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NOTIFICATIONS

No. C. 30016/1/81-MBSE/37-49, the 19th 1983. In exercise of the powers conferred by Clause (xi) of sub-section (2) of section 22 of the Mizoram Board of School Education Act, 1975 (Mizoram Act No. 2 of 1976), the Mizoram Board of School Education is pleased to make the following Regulations, the same having been approved by the Government of Mizoram, namely:—

CHAPTER — I

PRELIMINARY

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| Short title and Co-
menment | 1. (1) These regulations may be called the Mizoram Board of School Education (C
tuity to Employees) Regulations, 1982.
(2) They shall come into force at once |
| Application | 2. These regulations shall apply to all categories of employees of the Board except employees on deputation and those entertained on officiating capacity. |
| Definitions | 3. In these regulations, unless the context other wise requires,—
(a) “Act” means the Mizoram Board of School Education Act, 1975 (Mizoram Act No. 2 of 1976);
(b) “Bank” means the Post Office Saving Bank or State Bank of India;
(c) “family” means—
(i) in the case of a male subscriber, the wife or wives and children of a subscriber, and the widow, or widows and children of deceased son of the subscriber. |

Provided that if a subscriber proves that his wife has been judicially separated from him or has ceased under the customary law of the community, to which she belongs to be entitled to maintenance she shall henceforth be deemed to be no longer a member of the subscriber's family in matters to which these regulations relate unless the subscriber subsequently intimates, in writing, to the Accounts Officer that she shall continue to be so regarded;

- (ii) in the case of a female subscriber, the husband and children of a subscriber, and the widow or widows and children of a deceased son of a subscriber;

Provided that if a subscriber, by notice in writing to the Accounts Officer, expresses her desire to exclude her husband from her family, the husband shall henceforth be deemed to be no longer a member of the subscriber's family in matters to which these regulations relate, unless the subscriber subsequently cancels such notice in writing.

- (d) "Finance Committee" means the Finance Committee constituted by the Board ;
- (e) "Interest" means the interest which is paid on a deposit in the Post Office savings Bank or State Bank of India ;
- (f) "salary" means monthly salary, and includes all fixed monthly allowances by way of Pay, Personal Pay, Special Pay and Dearness allowances, but does not include any other allowances ;
- (g) "Secretary" means the Secretary of the Board ;
- (h) "subscriber" means an employee on whose behalf a deposit is made under these regulations ;

CHAPTER - II

CONTRIBUTORY PROVIDENT FUND

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| Contributory Provident Fund | 4. There shall be the Contributory Provident Fund instituted for the employees of the Board to be maintained and administered in accordance with the regulations here-in-after provided. |
| Scope of the scheme | 5. Every whole-time employee of the Board holding a permanent appointment, shall be entitled and required to subscribe to the Provident Fund. Every such employee shall, as soon as possible after his appointment, give a written declaration that he agrees to abide by the conditions prescribed for subscribing to the Provident Fund. |

Provided that an employee whose services have been lent to the Board by Government or a person who is on lien from a Government post, shall not be required to subscribe to the Provident Fund.

Rate of
subscriber's
contribution
and its
recovery

6. Employees of the Board eligible to the benefit of Provident Fund contribution shall subscribe to the Provident Fund at the rate of not less than 6 1/4 per cent and not more than 20 percent of his salary every month. The amount shall be deducted from the salary bill. In calculation of this deduction, fraction below fifty paise shall be omitted and fraction fifty paise or above be reckoned as the next higher rupee. The amount so deducted, together with the contribution by the Board prescribed hereunder, shall be credited in a post Office Savings Bank Account or in or with the State Bank of India to be opened on behalf of each subscriber, the remittance to the Post Office or State Bank of India being made and deposits relating to the fund shall stand, in the joint name of the subscriber and the Secretary.

Note : The subscription of a subscriber on leave shall be calculated on his regular salary and not on his leave salary. No subscription or contribution shall be made to the Provident Fund of an employee who is on leave without pay.

Board's
contribution

7. The Board shall in the case of subscriber make a monthly contribution at the rate of 6 1/4 per cent of his salary.

Banking
accounts
and
investment
in Savings
Certificate

8. (1) A subscriber shall have the option of converting a part or the whole of the accumulated balance standing at his credit into Post Office Cash Certificates or National Savings Certificates. The Cash Certificates or the National Savings Certificates shall be placed in such safe custody as will be determined by the Finance Committee. The transfer of these Certificates or of their cash value to the subscriber shall be subject to the same conditions as the withdrawals of Savings deposit account.
- (2) Subscribers to the Board's Provident Fund on whose behalf accounts are opened at the Post Office or State Bank of India under the provisions of these regulations shall not be deprived of their right to open ordinary private accounts in Post Office Savings Bank or State Bank of India.
- (3) The Secretary to the Board shall be responsible for the safe custody of the Pass Books, for the maintenance of accounts of all advances made and sums recovered on account of them.

Final
withdrawal
of accumu-
lations in
the Fund.

9. (1) Final withdrawal shall be permitted when a subscriber quits his service in the Board by his retirements, resignation, death or otherwise ; Provided that-

- (i) in the case of an employees of the Board being dismissed or removed from service or his quitting service without due notice after having been in service for five years, he shall be entitled to receive the sum which he himself subscribed and the interest thereon. It shall rest with the Finance Committee to decide on behalf of the Board whether or not the Board's contribution and the interest thereon shall be paid;
- (ii) no employee shall be entitled to receive the amount contributed by the Board on his behalf and the interest thereon, unless he has been in the service of the Board for at least five years;

Provided further that the Finance Committee may allow an employee of the Board who has rendered less than five years of service with the Board to receive the amount contributed by the Board and the interest thereon if the said employee resigns or retires by reason of declaration of the medical authority considered competent by the said committee that he is unfit for further service with the Board.

Note :—Any contribution and interest thereon with held under this regulation shall merge in the General Fund of the Board and shall be transfered to that account.

- (2) When the amount standing at the credit of a subscriber in the Fund or the balance thereof after deductions, if any, becomes payable it shall be the duty of the Secretary to have the accumulation withdrawn from the Account in the Bank after obtaining due approval of the Finance Committee on behalf of the Board, and to direct the person or persons to whom the amount is payable to receive payment.
- (3) Subject to the condition that no deductions may be made which reduces the sum at the subscriber's credit by more than the amount of the contribution of the Board and the interest thereon, any amount due under a liability incurred by an employee who quits employment or is discharged, shall be recovered from the total amount of subscription and contribution and interest therefrom, standing at the credit of the subscriber before final payment is made.

- Advance from the fund.
- 10. Temporary withdrawals of amount not exceeding three month's pay of the subscriber of the sum deposited by him whichever is less, shall be permitted, at the discretion of the Secretary to enable a subscriber to pay expenses in connection with the subscriber's illness of member of his family or in connection with marriages, funerals of other ceremonies which it is incumbent upon him to perform or to meet expenses of an urgent nature in connection with the education of children;

Provided that in exceptional cases an advance in excess of three month's pay may be allowed for reasons to be recorded in writing.

Re-pay-
ment of
advance.

11. The amount withdrawn under regulation 10 shall be refunded in twenty four equal monthly instalments. A subscriber may, however, at his option, made payment in less than twenty four instalments or may repay two or more instalments at one time. Each instalment shall be a number of whole rupees the amount to be withdrawn being raised or reduced if necessary, to admit of the fixation of such instalments. Recoveries shall be made in the same manner as for realization of subscription and shall commence from the first-payment of a full month's salary after the withdrawal is granted. Recoveries thus made shall be in addition to the usual subscription and shall be credited as they are made, to the subscriber's account in the fund. No interest shall be recovered on withdrawals.

Nomina-
tions.

12. Every subscriber shall make a nomination in the Form prescribed by the Board conferring the right to receive the amount they may stand to his credit in the fund, in the event of his death before quitting the service or his being insane while in service. The Form of nomination shall be signed by the subscriber in the presence of the Secretary of the Board and one member of the Office staff who shall attest his signature. The Form of nomination duly completed shall be retained in safe custody by the Secretary who shall give a received thereof.

- (2) A subscriber who at the time of joining a family shall furnish a nomination in Form - I in favour of one or more members of his family on with the previous sanction of the Secretary and in respect of a total sum not exceeding 12 1/2 per cent of the amount at his credit in the fund in favour of a parent, minor brother or unmarried sister, or where no parent of the subscriber is alive, a paternal grand parent.
- (3) A subscriber who has no family may similarly nominate a person in form - II Provided that a nomination made under this sub-section shall be deemed to have been duly made only for so long as the subscriber has no family.
- (4) If a subscriber at any time acquires a family he shall furnish a nomination prescribed in sub-section (2) and if he previously nominated any person other than a member of his family he shall formally cancel the previous nomination.
- (5) A subscriber may in his nomination distribute the amount that may stand to his credit at the fund amongst his nominees at his own discretion subject to the restriction mentioned in sub-section (2).
- (6) A nomination may be cancelled by a subscriber and may be replaced by another nomination in conformity with the conditions mentioned above.

Pass Books 13.

The Pass Book of every subscriber shall be shown to him not later than the last week of December in each years. He shall, within fifteen days of being shown the Pass Book certify in writing as to the correctness thereof. If he fails to do so within the period thus allotted, he shall have no right to challenge the correctness of the accounts at any later date.

FORM OF NOMINATION—I

(FORM OF NOMINATION WHEN THE SUBSCRIBER HAS A FAMILY)

I hereby declare that in the event of my death or of my becoming insane, the amount at my credit in the Provident Fund shall be distributed among the members of my family and other dependents mentioned below in the manner shown against their names.

The amount due to a nominee who is a minor at the time of my death or of my becoming insane shall be paid to the person, whose name appears in column 5.

Name & address of the nominee or nominees	Relationship with the subscriber.	Age of minee.	Amount share of accumulation.	Name and address of the person to whom payment will be made on behalf of minor.	Relationship of the minor to the person mentioned in
1	2	3	4	5	6

Date _____ 19____

Witness :
1.

2.

Signature of the
Subscriber.

Note : Column 4 shall be filled in so as to cover the whole amount at credit.

FORM OF NOMINATION—II

(FORM OF NOMINATION WHEN THE SUBSCRIBER HAS NO FAMILY)

I hereby declare that I have no family and direct that the amount at my credit in the Provident Fund on my death or on my becoming insane shall, in the event of my having no family be distributed amongst the persons mentioned below in the matter shown against their names

The amount due to a nominee who is a minor at the time of my death or of my becoming insane shall be paid to the person, whose name appears in column 5.

Name & address of nominee or nominees	Relationship with the subscriber.	Age of the nominee.	Amount of share of accumulation.	Name and address of the person of whom payment will be made on behalf of a minor	Relationship of the minor to the person mentioned in column 5.
1	2	3	4	5	6

Date— — — — — 19— — — — —

Witness :

1.

2.

Signature of the Subscriber

Note :- Column 4 shall be filled in so as to cover the whole amount at credit.

CHAPTER-111 GRATUITY TO EMPLOYEES

Conditions 14. These regulations shall apply to the following classes of whole-time employees of the Board who have been in continuous service for not less than ten years (including the period of probation and temporary services rendered under the Board), namely, :—

- i) Permanent officers of the Board, excluding those on deputation from Government service;
- ii) Permanent members of ministerial staff excluding those on deputation from Government service ;
- iii) Permanent members of the lower subordinate staff viz : Peons, Chowkidars, etc.;
- iv) permanent Officers and other staff who proviously were on deputation from Government service but have been permanently absorbed in the service of the Board;

Provided that their continuous service under Government and the Board is not less than ten years;

Provided further that the gratuity will be reckoned only in respect of their services in the Board counting from the date of their permanent absorption.

Circumstances under which gratuity is eligible 15. Subject to the terms and conditions and other provisions contained in the succeeding regulations, gratuity shall be granted to a permanent employee, referred to in regulation 14—

- i) who dies while in service of the Board or
- ii) who retires from service of the Board, or
- iii) who prematurely retires from the service of the Board either due to continued illness or accident incapacitating him from the proper discharge of his duties, or
- iv) whose services are dispensed with owing to reduction of staff or reorganisation of the establishment of the Board. or
- v) who voluntarily resigns from service after the age of 50 years and whose resignation is accepted by the Board.

Qualification for gratuity 16. No gratuity shall be granted to an employee—

- i) if he has not completed service under the Board for a minimum period of ten years as provided in regulation 14 ; or
- ii) if he is or has been dismissed from the service of the Board as a measure of disciplinary action for insubordination, misconduct and dereliction of duties.

Amount of gratuity 17. Subject to the provisions of regulation 16, an employee shall be entitled to the payment of gratuity at the rate of half month's substantive basic pay (including personal pay and special pay if attached to the post, and dearness allowance) drawn on the date of attaining the age of superannuation or on the date of death before attaining the age of superannuation, or on the date of premature retirement from the service as the case may be, for each completed year of service, subject to a maximum of 16 1/2 months substantive basic pay (including personal pay and special pay, if attached to the post and dearness allowances) :

Provided that the Board may, while determining the amount of gratuity payable to an employee, take into account any financial loss caused to the Board by reason of the inefficiency, negligence or misconduct of such employee, grant a reduced amount of gratuity and the amount of gratuity so reduced shall not exceed the amount of financial loss caused to the Board. The Board may also adjust from the amount of gratuity payable, the amount, if any, standing recoverable from an employee on the date he ceases to be in the service of the Board.

Nomination 18. In the event of the death of an employee before receipt of gratuity, the amount of gratuity under these regulations shall be paid :—

- (a) to a person who may have been nominated by the employee in the prescribed Form set forth below, and if there are more persons than one so nominated, the amount of gratuity shall be distributed among such persons in the proportion as stated by the employee in the nomination Form :

Provided that a nomination made under this regulation may be revoked by writing under the hand of the employee accompanied by a fresh declaration making a fresh nomination in a similar form and manner :

- (b) if no such nomination has been made or is subsisting, the amount of gratuity shall be paid to the legal heirs of the deceased.

FORM OF DECLARATION NOMINATING A DEPENDENT (S)

Name of Employee _____

Designation _____

I hereby declare that in the event of my death the amount of gratuity payable to me under the Mizoram Board of School Education (Contributory Provident Fund-cum-Gratuity to Employees) Regulations, 1982 shall be paid to the person (s) hereby nominated by me and mentioned below, in the manner shown against his/her/their name (s)

The amount due to any nominee who does not become major at the time of my death shall be paid to the person whose name appears in column 5, on behalf of that nominee.

Name & address of the nominee or nominees	Relation ship with the employee.	Whether major or minor, if minor, state his/her/their age	Share of gratuity	Name and address of the person to whom payment is to be made on behalf of minor.	Sex and percentage of person mentioned in column 5.
1.	2	3	4	5	6

Witnesses :—

1. Name : _____

Address : _____

Date : _____

2. Name : _____

Address : _____

Date : _____

Signature of the
Employee

Designation : _____
Date :

- | | |
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| Maintenance of account and ledger | <p>19. (1) A separate account called the "Gratuity Fund of the Mizoram Board of School Education" shall be opened in the Aizawl Branch of the State Bank of India with the President and the Secretary of Mizoram Board of School Education as its joint operators, and the Board shall contribute to that account per annum a sum not less than 1/24th of total emolument disbursed during the year to all regular employees of the Board. The contribution shall be charged under the Service Head : "Pension/L.S. Contribution, etc. Sub-Head : "Gratuity".</p> <p>(2) Any cash balance at the fund in excess of the amount not likely to be required for use in the immediate future, shall be invested in suitable approved Securities, on the recommendation of the Finance Committee as approved by the Board. All such certificates and securities shall be held in the name of the Board. No change in the investments shall be made except on the advice of the Financial Committee and with the approval of the Board.</p> |
| Payment of deficiency | <p>(20). The Board shall be responsible for any deficiency found in the Gratuity Fund and shall pay into the fund such amount as may be necessary to make up the deficiency. All withdrawals from the fund other than withdrawals required for payment as provided regulation 18, read with regulation 19, shall be made with the approval of the Board.</p> |
| Ledger | <p>21. A Gratuity Fund Ledger showing the investments and cash balance shall be maintained in the Office of the Board.</p> |
| Audit | <p>22. The accounts of the fund shall be audited annually by the auditor appointed by the Government.</p> |
| Interpretation | <p>23. If any question relating to interpretation of these regulations arises, it shall be referred to the President of the Board whose decision shall be final.</p> <p>(2) Any cash balance of the fund in excess of the amount not likely to be required for use in the immediate future, shall be invested in suitable approved Securities, on the recommendation of the Finance Committee as approved by the Board. All such certificates and securities shall be held in the name of the Board. No change in the investments shall be made except on the advice of the Financial Committee and with the approval of the Board.</p> |

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| Payment of deficiency | 20. The Board shall be responsible for any deficiency found in the Gratuity Fund and shall pay into the fund such amount as may be necessary to make up the deficiency. All withdrawals from the fund other than withdrawals required for payment as provided in regulation 18, read with regulation 19, shall be made with the approval of the Board. |
| Ledger | 21. A Gratuity Fund Ledger showing the investments and cash balance shall be maintained in the Office of the Board. |
| Audit | 22. The accounts of the fund shall be audited annually by the auditor appointed by the Government. |
| Interpretation | 23. If any question relating to interpretation of these regulations arises, it shall be referred to the President of the Board whose decision shall be final. |

C.Lalchhuma,
Secretary to the Govt. of Mizoram,
Education & Culture Department.