

GOVERNMENT OF INDIA
(MINISTRY OF COMMERCE)

NEW DELHI
DATED 14th Feb.01

NOTIFICATION

(Coffee Control)

G.S.R, In exercise of the powers conferred by Section 48 of the Coffee Act 1942 (7 of 1942) the Central Government hereby makes the following rules viz....

SHORT TITLE AND DEFINITION

1. Short Title and Commencement.
 - a) These rules may be called the Coffee Board General Provident Fund (Amendment) Rules, 2001.
 - b) They shall come into force on the date of their publication in the official Gazette.
2. Definition (1) In these Rules unless the context otherwise requires.
 - (a) "Act" means the Coffee Act 1942:
 - (b) "Board" means the Coffee Board constituted under the Act: and 'Chairman' means 'Chairman of the Board:
 - (c) "Accounts Officer" means the "Accounts Officer" of the Board.
 - (d) "Fund" means the General Provident Fund constituted and established by the Board;
 - (e) "Servant of the Board" means a salaried officer or servant of the Board other than a person in the 'service of the Central/State Government whose services have been lent or transferred to the Board;
 - (f) "Emoluments" means pay, leave salary or subsistence grant as defined in the Fundamental Rules, and includes dearness pay appropriate to pay, leave salary or subsistence grant, if admissible, and any remuneration of the nature of pay received in respect of foreign service:

(g) "Family means"-

- (i) in the case of a male subscriber, the wife or wives, parents, children minor brother, unmarried sisters, deceased son's widow and children and where no parents 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 parents 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.

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

- (h) "Leave" means any variety of leave recognized by the Fundamental Rules or the Civil Service Regulations or the Revised Rules 1933;

- (i) "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 in the Fundamental Rules is used in the sense therein defined.

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 in the books of Board to an account named "The 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 "Deposits" at the end of the year and treated under the ordinary rules relating to deposits."

4. Management

The Fund shall vest in the Board and be managed by the Executive Committee or by the Chairman to such extent as may be specified by the Executive Committee on behalf of the Board. These Rules shall be interpreted by the Board whose decision shall be final and binding upon the members.

5. Conditions of Eligibility

All temporary servants of the Board after a continuous service of one year, all re-employed pensioners (other than those eligible for admission to the Contributory Provident Fund) and all permanent Board Servants shall subscribe to the Fund.

Re-employed pensioners may, at their option, subscribe to the General Provident Fund.

Note 1. Apprentices & probationers shall be treated as temporary Board servants for the purpose of this rule.

Note 2. A temporary Board's servant 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 Board servants (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";

6. 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 making the nomination shall make such nomination only in favour of a member or members of his family.)

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

- (2) If a subscriber nominates more than one person under sub-rule (1), he shall specify in the nomination 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 in such one of the Forms set forth in the First Schedule as is appropriate in the circumstances.
- (4) A subscriber may at any time cancel a nomination by sending a notice in writing to the Accounts Officer. The subscriber shall, along with such notice or separately, send a fresh nomination made in accordance with the provisions of this rule.
- (5) A subscriber may provide in a nomination -
 - (a) in respect of any specified nominee, that in the event of his predeceasing the subscriber, the right conferred upon that nominee shall pass to such other person or persons as may be specified in the nomination, provided that such other person or persons, shall if the subscriber has other members of his family be such other member or members. Where the subscriber confers such a right on more than one person under this clause, he shall specify the amount or share payable to each of such persons in such a manner as to cover the whole of the amount payable to the nominee.
- (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 the proviso thereto, the subscriber shall send to the Accounts Officer a notice in writing cancelling the nomination, together with a fresh nomination made in accordance with the provisions of this rule.

- (7) Every nomination made, and every notice of the cancellation given by the 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 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 authorized to receive payments";

7. Subscriber's Account:

An account shall be opened in the name of each subscriber in which shall be shown-

- (i) his subscriptions;
- (ii) interest, as provided by Rule 12, on subscriptions;
- (iii) advances and withdrawals from the Fund",

8. Conditions and Rates of Subscriptions.

Conditions of subscriptions-

"(1) A subscriber shall subscribe monthly to the fund except during the period when he is under suspension:

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

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

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

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

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

- (a) if he is an officer who draws his own bills, by making no deduction on account of subscription in his first pay bill drawn after proceeding on leave;
- (b) If he is not an officer who draws his own pay bills, by written communication to the Head of his Office before he proceeds on leave.

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

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

3. A subscriber who has under Rule 19 withdrawn the amount standing to his credit in the Fund shall not subscribe to the Fund after such withdrawal unless he returns to duty.

9. Rates of subscription

- (1) The amount of subscription shall be fixed by the subscriber himself, subject to the following conditions, namely,-
 - (a) it shall be expressed in whole rupees;
 - (b) it may be any sum, so expressed not less than 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 Board's Contributory Provident Fund at the higher rate of $8\frac{1}{3}$ per cent, it may be any sum, so expressed, not less than $8\frac{1}{3}$ per cent, of his emoluments and not more than his total emoluments:

- (c) When a Board servant elects to subscribe at the minimum rate of 6 per cent or $8\frac{1}{3}$ per cent as the case may be, the fraction of a rupee will be rounded to the nearest whole rupee, 50 p. counting as the next higher rupee.
- (2) For the purpose of sub-rule (1) the emoluments of a subscriber shall be-
 - (a) in the case of a subscriber who was in Board's service on the 31st March of the preceding year, the emoluments to which he was entitled on that date;

Provided that-

- (j) if the subscriber was on leave on the said and elected not to subscribe during such leave or was under suspension on the said date, his emoluments shall be the emoluments to which he was entitled on the first day after his return to duty:
- (ii) if the subscriber was on deputation out of India on the said date or was on leave on the said date and continues to be on leave and has elected to subscribe during such leave, his emoluments shall be the emoluments to which he would have been entitled had he been on duty in India;
- (b) in the case of a subscriber who was not in Board's 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:-
 - (a) If he was on duty on the 31st March of the preceding year, by the deduction which he makes in this behalf from his pay bill for that month;
 - (b) If he was on leave on the 31st March of the preceding year, and elected not to subscribe during such leave, or was under suspension on that date, by the deduction which he makes in this behalf from his first pay bill after his return to duty;
 - (c) If he has entered Board's service for the first time during the year, by the deduction which he makes in this behalf; from his pay bill for the month during which he joins the Fund;
 - (d) If he was on leave on the 31st March of the preceding year, and continues to be on leave and has elected to subscribe during such leave, by the deduction which he causes to be made in this behalf from his salary bill for that month;
 - (e) If he was on Foreign Service on the 31st March of the preceding year, by the amount credited by him into the Board 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 a part of a calendar month and he has elected not to subscribe during such leave, the amount of subscription payable shall be proportionate to the number of days spent on duty including leave, if any, other than those referred to above";

10. Transfer to foreign service or deputation out of India-

When a subscriber is transferred to foreign service or sent on deputation out of India, he shall remain subject to the rules of the Fund in the same manner as if he were not so transferred or sent on deputation.

11. Realization of Subscriptions-

- (1) The Board shall have power to deduct from the emoluments of any subscriber the subscription due from him and interest on the advance, if any, made to him from the Fund.
- (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 in default in any month or months during the course of a year otherwise than as provided in rule 8, the total amount due to the Fund on account of arrears of subscription shall, with interest thereon at the rate provided in rule 12, 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 13;

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

12. Interest

"(1) Subject to the provisions of sub-rule (5), Board shall pay to the credit of the account of a subscriber interest at such rate as may be determined for each year according to the method of calculation prescribed from time to time by the Government of India;

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 fixed at less than 4 per cent, shall be allowed interest at 4 per cent.

Provided further that a subscriber who was previously subscribing to any other provident fund of the Central Government and whose subscription, together with interest thereon, have been transferred to his credit in his Fund under Rule 22, shall also be allowed interest at 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 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 any sums 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 upto the last day of the month proceeding the month of withdrawal;

(iii) on all the sums credited to the subscriber's account after the last day of the preceding year - interest from the date of deposit upto the end of the current year;

(iv) the total amount of interest shall be rounded to the nearest whole rupee, (fifty paise counting to 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, upto the date on which the amount standing to the credit of the subscriber became 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 11, 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 subscription, be deemed to be the first day of the succeeding month"

(4) In addition to any amount to be paid under rule 18, 19 or 20 interest thereon up to the end of the month preceding that in which the payment is made, or up to the end of the sixth month after the month in which such amount became payable 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 as 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 or an autonomous organization registered under the Societies Registration Act, 1860 (21 of 1860) is subsequently absorbed in such body corporate or organization with effect from a retrospective date, for the purpose of calculating the interest due on the Fund accumulations of the subscriber the date of issue of the orders regarding absorption shall be deemed to be the date on which the amount to the credit of the subscriber became payable subject, however, to the condition that the amount recovered as subscription during the period commencing from the date of absorption and ending with the date of issue of orders of absorption shall be deemed to be subscription to the Fund only for the purpose of awarding interest under this sub-rule.

NOTE : Payment of interest on the Fund balance beyond a period of 6 months, may be authorized by the Chairman or any officer authorized by the Chairman, after he has personally satisfied himself that the delay in payment was occasioned by circumstances beyond the control of the subscriber or the person to whom such payment was to be made, and in every such case the administrative delay involved in the matter shall be fully investigated and action, if any required, taken.

(5) "Interest shall not be credited to the account of a subscriber if he informs the 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 amounts which under sub-rule (3) of Rule 11, Rule 18 or 19 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 described 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 over drawn amount, irrespective of whether the overdrawal occurred in the course of an advance or a withdrawal or the final payment from the fund, shall be repaid by him with interest thereon in one lump sum or in default, be ordered to be recovered by deduction in one lump sum from the emoluments of the subscriber. If the total amount to be recovered is more than half of the subscriber's emoluments, recoveries shall be made in monthly installments of moieties of his emoluments till the entire amount together with interest, is recovered. For this sub-rule the rate of interest to be charged on overdrawn amount would be two and half per cent over and above the normal rate on Provident Fund balance under sub-rule (1).

The interest realized on the overdrawn amount shall be credited to Board's account under a distinct sub-head "Interest on overdrawals from Provident Fund"

"13. Advances from the Fund:

(1) The Chairman or any other Officer of the Board authorized by the Chairman may sanction the payment to any subscriber of an advance consisting of a sum of whole rupees and not exceeding in amount three months' pay or half of amount standing to his credit in the Fund whichever is less, for one or more of the following purposes:-

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

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

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

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

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

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

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

(f) to purchase consumer durables such as TV,VCR/VCP, washing machines, cooking range, geysers and computers.

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

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

(4) When an advance is sanctioned under sub-rule (2) before repayment of last installment of any previous advance is completed the balance of any previous advance not recovered shall be added to the advance so sanctioned and the installments for recovery shall be fixed with reference to the consolidated amount.

(5) After sanctioning the advance, the amount shall be drawn on an authorization from the Accounts Officer in case where the application for final payment had been forwarded to the Accounts Officer under clause (ii) of sub-rule (3) of Rule 21.

NOTE : 1 – For the purpose of this rule, pay includes dearness pay where admissible.

NOTE : 2 – The Officers authorized to sanction advances under this rule are specified in Schedule No.II.

NOTE : 3 – A subscriber shall be permitted to take an advance once in every six months under item (b) of sub-rule (1) of Rule 13.

14. Recovery of advances

(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 elects and more than twenty-four. In special cases where the amount of advance exceeds three month's pay of the subscriber under sub-rule (2) of Rule 13, the sanctioning authority may fix such number of instalments to be more than twenty-four but in no case more than thirty-six. A subscriber may, at his option, repay more than one instalment in a month. Each instalment shall be a number of whole rupees, the amount of the advance being raised or reduced, if necessary, to admit of the fixation of such instalments.

(2)" Recovery shall be made in the manner prescribed in Rule 11 for the realization of subscriptions, and shall commence with the issue of pay for the month following the one in which the advance was drawn. Recovery shall not be made, except with the subscriber's consent while he is in receipt of subsistence grant or is on leave for ten days or more in a calendar month which either does not carry any leave salary or carries leave salary equal to or less than half-pay or half average pay, as the case may be. The recovery may be postponed, on the subscriber's written request, by the sanctioning authority during recovery of an advance of pay granted to the subscriber";

"(3) Recoveries made under this rule shall be credited as they are made to the subscriber's account in the fund.

(4) If an advance has been granted to a subscriber and drawn by him and the advance is subsequently disallowed before repayment is completed, the whole or balance of the amount withdrawn shall forthwith be repaid by the subscriber to the Fund, or in default, be ordered by the Accounts Officer to be recovered by deduction from the emoluments of the subscriber in a lump sum or in monthly installments not exceeding twelve as may be directed by the authority competent to sanction an advance for the grant of which, special reasons are required under sub-rule (2) of Rule 13;

Provided that before such advance is disallowed, the subscriber shall be given an opportunity to explain to the sanctioning authority in writing and within fifteen days of the receipt of the communication why the repayment shall not be enforced and if an explanation is submitted by the subscriber within the said Period of fifteen days; it shall be referred to the Chairman 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 this sub-rule".

15. 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 13 has been utilized for a purpose other than that for which sanction was given to the drawl of the money, he shall communicate to the subscriber the reason for his doubt and require him to explain in writing and within fifteen days of the receipt of

such whether the advance has been utilized 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 fifteen days, the sanctioning authority shall direct the subscriber to repay the amount in question to the Fund forthwith or, in default, order the amount to be recovered by deduction in one sum from the emoluments of the subscriber even if he be on leave. If, however, the total amount to be repaid were more than half the subscriber's emoluments, recoveries shall be made in monthly installments of moieties of his emoluments till the entire amount is repaid by him.

NOTE: The term "emoluments" in the rule does not include subsistence grant",

"16 Withdrawals from the Fund:

(1) Subject to the conditions specified therein, withdrawals may be sanctioned by the Chairman or sanctioning authority, at any time-

(A) After the completion of fifteen years of service (including broken periods of service, if any) of a subscriber or within ten years before the date of his retirement on superannuation, whichever is earlier, 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 education outside India for academic, technical, professional or vocational course beyond the High School stage; and
 - (ii) for any medical engineering or other technical or specialized 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 his daughters, and any other female relation actually dependent on him;
- (c) meeting the expenses in connection with the illness, including where necessary, travelling expenses, of the subscriber and members of his family or any person actually dependent on him;
- (d) meeting the cost of consumer durables such as TV, VCR/VCP, washing machines, cooking range, geysers and computers.

- (B) During the service of a subscriber from the amount standing to his credit in the Fund for one or more of the following purposes, namely:-
- (a) building or acquiring a suitable house or ready built flat for his residence including the cost of the site or any payment towards allotment of a plot or flat by any Authority, State Housing or a House Building Society;
 - (b) repaying an outstanding amount an account of loan expressly taken for building or acquiring a suitable house or ready-built flat for his residence;
 - (c) purchasing a house-site building a house thereon for his residence or repaying outstanding amount on account of loan expressly taken for this purpose;
 - (d) reconstructing or making additions or alterations to a house or a flat already owned or acquired by a subscriber;
 - (e) renovating, additions or alterations or upkeep of the ancestral house of a house built with the assistance or loan from Board;
 - (f) constructing a house on a site purchased under Clause (c);
- (C) Within twelve months before the date of subscriber's retirement on superannuation from the amount standing to the credit in the fund, without linking to any purpose.
- (D) Once during the course of a financial year, an amount equivalent to one year's subscription paid for by the subscriber towards the Group Insurance Scheme for the Central Government employees on self-financing and contributory basis.

NOTE 1- A subscriber who has availed himself an advance under the Scheme of the Ministry of Works and Housing for the grant of advance for house-building purpose, or has been allowed any assistance in this regard from any other Board source, shall be eligible for the grant of final withdrawal under sub-clauses (a), (c) (d) and (f) of Clause (B) for the purposes specified there in 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 17.

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 sub-clauses (a), (c) and (f) of Clause (B) for purchase of a house-site or for construction of another house or for acquiring a ready-built flat at the place of his duty.

NOTE: 2- Withdrawal under sub-clauses (a), (d), (e), or (f) of Clause (B) shall be sanctioned only after a subscriber has submitted a plan of the house to be constructed or of the additions or alterations to be made, duly approved by the local municipal body of the area where the site or house is situated and only in cases where the plan is actually got to be approved.

NOTE: 3- The amount of withdrawal sanctioned under sub-clause (b) of Clause (B) shall not exceed $\frac{3}{4}$ of the balance on date of application together with the amount of previous withdrawal under sub-clause (a), reduced by the amount of previous withdrawal. The formula to be followed is $\frac{3}{4}$ 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 sub0clause (a) or (d) of Clause (B) shall also be allowed where the house-site or house is in the name of wife or husband provided she or he is the first nominee to receive Provident Fund money in the nomination made by the subscriber.

NOTE: 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 of flat covered by a fresh plan approved by the local Municipal Body of the area where the house of flat is situated shall not be treated as the same purpose. Withdrawal for meting the cost of education of a child may be allowed on annual basis till the concerned child continues to pursue the technical or professional course. Second or subsequent withdrawal under sub clause (a) or (f) of Clause (B) 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 of an advance under Rule 13 is being sanctioned for the same purpose and at the same time.

2. whenever a subscriber is in a position to satisfy the competent authority about the amount standing to his credit in the General Provident Fund Account with reference to the latest available statement of General Provident Fund Account together with the evidence of subsequent contribution, the competent authority may itself sanction withdrawal within the prescribed limits, as in the case of a refundable advance. In doing so, the competent authority shall take into account may withdrawal or refundable advance already sanctioned by it in favour of the subscriber. Where, however, the subscriber is not in a position to satisfy the competent authority about the amount standing to his credit or where there is any doubt bout the admissibility of the withdrawal applied for, a reference may be made to the Accounts Officer by the competent authority for

ascertaining the amount standing to the credit of the subscriber with a view to enable the competent authority to determine the admissibility of the amount withdrawal. The sanction for the withdrawal should prominently indicate the General Provident Fund Account Number and the Accounts Officer maintaining the accounts and a copy of the sanction should invariably be endorsed to that Accounts Officer. The sanctioning authority shall be responsible to ensure that an acknowledgement is obtained from the Accounts Officer that the sanction for withdrawal has been noted in the ledger account of the subscriber. In case the Accounts Officer reports that the withdrawal as sanctioned is in excess of the amount to the credit of the subscriber or otherwise inadmissible, the sum withdrawn by the subscriber shall 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 a lump sum or in such number of monthly installments as may be determined by the Chairman.

3. After sanctioning the withdrawal the amount shall be drawn on an authorization 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 21".

17. Conditions for withdrawal

(1) Any sum withdrawn by a subscriber at any one time for or more of the purposes specified in Rule 16 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 3/4 of the balance at his credit in the Fund having due 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 in case of withdrawal under Clause (A) and up to 90% of balance at credit incases of withdrawals under Clause (B) of sub - rule (1) of Rule 16.

Provided that in no case the maximum withdrawal for purposes specified in Clause (B) of sub - rule (1) of Rule 16 shall exceed the maximum limit prescribed from time to time Rules 2 (a) and 3 (b) of the Scheme of the Ministry of works and Housing for the grant of advances for house-building purposes.

Provided that in the case of a subscriber who has availed himself of an advance under the scheme of the Ministry of Works, Housing and Supply for the grant of advance for house building purposes, or has been allowed any assistance in this regard from any other Government source, the sum withdrawn under this sub-rule with the amount of advance taken under the aforesaid scheme or the assistance taken from any other Government source shall not exceed Rs.75000/- of five years pay, whichever is less.

Provided further that in the case of a subscriber who has availed himself of an advance under the Scheme of the Ministry of Works and Housing for the grant of advances for house-building purposes, or has been allowed any assistance in this regard from any other Board's source, 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 Board source shall not exceed the maximum limit prescribed from time to time under Rules 2 (a) and 3 (b) of the aforesaid Scheme.

Provided also that the withdrawal admissible under Rule 16 (1) (c) shall not exceed 90% of the amount standing to the credit of the subscriber in the fund.

NOTE:1- A withdrawal to a subscriber under sub-clause (a) of Clause (A) of sub-rule (1) of Rule 16, may be permitted annually so long as the concerned child of the subscriber continues to pursue the course.

NOTE:2- In cases where a subscriber has to pay in installments for a site or a house or flat purchased, or a house or flat constructed through any Development Authority or a State Housing or a House building Co-Operative Society, he shall be permitted to make a withdrawal as and when he is called upon to make a payment in any installment. Every such payment shall be treated as a payment for separate purposes of sub-rule (1) of Rule 17.

(2) A subscriber who has been permitted to withdraw money from the Fund under 16 shall satisfy the sanctioning authority within a reasonable period as may be specified by that authority that the money has been utilized 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 together with interest thereon at the rate determined under Rule 12 by the subscriber to the fund, and in default of such payment. It shall be ordered by the sanctioning authority to be recovered from his emoluments either in a lump-sum or in such number of monthly installments, as may be determined by the Chairman.

Provided that, before repayment of a withdrawal is enforced under this sub-rule, the subscriber shall be given an opportunity to explain in writing and within fifteen days of the receipt of 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 fifteen 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 sub-clause(a), sub-clause (b) or sub-clause (c) of (B) of sub-rule(1) of Rule 16 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 withdrawn, whether by way of sale, mortgage (other than mortgage to the Board), gift, exchange or otherwise, without the previous permission of the Chairman.

Provided that, such permission shall not be necessary for:-

- (i) the house or house site being leased for any term not exceeding 3 years or
 - (ii) its being mortgaged in favour of a Housing Board, Nationalized Banks, the Life Insurance 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 chairman, he shall forthwith repay the sum so withdrawn by him in a lumps to the Fund, and in default of such repayment, the sanctioning authority, after giving the subscriber a reasonable opportunity of making a representation in the matter, cause the said sum to be recovered from the emoluments of the subscriber either in a lump sum or in such number of monthly installments, as may be determined by it.

NOTE: A subscriber who has taken loan from Board in lieu thereof mortgaged the house or house site to the Board shall be required to furnish the declaration to the following effect namely:-

" I do hereby certified 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 Board".

17-A. Conversion of an Advance into Withdrawal:

A subscriber who has already drawn or may draw in future an advance under Rule 13 for any of the purposes specified in sub-rule (1) of Rule 16 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 condition laid down in Rules 16 and 17.

NOTE: 1 The Head of Office may be asked by the Accounts Officer to stop recoveries from the pay bills when the application for such conversion is forwarded to the Accounts Officer by that authority.

NOTE : 2 For the purpose of sub-rule (1) of Rule 17, 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."

18. Final withdrawal of accumulations in the fund

When a subscriber quits the service, 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 Board, repay any amount paid to him from the Fund in pursuance of this rule, with interest thereon at the rate provided in rule 12 in the manner provided in the proviso to rule 19. 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 connections 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 the 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 subscription and interest

NOTE . Transfers shall include cases of resignation from 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 Chairman. 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.

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, is transferred, without any break, to the service under a body corporate owned or controlled by Government, or an autonomous organization, 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 the 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 organization, registered under the Societies Registration Act, 1860, without any break and with proper permission of the Board. 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 Board 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 Public Enterprise may, if he so desires, be transferred to his new Provident Fund Account under the Enterprise if the concerned Enterprise also agrees to such 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."

19. Retirement of Subscriber:-

When a subscriber -

- (a) has proceeded on leave preparatory to retirement, 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 Board, repay to the Fund for credit to his account, the whole or part of any amount paid to him from the fund in pursuance of this rule with interest thereon at the rate provided in rule 12 in cash or securities or partly in cash or partly in 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 13.

20. Procedure on the death of a 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 6 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, become payable to the members of his family in equal shares:

Provided that no share shall be payable to-

- (1) sons who have attained majority;
- (2) sons of a deceased son who have attained majority
- (3) married daughters whose husbands are alive;
- (4) married daughters of a deceased son whose husbands are alive.

If there is any member of the family other than those specified in clauses (1), (2), (3) & (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) of the first proviso-

- (ii) When the subscriber leaves no family, if a nomination made by him in accordance with the provisions of rule 6 or of the corresponding rule heretofore in force 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.

21 Manner of payment of amount in the Fund

- (1) When the amount standing to the credit of a subscriber in the fund becomes 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 to whom, under these rules, any amount or 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 Indian Lunacy Act, 1912, the payment or reassignment or delivery shall be made to such manager and not to the lunatic:

Provided that where no manager has been appointed and the person to whom the sum is payable is certified by a Magistrate to be a lunatic, the payment shall under the orders of the Collector be made in terms of sub-section (1) of Section 95 of the Indian Lunacy Act, 1912, to the person having charge of such lunatic and the 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) Payments of the amount withdrawn shall be made in India only. The persons to whom the amounts are payable shall make their own arrangements to receive payments in India. The following procedure shall be adopted for claiming payment by a subscriber, namely:-
 - (i) The Head of Office/Department shall forward the details of the subscriber retiring or quitting service to the Accounts Officer indicating the recoveries effected against the advances which are still current and the number installments yet to be recovered and also indicate the withdrawals. If any, taken by the subscriber after the period covered by the last statement of the subscriber's account sent by the Accounts Officer.
 - (ii) The Accounts Officer shall, after verification with the ledger account, issue an authority for the amount payable to the subscriber at least a month before the date of superannuation but payable on the date of superannuation.

(iii) The authority mentioned in Clause (iii) will constitute the first installment 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 details forwarded by the Head of Office/Department under Clause (ii) plus the refund of installments against advance which were current at the time of the submission of details by the Head of Office.

(iv) After forwarding the details referred to in Clause (ii) for final payment to the Accounts Officer, advance/withdrawal may be sanctioned but the amount of advance/withdrawal shall be drawn on an authorization from the Accounts Officer concerned who shall arrange this as soon as the 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 18, 19 OR 20 the Accounts Officer shall authorize prompt payment of the amount in the manner indicated in sub-rule (3)'':

22. Procedure on transfer to Board's service of a person from the service under a body corporate owned or controlled by Government:

If a Board servant admitted to the benefit of the Fund was previously a subscriber to any Provident Fund of a body corporate owned or controlled by the Central government or a State Government, or an organization registered under the Societies Registration Act, 1860, the amount of subscriptions, together with interest thereon, standing to his credit in 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''

23. Relaxation of the provisions of the rule in individual cases

When the Board is satisfied that the operation of any of these rules causes or is likely to cause undue hardship to a subscriber, Board may, notwithstanding anything contained in these rules with the case of such subscriber in such manner as may appear to them to be just and equitable.

24. Annual Statement of account to be supplied to subscriber:

- (1) As soon as possible after the 31st March 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 the 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 6;
 - (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 6.
 - (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 the 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.
- 24.A 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, communicated to him by the Accounts Officer. Any change in the number shall similarly be communicated to the subscriber by the Accounts Officer";

25. MAINTENANCE OF ACCOUNTS

- (1) All sums paid into and from the Fund under these rules shall be accounted for in the books of the Board in an account named "The Coffee Board General Provident Fund Account".
- (2) Such accounts shall be examined and audited annually by the auditors appointed under Section 45 (3) of the Act.
- (3) The custody and disbursal of the Fund shall be regulated by Rule 35 of the Coffee Rules, 1955, exactly in the same manner as the Funds of the Board.
- (4) All expenses of the Fund shall be met from the income of the Fund, as far as possible. If the income is not sufficient to meet all expenses, the deficit shall be met from the General Fund.

26. "WINDING OF THE FUND

(1) The Fund shall be wound up-

(a) if the Board were to be dissolved by Notification under Section 10 of the Act: or

(b) by resolution of the Board approved by the Central government.

(2) On the winding up of the Fund, the assets shall be realised and distributed amongst subscribers in accordance with their accounts.

27. No amendments to these Rules shall be made without the previous sanction of the Central government.

28. Notwithstanding the above provisions if the Central Government notify any change in the rate of subscription or modify the rules and procedures relating to advances and withdrawals in the General Provident Fund (Central Services) Rules, 1960, such change shall be made applicable to the servants of the Board also.

29. INTERPRETATION:

If any question arises relating to the interpretation of these rules, it shall be referred to the Central Government for clarification.



FAX NO.91-44-4990526

From

**The Secretary,
Coffee Board,
Bangalore.**

To

**Sri Prabhat Singh,
Under Secretary,
(Plant.B),
Ministry of Commerce & Industries,
Government of India,
New Delhi.**

No.ADM/LEG/2004/

Date : .02.2004

Sir,

Kindly refer your letter dated 27.1.2004 and as desired a draft of the Coffee Board Employees General Provident Fund Rules duly incorporating all the amendments/modification as per the Notification No.9/3/99-Plant(B) dated 14.2.2001 is sent herewith so as to enable to notify afresh by the Government of India U/s.48 of the Coffee Act.

You may also refer to our letter dated 5.1.04 on the subject matter of implementation of recommendations contained in Paragraphs 3.5 & 3.8 of the twelfth report (Thirteenth Lok Sabha) of the Committee on Subordinate Legislation regarding the Coffee Board General Provident Fund (Amendment) Rules 2001. In accordance with the suggestion of the Committee, Rule 29 has been modified by deleting the words "whose decision thereon shall be final" and the modified Rule as "If any question arises relating to the interpretation of these rules, it shall be referred to the Central Government for clarification" is incorporated in the draft rules.

As desired, a hard copy of the GPF Rules is also sent herewith.

Thanking you,

Yours faithfully,

SECRETARY

C/Aruna/PF Rules-Correspondence

