

EMPLOYEES' FAMILY PENSION SCHEME, 1971¹

G.S.R. 315.—In exercise of the power conferred by Section 6-A of the Employees' Provident Funds and Family Pension Fund Act, 1952 (19 of 1952), the Central Government hereby makes the following Scheme namely:

1. Short title, commencement and application.—(1) This Scheme may be called the Employees' Family Pension Scheme, 1971.

(2) The provisions of this Scheme shall be deemed to have come into force on the 1st day of March, 1971.

²(3) Subject to the provisions of Section 16 and sub-section (1-A) of Section 17 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952, this Scheme shall apply to the employees of all factories and other establishments to which the said Act applies or is applied under sub-section (3), or sub-section (4) of Section 1 or Section 3 thereof.

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

(a) 'Act' means the Employees' Provident Funds and Family Pension Fund Act, 1952 (19 of 1952).

(b) 'family means—

(i) wife in the case of a male member of the Family Pension Fund ;

(ii) husband in the case of a female member of the Family Pension Fund ; and

(iii) minor sons and unmarried daughters of a member of the Family Pension Fund.

Explanation.—The expressions "sons" and "daughters" shall include children adopted legally before death in service.

(c) 'Family Pensions' means a regular monthly amount payable to a person belonging to the family of the member of the Family Pension Fund, in the event of his death during the period of reckonable service ;

(d) 'Form' means a Form appended to this Scheme ;

(e) 'pay' means basic wages, with dearness allowance and a retaining allowance, if any, and cash value of food concessions admissible if any ;

(f) 'reckonable service' means service rendered by a member of the Family Pension Fund in respect of which contributions are payable under this Scheme ³[and includes any period of service in respect of which no wages are drawn by such member on account of temporary closure of the establishment, strike, lock-out or leave without pay, or for any other reason, of a similar nature or other-

1. Published in the Gazette of India, Extra., Part II, S. 3, sub-section (i), dated 4-3-1971.

2. Subs. by G.S.R. 804, dated 3-6-1978 (w.e.f. 1-3-1971).

3. Ins. by Noti. No. 427, dated 3-3-1976.

wise, and in respect of which contributions (both the member's and employer's shares) are payable by diversion from his Provident Fund Account as provided in sub-paragraph (2-A) of Paragraph 9 of this Scheme ^{3a}[and also includes any period of service in respect of which wages are drawn but no contributions are payable in terms of sub-paragraph (4) of paragraph 9 and which shall be deemed to have been paid for purposes of paragraphs 28, 31 and 32 of this Scheme] :

Provided that no period of service, in respect of which no wages are drawn by a member,—

- (i) after the name of the member has been struck off from the rolls of the employer of the member ; or
 - (ii) which is in excess of one year ; or
 - (iii) after there ceases to be any amount in the fund or in the provident fund of an exempted establishment, as the case may be, lying to the credit of the member concerned,
- shall be treated as reckonable service ;]
- (g) all other words and expressions shall have the meaning respectively assigned to them in the Act or the Employees' Provident Funds Scheme, 1952.

3. Membership of the Family Pension Fund.—Subject to sub-paragraph (3) of Paragraph 1, this Scheme shall apply to every employee—

- (a) who becomes a member of the Employees' Provident Fund or of Provident Funds of factories and other establishments exempted under Section 17 of the Act on or after the 1st day of March, 1971 ;
- (b) who has been a member of the Employees' Provident Fund or Provident Fund of factories and other establishments exempted under Section 17 of the Act immediately before the commencement of this Scheme and opts to exercise his option under Paragraph 4 :

⁴[Provided that an employee who attains the age of more than ^{4a}[59] years on the date on which he would, but for this proviso, have become eligible for membership or have been required to become a member of this Scheme shall not be eligible for membership under this Scheme.]

4. Option for joining this Scheme.—(1) Every employee who is a member of the Employees' Provident Fund or of Provident Funds of factories and other establishment exempted under Section 17 of the Act, immediately before the commencement of this Scheme, shall have the option to join this Scheme.

(2) The option referred to in sub-paragraph (1) shall be exercised in Form 1 within a period of ⁵[six months] from the 1st day of March, 1971.

⁶[(2-A) Persons employed in seasonal factories or seasonal establishments may exercise in Form 1, the option referred to in sub-paragraph (1) on or before the 30th day of April, 1972.]

3a. *Ins.* by G.S.R. 546, dated 19-7-1983 (w.e.f. 1-4-1983).

4. *Ins.* by G.S.R. 1188, dated 8-9-1972.

4a. *Subs.* by G.S.R. 360(E), dated 28-4-1982 (w.e.f. 28-4-1982, for "58").

5. *Subs.* by Noti. No. G.S.R. 892, dated 1-6-1971.

6. *Ins.* by Noti. No. G.S.R. 1252, dated 1-9-1971 and amended by G.S.R. 1961, dated 24-12-1971.

¶(2-B) Persons employed in factories and establishments which were lying closed as on the date this Scheme applied to them or which may have closed before the date or the extended date stipulated for exercise of option expired may exercise in Form 1 the option⁸[referred to in sub-paragraph (1)—

- (a) where such factories or establishments were reopened after the 30th September, 1972 and before the commencement of the Employees' Family Pension (Amendment) Scheme, 1975, within three months of such commencement; and
- (b) where such factories or establishments were reopened after the commencement of the Employees' Family Pension (Amendment) Scheme, 1975, within three months of such reopening.]

¶(2-C) Employees referred to in sub-paragraph (1), who were out of employment till the expiry of the stipulated date for exercise of option referred to in sub-paragraph (2) may also exercise the option in Form 1 on or before the 30th November, 1972 :]

Provided that such factory or establishment shall have to establish to the satisfaction of the Commissioner the date of re-opening of the factory or the establishment.]

(3) It shall be the duty of every employer to get the option referred to in sub-paragraph (1) exercised by every member to whom the option is given within the time specified in sub-paragraph (2).

¶4-A. **Option for joining the Scheme in cases of belated compliance of the statutory provisions.**—(1) Every employee who is enrolled on or after the 1st day of March, 1971, as a member of the Employees' Provident Fund or of Provident Funds of factories and other establishments exempted under Section 17 of the Act from a date prior to the 1st day of March, 1971 on account of belated compliance of the statutory provisions by the employer either through an omission or otherwise for the whole establishment or in the case of any individual employee shall also have the option to join this Scheme.

(2) The option referred to in sub-paragraph (1) shall be exercised in Form 1 within a period of 3 months from the date on which the employer recovers the first Provident Fund contribution in respect of such employee or employees, as the case may be, provided that in respect of such employees in whose respect the first Provident Fund contribution has been already recovered, the option shall be exercised within a period of 3 months from the date this amendment comes into force.

(3) It shall be the duty of every employer to get the option referred to in sub-paragraph (1) exercised by every member to whom the option is given within the time specified in sub-paragraph (2).]

5. **Regional Committee.**—The Regional Committee set up under Paragraph 4 of the Scheme shall advise the Central Board, on such matter, in relation to the administration of this Scheme, as the Central Board may refer to it from time to time and in particular, on—

- (a) progress of recovery of contributions, under this Scheme, both

7. *Ins.* by Noti. No. G.S.R. 1188, dated 8-9-1972.

8. *Subs.* by Noti. No. G.S.R. 2321, dated

13-8-1975.

9. *Ins.* by Noti. No. G.S.R. 940, dated 28-8-1973.

from factories and establishments exempted under Section 17 of the Act and other factories and establishments covered under the Act ;

- (b) expeditious disposal of prosecutions ;
- (c) speedy settlement of claims relating to family pension and other benefits under this Scheme.

6. **Retention of membership.**—A member of the Family Pension Fund shall continue to be a member of the Family Pension Fund till he becomes entitled to withdraw the benefits to which he is entitled under this Scheme or dies during the period of reckonable service, whichever is the earliest :

¹⁰[Provided that where there has been a break in the membership of the Family Pension Fund on account of closure of an establishment, strike, lock-out, leave without pay, retrenchment, resignation, termination, discharge or for any other such reason and the period of such break between two spells of reckonable service either under the same establishment or under different establishments covered under the Act does not exceed one year, such member, if he has not withdrawn the benefit to which he is entitled under this Scheme and his provident fund accumulations under the Employees' Provident Funds Scheme, 1952, or the Provident Fund Scheme of an exempted establishment, as the case may be, shall continue to be a member of the Family Pension Fund :

Provided further that such breaks during which no contributions to the Family Pension Fund are payable shall be excluded from the total reckonable service [* * * *] ^{10a}.

^{10b}[*Explanation.*—Under this paragraph the age of 60 shall be determined with reference to the date of birth ; where, however, the exact date of birth is not given by the member, the age shall be determined in the following manner :

- (1) where the year of birth is given but not the exact date, 1st July shall be treated as the date of birth ;
- (2) where the year and month of birth are given the 16th of the month shall be treated as the date of birth ; and
- (3) where only the age is indicated the member shall be assumed to have completed that age on the date of the medical certificate accompanying Form 2 and where no medical certificate is attached to Form 2 on the date of filling Form 2.]

7. **Resolution of doubts.**—If any question arises whether an employee is entitled to become a member of the Family Pension Fund, the decision thereon of the Regional Commissioner shall be final :

Provided that no decision shall be given unless both the employer and the employee have been heard.

8. **Special grant by Central Government.**—The Central Government shall meet the entire cost of the administration of this Scheme. For this purpose, the Central Government shall pay, in addition to the contribution specified in Paragraph 9 such further sums as may be determined by it under

10. *Ins.* by G.S.R. 186(E), dated 31-3-1973.

10a. *Omitted* by G.S.R. 87(E), dated 16-2-1983 (w.e.f. 1-1-1983).

10b. *Ins.* by G.S.R. 87(E), dated 16-2-1983 (w.e.f. 1-1-1983).

Section 6-B of the Act in consultation with the Commissioner, into the Family Pension Fund to meet the expenses, such as pay, allowances, contingent expenditure, gratuities and compassionate allowance, pensions and contributions to provident fund and other benefits payable or admissible to the staff and officers employed either wholly or partly for the administration of this Scheme. The Central Government shall also meet the proportionate expenses of capital nature as also pro rata share of the expenses incurred in connection with the Central Board of Trustees or Regional Committee's work or both as may be properly chargeable to the administration of this Scheme. Such payment shall be made in such manner as may be prescribed by the Central Government in consultation with the Central Board.

¹¹[9. Family Pension Fund.—(1) From and out of the contributions payable by the employer and the employees in each month under Section 6 of the Act a part of the contribution, representing 1-1/6 per cent of the employee's pay along with an equivalent amount of 1-1/6 per cent from and out of the employer's contribution shall be remitted by the employer to the Family Pension Fund by a separate Bank Draft or cheque on the account of Family Pension Fund contribution in such manner as may be specified in this behalf by the Commissioner. The cost of the remittance, if any, shall be borne by the employer.]

(2) The Central Government shall also contribute at the rate of 1-1/6 per cent of the pay of the members of the Family Pension Fund and credit the contribution to the Family Pension-cum-Life Assurance Fund in the Public Account of the Government of India.

¹²[(2-A) The Commissioner or in the case of an exempted establishment the authority incharge of the provident fund of that establishment, on being satisfied that there is a period of service without wages which is to be treated as reckonable service, under sub-paragraph (f) of Paragraph 2 of this Scheme, shall remit to the Family Pension Fund, from and out of the amounts contributed respectively by the employer and employee and lying to the member's credit together with interest thereon, in the Fund or in the provident fund of the exempted establishment, as the case may be, an amount equal to the contributions payable at the rates specified in sub-paragraph (1) by the employer and the employee for the said period and the Central Government shall also contribute for the said period an amount equal to the contributions payable at the rates specified in sub-paragraph (2).]

(3) The contributions payable under sub-paragraphs (1) and (2) shall be calculated on the basis of the basic wages, dearness allowance (including the cash value of any food concession) and retaining allowance, if any, actually drawn during the whole month whether paid on daily, weekly, fortnightly or monthly basis ¹²[and the contributions payable under sub-paragraph (2-A) shall be calculated on the basis of the basic wages, dearness allowance (including the cash value of any food concession) and retaining allowance, if any, drawn during a whole month immediately preceding the period of service without wages, whether paid on daily, weekly, fortnightly or monthly basis :]

¹³[Provided that where the pay of a member employed in a newspaper establishment as defined in Section 2 of the Working Journalists (Conditions of Service) and Miscellaneous Provisions Act 1955 (45 of 1955) or in an estab-

11. Subs. by G.S.R. 978, dated 17-7-1972.
12. Ins. by Noti. No. G.S.R. 427, dated 3-3-1976.

13. Subs. by G.S.R. 629, dated 4-8-1983 (w.e.f. 1-4-1983).

lishment other than the newspaper establishment referred to above exceeds rupees one thousand six hundred per month, the contribution payable by the members and by the employer and the Central Government shall be limited to the amount payable on his pay per month (including dearness allowance, cash value of any food concession and retaining allowance, if any, actually drawn) of rupees one thousand six hundred only].

(4) Each contribution payable under ¹⁴[sub-paragraphs (1), (2) and (2-A)] shall be calculated to the ¹⁵[the nearest rupee, 50 paise or more to be counted as the next higher rupee and fraction of a rupee less than 50 paise to be ignored]

10. Payment of contribution.—(1) The employer shall, in the first instance, pay both the contribution payable, to the Family Pension Fund by himself and also, on behalf of the member of the Family Pension Fund employed by him directly or by or through a contractor, the contribution payable to the Family Pension Fund by such member.

(2) In respect of employees employed by or through a contractor, the contractor shall recover the contribution payable to the Family Pension Fund by such employees and shall pay to the principal employer the said amount together with an equal amount of contribution payable to the Family Pension Fund by the employer.

(3) It shall be the responsibility of the principal employer to pay both the contribution payable to the Family Pension Fund by himself in respect of the employees directly employed by him and also in respect of the employees employed by or through a contractor.

11. Employer's share not to be deducted from the members.—Notwithstanding any contract to the contrary, the employer shall not be entitled to deduct the employer's contribution payable to the Family Pension Fund from the wage of a member of the Family Pension Fund or otherwise to recover it from him.

12. Recovery of a member's share of contribution.—(1) The amount of contribution paid by the employer or a contractor on behalf of a member of the Family Pension Fund shall, notwithstanding the provisions in this Scheme or any law for the time being in force or any contract to the contrary, be recoverable by means of deduction from the wages of the member of the Family Pension Fund and not otherwise :

Provided that no such deduction may be made from any wage other than that which is paid in respect of the period or part of the period in respect of which the contribution to the Family Pension Fund is payable :

Provided further that the employer or a contractor shall be entitled to recover the employee's share from a wage other than that which is paid in respect of the period for which the contribution to the Family Pension Fund has been made or is payable where the employee has in writing given a false declaration at the time of joining service with the said employer or a contractor that he was not already a member of the Family Pension Fund :

Provided further that where no such deduction has been made on account of an accidental mistake or a clerical error, such deduction may, with the consent in writing of the Inspector, be made from the subsequent wages.

14. *Subs.* by Noti. No. G.S.R. 427, dated 3-3-1976.

15. *Subs.* by Noti. No. G.S.R. 546, dated 19-7-1983 (w.e.f. 1-4-1983).

(2) Deductions made from the wages of a member of the Family Pension Fund paid on daily, weekly or fortnightly basis should be totalled up to indicate the monthly deductions.

(3) Any sum deducted by an employer from the wage of an employee under this Scheme shall be deemed to have been entrusted to him for the purpose of paying the contribution to the Family Pension Fund in respect of which it was deducted.

13. Particulars to be supplied by persons already employed at the time of the commencement of the Family Pension Fund.—Every person who is entitled to become a member of the Family Pension Fund shall be asked forthwith by his employer to furnish and shall, on such demand, furnish to him, for communication to the Commissioner, particulars concerning himself and his family in Form 2.

14. Preparation of Contribution Cards.—The employer shall prepare a Family Pension Fund contribution card, in respect of every employee in his employment who has become a member of the Family Pension Fund.

15. Duties of employers.—(1) Every employer shall send to the Commissioner, within fifteen days of the commencement of this Scheme, a consolidated return of the employees entitled to become members of the Family Pension Fund showing the basic wage, retaining allowance, if any, and dearness allowance including the cash value of any food concession paid to each of such employees :

Provided that if there is no employee who is entitled to become a member of the Family Pension Fund, the employer shall send a 'NIL' return.

(2) Every employer shall send to the Commissioner within fifteen days of the close of each month a return of the employees leaving service of the employer during the preceding month :

Provided that if there is no employer leaving service of the employer during the preceding month, the employer shall send a 'NIL' return.

(3) Every employer shall maintain an inspection note book for an Inspector to record his observations on his visit to the establishment.

(4) Every employer shall maintain such accounts in relation to the amounts contributed to the Family Pension Fund by him and by his employees as the Central Board may, from time to time, direct and it shall be the duty of every employer to assist the Central Board in making such payments from the Family Pension Fund to his employees as are sanctioned by or under the authority of the Central Board.

(5) Notwithstanding anything hereinbefore contained in this paragraph, the Central Board may issue such directions to the employees generally as it may consider necessary or proper for the purpose of implementing this Scheme, and it shall be the duty of every employer to carry out such directions.

16. Employer to furnish particulars of ownership.—Every employer in relation to a factory or other establishment to which the Act applies or is applied hereafter shall furnish to the Regional Commissioner, particulars of all the branches and departments, owners, occupiers, directors, partners, managers or any other person or persons who have the ultimate control over

the affairs of such factory or establishment and also send intimation of any change in such particulars, within fifteen days of such change, to the Regional Commissioner, by registered post.

17. Duties of contractors.—Every contractor shall, within seven days of the close of every month, submit to the principal employer a statement showing the recoveries of contributions to the Family Pension Fund in respect of employees employed by or through him and shall also furnish to him such information as the principal employer is required to furnish under the provisions of the Scheme to the Commissioner.

18. Allotment of Account Numbers.—(1) For the purposes of this Scheme, the members of the Family Pension Fund shall retain the account numbers, if any, allotted to them under the Scheme. If there is no such number, fresh numbers will be allotted by the Commissioner.

(2) Separate Account Numbers will be allotted to such members of the Family Pension Fund employed in a factory or establishment exempted under Section 17 of the Act as are covered by this Scheme.

19. Declaration by persons taking up employment after the Fund has been established.—The employer shall before taking any person into employment, ask him to state in writing whether or not he is a member of the Family Pension Fund and if he is, ask for his account number and the name and particulars of the employer. If he is unable to furnish the account number, he shall require such person to furnish and such person shall, on demand furnish to him for communication to the Commissioner, particulars regarding himself and his family in Form No. 2.

20. Administration Account.—A separate account shall be kept, called the "Family Pension Administration Account", for the recording of all the administration expenses of the Family Pension Fund.

21. Family Pension-cum-Life Assurance Fund Account.—The aggregate amount received as the employer's and the employee's contributions and also the Central Government's contribution to the Family Pension Fund including the contributions made by the Central Government under Section 6-B of the Act towards meeting the administrative expenses involved in the implementation of this Scheme shall be credited to an account called the "Family Pension-cum-Life Assurance Fund Account".

22. Investment.—(1) All moneys belonging to or standing to the credit of the Family Pension Fund Account shall be kept in deposit with the Central Government in the Public Account.

(2) The Central Government shall allow interest at the rate not less than ¹⁶[7 1/2 per centum] per annum.

23. Disposal of the Fund.—(1) All payments on account of family pension and other benefits under this Scheme shall be chargeable against the said account.

(2) Subject to the provisions of the Act and this Scheme, the Family Pension-cum-Life Assurance Fund Account not including therein the Family Pension Administration Account, shall not, except with the previous sanction

16. *Sibs.* by G.S.R. 701, dated 8-7-1981 (w.e.f. 1-4-1981).

of the Central Government be expended for any purpose, other than the payment of benefits as may be admissible under this Scheme to ¹⁷[a member of the Family Pension Fund or persons belonging to his family or persons entitled to receive his provident fund accumulations.]

24. Information to Central Government.—The Commissioner shall furnish such information to the Central Government from time to time in respect of the incomings and outgoings from the Family Pension Fund Account as may be asked for and in such manner as may be directed by the Central Government.

25. Forms of Accounts.—The accounts of the Family Pension Fund, including the Family Pension Administration Account, shall be maintained by the Commissioner in such form and manner as may be specified by the Central Board with the approval of the Central Government.

26. Audit.—The accounts of the Family Pension Fund, including the administrative expenses incurred in running this Scheme, shall be audited in accordance with the instructions issued by the Central Government in consultation with the Comptroller and Auditor General of India. The charges on account of such audit shall be paid out of the Family Pension Fund.

27. Maintenance of Family Pension Fund Account.—The account called the "Family Pension-cum-Life Assurance Fund Account", referred to in Para 21 shall be opened and maintained by the Commissioner in such manner as may be specified by the Central Board with the approval of the Central Government.

28. Rate of Family Pension.—(1) In the case of a member who being a member of the Family Pension Fund ¹⁸[**] dies during the period of reckonable service before attaining the age of 60 years, family pension shall be paid at the rates specified in the Table below subject to the condition that [he has contributed to the Family Pension Fund for a period of not less than one year]¹⁹.

²⁰[TABLE]

Pay of the member per month on which contribution to the Family Pension Fund is payable	Monthly rate of Family Pension
1. Below Rs. 400/-	30% of pay subject to a minimum of Rs. 60/- and a maximum of Rs. 120/-.
2. Rs. 400/- and above	20% of pay subject to a minimum of Rs. 120/- and a maximum of Rs. 320/-.]

Explanation 1.—If at the time of death ²¹[during the period for which contribution to the Family Pension Fund was received] of reckonable service a member was not in receipt of full pay, the rate of full pay last drawn by him during that period shall be taken into account for the assessment.

17. *Subs.* By G. S. R. 186(E), dated 13-3-1973.

18. *Omitted* by G.S.R. 87(E), dated 16-2-1983 (w.e.f. 1-1-1983).

19. *Subs.* by G.S.R. 360(E), dated 28-4-1982.

20. *Subs.* by G.S.R. 87(E), dated 16-2-1983 (w.e.f. 1-1-1983).

21. *ins.* by G.S.R. 298, dated 14-3-1973.

²²[*Explanation 2.*—In the case of a part-time employee who was a member of the Family Pension Fund while serving in more than one establishment covered under the Act, the rate of Family Pension shall be determined with reference to the aggregate of the full pay last drawn by him in such establishments on which contributions to the Family Pension Fund were recovered.]

²³[*Explanation 3.*—In the case of a piece-rated or a daily rated employee, who was a member of the Family Pension Fund, the rate of full pay last drawn by him during the period for which the contribution to the Family Pension Fund was recovered, shall be determined by taking into account his average earnings in the twelve months preceding that in which he died.]

(2) Where an employee who has been a member of this Family Pension Fund for a period not less than 7 years dies during the period of reckonable service, the above rate of family pension shall be subject to the following modifications :

- (a) for a period of 7 years from the date of death or, till the date on which the member of the Family Pension Fund would have reached the age of 60 years had he remained alive, whichever period is shorter, the family pension payable shall be at [50% of pay as determined for the purpose of sub-paragraph (1)]²⁴ subject to a maximum of twice the family pension mentioned in the Table ;
- (b) the family pension payable after the expiry of the period referred to in clause (a) shall be the same as in the Table.

²³[Provided that the Family Pension shall not be in any case be less than Rs. 60/- per month.]

(3) [* * *]²⁵

²⁶[28-A. **Supplementary relief to pensioners.**—On and from the date of coming into force of the Employees' Family Pension (Amendment) Scheme, 1982 the Central Government may grant to the pensioners in receipt of the monthly family pension, supplementary additions at such rates and in such manner as may be notified from time to time.]

29. Family Pension to whom payable.—Subject to the provisions of Paragraph 28 of this Scheme, the family pension is payable—

- (a) to the widow or widower up to the date of death or remarriage whichever is earlier ;
- (b) failing (a), to the eldest surviving minor son until he attains the age of ²⁷[21] years ; and
- (c) failing (a) and (b), to the eldest surviving unmarried daughter until she attains the age of ²⁷[24] years or marries whichever is earlier.

The Family Pension shall not be paid to more than one person at a time.

Notes.—(i) In cases where there are 2 or more widows, family pension shall be payable to the eldest surviving widow. On her death, it shall be payable to the next surviving widow, if any. The term "eldest" would mean seniority with reference to the date of marriage.

22. *Ins.* by G.S.R. 1188, dated 8-9-1972.

23. *Ins.* by G.S.R. 87(E), dated 16-2-1983 (w.e.f. 1-1-1983).

24. *Subs.* by G.S.R. 87(F), dated 16-2-1983 (w.e.f. 1-1-1983).

25. *Omitted* by G.S.R. 87(E), dated 16-2-1983 (w.e.f. 1-1-1983).

26. *Ins.* by G.S.R. 360(E), dated 28-4-1982 (w.e.f. 1-4-1982).

27. *Subs.* by G.S.R. 25, dated 26-12-1979.

(ii) In the event of remarriage or death of the widow or widower, the pension will be granted to the minor children through their natural guardian. In disputed cases, however, payments will be made through a legal guardian.

²⁸[30. **Commencement of payment of Family Pension.**—Family Pension shall become payable from the day immediately following that on which a member of the Family Pension Fund dies.]

31. Life Assurance Benefits.—Where a member of the Family Pension Fund who has contributed to the Family Pension Fund for a period of not less than one year dies during the period of reckonable service, a lump sum of Rs. 2000 as life assurance benefit shall be payable to his family in the order indicated in Paragraph 29 and where the member has not left a family, the life assurance benefit shall be payable to the person or persons entitled to receive his provident fund accumulations, in the proportion in which the said accumulations may be payable under the provisions of the Employees Provident Funds Scheme, 1952, or the provident fund rules applicable to the exempted establishment, as the case may be.

²⁹[31-A. **Disposal of contribution in respect of members of the Family Pension Fund who do not qualify for benefits under this Scheme.**—(1) Where a member of the Family Pension Fund dies before contributing to the Family Pension Fund for a minimum period of ³⁰[one year] the amount of his contributions credited to the Family Pension Fund together with interest thereon at the rate of 5 1/2 per centum per annum shall be refunded to a member of his family who would have been entitled to receive family pension under Paragraph 29, ³¹[and where the member has not left a family, the amount shall be payable to the person or persons entitled to receive his provident fund accumulations, in the proportion in which the said accumulations may be payable under the provisions of the Employees' Provident Funds Scheme, 1952 or the provident fund rules applicable to the exempted establishment, as the case may be.]

(2) A separate register of the refunds under sub-paragraph (1) shall be kept by the Regional Commissioner.]

³²[32. **Retirement-cum-Withdrawal Benefits.**—(1) On attaining the age of 60 years or on cessation of membership from the Family Pension Fund before attaining the age of 60 years for reasons other than death, the following benefit shall accrue to the member of the Family Pension Fund at the rates specified in the Table below subject to the condition that he has contributed to the Family Pension Fund for a period of not less than one year:—

TABLE

Number of full years contribution paid	Amount payable on attainment of age 60 or earlier withdrawal
(1)	(2)
1	110
2	150

28. Subs. by G.S.R. 87(E), dated 16-2-1983 (w.e.f. 1-1-1983).

29. Ins. by G.S.R. 1158, dated 12-10-1972.

30. Subs. by G.S.R. 360(E), dated

28-4-1982 (w.e.f. 1-4-1982).

31. Ins. by G.S.R. 186(E), dated 31-3-1973.

32. Subs. by G.S.R. 87(E), dated 16-2-1983 (w.e.f. 1-1-1983).

1	2
3	195
4	245
5	300
6	355
7	415
8	480
9	550
10	625
11	710
12	795
13	890
14	990
15	1095
16	1215
17	1340
18	1475
19	1615
20	1775
21	1940
22	2120
23	2310
24	2510
25	2740
26	2980
27	3240
28	3515
29	3815
30	4135
31	4480
32	4850
33	5245
34	5675
35	6135
36	6630
37	7160
38	7730
39	8345
40	9000

Explanation 1.—For determining the number of full years of contributions paid, the period of reckonable service on different spells, if any, under Paragraph 6 of the Scheme shall be included.

Explanation II.—In arriving at the total period, fractions of a year below six months shall be ignored and 6 months and above shall be reckoned as full year.

(2) In the event of cessation of membership from the Family Pension Fund before the completion of one year reckonable service the contribution of the member of the Family Pension Fund credited to the Family Pension Fund, together with interest thereon @ 7-1/2 per cent per annum shall be refunded to him.

(3) Where a member of the Family Pension Fund to whom any amount has become payable under sub-paragraph (1) or (2) as the case may be, dies before the amount has been actually paid to him, the amount shall be payable to a member of his family who would have been entitled to receive Family Pension under Paragraph 29 and where the member has not left a family the amount shall be payable to the person or persons entitled to receive his Provident Fund accumulations, in the proportion in which the said accumulations may be payable under the provisions of the Employees' Provident Funds Scheme, 1952 or the Provident Fund Rules applicable to the exempted establishments, as the case may be.]

33. ³³[* * *]

34. ³³[* * *]

34-A. ³³[* * *]

34-B. Simultaneous payment of benefits.—³⁴[Except in cases of cessation of membership on attaining the age 60 years or where the period of break between two spells of reckonable service is in excess of one year, the retirement-cum-withdrawal benefit under paragraph 32] shall be paid simultaneously with the payment of the provident fund accumulations of the member under the Employees' Provident Fund Scheme, 1952, or the provident fund rules applicable to an exempted establishment as the case may be.

³⁵**34-C. Rounding up of the benefits.**—All items of benefit shall be calculated to the ³⁶[nearest rupee, 50 paise or more to be counted as the next higher rupee and fraction of a rupee less than 50 paise to be ignored].]

³⁷**34-D. Valuation of the family pension fund and review of the rules of contribution and the quantum of the family pension and other benefits.**—(1) The Central Government shall, at intervals of three years, have a valuation of the family pension fund made by a valuer appointed by it :

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.

(2) At any time, when the family pension fund so permits, the Central Government may alter the rate of contributions payable under this Scheme or the scale of any benefit admissible under this scheme or the period for which such benefit may be given.]

35. Disbursement of Family Pension and other benefits.—The Commissioner shall, with the approval of the Central Board and the Central Government, enter into arrangements for the disbursement of family pension and

33. Omitted by G.S.R. 87(E), dated 16-2-1983 (w.e.f. 1-1-1983).

34. *Subs.* by G.S.R. 87(E), dated 16-2-1983 (w.e.f. 1-1-1983).

35. *Ins.* by G.S.R. 1188, dated 3-9-1972.

36. *Subs.* by G.S.R. 346, dated 19-7-1983 (w.e.f. 1-4-1983).

37. *Ins.* by G.S.R. 477, dated 10-5-1982 (w.e.f. 22-5-1982).

other benefits under this Scheme with disbursing agencies like Post Offices or Nationalised Banks or Treasuries. The commission payable to the disbursing agencies and other charges incidental thereto shall be met from the portion of Family Pension Fund contributed by the Central Government under Section 6-B of the Act.

36. **Registers, Records, etc.**—The Commissioner shall, with the approval of the Central Board and the Central Government, prescribe 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 a member of family entitled to receive the family pension and such other formalities as have to be completed in connection with the grant of family pension and other benefits or for the continuance thereof subject to such periodical verification as may be considered necessary.

37. **Power to issue directions.**—The Central Government may issue, having regard to the analogous provisions relating to the Family Pension Scheme of the Central Government, such directions as may be deemed just and proper by it for resolving any difficulty in the implementation of this Scheme including difficulties in the manner of disbursement of family pension and other benefits.

38. **Miscellaneous.**—The Central Board shall cause to be included in the Annual Report on the working of the Scheme prepared under Paragraph 74 of that Scheme, a report on the working of this Scheme during the previous financial year.

39. **Application of the provisions of the Scheme.**—In regard to matters for which either there is no provision or there is an inadequate provision in this Scheme, the corresponding provisions in the Scheme shall apply.

40. **Special provisions relating to factories or other establishments in respect of which applications for exemption are received.**—Notwithstanding anything contained in this Scheme, the Central Commissioner may in relation to a factory or other establishment in respect of which an application for exemption under Section 17 (IA) of the Act has been received, relax, pending the disposal of the application, the provisions of this Scheme in such manner as he may direct.]

SCHEDULE

* * *

FORM I

[Sub-paragraphs (2), (2-A), (2-B) and (2-C) of Paragraph 4 and sub-paragraph (1) of Paragraph 4-A]

OPTION

- (i) I opt for the Family Pension-cum-Life Assurance benefits or for Employees' Provident Fund members introduced under the Labour Provident Fund Laws (Amendments) Ordinance, 1971 (No. 3 of 1971) and the Family Pension Scheme framed by the Central Government thereunder as notified *vide* Notification No. G. S. R. 315, dated 4th March, 1971.
- (ii) I opt to continue under the existing Employees' Provident Fund benefits as they stood before the amendment of the E. P. F. Act by the Ordinance of 1971 (No. 3 of 1971), admissible under the E. P. F. Scheme, 1952 under the Provident Fund Rules of.....which is an
(name of establishment)
establishment exempted under Section 17 of the Act.

38. *Ins.* by G.S.R. 1188, dated 8-9-1972.

16-2-1983 (w.e.f. 1-1-1983).

39. *Omitted* by G.S.R. 87(E), dated

40. *Subs.* by G.S.R. 940, dated 28-8-1973.

Note.—Strike out (i) or (ii) or portion not applicable in (ii) as per option.

Witness :—	Signature.....
Signature.....	E. P. F. A/c No.....
Name in full.....	Date.....
(in block letters)	Name in full.....
Designation.....	(in block letters)
Name of the establishment	Designation.....
Exempted/unexempted.....	Name of the establishment.....
	Unexempted/exempted.....

CERTIFICATE

The provisions of the Family Pension-cum-Life Assurance Scheme were explained to Shri/Shrimati..... in my presence and were properly understood by him/her before exercising the above option. It was made explicit to the opter that option once exercised is final and irrevocable.

Signature of the employer or his authorised official.....
 Name.....
 (in block letters)
 Name of the establishment
 Unexempted/Exempted.....
 Code No.....
 Seal of establishment.....

ACKNOWLEDGMENT

Received from Shri/Shrimati.....
 A/c No..... employed in....., an option,
 dated.....(Name of establishment) :—

(i) for the Family Pension-cum-Life Assurance Scheme benefits.

(ii) for the existing Employees' Provident Fund benefits either admissible under the E. P. F. Scheme, 1952 or under the Provident Fund Rules of the exempted establishment as the case may be.

Note Strike out (i) or (ii) or portion not applicable in (ii) as per option.

Signature.....
 R. P. F. C.....

FORM 2

[Paragraph i3]

ACCOUNT NUMBER.....

THE EMPLOYEES' FAMILY PENSION SCHEME, 1971 DECLARATION FORM

1. Name..... Surname.....
 (in block capitals)
2. Sex.....
3. Nationality.....
4. Father's/Husband's Name.....
5. Marital status.....
 (whether unmarried, married, widow or widower)
6. Date of birth..... Day..... Month..... Year.....
 (Where exact particulars are not available, approximate age may be indicated in consultation with the Medical Officer of the establishment.)
7. Permanent address :

Village.....Thana.....
 Tehsil/Sub-Division.....
 Post Office.....District.....
 State.....

8. (i) I declare that I have not previously been a member of the Employees' Family Pension Fund.

(ii) I hereby furnish below particulars of the members of my family who would be eligible to receive Family Pension and Life Assurance benefits in the event of my premature death in service :

Sl. No.	Name and address of the family member	Age	Relationship with the member
1.			
2.			
3.			
4.			

*(iii) I certify that I have no family as defined in Para 2(b) of the Employees' Family Pension Scheme and should I acquire a family hereafter I shall furnish particulars thereof in the above form.

Signature of Left/Right
hand thumb-impression of the
member

*[Delete if not necessary]

[To be completed by the employer]

Certified that the above declaration has been signed/thumb-impression by Shri/ Shrimati..... employed in my establishment before me after he/she has read the entries/the entries have been read over to him/her by me and got confirmed by him/her.

Signature of the employer or other
authorised officer of his establishment
Designation.....
Name and address of the establish-
ment.....

Place.....
Date.....

Office Seal/Stamp.....

FORM 3 (FPF)

Consolidated return of employees who are entitled and required to become members of the Family Pension on the date scheme comes into force

[Paragraph 15(1) of the Employees' Family Pension Scheme, 1971]

(For both exempted and unexempted establishments)

Name and address of the Estt.
Industry in which the Estt. is engaged.....
Registration number of the Estt. Code No. of the Estt.

Sl. No.	Account No.	Name of the employee (in block capitals)	Father's name (or Husband's name in case of married women)
1	2	3	4

Wages including D.A. etc.	Age at entry	Sex	Date of entitlement for membership	Remarks
5	6	7	8	9

The names of employees who become members of the fund after the commencement of the Scheme shall be entered in this form by the Commissioner with reference to Form 5(EPF)/Form 4(FPF) received monthly from the establishment.

NOTE.—This form should be accompanied by declaration in Form 2(FPF) by every employee mentioned in Col. 3.

Signature of the employer or other authorised Officer

Stamp of the establishment.

FORM 4 (FPF)

(For Exempted Establishments only)

THE EMPLOYEES' FAMILY PENSION SCHEME, 1971

{Paragraph 15(4)}

Return of employees entitled for membership of the Family Pension Fund during the month of.....19

Name & Address of the Establishment.....

Code No. of the Establishment.....

Sl. No.	Account No.	Name of the employee (in block capitals)	Father's name or Husband's Name in case of married woman)	Age at entry	Sex	Date of entitlement for membership	(Previous Account No. & particulars of previous employer, if any)	Remarks
1	2	3	4	5	6	7	8	9

Signature of the Employer or other Authorised Officer of the Establishment.
Stamp of the Establishment.

Date.....

FORM 5 (FPF)
(For Exempted Establishments only)

THE EMPLOYEES' FAMILY PENSION SCHEME, 1971
[Paragraph 15(2)]

Return of Members Leaving Service during the month of.....19
Name and Address of the Establishment.....
Code No. of the Establishment.....

Sl. No.	Account No.	Name of the Member (in block capitals)	Father's Name or Husband's name (in case of married woman)	Date of leaving service	*Reasons for leaving service (see note given below)	Remarks
1	2	3	4	5	6	7

*Note.—Please state whether the member is: (a) retiring, (b) leaving India for permanent settlement abroad, (c) retrenchment, (d) ordinarily dismissed for serious and willful misconduct, (e) discharged, (f) resigning from or leaving service, (g) taking up employment else here. (The name and address of the Employer should be stated), (h) dead, (i) attained age of 60 years.

Date..... Signature of the Employer.
Stamp of the Establishment.

(For Exempted Establishments only) Total No. of Employees.....

FORM 6 (FPF) Contract Rest Total
THE EMPLOYEES' FAMILY PENSION SCHEME, 1971
[Paragraph 15(4)]

Statement of Contribution for the month of.....19
Name and address of the Establishment.....
Code No. of the Establishment.....
Total No. of Subscribers.....
Currency period from 1st April, 198.....
to 31st March, 198.....
Statutory Rate of Contribution.....
No. of members voluntarily contributing at higher than the statutory rate.....

Total No. of subscribers	Wages on which contributions are recovered	Amount of contributions due as per recoveries made in the wages/acquittance register	
		Worker's Share	Employer's Share
		1 1/6%	1 1/6%
1	2	3	4
Amount of contributions remitted in Account No. 10			
Total	Worker's Share	Employer's Share	Total
	1 1/6%	1 1/6%	
5	6	7	8

No. as per last month's return
(+) No. of New Subscribers—vide Form 4 (FPF)
(-) No. of Subscribers left service—vide Form 5 (FPF)
*Net Total
(*This should tally with the figure given at the top hand corner of the form)

Date of remittance	Name and location of the Bank in which remitted or No. & date of the cheque/draft sent to Regional Office	Whether the triplicate challan receipt is enclosed ; if not, state reasons	Remarks
9	10	11	12
			Signature of the Employer (with office seal)
Date.....			

- Note.—(1) If there is any substantial variation between the wages and amount of contribution shown above and those shown in the last month's return suitable explanation should be given in the Remarks column.
- (2) If any arrears of contributions or damages are included in the figures under Columns 6 to 8, suitable details indicating the circumstances, amount, No. of subscribers and the period involved should be furnished in the remark's column or on the reverse.
- (3) Remittances shall invariably be made by deposits in the State Bank of India or its subsidiaries.

(For Exempted Establishments only)

FORM 7 (FPF)

THE EMPLOYEES' FAMILY PENSION SCHEME, 1971

(Paragraph 14)

Contribution card for members for the year 198 198

(1) Account No.....	(5) Statutory rate of contribution	6-1/4%
(2) Name, Surname..... (in block capitals)	(6) Voluntary higher rate of Employees' contribution, if any.....	8%
(3) Father's/Husband's Name.....	(7) Date of commencement of membership of the Family Pension Fund.....	
(4) Name & Address of the Establishment.....		

Month	Amount of wages Rs. [2]	CONTRIBUTION TO F. P. FUND		Remarks
		Worker's Share Rs. [3]	Employer's Share Rs. [4]	
[1]				[5]
April, 198..				(a) Date of leaving service
May, ..				
June, ..				
July, ..				
August, ..				
Sept., ..				(b) Reason for leaving service
Oct., ..				
Nov., ..				
Dec., ..				
Jan., 198..				
Feb., ..				
March, ..				
Total	Rs.	Rs.	Rs.	

- (1) Certified that the difference between the total of the contributions shown under cols. (3) and (4) of the above table and that arrived at on the total wages shown in col. (2) at the prescribed rate is solely due to rounding off of contributions to the nearest 25 paise under the rules.

(2) Certified that the total amount of contributions indicated in this card col. (3) + col. (4) i.e., Rs. has already been remitted in full in E. P. F. Account No. 10 (Family Pension Contribution Account).

Dated.....198

Signature of the Employer
(Official Seal)

For Exempted Establishments only)

FORM 8(FPF)

THE EMPLOYEES' FAMILY PENSION SCHEME, 1971

[Paragraph 15(4)]

Annual statement of Contribution for the Currency period from 1st.....198
to.....198

Name & Address of the Establishment.....

Code No. of the Establishment.....

Sl. No.	Account No.	Name of the member (in block letters)	Wages, retaining allowances (if any) and D.A. including cash value of food concession paid during the currency period	Amount of Worker's contribution deducted from the wages 1 1/6%	Employer's Contribution 1 1/6%	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)

Reconciliation of Remittances		Total	Rs.	Rs.
No.	Month	Contributions, A/c No. 10	Aggregate contributions ()	Cols. 5 & 6 Rs.

1.	Rs.	Certified that the difference between the figures of total F. P. F. contributions remitted during the currency period and those shown under Cols. 5 & 6 is solely due to the rounding off of amount to the nearest 25 paise under the rules.	(i) Total number of contribution cards enclosed (Form 7 FPF).
2.	Rs.		
3.	Rs.		
4.	Rs.		
5.	Rs.		
6.	Rs.		
7.	Rs.		
8.	Rs.		
9.	Rs.		
10.	Rs.		
11.	Rs.		
12.	Rs.		
Total		Rs.	(ii) Certified that Form 7 (FPF), duly completed of all the members listed in this statement are enclosed, except those already sent during the course of the currency period for the final settlement of the concerned members' account vide 'Remarks' furnished against the names of the respective members above.

Signature of the Employer (with office seal)

Signature of Employer (with office seal)

Notes.—(1) The names of all members, including those who had left service during the

currency period, should be included in this statement. Where the Form 7 (FPF) in respect of such members as had left service were already sent to the Regional office for the purpose of final settlement of their accounts, the fact should be stated against the members in the 'Remarks' column above thus "Form 7 FPF already sent in the month of.....198 "

- (2) In case of substantial variation in the wages/contributions of any member as compared to those shown in previous month's statement, the reason should be explained adequately in the 'Remarks' column.

(For Exempted Establishments only)

FORM 9 (FPF)

THE EMPLOYEES' FAMILY PENSION SCHEME, 1971

(Paragraph 19)

Declaration by a person taking up employment in an establishment in which the Employees' Family Pension Scheme is in force

I..... (Name)

*son/wife/daughter of..... do hereby solemnly declare that

*(a) I was last employed in..... (Name and full address of the establishment) and left service on.....19

*(b) I was a member of..... Provident Fund *and also of the Family Pension Fund from..... to..... and *but not my account number(s) was/were.....

*(c) I have/have not withdrawn the benefit accruing from the Family Pension Fund.

*(d) I have never been a member of any Provident Fund nor Family Pension Fund.

Signature or *right/left hand thumb-impression of the employee

Date.....

*Strike out whichever is not applicable.

11. B.—The principal employer should have filled it up also in respect of employees to be employed by or through a contractor.

(For Exempted Establishments only)

Code No. DL

FORM 9-A (FPF)

THE EMPLOYEES' FAMILY PENSION SCHEME, 1971 RETURN OF OWNERSHIP TO BE SENT TO THE REGIONAL COMMISSIONER

- 1. Name of the establishment.....
2. Registered Number of the Estt.....
3. Industry in which engaged.....
4. Postal address.....
5. Date of opening when manufacturing process started.....
6. Date(s) of closing (if any).....
7. Whether run by the owner or Lessee.....
8. Name and Postal address of Owner*.....
9. Name and Postal address of Occupier*.....
10. Name and Postal address of Managing Agents*.....
11. Name and Postal address of Director*.....
12. Name and address of Partners*.....
13. Name and address of Manager*.....

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14. Name and Postal address of the person(s) in charge and responsible for the conduct of the business of the Company/establishment.....

Dated.....19

Signature of the employ
any authorised offic
Designation/Seal of the Estt.

-
- (1) Strike out whichever is not applicable.
(2) Any change in the information given above should be intimated in writing to the Regional Commissioner within 15 days of such change by Registered Post and in the prescribed manner.