



केन्द्रीय विद्यालय संगठन / Kendriya Vidyalaya Sangathan

18, संस्थानिक क्षेत्र / 18, Institutional Area

शहीद जीत सिंह मार्ग / Shaheed Jeet Singh Marg

नई दिल्ली-16 / New Delhi - 16

F.No.110239/51/Cir./2014/KVS (Budget) | 92

Dated: .02.2014


07.03

The following orders issued by Government of India are uploaded on the KVS Website for information and necessary action.

1. G.I, Dept. of Per. & Trg., O.M. No. 9/25/2006-EO(MM-I), dated 17.10.2013 regarding extension in deputation tenure beyond the prescribed limit of seven years/ premature repatriation from a Non- Central Staffing Scheme post.
2. G., Dept. of Per. & Trg., O.M. No. 2/3/2009-CS. I (U), dated 1-11-2013 regarding seeking ex-post facto concurrence for extension of deputation.
3. G.I. Dept. of Per. & Trg., O.M No. 372/3/2007-AVD-III (Vol.10), dated 14-10-2013 regarding recommendations of the Committee of Experts on Disciplinary and Vigilance Inquiries (Hota Committee)- Para. 48 of the Committee's Report on conclusion of major penalty proceedings within a period of 18 months- Acceptance by Government.
4. G.I. Dept. of Per. & Trg., O.M No. 372/3/2007-AVD-III (Vol.10) dated 14-10-2013 regarding recommendations of the Committee of Experts in Disciplinary and Vigilance Inquiries (Hota Committee)- Para. 35 of the Committee's Report on conduct of hearings on a day-to-day basis- Acceptance by Government.
5. G.I. Dept., of Per & Trg., O.M No. 372/3/2007-AVD-III (Vol.10), dated 14.10.2013 regarding recommendations of the Committee of Experts on Disciplinary and Vigilance Inquiries (Hota Committee)- Para. 31 of the Committee's Report amendments to the Departmental Enquiries (Enforcement of Attendance of Witnesses and Production of Documents) Act, 1972- Government's decision thereon.
6. G.I., Dept. of Per. & Trg., O.M No. 372/3/2007-AVD-III (Vol. 10) dated 14.10.2013 regarding recommendations of the Committee of Experts on Disciplinary and Vigilance Inquiries (Hota Committee)- Para. 135 of the Committee's Report on Submission of draft charge sheet while seeking first stage advice of CVC, etc.- Acceptance by Government.
7. G.I, Dept. of Pers & Trg., O.M No. 372/3/2007-AVD-III (Vol. 10), dated 14.10.2013 regarding recommendations of the Committee of Experts on Disciplinary and Vigilance Inquiries (Hota Committee)- Para. 38 of the Committee's Report regarding payment of T.A/D.A to retired Government servants appearing as witnesses in proceedings before the CDI in CVC- Government's decision thereon.
8. G.I, Dept. of Pers & Trg., O.M No. 372/3/2007-AVD-III (Vol. 10), dated 14.10.2013 regarding recommendations of the Committee of Experts on Disciplinary and Vigilance Inquiries (Hota Committee)- Para. 36 (a) of the Committee's Report to designate CDIs in CVC in numerical / alphabetical order- Governments decision's thereon.
9. G.I, Dept. of Pers & Trg., O.M No.104/76/2011-AVD-I, dated 18.10.2013 guidelines regarding handling of complaints in Ministries/ Departments.
10. G.I, Dept. of Pers & Trg., O.M No. 18019/6/2013- Estt. (L), dated 21.10.2013 regarding timely payment of dues of encashment of leave to Government servants retiring on attaining the age of superannuation- need to obviate delays in payment of such dues.
11. G.I. Addl. Dir. CGHS. O.M No. 9-4/13- CGHS/MRT/Estt. dated 22.10.2013 regarding notification of fresh empanelment of Private Hospital and Diagnostic Centers under continuous empanelment scheme of CGHS, Meerut.
12. G.I. Addl. Dir. CGHS. O.M No. 3-216/2011-CGHS/LKO 5752-59, dated 28.10.2013 regarding fresh empanelment of Private Hospitals/ Diagnostic Centers under CGHS, LKO.

13. G.I Min. of Law and Justice, Act. No. 23 of 2013, dated 18/19-9-2013 regarding Pension Fund Regulatory and Development Authority Act, 2013.
14. G.I M. F Notfin. F.No. 5/7/2003/ECB & PR, dated 8-10-2013 regarding Amendment to Notification, dated 22.12.2013 (New Pension Scheme).
15. G.I. Dept. of Pers & Trg. O.M No. 13016/05/2011- Trg. (ISTM), dated 11.11.2013 regarding implementation of Government's decision on the recommendations of the Sixth Central Pay Commission- Revision of rate of Training Allowance and Sumptuary Allowance- Clarification.
16. G.I., Dept. of Pen & P.W, O.M No. F.No. 42/13/2012-P&PW (G), dated 17.10.2013 regarding grant of Dearness Relief to CPF beneficiaries in receipt of ex- gratia payment with effect from 1-7-2013.
17. G.I. Dept. of Pers. & Trg. O.M No. 18019/7/2013- Estt. (L), dated 23.10.2013 regarding simplification of procedure for verification of service- adherence to the revised format.
18. G.I Dept. of Pen. & PW., O.M No. 4/30/2010-P& PW(D), dated 28.10.2013 regarding revision of 1/3 rd commuted portion of pension in respect of Government servants who had drawn lump sum payment on absorption in Central Public Sector Undertakings/ Central Autonomous Bodies-Implementation of Government's decision on the recommendations of the Sixth Central Pay Commission.
19. G.I. Dept of Per & Trg., O.M No. AB. 14017/6/2009-Estt. (RR) dated 21.10.2013 regarding recruitment to Group 'C' posts in Pay Band-1, with Grade Pay of Rs. 1800 (Pre- revised Group 'D' posts).
20. G.I. Dept. of Per & Trg. O.M No. AB 14017/32/2012-Estt. (RR) dated 31.10.2013 regarding Model Recruitment Rules for the various posts of Accounts Cadre.
21. G.I. Min. of Law and Justice, Act No. 24 of 2013, dated 18/19/9.2013 regarding amendment to the Constitution (Schedules Tribes) Order, 1950.
22. G.I. Min. of Law and Justice, Act No. 28 of 2013, dated 20/23-9-2013 regarding Amendment to the Parliament (Prevention of Disqualification) Act, 1959.
23. G.I. M.F. O.M No. 19024/1/2012-E-IV, dated 10.10.2013. regarding 'Facilitation Fee' to be levied by authorized travel agents on air ticket booked on Government account.
24. A circular No.11011/3/2012-c-Gov(B) dated 24th June2013 regarding implementation of e-office in Ministries/Departments :legal validity forwarded by SO(UT-2) vide letter No.7-54/2013-UT.2(Vol.3) dated 27th November,2013.

Copies of the aforesaid orders may now be got downloaded from the KVS Website for office record.


 (S.Muthuswami) 27/10/14
 Asstt.Commissioner(Fin.)
 Phone No. 011-26523070

Distribution:

1. The Deputy.Commissioner, KVS, all ROs.
2. The Finance Officer, KVS, all ROs.
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5. The General.Secretary, All Recognized Associations.
6. The Director, ZIET Gwalior, Mumbai, Mysore, Chandigarh & Bhubaneswar.
7. The Asstt.Commissioner, (EDP), KVS (HQ.) with the request to upload the above circulars on the KVS Web site.
8. RTI Cell KVS (HQ.)
9. Guard file.

GI., Dept. of Per. & Trg., O.M. No. F. No. 9/25/2006-EO (MM-I),
dated 17-10-2013

**Extension in deputation tenure beyond the prescribed limit of
seven years / premature repatriation from a Non-Central
Staffing Scheme post**

As per the ACC directions, an officer working on a Central Staffing Scheme (CSS) post is allowed an additional tenure of two years on his shift to a Non-Central Staffing Scheme post and *vice versa*, subject to cadre clearance and further subject to the maximum limit of seven years outside the cadre at a stretch. While allowing the shift, the tenure of the officers is specified / fixed. Similarly as per extant policy, officers working on a CSS post on their premature repatriation on grounds other than promotion are required to undergo extended cooling off.

2. However, it has come to notice that officers have continued to stay beyond the stipulated tenure without the approval of the competent authority, sometimes even beyond the maximum stipulated limit of seven years outside the cadre. It has also come to notice that some of the officers who after their stint under the CSS had shifted to Non-CSS posts were allowed to go prematurely to their cadre without seeking the approval of the ACC.

3. The undersigned is directed to convey that any proposal for premature repatriation and extension in tenure beyond the approved tenure in respect of officers who have shifted from a CSS post and are now working on a Non-CSS post should be referred to DoP&T for approval / orders of the Competent Authority

4. All the Ministries / Departments are requested to ensure compliance of the above direction in future.

G.I., Dept. of Per. & Trg., O.M. No. 2/3/2009-CS. I (U), dated 1-11-2013

Seeking *ex post facto* concurrence for extension of deputation

As Ministries / Departments are aware, CS.I Division, DoP&T is the cadre controlling authority for CSS Officers. Grant of cadre clearance *inter alia* for deputation in respect of US and above level officers of CS is centralized in CS.I Division. CSS Officers of these levels can proceed on deputation only after obtaining cadre clearance by this Department. Extension of deputation beyond the initial period of deputation also requires prior concurrence of this Department. However, there are instances where concurrence of this Department has been sought for extension of deputation much after the expiry of initial period of deputation.

2. In this regard, attention is invited to this Department's O.M. No. 6/8/2009-Estt (Pay-II), dated the 1st March 2011 (*Sl. No. 12 of Swamy Annual, 2011*), wherein it has been stipulated that deputationist officer is deemed to have been relieved on the date of expiry of the deputation period unless the competent authority has with requisite approval extended the period of deputation, in writing, prior to the date of its expiry.

All the Ministries / Departments are requested to strictly follow the instructions of this Department governing deputation and desist from seeking *ex post facto* concurrence for extension in deputation.

**Recommendations of the Committee of Experts on Disciplinary and
Vigilance Inquiries (Hota Committee) — Para. 48 of the Committee's
Report on conclusion of major penalty proceedings within a
period of 18 months — Acceptance by Government**

The undersigned is directed to say that the Government had appointed a Committee of Experts to review the procedure for Disciplinary / Vigilance Inquiries and recommend measures for their expeditious disposal. The Committee comprised the following:

- (i) Shri P.C. Hota, Former Chairman, UPSC — Chairman
- (ii) Shri Arvind Varma, Former Secretary, DoP&T — Member
- (iii) Shri P. Shankar, Former CVC — Member

2. The Expert Committee has, in Para. 48 of its Report, made the following recommendation:—

“48. For major penalty Inquiries as envisaged in Article 311 (2) of the Constitution, where the Inquiry Officer has to do a detailed inquiry into the Articles of Charge by examination of witnesses, both of the Presenting Officer and of the delinquent Government servant and where relevant documents have to be examined / exhibited for a judgment decision in the case, the maximum time could be twelve months from the date of service of the Articles of Charge before the case records are referred to the UPSC for advice under Article 320 (3) (c) of the Constitution. Hopefully, if the UPSC takes a maximum period of five to six months to give its considered advice, the Disciplinary Inquiry for a major penalty can be concluded within a maximum period of eighteen months from the date of service of Articles of Charge on the delinquent Government servant till the date of the final order by the Disciplinary Authority, after consultation with the UPSC. (Elsewhere in this Report, we have recommended that the CVC's second stage advice may be dispensed with because of reasons mentioned by us. We would like to leave it to the best judgment of the UPSC to devise methods for reducing the time taken by it in rendering its advice under Article 320 (3) (c) of the Constitution.)”

3. The aforesaid recommendation of the Hota Committee was considered by a Committee of Secretaries (CoS) under the Chairmanship of Cabinet Secretary. The CoS has, *inter alia*, taken note of the fact that, *vide* DoP&T's O.M.No. 372/19/2011-AVD-III (Pt.I) dated the 26th September, 2011, the second stage consultation with the Central Vigilance Commission has already been dispensed with and that it is only in cases where consultation with UPSC is not required as per extant rules/instructions, the second stage consultation with CVC is now necessary. The CoS also took note of the fact that the introduction of a single window system in the UPSC to accept files regarding major penalty proceedings has led to considerable reduction in time taken to conclude major penalty proceedings. The CoS has accordingly recommended that the recommendation of the Hota Committee in Para. 48 of its report as referred to above may be accepted. The recommendation has accordingly been accepted by the Government and it has been decided that all Ministries / Departments shall ensure that all major penalty proceedings against Government servants under their control are completed and final orders are passed by the concerned Disciplinary Authority within 18 months from the date of delivery of charge-sheet on the delinquent Government servant.

4. The above decision of the Government is brought to the notice of all Ministries / Departments for strict compliance.

(8)

*G.I., Dept. of Per. & Trg., O.M. No. 372/3/2007-AVD-III (Vol. 10),
dated 14-10-2013*

**Recommendations of the Committee of Experts on Disciplinary
and Vigilance Inquiries (Hota Committee) — Para. 35 of the
Committee's Report on conduct of hearings on a day-to-day basis —
Acceptance by Government**

The undersigned is directed to say that the Government had appointed a Committee of Experts to review the procedure for Disciplinary / Vigilance Inquiries and recommend measures for their expeditious disposal. The Committee comprised the following:—

- (i) Shri P.C. Hota, Former Chairman, UPSC — Chairman
- (ii) Shri Arvind Varma, Former Secretary, DoP&T — Member
- (iii) Shri P. Shankar, Former CVC — Member

2. The Expert Committee has, in Para. 35 of its Report, recommended that **“as far as practicable, an Inquiry Officer should conduct the hearing on a day-to-day basis to complete the Inquiry expeditiously. Each Inquiry Officer should be required to maintain an order sheet to record proceedings of the Inquiry on the day of Inquiry and other relevant matters. If the Inquiry cannot be conducted on a day-to-day basis, the Inquiry Officer should record in the order sheet the reasons why the Inquiry could not be held on a day-to-day basis.”**

3. The aforesaid recommendation of the Hota Committee has been considered by a Committee of Secretaries (CoS) under the Chairmanship of Cabinet Secretary and, as recommended by the CoS, the recommendation has been accepted by the Government.

4. Accordingly, it has been decided that **once a regular hearing in a departmental proceeding is started, such hearing should, as far as practicable, be continued on a day-to-day basis, unless in the opinion of the IO, for the reasons to be recorded in writing, an adjournment is unavoidable in the interest of justice.**

5. The above decision of the Government is brought to the notice of all Ministries / Departments for strict compliance.

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*G.I., Dept. of Per. & Trg., O.M. No. 372/3/2007-AVD-III (Vol. 10),
dated 14-10-2013*

**Recommendations of the Committee of Experts on Disciplinary and
Vigilance Inquiries (Hota Committee) — Para. 31 of the Committee's
Report on amendments to the Departmental Enquiries (Enforcement of
Attendance of Witnesses and Production of Documents) Act, 1972 —
Government's decision thereon**

The undersigned is directed to say that the Government had appointed a Committee of Experts to review the procedure for Disciplinary / Vigilance Inquiries and recommend measures for their expeditious disposal. The Committee comprised the following:—

- (i) Shri P.C. Hota, Former Chairman, UPSC — Chairman
- (ii) Shri Arvind Varma, Former Secretary, DoP&T — Member
- (iii) Shri P. Shankar, Former CVC — Member

2. The Expert Committee has, in Para. 31 of its Report, observed that, at present, for each Departmental Inquiry, the Central Government has only powers to issue a notification under the Departmental Enquiries (Enforcement of Attendance of Witnesses and Production of Documents) Act, 1972 (Act of 1972), empowering an Inquiry Officer to enforce attendance of witnesses or ensure production of documents. The Committee has opined that a separate notification in each case of a Departmental Inquiry empowering an Inquiry Officer under the Act of 1972 is a time-taking process and does not serve any useful purpose. The Hota Committee has accordingly recommended that the Departmental Enquiries (Enforcement of Attendance of Witnesses and Production of Documents) Act, 1972 may be amended to confer powers on all Inquiry Officers to exercise powers of a Civil Court for enforcement of attendance of witnesses and production of documents.

3. The aforesaid recommendation of the Hota Committee has been considered by a Committee of Secretaries (CoS) under the Chairmanship of Cabinet Secretary. The CoS has observed that the need to enforce attendance arises only in a few cases and hence there may not be any need to amend the Departmental Enquiries (Enforcement of Attendance of Witnesses and Production of Documents) Act, 1972 to confer powers on all Inquiry Officers to exercise powers of a Civil Court for enforcement of attendance of witnesses and production of documents and that the purpose may be served by issue of administrative instructions laying down specific time lines for consideration of requests for issuance of notifications under the said Act. The above recommendation of the CoS has been accepted by the Government.

4. Accordingly, it has been decided that every reference from an inquiring authority, seeking the issuance of a notification by the Central Government / competent authority under Section 4 of the Departmental Enquiries (Enforcement of Attendance of Witnesses and Production of Documents) Act, 1972, to confer powers on an Inquiring Authority to exercise powers of Civil Court for enforcement of attendance of witnesses and production of documents, shall be decided within 30 days from the date of receipt of such reference.

5. The above decision of the Government is brought to the notice of all Ministries / Departments for strict compliance.

(9)

*Gl., Dept. of Per. & Trg., O.M. No. 372/3/2007-AVD-III (Vol. 10),
dated 14-10-2013*

**Recommendations of the Committee of Experts on Disciplinary and
Vigilance Inquiries (Hota Committee) — Para. 135 of the Committee's
Report on submission of draft charge sheet while seeking first stage
advice of CVC, etc. — Acceptance by Government**

The undersigned is directed to say that the Government had appointed a Committee of Experts to review the procedure for Disciplinary / Vigilance Inquiries and recommend measures for their expeditious disposal. The Committee comprised the following:—

- (i) Shri P.C. Hota, Former Chairman, UPSC — Chairman
- (ii) Shri Arvind Varma, Former Secretary, DoP&T — Member
- (iii) Shri P. Shankar, Former CVC — Member

2. The Expert Committee has, in Para. 135 of its Report, made the following recommendation:—

“135. (a) We have noted that even after approval of the Disciplinary Authority to initiate a Disciplinary Inquiry, a lot of time is taken by the Department / Ministry to frame the Articles of Charge against a delinquent Government servant.

(b) We recommend that to eliminate delays in framing the Articles of Charge, the official file submitted to the Disciplinary Authority to initiate a Departmental Inquiry must have a **copy of the draft Articles of Charge along with the imputations in support and a list of witnesses and documents**. Such action before approval of the Disciplinary Authority is obtained to initiate a Departmental Inquiry against a delinquent Government servant, would ensure **timely framing and service of the Articles of Charge**. We also recommend that when a case is sent to the CVC for its first stage advice, **the Articles of Charge, complete in all respects, must be submitted to the CVC**.

3. The aforesaid recommendation of the Hota Committee was considered by a Committee of Secretaries (CoS) under the Chairmanship of Cabinet Secretary. The CoS has recommended acceptance of the aforesaid recommendation. Accordingly, the above recommendation of the Hota Committee has been accepted by the Government and it has been decided that **all Ministries / Departments shall henceforth ensure that whenever a disciplinary case file is submitted to the Disciplinary Authority, seeking the approval of the Disciplinary Authority for initiation of departmental proceedings against a Government servant, a draft of the articles of charge, complete in all respects, along with the imputations in support and the list of witnesses and documents, shall be submitted to the Disciplinary Authority for its consideration. Similarly, whenever a case is referred to the Central Vigilance Commission for its first stage advice, a draft of the articles of charge, complete in all respects, as proposed by the Ministry / Department, shall be submitted to the CVC for its consideration.**

4. The above decision of the Government is brought to the notice of all Ministries / Departments for strict compliance.

G.I., Dept. of Per. & Trg., O.M. No. 372/3/2007-AVD-III (Vol. 10),
dated 14-10-2013

**Recommendations of the Committee of Experts on Disciplinary and
Vigilance Inquiries (Hota Committee) — Para. 38 of the Committee’s
Report regarding payment of T.A./D.A. to retired Government servants
appearing as witnesses in proceedings before the CDI in CVC —
Government’s decision thereon**

The undersigned is directed to say that the Government had appointed a Committee of Experts to review the procedure for Disciplinary / Vigilance Inquiries and recommend measures for their expeditious disposal. The Committee comprised the following:—

- (i) Shri P.C. Hota, Former Chairman, UPSC — Chairman
- (ii) Shri Arvind Varma, Former Secretary, DoP&T — Member
- (iii) Shri P. Shankar, Former CVC — Member

2. The Expert Committee has, in Para. 38 of its Report, *inter alia*, recommended that “In case the witness is a retired Government Servant and is appearing before the CDI in a Departmental Inquiry, the expenses would be borne, in the first instance, by the CVC and subsequently be adjusted with the Department / Organization concerned.”

3. The aforesaid recommendation of the Hota Committee has been considered by a Committee of Secretaries (CoS) under the Chairmanship of Cabinet Secretary and the CoS has recommended acceptance of this recommendation. Government has accepted the recommendation of the Hota Committee as endorsed by the CoS.

4. Accordingly, it has been decided that in cases where any of the witnesses in a departmental inquiry is a retired Government servant and is appearing before the CDI in the Central Vigilance Commission in the Departmental Inquiry, the expenses on payment of admissible T.A./D.A. to such witness would be borne, in the first instance, by the Central Vigilance Commission and subsequently be adjusted with the Department / Organization concerned.

5. The above decision of the Government is brought to the notice of all Ministries / Departments for information and compliance.

G.I., Dept. of Per. & Trg., O.M. No. 372/3/2007-AVD-III (Vol. 10),
dated 14-10-2013

**Recommendations of the Committee of Experts on Disciplinary and
Vigilance Inquiries (Hota Committee) — Para. 36 (a) of the
Committee’s Report to designate CDIs in CVC in numerical /
alphabetical order — Government’s decision thereon**

The undersigned is directed to say that the Government had appointed a Committee of Experts to review the procedure for Disciplinary / Vigilance Inquiries and recommend measures for their expeditious disposal. The Committee comprised the following:—

- (i) Shri P.C. Hota, Former Chairman, UPSC — Chairman
- (ii) Shri Arvind Varma, Former Secretary, DoP&T — Member
- (iii) Shri P. Shankar, Former CVC — Member

2. The Expert Committee has, in Para. 36 (a) of its Report, recommended that “it would be expedient to designate CDIs under the CVC in a numerical or alphabetical manner, viz., CDI-I, CDI-II or CDI-A, CDI-B and so on. Under such an arrangement, Departmental Inquiries could be entrusted to CDI-I or CDI-II with the stipulation that CDI-II will take over if CDI-I is no longer available to conduct the Inquiry due to his transfer or other reasons. If such an innovative practice is introduced in the order of appointment of CDIs as Inquiry Officer in a particular Inquiry, there would be no need for fresh order of the Disciplinary Authority for appointment of the successor CDI as the Inquiry Officer in the same Inquiry”.

3. The aforesaid recommendation of the Hota Committee was considered by a Committee of Secretaries (CoS) under the Chairmanship of Cabinet Secretary. The CoS, in this context, took note of the CVC’s view that since there are only 4-5 CDIs available in CVC and their primary role is to give vigilance advice and hence it may not be possible to designate them as IO automatically. The CoS also took note of the fact that even after a CDI is designated as IO for a case, the Ministry / Department concerned takes a lot of time in issuing orders appointing the IO. Considering the above facts, the CoS has recommended that whenever a particular CDI in CVC becomes unavailable to conduct an inquiry on account of transfer, etc., CVC shall nominate an IO within 15 days and disciplinary authorities shall issue orders appointing the IO, within another 15 days. The above recommendation of the CoS has been considered by the Government and the Government has taken the following decision:—

Whenever a particular CDI in CVC becomes unavailable to conduct an inquiry on account of transfer, etc., CVC shall nominate an IO in his/her place within 15 days and the concerned Disciplinary Authority shall issue orders appointing the IO, within another 15 days. However, CVC may also designate CDIs in numerical / alphabetical order. If a successor CDI is not appointed within 15 days as prescribed, the case will be automatically assigned to the next CDI in numerical / alphabetical order on the 16th day.

4. The above decision of the Government is brought to the notice of Central Vigilance Commission and all Ministries / Departments for strict compliance.

GI., Dept. of Per. & Trg., O.M. No. 104/76/2011-AVD. I,
dated 18-10-2013

Guidelines regarding handling of complaints in Ministries / Departments

The undersigned is directed to say that the instructions regarding dealing with anonymous and pseudonymous complaints as contained in this Department's O.M. No. 321/4/91-AVD.JH, dated the 29th September, 1992 and as reiterated *vide* DoP&T's O.M. No. 371/38/97-AVD. III, dated the 3rd November, 1997, being at variance with instructions issued by CVC in this regard *vide* Circular No. 3 (V)/99/2, dated the 29th June, 1999, No. 98/DSP/9, dated the 31st January, 2002 and 11th October, 2002, had been receiving the attention of the Government for the past some time.

2. The matter was examined afresh in consultation with the Central Vigilance Commission. Subsequent to the Public Interest Disclosure and Protection of Informers' Resolution - 2004 (PIDPI), the Commission has created a mechanism for handling complaints where identity of the complainant is kept secret and the complainant is provided protection. This has been endorsed and operationalized by the Central Government with the approval of the competent authority.

3. In view of the fact that complainants who desire to protect their identity now have the protection of the Public Interest Disclosure and Protection of Informers' Resolution - 2004 (PIDPI), the following procedure is laid down for handling anonymous and pseudonymous complaints, in supersession of instructions contained in DoP&T's O.M. No. 321/4/91-AVD. III, dated the 29th September, 1992:—

- (i) No action is required to be taken on anonymous complaints, irrespective of the nature of allegations and such complaints need to be simply filed.
- (ii) Complaints containing vague allegations could also be filed without verification of identity of the complainant.
- (iii) If a complaint contains verifiable allegations, the administrative Ministry / Department may take cognizance of such complaint with the approval of the competent authority to be designated by the Ministry / Department as per their distribution of work. In such cases, the complaint will be first sent to the complainant for owning / disowning, as the case may be. If no response is received from the complainant within 15 days of sending the complaint, a reminder will be sent. After waiting for 15 days after sending the reminder, if still nothing is heard, the said complaint may be filed as pseudonymous by the Ministry / Department.

4. Instructions contained in Para. 3 above would also be applicable (with appropriate competent authority to be designated under Para. 3 (iii) above) for dealing with complaints against Secretaries to the Government of India or Chief Executives / CMDs / Functional Director of PSEs / PSBs / FIs, which will continue to be referred to the Cabinet Secretariat for placing before the Group of Secretaries headed by the Cabinet Secretary / Secretary (Co-ordination) in the Cabinet Secretariat, as the case may be, as per procedure given in Department's O.M. No. 104/100/2009-AVD. I, dated 14-1-2010 (*Sl. No. 27 of Swamy's Annual, 2010*) and DPE's O.M. No. 15 (1)/2010-DPE (GM), dated 11-3-2010, as amended from time to time.

G.I., Dept. of Per. & Trg., O.M. No. 18019/6/2013-Estt. (L),
dated 21-10-2013

**Timely payment of dues of encashment of leave to Government
servants retiring on attaining the age of superannuation —
need to obviate delays in payment of such dues**

The undersigned is directed to state that in terms of the provisions of Rule 39 of the CCS(Leave) Rules, 1972, the authority competent to grant leave is *suo motu* required to issue an order granting cash equivalent of leave salary for both earned leave and half pay leave, if any, at the credit of the Government servant on the date of his retirement, subject to the prescribed limits.

2. It has since been brought to the notice of this Department that the concerned administrative authorities as indicated in First Schedule to the said rules including authorities subordinate to the leave sanctioning authorities to whom such powers have been delegated, are not ensuring that the dues, as admissible to a Government servant retiring on attaining the age of superannuation, are promptly paid. This has led to avoidable litigation where courts have been directing payment of interest on such delayed payments. It has been observed from the references received in this Department that the delays in such payments are predominantly due to avoidable administrative reasons relating to processing of such cases.

3. It is further stated that the Leave Account of a Government servant is a dynamic document which is required to be revisited periodically to record credits of Earned Leave and Half Pay Leave in terms of provisions of Rules 26 and 29 of the CCS (Leave) Rules, 1972 with entries made on each occasion the Government servant avails the leave of the kind due and admissible to him. Further, the said rules envisage that advance credits be made in the leave account of the Government servant and a constant check maintained to ensure that the total accumulations at any given time do not exceed 300+15 days.

4. Delays in reckoning the leave accumulations at the credit of Government servant at any stage, particularly at the time of his retirement on superannuation, cannot be acceptable and can be construed as administrative lapse, liable to attract provisions of the CCS (Conduct) Rules, 1964 and CCS (CCA) Rules, 1965. All cases of delay may be looked into and delays in disbursement of dues to Government servants retiring on attaining the age of superannuation be avoided.

5. The administrative authorities may consider putting in place a mechanism to check such delays and define various processing parameters and time lines viz., issuance of orders in respect of such retiring Government servants who have 300 + 15 days earned leave at their credit on the 20th of the month in which they are retiring as any leave availed by such Government servants shall not impact the maximum ceiling of encashment of such leave even if any request is made for grant of earned leave during the said period. The possibility of e-transfer of dues can also be worked out in consultation with respective P&AOs.

6. All Ministries / Departments are accordingly advised to bring the position referred to in this OM to the notice of all concerned from the perspective of ensuring that the dues of leave encashment in respect of Government servants retiring on attaining the age of superannuation are discharged with due promptness. It may be ensured that sanction orders, in this regard are issued timely, so that dues admissible to the Government servants on attaining the age of superannuation, on account of encashment of leave, are discharged as soon as possible, preferably on the next working day following the date of their retirement on superannuation.

G.I., Addl. Dir., CGHS, O.M. No. 9-4/13-CGHS/MRT/Estt.,
dated 22-10-2013

Notification of fresh empanelment of Private Hospital and Diagnostic Centres under continuous empanelment scheme of CGHS, Meerut

In reference to MOHFW O.M. No. S. 11011/23/2009-CGHS D. II/ Hospital Cell (Part. IX), dated 14-02-2013 and this Directorate Letter No. S. 11045/23/2013/CGHS D-II (HEC/CGHS (P))/(Pt.), dated 15-7-2013 for continuous fresh empanelment of Private Hospitals and Diagnostic Centres under CGHS Meerut, a committee was formed with two seniormost CMOs headed by undersigned including Consultant as Special Invitee. Inspection for authentication of documents submitted was carried out by Transparency Officer, CGHS, Meerut, Office Superintendent, CGHS, Meerut and Sr. Consultant, CGHS, Meerut as Special Invitee. The qualified list of Hospital is according to category and purpose attached as given below (on the recommendation of Hospital Committee) for One Year or Fresh Empanelment, whichever is earlier.

1. The Hospitals who have qualified to be empanelled under CGHS, Meerut have submitted the Draft MOA with CGHS along with performance Bank Guarantee are approved for empanelment of Private Hospitals under CGHS, Meerut with effect from date of notification of the OM.
2. The empanelment shall be for a period of one year from the date of notification or till new empanelment process, whichever is earlier.

S. No.	Name of the Hospital	Approved for	Whether NABH Accredited	Whether earlier empanelled under CGHS, if YES, Procedure for which empanelled
General Purpose / Speciality Hospital				
1.	Ajay Hospital, Bhopal Vihar, Opp. Radha Govind Engg. College, Garh Road, Meerut	General Purpose and Cardiology except CABG	Applied for	No

G.I., Addl. Dir., CGHS, O.M. No. 3-216/2011-CGHS/LKO 5752-59,
dated 28-10-2013

**Fresh empanelment of Private Hospitals /
Diagnostic Centres under CGHS, LKO**

The powers conferred upon the undersigned by the Government of India, Ministry of Health and Family Welfare, Directorate General for CGHS, New Delhi vide No. S. 11045/23/2013-CGHS D-II (HEC)/CGHGS (P) (Pt.), dated 15-7-2013. The following hospitals / Diagnostic Centre / eye care centers (As per enclosed list Annexure 1) have been empanelled under the continuous empanelment scheme of CGHS, Lucknow . The empanelment of these hospitals / Diagnostic Centres is solely upon the basis of submission of the application with required documents by them. The empanelled hospitals / diagnostic centres / eye care centres have furnished the performance Bank Guarantee. The empanelment is for the period of one year with effect from the date of issue of this memo or till the next empanelment.

ANNEXURE 1

**LIST OF HOSPITALS / DIAGNOSTIC CENTRES / EYE CARE
CENTRES AT LUCKNOW EMPANELLED UNDER THE
CONTINUOUS EMPANELMENT SCHEME OF CGHS, LUCKNOW**

S. No.	Name of Hospital / Diagnostic Centre / Eye Care Centre	Category under which empanelled	NABH Status
General Purpose / Specialty Hospital			
1.	Baba Hospital 56, Matiyari (Chinhat) Deva Road Lucknow.	General Purpose Hospital	Non-NABH (Applied for NABH)
2.	Shree Ram Memorial Hospital, A-1939, Shalimar Crossing Indira Nagar Lucknow	General Purpose Hospital	Non-NABH (Applied for NABH)
3.	C.N.S. (Centre for Neuro- Sciences and Trauma) Hospital, 20/154, Sector-25 Indira Nagar Lucknow	General Purpose Hospital	Non-NABH (Applied for NABH)
4.	Sona Medical Centre, 5/58, Near Police Station Vikas Nagar, Lucknow	General Purpose Hospital	Non-NABH (Applied for NABH)

G.I., Min. of Law and Justice, Act. No. 23 of 2013,
dated 18/19-9-2013

Pension Fund Regulatory and Development Authority Act, 2013

The following Act of Parliament received the assent of the President on the 18th September, 2013, and is hereby published for general information:—

An Act to provide for the establishment of an Authority to promote old age income security by establishing, developing and regulating pension funds, to protect the interests of subscribers to schemes of pension funds and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixty-fourth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

Short title, extent and commencement

1. (1) This Act may be called the Pension Fund Regulatory and Development Authority Act, 2013.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint:

Provided that different dates may be appointed for different provisions of this Act and any reference in any such provision to the commencement of this Act shall be construed as a reference to the coming into force of that provision.

Definitions

2. (1) In this Act, unless the context otherwise requires,—

(a) “*Authority*” means the Pension Fund Regulatory and Development Authority established under sub-section (1) of Section 3;

(b) “*Central record-keeping agency*” means an agency registered under Section 27 to perform the functions of record-keeping, accounting, administration and customer service for subscribers to schemes;

(c) “*Chairperson*” means the Chairperson of the Authority;

(d) “document” shall include any matter written, expressed or described upon any substance by means of letters, figures or marks, or by more than one of those means, in printed or in electronic version, which is intended to be used, or which may be used, by the Interim Pension Fund Regulatory and Development Authority, or Authority or an intermediary or any other entity connected with the National Pension System, for the purpose of recording that matter;

(e) “individual pension account” means an account of a subscriber, executed by a contract setting out the terms and conditions under the National Pension System;

(f) “Interim Pension Fund Regulatory and Development Authority” means the Interim Pension Fund Regulatory and Development Authority set up by the Central Government through Resolutions No. F. No. 5/7/2003-ECB&PR, dated the 10th October, 2003 and F. No. 1 (6)/2007-PR, dated the 14th November, 2008;

(g) “intermediary” includes pension fund, central record-keeping agency, National Pension System Trust, pension fund adviser, retirement adviser, point of presence and such other person or entity connected with collection, management, record-keeping and distribution of accumulations;

(h) “member” means a member of the Authority and includes its Chairperson;

(i) “National Pension System” means the contributory pension system referred to in Section 20 whereby contributions from a subscriber are collected and accumulated in an individual pension account using a system of points of presence, a central record-keeping agency and pension funds as may be specified by regulations;

(j) “National Pension System Trust” means the Board of Trustees who hold the assets of subscribers for their benefit;

(k) “notification” means a notification published in the Official Gazette;

(l) “pension fund” means an intermediary which has been granted a certificate of registration under sub-section (3) of Section 27 by the Authority as a pension fund for receiving contributions, accumulating them and making payments to the subscriber in the manner, as may be specified by regulations;

(m) “Pension Regulatory and Development Fund” means the fund constituted under sub-section (1) of Section 40;

(n) “point of presence” means an intermediary registered with the Authority under sub-section (3) of Section 27 as a point of presence and

capable of electronic connectivity with the central record-keeping agency for the purposes of receiving and transmitting funds and instructions and pay out of funds;

(o) "prescribed" means prescribed by rules made under this Act;

(p) "regulated assets" means the assets and properties, both tangible and intangible, owned, leased or developed by and other rights belonging to, the central record-keeping agency;

(q) "regulations" means the regulations made by the Authority under this Act;

(r) "scheme" means a scheme of pension fund approved by the Authority under this Act;

(s) "Securities Appellate Tribunal" means a Securities Appellate Tribunal established under sub-section (1) of Section 15-K of the Securities and Exchange Board of India Act, 1992;

(t) "subscriber" includes a person who subscribes to a scheme of a pension fund;

(u) "Subscriber Education and Protection Fund" means the fund constituted under sub-section (1) of Section 41;

(v) "Trustee Bank" means a banking company as defined in the Banking Regulation Act, 1949.

(2) Words and expressions used and not defined in this Act, but defined in—

- (i) the Insurance Act, 1938;
- (ii) the Companies Act, 1956;
- (iii) the Securities Contracts (Regulation) Act, 1956; and
- (iv) the Securities and Exchange Board of India Act, 1992,

shall have the meanings respectively assigned to them under those Acts.

CHAPTER II

PENSION FUND REGULATORY AND DEVELOPMENT AUTHORITY

Establishment and incorporation of Authority

3. (1) With effect from such date as the Central Government may, by notification, appoint, there shall be established, for the purposes of this Act, an Authority to be called the Pension Fund Regulatory and Development Authority.

(2) The Authority shall be a body corporate by the name aforesaid, having perpetual succession and a common seal with power, subject to the provisions of this Act, to acquire, hold and dispose of property, both movable and immovable, and to contract and shall, by the said name, sue or be sued.

(3) The Head Office of the Authority shall be in the National Capital Region referred to in Clause (f) of Section 2 of the National Capital Region Planning Board Act, 1985.

(4) The Authority may establish offices at other places in India.

Composition of Authority

4. The Authority shall consist of the following Members, namely:—

- (a) a Chairperson;
- (b) three whole-time members; and
- (c) three part-time members,

to be appointed by the Central Government from amongst persons of ability, integrity and standing and having knowledge and experience in economics or finance or law with at least one person from each discipline.

Term of office and conditions of service of Chairperson and members of Authority

5. (1) The Chairperson and every whole-time member shall hold office for a term of five years from the date on which he enters upon his office and shall be eligible for reappointment:

Provided that no person shall hold office as a Chairperson after he has attained the age of sixty-five years:

Provided further that no person shall hold office as a whole-time member after he has attained the age of sixty-two years.

(2) A part-time member shall hold office as such for a term not exceeding five years from the date on which he enters upon his office.

(3) The salary and allowances payable to, and other terms and conditions of service of, the members other than part-time members shall be such as may be prescribed.

(4) The part-time members shall receive such allowances as may be prescribed.

(5) The salary, allowances and other conditions of service of a member shall not be varied to his disadvantage after his appointment.

(6) Notwithstanding anything contained in sub-section (1) or sub-section (2), a member may—

- (a) relinquish his office, by giving in writing to the Central Government, a notice of not less than thirty days; or
- (b) be removed from his office in accordance with the provisions of Section 6.

Removal of members from office

6. (1) The Central Government may remove from office the Chairperson or any other member who—

- (a) is, or at any time has been, adjudged as insolvent; or
- (b) has become physically or mentally incapable of acting as a member; or
- (c) has been convicted of an offence which, in the opinion of the Central Government, involves moral turpitude; or
- (d) has acquired such financial or other interest as is likely to affect prejudicially his functions as a member; or
- (e) has, in the opinion of the Central Government, so abused his position as to render his continuance in office detrimental to the public interest.

(2) No such Chairperson or other member shall be removed under Clause (d) or Clause (e) of sub-section (1) unless he has been given a reasonable opportunity of being heard in the matter.

Restriction on future employment of members

7. (1) The Chairperson and the whole-time members shall not, for a period of two years from the date on which they cease to hold office as such, except with the previous approval of the Central Government, accept—

- (a) any employment either under the Central Government or under any State Government; or
- (b) any appointment in any regulated entity in the pension sector.

(2) The Chairperson and the whole-time members of the Interim Pension Fund Regulatory and Development Authority holding the office

as such before the commencement of this Act, shall not, on and after such commencement, accept any appointment in any regulated entity in the pension sector for a period of two years from the date on which they cease to hold office as such, except with the previous approval of the Central Government.

Administrative powers of Chairperson

8. The Chairperson shall have the powers of general superintendence and direction in respect of all administrative matters of the Authority.

Meetings of Authority

9. (1) The Authority shall meet at such times and places and shall observe such rules of procedure in regard to the transaction of business at its meetings (including quorum at such meetings) as may be provided by regulations.

(2) The Chairperson or, if for any reason, he is unable to attend a meeting of the Authority, any other member chosen by the members present from amongst themselves at the meeting, shall preside at the meeting.

(3) All questions which come up before any meeting of the Authority shall be decided by a majority of votes by the members present and voting, and in the event of an equality of votes, the Chairperson or in his absence, the person presiding shall have a second or casting vote.

(4) If any member, who is a Director of a company and who as such Director, has any direct or indirect pecuniary interest in any matter coming up for consideration at a meeting of the Authority, he shall, as soon as possible after relevant circumstances have come to his knowledge, disclose the nature of his interest at such meeting and such disclosure shall be recorded in the proceedings of the Authority, and the member shall not take part in any deliberation or decision of the Authority with respect to that matter.

Vacancies, etc., not to invalidate proceedings of Authority

10. No act or proceeding of the Authority shall be invalid merely by reason of—

- (a) any vacancy in, or any defect in the constitution of, the Authority; or
- (b) any defect in the appointment of a person acting as a member of the Authority; or
- (c) any irregularity in the procedure of the Authority not affecting the merits of the case.

Officers and employees of Authority

11. (1) The Authority may appoint such officers and other employees as it considers necessary for the efficient discharge of its functions under this Act.

(2) The terms and other conditions of service of officers and other employees of the Authority appointed under sub-section (1) shall be such as may be determined by regulations.

CHAPTER III

EXTENT AND APPLICATION

Extent and application

12. (1) This Act shall apply to—

- (a) the National Pension System;
- (b) any other pension scheme not regulated by any other enactment.

(2) Every pension scheme referred to in Clause (b) shall conform to the regulations made by the Authority within such time as may be specified in the regulations.

(3) Notwithstanding anything contained in sub-section (1), the provisions of this Act shall not apply to—

- (a) the schemes or funds under—
 - (i) the Coal Mines Provident Fund and Miscellaneous Provisions Act, 1948;
 - (ii) the Employees' Provident Funds and Miscellaneous Provisions Act, 1952;
 - (iii) the Seamen's Provident Fund Act, 1966;
 - (iv) the Assam Tea Plantations Provident Fund and Pension Fund Scheme Act, 1955; and
 - (v) the Jammu and Kashmir Employees' Provident Funds Act, 1961;
- (b) contracts referred to in sub-section (11) of Section 2 of the Insurance Act, 1938;
- (c) any other pension scheme, which the Central Government may, by notification, exempt from the application of this Act;
- (d) persons appointed before the 1st day of January, 2004 to public services in connection with the affairs of the Union, or to All India Services constituted under Section 2-A of the All India Services Act, 1951;

(e) persons appointed to public services in connection with the affairs of any State, or such Union Territories as may be specified by notification by the Central Government.

(4) Notwithstanding anything contained in sub-section (3), any State Government or administrator of a Union Territory may, by notification, extend the National Pension System to its employees.

(5) Notwithstanding anything contained in Clause (c) of sub-section (3), the Central Government may, by notification, extend the application of this Act to any other pension scheme [including any other pension scheme exempted and notified under Clause (c) of sub-section (3)].

(6) Any person governed under any of the schemes or funds referred to in sub-section (3) may, at his option, also join the National Pension System.

CHAPTER IV

TRANSFER OF ASSETS, LIABILITIES, ETC., OF INTERIM PENSION FUND REGULATORY AND DEVELOPMENT AUTHORITY

Transfer of assets, liabilities, etc., of Interim Pension Fund Regulatory and Development Authority

13. On and from the date of establishment of the Pension Fund Regulatory and Development Authority,—

(a) all the assets and liabilities of the Interim Pension Fund Regulatory and Development Authority shall stand transferred to, and vested in, the Authority.

EXPLANATION.— The assets of the Interim Pension Fund Regulatory and Development Authority shall be deemed to include all rights and powers, all properties, whether movable or immovable, including, in particular, cash balances, deposits and all other interests and rights in, or arising out of, such properties as may be in the possession of the Interim Pension Fund Regulatory and Development Authority and all books of account and other documents relating to the same; and liabilities shall be deemed to include all debts, liabilities and obligations of whatever kind;

(b) without prejudice to the provisions of Clause (a), all debts, obligations and liabilities incurred, all contracts entered into and all matters and things engaged to be done by, with or for the Interim Pension Fund Regulatory and Development Authority immediately before that day, for

or in connection with the purpose of the said Regulatory Authority, shall be deemed to have been incurred, entered into or engaged to be done by, with or for, the Authority;

(c) all sums of money due to the Interim Pension Fund Regulatory and Development Authority immediately before that day shall be deemed to be due to the Authority; and

(d) all suits and other legal proceedings instituted or which could have been instituted by or against the Interim Pension Fund Regulatory and Development Authority immediately before that day may be continued or may be instituted by or against the Authority.

CHAPTER V

DUTIES, POWERS AND FUNCTIONS OF AUTHORITY

Duties, powers and functions of Authority

14. (1) Subject to the provisions of this Act and any other law for the time being in force, the Authority shall have the duty, to regulate, promote and ensure orderly growth of the National Pension System and pension schemes to which this Act applies and to protect the interests of subscribers of such System and schemes.

(2) Without prejudice to the generality of the provisions contained in sub-section (1), the powers and functions of the Authority shall include—

- (a) regulating the National Pension System and the pension schemes to which this Act applies;
- (b) approving the schemes, the terms and conditions thereof and laying down norms for the management of the corpus of the pension funds, including investment guidelines under such schemes;
- (c) registering and regulating intermediaries;
- (d) issuing to an intermediary, on application, a certificate of registration and renewing, modifying, withdrawing, suspending or cancelling such registration;
- (e) protecting the interests of subscribers by—
 - (i) ensuring safety of the contribution of subscribers to various schemes of pension funds to which this Act applies;
 - (ii) ensuring that the intermediation and other operational costs under the National Pension System are economical and reasonable;
- (f) establishing mechanism for redressal of grievances of subscribers to be determined by regulations;

- (g) promoting professional organizations connected with the pension system;
- (h) adjudication of disputes between intermediaries and between intermediaries and subscribers;
- (i) collecting data and requiring the intermediaries to collect such data and undertaking and commissioning studies, research and projects;
- (j) undertaking steps for educating subscribers and the general public on issues relating to pension, retirement savings and related issues and training of intermediaries;
- (k) standardizing dissemination of information about performance of pension funds and performance benchmarks;
- (l) regulating the regulated assets;
- (m) levying fees or other charges for carrying out the purposes of this Act;
- (n) specifying by regulations the form and manner in which books of account shall be maintained and statement of accounts shall be rendered by intermediaries;
- (o) calling for information from, undertaking inspection of, conducting inquiries and investigations including audit of, intermediaries and other entities or organizations connected with pension funds;
- (p) exercising such other powers and functions as may be prescribed.

(3) Notwithstanding anything contained in any other law for the time being in force, while exercising the powers under Clause (o) of sub-Section (2), the Authority shall have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 while trying a suit, in respect of the following matters, namely:—

- (i) the discovery and production of books of account and other documents, at such place and at such time as may be specified by the Authority;
- (ii) summoning and enforcing the attendance of persons and examining them on oath;
- (iii) inspection of any book, register and other document of any person or intermediary referred to in Section 26, at any place;
- (iv) issuing commissions for the examination of witnesses or documents;
- (v) any other matter which may be prescribed.

(4) Without prejudice to the provisions contained in sub-sections (1), (2) and (3) and Section 16, the Authority may, by order, for reasons to be recorded in writing, in the interest of subscribers, take any of the following measures, pending investigation or inquiry, namely:—

(i) restrain persons from participating in any scheme;

(ii) restrain any office bearer of an intermediary from acting as such;

(iii) impound and retain the proceeds under the scheme in respect of any activity which is under investigation;

(iv) attach, after passing an order, on an application made for approval by the Judicial Magistrate of first class having jurisdiction, for a period not exceeding one month, one or more bank account or accounts of any intermediary or any person associated with the scheme in any manner involved in violation of any of the provisions of this Act or the rules or the regulations made thereunder:

Provided that only the bank account or accounts or any transaction entered therein, relating to the proceeds actually involved in the violation of any of the provisions of this Act or the rules or the regulations made thereunder shall be allowed to be attached;

(v) direct any intermediary or any person associated with the scheme in any manner not to dispose of or alienate an asset forming part of an activity which is under investigation:

Provided that the Authority shall, either before or after, passing such orders, under this section, give to such intermediaries or persons concerned an opportunity of being heard.

Power to issue directions

15. Save as otherwise provided in Section 14, if after making, or causing to be made, an inquiry, the Authority is satisfied that it is necessary—

(i) in the interests of subscribers or orderly development of National Pension System or a pension scheme to which this Act applies;

(ii) to prevent the affairs of any intermediary or other persons or entities referred to in Section 27 being conducted in a manner detrimental to the interests of subscribers; or

(iii) to secure the proper management of any such intermediary person or entity,

it may issue such directions to such intermediaries or entities or to a person or class of persons referred to in Section 27, or associated with the pension fund, as it may deem fit:

Provided that the Authority shall, either before or after passing such orders, give an opportunity of being heard to such intermediaries, entities or persons concerned.

Power of investigation

16. (1) Where the Authority has a reasonable ground to believe that—

- (a) the activities of the pension fund are being conducted in a manner detrimental to the interest of the subscriber; or
- (b) any intermediary or any person associated with the schemes of the pension fund has violated any of the provisions of this Act or the rules or the regulations made or directions issued by the Authority thereunder,

it may, at any time, by order in writing, direct any person (hereafter in this section referred to as the Investigating Authority) specified in the order to investigate the affairs of such intermediary or persons associated with the pension fund and to report thereon to the Authority.

(2) Without prejudice to the provisions contained in Sections 235 to 241 of the Companies Act, 1956, it shall be the duty of every manager, managing director, officer and other employee of the company, in case of a company and every intermediary or persons or entity referred to in Section 27 or every person associated with the pension fund to preserve and to produce to the Investigating Authority or any person authorized by him in this behalf, all the books, registers, other documents and record of, or relating to, the company or, as the case may be, of or relating to, the intermediary or such person, which are in their custody or power.

(3) The Investigating Authority may require any intermediary or any person or entity associated with the pension fund in any manner to furnish such information to, or produce such books, or other documents, or record before him or any person authorized by him in this behalf as he may consider necessary if the furnishing of such information or the production of such books, or register, or other documents, or record is relevant or necessary for the purposes of its investigation.

(4) The Investigating Authority may keep in its custody any books, registers, other documents and record produced under sub-section (2) or sub-section (3) for six months and thereafter shall return the same to any intermediary or any person associated or entity with the pension fund by whom or on whose behalf the books, registers, other documents and record are produced:

Provided that the Investigating Authority may call for any book, register, other documents and record if they are required again:

Provided further that if the person on whose behalf the books, registers, other documents and record are produced requires certified copies of the books, registers, other documents or record produced before the Investigating Authority, it shall give certified copies of such books, registers, other documents or, as the case may be, record to such person or on whose behalf the books, registers, other documents and record were produced.

(5) Any person, directed to make an investigation under sub-section (1), may examine on oath any intermediary or any person associated with the pension fund in any manner, in relation to the affairs of his business and may administer an oath accordingly and for that purpose may require any of those persons to appear before him personally.

(6) Notes of any examination under sub-section (5) shall be taken down in writing and shall be read over to, or by, and signed by, the person examined, and may thereafter be used in evidence against him.

(7) If any person fails without reasonable cause or refuses—

- (a) to produce to an Investigating Authority or any person authorized by him in this behalf any book, register, other document or record which it is his duty under sub-section (2) or sub-section (3) to furnish; or
- (b) to furnish any information which it is his duty under sub-section (3) to furnish; or
- (c) to appear before the Investigating Authority personally when required to do so under sub-section (5) or to answer any question which is put to him by the Investigating Authority in pursuance of that sub-section; or
- (d) to sign the notes of any examination referred to in sub-section (6),

he shall be punishable with imprisonment for a term which may extend to one year, or with fine, which may extend to twenty-five crore rupees, or with both, and also with a further fine which may extend to ten lakh rupees for every day after the first day during which the failure or refusal continues.

Search and seizure

17. (1) Where the Authority, in consequence of information in its possession, has reason to believe that—

- (a) any person who has been required under sub-section (3) of Section 16 to produce, or cause to be produced, any books,

accounts or other documents in his custody or power has omitted or failed to produce, or cause to be produced, such books, accounts or other documents; or

- (b) any person to whom a requisition to produce any books, accounts or other documents as aforesaid has been or might be issued will not, or would not, produce or cause to be produced, any books, accounts or other documents which will be useful for, or relevant to, an investigation under sub-section (1) of Section 16; or
- (c) a contravention of any provision of this Act has been committed or is likely to be committed by an intermediary; or
- (d) any claim which is due to be settled by the intermediary, has been or is likely to be rejected or settled at a figure higher than a reasonable amount; or
- (e) any claim which is due to be settled by an intermediary, has been or is likely to be rejected or settled at a figure lower than a reasonable amount; or
- (f) any illegal fees and charges have been transacted or are likely to be transacted by an intermediary; or
- (g) any books, accounts, papers, receipts, vouchers, survey reports or other documents, belonging to an intermediary are likely to be tampered with, falsified or manufactured,

it may authorize any officer of the Authority, not below the rank equivalent to that of a Gazetted Officer of the Government (hereafter referred to as the authorized officer), to—

- (i) enter and search any building or place where he has reason to suspect that such books, accounts or other documents, or any books or papers relating to any claim, rebate or commission or any receipts, vouchers, reports or other documents are kept;
- (ii) break open the lock of any box, locker, safe, almirah or other receptacle for exercising the powers conferred by Clause (i) where the keys thereof are not available;
- (iii) seize all or any such books, accounts or other documents, found as a result of such search;

(iv) place marks of identification on such books, accounts or other documents or make or cause to be made extracts or copies therefrom.

(2) The authorized officer may requisition the services of any police officer or of any officer of the Central Government, or of both, to assist him for all or any of the purposes specified in sub-section (1) and it shall be the duty of every such police officer or officer to comply with such requisition.

(3) The authorized officer may, where it is not practicable to seize any such book, account or other document, specified in sub-section (1), serve an order on the person who is in immediate possession or control thereof that he shall not remove, part with or otherwise deal with it except with the previous permission of such officer and such officer may take such steps as may be necessary for ensuring compliance with this sub-section.

(4) The authorized officer may, during the course of the search or seizure, examine on oath any person who is found to be in possession or control of any books, accounts or other documents, and any statement made by such person during such examination may thereafter be used in evidence in any proceeding under this Act.

(5) The books, accounts, papers, receipts, vouchers, reports, or other documents seized under sub-section (1) shall not be retained by the authorized officer for a period exceeding one hundred and eighty days from the date of the seizure unless the reasons for retaining the same are recorded by him in writing and the approval of the Authority for such retention is obtained:

Provided that the Authority shall not authorize the retention of the books, accounts, papers, receipts, vouchers, reports, or other documents for a period exceeding thirty days after all the proceedings under this Act, for which the books, accounts, papers, receipts, vouchers, reports, or other documents are relevant, are completed.

(6) The person from whose custody the books, accounts, papers, receipts, vouchers, reports, or other documents are seized under sub-section (1) may make copies thereof, or take extracts therefrom, in the presence of the authorized officer or any other person empowered by him in this behalf at such place and time as the authorized officer may appoint in this behalf.

(7) If a person legally entitled to the books, accounts, papers, receipts, vouchers, reports or other documents seized under sub-section (1) objects for any reason to the approval given by the Authority under sub-section (5), he may make an application to the Central Government stating therein the reason for such objection and requesting for the return of the books, accounts, papers, receipts, vouchers, report or other documents.

(8) On receipt of the application under sub-section (7), the Central Government may, after giving the applicant an opportunity of being heard, pass such order as it thinks fit.

(9) The provisions of the Code of Criminal Procedure, 1973 relating to searches and seizures shall apply, so far as may be, to every search and seizure made under sub-section (1).

(10) The Central Government may, by notification, make rules in relation to any search or seizure under this section and in particular, and without prejudice to the generality of the foregoing power, such rules may provide for the procedure to be followed by the authorized officer,—

- (i) for obtaining ingress into such building or place to be searched where free ingress thereto is not available;
- (ii) for ensuring safe custody of any books, accounts, papers, receipts, vouchers, reports, or other documents seized under this section.

Power of Authority to ensure compliance

18. If the Authority finds, after causing an inquiry to be made, that any person has violated, or is likely to violate, any provisions of this Act, or any rule or regulation made thereunder, the Authority may pass an order requiring such person to cease and desist from committing or causing such violation.

Management by Administrator

19. (1) If at any time the Authority has reason to believe that the central record-keeping agency or pension fund is acting in a manner likely to be prejudicial to the interest of subscribers, it may, after giving the central record-keeping agency or pension fund, as the case may be, an opportunity of being heard, make a report thereon to the Central Government.

(2) If the Central Government, after considering the report made under sub-section (1) is of the opinion, that it is necessary or proper to do so, it may appoint an Administrator to manage the affairs of the central record keeping agency or pension fund, as the case may be, under the direction and control of the Authority, in such manner as may be specified by notification.

CHAPTER VI

NATIONAL PENSION SYSTEM

National Pension System

20. (1) The contributory pension system notified by the Government of India in the Ministry of Finance *vide* notification number F. No. 5/7/2003-ECB & PR, dated the 22nd December, 2003, shall be deemed to be

the National Pension System with effect from the 1st day of January, 2004, and such National Pension System may be amended from time to time by regulations.

(2) Notwithstanding anything contained in the said notification, the National Pension System shall, on the commencement of this Act, have the following basic features, namely:—

- (a) every subscriber shall have an individual pension account under the National Pension System;
- (b) withdrawals, not exceeding twenty-five per cent of the contribution made by the subscriber, may be permitted from the individual pension account subject to the conditions, such as purpose, frequency and limits, as may be specified by the regulations;
- (c) the functions of record-keeping, accounting and switching of options by the subscriber shall be effected by the central record-keeping agency;
- (d) there shall be a choice of multiple pension funds and multiple schemes:

Provided that—

- (a) the subscriber shall have an option of investing up to hundred per cent of his funds in Government Securities; and
- (b) the subscriber, seeking minimum assured returns, shall have an option to invest his funds in such schemes providing minimum assured returns as may be notified by the Authority;
- (e) there shall be portability of individual pension accounts in case of change of employment;
- (f) collection and transmission of contributions and instructions shall be through points of presence to the central record-keeping agency;
- (g) there shall not be any implicit or explicit assurance of benefits except market-based guarantee mechanism to be purchased by the subscriber;
- (h) a subscriber shall not exit from the National Pension System except as may be specified by the regulations; and
- (i) at exit, the subscriber shall purchase an annuity from a life insurance company in accordance with the regulations.

(3) In addition to the individual pension account mentioned in Clause (a) of sub-section (2), a subscriber may also, at his option, have an additional

account under the National Pension System having the features mentioned in Clauses (c) to (g) of sub-section (2) and also having the additional feature that the subscriber shall be free to withdraw part or all of his money at any time from the additional account.

Central Record-keeping Agency

21. (1) The Authority shall, by granting a certificate of registration under sub-section (3) of Section 27, appoint a central record-keeping agency:

Provided that the Authority may, in public interest, appoint more than one central record-keeping agency.

(2) The central record-keeping agency shall be responsible for receiving instructions from subscribers through the points of presence, transmitting such instructions to pension funds, effecting switching instructions received from subscribers and discharging such other duties and functions, as may be assigned to it under the certificate of registration or as may be determined by regulations.

(3) All the assets and properties owned, leased or developed by the central record-keeping agency, shall constitute regulated assets and upon expiry of certificate of registration or earlier revocation thereof, the Authority shall be entitled to appropriate and take over the regulated assets, either by itself or through an administrator or a person nominated by it in this behalf:

Provided that the central record-keeping agency shall be entitled to be compensated the fair value, to be ascertained by the Authority, of such regulated assets as may be determined by regulations:

Provided further that where the earlier revocation of the certificate of registration is based on violation of the conditions in the certificate of registration or the provisions of this Act or regulations, unless otherwise determined by the Authority, the central record-keeping agency shall not be entitled to claim any compensation in respect of such regulated assets.

Point of presence

22. (1) The Authority may, by granting a certificate of registration under sub-section (3) of Section 27, permit one or more persons to act as a point of presence for the purpose of receiving contributions and instructions, transmitting them to the Trustee Bank or the central record-keeping agency, as the case may be, and paying out benefits to subscribers in accordance with the regulations made by the Authority from time to time in this regard.

(2) A point of presence shall function in accordance with the terms of its certificate of registration and the regulations made under this Act.

Pension funds

23. (1) The Authority may, by granting a certificate of registration under sub-section (3) of Section 27, permit one or more persons to act as a pension fund for the purpose of receiving contributions, accumulating them and making payments to the subscriber in such manner as may be specified by regulations.

(2) The number of pension funds shall be determined by regulations and the Authority may, in public interest, vary the number of pension funds:

Provided that at least one of the pension funds shall be a Government company.

EXPLANATION.— For the purposes of this sub-section, the expression “Government company” shall have the meaning assigned to it in Section 617 of the Companies Act, 1956.

(3) The pension fund shall function in accordance with the terms of its certificate of registration and the regulations made under this Act.

(4) The pension fund shall manage the schemes in accordance with the regulations.

Certain restrictions on foreign companies or individual or association of persons

24. The aggregate holding of equity shares by a foreign company either by itself or through its subsidiary companies or its nominees or by an individual or by an association of persons, whether registered or not under any law of a country outside India taken in aggregate in the pension fund shall not exceed twenty-six per cent of the paid-up capital of such fund or such percentage as may be approved for an Indian insurance company under the provisions of the Insurance Act, 1938, whichever is higher.

EXPLANATION.— For the purposes of this section, the expression “foreign company” shall have the meaning assigned to it in Clause (23-A) of Section 2 of the Income tax Act, 1961.

Prohibition of investment of funds of subscribers outside India

25. No pension fund shall, directly or indirectly invest outside India, the funds of subscribers.

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Eligibility norms of the central record-keeping agency, etc.

26. The central record-keeping agency, points of presence and pension funds, shall satisfy the eligibility norms as may be specified by the regulations, including minimum capital requirement, past track-record including the ability to provide guaranteed returns, costs and fees, geographical reach, customer base, information technology capability, human resources and such other matters.

CHAPTER VII

REGISTRATION OF INTERMEDIARIES

Registration of central record-keeping agency, pension fund, point of presence, etc.

27. (1) No intermediary, including a pension fund or a point of presence to the extent regulated under this Act, shall commence any activity relating to a pension fund except under and in accordance with the conditions of a certificate of registration granted by the Authority in accordance with the provisions of this Act and the regulations:

Provided that any intermediary, including any point of presence, who had been associated with a pension scheme and appointed to act as such by the Interim Pension Fund Regulatory and Development Authority immediately before the establishment of the Authority under this Act for which no registration certificate was necessary prior to such establishment, and may continue to do so for a period of six months from such establishment or, if he has made an application for such registration within the said period of six months till the disposal of such application.

(2) Every application for grant of a certificate of registration under this Act shall be in such form and manner and shall be accompanied by such fees as may be determined by regulations.

(3) The Authority may, after considering the application and subject to such terms and conditions as it may specify, grant a certificate of registration as a central record-keeping agency, point of presence, pension fund or such other intermediary, as the case may be.

(4) The Authority may, by order, suspend or cancel a certificate of registration granted under sub-section (3) in such manner as may be determined by regulations:

Provided that no order under this sub-section shall be made unless the person concerned has been given a reasonable opportunity of being heard.

CHAPTER VIII

PENALTIES AND ADJUDICATION

Penalty for failure by an intermediary or any other person to comply with provisions of this Act, rules, regulations and directions

28. (1) Any person, who is required under this Act or any rules or regulations made thereunder,—

(a) to obtain a certificate of registration from the Authority for carrying on any activity under this Act, carries on such activities without obtaining such certificate of registration, he shall be liable to a penalty of one lakh rupees for each day during which the failure continues or one crore rupees, whichever is less;

(b) to comply with the terms and conditions of a certificate of registration fails to do so, he shall be liable to a penalty of one lakh rupees for each day during which the failure continues or one crore rupees, whichever is less;

(c) to furnish any information, document, books, returns or report to the Authority, fails to furnish the same within the time specified by the Authority, he shall be liable to a penalty which may extend to one crore rupees or five times the amount of profits made or losses avoided, whichever is higher;

(d) to maintain books of account or records, fails to maintain the same, he shall be liable to a penalty of one lakh rupees for each day during which the failure continues or five times the amount of profits made or losses avoided, whichever is higher.

(2) If any person, who is required under this Act or any rules or regulations made thereunder, to enter into an agreement with his client, fails to enter into such agreement, he shall be liable to a penalty of one lakh rupees for each day during which the failure continues or five times the amount of profits made or losses avoided, whichever is higher.

(3) If any intermediary registered with the Authority, after having been called upon by the Authority, in writing, to redress the grievances of subscribers, fails to redress such grievances within the time stipulated by the Authority, he shall be liable to a penalty of not more than one crore rupees or five times the amount of profits made or losses avoided, whichever is higher.

(4) If any person, who is registered under this Act as an intermediary, fails to segregate moneys of the client or clients or uses the moneys of a

client or clients for self or for any other client, he shall be liable to a penalty not exceeding one crore rupees or five times the amount of profits made or losses avoided, whichever is higher.

(5) Whoever fails to comply with any provision of this Act, the rules or the regulations made or the directions issued by the Authority under the provisions of this Act for which no separate penalty has been provided, he shall be liable to a penalty which may extend to one crore rupees or five times the amount of profits made or losses avoided, whichever is higher.

Crediting sums realized by way of penalties to Subscriber Education and Protection Fund

29. All sums realized by way of penalties under this Act shall be credited to the Subscriber Education and Protection Fund established under sub-section (1) of Section 41.

Power to adjudicate

30. (1) For the purposes of adjudging under Section 28, the Authority shall appoint any of its officers not below the rank specified by regulations to be an adjudicating officer for holding an inquiry as may be determined by regulations, after giving the person concerned a reasonable opportunity of being heard for the purpose of imposing any penalty.

(2) While holding an inquiry, the adjudicating officer shall have the power to summon and enforce the attendance of any person acquainted with the facts and circumstances of the case to give evidence or to produce any document which, in the opinion of the adjudicating officer, may be useful for or relevant to the subject matter of the inquiry and if, on such inquiry, he is satisfied that the person has failed to comply with the provisions of Section 28, he may recommend such penalty as he thinks fit in accordance with the provisions of that section, to the member in charge of investigation and surveillance.

(3) The penalty shall be imposed by a member other than the member in charge of investigation and surveillance:

Provided that while adjudging the quantum of penalty under Section 28, the member shall have due regard to the following factors, namely:—

- (a) amount of disproportionate gain or unfair advantage, wherever quantifiable, made as a result of the default;

- (b) amount of loss caused to a subscriber or group of subscribers; and
- (c) the repetitive nature of the default.

Attachment of assets and supersession of management of intermediary

31. (1) Any person aggrieved may apply to the Authority for an interim measure of protection in respect of any of the following matters, namely:—

- (a) the retention, preservation, interim custody or sale of any asset or property which is regulated by the provisions of this Act;
- (b) securing any pension fund, moneys and other assets and properties owned by or under the control of the pension fund;
- (c) interim injunction or appointment of an administrator; and
- (d) such other interim measures as may appear to the Authority to be just and necessary,

and the Authority shall have power to make such orders including an order for attachment of assets of the pension fund as it deems fit in this regard.

(2) Where, on a complaint received by the Authority or *suo motu*, the Authority, after conducting an inquiry, comes to a conclusion that the governing board or Board of Directors, by whatever name called, or the persons in control of any intermediary to the extent regulated under this Act are indulging in any activity which is in contravention of the provisions of this Act or regulations, it may supersede the governing board or board of directors or management of the intermediary in accordance with the provisions of the regulations.

(3) In case the governing board or Board of Directors or management of an intermediary is superseded under sub-section (2), the Authority may appoint an Administrator to manage the affairs of the intermediary in accordance with the provisions contained in the regulations.

Offences

32. (1) Without prejudice to any award of penalty by the member under this Act, if any person contravenes or attempts to contravene or abets the contravention of the provisions of this Act or of any rules or regulations made thereunder, he shall be punishable with imprisonment for a term which may extend to ten years, or with fine, which may extend to twenty-five crore rupees or with both.

(2) If any person fails to pay the penalty imposed by the member or fails to comply with any of the directions or orders issued by the member,

he shall be punishable with imprisonment for a term which shall not be less than one month but which may extend to ten years, or with fine, which may extend to twenty-five crore rupees, or with both.

Power to grant immunity

33. (1) The Central Government may, on the recommendation by the Authority, if satisfied, that any person, who is alleged to have violated any of the provisions of this Act or the rules or the regulations made thereunder, has made a full and true disclosure in respect of alleged violation, grant to such person, subject to such conditions as it may think fit to impose, immunity from prosecution for any offence under this Act, or the rules or the regulations made thereunder and also from the imposition of any penalty under this Act with respect to the alleged violation:

Provided that no such immunity shall be granted by the Central Government in cases where the proceedings for the prosecution for any such offence have been instituted before the date of receipt of application for grant of such immunity:

Provided further that the recommendation of the Authority under this sub-section shall not be binding upon the Central Government.

(2) An immunity granted to a person under sub-section (1) may, at any time, be withdrawn by the Central Government, if it is satisfied that such person had, in the course of the proceedings, not complied with the condition on which the immunity was granted or had given false evidence, and thereupon such person may be tried for the offence with respect to which the immunity was granted or for any other offence of which he appears to have been guilty in connection with the contravention and shall also become liable to the imposition of any penalty under this Act to which such person would have been liable, had no such immunity been granted.

Exemption from tax on wealth, income, profits and gains

34. Notwithstanding anything contained in-

- (i) the Wealth Tax Act, 1957;
- (ii) the Income Tax Act, 1961; or
- (iii) any other enactment for the time being in force relating to tax on wealth, income, profits or gains,

the Authority shall not be liable to pay wealth tax, income tax or any other tax in respect of its wealth, income, profits or gains derived.

Cognizance of offences by court

35. (1) No court shall take cognizance of any offence punishable under this Act or any rules or regulations made thereunder, save on a complaint made by the Authority.

(2) No court inferior to that of a Court of Session shall try any offence punishable under this Act.

Appeal to Securities Appellate Tribunal

36. (1) Any person aggrieved by an order made by the Authority or by an adjudicating officer under this Act may prefer an appeal before the Securities Appellate Tribunal which shall have jurisdiction over the matter.

(2) Every appeal under sub-section (1) shall be filed within a period of forty-five days from the date of receipt of the order appealed against and it shall be in such form and manner and shall be accompanied by such fee as may be prescribed:

Provided that the Securities Appellate Tribunal may entertain an appeal after the expiry of the said period, if it is satisfied that there was sufficient cause for not preferring the appeal within that period.

(3) On receipt of an appeal under sub-section (1), the Securities Appellate 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 setting aside the order appealed against.

(4) The Securities Appellate Tribunal shall send a copy of every order made by it to the Authority, the parties to the appeal and to the adjudicating officers concerned.

(5) The appeal filed before the Securities Appellate Tribunal under sub-section (1) shall be dealt with by it as expeditiously as possible and endeavour shall be made by it to dispose of the appeal finally within six months from the date on which the appeal is presented to it.

(6) Without prejudice to the provisions of Sections 15T and 15U of the Securities and Exchange Board of India Act, 1992, the Securities Appellate Tribunal shall deal with an appeal under this section in accordance with such procedure as may be prescribed.

Civil Court not to have jurisdiction

37. No civil court shall have jurisdiction to entertain any suit or proceeding in respect of any matter which an adjudicating officer appointed under this Act or a Securities Appellate Tribunal is empowered by or under this Act to determine and no injunction shall be granted by any court or other authority in respect of any action taken or to be taken in pursuance of any power conferred by or under this Act.

Appeal to Supreme Court

38. Any person aggrieved by any decision or order of the Securities Appellate Tribunal under this Act may file an appeal to the Supreme Court

within sixty days from the date of communication of the decision or order of the Securities Appellate Tribunal to him on any question of law arising out of such order:

Provided that the Supreme Court may, if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal within the said period, allow it to be filed within a further period not exceeding sixty days.

CHAPTER IX

FINANCE, ACCOUNT AND AUDIT

Grants by Central Government

39. The Central Government may, after due appropriation made by Parliament by law in this behalf, make to the Authority grants of such sums of money as that Government may think fit for being utilized for the purposes of this Act.

Constitution of Pension Regulatory and Development Fund

40. (1) There shall be constituted a fund to be called the Pension Regulatory and Development Fund and there shall be credited thereto—

- (a) all Government grants, fees and charges received by the Authority;
- (b) all sums received by the Authority from such other source as may be decided upon by the Central Government.

(2) The Fund shall be applied for meeting—

- (a) the salaries, allowances and other remuneration of the Chairperson and other members and officers and other employees of the Authority;
- (b) other expenses of the Authority in connection with the discharge of its functions and for the purposes of this Act.

Constitution of Subscriber Education and Protection Fund

41. (1) The Authority shall establish a fund to be called the Subscriber Education and Protection Fund.

(2) There shall be credited to the Subscriber Education and Protection Fund the following amounts, namely:—

- (a) grants and donations given to the Subscriber Education and Protection Fund by the Central Government, State Governments, companies or any other institutions for the purposes of the Subscriber Education and Protection Fund;

- (b) the interest or other income received out of the investments made from the Subscriber Education and Protection Fund;
- (c) the sums realized by way of penalties by the Authority under Section 28.

(3) The Subscriber Education and Protection Fund shall be administered and utilized by the Authority for protection of the interests of subscribers in accordance with regulations made for the purpose.

Accounts and audit

42. (1) The Authority shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form as may be prescribed by the Central Government in consultation with the Comptroller and Auditor-General of India.

(2) The accounts of the Authority shall be audited by the Comptroller and Auditor-General of India at such intervals as may be specified by him and any expenditure incurred in connection with such audit shall be payable by the Authority to the Comptroller and Auditor-General.

(3) The Comptroller and Auditor-General of India and any other person appointed by him in connection with the audit of the accounts of the Authority shall have the same rights, privileges and authority in connection with such audit as the Comptroller and Auditor-General generally has in connection with the audit of the 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 Authority.

(4) The accounts of the Authority 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 annually to the Central Government and that Government shall cause the same to be laid before each House of Parliament.

CHAPTER X
MISCELLANEOUS

Power of Central Government to issue directions

43. (1) Without prejudice to the foregoing provisions of this Act, the Authority shall, in exercise of its powers or the performance of its functions under this Act, be bound by such directions on questions of policy, other than those relating to technical and administrative matters, as the Central Government may give, in writing to it, from time to time:

Provided that the Authority shall, as far as practicable, be given an opportunity to express its views before any direction is given under this sub-section.

(2) The decision of the Central Government, whether a question is one of policy or not, shall be final.

Power of Central Government to supersede Authority

44. (1) If at any time the Central Government is of the opinion that—

- (a) on account of circumstances beyond the control of the Authority, it is unable to discharge the functions or perform the duties imposed on it by or under the provisions of this Act; or
- (b) the Authority has persistently defaulted in complying with any direction issued by the Central Government that the Central Government is entitled to issue under this Act or in the discharge of the functions or performance of the duties imposed on it by or under the provisions of this Act and as a result of such default the financial position of the Authority or the administration of the Authority has deteriorated; or
- (c) circumstances exist which render it necessary in the public interest so to do,

the Central Government may, by notification and for reasons to be specified therein, supersede the Authority for such period, not exceeding six months, as may be specified in the notification:

Provided that before issuing any such notification, the Central Government shall give a reasonable opportunity to the Authority to make representations against the proposed supersession and shall consider the representations, if any, of the Authority.

(2) Upon the publication of a notification under sub-section (1) superseding the Authority,—

- (a) the Chairperson and other members shall, as from the date of supersession, vacate their offices as such;

- (b) all the powers, functions and duties which may, by or under the provisions of this Act, be exercised or discharged by or on behalf of the Authority shall, until the Authority is reconstituted under sub-section (3), be exercised and discharged by the Central Government; and
- (c) all properties owned or controlled by the Authority shall, until the Authority is reconstituted under sub-section (3), vest in the Central Government.

(3) On or before the expiration of the period of supersession specified in the notification issued under sub-section (1), the Central Government shall reconstitute the Authority.

(4) The Central Government shall, as soon as may be, cause a copy of the notification issued under sub-section (1) and a full report of any action taken by it, to be laid before each House of Parliament.

Establishment of Pension Advisory Committee

45. (1) The Authority may, by notification, establish with effect from such date as it may specify in the notification, a Committee to be known as the Pension Advisory Committee.

(2) The Pension Advisory Committee shall consist of not more than twenty-five members, excluding *ex officio* members, to represent the interests of employees' associations, subscribers, commerce and industry, intermediaries, and organizations engaged in pension research.

(3) The Chairperson and the members of the Authority shall be the *ex officio* Chairperson and *ex officio* members of the Pension Advisory Committee.

(4) The objects of the Pension Advisory Committee shall be to advise the Authority on matters relating to the making of the regulations under Section 52.

(5) Without prejudice to the provisions of sub-section (4), the Pension Advisory Committee may advise the Authority on such matters as may be referred to it by the Authority and also on such matters as the Committee may deem fit.

Furnishing of returns, etc., to Central Government

46. (1) The Authority shall furnish to the Central Government at such time and in such form and manner as may be prescribed, or as the Central Government may direct to furnish such returns, statements and other particulars in regard to any proposed or existing programme for the promotion and development of the pension industry as the Central Government may, from time to time, require.

(2) Without prejudice to the provisions of sub-section (1), the Authority shall, within nine months after the close of each financial year, submit to the Central Government a report giving a true and full account of its activities including the activities for promotion and development of schemes of pension funds regulated under this Act during the previous financial year.

(3) Copies of the reports received under sub-section (2) shall be laid, as soon as may be, after they are received, before each House of Parliament.

Members, officers and employees of Authority to be public servants

47. The Chairperson and other members and officers and other employees of the Authority shall be deemed, when acting or purporting to act in pursuance of any of the provisions of this Act, to be public servants within the meaning of Section 21 of the Indian Penal Code.

Protection of action taken in good faith

48. No suit, prosecution or other legal proceedings shall lie against the Central Government or the Authority or any officer of Central Government or any member, officer or other employees of the Authority for anything which is in good faith done or intended to be done under this Act or the rules or regulations made thereunder.

Delegation of powers

49. (1) The Authority may, by general or special order in writing, delegate to any member, officer of the Authority or any other person subject to such conditions, if any, as may be specified in the order, such of its powers and functions under this Act (except the powers under Section 52) as it may deem necessary.

(2) The Authority may, by a general or special order in writing, also form committees of the members and delegate to them the powers and functions of the Authority as may be specified by the regulations.

Offences by companies

50. (1) Where an offence under this Act has been committed by 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 provided in this Act if he proves

that the offence was committed without his knowledge or that he has exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where any offence under this Act 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, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of the 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 or other association of individuals; and
- (b) “Director”, in relation to a firm, means a partner in the firm.

Power to make rules

51. (1) The Central Government may, by notification, make rules for carrying out the provisions of this Act.

(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:—

- (a) the salary and allowances payable to and the other conditions of service of the Chairperson and whole-time members under sub-section (3) of Section 5;
- (b) the allowances payable to part-time members under sub-section (4) of Section 5;
- (c) the additional functions which may be performed by the Authority under Clause (p) of sub-section (2) of Section 14;
- (d) any other matter in respect of which the Authority may exercise the powers of a civil court under Clause (v) of sub-section (3) of Section 14;
- (e) the procedure to be followed by the authorized officer under sub-section (10) of Section 17;
- (f) the form and manner in which an appeal may be filed before the Securities Appellate Tribunal and the fee which shall accompany such appeal, under sub-section (2) of Section 36;
- (g) the procedure to be followed by the Securities Appellate Tribunal in dealing with an appeal, under sub-section (6) of Section 36;
- (h) the form in which annual statement of accounts shall be maintained by the Authority under sub-section (1) of Section 42;

(i) the time within which and the form and manner in which returns and reports are to be made by the Authority to the Central Government under sub-section (1) of Section 46;

(j) any other matter which is to be, or may be, prescribed, or in respect of which provision is to be made, by rules.

Power to make regulations

52. (1) The Authority may, by notification, make regulations consistent with this Act and the rules made thereunder for carrying out 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:—

(a) the time and places of meetings of the Authority and the procedure to be followed at such meetings (including the quorum at such meetings) under sub-section (1) of Section 9;

(b) the terms and other conditions of service of the officers and other employees of the Authority under sub-section (2) of Section 11;

(c) the regulations to be made by the Authority in respect of pension schemes referred to in Clause (b) of sub-section (1) of Section 12 and the time within which such schemes should conform to the regulations, made under sub-section (2) of that section;

(d) the establishing of mechanisms for redressing grievances of subscribers under Clause (f) of sub-section (2) of Section 14;

(e) the form and manner in which books of account shall be maintained and statement of accounts shall be rendered by intermediaries under Clause (n) of sub-section (2) of Section 14;

(f) amendment to the National Pension System referred to in sub-section (1) of Section 20;

(g) the conditions of its purpose, frequency and limits for withdrawals from individual pension account referred to in Clause (b) of sub-section (2) of Section 20;

(h) the conditions subject to which the subscriber shall exit from the National Pension System referred to in Clause (h) of sub-section (2) of Section 20;

(i) the conditions subject to which the subscriber shall purchase an annuity referred to in Clause (i) of sub-section (2) of Section 20;

(j) the duties and functions of central record-keeping agency under sub-section (2) of Section 21;

(k) the determination of compensation of fair value of the regulated assets payable to central record-keeping agency under proviso to sub-section (3) of Section 21;

(l) the manner of receiving contributions and instructions and transmitting them to the Trustee Bank or central record-keeping agency, as the case may be, and paying out the benefits to the subscribers, under sub-section (1), and the regulations governing functioning of points of presence under sub-section (2) of Section 22;

(m) the manner in which a pension fund may receive contributions, accumulate them and make payments to the subscriber under sub-section (1), the number of pension funds under sub-section (2), the functioning of the pension fund under sub-section (3), and the manner of managing the schemes by the pension fund under sub-section (4) of Section 23;

(n) the form and manner in which an application for grant of certificate of registration shall be made and the fee which shall accompany such application under sub-section (2) of Section 27;

(o) the conditions subject to which a certificate of registration may be granted to an intermediary under sub-section (3) of Section 27;

(p) the procedure and manner of suspension or cancellation of certificate of registration of intermediaries under sub-section (4) of Section 27;

(q) the procedure for holding inquiry by an adjudicating officer under sub-section (1) of Section 30;

(r) the supersession of the governing board or Board of Directors of the intermediary under sub-section (2) of Section 31;

(s) the management of affairs of the intermediary by an Administrator under sub-section (3) of Section 31;

(t) the manner of administering and utilizing the Subscriber Education and Protection Fund under sub-section (3) of Section 41;

(u) the delegation of powers and functions of the Authority to committees under sub-section (2) of Section 49;

(v) establishment, duties and functioning of the National Pension System Trust;

(w) any other matter which is required to be or may be specified by regulations or in respect of which provision is to be or may be made by regulations.

Rules and regulations to be laid before Parliament

53. Every rule and every regulation 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 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 regulation or both Houses agree that the rule or regulation should not be made, the rule or regulation 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 or regulation.

Power to remove difficulties

54. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act as may appear it to be necessary for removing the difficulty:

Provided that no order shall be made under this section after the expiry of five years from the commencement of this Act.

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

Application of other laws not barred

55. The provisions of this Act shall be in addition to and not in derogation of the provisions of any other law for the time being in force.

Savings

56. Anything done or any action taken by the Interim Pension Fund Regulatory and Development Authority and Central Government under the Resolutions of the Government of India in the Ministry of Finance number F. No. 5/7/2003-ECB&PR, dated the 10th October, 2003 and F. No. 1 (6) 2007-PR, dated the 14th November, 2008 and notification number F. No. 5/7/2003-ECB & PR, dated the 22nd December, 2003, shall be deemed to have been done or taken under the corresponding provisions of this Act.

G.I., M.F., Notfn. F. No. 5/7/2003-ECB & PR, dated 8-10-2013

**Amendment to Notification, dated 22-12-2003
(New Pension Scheme)**

In the notification of Government of India, in the Ministry of Finance, Department of Economic Affairs No. 5/7/2003-ECB & PR, dated the 22nd December, 2003, published in Gazette of India, Extraordinary, Part I, Section I, dated the 22nd December, 2003, the Central Government hereby makes the following amendments, namely :—

In the said notification, in Paragraph (iii), the following proviso shall be *inserted*, namely :—

“Provided that when, on superannuation, a request is received from a subscriber, other than the subscriber under NPS-Lite Swavalamban Scheme, having pension wealth of two lakh Rupees or less, he/ she may opt for withdrawal of total pension wealth”.

50

*G.I., Dept. of Per. & Trg., O.M. No. 13016/05/2011-Trg. (ISTM),
dated 11-11-2013*

**Implementation of Government's decision on the recommendations of
the Sixth Central Pay Commission — Revision of rate of Training
Allowance and Sumptuary Allowance — Clarification**

The undersigned is directed to refer to this Department's O.M. No. 13024/1/2008-Trg. I, dated 5-9-2008 (*Sl. No. 185 of Swamy's Annual, 2008*) on the subject mentioned above and to furnish the following clarifications:—

- (i) 30% training allowance of the basic pay is admissible to trainers / faculty on deputation only in those National / Central Training Academies and Institutes which impart induction training to directly recruited Group 'A' Officers.
 - (ii) In line 3 of the sub-para (i) under the heading 'Sumptuary Allowance' of the aforesaid O.M., the words "**and other training institutes / establishments as well**" may be *added* after the words Group 'A' Officers.
2. This would come into effect from the date of issue of this O.M.

**G.I., Dept. of Pen. & P.W., O.M.No.F.No.42/13/2012-P&PW(G),
dated 17-10-2013**

Grant of Dearness Relief to CPF beneficiaries in receipt of *ex gratia* payment with effect from 1-7-2013

In continuation of this Department's O.M.No.42/13/2012-P&PW(G), dated the 24th May, 2013, the President is pleased to grant the Dearness Relief at the rate of Fifth Central Pay Commission with effect from 1-7-2013 to the following:

- (i) The surviving CPF beneficiaries who have retired from service between the period 18-11-1960 to 31-12-1985 and are in receipt of *ex gratia* @ Rs.600p.m. with effect from 1-11-1997 under this Department's O.NM.No.45/52/97-P&PW(E), dated 16-12-1997 and revised to Rs.3000, Rs.1000, Rs.750 and Rs.650 for Groups 'A', 'B', 'C' & 'D' respectively with effect from 4th June, 2013 vide O.M.No.1/10/2012-P&PW(E), dated 27th June, 2013 are entitled to Dearness Relief @ 183% with effect from 1-7-2013.
 - (ii) The following categories of CPF beneficiaries who are in receipt of *ex gratia* payment in terms of this Department's O.M. No. 45/52/97-P&PW (E), dated 16-12-1997 are entitled to DR @ 175 % with effect from 1-7-2013.
 - (a) The widows and dependent children of the deceased CPF beneficiary who had retired from service prior to 1-1-1986 or who had died while in service prior to 1-1-1986 and are in receipt of *ex gratia* payment of ₹ 605 p.m. and revised to ₹ 645 with effect from 04 June, 2013 vide O.M. No. 1/10/2012-P&PW (E), dated the 27th June, 2013.
 - (b) Central Government employees who had retired on CPF benefits before 18-11-1960 and are in receipt of *ex gratia* payment of ₹ 654, ₹ 659, ₹ 703 and ₹ 965.
2. Payment of DR involving a fraction of a rupee shall be rounded off to the next higher rupee. In their application to the Indian Audit and Accounts Department, these orders issue in consultation with the C&AG.
3. This issues with the concurrence of Ministry of Finance, Department of Expenditure vide their O.M. No. 1 (4)/E.V/2004, dated the 14th October, 2013.

G.I., Dept. of Per. & Trg., O.M. No. 18019/7/2013-Estt. (L),
dated 23-10-2013

**Simplification of procedure for verification of service —
adherence to the revised format**

The undersigned is directed to invite attention to the provisions of the Supplementary Rules which relate to maintaining records of service of a Government employee. The provisions of SR 199 and 202 require that "Every step in a Government servant's official life must be recorded in his Service Book and each entry must be attested by the Head of his Office...." (SR199) and that "It shall be the duty of every Head of Office to initiate action to show the Service Books to the Government servants under his administrative control every year..... The Government servants shall *inter alia* ensure that their services have been duly verified and certified as such...." (SR 202).

2. Further, the provisions of Rule 32 of the CCS(Pension)Rules,1972 provide for issuing a communication in Form-24 on completion of 18 years of service regarding verification and determination of qualifying service. The Rule 59 thereof relates to the preparatory work to be done by the Head of Office for sanctioning pensionary benefits to the retiring employee. Attention is also invited to this Department's O.M.No.17011/1/99-Estt.(L),dated 11-3-2008, whereby the revised format of the Service Book was circulated for being adopted. The said revised format also includes Part V whereunder the record of verification of service is to be maintained.

3. It has since been brought to the notice of this Department that the aforesaid provisions of the Supplementary Rules as also the provisions of the CCS (Pension) Rules, 1972 as referred to above are not being followed. Consequently, the gaps in service verification, get detected at a very late stage when the concerned Government servant is due to retire on attaining the age of superannuation.

4. In view of this and with the objective of eliminating delays in processing of cases of retiring Government servants, the aforementioned rules and the instructions of this Department are reiterated and it is stated that it may be ensured that the following are strictly adhered to:—

- (i) The record of verification of service may henceforth be maintained only in Part V of the revised format of the Service Book as per the new format prescribed by this Department's aforesaid OM of 11-03-2008
- (ii) The exercise for ensuring completion of the entries of service verification in the Part V of the new format, in respect of employees who are retiring within five years, may be undertaken **immediately**, by the concerned administrative authorities and concluded within a defined time-frame, as may be worked out by such authority.
- (iii) Any gap in the verification of service may be intimated to the employee concerned, and simultaneously appropriate action for ensuring verification of missing spells may be taken by the Head of Office.
- (iv) The concerned Government servant may also be informed of deficiencies and gaps as regards missing entries relating to verification of service and the period thereof.

5. The Department of Pension and Pensioners' Welfare have also suggested that the administrative authorities, to preclude and to cut down on delays in payment of retiral benefits to Government servants retiring on superannuation, may consider adoption of the following mechanisms and processes, in consultation with their PAOs:—

- (i) Annual service verification statements may be considered to be issued along with pay slip for the month of April every year.
- (ii) At the time of transfer from one Ministry / Department / Office to another, any gap in the service record including for prior periods under the administrative control of the Ministry / Department / Office will be indicated in the Last Pay Certificate.
- (iii) Creation and Maintenance of Service Records in e-format available in e-Office under e-governance.

6. All Ministries / Departments are accordingly requested to issue suitable instructions to all Heads of Offices / Pay and Accounts Offices for strict compliance of the above instructions so as to preclude any delays in disbursement of retiral benefits of Government servants. It may be reiterated and again stressed that the action as indicated in Para. 4 of this OM may be taken immediately by prioritizing the updation of service verification details in respect of such Government servants who are due to retire on attaining the age of superannuation in the next five (5) years, by working out a time-bound schedule. In the second phase, the verification of service of all remaining employees in the prescribed format may be completed.

G.I., Dept. of Pen. & P.W., O.M.No.4/30/2010-P&PW(D), dated 28-10-2013

Revision of $1/3^{\text{rd}}$ commuted portion of pension in respect of Government servants who had drawn lumpsum payment on absorption in Central Public Sector Undertakings/Central Autonomous Bodies –
Implementation of Government's decision on the recommendations of the Sixth Central Pay Commission

The undersigned is directed to say that orders have been issued vide this Department's OM of even number, dated 11-7-2013 for revision of $1/3^{\text{rd}}$ restored pension of absorbees with effect from 1-1-2006 by multiplying pre-revised $1/3^{\text{rd}}$ pension by a factor of 2.26, if it is more beneficial than the revised $1/3^{\text{rd}}$ restored pension as per this Department's O.M.No.4/38/2008-P&PW (D), dated 15-9-2008. These orders have been issued in compliance of the order, dated 27-9-2011 of the CAT Hyderabad Bench in O.A.No.710 of 2010 read with their order, dated 22-4-2013 in C.P. 26 of 2012.

2. Representations have been received from the absorbees pensioners, who had taken lumpsum payment in lieu of 100% pro rata pension on absorption, that the benefit allowed to the absorbee pensioners in terms of O.M., dated 11-7-2013 is not adequate. These representations have been examined in this Department. The main thrust of these representation is that the $1/3^{\text{rd}}$ restored pension may be revised with effect from 1-1-2006 by adding dearness pension and Dearness Relief as on 1-1-2006 along with 40% fitment benefit to the pre-revised $1/3^{\text{rd}}$ restored pension.

3. The matter has been examined in this Department. The instructions for revision of $1/3^{\text{rd}}$ pension were issued by this Department's O.M. No. 4/38/2008-P&PW (D), dated 15-9-2008, keeping in view the formula laid down by Hon'ble High Court of Andhra Pradesh in its judgment, dated 24-12-2003 which was accepted in Supreme Court judgment, dated 29-11-2006 and 24-7-2007. Hon'ble CAT, Hyderabad Bench in its order, dated 27-9-2011 in O.A. No. 710/2010 *inter alia* observed that the O.M., dated 15-9-2008 was legally sustainable. However, the Hon'ble CAT directed to pass an order so as to equalize the revised $1/3^{\text{rd}}$ restored pension of absorbees with the revised pension of other Central Government pensioners.

4. Keeping in view the above direction of Hon'ble CAT, Hyderabad Bench, which was upheld by High Court of Andhra Pradesh and Supreme Court, orders were issued *vide* this Department's O.M. of even number, dated 11-7-2013 to revise $\frac{1}{3}$ rd restored pension of absorbee pensioners to 2.26 times of the pre-revised $\frac{1}{3}$ rd restored pension. This is explained by the following example:

Pre-2006 full pension	Pre-2006 $\frac{1}{3}$ rd restored pension	Revised full pension (for DR, etc.)	Revised $\frac{1}{3}$ rd restored pension in terms of OM, dated 15-9-2008	Revised $\frac{1}{3}$ rd restored pension in terms of OM dated 11-7-2013
4073	3173	9207	6492	7173

The above formula for revision of $\frac{1}{3}$ rd rd pension is also in conformity with the demand made by the staff side in the meeting of National Council (JCM) held on 6-11-2012.

5. In view of the above position, no further change in the $\frac{1}{3}$ rd restored pension of the absorbee pensioners (who had drawn lumpsum payment of absorption in Central Public Undertaking / Central Autonomous Body) is required to be made. All the representations made by the absorbee pensioners and their Associations in this regard stand disposed of accordingly. All Ministries / All Departments are requested to inform the above position to the absorbee pensioners.

G.I.,Dept. of Per. & Trg.,O.M.No.AB.14017/6/2009-Estt.(RR), dated
21.10.2013.

Recruitment to Group 'C' posts in Pay Band-1, with Grade Pay of Rs.1800
(pre-revised Group 'D' posts)

This Department vide OM of even number,dated 12-5-2010 requested all the Ministries/Departments to intimate their requirements for Non-Technical Group 'C' posts in PB-1 Grade Pay Rs.1800 to the SSC immediately in order that the Commission could initiate action for recruitment. The Ministries/Departments were also advised to take action simultaneously for framing Recruitment Rules for these posts in accordance with the Model RRs already circulated vide OM, dated 30-4-2010.

2.It has, however, come to the notice that Cadre Controlling Authorities are not sending their requisitions for the vacancies of MTS to SSC. The erstwhile Group 'D' posts which now belong to Group 'C' are required to be filled up through SSC as per instructions of this Department instead of through Employment Exchange or any other mode. All Ministries/Departments are, therefore, once again requested for sending their requirements in respect of Ministries/Departments themselves as well as their attached/subordinate officers also, for Non-Technical Group 'C' posts in PB-1 Grade pay Rs.1800 to the SSC immediately in order that the Commission could initiate action for recruitment.

3. Action pending, if any, may simultaneously be taken for framing Recruitment Rules for these posts in accordance with the Model RRs already circulated.

Gl., Dept. of Per. & Trg., O.M. No. AB. 14017/32/2012-Estt. (RR),
dated 31-10-2013

Model Recruitment Rules for the various posts of Accounts Cadre

The Model RRs for the posts of Junior Accounts Officer / Accountant and Accounts Officer of Accounts Cadre issued by this Department have been reviewed in the light of Sixth Central Pay Commission recommendations.

2. The designation with pay scale for various posts of Accounts Cadre shall be as below:—

Sr. No.	Designation	Pay Scale
1.	Junior Accounts Officer / Accountant	PB-2, GP ₹ 4,200
2.	Accounts Officer	(i) PB-2, GP ₹ 4,600 (ii) PB-2, GP ₹ 4,800

Accordingly, the revised Model Recruitment Rules for the same are enclosed as Annexure (*not printed*) to this Office Memorandum.

2. Ministries / Departments may review the existing rules and notify the revised rules conforming to the Model Recruitment Rules. These may also be forwarded to all autonomous / statutory bodies for adoption. The Ministry of Home Affairs is also requested to forward these Model RRs to the UT Administrations for appropriate action.

*G.I., Min. of Law and Justice, Act No. 24 of 2013,
dated 18/19-9-2013*

Amendment to the Constitution (Scheduled Tribes) Order, 1950

The following Act of Parliament received the assent of the President on the 18th September, 2013, and is hereby published for general information:—

An Act further to amend the Constitution (Scheduled Tribes) Order, 1950 to modify the list of Scheduled Tribes in the States of Kerala and Chhattisgarh.

BE it enacted by Parliament in the Sixty-fourth Year of the Republic of India as follows:—

Short title

1. This Act may be called the Constitution (Scheduled Tribes) Order (Amendment) Act, 2013.

Amendment of Part VII and Part XX of Constitution (Scheduled Tribes) Order, 1950

2. In the Schedule to the Constitution (Scheduled Tribes) Order, 1950,—

(a) in Part VII.— Kerala, after entry 27, *insert*—

“28. Marati (of the Hosdurg and Kasargod Taluks of Kasargod District)”;

(b) in Part XX.— Chhattisgarh,—

(i) in entry 16, after “Asur”, *insert* “Abhuj Maria”;

(ii) in entry 27, after “Korwa”, *insert* “Hill Korwa”.

G.I., Min. of Law and Justice, Act No. 28 of 2013,
dated 20/23-9-2013

**Amendment to the Parliament (Prevention of
Disqualification) Act, 1959**

The following Act of Parliament received the assent of the President on the 20th September, 2013, and is hereby published for general information:—

An Act further to amend the Parliament (Prevention of Disqualification) Act, 1959.

BE it enacted by Parliament in the Sixty-fourth Year of the Republic of India as follows:—

Short title and commencement

1. (1) This Act may be called the Parliament (Prevention of Disqualification) Amendment Act, 2013.

(2) It shall be deemed to have come into force on the 19th day of February, 2004.

Amendment of Section 3

2. In Section 3 of the Parliament (Prevention of Disqualification) Act, 1959, in Amendment Clause (ba), for sub-clause (ii), the following sub-clauses shall be *substituted*, namely:—

“(ii) the National Commission for the Scheduled Castes constituted under Clause (1) of Article 338 of the Constitution;

(ia) the National Commission for the Scheduled Tribes constituted under Clause (1) of Article 338-A of the Constitution”.

'Facilitation Fee' to be levied by authorized travel agents on air tickets booked on Government account

Attention is invited to this Department's O.M. of even number, dated 28th May,2013, wherein all Ministries/Departments were advised not to pay Agency Commission/Charges etc., charged by M/s.Balmer Lawrie and Company Limited(BLCL) in their Bills, raised for air tickets booked on Government account, till a final decision is taken in the matter.

2. The matter has been considered and it has now been decided that, in lieu of withdrawal of 'Transaction Fee' by Air India/Airlines, the authorized travel agents namely' M/s.Balmer Lawrie and Company Limited (BLCL), M/s Ashok Travels and Tours (ATT) and India n railways Catering and Tourism Corporation Ltd.(IRCTC), are allowed to levy 'Facilitation Fee' of Rs. 100 per ticket for domestic sector and Rs. 300 per ticket for international sector for air travel, wherein Government of India bears the cost of air passage. Further, these rates are to be applied prospectively i.e Bills raised by the authorized travel agents for journey undertaken should not include this fee.

3. All Ministries/ Departments are again advised that, as far as possible, air tickets on Government account may be obtained directly from Air India/ Airlines (booking counters/ offices/ website). Only when obtaining tickets directly from Air India/ Airlines is not possible, should the services of authorized travel agents be availed of. These instructions should be brought to the notice of all concerned for strict compliance.

Government of India
Ministry of Human Resource Deveopment
Department of School Education & Literacy
UT-2 Section

New Delhi dated 27th November, 2013

To


The Commissioner
Kendriya Vidyalaya Sangathan,
18 Institutional Area,
Shaheed Jeet Singh Marg,
New Delhi-1100216

Subject: Implementation of e-office in Ministries/departments: legal validity.

Sir,

I am directed to forward herewith a copy of circular Note No.F.11-10/2013-EE.1 dated 16th July, 2013 together with a copy of circular Note No.C-30017/1/2010-CDN dated 11th July, 2013 on the subject mentioned above and to say that KVS may kindly take appropriate action in the matter.

Yours faithfully,



(Gopal Ram)
Section Officer (UT-2)

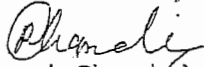
No.F.11-10/2013-EE.1
Government of India
Ministry of Human Resource Development
Department of School Education and Literacy
(EE.1 Section)

New Delhi, the 16th July, 2013.

Subject: Implementation of e-Office in Ministries/Departments: legal validity.

Please find enclosed a copy of Note No.C-30017/1/2010-CDN dated 11th July, 2013 alongwith enclosures received from CDN Section on the above subject is forwarded herewith for information and necessary action.

Encl: As above.


(Ramesh Chander)
Section Officer (EE.1)

No. C-30017/1/2010-CDN
Government of India
Ministry of Human Resource Development
(Department of Higher Education)
CDN Section

* * *

New Delhi, the 11th July, 2013

Subject: Implementation of e-Office in Ministries/Departments: legal validity

A copy of O.M. F.No.N-11011/3/2012-e-Gov(B) dated 24.06.2013 received from Department of Administrative Reforms & Public Grievances on the above subject is enclosed herewith for information and necessary action.

Jitendra
(Jitendra Kumar Jha)
Under Secretary (CDN)
PH: 011-23387980

Encl: As above

File No. N-1101173/2012-e-Gov(B)
Government of India
Department of Administrative Reforms & Public Grievances

5th Floor, Sardar Patel Bhawan,
Sansad Marg, New Delhi,
Dated: 24th June, 2013


OFFICE MEMORANDUM

Sub: Implementation of e-Office in Ministries/Departments: legal validity.

The undersigned is directed to enclose herewith an Office memorandum No. 15(1)/E.Coord/2013 dated 21st June, 2013 issued by Government of India, Ministry of Finance, Department of Expenditure regarding legal recognition of Electronics records and Digital Signature under Information Technology Act (IT Act, 2005) and Income Tax Act, 1961.

2. It is requested that the contents of para 2 of the above said O.M. may be brought to the notice of all concerned to facilitate implementation of e-Office Mission Mode Project.

Encl; as above



(Kavita Garg)

Deputy Secretary (e.Gov)

kavitag@nic.in

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