



## **Bangalore Chamber of Industry and Commerce**

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### **Labour**

Circular No.31

19.02.2010

All Members

Dear Sirs,

We enclose herewith the following Circular issued by the Ministry of Labour & Employment, New Delhi for your reference and record.

1. PAYMENT OF WAGES (NOMINATION) RULES, 2009
2. DECLARATION OF RATE OF INTEREST FOR THE EMPLOYEES' PROVIDENT FUND MEMBERS' ACCOUNTS FOR THE YEAR 2009-2010 – REGARDING

Thanking you,

Yours faithfully

**T.S. Sampath Kumar**  
Secretary General

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### **PAYMENT OF WAGES (NOMINATION) RULES, 2009**

G.S.R.822 (E) Whereas certain draft rules namely the Payment of Wages (Nomination) Rules, 2009, were published as required under Sub-section (5) of Section 26 of the Payment of Wages Act, 1936 (4 of 1936), vide notification of the Government of India, in the Ministry of Labour and Employment No.G.S.R.450 (E), dated the 29<sup>th</sup> June 2009 inviting objections and suggestions from all persons likely to be affected thereby, within a period of three months from the date on which copies of Gazette containing the said notification were made available to the public.

And whereas, the copies of the said Gazette were made available to the Public on 29<sup>th</sup> June 2009

And whereas, suggestions received in respect of the proposed Draft Rules have been considered by the Central Government.

Now, therefore, in exercise of the powers conferred by Sub-sec. (2) read with Cl.(1a) of Sub.Sec. (3) of Section 26 of the Payment of Wages Act, 1936 (4 of 1936), the Central Government hereby makes the following rules, namely :-

1. Short title and commencement. -

- (1) These rules may be called The Payment of Wages (Nomination) Rules, 2009
- (2) They shall come into force on the date of their publication into Official Gazette.

2. Definitions. -

In these rules, unless the context otherwise requires,

- (a) 'Act' means the Payment of Wages Act, 1936 (4 of 1936);
- (b) 'family' means all or any of the following relatives of an employed person, namely :
  - (i) a spouse;
  - (ii) a minor child dependant upon the employed person;
  - (iii) a child who is wholly dependant on the earnings of the employed person and who is receiving education, till he or she attains the age of twenty-one years;
  - (iv) an unmarried daughter;
  - (v) a son or daughter who is infirm by reason of any physical or mental abnormality or injury and is wholly dependant on the earnings of the employed person, so long as the infirmity continues;
- (c) 'minor' means a person who has not completed the age of eighteen years.

Explanation.- For the purpose of this rule, "child" means and includes an adopted child and any reference to "son" or "daughter" shall be construed accordingly.

3. Procedure for nomination. -

(1) Every employed person shall make a declaration in form 1, nominating a person conferring the right to receive the amount that may stand in his credit at the event of his death before that amount standing to his credit has become payable or where the amount has become payable, before payment has been made.

(2) If an employed person has a family at the time of making nomination, the nomination shall be in favour of the spouse or the spouse in preference followed by one more members of his family :

Provided that nomination made by an employed person having a family in favour of a person other than member of his family shall be invalid :

Provided further that a fresh nomination towards his/her spouse shall be made by the employed person on his marriage and any nomination made before such marriage shall be deemed to be invalid.

(3) Where the nomination is wholly or partly in favour of a minor, the employed person may appoint a major of his family, to be the guardian of the minor nominee or where there is no major person in the family, he may, at this discretion, appoint any other person to be a guardian of the minor nominee.

(4) If the employed person nominates more than one member, he shall specify in the nomination, the amount or share payable to each of his nominees at his own discretion so as to cover the whole of the amount that may stand to his credit.

**FORM 1**

**Nomination and Declaration Form  
(See Rule 3)**

1. Name of person making nomination  
(in block letters)
2. Father's/Husband's Name
3. Date of Birth
4. Sex
5. Marital Status
6. Address      Permanent :

Temporary

I hereby nominated the person(s)/cancel the nomination made by me previously and nominate the person(s) mentioned below to receive any amount due to me from the employer, in the event to my death.

Name of nominee/ nominees	Address	Nominee's relationship with the member	Date of birth	Total amount of share of accumulations in credit to be paid to each nominee	If the nominee is minor, name relationship and address of the guardian who may receive the amount during the minority of nominee
(1)	(2)	(3)	(4)	(5)	(6)

1. Certified that I have no family and should I acquire a family hereafter, the above nomination shall be deemed as cancelled.
2. "Certified that my father/mother is/are dependent upon me.
3. \*Strike out whichever is not applicable.

Signature or the thumb impression  
of the employed person

### Certificate by employer

Certified that the above declaration and nomination has been signed/thumb impressed before me by Sri/Smt./Kum ..... employed in my establishment after he/she has read the entry/entries have been read over to him/her by me and got confirmed by him/her.

Signature of the employer or other authorized  
Officer of the establishment and designation

Place :

Date :

Name and address of the factory/  
Establishment and rubber stamp thereof

**DECLARATION OF RATE OF INTEREST FOR THE EMPLOYEES'  
PROVIDENT FUND MEMBERS' ACCOUNTS FOR THE YEAR 2009-2010 –  
REGARDING**

It is to inform that the Central Government has approved the declaration of the Rate of Interest for the year 2009-10, vide Ministry of Labour and Employment Letter No.R-11018/1/2009-SS.II, dated 9<sup>th</sup> February, 2010 under Para 60 (1) of the Employees' Provident Fund Scheme, 1952, for crediting interest @ 8.5% per annum on monthly running balance in the accounts of EPF subscribers for the year 2009-2010.

You are requested to issue necessary instructions to all concerned for crediting the interest to the members' accounts.

**Sd/-  
(Abhay Kumar Singh)  
Financial Advisor & Chief Accounts Officer**