
**MICA MINES LABOUR WELFARE OFFICE ESTABLISHMENT
(CONTRIBUTORY PROVIDENT FUND) RULES, 1950**

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**MICA MINES LABOUR WELFARE OFFICE ESTABLISHMENT
(CONTRIBUTORY PROVIDENT FUND) RULES, 1950**

In exercise of the powers conferred by Sec. 6 of the Mica Mines Labour Welfare Fund Act, 1946 (XXII of 1946), the Central Government is pleased to make the following rules, namely:

1. Short title :-

(1) These rules may be called the Mica Mines Labour Welfare Office Establishment (Contributory Provident Fund) Rules, 1950.

(2) They shall be deemed to have come into force with effect from the 1st April, 1950.

2. Definitions :-

In these rules, unless the context otherwise requires,-

(i) "Accounts Officer" means in relation to Ajmer, the Accountant-General of Central Revenues and in relation to other States, the Accountant-General of the respective States.

(ii) "Controlling Officer" means In relation to Bihar, the Welfare Commissioner, Mica Mines Labour Welfare Fund, Dhanbad, and in relation to other States, the Chairman of the Mica Mines Labour Welfare Fund Advisory Committee for the respective States.

(iii) "Emoluments" means pay, leave salary or subsistence grant, as defined In the Fundamental Rules, and includes-

(a) any wages paid from the Welfare Fund to employees not remunerated by fixed monthly pay; and

(b) any remuneration of the nature of pay received in respect of foreign service (i. e. service rendered with any other employer with the permission of the Controlling Officer).

(iv) "Employee" means any person holding an appointment, the emoluments of which are paid from the Welfare Fund.

(v) "Family" means-

(a) In the case of male subscriber, the wife. or wives and children of the subscriber, and the widow, or widows and children of a deceased son of the subscriber: Providedthatif a subscriberproves that his wife has been judicially separated from him or has ceased under the customary law of the community to which she belongs to be entitled to maintenance, she shall henceforth be deemed to be no longer a member of the subscriber's family in matters to which these rules relate, unless the subscriber subsequently indicates by express notification In writing to the Accounts Officer through the Controlling Officer that she shall continue to be so regarded;

(b) in the case of a female subscriber, the husband and children of the subscriber, and the widow or widows and children of a deceased son of the subscriber: Provided that if a subscriber by notification In writing to the Accounts Officer through the Controlling Officer, expresses her desire to exclude her from her family, the husband shall thenceforth be deemed to be no longer a member of the subscriber's family in matters to which these rules relate, unless the subscriber subsequently cancels formally in writing her notification excluding him.

(vi) "Provident Fund" means the Mica Mines Labour Welfare Office Establishment Contributory Provident Fund.

(vii) "Subscriber" means any employee of the Welfare Fund admitted to the Provident Fund.

(viii) "Welfare Fund" means the Mica Mines Labour Welfare Fund constituted under the Mica Mines Labour Welfare Fund Act, 1949.

(ix) "Year" means, a financial year.

3. Constitution and management of the Provident Fund :-

The Provident Fund shall be administered by the Controlling Officer and shall be maintained by the Accounts Officer in rupees in India.

4. 4 :-

These rules shall apply to every employee holding a permanent and nonpensionable post in a substantive capacity: Provided that a person appointed on probation to a permanent post or appointed to officiate in a post which is vacant or the permanent incumbent of which does not draw any part of the pay or count service may. If he is confirmed without Interruption, be allowed to Join the Provident Fund with retrospective effect from the date of his Joining the service: Provided further that an employee in temporary service may also be admitted to the Provident Fund, with the written consent of the Controlling Officer, with retrospective effect from the date he Joined the service, if he has been employed in connexion with the Fund for not less than a year and is in the opinion of the Controlling Officer likely to remain so employed for at least another two years.

5. Nomination :-

(1) A subscriber shall, as soon as may be after Joining the Provident Fund, send to the Accounts Officer through the Controlling Officer a nomination conferring on one or more persons the right to receive the amount that may stand to his credit in the Provident Fund In the event of his death before that amount has become payable, or having become payable has not been paid: Provided that If, at the time of making the nomination, the subscriber has a family, the nomination shall not be In favour of any person or persons other than the members of his family.

(2) If a subscriber nominates more than one person under sub-rule (i), he shall specify In the nomination the amount or share payable

to each nominee In such manner as to cover the whole of the amount that may stand to his credit in the fund at any time.

(3) Every nominati on shall be In such one of the forms set forth In the First Schedule as is appropriate in the circumstances.

(4) A subscriber may at any time cancel a nomination by sending a notice in writing to the Accounts Officer through the Controlling Officer: Provided that the subscriber shall along with such notice send a fresh nomination made in accordance with the provisions of this rule.

(5) A subscriber may provide in a nomination-

(a) in respect of any specified nominee that In the event of his predeceasing the subscriber, the right conferred upon that nominee shall pass to such other person as may be specified in the nomination:

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

(6) Immediately on the death of a nominee in respect of whom no special provision has been made In the nomination under C1.(9) of sub-rule (5) or on the occurrence of any event by reason of which the nomination becomes Invalid in pursuance of Cl. (b) of sub-rule (5) or the proviso thereto, the subscriber shall send to the Accounts Officer through the Controlling Officer a notice in writing cancelling the nominations together with a fresh nomination made in accordance with the provisions of this rule

.

(7) 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 Accounts Officer through the Controlling Officer.

6. Subscribers Account :-

An account shall be prepared in the name of each subscriber and maintained by the Accounts Officer in the form set forth In the Second Schedule appended to these rules. The Accounts Officer shall issue to each subscriber an annual statement of account in the

form set forth in the Third Schedule appended to these rules.

7. Conditions and rate of subscriptions :-

(1) A subscriber shall subscribe monthly to the Provident Fund when on duty or on foreign service.

(2) A subscriber may, at his election, not subscribe during leave.

(3) The subscriber shall intimate his election not to subscribe during leave by a written communication to the Accounts Officer through the Controlling Officer before he proceeds on leave.

(4) Failure to make due and timely intimation shall be deemed to constitute an election to subscribe.

(5) The election of a subscriber intimated under this rule shall be final. A subscriber shall not subscribe to the Provident Fund on extraordinary leave without pay or under suspension. He shall, however, on return from a period of such leave without pay or on reinstatement after a period passed under suspension, be allowed the option to subscribe for that period, at the discretion of the Controlling Officer. The amount of subscription to be paid shall also be determined by the Controlling Officer, the general principle to be observed being that the subscription should be calculated on half the emoluments drawn by the employee before he proceeded on leave without pay or was placed under suspension

.

8. 8 :-

(1) The amount of subscription shall be fixed by the subscriber himself subject to the following conditions:

(a) It shall be expressed in whole rupees: Provided that if the emoluments of the subscriber do not exceed fifty rupees a month, the amount may be any multiple of a half-rupee:

(b) it may be any sum so expressed at a rate not exceeding 12 per cent. (i. e. two anna in the rupee) and not less than 6 per cent. (i.e. one anna in the rupee) of his monthly emoluments: Provided that in the case of an employee who under the rules is allowed to join the Provident Fund with retrospective effect, such monthly subscription shall not be less than ten per cent. of his pay until all arrears of such subscriptions are paid up in full. In the case of a person already subscribing at a rate higher than ten per cent. of his

pay (the amount paid in excess of 6 per cent. of his pay shall be adjusted against the recovery of his arrears.

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

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

(b) in the case of a subscriber admitted to the Provident Fund on a subsequent date. the emoluments to which he was entitled on such subsequent date:

(c) in the case of a subscriber who 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, the emoluments to which he would have been entitled had he been on duty, and

(d) in the case of a subscriber who was on leave on the said date and elected not to subscribe during such leave or was under suspension on the said date. the emoluments to which he was entitled on the first day after his return to duty.

(3) The subscriber shall intimate the fixation of the amount of his monthly subscription for each year on the basis of his emoluments and rate permissible as provided in sub-rule (2). The amount so fixed shall remain unchanged throughout the year: Provided that if a subscriber is on duty for a part of a month and on leave for the remainder of that month, and If he has elected not to subscribe during leave, the amount of the subscription shall be proportionate to the number of days spent on duty in the month: Provided further that if a subscriber is permitted to subscribe for the period of leave without pay or for the period spent under suspension, the amount of subscription shall be determined as provided in sub-rule (6) of rule 7.

9. Realization of subscription :-

(1) When the emoluments are drawn on the establishment pay bills, recovery of subscription to and the principal and interest of advances granted from the Provident Fund shall be made by deduction from the pay bills

.

(2) When the emoluments are drawn otherwise, the subscriber shall forward his dues monthly to the Accounts Officer.

10. Contribution by the Welfare Fund :-

(1) The Controlling Officer shall make yearly a contribution to the account of each subscriber from the Welfare Fund: Provided that if a subscriber quits service or dies during the course of a year, proportionate contribution shall be credited to his account for the period between the close of the preceding year and the date of his retirement or death, as the case may be.

(2) The rate of contribution made by the Controlling Officer shall be 6 percent. (1/16th) of the subscriber's emoluments drawn during the year during which he subscribed to the Fund: Provided that in case of an employee who is allowed to join the Provident Fund with retrospective effect such contribution shall not be higher than the rate at which the subscriber himself subscribes to the Fund. during the period of recovery of arrears of subscription: Provided further that for the period of leave during which he elected to subscribe, the emoluments would mean the emoluments to which he would have been entitled, had he been on duty, and for the period of leave without pay and for the period spent under suspension for which he was permitted to subscribe under sub-rule (6) of rule 7, the emoluments would mean the emoluments as determined by the Controlling Officer under the said rule.

(3) The amount of contribution shall be rounded off to the nearest whole rupee (eight anna counting as the next higher rupee).

11. Interest :-

(1) The Controlling Officer shall pay to the credit of the account of a subscriber, interest, at such rate as the Central Government may from time to time prescribe for the payment of interest on a subscriber's accumulations In the Provident Fund.

(2) In addition to any amount to be paid under rule 17 interest thereon up to the end of the month preceding that in which payment is made, or up to the end of the sixth month after the month in which such amount became payable, whichever of these periods be less. shall be payable to the persons 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 Accounts Officer has intimated to that person (or his agent) as the date on which is 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.

(3) Interest shall be credited with effect from the 31st March of each year In the following manner:

(i) On the amount at 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 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 current year;

(iv) the total amount of Interest shall be rounded to the nearest rupee In the manner provided in sub-rule (3) of rule 10: Provided that when the amount standing at the credit of a subscriber has become payable. Interest shall thereupon be credited under this sub-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 at the credit of the subscriber became payable.

12. Advance :-

When the pecuniary circumstances of a subscriber are such that indulgence is absolutely necessary, a temporary recoverable advance may, at the discretion of the Controlling Officer, be granted to a subscriber out of the amount standing to his credit In the Provident Fund. on the conditions that-

(i) the advance required to pay expenses on behalf of a subscriber or his family on any of the following:

(a) prolonged illness or medical attention:

(b) overseas passage for reasons of health or education;

(c) marriage, funerals or ceremonies which by his religion it is incumbent upon the subscriber to perform:

(d) education outside India, whether for an academic, technical, professional or vocational course:

(e) medical, engineering and other technical or specialized courses in India beyond the High School stage, provided that the course of study is not less than three years;

(ii) the advance is expressed In whole rupees and shall not, except for special reasons, exceed three months' pay of the subscriber and shall, in no case. exceed the amount of subscriptions and interest thereon standing to his credit in the Provident Fund:

(iii) a written request is made to Controlling Officer showing reason for the request: Provided that if the reason is of a confidential nature, it may be communciated to the Controlling Officer personally or confidentially.

13. 13 :-

Any advance shall be recovered from the subscriber In such number of equal monthly Instalments as the Controlling Officer may direct but the number shall not be less than 12 unless the subscriber so elects or in any case more than 24, the amount of advance being raised or reduced. If necessary, to admit of the fixation of such Instalments. The instalments shall be expressed in whole rupee and recovered from the subscriber's salary In the manner indicated In rule 9. Recovery shall commence on the first occasion after the advance is made on which the subscriber draws emoluments, other than leave salary or subsistence grant, for a full month.

14. 14 :-

After the principal of the advance has been fully repaid. Interest thereon shall be recovered in one Instalment at the rate of 1/5 per cent. of the principal for each month or broken portion of a month during the period between the drawal and complete repayment of the principal: Provided that when the advance Is distributed to be recovered In more than 19 Instalments, the interest may be recovered in two Instalments.

15. Deductions :-

Subject to the conditions that no deductions may be made which reduce the credit by more than the amount of any contribution by the Controlling Officer with interest thereon credited under rule 10 and rule 11, before the amount standing to the credit of a subscriber In the Provident Fund is paid out of the Fund. the Controlling Officer may direct the deductions therefrom and payment to the Welfare Fund of-

(a) any amount, if a subscriber has been dismissed from the service for grave misconduct: Provided that. If the order of dismissal is subsequently cancelled, the amount so deducted shall, on his reinstatement in the service, be replaced at his credit in the Provident Fund:

(b) any amount, if a subscriber resigns his employment under the Welfare Fund within five years of commencement of service thereof otherwise than by reasons of superannuation or a declaration by competent medical authority that he is unfit for further service:

(c) any amount due under a liability incurred by the subscriber to the Welfare Fund.

16. Final withdrawal of accumulations in the Provident Fund :-

The amount standing to the credit of a subscriber shall become payable at the time of quitting service or the death of the subscriber in the manner provided by these rules.

17. 17 :-

The total accumulations in the account of a subscriber subject to any deductions under rule 15 shall be paid as follows:

(i) to the subscriber on his ceasing to be an employee;

(ii) In the event of the death of the subscriber and to having made a nomination In accordance with these rules, to the nominee or nominees, and in the event of such nominee or nominees pre-deceasing the subscriber, to the alternate nominee or nominees. In the manner indicated in the declaration form: or

(iii) In the event of the death of the subscriber without having made a nomination In accordance with these rules or whose nominee or nominees or alternate nominee or nominees has/have not survived the subscriber, to the members of his family in equal shares: Provided that no share shall be payable to-

(a) sons who have attained legal majority;

(b) sons of a deceased son who have attained legal 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 C1s. (a), (b), and (d): Provided also that the widow or widows, and

the child or children of a deceased son shall receive between them in equal parts only the share which that son would have received If he had survived the subscriber and had been exempted from the provisions of Cl. (a) of the proviso.

SCHEDULE 1

Forms of Nomination

[See rule 5(3)] 1. When the subscriber has a family and wishes to nominate one member thereof. I hereby nominate the person mentioned below, who Is a member of my family as defined in rule 2 of the Mica Mines Labour Welfare Office Establishment (Contributory Provident Fund) Rules. 1950, to receive the amount that may stand to my credit in the Fund, in the event of my death before that amount has become payable or having become payable has not been paid.

1Name	Kelationship	Age	Contingencies	Name, address and
and	with		on the happening	relationship of the
address	subscriber		of which the	person. If any, to
ofthe			nomination	whom the right of
norninee			shall beconne	th nominee shall
			Invalid	pass in th event of
				his pre-deceasing the
				subscriber

SCHEDULE 2

2

Provident Fund Account and abstract balance of each subscriber
 Corresponding date (s) of appointment----- Appointment or
 appointments held under the Welfare Fund----- Name of subscriber-
 -----Remarks or special provision, if any----- Account NO.-----
 ----- Date of admission to the Provident Fund-----

Pay on	Subs-	Subscription		With-	Contribution by th		With-
31st	cnp-	Refnd	Total	drawals	Welfare Fund		drawai
March	tion	of			Monthly	Subscri-	remarks
of the		with-			balance	ber's mo	
preced-		drawa-			on which	luments	
ing year		1s			Interest	drawn on	
Rs.....					is calcu-	duty or	
19 19					lated	his leave	
						salary. if	
						he elects	
						to subs	
						cribe	
						during	
						leave	

April
May
June
July
August
September
October
November
December
January
February
March
March (Final)
March (Supplementary)
Total..

SCHEDULE 3

3

Mica Mines Labour Welfare Office Establishment Contributory Provident Fund Office of the Accountant-General- Year of Account 19 19 Rate of interest per cent.

Account	Name of subscriber	Opening balance	1Deposit during the year	Interest for the year	With-drawals during the year	Balance
1	2	3	4	5	6	7
		Rs.	Rs.	Rs.	Rs.	Rs.