

# **Tamil Nadu Co-Operative Handloom Weavers Family Pension Rules, 1992**

TAMILNADU

India

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### **Rule**

### **TAMIL-NADU-CO-OPERATIVE-HANDLOOM-WEAVERS-FAMILY-PENSION RULES of 1992**

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### **1. Short title.**

(1)These rules may be called the Tamil Nadu Co-operative Handloom Weavers Family Pension Rules.(2)They shall be deemed to have come into force on the 1st January 1992.

### **2. Definitions.**

- In these rules, unless the context otherwise requires-(a)"Act" means the Tamil Nadu Co-operative Societies Act, 1983 (Tamil Nadu Act 30 of 1983);(b)"Authorised Officer" means the officer authorised by the Government to be in over all charge of implementation of the pension scheme and to function as sanctioning authority to sanction the payment of pension initially;(c)"Assistant Director" means the Assistant Director of Handloom and Textiles having jurisdiction over the society;(d)"Board" means the Board of Directors of Weavers Cooperative Societies and shall include the special officer in charge of the society acting in the place of the Board of Directors;(e)"Defaulter" means any subscriber who is in arrears in respect of his Thrift contribution to the society in which he is a member for a continuous period of 6 (six) months;(f)"Family" means husband, wife, minor son or unmarried daughter, widowed daughter or widowed daughter-in-law so long as they remain widows and dependent on the head of the family;(g)"Fund" means the fund created for the purpose

of implementing the Tamil Nadu Co-operative Handloom Weavers Family Pension Scheme, 1991;(h)"Government" means the Government of Tamil Nadu;(i)"Member" means a member of the Primary Weavers Co-operative Society admitted into the scheme;(j)"Nominee" means the person nominated by a member of the scheme to receive the family pension after his death;(k)"Rules" mean the Tamil Nadu Co-operative Handloom Weavers Family Pension Rules;(l)"Society" means a Primary Handloom Weavers Co-operative Society registered under the Tamil Nadu Co-operative Societies Act, 1983 (Tamil Nadu Act 30 of 1983);(m)"Scheme" means the Tamil Nadu Co-operative Handloom Weavers Family Pension Scheme, 1991;(n)"Trustee" means the Director of Handloom and Textiles or any other officer empowered by the Government to administer the Trust Fund created for the purpose of implementing the Tamil Nadu Co-operative Handloom Weavers Family Pension Scheme 1991;(o)"Year" means the year commencing on the 1st day of April and ending with 31st day of March.

### **3. Constitution of the Fund.**

(1)The Fund shall be constituted by the Government for the benefit of the members of Primary Weavers Co-operative Societies participating in the scheme.(2)All contributions to the Fund shall be made by means of deposit in to the Government account or to the account of any other agencies approved by the Government for the purpose.(3)The fund shall consist of-(a)contribution by the Government;(b)deposits by the Primary Weavers Co-operative Societies admitted into the scheme;(c)subscription of members coming under the scheme;(d)fund available at the credit of the forfeiture account in the Tamil Nadu Handloom Weavers Savings and Security Scheme in Public Deposit Account as on the last day of the financial year, 1991 and subsequent years;(e)any other contribution from other sources.

### **4. Control of the Fund.**

- The control of the Fund shall vest with the Trustee.

### **5. Admission of a society into the scheme.**

(1)Every Primary Weavers Cooperative Society functioning in the State of Tamil Nadu shall be eligible to participate in the scheme.(2)No society shall, however, claim admission into the scheme as a matter of right. The Government may, from time to time and at their discretion, decide the number of societies to which the scheme may be extended having regard to the financial and other considerations. The Government shall have the right to defer, interrupt, discontinue or modify the scheme wholly or in part, in respect of any or all the societies at their discretion and without assigning any reasons therefor.(3)A society desiring to be admitted into the scheme, shall make an application to the Assistant Director in Form I in the Annexure to these rules.(4)The Assistant Director shall, after satisfying himself regarding the eligibility of the society for admission into the scheme pass orders granting or refusing admission and shall communicate a copy of his order to the applicant society within 2 (two) months from the date of receipt of such application.(5)A society aggrieved by the order of the Assistant Director shall appeal to the Authorised Officer within 2 (turn) months from the date of receipt of the order.(6)The Authorised Officer shall, in his discretion,

hear the representation of the society, if any, and shall pass and communicate his orders on the appeal within 2 (two) months from the date of receipt of appeal and his orders shall be final.

## **6. Removal of a society from participation in the scheme.**

(1)The Authorised Officer after giving a show-cause notice and after considering the representations, if any, made by the society shall, by a written order, remove the society from participation in the scheme-(a)if the society fails to recover from members subscriptions and remit them to the fund continuously for a period of 6 (six) months or more; or(b)if in the opinion of the Authorised Officer, the society fails to administer the scheme satisfactorily; or(c)if the society goes into liquidation.(2)A society aggrieved by the order of the Authorised Officer under sub-rule (1) shall appeal to the Trustee within 2 (two) months from the date of receipt of the order. The orders of the Trustee in the matter shall be final.(3)Any member covered by the scheme of the society which has been removed under sub-rule (a) shall, with the prior approval of the Authorised Officer, enrol himself in a neighbouring society and continue under the scheme after fulfilling all the conditions referred to in Rule (7).(4)When a society is removed from participation in the scheme, the subscription made by the members referred to in sub-rule (3) shall be retained in the fund and those in respect of other members refunded to them.

## **7. Eligibility of a member to be admitted into the scheme.**

- A member of society shall be eligible for admission into the scheme, if he satisfies the following conditions:-(a)He should have been an active member engaged in weaving for the society for a minimum period of 5 (five) years on the date of his application for admission;(b)He should have achieved a production level of at least 75 per cent of the average annual production in linear metres per head in the society, in respect of the particular variety of cloth which the members were weaving during the preceding 5 (five) years, at the time of admission. The ]described level of production for each member for every year would be assessed as on the 31st March;(c)He should not be in default in the payment of subscription to the Fund for a continuous period exceeding 6 (six) months;(d)He should not have attained the age of 58 (fifty eight) years;(e)He should be of sound health without any serious ailment whether hereditary or otherwise;(f)If, for any valid reasons beyond the control of the member, he could not achieve the production level referred to in clause (2) in any one or more years, he shall make a representation in writing to the Authorised Officer through the society in which he is a member, explaining in detail the reasons for his inability to achieve the production level. On receipt of such representation, with the recommendation of the Board of Directors of the society, the Authorised Officer shall make such enquiry as he deems necessary through the Assistant Director and if he is satisfied about the genuineness of the representation, he may condone the deficiency in the production level, enabling the member to be admitted into the scheme.

## **8. Admission of a member into the scheme.**

(1)A member intending to be admitted into the scheme shall apply to the Chief Executive of the society in Form II in the Annexure to these rules. He shall certify in the application about his correct age and sound health free from serious ailment.(2)On receipt of the application from a member, the

Board shall pass a resolution about the correct age and health condition and recommend the application to the Assistant Director. If the Board decides to refuse admission, it shall record its reasons for such refusal. In case of such refusal, the aggrieved member shall appeal to the Assistant Director within 2 (two) months and the Assistant Director after giving reasonable opportunity to the Board and the members to make their representations, pass order within 2 (two) months from the date of receipt of the appeal, which shall be final.(3)On receipt of the recommendation of the Board, with the resolution referred to under sub-rule (2), the Assistant Director shall satisfy himself about the eligibility of the member for admission into the scheme as per the conditions stipulated in Rule 7 and pass orders within 2 (two) months from the date of receipt of such application, admitting the member to the scheme. Such order shall be communicated to the society and the member under intimation to the Authorised Officer.(4)In cases, where the Assistant Director refuses admission, which shall be communicated to the member within two months after receipt of his application and the recommendation of the society, the member shall prefer an appeal to the Authorised Officer within 30 (thirty) days from the date of receipt of such order and the Authorised Officer shall decide the issue, after examining the representation. The decision of the Authorised Officer in this regard shall be final.

## **9. Removal of a member from the scheme.**

(1)The Assistant Director, on the recommendation of the Board or otherwise shall remove a member from the scheme on any of the following grounds:- (a) If the member stays away from work continuously for a period exceeding 6 (six) months; (b) If the member defaults in the payment of subscription for a continuous period exceeding 6 (six) months; (c) If the member becomes disqualified to continue as a member of the society; (d) If the member completes the age of 58 (fifty eight) years.(2)A member aggrieved by the order of the Assistant Director shall make an appeal to the Authorised Officer within 30 (thirty) days from the date of receipt of such order. On receipt of appeal, the Authorised Officer shall call for the records and make enquiries, as he deems necessary and pass orders, which shall be communicated to the member within 3 (three) months. The orders of the Authorised Officer shall be final.(3)A member, who is removed from the scheme under sub-rule (1) shall be eligible for re-admission, after the expiry of one year from the date of removal, provided he satisfied all the conditions for admission into the scheme as per Rule 7.

## **10. Subscription and contribution to the fund.**

(1)A member admitted into the scheme shall subscribe to the fund at the rate of Rs. 2 (two) per mensem deducted out of the wages earned by him.(2)The society shall arrange to remit the subscription of all the members into the Government Treasury, before the 10th of the succeeding month.

## **11. Amount and the period of Family Pension.**

(1)The quantum of family pension shall be Rs. 250 (two hundred and fifty) per month, payable for a maximum period of 10 (ten) years.(2)Subject to the provisions of Rule 12, Family Pension shall be payable on the death of a member, who continue to be covered by the scheme, to one or more

members of the family of the deceased, nominated by the member and in case, if no nominated members are alive, to the member or members of the family, who are the legal heirs as determined by the Authorised Officers, in equal proportion.(3)The death of a member for the purpose of sub-rule (2) shall be due to natural causes or unexpected accidents. The family of a member, who died due to suicide shall not be entitled for the family pension, under the scheme.

## **12. Nomination by a Member under the scheme.**

(1)Every member applying for admission into the scheme shall make nomination in favour of member of the family in Form III in the Annexure to these rules, along with his application for admission into the scheme. While nominating so, the member shall nominate another person of his family in the same nomination form, who will get the benefit of the Family Pension Scheme in the event of the death of the first nominee before the termination of the pension period, for the remaining period of family pension. In case, the first nominee includes more than one person and in the event of the death of one or more such nominees, the second nominee, nominated as per this rule shall have an equal share along with the first nominee or nominees.(2)If a member has a family, the nomination shall be in favour of one or more persons belonging to his family as defined in Rule 2 of these rules.(3)If at the time of making nomination, a member has no family, the nomination may be in favour of any person, but when the member subsequently acquires a family, the original nomination shall become invalid, and the member shall make a fresh nomination in favour of his family member. No member shall be permitted to make fresh nominations more than once.(4)A nomination made under sub-rule (1) may be modified. If the nominee predeceases the member a fresh nomination shall be made by the member.(5)The nomination made by a member under the scheme shall be registered in the books of the society and also by the Assistant Director in the relevant register maintained in his office. The nomination shall take effect on such registration by the society and the Assistant Director.

## **13. Authority competent to sanction pension.**

(1)The Authorised Officer shall be the competent authority for sanctioning family pension.(2)On the death of a member under the scheme, the nominee or nominees, the legal heir or heirs in case no nomination is in force, shall make an application in Form IV in the Annexure to these rules, to the Board of Directors of the society, in which the deceased was a member, with a copy of the Death Certificate issued by the competent authority within 30 (thirty) days from the date of death. A copy of the application shall also be sent to the Assistant Director.(3)After due verification of the details, the Board shall forward the application to the Assistant Director with a resolution of the Board certifying that the correctness of details in the application and recommending sanction of pension.(4)That the Assistant Director shall satisfy himself about the correctness of the particulars and the eligibility of the nominee or nominees, the legal heir or heirs to receive the pension. He shall then forward the application with enclosures and his recommendation to the Authorised Officer.(5)The Authorised Officer shall, after scrutiny of the records received from the Assistant Director and after satisfying himself about the genuineness of the claim, sanction the pension and communicate the pension orders to the claimant or claimants through the Assistant Director and the society.(6)Any dispute among nominees or legal heirs in respect of pension amounts sanctioned

shall be referred to the Trustee within 30 (thirty) days and the decision of the Trustee in the matter shall be final. The appeal against the orders of the Authorised Officer shall also lie with the Trustee.(7)It shall be the responsibility of the Authorised Officer to ensure the sanction of pension within 3 (three) months from the date of receipt of pension claim from the nominee or legal heir of the deceased.

#### **14. Mode of disbursement of Family Pension.**

(1)Every recipient of pension under the scheme shall be required to open a savings account with the post office nearest to his or her place of residence.(2)The Assistant Director shall draw every month one single bill covering all the recipients under his jurisdiction and draw the consolidated amount by presenting the bill at the concerned Treasury. He shall remit the family pension at the cost of the pensioners to the Post Offices concerned to be credited to the respective savings account of the pensioners.(3)For the purpose of acquittance for payment of pension, the Assistant Director shall obtain once in an half year, pass-book extracts from the Post Offices and file them along with the Bill registers.(4)It shall be the responsibility of the Assistant Director to ensure that pension to all the eligible beneficiaries in his jurisdiction is drawn and credited to their respective post office savings account before the 10th of the succeeding month.(5)The Assistant Director shall send to the Authorised Officer before the 20th of the succeeding month, a statement of accounts along with his certificate to the effect that pension has been remitted to the post offices for being credited to all the pensioners in his jurisdiction, before the 10th of the month.(6)The Assistant Director shall arrange for the physical verification of the pensioners and their pass-books at least once in a year and shall furnish the life certificate for all of them to the Authorised Officer, before the 31st March of every year.

#### **15. Accounts.**

(1)The Assistant Director shall keep separate accounts for each society under the scheme in the prescribed form.(2)The Authorised Officer shall maintain consolidated accounts in respect of each Assistant Director of the circle. He shall also maintain and control the accounts relating to the fund in the Public Account.(3)The consolidated fund in respect of the scheme shall be maintained in the name of the Trustee in Public Account and all the remittances by the societies under the scheme shall be towards deposit in the name of the Trustee in Public Account.(4)The Trustee shall be competent to prescribe in consultation with the Government detailed accounting procedures to be followed in the maintenance of the Fund.

#### **16. Auditing.**

- Audit of Accounts under the schemeThe Government shall appoint auditors to audit the accounts of the Trustee or Authorised Officer or Assistant Directors. The accounts of aforesaid shall be examined and audited once in every year by such auditors.

## **17. Annual report and Audited Statement of Accounts.**

- The annual report of the Trustee shall be prepared and a copy of the report together with the audited statement of accounts shall be submitted to the Government, before the end of September of every year. The Government shall as soon as the annual report is received with the audited statement of accounts place them on the table of the Legislative Assembly.

## **18. Refund of subscription.**

- If a member under the scheme is removed from the scheme on account of his completing 58 (fifty eight) years of age or due to any other reason, his subscription shall be refunded to him.

## **19. Disputes.**

- If any dispute arises as to the meaning or applicability of any of the provisions in these rules, it shall be referred to the Trustee, whose decision in the matter shall be final.

## **20. Power to issue guidelines.**

- The Trustee may issue guidelines under the rules for the successful implementation of the scheme.

## **21. Power to issue direction.**

- Government may, from time to time, issue such directions, as it may consider necessary, for the proper implementation of the scheme or for the purpose of removing any difficulty which may arise in the implementation. Government may also modify the scheme and amend the rules from time to time, in such manner as they deem fit.

## **22. Maintenance and production of records of the society.**

(1) It shall be the responsibility of the Society, the Assistant Director, the Authorised Officer and the Trustee, to maintain the respective records and registers prescribed under the rules. (2) The Trustee shall have the power to direct maintenance of other registers or records, if any, as he deems necessary for the proper implementation of the scheme. Annexure Form I (vide Rule 5) Form of Application by the Society for Participation in the Tamil Nadu Co-Operative Handloom Weavers Family Pension Scheme, 1991.

- (1) Registration Number, Name and Address of the Society.
- (2) Date of starting.
- (3) Total number of members.
- (4) Total number of Handlooms enrolled.
- (5)

State whether the society is implementing the saving's and security Scheme and if so, how many members are covered by the scheme.

(6) Total number of members proposed to be brought under the Tamil Nadu Co-operative Handloom Weavers Family Pension Scheme.

(7) State whether the society is recovering from the wages of the members thrift subscription at not less than (6Vz) of the wages as per bye-laws 1.

(8) Has a resolution been passed by the Board to participate in the scheme and to abide by the rules of the scheme (copy of the resolution should be enclosed).

(9) Has a resolution of the Board been passed certifying to the correctness of the age and health conditions of the members mentioned in item "6" (copy of the resolution to be enclosed).

Place: Date: Signature of Secretary/Special Officer. Declaration I, ..... the Secretary/Special Officer of the Society do hereby declare that the above facts are correct to the best of my knowledge. Signature of Secretary/Special Officer. Form II (Vide Rule 8) Form of Application by the Members for Admission to the Tamil Nadu Co-Operative Handloom Weavers Family Pension Scheme, 1991

1. Membership number and name.

2. Father's/Husband's name.

3. Full address.

4. Date of birth and age.

5. Date of admission as a member of the society.

6. Share capital amount to the Credit of the members.

7. Amount to the Credit of the members in -

(a) Contributory Thrift Fund.

(b) General Thrift Fund, if he is not covered by General Thrift Fund.

(c) Fund account under Savings and Security Scheme.

8. (a) State whether you are agreeable to credit your future thrift subscription to the new Fund account under the Pension Scheme.

(b) And to freeze the other accounts mentioned in item (7) and get back the amounts therein at the time of retirement.

9. State whether you have any serious illness or contagious disease at present or at any time in your life and if so furnish details.

Place: Date: Signature of the Member. Declaration I, ..... the undersigned do hereby declare that - (1) The above entries in the application form are correct; (2) I accept the Rules of the Scheme and agree to abide by them; (3) I have made a nomination in the prescribed form; (4) I am hale and healthy and I or my parents or family members have or had at any time any contagious disease; Place: Date: Signature of the Member. Form III (Vide rule 12) Form of Nomination (A) When the Subscriber has a Family and Wishes to Nominate one Or More Persons. I, ..... do hereby nominate the person/persons below who is a member of my family to receive the amount of family pension after my death.

1. Name and address of the nominee/nominees



2. Relationship to the member

3. Age and date of birth

4. Share of family pension to be paid to each

5. Contingencies under which the nomination shall become invalid.

6. Name and address and relationship, of the person, if any, to whom the right of nominee shall pass in the event of his predeceasing the member.

Name and address of the nominee with relationship to the member, who will inherit the right to get the pension in case of death of the nominee/ nominees found in column (1) for the remaining period of pension (Vide rule 11(2))

Dated this.....day of 20...at.....Signature of the witnesses-(1).....(2).....Signature of the

Member.(B) When the Subscriber has no Family and Wishes to Nominate one or more

Persons. I,.....having no family do hereby nominate the person/persons indicated below to receive the family pension after my death. In the event of my acquiring a family subsequently, I shall make a fresh nomination and the nomination now made shall cease to be valid.

1. Name and address of the nominee/nominees

2. Relationship to the member

3. Age and date of birth

4. Share of family pension to be paid to each

5. Contingencies on the happening of which the nomination shall become invalid.

6. Name and address and relationship, of the person, if any, to whom the right of nominee shall pass in the event of his predeceasing the member.

Dated this day of 20 ..... at.....Signature of the witnesses-(1).....(2).....Signature of the

Member. Form IV (Vide rule 13) Form of Application for Claiming Payment of Family Pension

1. Name of the nominee/nominees.

2. Name of the deceased member and the relationship of each nominee to the deceased member.

3. Age and date of birth of each nominee.

4. Full address of each nominee.

5. Date of nomination and date of registration of the nomination in the books of the society.

6. Date of death of the member covered by the Schedule (Death certificate to be attached.)

7. Amount of family pension claimed by each nominee.

8. Name/Names of post office/post offices in which each nominee has opened Savings Bank

Account with S.B. A/c. No. in each case.

**Declaration** I/We declare that the above particulars are true to the best of my/our knowledge. I/We undertake to refund the amount received by me/us as family pension, in case, if it comes to light that my/our claims are not genuine. Place: Date: Signature of the nominee/nominees Explanation. - Similar particulars with legal heir certificate shall be furnished by legal heirs, if no valid nomination subsists on the death of the member. Registers to be Maintained by the Societies (1) Register of Members Covered by the Pension Scheme

Serial Number	Member number and Name of the	Date of admission as a	Age and Date of	Date of member's application to the	Production in the preceding five years
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	member	member	birth	Scheme	in linearmetres per head 1986-87, 1987-88, 1988-89, 1989-90, 1990-91
(1)	(2)	(3)	(4)	(5)	(6)
Resolution number and date of Board's Meeting recommending the application	Assistant Director's Reference number and date of admitting the member into the scheme	Date of removal from the scheme on attaining age of 58 (fifty eight) years	Date of death of the member if he dies before the age of 58 (fifty eight) years	Board's resolution number and date of recommending the pension	Reference number and date of order sanctioning pension
(7)	(8)	(9)	(10)	(11)	(12)

## (2) Register of Nomination

Member number and Name of the member.

Date of nomination.

Board's Resolution Number and Date on which the nomination was registered.

Reference Number and Date of the Assistant Director on which the nomination was registered.

Name and address of the nominee/ nominees	Relationship to the member	Age and Date of birth	Share of family pension to he paid to each	Contingencies on the happening of which the nomination shall become invalid	Name and address and relationship of the person, if any, to whom the right of nominee shall pass in the event of his predeceasing the member	Change in nomination, if made
(1)	(2)	(3)	(4)	(5)	(6)	(7)

## (3) Register of Subscriptions and Government Contributions

Subscription deducted from wages	Interest credited on member's subscription	Government contribution	Interest credited on Government's contribution	Date of removal of the member from the Scheme	Date and the amount of subscription and interest on subscriptions refunded to the member	Date and the amount forfeited to the Fund
(1)	(2)	(3)	(4)	(5)	(6)	(7)