

The Employees' State Insurance Corporation (General Provident Fund) Rules, 1995

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The Employees' State Insurance Corporation (General Provident Fund) Rules, 1995¹

In exercise of the powers conferred by Section 95 of the Employees' State Insurance Act, 1948 (34 of 1948), and in supersession of the Employees' State Insurance Corporation (General Provident Fund) Rules, 1973, except as respects things done or omitted to be done before such supersession, the Central Government, after consultation with the Employees State Insurance Corporation hereby makes the following rules, namely:—

1. Short title and commencement.—(1) These rules may be called the Employees' State Insurance Corporation (General Provident Fund) Rules, 1995.

(2) They shall 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) "Accounts Officer" means the Financial Commissioner of the Employees' State Insurance Corporation or such other officer as may be specified in this behalf;
- (b) "Act" means the Employees' State Insurance Act, 1948 (43 of 1948);
- (c) "Corporation" means Employees State Insurance Corporation;
- (d) "emoluments" means pay, leave salary or subsistence grant if admissible and any remuneration of the nature of pay received in respect of deputation;
- (e) "employee" means a person appointed to or borne on the cadre of the staff of the Corporation, other than persons on deputation;
- (f) "Family" means—
 - (i) In the case of a male-subscriber the wife or wives, parents, children, minor brothers, unmarried sisters, deceased son's widow and children and where no parent of the subscriber is alive, a paternal grandparent:
Provided that if a subscriber proves 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 intimates in writing to the Accounts Officer that he shall continue to be so regarded;
 - (ii) In the case of a female subscriber, the husband, parents, children, minor brothers, unmarried sisters, deceased son's widow and

1. Ministry of Labour, G.S.R. 431, dated September 6, 1995, published in the Gazette of India, Part II, Section 3(i), dated 23rd September, 1995, pp. 2108-2120, No. 38.

children and where no parent of the subscriber is alive, a paternal grandparent:

Provided that if a subscriber by notice in writing to the Accounts Officer expresses her desire to exclude her husband from her family, the husband 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 cancels such notice in writing.

Explanation.—In this clause, child means legitimate child and includes an adopted child, where adoption is recognised by the personal law governing the subscriber;

- (g) "Fund" means the Employees State Insurance Corporation General Provident Fund;
- (h) "Leave" means any kind of leave recognised by the Employees' State Insurance Corporation (Staff and Conditions of Service) Regulations, 1959;
- (i) "Service" means service under the Corporation;
- (j) "Year" means a financial year.

(2) Any other expression used in these rules which is defined either in the Provident Funds Act, 1925 (19 of 1925) or Employees' State Insurance Act, 1948 or in the Fundamental Rules, is used in the sense thereon defined but not defined herein shall have the meaning respectively assigned to them in the Provident Funds Act, 1925 (19 of 1925), the Employees' State Insurance Corporation (Central) Rules, 1950, Employees' State Insurance Corporation (Staff and Conditions of Service) Regulations, 1959 or the Fundamental Rules, as the case may be.

(3) Nothing in these rules shall be deemed to have the effect of terminating the existence of the General Provident Funds as heretofore existing or of constituting any new fund.

3. 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 to a Fund called 'The Employees' State Insurance Corporation General Provident Fund'. Sums of which payment has not been taken within six months after they become payable under these rules shall be transferred to the Deposit Account at the end of the year and treated under the ordinary rules relating to deposits.

4. Operation of Fund by the Accounts Officer.—The Fund shall be operated upon by the Accounts Officer who is hereby authorised to arrange for all payments required to be made under these rules.

5. Investments.—All monies belonging to the Fund shall be invested in the manner specified in the Employees' State Insurance (Central) Rules, 1950, for investment of monies belonging to the Employees' State Insurance Fund.

6. Conditions of eligibility.—All temporary employees after a continuous service of one year, all re-employed pensioners (other than those eligible for admission to CPF) and all permanent employees shall subscribe to the Fund:

Provided that no such employee as has been required or permitted to subscribe to a Contributory Provident Fund shall be eligible to join or continue as a subscriber to the Fund while he retains his right to subscribe to such a Fund:

Provided further that such of the temporary employees who have completed continuous service of one year before the 31st March, 1960 shall not subscribe to the Fund from a date earlier than the 1st April, 1960.

Explanation.—A temporary employee who completes one year of continuous service on any day of a month shall subscribe to the fund with effect from the subsequent month.

Note 1.—Apprentices and Probationers shall be treated as temporary employees for the purpose of this rule.

Note 2.—A temporary employee who completes one year of continuous service during the middle of a month shall subscribe to the Fund from the subsequent month.

Note 3.—Temporary employee (including Apprentices and Probationers) who have been appointed against regular vacancies and are likely to continue for more than a year may subscribe to the General Provident Fund any time before completion of one year's service.

7. Nominations.—(1) A subscriber shall, at the time of joining the Fund, send to the Accounts Officer a nomination 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 where a subscriber is a minor he shall be required to make the nomination only on his attaining the age of majority:

Provided further that a subscriber who has a family at the time of making the nomination shall make nomination only in favour of a member or members of his family:

Provided also 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 the Fund, be deemed to be 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 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 any time.

(3) Every nomination shall be made in the Forms set forth in the Schedule I appended to these rules.

(4) A subscriber may at any time cancel a nomination made by him by sending a notice in writing to the Accounts Officer. The subscriber shall, along with such notice or separately, send a fresh nomination made in accordance with the provision of this rule.

(5) A subscriber may provide in a nomination—

(a) That in the event of his predeceasing the subscriber, the right conferred upon the specified nominee shall pass to such other person or persons as may be specified in the nominations:

Provided that such other person or persons shall, if the subscriber has any other member in his family, be such member or members of the family: Provided further that where the subscriber confers the right under this clause on more than one person, 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 his 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.

(6) 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 (5) or on the occurrence of any event by reason of which the nomination becomes invalid in pursuance of clause (b) of sub-rule (5) or the proviso there to the subscriber send a notice in writing to the Accounts Officer cancelling the nomination, together with the 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.

Note.—In this rule, unless the context otherwise requires, ‘person’ or ‘persons’ shall include a company or association or body of individuals, whether incorporated or not. It shall also include a Fund such as the Prime Minister’s National Relief Fund or any Charitable or other Trust or Fund, to which nomination may be made through the Secretary or other executive of the said Funds or Trust authorised to receive payments.

8. Subscriber’s Account.—An account shall be opened in the name of each subscriber to show—

- (i) his subscriptions;
- (ii) interest, as provided in Rule 13 on subscriptions;
- (iii) advances and withdrawals from the Fund.

9. Conditions and rates of subscriptions.—(1) A subscriber shall subscribe to the Fund every month except during the period when he is under suspension:

Provided that a subscriber on reinstatement after a period of suspension shall be allowed the option of paying in one lump sum or in instalments any sum not exceeding the maximum amount of arrear of subscription payable in respect of the said period:

Provided further that a subscriber may, at his option not subscribe during any period of leave which either does not carry any leave salary or carries leave salary equal to or less than half pay or half average pay.

Note 1.—The holder of a seasonal post in an establishment need not subscribe to the Fund, during the period of his employment.

Note 2.—A subscriber need not subscribe during a period treated as dies non.

(2) The subscriber shall intimate his option not to subscribe during leave referred to in the second proviso to sub-rule (1) in the following manner:—

- (a) If he is an officer who draws his own pay 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 Head of Office before he proceeds on leave. On failure to make due and timely intimation shall be deemed to constitute an option to subscribe.

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

(3) A subscriber who has under Rule 17 withdrawn the amount standing to his credit in the Fund shall not subscribe to the Fund after such withdrawal unless he returns to duty.

(4) 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 Head of Office in writing his option to subscribe for the said month.

10. 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 which shall not be less than 6 per cent of his emoluments and not more than his total emoluments:

Provided that in the case of a subscriber who has previously been subscribing to the Employees' State Insurance Corporation Contributory Provident Fund at the higher rate of 8-1/3%, it may be any sum so expressed which shall not be less than 8-1/3% of his total emoluments and not more than his total emoluments.

- (c) When an employee opts to subscribe at the minimum rate of 6%, or 8-1/3 per cent, as the case may be, the subscription shall be rounded to the nearest whole rupee and for this purpose, 50 paise and more shall be rounded to the next higher rupee.
- (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 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 half day leave on the said date and opted 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 half pay leave on the said date and continues to be on leave and has opted to subscribe during such leave, his emoluments to which he would have been entitled had he been on duty abroad or on duty in India as the case may be;
 - (b) In the case of a subscriber who was not in service on the 31st March of the preceding year, the emoluments to which he was entitled on the day he joins the Fund.
- (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 the 31st March of the preceding year, by the deduction which he causes to be made 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 opted not to subscribe during such half pay 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 was on leave on the 31st March of the preceding year, and continues to be on half pay leave and has opted to subscribe during such leave by the deduction which he makes or cause to be made in this behalf from his salary for the month;
 - (d) if he has entered into service for the first time during the year, by the deduction which he makes or causes to be made in this behalf, from the salary bill for that month during which he joins the Fund;
 - (e) if he was on deputation on the 31st March of the preceding year by the amount credited by him in the Fund of the Corporation on account of subscription for the month of April in the current year.
- (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 prescribed 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 part of a calendar month and he has opted 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.

11. Transfer on deputation to a post under the Government or any other organisation or deputation out of India.—When subscriber is transferred or sent on deputation out of India, he shall remain subject to these rules in the same manner as if he were not so transferred or sent on deputation.

12. Realisation of subscriptions.—(1) When the emoluments are drawn from the Fund, recovery of subscriptions and the principal and interest of advances, if any, granted from the Fund shall be made direct from the emoluments.

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

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

(3) If a subscriber fails to subscribe with effect from the date on which he is required to join the Fund or is on default in any month or months during the course of a year otherwise than as provided in Rule 9, the total amount due to the Fund on account of arrears or subscription shall, with interest thereon at the rate provided in Rule 13, forthwith be paid by the subscriber to the Fund or in default be ordered by the Accounts Officer to be recovered by deduction from the emoluments of the subscriber by instalments 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 14:

Provided that the subscribers whose deposits in the Fund carry no interest shall not be required to pay any interest.

13. Interest.—(1) Subject to the provisions of sub-rule (5), the Corporation shall pay to the credit of the account of a subscriber interest at such rate as may be determined for each year by the Central Government in respect of the General Provident Fund for the Central Government Employees:

Provided that if the rate of interest determined for a year is less than 4 per cent, all subscribers to the Fund in the year preceding that for which the rate has for the first time been fixed at less than 4 per cent, shall be allowed interest at the rate of 4 per cent:

Provided further that a subscriber who was previously subscribing to any other Provident Fund of the Central Government and whose subscriptions, together with interest thereon, have been transferred to his credit in his Fund under Rule 26 shall

also be allowed interest at the rate of 4 per cent, if he had been receiving that rate of interest under the rules of such other Fund under a provision similar to that of the first proviso to this rule.

(2) Interest shall be credited with effect from the last day in each year in the following manner:

- (i) on the amount to the credit of a subscriber on the last day of the preceding year, less sums, if any, withdrawn during the current year, interest for twelve months;
- (ii) on sums withdrawn during the current year interest from the beginning 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 last day of the preceding year interest from the current year;
- (iv) the total amount of interest shall be rounded to the nearest whole rupee (fifty paise and more counting as the next higher rupee):

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 becomes payable.

(3) In this rule, the date of deposit shall, in the case of recovery from emoluments, be deemed to be the first day of the month in which it is recovered, and in the case of an amount forwarded by the subscriber, shall be deemed to be the first day of the month of receipt, if it is received by the Accounts Officer before the fifth day of that month, but if it is received on or after the fifth day of that month, the first day of the next succeeding month:

Provided that where there has been a delay in the drawal of pay or leave salary and allowances of a subscriber and consequently 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 (2) of Rule 12, the date of deposit shall be deemed to be the first day of the month if it is received by the Accounts Officer 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 Rules 20, 21 or 22 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 becomes

payable whichever of these periods be less, shall be payable to the person to whom such amount is to be paid:

Provided that where the Accounts Officer has intimated to that person (or his agent) a date on which he is prepared to make payment in cash or has posted a cheque in payment to that person, interest shall be payable only up to the end of the month preceding the date so intimated or the date of posting the cheque, as the case may be:

Provided further that where a subscriber on deputation to a body corporate, owned or controlled by the Government of an autonomous organisation registered under the Societies Registration Act, 1860 (21 of 1860) is subsequently absorbed in such body corporate or organisation 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 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.

(5) Interest shall not be credited to the account of a subscriber if he informs the Accounts Officer that he does not wish to receive it; but if he subsequently asks for interest, it shall be credited with effect from the first day of the year in which he asks for it.

(6) The interest on amount which under sub-rule (3) of Rule 12, Rule 20 or Rule 21 are replaced to the credit of the subscriber in the Fund, shall be calculated at such rates as may be successively prescribed under sub-rule (1) of this rule and so far as may be in the manner prescribed in this rule.

(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 drawal, 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 instalments 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 2-1/2 per cent over and above the normal rate on Provident Fund balance under sub-rule (1). The interest realised on the overdrawn amount shall be credited to Corporation account under a distinct sub-head 'Interest on overdrawals from Provident Fund' under the head "049-interest Receipts-C—other interest receipts of Corporation—other Receipts".

14. Advance from the Fund.—(1) The Director-General or any other Officer authorised by him in this behalf, may sanction the payment to any subscriber in the

prescribed Form as specified in Schedule II of an advance consisting of a sum of whole rupees and not exceeding in amount three months' pay or half the amount standing to his credit in the Fund, whichever is less, for one or more of the following purposes, namely:—

- (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 member of his family or any person actually dependent on him; in the following cases, namely:—
 - (i) for the education outside India in respect of an academic, a technical, a professional or vocational course beyond the High School stage; and
 - (ii) for any medical, engineering or other technical or specialised course in India beyond the High School stage, provided that the course of study is of not less than three years duration;
- (c) to pay obligatory expenses on a scale appropriate to the subscribers' status which, by customary usage the subscribers have 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 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 his defence where the subscriber engages a legal practitioner to defend himself in an enquiry in respect of any alleged official misconduct on his part;
- (f) to meet the cost of plot or construction of a house or flat for his residence or to make any payment towards the allotment of a plot or flat by the Delhi Development Authority or a State Housing Board or a House Building Cooperative Society.

(2) The Director-General 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 instalment of any previous advance.

(4) When an advance is sanctioned under sub-rule (3) before repayment of last instalment of any previous advance is completed, 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.

(5) After sanctioning the advance, the amount shall be drawn on an authorisation from the Accounts Officer in cases where the application for final payment had been forwarded to the Accounts Officer under clause (ii) of sub-rule (3) of Rule 25.

Note 1.—For the purpose of this rule pay includes dearness pay, where admissible.

Note 2.—A subscriber shall be permitted to take an advance once in every six months under clause (b) of sub-rule (1) of Rule 14.

15. Recovery of advance.—(1) An advance shall be recovered from the subscriber in such number of equal monthly instalments as the sanctioning authority may direct; but such number shall not be less than twelve unless the subscriber so opts and in any case not more than twenty-four. In special cases where amount of advance exceeds three months' pay of the subscriber under sub-rule (2) of Rule 14, the sanctioning authority may fix such number of instalments exceeding twenty-four but not exceeding thirty-six, a subscriber may, at his option, repay more than one instalment in a month. Each instalment shall be fixed in whole rupees, the amount of the advance being raised or reduced if necessary, to admit the fixation of such instalments.

(2) Recovery of advances shall be made in the manner specified in Rule 12 for the realisation of subscription, 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 on the subscriber's written request, be postponed 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 amount withdrawn shall be forthwith repaid by the subscriber to the Fund. Or in default, be ordered by the Accounts Officer to be recovered by deduction from the emoluments of the subscriber in a lump sum or in monthly instalments not exceeding twelve as may be directed by the Accounts Officer:

Provided that before such advance is disallowed, the subscriber shall be given reasonable opportunity to explain to the sanctioning authority in writing within 15 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 said period of 15 days, it shall be referred to the Director-General for decision 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 the sub-rule.

(4) Recoveries made under this rule shall be credited to the subscriber's account in the Fund.

16. Wrongful use of advance.—Notwithstanding anything contained in these rules, if the sanctioning authority has reason to doubt that money drawn as an advance from the Fund under Rule 14 has been utilised for a purpose other than that for which sanction was given to the drawal of the money, he shall communicate to the subscriber the reasons for his doubt and require him to explain in writing and within 15 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 sanctioning authority is not satisfied with the explanation furnished by the subscriber within the said period of 15 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 emoluments, recoveries shall be made in monthly instalments of moieties of his emoluments till the entire amount is repaid by him.

Note.—The term “emoluments” in this rule shall not include subsistence grant.

17. Withdrawal from the Fund.—(1) Subject to the conditions specified therein, withdrawals may be sanctioned to the subscriber in the prescribed Form as specified in Schedule II by the authorities competent to sanction an advance for special reasons under sub-rule (2) of Rule 14, at any time, after the completion of twenty years of service (including broken period of service, if any) of a subscriber or within ten years before the date of his retirement on superannuation, whichever is earlier, from the amount standing to his credit in the Fund, for one or more of the following purposes, namely:—

- (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 the education outside India for academic, technical, professional or a vocational course beyond the High School stage; and
 - (ii) for any medical, engineering or other technical or specialised course in India beyond the High School stage;
- (b) meeting the expenditure in connection with the betrothal/marriage of the subscriber or his sons or daughters and of any other family 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.

(2) After the completion of ten 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, a subscriber will be allowed withdrawals from the amount standing to his credit in the Fund for one or more of the following purposes, namely:

- (i) building or acquiring a suitable house or readybuilt flat for his residence including the cost of the site;
- (ii) repaying an outstanding amount on account of loan expressly taken for building or acquiring a suitable house or readybuilt flat for his residence;
- (iii) purchasing a house-site for building a house thereon for his residence or repaying any outstanding amount on account of loan expressly taken for this purpose;
- (iv) reconstructing or making additions or alterations to a house or a flat already owned or acquired by a subscriber;
- (v) 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 Government at a place other than the place of duty;
- (vi) constructing a house on a site purchased under clause (iii);
- (vii) within six months before the date of the subscriber's retirement for the amount standing to his credit in the Fund for the purpose of acquiring a farm land or business premises or both;
- (viii) once during the course of a financial year, an amount equivalent to one year's subscription paid for by the subscriber towards the Group Insurance Scheme for the Corporation employees on self-financing and contributory basis.

Note 1.—A subscriber who has availed himself of an advance under the scheme of the Ministry of Urban Development for the grant of advance for house building purpose, or has been allowed any assistance in this regard from any other Government source shall be eligible for the grant of final withdrawal under clauses (i), (iii), (iv), (vi) of sub-rule (2) for the purpose specified therein and also for the purpose of repayment of any loan taken under the aforesaid scheme subject to the limit specified in the proviso to sub-rule (1) of Rule 18.

If a subscriber has an ancestral house or built a house at a place other than the place of his duty with the assistance of loan taken from the Government he shall be eligible for the grant of a final withdrawal under clauses (i), (iii) and (vi) of sub-rule (2) for purchase of a house-site or for construction of another house or for acquiring a readybuilt flat at the place of his duty.

Note 2.—Withdrawal under clauses (i), (iv), or (vi) of sub-rule (2) 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 is actually got to be approved.

Note 3.—The amount of withdrawal sanctioned under clause (ii) of sub-rule (2) shall not exceed $\frac{3}{4}$ ths of the balance on date of application together with the amount of previous withdrawal under clause (i) reduced by the amount of previous withdrawal. The formula to be followed is $\frac{3}{4}$ ths 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 4.—Withdrawal under clause (i) or (iv) of sub-rule (2) 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 5.—Only one withdrawal shall be allowed for the same purpose under this rule. But marriage or education of different children or illness on different occasions or a further addition or alteration to a house or flats 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 clause (i) or (vi) of sub-rule (2) for completion of the same house shall be allowed up to the limit laid down under Note 3.

Note 6.—A withdrawal under this rule shall not be sanctioned if an advance under Rule 14 is being sanctioned for the same purpose and at the same time.

(3) After sanctioning the withdrawal the amount shall be drawn on an authorisation from the Accounts Officer in cases where the application for final payment had been forwarded to the Accounts Officer under clause (ii) of sub-rule (3) of Rule 25.

18. Conditions for withdrawal.—(1) Any sum withdrawn by a subscriber at any one time for one or more of the purposes, specified in Rule 17 from the amount standing to his credit in the Fund shall not ordinarily exceed one-half of such amount 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 3/4ths of the balance at his credit in the Fund having regard to (i) the object for which the withdrawal is being made, (ii) the status of the subscriber, and (iii) the amount to his credit in the Fund:

Provided that in no case the maximum amount of withdrawal for purposes specified in sub-rule (2) of Rule 17 shall exceed the maximum limit prescribed from time to time under Rule 2(a) and Rule 3(b) of the scheme of the Ministry of Urban Development for the grant of advances for house building purposes:

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 for the grant of advances for house building purposes, or has been allowed any assistance in this regard from any other Government sources, the sum withdrawn under this sub-rule together with the amount of advance taken under the aforesaid scheme or the assistance taken from any other Government source shall not exceed the maximum limit prescribed from time to time under Rules 2(a) and 3(b) of the aforesaid scheme.

Note 1.—A withdrawal sanctioned to a subscriber under clause (i) of sub-rule (2) of Rule 17 may be drawn in instalments, 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 instalments for a site or a house or 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 instalment. Every such payment shall be treated as a payment for a separate purpose for Rule 16.

(2) A subscriber who has been permitted to withdraw money from Fund under Rule 17 shall satisfy the sanctioning authority within such reasonable period as may be specified by that authority that the money has been utilised for the purpose for which it was withdrawn, and if he 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 in 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 lump sum or in such number of monthly instalments, as may be determined by the Director-General:

Provided that, before repayment of a withdrawal is enforced under this sub-rule, the subscriber shall be given a reasonable opportunity to explain in writing and within 15 days of the receipt of the 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 15 days the sanctioning authority shall enforce the repayment in the manner prescribed in this sub-rule.

(3)(a) A subscriber who has been permitted under clauses (i), (ii) or (iii) of sub-rule (2) of Rule 17 to withdraw money from the amount 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 (other than mortgage to the Director-General), gift, exchange or otherwise, without the previous permission of the Director-General:

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 Bank, 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 alteration 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 Director-General, he shall forthwith repay the sum so withdrawn by him in default of such repayment, the sanctioning authority shall, after giving the subscriber a reasonable opportunity for 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 instalments, as may be determined by it.

Note A.—A subscriber who has taken loan from ESI Corporation in lieu thereof mortgaged the house or house-site to the Corporation shall be required to furnish the declaration to the following effect, namely:—

Declaration

“I do hereby certify that the house or house-site for the construction of which or for the acquisition of which I have taken a final withdrawal from the Provident Fund continues to be in my possession but stands mortgaged to Corporation.”

19. Conversion of an advance into a withdrawal.—A subscriber who has already drawn or may draw in future an advance under Rule 14 for any of the purposes specified therein may convert, at his discretion by written request addressed to the Accounts Officer through the sanctioning authority, the balance outstanding against it into a final withdrawal on his satisfying the conditions laid down in Rules 17 and 18.

Note 1.—The Head of office in case of non-gazetted subscribers and the Treasury Officer concerned in the case of gazetted subscribers may be asked by the administrative authority to stop recoveries from the pay bills. When the application for such conversion is forwarded to the Accounts Officer that authority shall endorse a copy of the letter forwarding the subscriber's intimation to the Treasury Officer from where he draws his pay in order to permit stoppage of further recoveries.

Note 2.—For the purpose of sub-rule (1) of Rule 18, 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.

20. Final withdrawal of accumulations in the Fund.—When a subscriber quits the service of the Corporation the amount standing to his credit in the Fund shall 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 Director-General, repay any amount paid to him from the fund in pursuance of this rule, with interest thereon at the rate provided in Rule 13 in the manner prescribed in

the proviso to Rule 21. The amount so repaid shall be credited to his account in the Fund.

Explanation 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 under a State Government or in another department of the Central Government (in which he is governed by another set of provident fund rules) and without retaining any connection with his former post, in such case, his subscriptions 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 another 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 and interest.

Note.—Transfers shall include cases of resignation from the service in order to take up appointment in another department of the Central Government or under the State Government without any break and with proper permission of the Central Government. In cases where 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 II.—When a subscriber, other than one who is appointed on contract or one who has retired from service and is subsequently re-employed or 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 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 that 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 Central Government. 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 Government servant on transfer from one post to another:

Provided that the amount of subscription 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 agreed to such a 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.

21. 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 been declared by a competent medical authority to be unfit for further service the amount standing to his credit in the Fund shall, upon application made by him in that behalf to the Accounts Officer, become payable to the subscriber:

Provided that the subscriber, if he returns to duty, shall if required to do so by the Director-General, repay 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 13 in cash or securities by instalments 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 14.

22. Procedure on death of subscriber.—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 the subscriber leaves a family—

- (a) if a nomination made by the subscriber in accordance with the provisions of Rule 7 or of the corresponding rule heretofore in force 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 the 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 becomes 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;
- (c) 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 had been exempted from the provisions of clause (1) to the first proviso;

- (ii) When the subscriber leaves no family, if a nomination made by him in accordance with the provisions of Rule 7 or of the corresponding rule heretofore in favour of any person or persons 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.

23. Deposit-Linked Insurance Scheme.—On the death of a subscriber on or before 30th September, 1991 and to whom Rule 24 does not apply, the person entitled to receive the amount standing to the credit of the subscriber shall be paid by the Accounts Officer an additional amount equal to the average balance in the account during the 3 years immediately preceding the death of such subscriber subject to the condition that—

- (a) the balance 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. 4000 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. 1300 or more in the pre-revised scale;
 - (ii) Rs. 2500 in the case of a subscriber who has held, for the greater part of the aforesaid period of three years, a post of the maximum of the pay scale of which is Rs. 900 or more but less than Rs. 1300 in the pre-revised scale;
 - (iii) Rs. 1500 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. 291 or more but less than Rs. 900 in the pre-revised scale;
 - (iv) Rs. 1000 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. 291 in the pre-revised scale.
- (b) the additional amount payable under this rule shall not exceed Rs. 10,000;
- (c) the subscriber has put in at least five years service at the time of his 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 balances prescribed above:—

- (a) the balance at the end of March shall include the annual interest credited in terms of Rule 13;
- (b) if the last of the aforesaid 36 months is not March, the balance at the end of the 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.—Payments under this scheme should be in whole rupee. If an amount due includes a fraction of a rupee it should be rounded to the nearest rupee (50 paise counting as the next higher rupee).

Note 3.—Any sum payable under this scheme is in the nature of insurance money and, therefore, the statutory protection given by Section 3 of the Provident Funds Act, 1925 (19 of 1925), does not apply to sums payable under this scheme.

Note 4.—This scheme also applies to those subscribers to the Fund who are transferred to an autonomous organisation consequent upon conversion of a Government Department into such a body and who, on such transfer, opt, in terms of option given to them, to subscribe to this Fund in accordance with these rules.

Note 5.—(a) In case of a Government servant who has been admitted to the benefit of the Fund under Rule 26 or 27, but dies before completion of three years service or, as the case may be, five years service from the date of his admission to the fund, that period of his service under the previous employer in respect whereof the amount of his subscriptions and the employer's contribution, if any, together with interest have been received, shall count for purposes of clause (a) and clause (c) of this rule.

(b) In case of persons appointed on tenure basis and in the case of re-employed pensioners, service rendered from the date of such appointment of re-employment, as the case may be, only will count for purpose of this rule.

(c) This scheme does not apply to persons appointed on contract basis.

Note 6.—The budget estimates of expenditure in respect of this scheme will be prepared by the Accounts Officer responsible for maintenance of the accounts of the Fund having regard to the trend of expenditure, in the same manner as estimates are prepared for other retirement benefits.

24. Deposit-Linked Insurance Revised 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 Accounts Officer an additional amount equal to the average balance in the account during the 3 years immediately preceding the death of such subscriber, subject to the condition that—

- (a) the balance at the credit of such subscriber shall not at any time during the 3 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 of maximum of the pay scale of which is Rs. 4000 or more.
- (ii) Rs. 7500 in the case of a subscriber who has held for the greater part of the aforesaid period of three years, a post of the maximum of the pay scale of which is Rs. 2900 or more but less than Rs. 4000.
- (iii) Rs. 4500 in the case of a subscriber who has held for the greater part of the aforesaid period of three years, a post of the maximum of the pay scale of which is Rs. 1151 or more but less than Rs. 2900.
- (iv) Rs. 3000 in the case of a subscriber who has held for the greater part of the aforesaid period of three years, a post of the maximum of the pay scale of which is less than Rs. 1151.
- (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/her death.

Note 1.—The average balance shall be worked out on the basis of the balance 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 maximum balance prescribed above:—

- (a) the balance at the end of March shall include the annual interest credited in terms of Rule 13;
- (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.—Payment under this scheme will be in whole rupee. If an amount due includes a fraction of a rupee it should be rounded to the nearest rupee (50 paise counting as the next higher rupee).

Note 3.—Any sum payable under this scheme is in the nature of insurance money and therefore, the statutory protection given by Section 3 of the Provident Funds Act, 1925 (19 of 1925) does not apply to sums payable under this scheme.

Note 4.—The scheme also applies to those subscribers to the funds who are transferred to an autonomous organisation consequent upon conversion of a Government Department into such a body and who, on such transfer, opt in terms of option given to them to subscribe to the Fund in accordance with these rules.

Note 5.—(a) In case of a Government servant who has been admitted to the benefits of the fund under Rule 26 or 27 but died before completion of three years of service or, as the case may be, five years of service from the date of his admission to the Fund, the period of his service under the previous employer in respect whereof the amount of his subscription and the employer's contribution, if any, together

with interest have been recovered, shall count for the purpose of clause (a) and clause (c) of this rule.

(b) 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 will count for the purposes of this rule.

(c) The scheme does not apply to persons appointed on contract basis.

Note 6.—The Budget Estimates of expenditure in respect of this scheme will be prepared by the Accounts Officer responsible for maintenance of the account of the Fund having regard to the trend of expenditure, in the same manner as estimates are prepared for other retirement benefits.

25. Manner of payment of amount in the Fund.—(1) When the amount standing to the credit of a subscriber in the Fund become payable, it shall be the duty of the Accounts Officer to make payment on receipt of a written application in this behalf as provided in sub-rule (3).

(2) If the person whom, under these rules, any amount of policy 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 Lunacy Act, 1912 (4 of 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 lunatic, the payment shall under the orders of the Collector be made in terms of sub-section (1) of Section 93 of the Lunacy Act, 1912 (4 of 1912), to the person having charge of such lunatic and the Accounts Officer 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) Payment of the amount to be 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 Head of Office 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 Accounts Officer through the Head of Office or Department 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 of the Accounts Statement has not been received by the subscriber.

- (ii) the Head of Office or Department shall forward the application to the Accounts Officer indicating the recoveries effected against the advances which are still current and the number of instalments yet to be recovered and also indicate the withdrawals, if any, taken by the subscriber after the period covered by the last statement or the subscriber's accounts sent by the Accounts Officer.
- (iii) the Accounts Officer 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) will constitute the first instalment of payment. A second authority for payment will be issued as soon as possible after superannuation. This will relate to the contribution made by the subscriber subsequent to the amount mentioned in the application submitted under clause (i) plus the refund of instalments against advances which were current at the time of the first application.
- (v) after forwarding the application for final payment to the Accounts Officer, advance/withdrawal may be sanctioned but the amount of advance/withdrawal shall be drawn on an authorisation from the Accounts Officer concerned who shall arrange this as soon as formal sanction of sanctioning authority is received by him.

Note.—When the amount standing to the credit of a subscriber has become payable under Rules 20, 21 and 22 the Accounts Officer shall authorise prompt payment of the amount in the manner indicated in sub-rule (3).

26. Procedure on transfer of a Government servant from one Department to another.—(a) If a Government servant who is a subscriber to any other non-contributory Provident Fund of the Central Government or of a State Government is permanently transferred to pensionable service in a Department of the Central Government in which he is governed by these rules, the amount of subscriptions, together with interest thereon, standing to his credit to such other Fund on the date of transfer shall be transferred to his credit in the Fund:

Provided that where a subscriber was subscribing to a non-contributory Provident Fund of a State Government the consent of that Government shall be obtained.

(b) If a Government servant who is a subscriber to the State Railways Provident Fund or any other Contributory Provident Fund of the Central Government or a State Contributory Provident Fund is permanently transferred to pensionable service in a Department of Central Government in which he is governed by these rules and unless such a subscriber elects to continue to be governed by the rules of such Fund, when the rules option is given:—

- (i) the amount of subscriptions with interest thereon, standing to his credit in such Contributory Provident Fund on the date of transfer shall with the consent of the other Government, if any, be transferred to his credit in the Fund;

- (ii) the amount of Government contributions, with interest thereon, standing to his credit in such Contributory Provident Fund shall, with the consent of the other Government, if any, be credited to the Central Revenue (Civil);
- (iii) he shall thereupon be entitled to count towards pension, service rendered prior to the date of permanent transfer, to the extent permissible under the relevant pension rules.

Note 1.—The provisions of this rule do not apply to a subscriber who has retired from service, or to a subscriber who was holding the former appointment on contract.

Note 2.—The provisions of this rule shall, however apply to persons, who are appointed without break whether temporarily or permanently to a post carrying the benefits of these rules after resignation or retirement from service under another Department of Central Government or under the State Government.

27. Procedure on transfer.—On transfer to Government service of a person from the service under a body corporate owned or controlled by Government or an autonomous organisation, registered under the Societies Registration Act, 1860. If a Government servant admitted to the benefit of the Fund was subscriber to any Provident Fund of a body corporate owned or controlled by Government or an autonomous organisation, registered under the Societies Registration Act, 1860, the amount of his subscriptions and the employer's contribution, if any, together with the interest thereon shall be transferred to his credit in the Fund with the consent of that body.

28. Transfer of amount to the Contributory Provident Fund (India).—If a subscriber to the Fund is subsequently admitted to the benefits of the Contributory Provident Fund (India) the amount of his subscriptions, together with interest therein, shall be transferred to the credit of his account in the Contributory Provident Fund (India).

Note.—The provisions of this rule do not apply to a subscriber who is appointed on contract or who has retired from service and is subsequently re-employed with or without a break in service in another post carrying Contributory Provident Fund benefits.

29. Relaxation of the provisions of the rules in individual cases.—When the Standing Committee is satisfied that the operation of any of these rules causes or is likely to cause undue hardship to a subscriber, it may, notwithstanding anything contained in these rules after recording its reasons for so doing deal with the case of such subscriber in such manner as may appear to it to be just and equitable.

30. Number of account to be quoted at the time of the payment of subscription.—When paying a subscription in India, either by deduction from emoluments or in cash, a subscriber shall quote the number of his account in the Fund which shall be communicated to him by the Accounts Officer. Any change

in the number shall similarly be communicated to the subscriber by the Accounts Officer.

31. Annual statement of account to be supplied to subscriber.—(1) As soon as possible after the close of each year, the Accounts Officer shall send to each subscriber a statement of his account in the Fund showing the opening balance as on the 1st April of the year, the total amount credited or debited during the year, the total amount of interest credited as on the 31st March of the year and closing balance on that date. The Accounts Officer shall attach to the statement of accounts an enquiry whether the subscriber—

- (a) desires to make any alteration in any nomination made under Rule 7; or under the corresponding rule heretofore in force.
- (b) has acquired a family, in cases where the subscriber has made no nomination in favour of a member of his family under the proviso to sub-rule (1) of Rule 7.

(2) Subscribers should satisfy themselves as to the correctness of the annual statement, and errors should be brought to the notice of the Accounts Officer within three months from the date of receipt of the Statement.

(3) The Accounts Officer shall, if required by a subscriber, once but not more than once in a year inform the subscriber of the total amount standing to his credit in the Fund at the end of the last month for which his account has been written up.

32. Interpretation.—If any question arises relating to interpretation of these rules, it shall be referred to the Central Government, the Ministry of Labour shall decide the same.

SCHEDULE I

[See Rule 7(3)]

Form of Nomination

Account No.

I,

.....hereby
nominate the person(s) mentioned below who is/are member(s) of my family as defined in Rule 2 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.

FORM OF NOMINATION

Name and full address of the nominee(s)	Relationship with the subscriber	Age of the nominee(s)	Share payable to each nominee
1	2	3	4

Contingencies on the happening of which the nomination will become invalid	Name, address & relationship of the person(s) if any to whom the right of nominee shall pass in the event of his/her predeceasing the subscriber	If the nominee is not a member of the family as defined indicate the reasons
5	6	7

Dated this.....day of 20.....at.....

Signature of subscriber.....

Name in block letters.....

Signature

1.

2.

Two witnesses to signature

Name & address

1.

2.

(REVERSE OF THE FORM)

SPACE FOR USE BY THE HEAD OF OFFICE/PAY & ACCOUNTS OFFICE

Nomination by Shri/Smt/KumariDesignation.....

Date of receipt of nomination.....

Signature of Head of Office/Accounts Officer

Designation.....

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 General Provident Funds (CS) Rules, 1960 is reproduced below:

Family means:—

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

Provided that if a subscriber proves 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 intimates in writing to the Accounts Officer that she shall continue to be so regarded.

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

Provided that if a subscriber by notice in writing to the Accounts Officer expresses her desire to exclude her husband from her family, the husband 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 cancelled 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.

- (d) Col. 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) Col. 5 Death of nominee(s) should not be mentioned as contingency in this column.
- (f) Col. 6 do not mention your name.
- (g) Draw a line across the blank space below last entry to prevent insertion of any name after you have signed.

SCHEDULE II

[See Rules 14(3) and 17(1)]

Application for Advance/Withdrawal from General Provident Fund

1. Name of the subscriber
2. Account Number
3. Designation
4. (1) Pay Rs.
- (2) Monthly subscription Rs.
5. In case of withdrawal

- (i) Date of Birth.....
- (ii) Date of appointment.....
- (iii) Date of superannuation.....

Balance at credit of the subscriber on the date of application as below:—

- (i) Closing balance as per statement for the year 20.....Rs.
- (ii) Credit fromtoon account of monthly subscription Rs.
- (iii) Refunds Rs.
- (iv) Withdrawals during the period fromtoRs.
- (v) Net balance at credit Rs.

6. Amount of advance outstanding, if any, and the purpose for which advance was taken by them:—

Amount of advance taken Rs.

Balance outstanding as on date Rs.

7. Amount of advance required Rs.

8. (a) Purpose for which the advance is required

- (b) Rules under which the request is covered

- (c) If advance is sought for House Building, etc. following information may be given:—

- (1) Location and measurement of the plot

- (2) Whether plot is freehold or on lease
- (3) Plan for construction
- (4) If the flat or plot being purchased is from a H.B. Society, the name of the Society, the location and measurements, etc.
- (5) Cost of construction
- (6) If the purchase of flat is from DDA or any Housing Board, etc. the location, dimension, etc. may be given
- (d) If advance is required for education of children, following details may be given:—
 - (1) Name of the son/daughter
 - (2) Class and Institution/College where studying
 - (3) Whether a day-scholar or a hosteller.....
- (e) If advance is required for treatment of ailing family members, following details may be given:—
 - (1) Name of the patient and relationship
 - (2) Name of the Hospital/Dispensary/Doctor where the patient is undergoing treatment
 - (3) Whether outdoor/indoor patient
 - (4) Whether reimbursement available or not

*Note:—*In case of advance under 8(c) to 8(e), no certificate or documentary evidence would be required.

9. Amount of the consolidated advance (Items 6 and 7) and number of monthly instalments in which the consolidated advance is proposed to be repaid Rs. in instalments.

10. Full particulars of the pecuniary circumstances of the subscriber, justifying the application for the advance.

I certify that the particulars given above are correct and complete to the best of my knowledge and belief and that nothing has been concealed by me.

Signature of Applicant

Name

Designation.....

Section/Branch.....

Dated:—

Recommendation/Remarks of the Competent Authority

Dated

.....
Signature

Designation.....

EMPLOYEES' STATE INSURANCE CORPORATION RESOLUTIONS

(1)

RATES FOR DEPENDANT'S BENEFIT²

It is notified for the general information that the ESI Corporation in its meeting held on 19th December, 1989 adopted the following Resolution:

2. *Vide* Noti. No. R-13/11/89-P&D, dt. 23-1-1990, published in the Gazette of India, Pt. II, S. 4, dt. 21-2-1990, p. 998.

"In pursuance of the provisions contained in Section 99 of the Employees' State Insurance Act, 1948, the ESI Corporation hereby, resolves that the **full rate of Dependants' Benefits** for the first four groups of the Table under First Schedule of the Act, shall be enhanced to the following extent:—

Group of employees whose average daily wages are	Existing full daily rate for D.B.	Proposed full daily rate for D.B.
(1)	(2)	(3)
	Rs. P.	Rs. P.
1. Below Rs. 6	3.50	14.00
2. Rs. 6 and above but below Rs. 8	4.90	14.00
3. Rs. 8 and above but below Rs. 12	7.00	14.00
4. Rs. 12 and above but below Rs. 16	9.80	14.00

Also resolved that the full rate of Dependants' Benefit shall be Rs. 14 inclusive of ad hoc increases OR original rate plus amount of ad hoc increases, whichever is higher.

Resolved further that the enhanced rate of Dependants' Benefit shall be effective from 1st January, 1990".

Authenticated under Section 7 of the Employees' State Insurance Act, 1948.

(2)

ENHANCEMENT OF PERMANENT DISABLEMENT AND DEPENDANTS' BENEFITS³

It is notified for general information that the Employees' State Insurance Corporation at its meeting held on 17th December, 1991, passed the following Resolution:

"In pursuance of the provisions contained in Section 99 of the Employees' State Insurance Act, 1948, the Employees' State Insurance Corporation hereby resolves that the amount of **periodical payments of Permanent Disablement Benefit and Dependants' Benefit** sanctioned under the provisions of the Act in the cases where disablement or death occurred on or before 31-3-1990, shall be enhanced to the following extent:—

(a) Cases where disablement or death occurred on or before 31-3-1974.	45% of the basic amount (excluding the increase already granted).
(b) Cases where disablement or death occurred on or after 1-4-1974 and upto 31-3-1979.	35% of the basic amount (excluding the increase already granted).
(c) Cases where disablement or death occurred on or after 1-4-1979 and upto 31-3-1984.	30% of the basic amount (excluding the increase already granted).
(d) Cases where disablement or death occurred on or after 1-4-1984 and upto 31-12-1986.	25% of the basic amount (excluding the increase already granted).
(e) Cases where disablement or death occurred on or after 1-1-1987 and upto 31-3-1990.	15% of the basic amount.

Resolved further that the enhanced rates of Permanent Disablement Benefit and Dependants' Benefit, as the case may be, shall be effective from 1st January, 1992."

3. Vide Noti. No. R-12/26/2/88-P&D, dt. 6-2-1992.

(3)

**ENHANCEMENT OF PERIODICAL PAYMENTS OF PERMANENT
DISABLEMENT BENEFIT AND DEPENDANTS' BENEFIT⁴**

It is notified for general information that the Employees' State Insurance Corporation at its meeting held on 23rd December, 1997, passed the following resolution:—

"In pursuance of the provisions under Section 99 of the Employees' State Insurance Act, 1948, the E.S.I. Corporation hereby resolves that the amount of periodical payments of permanent disablement and dependants' benefit sanctioned under the provisions of the said Act in the cases where the employment injuries resulting in disablement or death occurred on or before 31-12-1995 shall be enhanced to the extent indicated in the proposal which is as under:—

<i>Sl. No.</i>	<i>Year of disability/death</i>	<i>Total increases effected so far</i>	<i>Extent of increase now proposed</i>
	(1)	(2)	(3)
1.	Cases where disablement or death occurred on or before 31-12-1952.	904%	1931% of the basic amount (including previous increase)
2.	Cases where disablement or death occurred on or after 1-1-1953 and upto 31-12-1953.	882%	1884% of the basic amount (including previous increase)
3.	Cases where disablement or death occurred on or after 1-1-1954 and upto 31-12-1954.	928%	1980% of the basic amount (including previous increase)
4.	Cases where disablement or death occurred on or after 1-1-1955 and upto 31-12-1955.	977%	2085% of the basic amount (including previous increase)
5.	Cases where disablement or death occurred on or after 1-1-1956 and upto 31-12-1956.	893%	1907% of the basic amount (including previous increase)
6.	Cases where disablement or death occurred on or after 1-1-1957 and upto 31-12-1957.	841%	1797% of the basic amount (including previous increase)
7.	Cases where disablement or death occurred on or after 1-1-1958 and upto 31-12-1958.	803%	1717% of the basic amount (including previous increase)
8.	Cases where disablement or death occurred on or after 1-1-1959 and upto 31-12-1959.	776%	1661% of the basic amount (including previous increase)
9.	Cases where disablement or death occurred on or after 1-1-1960 and upto 31-12-1960.	760%	1626% of the basic amount (including previous increase)

4. *Vide* Noti. No. R-12/16/9/85-Ins. I, dt. 3-4-1998.

<i>Sl. No.</i>	<i>Year of disability/death</i>	<i>Total increases effected so far</i>	<i>Extent of increase now proposed</i>
(1)	(2)	(3)	
10.	Cases where disablement or death occurred on or after 1-1-1961 and upto 31-12-1961.	728%	1560% of the basic amount (including previous increase)
11.	Cases where disablement or death occurred on or after 1-1-1962 and upto 31-12-1962.	706%	1513% of the basic amount (including previous increase)
12.	Cases where disablement or death occurred on or after 1-1-1963 and upto 31-12-1963.	685%	1469% of the basic amount (including previous increase)
13.	Cases where disablement or death occurred on or after 1-1-1964 and upto 31-12-1964.	596%	1281% of the basic amount (including previous increase)
14.	Cases where disablement or death occurred on or after 1-1-1965 and upto 31-12-1965.	538%	1160% of the basic amount (including previous increase)
15.	Cases where disablement or death occurred on or after 1-1-1966 and upto 31-12-1966.	483%	1043% of the basic amount (including previous increase)
16.	Cases where disablement or death occurred on or after 1-1-1967 and upto 31-12-1967.	416%	903% of the basic amount (including previous increase)
17.	Cases where disablement or death occurred on or after 1-1-1968 and upto 31-12-1968.	403%	875% of the basic amount (including previous increase)
18.	Cases where disablement or death occurred on or after 1-1-1969 and upto 31-12-1969.	409%	886% of the basic amount (including previous increase)
19.	Cases where disablement or death occurred on or after 1-1-1970 and upto 31-12-1970.	385%	838% of the basic amount (including previous increase)
20.	Cases where disablement or death occurred on or after 1-1-1971 and upto 31-12-1971.	374%	813% of the basic amount (including previous increase)
21.	Cases where disablement or death occurred on or after 1-1-1972 and upto 31-12-1972.	346%	754% of the basic amount (including previous increase)
22.	Cases where disablement or death occurred on or after 1-1-1973 and upto 31-12-1973.	287%	631% of the basic amount (including previous increase)

<i>Sl. No.</i>	<i>Year of disability/death</i>	<i>Total increases effected so far</i>	<i>Extent of increase now proposed</i>
(1)	(2)	(3)	
23.	Cases where disablement or death occurred on or after 1-1-1974 and upto 31-12-1974.	209%	468% of the basic amount (including previous increase)
24.	Cases where disablement or death occurred on or after 1-1-1975 and upto 31-12-1975.	196%	438% of the basic amount (including previous increase)
25.	Cases where disablement or death occurred on or after 1-1-1976 and upto 31-12-1976.	217%	483% of the basic amount (including previous increase)
26.	Cases where disablement or death occurred on or after 1-1-1977 and upto 31-12-1977.	196%	438% of the basic amount (including previous increase)
27.	Cases where disablement or death occurred on or after 1-1-1978 and upto 31-12-1978.	189%	425% of the basic amount (including previous increase)
28.	Cases where disablement or death occurred on or after 1-1-1979 and upto 31-12-1979.	174%	393% of the basic amount (including previous increase)
29.	Cases where disablement or death occurred on or after 1-1-1980 and upto 31-12-1980.	150%	343% of the basic amount (including previous increase)
30.	Cases where disablement or death occurred on or after 1-1-1981 and upto 31-12-1981.	126%	218% of the basic amount (including previous increase)
31.	Cases where disablement or death occurred on or after 1-1-1982 and upto 31-12-1982.	113%	197% of the basic amount (including previous increase)
32.	Cases where disablement or death occurred on or after 1-1-1983 and upto 31-12-1983.	94%	168% of the basic amount (including previous increase)
33.	Cases where disablement or death occurred on or after 1-1-1984 and upto 31-12-1984.	82%	150% of the basic amount (including previous increase)
34.	Cases where disablement or death occurred on or after 1-1-1985 and upto 31-12-1985.	75%	138% of the basic amount (including previous increase)
35.	Cases where disablement or death occurred on or after 1-1-1986 and upto 31-12-1986.	64%	121% of the basic amount (including previous increase)

<i>Sl. No.</i>	<i>Year of disability/death</i>	<i>Total increases effected so far</i>	<i>Extent of increase now proposed</i>
	(1)	(2)	(3)
36.	Cases where disablement or death occurred on or after 1-1-1987 and upto 31-12-1987.	54%	105% of the basic amount (including previous increase)
37.	Cases where disablement or death occurred on or after 1-1-1988 and upto 31-12-1988.	46%	92% of the basic amount (including previous increase)
38.	Cases where disablement or death occurred on or after 1-1-1989 and upto 31-12-1989.	37%	79% of the basic amount (including previous increase)
39.	Cases where disablement or death occurred on or after 1-1-1990 and upto 31-12-1990.	29%	66% of the basic amount (including previous increase)
40.	Cases where disablement or death occurred on or after 1-1-1991 and upto 31-12-1991.	19%	49% of the basic amount (including previous increase)
41.	Cases where disablement or death occurred on or after 1-1-1992 and upto 31-12-1992.	10%	36% of the basic amount (including previous increase)
42.	Cases where disablement or death occurred on or after 1-1-1993 and upto 31-12-1993.	NIL	29% of the basic amount
43.	Cases where disablement or death occurred on or after 1-1-1994 and upto 31-12-1994.	NIL	20% of the basic amount
44.	Cases where disablement or death occurred on or after 1-1-1995 and upto 31-12-1995.	NIL	11% of the basic amount.

Resolved further that the enhanced rates of permanent disablement benefit and dependants' benefit, as the case may be, shall be effective from 1-8-1997.

Authenticated under Section 7 of the Employees' State Insurance Act, 1948.

(4)

ENHANCEMENT OF SICKNESS RATE AND EXTENSION OF SICKNESS PERIOD⁵

It is notified for general information that the following Resolutions were passed by the Employees' State Insurance Corporation in its 98th meeting held on 24-2-1994:

- (1) "Resolved further that the Director-General be empowered to enhance the duration of **extended sickness benefit** beyond the present limit of 400 days (91 days of sickness benefit plus 309 days of extended sickness benefit) to a maximum period of 2 years in deserving cases duly

5. Vide Noti. No. R-16/13/1/93-Ins. II, dt. 13-5-1994.

certified by a Medical Board. Facility for extension of ESB beyond the period of 400 days would be available upto the date on which the insured person attains the age of 60 years."

The aforesaid provisions would be added as a proviso to para 4 of the resolution adopted by the Corporation on 28-2-1976, and be effective with effect from 1-4-1994.

1. This shall come into force from 1-4-1994 and is applicable in respect of cases arising on or after this date.

2. Cases where the insured persons are in receipt of extended sickness benefit as on 1-4-1994 shall also be governed by the above resolution.

3. Cases where the period of three years for extended sickness benefit is current as on 1-4-1994 shall also be governed by the above resolution.

(2) "Resolved that the words '25% more than the standard benefit rate' appearing in para 8 of the resolution adopted by the Corporation on 28-2-1976, shall be replaced by the words '40% more than the standard benefit rate'."

This shall come into force with effect from 1-4-1994 and be given effect to as follows:—

1. The benefit at enhanced rate shall be admissible in all cases of extended sickness benefit which arise on or after 1-4-1994.

2. The insured persons whose cases of extended sickness benefit are current as on 1-4-1994 and where they have not already exhausted extended sickness benefit shall also be entitled to the benefit at the enhanced rate with effect from 1-4-1994.

3. Insured persons who may not have received extended sickness benefit because of the fact that the decision regarding eligibility in their cases has not been taken before 1-4-1994, shall also be eligible at enhanced rate with effect from 1-4-1994.

Authenticated as required under Section 7 of the Employees' State Insurance Act, 1948.

(5)

REHABILITATION ALLOWANCE

*ESI Corporation, Noti. No. R-11/13/31-97-Ins. I., dated March 5, 1997,
published in the Gazette of India, Part III, Section 4,
dated 12th April, 1997, p. 1206, No. 15*

The Employees' State Insurance Corporation at its meeting held on 22nd December, 1979, has adopted the following Resolution:

"Resolved in terms of Rule 23-A, ESI (Central) Rules, 1950 read with clause (xi) of Section 28 of the ESI Act, that the Corporation may grant rehabilitation allowance subject to such proof as the Corporation may require in writing to the Insured Person for each day on which he remains admitted in the Artificial Limb Centre for fixation or repair or replacement of limb. The rehabilitation allowance will be granted at the following rates:

- (i) where the Insured Person is eligible to sickness benefit during the period of stay at Artificial Limb Centre, this allowance may be paid at sickness benefit rate. (This period shall not be adjusted against the period for which sickness benefit is admissible under Section 47 of the ESI Act);
- (ii) where the Insured Person is not eligible to sickness benefit during the period of stay at Artificial Limb Centre, the allowance may be paid at Sickness Benefit rate, last payable or applicable as per records of Local Office/Regional Office; and
- (iii) where the period of stay in the Artificial Limb Centre is before the start of the first benefit period of the Insured Persons, the allowance may be paid at the standard benefit rate corresponding to the daily average wages on the basis of which the contribution rate for the first contribution period is determined."

In partial modification of the above resolution, the Employees' State Insurance Corporation, at its meeting held on 23rd February, 1994, has resolved as under:—

“Resolved that the words ‘Sickness Benefit rate’ appearing in paras (i), (ii) and (iii) of the Resolution adopted by the Corporation on 22nd December, 1979, be replaced by the words ‘double the standard benefit rate’ in the aforesaid paragraphs of the said resolution.”

The enhanced rate of Rehabilitation Allowance shall be effective from 16-11-1996.

Authenticated under Section 7 of the Employees' State Insurance Act, 1948.

(6)

ENHANCEMENT OF DAILY CASH ALLOWANCE

*ESI Corporation, Noti. No. R-11/13/1-/2003-B ft. II, dated January 13, 2006,
published in the Gazette of India, Part III, Section 4,
dated 11th February, 2006, p. 147, No. 6*

In exercise of the powers conferred by Section 19 of the ESI Act, 1948, the ESI Act, 1948, the ESI Corporation at its meeting held on 21-12-2005 has approved enhancement in daily cash allowance payable to permanently disabled insured persons for the days they stay in a Vocational Rehabilitation Centre/Institute for training from Rs 45 to Rs 123 or the expenditure charged by the Vocational Rehabilitation Centre/Institute, whichever is more. Other terms and conditions as laid down in the Notification No. 48 Part III—Section 4 dated 26-11-1994 will remain unchanged.

The enhanced rates of the daily cash allowance shall be effective from 1st January, 2006.
