

FOR OFFICIAL USE ONLY:



**EXPORT INSPECTION COUNCIL
CONTRIBUTORY PROVIDENT FUND RULES, 1986**

AND

**EXPORT INSPECTION COUNCIL
DEATH-CUM-RETIREMENT GRATUITY RULES, 1981
(AMENDED UPTO 31.12.1986)**

AND

**EXPORT INSPECTION AGENCY
DEATH-CUM-RETIREMENT GRATUITY RULES, 1981
(AMENDED UPTO 31.12.1986)**

**EXPORT INSPECTION COUNCIL OF INDIA
(MINISTRY OF COMMERCE)
GOVERNMENT OF INDIA
NEW DELHI**

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Ministry of Commerce

Government of India

**EXPORT INSPECTION COUNCIL CONTRIBUTORY
PROVIDENT FUND RULES, 1986**

NEW DELHI, the 27.9.1986

NOTIFICATION

S.O.3329 In exercise of the power conferred by section 17 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby makes the following rules, namely :-

1. Short title and commencement :

- 1) These rules may be called the Export Inspection Council Contributory Provident Fund Rules,1986.
- 2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions :

In the rules, under the context otherwise requires: -

- a) 'Agency' means the Export Inspection Agencies established under section 7 of the Act at Bombay, Calcutta, Cochin, Delhi and Madras;
- b) 'Chairman' means the Chairman of the Export Inspection Council;
- c) "Council" means the Export Inspection Council established under section 3 of the Act;
- d) 'Director' means the Director of Inspection and Quality Control of the Council;
- e) "emoluments" means pay, officiating pay, special pay, personal pay, dearness pay, or any other amount specially declared as such and which count for determining retirement benefits, leave salary, or subsistence grant as defined in the Fundamental Rules, Dearness Allowance and Additional Dearness Allowance and includes any wages paid by the Council or Agency to its employees not remunerated by fixed monthly pay;
- f) "employees" means the person in the whole time regular employment of the Council or the Agency;
- g) "family" means: -

- i. in the case of a male employee, the wife or wives and children of an employee, the widow or widows and children of a deceased son of the employee ;
 - ii. in the case of a female employees, the husband and children of the employee and widow or widows and children of a deceased son of the employee ;
- Provided that—

- 1) if a male employee 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 be deemed to be no longer a member of the employee's family in matters to which these rules relate unless the employee intimates, in writing to the Head of Office with proof thereof that she shall continue to be so regarded ;
- 2) if a female employee, by a notice in writing to the Head of Office expresses her desire to exclude her husband from her family in matters to which these rules relate, unless the employee subsequently cancels such notice in writing.

Explanation :

In the notice referred to in this clause, the female employee shall indicate whether or not her husband is physically handicapped and totally dependent on her. On receipt of such notice the head of office shall have the right to refuse the exclusion of husband from her family.

Note.-'Child' means a legitimate child and includes an adopted child, where adoption is recognised by the personal law governing the employee;

- h) 'Fund' means the Export Inspection Council Contributory Provident Fund ;
- i) 'Head of Office' means an officer who has been declared as such by the Council or its Chairman or by the Director ;
- j) 'leave' means any kind of leave recognised by the Council.
- k) 'sanctioning authority' means, the Director or any other officer of the Council or Agency empowered by the Director to function as such for the purpose of these rules ;
- l) 'subscriber' means a member of the fund ;
- m) 'year' means a financial year ;
- n) all words and expressions used in these rules and not defined but defined either in the Contributory Provident Fund Rules (India) 1962 or in the Fundamental Rules shall have the meanings respectively assigned to them in those rules.

3. Extent of Application :

These rules shall apply to every whole time and regular employee of the Export Inspection Council and the following agencies established by the Central Government under section 7 of the Export (Quality Control and Inspection) Act , 1963 (22 of 1963), namely :-

- a) Export Inspection Agency , Bombay.
- b) Export Inspection Agency , Calcutta.
- c) Export Inspection Agency , Delhi.
- d) Export Inspection Agency , Madras ;

Provided that these rules shall not apply to those employees who entered service after introduction of Export Inspection Council Pension and General Provident Fund Rules, 1981 notified under S.O. 2922,dated the 24.10.1981.

4. Constitution and Management of the Fund :

The fund shall be administered by the Council.

5. Nomination

- 1) An employee shall, at the time of joining the Fund, send to the Head of Office, a nomination in the prescribed form conferring 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, if at the time of making the nomination , the employee has a family, the nomination shall not be in favour of any person or persons other than the members of the family.

- 2) If a subscriber nominates more than one person under sub-rule (1), he shall specify in the nomination the amount of 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) A subscriber may at any time cancel a nomination by sending a notice in writing to the Head of Office. The subscriber shall, along with such notice or separately, send a fresh nomination made in accordance with the provisions of this rule.
- 4) 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.

- b) that the nomination shall become invalid in the event of the happening of a contingency specified therein ;

Provided that if at the time of making the nomination the subscriber has no family, he shall provide in the nomination that it shall become invalid in the event of his subsequently acquiring a family;

Provided further that if at the time of making the nomination the subscriber has only one member of the 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 members in his family.

- 5) Immediately on the death of a nominee in respect of whom no special provision has been made in the nomination or on the occurrence of any event by reason of which the nomination becomes invalid, as provided under sub rule (4) or the provision thereunder, the subscriber shall send to the Head of Office a notice in writing cancelling the nomination, together with a fresh nomination made in accordance with the provision of this rule.
- 6) 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 Head of Office.

6. Subscriber's Account :

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

- i. his contribution ;
- ii. contribution made under rule 10 by the Council or Agency to his account ;
- iii. interests, as provided by rule 12, on subscriptions and contributions ;
- iv. bonus, as provided by rule 13 on subscriptions ; and
- v. advance and withdrawals from the Fund.

7. Conditions of subscription :

1. Every employee when on duty or on foreign service shall subscribe monthly to the Fund but not during the period when he is under suspension.

Provided 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 arrear subscription payable for that period.

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

2. Every employee who has been a member of Provident Fund recognised under clause 3 of part A of the Fourth Schedule of the Income Tax Act, 1961 or the General Provident Fund in his employment immediately preceeding the service under the Council of Agency shall be entitled to subscribe to the Fund from the date of his employment under the Council of Agency.
3. 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.
4. The subscriber shall intimate his election not to subscribe during the leave referred to in sub-rule (3), by written communication to the Head of Office before he proceeds on leave and failure to make due and timely intimation shall be deemed to constitute an election to subscribe.
5. 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.

8. Rate of Subscription :

1. The amount of monthly compulsory subscription shall be fixed by the subscriber himself, but shall not be less than eight percent of the subscriber's emoluments as defined in sub-rule(e) of rule 2 of these rules.
2. Subject to the provision of the sub rule (1) , a subscriber ,may subscribe to the fund additional contribution voluntarily, provided that :-
 - a) such option of voluntary subscription shall be through written communications to the Head of Office and the amount of subscription so fixed may be –
 - i. reduced once at any time during the course of the year,
 - ii. enhanced twice during the course of the year, or
 - iii. reduced and enhanced as aforesaid.
 - b) the employees subscription and voluntary contribution shall not exceed his total monthly emoluments.

Note – The rates of subscription shall be expressed in whole rupees.

9. Realisation of subscription :

Realisation of subscription at the rate fixed under rule 8 and the advance, if any, drawn by subscriber from the Fund shall be made from his monthly salary by deduction from his pay bill.

10. Contribution by Council/Agency :

- 1) The Council or Agency shall contribute to each subscriber's account in the Fund at the end of each half year i.e. on 30th September and 31st March a contribution equal to the sum subscribed by the employee but such contribution shall, in no case, exceed eight percent of the monthly emoluments payable to each employee ;

Provided that no contribution shall be made by the Council or Agency for the period for which the subscriber does not subscribe to the Fund.

- 2) In the event a subscriber quits the service or dies during a year, the contribution under sub-rule (i) shall be credited to such subscriber's account for the period between the close of the proceeding year and the date of his quitting service or death.
- 3) No contribution shall be payable in respect of any period for which the subscriber is permitted under these rules not to subscribe or does not subscribe to the fund.

11. Transfer from or to other funds :

- 1) The amount standing to the credit of an employee in a provident fund recognised under clause 3 of part A of the Fourth Schedule of the Income Tax Act,1961, or the General Provident Fund at the time of his employment under the Council or Agency or permanent absorption in the Council or Agency of an employee who is on foreign service shall, if the employee so desires, be credited to the Fund maintained under these regulations.
- 2) Where an employee leaves the service of the Council or Agency to join another Government or Semi-Government organisation or an organisation to which the Employees Provident Fund and Miscellaneous Provision Act,1952 (19 of 1952). is applicable or to an organisation which maintains a provident fund recognised under the Income Tax Act,1961 the amount of accumulation to the credit of such employee, if the employee so desires and the regulations in relations to the Provident Fund of such new employer permit such amount, shall be transferred to the Fund maintained by his new employer,

12. Interest :

- 1) The Council or Agency shall credit to the amount of a subscriber, interest, at such rate as the Government of India may, from time to time, prescribe for the payment of interest on subscriptions to the General Provident Fund maintained for Government servants on the amount at his credit in the fund.
- 2) Interest shall be credited to the subscriber's account as on 31st March of each year in the following manner :-
 - a) on the amount at the credit of a subscriber on the 31st March of the preceding year, less any sums withdrawn by the subscriber during the current year interest for twelve months.
 - b) on the sums withdrawn during the current year interest from the 1st April of the current year up to the last day of the month preceding the month of withdrawal.
 - c) on all sums credited to the subscriber's account after the 31st March of the preceding year, interest from the date of deposit up to the 31st March of the current year.
 - d) the total amount of interest shall be rounded to the nearest whole rupee, fifty paise counting as the next higher rupee.

Provided that when the amount standing at the credit of a subscriber has become payable, interest shall be credited under this sub-rule in respect of only the period from the beginning of the current year or from the date of deposit, as the case may, be up to the date on which the amount standing at the credit of the subscriber becomes payable :

Provided further that where there has been delay in the drawal of pay or leave salary and allowance of a subscriber and consequently the recovery of his subscription towards the fund, the interest on such subscription towards the fund, the interest on such subscription 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 the pay or leave salary of the month in which it was actually drawn ;

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.

- 3) In addition to any amount to be paid under rule 23 interest, upto 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, become payable, whichever of these periods be less, shall be payable to the person to whom such amount is to be paid.

Note :- Payment of interest on the Fund Balance beyond a period of 6 months may be authorised by-

- a) The Director up to period of one year ;
- b) The Ministry upto any period :

after he or it has satisfied 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 the every such case the administrative delay involved in the matter shall be fully investigated and action , if any required, shall be taken.

13. Incentive bonus :

- 1) A subscriber to the fund who has not withdrawn any money from his/her fund account in respect of own subscription during the preceding three years shall be entitled to a bonus at the rate of one percent on the entire balance at the subscriber's credit on the last day of that year.
- 2) The balance on which the bonus is to be calculated will be the balance on the last date of the last year to the three year period after crediting interest for the said last year:

Provided that the bonus shall be calculated on the accumulated fund of the subscriber's own contribution only, along with admissible interest thereon Bonus so calculated will be rounded to the nearest whole rupee (fifty paise counting as the next higher rupee). This will be credited to the account of the subscriber in addition to the interest on the provident fund balance.

Note :- The term withdrawal means refundable and non – refundable withdrawal.

14. Annul statement of account:

- 1) As soon as possible after the audit of the account for 31st March of each year, the Council shall send to each subscriber an annual statements of his/her account showing the amount standing to his/her credit in the fund alongwith details recording opening balance deposited and subscription during the year,refund of amount, if any, interest credited for the year and withdrawals, etc.from the account. The Council or Agency shall attach to the statements of account an enquiry wheather the subscriber-
 - (a) desires to make any alteration in any nomination made under rule 5;
 - (b) has acquired a family in cases where the subscriber has made no nomination in favour of a member of his family under the provision to sub-rule (1) of rule 5 ;

- 3) Subscribers shall satisfy themselves as to the correctness of annual statement and error, if any, should be brought to the notice of the officer incharge forwarding the statement within 3 month from the date of receipt of such annual statement.

15. Advance from the fund:

- 1) The appropriate sanctioning authority may sanction, the payment to the subscriber on application in prescribed form, an advance not exceeding 3 month emoluments or half the amount of the subscriber's own contribution and interest there-on standing to the credit of the subscriber in the fund, whichever is less, for one or more of the following purposes, namely:-
 - (a) to pay expenses in connection with illness, confinement or a disability including travelling expenses (where necessary) of the subscriber or members of his family or any person dependent on him.
 - (b) to meet the cost of higher education including with illness, 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 or other technical or specialized course in India beyond the High School stage, provided that the course of study is for not less than three years;

Note : The course of study for which advance may be allowed shall be as per instruction of the Government of India for grant of advances to the subscribers of General provident fund for Government servants;

- (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 the betrothal or marriages, funerals or other ceremonies;
- (d) to meet the cost of legal proceeding 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 source of the Council or Agency 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 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 Co-operative Society .

2) The Director may, in special circumstances, to be recorded in writing, sanction the payment to any subscriber of any advance if he is satisfied the subscriber concerned requires the advance for purposes 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 re-payment of the last instalment of the last instalment of any previous advance:

Provided that an advance shall in no case exceed the amount of subscriptions and interest thereon standing to the credit of the subscriber in the fund.

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.

Note: A subscriber shall be permitted to take an advance once in every six months under item (b) of sub-rule(1) of this rule.

16. Recovery of Advance:

1) The advance granted to a subscriber shall be recorded from his monthly salary in equal monthly installments as the authority sanctioning the advance may direct, but such number shall not be less than 12, unless the subscriber so elects, or more than 24. A subscriber may, at his option, repay in smaller number of instalment than that prescribed by giving due intimation in writing to the Head of the office. In special case where the amount of advance exceed three months emoluments of the subscriber under sub-rule (3) of rule 15, the sanctioning authority may, fix the number of instalments to be more than twenty four but in no case more than thirty six. Each instalment shall be a number expressed in whole rupees.

- 2) Recovery shall be made in the manner prescribed in rule 9 for the realisation of subscriptions, and shall commence with the issue of pay for the month following the one in which the advance was drawn. The recovery shall not be made, except with the subscriber's consent while the subscriber is in receipt of subsistence grant, The recovery may be postponed, on the subscriber's written request, by the subscriber's authenticity during recovery of an advance of a pay granted to the subscriber.
- 3) Notwithstanding anything contained in these rules, if the Head of Office is satisfied that money drawn as an advance from the fund by the subscriber has been utilised for a purpose other than that for which the advance was granted, he may, after issuing a notice in writing and after obtaining a written reply from the subscriber within fifteen days, direct the subscriber to repay the amount of advance forthwith or, in default, may order the amount to be recovered by deduction in one lump sum from the emoluments of the subscriber if he/she is on leave. If the amount to be recovered is more than half of the subscriber's emoluments the recoveries shall be spread over in two or more monthly installments not exceeding half of the emoluments till the entire amount is repaid.
- 4) Recoveries made under this rule shall be credited as they are made to the subscriber's account in the fund.

Note: The term 'emolument' in the rule does not include subsistence grant or allowance.

17. Withdrawal from the fund:

- 1) Subject to the conditions specified herein, withdrawal from the fund may be sanctioned by the Head of Department at any time—
 - (A) 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 of subscription and interest then standing to the credit of the subscriber in the fund, for one or more of the following purposes namely:-
 - (a) for the 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 specialised course in India beyond the High School stage;

(b) for meeting the expenditure in connection with the betrothal or marriage of the subscriber, his sons or his daughters, and any other female relations actually dependent on him;

(B) 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, from the following purposes ,namely :-

(a) for building or acquiring amount house or ready-built flat for his residence including the cost of the site;

(b) for repaying an outstanding amount on account of loan expressly taken for building or acquiring a suitable house or ready-built flat for his residence;

(c) for 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 ;

(d) for reconstructing or making additions or alternation to a house or a flat already owned or acquired by a subscriber;

(e) for renovating, additional or alternations or upkeep of an ancestral house a place other than the place of duty or to a house built with the assistance of a loan from the Government at a place other than the place of duty or to a house built with the assistance of a loan from the Government at a place other than the place duty;

(f) for constructing a house on a site purchased under clause (c) :

(C). Within six months before the date of the subscriber's retirement ,from the amount standing to his credit in the fund for the purpose of acquiring a farm land or business premises or both.

Note 1: 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 clauses(b) for the purchasing of 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 to be made , duly approved by the local municipal body of area where the site or house is situated and only in cases where the plan is approved by such local municipal body.
- Note 3:** The amount of withdrawal sanctioned under sub-clause (b) of clause (B) shall not exceed $3/4^{\text{th}}$ of the balance on the 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 $3/4^{\text{th}}$ of the balance as on date plus amount of previous withdrawal (s) for the house in question minus the amount of the previous withdrawal or withdrawals.
- Note 4:** Withdrawal under sub-clause (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 alternation to a house or flat covered by a fresh plan duly approved by local municipal body of the area where the house of flat is situated shall not be treated as the purpose. Second or subsequent withdrawal under sub-clause (a) or sub-clause (f) or clause (B) for completion of the same house shall be allowed up to the laid down in NOTE 3,
- Note 6:** A withdrawal under this rule shall not be sanctioned if an advance under rule 15 is being sanctioned for the same purpose and at all the same time.
- Note 7:** Withdrawal for the purchase of Motor- Cars may be permitted by the sanctioning authority to the subscriber who has completed 25 years of service or who have less than 5 years to attain the age of superannuation as per instructions of the Government of India to the subscribers of General Provident Fund.

18. Conditions of withdrawal for various purpose:

The withdrawal at any one time for one or more of the purposes specified in rule 17 shall be subject to the following conditions, namely:-

- (a) the amount of withdrawal shall not exceed one half of the amount of subscriber in the Fund on the date of sanction or six months' emoluments or the actual expenditure for the purpose specified whichever is less:
- (b) the sanctioning authority may, however, sanction the withdrawal of an amount in excess of this limit up to three fourth of amount of subscription and interest thereon standing to the credit of the subscriber in the Fund on the date of sanction having due regard to the object for which the withdrawal is being made and the status of the subscriber ;
- (c) if the withdrawal is for the purpose of construction of the house, the same should be commenced in six months of the withdrawal and should be completed within one year from the date of the commencement of the construction ;
- (d) if the withdrawal is made for the purpose of house or a site for a house, the purchase should be made within six months of the withdrawal ;
- (e) if the amount withdrawal exceed the actual cost of purchase or construction of the house or a site for a house or if the amount is not utilised for the purpose for which it is withdrawn the excess or the whole, as the case may be, shall be refunded to the Fund forthwith in one lump sum together with interest ;
- (f) if the withdrawal is for the purchase or booking of a motor car or motor cycle, etc, relevant deposit receipt must be produced for verification by the concerned authority within a period of one month from the date of drawal.

19. Conversion of advance into final withdrawal:

A subscriber who has already drawn or may draw in future an advance under rule 15 may convert, at his discretion, by written request, for any of the purpose specified in rule 17, the balance outstanding against him, into a final withdrawal on satisfying conditions laid down in rule 17 and rule 18..

Note 1: 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 conversion plus the outstanding amount of advance shall be taken as the balance. Each withdrawal shall be treated as separate

and the same principle shall apply in the case at more than one conversion .

20. Final withdrawal of accumulation in the Fund:

- (A) Withdrawal of accumulation in the Fund.** (1) When a subscriber quits the service, the amount standing to his credit in the fund shall, subject to any deduction under rule 23 ,become payable to him :

Provided, that a subscriber ,who has been dismissed from service and is subsequently reinstated in the service shall ,if required to do so by the office ,repay any amount paid to him from the fund in pursuance of this rule,with interest at the rate provided in rule 12 in the manner provided in sub-rule (2) of this rule The amount of so repaid shall be credited to his account in the fund ,the part which represents his subscriptions and interest thereon, and the part which represents the contributions of Council or Agency with interest thereon ,being accounted for in the manner provided in rule 6 .

- (2) A subscriber ,other than 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 cases, his subscriptions together with interest thereon shall be transferred in accordance with rule-11 of these rules.

Explanation-1. Transfers should be held to include cases of resignations 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 Head of Department .In case where there has been a break in service it shall be limited to the joining time allowed on transfer to different station .

Explanation-2. The same shall hold good in cases of retrenchments followed immediate employment whether under the same or different Government.

- (3) 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 organisation, the amount of subscriptions and the contributions of Council or Agency together interest thereon ,may be transferred as per rule 11 of these rules to his new Provident Fund Account under that body .

(B) On retirement of a subscriber :

When a subscriber has proceeded on leave preparatory to retirement or while on leave has been permitted to retire or declared by medical authority to be unfit for further service, the amount of subscription and interest thereon in the Fund shall on application made by him in that behalf to the office, become payable to the subscriber :

Provided that the subscriber ,if he returns to duty shall ,except where the office decides otherwise, repay to the Fund for credit to his account ,the amount paid to him from the fund in pursuance of this with interest thereon at the rate provided in rule 12 by instalments or otherwise , by recovery from his emoluments or otherwise ,as may be directed by the authority competent to sanction an advance.

(c) On death of a subscriber :

Subject to any deductions under rule 22 ,on the death of subscriber before the amount standing to his credit has become payable ,or where the amount has become payable ,before payment has been made:-

(a) When a subscriber leaves a family :-

- (i) if the nomination made by the subscriber in accordance with the provisions of rule 5 in favour of a member or members of his family subsists, the amount standing to his credit in the Fund or his nominee or nominees in the proportion specified in the nomination.
- (ii) 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 be a part of amount standing to his/her credit in the Fund ,the whole amount or 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 persons other than a member or members of his family ,become payable to the members of the family in equal shares:--

Provided that no share shall be payable to

- (1) sons who have attained the age of majority ;
- (2) sons of a deceased son who have attained the age of manority ;

(3) married daughter whose husband is alive ;

(4) married daughter of a deceased son whose husband is alive.

if there is any member of the family other than those specified in sub-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 if he had survived the and had been exempted from the provisions of clause (1) of the proviso.

Note:- Any sum payable under these rules to a member of the family of a subscriber vests in such member under the sub section (2) of section 3 of the Provident Fund Act 1925.

(b) When the subscriber leaves no family if a nomination made by him in accordance with the provision of rule 5 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..

Note-1. When a nominee is dependent on the subscriber in clause (c) of section 2, of the Provident Funds Act 1925 , the amount vests in such nominee sub-section (2) of section 3 of the Act.

Note-2. When the subscriber leaves no family and no nomination made by him in accordance with the provisions of rule 5 subsists , or if such nomination relates only to part of the amount standing to his credit in the Fund ,the relevant provision of clause (b) and sub-clause (2) of clause (c) of sub-section (1) of section 4 of the Provident Fund Act, 1925 are applicable to the whole amount or the thereof to which the nomination does not relate.

21. Deposit linked Insurance 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 Head of Office, an additional amount equal to the average amount of subscription and interest thereon at the credit in the account during the 3 years immediately preceding the date of death of such subscriber, subject to the following conditions, namely:-

(a) the balance representing subscription with interest thereon 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. 4,000 in the case of 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;
 - (ii) Rs. 2500 in the case of subscriber who has held for the greater part of the aforesaid period of three years, a post maximum of the pay scale of which is Rs. 900 or more but less than Rs. 1300.
 - (iii) Rs. 1500 in the case of subscriber has held, for the greater part of the aforesaid period of three years, a post maximum of the pay scale of which is Rs. 291.
 - (iv) Rs. 1000 in the case of 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;
- (b) the additional amount payable under this rule shall not exceed Rs.10,000 ;
- (c) the subscriber has put in not less than five years of service at the time of his death.

Note-1. The average balance shall be worked out on the basis of the balance at the month in which the death occurs For this purpose, as also for checking the minimum balance specified above,-

- (a) the balance at the end of March shall include the annual interest on subscription credited in terms of rule 12 ; and
- (b) if the last of the aforesaid thirty six months is not much , 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 rupees. If an amount due includes a fraction of a rupee, it should be rounded the nearest rupee (fifty 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 Fund Act ,1925 (19 of 1925) does not apply to sums payable under this scheme .

Note-4. (a) in case of an employee of the Council or Agency who has been admitted to the benefits of the Fund under sub-rule (3) of rule 4 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 where of the amount of his subscription and the employer's contribution, if any , together with interest have been

received shall count for 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 of re-employment, as the case may be only will count for the purposes of this rule.

(c) this scheme does not apply to persons appointed on contact basis .

22. Deductions :

Subject to the condition that no deduction may be made which reduces the credit by more than the amount of any contribution by Council or Agency with interest thereon credited under rule 10 and 12, before the amount standing to the credit of the subscriber in the Fund is paid out of the Fund—

(A) the Head of Office may direct deduction there from and payment to Council or Agency of—

(i) all amounts representing such contribution and interest if the subscriber is dismissed from service due to misconduct :

Provided that where the Head of Office is satisfied that such deduction would cause exceptional hardship to the subscriber, he may , by order, exempt form such deduction an amount not exceeding the third of the amount of such contribution and interest and interest which would have been payable to the subscriber, if he had retired on medical grounds :

Provided further that if any such of dismissal is subsequently cancelled ,the amount so deducted shall on his reinstatement in the service, be replaced to his credit in Fund.

(ii) all amounts representing such contribution and interest if the subscriber, within five year of the commencement of his service as such ,resign from the service or ceases to be an employee under the Council or Agency otherwise than by reason of death, superannuation ,or a declaration by a competent medical authority that he is unfit for further service, or the abolition of the post reduction of establishment.

(B) the Head of Office may direct the deduction therefrom any payment to the Council/Agency of any amount due under liability by a subscriber to the Council or Agency .

Note-1. For the purpose of sub-clause (2) of clause (A) of this rule –

- (a) the period of five years shall be reckoned from the commencement of the subscriber's continuous service under the Council or Agency ,
- (b) resignation from service in order to take up appointment in another department of the Central Government or under the State Government or under a Body corporate owned or controlled by the Government or an autonomous organisation, without any break and with proper permission of the Central Government, shall not be treated as resignation from Government service.

Note-2. The power of the Head of Department under the rule may ,in respect of the amounts referred to therein, also be exercised by the authority competent to sanction an advance for the grant of which special reasons are required to be stated under sub-rule (2) of rule 15

23. Manner of payment of amount in the Fund :

- (1) When the amount standing to the credit of a subscriber in the Fund or the balance thereof after any deduction under rule 22 becomes payable, it shall be disbursed on receipt of a written application in this behalf from subscriber, or his nominee , the manner specified in sub-rule (2),
- (2) the person(s) to whom the amounts are payable shall make his/their own arrangements to receive payment in India only after submitting an application in the prescribed/ resignation or death as the case may be. The authority competent to release the amount from the Fund ,shall,after,verification of the Fund account, issue an authority to the disbursing officer for final payment.

24. Investments :

- (1) All sums paid into the Fund under these rules shall be credited in the Accounts of the Council or Agency separately named "the Export Inspection Council Contributory Provident Fund Accounts" . All moneys contributed to such Funds or received or accruing by way of interest or otherwise to such funds shall, within fifteen days from the date of contribution or receipt of accrual, be deposited or invested in the following manner –
 - (i) deposited in a post office savings bank account or in special account to be opened for the purpose in the State Bank of India or in any Nationalised Bank;
 - (ii) Invested in security mentioned or referred to in clause (a) to (f) of section 20 of the Indian Trust Act 1882 (22 of 1882)
- (2) After crediting of interest to the subscriber's account as contained in rule 12, the

difference in the interest accrued shall continue to be invested in the manner as indicated in sub-rule(1) .The mode of disposal or utilisation of such sums shall be decided by the Government as may be deemed necessary in this regard from time to time.

25. Procedure on transfer to pensionable service :

- (1) If subscriber is permanently transferred to pensionable service under the Council or Agency he shall, at his option, be entitled,--
- (a) to continue to subscribe to the Fund in which case he shall not be entitled to any pension ; or
 - (b) to earn pension in respect or such pensionable service, in which case, with effect from the date of his permanent transfer—
 - (i) he shall cease to subscribe to the Fund ;
 - (ii) the amount of contributions by the Council or Agency with interest thereon standing to his credit in Fund shall be repaid to the Council or Agency ;
 - (iii) the amount of subscription together with interest thereon standing to his credit in the Fund shall be transferred to his credit in the General Provident Fund, to which he shall subscribe in accordance with the rules of that Fund ; and
 - (iv) he shall be entitled to count towards pension service, rendered prior to the date of permanent transfer, to the extent permissible under the Export Inspection Council Pension and General Provident Fund Rule , 1981.
- (2) See page no. 22

26. Relaxation of the provisions of the rules in individual cases :

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

27. Interpretation :

- (1) Save as other expressly provided in the rules, the Government of India decisions under Contributory Provident Fund Rule (India) 1962 shall be applicable in the interpretation of the rules .

(2) If any question arises relating to the interpretation of these rules it shall be referred to the Council for decision .

28. Repeat and Saving :

The Export Inspection Council Contributory Provident Fund Rules, 1969 , and the Export Inspection Agency Contributory Provident Fund Rules, 1969 respectively , notified under the notifications of the Government of India in the Ministry of Foreign Trade and No. S.O. 2413 and No. S.O. 2414 dated the 24th May , 1969 are hereby repealed.

Provided that any order made or action taken under the rules so repealed, shall be deemed to have been made or taken under the corresponding provisions of these rules.

Sd/-
(N. S. Hariharan)
Director
(F. No. 3/12/76-E I . & E.P)

**EXPORT INSPECTION COUNCIL
DEATH-CUM-RETIREMENT GRATUITY RULES,1981
(Amended upto 31.12.1986)**

New Delhi, the 30th May,1981

S. O. 1607 In exercise of the powers conferred by Section 17 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby makes the following rules namely :

1. Short title and commencement :

(1) These rules may be called the Export Inspection Council Death-cum-Retirement Gratuity Rules, 1981 .

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

2. Definitions :

In these rules, unless the context otherwise requires:-

- (a) “Act” means the Export (Quality Control and Inspection) Act, 1963, (22 of 1963).
- (b) “Council” means the Export inspection Council established under section 3 of the Act.
- (c) “ Agency means the Export Inspection Agency- Bombay /Calcutta/ Cochin / Delhi / & Madras, established under Section 7 of the Act .
- (d) “Chairman” means Chairman of the Export Inspection Council .
- (e) “Director” means Director of Inspection and Quality Control of the Council .
- (f) “ each year of the completed service” means a period of 12th months service rendered by the employees reckoned from the date of his/her joining the Council.
- (g) “employee” means the whole time regular employee of the Council whose name appears on the pay roll of the Council .
- (h) “family” shall include the following :--
 - (i) wife or wives including judicially separated wife or wives in the case of a male employee.
 - (ii) husband including judicially separated husband in the case of a female employee.
 - (iii) sons
 - (iv) unmarried and widow daughter (including step children and adopted children)
 - (v) brothers below the age of 18 years and unmarried and widowed sisters (including step brothers and step sisters.)
 - (vi) Father {including adoptive parents in the case of individuals whose
 - (vii) Mother { personal law permits odoption. }
 - (viii) married daughters, and
 - (ix) children of a pre-deceased son.
- (i) “Fund” means the Gratuity Fund as stipulated hereunder.
- (j) “permanent total disability” means disability resulting from any disease/injury which in the opinion of the council makes the employees concerned totally incapable of rendering service to the Council.

Explanation :

For the purpose of this rule, total disablement means such disablements as incapacitates an employee for the work which he was capable of performing before the accident or disease either bodily or mental infirmity resulting in such disablement :

Provided that such requests for considering an employee to be declared as permanently disable should be made in writing to the Head of Office or Department together with a medical certificate from the Medical Board in the case of officers whose maximum scale of pay of the post is Rs. 900 and above and in other cases Civil Surgeon or District Medical Officer of equivalent rank and in case of female employee, a lady doctor shall be included as member of the Medical Board.

- (k) “qualifying service” means rendered by a person after completion of 18 years of age on regular basis including the period spent on probation from the date of his/her appointment or absorption in Council but the extra-ordinary leave other than extra-ordinary leave granted on medical certificate without salary will not be counted for the purpose.

[Provided that in the case of extraordinary leave other than extra-ordinary leave granted on medical certificate the appointing authority may, at the time of granting such leave, allow the period of that leave to count as qualifying service if such leave is granted to the employee:--

(i) due to his/her inability to join or rejoin on account of civil commotion,or

(ii) for prosecuting higher scientific and technical studies .

- (l) “emoluments” means pay, official pay, special pay, dearness pay, or any other amounts specially declared as such, which the employee was receiving immediately before retirement/on the date of his/her death. For the purpose of gratuity the emoluments so calculated are subject to a maximum of [Rs. 4000/-] per mensem.

(m) “Head of Office” means an officer declared as such by the Director.

3. Applicability of Rules :

These rules shall apply to all the whole time and regular employee of the Export Inspection Council who were in service as on the date of issue of this notification and are governed by the Export Inspection Council Contributory Provident Fund Rules and shall exclude the following ;--

- i) casual and non-regular employees.

ii) government servants and other employees on deputation basis other than Agency employees.

iii) employees on contract basis.

iv) apprentices and trainees.

v) re-employed persons.

Provided that these rules shall not be applicable to those who enter service after introduction of Pension Scheme.

4. Eligibility :

An eligible person shall be granted gratuity under the rules in the following circumstances :-

- (a) retrenchment on abolition of post or reduction of establishment .
- (b) retirement due to permanent disability due to bodily or medical infirmity.
- (c) retirement on attaining age of superannuation .
- (d) resignation.

5. Qualifying Period :

Except in the case of death, gratuity will be admissible only after 5 years qualifying service.

6. Amount of Gratuity Admissible :

Gratuity will be payable as described hereunder :-

- (a) Except on the death or permanent total disablement of the employee etc. one fourth of emoluments for each completed six monthly period of qualifying service subject to a maximum of a $16^{1/2}$ times the emoluments or [Rs. 50,000/-]

whichever is less :

- (b) In the case of death, the amount of gratuity will be as calculated under (a) above or as worked out below, whichever be more :

(i) during the first year ,of service

2 months' emoluments

- | | |
|---|-----------------------|
| (ii) after one year but before 5 year's service | 6 months' emoluments |
| (iii) after completion of 5 year's service | 12 months' emoluments |

7. Retirement on Completion of 20 Years of Service :

- (a) At any time after the Council employee has 20 years of qualifying service, he/she may, by giving notice of not less than 3 months in writing to the appointing authority, retire from service.
- (b) The notice of voluntary retirement given under sub-rule (a) above shall require acceptance by the appointing authority :

Provided that where the appointing authority does not refuse to grant permission for retirement before expiry of the period specified under the said notice, the retirement shall become effective from the date of expiry of the said period .

- (c) The qualifying service as on date of intended retirement of the Council employee retiring under this rule shall be increased by a period not exceeding five years. in any case exceed [thirty three years]6 and it does not take him/her beyond the date of super-annuation.

[Provided that the weightage of five years under this sub-rule shall not be admissible in cases of those employees who are prematurely retired by the Council in public interest under Clause (1) Rule 56 of the Fundamental Rules]

- (d) The Council employee who has elected to retire under this rule and has given the necessary notice to that effect to the appointing authority shall be precluded from withdrawing his notice except with the specific approval of such authority

Provided that request for withdrawal shall be made before the intended date of his retirement.

- (e) Death-cum-retirement Gratuity of the employee retiring under this rule shall be based on the emolument as defined under rule 2 (I) and the increase not exceeding 5 years in his/her qualifying service shall not entitle him to any notional fixation of pay for purpose of calculating gratuity.
- (f) This rule shall not apply to Council employee who retire from Council service for being absorbed permanently in an autonomous body or a public sector undertaking or the Central/State Government department to which he/she is on deputation at the time of seeking voluntary retirement.

8. The Gratuity shall be payable only in India, as and when sanctioned by the sanctioning authority.
9. All the dues recoverable from the employee can be recovered in full while making payment to him/her to his/her legal heir(s) in case of death.

10. Competent Authority :

The Authority competent to sanction gratuity shall be:

- | | |
|---|-----------|
| (a) For posts carrying pay/scale of pay maximum of which does not exceed Rs. 2000/- | Director. |
| (b) For posts carrying pay/scale of pay maximum of which does not exceed Rs. 3000/- | Chairman. |

11. Composition of the Fund :

No separate fund for this purpose will be created. It will be derived on accrual basis as and when need arises.

12. Nomination/ variation of nomination :

(1) Every employee on joining the service shall make a nomination in a prescribed form (given Annexure 1 to 11) nominating one or more persons of his/her family the right to receive the gratuity in the event of his/her death indicating the share payable to each member. In case the employee has no family, the nomination may be made in favour person/persons or body of persons corporate or non-corporate. Every nomination made nomination made and every notice or cancellation given by an employee shall be filed with the Head of Office.

[Provided that if at the time of making the nomination the employee has a family, the nomination shall not be in favour of any person or persons other than the members of his family]

(2) He shall countersign the nomination indicating the date of receipt. An acknowledgement will be sent to every employee on the receipt of nomination. In the event of there being n nomination the gratuity on death may be paid in the following manner:-

- (a) If there are one or more surviving members of the family, it may be paid to all such members other than any such member who is widowed daughter in equal

shares.

- (b) If there are no surviving members of the family but there are one or more surviving widowed daughters and/or one more surviving members of the family the gratuity may be paid to all such members in equal shares.
- (c) In case an employee dies while in service or after retirement without receiving any amount of gratuity and leave behind no nomination made by him or the nomination made by him does not subsist the amount of Death-cum-Retirement Gratuity payable to him shall lapse to the Export Inspection Council.

(3) An employee may provide in the nomination--

- (a) that in respect of any specified nominee who predeceases the employee, or who dies after the death of the employee but before receiving the payment of gratuity, the right conferred on that nominee shall pass to such other person as may be specified in the nomination;

Provided that if at the time of making the nomination the employee has a family consisting of more than one member, specified shall not be a person other than a member of his family ;

Provided further that where an employee has only one member in his family, and nomination has been made in his favour, it is open to the employee to nominate alternate or nominees in favour of any person or a body of individuals, whether incorporated or not ;

- (4) The nomination made by an employee who has no family at the time of making it, or the nomination made by the employee under the second proviso to clause (a) of sub-rule (3) where he has only one member in his family shall become invalid in the event of the employee subsequently acquiring a family or an additional member in the family, as the case may be.
- (5) An employee may, at any time, cancel a nomination by sending a notice in writing to the Head of Office :

Provided that he shall, alongwith such notice, send a fresh nomination made in accordance with this rule .

- (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 (3) or on the occurrence of any event by reason of which the nomination becomes invalid in pursuance of clause (b) of that sub-rule, the Government servant shall send to the Head of Office a notice in writing cancelling the nomination together with a fresh nomination made in accordance with this rule.

- (7) (a) Every nomination made including every notice of cancellation, if any, given by an employee under this rule, shall be sent to the Head of Office .
- (b) The Head of Office shall, immediately on receipt of such nomination countersign it indicating the date of receipt and keep it under his custody;
- (c) Provided that the Head of Office may authorise his subordinate officers to countersign nomination forms.
- (8) Every nomination regarding receipt of nomination shall be made in the service book of the employee shall, to extent it is valid, take effect from the date on which it is received by the Head of Office.]

13. Members not entitled to assign or transfer their entitlement :

No employee is eligible to transfer or assign whether by way of security or otherwise his/her entitlement and no such transfer or assignment shall be valid and the Council shall not recognise or be bound by notice to them or any of them of any transfer or assignment.

14. Interpretation :

If any question arises relating to the interpretation of these rules, it shall be referred to Export Inspection Council who shall decide the same.

[Provided that the Council employee may appeal against matters relating to the interpretation of these rules to the Central Government whose decision shall be final.]

FOOT NOTE : The Principal rules were notified vide S .O. No. 1607 dated 30.5.1981 at amended by S .O. 2140 dated 12.6.1982, S.O. No. 830 dated 17.3.1984, S.O. No. 832 dated 17.3.1984 and S.O. No. 5225 dated 16.11.1985.

F O R M S
FORM-1
(See Rule 12)

NOMINATION FOR DEATH-CUM-RETIREMENT GRATUITY

When the Council employee has a family and wishes to nominate one member, or more than one member, thereof.

I.....hereby nominate the person/persons mentioned below who is /are member(s) of my family, and confer on him/them the right receive, to the extent specified below, any gratuity that may be sanctioned by the Council in the event of my death while in service and the right to receive on my death to the extent specified below ,any gratuity which having become admissible to me on retirement may remain unpaid at my death :-

Original nominee (s)				Alternate nominee (s)	
Name & Address of nominee	Relationship with the Council employee	Age	Amount of share gratuity payable to each.*	Name, address, relationship & age of the persons if any, to whom the right conferred on the nominee shall pass in the event of the nominee predeceasing the Council employee or the nominee dying after the death of the Council employee but before receiving payment of gratuity.	Amount or share of gratuity payable to each.**
(1)	(2)	(3)	(4)	(5)	(6)

*This column should be filled in so as cover the whole amount of the gratuity.

**The amount/share of the gratuity shown in this column should cover the whole amounts/share payable to the original nominee.

This nomination supersedes the nomination made by me earlier on.....
.....which stands cancelled .

NOTE :- (1) The Council employee shall draw lines across the blank space below the last entry to prevent the insertion of any name after he has signed.
(2) Strike out which is not applicable.

Dated, this.....day of.....198 at.....

Witness to signature :

1.....

2.....

Signature of the Council Employee.

(To be filled in by the Head of Office)

Nomination by.....

Signature of Head of Office.

Designation.....

Date.....

Office.....

Designation.....

Proforma for Acknowledgement the Receipt of the Nomination form by the Head of Office.

To

.....

.....

.....

Sir

In acknowledging the receipt of your nomination, dated the...../
cancellation, dated theof nomination made earlier in respect of
gratuity in Form.....,I am to state that it has been fully placed on
record.

Signature of Head of Office.

Place.....

Designation.....

Dated the.....

Note:-The Council Employee is advised that it would be in the interest of his nominee(s) if copies of the nominations and the related and acknowledgements are kept in safe custody so that they may come into the possession of the beneficiaries in the event of his death.

FORM-2
(See Rule 12)

NOMINATION FOR DEATH-CUM-RETIREMENT GRATUITY

When the Council employee has no family and wishes to nominate one person or more than one person.

I.....having family, hereby nominate the person/persons mentioned below and confer on him/them the right to receive, to the extent specified below, any gratuity that may be sanctioned by the Council in the event of my death while in service and the right to receive on my death, to the extent specified below, any gratuity which having become admissible to me on retirement may remain unpaid at my death:-

Original nominee(s)	Alternate nominee(s)
---------------------	----------------------

Name & Addresss of nominee/nominees.	Relationship with the Council employee.	Age	[Contingency on the happening of which th nomination shall invalid]@	Name, address, relationship & age or persons if any, to whom the right conferred on the nominee prodeceasing the Council employee or the nominee dying after the death of the Council employee but before receiving payment of gratuity.	Amount or share of gratuity payable to each**
(1)	(2)	(3)	(4)	(6)	(7)

*This columns should be filled in so as to cover the whole amount of the gratuity.

**The amount/share of the gratuity shown in this column should cover the whole amount/share payable to the original nominees(s).

This nomination supersedes the nomination made by me earlier on..... which stands cancelled.

Note:- (1) The Council employee should draw lines across blank space below the last entry to prevent the insertion of any name after he has signed.

(2) Strike out which is not applicable.

Dated this.....day of.....198 at.....

Witness to signature.

1.....

2.....

Signature of Council Employee.

(To be filled in by the Head of Office)

Nomination by.....
Designation.....
Office.....

Signature of Head of Office.

Date.....
Designation.....

Proforma for Acknowledgement the Receipt of the Nomination form by the Head of Office.

To
.....
.....
.....

Sir,

In acknowledgement the receipt of your nomination, dated the...../cancellation, dated the.....of the nomination made earlier in respect of gratuity Form.....
.....I am to state that it has duly placed on record.

Place.....
Dated the.....

Signature of Head of Office.
(Designation)

NOTE :1.The Council employee is advised that it would be in the interest of his nominee(s) if copies of the nomination and the related notices and acknowledgement are kept in safe custody so that may come into the possession of the beneficiaries in the event of his death.

[NOTE: 2.A nomination shall become invalid in case of a subscriber who had no family at the time of nomination subsequently acquiring a family. Subscriber should clearly indicate such contingency clause in the nomination and the share payable]*

**Ministry of Commerce
Government of India**

**EXPORT INSPECTION AGENCY DEATH-CUM-RETIREMENT
GRATUITY RULES , 1981.
(Amended upto 31.12.1986)**

NEW DELHI, the 30 May , 1981

S.O.1608 In exercise of the powers conferred by Section 17 of the Export (Quality Control and Inspection) Act, 1963(22 of 1963), the Central Government hereby makes the following rules namely:

1. Short title and commencement:

(1) These rules may be called the Export Inspection Agency Death-cum-Retirement Gratuity Rules, 1981.

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

Definition:

In these rules, unless the context otherwise requires:-

- (a) "Act" means the Export (Quality Control and Inspection) Act, 1963 (22 of 1963)
- (b) "Council" means the Export Inspection established under Section 3 of the Act.
- (c) "Agency means the Export Inspection Agency- Bombay/Calcutta/Cochin/Delhi & Madras, established under Section 7 of the Act.
- (d) "Chairman" means the Chairman of the Export Inspection Council,
- (e) "Director" means Director of Inspection and Quality Control of the Council.
- (f) "Each" year of the completed service means a period of 12 months service rendered by the employees reckoned from the date of his/ her joining the Agency.
- (g) "Employee" means the whole time regular employee of the Agency whose name appears on the pay roll of the Agency.
- (h) "Family" shall include the following :-
 - (i) wife or wives including judicially separated wife or wives in the case of a male
 - (ii) husband including judicially separated husband in the case of a female employee.
 - (iii) sons
 - (iv) unmarried and widowed daughter } (including step children and adopted children.)
 - (v) brother below the age of 18 years and unmarried and widowed sisters. } (including step brothers and step sisters)
 - (vi) Father } including adoptive parents in the case
 - (vii) Mother } of individuals whose personal law permits adoption.

- (viii) married daughter, and
- (ix) children of a pre-deceased son.]

(i) "Fund" means the Gratuity Fund as stipulated hereunder.

(j) "permanent total disability" means disability resulting from any disease/injury which in the opinion of the Council makes the employees concerned total incapable of rendering service to the Agency.

[Explanation :

For the purpose of this rule, total disablement means such disablement as incapacitates an employee for the work which he was capable of performing before the accident or diseases either bodily or mental infirmity resulting in such disablement :

Provided that such requests for considering an employee to be declared as permanently disable should be made in writing to the Head of Office of Department together with a medical certificate from the Medical Board in the case of officers whose maximum scale of pay of the post is Rs. 900 and above and in other cases Civil Surgeon or District Medical Officer or Medical Officer of equivalent rank and in case of female employee, a lady doctor shall be included as a member of the Medical Board]

(k) "qualifying service" means service rendered by a person after completion of 18 years of age on regular basis the period spent on probation from the date of his/her appointment or absorption in Agency but the extra-ordinary leave [other than extra-ordinary leave granted on medical certificate]

[Provided that in the case of extra-ordinary leave other than extra-ordinary leave granted on medical certificate the appointing authority may, at the time of granting such leave, allow the period of that leave to count as qualifying service if such leave is granted to the employee:-

(i) due to his/her inability to join or rejoin on account of civil commotion, or

(ii) for prosecuting higher scientific and technical studies]

(l) "emoluments" means pay, officiating pay, special pay, personal pay, or any other amounts specially declared as such, which the employee was receiving immediately before retirement/on the date of his/her death. For the purpose of gratuity the emoluments so calculated are subject to a maximum of [Rs. 4000/-]

3. Applicability of Rules :

These rules shall apply to all the whole time and regular employee of the Export Inspection Agency who were as on the date of issue of this notification and are governed by the Export Inspection Agency Contributory Provident Fund Rules and shall exclude

- (ii) after one year but before 5 year's service 6 months' emoluments
- (iii) after completion of 5 years' service 12 month's emoluments

7. Retirements on Completion of 20 Years of Service :

(a) At any time after the Agency employee has completed 20 years of qualifying service, he/she may, by giving notice of not less than 3 months in writing to the appointing authority, retire from service.

(b) The notice of voluntary retirement given under sub-rule (a) above shall require acceptance by the appointing authority :

Provided that where the appointing authority does not grant permission for retirement before expiry of the period specified under the said notice, the retirement shall become effective from the date expiry of the said period.

(c) The qualifying service as on date of intended retirement of the Agency employee retiring under his rule shall be increased by a period exceeding five years. However, the total qualifying service rendered by the Agency employee shall not in any case exceed [thirty three years] and it does not take him/her beyond the date of super of super-annuation.

[Provided that the weightage of five years under this sub-rule shall not be admissible in case of those employees who are prematurely retired by the Council in public interest under Clause (i) of Rule 56 of the Fundamental Rules.]

(d) The Agency employee who has elected to retire under this rule and has given the necessary notice to that effect to the appointing authority shall be precluded from withdrawing his notice except with specified approval of such authority :

Provided that request for withdrawal shall be made before the intended date of his retirement.

(e) Death-cum-retirement Gratuity of the employee retiring under this rule shall be based on the emoluments as defined under rule 2 (I) and the increase not exceeding 5 years in his/her qualifying service shall not entitle him to any national fixation of pay for purposes of calculating gratuity.

(f) This rule shall not apply to Agency who retire from Agency service for being absorbed permanently in an autonomous body or a public sector undertaking or the Central/State Government department to which he/she is on deputation at the time of seeking voluntary retirement.

8. The Gratuity shall be payable only in India, as and when sanctioned by the sanctioni-

ng authority .

9. All the dues recoverable from the employee can be recovered in full while making payment to him/her to his/her legal heir(s) in case of death.

10. Competent Authority :

The Authority competent to sanction gratuity shall be :

(a) For posts carrying pay/scale of pay maximum of which does not exceed Rs. 2000/- Director.

(b) For posts carrying pay/scale of pay maximum of which does not exceed Rs. 3000/- Chairman.

11. Composition of the Fund :

No separate fund for this purpose will be created. It will be derived on accrual basis as and when need arises.

12. Nominaiton/variation of nomination :

(1) Every employee on joining the service shall make a nomination in a prescribed form (given Annexure I to II) nominating one or more persons of his/her family the right to receive the gratuity in the event of his/her death indicating the share payable to each member. In case the employment has no family, the nomination may be made in favour person/persons or body of persons corporate or non corporate. Every nomination made and every notice or cancellation given by an employee shall be filled with the Head of Office.

[Provided that if at the time of making the nomination the employee has family ,the nomination shall not be in favour of any person or persons other than the members of his family]

(2) He shall countersign the nomination indicating the date of receipt . An acknowledgement will be sent to every employee on the receipt of nomination. In the event of there being no nomination the gratuity on death may be paid in the following manner.

- (a) If there are one or more surviving members of the family, it may be paid to all such members other than any such member who is widowed daughter in equal shares.
- (b) If there are no surviving members of the family but there are one or more surviving widowed daughters and/or one or more surviving members of the family the gratuity may be paid to all such members in equal shares.
- (c) If in case an employee dies while in service or after retirement without receiving any amount of gratuity and leave behind no nomination made by him or the nomination made by him does not subsist the amount of Death-cum-Retirement Gratuity payable to him shall lapse to the Export Inspection

Agency.

(3) An employee may provide in the nomination-

- (a) that in respect of any specified nominee who predeceases the employee, or who dies after the death of employee but before receiving the payment of gratuity, the right conferred on that nominee shall pass to such other person as may be specified in the nomination ;

Provided that if at the time of making the nomination the employee has a family consisting of more than one member, the persons, specified shall not be a person other than a member of his family ;

Provided further that where an employee has only one member in his family, and nomination has been made in his favour, it is open to the employee to nominate alternate nominees in favour of any person or a body of individuals, whether incorporated or not ;

- (b) that the nomination shall become invalid in the event of the happening of the contingency provided therein.

(4) The nomination made by an employee who has no family at the time of making it, or the nomination made by an employee under the second proviso to clause (a) of sub-rule (3) where he has only one member in his family shall become invalid in the event of the employee subsequently acquiring a family or an additional member in the family, as the case may be.

(5) An employee may, at any time, cancel a nomination by sending a notice in writing to the Head of Office :

Provided that he shall, alongwith such notice, send a fresh nomination made in accordance with rule.

(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 (3) or on the occurrence of any event by reason of which the nomination becomes invalid in pursuance of clause (b) of that sub-rule ,the Government servant shall send to the Head of Office a notice in writing cancellation together with a fresh nomination made in accordance with this rule.

(7) (a) Every nomination made including every notice of cancellation, if any, given by an employee under this rule, shall be sent to the Head of Office.

(b) The Head of Office shall, immediately on receipt of such nomination countersign it indicating the date of receipt and keep it under his custody ;

Provided that the Head of Office may authorise his subordinate officers to countersign nomination forms .

(c) See page no. 42

8. Every nomination made, and every notice of cancellation given, by an employee shall, to the extent that it is valid, take effect from the date on which it is received by the Head of Office.]

13. Member not entitled to assign or transfer their entitlement :

No employee is eligible to transfer or assign whether by way of security or otherwise his/her entitlement and no such transfer or assignment shall be valid and the Agency shall not recognise or be bound by notice to them or any of them of any transfer or assignment.

14. Interpretation :

If any question arises relating to the interpretation of these rules, it shall be referred to the export Council who shall decide the same.

[Provided that the Agency employee may appeal against matters relating to the interpretation of these rules to the Central Government whose decision shall be final.]

FOOT NOTE : The Principal rules were notified vide S.O. No. 1608 dated 30.5.1981 and amended by S.O. No. 2141 dated 12.6.1982, S.O. No. 829 dated 17.3.1984, S.O. No. 831 dated 17.3.1984 and S.O. 5394 dated on 30.11.1985.

F O R M S
FORM-1
(See Rule 12)

NOMINATION FOR DEATH-CUM-RETIREMENT GRATUITY

When the Agency employee has and wishes to nominate one member, or more than one member, thereof.

I.....hereby nominate the person/persons mentioned below who is/are member (s) on my family, and confer on him/them the right to receive, to the extent specified below, any gratuity, that may be sanctioned by the Council in the event of my death while in service and the right to receive on my death to the extent specified below, any gratuity which having become admissible to me on retirement may remain unpaid ay my death :-

Original nominee (s)			Alternate nominee (s)		
Name & Address of nominees	Relationship with the Agency employee.	Age	Amount of share of gratuity payable to each*	Name,address,relation- & age or the person or if any, to whom the right conferred on the nominee shall pass in the event of the nominee prodeceasing the Agency employee or the nominee dying after the death of the Agency employee but before receiving payment of gratuity.	Amount or share or gratuity payable to each**
(1)	(2)	(3)	(4)	(5)	(6)

*The column should be filled in so as to cover the whole of the gratuity .

**The amount/share of the gratuity shown in this column cover the whole amounts/share payable to the original nominee.

This nomination supersedes the nomination made by me earlier on
.....which stands cancelled .

- NOTE:- (i) The Agency employee shall draw lines across the blank spaces
below the last entry to prevent the insertion of any name after he has
signed.
(ii) Strike out which is not applicable.

Dated, this.....day of.....198 at.....

Witness to signature :

1.....

2.....

Signature of Agency Employee

(To be filled in by the Head of Office)

Nomination by.....

Signature of Head of Office

Designation.....

Date.....

Office.....

Designation.....

Proforma for Acknowledgement the Receipt of the Nomination from by the Head of
Office.

To

.....
.....
.....

Sir

In acknowledgement the receipt of your nomination, dated the...../
cancellation, dated the.....of nomination made earlier in respect of gratuity in
Form....., I am to state that it has been fully placed on record.

Signature of Head of Office

Place.....

Designation.....

Dated the.....

Note:-The Agency Employee is advised that it would be in the interest of his nominee (s)
if copies of the nominations and the related notices and acknowledgement are kept in safe
custody so that may come into the possession of the beneficiaries in the event of his
death.

FORM-II
(See Rule 12)

NOMINATION FOR THE DEATH-CUM-RETIREMENT GRATUITY

When the Agency employee has no family and wishes to nominate one person or more than one person.

I.....having family, hereby nominate the person/persons mentioned below and confer on him/them the right to receive, to extent specified below, any gratuity that may be sanctioned by the Council in the event of my death while in service and the right to receive on my death, to the extent specified below, any gratuity which having become admissible to me on retirement may remain unpaid at my death :-

Original nominee (s)				Alternate nominee(s)		
Name & address of nominee/nominees.	Relationship with the Agency employee	Age	Amount of share of gratuity payable to each*	[Contingency on the happening of which the nomination shall become invalid]@	Name, address, relationship & age of person or persons if any, to whom the right conferred on the nominee predeceasing nominee dying after the death of the Agency employee but before payment of the gratuity.	Amount or share of gratuity payable to each**
(1)	(2)	(3)	(4)	(5)	(6)	(7)

*This column should be filled in so as to cover the whole amount of the gratuity.

**The amount/share of the gratuity shown in this column should cover the whole amount/share payable to the original nominees(s).

This nomination supersedes the nomination made by earlier on.....

which stands cancelled.

NOTE:- (i) The Agency employee should draw lines across blank space below the last entry to prevent the insertion of any name after he has signed.

(ii) Strike out which is not applicable.

Dated this.....day of.....198 at.....

Witness to signature

1.....

2.....

Signature of Agency Employee

(To be filled in by the Head of Office)

Nomination by.....

Designation.....

Office.....

Signature of Head of Office

Date.....

Designation.....

Proforma for Acknowledgement the Receipt of the Nomination from by the Head of Office.

To

.....
.....
.....

Sir,

In acknowledgement the receipt of your nomination, dated the...../cancellation , dated the.....of the nomination made earlier in respect of gratuity in Form.....I am to state that it has been duly placed on record.

Place.....

Dated the.....

Signature of Head of Office

(Designation)

NOTE :-1. The Agency employee is advised that it would be in the interest of his nominee(s) if copies of the nomination and the related notices and acknowledgement are kept in safe custody so that they come into the possession of the beneficiaries in the event of his death.

[NOTE: 2. A nomination shall become invalid in case of a subscriber who had no family at the time of nomination subsequently acquiring a family. Subscriber should clearly indicate such contingency clause in the nomination and the share payable]*