

I.T.S-THE EDUCATION GROUP

* Mohan Nagar

* Murad Nagar

* Greater Noida

04.02.2012

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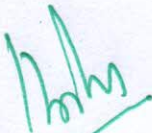
Office Order

An advance against salary can be sanctioned to an employee of I.T.S - The Education Group subject to following conditions:

- Having completed at least one year of service in I.T.S - The Education Group.
- There should be gap of at least six months between the date of deduction of last installment of previous advance, if any, from salary and date of new advance.
- Amount of advance should not exceed the limit as mentioned below:

For Gross Salary upto 40K	Advance amount equivalent to 2 month's gross salary subject to maximum of Rs. 50,000/-
For Gross Salary above 40K	Advance amount equivalent to 1 month's gross salary subject to maximum of Rs. 100,000/-

- Amount of advance shall be deductible in equal installments from salary of the concerned employee (subject to maximum of ten installments).
- Advance against salary shall only be given to meet any emergent requirement, medical expenses, school admission of children and purchase of household item or vehicle etc but not for capital expenditure such as purchase of land & house etc.
- Advance against salary cannot be claimed as a right by the employee. Sanctioning of an advance against salary shall be at the sole discretion of the approving Authority.



(B.K. Arora)
Secretary

THE EMPLOYEES' PROVIDENT FUNDS AND MISCELLANEOUS
PROVISIONS ACT, 1952

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THE EMPLOYEES' PROVIDENT FUNDS AND MISCELLANEOUS PROVISIONS
ACT, 1952

ACT NO. 19 OF 1952¹

[4th March, 1952.]

An Act to provide for the institution of provident funds ²[, ³[pension fund] and deposit-linked insurance fund] for employees in factories and other establishments.

BE it enacted by Parliament as follows:—

1. Short title, extent and application.—⁴[(1) This Act may be called the Employees' Provident Funds and Miscellaneous Provisions Act, 1952.]

(2) It extends to the whole of India ⁵***.

⁶[(3) Subject to the provisions contained in section 16, it applies—

(a) to every establishment which is a factory engaged in any industry specified in Schedule I and in which ⁷[twenty] or more persons are employed, and

(b) to any other establishment employing ⁶[twenty] or more persons or class of such establishments which the Central Government may, by notification in the Official Gazette, specify in this behalf:

Provided that the Central Government may, after giving not less than two months' notice of its intention so to do, by notification in the Official Gazette, apply the provisions of this Act to any establishment employing such number of persons less than ⁶[twenty] as may be specified in the notification.]

⁸[(4) Notwithstanding anything contained in sub-section (3) of this section or sub-section (1) of section 16, where it appears to the Central Provident Fund Commissioner, whether on an application made to him in this behalf or otherwise, that the employer and the majority of employees in relation to any establishment have agreed that the provisions of this Act should be made applicable to the establishment, he may, by notification in the Official Gazette, apply the provisions of this Act to that establishment on and from the date of such agreement or from any subsequent date specified in such agreement.]

⁹[(5) An establishment to which this Act applies shall continue to be governed by this Act notwithstanding that the number of persons employed therein at any time falls below twenty.]

¹⁰* * * * *

2. Definitions.—In this Act, unless the context otherwise requires,—

¹¹[(a) “appropriate Government” means—

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1. This Act has been extended to Dadra and Nagar Haveli by Reg. 6 of 1963, s. 2 and the First Schedule: Pondicherry by Reg. 7 of 1963, s. 3 and the First Schedule and Goa, Daman and Diu by Reg. 11 of 1963, s. 3 and Schedule (1-7-1964).
 2. Subs. by Act 99 of 1976, s. 16, for “and family pension fund” (w.e.f. 1-8-1976).
 3. Subs. by Act 25 of 1996, s. 2, for “family pension fund” (w.e.f. 16-11-1995).
 4. Subs. by Act 99 of 1976, s. 17, for sub-section (1) (w.e.f. 1-8-1976).
 5. The Words “except the State of Jammu and Kashmir” omitted by Act 34 of 2019, s. 95 and the Fifth Schedule (w.e.f. 31-10-2019) and extended to the Union territory of Jammu and Kashmir and Union territory of Ladakh by notification No. S.O. 3962(E), Part II-section 3-Sub-section (ii) dated 31-10-20 (w.e.f. 1-1-2020).
 6. Subs. by Act 94 of 1956, s. 2, for sub-section (3).
 7. Subs. by Act 46 of 1960, s. 2, for “fifty” (w.e.f. 31-12-1960).
 8. Subs. by Act 33 of 1988, s. 2, for sub-section (4) (w.e.f. 1-8-1988).
 9. Ins. by Act 46 of 1960, s. 2 (w.e.f. 31-12-1960).
 10. The proviso omitted by Act 16 of 1971, s. 13 (w.e.f. 23-4-1971).
 11. Subs. by Act 22 of 1958, s. 2, for clause (a).

(i) in relation to an establishment belonging to, or under the control of, the Central Government or in relation to an establishment connected with a railway company, a major port, a mine or an oilfield or a controlled industry, ¹[or in relation to an establishment having departments or branches in more than one State,] the Central Government; and

(ii) in relation to any other establishment, the State Government;]

²[(aa) “authorised officer” means the Central Provident Fund Commissioner, Additional Central Provident Fund Commissioner, Deputy Provident Fund Commissioner, Regional Provident Fund Commissioner or such other officer as may be authorised by the Central Government, by notification in the Official Gazette;]

(b) “basic wages” means all emoluments which are earned by an employee while on duty or ³[on leave or on holidays with wages in either case] in accordance with the terms of the contract of employment and which are paid or payable in cash to him, but does not include—

(i) the cash value of any food concession;

(ii) any dearness allowance (that is to say, all cash payments by whatever name called paid to an employee on account of a rise in the cost of living), house-rent allowance, overtime allowance, bonus commission or any other similar allowance payable to the employee in respect of his employment or of work done in such employment;

(iii) any presents made by the employer;

(c) “contribution” means a contribution payable in respect of a member under a Scheme ⁴[or the contribution payable in respect of an employee to whom the Insurance Scheme applies];

(d) “controlled industry” means any industry the control of which by the Union has been declared by a Central Act to be expedient in the public interest;

⁵[(e) “employer” means—

(i) in relation to an establishment which is a factory, the owner or occupier of the factory, including the agent of such owner or occupier, the legal representative of a deceased owner or occupier and, where a person has been named as a manager of the factory under clause (f) of sub-section (1) of section 7 of the Factories Act, 1948 (63 of 1948), the person so named; and

(ii) in relation to any other establishment, the person who, or the authority which, has the ultimate control over the affairs of the establishment, and where the said affairs are entrusted to a manager, managing director or managing agent, such manager, managing director or managing agent;]

(f) “employee” means any person who is employed for wages in any kind of work, manual or otherwise, in or in connection with the work of ⁶[an establishment], and who gets his wages directly or indirectly from the employer, ⁷[and includes any person—

(i) employed by or through a contractor in or in connection with the work of the establishment;

1. Ins. by Act 22 of 1965, s. 2 (w.e.f. 24-11-1964).

2. Ins. by Act 33 of 1988, s. 3 (w.e.f. 1-8-1988).

3. Subs. by s. 3, *ibid.*, for “on leave with wages” (w.e.f. 1-8-1988).

4. Ins. by Act 99 of 1976, s. 18 (w.e.f. 1-8-1976).

5. Subs. by Act 94 of 1956, s. 4, for clause (e).

6. Subs. by *ibid.*, s. 3, for “a factory”.

7. Subs. by Act 33 of 1988, s. 3, for “and includes any person employed by or through a contractor in or in connection with the work of the establishment” (w.e.f. 1-8-1988).

(ii) engaged as an apprentice, not being an apprentice engaged under the Apprentices Act, 1961 (52 of 1961), or under the standing orders of the establishment;]

¹[(ff) “exempted employee” means an employee to whom a Scheme ²[or the Insurance Scheme, as the case may be,] would, but for the exemption granted under^{3***} section 17, have applied;

(fff) “exempted ⁴[establishment]” means ⁵[an establishment] in respect of which an exemption has been granted under section 17 from the operation of all or any of the provisions of any Scheme ²[or the Insurance Scheme, as the case may be,], whether such exemption has been granted to the ⁴[establishment] as such or to any person or class of persons employed therein;]

(g) “factory” means any premises, including the precincts thereof, in any part of which a manufacturing process is being carried on or is ordinarily so carried on, whether with the aid of power or without the aid of power;

6* * * * *

(h) “Fund” means the provident fund established under a Scheme;

(i) “industry” means any industry specified in Schedule I, and includes any other industry added to the Schedule by notification under section 4;

²[(ia) “Insurance Fund” means the Deposit-linked Insurance Fund established under sub-section (2) of section 6C;

(ib) “Insurance Scheme” means the Employees’ Deposit-linked Insurance Scheme framed under sub-section (1) of section 6C;]

⁷[⁸[(ic)] “manufacture” or “manufacturing process” means any process for making, altering, repairing, ornamenting, finishing, packing, oiling, washing, cleaning, breaking up, demolishing or otherwise treating or adapting any article or substance with a view to its use, sale, transport, delivery or disposal;]

(j) “member” means a member of the Fund;

(k) “occupier of a factory” means the person who has ultimate control over the affairs of the factory, and, where the said affairs are entrusted to a managing agent, such agent shall be deemed to be the occupier of the factory;

⁹[(kA) “Pension Fund” means the Employees’ Pension Fund established under sub-section (2) of section 6A;

(kB) “Pension Scheme” means the Employees’ Pension Scheme framed under sub-section (1) of section 6A;]

¹⁰[(ka) “prescribed” means prescribed by rules made under this Act;

1. Ins. by Act 37 of 1953, s. 3.
2. Ins. by Act 99 of 1976, s. 18 (w.e.f. 1-8-1976).
3. The words, brackets and figure “sub-section (1) of” omitted by Act 28 of 1963, s. 2 (w.e.f. 30-11-1963).
4. Subs. by Act 94 of 1956, s. 3, for “factory”.
5. Subs. by s. 3, *ibid.*, for “a factory”.
6. Omitted by Act 25 of 1996, s. 3 (w.e.f. 16-11-1995).
7. Subs. by Act 28 of 1963, s. 2, for clause (ia) (w.e.f. 30-11-1963).
8. Clause (ia) re-lettered as clause (ic) by Act 99 of 1976, s. 18 (w.e.f. 1-8-1976).
9. Ins. by Act 25 of 1996, s. 3 (w.e.f. 16-11-1995).
10. Ins. by Act 33 of 1988, s. 3 (w.e.f. 1-8-1988).

(*kb*) “Recovery Officer” means any officer of the Central Government, State Government or the Board of Trustees constituted under section 5A, who may be authorised by the Central Government, by notification in the Official Gazette, to exercise the powers of a Recovery Officer under this Act;]

¹[(*I*) “Scheme” means the Employees’ Provident Fund Scheme framed under section 5.]

²[(*II*) “Superannuation”, in relation to an employee, who is the member of the Pension Scheme means the attainment, by the said employee, of the age of fifty-eight years;]

³[(*m*) “Tribunal” means the Industrial Tribunal referred to in section 7 D].

⁴[**2A. Establishment to include all departments and branches.**—For the removal of doubts, it is hereby declared that where an establishment consists of different departments or has branches, whether situate in the same place or in different places, all such departments or branches shall be treated as parts of the same establishment.]

⁵[**3. Power to apply Act to an establishment which has a common provident fund with another establishment.**—Where immediately before this Act becomes applicable to an establishment there is in existence a provident fund which is common to the employees employed in that establishment and employees in any other establishment, the Central Government may, by notification in Official Gazette, direct that the provisions of this Act shall also apply to such other establishment.]

4. Power to add to Schedule I.—(*I*) The Central Government may, by notification in the Official Gazette, add to Schedule I any other industry in respect of the employees whereof it is of opinion that a provident fund scheme should be framed under this Act, and thereupon the industry so added shall be deemed to be an industry specified in Schedule I for the purposes of this Act.

(2) All notifications under sub-section (*I*) shall be laid before Parliament, as soon as may be, after they are issued.

5. Employees’ Provident Fund Schemes.—⁶[(*I*)] The Central Government may, by notification in the Official Gazette, frame a Scheme to be called the Employees’ Provident Fund Scheme for the establishment of provident funds under this Act for employees or for any class of employees and specify the ⁷[establishments] or class of ⁷[establishments] to which the said Scheme shall apply ⁸[and there shall be established, as soon as may be after the framing of the Scheme, a Fund in accordance with the provisions of this Act and the Scheme].

⁹[(*IA*) The Fund shall vest in, and be administered by, the Central Board constituted under section 5A.

(*IB*) Subject to the provisions of this Act, a Scheme framed under sub-section (*I*) may provide for all or any of the matters specified in Schedule II.]

¹⁰[(2) A Scheme framed under sub-section (*I*) may provide that any of its provisions shall take effect either prospectively or retrospectively on such date as may be specified in this behalf in the Scheme.]

1. Subs. by Act 16 of 1971, s. 14, for clause (*I*) (w.e.f. 23-4-1971).
2. Ins. by Act 25 of 1996, s. 3 (w.e.f. 16-11-1995).
3. Ins. by Act 7 of 2017, s. 159 (w.e.f. 26-5-2017).
4. Ins. by Act 46 of 1960, s. 3 (w.e.f. 31-12-1960).
5. Subs. by Act 94 of 1956, s. 5, for section 3.
6. Section 5 re-numbered as sub-section (*I*) thereof by Act 37 of 1953, s. 4.
7. Subs. by Act 94 of 1956, s. 3, for “factories”.
8. Added by Act 37 of 1953, s. 4.
9. Ins. by Act 28 of 1963, s. 3 (w.e.f. 30-11-1963).
10. Ins. by Act 37 of 1953, s. 4.

¹[5A. Central Board.—(1) The Central Government may, by notification in the Official Gazette, constitute, with effect from such date as may be specified therein, a Board of Trustees for the territories to which this Act extends (hereinafter in this Act referred to as the Central Board) consisting of the following ²[persons as members] namely:—

(a) ³[a Chairman and a Vice-Chairman] to be appointed by the Central Government;

⁴[(aa) the Central Provident Fund Commissioner, *ex officio*];

(b) not more than five persons appointed by the Central Government from amongst its officials;

(c) not more than fifteen persons representing Governments of such States as the Central Government may specify in this behalf, appointed by the Central Government;

(d) ⁵[ten persons] representing employers of the establishments to which the Scheme applies, appointed by the Central Government after consultation with such organisations of employers as may be recognised by the Central Government in this behalf; and

(e) ⁵[ten persons] representing employees in the establishments to which the Scheme applies, appointed by the Central Government after consultation with such organisations of employees as may be recognised by the Central Government in this behalf.

(2) The terms and conditions subject to which a member of the Central Board may be appointed and the time, place and procedure of the meetings of the Central Board shall be such as may be provided for in the Scheme.

(3) The Central Board shall ⁶[, subject to the provisions of section 6A ⁷[and section 6C]] administer the Fund vested in it in such manner as may be specified in the Scheme.

(4) The Central Board shall perform such other functions as it may be required to perform by or under any provisions of the Scheme ⁸[, the ⁹[Pension] Scheme and the Insurance Scheme].

¹⁰[(5) The Central Board shall maintain proper accounts of its income and expenditure in such form and in such manner as the Central Government may, after consultation with the Comptroller and Auditor-General of India, specify in the Scheme.

(6) The accounts of the Central Board shall be audited annually by the Comptroller and Auditor-General of India and any expenditure incurred by him in connection with such audit shall be payable by the Central Board to the Comptroller and Auditor-General of India.

(7) The Comptroller and Auditor-General of India and any person appointed by him in connection with the audit of the accounts of the Central Board shall have the same rights and privileges and authority in connection with such audit as the Comptroller and Auditor-General has, in connection with the audit of Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers, documents and papers and inspect any of the offices of the Central Board.

(8) The accounts of the Central Board as certified by the Comptroller and Auditor-General of India or any other person appointed by him in this behalf together with the audit report thereon shall be forwarded

1. Ins. by Act 28 of 1963, s. 4.

2. Subs. by Act 33 of 1988, s. 4, for “persons” (w.e.f. 1-8-1988).

3. Subs. by s. 4, *ibid.*, for “a chairman” (w.e.f. 1-8-1988).

4. Ins. by s. 4, *ibid.* (w.e.f. 1-8-1988).

5. Subs. by s. 4, *ibid.*, for “six persons” (w.e.f. 1-8-1988).

6. Ins. by Act 16 of 1971, s. 15 (w.e.f. 23-4-1971).

7. Ins. by Act 99 of 1976, s. 19 (w.e.f. 1-8-1976).

8. Subs. by s. 19, *ibid.*, for “and the Family Pension Scheme” (w.e.f. 1-8-1976).

9. Subs. by Act 25 of 1996, s. 4, for “Family Pension” (w.e.f. 16-11-1995).

10. Ins. by Act 33 of 1988, s. 4 (w.e.f. 1-8-1988).

to the Central Board which shall forward the same to the Central Government along with its comments on the report of the Comptroller and Auditor-General.

(9) It shall be the duty of the Central Board to submit also to the Central Government an annual report of its work and activities and the Central Government shall cause a copy of the annual report, the audited accounts together with the report of the Comptroller and Auditor-General of India and the comments of the Central Board thereon to be laid before each House of Parliament.]

¹[**5AA. Executive Committee.**—(1) The Central Government may, by notification in the Official Gazette, constitute, with effect from such date as may be specified therein, an Executive Committee to assist the Central Board in the performance of its functions.

(2) The Executive Committee shall consist of the following persons as members, namely:—

(a) a Chairman appointed by the Central Government from amongst the members of the Central Board;

(b) two persons appointed by the Central Government from amongst the persons referred to in clause (b) of sub-section (1) of section 5A;

(c) three persons appointed by the Central Government from amongst the persons referred to in clause (c) of sub-section (1) of section 5A;

(d) three persons representing the employers elected by the Central Board from amongst the persons referred to in clause (d) of sub-section (1) of section 5A;

(e) three persons representing the employees elected by the Central Board from amongst the persons referred to in clause (e) of sub-section (1) of section 5A;

(f) the Central Provident Fund Commissioner, *ex officio*.

(3) The terms and conditions subject to which a member of the Central Board may be appointed or elected to the Executive Committee and the time, place and procedure of the meetings of the Executive Committee shall be such as may be provided for in the Scheme].

5B. State Board.—(1) The Central Government may, after consultation with the Government of any State, by notification in the Official Gazette, constitute for that State a Board of Trustees (hereinafter in this Act referred to as the State Board) in such manner as may be provided for in the Scheme.

(2) A State Board shall exercise such powers and perform such duties as the Central Government may assign to it from time to time.

(3) The terms and conditions subject to which a member of a State Board may be appointed and the time, place and procedure of the meetings of a State Board shall be such as may be provided for in the Scheme.

5C. Board of Trustees to body corporate.—Every Board of Trustees constituted under section 5A or section 5B shall be a body corporate under the name specified in the notification constituting it, having perpetual succession and a common seal and shall by the said name sue and be sued.

5D. Appointment of officers.—(1) The Central Government shall appoint a Central Provident Fund Commissioner who shall be the chief executive officer of the Central Board and shall be subject to the general control and superintendence of that Board.

(2) The Central Government may also appoint ²[a Financial Adviser and Chief Accounts Officers] to assist the Central Provident Fund Commissioner in the discharge of his duties.

1. Ins. by Act 33 of 1988, s. 5 (w.e.f. 1-8-1988).

2. Subs. by Act 33 of 1988, s. 6, for certain words (w.e.f. 1-8-1988).

(3) The Central Board may appoint ¹[, subject to the maximum scale of pay, as may be specified in the Scheme, as many Additional Central Provident Fund Commissioners, Deputy Provident Fund Commissioners, Regional Provident Fund Commissioners, Assistant Provident Fund Commissioners and] such other officers and employees as it may consider necessary for the efficient administration of the Scheme ²[, the ³[Pension] Scheme and the Insurance Scheme].

(4) No appointment to ⁴[the post of the Central Provident Fund Commissioner or an Additional Central Provident Fund Commissioner or a Financial Adviser and Chief Accounts Officer or any other post under the Central Board carrying a scale of pay equivalent to the scale of pay of any Group ‘A’ or Group ‘B’ post under the Central Government] shall be made except after consultation with the Union Public Service Commission:

Provided that no such consultation shall be necessary in regard to any such appointment—

(a) for a period not exceeding one year; or

(b) if the person to be appointed is at the time of his appointment—

(i) a member of the Indian Administrative Service, or

(ii) in the service of the Central Government or a State Government or the Central Board in a ⁵[Group ‘A’ or Group ‘B’ post].

(5) A State Board may, with the approval of the State Government concerned, appoint such staff as it may consider necessary.

(6) The method of recruitment, salary and allowances, discipline and other conditions of service of the Central Provident Fund Commissioner, ⁶[and the Financial Adviser and Chief Accounts Officer] shall be such as may be specified by the Central Government and such salary and allowances shall be paid out of the Fund.

⁷[(7) (a) The method of recruitment, salary and allowances, discipline and other conditions of service of the Additional Central Provident Fund Commissioner, Deputy Provident Fund Commissioner, Regional Provident Fund Commissioner, Assistant Provident Fund Commissioner and other officers and employees of the Central Board shall be such as may be specified by the Central Board in accordance with the rules and orders applicable to the officers and employees of the Central Government drawing corresponding scales of pay:

Provided that where the Central Board is of the opinion that it is necessary to make a departure from the said rules or orders in respect of any of the matters aforesaid, it shall obtain the prior approval of the Central Government.

(b) In determining the corresponding scales of pay of officers and employees under clause (a), the Central Board shall have regard to the educational qualifications, method of recruitment, duties and responsibilities of such officers and employees under the Central Government and in case of any doubt, the Central Board shall refer the matter to the Central Government whose decision thereon shall be final.]

1. Ins. by Act 33 of 1988, s. 6. (w.e.f. 1-8-1988).

2. Subs. by Act 99 of 1976, s. 20, for “and the Family Pension Scheme” (w.e.f. 1-8-1976).

3. Subs. by Act 25 of 1996, s. 4, for “Family Pension” (w.e.f. 16-11-1995).

4. Subs. by Act 33 of 1988, s. 6, for certain words (w.e.f. 1-8-1988).

5. Subs. by s. 6, *ibid.*, for “Class I or Class II post” (w.e.f. 1-8-1988).

6. Subs. by s. 6, *ibid.*, for “Deputy Provident Fund Commissioner and Regional Provident Fund Commissioner” (w.e.f. 1-8-1988).

7. Subs. by s. 6, *ibid.*, for sub-section (7) (w.e.f. 1-8-1988).

(8) The method of recruitment, salary and allowances, discipline and other conditions of service of officers and employees of a State Board shall be such as may be specified by that Board, with the approval of the State Government concerned.

¹[**5DD. Acts and proceedings of the Central Board or its Executive Committee or the State Board not to be in validated on certain grounds.**—No act done or proceeding taken by the Central Board or the Executive Committee constituted under section 5AA or the State Board shall be questioned on the ground merely of the existence of any vacancy in, or any defect in the constitution of, the Central Board or the Executive Committee or the State Board, as the case may be.]

5E. Delegation.—²[The Central Board may delegate to the Executive Committee or to the Chairman of the Board or to any of its officers and a State Board may delegate to its Chairman or to any of its officers] subject to such conditions and limitations, if any, as it may specify, such of its powers and functions under this Act as it may deem necessary for the efficient administration of the Scheme ³[, the ⁴[Pension] Scheme and the Insurance Scheme].]

6. Contributions and matters which may be provided for in Schemes.—⁵*** The contribution which shall be paid by the employer to the Fund shall be ⁶[ten per cent.] of the basic wages, ⁷[dearness allowance and retaining allowance (if any)] for the time being payable to each of the employees ⁸[(whether employed by him directly or by or through a contractor)], and the employees' contribution shall be equal to the contribution payable by the employer in respect of him and may, ⁹[if any employee so desires, be an amount exceeding ⁶[ten per cent.]of his basic wages, dearness allowance and retaining allowance (if any), subject to the condition that the employer shall not be under an obligation to pay any contribution over and above his contribution payable under this section]:

⁹[Provided that in its application to any establishment or class of establishments which the Central Government, after making such inquiry as it deems fit, may, by notification in the Official Gazette specify, this section shall be subject to the modification that for the words ⁶[ten per cent.], at both the places where they occur, the words ¹⁰[twelve per cent.]shall be substituted:]

Provided further that where the amount of any contribution payable under this Act involves a fraction of a rupee, the Scheme may provide for the rounding off of such fraction to the nearest rupee, half of a rupee or quarter of a rupee.

¹¹[*Explanation 1*.]—For the purposes of this ¹²[section], dearness allowance shall be deemed to include also the cash value of any food concession allowed to the employee.

¹³[*Explanation 2*.]—For the purposes of this ¹²[section], “retaining allowance” means an allowance payable for the time being to an employee of any factory or other establishment during any period in which the establishment is not working, for retaining his services.]

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1. Ins. by Act 33 of 1988, s. 7. (w.e.f. 1-8-1988).
2. Subs. by s. 8, *ibid.*, for certain words (w.e.f. 1-8-1988).
3. Subs. by Act 99 of 1976, s. 20, for “and the Family Pension Scheme” (w.e.f. 1-8-1976).
4. Subs. by Act 25 of 1996, s. 4, for “Family Pension” (w.e.f. 16-11-1995).
5. The brackets and figure “(1)” omitted by Act 28 of 1963, s. 5 (w.e.f. 30-11-1963).
6. Subs. by Act 10 of 1998, s. 2, for “eight and one-third per cent.” (w.e.f. 22-9-1997).
7. Subs. by Act 46 of 1960, s. 4, for “and the dearness allowance” (w.e.f. 31-12-1960).
8. Ins. by Act 28 of 1963, s. 5 (w.e.f. 30-11-1963).
9. Subs. by Act 33 of 1988, s. 9, for certain words (w.e.f. 1-8-1988).
10. Subs. by Act 10 of 1998, s. 2, for “ten per cent.” (w.e.f. 22-9-1997).
11. The *Explanation* re-numbered as *Explanation 1* by Act 46 of 1960, s. 4 (w.e.f. 31-12-1960).
12. Subs. by Act 28 of 1963, s. 5, for “sub-section” (w.e.f. 30-11-1963).
13. The *Explanation* ins. by Act 46 of 1960, s. 4 (w.e.f. 31-12-1960).
14. Omitted by Act 28 of 1963, s. 5 (w.e.f. 30-11-1963).

¹[**6A. Employees' Pension Scheme.**—(1) The Central Government may, by notification in the Official Gazette, frame a scheme to be called the Employees' Pension Scheme for the purpose of providing for—

(a) superannuation pension, retiring pension or permanent total disablement pension to the employees of any establishment or class of establishments to which this Act applies; and

(b) widow or widower's pension, children pension or orphan pension payable to the beneficiaries of such employees.

(2) Notwithstanding anything contained in section 6, there shall be established, as soon as may be after framing of the Pension Scheme, a Pension Fund into which there shall be paid, from time to time, in respect of every employee who is a member of the Pension Scheme,—

(a) such sums from the employer's contribution under section 6, not exceeding eight and one-third per cent. of the basic wages, dearness allowance and retaining allowance, if any, of the concerned employees, as may be specified in the Pension Scheme;

(b) such sums as are payable by the employers of exempted establishments under sub-section (6) of section 17;

(c) the net assets of the Employees' Family Pension Fund as on the date of the establishment of the Pension Fund;

(d) such sums as the Central Government may, after due appropriation by Parliament by law in this behalf, specify.

(3) On the establishment of the Pension Fund, the Family Pension Scheme (hereinafter referred to as the ceased scheme) shall cease to operate and all assets of the ceased scheme shall vest in and shall stand transferred to, and all liabilities under the ceased scheme shall be enforceable against, the Pension Fund and the beneficiaries under the ceased scheme shall be entitled to draw the benefits, not less than the benefits they were entitled to under the ceased scheme, from the Pension Fund.

(4) The Pension Fund shall vest in and be administered by the Central Board in such manner as may be specified in the Pension Scheme.

(5) Subject to the provisions of this Act, the Pension Scheme may provide for all or any of the matters specified in Schedule III.

(6) The Pension Scheme may provide that all or any of its provisions shall take effect either prospectively or retrospectively on such date as may be specified in that behalf in that Scheme.

(7) A Pension Scheme, framed under sub-section (1), shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the scheme or both Houses agree that the scheme should not be made, the scheme shall thereafter have effect only in such modified form or be of no effect, as the may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that Scheme.]

²[**6C. Employees' Deposit linked Insurance Scheme.**—(1) The Central Government may, by notification in the Official Gazette, frame a scheme to be called the Employees' Deposit-linked Insurance Scheme for the purpose of providing life insurance benefits to the employees of any establishment or class of establishments to which this Act applies.

1. Subs. by Act 25 of 1996, s. 5, for sections 6A and 6B (w.e.f. 16-11-1995).

2. Ins. by Act 99 of 1976, s. 21 (w.e.f. 1-8-1976).

(2) There shall be established, as soon as may be after the framing of the Insurance Scheme, a Deposit-linked Insurance Fund into which shall be paid by the employer from time to time in respect of every such employee in relation to whom he is the employer, such amount, not being more than one per cent. of the aggregate of the basic wages, dearness allowance and retaining allowance (if any) for the time being payable in relation to such employee as the Central Government may, by notification in the Official Gazette, specify.

Explanation.—For the purposes of this sub-section, the expressions “dearness allowance” and “retaining allowance” have the same meanings as in section 6.

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(4) (a) The employer shall pay into the Insurance Fund such further sums of money, not exceeding one-fourth of the contribution which he is required to make under sub-section (2), as the Central Government may, from time to time, determine to meet all the expenses in connection with the administration of the Insurance Scheme other than the expenses towards the cost of any benefits provided by or under that scheme.

1* * * *

(5) The Insurance Fund shall vest in the Central Board and be administered by it in such manner as may be specified in the Insurance Scheme.

(6) The Insurance Scheme may provide for all or any of the matters specified in Schedule IV.

(7) The Insurance Scheme may provide that any of its provisions shall take effect either prospectively or retrospectively on such date as may be specified in this behalf in that Scheme.]

²[**6D. Laying of schemes before Parliament.**—Every scheme framed under section 5, section 6A and section 6C shall be laid, as soon as may be after it is framed, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the scheme, or both Houses agree that the scheme should not be framed, the scheme shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that scheme.]

7. Modification of scheme.—(1) The Central Government may, by notification in the Official Gazette, add to ³[amend or vary, either prospectively or retrospectively, the Scheme, the ⁴[Family Pension] Scheme or the Insurance Scheme, as the case may be].

⁵[(2) Every notification issued under sub-section (1) shall be laid, as soon as may be after it is issued, before each House of Parliament, while it is in session, for a total period of thirty days, which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the notification, or both Houses agree that the notification should not be issued, the notification shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that notification.]

1. Omitted by Act 25 of 1996, s. 6 (w.e.f. 16-11-1995).

2. Ins. by Act 4 of 1986, s. 2 and Schedule (w.e.f. 15-5-1986).

3. Subs. by Act 99 of 1976, s. 22, for “amend or vary the Scheme or the Family Pension Scheme, as the case may be” (w.e.f. 1-8-1976).

4. Subs. by Act 25 of 1996, s. 4, for “Family Pension” (w.e.f. 16-11-1995).

5. Subs. by Act 4 of 1986, s. 2 and Schedule, for sub-section (2) (w.e.f. 15-5-1986).

¹[7A. **Determination of moneys due from employers.**—²[(1) The Central Provident Fund Commissioner, any Additional Central Provident Fund Commissioner, any Deputy Provident Fund Commissioner, any Regional Provident Fund Commissioner, or any Assistant Provident Fund Commissioner may, by order,—

(a) in a case where a dispute arises regarding the applicability of this Act to an establishment, decide such dispute; and

(b) determine the amount due from any employer under any provision of this Act, the Scheme or the ³[Pension] Scheme or the Insurance Scheme, as the case may be,

and for any of the aforesaid purposes may conduct such inquiry as he may deem necessary];

(2) The officer conducting the inquiry under sub-section (1) shall, for the purposes of such inquiry, have the same powers as are vested in a court under the Code of Civil Procedure, 1908 (5 of 1908), for trying a suit in respect of the following matters, namely:—

(a) enforcing the attendance of any person or examining him on oath;

(b) requiring the discovery and production of documents;

(c) receiving evidence on affidavit;

(d) issuing commissions for the examination of witnesses;

and any such inquiry shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228, and for the purpose of section 196, of the Indian Penal Code (45 of 1860).

(3) No order ^{4***} shall be made under sub-section (1), unless ⁵[the employer concerned] is given a reasonable opportunity of representing his case.

⁶[(3A) Where the employer, employee or any other person required to attend the inquiry under sub-section (1) fails to attend such inquiry without assigning any valid reason or fails to produce any document or to file any report or return when called upon to do so, the officer conducting the inquiry may decide the applicability of the Act or determine the amount due from any employer, as the case may be, on the basis of the evidence adduced during such inquiry and other documents available on record.]

⁷[(4) Where an order under sub-section (1) is passed against an employer *ex parte*, he may, within three months from the date of communication of such order, apply to the officer for setting aside such order and if he satisfies the officer that the show cause notice was not duly served or that he was prevented by any sufficient cause from appearing when the inquiry was held, the officer shall make an order setting aside his earlier order and shall appoint a date for proceeding with the inquiry:

Provided that no such order shall be set aside merely on the ground that there has been an irregularity in the service of the show cause notice if the officer is satisfied that the employer had notice of the date of hearing and had sufficient time to appear before the officer.

Explanation.—Where an appeal has been preferred under this Act against an order passed *ex parte* and such appeal has been disposed of otherwise than on the ground that the appellant has withdrawn the appeal, no application shall lie under this sub-section for setting aside the *ex parte* order.

1. Ins. by Act 28 of 1963, s. 6 (w.e.f. 30-11-1963).

2. Subs. by Act 33 of 1988, s. 10, for sub-section (1) (w.e.f. 1-8-1988).

3. Subs. by Act 25 of 1996, s. 4, for “Family Pension” (w.e.f. 16-11-1995).

4. The words “determining the amount due from employer” omitted by Act 33 of 1988, s. 10. (w.e.f. 1-8-1988).

5. Subs. by s. 10, *ibid.*, for “the employer” (w.e.f. 1-8-1988).

6. Ins. by s. 10, *ibid.* (w.e.f. 1-8-1988).

7. Subs. by s. 10, *ibid.*, for sub-section (4) (w.e.f. 1-8-1988).

(5) No order passed under this section shall be set aside on any application under sub-section (4) unless notice thereof has been served on the opposite party.]

¹[**7B. Review of orders passed under section 7A.**—(1) Any person aggrieved by an order made under sub-section (1) of section 7A, but from which no appeal has been preferred under this Act, and who, from the discovery of new and important matter or evidence which, after the exercise of due diligence was not within his knowledge or could not be produced by him at the time when the order was made, or on account of some mistake or error apparent on the face of the record or for any other sufficient reason, desires to obtain a review of such order may apply for a review of that order to the officer who passed the order:

Provided that such officer may also on his own motion review his order if he is satisfied that it is necessary so to do on any such ground.

(2) Every application for review under sub-section (1) shall be filed in such form and manner and within such time as may be specified in the Scheme.

(3) Where it appears to the officer receiving an application for review that there is no sufficient ground for a review, he shall reject the application.

(4) Where the officer is of opinion that the application for review should be granted, he shall grant the same:

Provided that,—

(a) no such application shall be granted without previous notice to all the parties before him to enable them to appear and be heard in support of the order in respect of which a review is applied for, and

(b) no such application shall be granted on the ground of discovery of new matter or evidence which the applicant alleges was not within his knowledge or could not be produced by him when the order was made, without proof of such allegation.

(5) No appeal shall lie against the order of the officer rejecting an application for review, but an appeal under this Act shall lie against an order passed under review as if the order passed under review were the original order passed by him under section 7A.

7C. Determination of escaped amount.—Where an order determining the amount due from an employer under section 7A or section 7B has been passed and if the officer who passed the order—

(a) has reason to believe that by reason of the omission or failure on the part of the employer to make any document or report available, or to disclose, fully and truly, all material facts necessary for determining the correct amount due from the employer, any amount so due from such employer for any period has escaped his notice;

(b) has, in consequence of information in his possession, reason to believe that any amount to be determined under section 7A or section 7B has escaped from his determination for any period notwithstanding that there has been no omission or failure as mentioned in clause (a) on the part of the employer,

he may, within a period of five years from the date of communication of the order passed under section 7A or section 7B, re-open the case and pass appropriate orders re-determining the amount due from the employer in accordance with the provisions of this Act:

Provided that no order re-determining the amount due from the employer shall be passed under this section unless the employer is given a reasonable opportunity of representing his case.

1. Ins. by Act 33 of 1988, s. 11(w.e.f. 1-7-1977).

7D. Tribunal.—The Industrial Tribunal constituted by the Central Government under sub-section (1) of section 7A of the Industrial Disputes Act, 1947 shall, on and from the commencement of Part XIV of Chapter VI of the Finance Act, 2017, be the Tribunal for the purposes of this Act and the said Tribunal shall exercise the jurisdiction, powers and authority conferred on it by or under this Act.]

7E. [Term of office.] Omitted by the Finance Act, 2017 (7 of 2017), s. 159 (w.e.f. 26-5-2017).

7F. [Resignation.] Omitted by s. 159, *ibid.* (w.e.f. 26-5-2017).

7G. [Salary and allowances and other terms and conditions of or service of Presiding Officer.] Omitted by s. 159, *ibid.* (w.e.f. 26-5-2017).

7H. [Staff of Tribunal.] Omitted by s. 159, *ibid.* (w.e.f. 26-5-2017).

7-I. Appeals to Tribunal.—(1) Any person aggrieved by a notification issued by the Central Government, or an order passed by the Central Government or any authority, under the proviso to sub-section (3), or sub-section (4), of section 1, or section 3, or sub-section (1) of section 7A, or section 7B

[except an order rejecting an application for review referred to in sub-section (5) thereof], or section 7C, or section 14B, may prefer an appeal to a Tribunal against such notification or order.

(2) Every appeal under sub-section (1) shall be filed in such form and manner, within such time and be accompanied by such fees, as may be prescribed.

7J. Procedure of Tribunals.—(1) A Tribunal shall have power to regulate its own procedure in all matters arising out of the exercise of its powers or of the discharge of its functions including the places at which the Tribunal shall have its sittings.

(2) A Tribunal shall, for the purpose of discharging its functions, have all the powers which are vested in the officers referred to in section 7A and any proceeding before the Tribunal shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228, and for the purpose of section 196, of the Indian Penal Code (45 of 1860) and the Tribunal shall be deemed to be a civil court for the all purposes of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973 (2 of 1974).

7K. Right of appellant to take assistance of legal practitioner and of Government, etc., to appoint presenting officers.—(1) A person preferring an appeal to a Tribunal under this Act may either appear in person or take the assistance of a legal practitioner of his choice to present his case before the Tribunal.

(2) The Central Government or a State Government or any other authority under this Act may authorise one or more legal practitioners or any of its officers to act as presenting officers and every person so authorised may present the case with respect to any appeal before a Tribunal.

7L. Orders of Tribunal.—(1) A Tribunal may after giving the parties to the appeal, an opportunity of being heard, pass such orders thereon as it thinks fit, confirming, modifying or annulling the order appealed against or may refer the case back to the authority which passed such order with such directions as the Tribunal may think fit, for a fresh adjudication or order, as the case may be, after taking additional evidence, if necessary.

(2) A Tribunal may, at any time within five years from the date of its order, with a view to rectifying any mistake apparent from the record, amend any order passed by it under sub-section (1) and shall make such amendment in the order if the mistake is brought to its notice by the parties to the appeal:

Provided that an amendment which has the effect of enhancing the amount due from, or otherwise increasing the liability of, the employer shall not be made under this sub-section, unless the Tribunal has given notice to him of its intention to do so and has allowed him a reasonable opportunity of being heard.

1. Subs. by Act 7 of 2017, s. 159, for section 7D (w.e.f. 26-5-2017).

(3) A Tribunal shall send a copy of every order passed under this section to the parties to the appeal.

(4) Any order made by a Tribunal finally disposing of an appeal shall not be questioned in any court of law.

7M. [Filling up of vacancies.] Omitted by the Finance Act, 2017 (7 of 2017), s. 159 (w.e.f. 26-5-2017).

7N. [Finality orders constituting a tribunal.] Omitted by s. 159, *ibid.* (w.e.f. 26-5-2017).

7-O. Deposit of amount due, on filing appeal.—No appeal by the employer shall be entertained by a Tribunal unless he has deposited with it seventy-five per cent. of the amount due from him as determined by an officer referred to in section 7A:

Provided that the Tribunal may, for reasons to be recorded in writing, waive or reduce the amount to be deposited under this section.

7P. Transfer of certain applications to Tribunals.—All applications which are pending before the Central Government under section 19A before its repeal, shall stand transferred to a Tribunal exercising jurisdiction in respect of establishments in relation to which such applications had been made as if such applications were appeals preferred to the Tribunal.

7Q. Interest payable by the employer.—The employer shall be liable to pay simple interest at the rate of twelve per cent. per annum or at such higher rate as may be specified in the Scheme on any amount due from him under this Act from the date on which the amount has become so due till the date of its actual payment:

Provided that higher rate of interest specified in the Scheme shall not exceed the lending rate of interest charged by any scheduled bank.]

¹**[8. Mode of recovery of moneys due from employers.**—Any amount due—

(a) from the employer in relation to ²[an establishment] to which any ³[Scheme or the Insurance Scheme] applies in respect of any contribution payable to ⁴[the Fund or, as the case may be, the Insurance Fund], damages recoverable under section 14B, accumulations required to be transferred under sub-section (2) of section 15 ⁵[or under sub-section (5) of section 17] or any charges payable by him under any other provision of this Act or of any provision of the ³[Scheme or the Insurance Scheme]; or

(b) from the employer in relation to an exempted ⁶[establishment] in respect of any damages recoverable under section 14B or any charges payable by him to the appropriate Government under any provision of this Act or under any of the conditions specified ⁷[under section 17 or in respect of the contribution payable by him towards the ⁸[Pension] Scheme under the said section 17], may, if the amount is in arrear, ⁹[be recovered ¹⁰[in the manner specified in sections 8B to 8G].]

¹¹**[8A. Recovery of moneys by employers and contractors.**—(1) ¹²[The amount of contribution (that is to say the employer's contribution as well as the employee's contribution in pursuance of any Scheme and the employer's contribution in pursuance of the Insurance Scheme)], and any charges ^{13***} for meeting the cost of administering the Fund paid or payable by an employer in respect of an employee employed by or through a contractor may be recovered by such employer from the contractor, either by

1. Subs. by Act 37 of 1953, s. 6, for section 8.

2. Subs. by Act 94 of 1956, s. 3, for "a factory".

3. Subs. by Act 99 of 1976, s. 24, for "Scheme" (w.e.f. 1-8-1976).

4. Subs. by s. 24, *ibid.*, for "the Fund" (w.e.f. 1-8-1976).

5. Ins. by Act 28 of 1963, s. 7 (w.e.f. 30-11-1963).

6. Subs. by Act 94 of 1956, s. 3, for "factory".

7. Subs. by Act 16 of 1971, s. 21, for "under section 17" (w.e.f. 23-4-1971).

8. Subs. by Act 25 of 1996, s. 4, for "Family Pension" (w.e.f. 16-11-1995).

9. Subs. by Act 40 of 1973, s. 2, for certain words (w.e.f. 1-11-1973).

10. Subs. by Act 33 of 1988, s. 12, for certain words (w.e.f. 1-7-1990).

11. Ins. by Act 28 of 1963, s. 8 (w.e.f. 30-11-1963).

12. Subs. by Act 99 of 1976, s. 25, for certain words (w.e.f. 1-8-1976).

13. The words "on the basis of such contribution" omitted by Act 33 of 1988, s. 13. (w.e.f. 1-8-1988).

deduction from any amount payable to the contractor, under any contract or as a debt payable by the contractor.

(2) A contractor from whom the amounts mentioned in sub-section (1) may be recovered in respect of any employee employed by or through him, may recover from such employee the employee's contribution ¹[under any Scheme] by deduction from the basic wages, dearness allowance and retaining allowance (if any) payable to such employee.

(3) Notwithstanding any contract to the contrary, no contractor shall be entitled to deduct the employer's contribution or the charges referred to in sub-section (1) from the basic wages, dearness allowance, and retaining allowance (if any) payable to an employee employed by or through him or otherwise to recover such contribution or charges from such employee.

Explanation.—In this section, the expressions, “dearness allowance” and “retaining allowance” shall have the same meanings as in section 6.]

²[**8B. Issue of certificate to the Recovery Officer.**—(1) Where any amount is in arrear under section 8, the authorised officer may issue, to the Recovery Officer, a certificate under his signature specifying the amount of arrears and the Recovery Officer, on receipt of such certificate, shall proceed to recover the amount specified therein from the establishment or, as the case may be, the employer by one or more of the modes mentioned below:—

(a) attachment and sale of the movable or immovable property of the establishment or, as the case may be, the employer;

(b) arrest of the employer and his detention in prison;

(c) appointing a receiver for the management of the movable or immovable properties of the establishment or, as the case may be, the employer:

Provided that the attachment and sale of any property under this section shall first be effected against the proportion of the establishment and where such attachment and sale is insufficient for recovering the whole of the amount of arrears specified in the certificate, the Recovery Officer may take such proceedings against the property of the employer for recovery of the whole or any part of such arrears.

(2) The authorised officer may issue a certificate under sub-section (1), notwithstanding that proceedings for recovery of the arrears by any other mode have been taken.

8C. Recovery Officer to whom certificate is to be forwarded.—(1) The authorised officer may forward the certificate referred to in section 8B to the Recovery Officer within whose jurisdiction the employer—

(a) carries on his business or profession or within whose jurisdiction the principal place of his establishment is situate; or

(b) resides or any movable or immovable property of the establishment or the employer is situate.

(2) Where an establishment or the employer has property within the jurisdiction of more than one Recovery Officers and the Recovery Officer to whom a certificate is sent by the authorised officer—

(a) is not able to recover the entire amount by the sale of the property, movable or immovable, within his jurisdiction; or

(b) is of the opinion that, for the purpose of expediting or securing the recovery of the whole or any part of the amount, it is necessary so to do,

1. Ins. by Act 99 of 1976, s. 25 (w.e.f. 1-8-1976).

2. Ins. by Act 33 of 1988, s. 14 (w.e.f. 1-7-1990).

he may send the certificate or, where only a part of the amount is to be recovered, a copy of the certificate certified in the prescribed manner and specifying the amount to be recovered to the Recovery Officer within whose jurisdiction the establishment or the employer has property or the employer resides, and thereupon that Recovery Officer shall also proceed to recover the amount due under this section as if the certificate or the copy thereof had been the certificate sent to him by the authorised officer.

8D. Validity of certificate and amendment thereof.—(1) When the authorised officer issues a certificate to a Recovery Officer under section 8B, it shall not be open to the employer to dispute before the Recovery Officer the correctness of the amount, and no objection to the certificate on any other ground shall also be entertained by the Recovery Officer.

(2) Notwithstanding the issue of a certificate to a Recovery Officer, the authorised officer shall have power to withdraw the certificate or correct any clerical or arithmetical mistake in the certificate by sending an intimation to the Recovery Officer.

(3) The authorised officer shall intimate to the Recovery Officer any order withdrawing or cancelling a certificate or any correction made by him under sub-section (2) or any amendment made under sub-section (4) of section 8E.

8E. Stay of proceedings under certificate and amendment or withdrawal thereof.—(1) Notwithstanding that a certificate has been issued to the Recovery Officer for the recovery of any amount, the authorised officer may grant time for the payment of the amount, and thereupon the Recovery Officer shall stay the proceedings until the expiry of the time so granted.

(2) Where a certificate for the recovery of amount has been issued, the authorised officer shall keep the Recovery Officer informed of any amount paid or time granted for payment, subsequent to the issue of such certificate.

(3) Where the order giving rise to a demand of amount for which a certificate for recovery has been issued has been modified in appeal or other proceeding under this Act, and, as a consequence thereof, the demand is reduced but the order is the subject-matter of a further proceeding under this Act, the authorised officer shall stay the recovery of such part of the amount of the certificate as pertains to the said reduction for the period for which the appeal or other proceeding remains pending.

(4) Where a certificate for the recovery of amount has been issued and subsequently the amount of the outstanding demand is reduced as a result of an appeal or other proceeding under this Act, the authorised officer shall, when the order which was the subject-matter of such appeal or other proceeding has become final and conclusive, amend the certificate or withdraw it, as the case may be.

8F. Other modes of recovery.—(1) Notwithstanding the issue of a certificate to the Recovery Officer under section 8B, the Central Provident Fund Commissioner or any other officer authorised by the Central Board may recover the amount by any one or more of the modes provided in this section.

(2) If any amount is due from any person to any employer who is in arrears, the Central Provident Fund Commissioner or any other officer authorised by the Central Board in this behalf may require such person to deduct from the said amount the arrears due from such employer under this Act and such person shall comply with any such requisition and shall pay the sum so deducted to the credit of the Central Provident Fund Commissioner or the officer so authorised, as the case may be:

Provided that nothing in this sub-section shall apply to any part of the amount exempt from attachment in execution of a decree of a civil court under section 60 of the Code of Civil Procedure, 1908 (5 of 1908).

(3) (i) The Central Provident Fund Commissioner or any other officer authorised by the Central Board in this behalf may, at any time or from time to time, by notice in writing, require any person from whom money is due or may become due to the employer or, as the case may be, the establishment or any person who holds or may subsequently hold money for or on account of the employer or as the case may be, the

establishment, to pay to the Central Provident Fund Commissioner either forthwith upon the money becoming due or being held or at or within the time specified in the notice (not being before the money becomes due or is held) so much of the money as is sufficient to pay the amount due from the employer in respect of arrears or the whole of the money when it is equal to or less than that amount.

(ii) A notice under this sub-section may be issued to any person who holds or may subsequently hold any money for or an account of the employer jointly with any other person and for the purposes of this sub-section, the shares of the joint-holders in such account shall be presumed, until the contrary is proved, to be equal.

(iii) A copy of the notice shall be forwarded to the employer at his last address known to the Central Provident Fund Commissioner or, as the case may be, the officer so authorised and in the case of a joint account to all the joint-holders at their last addresses known to the Central Provident Fund Commissioner or the officer so authorised.

(iv) Save as otherwise provided in this sub-section, every person to whom a notice is issued under this sub-section shall be bound to comply with such notice, and, in particular, where any such notice is issued to a post office, bank or an insurer, it shall not be necessary for any pass book, deposit receipt, policy or any other document to be produced for the purpose of any entry, endorsement or the like being made before payment is made notwithstanding any rule, practice or requirement to the contrary.

(v) Any claim respecting any property in relation to which a notice under this sub-section has been issued arising after the date of the notice shall be void as against any demand contained in the notice.

(vi) Where a person to whom a notice under this sub-section is sent objects to it by a statement on oath that the sum demanded or any part thereof is not due to the employer or that he does not hold any money for or on account of the employer, then, nothing contained in this sub-section shall be deemed to require such person to pay any such sum or part thereof, as the case may be, but if it is discovered that such statement was false in any material particular, such person shall be personally liable to the Central Provident Fund Commissioner or the officer so authorised to the extent of his own liability to the employer on the date of the notice, or to the extent of the employer's liability for any sum due under this Act, whichever is less.

(vii) The Central Provident Fund Commissioner or the officer so authorised may, at any time or from time to time, amend or revoke any notice issued under this sub-section or extend the time for making any payment in pursuance of such notice.

(viii) The Central Provident Fund Commissioner or the officer so authorised shall grant a receipt for any amount paid in compliance with a notice issued under this sub-section, and the person so paying shall be fully discharged from his liability to the employer to the extent of the amount so paid.

(ix) Any person discharging any liability to the employer after the receipt of a notice under this sub-section shall be personally liable to the Central Provident Fund Commissioner or the officer so authorised to the extent of his own liability to the employer so discharged or to the extent of the employer's liability for any sum due under this Act, whichever is less.

(x) If the person to whom a notice under this sub-section is sent fails to make payment in pursuance thereof to the Central Provident Fund Commissioner or the officer so authorised he shall be deemed to be an employer in default in respect of the amount specified in the notice and further proceedings may be taken against him for the realisation of the amount as if it were an arrear due from him, in the manner provided in sections 8B to 8E and the notice shall have the same effect as an attachment of a debt by the Recovery Officer in exercise of his powers under section 8B.

(4) The Central Provident Fund Commissioner or the officer authorised by the Central Board in this behalf may apply to the court in whose custody there is money belonging to the employer for payment to him of the entire amount of such money, or if it is more than the amount due, an amount sufficient to discharge the amount due.

(5) The Central Provident Fund Commissioner or any officer not below the rank of Assistant Provident Fund Commissioner may, if so authorised by the Central Government by general or special order, recover any arrears of amount due from an employer or, as the case may be, from the establishment

by distraint and sale of his or its movable property in the manner laid down in the Third Schedule to the Income-tax Act, 1961 (43 of 1961).

8G. Application of certain provisions of Income-tax Act.—The provisions of the Second and Third Schedules to the Income-tax Act, 1961 (43 of 1961) and the Income-tax (Certificate Proceedings) Rules, 1962, as in force from time to time, shall apply with necessary modifications as if the said provisions and the rules referred to the arrears of the amount mentioned in section 8 of this Act instead of to the income-tax:

Provided that any reference in the said provisions and the rules to the “assessee” shall be construed as a reference to an employer as defined in this Act.]

9. Fund to be recognised under Act 11 of 1922.—For the purposes of the Indian Income-tax Act, 1922, the Fund shall be deemed to be a recognised provident fund within the meaning of Chapter IXA of that Act:

¹[Provided that nothing contained in the said Chapter shall operate to render ineffective any provision of the Scheme (under which the Fund is established) which is repugnant to any of the provisions of that Chapter or of the rules made thereunder.]

10. Protection against attachment.—(1) The amount standing to the credit of any member in the Fund ²[or of any exempted employee in a provident fund] shall not in any way be capable of being assigned or charged and shall not be liable to attachment under any decree or order of any court in respect of any debt or liability incurred by the member ²[or the exempted employee], and neither the official assignee appointed under the Presidency-towns Insolvency Act, 1909 (3 of 1909), nor any receiver appointed under the Provincial Insolvency Act, 1920 (5 of 1920), shall be entitled to, or have any claim on, any such amount.

³[(2) Any amount standing to the credit of a member in the Fund or of an exempted employee in a provident fund at the time of his death and payable to his nominee under the Scheme or the rules of the provident fund shall, subject to any deduction authorised by the said Scheme or rules, vest in the nominee and shall be free from any debt or other liability incurred by the deceased or the nominee before the death of the member of the exempted employee ⁴[and shall also not be liable to attachment under any decree or order of any court].

⁵[(3) The provisions of sub-section (1) and sub-section (2) shall, so far as may be, apply in relation to the family pension or any other amount payable under the ⁶[Pension] Scheme ⁷[and also in relation to any amount payable under the Insurance Scheme] as they apply in relation to any amount payable out of the Fund.]

11. Priority of payment of contributions over other debts.—⁸[(1)] ⁹[Where any employer is adjudicated insolvent or, being a company, an order for winding up is made, the amount due—

(a) from the employer in relation to ¹⁰[an establishment] to which any ¹¹[Scheme or the Insurance Scheme] applies in respect of any contribution payable to the Fund ¹²[or, as the case may be, the Insurance Fund], damages recoverable under section 14B, accumulations required to be transferred

1. Ins. by Act 37 of 1953, s. 7.

2. Ins. by s. 8, *ibid.*

3. Subs. by s. 8, *ibid.*, for sub-section (2).

4. Added by Act 33 of 1988, s. 15 (w.e.f. 1-8-1988).

5. Ins. by Act 16 of 1971, s. 22 (w.e.f. 23-4-1971).

6. Subs. by Act 25 of 1996, s. 4, for “Family Pension” (w.e.f. 16-11-1995).

7. Ins. by Act 99 of 1976, s. 26 (w.e.f. 1-8-1976).

8. Section 11 re-numbered as sub-section (1) of that section by Act 40 of 1973, s. 3 (w.e.f. 1-11-1973).

9. Subs. by Act 37 of 1953, s. 9, for certain words.

10. Subs. by Act 94 of 1956, s. 3, for “a factory”.

11. Subs. by Act 99 of 1976, s. 27, for “Scheme” (w.e.f. 1-8-1976).

12. Ins. by s. 27, *ibid.* (w.e.f. 1-8-1976).

under sub-section (2) of section 15 or any charges payable by him under any other provision of this Act or of any provision of the ¹[Scheme or the Insurance Scheme]; or

(b) from the employer in relation to an exempted ²[establishment] in respect of any contribution to ³[the Provident Fund or any Insurance Fund] (in so far it relates to exempted employees), under the rules of ³[the Provident Fund or any Insurance Fund], ⁴[any contribution payable by him towards the Family Pension Fund under sub-section (6) of section 17,] damages recoverable under section 14B or any charges payable by him to the appropriate Government under any provision of this Act or under any of the conditions specified under section 17.

shall, where the liability thereof has accrued before the order of adjudication or winding up is made, be deemed to be included] among the debts which under section 49 of the Presidency-towns Insolvency Act, 1909 (3 of 1909), or under section 61 of the Provincial Insolvency Act, 1920 (5 of 1920), or under ⁵[section 530 of the Companies Act, 1956 (1 of 1956)], are to be paid in priority to all other debts in the distribution of the property of the insolvent or the assets of the company being wound up, as the case may be.

⁶[*Explanation.*—In this sub-section and in section 17, “insurance fund” means any fund established by an employer under any scheme for providing benefits in the nature of life insurance to employees, whether linked to their deposits in provident fund or not, without payment by the employees of any separate contribution or premium in that behalf.]

⁷[(2) Without prejudice to the provisions of sub-section (1), if any amount is due from an employer ⁸[whether in respect of the employee’s contribution (deducted from the wages of the employee) or the employer’s contribution], the amount so due shall be deemed to be the first charge on the assets of the establishment, and shall, notwithstanding anything contained in any other law for the time being in force, be paid in priority to all other debts.]

⁹[**12. Employer not to reduce wages, etc.**—No employer in relation to ¹⁰[an establishment] to which any ¹¹[Scheme or the Insurance Scheme] applies shall, by reason only of his liability for the payment of any contribution to ¹²[the Fund or the Insurance Fund] or any charges under this Act or the ¹¹[Scheme or the Insurance Scheme], reduce, whether directly or indirectly, the wages of any employee to whom the ¹¹[Scheme or the Insurance Scheme] applies or the total quantum of benefits in the nature of old age pension, gratuity ¹³[Provident Fund or Life Insurance] to which the employee is entitled under the terms of his employment, express or implied.]

13. Inspectors.—(1) The appropriate Government may, by notification in the Official Gazette, appoint such persons as it thinks fit to be Inspectors for the purposes of this Act ¹⁴[, the Scheme] ¹⁵[, the ¹⁶[Pension] Scheme or the Insurance Scheme], and may define their jurisdiction.

1. Subs. by Act 99 of 1976, s. 27, for “Scheme” (w.e.f. 1-8-1976).

2. Subs. by Act 94 of 1956, s. 3, for “Factory”

3. Subs. by Act 99 of 1976, s. 27, for “the provident fund” (w.e.f. 1-8-1976).

4. Ins. by Act 16 of 1971, s. 23 (w.e.f. 23-4-1971).

5. Subs. by Act 40 of 1973, s. 3, for certain words (w.e.f. 1-11-1973).

6. Ins. by Act 99 of 1976, s. 27 (w.e.f. 1-8-1976).

7. Ins. by Act 40 of 1973, s. 3 (w.e.f. 1-11-1973).

8. Subs. by Act 33 of 1988, s. 16, for certain words (w.e.f. 1-8-1988).

9. Subs. by Act 37 of 1953, s. 10, for section 12.

10. Subs. by Act 94 of 1956, s. 3, for “a factory”.

11. Subs. by Act 99 of 1976, s. 28, for “Scheme” (w.e.f. 1-8-1976).

12 Subs. by s. 28, *ibid.*, for “the Fund” (w.e.f. 1-8-1976).

13. Subs. by s. 28, *ibid.*, “or provident Fund” (w.e.f. 1-8-1976).

14. Subs. by Act 16 of 1971, s. 24, for “or of any Scheme” (w.e.f. 23-4-1971).

15. Subs. by Act 90 of 1976, s. 29, for “or the Family Pension Scheme” (w.e.f. 1-8-1976).

16. Subs. by Act 25 of 1996, s. 4, for “Family Pension” (w.e.f. 16-11-1995).

(2) Any Inspector appointed under sub-section (1) may, for the purpose of inquiring into the correctness of any information furnished in connection with this Act or with any ¹[Scheme or the Insurance Scheme] or for the purpose of ascertaining whether any of the provisions of this Act or of any ¹[Scheme or the Insurance Scheme] have been complied with ²[in respect of ³[an establishment] to which any ¹[Scheme or the Insurance Scheme] applies or for the purpose of ascertaining whether the provisions of this Act or any ¹[Scheme or the Insurance Scheme] are applicable to any ⁴[establishment] to which the ¹[Scheme or the Insurance Scheme] has not been applied or for the purpose of determining whether the conditions subject to which exemption was granted under section 17 are being complied with by the employer in relation to an exempted ⁴[establishment]]—

(a) require an employer ⁵[or any contractor from whom any amount is recoverable under section 8A] to furnish such information as he may consider necessary ^{6***};

(b) at any reasonable time ⁷[and with such assistance, if any, as he may think fit, enter and search] any ⁴[establishment] or any premises connected therewith and require any one found in charge thereof to produce before him for examination any accounts, books, registers and other documents relating to the employment of persons or the payment of wages in the ⁴[establishment];

(c) examine, with respect to any matter relevant to any of the purposes aforesaid, the employer ⁵[or any contractor from whom any amount is recoverable under section 8A], his agent or servant or any other person found in charge of the ⁴[establishment] of any premises connected therewith or whom the Inspector has reasonable cause to believe to be or to have been, an employee in the ⁴[establishment];

⁸[(d) make copies of, or take extracts from, any book, register or other document maintained in relation to the establishment and, where he has reason to believe that any offence under this Act has been committed by an employer, seize with such assistance as he may think fit, such book, register or other document or portions thereof as he may consider relevant in respect of that offence;]

(e) exercise such other powers as the ¹[Scheme or the Insurance Scheme] may provide.

⁹[(2A) Any Inspector appointed under sub-section (1) may, for the purpose of inquiring into the correctness of any information furnished in connection with the ¹⁰[Pension] Scheme or for the purpose of ascertaining whether any of the provisions of this Act or of the ¹⁰[Pension] Scheme have been complied with in respect of an establishment to which the ¹⁰[Pension] Scheme applies, exercise all or any of the powers conferred, on him under clause (a), clause (b), clause (c) or clause (d) of sub-section (2).]

⁵¹¹[(2B)] The provisions of the Code of Criminal Procedure, 1898 (5 of 1898) shall, so far as may be, apply to any search or seizure under sub-section (2), ¹²[or under sub-section (2A), as the case may be,] as they apply to any search or seizure made under the authority of a warrant issued under section 98 of the said Code (45 of 1960).]

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1. Subs. by Act 99 of 1976, s. 29, for "Scheme" (w.e.f. 1-8-1976).

2. Ins. by Act 37 of 1953, s. 11.

3. Subs. by Act 94 of 1956, s. 3, for "a factory".

4. Subs. by s. 3, *ibid.*, for "factory"

5. Ins. by Act 28 of 1963, s. 9 (w.e.f. 30-11-1963).

6. The words "in relation to the Scheme" omitted by Act 37 of 1953, s. 11.

7. Subs. by Act 28 of 1963, s. 9, for "enter" (w.e.f. 30-11-1963).

8. Subs. by s. 9, *ibid.*, for clause (d) (w.e.f. 30-11-1963).

9. Ins. by Act 16 of 1971, s. 24.

10. Subs. by Act 25 of 1996, s. 4, for "Family Pension" (w.e.f. 16-11-1995).

11. Sub-section (2A) re-numbered as sub-section (2B) by s. 24, *ibid.* (w.e.f. 23-4-1971).

12. Ins. by s. 24, *ibid.* (w.e.f. 23-4-1971).

13. Omitted by Act 33 of 1988, s. 17 (w.e.f. 1-8-1988).

14. Penalties.—(1) Whoever, for the purpose of avoiding any payment to be made by himself under this Act ¹[, the Scheme ²[, the ³[Pension] Scheme or the Insurance Scheme]] or of enabling any other person to avoid such payment, knowingly makes or causes to be made any false statement or false representation shall be punishable with imprisonment for a term which may extend to ⁴[one year, or with fine of five thousand rupees, or with both.]

⁵[(1A) An employer who contravenes, or makes default in complying with, the provisions of section 6 or clause (a) of sub-section (3) of section 17 in so far as it relates to the payment of inspection charges, or paragraph 38 of the Scheme in so far as it relates to the payment of administrative charges, shall be punishable with imprisonment for a term which may extend to ⁶[three years] but—

(a) which shall not be less than ⁷[one year and a fine of ten thousand rupees] in case of default in payment of the employees' contribution which has been deducted by the employer from the employees' wages;

⁸[(b) which shall not be less than six months and a fine of five thousand rupees, in any other case;]

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Provided that the court may, for any adequate and special reasons to be recorded in the judgment, impose a sentence of imprisonment for a lesser term ¹⁰****.]

¹¹[(1B) An employer who contravenes, or makes default in complying with, the provisions of section 6C, or clause (a) of sub-section (3A) of section 17 in so far as it relates to the payment of inspection charges, shall be punishable with imprisonment for a term which may extend to ¹²[one year] but which shall not be less than ¹³[six months] and shall also be liable to fine which may extend to ¹⁴[five thousand rupees]:

Provided that the court may, for any adequate and special reasons to be recorded in the judgment, impose a sentence of imprisonment for a lesser term ¹⁵****.

(2) ¹⁶[Subject to the provisions of this Act, the Scheme] ¹⁷[, the ³[Pension Scheme or the Insurance Scheme] may provide that any person who contravenes, or makes default in complying with, any of the provisions thereof shall be punishable with imprisonment for a term which may extend ⁴[one year, or with fine which may extend to four thousand rupees, or with both].

¹⁸[(2A) Whoever contravenes or makes default in complying with any provision of this Act or of any condition subject to which exemption was granted under section 17 shall, if no other penalty is elsewhere

1. Subs. by Act 16 of 1971, s. 25, for “or under any Scheme”.
2. Subs. by Act 99 of 1976, s. 30, for “or the Family Pension Scheme” (w.e.f. 7-9-1976).
3. Subs. by Act 25 of 1996, s. 4, for “Family Pension” (w.e.f. 16-11-1995).
4. Subs. by Act 33 of 1988, s. 18, for “six months, or with fine which may extend to one thousand rupees, or with both” (w.e.f. 1-8-1988).
5. Ins. by Act 40 of 1973, s. 4 (w.e.f. 1-11-1973).
6. Subs. by Act 33 of 1988, s. 18, for “six months” (w.e.f. 1-8-1988).
7. Subs. by s. 18, *ibid.*, for “three months” (w.e.f. 1-8-1988).
8. Subs. by Act 33 of 1988, s. 18 (w.e.f. 1-8-1988).
9. The words “and shall also be liable to fine which may extend to two thousand rupees” omitted by s. 18, *ibid.* (w.e.f. 1-8-1988).
10. The words “or of fine only in lieu of imprisonment” omitted by s. 18, *ibid.* (w.e.f. 1-8-1988).
11. Ins. by Act 99 of 1976, s. 30 (w.e.f. 7-9-1976).
12. Subs. by Act 33 of 1988, s. 18, for “six months” (w.e.f. 1-8-1988).
13. Subs. by s. 18, *ibid.*, for “one month” (w.e.f. 1-8-1988).
14. Subs. by s. 18, *ibid.*, for “two thousand rupees” (w.e.f. 1-8-1988).
15. The words “or of fine only in lieu of imprisonment” omitted by s. 18, *ibid.* (w.e.f. 1-8-1988).
16. Subs. by Act 40 of 1973, s. 4, for “the scheme” (w.e.f. 1-11-1973).
17. Subs. by Act 99 of 1976, s. 30, “or the family pension” (w.e.f. 7-9-1976).
18. Ins. by Act 37 of 1953, s. 12.

provided by or under this Act for such contravention or non-compliance, be punishable with imprisonment which may extend to ¹[six months, but which shall not be less than one month, and shall also be liable to fine which may extend to five thousand rupees.]

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³[**14A. Offences by companies.**—(1) If the person committing an offence under this Act ⁴[, the Scheme or ⁵[the ⁶[Pension] Scheme or the Insurance Scheme]] is a company, every person, who at the time the offence was committed was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act ⁴[, the Scheme or ⁵[the ⁶[Pension] Scheme or the Insurance Scheme]] has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to, any neglect on the part of, any director or manager, secretary or other officer of the company, such director, manager, secretary or other officer shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section,—

(a) “company” means any body corporate and includes a firm and other association of individuals; and

(b) “director” in relation to a firm, means a partner in the firm.

⁷[**14AA. Enhanced punishment in certain cases after previous conviction.**—Whoever, having been convicted by a Court of an offence punishable under this Act, the Scheme or ⁵[the ⁶[Pension] Scheme or the Insurance Scheme], commits the same offence shall be subject for every such subsequent offence to imprisonment for a term which may extend to ⁸[five years, but which shall not be less than two years, and shall also be liable to a fine of twenty-five thousand rupees].

14AB. Certain offences to be cognizable.—Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (5 of 1898.) an offence relating to default in payment of contribution by the employer punishable under this Act shall be cognizable.

14AC. Cognizance and trial of offences.—(1) No court shall take cognizance of any offence punishable under this Act, the Scheme or ⁵[the ⁶[Pension] Scheme or the Insurance Scheme] except on a report in writing of the facts constituting such offence made with the previous sanction of the Central Provident Fund Commissioner or such other officer as may be authorised by the Central Government, by notification in the Official Gazette, in this behalf, by an Inspector appointed under section 13.

1. Subs. by Act 33 of 1988, s. 18, for “six months, or with fine which may extend to one thousand rupees, or with both” (w.e.f. 1-8-1988).

2. Omitted by Act 40 of 1973, s. 4 (w.e.f. 1-11-1973).

3. Ins. by Act 37 of 1953, s. 13.

4. Subs. by Act 16 of 1971, s. 26, for “or the scheme made thereunder”.

5. Subs. by Act 99 of 1976, s. 31, for “the family pension scheme” (w.e.f. 7-9-1976).

6. Subs. by Act 25 of 1996, s. 4, for “Family Pension” (w.e.f. 16-11-1995).

7. Ins. by Act 40 of 1973, s. 5.

8. Subs. by Act 33 of 1988, s. 19, for “one year but which shall not be less than three months and shall also be liable to fine which may extend to four thousand rupees” (w.e.f. 1-8-1988).

(2) No court inferior to that of a Presidency Magistrate or a Magistrate of the first class shall try any offence under this Act or the Scheme or ¹[the ²[Pension] Scheme or the Insurance Scheme].

14B. Power to recover damages.—Where an employer makes default in the payment of any contribution to the Fund ³[, the ²[Pension] Fund or the Insurance Fund] or in the transfer of accumulations required to be transferred by him under sub-section (2) of section 15 ⁴[or sub-section (5) of section 17] or in the payment of any charges payable under any other provision of this Act or of ⁵[any Scheme or Insurance Scheme] or under any of the conditions specified under section 17, ⁶[the Central Provident Fund Commissioner or such other officer as may be authorised by the Central Government, by notification in the Official Gazette, in this behalf] may recover ⁷[from the employer by way of penalty such damages, not exceeding the amount of arrears, as may be specified in the Scheme:]

⁸[Provided that before levying and recovering such damages, the employer shall be given a reasonable opportunity of being heard]:

⁹[Provided further that the Central Board may reduce or waive the damages levied under this section in relation to an establishment which is a sick industrial company and in respect of which a scheme for rehabilitation has been sanctioned by the Board for Industrial and Financial Reconstruction established under section 4 of the Sick Industrial Companies (Special Provisions) Act, 1985, subject to such terms and conditions as may be specified in the Scheme.]

¹⁰[**14C. Power of court to make orders.**—(1) Where an employer is convicted of an offence of making default in the payment of any contribution to the Fund ¹¹[, the ²[Pension] Fund or the Insurance Fund]] or in the transfer of accumulations required to be transferred by him under sub-section (2) of section 15 or sub-section (5) of section 17, the court may, in addition to awarding any punishment, by order in writing require him within a period specified in the order (which the court may, if it thinks fit and on application in that behalf, from time to time, extend), to pay the amount of contribution or transfer the accumulations, as the case may be, in respect of which the offence was committed.

(2) Where an order is made under sub-section (1), the employer shall not be liable under this Act in respect of the continuation of the offence during the period or extended period, if any, allowed by the court, but if, on the expiry of such period or extended period, as the case may be, the order of the court has not been fully complied with, the employer shall be deemed to have committed a further offence and shall be punished with imprisonment in respect thereof under section 14 and shall also be liable to pay fine which may extend to one hundred rupees for every day after such expiry on which the order has not been complied with.]

15. Special provisions relating to existing provident funds.—(1) ¹²[Subject to the provisions of section 17, every employee who is a subscriber to any provident fund of ¹³[an establishment] to which this

1. Subs. by Act 99 of 1976, s. 31, for “the family pension scheme” (w.e.f. 7-9-1976).

2. Subs. by Act 25 of 1996, s. 4, for “Family Pension” (w.e.f. 16-11-1995).

3. Subs. by Act 99 of 1976, s. 32, for “or the family pension fund” (w.e.f. 1-8-1976).

4. Ins. by Act 28 of 1963, s. 10 (w.e.f. 30-11-1963).

5. Subs. by Act 99 of 1976, s. 32, for “any scheme” (w.e.f. 1-8-1976).

6. Subs. by Act 40 of 1973, s. 6, for “the appropriate Government” (w.e.f. 1-11-1973).

7. Subs. by Act 33 of 1988, s. 20, for “from the employer such damages, not exceeding the amount of arrears as it may think fit to impose” (w.e.f. 1-9-1991).

8. Ins. by Act 40 of 1973, s. 6 (w.e.f. 1-11-1973).

9. Ins. by Act 33 of 1988, s. 20 (to be notified).

10. Ins. by Act 40 of 1973, s. 7 (w.e.f. 1-11-1973).

11. Subs. by Act 99 of 1976, s. 33, for “or the Family Pension Fund” (w.e.f. 1-8-1976).

12. Subs. by Act 37 of 1953, s. 14, for certain words.

13. Subs. by Act 94 of 1956, s. 3, for “a factory”.

act applies shall, pending the application of a Scheme to] the ¹[establishment] in which he is employed, continue to be entitled to the benefits accruing to him under the provident fund, and the provident fund shall continue to be maintained in the same manner and subject to the same conditions as it would have been if this Act had not been passed.

(2) ²[On the application of any Scheme to ³[an establishment], the accumulations in any provident fund of the ¹[establishment] standing to the credit of the employees who become members of the Fund established under the Scheme] shall, notwithstanding anything to the contrary contained in any law for the time being in force or in any deed or other instrument establishing the provident fund but subject to the provisions, if any, contained in the Scheme, be transferred to the Fund established under the Scheme, and shall be credited to the accounts of the employees entitled thereto in the Fund.

16. Act not to apply to certain establishments.—⁴[(I) This Act shall not apply—

(a) to any establishment registered under the Co-operative Societies Act, 1912 (2 of 1912), or under any other law for the time being in force in any State relating to co-operative societies, employing less than fifty persons and working without the aid of power; or

⁵[(b) to any other establishment belonging to or under the control of the Central Government or a State Government and whose employees are entitled to the benefit of contributory provident fund or old age pension in accordance with any scheme or rule framed by the Central Government or the State Government governing such benefits; or

(c) to any other establishment set up under any Central, Provincial or State Act and whose employees are entitled to the benefits of contributory provident fund or old age pension in accordance with any scheme or rule framed under that Act governing such benefits; ⁶***

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⁸[(2) If the Central Government is of opinion that having regard to the financial position of any class of ⁹[establishments] or other circumstances of the case, it is necessary or expedient so to do, it may, by notification in the Official Gazette, and subject to such conditions as may be specified in the notification, exempt ¹⁰[whether prospectively or retrospectively] that class of ⁹[establishments] from the operation of this Act for such period as may be specified in the notification.]

¹¹[**16A. Authorising certain employers to maintain provident fund accounts.**—(I) The Central Government may, on an application made to it in this behalf by the employer and the majority of employees in relation to an establishment employing one hundred or more persons, authorise the employer, by an order in writing, to maintain a provident fund account in relation to the establishment, subject to such terms and conditions as may be specified in the Scheme:

Provided that no authorisation shall be made under this sub-section if the employer of such establishment had committed any default in the payment of provident fund contribution or had committed any other offence under this Act during the three years immediately preceding the date of such authorisation.

1. Subs. by Act 94 of 1956, s. 3, for “factory”.
2. Subs. by Act 37 of 1953, s. 14, for certain words.
3. Subs. by Act 94 of 1956, s. 3, for “a factory”.
4. Subs. by Act 46 of 1960, s. 5, for sub-section (I) (w.e.f. 31-12-1960).
5. Subs. by Act 33 of 1988, s. 21, for clause (b) (w.e.f. 1-8-1988).
6. The word “or” omitted by Act 10 of 1998, s. 5 (w.e.f. 22-9-1997).
7. Omitted by s. 5, *ibid.* (w.e.f. 22-9-1997).
8. Ins. by Act 37 of 1953, s. 15.
9. Subs. by Act 94 of 1956, s. 3, for “factories”.
10. Ins. by Act 33 of 1988, s. 21 (w.e.f. 1-8-1988).
11. Section 16 A shall stand ins (date to be notified) by s. 22, *ibid.*

(2) Where an establishment is authorised to maintain a provident fund account under sub-section (1), the employer in relation to such establishment shall maintain such account, submit such return, deposit the contribution in such manner, provide for such facilities for inspection, pay such administrative charges, and abide by such other terms and conditions, as may be specified in the Scheme.

(3) Any authorisation made under this section may be cancelled by the Central Government by order in writing if the employer fails to comply with any of the terms and conditions of the authorisation or where he commits any offence under any provision of this Act:

Provided that before cancelling the authorisation, the Central Government shall give the employer a reasonable opportunity of being heard.]

¹[**17. Power to exempt.**—(1) The appropriate Government may, by notification in the Official Gazette and subject to such conditions as may be specified in the notification, ²[exempt, whether prospectively or retrospectively, from the operation] of all or any of the provisions of any Scheme—

(a) any ³[establishment] to which this Act applies if, in the opinion of the appropriate Government, the rules of its provident fund with respect to the rates of contribution are not less favourable than those specified in section 6 and the employees are also in enjoyment of other provident fund benefits which on the whole are not less favourable to the employees than the benefits provided under this Act or any Scheme in relation to the employees in any other ³[establishment] of a similar character; or

(b) and ³[establishment] if the employees of such ³[establishment] are in enjoyment of benefits in the nature of provident fund, pension or gratuity and the appropriate Government is of opinion that such benefits, separately or jointly, are on the whole not less favourable to such employees than the benefits provided under this Act or any Scheme in relation to employees in any other ³[establishment] of a similar character:

⁴[Provided that no such exemption shall be made except after consultation with the Central Board which on such consultation shall forward its views on exemption to the appropriate Government within such time limit as may be specified in the Scheme.]

⁵* * * * *

⁶[(1A) Where an exemption has been granted to an establishment under clause (a) of sub-section (1),—

(a) the provisions of sections 6, 7A, 8 and 14B shall, so far as may be, apply to the employer of the exempted establishment in addition to such other conditions as may be specified in the notification granting such exemption, and where such employer contravenes, or makes default in complying with any of the said provisions or conditions or any other provisions of this Act, he shall be punishable under section 14 as if the said establishment had not been exempted under the said clause (a);

(b) the employer shall establish a Board of Trustees for the administration of the provident fund consisting of such number of members as may be specified in the Scheme;

(c) the terms and conditions of service of members of the Board of Trustees shall be such as may be specified in the Scheme;

1. Subs. by Act 37 of 1953, s. 16, for section 17.
2. Subs. by Act 33 of 1988, s. 23, for certain words (w.e.f. 1-10-1988).
3. Subs. by Act 94 of 1956, s. 3, for “factory”.
4. Added by Act 33 of 1988, s. 23 (w.e.f. 1-10-1988).
5. The *Explanation* omitted by Act 28 of 1963, s. 11 (w.e.f. 30-11-1963).
6. Subs. by Act 33 of 1988, s. 23, for sub-section (1A) (w.e.f. 1-10-1988).

(d) the Board of Trustees constituted under clause (b) shall—

(i) maintain detailed accounts to show the contributions credited, withdrawals made and interest accrued in respect of each employee;

(ii) submit such returns to the Regional Provident Fund Commissioner or any other officer as the Central Government may direct from time to time;

(iii) invest the provident fund monies in accordance with the directions issued by the Central Government from time to time;

(iv) transfer, where necessary, the provident fund account of any employee; and

(v) perform such other duties as may be specified in the Scheme.

(1B) Where the Board of Trustees established under clause (b) of sub-section (1A) contravenes, or makes default in complying with, any provisions of clause (d) of that sub-section, the Trustees of the said Board shall be deemed to have committed an offence under sub-section (2A) of section 14 and shall be punishable with the penalties provided in that sub-section.

¹[(1C)The appropriate Government may, by notification in the Official Gazette, and subject to the condition on the pattern of investment of pension fund and such other conditions as may be specified therein, exempt any establishment or class of establishments from the operation of the Pension Scheme if the employees of such establishment or class of establishments are either members of any other pension scheme or propose to be members of such pension scheme, where the pensionary benefits are at par or more favourable than the Pension Scheme under this Act.]

(2) Any Scheme may make provision for exemption of any person or class of persons employed in any ²[establishment] to which the Scheme applies from the operation of all or any of the provisions of the Scheme, if such person or class of persons is entitled to benefits in the nature of provident fund, gratuity or old age pension and such benefits, separately or jointly, are on the whole not less favourable than the benefits provided under this Act or the Scheme:

Provided that no such exemption shall be granted in respect of a class of persons unless the appropriate Government is of opinion that the majority of persons constituting such class desire to continue to be entitled to such benefits.

³[(2A) ⁴[The Central Provident Fund Commissioner may, if requested so to do by the employer, by notification in the Official Gazette, and subject to such conditions as may be specified in the notification, exempt, whether prospectively or retrospectively, any establishment from the operation of all or any of the provisions of the Insurance Scheme, if he is satisfied] that the employees of such establishment are, without making any separate contribution or payment of premium, in enjoyment of benefits in the nature of life insurance, whether linked to their deposits in provident fund or not, and such benefits are more favourable to such employees than the benefits admissible under the Insurance Scheme.

(2B) Without prejudice to the provisions of sub-section (2A), the Insurance Scheme may provide for the exemption of any person or class of persons employed in any establishment and covered by that Scheme from the operation of all or any of the provisions thereof, if the benefits in the nature of life insurance admissible to such person or class of persons are more favourable than the benefits provided under the Insurance Scheme.]

1. Subs. by Act 25 of 1996, s. 7, for sub-section (1C) (w.e.f. 16-11-1996).

2. Subs. by Act 94 of 1956, s. 3, for "factory".

3. Ins. by Act 99 of 1976, s. 34 (w.e.f. 1-8-1976).

4. Subs. by Act 33 of 1988, s. 23, for certain words (w.e.f. 1-10-1988).

¹[(3) Where in respect of any person or class of persons employed in an establishment an exemption is granted under this section from the operation of all or any of the provisions of any Scheme (whether such exemption has been granted to the establishment wherein such person or class of persons is employed or to the person or class of persons as such), the employer in relation to such establishment—

(a) shall, in relation to the provident fund, pension and gratuity to which any such person or class of persons is entitled, maintain such accounts, submit such returns, make such investment, provide for such facilities for inspection and pay such inspection charges, as the Central Government may direct;

(b) shall not, at any time after the exemption, without the leave of the Central Government, reduce the total quantum of benefits in the nature of pension, gratuity or provident fund to which any such person or class of persons was entitled at the time of the exemption; and

(c) shall, where any such person leaves his employment and obtains re-employment in another establishment to which this Act applies, transfer within such time as may be specified in this behalf by the Central Government, the amount of accumulations to the credit of that person in the provident fund of the establishment left by him to the credit of that person's account in the provident fund of the establishment in which he is re-employed or, as the case may be, in the Fund established under the Scheme applicable to the establishment.

²[(3A) Where, in respect of any person or class of persons employed in any establishment, an exemption is granted under sub-section (2A) or sub-section (2B) from the operation of all or any of the provisions of the Insurance Scheme (whether such exemption is granted to the establishment wherein such person or class of persons is employed or to the person or class of persons as such), the employer in relation to such establishment—

(a) shall, in relation to the benefits in the nature of life insurance, to which any such person or class of persons is entitled, or any insurance fund, maintain such accounts, submit such returns, make such investments, provide for such facilities for inspection and pay such inspection charges, as the Central Government may direct;

(b) shall not, at any time after the exemption without the leave of the Central Government, reduce the total quantum of benefits in the nature of life insurance to which any such person or class of persons was entitled immediately before the date of the exemption;^{3***}

4* * * * *

(4) Any exemption granted under this section may be cancelled by the authority which granted it, by order in writing, if an employer fails to comply,—

(a) in the case of an exemption granted under sub-section (1), with any of the conditions imposed under that sub-section ⁵[or sub-section (IA)] or with any of the provisions of sub-section (3); ^{6***}

⁷[(aa) in the case of an exemption granted under sub-section ⁸[(IC)], with any of the conditions imposed under that sub-section; and]

(b) in the case of an exemption granted under sub-section (2), with any of the provisions of sub-section (3);

1. Subs. by Act 28 of 1963, s. 11, for sub-section (3) (w.e.f. 30-11-1963).
2. Ins. by Act 99 of 1976, s. 34 (w.e.f. 1-8-1976).
3. The word "and" omitted by Act 33 of 1988, s. 23 (w.e.f. 1-10-1988).
4. Omitted by s. 23, *ibid.* (w.e.f. 1-10-1988).
5. Ins. by Act 33 of 1988, s. 23 (w.e.f. 1-10-1988).
6. The word "and" omitted by Act 16 of 1971, s. 27 (w.e.f. 23-4-1971).
7. Ins. by s. 27, *ibid.* (w.e.f. 23-4-1971).
8. Subs. by Act 33 of 1988, s. 23, for "(IA)" (w.e.f. 1-10-1985).

¹[(c) in the case of an exemption granted under sub-section (2A), with any of the conditions imposed under that sub-section or with any of the provisions of sub-section (3A);

(d) in the case of an exemption granted under sub-section (2B), with any of the provisions of sub-section (3A).]

²[(5) Where any exemption granted under sub-section (1), sub-section ³[(IC)] ⁴[, sub-section (2), sub-section (2A) or sub-section (2B)] is cancelled, the amount of accumulations to the credit of every employee to whom such exemption applied, in the provident fund ⁴[the ⁵[pension] fund or the insurance fund] of the establishment in which he is employed ⁶[together with any amount forfeited from the employer's share of contribution to the credit of the employee who leaves the employment before the completion of the full period of service] shall be transferred within such time and in such manner as may be specified in the Scheme or the ⁵[Pension] Scheme ⁴[or the Insurance Scheme] to the credit of his account in the Fund or the ⁵[Pension] Fund ⁴[or the Insurance Fund], as the case may be.

(6) Subject to the provisions of sub-section ³[(IC)] the employer of an exempted establishment or of an exempted employee of an establishment to which the provisions of the ⁵[Pension] Scheme apply, shall, notwithstanding any exemption granted under sub-section (1) or sub-section (2), pay to the ⁵[Pension] Fund such portion of the employer's contribution ⁷*** to its provident fund within such time and in such manner as may be specified in the ⁵[Pension] Scheme.]]

⁸**[17A. Transfer of accounts.**—(1) Where an employee employed in an establishment to which this Act applies leaves his employment and obtains re-employment in another establishment to which this Act does not apply, the amount of accumulations to the credit of such employee in the Fund, or as the case may be, in the provident fund of the establishment left by him shall be transferred, within such time as may be specified by the Central Government in this behalf, to the credit of his account in the provident fund of the establishment in which he is re-employed, if the employee so desires and the rules in relation to that provident fund permit such transfer.

(2) Where an employee employed in an establishment to which this Act does not apply leaves his employment and obtains re-employment in another establishment to which this Act applies, the amount of accumulations to the credit of such employee in the provident fund of the establishment left by him may, if the employee so desires and the rules in relation to such provident fund permit, be transferred to the credit of his account in the Fund or as the case may be, in the provident fund of the establishment in which he is re-employed.]

⁹**[17AA. Act to have effect notwithstanding anything contained in Act 31 of 1956.**—The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in the Life Insurance Corporation Act, 1956.]

¹⁰**[17B. Liability in case of transfer of establishment.**—Where an employer, in relation to an establishment, transfers that establishment in whole or in part, by sale, gift, lease or licence or in any other manner whatsoever, the employer and the person to whom the establishment is so transferred shall jointly and severally be liable to pay the contribution and other sums due from the employer under any provision

1. Ins. by Act 99 of 1976, s. 34 (w.e.f. 1-8-1976).

2. Subs. by Act 16 of 1971, s. 27, for sub-section (5) (w.e.f. 23-4-1971).

3. Subs. by Act 33 of 1988, s. 23, for "(IA)" (w.e.f. 1-10-1985).

4. Subs. by Act 99 of 1976, s. 27, for certain words (w.e.f. 1-8-1976).

5. Subs. by Act 25 of 1996, s. 4, for "Family Pension" (w.e.f. 16-11-1995).

6. Ins. by Act 33 of 1988, s. 23 (w.e.f. 1-10-1988).

7. The words "as well as the employees' Contribution" omitted by Act 25 of 1996, s. 7 (w.e.f. 16-11-1995).

8. Ins. by Act 28 of 1963, s. 12 (w.e.f. 30-11-1963).

9. Ins. by Act 99 of 1976, s. 35 (w.e.f. 1-8-1976).

10. Ins. by Act 40 of 1973, s. 8 (w.e.f. 1-11-1973).

of this Act or the Scheme or ¹[the ²[Pension] Scheme or the Insurance Scheme], as the case may be, in respect of the period up to the date of such transfer:

Provided that the liability of the transferee shall be limited to the value of the assets obtained by him by such transfer.]

³[**18. Protection of action taken in good faith.**—No suit, prosecution or other legal proceeding shall lie against the Central Government, a State Government, the Presiding Officer of a Tribunal, any authority referred to in section 7A, an Inspector or any other person for anything which is in good faith done or intended to be done in pursuance of this Act, the Scheme, the ²[Pension] Scheme or the Insurance Scheme.

⁴[**18A. Authorities and inspector to be public servant.**—The authorities referred to in section 7A and every inspector shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.]]

⁵[**19. Delegation of powers.**—The appropriate Government may direct that any power or authority or jurisdiction exercisable by it under this Act ⁶[, the Scheme ⁷[, the ²[Pension] Scheme or the Insurance Scheme]] shall, in relation to such matters and subject to such conditions, if any, as may be specified in the direction, be exercisable also—

(a) where the appropriate Government is the Central Government, by such officer or authority subordinate to the Central Government or by the State Government or by such officer or authority subordinate to the State Government, as may be specified in the notification; and

(b) where the appropriate Government is a State Government, by such officer or authority subordinate to the State Government as may be specified in the notification.]

⁸[**20. Power of Central Government to give directions.**—The Central Government may, from time to time, give such directions to the Central Board as it may think fit for the efficient administration of this Act and when any such direction is given, the Central Board shall comply with such direction.

21. Power to make rules.—(1) The Central Government may, by notification in the Official Gazette, make rules to carry out the provisions of this Act.

(2) Without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

⁹[* * * * *];

(b) the form and the manner in which, and the time within which, an appeal shall be filed before a Tribunal and the fees payable for filing such appeal;

(c) the manner of certifying the copy of the certificate, to be forwarded to the Recovery Officer under sub-section (2) of section 8C; and

(d) any other matter, which has to be, or may be, prescribed by rules under this Act.

(3) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one

1. Subs. by Act 99 of 1976, s. 31, for “the Family Pension Scheme” (w.e.f. 7-9-1976).
2. Subs. by Act 25 of 1996, s. 4, for “Family Pension” (w.e.f. 16-11-1995).
3. Subs. by Act 33 of 1988, s. 24, for section 18 (w.e.f. 1-8-1988).
4. Subs. by Act 7 of 2017, s. 159, for section 18A (w.e.f. 26-5-2017).
5. Subs. by Act 37 of 1953, s. 17, for section 19.
6. Subs. by Act 16 of 1971, s. 29, for “or any scheme”.
7. Subs. by Act 99 of 1976, s. 37, for “or the family scheme”.
8. Subs. by Act 33 of 1988, s. 25, for section 19A (w.e.f. 1-7-1997).
9. Clause (a) omitted by Act 7 of 2017, s. 159 (w.e.f. 26-5-2017).

session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

22. Power to remove difficulties.—(1) If any difficulty arises in giving effect to the provisions of this Act, as amended by the Employees' Provident Funds and Miscellaneous Provisions (Amendment) Act, 1988 (33 of 1988), the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act as appear to it to be necessary or expedient for the removal of the difficulty:

Provided that no such order shall be made after the expiry of a period of three years from the date on which the said amendment Act receives the assent of the President.

(2) Every order made under this section shall, as soon as may be after it is made, be laid before each House of Parliament.]

SCHEDULE I

[See sections 2(i) and 4]

Any industry engaged in the manufacture ^{1***} of any of the following, namely:—

Cement.

Cigarettes.

Electrical, mechanical or general engineering products.

Iron and steel.

Paper.

Textiles (made wholly or in part of cotton or wool or jute or silk, whether natural or artificial).

²[1. Matches.

2. Edible oils and fats.

3. Sugar.

4. Rubber and rubber products.

5. Electricity including the generation, transmission and distribution thereof.

6. Tea.

7. Printing [other than printing industry relating to newspaper establishments as defined in the Working Journalists (Conditions of Service) and Miscellaneous Provisions Act, 1955 (45 of 1955), including the process of composing types for printing, printing by letter press, lithography, photogravure or other similar process or book-binding.]

8. Glass.

9. Stone-ware pipes.

10. Sanitary wares.

11. Electrical porcelain insulators of high and low tension.

12. Refractories.

13. Tiles.]

³[1. Heavy and fine chemicals, including—

(i) Fertilizers,

(ii) Turpentine,

(iii) Rosin,

(iv) Medical and pharmaceutical preparations,

(v) Toilet preparations,

(vi) Soaps,

(vii) Inks,

1. The words "or production" omitted by Act 37 of 1953, s. 18.

2. Added by Notification No. S.R.O. 1566, dated the 4th July, 1956, see Gazette of India, Part II, sec. 3 (w.e.f. 31-7-1956).

3. Added by Notification No. S.R.O. 2026, dated the 3rd September, 1956, see Gazette of India, Part II, sec. 3 (w.e.f. 30-9-1956).

(viii) Intermediates dyes, colour lakhs and toners,

(ix) Fatty acids, and

¹[(x) Oxygen, acetylene, and carbon-dioxide gases industry.]

2. Indigo.

3. Lac including shellac.

4. Non-edible vegetable and animal oils and fats.]

²[Mineral oil refining industry.]

³[(i) Industrial and Power Alcohol industry; and

(ii) Asbestos Cement Sheets industry.]

⁴[Biscuit making industry including composite units making biscuits and products such as bread, confectionery and milk and milk powder.]

⁵[Mica industry.]

⁶[Plywood industry.]

⁷[Automobile repairing and servicing industry.]

⁸[1. Rice milling.

2. Flour milling.

3. Dal milling.]

⁹[Starch industry.]

¹⁰[1. Petroleum or natural gas exploration, prospecting, drilling or production.

2. Petroleum or natural gas refining.]

¹¹[Leather and leather products industry.]

¹²[1. Stone-ware jars.

2. Crockery.]

¹³[The fruit and vegetable preservation industry, that is to say, any industry which is engaged in the preparation or production of any of the following articles, namely:—

1. Added by Notification No. S.R.O. 1976, dated the 8th June, 1957, *see* Gazette of India, Part II, sec. 3 (w.e.f. 31-7-1957).

2. Added by Notification No. S.R.O. 218, dated the 12th January, 1957, *see* Gazette of India, Part II, sec. 3 (w.e.f. 31-1-1957).

3. Added by Notification No. S.R.O. 3067, dated the 19th September, 1957, *see* Gazette of India, Part II, sec. 3 (w.e.f. 30-11-1957).

4. Added by Notification No. G.S.R. 170, dated the 12th March, 1958, *see* Gazette of India, Part II, sec. 3 (w.e.f. 30-4-1958).

5. Added by Notification No. G.S.R. 312, dated the 5th March, 1960, *see* Gazette of India, Part II, sec. 3(i) (w.e.f. 31-5-1960).

6. Added by Notification No. G.S.R. 632, dated the 30th May, 1960, *see* Gazette of India, Part II, sec. 3(i) (w.e.f. 30-6-1960).

7. Added by Notification No. G.S.R. 683, dated the 9th May, 1960, *see* Gazette of India, Part II, sec. 3(i) (w.e.f. 30-6-1960).

8. Added by Notification No. G.S.R. 1443, dated the 24th November, 1960, *see* Gazette of India, Part II, sec. 3(i) (w.e.f. 31-12-1960).

9. Added by Notification No. G.S.R. 535, dated the 10th April, 1961, *see* Gazette of India, Part II, sec. 3(i) (w.e.f. 31-5-1961).

10. Added by Notification No. G.S.R. 705, dated the 30th May, 1961, *see* Gazette of India, Part II, sec. 3(i) (w.e.f. 30-6-1961).

11. Added by Notification No. G.S.R. 993, dated the 29th July, 1961, *see* Gazette of India, Part II, sec. 3(i) (w.e.f. 31-8-1961).

12. Added by Notification No. G.S.R. 1382, dated the 4th November, 1961, *see* Gazette of India, Part II, sec. 3(i) (w.e.f. 30-11-1961).

13. Added by Notification No. G.S.R. 786, dated the 6th June, 1962, *see* Gazette of India, Part II, sec. 3(i) (w.e.f. 30-6-1962) as amended by Notification No. G.S.R. 1461, dated the 29th August, 1963.

- (i) canned and bottled fruits, juices and pulps,
- (ii) canned and bottled vegetables,
- (iii) frozen fruits and vegetables,
- (iv) jams, jellies and marmalades,
- (v) tomato products, ketchups and sauces,
- (vi) squashes, crushes, cordials and ready-to-serve beverages or any other beverages containing fruits juice or fruit pulp,
- (vii) preserved, candied and crystallised fruits and peels,
- (viii) chutneys,
- (ix) any other unspecified item relating to the preservation or canning of fruits and vegetables.]

¹[Cashewnut Industry.]

²[Confectionery Industry.]

³[1. Buttons.

2. Brushes.

3. Plastic and Plastic products.

4. Stationery products.]

⁴[The aerated water industry, that is to say, any industry engaged in the manufacture of aerated water, soft drinks or carbonated water.]

⁵[The distilling and rectifying of spirits (not falling under industrial and power alcohol) and blending of spirits industry.]

⁶[The Paint and Varnish Industry.]

⁷[Bone Crushing Industry.]

⁸[Pickers Industry.]

⁹[Milk and milk products Industry.]

¹⁰[Non-ferrous metals and alloys in the form of ingots industry.]

¹¹[Bread Industry.]

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1. Added by Notification No. G.S.R. 1125, dated the 18th August, 1962, *see* Gazette of India, Part II, sec. 3(i) (w.e.f 30-9-1962).
 2. Added by Notification No. G.S.R. 424, dated the 28th February, 1963, *see* Gazette of India, Part II, sec. 3(i) (w.e.f. 31-3-1963).
 3. Added by Notification No. G.S.R. 591, dated the 27th March, 1963, *see* Gazette of India, Part II, sec. 3(i) (w.e.f. 30-4-1963).
 4. Added by Notification No. G.S.R. 1432, dated the 3rd August, 1963, *see* Gazette of India, Extraordinary Part II, sec. 3(i) (w.e.f. 31-8-1963).
 5. Added by Notification No. G.S.R. 1605, dated the 26th September, 1963, *see* Gazette of India, Part II, sec. 3(i) (w.e.f. 31-10-1963).
 6. Added by Notification No. G.S.R. 1983, dated the 21st December, 1963, *see* Gazette of India, Part II, sec. 3(i) (w.e.f. 31-1-1964).
 7. Added by Notification No. G.S.R. 67, dated the 31st December, 1963, *see* Gazette of India, Part II, sec. 3(i) (w.e.f. 31-1-1964).
 8. Added by Notification No. G.S.R. 822, dated the 22nd May, 1964, *see* Gazette of India, Part II, sec. 3(i) (w.e.f. 30-6-1964).
 9. Added by Notification No. G.S.R. 1723, dated the 27th November, 1964, *see* Gazette of India, Part II, sec. 3(i) (w.e.f. 31-12-1964).
 10. Added by Notification No. G.S.R. 1795, dated the 9th December, 1964, *see* Gazette of India, Part II, sec. 3(i) (w.e.f. 30-1-1965).
 11. Added by Notification No. G.S.R. 402, dated the 2nd March, 1965, *see* Gazette of India, Part II, sec. 3(i) (w.e.f. 31-3-1965).

¹[Stemming or redrying of tobacco leaf industry, that is to say, any industry engaged in the stemming, redrying, handling, sorting, grading or packing of tobacco leaf].

²[Agarbatee (including dhoop and dhoopbatee) industry.]

³[Coir (excluding the spinning sector) Industry.]

⁴[Tobacco industry, that is to say, any industry engaged in the manufacture of Cigars, Zarda, snuff, qivam and guraku from tobacco.]

⁵[Paper products Industry.]

⁶[Any industry engaged in manufacture of salt for which a licence is necessary and which has land not less than⁷[4.05 hectares].

⁸[Linoleum Industry and Indoleum Industry.]

⁹[Explosive Industry.]

¹⁰[Jute bailing or pressing Industry.]

¹¹[Fire works and percussion cap works Industry.]

¹²[Tent making Industry.]

¹³[Ferro-manganese Industry.]

¹⁴[Ice of ice-cream Industry.]

¹⁵[Winding of thread and yarn reeling Industry.]

¹⁶[Cotton Ginning, Bailing and Pressing Industry.]

¹⁷[Katha making Industry.]

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1. Added by Notification No. G.S.R. 768, dated the 18th May, 1965, *see* Gazette of India, Part II, sec. 3(i) (w.e.f. 30-6-1965).
 2. Added by Notification No. G.S.R. 910, dated the 23rd June, 1965, *see* Gazette of India, Part II, sec. 3(i) (w.e.f. 31-7-1965).
 3. Added by Notification No. G.S.R. 952, dated the 3rd July, 1965, *see* Gazette of India, Part II, sec. 3(i) (w.e.f. 30-9-1965).
 4. Added by Notification No. G.S.R. 895, dated the 1st June, 1966, *see* Gazette of India, Part II, sec. 3(i) (w.e.f. 30-6-1966).
 5. Added by Notification No. G.S.R. 1119, dated the 11th July, 1966, *see* Gazette of India, Part II, sec. 3(i) (w.e.f. 31-7-1966).
 6. Added by Notification No. G.S.R. 1362, dated the 30th August, 1966, *see* Gazette of India, Part II, sec. 3(i) (w.e.f. 30-9-1966).
 7. Subs. by Notification No. G.S.R. 1945, dated the 16th December, 1966, *see* Gazette of India, 1967, Part II, sec. 3(i) for "ten acres".
 8. Added by Notification No. G.S.R. 437, dated the 27th March, 1967, *see* Gazette of India, 1966, Part II, sec. 3(i) (w.e.f. 30-4-1967).
 9. Added by Notification No. G.S.R. 1019, dated the 1st July, 1967, *see* Gazette of India, 1967, Part II, sec. 3(i) (w.e.f. 31-7-1967).
 10. Added by Notification No. G.S.R. 1226, dated the 5th August, 1967, *see* Gazette of India, 1967, Part II, sec. 3(i) (w.e.f. 31-8-1967).
 11. Added by Notification No. G.S.R. 1530, dated the 5th October, 1967, *see* Gazette of India, Part II, sec. 3(i) (w.e.f. 31-10-1967).
 12. Added by Notification No. G.S.R. 1716, dated the 3rd November, 1967, *see* Gazette of India, 1967, Part II, sec. 3(i) (w.e.f. 30-11-1967).
 13. Added by Notification No. G.S.R. 1018, dated the 22nd April, 1969, *see* Gazette of India, 1969, Part II, sec. 3(i) (w.e.f. 30-4-1969).
 14. Added by Notification No. G.S.R. 1506, dated the 11th June, 1969, *see* Gazette of India, 1969, Part II, sec. 3(i) (w.e.f. 30-6-1969).
 15. Added by Notification No. G.S.R. 1988, dated the 22nd November, 1971, *see* Gazette of India, Part II, sec. 3(i) (w.e.f. 30-11-1971).
 16. Added by Notification No. G.S.R. 1251, dated the 23rd September, 1972, *see* Gazette of India, 1972 Part II, sec. 3(i) (w.e.f. 30-9-1972).
 17. Added by Notification No. G.S.R. 503, dated the 12th May, 1973, *see* Gazette of India, Part II, sec. 3(i) (w.e.f. 31-5-1973).

¹[Beer manufacturing Industry, that is to say, any industry engaged in the manufacture of the product of alcoholic fermentation of a mash in potable water of malted barley and hops, or of hops concentrated with or without the addition on other malted or unmalted cereals or other carbohydrate preparations.]

²[Beedi industry.]

³[Ferro Chrome Industry.]

⁴[Diamond Cutting Industry.]

⁵[Industries engaged in the manufacture of Myrobalan Extract Power, Myrobalan Extracts Solid and Vegetable Tanin Blended Extract.]

⁶[Brick Industry.]

⁷[Industries based on asbestos as principal raw material.]

⁸[*Explanation.*—In this Schedule, without prejudice to the ordinary meaning of the expressions used therein,—

(a) the expression “Electrical, mechanical or general engineering products” includes—

(1) machinery and equipment for the generation, transmission, distribution or measurement of electrical energy and motors including cables and wires,

(2) telephones, telegraph and wireless communication apparatus,

(3) electric lamps (not including glass bulbs).

(4) electric fans and electrical domestic appliances,

(5) Storage and dry batteries,

(6) radio receivers and sound reproducing instruments,

(7) machinery used in industry (including textile machinery) other than electrical machinery and machine tools,

(8) boilers and prime movers, including internal combustion engines, marine engines and locomotives,

(9) machine tools, that is to say, metal and wood working machinery,

(10) grinding wheels,

1. Added by Notification No. G.S.R. 428, dated the 15th April, 1974, *see* Gazette of India, Part II, sec. 3(i) (w.e.f. 30-4-1974).

2. Added by Notification No. G.S.R. 660, dated the 17th May, 1977, *see* Gazette of India, Part II, sec. 3(i) (w.e.f. 31-5-1977).

3. Added by Notification No. G.S.R. 938, dated the 25th June, 1979, *see* Gazette of India, Part II, sec. 3(i) (w.e.f. 31-7-1979).

4. Added by Notification No. G.S.R. 564, dated the 5th May, 1980, *see* Gazette of India, Part II, sec. 3(i) (w.e.f. 31-5-1980).

5. Added by Notification No. G.S.R. 613(E), dated the 30th October, 1980, *see* Gazette of India, Extraordinary, 1980, Part II, sec. 3(i)(w.e.f. 31-10-1980).

6. Added by Notification No. G.S.R. 662(E), dated the 27th November, 1980, *see* Gazette of India, 1980, Part II, sec. 3(i) (w.e.f. 30-11-1980).

7. Added by Notification No. S.O. 2459, dated the 29th May, 1983, *see* Gazette of India, 1980, Part II, sec. 3(ii) (w.e.f. 1-6-1983).

8. Ins. by Act 37 of 1953, s. 18.

- (11) ships,
 - (12) automobiles and tractors,
 - (13) bolts, nuts and rivets,
 - (14) power driven pumps,
 - (15) bicycles,
 - (16) hurricane lanterns,
 - (17) sewing and knitting machines,
 - (18) mathematical and scientific instruments,
 - (19) products of metal rolling and re-rolling.
 - (20) wires, pipes, tubes and fittings,
 - (21) ferrous and non-ferrous castings,
 - (22) safes, vaults and furniture made of iron or steel or steel alloys.
 - (23) cutlery and surgical instruments,
 - (24) drums and containers,
 - (25) parts and accessories of products specified in items 1 to 24;
- (b) the expression “Iron and Steel” includes pig iron, ingots, blooms, billets and rolled or re-rolled products into basic forms and toll and alloy steel;
- (c) the expression “paper” includes pulp, paperboard and strawboard;
- (d) the expression “textiles” includes the products of carding, spinning, weaving, finishing and dyeing yarn and fabrics, printing, knitting and embroidering.]
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SCHEDULE II

¹[[See section 5(1B)]]

MATTERS FOR WHICH PROVISION MAY BE MADE IN A SCHEME

1. The employees or class of employees who shall join the Fund, and the conditions under which employees may be exempted from joining the Fund or from making any contribution.

2. The time and manner in which contributions shall be made to the Fund by employers and by, or on behalf of, employees ²[(whether employed by him directly or by or through a contractor)], the contributions which an employee may, if he so desires, make under ^{3***} section 6, and the manner in which such contributions may be recovered.

²[2A. The manner in which employees' contributions may be recovered by contractors from employees employed by or through such contractors.]

3. The payment by the employer of such sums of money as may be necessary to meet the cost of administering the Fund and the rate at which and the manner in which the payment shall be made.

⁴[4. The constitution of any committee for assisting any Board of Trustees.]

5. The opening of regional and other offices of any Board of Trustees.]

6. The manner in which accounts shall be kept, the investment of moneys belonging to the Fund in accordance with any directions issued or conditions specified by the Central Government, the preparation of the budget, the audit of accounts and the submission of reports to the Central Government or to any specified State Government.

7. The conditions under which withdrawals from the Fund may be permitted and any deduction or forfeiture may be made and the maximum amount of such deduction or forfeiture.

8. The fixation by the Central Government in consultation with the boards of trustees concerned of the rate of interest payable to members.

9. The form in which an employee shall furnish particulars about himself and his family whenever required.

10. The nomination of a person to receive the amount standing to the credit of a member after his death and the cancellation or variation of such nomination.

11. The registers and records to be maintained with respect to employees and the returns to be furnished by employers ⁵[or contractors].

12. The form or design of any identity card, token or disc for the purpose of identifying any employee, and for the issue, custody and replacement thereof.

13. The fees to be levied for any of the purposes specified in this Schedule.

14. The contraventions of defaults which shall be punishable under sub-section (2) of section 14.

15. The further powers, if any, which may be exercised by Inspectors.

1. Subs. by Act 28 of 1963, s. 13, for "[see section 6(2)]" (w.e.f. 30-11-1963).

2. Ins. by s. 13, *ibid.* (w.e.f. 30-11-1963).

3. The words, brackets and figure "sub-section (1) of" omitted by s. 13, *ibid.* (w.e.f. 30-11-1963).

4. Subs. by s. 13, *ibid.*, for items 4 and 5 (w.e.f. 30-11-1963).

5. Ins. by s. 13, *ibid.* (w.e.f. 30-11-1963).

16. The manner in which accumulations in any existing provident fund shall be transferred to the Fund under section 15, and the mode of valuation of any assets which may be transferred by the employers in this behalf.

17. The conditions under which a member may be permitted to pay premia on life insurance, from the Fund.

18. Any other matter ²[which is to be provided for in the Scheme or] which may be necessary or proper for the purpose of implementing the Scheme.

¹[SCHEDULE III
[See section 6A(5)]

MATTERS FOR WHICH PROVISION MAY BE MADE IN THE PENSION SCHEME

1. The employees or class of employees to whom the Pension Scheme shall apply.
2. The time within which the employees who are not members of the Family Pension Scheme under section 6A as it stood before the commencement of the Employees' Provident Funds and Miscellaneous Provisions (Amendment) Act, 1996 (hereafter in this Schedule referred to as the amending Act) shall opt for the Pension Scheme.
3. The portion of employers' contribution to the Provident Fund which shall be credited to the Pension Fund and the manner in which it is credited.
4. The minimum qualifying service for being eligible for pension and the manner in which the employees may be granted the benefits of their past service under section 6A as it stood before the commencement of the amending Act.
5. The regulation of the manner in which and the period of service for which no contribution is received.
6. The manner in which employees' interest will be protected against default in payment of contribution by the employer.
7. The manner in which the accounts of the Pension Fund shall be kept and investment of moneys belonging to Pension Fund to be made subject to such pattern of investment as may be determined by the Central Government.
8. The form in which an employee shall furnish particulars about himself and the members of his family whenever required.
9. The forms, registers and records to be maintained in respect of employees, required for the administration of the Pension Scheme.
10. The scale of pension and pensionary benefits and the conditions relating to grant of such benefits to the employees.
11. The manner in which the exempted establishments have to pay contribution towards the Pension Scheme and the submission of returns relating thereto.
12. The mode of disbursement of pension and arrangements to be entered into with such disbursing agencies as may be specified for the purpose.
13. The manner in which the expenses for administering the Pension Scheme will be met from the income of the Pension Fund.
14. Any other matter which is to be provided for in the Pension Scheme or which may be necessary or proper for the purpose of implementation of the Pension Scheme.]

1. Subs. by Act 25 of 1996, s. 8, for the Third Schedule(w.e.f. 16-11-1995).

¹[SCHEDULE IV

(See section 6C)

MATTERS TO BE PROVIDED FOR IN THE EMPLOYEES' DEPOSIT-LINKED INSURANCE SCHEME

1. The employees or class of employees who shall be covered by the Insurance Scheme.
2. The manner in which the accounts of the Insurance Fund shall be kept and the investment of moneys belonging to the Insurance Fund subject to such pattern of investment as may be determined, by order, by the Central Government.
3. The form in which an employee shall furnish particulars about himself and the members of his family whenever required.
4. The nomination of a person to receive the insurance amount due to the employee after his death and the cancellation or variation of such nomination.
5. The registers and records to be maintained in respect of employees; the form or design of any identity card, token or disc for the purpose of identifying any employee or his nominee or member of his family entitled to receive the insurance amount.
- ²[6. The scales of insurance benefits and conditions relating to the grant of such benefits to the employees.]
8. The manner in which the amount due to the nominee or the member of the family of the employee under the scheme is to be paid including a provision that the amount shall not be paid otherwise than in the form of a deposit in a savings bank account, in the name of such nominee or member of family, in any corresponding new bank specified in the First Schedule to the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 (5 of 1970).
9. Any other matter which is to be provided for in the Employees' Deposit-linked Insurance Scheme or which may be necessary or proper for the purpose of implementing that Scheme.]

1. Ins. by Act 99 of 1976, s. 38 (w.e.f. 1-8-1976).

2. Subs. by Act 33 of 1988, s. 26, for items 6 and 7 (w.e.f. 1-8-1988).

THE EMPLOYEES' STATE INSURANCE ACT, 1948

[Act No. 34 of 1948]¹

[19th April, 1948

An Act to provide for certain benefits to employees in case of sickness, maternity and ' employment injury ' and to make provision for certain other matters in relation thereto.

WHEREAS it is expedient to provide for certain benefits to employees in case of sickness, maternity and employment injury and to make provision for certain other matters in relation thereto ;

It is hereby enacted as follows : —

CHAPTER I PRELIMINARY

1. Short title, extent, commencement and application. — (1) This Act may be called the Employees' State Insurance Act, 1948.

(2) It extends to ²[the whole of India ³[***]].

(3) It shall come into force on such date or dates as the Central Government may, by notification in the Official Gazette, appoint, and different dates may be appointed for different provisions of this Act and ⁴[for different States or for different parts thereof].

(4) It shall apply, in the first instance, to all factories (including factories belonging to the ²[Government]) other than seasonal factories.

³[Provided that nothing contained in this sub-section shall apply to a factory or establishment belonging to or under the control of the Government whose employees are otherwise in receipt of benefits substantially similar or superior to the benefits provided under this Act.].

(5) The appropriate Government may, in consultation with the Corporation and ⁴[where the appropriate Government is a State Government, with the approval of the Central Government], after giving ⁵[one month's] notice of its intention of so doing by notification in the Official Gazette, extend the provisions of this Act or any of them, to any other establishment, or class of establishments, industrial, commercial, agricultural or otherwise.

⁶[Provided that where the provisions of this Act have been brought into force in any part of a State, the said provisions shall stand extended to any such establishment or class of establishments within that part if the provisions have already been extended to similar establishment or class of establishments in another part of that State.]

¹[(6) A factory or an establishment to which this Act applies shall continue to be governed by this Act notwithstanding that the number of persons employed therein at any time falls below the limit specified by or under this Act or the manufacturing process therein ceases to be carried on with the aid of power.]

2. Definitions. — In this Act, unless there is anything repugnant in the subject or context,

(1) “ appropriate Government ” means, in respect of establishments under the control of the Central Government or ²[a railway administration] or a major port or a mine or oil-field, the Central Government, and in all other cases, the ³[State] Government ;

⁴[(2) * * *]

(3) “ confinement ” means labour resulting in the issue of a living child, or labour after twenty-six weeks of pregnancy resulting in the issue of a child whether alive or dead ;

(4) “ contribution ” means the sum of money payable to the Corporation by the principal employer in respect of an employee and includes any amount payable by or on behalf of the employee in accordance with the provisions of this Act ;

⁵[(5) * * *]

(6) “ Corporation ” means the Employees’ State Insurance Corporation set up under this Act ;

¹[(6-A) “ dependant ” means any of the following relatives of a deceased insured person, namely : —

²[(i) a widow, a legitimate or adopted son who has not attained the age of twenty-five years, an unmarried legitimate or adopted daughter ;]

³[(ia) a widowed mother ;]

(ii) if wholly dependent on the earnings of the insured person at the time of his death, a legitimate or adopted son or daughter who has attained the age of ⁴[twenty-five] and who is infirm ;

(iii) if wholly or in part dependent on the earnings of the insured person at the time of his death, —

(a) a parent other than a widowed mother,

(b) a minor illegitimate son, an unmarried illegitimate daughter or a daughter legitimate or adopted or illegitimate if married and a minor or if widowed and a minor,

(c) a minor brother or an unmarried sister or a widowed sister if a minor,

(d) a widowed daughter-in-law,

(e) a minor child of a pre-deceased son,

(f) a minor child of a pre-deceased daughter where no parent of the child is alive, or

(g) a paternal grand-parent if no parent of the insured person is alive ;]

(7) “ duly appointed ” means appointed in accordance with the provisions of this Act or with the rules or regulations made there-under ;

¹[(8) “ employment injury ” means a personal injury to an employee caused by accident or an occupational disease arising out of and in the course of his employment, being an insurable employment, whether the accident occurs or the occupational disease is contracted within or outside the territorial limits of India ;]

(9) “ employee ” means any person employed for wages in or in connection with the work of a factory or establishment to which this Act applies and —

(i) who is directly employed by the principal employer on any work of, or incidental or preliminary to or connected with the work of, the factory or establishment, whether such work is done by the employee in the factory or establishment or elsewhere ; or

(ii) who is employed by or through an immediate employer on the premises of the factory or establishment or under the supervision of the principal employer or his agent on work which is ordinarily part of the work of the factory or

establishment or which is preliminary to the work carried on in or incidental to the purpose of the factory or establishment ; or

- (iii) whose services are temporarily lent or let on hire to the principal employer by the person with whom the person whose services are so lent or let on hire has entered into a contract of service ; ²[and includes any person employed for wages on any work connected with the administration of the factory or establishment or any part, department or branch thereof or with the purchase of raw materials for, or the distribution or sale of the products of, the factory or establishment ;

¹[for any person engaged as an apprentice, not being an apprentice engaged under the Apprentices Act, 1961 (52 of 1961), ²[and includes such person engaged as apprentice whose training period is extended to any length of time]

but does not include] —]

- (a) any member of ³[the Indian] naval, military or air forces ; or
- ⁴[(b) any person so employed whose wages (excluding remuneration for overtime work) exceed ⁵[such wages as may be prescribed by the Central Government] :

Provided that an employee whose wages (excluding remuneration for overtime work) exceed ⁵[such wages as may be prescribed by the Central Government] at any time after (and not before) the beginning of the contribution period, shall continue to be an employee until the end of that period ;]

(10) “ exempted employee ” means an employee who is not liable under this Act to pay the employee’s contribution ;

⁶[(11) “ family ” means all or any of the following relatives of an insured person, namely :

—

- (i) a spouse ;
- (ii) a minor legitimate or adopted child dependent upon the insured person ;
- (iii) a child who is wholly dependent on the earnings of the insured person and who is —
- (a) receiving education, till he or she attains the age of twenty-one years,
- (b) an unmarried daughter ;
- (iv) a child who is infirm by reason of any physical or mental abnormality or injury and is wholly dependent on the earnings of the insured person, so long as the infirmity continues ;
- ¹[(v) dependant parents, whose income from all sources does not exceed such income as may be prescribed by the Central Government ;
- (vi) in case the insured person is unmarried and his or her parents are not alive, a minor brother or sister wholly dependant upon the earnings of the insured person ;]]

²[(12) “ factory ” means any premises including the precincts thereof whereon ten or more persons are employed or were employed on any day of the preceding twelve months, and in any part of which a manufacturing process is being carried on or is ordinarily so carried on, but does not include a mine subject to the operation of the Mines Act, 1952 (35 of 1952), or a railway running shed ;]

(13) “ immediate employer ” in relation to employees employed by or through him, means a person who has undertaken the execution on the premises of a factory or an establishment to which this Act applies or under the supervision of the principal employer or his agent, of the whole or any part of any work which is ordinarily part of the work of the factory or establishment of the principal employer or is preliminary to the work carried on in, or incidental to the purpose of, any such factory or establishment and includes a person by whom the services of an employee who has entered into a contract of service with him are temporarily lent or let on hire to the principal employer ¹[and includes a contractor].

²[(13-A) “ insurable employment ” means an employment in a factory or establishment to which this Act applies ;]

(14) “ insured person ” means a person who is or was an employee in respect of whom contributions are or were payable under this Act and who is, by reason thereof, entitled to any of the benefits provided by this Act ;

³[(14A) “ managing agent ” means any person appointed or acting as the representative of another person for the purpose of carrying on such other person’s trade or business, but does not include an individual manager subordinate to an employer ;

⁴[(14AA) “ manufacturing process ” shall have the meaning assigned to it in the Factories Act, 1948 (63 of 1948) ;]

(14-B) “ mis-carriage ” means expulsion of the contents of a pregnant uterus at any period prior to or during the twenty-sixth week of pregnancy but does not include any miscarriage, the causing of which is punishable under the Indian Penal Code (45 of 1860) ;]

(15) “ occupier ” of the factory shall have the meaning assigned to it in the Factories Act, ⁵[1948 (63 of 1948)] ;

¹[(15A) “ permanent partial disablement ” means such disablement of a permanent nature, as reduces the earning capacity of an employee in every employment which he was capable of undertaking at the time of the accident resulting in the disablement :

Provided that every injury specified in Part II of the Second Schedule shall be deemed to result in permanent partial disablement ;

(15B) “ permanent total disablement ” means such disablement of a permanent nature as incapacitates an employee for all work which he was capable of performing at the time of the accident resulting in such disablement :

Provided that permanent total disablement shall be deemed to result from every injury specified in Part I of the Second Schedule or from any combination of injuries specified in Part II thereof where the aggregate percentage of the loss of earning capacity, as specified in the said Part II against those injuries, amounts to one hundred percent. or more ;]

²[(15C) “ power ” shall have the meaning assigned to it in the Factories Act, 1948 (63 of 1948) ;]

(16) “ prescribed ” means prescribed by rules made under this Act ;

(17) “ principal employer ” means —

- (i) in a factory, the owner or occupier of the factory and includes the managing agent of such owner or occupier, the legal representative of a deceased owner or occupier, and where a person has been named as the manager of the factory under ³[the Factories Act, 1948] (63 of 1948), the person so named ;
- (ii) in any establishment under the control of any department of any Government in India, the authority appointed by such Government in this behalf or where no authority is so appointed, the head of the department ;

(iii) in any other establishment, any person responsible for the supervision and control of the establishment ;

(18) “ regulation ” means a regulation made by the Corporation ;

(19) “ Schedule ” means a schedule to this Act ;

¹[(19A) “ seasonal factory ”, means a factory which is exclusively engaged in one or more of the following manufacturing processes, namely, cotton ginning, cotton or jute pressing, decortication of ground-nuts, the manufacture of coffee, indigo, lac, rubber, sugar (including gur) or tea or any manufacturing process which is incidental to or connected with any of the aforesaid processes and includes a factory which is engaged for a period not exceeding seven months in a year —

(a) in any process of blending, packing or repacking of tea or coffee ; or

(b) in such other manufacturing process as the Central Government may, by notification in the Official Gazette, specify ;]

(20) “ sickness ” means a condition which requires medical treatment and attendance and necessitates abstention from work on medical grounds ;

(21) “ temporary disablement ” means a condition resulting from an employment injury which requires medical treatment and renders an employee, as a result of such injury temporarily incapable of ²[doing the work which he was doing prior to or at the time of the injury] ;

(22) “ wages ” means all remuneration paid or payable in cash to an employee, if the terms of the contract of employment, express or implied, were fulfilled and includes ¹[any payment to an employee in respect of any period of authorised leave, lock-out, strike which is not illegal or layoff and] other additional remuneration, if any, ²[paid at intervals not exceeding two months], but

does not include —

(a) any contribution paid by the employer to any pension fund or provident fund, or under this Act ;

(b) any travelling allowance or the value of any travelling concession ;

(c) any sum paid to the person employed to defray special expenses entailed on him by the nature of his employment ; or

(d) any gratuity payable on discharge ;

³[(23) “ wage period ” in relation to an employee means the period in respect of which wages are ordinarily payable to him whether in terms of the contract of employment, express or implied or otherwise;]

⁴[(24) all other words and expressions used but not defined in this Act and defined in the Industrial Disputes Act, 1947 (14 of 1947), shall have the meanings respectively assigned to them in that Act.]

⁵[2-A. *Registration of factories and establishments.* — Every factory or establishment to which this Act applies shall be registered within such time and in such manner as may be specified in the regulations made in this behalf.]

CHAPTER II

CORPORATION, STANDING COMMITTEE AND MEDICAL BENEFIT COUNCIL

3. *Establishment of Employees’ State Insurance Corporation.* — (1) With effect from such date as the Central Government may, by notification in the Official Gazette, appoint in this behalf, there shall be established for the administration of the scheme of Employees’ State Insur-

ance in accordance with the provisions of this Act a Corporation to be known as the Employees' State Insurance Corporation.

(2) The Corporation shall be a body corporate by the name of Employees' State Insurance Corporation having perpetual succession and a common seal and shall by the said name sue and be sued.

4. Constitution of Corporation. — The Corporation shall consist of the following members, namely : —

- ¹(a) a Chairman to be ²[appointed] by the Central Government ;
- (b) a Vice-Chairman to be ²[appointed] by the Central Government ;]
- (c) not more than five persons to be ²[appointed] by the Central Government ³[* * *] ;
- (d) one person each representing each of the ¹[²States] in which this Act is in force] to be ³[appointed] by the State Government concerned ;
- (e) one person to be ³[appointed] by the Central Government to represent the ⁴[Union territories] ;
- (f) ⁵[ten] persons representing employers to be ³[appointed] by the Central Government in consultation with such organisations of employers as may be recognised for the purpose by the Central Government ;
- (g) ⁵[ten] persons representing employees to be ³[appointed] by the Central Government in consultation with such organisations of employees as may be recognised for the purpose by the Central Government ;
- (h) two persons representing the medical profession to be ³[appointed] by the Central Government in consultation with such organisations of medical practitioners as may be recognised for the purpose by the Central Government ; ⁶[***]
- ⁷(i) three members of Parliament of whom two shall be members of the House of the People (Lok Sabha) and one shall be a member of the Council of States (Rajya Sabha) elected respectively by the members of the House of the People and the members of the Council of States ; and
- (j) the Director-General of the Corporation, *ex-officio*.]

5. Term of office of the members of the Corporation. — (1) Save as otherwise expressly provided in this Act, the term of office of members of the Corporation, other than ¹[the members referred to in clauses (a), (b), (c), (d) and (e) of section 4 and the *ex-officio* member,] shall be four years commencing from the date on which their ²[appointment] or election is notified.

Provided that a member of the Corporation shall notwithstanding the expiry of the said period of four years, continue to hold office until the ²[appointment] or election of his successor is notified.

(2) The member of the Corporation referred to in clauses ³[(a), (b), (c), (d) and (e)] of section 4 shall hold office during the pleasure of the Government ⁴[appointing] them.

6. Eligibility for ⁵[re-appointment] or re-election. — An outgoing member of the Corporation, the Standing Committee, or the Medical Benefit Council shall be eligible for ⁵[re-appointment] or re-election as the case may be.

⁶[**7. Authentication of orders, decisions, etc.** — All orders and decisions of the Corporation shall be authenticated by the signature of the Director-General of the Corporation and all other instruments issued by the Corporation shall be authenticated by the signature of the Director-General or such other officer of the Corporation as may be authorised by him.]

8. Constitution of Standing Committee. — A Standing Committee of the Corporation shall be constituted from among its members, consisting of —

- (a) a Chairman ¹[appointed] by the Central Government ;
- (b) three members of the Corporation, ²¹[appointed] by the Central Government] ;
- ³[(bb) three members of the Corporation representing such three State Governments thereon as the Central Government may, by notification in the Official Gazette, specify from time to time ;]
- (c) ⁴[eight] members elected by the Corporation as follows : —
 - (i) ⁵[* * *]
 - (ii) ⁶[three] members from among the members of the Corporation representing employers ;
 - (iii) ⁶[three] members from among the members of the Corporation representing employees ;
 - (iv) one member from among the members of the Corporation representing the medical profession ; and
 - (v) one member from among the members of the Corporation elected by ¹[Parliament] ;
- ²[(d) the Director-General of the Corporation, *ex-officio*.]

9. Term of office of members of Standing Committee. — (1) Save as otherwise expressly provided in this Act, the term of office of a member of the Standing Committee, other than a member referred to in clause (a) or ³[clause (b) or clause (bb)] of section 8, shall be two years from the date on which his election is notified :

Provided that a member of the Standing Committee shall, notwithstanding the expiry of the said period of two years, continue to hold office until the election of his successor is notified :

Provided further that a member of the Standing Committee shall cease to hold office when he ceases to be a member of the Corporation.

(2) A member of the Standing Committee referred to in clause (a) or ³[clause (b) or clause (bb)] of section 8 shall hold office during the pleasure of the Central Government.

10. Medical Benefit Council. — (1) The Central Government shall constitute a Medical Benefit Council consisting of —

- ⁴[(a) the Director General, the Employees' State Insurance Corporation, *ex-officio* as Chairman ;
- (b) the Director General, Health Services, *ex-officio* as Co-Chairman ;]
- (c) the Medical Commissioner of the Corporation, *ex-officio* ;
- (d) one member each representing each of the ¹[States (other than Union territories)] in which this Act is in force to be ²[appointed] by the State Government concerned ;
- (e) three members representing employers to be ²[appointed] by the Central Government in consultation with such organisations of employers as may be recognised for the purpose by the Central Government ;
- (f) three members representing employees to be ²[appointed] by the Central Government in consultation with such organisations of employees as may be recognised for the purpose by the Central Government ; and
- (g) three members, of whom not less than one shall be a woman, representing the medical profession, to be ²[appointed] by the Central Government in consul-

tation with such organisations of medical practitioners as may be recognised for the purpose by the Central Government.

(2) Save as otherwise expressly provided in this Act, the term of office of a member of the Medical Benefit Council, other than a member referred to in any of the clauses (a) to (d) of sub-section (1), shall be four years from the date on which his ³[appointment] is notified:

⁴[Provided that a member of the Medical Benefit Council shall, notwithstanding the expiry of the said period of four years continue to hold office until the ³[appointment] of his successor is notified.]

(3) A member of the Medical Benefit Council referred to in clauses (b) and (d) of sub-section (1) shall hold office during the pleasure of the Government ¹[appointing] him.

11. Resignation of membership. — A member of the Corporation, the Standing Committee or the Medical Benefit Council may resign his office by notice in writing to the Central Government and his seat shall fall vacant on the acceptance of the resignation by that Government.

12. Cessation of membership. — ²[(1)] A member of the Corporation, the Standing Committee or the Medical Benefit Council shall cease to be a member of that body if he fails to attend three consecutive meetings thereof :

Provided that the Corporation, the Standing Committee or the Medical Benefit Council, as the case may be, may, subject to rules made by the Central Government in this behalf, restore him to membership.

³[(2)] Where in the opinion of the Central Government any person ⁴[appointed] or elected to represent employers, employees or the medical profession on (*sic.*) the Corporation, the Standing Committee or the Medical Benefit Council, as the case may be, has ceased to represent such employers, employees or the medical profession, the Central Government may, by notification in the Official Gazette, declare that with effect from such date as may be specified therein such person shall cease to be a member of the Corporation, the Standing Committee or the Medical Benefit Council, as the case may be.]

⁵[(3)] A person referred to in clause (i) of section 4 shall cease to be a member of the Corporation when he ceases to be a Member of Parliament.]

13. Disqualification. — A person shall be disqualified for being chosen as or for being a member of the Corporation, the Standing Committee or the Medical Benefit Council —

- (a) if he is declared to be of unsound mind by a competent Court ; or
- (b) if he is an undischarged insolvent ; or
- (c) if he has directly or indirectly by himself or by his partner any interest in subsisting contract with, or any work being done for, the Corporation except as a medical practitioner or as a share-holder (not being a Director) of a company ; or
- (d) if before or after the commencement of this Act, he has been convicted of an offence involving moral turpitude.

14. Filling of vacancies. — (1) Vacancies in the office of ¹[appointed] or elected members of the Corporation, the Standing Committee Medical Benefit Council shall be filled by ²[appointment] or election, as the case may be.

(2) A member of the Corporation, the Standing Committee or the Medical Benefit Council ¹[appointed] or elected to fill a casual vacancy shall hold office only so long as the member in whose place he is ¹[appointed] or elected would have been entitled to hold office if the vacancy had not occurred.

15. Fees and allowances. — Members of the Corporation, the Standing Committee and the Medical Benefit Council shall receive such fees and allowances as may from time to time be prescribed by the Central Government.

16. Principal officers. — ³(1) The Central Government may, in consultation with the Corporation, appoint a Director-General and a Financial Commissioner.]

(2) The Director-General shall be the Chief Executive Officer of the Corporation.

(3) ¹[The Director-General and the Financial Commissioner] shall be whole-time officers of the Corporation and shall not undertake any work unconnected with their office without the sanction of the Central Government ²[and of the Corporation].

(4) ³[The Director-General or the Financial Commissioner] shall hold office for such period, not exceeding five years, as may be specified in the order appointing him. An outgoing ⁴[Director-General or Financial Commissioner] shall be eligible for re-appointment if he is otherwise qualified.

(5) ⁵[The Director-General or the Financial Commissioner] shall receive such salary and allowances as may be prescribed by the Central Government.

(6) A person shall be disqualified from being appointed as or for being ⁶[the Director-General or the Financial Commissioner] if he is subject to any of the disqualifications specified in section 13.

(7) The Central Government may at any time remove ⁶[the Director-General or the Financial Commissioner] from office and shall do so if such removal is recommended by a resolution of the Corporation passed at a special meeting called for the purpose and supported by the votes of not less than two-third is of the total strength of the Corporation.

17. Staff. — (1) The Corporation may employ such other staff of officers and servants as may be necessary for the efficient transaction of its business provided that the sanction of the Central Government shall be obtained for the creation of any post ¹[the maximum monthly salary of which ²[exceeds such salary as may be prescribed by the Central Government]].

³(2) (a) The method of recruitment, salary and allowances, discipline and other conditions of service of the members of the staff of the Corporation shall be such as may be specified in the regulations made by the Corporation in accordance with the rules and orders applicable to the officers and employees of the Central Government drawing corresponding scales of pay :

Provided that where the Corporation is of the opinion that it is necessary to make a departure from the said rules or orders in respect of any of the matters aforesaid, it shall obtain the prior approval of the Central Government.

⁴[Provided further that this sub-section shall not apply to appointment of consultants and specialists in various fields appointed on contract basis.]

(b) In determining the corresponding scales of pay of the members of the staff under clause (a), the Corporation shall have regard to the educational qualifications, method of recruitment, duties and responsibilities of such officers and employees under the Central Government and in case of any doubt, the Corporation shall refer the matter to the Central Government whose decision thereon shall be final.]

(3) Every appointment to ¹[posts ²[(other than medical posts)] corresponding to ³[group A and group B] posts under the Central Government] shall be made in consultation with the Union Public Service Commission :

Provided that this sub-section shall not apply to an officiating or temporary appointment for ⁴[a period] not exceeding one year.

⁵[Provided further that any such officiating or temporary appointment shall not confer any claim for regular appointment and the services rendered in that capacity shall not count towards seniority or minimum qualifying service specified in the regulations for promotion to next higher grade.]

⁶[(4) If any question arises whether a post corresponds to a ³[group A and group B] post under the Central Government, the question shall be referred to that Government whose decision thereon shall be final.]

18. Powers of the Standing Committee. — (1) Subject to the general superintendence and control of the Corporation, the Standing Committee shall administer the affairs of the Corporation and may exercise any of the powers and perform any of the functions of the Corporation.

(2) The Standing Committee shall submit for the consideration and decision of the Corporation all such cases and matters as may be specified in the regulations made in this behalf.

(3) The Standing Committee may, in its discretion, submit any other case or matter for the decision of the Corporation.

19. Corporation's power to promote measures for health, etc., of insured persons. — The Corporation may, in addition to the scheme of benefits specified in this Act, promote measures for the improvement of the health and welfare of insured persons and for the rehabilitation and re-employment of insured persons who have been disabled or injured and may incur in respect of such measures expenditure from the funds of the Corporation within such limits as may be prescribed by the Central Government.

20. Meetings of Corporation, Standing Committee and Medical Benefit Council. — Subject to any rules made under this Act, the Corporation, the Standing Committee and the Medical Benefit Council shall meet at such times and places and shall observe such rules of procedure in regard to transaction of business at their meetings as may be specified in the regulations made in this behalf.

21. Supersession of the Corporation and Standing Committee. — (1) If in the opinion of the Central Government, the Corporation or the Standing Committee persistently makes default in performing the duties imposed on it by or under this Act or abuses its powers, that Government may, by notification in the official Gazette, supersede the Corporation, or in the case of the Standing Committee, supersede in consultation with the Corporation, the Standing Committee :

Provided that therefore issuing a notification under this sub-section the Central Government shall give a reasonable opportunity to the Corporation or the Standing Committee, as the case may be, to show cause why it should not be superseded and shall consider the explanations and objections, if any, of the Corporation or the Standing Committee, as the case may be.

(2) Upon the publication of a notification under sub-section (1) superseding the Corporation or the Standing Committee, all the members of the Corporation or the Standing Committee, as the case may be, shall, as from the date of such publication, be deemed to have vacated their offices.

(3) When the Standing Committee has been superseded, a new Standing Committee shall be immediately constituted in accordance with section 8.

(4) When the Corporation has been superseded, the Central Government may —

(a) immediately ⁴[appoint] or cause to be ²[appointed] or elected new members to the Corporation in accordance with section 4 and may constitute a new Standing Committee under section 8 ;

(b) in its discretion, appoint such agency, for such period as it may think fit, to exercise the powers and perform the functions of the Corporation and such

agency shall be competent to exercise all the powers and perform all the functions of the Corporation.

(5) The Central Government shall cause its full report of any action taken under this section and the circumstances leading to such action to be laid before ³[Parliament] at the earliest opportunity and in any case not later than three months from the date of the notification superseding the Corporation or the Standing Committee, as the case may be.

22. Duties of Medical Benefit Council. — The Medical Benefit Council shall —

- (a) advise ⁴[the Corporation and the Standing Committee] on matters relating to the administration of medical benefit, the certification for purposes of the grant of benefits and other connected matters ;
- (b) have such powers and duties of investigation as may be prescribed in relation to complaints against medical practitioners in connection with medical treatment and attendance ; and
- (c) perform such other duties in connection with medical treatment and attendance as may be specified in the regulations.

23. Duties of ¹[Director-General and the Financial Commissioner]. — The ¹[Director-General and the Financial Commissioner] shall exercise such powers and discharge such duties as may be prescribed. They shall also perform such other functions as may be specified in the regulations.

24. Acts of Corporation, etc., not invalid by reason of defect in constitution, etc. — No act of the Corporation, the Standing Committee or the Medical Benefit Council shall be deemed to be invalid by reason of any defect in the constitution of the Corporation, the Standing Committee or the Medical Benefit Council, or on the ground that any member thereof was not entitled to hold or continue in office by reason of any disqualification or of any irregularity in his ²[appointment] or election, or by reason of such act having been done during the period of any vacancy in the office of any member of the Corporation, the Standing Committee or the Medical Benefit Council.

25. Regional Board, Local Committees, Regional and Local Medical Benefit Councils. — The Corporation may appoint Regional Boards, Local Committees and Regional and Local Medical Benefit Councils in such areas and in such manner, and delegate to them such powers and functions, as may be provided by the regulations.

CHAPTER III

FINANCE AND AUDIT

26. Employees' State Insurance Fund. — (1) All contributions paid under this Act and all other moneys received on behalf of the Corporation shall be paid into a fund called the Employees' State Insurance Fund which shall be held and administered by the Corporation for the purposes of this Act.

(2) The Corporation may accept grants, donations and gifts from the Central or any ¹[State] Government, ²[* * *] Local authority, or any individual or body whether incorporated or not, for all or any of the purposes of this Act.

³(3) Subject to the other provisions contained in this Act and to any rules or regulations made in this behalf, all moneys accruing or payable to the said Fund shall be paid into the Reserve Bank of India or such other bank as may be approved by the Central Government to the credit of an account styled the Account of the Employees' State Insurance Fund.]

(4) Such account shall be operated on by such officers as may be authorised by the Standing Committee with the approval of the Corporation.

⁴[27. *Grant by the Central Government.* — * * *]

28. *Purposes for which the Fund may be expended.* — Subject to the provisions of this Act and of rules made by the Central Government in that behalf, the Employees' State Insurance Fund shall be expended only for the following purposes, namely —

(i) payment of benefits and provision of medical treatment and attendance to insured persons and, where the medical benefit is extended to their families, the provision of such medical benefit to their families, in accordance with the provisions of this Act and defraying the charges and costs in connection therewith ;

(ii) payment of fees and allowances to members of the Corporation, the Standing Committee and the Medical Benefit Council, the Regional Boards, Local Committees and Regional and Local Medical Benefit Councils ;

(iii) Payment of salaries, leave and joining time allowances, travelling and compensatory allowances, gratuities and compassionate allowances, pensions, contributions to provident or other benefit fund of officers and servants of the Corporation and meeting the expenditure in respect of officers and other services set up for the purpose of giving effect to the provisions of this Act ;

(iv) establishment and maintenance of hospitals, dispensaries and other institutions and the provision of medical and other ancillary services for the benefit of insured persons and, where the medical benefit is extended to their families, their families ;

(v) payment of contributions to any ¹[State] Government ²[***] local authority or any private body or individual, towards the cost of medical treatment and attendance provided to insured persons and, where the medical benefit is extended to their families, their families, including the cost of any building and equipment, in accordance with any agreement entered into by the Corporation ;

(vi) defraying the cost (including all expenses) of auditing the accounts of the Corporation and of the valuation of its assets and liabilities ;

(vii) defraying the cost (including all expenses) of the Employees' Insurance Courts set up under this Act ;

(viii) payment of any sums under any contract entered into for the purposes of this Act by the Corporation or the Standing Committee or by any officer duly authorised by the Corporation or the Standing Committee in that behalf ;

(ix) payment of sums under any decree, order or award of and Court or Tribunal against the Corporation or any of its officers or servants for any act done in the execution of his duty or under a compromise or settlement of any suit or other legal proceeding or claim instituted or made against the Corporation ;

(x) defraying the cost and other charges of instituting or defending any civil or criminal proceedings arising out of any action taken under this Act ;

(xi) defraying expenditure, within the limits prescribed, on measures for the improvement of the health and welfare of insured persons and for the rehabilitation and re-employment of insured persons who have been disabled or injured ; and

(xii) such other purposes as may be authorised by the Corporation with the previous approval of the Central Government.

¹[28-A. *Administrative expenses.* — The types of expenses which may be termed as administrative expenses and the percentage of the income of the Corporation which may be spent for such expenses shall be such as may be prescribed by the Central Government and the Corporation shall keep its administrative expenses within the limit so prescribed by the Central Government.]

29. *Holding of property etc.* — (1) The Corporation may, subject to such conditions as may be prescribed by the Central Government, acquire and hold property, both movable and immovable, sell or otherwise transfer any movable or immovable property which may have become vested in or have been acquired by it and do all things necessary for the purposes for which the Corporation is established.

(2) Subject to such conditions as may be prescribed by the Central Government, the Corporation may from time to time invest any moneys which are not immediately required for expenses properly defrayable under this Act and may, subject to as aforesaid, from time to time re-invest or realise such investments.

(3) The Corporation may, with the previous sanction of the Central Government and on such terms as may be prescribed by it, raise loans and take measures for discharging such loans.

(4) The Corporation may constitute for the benefit of its staff or any class of them, such provident or other benefit fund as it may think fit.

30. *Vesting of the property in the Corporation.* — All property acquired before the establishment of the Corporation shall vest in the Corporation and all income derived and expenditure incurred in this behalf shall be brought into the books of the Corporation.

¹[31. *Expenditure by Central Government to be treated as a loan.* — * * *]

32. *Budget estimates.* — The Corporation shall in each year frame a budget showing the probable receipts and the expenditure which it proposes to incur during the following year and shall submit a copy of the budget for the approval of the Central Government before such date as may be fixed by it in that behalf. The budget shall contain provisions adequate in the opinion of the Central Government for the discharge of the liabilities incurred by the Corporation and for the main-tenance of a working balance.

33. *Accounts.* — The Corporation shall maintain correct accounts of its income and expenditure in such form and in such manner as may be prescribed by the Central Government.

²[34. *Audit.* — (1) The accounts of the Corporation shall be audited annually by the Comptroller and Auditor-General of India and any expenditure incurred by him in connection with such audit shall be payable by the Corporation to the Comptroller and Auditor-General of India.

(2) The Comptroller and Auditor-General of India and any person appointed by him in connection with the audit of the accounts of the Corporation shall have the same rights and privileges and authority in connection with such audit as the Comptroller and Auditor-General has, in connection with the audit of Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect any of the offices of the Corporation.

(3) The accounts of the Corporation as certified by the Comptroller and Auditor-General of India or any other person appointed by him in this behalf together with the audit report thereon shall be forwarded to the Corporation which shall forward the same to the Central Government along with its comments on the report of the Comptroller and Auditor General.]

35. *Annual Report.* — The Corporation shall submit to the Central Government an annual report of its work and activities.

36. Budget, audited accounts and the annual report to be placed before ¹[Parliament]. — The annual report, the audited accounts of the Corporation, ²[together with the ³[report of the Comptroller and Auditor-General of India thereon and the comments of the Corporation on such report] under section 34] and the budget as finally adopted by the Corporation shall be placed before ¹[Parliament] ⁴[***].

37. Valuation of assets and liabilities. — The Corporation shall, at intervals of ⁵[three years], have a valuation of its assets and liabilities made by a valuer appointed with the approval of the Central Government :

Provided that it shall be open to the Central Government to direct a valuation to be made at such other times as it may consider necessary.

CHAPTER IV CONTRIBUTIONS

38. All employees to be insured. — Subject to the provisions of this Act, all employees in factories or establishments to which this Act applies shall be insured in the manner provided by this Act.

39. Contributions. — (1) The contribution payable under this Act in respect of an employee shall comprise contribution payable by the employer (hereinafter referred to as the employer's contribution) and contribution payable by the employee (hereinafter referred to as the employee's contribution) and shall be paid to the Corporation.

¹[(2) The contributions shall be paid at such rates as may be prescribed by the Central Government :

Provided that the rates so prescribed shall not be more than the rates which were in force immediately before the commencement of the Employees' State Insurance (Amendment) Act, 1989 (29 of 1989).]

²[(3) The wage period in relation to an employee shall be the unit in respect of which all contributions shall be payable under this Act.]

(4) The contributions payable in respect of each ³[wage period] shall ordinarily fall due on the last day of the ³[wage period], and where an employee is employed for part of the ³[wage period], or is employed under two or more employers during the same ³[wage period] the contributions shall fall due on such days as may be specified in the regulations.

⁴[(5) (a) If any contribution payable under this Act is not paid by the principal employer on the date on which such contribution has become due, he shall be liable to pay simple interest at the rate of twelve per cent. per annum or at such higher rate as may be specified in the regulations till the date of its actual payment :

Provided that higher interest specified in the regulations shall not exceed the lending rate of interest charged by any scheduled bank.

(b) Any interest recoverable under clause (a) may be recovered as an arrear of land revenue or under section 45-C to section 45-I.

Explanation. — In this sub-section " scheduled bank " means a bank for the time being included in the Second Schedule to the Reserve Bank of India Act, 1934 (2 of 1934).]

40. Principal employer to pay contributions in the first instance. — (1) The principal employer shall pay in respect of every employee, whether directly employed by him or by or through an immediate employer, both the employer's contribution and the employee's contribution.

(2) Notwithstanding anything contained in any other enactment but subject to the provisions of this Act and the regulations, if any, made thereunder, the principal employer shall,

in the case of an employee directly employed by him (not being an exempted employee), be entitled to recover from the employee the employee's contribution by reduction from his wages and not otherwise :

Provided that no such deduction shall be made from any wages other than such as relate to the period or part of the period in respect of which the contribution is payable] or in excess of the sum representing the employee's contribution for the period.

(3) Notwithstanding any contract to the contrary, neither the principal employer nor the immediate employer shall be entitled to deduct the employer's contribution from any wages payable to an employee or otherwise to recover it from him.

(4) Any sum deducted by the principal employer from wages under this Act shall be deemed to have been entrusted to him by the employee for the purpose of paying the contribution in respect of which it was deducted.

(5) The principal employer shall bear the expenses of remitting the contributions to the Corporation.

41. Recovery of contributions from immediate employer. — (1) A principal employer, who has paid contribution in respect of an employee employed by or through an immediate employer, shall be entitled to recover the amount of the contribution so paid (that is to say the employer's contribution as well as the employee's contribution, if any,) from the immediate employer, either by deduction from any amount payable to him by the principal employer under any contract, or as a debt payable by the immediate employer.

¹[*Explanation.* — * * *]

²[(1-A) The immediate employer shall maintain a register of employees employed by or through him as provided in the regulations and submit the same to the principal employer before the settlement of any amount payable under sub-section (1).]

(2) In the case referred to in sub-section (1), the immediate employer shall be entitled to recover the employee's contribution from the employee employed by or through him by deduction from wages and not otherwise, subject to the conditions specified in the proviso to sub-section (2) of section 40.

42. General provisions as to payment of contributions. — (1) No employee's contribution shall be payable by or on behalf of an employee whose average daily wages ³[during a wage period are below ⁴[such wages as may be prescribed by the Central Government.]]

Explanation. — The average daily wages of an employee shall be calculated ⁴[in such manner as may be prescribed by the Central Government].

(2) Contribution (both the employer's contribution and the employee's contribution) shall be payable by the principal employer for each ²[wage period] ³[in respect of the whole or part of which wages are payable to the employee and not otherwise].

⁴[(3) * * *]

⁵[(4) * * *]

⁶[(5) * * *]

43. Method of payment of contribution. — Subject to the provisions of this Act, the Corporation may make regulations for any matter relating or incidental to the payment and collection of contributions payable under this Act and without prejudice to the generality of the foregoing power such regulations may provide for —

(a) the manner and time of payment of contributions ;

(b) the payment of contributions by means of adhesive or other stamp affixed to or impressed upon books, cards or otherwise and regulating the manner, times and conditions in, at and under which, such stamps are to be affixed or impressed ;

¹[(bb) the date by which evidence of contributions having been paid is to be received by the Corporation ;]

(c) the entry in or upon books or cards of particular of contributions paid and benefits distributed in the case of the insured persons to whom such books or cards relate ; and

(d) the issue, sale custody, production, inspection and delivery of books or cards and the replacement of books or cards which have been lost, destroyed or defaced.

²[**44. Employers to furnish returns and maintain registers, in certain cases.** — (1) Every principal and immediate employer shall submit to the Corporation or to such officer of the Corporation as it may direct such returns in such form and containing such particulars relating to persons employed by him or to any factory or establishment in respect of which he is the principal or immediate employer as may be specified in regulations made in this behalf.

(2) Where in respect of any factory or establishment the Corporation has reason to believe that a return should have been submitted under sub-section (1) but has not been so submitted, the Corporation may require any person in charge of the factory or establishment to furnish such particulars as it may consider necessary for the purpose of enabling the Corporation to decide whether the factory or establishment is a factory or establishment to which this Act applies.

(3) Every principal and immediate employer shall maintain such registers or records in respect of his factory or establishment as may be required by regulations made in this behalf.]

45. ³[Social Security Officers], their functions and duties. — (1) The Corporation may appoint such persons as ³[Social Security Officers], as it thinks fit, for the purposes of this Act, within such local limits as it may assign to them.

(2) Any ¹[Social Security Officer] appointed by the Corporation under sub-section (1) (hereinafter referred to as ¹[Social Security Officer]), or other official of the Corporation authorised in this behalf by it may, for the purposes of enquiring into the correctness of any of the particulars stated in any return referred to in section 44 or for the purpose of ascertaining whether any of the provisions of this Act has been complied with —

- (a) require any principal or immediate employer to furnish to him such information as he may consider necessary for the purposes of this Act ; or
- (b) at any reasonable time enter any office, establishment, factory or other premises occupied by such principal or immediate employer and require any person found in charge thereof to produce to such ¹[Social Security Officer] or other official and allow him to examine such accounts, books and other documents relating to the employment of persons and payment of wages or to furnish to him such information as he may consider necessary ; or
- (c) examine, with respect to any matter relevant to the purposes aforesaid, the principal or immediate employer, his agent or servant, or any person found in such factory, establishment, office or other premises, or any person whom the said ¹[Social Security Officer] or other official has reasonable cause to believe to be or to have been an employee ;

²[(d) make copies of, or take extracts from, any register, account book or other document maintained in such factory, establishment, office or other premises ;

- (e) exercise such other powers as may be prescribed.]

(3) ¹[A Social Security Officer] shall exercise such functions and perform such duties as may be authorised by the Corporation or as may be specified in the regulations.

²[(4) Any officer of the Corporation authorised in this behalf by it may, carry out re-inspection or test inspection of the records and returns submitted under section 44 for the purpose of verifying the correctness and quality of the inspection carried out by a Social Security Officer.]

³**[45-A. Determination of contributions in certain cases.** — (1) Where in respect of a factory or establishment no returns, particulars, registers or records are submitted, furnished or maintained in accordance with the provisions of section 44 or any ⁴[Social Security Officer] or other official of the Corporation referred to in sub-section (2) of section 45 is ⁵[prevented in any manner] by the principal or immediate employer or any other person, in exercising his functions or discharging his duties under section 45, the Corporation may, on the basis of information available to it, by order, determine the amount of contributions payable in respect of the employees of that factory or establishment.]

⁶[Provided that no such order shall be passed by the Corporation unless the principal or immediate employer or the person in charge of the factory or establishment has been given a reasonable opportunity of being heard.]

¹[Provided further that no such order shall be passed by the Corporation in respect of the period beyond five years from the date on which the contribution shall become payable.]

(2) An order made by the Corporation under sub-section (1) shall be sufficient proof of the claim of the Corporation under section 75 or for recovery of the amount determined by such order as an arrear of land revenue under section 45-B ²[or the recovery under section 45-C to section 45-I].

³**[45-AA. Appellate Authority.** — If an employer is not satisfied with the order referred in section 45-A, he may prefer an appeal to an appellate authority as may be provided by regulation, within sixty days of the date of such order after depositing twenty-five per cent. of the contribution so ordered or the contribution as per his own calculation, whichever is higher, with the Corporation :

Provided that if the employer finally succeeds in the appeal, the Corporation shall refund such deposit to the employer together with such interest as may be specified in the regulation.]

45-B. Recovery of contributions. — Any contribution payable under this Act may be recovered as an arrear of land revenue.]

⁴**[45-C. Issue of certificate to the Recovery Officer.** — (1) Where any amount is in arrear under this Act, the authorised officer may issue, to the Recovery Officer, a certificate under his signature specifying the amount of arrears and the Recovery Officer, on receipt of such certificate, shall proceed to recover the amount specified therein from the factory or establishment or, as the case may be, the principal or immediate employer by one or more of the modes mentioned below : —

(a) attachment and sale of the movable or immovable property of the factory or establishment or, as the case may be, the principal or immediate employer ;

(b) arrest of the employer and his detention in prison ;

(c) appointing a receiver for the management of the movable or immovable properties of the factory or establishment, or, as the case may be, the employer :

Provided that the attachment and sale of any property under this section shall first be effected against the properties of the factory or establishment and where such attachment and sale is insufficient for recovering the whole of the amount of arrears specified in the

certificate, the Recovery Officer may take such proceedings against the property of the employer for recovery of the whole or any part of such arrears.

(2) The authorised officer may issue a certificate under sub-section (1) notwithstanding that proceedings for recovery of the arrears by any other mode have been taken.

45-D. Recovery officer to whom certificate is to be forwarded. — (1) The authorised officer may forward the certificate referred to in section 45-C to the Recovery Officer within whose jurisdiction the employer —

- (a) carries on his business or profession or within whose jurisdiction the principal place of his factory or establishment is situate ; or
- (b) resides or any movable or immovable property of the factory or establishment or the principal or immediate employer is situate.

(2) Where a factory or an establishment or the principal or immediate employer has property within the jurisdiction of more than one Recovery Officer and the Recovery Officer to whom a certificate is sent by the authorised officer —

- (a) is not able to recover the entire amount by the sale of the property, movable or immovable, within his jurisdiction ; or
- (b) is of the opinion that, for the purpose of expediting or securing the recovery of the whole or any part of the amount, it is necessary so to do,

he may send the certificate or, where only a part of the amount is to be recovered, a copy of the certificate certified in the manner prescribed by the Central Government and specifying the amount to be recovered to the Recovery Officer within whose jurisdiction the factory or establishment or the principal or immediate employer has property or the employer resides, and thereupon that Recovery Officer shall also proceed to recover the amount due under this section as if the certificate or the copy thereof had been the certificate sent to him by the authorised officer.

45-E. Validity of certificate and amendment thereof. — (1) When the authorised officer issues a certificate to a Recovery Officer under section 45-C, it shall not be open to the factory or establishment or the principal or immediate employer to dispute before the Recovery Officer the correctness of the amount, and no objection to the certificate on any other ground shall also be entertained by the Recovery Officer.

(2) Notwithstanding the issue of a certificate to a Recovery Officer, the authorised officer shall have power to withdraw the certificate or correct any clerical or arithmetical mistake in the certificate by sending an intimation to the Recovery Officer.

(3) The authorised officer shall intimate to the Recovery Officer any orders withdrawing or canceling a certificate or any correction made by him under sub-section (2) or any amendment made under sub-section (4) of section 45-F.

45-F. Stay of proceedings under certificate and amendment or withdrawal thereof. — (1) Notwithstanding that a certificate has been issued to the Recovery Officer for the recovery of any amount, the authorised officer may grant time for the payment of the amount, and thereupon the Recovery Officer shall stay the proceedings until the expiry of the time so granted.

(2) Where a certificate for the recovery of amount has been issued, the authorised officer shall keep the Recovery Officer informed of any amount paid or time granted for payment, subsequent to the issue of such certificate.

(3) Where the order giving rise to a demand of amount for which a certificate for recovery has been issued has been modified in appeal or other proceedings under this Act, and, as a consequence thereof, the demand is reduced but the order is the subject-matter of a further

proceeding under this Act, the authorised officer shall stay the recovery of such part of the amount of the certificate as pertains to the said reduction for the period for which the appeal or other proceeding remains pending.

(4) Where a certificate for the recovery of amount has been issued and subsequently the amount of the outstanding demand is reduced as a result of an appeal or other proceedings under this Act, the authorised officer shall, when the order which was the subject-matter of such appeal or other proceeding has become final and conclusive, amend the certificate or withdraw it, as the case may be.

45-G. Other modes of recovery. — (1) Notwithstanding the issue of a certificate to the Recovery Officer under section 45-C, the Director-General or any other officer authorised by the Corporation may recover the amount by any one or more of the modes provided in this section.

(2) If any amount is due from any person to any factory or establishment or, as the case may be, the principal or immediate employer who is in arrears, the Director-General or any other officer authorised by the Corporation in this behalf may require such person to deduct from the said amount the arrears due from such factory or establishment or, as the case may be, the principal or immediate employer under this Act and such person shall comply with any such requisition and shall pay the sum so deducted to the credit of the Corporation :

Provided that nothing in this sub-section shall apply to any part of the amount exempt from attachment in execution of a decree of a civil court under section 60 of the Code of Civil Procedure, 1908 (5 of 1908).

(3) (i) The Director-General or any other officer authorised by the Corporation in this behalf may, at any time or from time to time, by notice in writing, require any person from whom money is due or may become due to the factory or establishment or, as the case may be, the principal or immediate employer or any person who holds or may subsequently hold money for or on account of the factory or establishment or as the case may be, the principal or immediate employer, to pay to the Director-General either forthwith upon the money becoming due or being held or at or within the time specified in the notice (not being before the money becomes due or is held) so much of the money as is sufficient to pay the amount due from the factory or establishment or, as the case may be, the principal or immediate employer in respect of arrears or the whole of the money when it is equal to or less than that amount.

(ii) A notice under this sub-section may be issued to any person who holds or may subsequently hold any money for or on account of the principal or immediate employer jointly with any other person and for the purposes of this sub-section, the shares of the joint-holders in such account shall be presumed, until the contrary is proved to be equal.

(iii) A copy of the notice shall be forwarded to the principal or immediate employer at his last address known to the Director-General or, as the case may be, the officer so authorised and in the case of a joint account to all the joint-holders at their last addresses known to the Director-General or the officer so authorised.

(iv) Save as otherwise provided in this sub-section, every person to whom a notice is issued under this sub-section shall be bound to comply with such notice, and, in particular, where any such notice is issued to a post office, bank or an insurer, it shall not be necessary for any pass book, deposit receipt, policy or any other document to be produced for the purpose of any entry, endorsement or the like being made before payment is made notwithstanding any rule, practice or requirement to the contrary.

(v) Any claim respecting any property in relation to which a notice under this sub-section has been issued arising after the date of the notice shall be void as against any demand contained in the notice.

(vi) Where a person to whom a notice under this sub-section is sent objects to it by a statement on oath that the sum demanded or any part thereof is not due to the principal or immediate employer or that he does not hold any money for or on account of the principal or immediate employer, then, nothing contained in this sub-section shall be deemed to require such person to pay any such sum or part thereof, as the case may be, but if it is discovered that such statement was false in any material particulars, such person shall be personally liable to the Director-General or the officer so authorised to the extent of his own liability to the principal or immediate employer on the date of the notice, or to the extent of the principal or immediate employer's liability for any sum due under this Act, whichever is less.

(vii) The Director-General or the officer so authorised may, at any time or from time to time, amend or revoke any notice issued under this sub-section or extend the time for making any payment in pursuance of such notice.

(viii) The Director-General or the officer so authorised shall grant a receipt for any amount paid in compliance with a notice issued under this sub-section and the person so paying shall be fully discharged from his liability to the principal or immediate employer to the extent of the amount so paid.

(ix) Any person discharging any liability to the principal or immediate employer after the receipt of a notice under this sub-section shall be personally liable to the Director-General or the officer so authorised to the extent of his own liability to the principal or immediate employer so discharged or to the extent of the principal or immediate employer's liability for any sum due under this Act, whichever is less.

(x) If the person to whom a notice under this sub-section is sent fails to make payment in pursuance thereof to the Director-General or the officer so authorised, he shall be deemed to be a principal or immediate employer in default in respect of the amount specified in the notice and further proceedings may be taken against him for the realisation of the amount as if it were an arrear due from him, in the manner provided in sections 45-C to 45-F and the notice shall have the same effect as an attachment of a debt by the Recovery Officer in exercise of his powers under section 45-C.

(4) The Director-General or the officer authorised by the Corporation in this behalf may apply to the court in whose custody there is money belonging to the principal or immediate employer for payment to him of the entire amount of such money, or if it is more than the amount due, an amount sufficient to discharge the amount due.

(5) The Director-General or any officer of the Corporation may, if so authorised by the Central Government by general or special order, recover any arrears of amount due from a factory or an establishment or, as the case may be, from the principal or immediate employer by distraint and sale of its or his movable property in the manner laid down in the Third Schedule to the Income-tax Act, 1961 (43 of 1961).

45-H. Application of certain provisions of the Income-Tax Act. — The provisions of the Second and Third Schedules to the Income-tax Act, 1961 (43 of 1961) and the Income-tax (Certificate Proceedings) Rules, 1962, as in force from time to time, shall apply with necessary modifications as if the said provisions and the rules referred to the arrears of the amount of contributions, interests or damages under this Act instead of to the income-tax :

Provided that any reference in the said provisions and the rules to the " assessee " shall be construed as a reference to a factory or an establishment or the principal or immediate employer under this Act.

45-I. Definitions. — For the purposes of sections 45-C to 45-H, —

- (a) “ authorised officer ” means the Director-General, Insurance Commissioner, Joint Insurance Commissioner, Regional Director or such other officer as may be authorised by the Central Government, by notification in the Official Gazette ;
- (b) “ Recovery Officer ” means any officer of the Central Government, State Government or the Corporation, who may be authorised by the Central Government, by notification in the Official Gazette, to exercise the powers of a Recovery Officer under this Act.]

CHAPTER V

BENEFITS

46. Benefits. — (1) Subject to the provisions of this Act, the insured persons, ¹[their dependants or the persons hereinafter mentioned, as the case may be,] shall be entitled to the following benefits, namely : —

- (a) periodical payments to any insured person in case of his sickness certified by a duly appointed medical practitioner ²[or by any other person possessing such qualifications and experience as the Corporation may, by regulations, specify in this behalf] (hereinafter referred to as sickness benefit) ;
- ³[(b) periodical payments to an insured woman in case of confinement or miscarriage or sickness arising out of pregnancy, confinement, premature birth of child or miscarriage, such woman being certified to be eligible for such payments by an authority specified in this behalf by the regulations (hereinafter referred to as maternity benefit) ;]
- (c) periodical payments to an insured person suffering from disablement as a result of an employment injury sustained as an employee under this Act and certified to be eligible for such payments by an authority specified in this behalf by the regulations (hereinafter referred to as disablement benefit) ;
- (d) periodical payments to such dependants of an insured person who dies as a result of an employment injury sustained as an employee under this Act, as are entitled to compensation under this Act (hereinafter referred to as dependants’ benefit) ; ¹[***]
- (e) medical treatment for and attendance on insured persons (hereinafter referred to as medical benefit) ; ²[and]
- ³[(f) payment to the eldest surviving member of the family of an insured person who has died, towards the expenditure on the funeral of the deceased insured person, or, where the insured person did not have a family or was not living with his family at the time of his death, to the person who actually incurs the expenditure on the funeral of the deceased insured person (to be known as ⁴[funeral expenses].

Provided that the amount of such payment shall not exceed ⁵[such amount as may be prescribed by the Central Government] and the claim for such payment shall be made within three months of the death of the insured person or within such extended period as the Corporation or any officer or authority authorised by it in this behalf may allow.]

(2) The Corporation may, at the request of the appropriate Government, and subject to such conditions as may be laid down in the regulations, extend the medical benefits to the family of an insured person.

⁶[47. *When person eligible for sickness benefit.* — ***]

¹[48. *When person deemed available for sickness benefit.* — ***]

²[49. *Sickness benefit.* — The qualification of a person to claim sickness benefit, the conditions subject to which such benefit may be given, the rate and period thereof shall be such as may be prescribed by the Central Government.

50. *Maternity Benefit.* — The qualification of an insured woman to claim maternity benefit, the conditions subject to which such benefit may be given, the rates and period thereof shall be such as may be prescribed by the Central Government.]

³[51. *Disablement benefit.* — Subject to the provisions of this Act ⁴[* * *] —

- (a) a person who sustains temporary disablement for not less than three days (excluding the day of accident) shall be entitled to periodical payment ⁵[at such rates and for such periods and subject to such conditions as may be prescribed by the Central Government] ;
- (b) a person who sustains permanent disablement, whether total or partial, shall be entitled to periodical payment ⁶[at such rates and for such periods and subject to such conditions as may be prescribed by the Central Government].

¹[* * *]

**51-A. Presumption as to accident arising in course of employment.* — For the purposes of this Act, an accident arising in the course of ²[an employee's] employment shall be presumed, in the absence of evidence to the contrary, also to have arisen out of that employment.

**51-B. Accidents happening while acting in breach of regulations, etc.* — An accident shall be deemed to arise out of and in the course of ²[an employee's] employment notwithstanding that he is at the time of the accident acting in contravention of the provisions of any law applicable to him, or of any orders given by or on behalf of his employer or that he is acting without instructions from his employer, if —

- (a) the accident would have been deemed so to have arisen had the act not been done in contravention as aforesaid or without instructions from his employer, as the case may be ; and
- (b) the act is done for the purpose of and in connection with the employer's trade or business.

**51-C. Accidents happening while travelling in employer's transport.* — (1) An accident happening while an ³[employee] is, with the express or implied permission of his employer, travelling as a passenger by any vehicle to or from his place of work shall, notwithstanding that he is under no obligation to his employer to travel by that vehicle, be deemed to arise out of and in the course of his employment, if —

- (a) the accident would have been deemed so to have arisen had he been under such obligation ; and
- (b) at the time of the accident, the vehicle —
 - (i) is being operated by or on behalf of his employer or some other person by whom it is provided in pursuance of arrangements made with his employer ; and
 - (ii) is not being operated in the ordinary course of public transport service.

(2) In this section “ vehicle ” includes a vessel and an aircraft.

**51-D. Accidents happening while meeting emergency.* — An accident happening to an ¹[employee] in or about any premises at which he is for the time being employed for the purpose of his employer's trade or business shall be deemed to arise out of and in the course of his employment, if it happens while he is taking steps, on an actual or supposed emergency at those

premises, to rescue, succour or protect persons who are, or are thought to be or possibly to be, injured or imperiled, or to avert or minimize serious damage to property.]

²[51-E. *Accidents happening while commuting to the place of work and vice versa.* — An accident occurring to an employee while commuting from his residence to the place of employment for duty or from the place of employment to his residence after performing duty, shall be deemed to have arisen out of and in the course of employment if nexus between the circumstances, time and place in which the accident occurred and the employment is established.]

³[52. *Dependants' benefit.* — (1) If an insured person dies as a result of an employment injury sustained as an employee under this Act (whether or not he was in receipt of any periodical payment for temporary disablement in respect of the injury) dependants' benefit shall be payable ¹[at such rates and for such periods and subject to such conditions as may be prescribed by the Central Government] to his dependants specified in ²[sub-clause (i), sub-clause (i-a) and] sub-clause (ii) of clause (6-A) of section 2.

(2) In case the insured person dies without leaving behind him the dependants as aforesaid, the dependants' benefit shall be paid to the other dependants of the deceased ³[at such rates and for such periods and subject to such conditions as may be prescribed by the Central Government.]

**52-A. Occupational disease.* — (1) If an employee employed in any establishment specified in Part A of the Third Schedule contracts any disease specified therein as an occupational disease peculiar to that employment, or if an employee employed in the employment specified in Part B of that Schedule for a continuous period of not less than six months contracts any disease specified therein as an occupational disease peculiar to that employment or if an employee employed in any employment specified in Part C of that Schedule for such continuous period as the Corporation may specify in respect of each such employment, contracts any disease specified therein as an occupational disease peculiar to that employment, the contracting of the disease shall, unless the contrary is proved, be deemed to be an “employment injury” arising out of and in the course of employment.

(2) (i) Where the Central Government or a State Government, as the case may be, adds any description of employment to the employment specified in Schedule III to the Workmen's Compensation Act, 1923* (8 of 1923) by virtue of the powers vested in it under sub-section (3) of Sec. 3 of the said Act, the said description of employment and the occupational diseases specified under that sub-section as peculiar to that description of employment shall be deemed to form part of the Third Schedule.

(ii) Without prejudice to the provisions of clause (i), the Corporation after giving, by notification in the Official Gazette, not less than three months' notice of its intention so to do, may, by a like notification, add any description of employment to the employments specified in the Third Schedule and shall specify in the case of employments so added the diseases which shall be deemed for the purposes of this section to be occupational diseases peculiar to those employments respectively and thereupon the provisions of this Act shall apply, as if such diseases had been declared by this Act to be occupational diseases peculiar to those employments.

(3) Save as provided by sub-sections (1) and (2), no benefit shall be payable to an employee in respect of any disease unless the disease is directly attributable to a specific injury by accident arising out of and in the course of his employment.

(4) The provisions of section 51-A shall not apply to the cases to which this section apply.]

¹[53. *Bar against receiving or recovery of compensation or damages under any other law.* — An insured person or his dependants shall not be entitled to receive or recover, whether from the employer of the insured person or from any other person, any compensation or damages under

the Workmen's Compensation Act, 1923* (8 of 1923), or any other law for the time being in force or otherwise, in respect of an employment injury sustained by the insured person as an employee under this Act.]

¹[54. *Determination of question of disablement.* — Any question —

- (a) whether the relevant accident has resulted in permanent disablement ; or
- (b) whether the extent of loss of earning capacity can be assessed provisionally or finally ; or
- (c) whether the assessment of the proportion of the loss of earning capacity is provisional or final ; or
- (d) in the case of provisional assessment, as to the period for which such assessment shall hold good, shall be determined by a medical board constituted in accordance with the provisions of the regulations and any such question shall hereafter be referred to as the “ disablement question ”.

54-A. *References to medical boards and appeals to medical appeal tribunals and Employees' Insurance Courts.* — (1) The case of any insured person for permanent disablement benefit shall be referred by the Corporation to a medical board for determination of the disablement question and if, on that or any subsequent reference, the extent of loss of earning capacity of the insured person is provisionally assessed, it shall again be so referred to the medical board not later than the end of the period taken into account by the provisional assessment.

(2) If the insured person or the Corporation is not satisfied with the decision of the medical board, the insured person or the Corporation may appeal in the prescribed manner and within the prescribed time to —

- (i) the medical appeal tribunal constituted in accordance with the provisions of the regulations with a further right of appeal in the prescribed manner and within the prescribed time to the Employees' Insurance Court, or
- (ii) the Employees' Insurance Court directly ¹;

Provided that no appeal by an insured person shall lie under this sub-section if such person has applied for commutation of disablement benefit on the basis of the decision of the medical board and received the commuted value of such benefit :

Provided further that no appeal by the Corporation shall lie under this sub-section if the Corporation paid the commuted value of the disablement benefit on the basis of the decision of the medical board.].]

²[55. *Review of decisions by medical board or medical appeal tribunal.* — (1) Any decision under this Act of a medical board or a medical appeal tribunal may be reviewed at any time by the medical board or the medical appeal tribunal, as the case may be, if it is satisfied by fresh evidence that the decision was given in consequence of the non-disclosure or misrepresentation by the employee or any other person of a material fact (whether the non-disclosure or misrepresentation was or was not fraudulent).

(2) Any assessment of the extent of the disablement resulting from the relevant employment injury may also be reviewed by a medical board if it is satisfied that since the making of the assessment there has been a substantial and unforeseen aggravation of the result of the relevant injury :

Provided that an assessment shall not be reviewed under this sub-section unless the medical board is of opinion that having regard to the period taken into account by the assessment and the

probable duration of the aggravation aforesaid, substantial injustice will be done by not reviewing it.

(3) Except with the leave of a medical appeal tribunal, an assessment shall not be reviewed under sub-section (2) on any application made less than five years, or in the case of a provisional assessment, six months, from the date thereof and on such a review the period to be taken into account by any revised assessment shall not include any period before the date of the application.

(4) Subject to the foregoing provisions of this section, a medical board may deal with a case of review in any manner in which it could deal with it on an original reference to it, and in particular may make a provisional assessment notwithstanding that the assessment under review was final ; and the provisions of section 54-A shall apply to an application for review under this section and to a decision of a medical board in connection with such application as they apply to a case for disablement benefit under that section and to a decision of the medical board in connection with such case.

***55-A. Review of dependants' benefit.** — (1) Any decision awarding dependants' benefit under this Act may be reviewed at any time by the Corporation if it is satisfied by fresh evidence that the decision was given in consequence of non-disclosure or misrepresentation by the claimant or any other person of a material fact (whether the non-disclosure or misrepresentation was or was not fraudulent) or that the decision is no longer in accordance with this Act due to any birth or death or due to the marriage, re-marriage, or cesser or infirmity of, or attainment of the age of eighteen years by, a claimant.

(2) Subject to the provisions of this Act, the Corporation may, on such review as aforesaid, direct that the dependants' benefit be continued, increased, reduced or discontinued.]

56. Medical Benefit. — (1) An insured person or (where such medical benefit is extended to his family) a member of his family whose condition requires medical treatment and attendance shall be entitled to receive medical benefit.

(2) Such medical benefit may be given either in the form of out-patient treatment and attendance in a hospital or dispensary, clinic or other institution or by visits to the home of the insured person or treatment as in-patient in a hospital or other institution.

(3) A person shall be entitled to medical benefit during any ¹[period] for which contributions are payable in respect of him or in which he is qualified to claim sickness benefit or maternity benefit ²[or is in receipt of such disablement benefit as does not disentitle him to medical benefit under the regulations] :

Provided that a person in respect of whom contribution ceases to be payable under this Act may be allowed medical benefit for such period and of such nature as may be provided under the regulations :

³[Provided further that an insured person who ceases to be in insurable employment on account of permanent disablement shall continue, subject to payment of contribution and such other conditions as may be prescribed by the Central Government, to receive medical benefit till the date on which he would have vacated the employment on attaining the age of superannuation had he not sustained such permanent disablement :

⁴[Provided also that an insured person who has attained the age of superannuation, a person who retires under a Voluntary Retirement Scheme or takes premature retirement, and his spouse shall be eligible to receive medical benefits subject to payment of contribution and such other conditions as may be prescribed by the Central Government.]

Explanation. — In this section, “ superannuation ”, in relation to an insured person, means the attainment by that person of such age as is fixed in the contract or conditions of service as the

age on the attainment of which he shall vacate the insurable employment or the age of sixty years where no such age is fixed and the person is no more in the insurable employment].

57. Scale of medical benefit. — (1) An insured person and (where such medical benefit is extended to his family) his family shall be entitled to receive medical benefit only of such kind and on such scale as may be provided by the ¹[State] Government or by the Corporation, and an insured person or, where such medical benefit is extended to his family, his family shall not have a right to claim any medical treatment except such as is provided by the dispensary, hospital, clinic or other institution to which he or his family is allotted, or as may be provided by the regulations.

(2) Nothing in this Act shall entitle an insured person and (where such medical benefit is extended to his family) his family to claim reimbursement from the Corporation of any expenses incurred in respect of any medical treatment, except as may be provided by the regulations.

58. Provision of medical treatment by ¹[State] Government. — (1) The ¹[State] Government shall provide for insured persons and (where such benefit is extended to their families) their families in the ²[State], reasonable medical, surgical and obstetric treatment :

Provided that the ¹[State] Government may, with the approval of the Corporation, arrange for medical treatment at clinics of medical practitioners on such scale and subject to such terms and conditions as may be agreed upon.

(2) Where the incidence of sickness benefit payment to insured persons in any ²[State] is found to exceed the all-India average, the amount of such excess shall be shared between the Corporation and the ¹[State] Government in such proportion as may be fixed by agreement between them :

Provided that the Corporation may in any case waive the recovery of the whole or any part of the share which is to be borne by the ¹[State] Government.

(3) The Corporation may enter into an agreement with a ¹[State] Government in regard to the nature and scale of the medical treatment that should be provided to insured persons and (where such medical benefit is extended to the families) their families (including provision of buildings, equipment, medicines, and staff) and for the sharing of the cost thereof and of any excess in the incidence of sickness benefit to insured persons between the Corporation and the ¹[State] Government.

(4) In default of agreement between the Corporation and any ¹[State] Government as aforesaid, the nature and extent of the medical treatment to be provided by the ¹[State] Government and the proportion in which the cost thereof and of the excess in the incidence of sickness benefit shall be shared between the Corporation and that Government, shall be determined by an arbitrator (who shall be or shall have been a Judge of the ²[High Court ³[of a State]]) appointed by the Chief Justice of India and the award of the arbitrator shall be binding on the Corporation and the ¹[State] Government.

⁴[(5) The State Government may, in addition to the Corporation under this Act, with the previous approval of the Central Government, establish such organisation (by whatever name called) to provide for certain benefits to employees in case of sickness, maternity and employment injury :

Provided that any reference to the State Government in the Act shall also include reference to the organisation as and when such organisation is established by the State Government.

(6) The organisation referred to in sub-section (5) shall have such structure and discharge functions, exercise powers and undertake such activities as may be prescribed.]

59. Establishment and maintenance of hospitals, etc., in Corporation. — (1) The Corporation may, with the approval of the ¹[State] Government establish and maintain in a

²[State] such hospitals, dispensaries and other medical and surgical services as it may think fit for the benefit of insured persons and (where such medical benefit is extended to their families) their families.

(2) The Corporation may enter into agreement with any ³[***] local authority, private body or individual in regard to the provision of medical treatment and attendance for insured persons and (where such medical benefit is extended to their families) their families, in any area and sharing the cost thereof.

⁴[(3) The Corporation may also enter into agreement with any local authority, local body or private body for commissioning and running Employees' State Insurance hospitals through third party participation for providing medical treatment and attendance to insured persons and where such medical benefit has been extended to their families, to their families.]

⁵**[59-A. Provision of medical benefit by the Corporation in lieu of State Government.** — (1) Notwithstanding anything contained in any other provision of this Act, the Corporation may, in consultation with the State Government, undertake the responsibility for providing medical benefit to insured persons and where such medical benefit is extended to their families, to the families of such insured persons in the State subject to the condition that the State Government shall share the cost of such medical benefit in such proportion as may be agreed upon between the State Government and the Corporation.

(2) In the event of the Corporation exercising its power under sub-section (1), the provisions relating to medical benefit under this Act shall apply, so far as may be, as if a reference therein to the State Government were a reference to the Corporation.]

¹**[59-B. Medical and para-medical education.** — The Corporation may establish medical colleges, nursing colleges and training institutes for its para-medical staff and other employees with a view to improve the quality of services provided under the Employees' State Insurance Scheme.]

General

60. Benefit not assignable or attachable. — (1) The right to receive any payment of any benefit under this Act shall not be transferable or assignable.

(2) No cash benefit payable under this Act shall be liable to attachment or sale in execution of any decree or order of any Court.

61. Bar of benefits under other enactments. — When a person is entitled to any of the benefits provided by this Act, he shall not be entitled to receive any similar benefit admissible under the provisions of any other enactment.

62. Persons not to commute cash benefits. — Save as may be provided in the regulations, no person shall be entitled to commute for a lump sum any ²[disablement benefit] admissible under this Act.

³**63. Persons not entitled to receive benefits in certain cases.** — Save as may be provided in the regulations, no person shall be entitled to sickness benefit or disablement benefit for temporary disablement on any day on which he works or remains on leave or on a holiday in respect of which he receives wages or on any day on which he remains on strike.]

64. Recipients of sickness or disablement benefit to observe conditions. — A person who is in receipt of sickness benefit or disablement benefit (other than benefit granted on permanent disablement) —

- (a) shall remain under medical treatment at a dispensary, hospital, clinic or other institution provided under this Act, and shall carry out the instructions given by the medical officer or medical attendant in-charge thereof ;

- (b) shall not while under treatment do anything which might retard or prejudice his chances of recovery ;
- (c) shall not leave the area in which medical treatment provided by this Act is being given, without the permission of the medical officer, medical attendant or such other authority as may be specified in this behalf by the regulations ; and
- (d) shall allow himself to be examined by any duly appointed medical officer ¹[* * *] or other person authorised by the Corporation in this behalf.

65. Benefits not to be combined. — (1) An insured person shall not be entitled to receive for the same period —

- (a) both sickness benefit and maternity benefit ; or
- (b) both sickness benefit and disablement benefit for temporary disablement.
- (c) both maternity benefit and disablement benefit for temporary disablement.

(2) Where a person is entitled to more than one of the benefits mentioned in sub-section (1), he shall be entitled to choose which benefit he shall receive.

²[66. *Corporation's right to recover damages from employer in certain cases.* — * * *]

¹[67. *Corporation's right to indemnified in certain cases.* — * * *]

68. Corporation's rights where a principal employer fails or neglects to pay any contribution. — (1) If any principal employer fails or neglects to pay any contribution which under this Act he is liable to pay in respect of any employee and by reason thereof such person becomes disentitled to any benefit or entitled to a benefit on a lower scale, the Corporation may, on being satisfied that the contribution should have been paid by the principal employer, pay to the person the benefit at the rate to which he would have been entitled if the failure or neglect had not occurred and the Corporation shall be entitled to recover from the principal employer either

- ²(i) the difference between the amount of benefit which is paid by the Corporation to the said person and the amount of the benefit which would have been payable on the basis of the contributions which were in fact paid by the employer ; or]
- (ii) twice the amount of the contribution which the employer failed or neglected to pay ;

whichever is greater.

(2) The amount recoverable under this section may be recovered as if it were an arrear of land revenue ³[or under section 45-C to section 45-I].

69. Liability of owner or occupier of factories, etc., for excessive sickness benefit. — (1) Where the Corporation considers that the incidence of sickness among insured persons is excessive by reasons of —

- (i) in sanitary working conditions in a factory or establishment or the neglect of the owner or occupier of the factory or establishment to observe any health regulations enjoined on him by or under any enactment, or
- (ii) insanitary conditions of any tenements or lodgings occupied by insured persons and such insanitary conditions are attributable to the neglect of the owner of the tenements or lodgings to observe any health regulations enjoined on him by or under any enactments,

the Corporation may send to the owner or occupier of the factory or establishment or to the owner of the tenement or lodgings, as the case may be, a claim for the payment of the amount of the extra expenditure incurred by the Corporation as sickness benefit ; and if the claim is not settled

by agreement, the Corporation may refer the matter, with a statement in support of its claim, to the appropriate Government.

(2) If the appropriate Government is of opinion that a *prima facie* case for inquiry is disclosed, it may appoint a competent person or persons to hold an inquiry into the matter.

(3) If upon such inquiry it is proved to the satisfaction of the person or persons holding the inquiry that the excess in incidence of sickness among the insured persons is due to the default or neglect of the owner or occupier of the factory or establishment or the owner of the tenements or lodgings, as the case may be, the said person or persons shall determine the amount of the extra expenditure incurred as sickness benefit, and the person or persons by whom the whole or any part of such amount shall be paid to the Corporation.

(4) A determination under sub-section (3) may be enforced as if it were a decree for payment of money passed in a suit by a Civil Court.

(5) For the purposes of this section, “owner” of tenements or lodging shall include any agent of the owner and any person who is entitled to collect the rent of the tenements or lodgings as a lessee of the owner.

70. *Repayment of benefit improperly received.* — (1) Where any person has received any benefit or payment under this Act when he is not lawfully entitled thereto, he shall be liable to repay to the Corporation the value of the benefit or the amount of such payment, or in the case of death his representative shall be liable to repay the same from the assets of the deceased, if any, in his hands.

(2) The value of any benefits received other than cash payments shall be determined by such authority as may be specified in the regulations made in this behalf and the decision of such authority shall be final.

(3) The amount recoverable under this section may be recovered as if it were an arrear of land revenue ¹[or under section 45-C to section 45-I].

71. *Benefit payable up to and including day of death.* — ²[If a person dies] during any period for which he is entitled to a cash benefit under this Act, the amount of such benefit up to and including the day of his death shall be paid to any person nominated by the deceased person in writing in such form as may be specified in the regulations or, if there is no such nomination, to the heir or legal representative of the deceased person.

72. *Employer not to reduce wages, etc.* — No employer by reason only of his liability for any contributions payable under this Act shall, directly, or indirectly, reduce the wages of any employee, or except as provided by the regulations, discontinue or reduce benefits payable to him under the conditions of his service which are similar to the benefits conferred by this Act.

73. *Employer not to dismiss or punish employee during period of sickness, etc.* — (1) No employer shall dismiss, discharge, or reduce or otherwise punish an employee during the period the employee is in receipt of sickness benefit or maternity benefit, nor shall he, except as provided under the regulations, dismiss, discharge or reduce or otherwise punish an employee during the period he is in receipt of disablement benefit for temporary disablement or is under medical treatment for sickness or is absent from work as a result of illness duly certified in accordance with the regulations to arise out of the pregnancy or confinement rendering the employee unfit for work.

(2) No notice of dismissal or discharge or reduction given to an employee during the period specified in sub-section (1) shall be valid or operative.

¹[CHAPTER V-A

SCHEME FOR OTHER BENEFICIARIES

73-A. Definitions. — In this Chapter, —

- (a) “ other beneficiaries ” means persons other than the person insured under this Act ;
- (b) “ Scheme ” means any Scheme framed by the Central Government from time to time under section 73-B for the medical facility for other beneficiaries ;
- (c) “ underutilised hospital ” means any hospital not fully utilised by the persons insured under this Act ;
- (d) “ user charges ” means the amount which is to be charged from the other beneficiaries for medical facilities as may be notified by the Corporation in consultation with the Central Government from time to time.

73-B. Power to frame Schemes. — Notwithstanding anything contained in this Act, the Central Government may, by notification in the Official Gazette, frame Scheme for other beneficiaries and the members of their families for providing medical facility in any hospital established by the Corporation in any area which is underutilised on payment of user charges.

73-C. Collection of user charges. — The user charges collected from the other beneficiaries shall be deemed to be the contribution and shall form part of the Employees’ State Insurance Fund.

73-D. Scheme for other beneficiaries. — The Scheme may provide for all or any of the following matters, namely : —

- (i) the other beneficiaries who may be covered under this Scheme ;
- (ii) the time and manner in which the medical facilities may be availed by the other beneficiaries ;
- (iii) the form in which the other beneficiary shall furnish particulars about himself and his family whenever required as may be specified by the Corporation ;
- (iv) any other matter which is to be provided for in the Scheme or which may be necessary or proper for the purpose of implementing the Scheme.

73-E. Power to amend Scheme. — The Central Government may, by notification in the Official Gazette, add to, amend, vary or rescind the Scheme.

73-F. Laying of Scheme framed under this Chapter. — Every Scheme framed under this Chapter shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the Scheme or both Houses agree that the Scheme should not be made, the Scheme shall thereafter have effect only in such modified form or to be of no effect, as the case may be ; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that Scheme.]

CHAPTER VI

ADJUDICATION OF DISPUTE AND CLAIMS

74. Constitution of Employees’ Insurance Court. — (1) The ¹[State] Government shall, by notification in the Official Gazette, constitute an Employees’ Insurance Court for such local area as may be specified in the notification.

(2) The Court shall consist of such number of judges as the ¹[State] Government may think fit.

(3) Any person who is or has been a judicial officer or is a legal practitioner of five years' standing shall be qualified to be a Judge of the Employees' Insurance Court.

(4) The ¹[State] Government may appoint the same Court for two or more local areas or two or more Courts for the same local area.

(5) Where more than one Court has been appointed for the same local area, the ¹[State] Government may by general or special order regulate the distribution of business between them.

75. Matters to be decided by the Employees' Insurance Court. — (1) If any question or dispute arises as to —

- (a) whether any person is an employee within the meaning of this Act or whether he is liable to pay the employee's contribution, or
- (b) the rate of wages or average daily wages of an employee for the purposes of this Act, or
- (c) the rate of contribution payable by a principal employer in respect of any employee, or
- (d) the person who is or was the principal employer in respect of any employee, or
- (e) the right of any person to any benefit and as to the amount and duration thereof, or
- ¹[(e) any direction issued by the Corporation under section 55-A on a review of any payment of dependants' benefits, or]
- ²[(f) * * *]
- (g) any other matter which is in dispute between a principal employer and the Corporation, or between a principal employer and an immediate employer, or between a person and the Corporation or between an employee and a principal or immediate employer, in respect of any contribution or benefit or other dues payable or recoverable under this Act, ³[or any other matter required to be or which may be decided by the Employees' Insurance Court under this Act],

such question or dispute ⁴[subject to the provisions of sub-section (2A)] shall be decided by the Employees' Insurance Court in accordance with the provisions of this Act.

(2) ⁵[Subject to the provisions of sub-section (2A), the following claims] shall be decided by the Employees' Insurance Court, namely : —

- (a) claim for the recovery of contribution from the principal employer ;
- (b) claim by a principal employer to recover contributions from any immediate employer ;
- ¹[(c) * * *]
- (d) claim against a principal employer under section 68 ;
- (e) claim under section 70 for the recovery of the value or amount of the benefits received by a person when he is not lawfully entitled thereto ; and
- (f) If any claim for the recovery of any benefit admissible under this Act.

²[(2A) If in any proceedings before the Employees' Insurance Court a disablement question arises and the decision of a medical board or a medical appeal tribunal has not been obtained on the same and the decision of such question is necessary for the determination of the claim or question before the Employees' Insurance Court, that Court shall direct the Corporation to have the question decided by this Act and shall thereafter proceed with the determination of the claim or question before it in accordance with the decision of the medical board or the medical

appeal tribunal, as the case may be, except where an appeal has been filed before the Employees' Insurance Court under sub-section (2) of section 54-A in which case the Employees' Insurance Court may itself determine all the issues arising before it.]

³[(2-B) No matter which is in dispute between a principal employer and the Corporation in respect of any contribution or any other dues shall be raised by the principal employer in the Employees' Insurance Court unless he has deposited with the Court fifty per cent. of the amount due from him as claimed by the Corporation :

Provided that the Court may, for reasons to be recorded in writing, waive or reduce the amount to be deposited under this sub-section.]

(3) No civil Court shall have jurisdiction to decide or deal with any question or dispute as aforesaid or to adjudicate on any liability which by or under this Act is to be decided by ¹[a medical board, or by a medical appeal tribunal or by the Employees' Insurance Court].

76. Institution of proceedings, etc. — (1) Subject to the provisions of this Act and any rules made by the ²[State] Government, all proceedings before the Employees' Insurance Court shall be instituted in the Court appointed for the local area in which the insured person was working at the time the question or dispute arose.

(2) If the Court is satisfied that any matter arising out of any proceedings pending before it can be more conveniently dealt with by any other Employees' Insurance Court in the same ³[State], it may, subject to any rules made by the ²[State] Government in this behalf, order such matter to be transferred to such other Court for disposal and shall forthwith transmit to such other Court the records connected with that matter.

(3) The ²[State] Government may transfer any matter pending before any Employees' Insurance Court in the ³[State] to any such Court in another ³[State] with the consent of the ²[State] Government of that State.

(4) The Court to which any matter is transferred under sub-section (2) or sub-section (3) shall continue the proceedings as if they had been originally instituted in it.

77. Commencement of proceedings. — (1) The proceeding before an Employees' Insurance Court shall be commenced by application.

⁴[(1-A) Every such application shall be made within a period of three years from the date on which the cause of action arose.

Explanation. — For the purpose of this sub-section, —

- (a) the cause of action in respect of a claim for benefit shall not be deemed to arise unless the insured person or in the case of dependants' benefit, the dependants of the insured person claims or claim that benefit in accordance with the regulations made in that behalf within a period of twelve months after the claim became due or within such further period as the Employees' Insurance Court may allow on grounds which appear to it to be reasonable ;
- ¹[(b) the cause of action in respect of a claim by the Corporation for recovering contributions (including interest and damages) from the principal employer shall be deemed to have arisen on the date on which such claim is made by the Corporation for the first time :

Provided that no claim shall be made by the Corporation after five years of the period to which the claim relates ;

- (c) the cause of action in respect of a claim by the principal employer for recovering contributions from an immediate employer shall not be deemed to

arise till the date by which the evidence of contributions having been paid is due to be received by the Corporation under the regulations.].]

(2) Every such application shall be in such form and shall contain such particulars and shall be accompanied by such fee if any, as may be prescribed by rules made by the State Government in consultation with the Corporation.

78. Powers of Employees' Insurance Court. — (1) The Employees' Insurance Court shall have all the powers of a civil Court for the purposes of summoning and enforcing the attendance of witnesses, compelling the discovery and production of documents and material objects, administering oath and recording evidence and such Court shall be deemed to be a civil Court within the meaning of ¹[section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973 (2 of 1974)].

(2) The Employees' Insurance Court shall follow such procedure as may be prescribed by rules made by the ²[State] Government.

(3) All costs incidental to any proceeding before an Employees' Insurance Court shall, subject to such rules as may be made in this behalf by the ²[State] Government, be in the discretion of the Court.

(4) An order of the Employees' Insurance Court shall be enforceable as if it were a decree passed in a suit by a civil Court.

79. Appearance by legal practitioners, etc. — Any application, appearance or act required to be made or done by any person to or before an Employees' Insurance Court (other than appearance of a person required for the purpose of this examination as a witness) may be made or done by a legal practitioner or by an officer of a registered trade union authorised in writing by such person or, with the permission of the Court, by any other person so authorised.

³[**80. Benefit not admissible unless claimed in time.** — * * *]

81. Reference to High Court. — An Employees' Insurance Court may submit any question of law for the decision of the High Court and if does so shall decide the question pending before it in accordance with such decision.

82. Appeal. — (1) Save as expressly provided in this section, no appeal shall lie from an order of an Employees' Insurance Court.

(2) An appeal shall lie to the High Court from an order of an Employees' Insurance Court if it involves a substantial question of law.

(3) The period of limitation for an appeal under this section shall be sixty days.

(4) The provisions of sections 5 and 12 of the ¹[Limitation Act, 1963 (36 of 1963)] shall apply to appeals under this section.

83. Stay of payment pending appeal. — Where the Corporation has presented an appeal against an order of the Employees' Insurance Court, that Court may, and if so directed by the High Court shall, pending the decision of the appeal, withhold the payment of any sum directed to be paid by the order appealed against.

CHAPTER VII

PENALTIES

84. Punishment for false statement.— Whoever, for the purpose of causing any increase in payment or benefit under this Act, or for the purpose of causing any payment or benefit to be made where no payment or benefit is authorised by or under this Act, or for the purpose of avoiding any payment to be made by himself under this Act or enabling any other person to avoid any such payment, knowingly makes or causes to be made any false statement or false

representation, shall be punishable with imprisonment for a term which may extend to ¹[six months] or with fine not exceeding ²[two thousand] rupees, or with both.

³[Provided that where an insured person is convicted under this section, he shall not be entitled for any cash benefit under this Act for such period as may be prescribed by the Central Government.]

85. *Punishment for failure to pay contributions, etc.* — If any person —

- (a) fails to pay any contribution which under this Act he is liable to pay, or
- (b) deducts or attempts to deduct from the wages of an employee the whole or any part of the employer's contribution, or
- (c) in contravention of section 72 reduces the wages or any privileges or benefits admissible to an employee, or
- (d) in contravention of section 73 or any regulation dismisses, discharges, reduces or otherwise punishes an employee, or
- (e) fails or refuses to submit any return required by the regulations or makes a false return, or
- (f) obstructs any Inspector or other official of the corporation in the discharge of his duties, or
- (g) is guilty of any contravention of or non-compliance with any of the requirements of this Act or the rules or the regulations in respect of which no special penalty is provided,

¹[he shall be punishable —

²(i) where he commits an offence under clause (a), with imprisonment for a term which may extend to three years but —

- (a) which shall not be less than one year, in case of failure to pay the employee's contribution which has been deducted by him from the employee's wages and shall also be liable to fine of ten thousand rupees ;
- (b) which shall not be less than six months, in any other case and shall also be liable to fine of five thousand rupees :

Provided that the Court may, for any adequate and special reasons to be recorded in the judgment, impose a sentence of imprisonment for a lesser term ;

(ii) where he commits an offence under any of the clauses (b) to (g) (both inclusive), with imprisonment for a term which may extend to one year or with fine which may extend to four thousand rupees, or with both].]

³**[85-A. *Enhanced punishment in certain cases after previous conviction.*** — Whoever, having been convicted by a Court of an offence punishable under this Act, commits the same offence shall, for every such subsequent offence, be punishable with imprisonment for a term which may extend to ¹[two years and with fine of five thousand rupees]:

Provided that where such subsequent offence is for failure by the employer to pay any contribution which under this Act, he is liable to pay, he shall, for every such subsequent offence, be punishable with imprisonment for a term which may extend to ²[five years but which shall not be less than two years and shall also be liable to fine of twenty-five thousand rupees].

85-B. *Power to recover damages. — (1) Where an employer fails to pay the amount due in respect of any contribution or any other amount payable under this Act, the Corporation may recover ³[from the employer by way of penalty such damages, not exceeding the amount of arrears as may be specified in the regulations] :

Provided that before recovering such damages, the employer shall be given a reasonable opportunity of being heard :

⁴[Provided further that the Corporation may reduce or waive the damages recoverable under this section in relation to an establishment which is a sick industrial company in respect of which a scheme for rehabilitation has been sanctioned by the Board for Industrial and Financial Reconstruction established under section 4 of the Sick Industrial Companies (Special Provisions) Act, 1985 (1 of 1986), subject to such terms and conditions as may be specified in regulations.].

(2) Any damages recoverable under sub-section (1) may be recovered as an arrear of land revenue ¹[or under section 45-C to section 45-I].

***85-C. Power of Court to make orders.** — (1) Where an employer is convicted of an offence for failure to pay any contribution payable under this Act, the Court may, in addition to awarding any punishment, by order, in writing, require him within a period specified in the order (which the Court may if it thinks fit and on application in that behalf, from time to time, extend), to pay the amount of contribution in respect of which the offence was committed ²[and to furnish the return relating to such contributions].

(2) Where an order is made under sub-section (1), the employer shall not be liable under this Act in respect of the continuation of the offence during the period or extended period, if any, allowed by the Court, but if, on the expiry of such period or extended period, as the case may be, the order of the Court has not been fully complied with, the employer shall be deemed to have committed a further offence and shall be punishable with imprisonment in respect thereof under section 85 and shall also be liable to pay fine which may extend to ³[one thousand] rupees for every day after such expiry on which the order has not been complied with.]

86. Prosecutions. — (1) No prosecution under this Act shall be instituted except by or with the previous sanction of the Insurance Commissioner ⁴[or of such other officer of the Corporation as may be authorised in this behalf by the ⁵[Director-General of the Corporation]].

¹[(2) No Court inferior to that of a Metropolitan Magistrate or Judicial Magistrate of the First Class shall try any offence under this Act.]

(3) No Court shall take cognizance of any offence under this Act, except on a complaint made in writing in respect thereof ²[***].

³[**86-A. Offences by companies.** — (1) If the person committing an offence under this Act is a company, every person, who at the time the offence was committed was in charge of, and was responsible to the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly :

Provided that nothing contained in this sub-section shall render any person liable to any punishment, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed with the consent or connivance of, or is attributable to, any neglect on the part of, any director or manager, secretary or other officer of the company, such director, manager, secretary or other officer shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation. — For the purposes of this section, —

(i) “ company ” means any body corporate and includes a firm and other associations of individuals ; and

(ii) “ director ” in relation to —

- (a) a company, other than a firm, means the managing director or a whole-time director ;
- (b) a firm means a partner in the firm.]

CHAPTER VIII

MISCELLANEOUS

87. Exemption of a factory or establishment or class of factories or establishments. — The appropriate Government may by notification in the Official Gazette and subject to such conditions as may be specified in the notification, exempt any factory or establishment or class of factories or establishments in any specified area from the operation of this Act for a period not exceeding one year and may from time to time by like notification renew any such exemption for periods not exceeding one year at a time.

¹[Provided that such exemptions may be granted only if the employees' in such factories or establishments are otherwise in receipt of benefits substantially similar or superior to the benefits provided under this Act :

Provided further that an application for renewal shall be made three months before the date of expiry of the exemption period and a decision on the same shall be taken by the appropriate Government within two months of receipt of such application.]

88. Exemption of persons or class of persons. — The appropriate Government may, by notification in the Official Gazette and subject to such conditions as it may deem fit to impose, exempt any person or class of persons employed in any factory or establishment or class of factories or establishments to which this Act applies from the operation of the Act.

89. Corporation to make representation. — No exemption shall be granted or renewed under section 87 or Section 88, unless a reasonable opportunity has been given to the Corporation to make any representation it may wish to make in regard to the proposal and such representation has been considered by the appropriate Government.

90. Exemption of factories or establishments belonging to Government or any local authority. — The appropriate Government may, ¹[after consultation with the Corporation], by notification in the Official Gazette and subject to such conditions as may be specified in the notification, exempt any factory or establishment belonging to ²[***] any local authority, ³[from the operation of this Act] if the employees in any such factory, or establishment are otherwise in receipt of benefits substantially similar or superior to the benefits provided under this Act.

91. Exemption from one or more provisions of the Act. — The appropriate Government may, with the consent of the Corporation, by notification in the Official Gazette, exempt any employees or class of employees in any factory or establishment or class of factories or establishments from one or more of the provisions relating to the benefits provided under this Act.

⁴[91-A. Exemptions to be either prospective or retrospective*. — Any notification granting exemption under section 87, section 88, section 90 or section 91 may be issued so as to take effect ⁵[prospectively] on such date as may be specified therein.]

⁶[91-AA. Central Government to be appropriate Government. — Notwithstanding anything contained in this Act, in respect of establishments located in the States where medical benefit is provided by the Corporation, the Central Government shall be the appropriate Government.]

⁷[91-B. Misuse of benefits. — If the Central Government is satisfied that the benefits under this Act are being misused by insured persons in a factory or establishment, that Government may, by order, published in the Official Gazette, disentitle such persons from such of the benefits as it thinks fit :

Provided that no such order shall be passed unless a reasonable opportunity of being heard is given to the concerned factory or establishment, insured persons and the trade unions registered under the Trade Unions Act, 1926 (16 of 1926) having members in the factory or establishment.

91-C. Writing off of losses. — Subject to the conditions as may be prescribed by the Central Government, where the Corporation is of opinion that the amount of contribution, interest and damages due to the Corporation is irrecoverable, the Corporation may sanction the writing off finally of the said amount.]

92. Power of Central Government to give directions. — ²[(1)] The Central Government may give directions to a ³[State] Government as to the carrying into execution of this Act in the ⁴[State].

⁵[(2) The Central Government from time to time, give such directions to the Corporation as it may think fit for the efficient administration of the Act, and if any such direction is given, the Corporation shall comply with such direction.]

93. Corporation Officers and servants to be public servants. — All officers and servants of the Corporation shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code (45 of 1860).

¹[93-A. **Liability in case of transfer of establishment.** — Where an employer, in relation to a factory or establishment, transfers that factory or establishment in whole or in part, by sale, gift, lease or license or in any other manner whatsoever, the employer and the person to whom the factory or establishment is so transferred shall jointly and severally be liable to pay the amount due in respect of any contribution or any other amount payable under this Act in respect of the periods up to the date of such transfer :

Provided that the liability of the transferee shall be limited to the value of the assets obtained by him by such transfer.]

94. Contributions, etc., due to Corporation to have priority over other debts. — There shall be deemed to be included among the debts which, under section 49 of the Presidency-towns Insolvency Act, 1909 (III of 1909), or under section 61 of the Provincial Insolvency Act, 1920 (V of 1920), ²[or under any law relating to insolvency in force ³[in the territories which, immediately before the 1st November, 1956, were comprised in a Part B State]], ⁴[or under section 530 of the Indian Companies Act, 1956 (1 of 1956)], are in the distribution of the property of the insolvent or in the distribution of the assets of a company being wound up, to be paid in priority to all other debts, the amount due in respect of any contribution or any other amount payable under this Act the liability wherefor accrued before the date of the order of adjudication of the insolvent or the date if (*sic.*) the winding up, as the case may be.

⁵[94-A. **Delegation of powers.** — The Corporation and, subject to any regulations made by the Corporation in this behalf, the Standing Committee may direct that all or any of the powers and functions which may be exercised or performed by the Corporation or the Standing Committee, as the case may be, may, in relation to such matters and subjects in such conditions, if any, as may be specified, be also exercisable by any officer or authority subordinate to the Corporation.]

95. Powers of Central Government to make rules. — (1) The Central Government may, ¹[after consultation with the Corporation and] subject to the condition of previous publication, make rules not inconsistent with this Act for the purpose of giving effect to the provisions thereof.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely : —

²[(a) the limit of wages beyond which a person shall not be deemed to be an employee ;

- (ab) the limit of maximum monthly salary for the purpose of sub-section (1) of section 17 ;]
- ³[(ac)] the manner in which ⁴[appointments] and elections of members of the Corporation, the Standing Committee and the Medical Benefit Council shall be made ;
- (b) the quorum at meetings of the Corporation, the Standing Committee and the Medical Benefit Council and the minimum number of meetings of those bodies to be held in a year ;
- (c) the records to be kept of the transaction of the business by the Corporation, the Standing Committee and the Medical Benefit Council ;
- (d) the powers and duties of the ⁴[Director-General and the Financial Commissioner] and the conditions of their service ;
- (e) the powers and duties of the Medical Benefit Council ;
- ²[(ea)] the types of expenses which may be termed as administrative expenses the percentage of income of the Corporation which may be spent for such expenses ;
- (eb) the rates of contributions and limits of wages below which employees are not liable to pay contribution ;
- (ec) the manner of calculation of the average daily wage;
- (ed) the manner of certifying the certificate to recover amount by the Recovery Officer ;
- (ee) the amount of funeral expenses ;
- (ef) the qualifications, conditions, rates and period of sickness benefit, maternity benefit, disablement benefit and dependant's benefit ;
- ³[(eff)] the income of dependant parents from all sources ;]
- (eg) the conditions for grant of medical benefits for insured persons who cease to be in insurable employment on account of permanent disablement ;
- (eh) the conditions for grant of medical benefits for persons who have attained the age of superannuation ;]
- ¹[(ehh)] the conditions under which the medical benefits shall be payable to the insured person and spouse of an insured person who has attained the age of superannuation, the person who retires under Voluntary Retirement Scheme and the person who takes premature retirement ;]
- ²*[(ei)] the manner in which and the time within which appeals may be filed to medical appeal tribunals or Employees' Insurance Courts ;]
- (f) the procedure to be adopted in the execution of contracts ;
- (g) the acquisition, holding and disposal of property by the Corporation ;
- (h) the raising and repayment of loans ;
- (i) the investment of the funds of the Corporation and of any provident or other benefit fund and their transfer or realization ;
- (j) the basis on which the periodical valuation of the assets and liabilities of the Corporation shall be made ;
- (k) the bank or banks in which the funds of the Corporation may be deposited, the procedure to be followed in regard to the crediting of moneys accruing or payable to the Corporation and the manner in which any sums may be paid out

of the Corporation funds and the officers in whom such payment may be authorised ;

- (l) the accounts to be maintained by the Corporation and the forms in which such accounts shall be kept and the times at which such accounts shall be audited ;
- (m) the publication of the accounts of the Corporation and the report of auditors, the action to be taken on the audit report, the powers of auditors to disallow and surcharge items of expenditure and the recovery of sums so disallowed or surcharged ;
- (n) the preparation of budget estimates and of supplementary estimates and the manner in which such estimates shall be sanctioned and published ;
- (o) the establishment and maintenance of provident or other benefit fund for officers and servants of the Corporation ; ¹[***]
- ²[(oa) the period of non-entitlement for cash benefit in case of conviction of an insured person ;]
- (p) any matter which is required or allowed by this Act to be prescribed by the Central Government.

³[(2A) The power to make rules conferred by this section shall include the power to give retrospective effect, from a date not earlier than the date of commencement of this Act, to the rules or any of them but no retrospective effect shall be given to any rule so as to prejudicially affect the interest of any person other than the Corporation to whom such rule may be applicable.]

(3) Rules made under this section shall be published in the Official Gazette and thereupon shall have effect as if enacted in this Act.

⁴[(4) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session ⁴[or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid] both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be ; so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.]

96. Power of State Government to make rules. — (1) The ²[State] Government may, ³[after consultation with the Corporation and] subject to the condition of previous publication, make rules not inconsistent with this Act in regard to all or any of the following matters, namely —

- (a) the constitution of Employees' Insurance Courts, the qualifications of persons who may be appointed Judges thereof, and the conditions of service of such Judges ;
- (b) the procedure to be followed in proceedings before such courts and the execution of orders made by such Courts ;
- (c) the fee payable in respect of applications made to the Employees' Insurance Court, the costs incidental to the proceedings in such Court, the form in which applications should be made to it and the particulars to be specified in such applications ;
- (d) the establishment of hospitals, dispensaries and other institutions, the allotment of insured persons or their families to any such hospital, dispensary or other institution ;

- (e) the scale of medical benefit which shall be provided at any hospital, clinic, dispensary or institution, the keeping of medical records and the furnishing of statistical returns ;
- ¹[(ee) the organisational structure, functions, powers, activities and other matters for the establishment of the organisation ;]
- (f) the nature and extent of the staff, equipment and medicines that shall be provided at such hospitals, dispensaries and institutions ;
- (g) the conditions of service of the staff employed at such hospitals, dispensaries and institutions ; and
- (h) any other matter which is required or allowed by this Act to be prescribed by the ²[State] Government.

(2) Rules made under this section shall be published in the official Gazette and thereupon shall have effect as if enacted in this Act.

³(3) Every rule made under this section shall be laid as soon as may be after it is made, before each House of the State Legislature where it consists of two Houses, or, where such Legislature consists of one House, before that House.]

97. Power of Corporation to make regulations. — (1) The Corporation may ⁴[***] subject to the conditions of previous publication, make regulations, not inconsistent with this Act and the rules made thereunder, for the administration of the affairs of the Corporation and for carrying into effect the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely : —

- (i) the time and place of meetings of the Corporation, the Standing Committee and the Medical Benefit Council and the procedure to be followed at such meetings ;
- ¹[(ia) the time within which and the manner in which a factory or establishment shall be registered ;]
- (ii) the matters which shall be referred by the Standing Committee to the Corporation for decision ;
- (iii) the manner in which any contribution payable under this Act shall be assessed and collected ;
- ²[(iii-a) the rate of interest higher than twelve per cent. on delayed payment of contributions ;]
- (iv) reckoning of wages for the purpose of fixing the contribution payable under this Act ;
- ³[(iv-a) the register of employees to be maintained by the immediate employer ;
- (iv-b) the entitlement of sickness benefit or disablement benefit for temporary disablement on any day on which the person works or remains on leave or on holiday and in respect of which he receives wages or for any day on which he remains on strike ;]
- (v) the certification of sickness and eligibility for any cash benefit ;
- ¹[(vi) the method of determining whether an insured person is suffering from one or more of the diseases specified in the Third Schedule ;]
- (vii) the assessing of the money value of any benefit which is not a cash benefit ;
- (viii) the time within which ²[and the form and manner in which] any claim for a benefit may be made and the particulars to be specified in such claim ;

- (ix) the circumstances in which an employee in receipt of disablement benefit may be dismissed, discharged, reduced or otherwise punished ;
- (x) the manner in which and the place and time at which any benefit shall be paid ;
- (xi) the method of calculating the amount of cash benefit payable and the circumstances in which and the extent to which commutation of disablement and dependant's benefits, may be allowed and the method of calculating the commutation value ;
- (xii) the notice of pregnancy or of confinement and notice and proof of sickness ;
- ³[(xii-a) specifying the authority competent to give certificate of eligibility for maternity benefit ;
- (xii-b) the manner of nomination by an insured woman for payment of maternity benefit in case of her or her child's death ;
- (xii-c) the production of proof in support of claim for maternity benefit or additional maternity benefit ;]
- (xiii) the conditions under which any benefit may be suspended ;
- (xiv) the conditions to be observed by a person when in receipt of any benefit and the periodical medical examination of such persons ;
- ¹[(xv) ***]
- (xvi) the appointment of medical practitioners for the purposes of this Act, the duties of such practitioners and the form of medical certificates ;
- ²[(xvi-a) the qualifications and experience which a person should possess for giving certificate of sickness ;
- (xvi-b) the constitution of medical boards and medical appeal tribunals ;]
- (xvii) the penalties for breach of regulations by fine (not exceeding two days' wages for a first breach and not exceeding three days' wages for any subsequent breach) which may be imposed on employees ;
- ³[(xvii-a) the amount of damages to be recovered as penalty ;
- (xvii-b) the terms and conditions for reduction or waiver of damages in relation to a sick industrial company ;]
- (xviii) the circumstances in which and the conditions subject to which any regulation may be relaxed, the extent of such relaxation, and the authority by whom such relaxation may be granted ;
- ⁴[(xix) the returns to be submitted and the registers or records to be maintained by the principal and immediate employers, the forms of such returns, registers or records, and the times at which such returns should be submitted and the particulars which such returns, registers and records should contain ;]
- (xx) the duties and powers of ¹[Social Security Officers] and other officers and servants of the Corporation ;
- ²[(xxa) the constitution of the appellate authority and the interest on amount deposited by the employer with the Corporation ;]
- ³[(xxi) the method of recruitment, pay and allowances, discipline, superannuation benefits and other conditions of service of the officers and servants of the Corporation other than the ⁴[Director-General and the Financial Commissioner] ;]
- (xxii) the procedure to be followed in remitting contributions to the Corporation ; and

(xxiii) any matter in respect of which regulations are required or permitted to be made by this Act.

⁵[(2A) The condition of previous publication shall not apply to any regulations of the nature specified in clause (xxi) of sub-section (2).]

(3) Regulations made by the Corporation shall be published in the Gazette of India and thereupon shall have effect as if enacted in this Act.

¹[(4) Every regulation shall, as soon as may be, after it is made by the Corporation, be forwarded to the Central Government and that Government shall cause a copy of the same to be laid before each House of Parliament, while it is in session for a total period of thirty days, which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the regulation or both Houses agree that the regulation should not be made, the regulation shall thereafter have effect only in such modified form or be of no effect, as the case maybe ; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that regulation.]

²[98. *Corporation may undertake duties in [Part B States].* — * * *].

³[99. *Medical care for the families of insured persons.* — At any time when its funds so permit, the Corporation may provide or contribute towards the cost of medical care for the families of insured persons.]

* **Publisher's Note : Existing Sec. 99 before the Amendment Act 29 of 1989, is given below.**

*99. *Enhancement of benefits.* — At any time when its funds so permit, the Corporation may enhance the scale of any benefit admissible under this Act and the period for which such benefit may be given, and provide or contribute towards the cost of medical care for the families of insured persons.

⁴[99-A. *Power to remove difficulties.* — (1) If any difficulty arises in giving effect in the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions or give such directions, not inconsistent with the provisions of this Act, as appears to it to be necessary or expedient for removing the difficulty.

(2) Any order made under this section shall have effect notwithstanding anything inconsistent therewith in any rules or regulations made under this Act.]

¹[100. *Repeals and savings.* — If, immediately before the day on which this Act comes into force ²[in any part of the territories which, immediately before the 1st November, 1956, were comprised in a Part B State], there is in force in ³[that part] any law corresponding to this Act, that law shall, on such day, stand repealed :

Provided that the repeal shall not affect —

- (a) the previous operations of any such law, or
- (b) any penalty, forfeiture or punishment incurred in respect of any offence committed against any such law ; or
- (c) any investigation or remedy in respect of any such penalty, forfeiture or punishment ;

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced any such penalty, forfeiture or punishment may be imposed, as if this Act had not been passed :

Provided further that subject to the preceding proviso anything done or any action taken under any such law shall be deemed to have been done or taken under the corresponding provision of this Act and shall continue in force accordingly unless and until superseded by anything done or any action under this Act.]

***THE FIRST SCHEDULE**

(Courtesy Madras Book Agency, Villivakkam, Chennai)

I.T.S – THE EDUCATION GROUP

(Campus I, II, III & IV)

The Secretary
I.T.S – The Education Group
Murad Nagar

Date: 25.05.2017

Subject: Regarding uniform Discount Policy for patients for both Hospitals

Dear Sir,

This is to bring to your notice that currently we have variable discount policies for different category of patients at our Greater Noida and Murad Nagar Campus. It is now proposed to have uniform discount policy at both the campuses as under:-

DISCOUNT CATEGORY

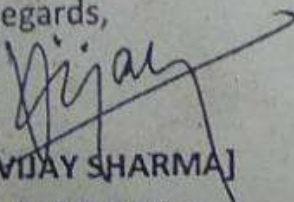
PARTICULARS	DISCOUNT
For all Employees of I.T.S – The Education Group	25%
For Immediate Dependant family members of all Employees of I.T.S – The Education Group	20%
For all patients referred by employees of I.T.S – The Education Group	10%

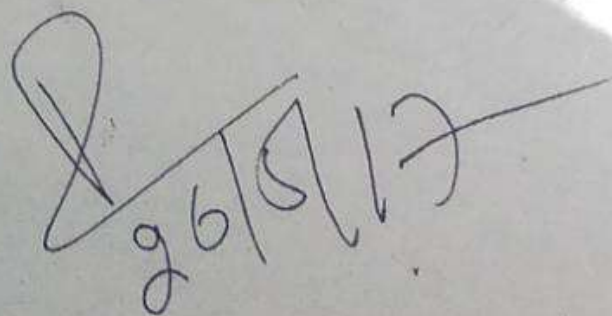
- Immediate Dependents – Mother, Father, wife/ Husband, Son, Daughter and unmarried/ Unemployed dependant Brothers and sisters

The staff members are required to produce their valid indent at the registration counter to avail discount.

Please note that the above discount is provided on treatment charges only and not applicable for diagnostic, medicine and amount payable to consultants.

Regards,


[VIJAY SHARMA]
Administrator


26/5/17


8/10/17

Fwd: Circular 33 (Revised)

1 message

Dr. Akhil Manocha <akhilmanocha@its.edu.in>
To: Yogesh Kumar Pal <yogeshkpal@its.edu.in>

Fri, Jan 28, 2022 at 11:17 AM

----- Forwarded message -----

From: **Director PG Studies ITS Dental gzb** <dir.dntl.gzb@its.edu.in>
Date: Fri, Jan 28, 2022, 10:53 AM
Subject: Fwd: Circular 33 (Revised)
To: Yogesh Kumar <yogesh.k.pal@gmail.com>, Dr. Akhil Manocha <akhilmanocha@its.edu.in>

----- Forwarded message -----

From: **Director PG Studies ITS Dental gzb** <dir.dntl.gzb@its.edu.in>
Date: Thu, Dec 10, 2015 at 12:34 PM
Subject: Circular 33 (Revised)
To: HOD Oral Medicine ITS Dental gzb <hod.om.gzb@its.edu.in>, HOD Oral Surgery ITS Dental gzb <hod.os.gzb@its.edu.in>, HOD Community ITS Dental gzb <hod.phd.gzb@its.edu.in>, HOD Prosthodontics ITS Dental gzb <hod.pros.gzb@its.edu.in>, HOD Periodontics ITS Dental gzb <hod.perio.gzb@its.edu.in>, HOD Conservative ITS Dental gzb <hod.cons.gzb@its.edu.in>, HOD Pedodontics ITS Dental gzb <hod.pedo.gzb@its.edu.in>, HOD Orthodontics ITS Dental gzb <hod.ortho.gzb@its.edu.in>, HOD Oral Pathology ITS Dental gzb <hod.op.gzb@its.edu.in>
Cc: RP Chadha <rpchadha@its.edu.in>, Vice Chairman Office ITS GZB <vcoff.gzb@its.edu.in>, BK Arora <bkarora@its.edu.in>, Arpit Chadha <arpitchadha@its.edu.in>, Sohil Chadha <sohilchadha@its.edu.in>, Director General ITS Dental Colleges <dg.dntl@its.edu.in>, Director General Office ITS Dental gzb <dgoff.dntl.gzb@its.edu.in>, Principal ITS Dental gzb <prin.dntl.gzb@its.edu.in>, Principal Office ITS Dental gzb <prinoff.dntl.gzb@its.edu.in>, Administrator ITS Dental Colleges <admin.dntl@its.edu.in>

I.T.S CENTRE FOR DENTAL STUDIES & RESEARCH

Delhi- Meerut Road, Muradnagar, Ghaziabad

CIRCULAR

(To All HOD's)

Ref. No. Director – PG Studies/ITSCDSR/2015/33(R) 10.12.2015

In continuation of the previous Circular Principal/ITSCDSR/2015/13 dated 23.07.2015 the new Discount policy with effect from 01.12.2015 of **Dental Treatment Charges** will be as follows:

Sl. No.	Card	Authorization	Policy
01	Golden Card Val: 1 yr.	Chairman Sir/Issued by Management	100% Discount for all treatments except Fixed Orthodontics, CBCT, Major Oral Surgeries, Implants and FPD (upto 3 units only). Copy of the Golden Card to be attached at Registration Counter.

02	VIP Card (Camp)	Given in camps by Camp Incharge	30% Discount for all treatments except Fixed Orthodontics, CBCT, Major Oral Surgeries, Implants and FPD (upto 3 units only). Copy of the VIP Card (Camp) to be attached at Registration Counter.
03	I.T.S Faculty, Staff & their Immediate Dependents (All Campuses)	On submission of Valid I-card	50% Discount for all treatments except Fixed Orthodontics, CBCT, Major Oral Surgeries, Implants and FPD (upto 3 units only). Copy of the ID- Card to be attached at Registration Counter.
04	I.T.S Student (All Campuses)	On submission of Valid I-card	100% Discount for all treatments except Fixed Orthodontics, CBCT, Major Oral Surgeries, Implants and FPD (upto 3 units only). Copy of the ID- Card to be attached at Registration Counter.
05	Academic Interest Patients	HOD	100% Discount on individual treatment by HOD except Fixed Orthodontic, Implants & CBCT. HOD's to sign the receipt.

*Dependants – Mother, Father, Wife/Husband, Son, Daughter and unmarried/Unemployed dependant Brother and Sisters.

*Fixed Partial Denture (FPD) more than 3 units will be chargeable as per the normal rates for all Discount categories.

NOTE: In addition to above Director–PG Studies /Principal /Mr. Vijay Sharma /Mr. Sunil Chaudhary are also authorized to give discounts to the patients.

Dr. Vinod Sachdev

[Director – PG Studies]

CC:

Chairman (By e-mail)

Vice Chairman (By e-mail)

Secretary (By e-mail)

Director General(By- email)

Principal (By e-mail)

HOD's (By e-mail)



THE EDUCATION GROUP

GHAZIABAD | Since 1995 | GREATER NOIDA

I T S CENTRE FOR DENTAL STUDIES & RESEARCH

Ghaziabad Uttar Pradesh

India

Statement of Accounts

01/01/2019 To 26/01/2022

To
BDS 2019-23 LAKSHMI D/O MR KAPIL

Account Summary

Opening Balance	₹ 0.00
Invoiced Amount	₹ 5,88,000.00
Amount Received	₹ 5,38,000.00
Balance Due	₹ 50,000.00

Date	Transactions	Details	Amount	Payments	Balance
01/01/2019	***Opening Balance***		0.00		0.00
02/09/2019	Invoice	INV/19-20/747 - due on 02/09/2019	3,94,000.00		3,94,000.00
14/09/2019	Credit Note	CN/19-20/846	(50,000.00)		3,44,000.00
14/09/2019	Credits Applied	CN/19-20/846 ₹50,000.00 for payment of INV/19-20/747			
30/10/2019	Credit Note	CN/19-20/931	(3,44,000.00)		0.00
30/10/2019	Credits Applied	CN/19-20/931 ₹3,44,000.00 for payment of INV/19-20/747			
06/12/2019	Credit Note	CN/19-20/1014	(50,000.00)		-50,000.00
13/06/2020	Invoice	INV/20-21/0131 - due on 13/06/2020	3,44,000.00		2,94,000.00

Date	Transactions	Details	Amount	Payments	Balance
13/06/2020	Payment Applied	INV/20-21/0131 ₹50,000.00 from CN/19-20/1014			
27/07/2020	Payment Received	FR/20-21/0140 ₹1,44,000.00 in excess payments		1,44,000.00	1,50,000.00
28/07/2020	Payment Refund	FR/20-21/0140		(1,44,000.00)	2,94,000.00
13/08/2020	Payment Received	FR/20-21/0242 ₹1,44,000.00 for payment of INV/20-21/0131		1,44,000.00	1,50,000.00
24/12/2020	Payment Received	FR/20-21/0672 ₹50,000.00 for payment of INV/20-21/0131		50,000.00	1,00,000.00
24/02/2021	Payment Received	FR/20-21/0908 ₹50,000.00 for payment of INV/20-21/0131		50,000.00	50,000.00
17/03/2021	Credit Note	CN/20-21/1002	(50,000.00)		0.00
17/03/2021	Credits Applied	CN/20-21/1002 ₹50,000.00 for payment of INV/20-21/0131			
10/09/2021	Invoice	INV/21-22/0282 - due on 10/09/2021	3,44,000.00		3,44,000.00
25/09/2021	Payment Received	FR/21-22/0447 ₹2,00,000.00 for payment of INV/21-22/0282		2,00,000.00	1,44,000.00
11/10/2021	Payment Received	FR/21-22/0494 ₹94,000.00 for payment of INV/21-22/0282		94,000.00	50,000.00
				Balance Due	₹ 50,000.00

I.T.S CENTRE FOR DENTAL STUDIES & RESEARCH
Delhi-Meerut Road, Murad Nagar, Ghaziabad

Ref No:-Director General/ITSCDSR/ 3710

Date:-01.04.2015

CIRCULAR

This is in continuation of earlier circular dated 30th Dec, 2013 the management has decided to reimburse conference expenses for attending one specialty conference in a year as per the following entitlements:

Designation	Amount Rs. (Maximum upto)
Professor	25,000/-
Reader	15,000/-
Sr.Lecturer	7,000/-

Conditions:-

1. Amount - Includes travel, stay & Conference registration.
2. Document Required - Proof of conference attendance & Original bills.
3. Eligibility:-

1. Must have one year of service from the date of joining in the institution.

2. As per Dental council of India requirements, the following conditions are to be met for reflecting in the inspection reports:-

1. Presentation of Scientific Paper
Or
2. Chairing of the Scientific Session
Or
3. Member of the Organizing Committee of the Conference
Or
4. Conducting a preconvention/Preconference CDE


3. At a time 50% of the faculty from the Department will be allowed to attend the conference in the interest of the patients and teaching and provided it does not clash with any other activity going on in the college.

4. It has been observed that faculty members proceed to attend the conference without prior permission of sanctioning authority, thus permission must be obtained 4-6 weeks before proceeding for conference.

5. The final permission for the participation in the conference rests with the college authorities.

6. The bills for reimbursement must be submitted along with the attendance certificate & final academic leave certificate within 3 weeks after attending the conference.

7. These conditions must be strictly followed failing which necessary disciplinary action will be taken and no reimbursement of registration/any travel expenses will be sanctioned.


Dr. Hari Parkash
(Director General)

C.C.:-

- Chairman Sir (E - mail)
- Vice Chairman Sir (E - mail)
- Secretary Sir (E - mail)
- Principal (E - mail)
- Vice Principal (E - mail)
- Administrator (E - mail)
- Dy. Registrar (E - mail)
- All HOD (E - mail)
- Professor, Reader, Sr.Lecturer (E - mail)

OFFICE ORDER

I.T.S-The Education Group is pleased to announce following scheme for the members of I.T.S- Parivar who have completed more than 3 years of service at I.T.S and whose gross salary is less than Rs. 10,000/- per month.

- On the occasion of one's own marriage – Rs. 500 to Rs. 1,000/-* per year for every completed year of service.
- On the occasion of sister's marriage – Rs. 500 to Rs. 1,000/-* per year for every completed year of service.
- On the occasion of daughter's marriage – Rs. 500 to Rs. 1,500/-* per year for every completed year of service.
- On the occasion of son's marriage – Rs. 500 to Rs. 1,000/-* per year for every completed year of service.

* *The exact amount to be paid shall be decided by the institute on the basis of performance and contribution made by the member towards the growth of the institute.*

The above incentive shall be paid subject to maximum of Rs. 25,000/- per relation.

If, by virtue of employment in I.T.S, two relatives become entitled for the above incentive for the same marriage, then the incentive of higher amount shall be paid to one member only.

Further, if the gross salary of member crosses Rs. 10,000/- after having served for more than three years at a gross salary of less than Rs. 10,000/-, the above incentive shall be paid for the period for which; the member had served in I.T.S at a gross salary of less than Rs. 10,000.

The payment of above amount shall be at sole discretion of the Institute and the same can not be claimed as a right.


(B.K. Arora)
Secretary

MATERNITY BENEFIT ACT, 1961
(No. 53 of 1961)¹

[12th. December, 1961]

An Act to regulate the employment of women in certain establishment for certain period before and after child-birth and to provide for maternity benefit and certain other benefits.

Be it enacted by Parliament in the Twelfth Year of the Republic of India as follows: -

1. Short title, extend and commencement. -- (1) This Act may be called the Maternity Benefit Act, 1961.

(2) It extends to the whole of India ²[* * *]

(3) It shall come into force on such date as may be notified in this behalf in the Official Gazette, --

³[(a) in relation to mines and to any other establishment wherein persons are employed for the exhibition of equestrian, acrobatic and other performances, by the Central Government, and]

(b) in relation to other establishments in s State, by the State Government.

NOTES. – This Act came into force in relation to mines in the territories to which it extends on the 1st. November 1963 – *Vide* S.O. No. 2920, dated 5th. October, 1963, published in the *Gazette of India*, Part II, Sec. 3 (ii), dated 12th. October, 1963. This Act came into force in the whole of Uttar Pradesh with effect from 22nd. February 1974, *vide* notification No. 512 (V)-2/36-5-13 (V) 72, dated 22nd. February 1974.

2. Application of Act. -- (1) It applies in the first instance, to every establishment being a factory, mine or plantation ⁴[including any such establishment belonging to Government and to every establishment wherein persons are employed for the exhibition of equestrian, acrobatic and other performances]:

Provided that the State Government may, with the approval of the Central Government, after giving not less than two months' notice of its intention of so doing, by notification

¹ Received the assent of the President on the 12th. December, 1961 and published in the Gazette of India, Extraordinary, dated 13th. December 1961. For Statement of Objects and Reasons *see Gazette of India*, Extraordinary, Part II, dated 6th. December 1960.

² Words “except the State of Jammu and Kashmir” omitted by Act 51 of 1970, Sec. 2 and Sch.

³ Subs. by Act 52 of 1973, Sec. 2, w.e.f. 1-3-1975 – *Vide* notification No. S.O. 113A (E), dated 27-2-1975.

⁴ Subs. by Act 52 of 1973, S.3.

In the official on In the official *Gazette*, declare that all or any of the provisions of this Act shall apply also to any other establishment or class of establishments, industrial, commercial, agricultural or otherwise.

(2) ⁵[Save as otherwise provided in ⁶[sections 5A and 5B] nothing contained in this Act] shall apply to any factory or other establishment to which the provisions of the Employees' State Insurance Act, 1948 (84 of 1948), apply for the time being.

3. Definitions. -- In this Act, unless the context otherwise requires, --

- (a) "appropriate Government" means in relation to an establishment being a mine ⁷[or an establishment where persons are employed for the exhibition of equestrian, acrobatic and other performances], the Central Government and in relation to any other establishment, the State Government;
- (b) "child" includes a still-born child;
- (c) "delivery" means the birth of a child;
- (d) "employer" means –
 - (i) in relation to an establishment which is under the control of the Government, a person or authority appointed by the Government for the supervision and control of employees or where no person or authority is so appointed, the head of the department;
 - (ii) in relation to an establishment which is under any local authority, the person appointed by such authority for the supervision and control of employees or where no person is so appointed, the chief executive officer of the local authority;
 - (iii) in any other case, the person who are the authority which has the ultimate control over the affairs of the establishment and where the said affairs are entrusted to any other person whether called a manager, managing director, managing agent, or by any other name, such person;

[⁸(e) "establishment" means –

- (i) a factory;
- (ii) a mine;
- (iii) a plantation;
- (iv) an establishment wherein persons are employed for the exhibition of equestrian, acrobatics and other performances; or

⁵ Subs. by Act 21 of 1972, S.2.

⁶ Subs. by Act 53 of 1976, sec. 2, for "section 5A". Act 53 of 1976 came into force w.e.f. 1-5-1976 – Vide notification No. S.O. 337 (E), dated 30-4-1976.

⁷ Added by Act 52 of 1973, S. 4.

⁸ Subs. by Act 52 of 1973, S. 4.

- (v) an establishment to which the provisions of this Act have been declared under sub-section (4) of section 2 to be applicable;]
- (f) “factory” means a factory as defined in clause (m) of section 2 of the Factories Act, 1948 (63 of 1948);
- (g) “Inspector” means an Inspector appointed under section 14;
- (h) “maternity benefit” means the payment referred to in sub-section (1) of section 5;
- (i) “mine” means a mine as defined in clause (j) of section 2 of the Mines Act, 1952 (35 of 1952)
- (j) “miscarriage” means expulsion of the contents of a pregnant uterus at any period prior to or during the twenty-sixth week of pregnancy but does not include any miscarriage the causing of which is punishable under the Indian Penal Code (45 of 1860);
- (k) “plantation” means a plantation as defined in clause (f) of section 2 of the Plantations Labour Act, 1951 (69 of 1951);
- (l) “prescribed” means prescribed by rules made under this Act;
- (m) “State Government” in relation to a Union territory, means the Administrator thereof;
- (n) “wages” means all remuneration paid or payable in cash to a woman, if the terms of the contract of employment, express or implied, were fulfilled and includes –
 - (1) such cash allowances (including dearness allowance and house rent allowance) as a woman is for the time being entitled to;
 - (2) incentive bonus; and
 - (3) the money value of the concessional supply of foodgrains and other articles,
 but does not include –
 - (i) any bonus other than incentive bonus;
 - (ii) overtime earnings and any deduction or payment made on account of fines;
 - (iii) any contribution paid or payable by the employer to any pension fund or provident fund or for the benefit of the woman under any law for the time being in force; and
 - (iv) any gratuity payable on the termination of service;
- (o) “woman” means a woman employed, whether directly or through any agency, for wages in any establishment.

NOTES. – Sec 3 (f). – A factory does not include a mine subject to the operation of the Mines Act, 1952, or a railway running-shed.

Sec. 3 (j) – The definition of miscarriage is similar to the definition as given in Sec. 2 (14-B) of the Employees’ State Insurance Act, 1948.

4. Employment of, or work by, women prohibited during certain period. -- (1) No employer shall knowingly employ a woman in any establishment during the six weeks immediately following the day of her delivery or her miscarriage.

(2) No woman shall work in any establishment during the six weeks immediately following the day of her delivery or her miscarriage.

(3) Without prejudice to the provisions of section 6, no pregnant woman shall, on a request being made by her in this behalf, be required by her employer to do during the period specified in sub-section (4) any work which is of an arduous nature or which involves long hours of standing or which in any way is likely to interfere with her pregnancy or the normal development of the foetus, or is likely to cause her miscarriage or otherwise to adversely affect her health.

(4) The period referred to in sub-section (3) shall be –

- (a) at the period of one month immediately preceding the period of six weeks, before the date of her expected delivery;
- (b) any period during the said period of six weeks for which the pregnant woman does not avail of leave of absence under section 6.

5. Right to payment of maternity benefit. -- (1) Subject to the provisions of this Act, every woman shall be entitled to, and her employer shall be liable for, the payment of maternity benefit at the rate of the average daily wage for the period of her actual absence immediately preceding and including the day of her delivery and for the six weeks immediately following that day.

Explanation. – For the purpose of this sub-section, the average daily wage means the average of the woman's wages payable to her for the days on which she has worked during the period of three calendar months immediately preceding the date from which she absents herself on account of maternity, or one rupee a day, whichever is higher.

(2) No woman shall be entitled to maternity benefit unless she has actually worked in an establishment of the employer from whom she claims maternity benefit for a period of not less than one hundred and sixty days in the twelve months immediately preceding the date of her expected delivery:

Provided that the qualifying period of one hundred and sixty days aforesaid shall not apply to a woman who has immigrated into the State of Assam and was pregnant at the time of the immigration.

Explanation: - For the purpose of calculating under this sub-section the days on which a woman has actually worked in the establishment, the days for which she has been laid-off during the period of twelve months immediately preceding the date of her expected delivery shall be taken into account.

(3) The maximum period for which any woman shall be entitled to maternity benefit shall be twelve weeks, that is to say, six weeks up to and including the day of her delivery and six weeks immediately following that day:

Provided that where a woman dies during this period, the maternity benefit shall be payable only for the days up to and including the day of her death:

Provided further that where a woman, having been delivered of a child dies during her delivery or during the period of six weeks immediately following the date of her delivery, leaving behind in either case the child, the employer shall be liable for the maternity benefit for the entire period of six weeks immediately following the day of her delivery but if the child also dies during the said period, then for the days up to and including the day of the death of the child.

NOTES. – The term “week” means a cycle of seven days including Sundays;
B. Shah V. Presiding Officer, A.I.R. 1978 S. C. 12.

⁹***[5-A. Continuance of payment of maternity benefit in certain cases.*** -- Every woman entitled to the payment of maternity benefit under this Act shall, notwithstanding the application of the Employees’ State Insurance Act, 1948 (34 of 1948), to the factory or other establishment in which she is employed, continue to be so entitled until she becomes qualified to claim maternity benefit under Sec. 50 of that Act.]

¹⁰***[5-B. Payment of maternity benefit in certain cases.*** -- Every woman –

- (a) who is employed in a factory or other establishment to which the provisions of the Employees’ State Insurance Act, 1948 (34 of 1948), apply;
- (b) whose wages (excluding remuneration for overtime work) for a month exceed the amount specified in sub-clause (b) of clause (a) of section 2 of that Act; and
- (c) who fulfils the conditions specified in sub-section (2) of section 5, shall be entitled to the payment of maternity benefit under this Act].

6. Notice of claim for maternity benefit and payment thereof. -- (1) Any woman employed in an establishment and entitled to maternity benefit under the provisions of this Act may give notice in writing in such form as may be prescribed, to her employer, stating that her maternity benefit and any other amount to which she may be entitled under this Act may be paid to her or to such person as she may nominate in the notice and that she will not work in any establishment during the period for which she receives maternity benefit.

(2) In the case of a woman who is pregnant, such notice shall state the date from which she will be absent from work, not being a date earlier than six weeks from the date of her expected delivery.

⁹ Ins. By Act 21 of 1972, S. 3.

¹⁰ Ins. By Act 53 of 1976, S. 3.

(3) Any woman who has not given the notice when she was pregnant may give such notice as soon as possible after the delivery.

(4) On receipt of the notice, the employer shall permit such woman to absent herself from the establishment until the expiry of six weeks after the day of her delivery.

(5) The amount of maternity benefit for the period preceding the date of her expected delivery shall be paid in advance by the employer to the woman on the production of such proof as may be prescribed that the woman is pregnant, and the amount due for the subsequent period shall be paid by the employer to the woman within forty-eight hours of production of such proof as may be prescribed that the woman has been delivered of a child.

(6) The failure to give notice under this section shall not disentitle a woman to maternity benefit or any other amount under this Act if she is otherwise entitled to such benefit or amount and in any such case an Inspector may either of his own motion or on an application made to him by the woman, order the payment of such benefit or amount within such period as may be specified in the order.

NOTES. – See also Sec. 50 of the Employees' State Insurance Act, 1948, for conditions under which a woman becomes qualified to claim maternity benefit under this Act.

7. Payment or maternity benefit in case of death of a woman. -- If a woman entitled to maternity benefit or any other amount under this Act, dies before receiving such maternity benefit or amount, or where the employer is liable for maternity benefit under the second proviso to sub-section (3) of section 5, the employer shall pay such benefit or amount to the person nominated by the woman in the notice given under section 6 and in case there is no such nominee, to her legal representative.

8. Payment of medical bonus. -- Every woman entitled to maternity benefit under this Act shall also be entitled to receive from her employer a medical bonus of twenty-five rupees, if no pre-natal confinement and post-natal care is provided for by the employer free of charge.

9. Leave for miscarriage. -- In case of miscarriage, a woman shall, on production of such proof as may be prescribed, be entitled to leave with wages at the rate of maternity benefit for a period of six weeks immediately following the day of her miscarriage.

10. Leave for illness arising out of pregnancy, delivery, premature birth of child, or miscarriage. -- A woman suffering illness arising out of pregnancy, delivery, premature birth of child or miscarriage shall, on production of such proof as may be prescribed, be entitled in addition to the period of absence allowed to her under section 6, or, as the case may be, under section 9, to leave with wages at the rate of maternity benefit for a maximum period of one month.

11. Nursing breaks. -- Every woman delivered of a child who returns to duty after such delivery shall, in addition to the interval for rest allowed to her, be allowed in the course

of her daily work two breaks of the prescribed duration for nursing the child until the child attains the age of fifteen months.

12. Dismissal during absence or pregnancy. -- (1) Where a woman absents herself from work in accordance with the provisions of this Act, it shall be unlawful for her employer to discharge or dismiss her during or on account of such absence or to give notice of discharge or dismissal on such a day that the notice will expire during such absence, or to vary to her disadvantage any of the conditions of her service.

(2) (a) The discharge or dismissal of a woman at any time during her pregnancy, if the woman but for such discharge or dismissal would have been entitled to maternity benefit or medical bonus referred to in section 8, shall not have the effect of depriving her of the maternity benefit or medical bonus:

Provided that where the dismissal is for any prescribed gross misconduct the employer may, by order in writing communicated to the woman, deprive her of the maternity benefit or medical bonus or both.

(b) Any woman deprived of maternity benefit or medical bonus or both may, within sixty days from the date on which the order of such deprivation is communicated to her, appeal to such authority as may be prescribed, and the decision of that authority on such appeal, whether the woman should or should not be deprived of maternity benefits or medical bonus or both, shall be final.

(c) Nothing contained in this sub-section shall affect the provisions contained in sub-section (1).

13. No deduction of wages in certain cases. -- No deduction from the normal and usual daily wages of a woman entitled to maternity benefit under the provisions of this Act shall be made by reason only of –

- (a) the nature of work assigned to her by virtue of the provisions contained in sub-section (3) of section 4 : or
- (b) breaks for nursing the child allowed to her under the provisions of section 11.

14. Appointment of Inspectors. – The appropriate Government may, by notification in the Official *Gazette*, appoint such officers as it thinks fit to be Inspectors for the purposes of this Act and may define the local limits of the jurisdiction within which they shall exercise their function under this Act.

15. Powers and duties of Inspectors. -- An Inspector may, subject to such restrictions or conditions as may be prescribed, exercise all or any of the following powers, namely: -

- (a) enter at all reasonable times with such assistants, if any, being persons in the service of the Government or any local or other public authority as he thinks fit, any premises or place where women are employed or work is given to them in an

- establishment, for the purposes of examining any registers, records and notices required to be kept or exhibited by or under this Act and require their production for inspection;
- (b) examine any person whom he finds in any premises or place and who, he has reasonable cause to believe, is employed in the establishment:

- Provided that no person shall be compelled under this section to answer any question or give any evidence tending to incriminate himself:
- (c) require the employer to give information regarding the names and addresses of women employed, payments made to them, and applications or notices received from them under this Act; and
- (d) take copies of any registers and records or notices or any portions thereof.

16. Inspectors to be public servants. -- Every Inspector appointed under this Act shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code (45 of 1860).

17. Power of Inspector to direct payments to be made. -- (1) Any woman claiming that maternity benefit or any other amount to which she is entitled under this Act and any person claiming that payment due under section 7 has been improperly withheld, may make a complaint to the inspector.

(2) The Inspector may, of his own motion or on receipt of a complaint referred to in sub-section (1), make an enquiry or cause an inquiry to be made and if satisfied that payment has been wrongfully withheld, may direct the payment to be made in accordance with his orders.

(3) Any person aggrieved by the decision of the Inspector under sub-section (2) may, within thirty days from the date on which such decision is communicated to such person, appeal to the prescribed authority.

(4) The decision of the prescribed authority where an appeal has been preferred to it under sub-section (3) or of the Inspector where no such appeal has been preferred, shall be final.

(5) Any amount payable under these sections shall be recoverable as an arrear of land revenue.

18. Forfeiture of maternity benefit. -- If a woman works in any establishment after she has been permitted by her employer to absent herself under the provisions of section 6 for any period during such authorized absence, she shall forfeit her claim to the maternity benefit for such period.

19. Abstracts of Act and rules thereunder to be exhibited. -- An abstract of the provisions of this Act and the rules made thereunder in the language or languages of the

locality shall be exhibited in a conspicuous place by the employer in every part of the establishment in which women are employed.

20. Registers, etc. – Every employer shall prepare and maintain such registers, records and muster-rolls and in such manner as may be prescribed.

21. Penalty for contravention of Act by employers. -- If any employer contravenes the provisions of this Act or the rules made thereunder he shall be punishable with imprisonment which may extend to three months, or with fine which may extend to five hundred rupees, or with both; and where the contravention is of any provision regarding maternity benefit or regarding payment of any other amount and such maternity benefit or amount has not already been recovered, the court shall in addition recover such maternity benefit or amount as if it were a fine, and pay the same to the person entitled thereto.

22. Penalty for obstructing Inspector. -- Whoever fails to produce on demand by the Inspector any register or document in his custody kept in pursuance of this Act or the rules made thereunder or conceals or prevents any person from appearing before or being examined by an Inspector, shall be punishable with imprisonment which may extend to three months, or with fine which may extend to five hundred rupees or with both.

23. Cognizance of offences. -- (1) No prosecution for an offence punishable under this Act or any rule made thereunder shall be instituted after the expiry of one year from the date on which the offence is alleged to have been committed and no such prosecution shall be instituted except by, or with the previous sanction of, the Inspector;

Provided that in computing the period of one year aforesaid, the time, if any, taken for the purpose of obtaining such previous sanction shall be excluded.

(2) No court inferior to that of a Presidency Magistrate or a Magistrate of the First Class shall try any such offence.

NOTES. – Sections 21 to 23 deal with penalties under the Act and procedure to try offences committed under this Act.

24. Protection of action taken in good faith. -- No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done in pursuance of this Act or of any rule or order made thereunder.

25. Power of Central Government to give directions. -- The Central Government may give such directions as it may deem necessary to a State Government regarding the carrying into execution the provisions of this Act and the State Government shall comply with such directions.

26. Power to exempt establishments. -- If the appropriate Government is satisfied that having regard to an establishment or a class of establishments providing for the grant of benefit which are not less favourable than those provided in this Act, it is necessary so to

do, it may, by notification in the *Official Gazette*, exempt subject to such conditions and restrictions, if any, as may be specified in the notifications, the establishment or class of establishments from the operation of all or any of the provisions of this Act or of any rule made thereunder.

27. Effect of laws and agreements inconsistent with this Act. -- (1) The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law or in the terms of any award, agreement or contract of service, whether made before or after the coming into force of this Act:

Provided that where under any such award, agreement, contract of service or otherwise, a woman is entitled to benefits in respect of any matter which are more favourable to her than those to which she would be entitled under this Act, the woman shall continue to be entitled to the more favourable benefits in respect of that matter, notwithstanding that she is entitled to receive benefit in respect of other matters under this Act.

(2) Nothing contained in this Act shall be construed to preclude a woman from entering into an agreement with her employer for granting her rights or privileges in respect of any matter, which are more favourable to her than those to which she would be entitled under this Act.

28. Power to make rules. -- (1) The appropriate Government may, subject to the condition of previous publication and by notification in the *Official Gazette*, make rules for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for –

- (a) the preparation and maintenance of registers, records and muster rolls;
- (b) the exercise of powers (including the inspection of establishments) and the performance of duties by Inspectors for the purposes of this Act;
- (c) the method of payment of maternity benefit and other benefits under this Act in so far as provision has not been made therefore in this Act;
- (d) the form of notices under section 6;
- (e) the nature of proof required under the provisions of this Act;
- (f) the duration of nursing breaks referred to in section 11;
- (g) acts which may constitute gross misconduct for purposes of section 12;
- (h) the authority to which an appeal under clause (b) of sub-section (2) of section 12 shall lie, the form and manner in which such appeal may be made and the procedure to be followed in disposal thereof;
- (i) the authority to which an appeal shall lie against the decision of the Inspector under section 17; the form and manner in which such appeal may be made and the procedure to be followed in disposal thereof;

- (j) the form and manner in which complaints be made to Inspectors under sub-section (1) of section 17 and the procedure to be followed by them when making inquiries or causing inquiries to be made under sub-section (2) of that section;
- (k) any other matter which is to be, or may be, prescribed.

(3) Every rule made by the Central Government under this section shall be laid as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session ¹¹[or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive session, aforesaid,] both Houses agree in making any modification in the rule or both houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

29. Amendment of Act 69 of 1951. -- In section 32 of Plantation Labour Act, 1951, --

- (a) in sub-section (1), the letter and brackets “(a)” before the words “in the case of sickness,” the word “and” after the words “sickness allowance”, and clause (b) shall be omitted.
- (b) In sub-section (2), the words “or maternity” shall be omitted.

30. Repeal. -- On the application of this Act. –

(i) to mines, the Mines Maternity Benefit Act, 1941 (19 of 1941); and Maternity Benefit Act, 1929 (Bom. Act VII of 1929), as in force in that territory, shall stand repealed.

¹¹ Subs. by Act 52 of 1973, S. 5.

18-02-2011

OFFICE ORDER

The Education Group is pleased to announce following scheme for the members of I.T.S.-Parivar who have completed more than 3 years of service at I.T.S and whose gross salary is less than Rs. 10,000/ per month-.

- ***On birth of his/her first baby:***

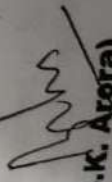
- a) On the birth of Girl child : Increment in salary of Rs. 300/- per month
- b) On the birth of Male child: Increment in salary of Rs. 200/- per month

- ***On birth of his/her second baby:***

- a) On the birth of Girl child : Increment in salary of Rs. 250/- per month
- b) On the birth of Male child: Increment in salary of Rs. 200/- per month

The benefit of above scheme will not be available on birth of third child.

Further, the benefit of above scheme shall be at sole discretion of the institute and the same can not be claimed as a right.


(B.K. Arora)
Secretary

I.T.S The Education Group

Mohan Nagar

Murad Nagar

Greater Noida

April 29, 2016

OFFICE ORDER


Revised Scheme (VI revision) - with effect from 01.04.2016

Employees drawing gross salary up to Rs. 20,000/- per month will be eligible to claim reimbursement of tuition fee up to two children @ Rs. 750/- per month per child from the date of joining or 01.04.2016 whichever is later.

However, while claiming above reimbursement, production of original school fee receipt is must. Only tuition fee will be reimbursed, other charges/ fee levied by the school will not be considered under the scheme.

For the purpose of this scheme tuition fee means "tuition fee paid by the member for the education of his/ her children up to 12th standard only".

Note: In case of Drivers, previous terms shall remain unchanged.



[Dr. R. P. Chadha]

Chairman

I.T.S The Education Group

I.T.S -The Education Group

*Ghaziabad

*Murad Nagar

*Gr. Noida

02-08-2016

Office Order

It has been decided that reimbursement of tuition fee will be made on quarterly basis to eligible employees as under:

Quarter

January to March
April to June
July to September
October to December

Fee Receipt Submission Period

Ist week of April ✓
Ist week of July ✓
Ist week of October ✓
Ist week of January ✓

Other terms & conditions will remain unchanged and it is effective from 1st July 2016.

Further it has been observed that fake receipt has been submitted by some of the employees. If any employee submits fake receipt towards claiming the tuition fee, heavy fine and strict action will be taken against the employee concerned.

Ok
Rohit
5/8/16

OC R
8/8/16

Sahil
10/8/16