

RULES AND REGULATION OF THE DURGHA KHWAJA SAHEB AJMER EPF

RULES REGULATIONS OF THE DURGHA KHWAJA SAHEB EMPLOYEES PROVIDENT FUND

ASHFAQUE HUSSAIN, R.A.S. NAZIM ÜDo:f 109.æ.1998- An extract . the minutes Of the thrghah Canietee Meeting held 09th 5.2 b) Itza No. 6-3. TO Of sate gtployeeeg advance their P.P. Fund: for Provide-It Puna, which vere frarned and C.A. & æeroved, (Ashf ssain) Nazim. RULLS AND 0? KHWJA QQLOYEYS PUNO. The Pund shall PROVIDENT FUND" . be called the i' DARGAH KHWAJA SAHEB 2. (b) (c) (d) (i) (g) In these Rules and Regulations the following shall' unless excluded by or repugnant to their context, have• the meaning here at taahed to than viz— The D.K.S. means the Dargah Khwaja Saheb,Aimer. The Committee oc Dargah Committee means Cormittee,Aimer , Con't-.ituted under the provisions Of The Dargah Khwaja Saheb Act , 1955. ?tJND" means Dargah Khwaja Saheb employees provident Fund. means the Trustees of the Pund the being as provided in the aforesaid Trust Deed and where not inconsistent Vith the context, shall mean each or any of the Trustees. The Trustee means and include.' present Trustees or survivor Survivors among them or other Trustees or Trustees for the time being of the Fund. SALARY/WAG&S" shall moan ernnlments which are •uned by an employee while on duty or on leave with salary/Wages in accordance with terms of the contract Of aployment and Which are payable to him but does not include: The Cash value of any Food concession. Any present made by the emoloyer. "Marber" Shall mean any person who is member of the fond. *PANILYB shall moan— (i) In the case of a rnäle Member, the wife, chi Ideen whether mrcied or unmarried, and deoendent parent g of the member, and the Widow and Children of a deceased son of the Me&er, Dtovided that if a proves that his wife has under the personal law governing him or the customary law of the cortuaunity to which the spouses belong, to be entitled maintenance Rhe shall no longer be deemed to be part of the member's family for the purpose of this Fund, unless the member subsequently intimates express notice in writing to the •rustees Ehat she shall inue to so and (ii) In the case of a Female member, the husband and Children Of Manheru the danendanti onranra of the ChB widow and children of a deceased son of the member: provided that if tntynbQt by not ico in writ inq to oexpressos her desire the Husband or his to exclude her husband the family , dependent parents shall no longer be to be a oare Of the (2) Cami ly for the ouroose of this subsequently cancels in writing any such ice. EXPLANATICN: In either of the above two cases the child of a member has another oerson and if, under the Personal of the adooter adoption is legally recognised such a child Shall be considera•d as excluded from the family of the member. (h j "CHILDREN" 'hall mean legitimate children ana include adooted children if the Board of Trustees ig satisfied that under the Personal Law of the Member adoption of Child is recognised. "CONTINUOUS SERVICE" shall mean uninterrupted service and include service which is interrupted by sickness, accident leave, strike which is not illegal or cessation of work not: due to the fault. (i) "ACCOUNTING YAR'I shall mean the period beginning on the first day of Aoc i). and ending on the31gt day nf March. (k) (l) (n) 3. 4. 'lye FUND SHALL CCNSIST OF: (i) (v) Contribution by the members out of their Salary or Wages. Contribution by the emoloyecs. .3um forfieted tn thn Pnnd. Interest and dividends which the investment of tarm{nq the Fund Erom time to time oroduce. Such other sums ag accure to the Fund any source whatsoever "AN EMPLOYEE" shall mean any person who is employed for wages in any kind Of work, manual or Otherwise on the work Of the Establishment, and who gets his wages directly from the (m) "ACCUMULATED BALANCE DUE TO A means the Balance to his credit or such oortion thereof, as be claimable him under the Rules •nd Regulations of the Pund, on Ehe day he ceases to be a member of the. 17und. "CONTRIBUTION" shall mean any gum credited ot on behalf of employee out Of his Salary oc by an *TÄ210yer out Of his own mney.3 to the individual account Of an • but does not incr ude any sum credited as interest . 0? NE FUND: The Pund shall be deemed to have been stablished from 1st July, 1991. The rrnnagement hag decided to contribute management •sha'•-e towards P.F. from 1st April, 1989. op RULAS: Ihe Fund shall be governed these Rules and Regulations or by such other Rules and Regulations as Shall for the time being, be in force. Evers.' member on joining the Pund shall sign a here to undertaking to be declaration in Form NO. Of appendix bound by these Rules and RAJ'21aEions and shall at the same time (3) Zititled to receive a cogg of the Rules and Regulations nevertheless that the Rules & Regulations of the Fund for ded being in force shall be binding upon every mer±ez• whether or not he eha11 have received a copy of the Rules and Regulations. 5- 6. 8. (a) (b) (c) Every who has completed one

year of service as an employee of Dargah Khwaja Saheb be member of Provident Fund whether he is confirmed or not Part time employee not be member of Provident Fund. A retired person on completion of 58 years age and re-employed in Dargah will not be eligible for becoming member of Provident Fund. A person who has attained age of 65 years will not be member of Provident Fund.

Contribution: At the rate of 8.33% of his basic salary/wages plus dearness allowance w.e.f. 1st July, 1991. At the rate of 8.33% of his basic salary/wages plus dearness allowance w.e.f. 1st April, 1989. Each contribution shall be calculated to the nearest rupee, to be counted as a next higher rupee. Each Salary/wage for the purpose of calculating contribution shall be rounded off to the nearest rupee.

Fund: The fund shall consist of contributions as above specified received by the Trustees, of accumulations thereof and interest credited in respect of such contributions accumulations and of securities purchased therewith, and of capital gains arising from the transfer of Capital Assets of Fund and of no other sums.

Accounts: of and any the to own (i) (ii) A separate account shall be kept with respect to each member, showing (i) the amount of his contributions with the proportionate amount of interest earned thereon and (ii) the amount of the contributions of Dargah Khwaja Saheb with the proportionate amount of interest earned thereon in the form prescribed by Rules made under the Act. Any member making a request in this behalf to the Trustees shall be permitted to inspect his account himself or to have the same inspected by any person duly authorised by him in writing to do so within 72 hours of making such request provided that no such request shall be entertained more than once in every two months.

Statement: (4) As soon as possible after the close of each year, the trustees shall send to each member a statement of his account in the Fund showing the opening balance at the beginning of the year, amount contributed during the year the total amount of interest credited at the end of the year or debited in the period and the closing at the end of the year. Members shall satisfy themselves as to the correctness of the annual statement and any error should be brought to the notice of the Trustees within six months of the receipt of the statement.

Leave: A member who shall be absent on leave without pay shall be entitled by the Dargah Khwaja Saheb to continue to pay his contribution to the Fund during such absence. However Dargah Khwaja Saheb shall not be required to contribute its share of contribution. That monthly employees contribution and Equal Contribution of Dargah Khwaja Saheb will be deposited in savings account with State Bank of Bikaner and Jaipur, Dargah before 10th of every month. The Funds of Provident against such contribution in Bank account Bazar, Ajmer must be invested in F. D.R.s. and other Government securities to earn maximum interest. The yearly interest so earned will be credited to the members account in ratio of amount standing credited in their P. P. Accounts.

Loan: Loan from provident Fund will be granted as: Non Recoverable Loan. **RECOVERABLE LOAN:** After completion of 5 years of membership P. P. and Non-Recoverable Loan will be given in the given circumstances: (a) That upto the (i) the marriage of daughter/dependent girl. (ii) For treatment of incurable disease to himself, or any dependent the above loan will be restricted to contribution date of application. (iii) For buying land for construction of dwelling house or for construction of a dwelling house/flat. For dwelling house or flat, above loan will be restricted to member's own contribution plus 50% of Dargah Khwaja Saheb contribution standing in the name of the member on the day of grant or payment of loan, provided further that no such loan will be paid unless the following conditions are satisfied: (i) Trustees are satisfied after examining the member that the loan is required for any of the above purpose. The decision of the Trustees in this regard shall be final. (ii) 50% of loan sanctionable at the time of applying the loan will be given for the purchase of a site. In respect of loan for the purpose of a flat, in a co-operative housing society or from a Govt. or Semi Govt. housing organisation the loan will be given in the name of said Housing Society or Govt. or Semi Govt. organisation as the case may be.

Termination: (i) (a) (b) (c) (d) (f) In the event of death of a member, his contribution and interest thereon shall be payable to the legal heirs of a member. (e) In the event of a member's death after completion of 58 years of age provided that a member who has not attained age of 58 years at the time of termination of his service shall also be entitled to withdraw the full amount standing to his credit in the Fund. On retirement of a member on account of permanent and total incapacity for further employment due to bodily or mental infirmity and on production of Medical Certificate from a Medical Practitioner provided that a member suffering from tuberculosis of lungs or leprosy or cancer even if contracted after leaving the service of Dargah Khwaja Saheb on ground of illness but before payment has been authorised shall be deemed to have been permanently and totally incapacitated for work. On an Indian National leaving the service of the Dargah Khwaja Saheb for the purpose of migration permanently abroad provided that proof of such migration is furnished to

the satisfaction of the D. K.S.. member ceasing to be employed by the DKS by reason only of reduction or reorganisation of the staff and not due to any fault of such member. retirement of an uncovered member from service at any time after the attainment of 60 years of age, MEMBER'S & KHWAJA SAHEB PAYABLE: the of along with A members Contribution and Interest shall be payable to member on ceasing to be a member of the Fund. If any member leaves the service before completion of 3 membership of the Fund, he will be entitled to his own share Interest accrued. after three years membership he will be entitled to both his share and DKS share along with that if a member causes financial loss to misconduct, fraud, Gross negligence or other conduct of like nature and is dismissed from the service of DKS or is permitted to leave the service of DKS as a consequence of such misconduct, fraud, negligence or other like conduct the amount of such financial loss sustained by the DKS shall be the trustee of the DKS Contribution out of the amount due to the member and be to DKS. (b) (c) (d) (e) (f) (g) Each member may make a nomination conferring on one or persons the right to receive the amount that may stand to his credit in the Fund in the event of his death before that amount becomes payable or having become payable has not been paid. Such a nomination shall be made in the prescribed form. If a member nominates more than one person under (a) above he shall in his nomination specify the share payable to each of the nominees in such manner as to cover the whole of the amount that may stand to his credit in the Fund. Where a member has a family at the time of making a nomination such nomination shall be in favour of or more persons belonging to his family. Any nomination made in favour of a person not belonging to his family shall be invalid. If at the time of making a nomination the member has no family the nomination shall be in favour of any person or persons but if the member subsequently acquires a family such nomination shall forthwith be deemed to be invalid and the member may be allowed to make a fresh nomination in favour of one or more persons belonging to his family. A nomination made by a member at any time before him after giving a written notice to the trustees of his intention of doing so in the prescribed form. If the nominee dies before the member the Interest of the nominee shall revert to the member and there upon a fresh nomination in respect of such Interest. A nomination or its modification shall take effect to the extent that is valid on the date on which it is received by the Trustees. the death of a member who shall have made a nomination the full amount payable to him in accordance with these regulations shall be paid to his nominee irrespective of (7) the period for which the member's payment shall be good discharge to all whatsoever in respect of him who so are claiming through otherwise. If the nominee is minor, the member may set the Trust of the fund any the said member or shall at the time of nomination state the age of the nominee and shall also appoint in writing a person of full age to the amount standing at member's credit is to be paid on behalf of the minor nominee in the event of the member dying before the minor nominee attains the age of majority. If any person so appointed predeceases the member before the minor nominee attains the age of majority, the member shall forthwith similarly appoint another person of full age to receive the amount on behalf of the minor nominee and from time to time forthwith make a fresh appointment when this is necessitated by the death of the person to receive payment on behalf of the nominee. The nomination made as aforesaid shall be and in full force and effect until the nominee's death or until the member's death or until his nomination or appointment has been revoked as herein mentioned. the death of a member not survived by a will the full amount due to the member according to these regulations shall be paid to his executors or administrators or at the absolute discretion of the Trustees the amount of any part or parts, thereof to be paid to the widow, Child or children of his, her or their guardian or custodians or other near relatives or relatives of a deceased member or other person appearing to them to be the proper parties receive the amount without any representation to the estate of such deceased member of any succession Certificate being obtained and in such proportion as the trustees think fit irrespective of the period for which the member has earned such payment shall be good discharge of the Trustee against all claims whatsoever in respect of the said fund any person whomsoever claiming through the said deceased member or otherwise. PAYMENT: If a member leave the employment of the DKS as mentioned the accumulated balance due to him shall be payable to him or the person entitled to the same within one month of the day he ceases to be an employee. Payment will be upon the claim of the person entitled to payment and (iii) (A) (i) (B) (8) shall include Interest upto the last date preceeding the month in which the claim is so authorised as per rules. the standing to the credit of a member or the part thereof due to him in accordance with these Rules, becomes payable it shall be the duty of the Trustees to make prompt payment as herein provided. The Trustee shall give notice in writing to the person whom the amount is payable specifying the amount. If any portion of the amount which has become

payable is in or doubt, the Trustee shall propE payment of that portion of the amount in regard to which there is no dispute or doubt: , the balance being adjusted as soon as possible. mRPIETÜRES: Such amount of the DKSts contribution standing to the Credit. of a meqberts account who is not entitled to claim it under any of the rules and the interest atributable thereto, . shall be forfeited to the Fund and shall be credited to the "LAPS & ACCOUNT" . TRUSTEÆ Nor LIABLE: Notwithstanding anything contained the Rules neither the Trustees nor the Fund shall be liable In the event of any oerson in pursuance of a nomination made by a rtnwber even though by virtue Of the provisions oz any of the Rules such naninations vas or has beame invalid provided that the Trustees in rreking such payment acted in good faith and without any of the defect in the nomination. OF Atmncæarr 0? carlRIBV1'la•a 0? me amount standing to the credit of any member of the fund Shall not in any way be capable OE being assigned or and shall not be I {able to attachment under any decree or order Of. any Court Of any dobt or liability Incurred such manber and neither Ehe official assignee appointed under the Presidency—Towng Insolvency Act 1909 (111 of nor any Receiver appointed under Provincial Insolvency Act, 1920 (v of 1920) shall be entitled to or have any claim on any such Any standing to covered nployee in the payable his nominee deduction authoris•d by the credit Of menber who is a Pund at the tine of his death and under these Rules, Subject to any these Rules, vest in the nominee Cmtd (C) (D) (E) (9) and shä.ll be free from any debt or liabili the deceased by the nominee before the dea*• member. LAPSE & A(EOUNT: All lapse and forfeiture accounting at any time shall be transferred to a separate account to be called tans and Porefieture Account n and shall with the prior approval of the Regional Provident Fund Catmissioner be used and apolied by Che Trustees to meet any loss or depreciation Of or in the investment Eor the time being representing the Provident Fund of the D. K.S. and subject thereto for the benefit of all or any of the m—nbers or any such person collectively in such manner under such ciranmseances and to such extent as the Trustees ray in their absolute discretion think fit. Any profit arising on any of the said investment. shall be transferred "THE LAPSE AND FOREPIETURE ACCOUNT". Any benefit received by the mabers individually from the Lapse and Forefelture account will however be liable to tax. ADVAEÆ IN CQDITICiS: (i) (i) me Trustees on an application from a member whose property or immoveable, has been darnaged by a claimity Of exceptional nature. such as floods urthquakes or Riots , authorise payment to him from the Provident Pund Account a non—refundable advance of Rupees Five Hundred or fifty percent of his own total contribut ions including interest thereon standing to his credit the date of such authorisation, whichever is less to meet any unforeseen exoenditure. No advance under sub—para (i) shall be paid unless: The State Government has declared that the calamity has aZfecEed the general public in the area, and me member produce a cert ificate from .an acnropriate authority to the effect that his oroperty (Moveable or {moveable) has been damaged as a result of the calamit:y. (iii) 'The application for advances is æde within. a period of four months from the date of declaration referrza to in Sub—para (i) . TO SZL SECURITIES & RAISE A r.AN me trustees shall from time to time pay to the persons entitled there t.o such sums as may be payable under the' provisions of these Rules and shall {f necessary raise the moneys required for the same by a sale of •the securities held by the crustee or Contd- -IO (10) a sufficient part or by a Loan on the secur vested in the Trsueees under a (i) (ii) (a) (b) (c) (d) 'The shal be Trust which shall not be revocable save with the consent Of all the Members. 'he following will be Trustees: President & Vice—President of Dargah Cotanittee as nominated' the Government from time to time. Nazim of Dargah Khwaja Saheb. Assistant Nazim of DKS as nominated Cormi ee. Accounts Officer or Incharge Of Accounts of Two members of mployees as nominated Carni Dargah D.K.S. Dargah (19) (20) (21) (22) (23) DISQUALIFICATIQES OF 'TRUSIEESHIP: (a) (b) (c) A person shall be disqualified for nominata3 as a trustee : If he is declared , eo be unsound mind by a competent Court or If he is an undischarged insolvent If before or after the of the rund he has been convicted of an offence involving toral turpitude. OF TRUSTæs: Trustees shall meet at such place and time as be aooointed by the Chairman. The President of Dargah Committee will be the Chairman of Trust. QUORUM: No business shall be transacted at a meeting unless at four Trustees are present of whom one shall be a Member DISPOSAL OF BUSINESS: Every quest ion cons i der*3 at a meeting Of the Trustees shall decided by a Majority of the votes of the' 'Ttusteo pregent and voting . the event oz an Of votes the Chaxzman shall have a casting vote. However where a resolution is passed by a casting vote, such rnateer shall reported and referred tor Final Decision to Dargah Managing Comittee those decision on the issue shall be final and binding. CZSS4T1æ OF TRLBI'ZSHIP: If a Trustee fails to attend three consecutive meeting of the Trustees, without obtaining

leave or absence from the Chairman, he shall cease to be a Trustee provided that the DKS may restore him to Contd Trusteeship satisfied reasonable grounds for the absence. D.K.S. may remove from office any such trustee who has ceased to be any trustee if in to represent the (25) (26) (27) Interest which he purports to represent provided that no such Trustee shall be removed unless a reasonable opportunity is given to such Trustee and the body whom he represents of making any representation against the proposed action. ABSQCE INDIA: Before a Trustee leaves India: (a) He shall intimate to the Chairman of Trustees of the dates of his departure from and expected return to India; (b) If he intends to absent himself for a period longer than six months he shall tender his resignation. If any Trustee leaves India for a period of six months or more without intimation to the Chairman ' he shall be deemed to have resigned from Trusteeship. zrrrNG AND EUSINÆS: Notice of not less than 15 days from the date of posting containing the date, time and place of every meeting of Trustees, together with a list of business to be at the meeting shall be despatch—a Registered post or by special messenger in each Trustee present in India, provided that When the Chairman calls a meeting for considering any matter which in his opinion is urgent a notice giving such reasonable time as he considers necessary shall be deemed sufficient. CHAIRMAN. PRESIDENT AT CHAIRMAN Of the Trustees shall preside at every meeting of Trustees. If the Chairman is absent at any time, the Trustees present shall elect one of their members to preside over the meeting and the Trustees so elected shall exercise all the Powers of the Chairman at the meeting. The minutes of a meeting of the Trustees showing inter alia the names of the Trustees present there shall be circulated to all the Trustees present in India not later than one month from the date of the meeting. The minutes shall there—after be recorded in a minute book as a permanent record. Provided that if another meeting is held within a period of one month and seven days, the minutes shall be circulated so as to reach the trustees at least Contd. 12 (28) (12) such meeting. records of a meeting of trustees shall be signed with modifications, if any, at the next meeting. INVALID BY the DKS of a meeting of trustees shall be invalid by reason merely of any vacancy, or constitution of the Board of Trustees. The way of substitution for all the Trustees at Law Trustees shall be liable for the act, or defaults of any other or receipt or other act or for contribution, loss or expense, happening to the Fund or deficiency of title to any for or on behalf of the Fund or for the loss of any security in or upon which any of the Fund shall be invested or for any loss, or the insolvency or fortuitous act of with any securities or effects or for any loss occasioned an error of his duty, or for any other loss, damage whatsoever shall happen in relation to the discharge of his duties as Trustee or in relation thereto, shall happen through his default or RUI-B & Rn.JATlas: With the consent of the DKS and with the approval of the Dargah Committee, Ameer may repeal, vary or alter these rules and frame rules with reference to the Fund as the Trustees to time think fit. A of all such additions, and repeals shall after the thereof be sent to event' member. A joining the Fund following upon his the O.K. S. consequent upon his leaving D.X.5 which maintains a provident fund recognised under Chapter IX— A of the Indian Income Tax Act: 1961 the Trustees shall open an account in his name and credit separately in his name and credit separately in such account the various amounts received from the Trustees of such provident fund in respect of member's contribution, *TQIoyer's contribution, interest on the members contribution and (35) (13) hereafter hold such are-me deal e in accordance with the Rules and such have to do with the said amounts except in accordance with and • Regulations of this regulation shall from the date of joining service and service with the Shall be as membership for of 12. Rule only in cases where a person is employed by D.S. in one of its of 'LRUSTEES' and: _ decision Of the —11 be final and upon members in all , and dispute to with these Rules or with the Fund administration thereof be right or obligatory on OE including all the of difference arise between any or his executors, nominee or representative and the to or effect regulations to any out of the same. Accounts Of the be kept at the office D.K.S. at Ajmer and brought up yearly to the 31st in each year. Accounts of the shall be audited even, year the Chartered • Certificate of the Auditors shall be final binding upon the D.K.S. pay all and other costs charges expenses Trustees from time to time in the administration of the Fund. All other expenses whatsoever the born D. R.S. Any difference which may arise between any or his administrators, nominee or representative or between any member or his nominee representative or between any member or his executors, nominee or representative and the D.K.S. the or effect of any Rule, or against any Nialing to or arising out of the same, shall be referred to the Dargah Committee, Ajmer whose decision final. CLO&JRE of the D.R.S- have the right to close the Fund. The Fund shall be realised and the Trustees shall to each member, accumulated balance due to him to these Rules. An SUEIDIU3 shall ...e • 14 {14} in the hands of

the Trustees and distribute such surplus property proportionately to each of the members in the following manner:
sht (a) (b) 1

5. The Trustees shall hand over to the members their share in the Surplus and The Trustees shall deduct tax due, if any, from any payments made under this Rule and credit it to the Government Account. The Regulations shall come into force from 1st July, 1991 and shall be deemed to be regulation of the Fund in supersession of all Rules previously in Force.

