

**INTERNATIONAL AIRPORTS AUTHORITY OF INDIA
(EMPLOYEES CONTRIBUTORY FUND AND FAMILY PENSION
FUND) REGULATIONS, 1982**

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SCHEDULE 1 :- SCHEDULE

INTERNATIONAL AIRPORTS AUTHORITY OF INDIA (EMPLOYEES CONTRIBUTORY FUND AND FAMILY PENSION FUND) REGULATIONS, 1982

STATEMENT OF OBJECTS AND REASONS The international airports at Delhi, Bombay, Calcutta and Madras are the aerial gateways of India, and are becoming increasingly important in developing India's trade and tourism. Owing to the rapid growth of traffic, and the increasing impact of technological development in the shape of large capacity sub-sonic and super-sonic jet aircraft the organisation and management of these four international airports will assume increasing importance in the years to come. 2. To determine and advise Government on the action required to be taken to provide these international airports with the buildings, equipment, facilities and organisation necessary to cater to the needs of passengers and goods traffic, baggage and cargo handling,

and other related matters, a high powered International Airports Committee was appointed in July, 1967 under the Chairmanship of Shri J.R.D. Tata. The Committee has made a number of recommendations for the phased development of the four international airports spread over a period of fifteen years, corresponding to three Five Year Plans commencing from April, 1969. The recommendations of the Committee would involve an estimated total expenditure of Rs. 106.12 crore-Rs. 63.56 crore to be spent in the Fourth Plan (1969-74), Rs. 35.54 crore in the Fifth Plan (1974-79) and the balance of Rs. 7.02 crore to spill over to the Sixth Plan. A provision of about Rs. 37.00 crore (excluding Rs. 10 crore for provision of communication and navigational aids) has been made for the aforesaid four international airports in the Fourth Five Year Plan of the Civil Aviation Department. 3. An important point made by the Committee is that the success in spending effectively the large outlays for the creation of the new airport facilities will depend largely on the speed and flexibility with which the project is launched and administered keeping in view the compulsions of Government procedures, the Committee urged that a Corporation should be set up under the Indian Companies Act, and all the present and future assets of the four international airports placed under its ownership and management, except for the functions of aeronautical communication, navigation and air traffic services as well as weather forecasting services which should continue to be under the control of the Departments of Civil Aviation and Meteorology respectively. In the opinion of the Committee, only a commercially oriented organisation with sufficient flexibility and autonomy in financial matters, and freed from the requirements of regular Government procedures, would be able to provide the drive and speed so necessary for the quick development and business-like management of these airports. A sub-Committee appointed by the International Airports Committee in this regard had come to the definite conclusion that the creation of an autonomous Airport Authority would not cause any additional burden or liability on the Central Government budget and would in fact have definite functional advantages. 4. The proposed Airports Authority will be engaged in creating, maintaining and providing, services and facilities, rather than in the production of or trade in goods. For the purposed of coordination with various Government agencies, a Joint Stock Company under the Indian Companies Act may be ill-suited. The decision of Government on the recommendations of the Administrative Reforms Commission is that

the statutory corporation form is preferable for enterprises providing public utilities which are primarily intended to develop basic infrastructure facilities, as is the case here. It is accordingly proposes to constitute a statutory Authority for the development and management of the four international airports of Delhi, Bombay, Calcutta and Madras. Power has also been conferred on the Central Government to apply the provisions of the Act to any other airport where international air transport services are operated or are intended to be operated. 5. The Bill seeks to achieve the above object. 6. The notes on clauses appended to the Bill explain the more important, provisions of the Bill. New Delhi The 15th May, 1971. Karan Singh. [Gazette of India, Extraordinary Pt. II. S. 2, dated 15-5-1971 pp. 412-13].

CHAPTER 1

GENERAL

1. Short title, commencement and application :-

(1) These Regulations may be called the International Airports Authority of India (Employees Contributory Provident Fund and Family Pension Fund) Regulations, 1982.

Comments-The Authority may make regulations not inconsistent with this Act and the rules made thereunder to provide for all matters for which provision is necessary or expedient for the purpose of giving effect to the provisions of this Act.

(a) the times and places of the meetings of the Authority and the procedure to be followed for the transaction of business at such meetings under sub-section (1) of Section 8 ;

(b) the conditions of service and the remuneration of officers and other employees appointed by the Authority :

(c) the contracts or class of contracts which are to be sealed with the common seal of the Authority and the form and manner in which a contract may be made by the Authority ;

(d) the storage or processing of goods in any warehouse established by the Authority under clause (d) of sub-section (3) of Section 16 and the charging of fees for such storage or processing;

(e) the custody and restoration of lost property and the terms and conditions under which lost property may be restored to the person entitled thereto under Section 30 ;

(f) the disposal of any lost property in cases where such property is not restored under Section 30 ;

(g) securing the safety of aircraft, vehicles, and persons using the airport and preventing danger to the public arising from the use and operation of aircraft in the airport ;

(h) preventing obstruction within the airport for its normal functioning;

(i) prohibiting the parking or waiting of any vehicle or carriage within the airport except at places specified by the Authority;

(j) prohibiting or restricting access to any part of the airport ;

(k) preserving order within the airport and preventing damage to property therein:

(l) regulating or restricting advertising within the airport :

(m) requiring any person, if so directed by an officer appointed by the Authority in this behalf, to leave the airport or any particular part of the airport : and

(n) generally for the efficient and proper management of the airport.] (Section 37 of International Airports Authority Act, 1971).

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

(3) They shall apply to all employees of the Authority regularly appointed to its service but shall not apply to employees on deputation of the Authority.

2. Definitions :-

(a) 'Act' means the International Airports Authority Act, 1971 ;

(b) 'Authority' means the International Airports Authority of India established under Section 3 of the Act ;

(c) 'Board' means the Board of Trustees constituted under these regulations;

(d) 'Chairman' means the Chairman of the International Airports Authority of India;

(e) 'Contribution' means any contribution payable in respect of a member under these Regulations by the Authority as an employer ;

(f) 'Family' for the purpose of the International Airports Authority of India Contributory Provident Fund means :-

(i) in the case of a male member, the wife or wives, children whether married or unmarried, dependent parents and a pre-deceased son's widow and children. Provided that if a member proves that his wife has been judicially separated from him or has ceased under the customary or personal law of the community to which she belongs, to be entitled to maintenance, she shall thenceforth be deemed to be no longer a part of the member's family in matters to which these regulations relate, unless the member subsequently intimates in writing to the Board that she shall continue to be so regarded;

(ii) in the case of a female member, her husband, her children whether married or unmarried, her dependent parents, her husband's dependent parents and a pre-deceased son's widow and children. Provided that if a member by notice in writing to the Board expresses her desire to exclude her husband from her family the husband and his dependent parents shall thenceforth be deemed to be no longer a part of the member's family in matters to which these regulations relate, unless the member subsequently cancels such notice in writing.

Note.-In either of the above two cases, 'Child' means a legitimate child, and includes an adopted child, where adoption is recognised by the personal law governing the member. If the child of a member has been adopted by another person and under the personal law of the adopter, adoption is legally recognised, such a child shall be considered as excluded from the family of the member ;

(g) 'Family' for the purpose of International Airports Authority of India Family Pension Fund means,-

(i) wife in the case of male member of the Family Pension Fund :

(ii) husband in the case of a female member of the Family Pension Fund ; and

(iii) minor sons and unmarried daughters of a member the Family Pension Fund.

Explanation :-The expression "sons" and "daughters" shall include children adopted legally before death in service.

(h) 'family pension' means a regular monthly amount payable to a person belonging to the family of the member of the Family Pension Fund, in the event of his death during the period of reckonable service ;

(i) 'foreign service' means service in respect of which an employee of the Authority receives his pay and other emoluments with the sanction of the Authority from any employer other than the Authority ;

(j) 'Member' means an employee of the Authority who is required or is entitled to become a member of the Provident or Family Pension Fund.

(k) 'Provident Fund' means the International Airports Authority of India Employees Contributory Provident Fund under these Regulations.

(l) 'Pay' includes basic pay and where admissible special pay or personal pay, dearness pay and dearness allowance but does not include any other allowance to which the employee may be entitled ;

(m) 'President' means the President of the Board ;

(n) 'reckonable service' means service rendered by a member of the Family Pension Fund in respect of which contributions are payable under this Scheme;

(o) 'Secretary' means the Secretary of the Board ;

(p) 'subscription' means a subscription to the Provident Fund made by a member;

(q) 'Trustee' means a member of a Board of the trustees : and

(r) 'year' means the financial year of the International Airports Authority of India beginning on the 1st day of April.

3. Board of Trustees :-

(1) The Fund established under these regulations shall be administered by the Board of Trustees consisting of the following members namely :-

(a) Director (Finance and Accounts), who will be the ex-officio President;

(b) Deputy Director (Personnel) who will be an ex-officio Trustee:

(c) Deputy Director (Finance and Accounts) who will be an ex-officio Trustee; and

(d) two representatives of the employees to be nominated by the Chairman from amongst the members of the Fund in consultation with the employees.

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

4. Term of Office :-

(1) Every Trustee, other than an ex-officio trustee, shall subject to these regulations, hold office for a period of two years commencing from the date on which the nomination is made ;

(2) Where any casual vacancy occurs in the office of a Trustee (other than an ex-officio Trustee), the Chairman may nominate a member of the Fund as Trustee to fill such vacancy in consultation with the employees 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 out-going Trustee shall be eligible for re-nomination.

5. Resignation and cessation of Trustee :-

(1) A Trustee other than an ex-officio Trustee, may resign his office by a letter addressed to the Chairman and his office shall become vacant from the date on which the resignation is accepted by the Chairman.

(2) If a Trustee other than an ex-officio Trustee falls 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.

6. Disqualifications for Trusteeship and removal :-

(1) A person shall be disqualified for being a Trustee, under clause (a) of sub-regulation (1) of Regulation 3.

(i) if he is an undischarged insolvent ;

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

(iii) if he has been convicted of an offence involving moral turpitude;

(iv) If he ceases to be an employee of the Authority or if he ceases for any reason to be a member of the Fund.

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

(3) The Authority may remove from office any Trustee other than ex-officio Trustee, if in his opinion such Trustee has ceased to represent the interest which he purports to represent on the Board after giving him reasonable opportunity of making any representation against the proposed action.

7. Meetings :-

(1) The Board shall meet at New Delhi or at such place and 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 3 Trustees, call for a meeting of the Board.

(2) 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 regulation.

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

8. Quorum :-

(1) 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 regulation (1) of Regulation 3.

(2) If at any meeting a quorum is not present the President shall adjourn the meeting informing the Trustees of the time and place of the 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.

(3) 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 even of an equality of votes the President shall have and shall exercise a second or casting vote.

9. Minutes of the Meeting :-

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 signed shall be the proof of the correctness thereof.

10. Fees and Allowances :-

(1) All expenses relating to the administration of the Fund including the pay and allowances of the staff appointed for the purpose of administering the Fund shall be borne by the Authority and shall not be charged to the Fund.

(2) The grant of travelling allowance to a Trustee in respect of journeys performed by him for attending the meeting of the Board shall be governed by the regulations applicable to him for journeys performed on official duty and shall be paid by the Authority.

CHAPTER 2

CHAPTER

11. International Airports Authority of India Employees Contributory Provident Fund Scheme Constitution of the Fund :-

(1) The Authority shall constitute a Fund to be called the

International Airports Authority of India Contributory Provident Fund.

(2) The Fund shall be maintained in rupees subject to these Regulations.

(3) The Fund shall constitute an irrevocable trust for the benefit of the members thereof.

12. Assets of the Fund :-

The Fund shall consist of,-

(a) contributions to be made by the Authority and subscriptions to be made by the members in terms of these Regulations ;

(b) Interest which may accrue on such contributions and subscriptions;

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

(d) moneys lapsed to the fund in accordance with the provisions of these Regulations:

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

13. Membership of the fund :-

Every regular employee of the Authority shall be entitled and required to become a member of this fund from the beginning of the month following the date on which he completes six months continuous service or has actually worked for not less than 120 days within a period of six months or less.

Explanation :

(a) If an employee has been a member of a Contributory Provident Fund covered under the Employees Provident Fund Scheme, 1952 or any other Provident Fund established by Central or State Government and/or any other Provident Fund recognised under the Income Tax Act, 1961 and has not withdrawn the Provident Fund amount standing to his credit at the time of his joining the Authority, he shall be eligible to become a member of the Fund from the date of his appointment.

(b) The Pensioners and superannuated persons of the State/Central Government departments will become members of the fund from

the date of their appointment provided that their employment is not less than one year or is extended for one year or more.

(c) The persons appointed on contract basis shall not be eligible to become members of the fund unless their contract of appointment specifically provides for the same.

14. Agreement to be executed by Members :-

Every employee on becoming a member of the Fund shall execute an agreement in the enclosed Form B.

15. Rates of subscription and contribution :-

(1) Every member shall subscribe to the Fund each month at the rate of 8 per cent of the pay earned by him for the month.

A member may increase his subscription to any rate not exceeding twenty five per cent of the pay earned for the month.

Provided that such enhancement shall be given effect to from the subscription which has under these regulations to be treated as the subscription of the first month of a financial year.

Explanation Note :-The pay for the purpose of determining the rate of subscription to Contributory Provident Fund by re-employed employees shall be the pay plus pension and other retirement benefits taken into account at the time of fixation of their re-employment pay. The maximum amount for this purpose is, however, not to exceed the maximum of the scale of the post held by the employee concerned. Dearness Allowance shall be taken into account in addition.

(2) The Authority shall contribute to the Fund every month an amount equal to the amount subscribed by each of the members, but in any case not exceeding 8 per cent of the pay earned by the member during that month as the employer's contribution to the Fund.

(3) Subscriptions and contributions shall be rounded off to the nearest rupee, 50 paise or more to be counted as the next higher rupee.

16. Realisation of subscription :-

(1) When pay is drawn by a member from the Authority, recovery on account of such subscription and of the principal and the interest of any advance shall be made from the pay itself.

(2) When a member is on foreign service and receives his salary from the foreign employer, it shall be incumbent on him to remit his monthly subscriptions to the President. The Authority's contributions payable in respect of the period of foreign employment be recovered by the Authority from the Member. Amount payable by the member may be mutual agreement be recovered by the foreign employer from his pay and remitted to the President.

17. Administration of Fund, accounts and audit :-

(1) The total amounts received as the employer's contributions and towards the employees subscriptions to the Fund shall be credited to respective accounts.

(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 deposited in the manner specified under R.67 of the Income Tax Rules, 1962 and amendment thereof from time to time.

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

18. Interest :-

The Board shall as soon as possible after the expiry of every year,-

(i) notify the rate at which the interest shall be allowed during the year on all deposits standing to the credit of every member of the Fund which shall be the same rate as determined by the Central Government for the Contributory Provident Fund for their employees.

(ii) prepare an account of the total interest accrued and received on the investment of the Fund during that year ; and

(iii) credit the amount of interest due to every member on the balance standing to his credit in the Fund on the 31st day of March of each year. Provided that in the case of the member ceasing to be such member before the accounts of the year are closed interest

shall be allowed at the rate fixed for the preceding year upto the end of the month preceding that in which the payment is made.

19. Members Accounts :-

(1) An individual account for each member shall be maintained in the form prescribed by the Board and allotted a separate number. Accounts shall be maintained at the Headquarters or at the respective Airport where the member is working as may be prescribed by the Board.

(2) As soon as may be after the close of the year, every member shall be supplied with a statement of his account 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 member shall send 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 member 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 the said Rules.

20. Nominations :-

(1) Every member shall, as soon as possible after joining the Fund, make a nomination in the form that may be prescribed by the Board conferring upon one or more persons the right to receive the amount which 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 actually paid :

Provided that if at the time of making the nomination, the member has a family, the nominations shall not be in favour of any person or persons other than the member of his family.

(2) If a member nominates more than one person under sub-regulation (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 amount which may stand to his credit in the Fund at any time.

(3) A member may at any time cancel or modify a nomination by notice in writing:

Provided that the member shall, alongwith such notice, a fresh nomination made in accordance with the provisions of this regulation in the form that may be prescribed by the President.

(4) A member may provide in a nomination form.-

(a) that in the event of any specified nominee predeceasing the member, the right conferred upon that nominee shall pass on to such other person or persons as may be specified in the nomination:

Provided that where the member has a family, such other nominee shall also be a member of the family,

Provided also, that where the member has no family, the provisions of the proviso to sub-clause (b) shall apply.

(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 member has no family, he shall provide in the nomination that it shall become invalid in the event of his subsequently acquiring a family.

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

(6) Every nomination made, and every notice of cancellation given, by a member shall be communicated to the Secretary or any other officer that may be specified in this respect and to the extent that it is valid, take effect on the date on which it is received by the Secretary or any other officer specified by the President under sub-regulation (5) above.

(7) Where the nomination is wholly or partly in favour of a minor, the member may, for the purpose of these regulations, appoint a major person of his family as defined in Regulation 2(e)(1), to be the guardian of the minor nominee:

Provided that if there is no major person in the family, the member may, at his discretion, appoint any other person to be a guardian of the minor nominee.

(8) Except as otherwise provided in this regulation no employee shall assign or create a charge upon his beneficial interest in the Fund.

21. Advances from the Fund :-

(1) The Board may sanction the payment to any member of an advance for any of the purposes listed in column 2 of the statement below upto the limits and subject to the special conditions, if any, set out in column 3 and column 4 respectively.

(2) Notwithstanding anything contained in sub-regulation (1), Chairman may grant advance in excess of the limits laid down above or in any case of acute distress not covered by the conditions set out above.

(3) An advance shall not, except for special reasons, be granted to any member until repayment of the last installment of any previous advance together with interest thereon. However, in cases, where second advances is granted before the repayment of the first advance, the balance of any previous advance not recovered shall be added to the advance so sanctioned and the instalments for recovery shall be fixed with reference to the consolidated amount.

(4) A member who has been sanctioned an advance from the Fund shall satisfy the sanctioning authority within such period as may be specified by the Authority that the money has been utilised for the purpose for which it was sanctioned and, if he fails to do so, the whole sum so sanctioned or so much thereof as has not been applied for the purpose for which it was sanctioned, shall forthwith be repaid in one lump-sum together with interest thereon at the rate specified under sub-regulation (3) of Regulation 22 by the member of the Fund and in default of such payment shall be ordered by the sanctioning authority to be recovered from his emoluments either in one lump-sum or in such number of monthly instalments as may be determined by such Authority.

22. Recovery of advances :-

(1) An advance shall be recovered from the member in such number of equal monthly instalments as the sanctioning Authority may direct but such number shall not be less than 12 unless the member so elects and more than 36. A member may at his opinion make repayment of more than one instalment in any month. The amount of each instalment shall be fixed in terms of whole rupees, the amount of advance being raised or reduced if necessary to admit of such fixation.

(2) Recovery shall be made in the manner provided in Regulation 16 and shall commence from the first occasion after the advance is made on which the member draws pay for a full month. Recovery shall, however, not be made except with the member's consent while he is in receipt of subsistence grant or on sick leave and/or extraordinary leave exceeding 30 days.

(3) Interest shall be charged on advances and recovered in accordance with the provisions of R.71 of the Income Tax Rules, 1962.

23. Withdrawals :-

(1) The Board may sanction a withdrawal at any time after the completion of twenty years of service (including broken periods of service, if any) of a member or within ten years before the date of his retirement on superannuation, whichever is earlier : from the amount of subscriptions and interest thereon standing to the credit of the member in the Fund for any of the purposes mentioned in Column 2 of the Statement below upto the limits and subject to the conditions, if any, set out in Columns 3 and 4 respectively.

Note.-The service rendered by an employee under Central Government or in a Public Sector Undertaking before he becomes a regular employee of the Authority shall be reckoned for the period of 20 years, subject to the condition that the amount standing to his credit in his Provident Fund Account while under Government or the Public Sector Undertaking has been credited to the Fund under these regulations. This will, however, apply only in respect of such employees from Central Government of Public Sector Undertakings who become regular employees of the Authority latest by 1-9-1977.

(2) The actual withdrawal from the Fund shall be made only on

receipt of an authorisation from the President or any other officer specified by him in this behalf. The authorisation shall be issued as soon as the formal sanction of the Board has been issued.

(3) The provisions of sub-regulation (4) of Regulation 21 shall mutatis mutandis apply to moneys withdrawn from the Fund under this Regulation.

23A. Withdrawal for Payment of Premium :-

The Board may sanction withdrawal by a member of the Provident Fund subscription standing to his credit to pay premia on policies of life insurance of a member or his wife : Provided that no amount shall be withdrawn :-

(a) before the particulars of the policy are submitted to the Board and accepted by them as suitable ; or

(b) unless the policy is assigned to the Trustees, receipts granted by any Insurance Company for the premia are from time to time handed over to the Trustees for inspection ; or

(c) in excess of the amount required to meet a premium.

(d) in excess of (i) the pay of employee for three months at the time of withdrawal or (ii) the total of the accumulation of subscription and interest exempted from income tax contained in the balance to the credit of the employee, whichever is less.

(e) unless the premium for a policy in respect of which withdrawal is permitted is payable annually :

Provided further that if such policy matures or otherwise falls due for payment before the employee ceases to be in the service of the Authority, the amount received or receivable thereunder shall be utilised to reimburse the member's account to the extent of the amount drawn therefrom or the amount received against the insurance policy, whichever is less, and the balance, if any, made over to the beneficiary under the policy:

Provided further, that if a member, having withdrawn any amounts under this Regulation, elects to discontinue such withdrawals, the total amount so withdrawn by him for payment of insurance premia shall be reimbursed to his account in the Fund and the insurance policy assigned to or deposited with the Trustees shall not be re-assigned or returned to him, as the case may be, unless the amount withdrawn is so reimbursed.

24. Conversion of an Advance into a Withdrawal :-

A member who has already drawn an advance under Regulation 21 may convert at his discretion by written request addressed to the President through the Secretary the balance outstanding against him, into final withdrawal on his satisfying the condition laid down in sub-regulation (1) of Regulation 23.

25. Final Withdrawals of Accumulations in the Fund :-

When a member quits the service of the Authority the accumulated balance standing to his credit in the Fund shall, subject to the deduction of Income-tax that may be due and payable by him according to the provision of the Income Tax Act, 1961 and also subject to any deductions under Regulation 27 becomes payable to him :

Provided that if the member quits service for taking up appointment with Central or State Government or any autonomous organisation or any society registered under the Societies Registration Act, 1860, or public undertaking etc. with the proper permission of the Authority, the balances at his credit in the Fund shall not be payable to him but be transferred to his new employer if the Provident Fund Rules of that employer allow such transfer.

26. Procedure on death of Members :-

Subject to any deduction under Regulation 27 on the death of a member before the amount standing to his credit has become payable or where the amount has become payable before actual payment has been made,-

(i) if a nomination made by the member in accordance with Regulation 20 subsists, the amount standing to his credit in the Fund or that part thereof to which the nomination relates, shall become payable to his nominee or nominees in accordance with such nomination : or

(ii) if no nomination subsists or if the 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 become payable to the members of his family in equal shares :

Note :-In case the share becomes payable to the minor children under the aforesaid clause it shall be paid to the surviving parents being the natural guardian without an indemnity bond :

Provided that no share shall be payable to :

(a) sons who have attained majority ;

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

(c) married daughters whose husbands are alive ;

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

If there is any member of the family other than those specified in clauses (a), (b), (c) and (d) :

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 member and had not attained the age of majority at the time of the member's death.

(iii) In any case, to which the provisions of sub- regulations (i) and (ii) do not apply the whole amount shall be payable to the person legally entitled to it.

Explanation.-For the purpose of this paragraph a member's posthumous child, if, born alive, shall be treated in the same way as surviving child born before the member's death.

27. Deduction :-

(1) Subject to the condition that no deduction may be made which reduces the credit by more than that the amount of any contribution by the Authority with interest thereon, before the amount standing to the credit of a member in the Fund is paid out of the Fund, the Chairman may direct the deduction therefrom of ;

(a) any amount, if a member has been dismissed from the service of the Authority.

(b) Deduction in the cases of voluntary resignation or retirement in Authority shall be on the following graduated scale :-

In case of death and in case of resignation from service where transfer of Contributory Provident Fund balance is involved employer's contributory would be paid in full irrespective of the length of service rendered.

(c) Any amount due under a liability incurred by the member of the authority.

(2) All amounts deducted under clause (a) or clause (b) of sub-regulation (1) shall lapse to the Fund.

(3) All amounts deducted under clause (c) of sub-regulation (1) shall be paid into the credit of the Authority.

28. Manner of Payment of the Amount in the Fund :-

(1) When the amount standing to the credit of a member in the Fund or the balance thereof, after any deduction under Regulation 27 becomes payable, it shall be duty of the Secretary or any other officer specified by the President in this behalf after satisfying himself as to correctness of the amount payable, to make payment on receipt of a written application in this behalf as provided in sub-regulation (3) below.

(2) If the person to whom under these regulations any amount is to be paid is a lunatic' and for whose estate a Manager has been appointed under the Lunatic Act 1912, the payment shall be made to such Manager and not to the lunatic.

(3) Any person who desires to claim payment under this regulation shall send a written application in that behalf to the Secretary or any other officer specified by the President in this behalf in such form as may be prescribed by the Board. Payments of amounts withdrawn shall be made in India only. The person to whom the amounts are payable shall make their own arrangements to receive payment in India.

CHAPTER 3

INTERNATIONAL AIRPORTS AUTHORITY OF INDIA FAMILY PENSION FUND SCHEME

29. Membership of the Family Pension Fund :-

This scheme shall apply to every employee who becomes a member of the Employee's Provident Fund Scheme, provided he is not in receipt of pay exceeding 1,000 rupees per month :

Provided that an employee who while working in a factory or other establishment before joining the service of the Authority had earlier decided not to opt for the Family Pension Scheme, 1971 under the Employee's Provident Fund and Family Pension Fund Act, 1952 (as amended in 1971) as provided in paragraph 3(b) and 4 of that scheme, may exercise within three months of the date of promulgation of these Regulations, the option for not joining the

Family Pension Fund of the Authority.

30. Retention of Membership :-

A member of the Family Pension Fund shall continue to be a member of the Family Pension Fund till he attains the age of superannuation or till he retires or quits service and withdraws or becomes entitled to withdraw the benefits to which he is entitled under this scheme or dies during the period of reckonable service, whichever is the earliest.

Explanation.-Once the pay of an employee exceeds Rs. 1,000 p.m. he would automatically be deemed to have opted out of the Family Pension Scheme.

31. Resolution of Doubts :-

If any question arises whether an employee is entitled to become a member of the Family Pension Fund Scheme, the decision thereon of the Board of Trustees shall be final, provided that no decision shall be given unless the employee has been heard.

32. Fees and Allowances :-

All expenses relating to the administration of Family Pension Fund including the pay and allowances of the staff appointed for the purpose of administering the fund shall be borne by the Authority in the same manner as indicated in Regulation 10.

33. Family Pension Fund :-

(a) From and out of the subscription paid by the members and the contributions paid by the Authority into Provident Fund each month as laid down in Regulation 15, a part of subscription representing $1\frac{1}{6}$ per cent of the employee's pay along with the equivalent amount representing $1\frac{1}{6}$ per cent of the Authority's contribution shall be separately earmarked and credited to the Family Pension Fund.

(b) The Authority shall also contribute at the rate of $1\frac{1}{6}$ per cent of the pay of the members of the Family Pension Fund and credit the contribution to the Family Pension Fund Account.

(c) The contributions payable under sub-regulations (a) and (b) shall be calculated on the basis of the monthly pay.

(d) Each contribution payable under sub-regulations (a) and (b) shall be calculated to the nearest quarter of rupee, 12.5 paise or more to be counted as the next higher quarter of a rupee.

34. Particulars to be supplied by persons already employed at the time of the commencement of the Family Pension Fund :-

Every person who is entitled to become a member of the Family Pension Scheme shall be asked forthwith by the Authority to furnish and shall, on such demand, furnish to it, particulars concerning himself and his family in the enclosed Form A.

35. Allotment of Accounts Numbers :-

Separate account will be allotted to each member of the Family Pension Fund Scheme.

36. Family Pension Fund Account :-

The aggregate amount received as the Authority's and the employee's contributions and also the Authority's own contributions to the Family Pension Fund shall be credited to an account called the 'Family Pension Fund Account'.

37. Investment :-

All moneys belonging to the fund shall be deposited in the manner specified under R.67 of the Income Tax Rules, 1962.

38. Disposal of the Fund :-

(a) All payments on account of Family Pension and other benefits under this Scheme shall be chargeable against the said account.

(b) Subject to the provisions of the regulations under this Scheme, the Family Pension Fund Account referred to in Regulation 36 above shall not, except with the previous sanction of the Authority be expended for any purpose other than the payment of benefits as may be admissible under this Scheme to the members of the Family Pension Fund or persons belonging to his family.

39. Forms of Accounts :-

The accounts of the Family Pension Fund shall be maintained in such form and manner as may be specified by the Authority.

40. Audit :-

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

41. Maintenance of Family Pension Fund Account :-

The account called the 'Family Pension Fund Account' shall be opened and maintained in such manner as may be specified by the Board with approval of the Authority.

42. Rate of Family Pension :-

(1) In the case of a member who dies during the period of reckonable service before attaining the age of superannuation, family pension shall be paid at the rates specified in the Table below, subject to the condition that he has been a member of the Family Pension Fund for a period of not less than 2 years.

Note :-In the case of erstwhile Government servants absorbed in the service of the Authority by 1st September, 1977 and employees of other public sector undertakings who joined service in the Authority by that date in continuation of their service in those undertakings, the past service in Government or public sector undertaking will be reckoned towards the period of two years.

(2) If at the time of death during the period of reckonable service, a member was not in receipt of full pay, the rate of full pay last drawn by him during that period shall be taken into account for the above assessment.

(3) Where an employee who has been a member of this Family Pension Fund for a period not less than 7 years dies during the period of reckonable service, the above rate of Family Pension shall be subject to the following modifications :-

(a) for a period of 7 years from the date of death or till the date on which the member of the Family Pension Fund would have reached the age of 58 years had he remained alive, whichever period is shorter, the Family Pension payable shall be at 50 per cent of pay last drawn in full subject to a maximum of twice of the Family Pension mentioned in the Table:

Note :-In the case of erstwhile Government servants absorbed in the service of the Authority by 1st September, 1977 and employees of other public sector undertakings who joined service in the Authority by that date in continuation of their service in those undertakings, the past service in Government or public sector undertaking will be reckoned towards the period of 7 years.

(b) the Family Pension payable after the expiry of the period referred to in clause (a) shall be the same as in the Table.

43. Family Pension to Whom Payable :-

(1) Subject to the provision of Regulation 42 the Family Pension is payable :-

(a) to the widow or widower upto the date of death or remarriage, whichever is earlier ;

(b) failing (a), to the eldest surviving minor son until he attains the age of 18 years : and

(c) failing (a) and (b), to the eldest surviving unmarried daughter until she attains the age of 21 years or marriage, whichever is earlier.

(2) The Family Pension shall not be paid to more than one person at a time:

Note :-

(i) In cases where there are two or more widows, Family Pension shall be payable to the eldest surviving widow. On her death, it shall be payable to the next surviving widow, if any. The term eldest would mean seniority with reference to the date of marriage.

(ii) In the event of remarriage or death of the widow or widower, the pension will be granted to the minor children through their natural guardian. In dispute cases, however, payments will be made through a legal guardian.

44. Commencement of Payment of Family Pension :-

Family Pension shall become payable from the beginning of the month immediately following the month in which a member of the Family Pension Fund dies.

45. Lump-sum Benefit :-

Where a member of the Family Pension Fund Scheme dies during the period of reasonable service, lump-sum of Rs. 1,000 as lump-sum benefit shall be payable to his family in the order indicated in Regulation 43.

46. Retirement Benefit :-

(1) On attaining the age of superannuation of a member of the Family Pension Fund who has contributed to the Family Pension Fund for a period of not less than 2 years shall be paid a lump sum of Rs. 4,000 and thereafter he shall cease to be a member of the Family Pension Fund.

Note :-In the case of erstwhile Government servants absorbed in the service of the Authority by 1st September, 1977 and employees of other public sector undertakings who joined service in the

Authority by that date in continuation of their service in those undertakings, the past service in Government or public sector undertaking will be reckoned towards the periods of two years.

(2) Where a member of the Family Pension Fund to whom any amount becomes payable under sub-regulation (1) dies before the amount has been actually paid to him, the lump-sum payment under sub-regulation (1) shall be payable to a member of his family who would have been entitled to receive Family Pension under Regulation 43.

47. Withdrawal Benefit :-

(1) In the case of cessation of membership from the Family Pension Fund before attaining the age of superannuation for reasons other than death the following benefit shall accrue to the member of the Family Pension Fund :

Provided that he has paid contribution to the Family Pension Fund for not less than 2 years :

(2) In the event of cessation of membership from the Family Pension Fund, before the completion of two year's contributions to the Family Pension Fund, the contributions of the member of the Family Pension Fund credited to the Family Pension Fund together with interest thereon at the rate of 5 « per cent per annum shall be refunded to him.

48. Benefits for Members entering Family Pension Fund after attaining the age of 25 years :-

Where a person becomes in member of the Family Pension Fund after the age of 25 years, the retirement/withdrawal benefits shall be payable in accordance with the provisions contained in Regulations 46 and Regulation 47 multiplied by a factor depending on the age of entry given in Table II of the Schedule to this Scheme. In respect of Government servants on deputation who are subsequently absorbed in the Authority, their age at the time they came on deputation will be taken as the age of becoming a member of this Scheme for the purpose of this Regulation.

49. Disbursement of Family Pension and Other Benefits :-

The Board shall, with the approval of the Authority, enter into arrangements for the disbursement of Family Pension and other benefits, under this Scheme with disbursing agencies like post offices or nationalised banks or treasuries. The commission payable

to the disbursement agencies and other charges incidental thereto shall be met from the portion of Family Pension Fund contributed by the Authority under Regulation 33.

50. Registers, Records, etc :-

The Board shall with the approval of the Authority prescribe the registers and records to be maintained in respect of employees, the form or designs of any identity card, token or disc for the purpose of identifying any employee or his nominee or a member of family entitled to receive the Family Pension and such other formalities as have to be completed in connection with the grant of Family Pension and other benefits or for the continuance thereof subject to such periodical verification as may be considered necessary.

51. Power to Issue Directions :-

The Authority may issue such directions as may be deemed just and proper by it for resolving any difficulty in the implementation of this Scheme including difficulties in the matter of disbursement of Family Pension and other benefits.

52. Delegation of Powers :-

The Board may delegate any of its powers under these regulations to the President or to any ex-officio Trustee, or to the Secretary, subject to such conditions and modifications, as it may deem fit to impose.

53. Relaxation :-

Provisions of these Regulations may be relaxed with the approval of Authority, in respect of any employee or category of employees for special reasons to be recorded in writing.

54. Interpretation :-

If any question arises relating to the interpretation of these regulations, it shall be referred to the Chairman whose decision thereon shall be final.

55. Winding up :-

The Fund shall not be closed except when the Authority is wound up. In the event of the dissolution of the Authority, the Fund shall be closed and the moneys after payment of amounts due to be paid but not yet paid under these regulations, shall be distributed amongst the members then existing by payment to each of them a sum which shall bear the same proportion to the aggregate market value of the proceeds of securities and un-invested cash then constituting the Fund as the amount then standing to the credit of

the member in his individual account hears to the aggregate of the amounts then standing to the individual accounts of all such members.

SCHEDULE 1

SCHEDULE

Table-1	
(See Regulation 47)	
AGE at cessation of membership	Factor 'F'
In Family Pension Fund	
20	0.25
21	0.27
22	0.30
23	0.32
24	0.35
25	0.37
26	0.40
27	0.43
28	0.45
29	0.48
30	0.50
31	0.53
32	0.55
33	0.58
34	0.60
35	0.63
36	0.65
37	0.68
38	0.70
39	0.72
40	0.74
41	0.76
42	0.78
43	0.80
44	0.81
45	0.83
46	0.84
47	0.86
48	0.87
49	0.88
50	0.89
51	0.89
52	0.90

53	0.90
54	0.90
55	0.91
56	0.92
57	0.93