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GOVERNMENT OF INDIA
MINISTRY OF COMMUNICATIONS AND INFORMATION TECHNOLOGY
DEPARTMENT OF TELECOMMUNICATIONS

NOTIFICATION

New Delhi, Dated, 10th April 2003

G.S.R. 333(E). - In exercise of the powers conferred by clause (ca) of sub-section 2 of section 35 of the Telecom Regulatory Authority of India Act, 1997 (24 of 1997), the Central Government hereby makes the following rules, namely: -

CHAPTER –I
PRELIMINARY

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1. Short title and Commencement.- (1) These Rules may be called the Telecom Regulatory Authority of India (Contributory Provident Fund) Rules, 2003.

(2) They shall be deemed to have come into force on the date of their publication in the Official Gazette.

2. **Definitions**.- (1) In these rules unless the context otherwise requires, .-

(a) "Act" means the Telecom Regulatory Authority of India Act, 1997 (24 of 1997);

(b) "Authority" means the Telecom Regulatory Authority of India established under sub-section (1) of section 3 of the Act;

(c) "Board" means the Board of Trustees constituted under rule 6 ;

(d) "Chairperson" means the Chairperson of the Authority appointed under sub-section 3 of section 3 of the Act;

(e) 'Competent authority', for the purpose of these rules, means Secretary, Telecom Regulatory Authority of India or any other officer authorised by him in this behalf;

(f) "Contribution" means any amount credited in Fund by way of addition to a subscription, or deposit or balance at the credit of an individual amount, in the Fund in respect of a subscriber under these rules;

(g) 'Dependent' means a dependent of the subscriber as defined in clause (c) of section 2 of Provident Fund Act, 1925 (19 of 1925);

(h) 'Emoluments' means pay, leave salary, or subsistence grant as defined in the Fundamental Rules made by the Central Government and includes –

(i) dearness pay appropriate to pay, leave salary or subsistence grant, if admissible;

(ii) any wages paid by the Authority to employees not remunerated by fixed monthly pay; and

(iii) any remuneration of the nature of pay received in respect of foreign service;

(i) "Employee" means the officers and such other employees appointed under sub-section (1) of section 10 of the Act, but does not include person appointed on deputation;

(j) "Family" means, -

(i) in the case of a male subscriber, his wife or wives, children, parents, minor brothers, unmarried sisters, deceased son's widow and children and where no parent of the subscriber is alive, a paternal grand parent:

Provided that if a subscriber proves that his wife has been judicially separated from him or has ceased under the personal law governing him or the customary law of the community, to which she belongs to be entitled to maintenance, she shall no longer be deemed to be a part of the subscriber's family in matter to which these rules relate unless the subscriber subsequently intimates, in writing to the Secretary that she shall continue to be so regarded;

(ii) in the case of a female subscriber, her husband, parents, children, minor brothers, unmarried sisters, deceased son's widow and children and where no parent of the subscriber is alive, a paternal grand parent:

Provided that if a subscriber by notice in writing to the Secretary expresses her desire to exclude her husband from her family, the husband shall henceforth be deemed to be no longer a member of her family in matter to which these rules relate, unless the subscriber subsequently cancels such notice in writing.

(k) "Fund" means Telecom Regulatory Authority of India Contributory Provident Fund constituted under sub-rule(1) of rule3;

(l) "Government Security" shall have the same meaning as assigned to it in the Public Debt Act, 1944 (18 of 1944);

(m) "Leave" means any kind of leave sanctioned for the Staff of the Authority;

(n) "Member" means Member of the Authority appointed under sub-section (3) of section 3 of the Act and includes the Chairperson and the Vice-Chairperson;

(o) 'Month' means calendar month;

(p) "President" means President of the Board of Trustees;

(q) 'Schedule' means the Schedule appended to these rules;

(r) "Secretary" means Secretary of the Board of Trustees;

(s) 'subscriber' means the Chairperson and other Members appointed under sub-section (3) of section 3 of the Act, and the officers and other employees appointed under sub-section (1) of section 10 of the Act by the Authority and does not include the person who is appointed on deputation;

(t) "subscription" means the employee's share of contribution to the Fund ;

(u) 'Trustee' means a person nominated under clause (d) of sub-rule (1) of rule 6;

(v) 'Ýear' means a financial year.

(2) Words and expressions used and not defined in these rules but defined in the Act and in the Provident Fund Act, 1925 (19 of 1925) shall have the meanings respectively assigned to them in those Acts.

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CHAPTER II

CONSTITUTION, MANAGEMENT AND ADMINISTRATION OF THE FUND

3. **Constitution of the Fund. -** (1) The Authority shall constitute a Fund to be called The Telecom Regulatory Authority of India Contributory Provident Fund.

(2) The Fund shall be maintained in rupees.

(3) All sums paid into the Fund under these rules shall be credited to an account named "The Telecom Regulatory Authority of India Contributory Provident Fund."

(4) The Fund shall constitute an irrevocable trust for the benefit of the subscribers.

4. **Assets of the Fund .–** The Fund shall consist of .-

(a) contributions to be made by the Authority and subscriptions to be made by the subscribers in terms of these rules.

(b) interest which may accrue on such contributions or subscriptions, as the case may be;

(c) balance transferred from any other Provident Fund where such transfers are authorised by the Board;

(d) money lapsed to the Fund in accordance with the provisions of these rules; and

(e) securities purchased with Fund accretions and any capital gains arising from the transfer of capital assets of the Fund.

5. **Administration of Funds and audit.-** (1) The total amounts received as the Authority's contributions and towards the subscriber's subscriptions to the Fund shall be credited to respective accounts.

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(2) All amount lapsed to the Fund and not profits or losses, if any, from the sale of the investments, shall be transferred to the 'Lapsed Account'.

(3) All interests, rent and other income accrued or realised, as the case may be, shall be credited to an account to be called the 'Interest Income Account'.

(4) All moneys belonging to the Fund shall be invested in the manner as specified in the orders / instructions issued by the Government of India in the Ministry of Finance from time to time or in the manner specified under provisions of Indian Trust Act, 1882 (2 of 1882).

(1) The accounts of the Fund shall be audited by the authority auditing the accounts of the Authority.

6. Management of the Fund .- (1) The Custody, control and management of the Fund shall be vested in the Board consisting of the following persons : -

(a) Adviser(Administration and Legal) who shall be the ex-officio President;

(b) Deputy Adviser (Finance and Accounts) who shall be ex-officio Trustee;

(c) Deputy Adviser(Administration and Legal) who shall be ex-officio Trustee;

(d) Two representatives of the employees of Authority of which one shall be a from Authority's staff cadre from division other than Administration and

Legal Division, and the other shall be female representative of the employees of the Authority to be nominated by the Chairperson.

(2) An officer from the Finance and Accounts Wing of the Authority, nominated by the Chairperson, shall be the Secretary. The Secretary shall have the assistance of such staff provided by the Authority as the Chairperson may, from time to time, determine. It shall be the duty of the Secretary to convene meetings of the Board, to keep records thereof, take necessary steps to ensure proper maintenance of accounts and to carry out the decisions of the Board.

7. Term of Office of the Board of Trustees.- (1). Every Trustee, other than an ex-officio trustee, shall subject to these rules hold office for a period of two years commencing from the date on which the nomination is made.

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(2) Where any casual vacancy occurs in the office of a Trustee (other than an ex-officio Trustee), the Chairperson may nominate a subscriber of the Fund as Trustee to fill such vacancy and any Trustee so nominated shall hold office for the unexpired term of office of the Trustee in whose place he is so nominated.

(3) An outgoing Trustee shall be eligible for re-nomination.

8. Resignation and cession of Trustee.- (1) A trustee other than ex- officio Trustees, may resign his office by a letter addressed to the Chairperson and his office shall become vacant from the date on which the resignation is accepted by the Chairperson.

(2) If a Trustee other than an ex-officio Trustee fails to attend three consecutive meetings of the Board, without obtaining leave of absence from the President, he shall cease to be a Trustee, provided that the Board may of its own motion or on an application made by such Trustee in this behalf restore a Trustee to his office if it is satisfied that there were reasonable grounds for the absence.

9. Disqualification for the Trusteeship and removal.- (1) A person shall be disqualified for being a Trustee,-

(a) if he is an un-discharged insolvent;

(b) if he is declared to be of unsound mind by a competent court;

(c) if he has been convicted of an office involving moral turpitude;

(d) if he ceases to be an employee of the Authority or if he ceases for any reason to be a subscriber of the Fund.

(2) If any question arises whether any person is disqualified under sub-rule (1), it shall be referred to the Chairperson whose decision on the question shall be final.

(3) The Authority may, if in its opinion that such Trustee has ceased to represent the interest which he purports to represent on the Board in terms of clause (d) of sub-rule (1) of rule 6 after giving him reasonable opportunity of making any representation against the proposed action, remove any Trustee from his office.

10. Meetings and Quorum.- (1) The Board shall meet at New Delhi at such time as may be appointed in this behalf by the President. The President may, whenever he thinks fit, and shall within 15 days of the receipt of a requisition in writing from not less than two Trustees, call for a meeting of the Board.

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(1) Notice of not less than fifteen days in respect of a meeting of the Board shall be given to every trustee:

Provided that when the President calls for a meeting for consideration of any matter which in his opinion is urgent at a notice shorter than fifteen days such shorter notice shall be deemed to be sufficient notice for the purpose of this rule.

(3) The President shall preside over at every meeting of the Board and in his absence, the Trustees shall elect one of the Trustees present to preside the said meeting, the person so elected shall have all the powers of the President at such meeting.

(4) No business shall be transacted at a meeting of the Board unless at least three Trustees are present of whom at least one shall be from among those nominated under clause (d) of sub-rule(1) of rule 6 of this rule.

(5) If at any meeting a quorum is not present, the President shall adjourn the meeting to a date not later than 7 days from the date of original meeting, informing the Trustees of the time and place of adjourned meeting and it shall thereupon be lawful to dispose of

the business at such adjourned meeting irrespective of the number of Trustees present thereat.

(6) Every question considered at a meeting of the Board shall be decided by a majority of votes of the Trustees present and voting and in the event of an equality of votes and President shall exercise a second or casting vote.

11. **Minutes of the Meeting .-** (1) The minutes of the meeting of the Board shall be kept by the Secretary of the Board. On the confirmation of such minutes with or without modifications at the next meeting of the Board, the minutes so confirmed shall be recorded in the minute book and signed by the President and the minutes so recorded and so signed shall be the proof of the correctness thereof.

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(2) No act or proceedings of the Board shall be deemed to be invalid by reason merely of any vacancy in or any defect in the constitution of the Board.

(3) No Trustee shall be responsible or chargeable otherwise than in respect of money and security actually received by him notwithstanding his signature to any receipt for the sake of confirmation and he shall be answerable and accountable only for his acts, neglects or defaults and not for those of any other Trustee not of any Bankers, Broker or other person with whom any fund or the investments representing the same may be deposited or upon whose advice or opinion the Trustees may act nor shall he be answerable for the insufficiency or deficiencies of any securities nor for any other loss howsoever arising save such as happens through his own willful default.

12. Fees and Allowances.- All expenses relating to Fund shall not be charged to the Fund.

13. Conditions of eligibility.- (1) These rules shall apply to the Chairperson, whole time Members and every employee of the Authority who.-

(a) has been appointed to its cadres or appointed on contract before these rules came into force; or

(b) may be appointed by the Authority after these rules came into force.

(2) If an employee who is a subscriber of a Contributory Provident Fund covered under the Employees Provident Fund and Miscellaneous Provision Act, 1952 (19 of 1952) or any other Provident Fund established by the Central Government or State Government and/ or any other Provident Fund recognised under the Income Tax Act, 1961 (43 of 1961), and has not withdrawn the Provident Fund amount standing to his credit at the time of joining the accumulations standing to his credit shall be transferred with to the Fund.

(2) The pensioners and superannuated persons of the State Government or Central Government Department or Corporation established under Central Government or State Acts may become subscribers of the Fund from the date of their appointment:

Provided that their employment is not for less than one year or is extended for one year or more or terms of their appointment provide for Contributory Provident Fund facility.

(4) The persons appointed on contract basis shall not be eligible to become subscriber of the Fund unless their contracts of appointment specifically provide for the same.

14. **Nominations.-** (1) A subscriber shall, at the time of joining the Fund, send to the Secretary through the Senior Research Officer (Administration and Legal), of the Authority, a nomination Form as specified in the Schedule-I conferring on one or more persons the right to receive the 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:

Provided further that the nomination made by the subscriber in respect of any other provident fund to which he was subscribing before joining the Fund shall, if the amount to his credit in such other fund has been transferred to his credit in this Fund, be deemed to be a nomination duly made under this rule until he makes a nomination in accordance with this rule.

(2) If a subscriber nominates more than one person under sub-rule(1), he shall specify in the nomination Form 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 anytime.

(3) A subscriber may, at any time, cancel a nomination by sending a notice in writing to the Secretary. The subscriber shall, along with such notice or separately, as the case may be send a fresh nomination made in accordance with the provisions of this rule.

(4) A subscriber may provide in a nomination –

(a) in respect of any specified nominee, in the event of his predeceasing the subscriber, the right conferred upon that nominee shall pass to such other person or persons as may be specified in the nomination, provided that such other person or persons shall, if the subscriber has other members of his family, be such other member or members. Where the subscriber confers such a right on more than one person under this clause, he shall specify the amount or share payable to each of such persons in such a manner as to cover the whole of the amount payable to the nominee.

(b) that the nomination shall become invalid in the event of the happening of a contingency specified therein:

Provided that if at the time of making the nomination the subscriber has only one member of the family, he shall provide in the nomination that the right conferred upon the alternate nominee under clause(a) shall become invalid in the event of his subsequently acquiring other member or members in his family.

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(5) Immediately on the death of a nominee in respect of whom no special provision has been made in the nomination under clause (a) of sub-rule(4) or on the occurrence of any event by reason of which the nomination becomes invalid in pursuance of clause (b) of sub-rule(4) or the proviso thereto, the subscriber shall send to the Secretary a notice in writing canceling the nomination, together with a fresh nomination made in accordance with the provisions of this rule.

(6) Every nomination made, and every notice of cancellation given by a subscriber shall, to the extent that it is valid, take effect on the date on which it is received by the Secretary.

15. **Subscriber's Accounts.-** (1)An account shall be opened in the name of each subscriber which shall be shown-

(i) his subscriptions;

(ii) contributions made under rule18 by the Authority to his account;

(iii) interest, as provided by rule 20 on subscriptions;

(iv) interest, as provided by rule 20 on contributions;

(v) advances and withdrawals from the Fund.

(2) As soon as may be after the close of the year, every subscriber shall be supplied by the Secretary with a statement of his accounts showing therein the opening balances for the year of subscriptions and contributions to the credit of his account including interest thereon; the amount of subscriptions and contributions for the year, the interest credited to his account for the year and the total amounts of subscriptions and contributions including interest thereon, to his credit at the end of the year.

(3) Every subscriber shall send to the Secretary the acceptance of the statement of his account duly signed by him after satisfying himself as to the correctness of the entries made therein, not later than two months from the date of receipt thereof.

(4) An abstract for the year of the individual account of each subscriber in respect of whom a return is required to be furnished under the Income Tax Rules, 1962 shall be furnished to the Income Tax Officer concerned in such form and within such dates as may be required by the provisions of that rules.

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16. **Conditions of subscriptions.-**(1)Every subscriber shall subscribe monthly to the Fund when on duty or foreign service but not during a period of suspension :

Provided that a subscriber on reinstatement after a period passed under suspension shall be allowed the option of paying in one sum, or in installments, any sum not exceeding the maximum amount of arrears of subscriptions payable for that period.

Note.- A subscriber need not subscribe during a period treated as *dies non*.

(2) A subscriber may, at his option, not subscribe during leave, by a written communication to the Secretary which either does not carry any leave salary or carries leave salary equal to or less than half pay or half average pay.

(3) The subscriber shall intimate his election not to subscribe during the leave period referred to in sub-rule(2) in the following manner:-

(a) if he is an officer who draws his own bills, by making no deduction on account of subscription in his first pay bill drawn after proceeding on leave;

(b) if he is not an officer who draws his own pay bills, by written communication to the Secretary before he proceeds on leave, and

failure to make due and timely intimation shall be deemed to constitute an election to subscribe.

The option of a subscriber intimated under this sub-rule shall be final.

(4) A subscriber who has withdrawn the amount standing to his credit in the Fund under rule 28 shall not subscribe to the Fund after such withdrawal unless he returns to duty.

(5) Notwithstanding anything contained in sub-rule(1), a subscriber shall not subscribe to the Fund for the month in which he quits service unless, before the commencement of the said month, he communicates to the Secretary in writing his option to subscribe for the said month.

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17. Rates of subscription.-(1)The amount of subscription shall be fixed by the subscriber himself, subject to the following conditions, namely:-

(a) it shall be expressed in whole rupees;

(b) it may be any sum, so expressed not less than ten per cent of the emolument and not more than his emoluments.

(2) For the purpose of sub-rule(1), the emoluments of a subscriber shall be –

(a) in the case of subscriber who was in service of the Authority on the 31st March of the preceding year, the emoluments to which he was entitled on that date:

Provided that –

(i) if the subscriber was on leave on the said date and elected not to subscribe during such leave or was under suspension on the said date, his emoluments shall be the emoluments to which he was entitled on the first day after his return to duty;

(ii) if the subscriber was on deputation out of India on the said date or was on leave on the said date and continues to be on leave and has elected to

subscribe during such leave, his emoluments shall be the emoluments to which he would have been entitled had he been on duty in India;

(iii) if the subscriber joined the Fund for the first time on a day subsequent to the said date, his emoluments shall be the emoluments to which he was entitled on such subsequent date;

(b) in the case of subscriber who was not in Authority's service on the 31st March of the preceding year, the emoluments to which he was entitled on the first day of his service, or if he joined the Fund for the first time on a date subsequent to the first day of his service, the emoluments to which he was entitled on such subsequent date:

Provided that, if the emoluments of the subscriber are of a fluctuating nature, they shall be calculated in such manner as the Authority may direct.

(3) The subscriber shall intimate the fixation of the amount of his monthly subscription in each year in the following manner, namely:-

(a) if he was 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 was on leave on the 31st March of the preceding year, and elected not to subscribe during such leave, or was under suspension on that date, by the deduction which he makes in this behalf from his first pay bill after his return to duty;

(c) if he has entered in to the service of the Authority for the first time during the year, or joins the Fund for the first time, by the deduction which he makes in this behalf, from his pay bill for the month during which he joins the Fund;

(d) if he was on leave on the 31st March of the preceding year, and continues to be on leave and has elected to subscribe during such leave, by the deduction which he causes to be made in this behalf from his salary bill for that month.

(e) if he was on foreign service on the 31st March of the preceding year, by the amount credited by him into the treasury on account of subscription for the month of April in the current year;

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(f) if his emoluments are of the nature referred to in the proviso to sub-rule(2), in such manner as the Authority may direct.

(4) The amount of subscription so fixed may be -

(a) reduced once at any time during the course of the year;

(b) enhanced twice during the course of the year; or

(c) reduced and enhanced as aforesaid:

Provided that when the amount of subscription is so reduced it shall not be less than the minimum amount specified in sub-rule(1):

Provided further that if a subscriber is on leave without pay or leave on half pay or half average pay for a part of a calendar month and he has elected not to subscribe during such leave, the amount of subscription payable shall be proportionate to the number of days spent on duty including leave, if any, other than those referred to above.

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18. **Contribution by Authority.-** (1) The Authority shall with effect from the 31st March of each year, make a contribution to the account of each subscriber:

Provided that if a subscriber quits the service or dies during a year contribution shall be credited to his account for the period between the close of the preceding year and the date of the casualty:

Provided further that no contribution shall be payable in respect of any period for which the subscriber is permitted under the rules not to, or does not, subscribe to the Fund.

(2) The contribution shall be ten per cent of the subscriber's emoluments drawn on duty during the year or period, as the case may be, as has been or may be specified by the Government of India by general or special order:

Provided that if, through oversight or otherwise, the amount subscribed is less than the minimum subscription payable by the subscriber under rule17 and if the short subscription together with the interest accrued thereon is not paid by the subscriber within such time as may be specified by the authority competent to sanction an advance for the grant of which special reasons are required under sub rule(3) of rule 21, the contribution payable

by the Authority shall be equal to the amount actually paid by the subscriber or the amount normally payable by Authority, whichever is less, unless the Authority, in a any particular case, otherwise directs.

(3) If a subscriber is on deputation out of India, the emoluments which he would have drawn had he been on duty in India shall, for the purposes of this rule, be deemed to be emoluments drawn on duty.

(4) If a subscriber elects to subscribe during leave, his leave salary shall, for the purposes of this rule, be deemed to be emoluments drawn on duty.

(5) If a subscriber elect to pay arrears of subscriptions in respect of period of suspension, the emoluments or portion of emoluments which may be allowed for that period on reinstatement, shall, for the purpose of this rule, be deemed to be emoluments drawn on duty.

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(6) The amount of any contribution payable in respect of a period of foreign service shall, unless it is recovered from the foreign employer, be recovered by Authority from the subscriber.

(7) Subscriptions and contribution shall be rounded to the nearest rupee (fifty paise or more to be counted as the next higher rupee).

19. **Transfer to Foreign Service or deputation out of India and Realization of subscriptions.-** (1) When a subscriber is transferred to foreign service or sent on deputation out of India, he shall remain subject to the rules of the Fund in the same manner as if he were not so transferred or sent on deputation.

(2) When emoluments are drawn while on foreign service or on deputation, the recovery of the subscriptions on account of these emoluments and the principal of advances shall be made from the emoluments themselves.

(3) When emoluments are drawn from any other source, the subscriber shall forward his dues monthly to the Secretary:

Provided that in the case of a subscriber on deputation to a body corporate, owned or controlled by Government, the subscriptions shall be recovered and forwarded to the Secretary by such body.

20. Interest .- (1) The Authority shall pay to the credit of the account of a subscriber interest, at such rate as the Central Government may from time to time specify for the payment of interest on subscriptions to the General Provident Fund on the amount to his credit in the Fund.

(2) Interest shall be credited with effect from the 31st March of each year in the following manner:-

(i) on the amount to the credit of a subscriber on the 31st March of the preceding year, less any sums withdrawn during the current year – interest for twelve months;

(ii) on sums withdrawn during the current year – interest from the 1st April of the current year up to the last day of the month preceding the month of withdrawal;

(iii) on all the sums credited to the subscriber's account after the 31st March of the preceding year - interest from the date of deposit up to 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(7) of rule18:

Provided that when the amount standing to the credit of a subscriber has become payable, interest shall thereupon be credited under this rule in respect only of the period from the beginning of the current year or from the date of deposit, as the case may be, up to the date on which the amount standing to the credit of the subscriber became payable.

(3) For the purpose of this rule, the date of deposit shall, in the case recoveries from emoluments, 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 Secretary before the fifth day of that month, but if they are received on or after the fifth day of that month, the first day of the next succeeding month:

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Provided that where there has been delay in the drawal of pay or leave salary and allowances of a subscriber and consequently in the recovery of his subscription towards the Fund, the interest on such subscriptions shall be payable from the month in which the pay or leave salary of the subscriber was due under the rules, irrespective of the month in which it was actually drawn :

Provided further that in the case of an amount forwarded in accordance with the proviso to sub-rule(3) of rule19, the date of deposit shall be deemed to be the first day of the month if it is received by the Secretary before the fifteenth day of that month.

Provided also that where the emoluments for a month are drawn and disbursed on the last working day of the same month the date of deposit shall, in the case of recovery of his subscriptions, be deemed to be the first day of the succeeding month.

(4) In addition to any amount to be paid under rule 32, interest thereon up to the end of the month preceding that in which the payment is made, or up to the end of the sixth month after the month in which such amount, became payable which ever of these periods be less, shall be payable to the person to whom such amount is to be paid:

Provided that no interest shall be paid in respect of any period after the date which the Secretary has intimated to that person(or his agent) as the date on which he is prepared to make payment in cash, or if he pays by cheque, after the date on which the cheque in that person's favour is put in the post:

Provided further that where a subscriber on deputation to a body corporate, owned or controlled by the Government or an Autonomous Organization registered under the Societies Registration Act, 1860, (21 of 1860) is subsequently absorbed in such body corporate or organization with effect from a retrospective date, for the purpose of calculating the interest due on the Fund accumulations of the subscriber the date of issue of the orders regarding absorption shall be deemed to be the date on which the amount to the credit of the subscriber became payable subject, however, to the condition that the amount recovered as subscription during the period commencing from the date of absorption and ending with the date of issue of orders of absorption shall be deemed to be subscription to the Fund only for the purpose of awarding interest under this sub-rule.

NOTE :- Payment of interest on the Fund balance beyond a period of six months may be authorised by –

(a) the Board up to a period of one year; and

(b) the Authority up to any period,

after the Board or the Authority, as the case may be, is satisfied 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 shall be fully investigated and action , if any required, taken.

(5) Interest shall not be credited to the account of a subscriber if he informs the Secretary 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 amounts which under rule27 or rule28 are replaced to the credit of the subscriber in the Fund, shall be calculated at such rates as may be successively in the manner specified under sub-rule(1) of this rule and so far as may be in the manner described in this rule.

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(7) In case a subscriber is found to have drawn from the Fund an amount in excess of the amount standing to his credit on the date of the drawl, the overdrawn amount, irrespective of whether the overdrawal occurred in the course of an advance or a withdrawal or the final payment from the Fund, shall be repaid by him with interest thereon in one lump sum, or in default, be ordered to be recovered by deduction in one lump sum, from the emoluments of the subscriber. If the total amount to be recovered is more than half of the subscriber's emoluments, recoveries shall be made in monthly installments of moieties of his emoluments till the entire amount together with interest, is recovered. For this sub-rule the rate of interest to be charged on overdrawn amount would be 2 ½ per cent over and above the normal rate of Provident Fund balance under sub- rule(1). The interest realised on the overdrawn amount shall be credited to a **'Interest Income Account'** and be disposed off for the benefit of the staff in such a manner as the Board may decide.

CHAPTER III
ADVANCES FROM THE FUND

21. **Advances from the Fund.-** (1) The sanctioning authority, as specified in Schedule II, may sanction the payment to any subscriber of an advance consisting of a sum of whole rupees and not exceeding in amount three months' pay or half the amount of subscription and interest thereon standing to the credit of the subscriber in the Fund, whichever is less, for one more of the following purposes:-

(a) to pay expenses in connection with the illness, confinement or a disability, including where necessary, the travelling expenses of the subscriber and members of his family or any person actually dependent on him:

(b) to meet the cost of higher education, including where necessary, the travelling expenses of the subscriber and members of his family or any person actually dependent on him in the following cases, namely:-

(i) for education outside India for academic, technical, professional or vocational course beyond the High School stage; and

(ii) for any medical, engineering or other technical or specialised course beyond the High School stage, provided that the course of study is for not less than three years;

(c) to pay obligatory expenses on a scale appropriate to the subscriber's status which by customary usage the subscriber has to incur in connection with betrothal or marriages, funerals or other ceremonies;

(d) to meet the cost of legal proceedings instituted by or against the subscriber, any member of his family or any person actually dependent upon him, the advance in this case being available in addition to any advance admissible for the same purpose from any other Government source.

(e) to meet the cost of the subscriber's defence where he engages a legal practitioner to defend himself in an enquiry in respect of any alleged official misconduct on his part.

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(f) to purchase consumer durables such as Television, Video Cassette Recorder/Video Cassette Player, Washing machines, Cooking Range, Geysers and Computers, etc.

(2) The **Chairperson** may, in special circumstances, sanction the payment to any subscriber of an advance if he is satisfied that the subscriber concerned requires the advance for reasons other than those mentioned in sub-rule(1).

(3) An advance shall not, except for special reasons to be recorded in writing, be granted to any subscriber in excess of the limit laid down in sub-rule(1) or until repayment of the last installment of any previous advance:

Provided that an advance shall in no case exceed the amount of subscriptions and interest thereon standing to the credit of the subscriber in the Fund.

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(4) When an advance is sanctioned under sub-rule (3) before repayment of the last installment of any previous advance is completed the balance of any previous advance not recovered shall be added to the advance so sanctioned and the installment for recovery shall be fixed with reference to the consolidated amount.

(5) After sanctioning the advance, the amount shall be drawn on an authorization from the Secretary in case where the application for final payment had been forwarded to the Secretary under clause (ii) sub-rule (3) of rule 32.

22. Recovery of Advance.- (1) An advance shall be recovered from the subscriber in such number of equal monthly installments as the sanctioning authority may direct; but such number shall not be less than twelve unless the subscriber so elects and *not* more than thirty six. A subscriber may, at his option, make repayment of more than one installment in any month. The amount of each installment shall be fixed in terms of whole rupees, the amount of advance being raised or reduced if necessary to admit of such fixation of installments.

(2) Recovery shall be made in the manner as specified in sub-rules (2) and (3) of rule19 for the realisation of subscriptions, and shall commence with the issue of pay for the month following the one in which the advance was drawn. Recovery shall not be made, except with the subscriber's consent, while he is in receipt of subsistence grant or is on leave for ten days or more in a calendar month which either does not carry any leave salary or carries leave

salary equal to or less than half pay or half average pay, as the case may be. The recovery may be postponed, on the subscriber's written request, by the sanctioning authority during the recovery of an advance of pay granted to the subscriber.

(3) 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 forthwith be repaid by the subscriber to the Fund, or in default, be ordered by the Secretary to be recovered by deduction from the emoluments of the subscriber in a lump sum or in monthly installments not exceeding twelve as may be directed by the authority competent to sanction an advance for the grant of which, special reasons are required under sub-rule (2) of rule 21;

Provided that, before such advance is disallowed, the subscriber shall be given an opportunity to explain to the sanctioning authority in writing within fifteen days of the receipt of the communication why the repayment shall not be enforced and if an explanation is submitted by the subscriber, within the period of fifteen days, it shall be referred to the Chairperson for decisions; and if no explanation within the said period is submitted by him, the repayment of the advance shall be enforced in the manner prescribed in this sub-rule

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(4) Recoveries made under this rules shall be credited as they are made to the subscriber's account in the Fund.

23. Wrongful use of advance.- Notwithstanding anything contained in these rules, if the Board has reason to doubt that money drawn as an advance from the Fund under rule 21 has been utilised for a purpose other than for which sanction was given to the drawal of the money, he shall communicate to the subscriber the reasons for its doubt and require him to explain in writing and within fifteen days of the receipt of such communication whether the advance has been utilised for the purpose for which sanction was given to the drawal of the money. If the Board is not satisfied with the explanation furnished by the subscriber within the said period of fifteen days, the sanctioning authority shall direct the subscriber to repay the amount in question to the Fund forthwith or, in default, order the amount to be recovered by deduction in one sum from the emoluments of the subscriber even if he be on leave. If, however, the total amount to be repaid be more than half the subscriber's pay, recoveries shall be made in monthly installments of moieties of his pay till the entire amount is repaid by him.

Note.- The term "emoluments" in this rule does not include subsistence grant.

24**.** **Withdrawal from the fund .–** (1) Subject to the conditions specified hereinafter, withdrawals may be sanctioned by the authorities competent to sanction an advance for special reasons under sub rule(2) of rule 21 at any time,-

(A) after the completion of [fifteen] years of service (including broken periods of service, if any) of a subscriber or within ten years before the date of his retirement on superannuation, whichever is earlier, or where there is an appointment for a fixed term on contract or otherwise, on completion of at least one year, from the amount of subscriptions and interest thereon standing to the credit of the subscriber in the Fund, for one or more of the following purposes, namely:-

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(a) meeting the cost of higher education, including where necessary, the travelling expenses of the subscriber or any child of the subscriber in the following cases, namely:-

(i) for education outside India or academic, technical, professional or vocational course beyond the High School stage; and
(ii) for any medical, engineering or other technical or specialized course in India beyond the High School stage;

(b) meeting the expenditure in connection with the betrothal or marriage of the subscriber or his sons or his daughters, and any other female relation actually dependent on him;

(c) meeting the expenses in connection with the illness, including where necessary, the travelling expenses, of the subscriber and members of his family or any person actually dependent on him;

(d) meeting the cost of Consumer durables such as Television, Video Cassette Recorder, Video Cassette Player, Washing Machines, Cooking Range, Geysers and Computers, etc.

(B) During the service of a subscriber from the amount of subscription and interest thereon standing to his credit in the Fund for one or more of the following purposes, namely:

(a) building or acquiring a suitable house or ready-built flat for his residence including the cost of the site or any payment towards allotment of a plot or flat by the Delhi Development Authority, State Housing Board or a House Building Co-operative Society;

(b) repaying an outstanding amount on account of loan expressly taken for building or acquiring a suitable house or ready-built flat for his residence;

(c) reconstructing or making additions or alterations to a house or a flat already owned or acquired by a subscriber;

(d) renovating, additions or alterations or upkeep of an ancestral house at a place other than the place of duty or to a house built with the assistance of loan from Authority at a place other than the place of duty;

(C) Within twelve months before the date of subscriber's retirement on superannuation from the amount of subscription and interest thereon standing to the credit in the Fund, without linking to any purpose.

(D) Once during the course of a financial year, an amount equivalent to one year's subscription paid for by the subscriber towards any Group Insurance Scheme for the Authority employees on self-financing and contributory basis.

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Note 1.- Withdrawal under sub-clause (a), (c) or (d) of clause (B) shall be sanctioned only after a subscriber has submitted a plan of the house to be constructed or of the additions or alterations to be made, duly approved by the local municipal body of the area where the site or house is situated and only in cases where the plan actually got to be approved.

Note 2.- The amount of withdrawal sanctioned under sub-clause(b) of clause(B) shall not exceed ¾th of the balance on date of application together with the amount of the previous withdrawal under sub-clause (a), reduced by the amount of previous withdrawal. The formula to be followed is : ¾ of (the balance as on date plus amount of previous withdrawal (s) for the house in question) minus the amount of the previous withdrawal (s).

Note 3.- Withdrawal under sub-clause(a) or (d) of clause (B) shall also be allowed where the house-site or house is in the name of wife or husband provided she or he is the first nominee to receive Provident Fund money in the nomination made by the subscriber.

Note 4.- Only one withdrawal shall be allowed for the same purpose under this rule. But marriage or education of different children or illness on different occasion's or a further addition or alternation to a house or flat covered by a fresh plan duly approved by the local municipal body of the area where the house or flat is situated shall not be treated as the same

purpose. Second or subsequent withdrawal under sub-clause (a) or (d) of clause (B) for completion of the same house shall be allowed up to the limit laid down under Note 2.

Note 5.- A withdrawal under this rule shall not be sanctioned if an advance under rule 21 is being sanctioned for the same purpose and at the same time.

(2) Whenever a subscriber is in a position to satisfy the sanctioning authority about the amount standing to his credit in the Fund Account with reference to the latest available statement of Fund Account together with the evidence of subsequent contribution, the sanctioning authority may itself sanction withdrawal within the prescribed limits, as in the case of a refundable advance. In doing so, the sanctioning authority shall take into account any withdrawal or refundable advance already sanctioned by it in favour of the subscriber. Where, however, the subscriber is not in a position to satisfy the sanctioning authority about the amount standing to his credit or where there is any doubt about the admissibility of the withdrawal applied for, a reference may be made to the Secretary by the sanctioning authority for ascertaining the amount standing to the credit of the subscriber with a view to enable the sanctioning authority to determine the admissibility of the amount of withdrawal. The sanction for the withdrawal should prominently indicate the Fund Account Number and the Secretary maintaining the accounts and a copy of the sanction should invariably be endorsed to the Secretary. The sanctioning authority shall be responsible to ensure that an acknowledgement is obtained from the Secretary that the sanction for withdrawal has been noted in the ledger account of the subscriber. In case the Secretary reports that the withdrawal as sanctioned is in excess of the amount to the credit of the subscriber or otherwise inadmissible, the sum withdrawn by the subscriber shall forth-with be repaid in one lump sum by the subscriber to the Fund and in default of such repayment, it shall be ordered by the sanctioning authority to be recovered form his emoluments either in a lump sum or in such number of monthly installments as my be determined by the Chairperson.

(3) After sanctioning the withdrawal, the amount shall be drawn on an authorization from the Secretary in cases where the application for final payment had been forwarded to the Secretary under clause(ii) of sub-rule(3) of rule 32.

25. Conditions for withdrawal.-(1) Any sum withdrawn by a subscriber at any one time for one or more of the purposes specified in rule 24 from the amount standing to his credit in the Fund shall not ordinarily exceed one-half of the amount of subscriptions and interest

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thereon standing to the credit of the subscriber in the Fund or six months pay, whichever is less. The sanctioning authority may, however, sanction the withdrawal of an amount in excess of this limit up to ¾th in the case of withdrawal under sub-clause (A) and 90 per cent in the case of withdrawal under clause(B) of sub-rule(1) of rule 24 of the amount of subscriptions and interest thereon standing to the credit of the subscriber in the Fund having due regard to:-

(i) the object for which the withdrawal is being made;

(ii) the status of the subscriber; and

(i) the amount of subscriptions and interest thereon standing to the credit of the subscriber in the Fund:

Provided that in no case the maximum amount of withdrawal for purposes specified in clause (B) of sub-rule*(1)* of rule 24 shall exceed the maximum limit prescribed from time to time under rules 2 (a) and 3(b) of the Scheme of the Ministry of Urban Development and Poverty Alleviation for the grant of advances for house-building purposes:

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Provided further that in the case of a subscriber who has availed himself of an advance under the Scheme of the Ministry of Urban Development and Poverty Alleviation for the grant of advances for house-building purposes, or has been allowed any assistance in this regard from any other Government source, the sum withdrawn under this sub-rule together with the amount of advance taken under the aforesaid Scheme or assistance taken from any other Government source shall not exceed the maximum limit prescribed from time to time under rule2 (a) and 3 (b) of the aforesaid Scheme:

Provided also that the withdrawal admissible under clause (C) of sub-rule (1) of rule 24 shall not exceed 90 per cent of the amount of subscription and interest thereon standing to the credit of the subscriber in the fund.

Note 1.- A withdrawal sanctioned to a subscriber under sub-clause (a) of clause (A) of sub-rule(1) of rule24, may be drawn in installments, the number of which shall not exceed four in a period of twelve calendar months counted from the date of sanction.

Note 2.- In cases where a subscriber has to pay in installment for a site or a house or a flat purchased, or a house or flat constructed through the Delhi Development Authority or a State Housing Board or a House Building Cooperative Society, he shall be permitted to make

a withdrawal as and when he is called upon to make a payment in any installment. Every such payment shall be treated as a payment for a separate purpose for the purposes of sub-rule(1) of rule25.

(2) A subscriber has been permitted to withdraw money from the Fund under rule 24 shall satisfy the sanctioning authority within a reasonable period as may be specified by that authority that the money has been utilised for the purpose for which it was drawn, and if fails to do so, the whole of the sum so withdrawn or so much thereof as has not been applied for the purpose for which it was withdrawn shall forthwith be repaid on one lump sum by the subscriber to the Fund and in default of such payment, it shall be ordered by the sanctioning authority to be recovered from his emoluments either in a lump sum or in such number of monthly installments, as may be determined by the Authority:

Provided that, before repayment of a withdrawal is enforced under this sub-rule, the subscriber shall be given an opportunity to explain in writing and within fifteen days of the receipt of communication why the repayment shall not be enforced; and if the sanctioning authority is not satisfied with the explanation or no explanation is submitted by the subscriber within the said period of fifteen days, the sanctioning authority shall enforce the repayment in the manner prescribed in this sub-rule.

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(3) (a) A subscriber who has been permitted under sub-clause (a), sub-clause(b) or sub-clause(c) of clause (B) of sub-rule (1) of rule 24 to withdraw money from the amount of subscription together with interest thereon standing to his credit in the Fund, shall not part with the possession of the house built or acquired or house-site purchased with the money so withdrawn, whether by way of sale, mortgage, gift, exchange or otherwise, without the previous permission of the Authority:

Provided that such permission shall not be necessary for,-

(i) the house or house-site being leased for any term not exceeding three years, or

(ii) its being mortgaged in favour of a Housing Board, Nationalised Banks, the Life Insurance Corporation or any other Corporation owned or controlled by the Central Government which advances loans for the construction of a new house or for making additions or alterations to an existing house.

(b) The subscriber shall submit a declaration not later than the 31st day of December of every year as to whether the house or the house-site, as the case may be, continues to be in his possession or has been mortgaged, otherwise transferred or let out as aforesaid and shall, if so required, produce before the sanctioning authority on or before the date specified by that authority in that behalf, the original sale, mortgage or lease deed and also the documents on which his title to the property is based.

(c) If at any time before his retirement, the subscriber parts with the possession of the house or house-site without obtaining the previous permission of the Authority, he shall forthwith repay the sum so withdrawn by him in a lump sum to the Fund, and in default of such repayment, the sanctioning authority shall, after giving the subscriber a reasonable opportunity of making a representation in the matter, cause the said sum to be recovered from the emoluments of the subscriber either in lump sum or in such number of monthly installments, as may be determined by it.

(4) An advance and final withdrawal for the same purpose shall not to be sanctioned together.

Explanation.- For the purpose of these sub-rule "betrothal ceremony" and "marriage" shall be treated as separate for the purpose of this rule and withdrawal is permissible separately for both the occasions.

(5) Withdrawal shall not be sanctioned for more than one house at the same or another place.

(6) (i) In case of withdrawal for upkeep of house, etc., withdrawal can be admitted subject to the condition that the subscriber submits a certificate to the effect that the items of work to be carried out by him do not require the approval of local or municipal authority; and

(ii) Withdrawal is permissible in cases where the ancestral house has not been transferred in the name of the subscriber subject to production of proof by the subscriber that he or she is one of the inheritors or nominees to receive the share of the property;

(7) Courses of study for which advances/withdrawals may be given under rule 21 or rule 24 shall be specified by the Authority. The Authority shall maintain a list of such courses and review it from time to time, at its discretion.

26. Conversion of an advance into a withdrawal.- A subscriber, who has already drawn or may draw in future an advance under rule 21 for any of the purposes specified in sub-rule(1) of rule 24, may convert, at his discretion by written request addressed to the Secretary, the balance outstanding against it into a final withdrawal on his satisfying the conditions laid down in rules 24 and 25.

Note 1.- For the purposes of sub-rue (1) of rule 25 , the amount of subscription with interest thereon standing to the credit of the subscriber in the account at the time of conversion plus the outstanding amount of advance shall be taken as the balance. Each withdrawal shall be treated as a separate one and the same principle shall apply in the event of more than one conversion.

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27. **Final withdrawal of accumulations in the Fund. -** When a subscriber quits the service, the amount standing to his credit in the Fund shall, subject to any deduction under rule 31, become payable to him:

Provided that a subscriber, who has been dismissed from the service and is subsequently reinstated in the service shall, if required to do so by the Authority repay any amount paid to him from the Fund in pursuance of this rule, with interest thereon at the rate provided in rule 20 in the manner specified in the proviso to rule28. The amount so repaid shall be credited to his account in the Fund, the part which represents his subscriptions and interest thereon, and the part which represents Authority's contribution with interest thereon, being accounted for in the manner specified in rule 15.

Explanation No.I. A subscriber, other than one who is appointed on contract or one who has retired from service and is subsequently re-employed , with or without a break in service, shall not be deemed to quit the service, when he is transferred without any break in service to a new post either under the Central Government or a State Government (in which he is governed by another set of Provident Fund Rules) and without retaining any connection with his former post. In such a case, his subscription and the Authority's contribution together with interest thereon shall be transferred-

(a) to his account in the other Fund in accordance with the rules of that Fund, if the new post is in any other department of the Central Government, or

(b) to a new account under the State Government concerned if the new post is under a State Government and the State Government consents, by general or special order, to such transfer of his subscriptions, the Authority's contribution and interest.

NOTE: Transfers shall include cases of resignation from service in order to take up appointment in either under the Central Government or a State Government without any break and with permission of the Authority. In case there has been a break in service it shall be limited to the joining time allowed on transfer to a different station.

The same shall hold good in cases of retrenchments followed by immediate employment whether under the same or different Government.

Explanation No.II. When a subscriber, other than one who is appointed on contract or one who has retired from service is subsequently re-employed, is transferred without any break, to the service under a body corporate owned or controlled by Government, or an autonomous Organisation, registered under the Societies Registration Act, 1860, the amount of subscriptions and the Authority's contribution together with interest thereon, shall not be paid to him but shall be transferred with the consent of that body, to his new Provident Fund Account under the body.

Transfers shall include cases of resignation from service in order to take up appointment under a body corporate owned or controlled by Government or an autonomous Organisation, registered under the Societies Registration Act, 1860, without any break and with proper permission of the Authority. The time taken to join the new post shall not be treated as a break in service if it does not exceed the joining time admissible to a subscriber on transfer from one post to another:

Provided that the amount of subscription and the Authority's contribution together with interest thereon, of a subscriber opting for service under a Public Enterprise may, if he so desires, be transferred to his new Provident Fund Account under the Enterprise if the concerned Enterprise also agrees to such transfer. If, however, the subscriber does not desire the transfer or the concerned Enterprise does not operate a Provident Fund, the amount aforesaid shall be refunded to the subscriber.

28. **Retirement of Subscriber .-** When a subscriber-

(a) has proceeded on leave preparatory to retirement or if he is employed in a vacation department, on leave preparatory to retirement combined with vacation, or

(b) while on leave, has been permitted to retire or declared by a competent medical authority to be unfit for further service,

the amount of subscription and interest thereon standing to his credit in the Fund shall, upon application made by him in that behalf to the Secretary, become payable to the subscriber:

Provided that the subscriber, if he returns to duty, shall, except where the Authority decides otherwise , repay to the Fund for credit to his account, the amount paid to him from the Fund in pursuance of this rule with interest thereon at the rate provided in rule 20 in cash or securities or partly in cash and partly in securities, by installment or otherwise, by recovery from his emoluments or otherwise, as may be directed by the authority competent to sanction an advance for the grant of which, special reasons are required under sub-rule (2) of rule 21.

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29. **Procedure on death of a subscriber.** - Subject to any deduction under rule 31, on the death of a subscriber before the amount standing to his credit has become payable, or where the amount has become payable, before payment has been made:

(i) When subscriber leaves a family-

(a) if a nomination made by the subscriber in accordance with the provisions of rule14 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 or members of his family, of the subscriber subsists, or if such nomination relates only to a part of the amount standing to his credit in the Fund, the whole amount or the part 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 or persons other than a member or members of his family, become payable to the members of his family in equal shares:

Provided that no share shall be payable to –

(1) sons who have attained majority;

(2) sons of a deceased son who have attained majority;

(3) married daughters whose husbands are alive;

(4) married daughters of a deceased son whose husbands are alive;

if there is any member of the family other than those specified in clauses (1), (2), (3) and (4):

Provided further 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 and if, in a case where had he survived the subscriber, he would have been excluded from a share under the provisions of clause (1) of the first proviso.

(ii) When the subscriber leaves no family, if a nomination made by him in accordance with the provisions of rule14 in favour of any person or persons subsists, the amount standing to his credit in the Fund or part thereof to which the nomination relates, shall become payable to his nominee or nominees in the proportion specified in the nomination.

30 Dismissal, resignation and cessation of service.-(1) If any subscriber is dismissed from the service of the Authority for any fault or other cause justifying dismissal, he shall not be entitled to receive, unless permitted to do so by the trustees, the sums contributed by the Authority to his provident fund account or any interest credited to that account on the sums so contributed:

Provided that when any subscriber is so dismissed, any amount due under a liability incurred by the subscriber to the Authority (not exceeding in any case the sums so contributed by the Authority and interest thereon) shall be paid by the Board out of the sum standing to the credit of the subscriber's account.

(2) When a subscriber, who has been appointed by the Authority to its cadres resigns or retires from the service of the Authority, he shall, if he has served the Authority for a period of five years or more or in the case he has been appointed on contract for a fixed term or appointed under a statute for a fixed term and has served the Authority for one year or more, be entitled to receive the balance at his credit in the fund:

Provided that when any subscriber resigning or retiring from the service of the Authority is under a liability incurred by him to the Authority, the trustee shall irrespective of the duration of his service pay the Authority out of the balance at his credit in the fund any amount due by him to the Authority (not exceeding in any case the sums contributed by the

Authority to his account in the fund and any interest credited to his account on the sums so contributed.).

(3) If any subscriber ceases to serve the Authority before completion of a service of five years in case of any appointment other than appointment on contract or one year in case of appointment on contract, as the case may be, in terms of sub-rule 2 with the Authority he shall be entitled to receive only the amount of his own subscriptions to the fund with the interest credited thereon to the date of his severing his connection with the Authority.

(4) No subscriber shall be entitled to receive payment of any share of the contribution of the Authority to the fund until he shall have served the Authority for a period of five years in case of any appointment other than appointment on contract or one year in case of appointment on contract in terms of sub rule2 notwithstanding that a share thereof may have been credited to his account in the books of the fund, but the trustees may in their absolute discretion authorise such payment if a subscriber is compelled to retire before completing five years' service owing to any cause beyond his control.

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31. Deductions.- Subject to the condition that no deduction may be made which reduces the credit by more than the amount of any contribution by the Authority with interest thereon credited under rules 18 and 20, before the amount standing to the credit of the subscriber in the Fund is paid out of the Fund,

(A) the Chairperson may direct the deduction therefrom and payment to the Authority of,-

(i) all amounts representing such contribution and interest, if the subscriber is dismissed from service due to misconduct, insolvency or inefficiency :

Provided that where the Chairperson is satisfied that such deduction would cause exceptional hardship to the subscriber, he may, by order, exempt from such deduction an amount not exceeding two-third of the amount of such contribution and interest which would have been payable to the subscriber, if he had retired on medical grounds:

Provided further that if any such order of dismissal is subsequently cancelled, the amount so deduced shall, on his reinstatement in the service be replaced to his credit in the Fund.

(ii) all amounts representing such contribution and interest, if the subscriber within five years of the commencement of his service as such or who has been appointed on contract for a fixed term or under a statute for a fixed term, within one year of the commencement of his service as such, resigns from the service or ceases to be an employee under Authority or otherwise than by reason of death, superannuation, or a declaration by a competent medical authority that he is unfit for further service, or the abolition of the post or the reduction of establishment.

(B). the Chairperson may direct the deduction therefrom and payment to the Authority of any amount due under a liability incurred by a subscriber to the Authority.

32. Manner of payment of amount in the Fund.- (1) When the amount standing to the credit of a subscriber in the Fund or the balance thereof after any deduction under rule 31 becomes payable, it shall be the duty of the Secretary after satisfying himself when no such deduction has been directed under that rule, that no deduction is to be made, to make payment on receipt of a written application in this behalf as provided in sub-rule(3).

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(2) If the person to whom, under these rules, any amount 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 shall be made to such manager and not to the lunatic:

Provided that where no manager has been appointed and the person to whom the sum is payable is certified by a Magistrate to be a lunatic, the payment shall under the orders of the Collector be made in terms of sub-section (1) of section 95 of the Indian Lunacy Act, 1912, to the person having charge of such lunatic and the Secretary shall pay only the amount which he thinks fit to the person having charge of the lunatic and the surplus, if any, or such part thereof, as he thinks fit, shall be paid for the maintenance of such members of the lunatic's family as are dependent on him for maintenance.

(3) Payments of the amount withdrawn shall be made in India only. The persons to whom the amounts are payable shall make their own arrangements to receive payment in India. The following procedure shall be adopted for claiming payment by a subscriber, namely :-

(i) to enable a subscriber to submit an application for withdrawal of the amount in the Fund, the Senior Research Officer (Administration and Legal), of the Authority, shall send to every subscriber necessary forms either one year in advance of the date on which the subscriber attains the age of superannuation, or before the date of his anticipated retirement, if earlier, with instructions that they should be returned to him duly completed within a period of one month from the date of receipt of the forms by the subscriber. The subscriber shall submit the application to the Secretary of the Board through the Senior Research Officer (Administration and Legal), of the Authority, for payment of the amount in the Fund. The application shall be made,-

(A) for the amount standing to his credit in the Fund as indicated in the Accounts Statement for the year ending one year prior to the date of his superannuation, or his anticipated date of retirement, or

(B) for the amount indicated in his ledger account in case the Accounts Statement has not been received by the subscriber.

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(ii) the Senior Research Officer(Administration and Legal) of the Authority shall forward the application to the Secretary indicating the recoveries effected against the advances which are still current and the number of installments yet to be recovered and also indicate the withdrawals, if any, taken by the subscriber after the period covered by the last statement of the subscriber's account sent by the Secretary.

(iii) the Secretary shall, after verification with the ledger account, issue an authority for the amount indicated in the application at least a month before the date of superannuation but payable on the date of superannuation.

(iv) the authority mentioned in clause (iii) shall constitute the first installment of payment. A second authority for payment shall be issued as soon as possible after superannuation. This shall relate to the contribution made by subscriber subsequent to the amount mentioned in the application submitted under clause(i) plus the refund of installments against advances which were current at the time of the first application.

(v) after forwarding the application for final payment to the Secretary, advance or withdrawal may be sanctioned but the amount of advance or withdrawal shall be drawn on an authorization from the Secretary who shall arrange this as soon as formal sanction of sanctioning authority is received by him.

33. **Deposit Linked Insurance Scheme -** On the death of a subscriber, the person entitled to receive the amount standing to the credit of the subscriber shall be paid by the Secretary an additional amount equal to the average balance amount of subscription and interest thereon at the credit in the account during the three years immediately preceding the death of such subscriber, subject to the condition that –

(a) the balance representing subscription with interest thereon at the credit of such subscriber shall not at any time during the three years preceding the month of death have fallen below the limits of –

(i) Rs.12,000 in the case of a subscriber who has held, for the greater part of the aforesaid period of three years, a post the maximum of. the pay scale of which is Rs.4,000 or more;

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(ii) Rs.7,500 in the case of a subscriber who has held for the greater part of the aforesaid period of three years, a post the maximum of the pay scale of which is Rs 2,900 or more but less than Rs. 4,000;

(iii) Rs.4,500 in the case of a subscriber who has held fo the greater part of the aforesaid period of three years, a post the maximum of the pay scale of which is Rs.1,151 or more but less than Rs. 2,900;

(iv) Rs.3,000 in the case of a subscriber who has held for the greater part of the aforesaid period of three years, a post the maximum of the pay scale of which is less than Rs, 1,151;

(b) the additional amount payable under this rule shall not exceed Rs.30,000;

(c) the subscriber has put in at least 5 years service at the time of his or her death.

NOTE 1 - The average balance shall be worked out on the basis of the balance at the credit of the subscriber at the end of each of the 36 months, preceding the month in which the death occurs. For this purpose, as also for checking the minimum balance prescribed above --

(a) the balance at the end of March, shall include the annual interest credited in terms under rule17; and

(b) if the last of the aforesaid 36 months is not March, the balance at the end of said last month shall include interest in respect of the period from the beginning of the financial year in which death occurs to the end of the said last month.

NOTE 2 – In case of persons appointed on tenure basis and in the case of re-employed pensioners, service rendered from the date of such appointment on re-employment , as the case may be, only shall count for purposes of this rule.

NOTE 3 – Revised rates based on Fifth Pay Commission not available. The pay-scale shown are pre-revised pay-scales.

34. **Relaxation of the provisions of the rules in individual cases -** When the Chairperson is satisfied that the operation of any of these rules causes or is likely to cause undue hardship to a subscriber, he may, notwithstanding anything contained in these rules, deal with the case of such subscriber in such manner as may appear to it to be just and equitable.

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35. Validation of contribution to the contribution made by the Authority and the subscriber, etc.- Notwithstanding anything contained in these rules, the contribution to the Contributory Provident Fund made by the Authority and the subscriber and the amounts credited to the suspense account before commencement of these rules shall be deemed to have been made to the Fund and amounts credited to such account under these rules.

SCHEDULE I

[See rule 14 (1)]

FORM OF NOMINATION

Account No…….

I ……..hereby nominate the person(s) mentioned below who is/are member(s)/non-member(s) of my family as defined in clause (j) of sub-rule (1) of rule 2 of the of Telecom Regulatory Authority of India (Contributory Provident Fund) Rules, 2003, to receive the amount that may stand to my credit in the Fund as indicated below, in the event of my death before that amount has become payable or having become payable has not been paid**.**

Name and address of the nominees (s)	Relation-ship with the Subscriber	Age of the nominee(s)	Share payable to each nominee	Contingencies on the happening of which the nomination will become invalid	Name, address and relationship of the person(s) if any to whom the right of nominee shall pass in the event of his/her pre-deceasing the Subscriber	If the nominee is not a subscriber of the family as defined in clause (j) of sub-rule (1) of rule 2, indicate the reasons
(1)	(2)	(3)	(4)	(5)	(6)	(7)

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Dated this …….day of 200 ……at ……

Signature of the Subscriber……

Name in Block letters …….

Designation……

Two witness of signature

Name and address Signature

1.

2.

(Reverse of the form)

Space for use by Telecom Regulatory Authority of India/Board

Nomination by Shri/Smt./Kumari ……..Designation……

Date of receipt of nomination ……..

Signature of Senior Research Officer (Administration and Legal)

Secretary of Board……

Date……

Instructions for the Subscriber –

(a) Your name may be filled in

(b) Name of the fund may be completed suitably.

(c) Definition of term "family" as given in the Telecom Regulatory Authority India (Contributory Provident Fund) Rules, 2003 is reproduced below:-

Family means-

(i) in the case of a male subscriber, his wife or wives children, parents, minor brothers, unmarried sisters, deceased son's widow and children and where no parent of the subscriber is alive, a paternal grant parent:

Provided that if a subscriber proves that his wife has been judicially separated from him or has ceased under the personal law governing him or the customary law of the community to which she belongs to be entitled to maintenance, she shall no longer be deemed to be a part of the subscriber's family in the matter to which these rules relate, unless the subscriber subsequently intimates in writing to the Secretary that she shall continue to be so regarded.

(ii) in the case of a female subscriber, her husband, parents, children, minor brothers, unmarried sisters, deceased son's widow and children and where no parent of the subscriber is alive, a paternal grand parent.

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Provided that if a subscriber by notice in writing to the Secretary expresses her desire to exclude her husband from the family, the husband shall henceforth be deemed to be no longer a subscriber of the her family in the matter to which these rules relate, unless the subscriber subsequently cancels such notice, in writing.

NOTE: 'Child' means legitimate child and includes an adopted child where adoption is recognised by the personal law governing the subscriber or a ward under the Guardians and Wards Act, 1890 (8 of 1890), who lives with the subscriber and is treated as a member of the family and to whom the subscriber has, through a special will, given the same status as that of a natural born child.

(d) **Column (4)** If only one person is nominated the words "in full" should be written against the nominee. If more than one person is nominated, the share payable to each nominee over the whole amount of the Provident Fund shall be specified.

(e) **Column(5)** Death of nominee(s) should not be mentioned as contingency in this column.

(f) **Column(6)** do not mention your name.

(g) Draw line across the blank space below last entry to prevent insertion of any name after you have signed.

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SCHEDULE II

(see rule 21)

(AUTHORITIES COMPETENT TO GRANT
TEMPORARY ADVANCES)

1. An advance for the grant of which special reasons are not required under sub rule (2) of rule 21 may be sanctioned by the authority competent to grant an advance of pay on transfer under rule 222 of the General Financial Rules, 1963, or if the applicant is competent to sanction the advance of pay to himself on transfer, by the administrative authority next higher to the applicant.

2. An advance for grant of which special reasons are required under sub rule (2) of rule21 may be sanctioned by Secretary of Telecom Regulatory Authority of India.

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[F. No. 10/17/99-TCO]

(P.K. Tiwari)
Deputy Secretary (Restg.)

रजिस्ट्री सं० डी० एल०-33004/99 REGD. NO. D. L.-33004/99

भारत का राजपत्र
The Gazette of India

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संचार मंत्रालय

(दूरसंचार विभाग)

अधिसूचना

नई दिल्ली, 26 जुलाई, 2017

सा.का.नि. 963(अ).—केन्द्रीय सरकार, भारतीय दूरसंचार विनियामक प्राधिकरण अधिनियम, 1997 (1997 का 24) की धारा 35 की उप-धारा (2) के खंड (ग क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारतीय दूरसंचार विनियामक प्राधिकरण (अंशदायी भविष्य निधि) नियम, 2003 में संशोधन करने के लिए निम्नलिखित नियम बनाती हैं, अर्थातः—

(1) संक्षिप्त नाम और प्रारम्भ.—

(1) इन नियमों का संक्षिप्त नाम भारतीय दूरसंचार विनियामक प्राधिकरण (अंशदायी भविष्य निधि) (संशोधन) नियम, 2017 है।

(2) ये राजपत्र में प्रकाशन की तारीख से प्रवृत्त होंगे।

(2) भारतीय दूरसंचार विनियामक प्राधिकरण (अंशदायी भविष्य निधि) नियम, 2003, के नियम 13 के उपनियम (1) में, खंड (ख) के पश्चात् निम्नलिखित परंतुको अंतःस्थापित किया जाएगा; अर्थात्:—

"परन्तु प्राधिकरण के तारीख 1 जनवरी, 2004 को या उसके पश्चात् नियुक्त कर्मचारियों (अध्यक्ष और सदस्यों के अलावा) पर इन नियमों में निहित कुछ भी लागू नहीं होगा।

परन्तु यद्र और कि प्राधिकरण के तारीख 1 जनवरी, 2004 को या उसके पश्चात् नियुक्त कर्मचारियों (अध्यक्ष और सदस्यों के अलावा) को पेंशन निधि विनियामक एवं विकास प्राधिकरण अधिनियम, 2013 (2013 का 23) के उपबंधो के अधीन विनियमित राष्ट्रीय पेंशन प्रणाली द्वारा शासित किया जाएगा।

[फा. सं.10-32/2011-पुनर्गठन]

अमित यादव, सयुंक्त सचिव (प्रशासन)

नोट : मूल नियम, भारत के राजपत्र में तारीख 10 अप्रैल, 2003 के जी.बी.एम, 333(अ) द्वारा प्रकाशित किए गए थे।

MINISTRY OF COMMUNICATIONS

(Department of Telecommunications)

NOTIFICATION

New Delhi, the 26th July, 2017

G.S.R. 963(E).—In exercise of the powers conferred by clause (ca) of sub-section (2) of section 35 of the Telecom Regulatory Authority of India Act, 1997 (24 of 1997), the Central Government hereby makes the following rules to amend the Telecom Regulatory Authority of India (Contributory Provident Fund) Rules, 2003, namely;—

(1) Short title and commencement.—

(1) These rules may be called the Telecom Regulatory Authority of India (Contributory Provident Fund) (Amendment) Rules, 2017.

(2) They shall come into force from the date of their publication in the Official Gazette.

(2) In the Telecom Regulatory Authority of India (Contributory Provident Fund) Rules, 2003, in rule 13 in sub-rule (1), after clause (b), the following provisos shall be inserted, namely:—

"Provided that nothing contained in these rules shall apply to the employees of the Authority (except Chairperson and members) appointed on or after the 1st day of January, 2004.

Provided further that the employees of the Authority (except Chairperson and members) appointed on or after the 1st day of January, 2004 shall be governed by the National Pension System regulated under the provisions of the Pension Fund Regulatory and Development Authority Act, 2013 (23 of 2013).

[F. No. l0-32/2011-Restg.]

AMIT YADAV, Jt. Secy. (Admin)

Note : The principal rules were published in the Gazette of India vide *G.BM,* 333(E), dated 10th April, 2003.

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