

## **The Workmen's Contributory Provident Fund Rules, 1980**

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### **SCHEDULE 1 :- SCHEDULE**

#### **The Workmen's Contributory Provident Fund Rules, 1980**

In exercise of the powers conferred by the proviso to Article 309 of the Constitution and in supersession of the Resolution of the Government of India in the Finance Department No.33(3)-RII/44, dated the 16th April,1945, as amended from time to time, the President hereby makes the following rules, namely:-

#### **1. Short title and commencement :-**

- (1) These rules may be called the Workmen's Contributory Provident Fund Rules, 1980.
- (2) They shall come into force on the date of their publication in the Official Gazette.

#### **2. Definitions :-**

In these rules, unless the context otherwise requires,-

- (a) "Fund" means the Workmen's Contributory Provident Fund;
- (b) all other words and expressions used in these Rules but not defined shall have the meanings respectively assigned to them in the Contributory Provident Fund Rules (India), 1962.

#### **3. Application :-**

These Rules shall apply to Workmen employed on the establishments specified in the Schedule.

#### **4. Constitution of the Fund :-**

(1) The Fund shall be maintained in rupees.

(2) All sums paid into the Fund under these Rules shall be credited in the books of Government to an account named, "The Workmen's Contributory Provident Fund Account" and the sums of which payment has not been taken within six months after they become payable under these Rules shall be transferred to "Deposits" after the 31st March of the year and treated under the ordinary rules relating to deposits.

#### **5. Regulation of the Fund :-**

The Fund shall be regulated in accordance with the provisions of the Contributory Provident Fund Rules (India), 1962, subject to the following modifications namely :-

(1) Every workman who has had at least a continuous service of one year on any of the establishments specified in the Schedule shall subscribe to the Fund: Provided that

(i) discharge from service by reason of the abolition of the post; or

(ii) temporary physical unfitness which, in the opinion of the medical authorities, was neither due to workman's own neglect nor due to intemperance or irregular habits ; shall not be held to constitute a break in continuity of service : Provided further that a temporary workman who is borne on an establishment or factory on or after the 10th August, 1974, to which the provisions of the Employees' Provident Funds Scheme, 1952 framed under the Employees' Provident Fund and Miscellaneous Provisions Act, 1952 (19 of 1952) would apply or would have applied but for the exemption granted under Section 17 of the said Act, shall subscribe to the fund if he has completed six months' continuous service or has actually worked for not less than 120 days during a period of six months or less in such establishment or factory or in any other establishment or factory to which the said Act applies, under the same employer or partly in one establishment and partly in the other, or has been declared permanent, whichever date is the earliest.

(2) "Emoluments" in the case of these workmen shall mean monthly pay or leave salary or wages, excluding rent, overtime and other fluctuating or extra allowances, provided that the monthly emoluments of a person paid at daily rates shall be deemed to be 25 times the rate of wages admissible to him for the first normal working day of the month. Note.-Emoluments shall include

dearness pay.

(3) Accounts Officer for the purpose of these Rules means such officer as may be appointed by the Comptroller and Auditor-General or the Pay and Accounts Officer where a separate Pay and Accounts Officer exists except that in relation to workmen whose accounts are maintained departmentally, the Accounts Officer shall be such officer, as may be appointed by the Government in this behalf.

(4) "Leave" shall mean any type of leave admissible under the rules or orders issued by the Government.

(5) The amount to subscription to the Fund shall be fixed by the subscriber himself and shall be not less than  $8\frac{1}{3}$  per cent and not more than his monthly emoluments and shall be expressed in whole rupees.

(6) 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 ; and

(c) reduced and enhanced as aforesaid : Provided that when the amount of subscription is so reduced, it shall not be less than the minimum prescribed in sub-rule (5) : Provided further that if a subscriber is on duty for a part of a month and on leave for the remainder of the month, and if he has elected not to subscribe during leave) the emoluments for that month for the purpose of calculating the Government contribution shall be reduced by the ratio which the number of days spent on leave bears to the number of days in the calendar month.

(7) In the case of workmen who proceed on leave and are paid their emoluments in advance under Section 81 of the Factories Act, 1948 , the subscription to the Fund recovered in advance shall be regarded to have been recovered in the month in which it is normally due for recovery and the interest thereon shall be allowed only from that month.

(8) The rate of Government contribution shall be  $8\frac{1}{3}$  per cent ( $\frac{1}{12}$ th) of the subscriber's emoluments. The amount of contribution by Government shall be rounded to the nearest whole rupee (fifty paise counting as the next higher rupee).

(9) The total amount of interest shall be rounded to the nearest

rupee in the manner provided in sub-rule (8).

## **6. Gratuity :-**

If a subscriber has rendered service of five years or more on emoluments of Rs. 10 a month or above before the 1st May, 1945 the date of introduction of the Fund and in respect of the workcharged establishment of the Salt Department, the 1st April, 1956, he shall, on retirement or discharge on account of reduction of establishment, get in respect of that service a gratuity equal to half a month's emoluments for each completed year of service, subject to a maximum of nine months' emoluments. In the event of death while in service or after retirement or discharge on account of reduction of establishment, but before payment has been made the gratuity shall become payable to the person/persons entitled to receive the amount standing to his credit in the Fund. Note.-For purpose of eligibility and computing the gratuity only continuous service shall be taken into account. Break in service by reason of the abolition of the post, or temporary physical unfitness which in the opinion of the medical authorities was neither due to workman's own neglect nor due to intemperance or irregular habits, shall not be held to constitute a break in continuity of service.

## **7. Transfer to the Contributory Provident Fund (India) :-**

If a subscriber to the Fund becomes eligible to subscribe to the Contributory Provident Fund (India), he shall cease to subscribe to the former Fund and his accumulations in that Fund shall be transferred to the Contributory Provident Fund (India).

## **SCHEDULE 1**

### **SCHEDULE**

(See Rule 3) (List of Establishments) (i) The Posts and Telegraphs Workshops. (ii) The Central Public Works Department-Workcharged establishment. (iii) The Mints. (iv) The Security Printing, India, including- (a) Security Press. (b) Currency Note Press. (c) Central Stamp Stores. (v) Workcharged establishment of the President's garden. (vi) Workcharged establishment of the Salt Department, (vii) Workcharged establishment of the Estate Office Organisation. (viii) Workcharged establishment of the Andaman Public Works Department. (ix) Workcharged establishment of the Coal Mines Labour Welfare Fund. (x) Workcharged establishment of the Mica Mines Labour Welfare Fund. (xi) Workcharged establishment of the Exploratory Tube-Wells Organisation. (xii) Temporary Industrial Workmen of the Security Paper Mill Project, Hoshangabad. (xiii) Workcharged establishment of the Farakka Barrage Project. (xiv) Workcharged establishment of the Mangalore Harbour Project. (xv) Workcharged establishment of the Tuticorin Harbour Project. (xvi) Workcharged establishment of the Mana Group of Transit Centres, Mana. (xvii) Workcharged establishment of Rajasthan Atomic Power Project- Rawalbhata,

Kota (Rajasthan). (Xviii) Workcharged staff of Public Works Department of the Union Territory of Laltsha- ^" dweep. / (xix) Workcharg-ed establishment of Madras Atomic Power Project, Kalpahicam (Tamil Nadu). (xx) Woriccharged and casual employees of the Bhabha Atomic Research Centre. (xxi) Woriccharged establishment of the Trombay Township Project, Bombay (Depart- ment of Atomic Energy). (xxii) Workcharged establishment of the Directorate of Estate Management, Bombay (Department of Atomic Energy). (xxiii) Wortcharged establishment of Tarapur Atomic Power Station. (xxiv) Workcharged establishment of Reactor Research Centre, Kalpakkarn, Tamil Nudu. (xxv) Workcharged establishment of the Civil Engineering Division of the Department of Space. (xxvi) Workcharged establishment of the Civil Engineering Division of the Department of Space taken over from the Architecture and Civil Engineering Division of Bhabha Atomic Research Centre, Department of Atomic Energy. (xxvii) Workcharged employees of Dandakaranya Project. (xxviii) Workcharged employees of the office of the Station Engineer, Central Stores, All India Radio, New Delhi.