The Chhattisgarh State Electricity Board General Provident Fund Regulations, 2001

CHHATTISGARH India

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Rule

THE-CHHATTISGARH-STATE-ELECTRICITY-BOARD-GENERAL-PROV of 2001

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The Chhattisgarh State Electricity Board General Provident Fund Regulations, 2001Published vide Notification No. SECY/CSEB/5269, dated the 24th October, 2001, Chhattisgarh Rajpatra, Part 1, dated 19-4-2002, at pages 533-544In exercise of the powers conferred by clause (c) read with clause (k) of Section 79 of the Electricity (Supply) Act, 1948 (LIV of 1948), the Chhattisgarh State Electricity Board has decided to make the following regulations for the purpose of establishing and maintaining General Provident Fund Trust for the benefit of its employees.

1. Short title.

- These regulations shall be called the Chhattisgarh State Electricity Board General Provident Fund Regulations, 2001.

2. Application.

- These regulations shall apply to all the permanent and regular employees of Chhattisgarh State Electricity Board. These regulations shall also apply to the employees borne on work charge establishment who shall opt for General Provident Fund within a period of one month from the date of appointment. These regulations shall also apply to the work charge employees on roll of Chhattisgarh State Electricity Board who have given their options to be governed by these regulations. These shall not apply to the employees on Work Charge Establishment and NMR employees who will be governed by the Provisions of Employees Provident Fund and Miscellaneous Provisions Act, 1952. These shall be deemed to have been made applicable w.e.f. the date of

1

establishment of the Chhattisgarh State Electricity Board.

3. Definitions.

- In these regulations unless there is anything repugnant to the subject in context-(a)"Board" means Chhattisgarh State Electricity Board and includes assigns/transferee or successor in short referred as CSEB;(b)"Employer" means the Chairman of the Chhattisgarh State Electricity Board or any other officer authorized to act on behalf of CSEB or to whom any power is delegated;(c)"Employee" means any person who is employed for wages in any kind of work manual or otherwise, in or in connection with the work of the establishment and who gets his wages from the employer but does not include :(i)Employees of the contractor.(ii)Persons engaged on/work charge establishment and NMR to whom the EPF Act, is applicable. (iii) Persons who have opted for joining or continuing the membership under the Employees Provident Fund and Miscellaneous Provisions, Act, 1952.(iv)Persons who have attained the age of superannuation.(d)"Emoluments" means (Pay + D.A.) sterling overseas pay, calculated at such rate of exchange as the Board may prescribe in this behalf, personal pay, additional pay, technical or staff pay, but does not include allowances of any other kind. It includes any remuneration of the nature of pay paid in respect of foreign service.(e)"Family" means-(i)In the case of a male member, the wife, children whether married or unmarried, deceased son's widow and children and dependent parents of the member: Provided that if a member proves that his wife has ceased under the personal law governing him or the customary law of the community to which spouses belong to be entitled to maintenance, she shall no longer be deemed to be a part of the members family for the purposes of these regulations unless the member subsequently intimates by express notice in writing to the Board that she shall continue to be so regarded; and(ii)In the case of a female member, her husband, her children whether married or unmarried, her dependent parents, her husband's dependent parents and her deceased son's widow and children: Provided that if a member, by notice in writing to the Board of Trustees, expresses her desire to exclude her husband from the family, the husband and his dependent parents shall no longer be deemed to be a part of the members family for the purpose of these rules unless the member subsequently cancels in writing any such notice; Explanation. - In either of the above two cases, if the child of a member has been adopted by another person and if, under the personal law of the adopter, adoption is legally recognized, such a child shall be considered as excluded from the family of the member.(a)"Children" means legitimate children and includes adopted children if the Board of Trustees is satisfied that under the personal law of the member adoption of a child is legally recognized;(f)"Fund" means the Provident Fund constituted under these regulations, and shall include all money from time to time held by or to the account of the Board of Trustee is pursuance of the provisions herein contained and shall include any investment for the time being made with such money.(g)"Member" means any employee from Class-I to Class-IV cadre who is required, under these regulations to subscribe to the fund.(h)"Trustees" means and include the Trustees of the Fund for the time being.

4. Constitution of the fund.

- The fund shall be created in the name of "Chhattisgarh State Electricity Board Employees Provident Fund", the fund shall vest in and be administrated by a Board of Trustees constituted under a Trust which shall be registered and shall be irrevocable save with the consent of all the beneficiaries and no money belonging to the fund in the hands of-Board of Trustees shall be recoverable by the employer under any pretext whatsoever nor shall the employer have any lien or charge of any description of the same save as herein provided.(a)Sources of Fund. - The fund shall be established by the following sources-(i)Rs. initial contribution deposited by MPEB/CSEB towards contribution of members already deposited while in service with MPEB/CSEB/Other Deptt, whether the amount so deposited and the GPE amount has or has not been transferred to CSEB.(ii)Rs. towards deposit of GPE by CSEB in respect of members from the date of establishment of Board/Service with CSEB till the establishment of this fund.(iii)Subscription of the members.(iv)Interest/income derived from investment or loan from the deposit of the fund.(v)Any contribution by Govt, or CSEB towards Provident Fund of the member employees.

5. Constitution of Board of Trustees.

(a)The Chhattisgarh State Electricity Board shall constitute a Board of Trustees in the manner hereunder provided for a period of five years consisting of one Chairman and 8 Members, 4 representing the employer and 4 representing employees. The number of Trustees of the Board may be varied by resolution of the Board but in any case number of representative of management and representative of employees shall be equal :Provided the number of Trustees on the Board shall be neither less than four nor more than twelve.(b)One of the members of the CSEB nominated by the CSEB shall be ex-officio Chairman of the Board of Trustees.(c)The Board shall nominate 4 members as under :(i)One member to represent finance department.(ii)2 members to represent engineering department.(iii)One member to represent non-technical officers.(d)Four employees representative shall be as under :(i)3 members to be nominated by the representative union and if there be no representative union then the union having the largest membership shall nominate 3 persons :

1. One from supervisory staff;

2. One from trade establishment, and

3. One from clerical staff.

(ii)One representative to be nominated by CSEB Engineers Association.(e)The number will elect one amongst themselves as Secretary of the Board of Trustees.

6. Cessation and Restoration of Trusteeship.

- A trustee ceases to be a trustee on the Board, if he,-(i)ceases to be an employee of the CSEB;(ii)ceases to be a member of the fund;(iii)is a nominee of representative or other union and the union withdraws;(iv)fails to attend three consecutive meetings of the Board without obtaining leave of absence from the Chairman of Board of Trustees who may restore him to Trusteeship if the Board is satisfied that there were reasonable grounds for such absence;(v)a trustee of the Board may resign his office by letter in writing addressed to the Chairman, Board of Trustees and his office shall

fall vacant from the date on which his resignation is accepted by Board of Trustees;(vi)The Board of Trustees may remove from office any trustee of the Board, if found to have been indulged in any activity against the interest of the Board or its beneficiaries. But no such Trustee shall be removed from office unless reasonable opportunity is given to such trustee and the body whom he represents of making any representation against the proposed action.(vii)If a Trustee is unable to attend any meeting of the Board of Trustees, he may by a written instrument signed by him addressed to the Chairman of the Board for leave of absence.(viii)The vacancy so caused in the Board shall be filled in accordance with the provisions of Regulation above and on every such appointment fund shall vest in the continuing and new Trustees. Such Trustees shall hold the officer upto the end of the terms of the other Trustees of the Board.

7. Trustees leaving India.

- Before a Trustee leaves India. -(a)he shall intimate to the Chairman of the Board of Trustees a date of his departure from and expected return to India.(b)If he intends to absent himself for a period longer than six months he shall tender his resignation.(c)If any Trustee leaves India for a period of six months or more without intimation to the Chairman of the Board of Trustees, he shall be deemed to have resigned from the Board of Trustees.

8. Office and Staff.

- The head office of the Board of Trustees shall be located at a place where the head office of the CSEB is located. A building for office, staff for the office, furniture, equipment, stationery and all other requirement shall be provided by CSEB. However, Secretary of the Board of Trustees is authorised to meet essential contingent expenses not exceeding Rs. 2000/- Board of Trustee however by resolution may increase this amount or sanction or provide expenditure of a higher amount for cogent reasons to be recorded.

9. Control of the Fund.

(a)The Board of Trustees shall have control of the fund and shall delegate powers to the Trustee or official of the establishment for performance of various functions on its behalf under these regulations. The Board shall also decide all differences and disputes which may arise under these regulations either as to the interpretation thereof or as to the right and obligations of the establishment and/or of the members and the decision of the majority of the Trustees shall be in all cases final and binding on all the parties concerned. In the event of equality of votes the Chairman shall have casting vote. If any such decision of the Board be deemed prejudicial to the interest of the members the matter shall be referred to the Chairman of CSEB whose decision in the matter shall be final and binding.

10. Functioning of the Board of Trustees administration of the fund.

(a) The Board of Trustees shall maintain proper accounts of its income and expenditure, which will

be audited by auditor of the CSEB as well as Accountant General of the State or in any other manner deemed fit by the Board of Trustees subject to approval of the CSEB.(b) The Board of Trustees by resolution may decide to invest the amount so available with the fund in Government securities to vield maximum interest. Trust may by resolution decide a loan to CSEB also subject to the condition that CSEB shall give interest at a rate of 1% more than rate of interest on which loan is sanctioned to CSEB by the nationalized banks and on such other conditions as may be imposed by the Board of Trustees and in particular a condition about repayment of loan.(c)CSEB shall provide staff for maintenance of account and running of the office of the Board of Trustees including expenses required by the Board of Trustees for its proper functioning. The staff shall be paid employees of CSEB.(d)All investments will be in the name of Chhattisgarh State Electricity Board Provident Fund Trust.(e) If necessary the Board of Trustees may obtain exemption from income tax authorities on the interest earned by the trust.(f)The Board of Trustees shall be competent to frame its bye-laws rules for the day to day discharge of their duties, functions maintenance of accounts and other relevant and incidental matters in accordance with these regulations.(g)All payments towards the payment of PF of Part thereof to an employee shall by duly made from and out of the fund in accordance with these regulations and other rules/regulations governing the CSEB.(h)To get the Chhattisgarh State Electricity Board Provident Fund Trust duly registered and incorporated under relevant laws of the state, the Secretary or any other Member of the Board of Trustees may by resolution be authorised to sign, execute all documents, appointment of advocate or to do anything that may be deemed necessary in this respect.(i)The Secretary to the Board of Trustees, elected under these regulations, shall be competent to enter into all correspondence relating to the management of the fund and shall sign and issue necessary receipt for any money received into the fund and maintain accounts thereof. The Secretary may be authorized to meet contingent expenses not exceeding Rs. 2,000/- in a month. The Board of Trustees may approve or sanction expenditure of larger sum in the interest of the Trust.(j)Suggest amendment in the regulations as and when deemed necessary, provided that the Secretary shall, in the notice of the meeting specifically mention a brief note on the proposed agenda. The amendment when passed by the Board of Trustees shall be forwarded to the Chairman CSEB to take necessary steps to amend these regulations suitably.(k)To appoint/nominate officers to receive declaration forms in Form "A", nomination in Form "B".(1)Board of Trustees shall accept past provident fund accumulation of an employee who is already a member of any PF Scheme with his previous employer and joins the service of CSEB. On his admission as part of this PF his accumulation shall stand credited to this account.(m)If an employment of the member ceases and he joins any other establishment Board of Trustees shall transfer the amount of accumulation standing to the credit of the member in the fund to the credit of his account with new employer.(n)If the Board of Trustees is satisfied that the money as drawn by the member as an advance or loan from the fund has been utilized for a purpose other than that for which sanction was given to the drawal, withholding or withdrawal of the money, the amount in question, shall with interest forthwith be repaid or paid, as the case may be, by the subscriber to the fund, or in default, be ordered to be recovered by deduction in one sum from the emoluments of the subscriber, even if he be on leave. If the total amount to be repaid or paid, as the case may be, be more than half the subscriber's emoluments recoveries shall be made in monthly instalments as may be fixed by the Board of Trustees.

11. (a) Meetings.

- The Board of Trustees shall meet at such place and time as may be decided by the Chairman, Meeting of the Board of Trustees shall be held once in every quarter. Provided that if the Chairman is of opinion that a decision in any particular matter cannot be delayed till the next meeting of the Board, the matter may be circulated to the trustees for decision, and any decision by majority votes taken would have the same validity as that of a resolution passed in a meeting and shall be recorded in Minutes. Provided, however, that any decision so taken shall be placed before the Board of Trustees at the next meeting for confirmation.(b) Notice of Meeting. - Notice of not less than 15 days from the date of meeting containing the date, time and place of every ordinary meeting together with an agenda of business to be conducted at meeting shall be despatched by Registered Post or by special messenger to each Trustee Provided that when the Chairman calls a meeting for considering any matter which in his opinion is urgent, notice giving such reasonable time as he may consider necessary shall be deemed sufficient.(c)Quorum. - (i) At any meeting of the Board of Trustees, four Trustees two representing the Employees and the other representing the Board shall be a quorum. In absence of Chairman the members of the Board of Trustees present can elect a Chairman from amongst them for the meeting.(ii)All decisions of the Board of Trustees shall be taken by majority and in case of a tie the Chairman of the Board of Trustees shall have a casting decision to arrive at majority.(iii)The decision of the Board of Trustees shall be recorded in a minute book maintained for the purpose.(iv)Minutes of the meeting of Board of Trustees shall be recorded in a minute book and signed by the Chairman and all the Trustees attending meeting, the minute will also include any note of dissent expressed by a member of the Board of Trustees. The minutes shall be circulated to all the members by the Secretary of the Board of Trustees within 7 days of the date of meeting and confirmed in the next meeting.(v)In absence of the quorum a meeting shall be adjourned and may be held after half an hour, no quorum will be necessary for an adjourned meeting. But no agenda involving finance shall be discussed and decided in an adjourned meeting, it will be essential to decide such matter in a normal meeting of quorum as per Rule 11 (c) above.

12. Membership.

(a) Every permanent/regular employee of the Board including employees for a fixed term contract except work charge and NMR employees shall be eligible to become members and subscribe to the fund under these regulations. Employees who have opted for service in CSEB or have been transferred from MPEB or any other department of the Govt, of M.P. or Chhattisgarh shall also be eligible to become members of the fund and subscribe to the fund. A person joining the services of the CSEB shall furnish a declaration in Form A to the officer authorized in this regard by the Board of Trustees.(b) Nomination. - Every member shall as soon as after joining the fund make nomination in Form "B" conferring the right to receive the amount that may stand to his credit in the fund in the event of his death before the amount standing to his credit has become payable. He may nominate one or more persons or distribute the amount to respective nominees. Member shall be free to change nomination by a written notice to the Trustees through proper channel but ordinarily this change will not be permitted more than 2 times during the tenure of his service. This may however be relaxed by the Board of the Trustees under special circumstances. Explanation. - (a) The employees appointed on probation if confirmed shall be eligible and will become member of the

fund from the date of his first appointment.(b)Employee appointed temporarily but made permanent with retrospective effect will be eligible from the date he has been made permanent and shall be required to pay his contribution from the date of permanency.(c)Every employee becoming a member shall remain and continue to be a member until he attains the age of superannuation or ceases to be in employment for any reason whatsoever.(d)The Board by resolution may decide to cover any other category of employees and take steps for a suitable amendment in these regulations.

13. Contribution by Members.

- (i) Every employee becoming a member of the fund shall subscribe to the fund a sum equal to 8.33% of his monthly Basic Pay + D.A. (including additional Pay or D.A.).(ii)The employee may contribute such higher sum as he may desire but not exceeding 30% of his Basic Pay + D. A. (including additional Pay + D.A.). The higher rate may be varied at the beginning of the year by a written intimation of his desire but in any case this higher rate will not exceed 30%.(iii)The employees subscription as fixed by him shall be recovered by deduction at time of drawal of pay or leave salary as the case may be.

14. Accounts.

(a) Every member of the fund shall be allotted account number and account shall be kept by the Board of Trustees in the name of each subscriber member, in which shall be entered. (i) Subscriber's subscription. (ii) Interest earned during the year. (iii) Advance if any made to the member out of the fund & repayment toward advances if made by the member. (b) Every member shall be given an annual statement of account after close of the financial year within 4 months of close of the accounting year i.e. 31st March and discrepancy if any noticed by the member must be intimated to the Trustee of Board within 2 months of the receipt of the annual statement. The Board of Trustees will take immediate steps to verify and rectify the mistake if any and intimate the result thereof to the member.

15. Bank Account.

- The Board of Trustees shall open an account in the name of Chhattisgarh State Electricity Board Provident Fund Trust in any one or more nationalized banks and the account shall be operated under the joint signatures of Secretary of the Board of Trustees and one member as may be decided by resolution. The Board of Trustees shall give two names to be signatories alongwith Secretary of the Board of Trustees.

16. Trust to be Body Corporate.

- The Trust shall be a body corporate and shall be registered under the relevant laws applicable in the state of Chhattisgarh and shall sue or be sued in the name of Chhattisgarh State Electricity Board Provident Fund Trust. The Trust may also initiate legal proceedings against CSEB or any other person/institution for enforcement of rights available under these regulations or any other

law. The jurisdiction for all such matters shall be Courts having territorial jurisdiction at Raipur.

17. Rate of Interest.

- (i) Board shall credit interest at a rate which will not be lesser than the rate payable under the EPF scheme once a year to the amount standing to each member's credit at the end of financial year i.e. 31st March each year.(ii)Interest shall be payable on the amount till the end of the month proceeding that in which payment is made to a member either in part or in full.(iii)No interest will be payable by the employee in respect of loan taken by him from his fund and interest will be payable by the Board on the deposited amount after deducting the loan amount/part payment.

18. Advance Loan from the Fund.

(1)The Board of Trustees may on an application from a member sanction from the amount standing to credit of the member in the fund for any or more of the reasons mentioned below-(a)Repayment fully of any loan obtained by the member from any housing board, co-operative society development authority or any nationalized bank.(b)To procure a house of the member in his or his wife's name.(c)To meet expenses in connection with prolonged illness of the applicant or any person actually dependent on him on production of adequate medical proof by the civil surgeon or competent authority of Government Hospital.(d)To meet the overseas passage for reasons of health or education of the applicant or person actually dependent on him.(e)To pay out expenses on a scale appropriate on the applicants status in connection with marriage, funeral or ceremonies which by his religion it is incumbent on him to perform.(f)To purchase a vehicle suitable for his status.(g)Any other special or abnormal reasons to the satisfaction of the Board of Trustees.(2)An application for advance/loan shall be entertained only after the member has put in 5 year service either in CSEB or MPEB or both.(3)The amount so sanctioned shall not exceed 75% of the balance at the credit of the member.

19. Recovery of Loan Advance.

- (i) An advance shall be recovered from the subscriber in such number of equal monthly instalments as the sanctioning authority may direct; but such number shall not be less than twelve unless the subscribers so elect, or in any case more than twenty four. A subscriber may, at his option, make payment in a smaller number of instalments than that prescribed. Each instalment shall be a number of whole rupees.(ii)Recovery shall be made in the manner provided for the realization of subscriptions. An instalment towards an advance, should be recovered only when a subscriber draws full duty pay in any month. No recovery shall be made when the member is on leave without pay or under suspension unless he gives his consent in writing to deduct the part of subsistence allowance towards payment of loan/advance.(iii)If more than one advance has been made to a subscriber each advance shall be treated separately for the purpose of recovery.(iv)If an advance has been granted to a subscriber and drawn by him and the advance is subsequently disallowed before repayment is completed the whole or balance of the amount withdrawn, shall be repaid by the subscriber to the fund or in default be ordered by the Board of Trustees to be recovered by deduction from the emoluments of the subscriber by instalments or otherwise as may

be directed.(v)Recoveries made under this regulation shall be credited as they are made to the account of the subscriber in the fund.

20. Part Final Payment.

- No part final payment shall be made unless the member has put in 15 years service in CSEB or MPEB or both. The quantum of part and final payment shall not be more than 74% of the balance of the member.

21. Protection against attachment.

(a)The amount standing to the credit of any member in the fund shall not in any way be capable of being assigned or charged and shall not be liable to attachment under any decree or order of any Court in respect of any debt or liability incurred by the member.(b)Any amount standing to the credit of a member in the fund at the time of his death and payable to his nominee under these regulations shall, subject to any deduction authorized by the said regulations, vest in the nominee and shall be free from any debt or other liability incurred by the deceased or the nominee before the death of the member.

22. Payment of Provident Fund.

- The amount of provident fund accumulations together with interest shall be payable in whole to the employees after adjusting loan/advance thereof, if any, outstanding against him in the following circumstances -(a)Superannuation/retirement.(b)When the subscriber quits the service.(c)On termination of employment by the employer except when the employee is dismissed on charge of mis-appropriation, dishonestly involving funds of the CSEB or this trust in which case trust may adjust whole or part of the amount involved in such misconducts on a request by the CSEB after giving the concerned employee an opportunity of being heard. The concerned employees shall submit his application for payment of provident fund dues to the Trust Board at least 15 days before the date of his superannuation or quitting the Board. In case covered under Class-C above the CSEB shall give a notice in writing to the Chairman. Trust Board shall arrange to pay the legal dues with interest standing on the credit of the employee concerned latest within 15 days of cessation of his employment or any reason whatsoever and give an account of his accumulations and interest and deductions if any. In case of death of the subscriber before the amount standing to his credit has been paid the amount shall be payable to the nominee according to the regulation 12 (b). In case of dispute between two nominees or the legal heir whose name has not been mentioned in the nomination form, the amount of provident fund shall be withheld by the Trust Board till claimant submits succession certificate from the competent Civil Court having jurisdiction over the matter.

23. Transfer and assignments forbidden.

- No member shall be entitled to transfer or assign whether by way of security of otherwise whatsoever his interest or any part thereof in the fund and no such transfer or assignment shall be

valid.

24. Power to alter regulations.

- The CSEB shall have power to alter or abrogate these regulations or any of them and to make such other regulations with reference to the accrual, enjoyment, suspension and forfeiture of the benefits of the fund and the application of the disposal of the fund and otherwise in relation to the working and management thereof as it shall from time to time think fit provided such regulations do not infringe any statutory enactment from time to time in force or any rule from time to time published thereunder. Every alteration, abrogation or new regulation or regulations shall, unless otherwise stated in the resolution, have effect from the date of resolution. After publication in the Government Gazette as regulations made under Section 79-C Electricity Supply Act, 1984. Any such new regulation shall be binding upon any member who shall have subscribed under these regulations.

25. Dissolution of the Trust.

- The Trust shall be co-extensive with the CSEB and for any reason the CSEB is abolished, assigned or transferred to some other body or institution including one by operation of law the CSEB Provident Fund Trust shall also get merged in the new body. No trustee shall have any right, interest or entitlement over the fund or investment of the trust and shall not withdraw or utilize any amount in his own interest. Chhattisgarh State Electricity Board Provident Fund Trust Rules Declaration by a Person Taking Up Employment with Chhattisgarh State Electricity BoardISon/Wife/Daughter of....... do hereby solemnly declare that I am/I am not*(a)Member of the Employees' Provident Fund(b)Member of private Provident Fund an exempted establishment/an establishment granted relaxation under Para 79 of the Scheme and but for such exemption/relaxation would have become arid continued a member of the Employees' Provident Fund.(c)I am member of GPF Account with my previous employer and my account number is...... where I joined service on....... further declare that I have/have not withdrawn the total accumulations standing to my credit in the fund. I further declare that I have withdrawn/not withdrawn part of amount of Provident Fund Amounting to Rs......Signature of right/leftThumb impression of the EmployeeI joined service of the CSEB on........ as..........(designation) in......... (Department).Date......Chhattisgarh State Electricity Board Provident Fund Trust RulesNomination and Declaration Form for Unexempted/exempted EstablishmentApplication and Nomination from under the CSEB Provident Funds Regulations [Paragraph 61 (1) of the Employees' Provident Fund Scheme, 1952]

1. Name (in block letters)

2. Designation

3. Date of Birth

4. Account No.

I hereby nominate the person (s)/cancel the nomination made by me previously and nominate the person (s) mentioned below to receive the amount standing to my credit in the CSEB Provident Fund in the event of my death-

Name of Nominee/Nominees (if the nominee is aminor the relationship of the nominee & Name and address ofGuardian may be indicated	Address	Nominee's Relationship	Age of Nominee	Total amount of share of Accumulation to be paidto each nominee
(1)	(2)	(3)	(4)	(5)

- 1. Certified that I have no family and should I acquire a family hereinafter the above nomination should be deemed as cancelled.
- 2. Certified that my father/mother is/are dependent/not dependent upon me.

^{*}Strike out whichever is not applicable. Signature or right/leftThumb impression of the Subscriber