोई हों, जो वह आवेदक के समक्ष अनुज्ञा दे सकती है, या ऐसी कारणों से, जो आदेश में अभिलिखित किए जाएंगे, अनुज्ञा देने से इनकार कर सकती है।

(4) केन्द्रीय सरकार के किसी अधिकारी को कोई वाणिज्यिक नियोजन ग्रहण करने के लिए इस धारा के अधीन अनुज्ञा देने में या देने से इनकार करने में, केन्द्रीय सरकार अभिलिखित बातों का ध्यान रखेगी अर्थात्—

(क) जिस नियोजन को ग्रहण करने का विचार है उसकी प्रकृति और नियोजक के पूर्ववृत्त;

(ख) क्या उस नियोजन में, जिस ग्रहण करने का उसका विचार है, उसके कर्तव्य ऐसे हो सकते हैं जिनसे उसे सरकार का विरोध करना पड़े;

(ग) क्या ऐसे अधिकारी के सेवा के दौरान उस नियोजक के साथ, जिसके अधीन उसका नियोजन प्राप्त करने का विचार है, ऐसे कोई संघर्ष किए थे जो इससे उभरे हुए व्यक्तिगत आधार हो सकते हैं कि ऐसे अधिकारी ने उस नियोजक के साथ पक्षपात किया था;

(घ) कोई अन्य सुसंगत बातें जो विहित की जाएं।

(5) यदि उपधारा (3) के अधीन आवेदन की प्राप्ति की तारीख से साठ दिन की अवधि के भीतर, केन्द्रीय सरकार ऐसी अनुज्ञा देने से इनकार नहीं करती है जिसके लिए आवेदन किया गया है, या आवेदक को ऐसे इनकार को संसूचना नहीं देती है, तो वह समझा जाएगा कि केन्द्रीय सरकार ने ऐसी अनुज्ञा दे दी है जिसके लिए आवेदन किया गया है।

(6) यदि केन्द्रीय सरकार ऐसी अनुज्ञा किसी शर्तों के अधीन देती है या ऐसी अनुज्ञा देने से इनकार करती है जिसके लिए आवेदन किया गया है तो आवेदक, उस आदेश के केन्द्रीय सरकार के आदेश को प्राप्त से तीस दिन के भीतर, किसी ऐसी शर्त या इनकार के विरुद्ध अभ्यावेदन कर सकता है, और केन्द्रीय सरकार उस पर ऐसे आदेश कर सकती है जो वह ठीक समझे:

परन्तु इस उपधारा के अधीन कोई आदेश या ऐसी शर्त को रद्द करने या किसी शर्तों के बिना ऐसी अनुज्ञा देने वाले आदेश से भिन्न है, अभ्यावेदन करने वाले व्यक्ति को प्रस्तावित आदेश के विरुद्ध कारण दर्शित करने का अवसर दिए बिना नहीं किया जाएगा।

(7) यदि केन्द्रीय सरकार का कोई अधिकारी अपनी सेवानिवृत्ति की तारीख से दो वर्ष की समाप्ति के पूर्व किसी समय, केन्द्रीय सरकार को पूर्व अनुज्ञा के बिना, कोई वाणिज्यिक नियोजन ग्रहण करता है या कोई ऐसी शर्त भंग करता है जिस पर कोई वाणिज्यिक नियोजन ग्रहण करने के लिए उसे इस धारा के अधीन अनुज्ञा दी गई है तो केन्द्रीय सरकार लिखित आदेश द्वारा और ऐसे कारणों से, जो उसमें अभिलिखित किए जाएंगे, यह घोषणा करने के लिए सक्षम होगी कि वह ऐसे सरकारी अंशदानों के, जो उस अधिकारी के संबंध में किए गए हों, इतने भाग का हकदार नहीं होगा जितना उस आदेश में विनिर्दिष्ट किया जाए, और यदि वह उसे प्राप्त कर चुका है तो यह निदेश देने के लिए सक्षम होगी कि वह सरकारी अंशदानों के उक्त भाग को बराबर रकम केन्द्रीय सरकार को वापस करे:

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Provided that no such order shall be made without giving the officer concerned an opportunity of showing cause against such declaration or direction:

Provided further that in making any order under this sub-section, the Central Government shall have regard to the following factors, namely:—

(i) the financial circumstances of the officer concerned;

(ii) the nature of, and the emoluments from, the commercial employment taken up by the officer concerned;

(iii) such other relevant factors as may be prescribed.

(8) Any amount required to be refunded by an order under sub-section (7) may, if it is not refunded within the prescribed period, be recovered as arrears of land revenue.

(9) Every order passed by the Central Government under this section shall be communicated to the officer concerned.

(10) The provisions of this section shall have effect notwithstanding anything to the contrary contained in any other provision of this Act or the rules applicable to any contributory provident fund.

(11) Every rule made by the Central Government under this section 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 immediately following 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.]

7. Protection for acts done in good faith.—No suit or other legal proceeding shall lie against any person in respect of anything which is in good faith done or intended to be done under this Act.

8. Power to apply the Act to other Provident Funds.—[(1)] The [appropriate Government] may, by notification in the Official Gazette, direct that the provisions of this Act [(except section 6A)] shall apply to any Provident Fund established for the benefit of its employees by any local authority within the meaning of the Local Authorities Loans Act, 1914 (9 of 1914); and, on the making of such declaration, this Act shall apply accordingly, as if such Provident Fund were a Government Provident Fund and such local authority were the Government.

[(2)] The [appropriate Government] may, by notification in the Official Gazette, direct that the provisions of this Act [(except section 6A)] shall apply to any Provident Fund established for the benefit of the employees of any of the institutions specified in the Schedule, or of any group of such institutions, and, on the making of such declaration, this Act shall apply accordingly, as if such Provident Fund were a Government Provident Fund and the authority having custody of the Fund were the Government.

Provided that section 6 shall apply as if the authority making the contributions referred to in that section were the Government.

(3) The [appropriate Government] may, by notification in the Official Gazette, add to the Schedule the name of any public institution it may deem fit, and any such addition shall take effect as if it had been made by this Act.]

1. The original s. 8 renumbered as sub-section (1) of that section by Act 1 of 1930, s. 3.
2. Subs. by the A. O. 1937, for "L. G."
3. Ins. by Act 46 of 1975, s. 3 (w.e.f. 7-2-1977).
4. Added by Act 1 of 1930, s. 3.
5. Subs. by the A. O. 1937, for "G. G. in C."

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परन्तु कोई भी ऐसा आदेश, सम्बन्धित अधिकारी को ऐसी घोषणा या निर्देश के विरुद्ध कारण दर्शित करने का अवसर दिए बिना, किया जाएगा:

परन्तु यह और कि इस उपधारा के अधीन कोई आदेश करने में, केन्द्रीय सरकार निम्नलिखित बातों का ध्यान रखेगी, अर्थात्—

- (i) संबंधित अधिकारी की वित्तीय परिस्थिति;
- (ii) संबंधित अधिकारी द्वारा ग्रहण किए गए वाणिज्यिक नियोजन की प्रकृति और उससे उपलब्धियां;
- (iii) ऐसी अन्य सुसंगत बातें जो विहित की जाएं।

(8) यदि कोई ऐसी रकम, जो उपधारा (7) के अधीन किसी आदेश द्वारा वापस की जानी अपेक्षित है, विहित अवधि के बीता तपस नहीं की जाती है तो वह भू-राजस्व की बकाया के रूप में वसूल की जा सकती है।

(9) इस धारा के अधीन केन्द्रीय सरकार द्वारा पारित प्रत्येक आदेश संबंधित अधिकारी को संसूचित किया जाएगा।

(10) इस धारा के उपबंध, इस अधिनियम के किसी अन्य उपबंध में या किसी अंशदायी भविष्य विधि को लागू नियमों में इसके प्रतिकूल किसी बात के होते हुए भी, प्रभावी होंगे।

(11) इस धारा के अधीन केन्द्रीय सरकार द्वारा बनाया गया प्रत्येक नियम बनाए जाने के पश्चात् पचासवीं, ससद के प्रत्येक सदन के समक्ष, जब वह सत्र में हो, तीस दिन की अवधि के लिए रखा जाएगा। यह अवधि एक सत्र में अथवा दो या अधिक आनुक्रमिक सत्रों में पूरी हो सकती है। यदि उस सत्र के या पूर्वोक्त आनुक्रमिक सत्रों के तीसरे दिन के सत्र के अवसान के पूर्व दोनों सदन उस नियम में कोई परिवर्तन करने के लिए सहमत हो जाएं तो तत्पश्चात् वह ऐसे परिवर्तित रूप में ही प्रभावी होगा। यदि उक्त अवसान के पूर्व दोनों सदन सहमत हो जाएं कि वह नियम नहीं बनाया जाना चाहिए तो तत्पश्चात् वह निष्प्रभाव हो जाएगा। किन्तु नियम के ऐसे परिवर्तित या निष्प्रभाव होने से पहले उसके अधीन की गई किसी बात की विधिमान्यता पर प्रतिकूल प्रभाव नहीं पड़ेगा।

7. सद्भावपूर्वक किए गए कार्यों के लिए संरक्षण—इस अधिनियम के अधीन सद्भावपूर्वक की गई या की जाने के लिए आशयित किसी बात के संबंध में किसी व्यक्ति के विरुद्ध कोई भी या अन्य विधिक कार्यवाही नहीं होगी।

8. अधिनियम को अन्य भविष्य विधियों को लागू करने की शक्ति—¹[(1)] ²[समुचित सरकार,] राजपत्र में अधिसूचना द्वारा, निर्देश दे सकेगी कि ³[(धारा 6क को छोड़कर) इस अधिनियम के सब उपबंध,] स्थानीय प्राधिकारी उधार अधिनियम, 1914 (1914 का 9) के अर्थ में किसी स्थानीय प्राधिकारी द्वारा अपने कर्मचारियों के फायदे के लिए स्थापित किसी भविष्य विधि को लागू होंगे, और ऐसी घोषणा कर दिए जाने पर, यह अधिनियम तदनुकूल ऐसे लागू होगा मानो ऐसी भविष्य विधि, सरकारी भविष्य विधि हो और ऐसी स्थानीय प्राधिकारी, सरकार हो।

⁴[(2)] ⁵[समुचित सरकार,] राजपत्र में अधिसूचना द्वारा, निर्देश दे सकेगी कि ⁶[(धारा 6क को छोड़कर) इस अधिनियम के सब उपबंध,] अनुसूची में विनिर्दिष्ट संस्थाओं में से किसी के अथवा ऐसी संस्थाओं के किसी समूह के कर्मचारियों के फायदे के लिए स्थापित किसी भविष्य विधि को लागू होंगे और ऐसी घोषणा कर दिए जाने पर, यह अधिनियम तदनुकूल ऐसे लागू होगा मानो ऐसी भविष्य विधि, सरकारी भविष्य विधि हो और वह प्राधिकारी, जिसकी अभिरक्षा में निधि है, सरकार हो:

परन्तु धारा 6 इस प्रकार लागू होगी मानो उस धारा में निर्दिष्ट अंशदान करने वाला प्राधिकारी, सरकार हो।

(3) ⁷[समुचित सरकार,] राजपत्र में अधिसूचना द्वारा, अनुसूची में किसी ऐसी सार्वजनिक संस्था का नाम जोड़ें सकेगी जिसे वह नौक समझे और इस प्रकार जोड़ा जाना ऐसे प्रभावी होगा मानो वह इस अधिनियम द्वारा किया गया हो।]

1. 1930 के अधिनियम सं 1 की धारा 3 द्वारा धारा 8 को उसकी उपधारा (1) के रूप में पुनःसंख्यांकित किया गया।
2. भारत शासन (भारतीय विधि अनुकूलन) आदेश, 1937 द्वारा "स्थानीय सरकार" के स्थान पर प्रतिस्थापित।
3. 1975 के अधिनियम सं 46 की धारा 3 द्वारा (7-2-1977 से) अंतःस्थापित।
4. 1930 के अधिनियम सं 1 की धारा 3 द्वारा जोड़ा गया।
5. भारत शासन (भारतीय विधि अनुकूलन) आदेश, 1937 द्वारा "सपरिषद् गवर्नर जनरल" के स्थान पर प्रतिस्थापित।

[(4) In this section "the appropriate Government" means—

(a) in relation to a cantonment authority, a port authority for a major port, and any institution which, or the objects of which, appear to the Central Government to fall within List I in the Seventh Schedule to [the Constitution], the Central Government; and

(b) in other cases, the state Government.

Explanation.—"The State Government" in relation to an institution registered under the Societies Registration Act, 1860 (21 of 1860), means the State Government of the State in which the society is registered.]

9. Savings as to estates of soldiers.—Nothing in section 4 or section 5 shall apply to money belonging to any estate for the purpose of the administration of which the Regimental Debts Act 1893, (56 and 57 Vict., c. 5) applies.

10. [Repeals.] *Rep. by the Repealing Act, 1927 (12 of 1927), s. 2 and Sch.*

[THE SCHEDULE

LIST OF INSTITUTIONS

[See sub-section (2) of section 8]

1. The Pasteur Institute of India, Kasauli.
2. The Calcutta Improvement Tribunal.
3. A Court of Wards.
4. The Indian Central Cotton Committee.
5. The Trustees for the European hospital for mental diseases at Ranchi.
6. The National Association for supplying female medical aid to the women of India.
7. A College affiliated to a University established by Statute.]
8. The Indian Coal Grading Board.
9. The Lady Minto's Indian Nursing Association.
10. The Indian Red Cross Society.
11. The Indian Lac cess Committee.
12. The Madras State Branch of the Indian Red Cross Society.
13. The Imperial Bank of India.
14. The Bihar and Orissa Medical Examination Board.
16. The Institution created for the control of emigrant labour under the Tea Districts Emigrant Labour Act, 1932.
17. The Bombay Board of Film Censors.
18. The Calcutta University.

1. Ins. by the A. O. 1937.

2. Subs. by the A. O. 1950, for "the Government of India Act, 1935".

3. The Schedule containing items 1 to 7 was added by Act 1 of 1930, s. 4. The original Schedule was omitted by Act 12 of 1927, s. 2 and Sch.

4. Items after 7 were added from time to time by notifications under s. 8(3) of the Act.

5. Entry "15. The Punjab University." omitted by the A. O. 1948.

[(4) इस धारा में "संयुक्त सरकार" से अभिप्रेत है—

(क) किसी शासकीय अधिकरण, किसी महापत्तन के लिए पत्तन अधिकरण और किसी ऐसी संस्था के संबंध में, जो या जिसके उद्देश्य कोशिय सरकार को [संविधान] की सभ्य अनुसूची की सूची 1 के अन्तर्गत प्रतीत हो, केन्द्रीय सरकार; और

(ख) अन्य मामलों में राज्य सरकार।

स्पष्टीकरण—सोसाइटी रजिस्ट्रीकरण अधिनियम, 1860 (1860 का 21) के अधीन रजिस्ट्रीकृत किसी संस्था के संबंध में "राज्य सरकार" से उस राज्य को राज्य सरकार अभिप्रेत है जिसमें वह सोसाइटी रजिस्ट्रीकृत है।]

9. सैनिकों की सम्पदाओं के बारे में व्यापारिक—धारा 4 या धारा 5 की कोई बात किसी ऐसी सम्पदा के धन की लागू नहीं होगी जिसके प्रबन्ध के प्रयोजन के संबंध में रेजोर्बल डेट ऐक्ट, 1893 (56 और 57 विक्ट. से. 5) लागू होता है।

10. [निरसन] निरसन अधिनियम, 1927 (1927 का 12) की धारा 2 और अनुसूची द्वारा निरसित।

[अनुसूची

[धारा 8 की उपधारा (2) देखिय]

संस्थाओं की सूची

1. पास्वर इंस्टीच्यूट आफ इंडिया, कसौली।
 2. कलकत्ता सुधार अधिकरण।
 3. प्रतिपाल्य अधिकरण।
 4. भारतीय केन्द्रीय कपास समिति।
 5. रांची में मानसिक रोगों के लिए यूरोपियन अस्पताल के न्यासी।
 6. भारतीय महिलाओं को महिला चिकित्सा सहायता उपलब्ध करने के लिए राष्ट्रीय संस्था।
 7. कानून द्वारा स्थापित विश्वविद्यालय से सम्बद्ध कोई महाविद्यालय।
 8. भारतीय कोयला श्रेणीकरण बोर्ड।
 9. लेंडो मिन्टो इंडियन नर्सिंग एसोसिएशन।
 10. भारतीय रैडक्रास सोसाइटी।
 11. भारतीय लाख उपकर समिति।
 12. भारतीय रैडक्रास सोसाइटी की मद्रास राज्य शाखा।
 13. इम्पीरियल बैंक आफ इंडिया।
 14. बिहार और उड़ीसा चिकित्सा परीक्षा बोर्ड।
 16. चाय जिला उत्तरवासी श्रम अधिनियम, 1932 (1932 का 22) के अधीन उत्तरवासी श्रमिकों के नियंत्रण के लिए बनाई गई संस्था।
 17. मुम्बई फिल्म सेंसर बोर्ड।
 18. कलकत्ता विश्वविद्यालय।
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1. भारत शासन (भारतीय विधि अनुकूलन) आदेश, 1937 द्वारा अंतःस्थापित।
 2. विधि अनुकूलन आदेश, 1950 द्वारा " भारत शासन अधिनियम, 1935" के स्थान पर प्रतिस्थापित।
 3. 1930 के अधिनियम से 1 की धारा 4 द्वारा मद 1 से 7 से युक्त अनुसूची जोड़ी गई। 1927 के अधिनियम से 12 की धारा 2 और अनुसूची द्वारा मूल अनुसूची का लोप किया गया।
 4. अधिनियम की धारा 8(3) के अधीन अधिसूचनाओं द्वारा समय-समय पर 7 के पश्चात् मदें जोड़ी गईं।
 5. भारतीय स्वतन्त्रता (केन्द्रीय अधिनियमों और अध्यादेशों का अनुकूलन) आदेश, 1948 द्वारा प्रविष्ट "15. पंजाब विश्वविद्यालय" का लोप किया गया।

19. The Central Board of Irrigation.
20. The Reserve Bank of India.
22. The Banaras Hindu University.
23. The Medical Council of India.
24. The Indian Coffee Cess Committee.
25. The Inter-State Board for Anglo-Indian and European Education.
26. The Indian Research Fund Association.
27. The Delhi Joint Water and Sewage Board.
28. The Tuberculosis Association of India.
29. The Coal Mines Stowing Board.
30. A Group Committee of the Sleeper Pool of Indian Railways.
31. The Indian Coffee Market Expansion Board.
32. The Coal Mines Rescue Stations Committee.
33. The Indian Coffee Board.
35. The Indian Rubber Board.
36. The Indian Central Sugarcane Committee.
37. All-India Cattle Show Committee.
38. The Coal Mines Labour Welfare Fund.
39. The Indian Coconut Committee.
40. The Indian Central Tobacco Committee.
41. The Employees' State Insurance Corporation.
42. The Indian Tea Licensing Committee.
43. The Coal Board established under the Coal Mines (Conservation and Safety) Act, 1952.
44. The Delhi Road Transport Authority, New Delhi.
45. The Central Tea Board.
46. The Indian Central Oilseeds Committee.
47. The Central Institute of Research in Indigenous Systems of Medicine, Jamnagar.
48. The Indian Standards Institution, Delhi.
49. The Textiles Committee.
50. The Deshbandhu College, Kalkaji.
51. The Damodar Valley Corporation.
52. The Central Silk Board.
53. The University Grants Commission, New Delhi.

1. Entry "21. The Trustees of the Victoria Memorial Park, Rangoon." omitted, by the A.O. 1948.
2. Entry "34. The N.W.F. Provincial Branch of the Indian Red Cross Society." omitted, *ibid*.

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19. केन्द्रीय सिंघाई बोर्ड।
20. भारतीय रिजर्व बैंक।
21. काशी हिन्दू विश्वविद्यालय।
22. भारतीय आयुर्विज्ञान परिषद्।
23. भारतीय काफी उपकर समिति।
24. आंग्ल-भारतीय तथा यूरोपियन शिक्षा के लिए अंतर्राष्ट्रिक बोर्ड।
25. भारतीय अनुसंधान निधि संस्था।
26. दिल्ली संयुक्त जल और मल बोर्ड।
27. भारतीय क्षय रोग संस्था।
28. कोयला खान भरण बोर्ड।
29. भारतीय रेल स्लीपर पुल ग्रुप समिति।
30. भारतीय काफी मंडी वृद्धि बोर्ड।
31. कोयला खान बचाव स्टेशन समिति।
32. भारतीय काफी बोर्ड।
33. भारतीय रबड़ बोर्ड।
34. भारतीय केन्द्रीय गन्ना समिति।
35. अखिल भारतीय पशु प्रदर्शन समिति।
36. कोयला खान श्रम कल्याण निधि।
37. भारतीय नारियल समिति।
38. भारतीय केन्द्रीय तम्बाकू समिति।
39. कर्मचारी राज्य बीमा निगम।
40. भारतीय चाय अनुज्ञापन समिति।
41. कोयला खान (संरक्षण और सुरक्षा) अधिनियम, 1952 (1952 का 12) के अधीन स्थापित कोयला बोर्ड।
42. दिल्ली सड़क परिवहन प्राधिकारी, नई दिल्ली।
43. केन्द्रीय चाय बोर्ड।
44. भारतीय केन्द्रीय तिलहन समिति।
45. औषधियों की देशी पद्धतियों के बारे में केन्द्रीय अनुसंधान संस्था, जामनगर।
46. भारतीय मानक संस्थान, दिल्ली।
47. सूती कपड़ा निधि समिति।
48. देशबंधु कालेज, कालकाजी।
49. दामोदर घाटी निगम।
50. केन्द्रीय रेशम बोर्ड।
51. विश्वविद्यालय अनुदान आयोग, नई दिल्ली।

1. भारतीय स्वतन्त्रता (केन्द्रीय अधिनियमों और अध्यादेशों का अनुकूलन) आदेश, 1948 द्वारा प्रविष्टि "21. दि टूस्वीज आफ दि विक्टोरिया मेमोरियल पार्क रंगून" का लोप किया गया।
 2. भारतीय स्वतन्त्रता (केन्द्रीय अधिनियमों और अध्यादेशों का अनुकूलन) आदेश, 1948 द्वारा प्रविष्टि "34. दी एन्ड डब्ल्यूथफ प्रोविन्सियल ब्रांच आफ दी इण्डियन रेड क्रॉस सोसाइटी" का लोप किया गया।
- 4-5 M of L&J/ND/11

54. The Khadi and Village Industries Commission.
55. The Lawrence School (Sanawar) Society.
56. The Kalavati Saran Children's Hospital, New Delhi.
57. The Sri Guru Teg Bahadur Khalsa College, Delhi.
58. The Tea Board.
59. Lady Shri Ram College for Women, New Delhi.
60. Indian Institute of Public Administration, New Delhi.
61. The Central Board for Worker's Education.
62. The Oil and Natural Gas Commission.
63. The School of Planning and Architecture, New Delhi.
64. The Central Board of Trustees for the administration of the Provident Fund established under the Employees' Provident Funds Scheme, 1952.
65. The Gujarat State Road Transport Corporation.
66. Uttar Pradesh Financial Corporation established (incorporated) under the State Financial Corporations Act, 1951 (63 of 1951).
67. Indian Institute of Technology, Bombay.
68. The Indian Nursing Council.
69. Gujarat State Financial Corporation established (incorporated) under the State Financial Corporations Act, 1951 (63 of 1951).
70. Indian Institute of Technology, Madras.
71. Rajasthan Financial Corporation incorporated under the State Financial Corporations Act, 1951 (63 of 1951).
72. Air India International Corporation.
73. The Sahitya Akademi, New Delhi.
74. The Pannalal Girdharlal D.A.V. College, New Delhi.
75. Delhi School of Social Work, Delhi.
76. The All-India Institute of Medical Sciences.
77. The Board of Trustees for the administration of the Provident Fund established under the Coal Mines Provident Fund Scheme, 1948.
78. Janki Devi Mahavidyalaya, New Delhi.
79. The Indian Council for Cultural Relations, New Delhi.
80. National Productivity Council.
81. The National Industrial Development Corporation Limited.
82. The Post-graduate Training Centre in Ayurveda, Jamnagar.
83. The Indian Investment Centre, New Delhi.
84. The Indian Airlines Corporation.
85. The Indian Institute of Technology, Kanpur.
86. The Vizagapatam Dock Labour Board established under the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948).
87. The Central Social Welfare Board.

84. खादी और ग्रामोद्योग आयोग।
85. लॉरेस स्कूल (सनावर) सोसाइटी।
86. कलावती सत्य शिशु अस्पताल, नई दिल्ली।
87. श्री गुरु तेगबहादुर खालसा कालेज, दिल्ली।
88. चाय बोर्ड, नई दिल्ली।
89. लेडी श्रीराम महिला कालेज, नई दिल्ली।
90. भारतीय लोक प्रशासन संस्थान, नई दिल्ली।
91. केन्द्रीय कर्मकाट शिक्षा बोर्ड।
92. तेल और प्राकृतिक गैस आयोग।
93. योजना तथा वास्तुकला स्कूल, नई दिल्ली।
94. कर्मचारी भविष्य निधि स्कीम, 1952 के अधीन स्थापित भविष्य निधि के प्रशासन के लिए केन्द्रीय न्यासी बोर्ड।
95. गुजरात राज्य सड़क परिवहन निगम।
96. राज्य वित्तीय निगम अधिनियम, 1951 (1951 का 63) के अधीन (निगमित) स्थापित उत्तर प्रदेश वित्तीय निगम।
97. इंडियन इंस्टीच्यूट आफ टेक्नालोजी, मुम्बई।
98. भारतीय नरसिंग काउंसिल।
99. राज्य वित्तीय निगम अधिनियम, 1951 (1951 का 63) के अधीन (निगमित) स्थापित गुजरात राज्य वित्तीय निगम।
100. इंडियन इंस्टीच्यूट आफ टेक्नालोजी, मद्रास।
101. राज्य वित्तीय निगम अधिनियम, 1951 (1951 का 63) के अधीन निगमित राजस्थान वित्तीय निगम।
102. एयर इंडिया इन्टरनेशनल कार्पोरेशन।
103. साहित्य अकादमी, नई दिल्ली।
104. पन्नालाल गिरधारी लाल डी०ए०वी० कालेज, नई दिल्ली।
105. दिल्ली सामाजिक कार्य स्कूल, दिल्ली।
106. अखिल भारतीय आयुर्विज्ञान संस्थान।
107. कोयला खान भविष्य निधि स्कीम, 1948 के अधीन स्थापित भविष्य निधि के प्रबंध के लिए न्यासी बोर्ड।
108. जानकी देवी महाविद्यालय, नई दिल्ली।
109. भारतीय सांस्कृतिक सम्बन्ध परिषद्, नई दिल्ली।
110. राष्ट्रीय उत्पादकता परिषद्।
111. राष्ट्रीय औद्योगिक विकास निगम लिमिटेड।
112. आयुर्वेदिक स्नातकोत्तर प्रशिक्षण केन्द्र, जामनगर।
113. भारतीय विनिधान केन्द्र, नई दिल्ली।
114. इंडियन एयर लाईंस कार्पोरेशन।
115. इंडियन इंस्टीच्यूट आफ टेक्नालोजी, कानपुर।
116. डॉक कर्मकार (नियोजन का विनियमन) अधिनियम, 1948 (1948 का 9) के अधीन स्थापित विशाखापत्तनम डॉक श्रमिक बोर्ड।
117. केन्द्रीय समाज कल्याण बोर्ड।

88. Orissa State Financial Corporation incorporated under the State Financial Corporations Act, 1951 (63 of 1951).
89. The Sangeet Natak Akademi, New Delhi.
90. Institute of Economic Growth, Delhi.
91. The Delhi Wakf Board.
92. Institute of Applied Manpower Research, New Delhi.
93. The Indian Law Institute.
94. The Indian Institute of Technology, Delhi.
95. Dyal Singh College, New Delhi.
96. Pramila College, Delhi.
97. Sanatan Dharma College, New Delhi.
98. Pharmacy Council of India.
99. The Sainik Schools Society.
100. The Indian Institute of Management, Calcutta.
101. The Salar Jung Museum Board, Hyderabad.
102. The Lalit Kala Akademi, New Delhi.
103. Madhya Pradesh Financial Corporation incorporated under the State Financial Corporations Act, 1951 (63 of 1951).
104. The Cochin Dock Labour Board established under the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948).
105. The Central Council of Gosamvardhara.
106. The State Bank of India constituted by the State Bank of India Act, 1955 (23 of 1955).
107. All India Institute of Mental Health, Bangalore.
108. The Indian Institute of Foreign Trade, New Delhi.
109. Delhi Library Board, Delhi.
110. The National Institute of Health Administration and Education, New Delhi.
111. The All India Institute of Speech and Hearing, Mysore.
112. The Indian Museum, Calcutta.
113. Press Council of India.
114. National Council of Education, Research and Training.
115. Indian Institute of Mass Communication Society.
116. The National Institute for Training in Industrial Engineering, Bombay.
117. Cochin Port trust.
118. Visakhapatnam Port Trust.
119. Kandla Port Trust.
120. Mormugao Port Trust.
121. Paradip Port Trust.
122. Nehru Memorial Museum and Library, New Delhi.
123. National Book Trust, India, New Delhi.

88. राज्य वित्तीय निगम अधिनियम, 1951 (1951 का 63) के अधीन निर्गमित उड़ीसा राज्य वित्तीय निगम।
89. संगीत नाटक अकादमी, नई दिल्ली।
90. आर्थिक विकास संस्थान, दिल्ली।
91. दिल्ली यक्ष्म बोर्ड।
92. अनुपयुक्त जनशक्ति अनुसंधान संस्थान, नई दिल्ली।
93. भारतीय विधि संस्थान।
94. इंडियन इंस्टीट्यूट ऑफ टेक्नालोजी, दिल्ली।
95. दयाल सिंह कालेज, नई दिल्ली।
96. प्रमिला कालेज, दिल्ली।
97. सनातन धर्म कालेज, नई दिल्ली।
98. भारतीय फार्मसी परिषद्।
99. सैनिक स्कूल सोसाइटी।
100. भारतीय प्रबंध संस्थान, कलकत्ता।
101. सालार जंग संग्रहालय बोर्ड, हैदराबाद।
102. सलित कला अकादमी, नई दिल्ली।
103. राज्य वित्तीय निगम अधिनियम, 1951 (1951 का 63) के अधीन निर्गमित मध्य प्रदेश वित्तीय निगम।
104. डॉक कर्मकार (नियोजन का विनियमन) अधिनियम, 1948 (1948 का 9) के अधीन स्थापित कोचीन डॉक श्रम बोर्ड।
105. केन्द्रीय गोसंवर्धन परिषद्।
106. भारतीय स्टेट बैंक अधिनियम, 1955 (1955 का 23) द्वारा गठित भारतीय स्टेट बैंक।
107. अखिल भारतीय मानसिक स्वास्थ्य संस्थान, बंगलौर।
108. भारतीय विदेश व्यापार संस्थान, नई दिल्ली।
109. दिल्ली पुस्तकालय बोर्ड, दिल्ली।
110. राष्ट्रीय स्वास्थ्य एवं परिवार कल्याण संस्थान, नई दिल्ली।
111. अखिल भारतीय वाक् और श्रवण संस्थान, मैसूर।
112. भारतीय संग्रहालय, कलकत्ता।
113. भारतीय प्रेस परिषद्।
114. राष्ट्रीय शैक्षिक, अनुसंधान और प्रशिक्षण परिषद्।
115. भारतीय जनसंचार संस्थान।
116. राष्ट्रीय औद्योगिक इंजीनियरी प्रशिक्षण संस्थान, मुम्बई।
117. कोचीन पत्तन न्यास।
118. विशाखापत्तनम पत्तन न्यास।
119. कांदला पत्तन न्यास।
120. मोरमुगाव पत्तन न्यास।
121. पारादीप पत्तन न्यास।
122. नेहरु स्मारक म्यूजियम और लाइब्रेरी, नई दिल्ली।
123. नेशनल बुक ट्रस्ट इंडिया, नई दिल्ली।

124. Export Inspection Council.
125. Export Inspection Agency, Bombay.
126. Export Inspection Agency, Delhi.
127. Export Inspection Agency, Calcutta.
128. Export Inspection Agency, Madras.
129. Export Inspection Agency, Cochin.
130. The National Institute of Foundry and Forge Technology, Ranchi.
131. The Unit Trust of India established under the Unit Trust of India Act, 1963 (52 of 1963).
132. The Indian Council of Social Science Research, New Delhi.
133. The National Institute of Bank Management, Bombay.
134. The Post Graduate Institute of Medical Education and Research, Chandigarh.
135. The Cardamom Board established under the Cardamom Act, 1965 (42 of 1965).
136. Victoria Memorial Hall, Calcutta.
137. Central Institute of Research and Training in Public Co-operation, New Delhi.
138. The Mormugao Dock Labour Board established under the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948).
139. The Institute of Constitutional and Parliamentary Studies, New Delhi.
140. Iron Ore Board.
141. Council of Historical Research, New Delhi.
142. Indian School of Mines, Dhanbad.
143. Seamen's Provident Fund Organisation.
144. Rural Electrification Corporation, Limited.
145. Indian Institute of Geomagnetism, Bombay.
146. Kendriya Vidyalay Sangthan.
147. Bal Bhawan Society (India).
148. Power Engineers Training Society.
149. National Institute of Hydrology.
150. Raman Research Institute, Bangalore.
151. Rashtriya Sanskrit Sansthan, New Delhi.
152. National Labour Institute.
- ¹[153. National Co-operative Development Corporation, New Delhi.]
- ²[154. The National Water Development Agency, New Delhi.]
- ³[155. Department of Electronics Accreditation of Computer Courses.]
- ⁴[156. Discount and Finance House of India Limited.]
- ⁵[157. Education and Research Network (ERNET).]

1. Ins. by S.O. 3401, dated 30-11-1987, Pt. II, Sec. 3 (ii).
 2. Ins. by S.O. 676, dated 17-2-1988, Pt. II, Sec. 3 (ii).
 3. Added by S.O. 1832, dated 4-7-1997, Pt. II, Sec. 3 (ii).
 4. Added by S.O. 1784, dated 31-8-1998.
 5. Added by S.O. 2470, dated 15-7-2002.

124. भारतीय निर्यात निरीक्षण परिषद्।
125. निर्यात निरीक्षण अधिकरण, मुम्बई।
126. निर्यात निरीक्षण अधिकरण, दिल्ली।
127. निर्यात निरीक्षण अधिकरण, कलकत्ता।
128. निर्यात निरीक्षण अधिकरण, मद्रास।
129. निर्यात निरीक्षण अधिकरण, कोचीन।
130. इलाई एवं गझई तकनीक का राष्ट्रीय संस्थान, रांची।
131. भारतीय यूनिट ट्रस्ट अधिनियम, 1963 (1963 का 52) के अधीन स्थापित भारतीय यूनिट ट्रस्ट।
132. भारतीय सामाजिक विज्ञान अनुसंधान परिषद्, नई दिल्ली।
133. नेशनल इन्स्टीट्यूट आफ बैंकिंग मैनेजमेंट, मुम्बई।
134. स्नातकोत्तर आयुर्विज्ञान शिक्षा और अनुसंधान, चंडीगढ़।
135. इलायची अधिनियम, 1965 (1965 का 42) के अधीन स्थापित इलायची बोर्ड।
136. विक्टोरिया मेमोरियल हाल, कलकत्ता।
137. केन्द्रीय जन सहयोग अनुसंधान तथा प्रशिक्षण संस्थान, नई दिल्ली।
138. डॉक कर्मकार (नियोजन का विनियमन) अधिनियम, 1948 (1948 का 9) के अधीन मोरमुगाव डॉक श्रम बोर्ड।
139. सांविधानिक तथा संसदीय अध्ययन संस्थान, नई दिल्ली।
140. लौह अयस्क बोर्ड।
141. भारतीय इतिहास अनुसंधान परिषद्, नई दिल्ली।
142. भारतीय खनिज विद्यापीठ, धनबाद।
143. नाविक भविष्य निधि/संगठन।
144. रूरल इलैक्ट्रीफिकेशन कारपोरेशन लिमिटेड।
145. भारतीय भुचुंबकत्व संस्थान, मुम्बई।
146. केन्द्रीय विद्यालय संगठन।
147. बाल भवन सोसाइटी (इंडिया)।
148. पावर इंजीनियर्स ट्रेनिंग सोसाइटी।
149. राष्ट्रीय जन विज्ञान संस्थान।
150. रमण रिसर्च इंस्टीट्यूट, बंगलौर।
151. राष्ट्रीय संस्कृत संस्थान, नई दिल्ली।
152. राष्ट्रीय श्रम संस्थान।
- ¹[153. राष्ट्रीय सहकारिता विकास निगम, नई दिल्ली।]
- ²[154. राष्ट्रीय जल विकास अधिकरण, नई दिल्ली।]
- ³[155. डिपार्टमेंट आफ इलैक्ट्रानिक्स अक्रेडिटेशन कम्प्यूटर कोर्सिस।]
- ⁴[156. डिसकाउण्ट एण्ड फाइनेंस हाउस आफ इण्डिया लिमिटेड।]
- ⁵[157. एजुकेशन एण्ड रिसर्च नेटवर्क (ईआरएनईटी)।]

1. अधिसूचना सं० का.आ. 3401, तारीख 30-11-1987, भाग 2, धारा 3(ii), द्वारा अंतः स्थापित।
2. अधिसूचना सं० का.आ. 676, तारीख 17-2-1988, भाग 2, धारा 3(ii) द्वारा अंतः स्थापित।
3. अधिसूचना सं० का.आ. 1832, तारीख 4-7-1947, भाग 2, धारा 3(ii) द्वारा जोड़ा गया।
4. अधिसूचना सं० का.आ. 1784, तारीख 31-8-1998 द्वारा जोड़ा गया।
5. अधिसूचना सं० का.आ. 2410, तारीख 15-7-2002 द्वारा जोड़ा गया।

MGIPCBE—CRC—5 M of L&J/ND/11—10-4-2012—3180 Copies.

- विक्रेता:— (1) प्रकाशन और विक्रय प्रबंधक, विधि साहित्य प्रकाशन, भारत सरकार, भारतीय विधि संस्थान भवन, भगवानदास रोड, नई दिल्ली-110 001.
- (2) प्रकाशन-नियंत्रक, भारत सरकार, सिविल लाईन्स, दिल्ली-110 054.

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IMMEDIATE

F. No.S-35025/05/2015-SS-II
Government of India
Ministry of Labour and Employment

Shram Shakti Bhawan, New Delhi.
Dated the 03 August, 2018.

OFFICE MEMORANDUM

Subject: Examination of Regulatory Framework of the EPFO on the Excluded category vis-à-vis implementation of various PF Acts - reg.

The undersigned is directed to refer to the subject mentioned above and to say that the "Administration of the Provident Funds Act, 1925 (19 of 1925)" has been allotted to the Ministry of Labour and Employment by amending the Second Schedule of the Government of India (Allocation of Business) Rules, 1961 vide notification number S. O. 3141(E) dated 26.6.2018.

2. A copy the said notification is enclosed as **Annexure-I**. As desired, a copy of the PF Act, 1925 (in Hindi), downloaded from the website of the Legislative Department, is enclosed as **Annexure-II**. English version of the said Act is not readily available.
3. This issues with the approval of Secretary(L&E).



(Samir Kumar Das)
Under Secretary to the Government of India
Tel.: 2347 3325

Encl.: As above.

Lok Sabha Secretariat,
Standing Committee on Labour Branch,
(Kind Atten: Smt. Anita B. Panda, Director)
335, Parliament House Annexe,
New Delhi-110 001.
(e-mail: comm.labour-lss@sansad.nic.in)

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ANNEXURE - II

IMMEDIATE

F. No.S-35025/05/2015-SS-II
Government of India
Ministry of Labour and Employment

Shram Shakti Bhawan, New Delhi.
Dated the 03 August, 2018.

OFFICE MEMORANDUM

Subject: Examination of Regulatory Framework of the EPFO on the Excluded category vis-à-vis implementation of various PF Acts - reg.

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3. This issues with the approval of Secretary(L&E).



(Samir Kumar Das)

Under Secretary to the Government of India
Tel.: 2347 3325

Encl.: As above.

Lok Sabha Secretariat,
Standing Committee on Labour Branch,
(Kind Atten: Smt. Anita B. Panda, Director)
335, Parliament House Annexe,
New Delhi-110 001.
(e-mail: comm.labour-lss@sansad.nic.in)

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भारत का राजपत्र
The Gazette of India

असाधारण
 EXTRAORDINARY
 भाग II—खण्ड 3—उप-खण्ड (ii)
 PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित
 PUBLISHED BY AUTHORITY

सं. 2392] नई दिल्ली, बुधवार, जून 27, 2018/आषाढ़ 6, 1940
 No. 2392] NEW DELHI, WEDNESDAY, JUNE 27, 2018/ASHADHA 6, 1940

मंत्रिमंडल सचिवालय

अधिसूचना

नई दिल्ली, 26 जून, 2018

का. का. 3141(अ)— राष्ट्रपति, संविधान के अनुच्छेद 77 के खण्ड (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत सरकार (कार्य-आबंटन) नियम, 1961 का और संशोधन करने के लिए निम्नलिखित नियम बनाते हैं, अर्थात्:-

1. (1) इन नियमों का संक्षिप्त नाम भारत सरकार (कार्य-आबंटन) तीन सौ बयालीसवां संशोधन नियम, 2018 है।
 (2) ये तुरंत प्रवृत्त होंगे।
2. भारत सरकार (कार्य-आबंटन) नियम, 1961 की द्वितीय अनुसूची में, "अम और रोजगार मंत्रालय" शीर्षक के अधीन, प्रविष्टि 41 के पश्चात्, निम्नलिखित प्रविष्टि अन्तःस्थापित की जाएगी, अर्थात्:-

"42. भविष्य निधि अधिनियम, 1925 का प्रशासन (1925 का 19)।"

राम नाथ कोविन्द
 राष्ट्रपति

[फा.सं. 1/21/10/2016-मंत्रि.]
 रचना शाह, संयुक्त सचिव

CABINET SECRETARIAT
NOTIFICATION

New Delhi, the 26th June, 2018

S. O. 3141(E).—In exercise of the powers conferred by clause (3) of article 77 of the Constitution, the President hereby makes the following rules further to amend the Government of India (Allocation of Business) Rules, 1961, namely:-

1. (1) These rules may be called the Government of India (Allocation of Business) Three Hundred and Forty Second Amendment Rules, 2018.
(2) They shall come into force at once.
2. In the Government of India (Allocation of Business) Rules, 1961, in THE SECOND SCHEDULE, under the heading "MINISTRY OF LABOUR AND EMPLOYMENT (SHRAM AUR ROZGAR MANTRALAYA)", after entry 41, the following entry shall be inserted, namely:-
"42. Administration of the Provident Funds Act, 1925 (19 of 1925)."

RAM NATH KOVIND
PRESIDENT

[F. No. 1/21/10/2016-Cab.]
RACHNA SHAH, Jt. Secy.

ALOK
KUMAR

Digitally signed
by ALOK KUMAR
Date: 2018.07.02
10:59:19 +05'30'

F.No. R-11017/98/2013-L&M-L&M
Government Of India

ANNEXURE - III

349927
19/12/17

Ministry of Agriculture & Farmers Welfare
Department of Agriculture, Cooperation & Farmers Welfare

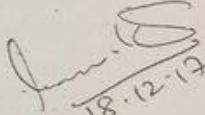
Krishi Bhavan, New Delhi
Dated the 18th December, 2017

OFFICE MEMORANDUM

Subject :- Examination of Regulatory Framework of the EPFO on the Excluded category vis-à-vis implementation of various PF Acts -reg

The undersigned is directed to refer to the OM no.F.No.S-35025/05/2015-SS-II dt.20th November, 2017 on the above mentioned subject and to say that as far as provident fund trusts are concerned, no information can be provided, as trusts are neither registered nor regulated by this department. It is however added that multi State cooperative societies are registered and regulated by this Department and Section 69 of the Multi State Cooperative Societies Act, 2002 read with Rule 26 of the Multi State Cooperative Societies Rules, 2002 stipulates that the cooperative societies registered under the Multi State Cooperative Societies Act, 2002 and having ten or more regular employees may establish a contributory provident fund for the benefit of its employees to which shall be credited all contributions made by the employees and the society, in accordance with the bye-laws of the society, subject to the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952).

This is issued with the approval of Joint Secretary (Cooperation & Credit).


18.12.17

(Kamna R. Sharma)

Dy. Commissioner (Cooperation)

To,

Shri Samir Kumar Das
Under Secretary
Ministry of Labour and Employment
Shram Shakti Bhawan New Delhi

Pl put up
S/KDM
19/12
S/O SS II
ASO (APK)
19/12/17
-70-

New Delhi, the 3rd January, 2018

OFFICE MEMORANDUM

Subject: Examination of Regulatory Framework of the EPFO on the Excluded category vis-à-vis implementation of various PF Acts – reg.

The undersigned is directed to refer to M/o Labour & Employment (MoLE) D.O. No.S-35025/05/2015-SS.II dated 11.12.2017 on the above subject.

2. In this regard it may be mentioned that MoLE had submitted a proposal to allocate the Provident Funds Act, 1925 to an appropriate Ministry/Department under the Government of India (Allocation of Business) Rules, 1961. MoLE has been advised to consult D/o Expenditure and D/o Pension and Pensioners' Welfare vide OM of even number dated 8.12.2017, and the same may be completed at the earliest.

3. In respect of regulatory framework for Excluded category organizations under the EPF Act, 1952, MoLE may consult the concerned stakeholder Ministries/Departments in the matter.

(Signature)

(Bhaskar Dasgupta)
Director
Tele No. 2379 2204

Ministry of Labour & Employment,
(Kind Attention: Shri Vinod Kumar, Director),
New Delhi

① 5/1/18
1 US (LPS)
2 US (SAD)
3 US (SKS)

on file

SKP
8/1/18

8/1/18

SO 8/1/18
VISO (APR)

101
IMMEDIATE
PARLIAMENT MATTER

348193
11/12/2017
F.No. 11/55/2015- PR
Government of India
Ministry of Finance
Department of Financial Services

Jeevan Deep Building, Parliament Street,
New Delhi, dated 6th December, 2017

OFFICE MEMORANDUM

Subject: Examination of Regulatory Framework of the EPFO on the
Excluded category vis-a-vis implementation of various PF Acts -
reg.-

The undersigned is directed to refer to Ministry of Labour & Employment
(M/o L&E) OM No. S-35025 /05/2015-SS-II dated 20th November 2017 on the
subject above and to enclose a copy of this Department's earlier OM of even
number dated 7th January 2016 addressed to M/o L&E thereby furnishing
comments on the matter.

[Signature]
6/12/2017

(Prabhu Dayal)

Under Secretary to the Government of India
Tel: 2374 8760

Email : pensec-dfs@nic.in

✓
Shri Sameer Kumar Dass, Under Secretary
Ministry of Labour & Employment
Shram Shakti Bhawan
New Delhi

Enclosed: As Above

[Signature]
8/12
~~50/2017~~

[Signature]
8/12/17
Su Kesam

- 72



File No. 11/55/2015-PR
Department of Financial Services
Ministry of Finance



3rd Floor, Jeevandeep Building,
Parliament Street, New Delhi-110001
Date: 7th January, 2016

Office Memorandum

Subject: Regulation of Provident Funds trusts governed under the Provident Funds Act, 1925

I am directed to refer to the DO Letter No. S-35025/5/2015-SS-II dated August 28, 2015 of the Ministry of Labour suggesting creation of a regulatory mechanism for the provident funds trusts governed under the Provident Funds Act, 1925, which are presently unregulated.

2. The Department of Financial Services (DFS) agrees that there is a need to regulate these unregulated provident funds trusts, as the good governance can optimise pension outcomes for subscribers of a provident fund trust and the bad governance could hurt them. It is felt that the jurisdiction of PFRDA as defined under section 12 of the Pension Fund Regulatory and Development Authority Act, 2013 (PFRDA Act), may not cover provident fund trusts under the Provident Funds Act, 1925. PFRDA Act applies to National Pension System (NPS) and unregulated pension schemes, which are not regulated by an Act. Further, PFRDA Act empowers the Government to notify extension of the PFRDA Act and widen the jurisdiction of PFRDA by including any pension scheme, {except the specific statutory pension schemes enumerated under sub-section (3) of section 12 of the PFRDA Act} under the domain of the PFRDA Act, and PFRDA. Government can not issue notification under section 12(5) to cover provident funds, as this may be restricted to schemes exempted by Government under clause (c) of sub-section (3) of section 12 of the PFRDA Act, through a notification and not the statutorily excluded schemes.

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3. In view of the above, Ministry of Labour may go ahead and start regulating the provident funds trusts under the Provident Fund Act, 1925. Ministry of Labour having any viewpoint / difficulty may communicate to DFS.

Sudhir Shyam
(Sudhir Shyam)
Director (SS)
Tele: 23748778

Secretary (Labour)
Ministry of labour and Employment
Shram Shakti Bhawan
New Delhi.

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भारतीय रिज़र्व बैंक
RESERVE BANK OF INDIA
www.rbi.org.in

11 जनवरी, 2018

सीएसबीडी.क्र. 480/05.00.003/2017-18

निदेशक/ Director
श्रम एवं रोजगार मंत्रालय/ Ministry of Labour & Employment
भारत सरकार/ Government of India
श्रम शक्ति भवन/ Shram Shakti Bhawan, रफी मार्ग/ Rafi Marg
नई दिल्ली/ New Delhi - 110119

आदरणीय-महोदय/Dear Sir,

इपीएफओ के असम्मिलित श्रेणी के नियामक संरचना की परीक्षा के विषय में विभिन्न एीएफओ अधिनियमों का कार्यान्वयन- पंजीकरण

Examination of regulatory framework of EPFO of the excluded category vis-à-vis implementation of various PF Acts - req.

कृपया मंत्रालय के कार्यालय ज्ञापन क्र S-35025/05/2015-SS-II. दिनांक 20 नवंबर, 2017 एवं अर्ध-शासकीय पत्र क्र. S-35025/05/2015-SS.II दिनांक 11 दिसंबर, 2017 का संदर्भ लें, जिसमें भारतीय रिज़र्व बैंक से उपर्युक्त विषय पर अपनी राय देने का अनुरोध किया गया है।

Please refer to Ministry's OM F.No.S-35025/05/2015-SS-II dated November 20, 2017 and D.O No.S-35025/05/2015-SS.II dated December 11, 2017 requesting RBI to furnish views on the captioned subject.

2 इस संबंध में, हमारे विधि विभाग के साथ परामर्श करने के पश्चात हमारी टिप्पणी इस पत्र के साथ अनुबंध में दी गई है।

In this connection, in consultation with our Legal Department we furnish our comments as per annex attached with this letter.

भवदीय

(प्रदीप गर्ग)

उप महाप्रबंधक

कॉर्पोरेट कार्यनीति और बजट वि भाग, केंद्रीय कार्यालय, पत्रपेटी सं. 406, मुंबई - 400 001
Corporate Strategy and Budget Department, PB No.406, Mumbai-400 001
Tel : (022) 22610468 Fax : (022) 22610535 E-mail cqmcsbdco@rbi.org.in
हिंदी आसान है, इसका प्रयोग बढ़ाएँ

- 75 -

Examination of regulatory framework of EPFO of the excluded category vis-à-vis implementation of various PF Acts – reg. – RBI's Comments -

- (a) In terms of Section 8 (2) of Provident Fund Act, 1925 (PF Act, 1925), the Act shall apply to any Provident Fund established for the benefit of the employees of any of the institutions specified in the Schedule (of the PF Act, 1925) or any group of such institutions. Further, Section 8 (3) of the PF Act, 1925 states that the appropriate Government may by notification add to the Schedule the name of any public institution it may deem fit. In terms of Section 16 (1) (c) of the Employee Provident Fund Management Act, 1952 (EPFM Act, 1952), the EPFM Act, 1952 does not apply to any establishment set up under any Central, Provincial or State Act if the employees are entitled to the benefits of contributory Provident Fund or old age Pension in accordance with any scheme or rule governing such benefits, framed under that Act.
- (b) To the best of our knowledge we understand that PF Act, 1925 does not contemplate formation of Trust to administer the Fund. Therefore, bringing Provident Funds of all the institutions notified under Section 8 (2) and (3) of PF Act, 1925 will involve formation of Trusts for all such institutions.
- (c) PF Act 1925 has proved to be a successful social welfare legislation over the years, where the institutions have control and freedom to operate its own fund in the interest of the employees under the regulation and supervision of the institution's board or any such other authority which is submitting periodic accounts and report to the controlling authority.
- (d) Any shift from the PF Act, 1925 to the EPFM Act, 1952 for management of the Provident Fund for any institute will involve a lengthy and cumbersome procedure. Institutes will have to be de-notified under section 8(2) of the PF Act, 1925. It will no longer be covered by exemption under section 16 (1) (c) of the EPFM Act, 1952. Provident Fund of all such institutes will then have to be brought within the scope of the scheme framed by the Central Government under Section 5 of the EPFM Act, 1952. Central Government will have to notify in the official gazette that the employees of such institutes would be governed by the Employees' Provident Fund Scheme framed by the Central Government. The Fund will then vest in terms of Section 5(1A) of the 1952 Act, in the Central Board constituted under Section 5A of the EPFM Act, 1952. Under Section 5A of the EPFM Act, 1952, the Central Board (Board of Trustees) is constituted by the Central Government. The Fund will then be administered by the Central Board/ Board of Trustees in terms of Section 5 (1A) of the Act.
- (e) Necessary amendments to the Current Acts and Regulations governing Provident Fund of such institutes will also have to be made.

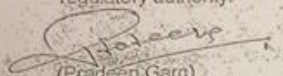
- 76 -



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(f) It will also increase the work of these institutes with respect to collection, remittance, investment and final settlement from/to the subscriber.

(g) From the above, it is felt that there may not be any distinct or additional advantage by bringing such institutes under the regulatory framework of PFRDA, EPFO or any new regulatory authority.


(Pradeep Garg)
Deputy General Manager



JS (RGS) 18/5/18
Dilip 18/5/18
MS/MS
JS (RGS)

No.4(1)/EV/2014
Government of India
Ministry of Finance
Department of Expenditure
(EV Branch)

North Block, New Delhi,
Dated the May 17, 2018

OFFICE MEMORANDUM

Sub: Allocation of the Provident Fund Act, 1925 to the Ministry of Labour & Employment under the Allocation of Business Rules and regulation of the Provident Funds governed under the Provident Funds Act, 1925 - regarding

The undersigned is directed to refer to Ministry of Labour & Employment's D.O. letter No.S-35025/05/2015-SS-II, dated 12.12.2017, from Secretary, Ministry of Labour & Employment on the subject cited above and to say that Ministry of Finance, Department of Expenditure has no objection to the proposal of Ministry of Labour & Employment to allocate the subject "Administration of Provident Fund Act, 1925 (Act 19 of 1925) to them under Allocation of Business Rules.

- 2. This issues with the approval of the Secretary (Expenditure).

37523/18
22/5/18

(Signature)

(Vivek Ashish)

Under Secretary to the Government of India

☎: 23095633

Ministry of Labour & Employment,
[Kind Attn: Shri R.K. Gupta, Joint Secretary (Social Security)],
Shram Shakti Bhawan, Rafi Marg,
New Delhi - 110 001

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ARO (APK)

-78-

Office of Director (M)
Dy. JTS No. 980
Dated: 22/5/18

Office of Joint Secretary (RGS)
Dy. JTS No. 756
22/5/18

No 3/4/2017-P&PW (F)
Government of India
Ministry of Personnel, PG & Pensions
Department of Pension & Pensioners' Welfare

3rd Floor, Lok Nayak Bhavan,
Khan Market, New Delhi-110003
Dated the 28th December, 2017.

OFFICE MEMORANDUM

Subject: Allocation of Provident Funds Act, 1925.

The undersigned is directed to refer to the D.O. letter No.S-35025/05/2015-SS-II dated the 12th December, 2017 of Secretary, Ministry of Labour & Employment seeking the comments of this Department on the proposal of allocation of Provident Funds Act, 1925 to the business allocated to Ministry of Labour and Employment under Allocation of Business Rules.

2. As per Allocation of Business Rules the work relating to administration of Provident Funds Act, 1925 is not with Department of Pension and Pensioners' Welfare. Therefore, this Department has no objection to the proposal of administration of Provident Funds Act by Ministry of Labour and Employment.

3. This issues with the approval of Secretary (Pension).

Sujasha Choudhury
(Sujasha Choudhury)
Director

To,
The Joint Secretary
Kind Attention- Shri R.K. Gupta
Ministry of Labour and Employment
Shram Shakti Bhavan, New Delhi.

US(SKD)

S.K. Gupta
29/12
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Su. Kesari

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on file
28/7/16

270290
3/8/16
Section II

ANNEXURE IV
Refer Para 2 of reply
270290
11/8/16

F. No. 15(10)/Ec.Dn./2016
Government of India
Ministry of Finance
Department of Economic Affairs
Economic Division
(Social Infrastructure, Employment & HD Unit)

Dated 28th July, 2016
North Block, New Delhi

OFFICE MEMORANDUM

20 (5/12)
July
18/11
Sr. Asstt.

Subject: Inter-Ministerial consultations with Ministries/Departments on Regulation of Provident Funds governed under the Provident Funds Act, 1925-reg.

The undersigned is directed to refer to O.M. No. S-35025/5/2015-SS.II dated 15.06.2016 seeking comments on the proposal intending to allocate the work related to the Provident Funds Act, 1925 to the Ministry of Labour & Employment (MOLE) under the Allocation and Business Rules, 1961. In this regard, the comments of the Department of Economic Affairs are given as under:

- A perusal of the Provident Funds Act, 1925 (PF Act, 1925 obtained from the web <https://indiankanoon.org/doc/1724879/>) has several references to government and railway employees, which indicates that the same covers *inter-alia* government and railway employees. Possibly, the State Railway Provident Fund (SRPF) and the Contributory Provident Fund (CPF) are covered under this Act. In Rule 2 (2) of the GP Rules, 1960 also there is a reference to the PF Act, 1925. If this is correct, then there is no case for the same being brought under the jurisdiction of MOLE. The same may please be examined *de-novo* by the MOLE.
1. The PF Act, 1925 is possibly an example of an obsolete law, since it presently does not appear in the Allocation of Business Rules of any Department of the Government of India and may be examined for repeal.
 2. In case there is a necessity of continuing with the PF Act, 1925, then relevant clauses of the same may be considered for inclusion in the EPF & MP Act, 1952 through a partial or complete amendment.
 3. As regards the future role of EPFO as an organization, the same needs to be deliberated in detail with the stake holders. Presently, EPFO performs the role of both regulator and player, creating a conflict of interest. Instead of creating a new organization, EPFO should be split into a regulator and player after identifying and separating the activities within EPFO that are regulatory in nature in contrast to the activities that relate to a provident fund provider. After this, an amendment to the EPF & MP Act, 1952 should be proposed.
 4. The proposed changes could also deliberate whether the two forms of social security i.e. Pension (National Pension Scheme) and Provident Fund (under EPF Act, 1925 and EPF &

MP Act, 1952) require to be in silos and have separate regulatory frameworks and service providers or be unified and integrated.

6. The issue of large amounts lying unclaimed in inoperative Provident Fund Accounts administered by the EPFO needs to be addressed. Guidelines and rules may be laid down to deal with such inoperative accounts, once these Trusts are regulated.

This issues with the approval of Secretary (EA).

Encl: As above.

Gaurav Kumar Jha
(Gaurav Kumar Jha)
Assistant Director
28.07.2016

Ministry of Labour & Employment
[Kind Attn: Shri Subhash Kumar, Under Secretary]
Shram Shakti Bhawan, New Delhi.

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STANDING COMMITTEE ON LABOUR

(2017-18)

Minutes of the Second Sitting of the Committee

The Committee sat on 12th October, 2017 from 1530 hrs. to 1650 hrs. in Committee Room No. 3, Block-A, PHA-Ext. Building, New Delhi.

PRESENT

Dr. Kirit Somaiya – CHAIRPERSON

MEMBERS

LOK SABHA

2. Shri Rajesh Kumar Diwakar
3. Shri Ashok Dohare
4. Shri Satish Chandra Dubey
5. Shri C.N. Jayadevan
6. Shri Bahadur Singh Koli
7. Dr. Arun Kumar
8. Shri Kaushalendra Kumar
9. Shri Hari Manjhi
10. Shri R. Parthipan
11. Shri Hariom Singh Rathore
12. Shri Kodikunnil Suresh
13. Shri Dayakar Pasunoori

RAJYA SABHA

14. Shri N. Gokulakrishnan
15. Ms. Dola Sen

SECRETARIAT

1. Ms. Rimjhim Prasad - Joint Secretary
2. Smt. Anita B. Panda - Director
3. Shri Dhiraj Kumar - Addl. Director
4. Smt. Archana Srivastva - Under Secretary

Witnesses

Representatives of the Ministry of Labour & Employment

Sl. No	Name of the Officer	Designation
1.	Smt. M. Sathiyavathy	Secretary
2.	Shri Heera Lal Samariya	Additional Secretary
3.	Shri V.P. Joy	Central Provident Fund Commissioner
4.	Shri Raj Kumar	DG, ESIC
5.	Shri Manish Gupta	Joint Secretary

2. At the outset, the Chairperson welcomed the representatives of the Ministry of Labour & Employment, Employees' State Insurance Corporation (ESIC) and Employees Provident Fund Organisation (EPFO) to the sitting of the Committee, convened to have briefing on 'Regulatory framework of the EPFO on the Excluded category vis-a-vis Implementation of various PF Acts' and 'Compliance with the prescribed provisions of deduction and deposit of PF and ESI by the Employers'. The Chairperson then drew attention of the representatives to Direction 58 of the 'Directions by the Speaker' regarding confidentiality of the proceedings of the Committee during deposition before the Parliamentary Committees. He then asked the representatives of the Ministry to give an overview of the subject matter.

3. The Secretary, Ministry of Labour & Employment, accordingly, briefed the Committee on the subject highlighting *inter-alia* applicability of ESIC and EPF Acts; coverage and exemption of institutions under these acts; monitoring mechanism for efficient implementation of social security schemes; suggestions from other Ministries regarding Provident Fund Act; EPF&MP Act; regulating mechanism for PF Trusts; etc. Thereafter, the Members raised queries on various issues which, *inter-alia*, included reason for cooperative sector not covering under the EPFO and its regulating authority; criteria and reasons for

exclusion of organisations from PF act; the system to adopt it; PF Act 1925 and its present relevance; present EPF interest rate; enhancing the salary limit to cover more workers under EPF, etc. The Secretary, Ministry of Labour & Employment and officials of ESIC & EPFO responded to queries raised by the Members.

4. The Chairperson thanked the witnesses for appearing before the Committee and briefing them on the subject as well as responding to the queries raised. The Chairperson directed the Secretary of Ministry of Labour & Employment to furnish written replies within 10 days in respect of those queries, for which information was not readily available with them during the meeting as well as which required detailed and statistical information.

The witnesses then withdrew.

[A copy of the verbatim proceedings was kept on record]

The Committee then adjourned.

STANDING COMMITTEE ON LABOUR

(2017-18)

Minutes of the Twentieth Sitting of the Committee

The Committee sat on Thursday, the 30th May, 2018 from 1530 hrs. to 1630 hrs. in Committee Room No. 2, Parliament House Annexe - Extension Building, New Delhi.

PRESENT

Dr. Kirit Somaiya, MP – Chairperson

MEMBERS

LOK SABHA

2. Shri Rajesh Kumar Diwakar, MP
3. Shri Ashok Kumar dohrey, MP
4. Shri Satish Chandra Dubey, MP
5. Shri Satish Kumar Gautam, MP
6. Shri Bahadur Singh Koli, MP
7. Dr. Arun Kumar, MP
8. Shri Kaushalendra Kumar, MP
9. Shri Hari Manjhi, MP
10. Shri R. Parthipan, MP
11. Shri Hariom Singh Rathore, MP

RAJYA SABHA

12. Shri Ram Narain Dudi, MP
13. Shri Nazir Ahmed Laway, MP
14. Shri Rajaram, MP
15. Shri N. Gokulakrishnan, MP
16. Ms. Dola Sen, MP

SECRETARIAT

1. Ms. Rimjhim Prasad - Joint Secretary (RP)
2. Shri C. Vanlalruata - Additional Director

WITNESSES

REPRESENTATIVES OF MINISTRY OF LABOUR & EMPLOYMENT AND EPFO

Sl. No.	Name	Designation
1.	Shri Heera Lal Samariya	Secretary (L&E)
2.	Shri V.P. Joy	Central PF Commissioner
3.	Shri Manish Kumar Gupta	Joint Secretary
4.	Shri Sushil Kumar Lohani	Additional Central PF Commissioner
5.	Shri S.K. Thakur	Additional Central PF Commissioner

2. At the outset, the Chairperson welcomed the representatives of the Ministry of Labour & Employment and EPFO to the Sitting of the Committee convened to take further oral evidence on the Subject 'Regulatory Framework of the EPFO on the Excluded category vis-a-vis implementation of various PF Acts'. The Chairperson then drew attention of the representatives to Direction 58 of the 'Directions by the Speaker' regarding confidentiality of the proceedings of the Committee during deposition before the Parliamentary Committees.

3. The representative of the Ministry of Labour & Employment, accordingly, briefed the Committee which, *inter-alia*, included various Acts currently in vogue relating to various Provident Funds; exclusion of Organisations/ Establishments under EPF&MP Act, 1952, Provident Fund Act, 1925; list of Organisations/Establishments under excluded category EPFO as per PF Act 1925; applicability of Provident Fund Act 1925; number of employees covered under EPFO; the comments/views received from various Ministries in regard to 'Regulatory Framework of the EPFO on the Excluded category vis-a-vis implementation of various PF Acts'; percentage of PF contribution and interest; etc.

4. The representatives of the Ministry of Labour & Employment and EPFO also responded to various queries raised by the Members which, *inter-alia*, included the regulation and control of Organisations/Establishments under

excluded EPFO category; comments of the Ministry on views/suggestions received from Department of Agriculture and Reserve Bank of India; monitoring of PF contribution of Public Sector Banks by RBI; role of EPFO in deposition of PF in Banks; governance of Organisations/Establishments under PF Act, 1925; rules under which excluded category EPFO governed; difference between PF Act 1925 and EPF&MP Act, 1952; rate of interest and percentage of contribution under EPFO; status of Ministry's proposal to Cabinet in regard to 'Regulatory Framework of the EPFO on the Excluded category vis-a-vis implementation of various PF Acts'; reasons for no authority to regulate the Organisations/Establishments under excluded category EPFO; monitoring of funds under Organisations/Establishments under excluded category EPFO; total value of unclaimed amount under EPFO; comments/suggestions received from various Ministries/Departments alongwith their copies in regard to 'Regulatory Framework of the EPFO on the Excluded category vis-a-vis implementation of various PF Acts'; etc.

5. The Chairperson thanked the witnesses for appearing before the Committee and briefing them on the subject as well as responding to the queries raised. The Chairperson directed the representatives of Ministry of Labour & Employment and EPFO to furnish written replies within 7 days in respect of those queries, for which information was not readily available with them during the meeting as well as which required detailed and statistical information. He desired that the Ministry to send the copy of all the views/suggestions received by the Ministry from various Ministries/Departments alongwith their correspondence and views of the Ministry on those suggestions.

The witnesses then withdrew.

[A copy of the verbatim proceedings was kept on record]

The Committee then adjourned.

STANDING COMMITTEE ON LABOUR

(2017-18)

Minutes of the Twenty-Sixth Sitting of the Committee

The Committee sat on Monday, the 6th August, 2018 from 1700 hrs. to 1730 hrs. in Main Committee Room, Parliament House Annexe, New Delhi.

PRESENT

Dr. Kirit Somaiya, MP – Chairperson

MEMBERS

LOK SABHA

2. Shri Rajesh Kumar Diwakar, MP
3. Shri Satish Chandra Dubey, MP
4. Shri Hariom Singh Rathore, MP
5. Shri Naba Kumar Sarania, MP
6. Shri Dayakar Pasunoori, MP
7. Shri Satish Kumar Gautam, MP

RAJYA SABHA

8. Shri Amar Shankar Sable, MP
9. Shri Nazir Ahmed Laway, MP
10. Shri N. Gokulakrishnan, MP
11. Ms. Dola Sen, MP
12. Dr. Banda Prakash, MP

SECRETARIAT

1. Ms. Rimjhim Prasad - Joint Secretary
2. Smt. Anita B. Panda - Director
3. Shri C. Vanlalruata - Additional Director
4. Shri Kulvinder Singh - Under Secretary

2. At the outset, the Chairperson welcomed the Members to the sitting of the Committee convened for consideration and adoption of the following draft Reports:

- (i) XX XX XX XX; and
- (ii) 'Regulatory Framework of the EPFO on the Excluded Category vis-a-vis Implementation of Various PF Acts'.

3. The Committee, then, took up the Draft Reports one by one for consideration and adopted the draft Reports after some discussions without any modifications.

4. The Committee then authorized the Chairperson to finalise the Reports and present them to both the Houses.

5. XX XX XX XX

6. XX XX XX XX

The Committee then adjourned.

XX Does not pertain with this Report.