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असाधारण
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भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)
प्राधिकार से प्रकाशित
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नई दिल्ली, सोमवार, मई 18, 2020/वैशाख 28, 1942
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श्रम एवं रोजगार मंत्रालय अधिसूचना

नई दिल्ली, 18 मई, 2020

का.आ. 1513(अ).—जबकि वैश्विक महामारी, कोविड-19 के कारण सम्पूर्ण देश में लॉकडाउन लागू है और केन्द्र सरकार आवश्यक जांच करने के बाद नियोक्ताओं और कर्मचारियों के हाथों में नकद राशि प्रदान करने हेतु संतुष्ट है, भारत के राजपत्र, असाधारण, भाग II, खंड 3, उप-खंड (ii) में का.आ. संख्या 320(अ), दिनांक 9 अप्रैल, 1997 के माध्यम से प्रकाशित भारत सरकार के श्रम मंत्रालय की अधिसूचना को संशोधित करने की आवश्यकता है;

अतः कर्मचारी भविष्य निधि और प्रकीर्ण प्रावधान अधिनियम, 1952(1952 का 19) की धारा 6 के प्रथम परन्तुक द्वारा प्रदत्त अधिकारों का उपयोग करते हुए केन्द्र सरकार, उपर्युक्त जांच करने के बाद, उक्त अधिसूचना संख्या का.आ. 320 (अ) दिनांक 9 अप्रैल, 1997 में एतद्वारा निम्नलिखित संशोधन करती है, नामतः -

उक्त अधिसूचना में खंड (iv) के बाद अनुसूची II में निम्नलिखित खंड जोड़ा जाएगा, नामतः -

“(V) केन्द्रीय सार्वजनिक क्षेत्र के उद्यमों और राज्य सार्वजनिक क्षेत्र के उद्यमों तथा केन्द्र सरकार अथवा राज्य सरकार के स्वामित्व अथवा नियंत्रण के अधीन अन्य प्रतिष्ठानों, जैसा भी मामला हो, को छोड़कर किसी भी प्रतिष्ठान में इसके द्वारा माह मई, जून और जुलाई, 2020 के लिए देय वेतन के संबंध में।

यह प्रावधान किया जाता है कि यह खंड कर्मचारी भविष्य निधि संगठन द्वारा अपने दिनांक 9 अप्रैल, 2020 के कार्यालय ज्ञापन संख्या सी-1/विविध/2020-21/खंड-II/भाग के माध्यम से जारी दिशा-निर्देशों के अनुसार प्रधानमंत्री गरीब कल्याण योजना के अंतर्गत राहत के लिए पात्र प्रतिष्ठानों के लिए लागू नहीं होगा”।

[फा. सं. एस-35019/01/2020-एसएस-II]

आर. के. गुप्ता, संयुक्त सचिव

नोट : मूल अधिसूचना का.आ. 320(अ), दिनांक 9 अप्रैल, 1997 के माध्यम से भारत के राजपत्र, असाधारण, भाग II, खंड 3, उप-खंड (ii) में प्रकाशित की गई थी।

MINISTRY OF LABOUR AND EMPLOYMENT

NOTIFICATION

New Delhi, the 18th May, 2020

S.O. 1513(E).—Whereas due to Covid-19 pandemic, lockdown is in force across the country and the Central Government after making necessary inquiry is satisfied that to provide liquidity in the hands of employers and employees, there arises a need to amend the notification of the Government of India in the Ministry of Labour published in the Gazette of India, Extraordinary, Part II, section 3, sub-section(ii) vide number S.O. 320(E), dated 9th April, 1997;

Therefore, in exercise of powers conferred by first proviso to section 6 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), the Central Government, after making aforesaid inquiry, hereby makes the following amendments in the said notification number S.O. 320 (E) dated the 9th April, 1997, namely:-

In the said notification, in SCHEDULE II, after clause (iv), the following clause shall be inserted, namely:-

“(v) Any establishment, other than Central Public Sector Enterprises and State Public Sector Enterprises and other establishments owned by, or under the control of the Central Government or the State Government, as the case may be, in respect of wages payable by it for the months of May, June and July, 2020”.

Provided that this clause shall not be applicable to the establishments eligible for relief under the Pradhan Mantri Garib Kalyan Yojana guidelines issued by the Employees' Provident Fund Organization vide its Office Memorandum No.C-1/Misc./2020-21/Vol.II/Pt. dated 9th April, 2020 ”.

[F. No. S-35019/01/2020-SS-II)

R. K. GUPTA, Jt. Secy.

Note : The principal notification was published in the Gazette of India, Extraordinary, Part II, section 3, sub-section (ii) vide S.O. 320 (E), dated 9th April, 1997.

S.O. 320(E), dated April 9, 1997.-In exercise of the powers conferred by the first proviso to Section 6 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952) and in supersession of the notifications specified in Schedule I to this notification except as respects things done or omitted to be done before such supersession, the Central Government after making necessary inquiry into the matter hereby specifies with effect from the first day of May, 1997 every establishment and class of establishments other than those specified in Schedule II, to which the said proviso shall apply, the words "eight and one-third per cent at both the places where they occur, the words "ten per cent" shall be substituted.

SCHEDULE I

- (i) S.O. No. 360 dated the 17th May, 1989
- (ii) S.O. No. 1837 dated the 29th June, 1990
- (iii) S.O. No. 627(E) dated the 31st August, 1994
- (iv) S.O. No. 126(E) dated the 1st March, 1995

SCHEDULE II

Establishments to which the first proviso to Section 6 shall not apply:

- (i) Any establishment in which less than twenty persons are employed;
- (ii) Any sick industrial company as defined in clause (o) of sub-section (1) of Section 3 of the Sick Industrial Companies (Special Provisions) Act, 1985 (1 of 1986) and which has been declared as such by the Board for Industrial and Financial Reconstruction established under Section 4 of the Act, for the period commencing on and from the date of registration of the reference in the Board and ending either on the date by which the net worth of the said company becomes positive in terms of the orders passed under sub-section (2) of Section 17 of that Act or on the last date of implementation of the scheme sanctioned under Section 18 of that Act;
- (iii) Any establishment which has at the end of any financial year accumulated losses equal to or exceeding its entire net worth that is, the sum total of paid-up capital and free reserves and has also suffered cash losses in such financial year and the financial year immediately preceding such financial year.

Explanation.-For the purposes of clause (iii) "cash loss" means loss as computed without providing for depreciation;

(iv) Any establishment in the,-

(A) Jute industry;

(B) Beedi industry;

(C) Brick industry;

(D) Coir industry other than the spinning sector; and

(E) Gaur gum factories.

(3)

SUMMARY OF RATES APPLICABLE ON VARIOUS DATES

I. Till 30-4-1997	1. To all units employing upto 49 persons	8.33%
	2. To all units having 50 or more employees engaged in industries or activities notified in the Schedule in S.O. 360(E), dt. 17-5-1989 (given above on p. 1027) except those exempted by its proviso	10%
	3. To all units exempted by the proviso to S.O. 360(E), dt. 17-5-1989	8.33%
	4. To all units employing 50 or more persons engaged in industries or activities not included in the Schedule to S.O. 360(E), dt. 17-5-1989	8.33%
II. From 1-5-1997 to	1. To all units employing upto 19 persons	8.33%

21-9-1997

2. To all units falling in Sch. II of S.O. 320(E), dt. 9-4-1997, including the Jute, Beedi and Brick Industries, Coir industry (other than spinning sector), and Gaur gum factories, even if employing 20 or more persons 8.33%

3. All units employing 20 or more employees except those industries or units excluded by Sch. II of S. O. 320(E), dt. 9-4-1997 10%

III. From 22-9-1997 **Author's Note.**-Section 6 as amended by Act 10 of 1998 w.e.f. 22-9-1997 prescribes the rate of contribution at 10%. This, in effect, supersedes the notification S.O. 320(E), dt. 9-4-1997. Hence, the rate of 10% would, from 22-9-1997, apply to all the establishments till a new notification is issued by the Central Government under the first proviso to Section 6 enhancing this rate of contribution to 12% in respect of the establishments as may be specified in that notification.

1 The brackets and figure "(1)" omitted by Act 28 of 1963, S. 5 (w.e.f. 30-11-1963).

2 Subs. by Act 10 of 1998, S. 2 (w.e.f. 22-9-1997) for "eight and one-third per cent".

3 Subs. by Act 46 of 1960, S. 4, for "and the dearness allowance" (w.e.f. 31-12-1960).

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

5 Subs. by Act 33 of 1988, S. 9 (w.e.f. 1-8-1988).

6 Subs. by Act 48 of 1962 (w.e.f. 1-1-1963).

7 Subs. by Act 33 of 1988, S. 9 (w.e.f. 1-8-1988).

8 Subs. by Act 10 of 1998, S. 2 (w.e.f. 22-9-1997) for "ten per cent".

9 Subs. by Act 48 of 1962, S. 2 (w.e.f. 1-1-1963).

10 Original Explanation renumbered as (1) by S. 4, Act 46 of 1960 (w.e.f. 31-12-1960).

11 Subs. by Act 28 of 1963, S. 5 (w.e.f. 30-11-1963).

12 Ins. by Act 46 of 1960, S. 4 (w.e.f. 31-12-1960).

13 Subs. by Act 28 of 1963, S. 5 (w.e.f. 30-11-1963).

14 Sub-sections (2) and (3) deleted by Act 28 of 1963.

15 Published in the Gaz. of India, Extra., Pt. II, S. 3(ii), dt. 17th May, 1989, pp. 4-7, [S. 35011/9/88-SS. II].

16 Subs. by S.O. 1837, dt. 29-6-1990.

17 Subs. by S.O. 1837, dt. 29-6-1990.

18 Ins. by S.O. 1837, dt. 29-6-1990.

19 Subs. by S.O. 1837, dt. 29-6-1990.

20 Subs. by S.O. 126(E), dt. 1-3-1995 (w.e.f. 1-3-1995).

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

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

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

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

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

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

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

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

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

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

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

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

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

1 Subs. by Act 25 of 1996, S. 5 for Ss. 6-A & 6-B (w.e.f. 16-11-1995).

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

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

*Explanation.-*For the purposes of this sub-section, the expressions 'dearness allowance' and 'retaining allowance' have the same meanings as in Section 6.

(3) [* * *]²

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

(b) [* * *]³

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

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

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