

The Rajasthan Khadi and Village Industries Board Provident Fund Rules, 1959

RAJASTHAN

India

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Rule

THE-RAJASTHAN-KHADI-AND-VILLAGE-INDUSTRIES-BOARD-PROVIDENT-FUND-RULES-1959

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The Rajasthan Khadi and Village Industries Board Provident Fund Rules, 1959 Published vide Notification No. D. 1726/59/F. 22-4 (113) Ind(A)/57, dated 8-6-1959, published in Rajasthan Gazette Part 4-C, dated 3-3-60 In exercise of powers conferred by section 38 of the Rajasthan Khadi and Village Industries Board Act (No. 5 of 1955), Government has been pleased to approve the adoption of the following Provident Fund Rules for the benefit of the employees of the Board with effect from 1st April, 1958.

1. Introduction.

- Whereas it is necessary to create and maintain provident fund for the benefit of the employees of the Rajasthan Khadi and Village Industries Board in exercise of the powers conferred by section 38 of the Rajasthan Khadi and Village Industries Board Act (No. 5 of 1955), the Government of Rajasthan has made following rules.

2. Short title.

- These rules shall be called the "Rajasthan Khadi and Village Industries Board, Provident Fund Rules".

3. Application.

- These rules shall apply to every whole time employee of the Board [who have completed one year's continuous service] [Added by No. F. 25(11) 19nd A/62, dated 27-10-1967; published in Rajasthan Gazette Part IV-C, Extraordinary, dated 28-10-1967.] except the following:-(i)Retired and re-employed employees.(ii)Employees on deputation from the Government of Rajasthan.(iii)Employees on special contract.(iv)[Employees who have not completed six months service.] [Inserted by No. F. 39(4) Ind/A/1961, dated 31-3-1961; published in Rajasthan Gazette Part IV-C, Order, dated 18-5-1961.]

4. Effective date.

- These rules shall take effect from 1-4-1957 or any subsequent date fixed and notified by the Government.

5. Definitions.

- In these rules, unless there is anything repugnant in the subject or context:-(a)"Board" means the "Rajasthan Khadi and Village Industries Board established under section 3 of the aforesaid Act (No. 5 of 1955).(b)"Emoluments" means pay, leave salary and any other special pay sanctioned by the Board but does not include, traveling allowance, dearness allowance, conveyance or such other allowances.(c)"Family" means-(i)In the case of a male subscriber, the wife or wives and children of a subscriber, and the widow or widows and children of a deceased son of the subscriber. Provided that if a subscriber proves that his wife has been judicially separated from him or has ceased under the customary law of the Community to which she belongs to be entitled to maintenance she shall henceforth be deemed to be no longer a member of the subscriber's family in matters to which these Rules relate, unless the subscriber, subsequently indicates by his express notification in writing to the Account Officer that she shall continue to be so regarded.Note. - "In a case in which a person has given his child in adoption to another person and if under the personal law of the adopter, adoption in legally recognise as conferring the status of a natural child, such a child should for the purpose of these Rules be considered as excluded from the family of the person who has given the child in adoption".(ii)In the case of a woman subscriber, the husband and children of subscriber, and a widow or widows and children of a deceased son of a subscriber:Provided that if a subscriber by notification in writing to the Accounts Officer expresses her desire to exclude her husband from her family, the husband shall thenceforth be deemed to be no longer a member of the subscribers family in matters to which these rules relate, unless the subscriber subsequently cancels formally in writing her notification excluding him.Notes. - 1. 'Children' means legitimate children.

2. An adopted child shall be considered to be a child whom the Accounts Officer or if any doubt arises in the mind of the Accounts Officer, the Secretary, Rajasthan Khadi and Village Industries Boards is satisfied that under the personal law of the subscriber, adoption is legally recognised as concurring the status of a natural child.

3. An adopted child shall be treated as a natural child where the personal law of the subscriber allows adoption.

(d)'Government' means the Government of Rajasthan.(e)'Employee' means every servant of the Board who holds a [x x x] [Deleted by No. F. 25(11) 19nd A/62, dated 27-10-1967; published in Rajasthan Gazette Part IV-C, Extraordinary, dated 28-10-1967.] post under the Board.(f)'Fund' means the Rajasthan Khadi and Village Industries Board's Provident Fund.(g)'Year' means a financial year beginning from the 1st April each year and ending on the 31st of March of the subsequent year.(h)'Subscriber' means an employee who is required or permitted to subscribe to the Provident Fund.(i)'Bank' means the Scheduled Bank with which the Board has an account.(j)'Interest' means interest accrued on the balance at credit of subscriber to the provident fund.(k)'Form' means a form appended to these rules.(l)'Secretary' means the Secretary of the Board, appointed by the Government under the provisions of rule No. 9 of the Rajasthan Khadi and Village Industries Board (Act No. 5 of 1955).(m)Accounts Officer' means such officer as may be appointed by the Board.

6. Constitution of the Fund.

(a)A fund shall be created and called as 'The Rajasthan Khadi and Village Industries Board's Provident Fund, and shall be maintained in rupees.(b)All whole-time employees including class IV servants of the Board shall be eligible to join the Fund except those mentioned in Rule 3.

7. Administration.

- The fund shall be administered by the Secretary and shall be maintained by the Accounts Officer of the Board.

8. Rate and Realisation of subscription.

(a)The subscription of an employee contributing to the fund shall be six and one quarter per cent (one anna in the rupee) or his [emoluments till 30-6-1967 and with effect from 1-7-1967 the rate of contribution shall be 8 per cent.] [Inserted by No. F. 25(11) 19nd A/62, dated 27-10-1967; published in Rajasthan Gazette Part IV-C, Extraordinary, dated 28-10-1967.](b)Subscriptions shall be deducted by the Board from the emoluments payable to the subscriber every month provided that in calculating and deduction to be made, fraction of a rupee of the salary shall be disregarded.(c)(i)A subscriber at his election may not subscribe during leave.(ii)Failure to make due and timely intimation shall be deemed to constitute an election to subscribe during leave.(iii)A subscriber shall not subscribe to the P.F. during leave without pay or under suspension. He shall however, on reinstatement after a period passed under suspension be allowed the option to subscribe for that period at the discretion of the secretary.Note. - A subscriber on reinstatement after a period passed under suspension shall be allowed the option of paying arrear of subscription in installments not exceeding six.

9. Contribution by the Board.

- The Secretary shall contribute from the fund of Rajasthan Khadi and Village Industries Board to the P.F Account of each subscriber at 6-1/4 per cent of the subscribers emoluments drawn during the year during which he subscribed to the Fund [till 30-6-1967 and the rate of contribution to this account shall be 8 per cent with effect from 1-7-1967] [Inserted by No. F. 25(11) 19nd A/62, dated 27-10-1967; published in Rajasthan Gazette Part IV-C, Extraordinary, dated 28-10-1967.]:Provided that:(a)[If a subscriber resigns the service of the Board before he has completed two years service, he shall not be entitled to contribution, made by Board and interest thereon] [Substituted by No. F. 39(4) Ind/A/1961, dated 31-3-1961; published in Rajasthan Gazette Part IV-C, Order, dated 18-5-1961.].(b)If a subscriber is dismissed or tenders resignation from the service of the Board, or is called upon to resign on account of misconduct or inefficiencies or resigns without one month's notice, the chairman at his own discretion may withhold the whole or any part of the contribution made to his provident fund by the Board and the interest thereon.

10. Subscriber's Account.

- The Board shall maintain an account of Provident Fund in form P.F. (1) for each subscriber and there shall be entered therein;(i)Subscriber's subscription;(ii)Contribution made by the Board;(iii)Interest on subscription;(iv)Interest on contribution; and(v)Balance at the close of the month.

11. Interest.

- [(1) The Secretary shall pay to the credit of the account of the subscriber interest at such rate as may be determined for each year by the Government in consultation with the Board according to the method of calculation prescribed from time to time by the Government] [Substituted by No. F. 25(11) 19nd A/62, dated 27-10-1967; published in Rajasthan Gazette Part IV-C, Extraordinary, dated 28-10-1967.].(2)Interest shall be credited with effect from 31st March of each year in the following manner;-(i)On the amount at the credit of a subscribers account on the 31st March of the preceding year sum withdrawn during the current year. - Interest for 12 months.(ii)On sums withdrawn during the current year. - Interest from 1st April of the current year up to the last day of the preceding month of withdrawal.(iii)On all sums credited to the subscribers account after the 31st March of the preceding year. - Interest from the date of deposit upto 31st March of the current year.

12. Annual statement of Account.

- At the end of each year in the second week of April, the Board shall send to each subscriber a statement of account of the Provident Fund in form P.F. (2) showing the opening balance of his account as on 1st April, the total amount added thereto by way of his subscription, the contribution of the Board and the interest accrue during the year and the closing balance at the credit of subscribers account at the end of the year as on 31st March.

13. Custody of the Fund.

(1)The Board shall open a Savings Bank Account to be called 'The Rajasthan Khadi & Village Industries Provident Fund Account' with a Scheduled Bank, and by the 10th day of each month shall pay in to such account, the amount of all subscription recovered under the provision of rule 8 and of the contribution payable under the provisions of rule 9.(2)The Secretary of the Board shall operate upon the 'Rajasthan Khadi and Village Industries Board's Provident Fund Account'.

14. Withdrawals from fund.

- No sum shall be allowed to be withdrawn from the Savings Bank Provident Fund Account except:-(a)For the purpose of investment or deposit under the provisions of sub-rule (i) of rule No. 15.(b)For the purpose of making an advance to a subscriber under the provisions of sub-rule (b) of (I and II) of rule No. 16.(c)When a subscriber account is to be closed on account of retirement or death or transfer or removal or resignation for Immediate payment to the subscriber or his heirs or to another local body, under the provision of rule No. 18.

15. Investment of provident Fund Money.

(1)With the sanction of the Board, the Secretary may from time to time withdraw any sum from the Provident Fund Savings Bank account and may invest or deposit, such sum under the provision of sub-rule (3) of rule 26 of the Rajasthan Khadi and Village Industries Board Act (No. 5 of 1955).(2)Investments shall be in the following securities:-(i)Fixed deposits with a Scheduled Bank.or(ii)Treasury Savings Certificates.or(iii)Postal Cash Certificates.or(iv)National Savings Certificates.or(v)Government Securities.All securities, fixed deposit Receipts and Certificates shall be kept in the custody of the Secretary.(3)(a)The interest obtained by the investment or deposit of any sum under the provision of sub-rule (i) above shall be deposited in the Savings Bank Account of the Rajasthan Khadi and Village Industries Board's provident Fund.(b)Provided that if such interest is larger than the amount of the interest to be credited for subscribers account under the provision of rule 11 the difference between the interest so obtained and the interest to be credited to the subscribers account shall be credited to the Board's Fund.(4)(i)At the close of three years after the institution of the Fund and at a regular interval of three years thereafter the Secretary shall furnish to the Board for scrutiny a statement showing the total amount of Provident Fund Investments held by the Board.(ii)If the Board, after quinquennial scrutiny, finds that any of the investments held by the Secretary out of the Provident Fund have depreciated in various they may direct that an amount not exceeding the amount of such depreciation shall be drawn out of its fund and credited to the Board's Provident Fund Savings Bank Account.

16. Advances from the Fund.

(a)The Chairman of the Board may sanction, temporary advance from the amount of the Provident Fund to a subscriber up to three month's pay and provided that such advances shall in no case exceed half of the amount of subscriber's own subscription to the Fund and the interest thereon

standing at his credit.(b)No advance shall be granted unless the Chairman of the Board is satisfied that the subscribers pecuniary circumstances justify it and that it will be expended on the following purposes and for no other purpose:-(i)to defray expenses incurred in connection with prolonged illness of the subscriber, or a member of his family actually dependent on him, or(ii)to pay obligatory expenses in connection with marriage or funerals or other ceremonies which by religion it is incumbent upon him to perform.(c)Provided that when an advance has already been granted to a subscriber, a subsequent advance shall not be granted to him until complete repayment of the last advance and the interest thereon, has been made except for very special reason to be judged and recorded by the Chairman of the Board.(d)The amount of an advance shall be repayable in such manner of equal monthly installments not exceeding twenty four, as may be fixed by the Chairman when sanctioning the advance and such installments shall be recovered alongwith the subscription in the manner provided in rule 8. A subscriber may at his option, repay more than one installment in one month. Each installment shall be a number of whole rupee, the amount of the advance being raised or reduced if necessary to admit of the fixation of such installments.(e)If under the provisions of clause (a) or (b) to rule 9 the Board's contribution is to be withheld when a subscriber's account is closed, and any portion of an advance made to such subscriber is still outstanding then the amount of the advance outstanding plus the amount of interest last calculated on the monthly outstanding balance of the advance shall be added to the amount standing at credit of the account in form P.F.I. for the purpose of calculating the Board's share of the total at the credit of the account.

17. Nomination

(1)Each subscriber shall, soon after he joins the Provident Fund, be called upon by the Secretary to furnish a declaration in form P.F. 3 in favour of one or more members of his family, in such proportions as he may like showing the amount of share payable to each of the nominee and the mode of distribution desired by him to cover the whole of the amount of his Provident Fund that any stand at his credit in the event of his death.(2)A subscriber who has no family may nominate any other person or persons instead, provided that such a nomination shall be deemed to have been duly made in accordance with these rules only for as long as the subscriber has no family.(3)If a subscriber at any time acquires a family or re marries, any declaration already made under sub-rule (1) or (2) above as the case may be, shall, forthwith become null and void and unless a revised declaration is received by the Board the amount of his accumulations shall be dealt with under the provisions of rule 18 as the case may be.(4)A subscriber may at any time cancel or replace a nomination by sending a notice to Secretary provided that he shall along with such notice send a fresh nomination permitted under this rule.(5)Every nomination made and every notice of cancellation given by a subscriber shall, to the extent that it is valid, take effect on the date on which it is received by the Secretary, provided that on such date the subscriber is in the employment of the Board.(6)All such nominations when received shall be carefully recorded and kept in the safe custody of the Secretary of the Board.(7)The Secretary of the Board shall endeavour to secure the nominations of the subscriber required under this rule by the issue of constant reminders.If after the issue of six reminders no such nominations are received it will be held that the subscriber does not want to make any nomination.

18. Withdrawal on final closing of Accounts.

(1) When a subscriber dies, the amount shown at the credit of his account in the Provident Fund Ledger (Form P.F. I) plus interest accrued to date shall be withdrawn from the Savings Bank Account of the Fund and payment of such amount shall be made as follows:- (a) When the subscriber leaves a family. - (i) If a nomination made by the subscriber in accordance with provision of rule 17 in favour of a member or members of his family subsists, the amount standing to his credit in the fund or the part thereof to which the nomination relates, shall become payable to his nominee or nominees in proportion specified in the nominations. (ii) If no such nomination, in favour of a member or members of the family of the subscriber subsists or if such nomination relates only to a part of the amount standing to his credit in the Fund, the whole amount or the part, not covered by the nomination shall notwithstanding any nomination purporting to be in favour of any person other than a member of the subscriber's family become payable as to one moiety to the husband or the widow (or in equal shares to the widows) as the case may be, and as in the other moiety in equal shares to the children of the subscriber: Provided that if one or more of his sons have died leaving behind their widows or sons or both, the respective shares of each such deceased son shall be payable in equal shares amongst their sons, widows or both: Provided further that if the subscriber has left only a husband or wife or widows, as the case may be, the amount shall become payable to such husband or widow or in equal shares to such widows, as the case may be or if the subscriber has left only children, the whole of the amount shall become payable to such children in equal shares subject to first proviso above or failing both children and widow or widows or husband, as the case may be, in equal shares among other members of the family: Provided also that no share shall be payable to (i) a married daughter, whose husband is alive (ii) married daughter of a deceased son whose husband is alive, if there is any member of family other than those specified in clauses (i) and (ii) above. (b) When the subscriber leaves on family. - (i) If a nomination made by him in accordance with the provisions of rule 17 in favour of any person or persons subsists the amount standing to his credit in the fund or the part thereof to which the nomination relates shall become payable to his nominee or nominees in the proportion specified in the nomination. (ii) If no nomination, made by him in accordance with the provisions of rule 17, subsists, or if such nomination relates only to a part of the amount standing to his credit in the fund, the whole amount or part thereof to which nomination does not relate shall be payable to persons producing legal representation to the estate of the deceased subscriber. Explanation. - (i) For the purpose of this rule, a subscriber's posthumous child shall be considered to be a member of his family at the time of his death and, if born alive, shall be treated in the same way as a surviving child born before the subscriber's death. (ii) The case of a posthumous child already born when the case is taken up by disbursing officer, will present no difficulty. For the rest, if the possibilities of the birth of a posthumous child is brought to the notice of the disbursing officer, the amount which will be due to the child in the event of its being born alive, shall be retained, and the balance distributed in the normal way under the sub-rule referred to above. If the child is born alive, payment of amount retained should be made as in the case of a minor child: but if no child is born or the child is still born the amount retained should be distributed among the family in accordance with the sub-rule above cited. (2) Subject to the provisions of rule 19 when a subscriber ceases to be an employee of the Board, the amount shown to the credit of his account in the Provident Fund Ledger (P.F.I.) plus interest accrued to date shall be withdrawn and paid to him. (3) When an account is closed under the

provisions of this rule, a line shall be drawn in red-ink across the place below the last entry in the Provident Fund Ledger account and the words 'Dead Account' shall be recorded and signed by Accounts Officer of the Board.

19. Amounts to be withheld when account is closed.

- Notwithstanding anything contained in rule 18, if any sum is due from a subscriber to the Board at the time when his account is closed, the Secretary may deduct such sum before making payment under rule 18 from the amount at the credit of his Provident Fund Account.

20. Voluntary Deposits.

- No voluntary deposits from an employee of the Board shall be accepted and credited to the Provident Fund Account.

21. Delegation of Powers.

- Board may delegate all or any of its powers under these rules to Chairman or the Secretary. Form P.F. No. 1 See Rule No. 10 Rajasthan Khadi & Village Industries Board Provident Fund Ledger-Account No.....

Name of Subscriber.....| Son of Wife of|

Months 195-195

Employee's Bo
Subscription Con

1	2	3
April	May	June
July	August	September
October	November	December
January	February	March
Total		

Calculated by-----

Checked by----- Accounts Officer

Form P.F. No. 2 See Rule No. 12 Rajasthan Khadi and Village Industries Board Year of Account.....Rate of Interest.....

Account No.	Name of Subscriber with parentage	Opening Balance on 1st April	*Deposits during the year	Interest for the year	Withdrawals	Balance
1	2	3	4	5	6	7

*Includes recoveries made during the months of April to March. Note 1. - The Subscriber is requested to state whether he desires to make any alteration in any nomination made under the rules of the funds. Vide rule No. 17(4). Note 2. - The Subscriber is requested to satisfy himself as to the correctness of the statement and to bring errors if any to the notice of the Accounts Officer

within three months from the date of its receipt. Accounts Officer, Rajasthan Khadi and Village Industries Board, Jaipur. Form P.F. No. 3 See Rule No. 17 Rajasthan Khadi & Village Industries Board I hereby declare that in the event of my death the amount at my credit in the provident fund shall be distributed among the persons mentioned below in the manner shown against their names. The amount due to nominee who is a minor at the time of my death should be paid to the person whose name appears in Column 5.

*Name & address of the Nominee or Nominees	Relationship with the Subscriber	Whether major or minor? If minor, state his age	Amount of share of deposit
1	2	3	4

Name & address of the person to whom payment is to be made on behalf of the minor	Sex & percentage of person mentioned in col. 5	Remarks
5	6	7

*Here state unmarried, married or widow. Two witnesses to signature of subscriber:-

Witness No. 1 Witness No. 2

Signature Signature

Occupation Occupation

Address Address

Signature of Subscriber Occupation of Subscriber Address of Subscriber

..... Station Date Note. - A subscriber having a

family as defined is not permitted in this form of Nomination to leave the amount of his accumulation in the Fund or any part of it to any one outside his family. Account Officer Rajasthan Khadi & V.I. Board, Jaipur.