

Bihar Contributory Provident Fund Rules, 1948

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Bihar Contributory Provident Fund Rules, 1948Published vide Notification No. 10641 F, dated 14.8.1948

1.

(1)These rules may be called the Bihar Contributory Provident Fund Rules, 1948.(2)They shall come into force on the 1st October, 1948.

2.

(1)In these rules, unless there is anything repugnant in the subject or context-(i)"Account Officer" means Accountant-General, Bihar,(ii)"Emoluments" means pay, leave salary, or subsistence grant, as defined in the Bihar Service Code and includes-(a)sterling overseas pay converted at such rate of exchange as the Provincial Government may prescribe in this behalf;(b)any remuneration of the nature of pay received in respect of foreign service;(iii)"Family" means the wife or wives and children of the subscriber and the widow, or widows and children of a deceased son of the subscriber, an adopted child shall be considered to be a child when the Account Officer, or, if any doubt arises in the mind of the Account Officer, the Legal Remembrancer, is satisfied that, under the personal law of the subscriber; adoption is legally recognised as conferring the status of natural child, but in this case only;(iv)"Leave" means any variety of leave recognised by the Bihar Service Code;(v)"The Fund" means the Bihar Contributory Provident Fund; and(vi)"Year" means a financial year.(2)Any other expression employed in these rules which is defined in the Bihar Service Code is used in the sense therein defined.

3.

The fund shall be administered by the Provincial Government and shall be maintained in India in rupees.

4. [**Added & Substituted vide No. M. 1-025/82-4967-F (2), dated 18th May 1983, Published in Bihar Gazette, Part III, dated July 6, 1983.**]

All Government servants is permanent pensionable and non-pensionable service (including probationers) and those temporary Government Servants (including all re-employed pensioners) who have completed one year service, and whose conditions of service the State Government are competent to determine shall be required to subscribe the minimum subscription. All Government Servants shall have to subscribe the minimum prescribed rate during leave, deputation and Foreign Service.]

4. These rules shall apply to every non-pensionable servant of Government belonging to any of the service (whether Provincial or Subordinate) under the control of the Provincial Government who-(a) has been admitted before these rules come into force to the benefits of a special Contributory Provident Fund maintained by Government; or(b) may be admitted by Government and to the Fund after these rules come into force:Provided that these rules shall not apply to any such servant between whom and Government an agreement subsists in respect of Provident Fund, other than an agreement providing for the application to him of these rules, and in the case of an agreement so providing, shall apply subject to the terms of such agreement.(2) Every servant of Government to whom these rules apply shall be a subscriber to the Fund.(3) The balance at the credit of any servant of Government in any such Fund as is referred to in clause (a) of sub-rule (1) shall with effect from the date on which these rules come into force, be transferred to his credit in the Fund.Note 1.- No pensioner, civil or military in service or re-employed after the date from which his pension takes effect, should be admitted to the Fund Except with the previous concurrence of the Provincial Government in the fund. Other than the menials holding non-pensionable post in Wards Department, of the district and divisional offices, except those who are recruited for a particular piece of temporary work e.g., for the purpose of compiling certain statistics or re-writing certain registers.

Nomination

5.

(1)A subscriber shall, as soon as may be after joining the Fund, send to the Account Officer a nomination conferring one or more persons the right to receive amount that may stand to his credit in the Fund in the event of his death before that amount has become payable, or having become payable has not been paid:Provided that if, at the time of making the nomination, the subscriber has a family, the nomination, shall not be in favour of any person or persons other than the members of his family.(2)If a subscriber nominates more than one person under sub-rule (1), he shall specify in the nomination the amount or share payable to each of the nominees in such manner as to cover the

whole of the amount that may stand to his credit in the Fund at any time.(3)Every nomination shall be in such one of the forms set forth in the First Schedule as appropriate in the circumstances.(4)A subscriber may at any time cancel a nomination by sending a notice in writing to the Account Officer:Provided that the subscriber shall alongwith such notice send a fresh nomination made in accordance with the provisions of sub-rules (1) to (3).(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 Account Officer.(6)Nothing in sub-rules (1) to (3) shall be deemed to invalidate, or to require to replacement by a nomination thereunder of, nomination duly made before and subsisting on the date on which these rules come into force.Subscriber's account

6.

An account shall be opened in the name of each subscriber, in which shall be credited-(i)the subscription;(ii)contributions, made under rule 10 by Government to his account;(iii)interest, as provided by rule 11, on subscriptions; and(iv)interest, as provided by rule 11, on contributions.Conditions and rates of Subscription

7.

(1)Every subscriber shall subscribe monthly to the Fund when on duty, or, on Foreign Service.(2)A subscriber may at his option, subscribe during leave.(3)The option of a subscriber under sub-rule (2) shall be intimated to the Account Officer before the subscriber proceeds on leave and shall be final.

8.

(1)The amount of subscription shall be fixed by the subscriber himself subject to the following conditions:-(a)It shall be expressed in whole rupee.(b)(i)It may be a sum, so expressed, not less than 6 percent of emoluments (i.e. 6 paise in the rupee) and not more than 15% (i.e. 15 paise in the rupee).(ii)Emoluments for the purpose of the rule shall be calculated at the rate payable in respect of the 31st March, of the preceding year:Provided that, if the subscriber is on leave or under suspension on the 31st March, of the preceding year, his emoluments shall be calculated at the rate payable in respect of the first day after his return to duty:Provided also that, if the subscriber is on deputation out of India, on the 31st March, of the preceding year, his emoluments shall be calculated at the rate which would have been payable had he been on duty in India.(2)The subscriber shall intimate the fixation of the amount of his monthly subscription in each year in the following-(a)if he is on duty on the 31st March, of the preceding year, by the deduction which he makes in this behalf from his pay-bill for that month.(b)if he is on leave, or, under suspension on the 31 March, of the preceding year, by the deduction which he makes in this behalf from his first pay-bill after his return to duty.(3)if the amount to subscription payable contains a fraction of rupees, it shall be rounded to the nearest whole rupee, 50 paise counting as the next higher rupee.(4)The amount of subscription so fixed shall remain unchanged throughout the year:Provided that if a subscriber is on duty for a part of month and on leave for the remainder of that month, and if he has elected not to subscribe during leave, the amount of subscription payable shall be proportionate to the number of days spent

on duty in the month. A fraction of a rupee shall be rounded to the nearest whole rupee, for example, 50 Paise will be rounded to a rupee. If a change in the amount of subscription is sought this can be done only with effect from a financial year. Realisation of Subscriptions

9.

(1) When emoluments are drawn from a Government treasury in India, or from the home or a Colonial treasury, recovery of subscriptions on account of these emoluments and of the principal and interest of advances shall be made from the emoluments themselves; except that, when emoluments other than sterling overseas pay are so drawn in India, deductions in respect of sterling overseas pay, when admissible, shall be made in India. (2) When emoluments are drawn from any other source the subscriber shall forward his dues monthly to the Account Officer. Contribution by Government

10.

(1) Government shall with effect from the 31st March of each year, make a contribution to the account of each subscriber: [Deleted vide Not. No. M-1-025/82-4967-F (2), dated 18th May, 1983, Published in Bihar Gazette Part II dated 6.7.1983 at Pg. 525-26]. (2) The contribution shall be such percentage to the subscriber's emoluments drawn on duty during the year or period as the case may be, as has been or may be prescribed by Government by general or special order. (3) If a subscriber is on deputation out of India the emoluments which he would have been drawn had he been on duty in India shall, for the purpose of this rule, be deemed to be emoluments drawn on duty. (4) Should a subscriber elect to subscribe during leave salary shall, for the purpose of this rule, be deemed to be emoluments drawn on duty. (5) The amount of contribution payable in respect of a period of foreign service shall unless it is recovered from the foreign employer, be recovered by Government for the subscriber. (6) The amount of contribution payable shall be rounded to the nearest rupee in the manner provided in sub-rule (3) of rule 8. Interest

11.

(1) Government, shall pay, to the credit of the account of a subscriber interest at such rate as the Provincial Government may, from time to time prescribe for the payment of interest on subscription to the General Provident Fund, on the amount at his credit in the Fund. [i(b). All non-Gazetted Government Servants shall be required to subscribe to the Fund the minimum monthly subscription at the rate of 10 per cent of his/her monthly emolument and all Gazetted Government Servants at the rate of 12½ percent of his/her emolument. There shall be no upper limit of the subscription] [Added New Rule 11 (i)(b) vide Notification No. M-1-025/82-4967-F (2), dated 18th May, 1983, Published in Bihar Gazette Part II dated 6.7.1983 at Pg. 525-26]. (2) Interest shall be credited with effect from the 31st March, of each year in the following manner-(i) & (ii) [Deleted vide Not. No. M-1-025/82-4967-F (2), dated 18th May, 1983, Published in Bihar Gazette Part II dated 6.7.1983 at Pg. 525-26]. (iii) on all sums credited to the subscriber's account after the 31st March, of the preceding year-interest from the date of deposit upto the 31st March, of the current year; (iv) the total amount of interest shall be rounded to the nearest rupee in the manner provided in sub-rule (3) of

rule 8.(3)For the purposes of this rule date of deposit shall, in the case of recoveries from emolument, be deemed to be the first day of the month in which they are recovered; and in the case of amounts forwarded by the subscriber, shall be deemed to be the first day of the month of receipt, if they are received by the Account Officer before the fifth day of that month, the first day of the next succeeding month.(4)[The amount of subscription so fixed shall remain unchanged throughout the year. The subscriber may at his option to increase the amount of subscription during middle of the year but he will not have the option to reduce the amount of subscription during the middle of the year.] [Added New Rule 11(4) vide Not. No. M-1-025/82-4967-F (2), dated 18th May, 1983, Published in Bihar Gazette Part II dated 6.7.1983 at Pg. 525-26] and Old Rule 11(4) deleted along with the proviso.][Notes. [Inserted by Memo No. MI%34-80-4770 F2 dated 10.7.1982. Published in Bihar Gazette Part-II dated August 11, 1982.] - Interest may be paid on sums at the credit of the subscribers in the fund for any period beyond six months and the following officers will be competent to authorise such payments:-(i)Subscribers whose Provident Fund Account is maintained by Accountant-General, Bihar-Accountant-General, Bihar.(ii)Subscribers whose Provident Fund Account is not maintained by Accountant-General, Bihar-Finance Department:Provided that the competent authority has personally satisfied himself that the delay in payment was occasioned by circumstances beyond the control of the subscriber or the person to whom such payment was to be made and in every such case the administrative delay involved in the matter, has been fully investigated and action, any required, taken.](5)Interest shall not be credited to the account of a Muhammadan subscriber if he informs the Account Officer that he does not wish to receive it, but if he subsequently asks for interest it shall be credited with effect from the 1st April, of the year in which he asks for it.(6)The interest on amount which, under sub-rule (3) of rule 17, or sub-rule (3) of rule 19 of sub-rule (1) of rule 21, or sub-rule (1) or sub-rule (2) of rule 22, or rule 24, or rule 25 are replaced at the credit of the subscriber in the Fund, shall be calculated at such rates as may be successively prescribed under sub-rule (1) of this rule and so far as may be in the manner prescribed in this rule.Advances from the Fund

12.

(1)A temporary advance may be granted to a subscriber from the amount standing to his credit in the Fund at the discretion of the authority specified in sub-rule (2) subject to the following conditions-(a)the subscriber shall satisfy that authority of the necessity for the advance;(b)that authority, shall record in writing its reasons for granting the advance; and(c)the advance shall not, except for reasons to be recorded in writing by that authority, exceed three month's pay; and shall, in no case exceed the amount of subscriptions and interest thereon, standing to the credit of the subscribers in the Fund, at the time when the advance is granted.(2)The authority competent to grant an advance-(a)(i)exceeding three months pay, or (ii) within twelve months of the final payment of all previous advance, together with interest thereon:-shall be-(i)for subscribers who are Gazetted Government servants, the Provincial Government;(ii)for the other subscribers, the Head of the Department concerned;(b)in any other case not specified in clause (a), shall be-(i)for Gazetted Government servants, the Head of the Department;(ii)for other subscribers, the Head of the Office.

13.

An Advance shall not, except for special reasons to be recorded in writing by the sanctioning authority be granted under rule 12 until at least twelve months after final re-payments of all previous advances together with interest thereon.

14.

(1) 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 subscriber so elects, or in any case more than twenty-four. A subscriber may at his option, make repayment in a smaller number of instalments than that prescribed. Each instalment shall be a number of whole rupees; the amount of the advance being raised or reduced, if necessary, to admit of the fixation of such instalments. (2) Recovery shall be made in the manner provided in rule 9 for the realization of subscriptions and shall commence on the first occasion after the advance is made on which the subscriber draws pay, or remuneration of foreign service, for a full month. Recovery shall not be made while the subscriber is on leave or, in receipt of subsistence grant; and may be postponed by the sanctioning authority during the recovery of an advance of pay granted to the subscriber. (3) If more than one advance has been made to a subscriber, each advance shall be treated separately for the purposes of recovery. (4) (a) After the principal of the advance has been fully repaid, interest shall be paid thereon at the rate of one fifth per cent of the principal for each month or broken portion of a month during the period between the drawal and complete repayment of the principal. (b) Interest shall ordinarily be recovered in one instalment in the month after complete repayment of the principal; but, if the period referred to in clause (a) exceeds twenty months; interest may, if the subscriber so desires, be recovered in equal monthly instalments. The method of recovery shall be that provided in sub-rule (2). Payments shall be rounded to the nearest rupees in the manner provided in sub-rule (3) of rule 8. (5) Recoveries made under this rule shall be credited, as they are made to the account of the subscriber in the Fund. Payments towards Insurance Policies and Family Pension Fund

15.

Subject to the conditions contained in Rules 16 to 31 - (a) (i) subscriber to a family pension fund approved in this behalf by the Provincial Government; (ii) Payments towards an insurance policy, may at the option of subscriber, be substituted for the whole or part of subscriptions to the Fund; (b) the amount of subscriptions with interest thereon standing to the credit of a subscriber in the Fund may be withdrawn to meet - (i) payments towards an insurance policy; (ii) purchase of a single payment insurance policy; (iii) payment of single premia or subscriptions to a family pension fund approved in this behalf by the Provincial Government: Provided that no amount shall be withdrawn to meet any payment or purchase made or effected more than twelve months before the withdrawal; (c) any amount withdrawn under clause (b) shall be paid in whole rupees only rounded to the nearest rupee in the manner provided in sub-rule (3) of rule 8.

16.

(1) If the total amount of any subscriptions, or payments substituted under clause (a) of rule 15 is less than the amount of the minimum subscription payable to the Fund under rule 8 the difference shall be rounded off to the nearest rupee in the manner, provided in sub-rule (3) of rule 8 and paid by the subscriber to the Fund. (2) If the subscriber withdraws any amount standing to the credit in the fund for any of the purposes specified in clause (b) of rule 15, he shall, subject to his option under clause (a) of that rule, continue to pay to the Fund the subscription payable under rules.

17.

(1) A subscriber who desires to substitute a subscription, or payment under clause (a) of rule 15, may reduce his subscription to the Fund accordingly: Provided that the subscriber shall—(a) intimate to the Account Officer on his pay bill, or by letter the fact of and reason for, the reduction; (b) send to the Account Officer, within such period as the Account Officer may require, receipts or certified copies of receipts in order to satisfy the Account Officer, that the amount by which the subscription has been reduced was fully applied for the purposes specified in clause (a) of rule 15. (2) A subscriber who desires to withdraw any amount under clause (b) of rule 15 shall—(a) intimate the reason for the withdrawal, to the Account Officer by letter; (b) make arrangements with the Account Officer for the withdrawal; (c) send to the Account Officer, within such period as the Account Officer may require, receipts or certified copies of receipts in order to satisfy the Account Officer, that the amount withdrawn was duly applied for the purpose specified in clause (b) of rule 15. (3) The Account Officer shall order the recovery of any amount by which subscriptions have been reduced, or any amount withdrawn, in respect of which he has not been satisfied in the manner required by clause (b) of sub-rule (1) and clause (b) of sub-rule (2) with interest thereon at the rate provided in rule 11, from the emoluments of the subscriber and place it to the credit of the subscriber in the Fund.

18.

(1) Government will not make any payments on behalf of subscribers to insurance companies, nor take steps to keep a policy alive. (2) It is immaterial what form the policy takes, provided that it shall be on the life of the subscriber himself and shall (unless it is policy expressed on the face of it to be for the benefit of his wife, or of his wife and children, or any of them) be such as may be, legally assigned by the subscriber himself to the Government of Bihar. Explanation. - A policy may not be effected for the subscriber and his wife shall be deemed to be a policy of the subscriber himself for the purpose of this sub-rule. (3) The policy may not be effected for the benefit to any beneficiary other than the wife of the subscriber or his wife and children; or any of them.

19.

(1) The policy, within three months after the first withholding of a subscription or withdrawal from the Fund in respect of the policy, or, in the case of an insurance company whose headquarters are outside India, within such further period as the Account Officer, if he is satisfied by the production

of the completion certificate (interim receipt) may fix, shall-(a)unless it is a policy expressed on the face of it to be for the benefit of the wife of the subscriber, or of his wife and children, or any of them, be assigned to the Government of Bihar, as security for the payment of any sum which may become payable to the Fund under rules 21 to 23 and delivered to the Account Officer, the assignment being made by endorsement on the policy in Form (1) or Form (2) of the Forms in the Second Schedule according as the policy is on the life of the subscriber, or on the joint lives of subscriber and his wife;(b)if it is a policy expressed on the face of it to be for the benefit of the wife of the subscriber, or of his wife and children; or any of them be delivered to the Account Officer.(2)The Account Officer shall satisfy by reference to the insurance company, where possible, that no prior assignment of the policy exists.(3)If the policy is not assigned and delivered, or delivered, within the said period of three months or such further period as the Account Officer may under sub-rule (1) have fixed, any amount withheld or withdrawn from the fund in respect of the policy shall, with interest thereon at the rate provided in rule 11, forthwith be paid, or re-paid, as the case may be, by the subscriber to the Fund, or, in default to be ordered by the Account Officer to be recovered by deduction from the emoluments of the subscriber, by instalments, or otherwise as Government may direct.(4)Notice of the assignment of the policy shall be given by the subscriber to the insurance company, and the acknowledgement of the notice by the insurance company shall be sent to the Account Officer within three months of the date of assignment.Note 1. - Subscribers are advised to send notice of assignment in the insurance company in duplicate, accompanied in case in which the notice has to be sent to a company in Great Britain, or Ireland, by a remittance of five shillings, which is the fee for the acknowledgement authorised by the Policies of Assurance Act, 1867.The policy itself, bearing the assignment endorsed thereon, need not be sent to the Company, as Insurance Companies do not ordinarily require the production of the original instruments affecting a policy holder's title, until the policy becomes a claim.Note 2. - Subscribers who proceed to Great Britain, or Ireland, on quitting the service are advised that under the English Stamp Law, assignment or assignments are required to be stamped within 31 days of the their first arrival in those countries. Otherwise penalty will be incurred under the Stamp Act and difficulties may arise when the policy matures for payment.

20.

The subscriber shall not during the currency of the policy draw any bonus; the drawal of which during such currency is optional under the terms of the policy, and the amount of any bonus which under the terms of the subscriber has no option to refrain from drawing its currency shall be paid forthwith into the fund by the subscriber, or in default recovered by deduction from his emoluments by instalments, or otherwise as the Provincial Government may direct.

21.

(i)Save as provided by sub-rule (3) of rule 23, when the subscriber:-(a)quits the service; or(b)has proceeded on leave preparatory to retirement and applies to the Account Officer for re-assignment, or return of the policy; or(c)while on leave, has been permitted to retire or declared by competent medical authority to be unfit, for further service and applies to the Account Officer for re-assignment, or return of the policy; or(d)pays or re-pays to the Fund, the whole or any amount

withheld, or withdrawn from the Fund, for any of the purposes mentioned in sub-clause (ii) of clause (a) of rule 15, and sub-clauses (i) and (ii) of clause (b) of rule 15, with interest thereon at the rate provided in rule 11. The Account Officer shall—(i) if the policy has been assigned to the Governor of Bihar, under rule 19, re-assign the policy in the first Form set forth in the Third Schedule to the subscriber; or to the subscriber and the joint assured as the case may be and make it over to the subscriber together with a signed notice of the re-assignment addressed to the Insurance Company; (ii) if the policy has been delivered to him under clause (b) of sub-rule (1) of rule 19, make over the policy to the subscriber: Provided that if the subscriber, after proceeding on leave preparatory to retirement, or after being, while on leave permitted to retire, or declared by a competent medical authority to be unfit for further service returns to duty, any policy so re-assigned, or made over shall, if has not matured or been assigned, or charged or encumbered in any way, be again assigned to the Government of Bihar, and delivered to the Account Officer, again be delivered to the Account Officer, as the case may be, in the manner provided in rule 19 and thereupon the provisions of these rules shall, so far as may be again apply in respect of the policy: Provided further that if the policy has matured, or been assigned, or charged or encumbered in any way the provisions of sub-rule (3) of rule 19 applicable to failure to assign and deliver a policy shall apply. (2) Save as provided by sub-rule (3) of rule 23, when the subscriber dies before quitting the Account Officer shall—(i) if the policy has been assigned to the Governor of Bihar, under rule 19, re-assign the policy in the Second Form set forth in the Third Schedule to such person as be legally entitled to receive it, and shall make over the policy to such person together with a signed notice of the re-assignment addressed to the Insurance Company; (ii) if the policy has been delivered to him under clause (b) of sub-rule (1) of rule 19, make over the Policy to the beneficiary, if any or, if there is no beneficiary, such person as may be legally, entitled to receive it.

22.

(1) If a policy assigned to the Governor of Bihar, under rule 12 matures before the subscriber quits service or before his death, or if a policy on the joint lives of subscriber and his wife, assigned under the said rule, falls due for payment by reason of the wife's death, the Account Officer shall save as provided by sub-rule 23, proceed as follows:—(i) If the amount assured together with the amount of any accrued bonuses is greater than the whole of the amount withheld, or withdrawn from the Fund in respect of the policy with interest thereon at the rate provided in rule 11, the Account Officer, shall re-assign the policy in the Form set forth in the Fourth Schedule to the subscriber or to the subscribers and the joint assured, as the case may be and make it over to the subscriber, who shall pay or re-pay to the Fund the whole or any amount withheld, or withdrawn with interest and in default, the provisions of sub-rule (3) of rule 19 applicable to a failure to assign and deliver a policy shall apply; (ii) if the amount assured together with the amount of any accrued bonuses is less than the whole of the amount withheld or withdrawn with interest, the Account Officer shall realise the amount assured together with any accrued bonus and shall place the amount so realised to the credit of the subscriber in the fund. (2) Save as provided by sub-rule (2) of rule 23, if a policy delivered to the Account Officer under clause (b) sub-rule 19, matures before the subscriber quits the service and before his death, the Account Officer, shall make over the policy to the subscriber: Provided that if the interest on the policy of the wife of the subscriber or of his wife and children; or any of them, was contingent interest which expired when the policy matured, the

subscriber, shall pay, or re-pay to the fund either-(i)the whole of any amount withheld or withdrawn from the Fund in respect of the policy with interest thereon at the rate provided in rule 11; or(ii)an amount equal to the amount accrued together with any accrued bonuses whichever is less and, in default the provisions of sub-rule (3) of rule 19, applicable to a failure to assign and deliver a policy shall apply.

23.

(1)If the interest of the subscriber in the Family Pension Fund, ceases in whole or part from any cause whatsoever, the Provident Fund account of the subscriber shall forthwith be imbursed by the amount of the refund, if any, secured by the subscriber from the Family Pension Fund.(2)If the policy lapses, or becomes assigned, otherwise than to the Governor of Bihar under rule 19, charged or encumbered the provision of sub-rule (3) of rule 19, applicable to a failure to assign and deliver a policy shall apply.(3)If the Account Officer receives notice of-(a)an assignment (other than assignment to the Government of Bihar) under rule 19; or(b)a charge or encumbrance on; or(c)an order of a Court restraining dealings with-the policy or any amount realized thereon, the Account Officer shall not-(i)re-assign or make over the, policy, as provided in rule 12; or(ii)realize the amount assured by the policy on re-assignment, or make over the policy, as provided in rule 29.but shall forthwith refer the matter to the Provincial Government.Circumstances in which accumulations are payable

24.

When a subscriber quits the service, the amount standing to his credit in the Fund shall, subject to and deduction under rule 27, become payable to him:Provided that a subscriber, who has been dismissed from the service and subsequently reinstated in the service, shall if required to do so, by Government re-pay any amount paid to him from the Fund in pursuance of this rule; with interest thereon at the rate provided in rule 11 in the manner provided in the proviso to rule 25. The amount so re-paid, shall be credited to his account in theFund, the part which represents his subscriptions and interest thereon and the part which represents the Government contributions with interest thereon, being accounted for in the manner provided in rule 6.

25.

When a subscriber-(a)has proceeded on leave preparatory to retirement, or if he is employed in a vacation department, or leave preparatory to retirement combined with vacation;(b)while on leave, has been permitted to retire, or declared by competent medical authority to be unfit for further service, the amount of subscriptions and interest thereon standing to his credit in the Fund shall, upon application made by him in that behalf to the Account Officer, become payable to the subscriber:Provided that the subscriber, if returns to duty, shall, if required to do so by Government re-pay to the Fund, for credit to his Account, the whole, or part of any amount paid to him from the Fund in pursuance of this rule with interest thereon at the rate provided in rule 11, in cash or securities, or partly in cash and partly in securities, by instalments, or otherwise, by recovery from his emoluments, or otherwise, as Government may direct.

26.

Subject to any deduction under rule 87, on the death of subscriber before quitting the service-(i)when the subscriber leaves a family-(a)If a nomination made by the subscriber in accordance with the provision of rule 5, 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 the proportion specified in the nomination;(b)if no such nomination in favour of a member of the family of the subscriber subsists, or if such nomination relates only to part of the amount standing to his credit in the Fund; the whole amount or the part thereof, to which the nomination does not relate as the case may be, shall notwithstanding any nomination purporting to be in favour of any person other than a member of his family in equal shares:Provided that no share shall be payable to-(1)sons who have attained legal majority;(2)sons of a deceased son who have attained legal majority;(3)married daughters of a deceased son whose husbands are alive, if there is only member of the family other than those specified in clauses (1), (2), (3) and 4:Provided also that the widow or widows and the child or children of a deceased son shall receive between them in equal parts only the share which that son would have received if he had survived the subscriber.Note. - Any sum payable under these rules to a member of the family of a subscriber vests in such member under sub-section (2) of Section 8 of the Provident Fund Act, 1925.(ii)when subscriber leaves no family, if a nomination made by him in accordance with the provisions of rule 5, 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 nomination in the proportion specified in the nomination.Note 1. - When a nominee is a dependent to the subscriber as defined in clause (c) of Section 3 of the Provident Fund Act, 1925, the amount vests in such member under sub-section (2) of Section 3 of the Act.Note 2. - When the subscriber leaves no family and no nomination made by him in accordance with the provisions of rule 5, subsists, or if such nomination relates only to part of the amount standing to his credit in the Fund, the relevant provision of clause (b) and of sub-clause (ii) of clause (c) of sub-section (1) of Section 4 of the Provident Fund Act, 1925, are applicable to the whole amount, or the part thereof, to which the nomination does not relate.Note 3. - When a person named in a form of nomination under rule 5, dies before the subscriber, the nomination shall in the absence of a direction to the contrary in the form of nomination, become null and void in respect of that person only and his, or her share, shall be distributed in the manner prescribed in sub-clause (b) of clause (i) above.Deductions

27.

Subject to the condition that no deduction, may be made which reduces the credit by more than the amount of any contribution by Government with interest thereon credited under rules 10 and 11 before, the amount standing to the credit of subscriber in the Fund is paid out of the Fund, the Provincial Government may direct the deduction therefrom and payment to Government of-(a)any amount, if a subscriber has been dismissed from the service for grave misconduct:Provided that, if the order of dismissal is subsequently cancelled the amount so deducted shall, on his reinstatement in the service, be replaced at his credit in the Fund.(b)any amount if a subscriber resigns his employment under Government within five year of the commencement thereof, otherwise than by

reason of superannuation, or a declaration by competent medical authority that he is unfit for further service;(c)any amount due under a liability incurred by the subscriber to Government.Payment

28.

(1)When the amount standing to the credit of a subscriber in the Fund, or the balance thereof, after any deduction under rule 27, becomes payable, it shall be the duty of the Account Officer, after satisfying himself, when no such deduction has been directed under that rule, that no deduction is to be made, to make payment as provided in Section 4 of the Provident Fund Act, 1955.(2)If the person to whom under these rules, any amount, or policy is to be paid, assigned or reassigned or delivered is a lunatic for whose estate a manager has been appointed in this behalf under the Indian Lunacy Act, 1912, the payment or reassignment, or delivery will be made to such manager, and not to the lunatic.(3)Any person who desires to claim payment under this rule should send a written application in that behalf to the Account Officer.Pensionable Service

29.

(1)If a subscriber is permanently transferred to pensionable service under the Provincial Government, he shall, at his option, be entitled-(a)to continue to subscribe to the Fund, in which case he shall not be entitled to any pension; or(b)to earn pension in respect of such pensionable service, in which case, with effect from the date of his permanent transfer-(i)he shall cease to subscribe to the Fund;(ii)the amount of contributions by Government with interest thereon, standing to his credit in the Fund, shall be, repaid to Government;(iii)the amount of subscriptions together with interest thereon; standing to his credit in the Fund, shall be, transferred to his credit in the General Provident Fund, to which, thereafter he shall, or may, subscribe in accordance with the rules of that Fund relating to compulsory or optional subscription, respectively; and(iv)he shall be entitled to count towards pension such part or the period during which he subscribed to the Fund, as Government may determine.(2)A subscriber shall communicate his option under sub-rule (1) by letter to the Account Officer within three months of the date of the order transferring him permanently to pensionable service; and if the communication is not received in the office of the Account Officer, within that period the subscriber shall be deemed to have exercised his option in the manner referred to in clause (a) of that rule.Note. - Whenever a Contract Service Officer is appointed to a pensionable Government service the provisions of this rule may be brought to the notice of that Government servant concerned by the appointing authority. If any Government servant fails to exercise his option within the prescribed time limit, the Provincial Government will not be prepared to relax the rules unless there are very strong reasons to justify such relaxation.Procedure

30.

All sums paid into the Fund under these rules shall be credited in the book of Government to an account named "The General Provident Fund". Sums of which payment has not been taken within six months after they become payable under these rules shall be transferred to "deposits" at the end

of the year and treated under the ordinary rules relating to deposits.

31.

When paying a subscription in India, either by deduction from emoluments or in cash, a subscriber shall quote the number of his account in the Fund which shall be communicated to him by the Account Officer. Any change in the number shall similarly be communicated to the subscriber by the Account Officer.

32.

(1)As soon as possible after the 31st March, of each year, the Account Officer shall send to each subscriber a statement of his account in the Fund showing the opening balance as on the 1st April, of the year, the total amount credited or debited during the year, the total amount of interest credited as on the 31st March of the year and the closing balance on the date. The Account Officer shall attach to the statement of the account an enquiry whether the subscriber-(a)desires to make any alteration in any nomination made under rule 5;(b)has acquired a family [in cases where the subscriber has made no nomination in favour of a member of his family under the proviso to sub-rule 5].(2)Subscribers should satisfy themselves as to the correctness of the annual statement, and errors should be brought to the notice of the Account Officer within six month from the date of the statement.(3)The Account Officer, shall if required by a subscriber, once but not more than once; in a year inform the subscriber of the total amount standing to his credit in the Fund at the end of the 1st month for which his account has been written up.First Schedule[Rules 5 (2) and (3)](1)Form of nomination when subscriber has a family

I, hereby, nominate the| personpersons| mentioned below who| is a memberare members| of my family as defined in Rule (2)(1)(iii) of the Bihar Contributory Provident Fund Rules, to receive the amount that may

stand to my credit in the Contributory Provident Fund, in the event of my death before that amount has become payable or having become payable has not been paid (and direct that the said amount shall be distributed among the said persons in the manner shown below against their names).

| Name and address of the nominee or nominees | Age of the nominee | Name and address of the person or persons to whom payment is to be made on behalf of the nominee when he is minor | Relationship with the subscriber | Amount of share of accumulation | Sex and parentage of person mentioned in column 5 |
|---|--------------------|---|----------------------------------|---------------------------------|---|
| 1 | 2 | 3 | 4 | 5 | 6 |

(2)Form of nomination when subscriber has no family

I, having no family as defined in Rule 2(i)(iii) of the Bihar Contributory Provident Fund Rules, hereby, nominate the| personpersons| mentioned below to the amount that may stand to my credit in the

Bihar Contributory Provident Fund in the event of my death before the amount has become payable or having become payable has not been paid (and direct that the said amount shall be distributed among the said person in the manner shown below against their names).

| Name and address of the nominee or nominees | Relationship with the subscriber | Amount of the share of accumulation | Sex and parentage of person mentioned in column 5 | Age of the nominee | Name and address of the person or persons to whom payment is to be made, on behalf of the nominee when he is minor |
|---|----------------------------------|-------------------------------------|---|--------------------|--|
| 1 | 2 | 3 | 4 | 5 | 6 |

Signature of Subscriber Date Station To witnesses to Signature Note. - Column 4 shall be filled in so as to cover the whole amount at credit. Second Schedule (Rule 19) Forms of assignment (1) I, A.B., of hereby assign unto the Governor of Bihar the within policy of assurance as security for payment of all sums which under rules 21 to 23 of the Bihar Contributory Provident Fund Rules I, may hereafter become liable to that Fund. I, hereby certify that no prior assignment of the within policy exists. Date Signature of the subscriber and joint assured Station One witness to signature (2) We A.B., (the subscribers of and C.D. (The joint assured) of in consideration of the Government of Bihar agreeing to our request to accept payments towards the within policy of assurance in substitution for the subscriptions payable by me the said A.B., to the Contributory Provident Fund (or, as the case may be, to accept the withdrawal of the sum of Rs. from the sum to the credit of the said A.B., in the Contributory Provident Fund for payment of premium of the within policy of assurance), hereby jointly and severally assign unto the said Governor of Bihar, the within policy of assurance as security for payment of all sums which under rules 21 to 23 of the Bihar Contributory Provident Fund Rules, the said A.B., may hereafter become liable to pay to that Fund. We, hereby, certify that no prior assignment of the policy exists. Signature of the subscriber and joint assured Date Station One witness to signature Third Schedule (Rule 21) Forms of re-assignment by the Governor of Bihar (1) All sums which have become payable by the above named | A.B. A.B. & C.D. | under rules 21-23 of Bihar Contributory Provident Fund Rules, having been paid and all liability for payment by him of any such sum in the future having ceased the Governor of Bihar do thereby re-assign the within policy of assurance to the said | A.B. & C.D.

Dated 19 Executed by Account Officer of the Fund for and on behalf of the Governor of Bihar in the presence of Signature of Accounts Officer (One witness to signature) (2) The above named A.B. having died on the day of the Governor of Bihar do thereby re-assign the within policy of assurance to C.D. [.....] [Fill in particulars of person legally entitled to receive the policy.] Dated 19 Executed by Account Officer of the Fund for and on behalf of the Governor of Bihar in the presence of Signature of the Account Officer (One witness to signature) Form of assignment to be used in case where a subscriber to the General Provident Fund who has effected an insurance policy under the rule of that Fund is admitted to the Bihar Contributory Provident Fund. I, A.B. hereby further assign unto the Governor of Bihar, the within policy of the Bihar Contributory Provident Fund Rules, I, may, thereafter become liable to pay to the Bihar Contributory Provident Fund. I, hereby,

certify that except an assignment to the Governor of Bihar as security for payment of all sums which I have become liable to pay under rule 21, of the General Provident Fund Rules, no prior assignment of the within policy exists. Date StationSignature of SubscriberOne witness to signatureNote. - The assignment may be executed on the policy itself either in the subscriber's handwriting, in type, or, alternatively a typed or printed slip containing the assignment may be pasted on the blank space provided for the purpose on the policy. A typed or printed endorsement must be duly signed and if pasted on the policy it must be initialled across all four margins.Fourth Schedule(Rule 24)Form of re-assignment by Governor of Bihar

The Governor of Bihar doth hereby re-assign within policy to the said| A.B. & C.D.A.B. C.D.

Executed by Account Officers of the Fund for and on behalf of the Governor of Bihar in the presence ofSignature of the Account Officer(One witness to signature)