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MINUTES BOOK

SEAMEN'S PROVIDENT FUND ORGANIZATION, MUMBAI

MINUTES OF

23RD BOARD OF TRUSTEES MEETING

TO

40TH BOARD OF TRUSTEES MEETING

List of Minutes from 23st to 40th Board of Trustees Meeting

Sr. No.	BoT Meeting	Date and Time of Meeting
1	23rd BoT Meeting	29th June, 1973 at 11.00 a.m.
2	24th BoT Meeting	13th September, 1973 at 11.30 a.m.
3	25th BoT Meeting	8th January, 1974 at 3.00 p.m.
4	26th BoT Meeting	18th April, 1974 at 11.00 a.m.
5	27th BoT Meeting	11th October, 1974 at 11.00 a.m.
6	28th BoT Meeting	13th January, 1975 at 10.30 a.m.
7	29th BoT Meeting	14th March, 1975 at 11.00 a.m.
8	30th BoT Meeting	22nd December, 1975 at 10.30 a.m.
9	31st BoT Meeting	23rd February, 1976 at 10.30 a.m.
10	32nd BoT Meeting	8th March, 1976 at 11.30 a.m.
11	33rd BoT Meeting	8th November, 1976 at 11.30 a.m.
12	34th BoT Meeting	3rd March, 1977 at 11.00 a.m. and 12th April 1977 at 11.00 a.m.
13	35th BoT Meeting	29th December, 1977 at 11.00 a.m.
14	36th BoT Meeting	22nd February, 1978 at 11.00 a.m.
15	37th BoT Meeting	10th October, 1978 at 11.00 a.m.
16	38th BoT Meeting	7th March, 1979 at 11.00 a.m.
17	39th BoT Meeting	12th February, 1980 at 10.30 a.m.
18	40th BoT Meeting	8th April, 1980 at 10.00 a.m.

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8	30th BoT Meeting	22nd December, 1975 at 10.30 a.m.
9	31st BoT Meeting	23rd February, 1976 at 10.30 a.m.
10	32nd BoT Meeting	8th March, 1976 at 11.30 a.m.
11	33rd BoT Meeting	8th November, 1976 at 11.30 a.m.
12	34th BoT Meeting	3rd March, 1977 at 11.00 a.m. and 12th April 1977 at 11.00 a.m.
13	35th BoT Meeting	29th December, 1977 at 11.00 a.m.
14	36th BoT Meeting	22nd February, 1978 at 11.00 a.m.
15	37th BoT Meeting	10th October, 1978 at 11.00 a.m.
16	38th BoT Meeting	7th March, 1979 at 11.00 a.m.
17	39th BoT Meeting	12th February, 1980 at 10.30 a.m.
18	40th BoT Meeting	8th April, 1980 at 10.00 a.m.

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MINUTES OF THE

from 23rd Meeting To 40th

Minutes of the Twentythird Meeting of the Board of Trustees, of the Seamen's Provident Fund, held on Friday, the 29th June 1973 at 11.00 A.M. in the Board Room of the Seamen's Employment Office, Marine House, Hastings, Calcutta - 22.

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The following were present :-

1. Shri S. V. Bhave. .... Chairman.
2. " N. Latif. .... Member.
3. " N. K. Sen. .... "
4. Capt. A. K. Bansal. .... "
5. Shri K. K. Khadilkar. .... "
6. " Bijoy Mukherjee. .... "
7. " G. S. Benerjee. .... "
8. " D. C. Sengupta. .... "
9. " S. M. Ochaney. .... Secretary.

Shri S. V. Bhave, Chairman of the Board of Trustees, Seamen's Provident Fund presided over the Meeting.

Leave of absence was granted to Sarvashri Leo Barnes and V. V. Subrahmanyam.

Before commencement of the business, the Chairman welcomed the Members of the Board of Trustees.

The Board then took up the items on the 'List of Business' for consideration.

Item No. 1. Confirmation of the Minutes of the Twentysecond Meeting.

The amendments suggested by Shri N. Latif, were accepted.

The Minutes were amended as under :-

(i) Item No. 3. Proposal of the Owners / Agents'

Committee (crews), Bombay, for further reduction in the rate of Administrative Charge from 2½% to 1½% of the total contributions.

In para 4, the last sentence reading as —

"The Board agreed to consider the matter sympathetically whenever any proposals in this respect were put up".

Shall be substituted by the following sentence —

"Shipowners' representatives explained that if and when requests from the staff for financial assistance for acquiring residential accommodation were received, the Board could consider the matter."

(ii) Item No. 7. Amendment of the Seamen's Provident Fund Scheme, 1966, to deal with cases of revival of registration of seamen after final payment of Provident Fund money on account of cancellation of Registration.

The second sentence reading as —

"The Board also decided that the question whether any amendment to the Seamen's Provident Fund Scheme, 1966, would be necessary if the proposal of the Government that Seamen whose registrations are cancelled and who withdraw their provident Fund dues, are re-instated on appeal, may not be denied the benefit of counting their previous service for the purpose of calculating the employer's share of contributions, was agreed to".

Shall be substituted by the following sentence.

"As regards the views expressed by the Ministry of Shipping & Transport in respect

of payment of employers' share of contribution to Provident Fund, to seamen whose registrations have been cancelled, but subsequently revived on appeal, it was acknowledged that once a seaman's registration was revived, to all intents and purposes, he should be deemed to be in continuous service."

(iii) Item No. 11. Requests received from Shipowners for exemptions under section 20 (1) of the Seamen's Provident Fund Act, 1966.

The following addition be made to the minutes under this item :—

"The Board considered the correspondence exchanged with the Owners/Agents' Committee (crews) and Messrs. Mackinnon Mackenzie & Co. Pvt. Ltd., Bombay. In view of the proposal of Messrs Mackinnon Mackenzie & Co. Pvt. Ltd. that the Chief Stewards appointed as Catering Officers would be re-categorised as Pursers (Catering) retrospectively from the date of their promotion and as the definition of the word "seaman" under Section 2 (1) of the Seamen's Provident Fund Act, 1966, does not cover "Pursers", the Board agreed that such seamen cease to be members of the Seamen's Provident Fund, from the date of their promotion as Pursers. The Board further agreed that the past contributions of such seamen may remain in deposit with the Seamen's Provident Fund till the time of superannuation of the officers concerned.

The Minutes as modified above were confirmed.

Item No. 2. Action taken on the decisions of

the Board of Trustees.

The Board noted the position indicated against each of the items.

With regard to item at Sr. No. 11 "Further reduction in the rate of Administrative charge from 2½% to 2% of the total contributions", Shri N. Latif pointed out that the Board had recommended reduction in the rate of Administrative charge from 2½% to 2% with effect from 1st April 1973 whereas the Government Notification has been issued on 28th April 1973 giving effect to the reduced rate of Administrative charge from the date of publication of the Notification in the Gazette of India dated the 19th May 1973. The Shipowners representatives on the Board pointed out that normally shipowners assessed their financial liabilities on the basis of financial year from April to March. The Board was informed that on the last occasion although the Ministry of Shipping & Transport Notification relating to the reduction in the rate of Administrative Charge from 3% to 2½% was issued on the 5th April 1972, the revised rate of Administrative charge was fixed with effect from 1st April 1972. In view of these considerations, the Board decided that the Ministry of Shipping & Transport be requested to issue an amendment to their Notification and fix the reduced rate of Administrative Charge payable at 2% with effect from 1st April 1973.

In this context, it was suggested that the Commissioner should produce for Members' information, data regarding the administrative levy

received for the half year ended 30th September, so that the position regarding the administrative levy to be fixed could be reviewed when considering the budget proposals for the subsequent financial year.

Item No. 3. Receipt and Accounting of Provident Fund Moneys.

The Board considered the report of the Commissioner and noted the position.

Shri K.K. Khadilkar suggested and the Board agreed that information be obtained from the Seamen's Employment Offices, Bombay/Calcutta about the total number of jobs, etc. and furnished along with the report on "Receipts of Provident Fund contributions" for information of the Board.

Shri N. Latif observed that the progress about clearance of unposted items was rather slow. It was decided that particulars of Provident Fund Contributions which could not be posted to the credit of individual member's account due to either incorrect CDC/Registration No. or name of the seaman, should be forwarded to the Employer/Agent concerned and the Commissioner/Liaison Officer should, if necessary and where possible, depute his staff to the offices of the respective Employer/Agent with a view to expediting the matter. In the event of necessary co-operation being not forthcoming from the Employer/Agent concerned in obtaining the requisite particulars, the matter should be brought to the notice of the Owners/Agents' Committee (Crews), Bombay, Calcutta Liners' Conference (Crews), Calcutta or Indian National Shipowners' Association, Bombay as the case may be,

so that these organisations could take up the matter with their respective Member Lines.

It was also decided that the Director General of Shipping be requested to issue instructions to the Shipping Masters to check up from the relevant Articles of Agreement the correct CDC / Registration numbers and names of seamen in respect of which contributions have been received from shipowners but could not be posted owing to wrong CDC / Registration numbers and / or names of seamen. Lists, in this connection, will be forwarded by the Seamen's Provident Fund Commissioner to the Shipping Masters concerned for checking and furnishing correct particulars with intimation to the Director General of Shipping.

Item No. 4. Outstanding recoveries on account of Provident Fund Contributions, Administrative Charges and damages

The Board noted the position.

With regard to the recoveries from Messrs Killick Nixon Ltd., Bombay, it was decided that Shri G. S. Benerjee, Deputy Director General of Shipping, will discuss on the relevant issues with the representatives of Messrs. Killick Nixon Ltd., Bombay and the National Union of Seafarers of India, Bombay, Shipping Master, Bombay and the Seamen's Provident Fund Commissioner and forward his recommendations for consideration by the Board.

It was further decided that in the meanwhile, the payment of a sum of Rs. 16,407-18 made by Messrs. Killick Nixon Ltd, in respect of

M.V. SHAHRAM on 25-1-1973, be treated as deposit till the final decision was taken in the matter.

Item No. 5. Amendment to paragraph 35 of the Seamen's Provident Fund Scheme, 1966, relating to the mode and periodicity of payment of contributions.

The Shipowners' representatives felt that the amendment to paragraph 35 of the Seamen's Provident Fund Scheme, 1966, proposed by the Ministry of Law, needed further consideration. It was therefore decided to defer consideration of this item to the next meeting.

Item No. 6. Investment of Seamen's Provident Fund moneys in 1973-74 Recommendations of the Investment Committee.

The Board decided to defer consideration of this item to the next meeting.

Item No. 7. Budget Re-appropriation for 1972-73

The Board noted the Budgetry Re-appropriation of the Funds sanctioned in the Budget for the year 1972-73 made under para 49(3) of the Seamen's Provident Fund Scheme, 1966.

Item No. 8. Audit Report for the year 1972-73.

The Board considered the Audit Report of the Accountant General Central, Bombay and approved the draft comments offered by the Commissioner on the various points.

Item No. 9. Fixation of rate of interest for credit to the Accounts of the staff General Provident Fund for 1972-73

The Board decided to fix the rate of interest for credit to the General Provident Fund Accounts of

the staff of the Seamen's Provident Fund Organisation at 6% per annum as prescribed by the Ministry of Finance for all Central Government Provident Funds for 1972-73.

Item No. 10. Grant of House Rent Allowance to the employees of the Seamen's Provident Fund Organisation at the rates applicable to the employees of the Regional Provident Fund Commissioner Bombay

The Board noted that the employees of the Employees' Provident Funds Organisation at Bombay, under the Ministry of Labour and Rehabilitation, were in receipt of House Rent Allowance at the rate of 25 per cent of pay from 1st June 1972 and that all other allowance etc. were as admissible to Central Government employees. It has already been decided by the Board and also approved by the Ministry of Shipping and Transport that service conditions, allowances, etc, applicable to the employees of the Seamen's Provident Fund Organisation shall be on the basis of those applicable to the employees of the Employees' Provident Fund Organisation. The Board therefore decided to pay the House Rent Allowance to the employees of the Seamen's Provident Fund Organisation at the rate of 25 per cent of their pay, with effect from 1st April 1973 and requests the Government to accord necessary approval.

Item No. 11. Agreements with the IBM World Trade Corporation.

regarding computerisation - Arrangements for transport of documents to the office of the IBM and back.

The Board noted that the Agreements have been executed with the I.B.M. Data Centre for one time jobs and recurring jobs on the 10th May 1973, after obtaining approval of the majority of members of the Board, by circulation of papers.

The Board further noted that as per clause No.5 of the Agreements, expenditure on transportation of documents between the office, of the Seamen's Provident Fund Commissioner and the I.B.M. Data Centre, will have to be borne by the Seamen's Provident Fund Organisation. The Commissioner was authorised to incur necessary expenditure on transport of documents.

The Board also approved the Provision of additional funds to the extent of Rs. 1,21,000/- required for making payments to the IBM during the current year 1973-74 and decided to request Government for necessary sanction of the supplementry estimates of Rs. 1,21,000/-.

The Board was then informed of the suggestions made by Shri D.C. Sengupta in his D.O. letter No. 5(19)/TFI/72 dated the 16th June 1973 and the comments offered thereon by the IBM. world Trade Corporation in their letter dated the 25th June 1973. Copies of these letters were placed on the table. The Board considered the same and decided that in view of the position explained by the IBM and also that the Agreements have already been executed, no further action was called for in the matter.

Item No. 12. Amendments to the Seamen's Provident Fund Organisation (staff and Conditions of Service) Regulations, 1972, consequent upon creation of two posts of Deputy Superintendents.

The Board considered and agreed with the suggestions made by the Ministry of Shipping and Transport with regard to the field of promotion to the posts of Superintendent and Deputy Superintendent.

The Board further decided that Stenographer may be considered for promotion to the post of Deputy Superintendent or Superintendent provided he has done the work of Senior Assistant for a period of atleast one year.

Item No. 13. Empowering the Chairman to sanction expenditure on contingencies, supplies and purchase of articles where such expenditure is beyond the limits upto which the Commissioner is authorised to sanction expenditure on any single item.

The Board agreed to the proposal made by the Ministry of Shipping & Transport that the Chairman be authorised to incur expenditure on contingencies, supplies and purchases of articles to the same extent to which the Director General of Shipping is authorised as "Head of Department" in such matters.

Item No. 14. Submission made by the employees of the Seamen's Provident Fund

Organisation for grant of Special Allowance consequent upon computerisation of the accounting work of the Organisation.

The representatives of the Seafarers on the Board urged that the submission of the employees of the Seamen's Provident Fund Organisation for grant of some special allowance consequent upon computerisation was reasonable particularly in view of the Ministry of Labour's policy with regard to computerisation. The majority of Members of the Board, however, felt that this demand was not justified and cannot be considered.

Item No. 15. Appointment of a Panel of Legal Advisers.

The Board decided to appoint Smt. Lata Desai as the Legal Adviser of the Seamen's Provident Fund Organisation on the same terms and conditions, as offered to her by the Regional Provident Fund Commissroner, Bombay. The Board also agreed to the payment of a conveyance allowance of Rs. 15/- per visit as and when Smt. Lata Desai is required to pay a visit to the Seamen's Provident Fund Organisation for legal consultation.

Item No. 16 Amendment of the Seamen's Provident Fund Scheme 1966, to deal with cases of revival of Registration of seamen after final payment of Provident Fund money on account of cancellation of Registration.

Shri K.K. Khadilkar stated that the proposal of the Ministry of Shipping and Transport would need further consideration and that he would examine the various aspects involved. The Board therefore deferred

decision on this item. The matter would be reviewed on receipet of comments of Shri K. K. Khadilkar on the proposal.

Item No. 17 Additional remuneration to Shri S. M. Ochaney, Commissioner, Seamen's Provident Fund for the period from 21-10-72 to 27-2-1973 on account of proforma promotion.

The Board noted the position.

Item No. 18. Proposal of the Owners / Agents' Committee (Crews), Bombay for review of damages levied on Messrs. Pent-Ocean Steamships P. Ltd.

It was decided to defer consideration of this item to the next meeting.

The Board decided to hold its next meeting at New Delhi on Thursday, the 13th September 1973 at 12.00 Noon.

The Meeting then terminated with a vote of thanks to the Chairman.

SECRETARY,
BOARD OF TRUSTEES,
SEAMEN'S PROVIDENT FUND,
BOMBAY.

CHAIRMAN.
BOARD OF TRUSTEES,
SEAMEN'S PROVIDENT FUND,
BOMBAY.

Minutes of the Twentyfourth Meeting of the Board of Trustees of the Seamen's Provident Fund, held on Thursday, the 13th September, 1973, at 11-30 A.M. in the Conference Room No. 301 of the Ministry of Shipping & Transport, "Transport Bhavan", 1, Parliament Street, New Delhi.

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The following were present :-

1	Shri	S. V. Bhave.	Chairman.
2	"	N. Latif.	Member.
3	"	N. K. Sen.	"
4	Capt.	A. K. Bansal.	"
5	Shri	K. K. Khadilkar.	"
6	"	Bijoy Mukherjee.	"
7	"	V. V. Subrahmanyam.	"
8	"	D. N. Phull.	"
9	"	D. C. Sengupta.	"
10	"	S. M. Ochaney.	Secretary.

Shri S. V. Bhave, Chairman of the Board of Trustees, Seamen's Provident Fund presided over the Meeting.

Leave of absence was granted to Shri Leo Barnes.

Before commencement of the business, the Chairman welcomed the Members of the Board of Trustees.

The Board then took up the items on the 'List of Business' for consideration.

Item No. 1. Confirmation of the Minutes of the Twentythird Meeting.

The following amendments proposed by Shri N. Latif were accepted :-

Item No. 2. Action taken on the decisions of the Board of Trustees.

D. N. Phull

The following para may be added at the end of the record under this item. :-

"In this context, it was suggested that the Commissioner should produce for Members' information, data regarding the administrative levy received for the half year ended 30th September, so that the position regarding the administrative levy to be fixed could be reviewed when considering the budget proposals for the subsequent financial year."

"Item No. 3. Receipt and Accounting of Provident Fund Moneys.

The second para under this item may be amended as under :-

" Shri N. Latif observed that the progress about clearance of unposted items was rather slow. It was decided that particulars of Provident Fund Contributions which could not be posted to the credit of individual member's account due to either incorrect CDC/Registration No. or name of the seaman, should be forwarded to the Employer/Agent concerned and the Commissioner/liaison officer should, if necessary and where possible, depute his staff to the offices of the respective Employer/Agent with a view to expediting the matter. In the event of necessary co-operation being not forthcoming from the Employer/Agent concerned in obtaining the requisite particulars, the matter should be brought to the notice of the Owners/Agents' Committee (Crews), Bombay, Calcutta Liners' Conference (Crews), Calcutta or Indian National

Shipowners' Association, Bombay as the case may be, so that these organisations could take up the matter with their respective Member Lines."

The Minutes, as modified above, were confirmed.

Item No. 2. Action taken on the decisions of the Board of Trustees.

The Secretary informed the Board that the sanctions have since been accorded by the Ministry of Shipping and Transport in respect of Items at Sr. No. 4. "Increase in the House Rent Allowance of the employees of the Seamen's Provident Fund Organisation from 15% of pay to 25% of pay" and Sr. No. 5. "Supplementary estimates of Rs. 1,21,000/- required for making payments to the IBM World Trade Corporation during the current year 1973-74".

The Secretary further informed the Board that the Ministry has since issued an amendment with regard to item at Sr. No. 2. "Amendment to the Ministry's Notification dated the 28th April 1973 fixing the reduced rate of Administrative Charge payable at 2% with effect from 1-4-1973 instead of 19-5-1973" giving effect to the revised rate of Administrative Charge payable at 2% with effect from 1-5-1973 instead of 19-5-1973 i.e. the date of publication of their Notification dated the 28th April 1973. The matter has once again been taken up with the Ministry requesting them to agree to the Board's recommendation to give effect to the revised rate of Administrative charge at 2% with effect from 1-4-1973. In this connection, it was understood from the Ministry that as per the advice of the Ministry of Law, statutory Notifications cannot be given retrospective effect and as the Notification

had been issued on the 28th April 1973, the Ministry could amend the date to 1st May 1973 instead of the 19th May 1973, i.e. the date of publication of the Notification in the Gazette of India. It was decided that the matter may be considered by the Board on receipt of a formal reply from the Ministry.

The position with regard to the remaining items was noted by the Board.

Item No. 3. Receipt and Accounting of Provident Fund Moneys.

The Board considered the report of the Commissioner and noted the position.

It was agreed that the Director General of Shipping will discuss the matters relating to the 'Nominations' and 'Unposted items' with the Shipping Master and the Director, Seamen's Employment Office and evolve some suitable procedure so as to obtain the wanting nominations and liquidate the unposted items.

Item No. 4 Progress Report on mechanisation of Accounts.

The Board considered the report of the Commissioner and noted the position.

Item No. 5. Report of the Chairman and Trustees representing Seafarers on discussions with Shri B. Maithreyan, Jt. Secretary (Budget), Department of Economic Affairs, Ministry of Finance, regarding liberalisation of pattern of investment of Provident Fund moneys during 1973-74.

The Board considered the report of the Chairman and the Trustees representing Seafarers, on their discussions

with Shri B. Maithreyan, Jt. Secretary (Budget), Department of Economic Affairs, Ministry of Finance, New Delhi and noted the position.

Item No. 6. Draft Annual Report for the year 1972-73

The following amendments were made to the draft Annual Report:-

INTRODUCTION.

Paragraph -2

i) The words "as the supply is more than demand." appearing in line 4, were deleted.

ii) The sentence "As such after service varying from about 9 to 12 months in a year, every seaman has to remain unemployed for a few months till his turn comes for employment" was deleted.

CONTRIBUTIONS.

iii) Paragraph 10 was substituted by the following:-

"10. The balances in the Provident Fund Account, Interest Suspense Account, Forfeiture Account etc, as on the 31st March 1973, stood at Rs. 12,82,49,812.50 as under:-

Provident Fund Account.	Rs. 11,48,82,105.36
Interest Suspense Account.	Rs. 1,31,29,496.92
Forfeiture Account.	Rs. 2,03,043.97
Provident Fund Suspense Account.	Rs. 35,166.25
Total.	Rs. 12,82,49,812.50

INVESTMENTS.

iv) Paragraph 19 was amended as follows:-

"Out of the total accumulations of Rs. 12,82,49,812.50 mentioned in para 10, a sum of Rs. 12,77,67,852.72 stood invested in various Government securities as on the 31st March 1973, as under and the balance amount was held by the State Bank of India and the Reserve Bank

of India, for further investments :-

i) Central Government securities. Rs. 5,76,80,934·18

ii) State Government securities and other securities guaranteed by the Central or State Government. Rs. 2,19,61,918·54

iii) 5-year Time Deposits in post offices. Rs. 4,81,25,000·00

Total. Rs. 12,77,67,852·72.

MEETINGS OF THE BOARD.

v) Paragraph 30(ix) The word "considered" appearing in the last sentence was substituted by the words "acceded to at this stage".

CONCLUSION.

Paragraph 45.

vi) This Paragraph together with heading "Conclusion" was deleted and the subsequent paragraphs were re-numbered as paragraphs 45 and 46.

The draft Annual Report as amended was approved by the Board.

Item No. 7 Outstanding recoveries on account of Provident Fund contributions, Administrative Charges and damages.

1. M/s Killick Nixon Ltd, Bombay.

It was decided to defer consideration of the issues involved to the next meeting.

The position with regard to the remaining Shipping Companies was noted.

Item No. 8. Amendments to paragraph 35 of the Seamen's Provident Fund Scheme, 1966, relating to the mode and periodicity of payment of contributions.

Shri N. Latif requested the Board that this item be deferred to the next meeting as the Owners / Agents Committee (Crews) has received legal advice and the same was under their consideration. It was therefore decided to defer consideration of this item to the next meeting.

Item No. 9 Requests from employers for grant of exemption from operation of the Seamen's Provident Fund Scheme 1966.

The Board considered the requests from various employers for grant of exemption from the operation of the provisions of the Seamen's Provident Fund Act 1966 in terms of section 20(1) of the Seamen's Provident Fund Act, 1966 and agreed to grant exemption to the Chief Stewards of Messrs. Pent-Ocean Steamships Pvt. Ltd, Bombay from the date of the meeting viz. 13th September, 1973.

With regard to the question of giving retrospective effect to the exemption in respect of the Chief Stewards of Messrs. Pent-Ocean Steamships Pvt. Ltd. Bombay and also grant of exemptions to the Petty Officers etc. of other shipping companies, it was decided that the following detailed information be obtained from the shipowners concerned and placed before the Board for consideration :-

i) Names of seamen and their categories:

ii) Whether they are permanent employees of the company;

iii) The date of their permanent employment with the company concerned.

iv) The date of membership of the company's Provident Fund Scheme and the rate of contribution by the employee and employer.

v) Whether the seamen had been temporarily employed with the company concerned before their confirmation,

after 1st July 1964.

vi) If so their voyage particulars;

vii) Whether provident fund contributions in respect of such service on the company's vessels have been remitted to the Seamen's Provident Fund & If not the reasons therefor;

viii) The circumstances under which the request for exemption under section 20(1) of the Seamen's Provident Fund Act, 1966, could not be made earlier.

Item No. 10 Estate Duty Act, 1953 - Production of Estate Duty Clearance Certificates by nominees/Legal heirs of deceased seamen where provident fund balances of deceased seamen exceed Rs. 5,000/-.

The Board decided as follows :-

i) In view of the position clarified by the Deputy Controller of Estate Duty, Bombay in his letter No. EDR/30-24/73-74 dated the 24th August, 1973 that in the case of a deceased wage earner where the total amount standing to his credit is less than Rs. 5,000/-, if the trustees make payment without awaiting an exemption certificate and if duty is ultimately found to be payable in such a case, the Income-Tax Department would attempt to collect it from the other property left behind by the deceased subscriber, payment of accumulated balance in the provident fund account of a deceased subscriber be made to the Nominee/Legal heirs without insisting upon production of an Estate Duty Exemption/Clearance Certificate.

ii) In case where the provident fund balance payable exceeds Rs. 5,000/- the Commissioner, Seamen's Provident Fund may insist upon production of Estate Duty Exemption/Clearance certificate before making payment to the Nominees/Legal heirs of the deceased seamen.

iii) Where the amount of provident fund lying to the credit of the deceased member participating in the Seamen's Provident Fund on the date of his death, exceeds Rs. 10,000/- information as required under rule 37 of the Estate Duty Rules, 1953 be furnished to the Dy. Controller of Estate Duty, Bombay within one month from the date of receipt of a claim.

It was also decided that the clarification be obtained from the Government of India whether payment of provident fund dues upto Rs. 5,000/- without insisting upon the production of the Estate Duty Clearance Certificate would be in order.

Item No. 11 Revival of Registration of Shri D.T. Bhujbal (SDC No. 17870) - Question as to how to deal with amount already forfeited under para 59 of the Seamen's Provident Fund Scheme, 1966.

In view of the fact that Shri D.T. Bhujbal was called to join Indian Navy being an Ex-Naval man, the Board decided that as a special case the forfeiture of Rs. 681/- effected under paragraph 59 of the Seamen's Provident Fund Scheme, 1966, while making payment of provident fund balances, standing to his credit, on 30-3-1972 be waived and that the forfeited amount be credited under the employers contributions column in the fresh account of the seaman.

Item No. 12. Appointment of a representative of the Seamen's Provident Fund on the Board of Directors of M/s Krupanidhi Pvt. Ltd. Bombay

It was felt that the matter be examined in consultation with the legal adviser with reference to the Articles of Association of Messrs Krupanidhi Pvt. Ltd. Bombay and the terms and conditions of Agreements executed at the time of purchasing Unit No.9 in the Krupanidhi Building. It was also decided that information be obtained from Messrs. Krupanidhi Pvt. Ltd. Bombay as to the purpose for which a representative was proposed to be appointed on their Board of Directors, the liabilities involved, etc. In the meanwhile, the Commissioner was authorised to attend the meetings of the Unit Holders in the Building, on request from Messrs. Krupanidhi Pvt. Ltd., but only as an observer and should not commit the Trustees to any particular course of action or decision.

Item No.13 Amendments to the Seamen's Provident Fund (Staff and Conditions of Service) Regulations 1972 consequent upon creation of posts of Deputy Superintendent.

The Board considered the point raised by the Ministry of Shipping and Transport that since the Stenographer will have no opportunity to work as Senior Assistant there will be hardly any justification to provide in the recruitment rules that they should have worked at least for one year as Senior Assistant for becoming eligible for promotion to the post of Superintendent and Deputy Superintendent. It was clarified that there was only one post of Stenographer in the Seamen's Provident Fund Organisation and by internal arrangements stenographer could be entrusted the work of a Senior Assistant to make him familiar with the Rules and Regulations. It was therefore

decided that the Ministry be requested to accept the recommendation of the Board with regard to the amendment to the Provident Fund (Staff and Conditions of Service) Regulations, 1972, in respect of field of promotion to the posts of Deputy Superintendent and Superintendent.

Item No.14 Proposal of the Owners/Agents' Committee (Crews), Bombay for review of damages levied on Messrs. Pent-Ocean Steamships Pvt. Ltd.

The Board considered the request of the Owners/Agents' Committee (Crews), to waive the damages of Rs.2,334.89 levied on Messrs. Pent-Ocean Steamships Pvt. Ltd. for delay in remittances of provident fund contributions for the period from April 1967 to March 1968 and also damages amounting to Rs. 7,832.53 levied on them for the period from April 1968 to September, 1969. It was pointed out that the Pent-Ocean Steamships Pvt. Ltd., commenced operation in October 1965 and the Seamen's Provident Fund Scheme was notified in July 1966. The company had to face several difficulties in the initial years in establishing themselves. It was further pointed out that several shipowners/agents had delayed remittances of the Provident Fund contributions in the initial stages of the introduction of the Seamen's Provident Fund Scheme 1966 and considering the difficulties of the employers, the Board had decided from time to time that the damages need not be levied in the case of such of the employers who had delayed remittances but have been paying the same regularly. The objective underlaying the levy of damages is to enforce the compliance with the provisions of the Seamen's Provident Fund Act and the Scheme, 1966 so that the remittances are

made by the employers within the prescribed period. The mejority of the members held the view that this objective had been achieved as the Pent-Ocean Steamships pvt. Ltd, have been making the payments of Provident Fund contributions regularly after the aforesaid levy of damages and they decided that the total damages amounting to Rs.10,167.42 levied against Messrs. Pent-Ocean Steamships Pvt. Ltd., Bombay may be waived, as a matter of grace after obtaining the necessary approval of Government.

Item No. 15 General Roster Seamen's Gratuity Fund.

Shri N. Latif stated that a suitable resolution may have to be passed empowering the Commissioner, Seamen's Provident Fund, to administer the General Roster Seamen's Gratuity Fund. The Secretary clarified that according to Rule 30 of the draft Rules and Regulations of the Seamen's General Roster Gratuity Fund, a provision has already been made that Seamen's Provident Fund Commissioner shall be the Chief Executive of the General Roster Seamen's Gratuity Fund Scheme and shall be subject to the general control and superintendence of the Board subject to the provisions of the agreement entered into between the Seamen's Provident Fund Commissioner and the Trustees in accordance with Rule 28. Rule 28 provides that the Board of Trustees of the Seamen's General Roster Gratuity Fund, after obtaining the proper sanction of the Government of India, in writing, enter into an agreement with the Seamen's Provident Fund Commissioner for the purposes of keeping accounts relating to the Fund and investing the money thereof

in accordance with the directions of the Board.

In view of these provisions, the question of empowering the Seamen's Provident Fund Commissioner, will arise only after the Seamen's General Roster Gratuity Fund has been constituted, the Board of Trustees appointed and the Agreement to be executed by that Board with the Seamen's Provident Fund Commissioner, duly approved by the Government of India, is available for consideration by the Board of Trustees, Seamen's Provident Fund. It was therefore decided that the Director General of Shipping be requested to expedite the Government's approval to the draft Rules and Regulations of the Seamen's General Roster Gratuity Fund Scheme, constitution of the Board of Trustees, thereof ect.

The Board decided to hold its next meeting at Madras in the first week of December, 1973.

The Meeting then terminated with a vote of thanks to the chairman.

SECRETARY.
BOARD OF TRUSTEES,
SEAMEN'S PROVIDENT FUND;
BOMBAY.

CHAIRMAN,
BOARD OF TRUSTEES,
SEAMEN'S PROVIDENT FUND,
BOMBAY.

Minutes of the Twenty fifth Meeting of the Board of Trustees of the Seamen's Provident Fund, held on Tuesday the 8th January 1974, at 3.00 P.M. in the Conference Room of the Seafarers club, 1 Radio Road opposite Reserve Bank Building, Madras 1.

The Twenty fifth Meeting of the Board of Trustees, Seamen's Provident Fund, was held at Madras on the 8th January 1974. Owing to unavoidable circumstances, Shri S.V. Bhave, Chairman could not attend the meeting. In the absence of the Chairman Shri D.N. Phull was unanimously elected to preside over the meeting.

The following were present:-

1. Shri D.N. Phull — Chairman
2. " V.V. Subrahmanyam. — Member.
3. " N. Lalit. — "
4. " N.K. Sen — "
5. " K.K. Khadilkar — "
6. " Leo Barnes. — "
7. " Bijay Mukherjee — "
8. " S.M. Ochaney — Secretary.

Leave of absence was granted to Shri S.P. Kapoor.

The Secretary informed the Board that the Indian National Shipowners' Association had nominated Shri D.H. Dhunjibhoy in place of Capt A.K. Bansal and that Government had been requested to amend the Notification constituting the Board.

The Board then took up the items on the "List of Business" for Consideration.

Item No.1. Confirmation of the Minutes of the Twenty-fourth Meeting held on the 13th September 1973.

The Minutes of the Twenty fourth Meeting of the Board of Trustees, Seamen's Provident Fund, held on the 13th

September, 1973, were confirmed.

Item No.2. Action taken on the decisions of the Board of Trustees.

Sr. No.1. Provision of Non-refundable withdrawals to members on account of unemployment, illness, house building, house repairs etc.

It was decided that the applications for grant of non-refundable withdrawals to members be entertained with effect from 1st February 1974 by which time, the printed application forms, will be available.

Sr. No.3. Revival of Registration of Seamen - Amendment to the S.P.F. Scheme 1966.

Shri K.K. Khadilkar promised to communicate his Comments as soon as possible. It was decided that the matter be placed before the Board for Consideration at the next meeting.

Sr. No.11. General Roster Seamen's Gratuity Fund.

Shri V.V. Subrahmanyam clarified that this case was pending with the Ministry of Law and he assured the Board that the Government orders would be expedited.

The position with regard to the remaining items was noted.

Item No.3. Change in the date of effect of Reduction in Administrative Charge from 2½% to 2% from 19th May 1973 to the 1st May 1973.

The Board noted the position as clarified by the Ministry of Shipping and Transport in their letter No 5-MT(3)/72 dated the 21st September, 1973.

Item No.4. Liberalisation in the pattern of investment of Provident Fund Moneys from 1st October 1973.

The Board noted the position.

It was decided that the Ministry of Shipping and Transport be requested to extend the present pattern of

investment viz 25% of total accumulations in the State Government Securities and State or Central Government guaranted Securities and 75% in the Post office Time Deposits, beyond 31st March 1974. The Board further decided that in case there is delay in the Government orders prescribing the pattern of investment from 1st April 1974 onwards, the Seamen's Provident Fund moneys may continue to be invested as per the existing pattern.

Item No 5 Receipt and accounting of Provident Fund moneys.

(i) Number of jobs.

It was decided that the supply of information relating to number of jobs for Seamen at Bombay and Calcutta given in the note on this item at every meeting of the Board, be discontinued in view of the fact that besides the jobs regulated through the Seamen's Employment offices, there are certain categories of Seamen viz Carpenters fitters, chief stewards, who are employed on a permanent basis, by shipowners.

(ii) Accounting:

The Secretary informed the Board about the progress made by the I.B.M as regards updating the accounts. The Board was informed that the I.B.M had completed and supplied draft check lists of the Master data in respect of Members' Accounts as on 1-4-1971. These have been checked and returned, duly corrected, to the I.B.M. who are now carrying out the necessary corrections. It was expected that the I.B.M would be in a position to supply the annual statements of account of each member of the Seamen's Provident Fund for 1971-72 by the end of January 1974. The I.B.M will shortly commence updating individual member's accounts for the year 1972-73 and the Annual

statements of Accounts for 1972-73 are expected to be ready by the end of March 1974.

While noting the position the Board, particularly the representatives of the Seafarers desired that the I.B.M. be requested to give priority to the Seamen's Provident Fund Accounts so that these could be brought upto date with least possible delay.

(iii) Nominations.

Shri N. Lalit observed that with the introduction of the new procedure to verify filing of nominations by Seamen, at the time of "selection" and "Signing-on" introduced from 1st January 1974, it is hoped that more number of Seamen would file the nominations.

(iv) Imposted items.

The Secretary informed the Board that replies have since been received from the Great Eastern Shipping Co, Bombay the Shipping Corporation of India Ltd and M/s. Caltex (India) Ltd. Bombay. M/s. Mackinnon Mackenzie & Co Ltd, Bombay had also furnished corrections in respect of 175 Seamen.

It was decided that the remaining companies be requested to expedite the corrections to the lists of imposted items supplied to them.

The Board was informed that the corrections received from the employers to the lists of imposted items, after verification, would be conveyed to the I.B.M. for updating the relevant accounts of members after the accounts for the year 1971-72 are closed.

Shri N.K. Sen suggested and the Board agreed that at the time of making any reference to the Shipowners, as far as possible exact mention be made about the point for which clarification is sought.

(v) Forfeitures.

Shri Leo Barnes suggested and the Board agreed that the interest be calculated on the opening balance in the "Forfeiture Account" at the end of every year at the same rate as determined by the Government for credit to the Members Accounts. The details in this respect be placed before the Board for consideration at the next meeting with a view to consider opening a seperate "Forfeiture Account" and investment of funds in the Fixed Deposits with the State Bank of India, Bombay.

Item No.6. Revision of scales of Pay for various Posts in the Seamen's Provident Fund on the Recommendations of the Third Central Pay Commission.

The Board considered the proposals submitted by the Commissioner for the revision of scales of Pay for various posts in the Seamen's Provident Fund organisation pursuant to the recommendations made by the Third Central Pay Commission, It was acknowledged that while under provisions of Section 7(5) of the Seamen's Provident Fund Act, 1966, the method of recruitment salary and allowances, discipline and other conditions of service of the Seamen's Provident Fund Commissioner and the Accounts officer are to be such as may be specified by the Government, Sub-section (6) of Section 7 of the said Act stipulates that the method of Recruitment, Salary and allowances, discipline and other conditions of service of other officers and employees of the Board are to be such as may be specified by the Board with the approval of the

Government. In view of these provisions, the Board decided to recommend the following scales of Pay for the various posts in the Seamen's Provident Fund organisation for Government approval from such date as may be determined by Government :-

Sr No.	Designation of the post.	Existing Scale of Pay	Revised Scale of Pay.
1.	Commissioner.	1100-50-1300-60-1600-100-1800	1500-60-1800-100-2000.
2.	Accounts officer.	600-50-1100	900-50-1500.
3.	Superintendent	350-25-600	550-25-750-EB-30-900
4.	Dy. Superintendent	300-20-500	500-20-600-EB-25-800
5.	Sr. Assistant.	210-10-290-15-320-EB-15-380	425-15-500-EB-15-560-20-700.
6.	Stenographer.	210-10-290-15-320-EB 15-380	425-15-500-EB-15-560-20-700.
7.	Cashier	150-5-175-6-205-EB-7-240	330-10-380-EB-12-500-EB-15-560.
8.	Jr. Assistant	150-5-175-6-205-5-EB 7-240	330-10-380-EB-12-500-EB-15-560.
9	Peon	70-1-80-EB-1-85	196-3-220-EB-3-232.
10	Cleaner	70-1-80-EB-1-85	196-3-220-EB-3-232.

Item No.7. Budget Proposals for 1974-75.

The Board Considered the propals and reduced the provisions under the following items under the Sub-head "Contingencies" (Recurring).

BUDGET ESTIMATES - 1974-75.

Sub-head	Proposed Rs.	Approved Rs.	Amount Reduced. Rs.
Contingencies			
Recurring —			
Legal charges	3,000	2,000	1,000
Contingencies.	10,000	7,600	2,400
		. Total	3,400
Total amount proposed as Budget Estimate 1974-75			4,21,300
Less Reduction as above			3,400
Budget Estimate approved.			4,17,900

The Board considered the proposal for purchase of suitable residential accommodation for the Seamen's Provident Fund Commissioner. In view of the Board's decision to provide residential accommodation to the Commissioner, suitable to his status and entitlement of the corresponding Categories of Central Government officers, the Board felt that it would be economical to purchase accommodation at a cost of approximately 1.50 Lacs, provided the expenditure was incurred from the surplus to the credit of the "Administrative Charges Account." It was therefore decided to make a token provision of Rs. 1.50,000/- in the Budget Estimate for the year 1974-75 for this purpose.

The Board accordingly approved the total provision of Rs. 5,67,900/- as Budget Estimate for the year 1974-75 and decided to approach the Ministry for requisite sanction.

Item No 8. Fixation of rate of interest for credit to Member's Accounts for the year 1973-74.

The Board considered the proposal to fix the rate of interest for credit to the Member's Accounts for the year 1973-74 and decided to recommend to Government that the rate of interest be fixed at 6%.

Shri Leo Barnes suggested and the Board agreed that it may be ascertained from the Employees Provident Funds Organisation as to how the balance in the "Interest Suspense Account" is utilised by them, after crediting the interest for the year to the Members' Accounts.

Item No. 9. Outstanding Recoveries on account of Provident Fund Contributions, Administrative Charges and Damages.

(A). Provident Fund Contributions.

1. M/s. Killick Nixon Ltd. Bombay.

At the request of M/s. Killick Nixon Ltd, Bombay, the Board decided to defer consideration of the issues involved to the next meeting.

2. The Hindusthan Shipping Co Ltd. Howrah.
3. The Neptune Shipping Co, Bombay.
4. M/s. Ashok Line, Ernakulam.

The position with regard to the above mentioned cases was noted.

5. M/s. Sukhsagar Shipping Pvt Ltd. Bombay.

It was decided that the official liquidator attached to the High Court, Bombay be informed that the Board of Trustees did not desire to adopt misfeasance proceedings against the ex-directors. The official liquidator may however be informed about the priority of the claim on account of Provident Fund Contributions and be requested to pay the amount of Rs 21,669.80 out of the sum of Rs. 54,000/- realised by him.

6. M/s. Bangera & Associates, Pvt Ltd. Bombay.

Shri Leo Barnes suggested and the Board agreed that the Government may be approached to "Write-off" the outstanding amount of Rs. 10,434.76 on account of Provident Fund contributions and Administrative Charges payable by M/s. Bangera & Associates pvt. Ltd. Bombay. as the Company has ceased to function and the amount has become irrecoverable.

(B) DAMAGES.

Messers Eastern Steamships Pvt. Ltd.

The Board noted that the Company has ceased to function since last few years and decided to recommend to Government that the damages amounting to Rs. 9,185.54 levied on them for delayed payment of provident fund contributions and administrative charges, for the period from 11.3.1969 to 11.9.1969 may be waived.

The Board considered the proposal for purchase of suitable residential accommodation for the Seamen's Provident Fund Commissioner. In view of the Board's decision to provide residential accommodation to the Commissioner, suitable to his status and entitlement of the Corresponding Categories of Central Government officers, the Board felt that it would be economical to purchase accommodation at a cost of approximately 1.50 Lacs, provided the expenditure was incurred from the surplus to the credit of the "Administrative Charges Account." It was therefore decided to make a token provision of Rs. 1.50,000/- in the Budget Estimate for the year 1974-75 for this purpose.

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Item No 10, Amendments to paragraph 35 of the Seamen's Provident Fund Scheme, 1966 relating to the mode and periodicity of payment of contributions.

In view of the advice of the Ministry of Law, Bombay, the Board decided that paragraph 35 of the Seamen's Provident Fund Scheme 1966 be suitably amended by substituting the words "within 15 days of the payment of the wages to the Seamen" occurring therein by the words "within 15 days of the date on which there ought to have been the final settlement of the wages due to a seaman". It was decided that the Government be approached to amend the Seamen's Provident Fund Scheme 1966, accordingly.

Item No. 11. "List of Holidays for the year 1974.

The Board noted the List of Holidays for the year 1974.

Item No 12. Proposal of the Owners/Agents Committee (Crews) for a further reduction in the rate of Administrative Charges from 2% to 1.½% of the total provident Fund Contributions.

The Board considered the proposal of the owners/Agents Committee (Crews), Bombay for a further reduction in the rate of Administrative Charge from 2% to 1.½%. Considering the anticipated receipts on account of provident fund contributions and the Administrative Charge payable by the employers thereon and also the anticipated expenditure on the administration of the organisation in the year 1974-75, the Board felt that there was a case for further reduction in the rate of "Administrative Charge" from 2% to 1.3/4%. of the total provident fund contributions. The Board therefore unanimously decided to recommend to Government to reduce the rate of

Administrative charge from 2% to 1.3/4%. with effect from 1st April 1974 and review the position next year.

Sarvashri Leo Barnes and Bijoy Mukherjee suggested and the Board agreed that the question whether the balance in the Administrative Charge Account could be utilised for meeting the claims of seamen for final payment in respect of whom deductions have been made from their wages on account of provident fund contributions but the employers have failed to remit both the employee's and the employer's contributions, be examined.

Item No 13 Request by M/S. Surrendra overseas Ltd, for waiving the damages amounting to Rs. 16,500 levied on them for delayed payment of P.F. Contributions for the period from 1-4-1967 to 15.11.1968.

The Board considered the Representation of Messers. Surrendra Overseas Ltd. and decided that in view of the fact that they had already agreed to the settlement proposed by Shri D.N. Phull, their request for waiving the damages levied on them for delayed payment of provident fund contributions for the period from 1-4-1967 to 15-11-1968, cannot be acceded to.

Item No. 14 Any other item with the permission of the Chairman.

i) Waiving of forfeiture in respect of Seamen who re join Sea Service on release from Navy.

Shri Leo Barnes referred to the decision taken by the Board at the last meeting in the case of the seaman Shri D.T. Bhujbal, who had withdrawn provident fund balance after getting his registration cancelled at his own request to join Indian Navy and whose registration was revived on re-joining sea service after release from the Navy. The Board had decided that the forfeiture effected at the time of

Settlement of his claim under paragraph 59 of the Seamen's Provident Fund Scheme, 1966 be waived and that the forfeited amount be credited under the employer's Contribution's column in the fresh account of the seaman.

Shri Leo Barnes suggested that the Commissioner be authorised to deal with other such cases also on the same lines. The Board agreed to this suggestion and authorised the Commissioner accordingly.

(ii) Reduction in the total Sea Service from 15 years to 10 years, for full entitlement to payment of Provident Fund balance.

Sarvashri Leo Barnes and Bijoy Mukherjee suggested that the Seamen who have got total Sea Service of 10 years or more, be paid provident fund balance standing to their credit without effecting any forfeiture as against the period of 15 years provided under paragraph 59 of the Seamen's Provident Fund Scheme 1966. The Board decided that proposals for amendments to paragraph 59 of the Seamen's Provident Fund Scheme 1966, in this respect be placed before the Board for consideration at the next meeting.

The Board decided to hold its next meeting at Bombay in the first fortnight of April 1974.

The meeting then terminated with a vote of thanks to the Chair.

S V Bhave
20-12-75
Chairman

Secretary
Board of Trustees,
Seamen's Provident Fund,
Bombay.

CHAIRMAN,
BOARD OF TRUSTEES,
SEAMEN'S PROVIDENT FUND,
BOMBAY.

MINUTES of the TWENTY SIXTH (XXVI) Meeting of the Board of Trustees of the Seamen's Provident Fund, held on Thursday, the 18th April, 1974, at 11.00 A.M. in the Board Room of the Seamen's Provident Fund, Krupanidhi, Ballard Estate, Bombay-400 001.

The following were present :—

1. Shri S. V. Bhave .... Chairman.
2. " N. K. Sen .... Member.
3. " Bijoy Mukherjee .... "
4. " Leo Barnes .... "
5. " S. P. Kapoor .... "
6. " M. Wala .... "
7. " J. S. Gill .... Secretary.

Shri S. V. Bhave, Chairman of the Board of Trustees, Seamen's Provident Fund, presided over the Meeting.

Leave of absence was granted to Shri V. V. Subrahmanyan, Dy. Secretary to Government, Ministry of Shipping & Transport.

Shri I. Khan, acting Chairman of the Owners/Agents' Committee (Crews), Bombay, attended the meeting in place of Shri N. Latif, Chairman, who was on leave out-of station.

The Indian National Shipowners' Association, Bombay had nominated Shri Dhanjibhoy in place of Capt. A. K. Bansal for appointment as Member of the Board of Trustees. The Government Notification appointing him as a Trustee had not by that date been issued. So Shri Dhanji Bhoy was requested to attend the meeting, as a special invitee. He attended the meeting.

The National Union of Seafarers of India, Bombay had

proposed the name of Shri X. Almeida in place of Shri K.K. Khadilkar but no final orders from Government had been received in this respect. Shri Khadilkar was not present at the meeting. Shri X. Almeida was requested to attend the meeting as a special invitee. He attended the meeting accordingly.

The Board then took up the items on the "List of Business" for consideration.

Item No. 1. – Confirmation of the Minutes of the Twenty-fifth Meeting held on the 8th January, 1974.

Of the four amendments proposed, the following two were accepted :–

Item No. 6 of Twentyfifth Meeting –
Revision of scales of pay.

The entire para, commencing with the words "The Board considered ..... accord necessary approval" should be amended to read as under :–

"The Board considered the proposals submitted by the Commissioner for the revision of the scales of pay for various posts in the Seamen's Provident Fund Organisation, pursuant to the recommendations made by the Third Central Pay Commission. It was acknowledged that while under provisions of Section 7(5) of the Seamen's Provident Fund Act, 1966, the method of recruitment, salary and allowances, discipline and other conditions of service of the Seamen's Provident Fund Commissioner and the Accounts Officer are to be such as may be specified by the Government, sub-section (6) of section 7 of the said Act stipulates that the

method of recruitment, salary and allowances, discipline and other conditions of service of other officers and employees of the Board are to be such as may be specified by the Board with the approval of the Government. In view of these provisions, the Board decided to recommend the following scales of pay for the various posts in the Seamen's Provident Fund Organisation for Government approval from such date as may be determined by Government."

2. Item No. 7. of the Twenty-fifth Meeting –
Budget Proposals.

The second sentence of the second para of this item at the bottom of page 4 of the draft Minutes, commencing with the words "In view of the Board's decision....." should be amended to read as under :–

"In view of the Board's decision to provide residential accommodation to the Commissioner, suitable to his status and entitlement of the corresponding categories of Central Government Officers, the Board felt that it would be economical to purchase accommodation at a cost of approximately Rs. 1.50 lacs, provided the expenditure was incurred from the surplus to the credit of the "Administrative Charges Account."

Item No. II. Action taken on the decisions of the Board of Trustees.

Sr. No. 4. Estate Duty Act, 1953 – Clarification from the Government of India whether payment of provident fund dues upto Rs. 5,000/- without insisting upon the production of the Estate Duty clearance certificate would be in order.

The Board noted the clarification made by the

Government of India and desired that the present practice of obtaining clearance from Estate Duty Office, before making final payment to the Nominees/legal heirs of deceased seamen should be continued.

S.No.5. Appointment of a representative of the Seamen's Provident Fund on the Board of Directors of M/s. Krupanidhi Pvt. Ltd., Bombay.

The Board decided that this matter be referred to some legal expert for thorough legal examination and opinion and report submitted to the Board for consideration at the next meeting.

S.No.8. General Roster Seamen's Gratuity Fund.

The Board desired that the case may be pursued.

S.No.9. Liberalisation in the pattern of Investment of Seamen's Provident Fund Moneys from 1st October, 1973.

Pending receipt of further Government Notification, the present practice of making the investment should be maintained.

S.No.14. Proposal of the Owners/Agents' Committee (Crews) for a further reduction in the rate of Administrative charge from 2% to 1½% of total provident fund contribution.

Shri N.K. Sen suggested that in view of the delay caused in the issue of Government Notification fixing the reduced rate of Administrative charge at 1.3/4% with effect from 1st April, 1974 as decided by the Board in its last meeting, the Ministry should be approached with a request to issue Government Notification giving retrospective effect to the reduced rate of Administrative charge at 1.3/4% with effect from 1st April, 1974. The Board agreed to this suggestion.

Shri S.P. Kapoor informed the Board that the Government Notification is expected to be issued shortly giving retrospective effect to the reduced rate of Administrative charge.

The position with regard to the remaining items was noted.

Item No. III. Receipt and Accounting of Provident Fund Moneys.

The Board decided that the matter relating to opening of a separate "Forfeiture Account" and investments of funds in the fixed deposits with the State Bank of India, Bombay, be brought up as a separate item for consideration at the next meeting.

It was agreed that for unposted items, the Commissioner's Office should correctly specify CDC and Registration numbers and names of seamen in making any reference to the employers."

The difficulties experienced with regard to the IBM procedure of accounting and checking were explained to the Board.

The position with regard to the remaining items was noted.

Item No. IV. Outstanding recoveries on account of P.F. contribution, Administrative charges & Damages.

(A) PROVIDENT FUND CONTRIBUTIONS.

1. M/S. Killick Nixon Ltd., Bombay.

Shri D.S. Kukreja, representative of M/S. Killick Nixon Ltd., Bombay, was allowed to place before the Board for consideration the company's stand on the subject-matter.

The Board heard Shri Kumara and considering the leniency already shown in dealing with the subject of recovery of provident fund contributions and the levy of damages, did not consider it possible to grant the company's request. The provident fund contribution is a statutory obligation and no exemption regarding waiver of such amounts can be permitted. It was decided that :—

i) the amount of Rs. 16,407.18 already paid by M/s. Killick Nixon Ltd., Bombay, towards provident fund contributions in respect of seamen engaged on M.V. SHAHRANI during the period from 8.5.1967 to 7.10.1968 be treated as payment towards provident fund contributions and Administrative charges.

ii) Steps be taken for immediate recovery of provident fund contributions and administrative charges in respect of seamen employed on CYRUS II and XERXES II.

iii) No damages however, be levied on account of delay in payment of Provident Fund contributions in view of the extenuating circumstances of the case.

2. The Hindusthan Shipping Co. Ltd., Howrah.

Since the Admiralty claim appears to be doubtful, it was decided that efforts be made to serve necessary warrants upon the Ex-directors of the company and that the Official Liquidator be approached for assistance in the realisation of the outstanding Provident Fund dues.

3. The Neptune Shipping Company, Bombay.

It was decided that the issue should be pursued further with the concerned authorities.

4. M/S. Ashok Line, Ernakulam.

The progress made in the case was noted.

5. M/s. Sukhsagar Shipping Pvt. Ltd., Bombay.

The position with regard to the above mentioned case was noted.

6. M/s. Bangera & Associates Pvt. Ltd., Bombay.

The Board desired that full details about this case be obtained and placed for consideration at the next meeting with the details of progress in the case.

PROPOSAL.

As regards the proposal that the Act and the Scheme may be amended in such a way that at the time of final settlement of wages in India, the Provident Fund contributions plus the Administrative charges are paid by a cheque or bank draft along with the payment of wages, Shri N.K. Sen observed that it is a matter for detailed examination. He suggested and the Board agreed that the shipowners may give their view on the proposal in the next Board Meeting.

Item No. V. Audit-Report for the year 1972-73.

The position with regard to Audit-Report for the year 1972-73 was noted by the Board.

Item No. VI. Requests from employers for grant of exemption from operation of the SPF Scheme, 1966.

The Board felt it very necessary to examine in detail the advantages and the disadvantages in the Employers' Provident Fund Schemes vis-a-vis the S.P.F. Scheme, 1966, before taking any final decision on the requests of the employers for exemption from the operation of the S.P.F. Scheme, 1966. It was decided that the proposal should be considered at the next meeting of the Board.

Item No. VII. Expenditure sanctions accorded by the Chairman.

The Board noted the expenditure sanctions accorded by the Chairman.

Item No. VIII. Revival of Registration of Seamen — Amendments to the S.P.F. Scheme, 1966.

The Board agreed with the Ministry's view that a seaman who has withdrawn his provident fund moneys due to cancellation of his registration and whose registration is subsequently revived on appeal, may at the time of subsequent final withdrawal of provident-fund dues, be given the benefit of counting the total of the periods of service performed by him including the period before the cancellation of his registration. The Board agreed that no amendment to the Seaman's Provident Fund Scheme, 1966, was necessary.

Item No. IX. Reduction in the total sea-service from 15 years to 10 years for full entitlement to payment of provident fund balance.

The Board considered and approved the proposal of Sarvashri Leo Barnes and Bijoy Mukherjee and decided to approach the Ministry of Shipping and Transport with a request to amend sub-para (3) of para 59 of the Seamen's Provident Fund Scheme, 1966, as under :—

"59. Circumstances in which accumulations in the Fund are payable to a member :—

(3) When a member withdraws any amount under sub-paragraph (2) the following provision shall apply, namely:—

i) 75% of the employer's contribution and interest thereon shall be forfeited to the Fund if the total of the periods of service performed during the membership of the Fund is less than 3 years; or

ii) 50% of the employer's contribution and interest thereon shall be forfeited to the Fund if the total of the

periods of service performed during the membership of the Fund is 3 years or more but less than 5 years; or

iii) 25% of the employer's contribution and interest thereon shall be forfeited to the Fund if the total of the periods of service performed during the membership of the Fund is 5 years or more but less than 8 years; or

iv) 15% of the employer's contribution and interest thereon shall be forfeited to the Fund if the total of the periods of service performed during the membership of the Fund is 8 years or more but less than 10 years.

Item No. 10. (X). Appointment of a Committee for acquisition of suitable accommodation on ownership for the Commissioner.

The detailed consideration on this item was deferred to the next meeting.

Item No. XI. Court Order of Civil Judge, Ratnagiri, on Provident-Fund payments made to the Nominee of the Deceased.

The Board noted the position.

Item No. XII. Proposals suggested by Shri Leo Barnes for inclusion on the Agenda.

The Board considered the proposals suggested by Shri Leo Barnes and decided as under :—

i) Utilisation of interest-accrued on Forfeiture amounts for welfare of seamen.

This matter has already been discussed under Item No. III "Receipt & Accounting of Provident-Fund Moneys" and the Board has decided that the matter relating to opening of a separate "Forfeiture Account" and investment of funds in the fixed deposits with the State Bank of India, Bombay, be brought up as a separate item for consideration al-

the next meeting.

ii) Streamlining of procedure for non-refundable withdrawals.

With a view to expedite settlement of such applications and to avoid inconvenience caused to the members-seamen of the Fund, the Board authorised the Seamen's Provident Fund Commissioner to scrutinise the 'case papers' relating to the medical treatment in a recognised hospital, produced by the applicant and on the basis of such case papers, he may settle the claims. The procedure may be further examined after gaining some experience. The Commissioner, Seaman's Provident Fund assured that every assistance was being given to all such applicants.

iii) Definition of membership of the Fund.

The Board decided that this item be deferred.

Item No. XIII. Appointment of Commissioner, Seamen's Provident Fund - Formal acceptance.

The Board noted the appointment of Capt. J.S. Gill as Commissioner, Seamen's Provident Fund on the terms and conditions stipulated with effect from 2nd March 1974 (F.N.). The Board also placed on record its appreciation of the good services put in by the former Commissioner, Shri S.M. Ochaney from 26th November, 1971 till 26th February, 1974.

Item No. XIV. Budget - Re-appropriation - 1973-74.

The Board noted the Budgetary Re-appropriation of the funds sanctioned in the Budget for the year 1973-74 made under para 49 of the Seaman's Provident Fund Scheme, 1966.

Shri S.P. Kapoor observed that as a matter of general policy steps should be taken to ensure that the

expenditure is so estimated that the re-appropriation is not excessive under any single head.

Item No. XV. Fixation of rate of interest for credit to the accounts of the Staff General Provident Fund.

The Board decided to fix the rate of interest for credit to the General Provident Fund accounts of the Staff of the Seamen's Provident Fund Organisation at 6% per annum, as prescribed by the ministry of Finance for all Central Government Provident Funds, for 1973-74.

Any other item with the permission of the Chairman.

Item No. XVI (Amendment to Regulation 12 of the S.P.F. Organisation Staff (General Provident Fund) Regulations, 1972 — recommended by the Rajya Sabha Committee on Subordinate Legislation.

The Board approved the amendment to sub-regulation 2 of regulation 12 of the S.P.F. Organisation Staff (General Provident Fund) Regulations, 1972, recommended by the Rajya Sabha Committee on Subordinate Legislation as under :—

"Regulation 12(2) : In addition to any amount to be paid under regulation 19 interest thereon shall be payable until the end of the month preceding the month in which the accumulations are actually refunded."

The Commissioner was requested to inform the ministry accordingly.

NEW ITEM :

Shri Bijoy Mukherjee informed the Board about the increase in the volume of work at Calcutta. He

requested the Board to consider appointment of a special officer exclusively for the purpose of attending to the seamen's problems relating to the Provident Fund, Non-refundable Withdrawals, etc.; or alternatively setting up a small unit of a regional office.

Shri N.K. Sen expressed some sympathy for this view. He suggested and the Board agreed that the Commissioner, Seamen's Provident Fund, undertake tour to Calcutta, witness the functioning of the liaison office for at least three days and submit his report to the Board for consideration. The Commissioner assured that every assistance and priority is given to the cases from Calcutta.

Shri N.K. Sen also suggested and the Board agreed that the agenda papers be despatched to the members so as to reach them at least 10 days in advance of the date fixed for the meeting, in order to enable the members sufficient time to study the Agenda papers.

The meeting then terminated with a vote of thanks to the Chair.

18.4.74 (Ltd)
Secretary,
Board of Trustees,
Seamen's Provident Fund,
Bombay.

20-12-75
Chairman
CHAIRMAN,
BOARD OF TRUSTEES,
SEAMEN'S PROVIDENT FUND,
BOMBAY.

MINUTES of the TWENTYSEVENTH [XXVII] Meeting of the Board of Trustees of the Seamen's Provident Fund, held on Friday, the 11th October, 1974, at 11.00 am in the Board Room of the Seamen's Provident Fund Organisation, Krupanidhi, Ballard Estate, Bombay 400 001.

The following were present :—

1. Shri S.V. Bhave .. .. Chairman
2. " N. Latif .. .. Member
3. " N.K. Sen .. .. "
4. " D.H. Dhunjibhoy .. .. "
5. " Leo Barnes .. .. "
6. " Bijoy Mukherjee .. .. "
7. " U. Almeida .. .. "
8. " M. Wala .. .. "
9. " J.S. Gill .. .. Secretary.

II. Shri S.V. Bhave, Chairman of the Board of Trustees, Seamen's Provident Fund, presided over the Meeting.

Before commencement of the business, the Chairman welcomed the new Members of the Board of Trustees, Sarvashri D.H. Dhunjibhoy and U. Almeida.

Leave of absence was granted to Sarvashri S.P. Kapoor and V.V. Subrahmanyam.

Shri Latif desired that any additional agenda items if introduced, should be circulated amongst the Members well in advance of the date of the meeting. This was agreed. Chairman also ruled that any additional items which could not be considered at a particular meeting, may be introduced at the future meeting.

III. The Board then took up the items on the "List of

Business" for consideration.

Item No.1. Confirmation of the minutes of the Twenty-sixth (XXVI) meeting.

The amendments suggested by Shri N.K. Sen were accepted. The Minutes were amended as under:—

1) Page 3, Item No. III — Receipt and Accounting of Provident Fund Monies:

Para 2 of this item is amended to read as under:-

"It was agreed that for imposted items the Commissioner's office should correctly specify CDC and Registration numbers and names of seamen in making any reference to the employers."

2) Page 7. New Item: The first sentence in the second paragraph is amended as follows:—

"Shri N.K. Sen expressed some sympathy for this view. He suggested and the Board agreed, that the Commissioner ....."

3) The Board also accepted the amendment suggested by Shri Leo Barnes:—

Item XII (iii) Definition of membership of the Fund:

The decision of the Board under this item is amended to read as under:—

"The Board decided that this item be deferred."

The Minutes as modified were confirmed.

IV. Item No.2. Action taken on the decisions of the Board of Trustees:

The position with regard to all the items except the following was noted:—

Sr.No.(4) General Roster Seamen's Gratuity Fund.

(a) Since the additional paragraph for levy of administrative charges was only a draft proposal, it was agreed to delete

the Agenda the last sentence of the report reading "Necessary additional rule providing for Administrative charges has been incorporated". It was also observed that, in this regard, the Trust-Deed is self sufficient for meeting its own expenses under Rule 10 and Clause 17 of the Schedule, except the initial expenses.

(b) Based on the proposal made by Shri Leo Barnes, it was agreed to in principle that the Commissioner should examine the initial expenses being met from the "Forfeiture Account" of the Seamen's Provident Fund which may later on be re-imbursed.

(c) Shri Latif proposed and the Board agreed that there is no necessity of any additional Rule 31(a), (b), (c) and (d) even though the Deed did not prescribe the form in which the Administrative expenses have to be kept.

Chairman noted that any detailed examination of proposal like the one under discussion, read with the Additional information Item I, be hereafter brought as separate Agenda item and not mixed up with the record of action taken under this para.

Sr. No.10. Reduction in the total sea-service from 15 years to 10 years, for full entitlement to payment of provident fund balance.

The Board directed that the new amended para 59(3) should be implemented from the date of Notification in the Government Gazette.

Sr.No.12. Amendment to the SPF Act and the Scheme, 1966 to enforce payment of P.F. contributions and the Administrative charges, at the time of final settlement of wages of seamen, in India.

Sarvashri N. Latif and N.K. Sen proposed and the Board agreed that the proposal be dropped for the present.

V. Item No.3. Pattern of investment of Provident Fund moneys for the year 1974-75.

Board agreed that pending the issue of Government Notification, the existing pattern of investment of provident fund moneys be continued.

VI. Item No. 4. Audit Report for the year 1972-73.

The Board noted and approved the proposal as submitted.

VII. Item No. 5. Outstanding recoveries on account of P.F. contributions, Administrative charges and damages.

The Board noted that some of the outstanding recoveries of provident fund contributions and Administrative charges shown in the Agenda item have now been paid or reconciled. The Board also desired that the outstanding provident fund contributions and Administrative charges be recovered expeditiously.

VIII. Item No. 6. Appointment of a Committee for acquisition of a suitable accommodation on ownership basis for Commissioner.

The Board after discussing the past developments, noted that the posts of Commissioner and the Accounts Officer in the Seamen's Provident Fund Organisation have been classified by the Government of India as General Central Services Class I Gazetted posts and the Officers for these posts will continue to be drawn on deputation. The Board also noted that the Commissioner has been asked to vacate the general pool accommodation allotted to him by the Government. However, the execution proceedings are under 'stay order'. Considering the appropriate grade of flats for these Officers, the following decisions were taken :-

a) Recommendation be made to the Government to allow the present Commissioner to continue the occupation of his flat from the Government General Pool, which was allotted to him before his joining the Organisation, till such time a suitable flat on ownership basis corresponding to his

entitlement is acquired by the Board.

(b) The S.P.F. Organisation should take steps for the acquisition of a new flat of the appropriate grade equivalent to Type VI (under the Government classification). Should there be any necessity, consultation be made and/or opinion of the members be obtained by circulation of papers. The cost of the flat is likely to exceed the budgetary provision already approved by the Government.

(c) The small flat already with the Organisation on rent should be retained for use by the Organisation for its Officers likely to go on deputation.

IX. Item No. 7. Opening of a separate "Forfeiture Account" and investment of Funds in the Fixed Deposits with the State Bank of India.

The Board approved the proposal of opening a separate "Forfeiture Account" and investment of funds in the Fixed Deposits with the State Bank of India and passed the following resolutions :-

"RESOLVED that in terms of paras 59(4) and 61(3) of the Seamen's Provident Fund Scheme, 1966 the Seamen's Provident Fund Commissioner be and is hereby authorised to open a separate Account called "Forfeiture Account". Any amount forfeited in terms of the provisions of the Scheme shall be transferred or deposited in this separate Account."

"RESOLVED further that in terms of para 45(2) of the Seamen's Provident Fund Scheme, 1966, all cheques on the Banking Account of the Seamen's Provident Fund Forfeiture Account in the State Bank of India, Bombay, shall be signed, endorsed and/or drawn by the Seamen's Provident Fund Commissioner or by the Accounts Officer in his absence, by specific authorisation given by the Commissioner."

"RESOLVED further that any amount forfeited for deposit/transfer in the "Forfeiture Account" in terms of paras 59(4) and 61(3) shall be utilised by the Commissioner for the following purposes conducive to the welfare of seamen and their families :—

i) (a) For payment to seamen the quantum of their own contributions towards Provident Fund recovered from them by the employer, when the employer has failed to credit the amount to the Fund, on production of proper evidence viz. the 'Account of Wages' etc. The process of recovery against the employer is to be continued.

(b) For payment to seamen the share of employer, when the employer has failed to credit the amount to the Fund; Provided all means of recovery have failed and the outstanding provident fund contributions against any such employer have been decided to be waived and/or written off by the Board, with the approval of the Government.

ii) For payment to the seamen the provident fund as per para (i) (a) and (b) above, after the exhaustion of the part amount, if any, deposited by the employer and which has been paid for full settlement of provident fund on "First come First disbursed" basis.

iii) For any other purpose with the approval of the Board.

All such cases shall, however, be reported to the Board at the next meeting being held after the payment is made.

X. Item No. 8. Receipt & Accounting of Provident Fund Moneys.

The Board noted the progress and desired that the subject of unposted items should be continued to be pursued on priority basis.

XI. Item No. 9. Requests from employers for grant of exemption u/s 20(1) of the SPF Act, 1966 from the operation of the SPF Scheme, 1966.

(a) The Commissioner informed the Board of the pending request from the Great Eastern Shipping Co. Ltd., as well. The Board agreed to grant exemption to the petty officers of the following shipping companies from the operation of the S.P.F. Scheme, u/s 20(1) of the SPF Act, 1966 and decided that necessary steps for retrospective application should be taken for all such exemptions granted now as well as granted earlier.

1. M/s. Chowgule Steamships Ltd., Bombay ..... All Petty Officers.
2. M/s Damodar Bulk Carriers Ltd., Bombay ..... —do—
3. M/s Dempo Steamships Ltd., Bombay ..... —do—
4. M/s Malabar Steamships Co. Ltd., Bombay ..... —do—

The Board however, desired to know full details of the specific categories of seamen which will be exempted from the operations of the Seamen's Provident Fund Scheme, 1966.

(b) The Board desired that the question of transfer of the provident fund contributions of the seamen on appointment as petty officers under the exempted categories as above, to their respective companies' provident fund be brought up as a separate item at the next meeting.

XII. Item No. 10. Progress on the Submission of Declaration and Nomination Forms and steps underway.

The Board noted the progress made.

XIII. Item No. 11. Despatch of Account Slips to Members and some of the difficulties encountered.

The Board noted the steps taken to expedite despatch of Members' Annual Accounts Slips. The Board was informed by the Commissioner that he expected to despatch the Members' Annual Account Slips for 1972-73 by the end of the month after reconciliation by the IBM.

XIV. Item No. 12. Amendments of Declaration & Nomination Forms I and IV filed by seamen under the SPF Scheme, 1966.

The Board approved the proposed amendments to the Declaration and Nomination Forms I & IV. As regards the requirement of signatures given on the forms by "Or other Authorised Officer" it shall be deemed to include when the Employer is not available, the Officers of the Government. Shipping Officer, the Seamen's Employment Officer, Welfare Officer & the Trustees.

The Board noted the importance of these Forms as the permanent record with the Organisation, which facilitates payment of P.F. dues to the rightful claimants, particularly in the case of deceased seamen.

XV. Item No. 13. Progress Report on "IBM" Accounting Procedures.

The Board noted the action and desired that steps be taken to further expedite the work with the IBM. The proposal for amendment of the payment procedures with the IBM slip was also approved.

Provided no objection has been received from the Seamen within the stipulated period after the despatch of slips by the Seamen's Provident Fund Organisation —

(a) Use the last account slip Balance as the starting point and bring it up-to-date with the latest schedules and make the payment;

(b) If any objections have been received to the last-Account Slip within the stipulated period, then check all the entries using conventional ledger entries and all the schedules to satisfy in all respects as per the process in use now.

Shri Leo Barker suggested and the Board approved that even after the payment has been made, if any objections

are raised by the seamen, due consideration may be given.

XVI. Item No. 14. Claim of expenditure incurred on transportation of personal effects by Shri S.M. Ochaney, former Commissioner, Seamen's Provident Fund.

The Board approved the claim of Shri S.M. Ochaney, former Seamen's Provident Fund Commissioner of Rs. 250/= being the expenditure incurred by him on transportation of personal effects on his reversion to his parent department.

XVII. Item No. 15. Draft-Annual Report for the year 1973-74, on the working of the Seamen's Provident Fund Scheme, 1966.

The Board decided that the Draft-Annual Report for the year 1973-74, on the working of the Seamen's Provident Fund Scheme, 1966, be amended as under:—

(a) II - REVIEW (Pages 2 and 3)

On page 3, a portion of the last-line of para 3, under this item, reading "because of the progressive economical management of the Organisation" be deleted.

(b) V. REMITTANCE OF PROVIDENT FUND CONTRIBUTIONS

The entire para appearing on page 5 under this item beginning with the words "The undermentioned companies ..... upto Sr. No. 28. M/S. Universal Shipping and Coastal Trading, Bombay" be deleted.

(c) VI. ARREARS OF PROVIDENT FUND CONTRIBUTIONS:

The entire sub-item (B) "RECENT CASES" beginning at the bottom of page 6, covering complete page 7 and a portion on top of page 8 upto "Total Rs. 2,39,251.96" be deleted.

(d) VII. DAMAGES LEVIED AS PER SECTION 18 OF SEAMEN'S PROVIDENT FUND ACT, 1966.

Para 2 under this item beginning with the words "Damages on the delayed payments of P.F. contributions ....." (P-8) and the entire list of companies thereunder and the para under the

statement of defaulting companies (page 9) beginning with the words "From the above total of Rs.46070.10 upto ..... accepted by the companies" be deleted. This portion should be substituted by the words —

"The total amount of damages levied for delayed payment of provident fund contributions during 1973-74, was Rs.46070.10, which has since been recovered."

(e) On page 9 (under item VII), the last para beginning with the words "It is anticipated that a much higher amount of Damages ..... upto end of this item, ending with the words "which are financially sound but deliberately withholding payment" (page 10) be deleted.

(f) XI. "FORFEITURES" (page 12)

The entire first paragraph beginning with the words "When a seaman leaves the seafaring profession ..... and ending with the words "upon the length of sea service" (p.13) be deleted.

(g) On page 18, the Board's decision No. (VIII) be deleted completely.

(h) On page 19 the Board's decision No. (XV) be deleted completely.

(i) XVI ADMINISTRATION. (p.19)

The sixth sentence of para 1 under this item beginning with the words "The Central Government appoints the Commissioner — and ending with the words "specified by the Government", be deleted.

(j) On page 20 line 3, the word "devoted" appearing in this line be deleted.

(k) XXII ACKNOWLEDGEMENTS. (p.22)

The last sub-para under this item be deleted and substituted with the following :—

"The Board places on record its appreciation of good

services rendered by the Commissioner, Officers and Staff of the Seamen's Provident Fund Organisation during the year."

The Board noted that Shri K.C. Koshy, the Accounts Officer of the Seamen's Provident Fund, is to retire by the end of November 1974. The chairman and the Members of the Board thanked Shri Koshy for his continued devoted services and wished him peaceful retired life.

The meeting then terminated with a vote of thanks to the chair.

S V Rhaw
20-12-75
Chairman

hig
11.12.75
Secretary.
Board of Trustees,
Seamen's Provident Fund,
Bombay.

CHAIRMAN,
BOARD OF TRUSTEES,
SEAMEN'S PROVIDENT FUND,
BOMBAY.

MINUTES of the TWENTYEIGHTH (XXVIII) Meeting of the Board of Trustees of the Seamen's Provident Fund, held on Monday, the 13th January, 1975, at 10.30 A.M. in the Board Room of the Seamen's Provident Fund Organisation "Krupanidhi", Ballard Estate, Bombay 1.

The following were present :—

1. Shri M. Wala .... Chairman
2. " S.P. Kapoor .... Member
3. " D.C. Ahir .... "
4. " N. Latif .... "
5. " N.K. Sen .... "
6. " Leo Barnes .... "
7. " Bijoy Mukherjee .... "
8. " U. Almeida .... "
9. " J.S. Gill .... Secretary.

In the absence of Shri S.V. Bhave, Chairman, Board of Trustees, Seamen's Provident Fund and at the request of the Members, Shri M. Wala presided over the Meeting.

Leave of absence was granted to Shri D.H. Dhunji Bhoy.

Before commencement of the business, the Chairman welcomed the new Member Shri D.C. Ahir, Under Secretary to the Government of India, Ministry of Shipping & Transport.

The Board then took up the items of the "List of Business" for consideration.

Item No. 1. - Confirmation of the Minutes of the Twenty seventh (XXVII) Meeting held on the 11th October, 1974.

Shri Leo Barnes pointed out that he had suggested mention of the name of the former Commissioner for the services rendered by him, in the Annual Report 1973-74 on the working of the Seamen's Provident Fund Scheme. He was informed that the same had been

covered in Chapter XVII under "Administration" of the Annual Report under print.

The Minutes were confirmed.

Item No. 2. - Action taken on the decisions of the Board of Trustees.

The Board noted the position. As desired by Sarvashri Kapoor and Ahir, in future, any data as furnished in Annexure 2, should be arranged State-wise.

In reply to Shri Barnes, the Commissioner informed that the following cases of withdrawal are pending :—

Under para 58-A and 58-B 8
" " 58-C 110
Provident Fund - Final Withdrawals ..... Over 1000

In all in the year 1974-75 till 31st December, 1974 a total of 1016 cases of seamen for various types of withdrawals have been cleared. Cases under para 58-A and 58-B are settled within 10 days of receipt of application. With the Provident Fund - final withdrawal cases, we have to remain cautious for the following reasons :—

a) Applications defective and attestation certificates defective;
b) Duplicate/Triplicate applications on record;
c) Payment already made and in some cases prior to 1973-74 some persons have already been paid more than once;
d) Absence of comprehensive list of all payments made so far;
e) Attempts on fraud and cheating;
f) Pressure of work with the Organisation;
g) Absence of Accounts Officer from 30th November, 1974 and the new Officer is still awaited;
h) Major part of the old cases etc., is pending before the present Commissioner took over.

The Board desired that in future the Commissioner should give

a detailed list of all the pending cases, as some of the cases are pending from the inception of the Organisation.

Item No. 3. – Receipt and Accounting of Provident Fund Moneys.

The Board noted the position.

Item No. 4. – Pattern of Investment of Provident Fund Moneys for the years 1974-75 and 1975-76.

Shri D.C. Ahir informed the Board that the orders have since been issued for continuing the same pattern of investment of Provident Fund Moneys beyond 1st December, 1974 as well. The Board noted the position.

Item No. 5. – Outstanding recoveries on account of Provident Fund Contributions, Administrative Charges and Damages.

The Secretary informed the Board that M/s. Killick Nixon Ltd., Bombay, have made payment of a sum of Rs. 36,368.65 being the outstanding provident fund contributions, under protest. The Board decided that this outstanding recovery should be eliminated from the Agenda of the next Meeting.

The Secretary further informed the Board that with regard to Messrs. Ashok Line, Ernakulam, the Company have agreed to pay the Provident Fund dues outstanding against them in four instalments through the Collector of Cochin. First instalment has since been paid. The Board also noted the position with regard to the steps being taken for recovery of outstanding Provident Fund dues from the remaining Shipping Companies and hoped that such recoveries will be effected expeditiously and outstanding recoveries eliminated from the Agenda papers.

The Board was informed that from the recent outstanding dues some amounts have already been received/reconciled after the despatch of Agenda. The cases of the Shipping Corpn. of India Ltd. and M/s. Shaw Wallace & Co. Ltd., Bombay, are under enquiry under Sec. 9 of the Seamen's Provident Fund Act, 1966, for passing

the final orders therein.

The Commissioner drew attention of the Board to Agenda No. 13 for the case of Messrs. Shaw Wallace & Co. Ltd., Bombay. Shri Barnes said that such employment and pay-off of the crews was done with the full knowledge of Shipping Masters and the employers may not be fully at fault. This was noted.

Item No. 6. – Budget Proposals for the Financial Year 1975-76.

A. Budget Re-appropriation of Funds sanctioned in the Budget of 1974-75.

After due consideration of the proposal, the Board approved in principle, the re-appropriation of Rs. 1,50,000/- to meet the extra expenditure on account of IBM accounts, revised pay and additional dearness allowances to Officers and Staff and Honoraria and overtime etc. The final re-appropriation should be submitted at the end of the financial year.

B. Budget Proposals for the year 1975-76.

The Board considered the proposed expenditure of Rs. 7,68,600/- from the Administrative charges provided in the Budget Proposals for the year 1975-76 as rather on the high side.

The Board appointed a Committee comprising of Commissioner, Seamen's Provident Fund and some of the local Trustees (since IBM Unit is at Bombay itself), under the Chairmanship of Shri M. Wala to examine in detail the question of streamlining the Accounting procedures in the Organisation, the conventional manual working vis-a-vis the computerised accounting procedures, the quantity, methods and the quality of the work involved, the need for additional staff, the cost-factor and other relevant issues and submit its report to the Board. The Committee was authorised to co-opt any other person or persons, as deemed necessary.

The Board further decided after deliberations to consider the Budget for the year 1975-76 based on the report of the above-mentioned

Committee and the actual expenditure on IBM. However, the Board desired that utmost economy be observed in the Administrative expenditure.

With regard to pensionary benefits for staff it was felt that a detailed note should be put up by the Secretary on this aspect. The question of establishing a Pension Fund should also be examined as the idea of making provision every year in the budget for Pensionary benefits on ad-hoc basis does not seem to be appropriate.

Sarvashri Kapoor, Ahir and others observed that there should be some continuity with the Officers of the Seamen's Provident Fund Organisation. The Board agreed that the Seamen's Provident Fund Organisation should have at least a permanent Accounts Officer to serve the permanent interests of the Fund instead of the Account Officer being appointed on deputation for a limited period. Action be initiated to amend suitably the provisions in this behalf.

Item No. 7. — Fixation of rate of interest for credit to Members' Accounts for the year 1974-75.

The Board considered the proposal to fix the rate of interest for credit to the Members' Accounts for the year 1974-75 and decided to recommend to Government that the rate of interest be fixed at 7% from the large amount of Interest Suspense lying with the Organisation.

Item No. 8. — Fixation of rate of interest for credit to the Accounts of the Staff General Provident Fund for 1974-75.

The Board decided to fix the rate of interest for credit to the General Provident Fund Accounts of the staff of the Seamen's Provident Fund Organisation at 6.5% per annum from 1.4.1974 till 31.7.74 and at 7.50% per annum from 1.8.1974 onwards, as prescribed by the Ministry of Finance for all Central Government Provident Funds for the above periods.

Item No. 9. — Requests from employers for grant of exemption under Sec. 20(1) of the Seamen's Provident Fund Act 1966, from the operation of the Seamen's Provident Fund Scheme, 1966.

The Board approved the grant of exemption to Petty Officers employed by Messrs. Great Eastern Shipping Co. Ltd., as per the details given.

The Board deferred further consideration of this item to a future meeting for consideration of the specific categories of seamen and retrospective application when remaining information is received from the companies.

Item No. 10. — Progress report on 'IBM' Accounting Procedures.

The Board noted the position but deferred detailed consideration of this item until the availability of report of the Committee appointed in this connection — under Item No. (6) of the 'List of Business' for this meeting.

The Commissioner informed the Board that a major part of back-log of work has already been completed through IBM, which was the prime purpose of the introduction of the IBM v/s additional man-power. The existing staff had remained busier than before for the 100% checks — necessary with the IBM data and the work created by paras 58-A, 58-B and 58-C, Inquiry Counter, and pending work.

Item No. 11. — The General Roster (Seamen's Gratuity) Fund.

The Board felt that the issues involved may be considered by the Seamen's (General Roster) Gratuity Fund recently notified by the Govt. and dealt with by the said Board. It was, however, agreed that the funds if any required to meet the initial expenses on account of the General Roster Gratuity Fund might be advanced as a loan by the Seamen's Provident Fund Organisation.

Item No. 12. — Audit of the Accounts of the Seamen's Provident Fund Organisation.

The Board noted the position. The Commissioner informed that

The pending complaints for payments, double payments, procedures and other observations will be brought to the notice of Audit which had been asked for on immediate basis.

Item No. 13. – Payment of Provident fund dues to Indian seamen having signed both the Indian as well as Foreign Articles of Agreement.

As the subject-matter related to the policy to be formulated, the Board deferred consideration of this item to the next meeting.

Item No. 14. – Payment of Provident fund dues to seamen retrenched having been declared surplus with no prospect for future employment.

As the subject matter related to the policy to be formulated, the Board deferred consideration of this item to the next meeting.

Item No. 15. – Payments of monies to seamen who have been victims of fraud.

Since the matter has already been handed over to the Police authorities concerned for investigation, the Board felt it rather pre-mature to consider the question. It was, therefore, decided that consideration on this item may be awaited until report of investigation is made known.

Item No. 16. – Appointment of a Sub-Committee to streamline the procedure for non-refundable and final withdrawals.

To Shri Barnes' query on frauds and for four payment cases mentioned by him in his letter to the Authorities, the Commissioner informed that prudence demands that "Prevention is better than cure". The necessary steps to ensure correct payments are essential with discretion exercised where necessary. The Chairman has been kept informed and the position on the cases of payments was as under :—

i) Shri Jose Pereira – CDC No. 76458 :

The payment was already made on 25.5.1973 for Rs. 4640/- and the proper receipts are in Commissioner's office.

ii) Shri Luis M. Fernandes – CDC No. 70217 :

The applicant was interviewed for pending requirements on 16.12.74. Part payment of Rs. 3360/- was made on 27.12.1974. Part payment – recovery for the period 10.10.1967 to 16.10.1968 is under correspondence with the employer and the seaman has been kept informed.

iii) Sk. Jeenar – CDC No. 54253 :

Request for application form was received on 6.12.1974 and a blank application form was despatched on 17.12.1974 to the party. The filled in form was received on 9.1.1975 and the question of payment will arise only then.

iv) Ali Sk. Mohmed, CDC No. 66509:

The seaman in question was reported missing from the ship casualty. The application received on 3.9.1974 was found incomplete for voyage details. In the absence of CDC the voyage record was called for from the Director, Seamen's Employment Office, Bombay. Considering the legal implications of presumption of death in cases of ship-wreck, when persons are reported missing, our Advocate was consulted. Formal investigation into the casualty is already over. The payment will be made on receipt of voyage details from the Director, Seamen's Employment Office, Bombay, which are expected. Filing system, inquiry counter and procedures have been introduced to achieve efficiency. The Commissioner desired that filing of the applications direct with the Seamen's Provident fund, complete with all details, certificates, and CDC as proposed by him may be considered alongwith the strengthening of the Organisation.

The Board decided that Shri M. Wala, one representative of the National Union of Seafarers of India and the Commissioner, should consider the measures in co-ordination with each other for speedy and correct

payment of non-refundable withdrawals and final payments to seamen and to ensure that the hardships experienced by the seafarers or their families on account of delayed payments, if any, are minimised to the extent possible and propose further measures.

Item No. 17. — Definition of Service/Members.

Since consideration of this matter involved suitable amendment to the provisions of the Seamen's Provident Fund Scheme, 1966, the matter was deferred for consideration at the next meeting.

Item No. 18. — List of all books and periodicals purchased during the year.

The Board noted the position.

Item No. 19. — Payment in cash or by bearer cheque to seamen.

The Commissioner explained the difficulties of cash payment. The Co-ordination group already minuted under the Item No. 16 of the "List of Business" will go into the merits of the proposal and recommend suitable measures to be adopted. On receipt of report of the Committee the same will be considered by the Board at the next meeting.

Item No. 20. — Welfare Scheme for seamen and/or their families from the Forfeiture Fund.

The Board deferred consideration of this item to the next meeting.

Item No. 21. — Increase in the rate of Administrative Charges.

Considering the increased expenditure on administration compared to the receipts from the Administrative Charge Account, the Board decided to increase the rate of Administrative charge from 1.25 per cent to 2.10 per cent with effect from 1st April, 1975.

It was decided to hold the next meeting of the Board in March, 1975.

The Meeting then terminated with a vote of thanks to the Chair.

S V Bhave
Chairman

13.1.75

MINUTES of the TWENTYNINETH (XXIX) Meeting of the Board of Trustees of the Seamen's Provident Fund, held on Friday the 14th March, 1975, at 11.00 A.M. in the Board Room of the Seamen's Provident Fund Organisation "Krupanidhi", Ballard Estate, Bombay 400 038.

The following were present :—

1. Shri S. V. Bhave .... Chairman
2. " M. Wala .... Member
3. Shri S. P. Kapoor .... "
4. " D. C. Ahir .... "
5. " N. Latif .... "
6. " N. K. Sen .... "
7. " D. H. Dhunjibhoy .... "
8. " Leo Barner .... "
9. " U. Almeida .... "
10. " J. S. Gill ... Secretary.

Leave of absence was granted to Shri Bijoy Mukherjee and his written views on the Agenda were circulated to all the members present.

The Board then took up the items of the "List of Business" for consideration.

Item No. 1. — Confirmation of the Minutes of the Twentyeighth (XXVIII) Meeting of the Board held on 13.1.1975.

The minutes were passed with the following amendment :—

Item No. 2. Page 2. The words "even though such work was additionally taken over by the Organisation" appearing in lines 3 and 4, to be deleted.

Item 10. Page 5. — The words "The Organisation is without the post of officers like the Inspector and other additional requirement of staff and officers. As such due consideration

may have to be given to these essential requirements" to be deleted.

Item No. 6 : A separate para be inserted before the last para under this item on page 4 as follows :—

"with regard to pensionary benefits for staff it was felt that a detailed note should be put up by the Secretary on this aspect. The question of establishing a Pension Fund should also be examined as the idea of making provision every year in the Budget for Pensionary benefits on ad-hoc basis does not seem to be appropriate."

Item No. 11. The following to be inserted at the end of the para :—

"It was, however, agreed that the funds if any required to meet the initial expenses on account of the General Roster Gratuity Fund might be advanced as a loan by the Seamen's Provident Fund Organisation."

(c) Shri Leo Barnes expressed that at the last meeting he had desired to be supplied with a list of all Books and periodicals purchased by the Organisation during the year. However, only a list of important Books and periodicals purchased by the Organisation was supplied. The Chairman desired that full and complete list of all the books and periodicals purchased by the Organisation during the year be supplied to Shri Barnes for his scrutiny and remarks. Shri Barnes was shown the Register of books mentioned which had also been audited. Shri Barnes mentioned that books not pertaining to the work of Provident Fund should not be purchased.

Item No. 2 and 2(A) : Report of the Committee appointed for examination of accounting procedures and IBM Accounting requirements.

The Report of the Committee was considered and the contract for continuing the work with the IBM was approved as per the proposal, with the Commissioner authorised to sign the contract till March, 1976. The Board had also noted the other brief offer made in item No. 2(A) for such work but approved IBM to continue for the continued responsibility / results. After March, 1976 further due consideration may be given once again. The Board felt that the existing Committee appointed for IBM may go into this question in detail and submit their advice to the Chairman.

Item No. 3 / Budget Estimates — 1975-76 :

The Board discussed the Budget Estimates and passed the same with the following modifications :—

(a) The Board however, deferred consideration of a token provision of Rs. 1,00,000/- on account of Pensionary benefits to the staff of the Organisation from 1966 to 31st March, 1976. A detailed Scheme may be worked out in the first instance.

(b) The token provision of Rs. 4,00,000/- on account of purchase of accommodation for the Commissioner was reduced to Rs. 3,00,000/-. The Commissioner should prepare concrete proposals for the flat and thereafter, a local Committee may be appointed to select the premises.

Item No. 4 : Progress Report on IBM Accounting Procedures :

The Board noted the progress.

Item No. 5 : Audit of the Organisation :

The Board noted the contents and decided to consider the matter further on receipt of the Audit Report. The members expressed concern over the two known cases of double payments reported by the Commissioner, which had occured before he had taken charge of the post. The Commissioner informed the

Board of the pressure of work faced by the Organisation, the steps newly introduced and to minimize the occurrence of such double payments in future.

Item No. 6 : Payments of Provident Fund dues to Indian Seamen having signed both the Indian as well as some other foreign Articles & Agreement.

The Board expressed concern over non-receipt of Provident Fund Returns and the Provident fund contributions in certain cases of seamen who had signed both the Indian as well as some other foreign Articles & Agreement. Shri Leo Barnes highlited such cases occuring at out-ports and desired steps be taken. Shri Leo Barnes suggested and the Board approved in principle to appoint Inspectors for such controls. The Chairman desired that the Commissioner should obtain particulars of such cases from the Shipping Masters, at out-ports and necessary instructions be issued to stop such practices. He should also make his proposals for the appointment of Inspectors for this purpose. It was further decided that the Board may be kept informed of the steps taken for consideration at the next meeting.

Item No. 7 : Payment of Provident Fund dues to seamen retrenched "having been declared surplus with no prospect for future employment."

The Chairman, Owners/Agents' Committee (Crews), Bombay Shri Latif clarified that in some cases certain categories of seamen are required only on passenger ships. When passenger ships are scrapped such seamen are retrenched 'having been declared surplus with no prospect for future employment'.

In such cases under para 59(3) the Employers' share of the provident fund contributions is forfeited depending on the length of service rendered by individual member. It was suggested by the Provident Fund Commissioner that para

59(3) of the Seamen's Provident Fund Scheme, 1966, may be suitably amended to provide for non-forfeiture of the employers' share in such cases where the seamen have been retrenched having been declared surplus.

The Board desired to have details of some particular representations in individual cases before considering the matter further.

Item No. 8 — Payment of Provident Fund monies to seamen who have been the victims of alleged fraud.

The Board noted the contents, the steps already taken and the importance of the steps still to be taken by the Commissioner. The Board was of the view that the Forfeiture Account of the Fund, meant to be spent for measures conducive to the welfare of the seamen or their families could be utilised to pay the legitimate dues to the victims of fraud.

Item No. 9 — Appointment of a Sub-Committee to formulate a welfare scheme for seamen and/or their families from the forfeiture fund.

The Board desired the Commissioner to submit a detailed note on the subject for consideration at the next Board Meeting.

Item No. 10 — Definition of Service/membership.

After due consideration of the matter the Board did not feel it necessary to further amend the provisions of the Seamen's Provident Fund Scheme on this account, for the time being.

Item No. 11 — Co-ordination, speedy disposal, correct payment and reduction of hardship on account of delayed payment, if any.

The Board deferred consideration of this item to the next meeting pending report from the Committee as mentioned in Item No. (2) above.

The Meeting then terminated with a vote of thanks to the Chair.

SVBhave

Chairman.

CHAIRMAN,
BOARD OF TRUSTEES,
SEAMEN'S PROVIDENT FUND,
BOMBAY.

22/1/76

Secretary.

Secretary,
Board of Trustees,
Seamen's Provident Fund,
Bombay.

MINUTES of the Thirtieth (XXX) Meeting of the Board of Trustees of the Seamen's Provident Fund, held on Monday, the 22nd December, 1975, at 10-30 A.M. in the Board Room of the Seamen's Provident Fund, Krupanidhi, Ballard Estate, Bombay-1.

The following were present :—

1. Shri S. V. Bhave .... Chairman
2. " M. Wala .... Member
3. " S. P. Kapoor .... "
4. " D. C. Ahir .... "
5. " N. Latif .... "
6. " Leo Barnes .... "
7. " Bijoy Mukherjee .... "
8. " U. Almeida .... "
9. " J. S. Gill .... Secretary

Shri S. V. Bhave, Chairman of the Board of Trustees, Seamen's Provident Fund presided over the Meeting.

Leave of absence was granted to S/Shri N. K. Sen and D. V. Dhunjibhoy.

The Board then took up the items on the "List of Business" for consideration.

Item No. 1. Confirmation of the Minutes of the Twenty-nineth Meeting of the Board, held on 14th March, 1975.

The Minutes were approved subject to the following amendments :—

Item No. 2 (Page 2) — The last sentence under this item reading —

"In the meanwhile the Chairman was authorised to appoint such minimum staff as he may consider

necessary for removing the back-log," - be deleted.

Item No. 3(b) (Page 3). - The last sentence may be revised as follows :-

"The Commissioner should prepare concrete proposals for the flat and thereafter, a local Committee may be appointed to select the premises."

Item No. 7 (Page 3). - The word "future" appearing at the end of para 3 may be substituted by the word "further".

Item No. 8 (Page 3). - After some discussions it was agreed that no amendment may be necessary but the Commissioner should give a list of such cases under enquiry at the next meeting.

Item No. 2. (Action taken on the decisions of the Board of Trustees.

1) Appointment of a representative of the S.P.F. on the Board of Directors of M/s. Krupanidhi Pvt. Ltd., Bombay.

Our proposal for association with the said Company alongwith the previous back-ground be separately brought before the Board at the next meeting, after further discussions by Shri Rajadhyaksha with the Chairman and the Commissioner. In the meantime, status quo be continued.

2) Amendments to para 35 of the S.P.F. Scheme, 1966.

The Board decided to accept the amendment to para 35 of the Seamen's Provident Fund Scheme, 1966 suggested by the Committee on Subordinate Legislation as under :-

"Substitute the words "On which date there ought to have been the final settlement of the wages due to seamen" by the words "When the wages become payable to the seamen." and approach the Ministry for issue of necessary Government Notification.

5) Amendments to the Declaration/Nomination Form I and IV

(filed by seamen under the S.P.F. Scheme, 1966).

The Declaration/Nomination filed by seamen in the existing forms will be considered valid till the revised forms are introduced.

12. Fixation of rate of interest for credit to the accounts of the staff G.P.F.

Since the Staff Provident Fund Regulations do not have any specific provision on the subject of debiting interest accrued or otherwise - administrative charge account has been utilised for the purpose so far. It was decided to examine this as a separate item at the next meeting.

13. Regular permanent Account Officer of the S.P.F. Organisation.

The Board noted the position and desired that the Recruitment/Recruitment Rules for the post of the permanent Account Officer of the Organisation be brought as a separate item at the next meeting for consideration.

18. Payment of P.F. moneys to seamen who have been the victims of alleged fraud.

The Board decided, as desired by Shri Barnes, to strike off the record of action taken, the following words appearing under this item :-

"Which were erroneously conceived by them probably due to wrong information given by seamen."

Except as above, the action on the remaining items was noted by the Board.

Item No. 3. - "Annual Report" on the working of the Seamen's Provident Fund Scheme, 1966 for the year 1974-75.

"Shri Latif pointed out that the draft Annual Report was too lengthy and therefore, required to be re-cast so as to pin-point the main decisions taken during the year under review.

Part "I"

re such cases are already received. The Board approved
ernment directives under para 68 of the Scheme should
ht for waiving the forfeitures in such cases.
D.C. Ahir suggested and the Board agreed to
approach the Ministry for suitably amending the provisions of the
S.P.F. Schemes, 1966 on the lines of the Employees' Provident
Fund Schemes, which already provides for other similar
contingencies in which forfeitures need to be waived.

Addl. Item No. 1. Urgent staff requirements for clearing of unposted items and other arrears of work.

The Commissioner informed the Board about the increase of financial responsibility/arrears/steps against attempts at cheating, the number of P.F. Schedules increase from 7,728 (1971-72 computerisation stage) to 9,600 (1974-75 & 1975-76). The receipt and despatch of letters stood at 21,000 and 17,000 respectively (in 1974-75 and 1975-76) at much more than double of 1971-72. He also drew attention to the pending arrears from pre 1974 and his urgent demands for assistance at the 28th and 29th meeting along with the necessity of the Inspector's posts etc.

Considering the urgency of liquidating the large number of unposted items and other urgent requirements of the Organisation, the Board approved the creation of the following temporary posts in the Organisation for a period of six months in the first instance :-

1 Senior Assistant.
2 Junior Assistants. and
1 Peon.

The Board desired that the Committee which was assigned to go into the details (28th and 29th Meeting) might send

its advice to the Chairman before the next meeting to assess the overall needs.

Addl. Item No. 2. (Amendment of Sec. 7 of the Act (Suggestion made by Shri Leo Barnes).

The Board recommended in principle to have the incumbent in the post of Commissioner, S.P.F. on a long term basis but did not consider it necessary to have any amendment of Section 7 of the Act.

Addl. Item No. 3. Amendment of sub-section (1) of Sec. 8 of the S.P.F. Act, 1966 - Suggestion made by Shri Leo Barnes.

The Board, after some deliberations, agreed that an amendment to the Seamen's Provident Fund Act be drafted by the Commissioner for consideration of the Board at the next meeting, to permit contributions by employees over and above the quantum stipulated under the Act and the Scheme, provided that such additional contributions by the employees would not create any liabilities on the employers for matching contributions and that no extra administrative charge liability is imposed on employers as a result of such additional contributions by the employees.

Addl. Item No. 4. Permanent residence to Provident Fund Commissioner - Suggestion made by Shri Leo Barnes.

The Board was informed by the Commissioner that as per the decision of the Board the flat in Love Dale Apartments had already been given as a Licensee to our new Accounts Officer on compensation/charge as per the Rules. Another flat appropriate for the Commissioner, when acquired, will be used by the Commissioner.

The Board noted the position.

Addl. Item No. 5. - Amendment to Para 58-C for special victims

of floods - minimum CDC service 10 years be waived - By Shri Leo Barnes.

The Board approved drafting of an amendment, in this respect, in line with the provision in other such Schemes, regarding natural calamities, like floods, etc.

Addl. Item No. 6. S.P.F. — Transfer of Forfeiture A/c. to Seamen's Welfare Fund Society — Suggestion made by O/A.C. (Crews), Bombay.

The Board deferred detailed consideration of this item to the next meeting.

Addl. Item No. 7. — Fixation of rate of interest for credit to Members' Accounts — Transfer of surplus of Interest Suspense for medical care of seamen — By Owners/Agents Committee (Crews) Bombay.

The Board deferred consideration of this item to the next meeting.

The Board decided to hold its next meeting at Mangalore, on Friday, the 6th February, 1976.

The meeting then terminated with a vote of thanks to the Chair.

Secy.

Chairman.

MINUTES of the Thirty-first (XXXI) Meeting of the Board of Trustees of the Seamen's Provident Fund held on Monday, the 23rd February, 1976 at 10-30 A.M. in the Board Room of the Seamen's Provident Fund, "Krupanidhi" 9, Walchand Hirachand Marg, B. Estate, Bombay — 400 038.

The following were present :—

1. Shri S. V. Bhave .... Chairman
2. " M. Wala .... Member
3. " S. P. Kapoor .... "
4. " D. C. Ahir .... "
5. " N. Latif .... "
6. " N. K. Sen .... "
7. " D. H. Dhunjibhoy .... "
8. " Leo Barnes .... "
9. " Bijoy Mukherjee .... "
10. " U. Almeida .... "
11. " J. S. Gill .... Secretary.

Shri S. V. Bhave, Chairman of the Board of Trustees, Seamen's Provident Fund presided over the Meeting.

The Board then took up the items on the "List of Business" for consideration.

Item No. 1 - Confirmation of the Minutes of the Thirtieth Meeting of the Board, held on 22nd December, 1975.

The minute, were confirmed subject to the following changes :—

Page 12. Item No. 3. Annual Report,

First para of the Minutes be amended to read

as under :—

"Shri Latif pointed out that it was not quite appropriate for the Auditors to suggest that the Administrative charges should be brought to the level of 3 per cent i.e. to the level of other Organisations like the Employees' Provident Funds, etc. particularly because para 37 of the Seamen's Provident Fund Scheme specifically provides that the Administrative Charges are to be fixed in consultation with the Board, having regard to the resources of the Fund available for meeting its normal administrative expenses."

"The Board noted the Audit Report and on the question of depreciation, it was decided to maintain the status quo for the present. The Commissioner was requested to examine in detail and put up a separate item on the subject in due course."

Page 4. Line 11. The word 'to' be substituted by the word 'might'.

Page 4. Additional Item No.3. Amendment to Sub-section (1) of Section 8 of the S.P.F. Act, 1966.

The present para be substituted by the following paragraph :—

"The Board, after some deliberations, agreed that an amendment to the Seamen's Provident Fund Act be drafted by the Commissioner for consideration of the Board at the next meeting, to permit contributions by employees over and above the quantum stipulated under the Act and the Scheme, provided that such additional contributions by the employees would not create any liabilities on the employers for matching contributions and that no extra

administrative charge liability is imposed on employers as a result of such additional contributions by the employees."

Item No. 2. Action taken on the decisions of the Board of Trustees.

Shri Leo Barnes referred to Item No. 8 regarding 'Payment of P.F. monies to seamen who have been the victims of alleged fraud' and desired to have a list of cases in which fraud has been suspected. He complained that no action has yet been taken to pay to the victims of the fraud, the amount due to them. The Commissioner showed a list (and offered to put on the table) of cases of payments which were delivered at the same address and were believed to be cases of fraud. The Commissioner informed the Board that as per the suggestion made by Audit and our Legal Adviser, any further payments, if necessary, may be done after the final outcome of the case is known.

The Board appointed a Sub-Committee comprising of the following Members to consider if any relief could be given to persons who appear to be victims of fraud, in these cases.

Shri M. Wala.
Shri N. Latif (or his nominee)
Shri Leo Barnes.
Shri Bijoy Mukherjee.
Shri G. S. Gill (Commissioner).

It was resolved that the Sub-Committee should submit its report as soon as possible after considering the legal and other aspects of the case.

The position with regard to the remaining items

was noted.

Item No. 3. Audit Report - 1974-75.

The Board noted the position of unposted items/amounts to be reconciled, the effective steps taken to clear the same and approved in principle the need for introduction of internal audit and other requirements. It was resolved that the additional staff requirements of the Organisation should be brought up separately for consideration by the Board.

As regards the suggestion to make pre-receipted payments, and to make payments by cheques only, the Commissioner explained the practice followed in other similar Organisations. The Board thereon appointed the same Sub-Committee appointed under Agenda Item No.(2) to consider the issues involved.

Shri M. Wala. Shri Bijoy Mukherjee.
Shri N. Latif (or his nominee). Shri J. S. Gill (Commissioner).
Shri Leo Barnes.

Item No. 4. Ninth Annual Report on the working of the Seamen's Provident Fund - for the year 1974-75.

Shri D. C. Ahir, Kapoor and Bijoy Mukherjee suggested and the Board agreed that the statistical data, quoted in the main text, be restricted to the preceding five years and the Annexures standardised as per the draft Report.

The Board also accepted the changes made by Shri S. P. Kapoor, in pencil, in the draft Annual Report, besides the verbal changes suggested by Sarvashri Latif, Sen and Leo Barnes and Shri Ahir.

Item No. 5. Budget Proposals for the year 1976-77.

The Commissioner presented to the Board the salient features of the Budget in summary form.

Sarvashri N. Latif and N. K. Sen observed that though the Administrative expenditure was raising year after year, the surplus in the Administrative charge has simultaneously risen correspondingly, they therefore suggested and the Board agreed that the rate of Administrative charge be reduced from 2% to 1.75% with effect from the next financial year. This reduced rate of Administrative charge at 1.75% will fetch to the Organisation a sum of Rs. 5,25,000/- on the anticipated Provident Fund contributions of Rs. 3,00,00,000/-. In addition, the Orgn. will have an interest income of Rs. 120,000/- from the surplus kept in Fixed Deposits with the State Bank of India, making a total sum of Rs. 645,000/- available to meet with the administrative expenditure. The balance administrative expenditure could be met from the surplus amounts in the Administrative charge account if the need arises and the Budget was amended to that extent.

The Employers' representatives offered to suitably increase the rate of Administrative charge as and when found necessary having regard to the resources of the Fund available for meeting its normal administrative expenses.

Except as above, the Budget as proposed was finally approved by the Board.

The Board noted that pending clarification of the legal position as to whether D.A.D.S. and other allowances are part of wages, the present practice in respect of making P.F. contributions by the employers and the employees will be continued.

Item No. 6. Appointment of a representative of the Seamen's Provident Fund on the Board of Directors of M/s. Krupanidhi Pvt. Ltd., Bombay.

The Chairman informed the members that he had requested Shri Rajadhyaksha, B.A., LL.B., Advocate (Retd. Addl. Secretary, Ministry of Law) and Mrs. Lata Desai, Legal Adviser, both — to explain to the Board the legal position in regard to the interest of the Seamen's Provident Fund Office in the building "Krupanidhi".

Shri Rajadhayaksha explained the position as follows :-

He referred to the opinion given by him in his letter dated 26th Sept. 1975 and stated that in his opinion the title of the Seamen's Provident Fund to Unit No. 9 in the 'Krupanidhi' Bldg. in which the office of the S.P. Fund is at present located, is rather shaky and insecure. At present the 'Krupanidhi' Pvt. Ltd. is the owner of the whole building. If the owner make any default in paying taxes or incur any private debts, the whole Bldg. may be attached in future and the S.P. Fund would be put in a very difficult position. It was, therefore, his opinion that it is advisable that the Commissioner, S.P.F. should become a Director in the Krupanidhi Pvt. Ltd. and the deposit given by the S.P. Fund for Unit No. 9 should be converted into equity shares of Krupanidhi Pvt. Ltd. Once this is done, it would be possible for the Commissioner, S.P. Fund, in his capacity as Director of the Company to ask for information and also to control to at least some extent, by influencing his fellow Directors, working of the company. It would be possible for him as also for those representatives of Government or public organisations who might take or have already taken similar action, to become Directors and share holders of Krupanidhi Pvt. Ltd., to obtain information and prevent the company from undertaking any activities as might adversely affect the interest of the S.P. Fund and the other Government and the public organisations. He clarified that even after such action is taken, there

can be no guarantee that a situation might not develop where the interest of the S.P. Fund in the Krupanidhi Bldg. is adversely affected, but there is a much greater chance of this being prevented if the Commissioner, S.P. Fund becomes a Director of this company and has the right to ask for relevant information and to vote in any matters regarding the activities to be undertaken by the company. The members obtained certain clarifications from the Legal Advisers, after which they (Legal Advisers) withdrew from the meeting.

"Shri Kapoor pointed out that .....

Whereas it is true that certain clarifications were obtained, but Shri S.P. Kapoor had also expressed his doubts on the desirability of purchasing the shares in the private Krupanidhi Limited company and becoming a Director on the Board of Directors of that company. His doubts were that the title of the Seamen's Provident Fund to Unit No. 9 in the Krupanidhi Building in which the office of the Seamen's Provident Fund is at present located being shaky and insecure as advised by the Legal Advisor, it would not be advisable for our organisation to entrench themselves more into the affairs of the Private Limited company and, thus, extending the scope of their liability from the existing Unit No. 9 to the whole Building and to the other affairs of the company whatever those may be. We were legally advised that if we do not purchase the shares of the Krupanidhi company and become one of its directors and remain ignorant of the affairs of the company, there is a possibility that we may be deprived of the Unit purchased by our organisation and we may even be ousted from that Unit. This fear is imaginery. If such a situation arises, we will be entitled to recover the payment made by us for the purchase of the

As per amendment.

unit either from the Krupanidhi Pvt. Limited or from whomsoever the assets of this company get transferred. The Legal Adviser stated that in that situation, Krupanidhi Pvt. Limited or somebody else to whom their assets get transferred will be entitled to recover from us the rent of our unit for all these years. Shri Kapoor said that this should not follow in the normal course as a result of our claiming the price paid by us for the purchase of the unit. He also expressed his doubt whether we would be effective in getting out the real position of the Estate by becoming a Director of the Board. If the owners make any default in paying taxes or incur any debt resulting in the attachment of the building in future and the S.P. Fund being put in a very difficult position. Shri Kapoor opined that the taxes due from our unit may be got ascertained from the Municipal or other concerned authorities and the payment of our share of taxes directly made to those authorities. That having been done there should be no occasion for our unit to be attached. There should be no reason for private debt of the company or any of their liability getting passed on to our unit. He was not sure whether the Government's approval will be required for the purchase of shares of Krupanidhi Pvt. Ltd. and to become one of their Directors. He therefore requested examination of this aspect."

As per amendment

After some discussion, it was decided unanimously that action as proposed by Shri Rajadhyaksha should be taken i.e. the Commissioner, S.P. Fund should be nominated as a Director on behalf of the Fund, on the Board of Directors of Krupanidhi Pvt. Ltd., and the deposits already made should be converted into shares of Krupanidhi Pvt. Ltd. It was also decided that before implementing the decision whether Govt. sanction is necessary for the purchase of shares and

As per amendment

if so their sanction be taken. The Govt. may be informed of this decision of the purchase of shares for directions, if any.

For want of time the remaining items on the Agenda could not be discussed and the Meeting terminated with a vote of thanks to the Chair.

It was decided to bring the remaining items on the Agenda for consideration at the next meeting of the Board to be held early next month.

S V Rhan

CHAIRMAN,
BOARD OF TRUSTEES,
SEAMEN'S PROVIDENT FUND,
BOMBAY.

J. S. Ley.

Secretary,
Board of Trustees,
Seamen's Provident Fund,
Bombay.

MINUTES OF THE THIRTY-SECOND (XXXII) MEETING OF THE BOARD OF TRUSTEES OF THE SEAMEN'S PROVIDENT FUND, HELD ON MONDAY, THE 8TH MARCH, 1976, AT 11-30 A.M. IN THE BOARD ROOM OF THE SEAMEN'S PROVIDENT FUND, "KRUPANIDHI", 9, WALCHAND HIRACHAND MARG, BALLARD ESTATE, BOMBAY-400038.

The following were present :—

1. Shri S. V. Bhave ..... Chairman
2. " M. Wala ..... Member
3. " S. P. Kapoor ..... "
4. " N. Latif ..... "
5. " N. K. Sen ..... "
6. " Leo Barnes ..... "
7. " Bijoy Mukherjee ..... "
8. " J. S. Gill ..... Secretary.

Leave of absence was granted to Sarvashri D. P. Ahir, D. H. Dhunjibhoy and U. Almeida.

Shri J. S. Narayan, on behalf of INSA was called in as a special invitee to attend the meeting in place of Shri D. H. Dhunjibhoy. He was welcomed by the Chairman and the members.

The Board then took up the items on the "List of Business" for consideration.

Item No. 1. - Confirmation of the Minutes of the Thirty-first (XXXI) Meeting of the Board, held on 23-2-1976.

To a query from Shri Bijoy Mukherjee, the Chairman and other members ruled that in future

no meeting to be called as a "deferred meeting". The minutes were confirmed subject to the following amendment :-

Item No. 6. (Appointment of a representative of the Seamen's Provident Fund on the Board of Directors of M/s. Krupanidhi Pvt. Ltd., Bombay.

(A copy of letter dated March 6, 1976 received from Shri S. P. Kapoor, was circulated amongst the Chairman and the members for their perusal. Shri Kapoor expressed that his letter was not a note of dissent from the unanimous decision arrived at the last meeting. The Chairman agreed that the views of Shri Kapoor be brought on record of the Minutes and lines 7 to 12 (third para from bottom on page 4 of the Minutes) be amended to read as under :-

"Shri Kapoor pointed out that .....

Whereas it is true that certain clarifications were obtained, but Shri S. P. Kapoor had also expressed his doubts on the desirability of purchasing the shares in the private Krupanidhi Limited Company and becoming a director on the Board of Directors of that Company. His doubts were that the title of the Seamen's Provident Fund to Unit No. 9 in the Krupanidhi Building in which the office of the Seamen's Provident Fund is at present located being shaky and insecure as advised by the Legal Adviser, it would not be advisable for our organisation to entrench themselves more into the affairs of the Private Limited company and, thus, extending the scope of their liability from the existing Unit No. 9

to the whole building and to the other affairs of the company whatever those may be. It was legally advised that if we do not purchase the shares of the Krupanidhi company and become one of its directors and remain ignorant of the affairs of the company, there is a possibility that we may be deprived of the unit purchased by our organisation and we may even be ousted from that unit. This fear is imaginery. If such a situation arises, we will be entitled to recover the payment made by us for the purchase of the unit either from the Krupanidhi Pvt. Limited or from whomsoever the assets of this company get transfered. The legal Adviser stated that in that situation, Krupanidhi Pvt. Limited or some body else to whom their assets get transfered will be entitled to recover from us the rent of our unit for all these years. Shri Kapoor said that this should not follow in the normal course as a result of our claiming the price paid by us for the purchase of the unit. He also expressed his doubt whether we would be effective in getting out the real position of the Estate by becoming a Director of the Board. If the owners make any default in paying taxes or incur any debt resulting in the attachment of the building in future and the S.P. Fund being put in a very difficult position. Shri Kapoor opined that the taxes due from our unit may be got apportioned from the Municipal or other concerned authorities and the payment of our share of taxes directly made to those authorities. That having been done there

should be no occasion for our unit to be attached. There should be no reason for private debt of the company or any of their liability getting passed on to our unit. He was not sure whether the Government's approval will be required for the purchase of shares of Krupanidhi Pvt. Ltd. and to become one of their Directors. He therefore requested examination of this aspect."

After some discussions, it was decided unanimously that action as proposed by Shri Rajadhyaksha should be taken i.e. the Commissioner, S.P. Fund should be nominated as a Director on behalf of the Fund, on the Board of Directors of Krupanidhi Pvt. Ltd., and the deposits already made, should be converted into shares of Krupanidhi Pvt. Ltd. It was also decided that before implementing the decision whether Govt. sanction is necessary for the purchase of shares and if so their sanction be taken. The Govt. may be informed of this decision of the purchase of shares for directions, if any.

Item No. 2. - Fixation of rate of interest for credit to the Members' Accounts for the year 1975-76.

Shri Kapoor desired that the rate of interest be 7½% in line with Government Provident Fund interest-rate. The Board considered the proposal to fix the rate of interest for credit to the Members' Accounts for the year 1975-76 and decided to recommend to Government that the rate of interest be fixed at 8% from the large amount of Interest Suspense lying with the Organisation as per para 51 of the Scheme.

Item No. 3. - Request of M/s. India Steamship Co. Ltd. Calcutta for an exemption under Section 20(1) of the Seamen's Provident Fund Act, 1966.

The Board approved the grant of exemption to seven members of the Floating staff of Messrs. India Steamship Company Ltd., Calcutta, being permanent fitters - detailed below :-

S.No.	Name	CDC No.	Date from which exemption is granted.
1.	Shri S.K. Ghose	18996	1.8.1975
2.	" S.K. Mukherjee	21811	1.8.1975
3.	" B. Saha	18907	30.10.1975
4.	" N. Chakravorty	21519	26.10.1975
5.	" C.G. Spirito	19384	23.12.1975
6.	" Chand Mian	18276	2.3.1976
7.	" Dipak Kumar Roy	21664	10.6.1975.

Item No. 4. - Amendment to Sub-section (1) of Section 8 of the S.P.F. Act, 1966, to provide for enhancement of the rate of contributions by the employers/employees above the statutory minimum limits.

As desired by Shri Lalji the Board deferred consideration of this item for the time being.

Item No. 5. - Amendment to Para 58 (c) of the S.P.F. Scheme, 1966, to provide for Waiver of the Minimum limit of 10 years' CDS service in case of natural calamities like floods, earth quakes etc.

The Board approved an amendment to para 58(c) of the S.P.F. Scheme, 1966, in line with the provisions in other such Schemes, regarding natural calamities, like floods etc., as under :-

After para 58-C (1), the following new sub-

para 58(C) (1A) be added :-

"The Commissioner may irrespective of the length of membership of the Fund, on an application from a member, whose dwelling house has been damaged or destroyed by a calamity of exceptional nature, such as floods, earth quake or riots, authorise payment to him from the P.F. Account, a non-refundable withdrawal not exceeding 50% of his own total contribution with interest thereon, standing to his credit on the date of such authorisation, to meet the expenditure on construction/repairs to his dwelling house provided that the member shall produce evidence to the satisfaction of the Commissioner that the said property had been damaged/destroyed. No payment may be made unless the local revenue authority certifies that any of the aforesaid calamity has affected the general public in that area."

Item No. 5.A. - To provide for non-refundable withdrawal not exceeding 50% of Members' own contributions with interest thereon for meeting expenses in connection with marriage of member of family of seamen - Amendment to para 38(c) of the Scheme.

Shri Bijoy Mukherjee desired that the advance be refundable.

Shri Leo Barnes suggested and the Board approved an amendment to para 58 of the Seamen's Provident Fund Scheme 1966 by adding new para 58-E to provide for grant of non-refundable withdrawal from the Provident Fund Account not exceeding 50% of the member's own total contributions including interest thereon, on the date of authorisation of such grant, for meeting the expenses in connection with the

marriage of the member himself or the members of his family. Draft para 58-E proposed by the Commissioner was accepted for recommendation to Government for addition to the existing S.P.F. Scheme as para 58-E, as under :-

"Para 58-E. Non-refundable withdrawal for meeting the expenses in connection with the marriage of member of family of seaman or higher education of children.

1) The Commissioner may, on an application from a member, authorise payment to him of a non-refundable withdrawal from the Provident Fund Account not exceeding 50% of his own total contributions including interest thereon standing to his credit on the date of such authorisation, for meeting the expenses in connection with the marriage of member of the family of seamen, or the seaman himself, or higher education of children.

2) No withdrawal under this paragraph shall be sanctioned to a member unless the amount of his own total contributions with interest thereon standing to his credit in the Fund is Rs. 500/- or more on the date the payment is authorised.

3) No second withdrawal shall be admissible to a member under this paragraph.

4) If the Commissioner is satisfied that the withdrawal granted under this paragraph has been utilised for a purpose other than that for which it was granted, or that the conditions of Non-refundable withdrawal have not been fulfilled within a reasonable time, the Commissioner shall forthwith take steps to recover the amount due with interest at the rate not exceeding 7% per annum thereon, from the wages of the member in such number of instalments as the

Commissioner may direct the employer, for subsequent service, or the Shipping Master, to deduct each such instalment from the wages of the member in such number of instalments as the Commissioner may direct and on the receipt of such direction the Shipping Master/employer shall deduct accordingly. The amount so deducted shall be remitted by the employer/Shipping Master to the Commissioner within such time and in such manner as may be specified in this behalf by the Commissioner, for being credited to the member's account;

5) Where any withdrawal granted under this sub-paragraph has been misused, no further withdrawal shall be granted to the member under the said paragraph.

Provided that only that portion of the interest which might have been credited to the member's account by way of interest had he not taken any such Non-refundable withdrawal shall be credited to the member's account and the excess shall be credited to the Interest Suspense Account.

The mode of payment of this Non-refundable withdrawal shall be the same as provided for under the existing sub-paragraph 58(D) of the Seamen's Provident Fund Scheme 1966.

Item No. 6. - Appointment of a Sub-Committee to formulate a Welfare Scheme for seamen and/or their families from the Forfeiture Fund.

The Board noted that its earlier decision taken at the Twenty seventh meeting held on 11th October, 1974 was being already implemented for utilising the amount from the "Forfeiture Account" of the Fund for the purposes/measures conducive to the welfare of the seamen and/or members of their families, no further action need be taken for the present

for the appointment of any Sub-Committee.

Item No. 7. - Fixation of rate of interest for credit to the accounts of the Staff G.P. Fund for 1974-75.

The Commissioner pointed out that as per Government Notification dated 24-12-1975 the provisions of the Provident Fund Act, 1925 (19 of 1925) apply to the S.P.F. Staff Provident Fund.

Shri Kapoor expressed the view that the interest-rate should be same like any Government Provident Funds and any shortfall between accruals and interest should be given from Administrative Charges Account.

The Board decided that the interest to be credited to the members' accounts should be equal to the accruals from the investment of the staff Provident Fund Amounts and such interest should not be a charge on the Administrative charges Account in future."

Item No. 8. - Transfer of Forfeiture Account to Seamen's Welfare Fund Society, Suggestion from O/A.C.(C).

In view of the Board's decision under item No. 6 of the Agenda for this meeting, the Board feel that no further consideration on this subject was necessary.

Item No. 9. - Fixation of rate of interest for credit to Members' Accounts - Transfer of surplus in the Interest Suspense Account for medical care of seamen (Suggestion from O/A.C(C).

The Trustee, representing the O/AC(C) Bombay withdrew this item from being considered by the Board.

(Additional Item :- Wages to mean and include all Emoluments - (Suggestion by Shri Leo Barnes)

Also letter received from Shri Bijoy Mukherjee.

The Employers' representatives on the Board, offered to table their opinion on the subject matter at the next meeting.

The Board also decided that the meeting of the Committee to consider the additional staff requirements of the Seamen's Provident Fund Organisation be convened on the 17th March, 1976.

The Secretary informed the Board that the Government have been pleased to extend the term of deputation of the present Commissioner for the period of one year expiring on 1st March, 1977, on the same terms and conditions.

The meeting then terminated with a vote of thanks to the Chair.

S V Rhan

CHAIRMAN,
BOARD OF TRUSTEES,
SEAMEN'S PROVIDENT FUND,
BOMBAY.

Secretary,
Board of Trustees,
Seamen's Provident Fund,
Bombay.

Minutes of the Thirty third (XXXIII) Meeting of the Board of Trustees of the Seamen's Provident Fund held on Monday, the 8th November 1976, at 11.30 A.M. in the Board Room of the Seamen's Provident Fund, "Knpanidhi", 9, Walchand Hirachand Marg, Ballard Estate, Bombay-400038

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The following were present :-

1.	Shri S.V. Bhave	Chairman
2.	Shri M. Wala	Member
3.	Shri D.C. Ahir	"
4.	Shri D.R. Bansal	"
5.	Shri N. Latif	"
6.	Capt. B.S. Pavri	"
7.	Shri T.S. Narayan	"
8	Shri Leo Barnes	"
9	Shri Bijoy Mukherjee	"
10	Shri V.M. Almeida	"
11.	Shri J.S. Gill	Secretary

The Chairman welcomed the new members Sarvashri D.R. Bansal (in place of Shri S.P. Kapoor) Capt B.S. Pavri, Acting Chairman C.L.C. (in place of Shri N.K. Sen) and Shri T.S. Narayan (in place of Shri D.H. Dhunjibhoy).

The Board passed the following resolution

"The places on record its appreciation

of the keen interest evinced and the valuable services rendered by Sarvashri D.H. Dhunjibhoy and S.P. Kapoor the former Trustees of the Board"

The Board then took up the items of the "List of Business" for consideration.

Item No.1: Confirmation of the Minutes of the Thirty second (XXXII) Meeting the Board held on 8.3.1976.

The minutes were confirmed subject to the following amendment suggested by Shri N. Latif and Shri N.K. Sen to third para, item 7 (Page 5).

"The Board decided that the interest to be credited to the members' account should be equal to the accruals from the investment of the Staff Provident Fund amounts and such interest should not be a charge on the Administrative Charges Account in future".

Item No.2: Action taken on the decisions of the Board of Trustees.

Sr. No.1. Appointment of a representative of the Seamen's Provident Fund Orgn. on the Board of Directors of M/s Knpanidhi P. Ltd.

The Board noted the position.

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Sr. No. 3: Appointment of a Sub-Committee to formulate a Welfare Scheme for seamen and/or their families from the Forfeiture Fund.

The Board considered this issue and decided that the subject matter be brought as a separate item at the next meeting and a draft be prepared by Shri Leo Barnes in consultation with the Commissioner.

The position with regard to the remaining items was noted.

Item No. 3: Receipts, Payments and Accounting of Provident Fund moneys and progress of work 1-4-76 to 30-9-76

The Commissioner drew attention of the Board that so far, in 1976-77, 59% (53% in 1975-76) of the final withdrawal claims are settled within two months of the receipt of Application inclusive of period of Correspondence. Claims after they have been finally admitted and seamen informed, had to wait their turn as per man hours available and on 30-9-1976 about 136 cases were awaiting raising of vouchers. In the first six months of the year 1368 claims of all types amounting to Rs. 40.17 lakhs, the highest record so far, had been paid.

Shri T.S. Narayan desired and the Board agreed that the statistics relating to average amount of claims settled in respect of living seamen and the deceased seamen should hereafter be shown separately.

The progress in the un-posted items, recoveries pattern of work and efforts put in by the Organization was noted by the Board.

Item No. 3 (A): Summary record of final Settlement of Provident Fund claims effected during the year 1975-76 and 1976-77 upto 30-9-1976.

Shri Leo Barnes desired to know the details of the total number of Applications received and suggested that wherever full amount of provident fund contributions is not received from the Employers on any account, whatever is available in the account of the seamen members should be immediately paid and matter taken up with the employers concerned for realization of pending dues.

The Commissioner circulated the additional information paper for the above to the members. In 1975-76 there was an opening balance of 1344 Applications, 3172 applications of all types were received and by 31-3-1976 in all 3272 applications were cleared. In most cases where part payments can-

be made were immediately made and for the balance amounts due from employers, steps taken and if necessary Recovery Enquiry ordered. On 30-9-1976 the pending applications were as under:

1. Cases awaiting raising of vochers as per man hours available and seamen informed that cases are under finalization.	136
2. Referred to Collectors	76
3. Referred to Shipping Masters/ Directors, Seamen's Employment Offices, Bombay/Calcutta.	37
3A. Fresh applications awaited	232
4. Referred to Applicants for clarifications, CDC/ etc.	268
5. Under examination	59
6. Referred to Employers (including 221 cases under Recovery inquiry)	284
7. Returned Money orders/ Cheques, plus Non-refundable withdrawals cases	182
Total :	1274 *

*(excludes 208 cases for which application/ correspondence is in progress)

For every case a definite stage of action has been taken.

Item No. 4: Annual Report on the working of the Seamen's Provident Fund Scheme, 1966 for the year 1975-76

The Secretary informed the Board that the Report has been generally drafted in line with the previous year and that Hindi translation is under progress so that the Report is submitted in time to the Government. The Board after due discussions went through the Report and the following amendments:-

1) P. 1 - Sr. No. 3 - (Members representing Government) the words "(Dealing with the Seamen's Welfare)" under the name of Shri M. Wala, be deleted.

2) P. 1 - Sr. No. 3 (Members representing Employers) be amended to read "Shri D. H. Dhunjibhoy".

3) P. 2 - Para 2 - second line, amend "1st July 1966" to read "1st July 1964".

4) P. 2 - Para 3 COVERAGE - Para 3 be entirely deleted and the subsequent paragraphs be re-numbered.

5) P. 2 - Para 4 - be deleted and substituted by the following :-

"The Provident Fund Scheme covered 53060 accounts of seamen at the beginning of the year 1975 and during the year 1260 new accounts were opened and 4552 accounts were closed."

6) P. 3 – Para 5 – The underlines under the last four lines of this para be removed and the same be done in other parts of the Report.

7) P. 3 – Para 6 – be deleted and the subsequent paragraphs be re-numbered.

8) P. 3 – Para 7 – 3rd line – delete "(0.32% of wages)"
– 3rd line – amend '1976' to read as '1975'.
– 3rd/4th lines – delete the words "the lowest for any such Organisation envisaging efficient and economical management of the Organisation".

9) P. 3 – Para 9 – The bottom portion of this paragraph commencing with the words "wages" as defined in Section 2 (n) ..... "be deleted.

10) P. 4 – Para 12 – 3rd and 4th lines – Delete words "and some of these who had defaulted ..... to penal damages".

11) P. 4 – Para 13 – second line – Delete the words "had been".

12) P. 5 – Para – 13 – 5th to 7th line – Delete words – "The Inquiry follows the general procedures ..... employers and others".

13) P. 5 – Para 14 – 5th to 8th line – Delete words "These total arrears ..... receipts in the year".

14) P. 5 – Para 15 (i) – to be deleted. The subsequent sub-para be re-numbered.

15) P. 6 – Para 15 – Delete the last sentence – reading "The stricter controls and checks by the ..... to avoid damages".

16) P. 7 – Para 19 – Delete both the tables and the text "It is significant ..... pattern".

17) P. 7 – Para 20 – Delete first three lines and substitute by :– "The rate of interest approved by the Govt. was at 7½%.".

18) P. 8 – Para 20 – Table – Delete data for 1970-71.

19) P. 8 – Para 22 – The words "families" appearing in third line be substituted by the word "Nominees". Delete last sentence "The higher amount of the average ..... directives & desire of Board".

20) P. 9 – Para 24 – Last line reading "Some how this withdrawal ..... become popular" be deleted.

21) P. 9 – Para 26 – The last sentence reading "The need for additional ..... of the Board" be deleted.

22) P. 10 – Para 30 – Delete and re-number paras .....

23) P. 10 - Para 31 - The word "considered" appearing in second line of this para be substituted by the word "allowed"

24) P. 11 - Para 33 - Last line "Further steps were in hand with success" be deleted.

26) P. 11 - Para 34 - Last lines reading "this is a regular changing..... addresses or nominees etc" be deleted.

26) P. 12 - Para 36 - Last sentence reading "This has been possible.... in this direction", be deleted.
Sub-para (ii) of para 37 - the words "simultaneously since" appearing in the third line and the last sentence reading "It is expected that the out-standing Provident Fund dues will be recovered shortly" be deleted.

27) P. 13 - Para 40 - the words "with the post classified as General Central Class I service (Gazetted), in the first and second lines be deleted.

28) P. 13/14 - Para 41 - Sub-paragraphs (ii) (v) (vii) and (xi) of paragraph 41 be deleted.

29) P. 14 - Para 42 - The word "only" appearing in fourth line of this para and the words appearing

at the end of second sentence "... which include one Superintendent, two Dy. Superintendents ..... to look after about 50,000 accounts" be deleted.

29. A - P. 14 - Para 43 - the last sentence reading "1-4-1975 to 30-7-1975 the Accounts Officer's .... Deputy Superintendents" be deleted.

30) P. 15 - Para 44 - Second and third line - the words "and sort out their problems without difficulty" be deleted.

30A. P. 15 - The first 3 lines of sub-paragraph 44 - "Direct receipt of Applications ..... Interviews are arranged ..... expeditiously" be deleted. In the same sub-para the last sentence "All requirements ....regularly" be deleted.

30 B. P. 15 - Last sub-para of para 44 - the words "in this behalf" be added after the words "The assistance rendered ..... appearing in 5th line of this sub-para.

31) P. 16 - Para 50 - The last but two line of the first sub-para reading "the proposal made ...." is receiving attention" be deleted.

32) P. 16 - Para 50 - The entire last sub-para of para 50 be deleted. - "It was Organisation".

33) P.17 - Para 52 - The word "Association" appearing in the fourth Line from the bottom of the first para be substituted by the word "Organisations".

The words "without additional staff" appearing in the second line of sub-para of para 52 be deleted.

Subject to Audit, the Balance Sheet 1975-76 was tabled before the Board for information. Remarks of the Audit if any will be placed before the Board.

Item No. 5. Amendments to S.P.F. (Staff Provident Fund) and (Staff Conditions of service) Regulations, 1972.

The Commissioner desired continuation of the services of the Office Superintendent due to retire in April 1977. The Board desired that specific proposals and draft rules be brought before them for consideration at the next meeting.

Item No. 6. Scales of Pay of Jr. Assistants of the S.P.F. Orgn. as approved by the Board at their Twenty-fifth Meeting and its implementation.

The Board considered the proposal and decided that the Government be approached to accord their approval to the waiver of recovery of excess payments made to the Junior Assistants, upto the date of implementation of the revised approved scale by the Government.

Shri Ahir suggested and the Board agreed that this issue of revision of scale be also considered by the Sub-Committee appointed for considering the proposals for additional staff and then only we should go to Government.

Item No. 6. Progress Report on the unposted items and continuation of the additional staff commissioned for the same.

The Commissioner drew attention to the results achieved where about 88% of the old unposted items had been cleared and submitted for the continued assistance of additional staff. The Board decided that the additional posts sanctioned for clearance of the arrears in their last meeting held on 8-3-1976, be continued for the present and the Staff Committee may examine the total staff requirements and submit its report to the Board.

Item No. 6.A. Additional staff requirements of the Orgn. and Sub-Committee already appointed for the same.

The Board agreed that the meetings of the Sub-Committee appointed for considering the staff requirements of the Organisation be convened frequently so as to finalise the issue. The Board required the Commissioner, as Convener, to hold meetings of the Sub-Committee frequently and finalise the Report.

Item No. 6.B. Part time employment of ladies as per Govt. directive - its application to S.P.F. Orgn.

The Board noted the position.

Item No. 7. Amendment to Sub-Section (1) of Sec. 8 of the S.P.F. Act, 1966, to provide for enhancement of the rate of contribution by the Employer/employee above the statutory minimum limits (Proposed by Shri Leo Barnes).

Shri Ahir suggested and the Board agreed that since such amendment would involve amendment to the Act also, the proposed amendment be deferred and be considered along with other amendments to the Act.

Item No. 8. Fixation of rate of interest for credit to the Accounts of the Staff G.P. Fund 1975-76.

The Board agreed that the interest credited should not

exceed the interest accruals on the Staff Provident Fund contributions. The Board therefore decided that the rate of interest for credit to Staff Members' P.F. Account be declared at 7% and they were of the view that if the accruals are more next year, the interest rate could be suitably increased corresponding to the accruals.

Item no. 9. Wages to mean and include all emoluments except overtime (suggestion by Shri Bijoy Mukherjee and Shri Leo Barnes at the 32nd Meeting).

Shri N. Lalit stated that they have already conveyed the opinion of their legal adviser which was already put on the Table along with his letter for the Chairman. The Commissioner drew attention to the Articles which do not mention the word "Basic" as quoted in O.A.C.C's letter.

The Chairman expressed that the question of legal interpretations can authoritatively be decided only by a Competent Court.

The Board agreed to postpone further discussions to the future meeting.

Item no. 9.A. Calculation of Wages (proposed by Shri Leo Barnes).

The Board noted the position and decided to discuss details at future meeting.

Item no. 10. Monthly remittance of P.F. contributions and Administrative Charges to the S.P.F. Organ. (Suggestion by Shri Bijoy Mukherjee).

This item was connected with Item No. 9.A. of the Agenda and the same decision of the Board will hold good for this proposal and may be discussed at the next meeting.

Item no. 11. Creation of facilities for compulsory Training/Employment of apprentices in the Commissioner, SPF Organisation as required by the Government.

Shri Lokur suggested and the Board approved that the issue be referred to the Government in the Ministry of Shipping & Transport and they will confirm the correct position.

Item no. 12. Budget Re-appropriation 1975-76.

The Board noted the position.

Item no. 13. Computerisation of Accounts and despatch of Account slips and revision of IBM Rate Agreement.

The Board authorised the Commissioner to sign the Agreement as circulated and he should further endeavour to negotiate with the IBM to reduce their rates, if possible.

Additional Item no. 1. New proposals by Shri Bijoy Mukherjee.

The Board desired that these proposals be brought up in the next meeting with supporting notes for consideration by them.

The Meeting then terminated with a vote of thanks to the Chair.

S V Rao

CHAIRMAN,
BOARD OF TRUSTEES,
SEAMEN'S PROVIDENT FUND,
BOMBAY.

Secretary,
Board of Trustees,
Seamen's Provident Fund,
Bombay.

Minutes of the Thirty fourth (XXXIV) Meeting of the Board of Trustees of the Seamen's Provident Fund held on Thursday, the 3rd March 1977 at 11.00 AM in the Board Room of the SPF Krupanidhi 9, Walchand Hirachand Marg, Ballard Estate, Bombay 400 038.

The following were Present:-

1,	Shri S.V. Bhave	Chairman
2,	" M. Wala,	Member,
3,	" D.R. Bansal.	"
4.	" K.L. Gupta.	"
5,	" N. Lalij	"
6,	" N.K. Sen	"
7,	" T.S. Narayan.	"
8.	" Leo Barnes.	"
9.	" Bijoy Mukherjee.	"
10.	" H.M. Almeida	"
11.	" J.S. Gill.	Secretary.

Shri S.V. Bhave, Chairman of the Board of Trustees, Seamen's Provident Fund, presided over the meeting.

2. Before Commencement of the business, the Board observed two minuts silence by standing as a mark of respect to Shri Fakhruddin Ali Ahmed, Hon'ble the President of India, who died on 11th Feb.'77.

3. The Board also recorded its condolences on the sad demise of Shri Y.S. Kasbekar, former Chairman of the Board of Trustees, S.P. Fund.

4. The Chairman welcomed the new member Shri K.L. Gupta, Deputy Secretary to the Govt of India, Ministry of Shipping & Transport, New Delhi (in place of Shri D.C. Ahir).

The Board passed the following resolution:-

"The Board places on record its appreciation of the keen interest evinced and the valuable services rendered

by Shri D.C. Ahir, the former Trustee of the Board."

The Board then took up the items of the "List of Business" for consideration.

Item No. 1. Confirmation of the Minuts of the Thirty third (XXXIII) Meeting of the Board, held on 8.11.1976.

Shri Leo Barnes suggested and the Board agreed to delete the words "noted the amendments in principle but" appearing in the third sentence of the record of minuts under item No. 5 — "Amendments to SPF (Staff Provident Fund) and (Staff Conditions of Service) Regulations, 1972" - Page No. 7.

2. Shri N. Lalij suggested and the Board agreed to delete the last line reading —

"The Staff PF Rules be amended to incorporate this." appearing in the record of minuts under item No. 8 "Fixation of rate of interest for credit to the Accounts of the Staff G.P. Fund 1975-76" - Page. 8.

3. The Board approved the amendments suggested by Shri Lalij and as incorporated in the Annual Report.

The Minutes as amended were approved/confirmed.

The Board then took up item No. 3 first for discussion as it was the most important part of Agenda.

Item No. 3. Budget Proposals for the year 1977-78.

1. Shri N. Lalij suggested and the Board agreed to delete the words:-

"which is far below the limit of 0.38 pegged by the E. P.F, a parallel organisation."

appearing in the last two lines of the penultimate para under item No 2 - Expenditure - Page 3."

3. III. 1. Pay of officers.

Shri D.R. Bansal suggested and the Board agreed that the words - "of some old cases of leave salary and pension contributions" appearing in the last sentence of the para at Page 3 under this head

be deleted as the same appeared to be irrelevant to the issue.

3. Allowances: i) Travelling Allowance.

4. Shri N.K. Sen observed that though the amount actually spent under this head for 8 months is shown at Rs. 4,618/- the anticipated expenditure for remaining 4 months is shown at Rs. 11,382/- and the Budget Estimate for 1977-78 at Rs. 30,000/-. It was felt that the provision under this head of Rs. 30,000/- is abnormally high and the same be therefore reduced to Rs. 20,000/-.

5. The Secretary explained that not only the TA/DA of the Trustees attending the Board/Committee meetings but the TA/DA of the officers and the Staff of the organisation undertaking official tours is also met from within the provision under this head Rs. 25,000/- had been provided for over three years even though fares had gone up. In case the meetings are held at outstations, the provisions will fall short. Since all the Board meetings had been held at Bombay the expenses are less.

6. The Board however agreed to reduce the provision under this Head from Rs. 30,000/- to Rs. 20,000/- subject to supplementary grants, if necessary.

4. Other Allowances:-

Shri Gupta suggested and the Board agreed that the words:- "under sub-heads (i) (ii) and (iii)" be added after the words "the Provisions" appearing in the first line of the opening paragraph on Page 5.

5. Contingencies:-

i) Non-Recurring:-

7. The Employers' representatives suggested and the Board agreed that the provision of Rs. 25,000/- under this head, be reduced to Rs. 20,000/- and adjustments made.

ii) Recurring:-

8. On the suggestion made by Shri D.R. Bansal the Employers' representatives

Sarvashri N. Lahiri and N.K. Sen, the Board agreed to reduce the provisions made against the following sub-heads:-

9. Contingencies - (ii) Recurring:-

The total provision of Rs. 3,13,100 under this head was approved to be reduced to Rs. 3,00,000/-

10. Part 'A' (Supplement)

Stipend for two Apprentices.

Considering the statutory requirement as conveyed by the Ministry of Shipping and Transport vide their letter No. 50/10590/76 dated the 10th December 1976, the Board approved the appointment of two apprentices and the provision of Rs. 5,000/- to be provided for from the main Budget under the Head "Pay of Establishment".

11. Part B. Terminal Benefits to Staff members:-
Establishment of Pension/Gratuity Fund.

The Commissioner stressed the necessity towards this liability in future. Sarvashri Bansal & Gupta felt that there should preferably be a separate Reserve for this purpose, since payment of terminal benefits are provided for under the Rules. The Board however approved for the time being opening of a new head in the Budget "Terminal Benefits" to staff members - Payment of Pension/Gratuity" and a Provision of a sum of Rs. 5,000/- for the year 1977-78 with a view to enable the organisation make payment of pension/gratuity to the staff members likely to retire during the said year, be made. This provision was agreed to be included under the expenditure side under separate head. Pending finalisation of an Actuary Report the provision may be made on annual basis like now.

12. Part 'C' Token Provisions.

(Provision to grant advance for House Building/
Requisition advance)

The Board approved the token provision of Rs. 50,000/- for grant of refundable advance for House Building to the Staff

members subject to the limitations/compliance with the provisions made under the Central Government House Building Advance for Corresponding Categories of Central Government Employees. It was further agreed to include this provision in the main Budget on the expenditure side on annual basis under a separate head.

13. To a query raised by Shri Leo Barnes, the Secretary explained that the advance is refundable into the Administrative Charges account and strict controls as per Rules will be kept for the grant of advance.

14. Part D Acquisition of Staff Car for official use. Rs. 35,000/-

The proposal for acquisition of Staff Car for the use of organisation was discussed but the Board decided to drop the proposal for economic considerations.

15. Part 'E' (Membership of the International Social Security Association) (ISSA).

The Board did not consider it necessary to become member of ISSA at this stage.

16. The overall effect on the Budget proposals for 1977-78 due to reduction in certain provisions and addition of new provisions would be as under:-

Reductions.

Item.	Original Provision	Reduced Provision	Amount reduced.
3. Allowances.			
i) Travelling.	30,000	20,000	10,000
5. Contingencies.			
i) Non-Recurring.	25,000	20,000	5,000
ii) Recurring.	2,01,000	1,87,900	13,100
		Total reduction	28,100
Original Budget provision			7,45,500
LESS: Reductions			28,100
			7,17,400

B.F.	7,17,400-
Addition of new provisions	
Part A:- Stipend to Apprentices.	5,000
Part B:- Terminal Benefits to Staff. (Pension/Gratuity)	5,000
Part C:- House Building/Acquisition Advance	50,000
Grand Total.	7,77,400

17. The Board approved the modified Budget with the total provision of Rs. 7,77,400/- for the year 1977-78 and a token provision of Rs. 3 lakhs from Reserves for the purchase of Residential accommodation for the Commissioner as the amount was being surrendered in 1976-77.

Further decisions arising out of the Budget proposals.

18. Shri D.R. Bansal suggested and the Board agreed that in future, the Budget Proposal should exhibit, in Annexure I, the actual expenditure for the preceding three years (instead of 2 years as is being done presently) to enable the Board assess a more appropriate estimation of the provisions.

19. The Board also approved that any short-fall on account of receipts (by way of Administrative Charges) being less than the expenditure actually incurred, should be met from within the surplus in the Administrative Charge Account.

20. The Board also decided that the meeting of the Staff Sub-Committee should be held on the 11th April 1977 and the Committee should submit its recommendations to the Board as soon as possible. In the meanwhile the Board approved the continuance of the additional posts of one Senior Assistant two Junior Assistants and one peon, sanctioned temporarily till the final decision of the Board.

21. Fixation of rate of Administrative charges 1977-78.

Sarvashri K.L. Gupta and D.R. Bansal felt that the present rate of Administrative Charge at 1.75% of the total P.F.

Contributions, be suitably revised for the year 1977-78 to obtain the requisite amount corresponding to the approved Budget of Rs. 7,77,400. The Employers' representatives on the Board Sarvashri N. Lalit and N.K. Sen pointed out that we have huge Surplus in the Administrative Charge Account which is growing with the passage of time instead of diminishing. In their opinion therefore the rate of Administrative Charge be reduced rather than be revised, with a view to utilise the said surpluses in the Administrative Charge Account.

22. Shri Leo Barnes suggested and the Board agreed that the rate of Administrative Charge need not be revised till such time the Surplus in the Administrative Charge Account is brought down to Rs, 5,00,000/-.

23. The Board therefore approved the rate of Administrative Charge at 1.75% of the total P.F. Contributions for the year 1977-78.

Item No. 2. Action taken on the decisions of the Board of Trustees.

(1) Urgent Staff requirements for clearing of-imposted items and other arrears of work.

The Secretary informed the Board that the Meeting of the Sub-Committee appointed for Considering the Staff requirements of the organisation has been fixed on 11th April 1977.

The position with regard to the remaining items was noted.

Item No 4. Audit Report 1975-76.

As regards the Comments of Audit that no uniform system was followed, the Board felt that the objection was serious and required an examination in depth. A Sub Committee consisting of the following was set up with a request to submit their report before the next meeting of the Board.

Shri. M. Wala.

Shri T.S. Narayan.
Shri Leo Barnes.
Shri J.S. Gill.

Item No. 5.A. Fixation of rate of interest for credit to the Member's Accounts for the year 1976-77.

The Board considered the proposal to fix the rate of Interest for credit to the Members' Accounts for the year 1976-77 and decided to recommend to Government that the rate of interest be fixed at 8% from the large amount of Interest Suspense lying with the organisation as per para 5 (i) of the Scheme.

Item No. 5B. Fixation of rate of Interest for Credit to Staff G.P. Fund Accounts for the year 1976-77

The Board decided that the rate of interest for credit to the Staff General Provident Fund for the year 1976-77 should be the same as may be declared by the Central Government from time to time for the General Provident Fund of their employees.

The Board further agreed that the "Ex-gratia Bonus Scheme" as provided for by the Central Government under the Ministry of Finance office Memo No. F. 20 (7)-EV-(8)/75 dated the 30th June 1975 be made applicable to the members of the Staff of the Seamen's Provident Fund organisation.

The Board postponed consideration/discussions on the remaining items of the Agenda till the meeting is resumed.

It was decided to hold the next postponed meeting of the Board at Bombay on Tuesday the 12th April 1977 at 11.00 AM.

The meeting then terminated with a vote of thanks to the Chair.

Bombay
Dated 30th March 1977

Secretary,
Board of Trustees,
Seamen's Provident Fund,
Bombay.

CHAIRMAN,
BOARD OF TRUSTEES,
SEAMEN'S PROVIDENT FUND,
BOMBAY.

MINUTES of the adjourned THIRTYFOURTH (XXXIV) Meeting of the Board of Trustees of the Seamen's Provident Fund held on Tuesday, the 12th April, 1977 at 11.00 A.M. in the Board Room of the Seamen's Provident Fund, "Krupanidhi", 9, Walchand Hirachand Marg, Ballard Estate, Bombay-400 038.

The following were present :—

1. Shri S.V. Bhave. ..... Chairman
2. " M. Wala. .... Member
3. " K.L. Gupta. .... "
4. " N. Lalif. .... "
5. " N.K. Sen. .... "
6. " T.S. Narayan. .... "
7. " Leo Barnes. .... "
8. " Bijoy Mukherjee. .... "
9. " J.S. Gill. .... Secretary.

Shri S.V. Bhave, Chairman of the Board of Trustees, Seamen's Provident Fund, presided over the meeting.

Leave of absence was granted to Sarvashri D.R. Bansal and U.M. Almeida.

The Board then took up the items on the "List of Business" for consideration.

Item No. 1. Confirmation of the minutes of the Thirty-fourth (XXXIV) meeting of the Board of Trustees, Seamen's Provident Fund held on 3.3.1977.

1. Shri Bijoy Mukherjee moved the Board to examine the correctness to confirm the minutes of an adjourned meeting. The Board agreed to approve the minutes and the Chairman noted that there will be no adjourned meetings in future.
2. The Chairman then read out a letter received from

Shri D.R. Bansal. Shri Bansal had suggested and the Board approved to delete the record of minutes under para 9. "Contingencies (ii) Recurring:" and substitute the same with the following :—

"9. Contingencies (ii) Recurring :—

"The total provision of Rs. 3,13,100 under this head was approved to be reduced to Rs. 3,00,000/-".

3) Shri Gupta suggested and the Board approved that corresponding correction should also be made in the record of meeting appearing on page 4, para 16 ante :—

Reductions :

Item.	Original Provision	Reduced Provision	Amount reduced	
CONTINGENCIES.				
ii) Recurring :				
1) Payment to IBM	1,84,000	1,74,000	10,000	
10) Registers/Cash Books/Binders	7,000	5,000	2,000	To be deleted.
12) Printing Charges	10,000	8,900	1,100	

Substitute by the following :—

ii) Recurring		13,100

4) With regard to the query raised by Shri K.L. Gupta on the Budget Proposals – Part-'E' (Membership of the International Social Security Association (ISSA) appearing against para 15 – Page 4, the Chairman clarified and the Board approved that the subject matter may be put up before the Meeting by the Commissioner as a separate item giving full details as to the aims and objects of the Organisation (ISSA) the benefits accruing out of the membership thereof and the financial implications, for consideration.

5) Sarvashri M. Wala and T.S. Narayan proposed and the Board approved that the first sentence of para 20 (page 5) "The Board also decided ..... scheduled to take place" should be deleted and substituted by the following sentence:—

"The Board also decided that the meeting of the Staff Sub-Committee should be held on the 11th April 1977 and the Committee should submit its recommendation to the Board as soon as possible."

The Minutes as modified were confirmed.

Item No. 2. Report of the Staff Committee on the additional staff requirements of the Seamen's Provident Fund Organisation.

Sarvashri M. Wala and T.S. Narayan suggested and the Board agreed that the record of report contained in first para under this item be entirely deleted reading "The Sub-Committee met ..... decision on scientific basis", and substituted by the following :-

"The Sub-Committee met on 11.4.1977 at 11.00 A.M. Shri Leo Barnes suggested and the Board agreed that the words "if any" appearing twice in sub-para (a) of Paragraph 2, be deleted."

Item No. 3. Amendments to the Seamen's Provident Fund (Staff and Conditions of Service) Regulations, 1972.

(a) The Board approved the amendment of Service Regulations to include the scales of pay recommended by the Board, approved by the Board, approved by the Government and implemented from 1.1.1973.

(b) (i) The Board ruled that the proposal for encashment of leave in general and of Shri J.R. Punjabi (By. Supdt. leave refused in office interest) should be examined in the first instance by the Committee on the additional staff requirements

as at Agenda Item No. 2.

(ii) The Board also ruled out the general proposal of extending the age limit from 58 years to 60 years for retirement of the employees of the Seamen's Provident Fund Organisation but the same be further examined by the Staff Committee as at Agenda Item No. 2 may be the same as applicable in the case of corresponding categories of Central Government employees and noted that group D employees retire at 60 years.

The Commissioner informed that as such the existing Office Superintendent will have to retire at 58 years age for the group C employees and he may only be entitled to proportionate pension for the services rendered. Shri M. G. Chanbal, the Office Superintendent attaining the age of 58 years on 30.4.1977 was presented to the Board. His services and devotion to duty and loyalty was appreciated by the Board wishing him a peaceful retired life with proportionate pension for his services.

(c) Recruitment and reservation in the post of Junior Assistant from Class IV employees, otherwise complying with educational qualifications was agreed to.

(d) After the submissions made by the Commissioner had been heard, Shri K. L. Gupta proposed and the Board agreed that the Chairman be and is authorised to sanction "Leave Reserve" immediately based on the recommendations of the Sub-Committee appointed for recommending the additional staff requirements of the Seamen's Provident Fund Organisation. All other staff requirements be put up at the earliest to the Board by the Committee.

Item No. 4. Amendments to the Seamen's Provident Fund (Staff Provident Fund) Regulations, 1972.

The Board approved incorporation of the following provisions in the draft amendments to the Seamen's Provident Fund (Staff Provident Fund) Regulations, 1972, after clarification by the Commissioner (Secretary) that these are in conformity with and as per Government Rules/Orders –

a) Deposit linked Insurance.
b) Payment of Provident Fund Bonuses.
c) Accruals and declaration of interest, and
d) Additional non-refundable/refundable withdrawals.

Item No. 5. To convert Non-refundable withdrawals into Temporary Refundable Advances (Proposal of Shri Leo Barnes vide his letter dated 18.1.1977).

The Board agreed that the subject matter be brought for consideration in future by the proposer with complete details, proposed amendments to the Seamen's Provident Fund Scheme and whether the advances shall be refundable with or without interest and the period during which such advances should be refunded, etc. The legal implications, with particular regard to Income-Tax Law, etc.

Item No. 6. Monthly remittance of Provident Fund contributions and Administrative charges to the Seamen's Provident Fund Organisation. (Suggestion by Shri Bijoy Mukherjee).

Shri Gupta suggested and the Board agreed that Shri Bijoy Mukherjee should re-examine this issue in all its aspects including the required amendments to the Seamen's Provident Fund Act/Scheme, 1966, financial implications, etc., in due course with detailed proposal.

The Shipowners' representatives on the Board recorded their vote of dissent on this issue.

Item No. 7. Proposals of Shri Bijoy Mukherjee vide his

letter dated 5.11.1976 - Provident Fund Deposit-Linked Insurance like under the Employees Provident Fund etc. - Interest for 75-76 should have been 8%, - Exempted Trusts Supervision - I.L.O. criteria and Bonus.

a) The Board entertained the concept of 'Deposit linked Insurance Scheme' similar to the Employees' Provident Funds and requested the Secretary to initiate further detailed action in this direction.

b) Shri Gupta suggested that the rate of interest was already declared under the Seamen's Provident Fund Scheme by the Government and the Board agreed that it will be difficult for the Government to re-open the case and revise the approved rate of interest from $7\frac{1}{2}$% to 8% for the year 1975-76.

c) The Secretary informed the Board that in all cases where exemptions from the operation of the provisions of the Seamen's Provident Fund Act, 1966, are granted under Section 20(1) of the Act, steps are taken to recover the Provident Fund contributions till the date of grant of such exemptions. The Board therefore felt that it was not necessary to consider this question any further for the present.

d) Shri Bijoy Mukherjee withdrew his proposal on the I.L.O. criteria for Seamen's Social Security.

e) The Bonus be treated like the wage.

The Board ruled that compliance with the provisions of the Seamen's Provident Fund Act, 1966 and the Scheme thereunder need be ensured by the Commissioner in so far as the recovery of the Provident Fund contributions is concerned.

Item No. 8. Receipts, Payments and Accounting of Provident Fund moneys and progress of work 1-4-1976 - 31-3-1977.

Shri Latif proposed and the Board agreed that the remarks on the details brought out in para 12, page 7 of Agenda of this item be deleted.

Shri Latif then proposed and the Board highly commended the work of the Organisation and the Commissioner with particular reference to the liquidation of larger number of unposted items and settlement of claims. They congratulated the Commissioner and all other officers and staff on achieving very good results.

The meeting then terminated with a vote of thanks to the Chair.

S.V. Bhave
19-3-80
Upalokayukta
Maharashtra State

Shri S.V. Bhave transferred at the time of appointment of the Chairman

CHAIRMAN,
BOARD OF TRUSTEES,
SEAMEN'S PROVIDENT FUND,
BOMBAY.

Secretary,
Board of Trustees,
Seamen's Provident Fund,
Bombay.

Minutes of the Thirty fifth (xxxv) Meeting of the Board of Trustees of the Seamen's Provident Fund held on Thursday the 29th December 1977 at 11.00 A.M. in the Board Room of the Seamen's Provident Fund Organisation "Krupanidhi", Ballard Estate, Bombay 400 038.

The following were present:-

1. Shri N. Latif (Chairman)
2. Shri B.K. Zutshi
3. Shri N.K. Sen.
4. Shri Leo Barnes.
5. Shri U.M. Almeida.
6. Shri Bijoy Mukherjee.
7. Shri J.S. Gill. Secretary - Commissioner.

1. The Secretary advised that due to some unavoidable circumstances the Chairman of the Board Shri P.G. Gavai, I.A.S. had not come back from Delhi. Attention of the Members was invited to para 12 of the Seamen's Provident Fund Scheme, 1966.

12. Chairman to preside at the meeting.

"The Chairman of the Board shall preside at every meeting of the Board. If the Chairman is absent at any time, the trustees present shall elect one of them to preside over the meeting and the trustee so elected shall exercise all the powers of the Chairman at the meeting".

Shri Leo Barnes proposed and members unanimously elected Shri N. Latif as the Chairman of the meeting.

2. The Chairman of the meeting and members welcomed the appointment as Chairman of Shri P.G. Gavai, I.A.S., Director General of Shipping. They also welcomed the new member Shri B.K. Zutshi, Director, Ministry of Shipping and Transport New Delhi. Valuable services and advice rendered by Shri K.L. Gupta, Dy. Secy. Ministry of Shipping & Transport were

put on record. Leave of absence was granted to all other members who could not reach due to the dislocation of air services or for other reasons.

3. The Board then took up the items on the "List of Business" for consideration.

(Agenda Item No I) Confirmation of the Minutes of the adjourned 34th Meeting of the Board held on Tuesday, the 12th April 1977.

The Minutes were confirmed.

(Agenda Item No II) Action taken on the decisions of the Board of Trustees.

(a) Sub-para (3) "Payment of monies to seamen who may have been the likely victims of alleged fraud.

Shri Leo Barnes suggested that all the victims of fraud be paid fully from the "Forfeiture Fund" without waiting for the outcome of the Criminal case pending. He was supported by S/Shri U.M. Almeida and Bijoy Mukherjee, Seafarer's representatives. The Commissioner stated that in the office records the payments had been made in good faith under Section 21 of the Seamen's Provident Fund Act as per the applications on record under the Scheme and money order acknowledgements or receipts are on file. After the Seaman Shri Ronaldo's Case of suspected/alleged fraud came to his notice, the Case along with all such Cases of Provident Fund deliveries by the post office, at the common address of Shri J.F. Almeida (Parel) had been given to police and the Case is pending in the Esplanade Court/under investigation. The post office had also lodged a complaint. Under the post office Act, period of limitation is one year for lodging of complaints and records are destroyed after that period. As such it is not possible for us to reach any conclusions in respect of the alleged frauds from our records only, which were in this case mostly surrendered to the police. Our Legal Adviser and Audit were not

in favour of the course of action proposed by Shri Leo Barnes. The amount in cash now in the custody of the Commissioner was in an envelope sealed at the Directorate General of Shipping when a person named Shri J.F. Almeida had made a confession to Shri Barnes in respect of the alleged fraud. The money then given along with his confession, had reached the Commnr. through Shri M. Vala after the case had already been filed by the police. Even in this case the amount refunded does not tally with any of the cases under Police Enquiry and the story remains a mystry to be investigated by the Police. Under the circumstances any proposal such as the one under consideration may not be appropriate and also may be deemed to be contempt of the Police case.

Shri Leo Barnes emphasised that all cases of the alleged fraud be paid immediately from the Forfeiture A/c. without awaiting the outcome of the police case as such delay would defeat the very purpose of providing assistance.

The Commissioner once again explained the position and recommended awaiting the results of Police case/approval of Audit and expressed his view that a decision on the lines recommended by the Board should not be taken in an isolated case, particularly as otherwise many more such cases could come up.

"It was decided by the Board that an ex-gratia payment of Rs. 3,500/- should be made from the Forfeiture A/c. to Shri F. Ronaldo (if he is living) or to Smt F. Ronaldo, if Shri F. Ronaldo is not living. Before making the payment an Indemnity Bond should be obtained either from Shri F. Ronaldo or Smt Ronaldo as the case may be, to the effect that should he or she receive any amount as a result of any Court proceedings that amount shall be adjusted against the ex-gratia payment. Before making the payment, National Union of Seafarers of India, Bombay should identify either Shri F. Ronaldo or Smt Ronaldo at the

time of execution of the Bonds and the payment of ex-gratia amount.

(b) Sub para (10) - "Seamen's General Roster Gratuity Fund"

The Board directed that a meeting of the General Roster Gratuity Board be convened to review the progress.

(c) Sub Para (11) "Urgent staff requirements for clearing of imposted items and other arrears of work.

The Commissioner expressed the urgency of staffing needs/Leave Reserve for the work expected from his office and desired Board to direct members to make their specific recommendations against the working paper circulated by him long ago. The Board noted that as meeting of the Sub Committee had not been convened for a considerable period. The Chairman ruled that the next meeting of the Sub Committee be held on 3rd January 1978 and the matter be pursued as one of urgency.

(d) Sub Para (13) "Amendments to Para 58(c) for special victims of Hoods etc - Service 10 years be waived.

The Commissioner informed the Board that with the introduction of a new Non-refundable withdrawal Paras 58C.1A and 58E the work load of his office would increase and supplementing of his staff is necessary for proper implementation.

The Board directed the Sub Committee as at Sub Para 11, to keep this in view.

(e) Sub Para (15) "Calculation of wages"

The Commissioner advised that no further proposal had been received from Shri Leo Barnes.

Shri Leo Barnes invited Board to take note that the National Maritime Board had agreed 10% P.F. Contribution by Employer and Seamen, which should be implemented. He desired that the wage components be spelt out in the prescribed Provident Fund Returns by the Commissioner for checks.

The Commissioner stated that under sec. 11 and 14 of the Seamen's Provident Fund Act, 1966, such higher subscription of Provident Fund is acceptable and had already been received from some members, like for some Category of M/s. Mackinnon Mackenzie & Co Ltd. from the inception. Since ours is an approved Provident Fund under Schedule IV of the Income Tax Act, the overall amount may not exceed the limits there for Income Tax purposes. As regards the details of wages in the Provident Fund Returns his earlier views before the Board/Sub Committee on the subject had been over ruled as the Employers and Shipping Master's Certificate at the bottom is prima facie adequate, unless the Commissioner has reason to check.

The Board directed the Commissioner to examine in detail the Provident Fund Contributions at 10% and amendments necessary to the Provident Fund Return prescribed by him.

(f) Sub Para (16) "Scale of Junior Assistants and excess Payments."

Shri Jatkar stated that the Govt does not come into the picture as there is no provision in the Act/Scheme for Govt approval for such cases. The Commissioner informed that as the principle had already been approved by the Board and had been implemented no further approval is considered necessary. The Board noted this.

(g) Sub Para (17) "Imposed Items"

The Board desired that early steps be taken to liquidate the 4301 imposed items received with the 1975-76 account slips and further expected from the 1976-77 Account Slips.

(h) Sub para 18 "Monthly Remittance".

The Board desired that Shri Bijoy Mukherjee may give detailed proposals or consider to withdraw the proposal.

Shri Bijoy Mukherjee agreed to submit the detailed proposals shortly. He recorded that some companies like RAJ Lines Ltd, already deduct monthly and send amounts at

intervals at their convenience resulting in wrong Contributions etc without any steps by Commissioner's office on deficient Provident Fund Returns and without any signatures of Master or Shipping Master.

The Commissioner replied that many Employers had already been sent notices in respect of the deficiencies and the particular Employer mentioned had been asked for an explanation in June'77. A formal Inquiry is sitting and Shri Bijoy Mukherjee was requested to tender his views there.

(i) Sub Para (20) "Deposit-linked Insurance Scheme"

The Board directed that Commissioner to submit detailed proposals/amendments for the Deposit-linked Insurance Scheme in consultation with Shri Bijoy Mukherjee.

(j) Sub Para (22) "Conversion of NRW into Temporary Refundable Advance."

The Commissioner explained that any Refundable Advance will mean extra work for the Organisation. However, any withdrawals should be in line with the Approved Provident Fund under the Income Tax Act, as we are an Approved Provident Fund; under section 11 of the Seamen's Provident Fund Act 1966.

The Board directed the Commissioner to examine the Non-Refundable withdrawals/Refundable withdrawals permitted for an Approved Provident Fund under Schedule IV of the Income Tax Act and submit proposals for incorporation in our Scheme.

Agenda Item No III Receipts, Payments and Accounting of Provident Fund monies and progress of work from 1.4.1977 to 31.12.77 unless otherwise mentioned.

The Commissioner explained that since the preparation of Agenda papers and inclusive upto the end of December his office will have had made 1860 payments of all types amounting to about Rs. 70 Lakhs.

(a)(i) Final withdrawals

(About 8-10 man hours consumed per Case) = 1162 Cases.

(ii) Final withdrawals

(Released from Suspense A/c) = 18

(b) NRW Para 58-A

(3 man hours per Case) = 86

Para 58-B
(3 man hours per Case) = 399

Para 58-C
(3 man hours per Case) = 152

NRW Released from Suspense A/c. = 33

(2/3 man hours per Case)

TOTAL. = 1860

He hopes to achieve 2800 Cases amounting to over 1 crore the highest payment so far by the end of financial year. Simultaneously the backlog of the total work as reflected in the Agenda is piling up. There were 1457 applications pending as per weekly report and 1365 part-payments (1975-76) applications were expected shortly.

Shri Bijoy Mukherjee stated that non prescribed Provident Fund Returns have been accepted by the Commr's office, since its inception and even though some steps for rectification have been taken by the present Commissioner, the position is far from satisfactory. Shri Zutshi proposed that Commissioner should submit his further detailed Report on the Provident Fund Returns filed by Employers. The Commissioner explained that the position remained as per the last Report made to the Board at the 34th Meeting.

The Board desired that the Sub Committee on manpower may be kept informed by the Commissioner and he should also make a further Report on the Provident Fund Returns.

(Agenda Item No. IV) Annual Report on the working of the Seamen's Provident Fund Scheme for the year 1976-77

The Board approved the Annual Report 1976-77 with the suggestions made by S/shri N. Lahiri, N.K. Sen and Leo Barnes for the deletions/amendments of graphs (pages 1 and 1A) paras 3, 4, 5, 21, 25, 28, 31, 32 and 37 as circulated and incorporated in the draft Report.

(Agenda Item No. V) Budget Re-appropriation 1976-77.

Board noted the Budget Re-appropriation.

(Agenda Item No. VI) Report of the Staff Sub-Committee on the additional staff requirements of the Seamen's Provident Fund Organisation.

After considering the submissions made by the Commissioner the Board delegated powers to the Chairman under para 22(c) of the Scheme and directed the Manpower Sub-Committee to meet on 3.1.1978 and endeavour to finalise their Report.

(Agenda Item No VII) Amendments to the Seamen's Provident Fund (Staff and Conditions of Service) Regulations 1972 to include a new rule for the reservation of vacancies for the Schedule Caste/Schedule Tribe.

The Board approved the proposal to add a new Rule in the Seamen's Provident Fund (Staff and Conditions of Service) Regulations 1972 - Rule 36.

Rule 36 Saving "Nothing in these rules shall affect reservations and other concessions required to be provided for Scheduled Castes and Scheduled Tribes and the special categories of persons in accordance with the orders issued by the Central Govt. from time to time in this regard."

(Agenda Item No. VIII) Progress of work on Computerisation of A/cs and printing of account slips 1975-76 and 1976-77.

The Commissioner explained the progress of work so far done

on Computerisation, defective data and the difficulties experienced by him. The 1976-77 account slips were expected in the month of January and endeavour is being made for 1977-78 account slips to be completed before May 1978. He suggested Considerations be given to going Manual after the IBM close their "Data Centre" by end of May 1978.

The Board was in favour of continuing the existing arrangements and provide for the same in 1978-79 Budget. If agreed, however to review the situation shortly after the Man Power Sub Committee had given its recommendations on this. The Commissioner should keep the Sub-Committee (Agenda Item IV) informed of his experience.

(Agenda Item IX) Utilisation of Funds accumulated in the Forfeiture Account - Amendment to paragraph 59 of the Seamen's Provident Fund Scheme 1966.

The Commissioner stated that withdrawals under our Scheme should be brought in line with those generally included for an approved Provident Fund (like ours) under the Income Tax Act. He also opined that the existing Scheme under the delegated functions laid down by the Board under para 59(4) is adequate and was also in general conformity with other Funds like ours. Any new withdrawals, especially Refundable, will add to the work load of the organisation which was already under pressure. Discussions held under item (II).22 may also be considered.

Shri Zutshi was of the view that we should follow a uniform policy for withdrawals.

The Board directed the Commissioner to examine and report on any other withdrawals, recommended to be incorporated in our Scheme as are permitted for an approved Provident Fund.

(Agenda Item No X) Audit Report Progress 1975-76 and Audit 1976-77.

The Board noted the contents and the certificate issued by the Audit for 1976-77.

The meeting then terminated with a vote of thanks to the chair.

The date of the next meeting was to be decided after the last week of January 1978 in consultation with the Chairman.

Bombay
Dated 20/2/78.

J. S. [illegible]
Secretary,
Board of Trustees,
Seamen's Provident Fund,
Bombay.

CHAIRMAN,
BOARD OF TRUSTEES,
SEAMEN'S PROVIDENT FUND,
BOMBAY

Minutes of the Thirty six th (XXXVI) Meeting of the Board of Trustees of the Seamen's Provident Fund held on Thursday, the 22nd February, 1978 at 11.00AM in the Board room of the Seamen's Provident Fund Organisation, 'Krupanidhi', 3rd Floor, 9 Walchand Hirachand Marg, Ballard Estate, Bombay-400 038.

The following were present:-

1. Shri P.G. Gavai — Chairman.
2. Shri M. Wala — Member
3. Shri D.R. Bansal — "
4. Shri Ivan Khan — "
5. Shri N.K Sen — "
6. Shri T.S. Narayan — "
7. Shri Leo Barnes. — "
8. Shri H.M. Almeida — "
9. Shri J.S. Gill. — Secretary/Commissioner.

Shri P.G. Gavai, Chairman of the Board of Trustees, Seamen's Provident Fund, presided over the meeting.

Members present observed 'Two Minutes' silence to sympathise with the bereavement in the family of Shri Leo Barnes, Trustee and the sudden death on 13.1.1978 of Shri K.G. Deshpande, Shipping Master, Calcutta.

The Board then took up the items on the List of Business for consideration.

Item No.1. Confirmation of the Minutes of the 35th Meeting of the Board of Trustees, Seamen's Provident Fund held on 29.12.1977.

The suggestion for the amendment of the last para of Agenda Item II (a) Sub para (3) made by Shri Barnes was discussed. It was agreed that the last sub-para should be

replaced by the following:-

"It was decided by the Board that an ex-gratia payment of Rs. 3,500/- should be made from the Forfeiture Account to Shri F. Romaldo (if he is living) or to Smt F. Romaldo if Shri F. Romaldo is not living. Before making the payment an Indemnity Bond should be obtained either from Shri F. Romaldo or Smt Romaldo, as the case may be, to the effect that should he or she receive any amount as a result of any Court proceedings that amount shall be adjusted against the ex-gratia payment. Before making the payment National Union of Seafarers of India, Bombay should identify either Shri F. Romaldo or Smt Romaldo at the time of execution of the Bond and the payment of ex-gratia amount."

The minutes subject to the above modifications were approved.

Item No.2. Budget Proposals for the year 1978-79 (P.11 Agenda)

I Receipts (P.12 Agenda)

(1) Provident Fund Contributions

Following a suggestion made by Shri Sen, which was also supported by Sarvashri T.S. Narayan and Leo Barnes, the Board agreed that in the Budget the Provident Fund Receipts should be shown only at the rate of 10% of wages, which is being paid now from 1.1.1978 and the administrative charge be brought to 1.5% of the Provident Fund Contributions. This will give adequate revenue of Rs. 7,06,875-00, which along with the accruals of Rs. 1,60,000.00 on the existing savings will be adequate for the expenses estimated at Rs. 8,05,550-00 for 1978-79.

Consequently the following amendments were made to the Budget proposals:-

i) Part I (P.1A) of Budget (P.12 Agenda)

Para 1. Delete –

"Budget Estimats 1978-79
@ 8% of P.F. Contributions Rs. 3,77,000-00

Para 2(i) Administrative charge

Delete

"Budget Estimats 1978-79
(8% of P.F. Contributions). Rs. 6,60,000
(@ 1.75% of P.F)

Amend "Budget Estimats 1978-79
to read
"Budget Estimats 1978-79" Rs. 7,06,875
(10% of P.F. Contributions) (@ 1.5% of P.F.)

ii) Annexure I/1 (P.5) Budget (P.16 Agenda)

Amend "Budget Estimates for
1978-79" to read
"Provident Fund Contributions 1978-79 Rs. 4,71,25,000

iii) Annexure I/2 (i) (P.5) Budget (P.16 Agenda)

Amend Administrative Charge on
Contributions for 1978-79" to read
'Administrative Charges on
Contributions 1978-79" Rs. 7,06,875

iv) Part II (P.1A) Expenditure (Pages 12-15 Agenda)

Para 5(i) (P.4) Budget "Non-Recurring" (P.15 Agenda)

The Budget provision was approved. It was decided that utmost economy should be excercised and that to ensure this, prior permission of the chairman should be obtained.

v) Para 5(ii) (P.4) Budget: Recurring (Page 15 Agenda).

The need for Computr may be reviewed at the next meeting. The estimated expense of Rs. 1,65,000 included

in Budget for 1978-79 was approved.

Subject to these modifications, the Budget was approved by the Board.

Item No 3. Increase in the rate of Provident Fund Contributions.

The Board noted the position and decided as under:-

a) The Provident Fund Commissioner should ask the Shipowners to pay Provident Fund Contributions on account of the increased leave which has been agreed to in the NMB agreement.

b) All shipowners should be instructed to Calculate leave on uniform basis.

c) The Provident Fund Commissioner should Collect Provident Fund contributions at the rate of 10% according to the NMB agreement, which is also sustained by Section 14 of the Seamen's Provident Fund Act.

d) Although Section 2(h) of the Seamen's Provident Fund Act does not include a 'Barber', Contribution paid for any 'Barber' Signing the Articles and Covered by the NMB should continue to be received. A proposal should be submitted to the Ministry of shipping and Transport that this section should be amended to read as follows:-

Section 2(h) "Seaman" means every person employed or engaged on a ship under the Merchant Shipping Act except the persons or Categories who may be excluded by the Government by a Notification."

Item No 4. Fixation of rate of interest for credit to Staff S.P. Fund Accounts for the year 1977-78.

The Board approved of 8% interest for the Staff P.F. Fund Accounts for the year 1977-78.

Item No 5 Fixation of rate of interest for Credit to the Members' Accounts for the year 1977-78

After deliberations, the Board recommended an interest rate of 8% for approval by Goverment under para 57 of the scheme.

Item No. 6. Audit Report - 1976-77

The Commissioner explained the objections raised by the Audit. The Board desired that all unposted items prior to 1972 should be cleared in a period of 2 months and that Compliance should be reported to the Board at the next meeting.

T. S. [illegible]
Secretary,
Board of Trustees,
Seamen's Provident Fund,
Bombay.

CHAIRMAN,
BOARD OF TRUSTEES,
SEAMEN'S PROVIDENT FUND,
BOMBAY.

MINUTES of the **THIRTYSEVENTH (XXXVII)** Meeting of the Board of Trustees of the Seamen's Provident Fund held on Tuesday, the 10th October, 1978, at 11.00 A.M. in the Board Room of the Seamen's Provident Fund Organisation, "Krupanidhi," 3rd floor, 9, Walchand Hirachand Marg, Ballard Estate, Bombay-400 038.

The following were present:

1. Shri P. G. Gavai - - - - Chairman
2. Shri K. S. Sidha - - - - Member
3. Shri D. R. Bansal - - - - "
4. Shri N. K. Sen - - - - "
5. Shri T. S. Narayan - - - "
6. Shri Leo Barnes - - - - "
7. Shri U. M. Almeida - - - "
8. Shri Bijoy Mukherjee - - "
9. Shri J. S. Gill - - - - Secretary/Commissioner

Shri S. R. Borkar attended the meeting as a special invitee.

Shri P. G. Gavai, chairman of the Board of Trustees, Seamen's Provident Fund, presided over the meeting.

The Board welcomed the appointment of new Trustees Sarvashri S.N. Kakar (Deputy Secretary, Ministry of shipping and transport) and M.N. Alikhan (chairman, Calcutta Liners' Conference, Calcutta) and also granted them the leave of absence.

~~For~~ the services rendered by Shri N. Lal as Trustees till now the following resolution was passed-

"The chairman informed the meeting that Shri N. Latif, on relinquishing the chairmanship of owners / Agents Committee (crews), Bombay, has resigned as a Trustee of the Seamen's Provident Fund. In the circumstances the Board accepted the resignation of Mr. Latif and the following resolution was passed in appreciation of his long association with the Board of Trustees.

"This meeting places on record its deep appreciation of the services rendered by Shri N. Latif as a Trustee of the Seamen's Provident Fund. He has always taken a genuine interest in the welfare concerning Seafarers. He had taken keen interest in all matters that came up for consideration of the Trustees and made very useful contribution to its deliberations. The Board takes this opportunity to place on record his valuable association with the Board and wish him well in his retirement."

The Board then took up the items on the 'List of Business' for consideration.

Item NO. I : Confirmation of the Minutes of the 36th meeting of the Board of Trustees, Seamen's Provident Fund, held on 22.2.1978.

Item NO.I : Shri Leo Barnes desired that the Commissioner should disburse immediately the ex-gratia payment of Rs. 3500/- to Shri F. Romaldo if he is living or to Smt. Romaldo if Shri Romaldo is not living.

After listening to the Commissioner about the non-submission of Indemnity Bond by Shri F. Romaldo, who is reported living, the Board directed the Commissioner to settle Shri F. Romaldo's ex-gratia payment of Rs. 3500/- by Thursday, the 12th October, 1978, on execution of an Indemnity Bond and a report be made to the Board at the next meeting.

Item NO.3: Sub-para (d) - At the suggestion of Sarvashri T.S. Narayan and Leo Barnes it was agreed to amend :-

Second line the word 'barber' should be with capital 'B'.

Fourth Line to be amended to read as "by the 'NMB' should continue to be received."

The minutes, subject to the above modification were confirmed.

Item NO. II : Annual report on the working of the Seamen's Provident Fund Scheme, 1966, For the year 1977-78.

Sarvashri T.S. Narayan and K.S. Sidhu were authorised to finalise the preparation of Annual Report. Annual Report as modified has been since received from them and is under print.

Item NO.III : Budget Re-appropriation - 1977-78.

The Board noted the Budget re-appropriation 1977-78, and details of expenditure.

Item NO. IV : Receipts, Payments and Accounting of Provident Fund moneys and progress of work from 1.4.78 to 31-3-1978.

The Commissioner explained the work of

the organisation in detail, the necessity of the posts of Inspectors as is provided in section 15 of the Seamen's Provident Fund Act, 1966 and agreed in principle by the Board earlier subject to further views of the "Staff Sub-Committee" whose final report is awaited).

The Board noted the contents and ruled that in future the details should be given in brief and some further consideration will have to be given for the posts of Inspectors after the receipt of the 'Staff Sub-Committee' Report. All very old outstanding Provident Fund cases may be finally decided by the Commissioner in consultation with Sarvashri Leo Barnes and T.S. Narayan, if necessary, at the weekly meetings.

Item NO. V : Report on the Computerisation of the Seamen's Provident Fund Accounts – Continuation of the Computer after the closure of the IBM with effect from 1-6-1978.

Shri K.S. Sidhu explained the views as were held by the Sub-Committee meeting held on 9.10.1978 on the allied subjects and circulated as an additional information.

The Board decided that the work be continued as per the existing computer programme until the detailed report is brought before the Board. It was suggested that computer experts one each from M/s. Scindia Steam

Navigation Co. Ltd. and the Shipping Corporation of India Ltd. be associated as advisers to the sitting Sub-Committee on the allied subjects.

Item NO. VI : Deposit Linked Insurance Scheme (Item proposed by Shri Bigoy Mukherjee on 5.11.1976) and Discussed at the 33rd and the 34th Board Meetings.

The Board ruled that Shri Bigoy Mukherjee should further examine the proposal in consultation with the Commissioner and they should have further discussions with the Chairman in the first instance and then submit the proposals to the Board in the near future.

Item NO. VII : Conversion of non-Refundable withdrawals to Temporary Refundable advance – (Proposed by Shri Leo Barnes) Examination with reference to Schedule II of the Income Tax Act on Recognised Provident Funds.

It was decided by the Board that Shri Leo Barnes should further examine and put up his proposal in detail in consultation with the Commissioner.

Item NO. VIII : Continuance on Deputation of Shri J.S. Gill, as Commissioner and appointment of Shri C.S. Venkateswaran as Accounts Officer, Seamen's Provident Fund, Orgn.

The Board noted the contents. The Board also recorded appreciation of the service

rendered by shri T.V. Balasubramaniam, Accounts officer who had retired on 30.6.1978 on Superannuation.

Item No.IX : Submissions made by the Shipping Master and staff of the Shipping Office, Calcutta for grant of Honorarium for performing work pertaining to the Seamen's Provident Fund organisation.

The Board decided not to entertain the submissions made and in future the Shipping Master ought first to get in touch with the Director general of Shipping for such demands.

Item No.X : The Seamen's Provident Fund (Amendment) Scheme, 1976 (G.S.R. 1233 of 1976) Examination by the Committee on Subordinate legislation.

The Board decided that the Amendment being proposed is not necessary and the government be informed of their views.

The meeting then terminated with a vote of thanks to chair

I.S. Sidhu
Secretary,
Board of Trustees,
Seamen's Provident Fund,
Bombay.

CHAIRMAN,
BOARD OF TRUSTEES,
SEAMEN'S PROVIDENT FUND,
BOMBAY.

MINUTES of the Thirtyeight (XXXVIII) Meeting of the Board of Trustees of the Seamen's Provident Fund held on Wednesday, the 7th March, 1979 at 11.00 A.M. in the Board Room of the Seamen's Provident Fund Organisation, "Krupanidhi", 3rd floor, 9, Walchand Hirachand Marg, Ballard Estate, Bombay-400 038.

The following were present :—

Shri K.S. Sidhu. .... Chairman of the Meeting.
Shri D.R. Bansal. .... Member.
Shri N.K. Sen. .... "
Shri M.N. Alikhan. .... "
Shri T.S. Narayan. .... "
Shri Leo Barnes. .... "
Shri U.M. Almeida. .... "
Shri Bijoy Mukherjee. .... "
Shri J.S. Gill. .... Secretary.

Shri P.G. Gavai, Chairman being out of station, Shri K.S. Sidhu presided over the meeting.

Leave of absence was granted to Shri S.N. Kakar.

The Board then took up the items on the "List of Business" for consideration.

Item No. 1 : Confirmation of the Minutes of the 37th Meeting of the Board of Trustees, Seamen's Provident Fund, held on 10.10.1978.

Shri T.S. Narayan proposed and the Board agreed to substitute at p.1 (bottom) of the draft-minutes the Resolution recording the services rendered by Shri N. Latif the out-going Trustee to read as under :—

"The Chairman informed the Meeting that Shri N. Latif on relinquishing the Chairmanship of Owners/Agents

Committee (Crews), Bombay, has resigned as a Trustee of the Seamen's Provident Fund. In the circumstances, the Board accepted the resignation of Mr. Lalit and the following resolution was passed in appreciation of his long association with the Board of Trustees.

"This meeting places on record its deep appreciation of the services rendered by Shri N. Lalit as a Trustee of the Seamen's Provident Fund. He has always taken a genuine interest in the welfare concerning Seafarers. He had taken keen interest in all matters that came up for considera-tion of the Trustees and made very useful contribution to its deliberations. The Board takes this opportunity to place on record his valuable association with the Board and wish him well in his retirement."

The minutes subject to the above modifications were approved.

At the suggestion of Shri Leo Barnes the case of Shri F. Ronaldo for the ex-gratia payment of Rs. 3500/- as agreed to earlier and confirmed as item I of the approved minutes was discussed and Commissioner's action in not making the payment so far, noted. The Board decided and directed that the Commissioner should make ex-gratia payment to Shri F. Ronaldo immediately. The Board directed that the Commissioner should circulate the draft Minutes of the Meetings of the Board of Trustees in accordance with the provisions of para 15(1) of the Seamen's Provident Fund Scheme within a period of one month from the date of the meeting.

Item No. II. Receipts, Payments and Accounting of Provident Fund moneys and progress of work from 1-4-1978 to 31-1-1979.

Shri Sen suggested and the Board desired that in

addition to the existing scheme for the utilisation of the Forfeiture Account under para 59(4) of the Scheme, the Commissioner in consultation with Sarvashri Leo Barnes and Bijoy Mukherjee should propose further welfare measures under para 59(4) of the Scheme for the approval of the Board.

The Board desired that the large number of unposted items be liquidated on priority basis and report made at the next meeting.

Action taken on the decisions should appear as a separate item in future.

Item No. III. Report on the computerisation of the S.P. Fund Accounts (1978-79).

The Commissioner informed that the 7th meeting of the Sub-Committee on the computerisation and other delegated issues had met on the 6th March 1979 (afternoon) and finalised its recommendations late in the evening, which had been signed by all the members, except O.A.C.C. Chairman's deputed representative, who had desired to have consultation with his Chairman. These recommendations, subsequently circulated to the members of the Board, were viewed in this context.

Shri K. S. Sidhu, Chairman of the Committee, informed that the Committee had met on 6.3.1979 and its recommendations, together with their earlier recommendations, are now circulated as "Additional information."

The Board discussed these recommendations and finally decided as under :—

(a) Considering all aspects of the matters, computerisation of the accounts is agreed to be continued provided the expenses for the same do not exceed the existing limits in the current year's Budget and the new proposals, if any, on hand by the Committee's Computer Adviser for modification of programme, are included.

A Sub-Committee, consisting of Sarvashri A.S. Sidhu, Leo Barnes, D.R. Bansal, a Trustee representing Shipowners or his nominee and the Commissioner be constituted to decide for 1979-80 as per the open quotations received. In the meantime, the work be continued as per the old programme with the IDM till the printing of 1978-79 account slips was completed.

(b) The Board on the subject of the payment of provident Fund monies be made by "Payee's Account cheques", deferred its decision and directed the Committee for further examination.

(c) The Secretary and Shri Leo Barnes clarified that the Police Court case is likely to take a considerable time and in the meantime Shri F.X. Ronaldo being in dire financial difficulty, cannot wait till the Court gives its judgment. The Board decided that the Ex-gratia amount of Rs.3,500/- should be paid to Shri Francis Ronaldo immediately on 8-3-1979 as per the decision taken earlier and the question of few other cases of alleged fraud be considered only after the final report of the Police Investigation.

(d) The Board noted the objections of Shri N.K. Sen but considering the urgency expressed by the Commissioner and the majority members of the Sub-Committee, approved the creation of the following additional posts in the Seamen's Provident Fund Organisation.

Category.	No. of posts.	Scale of pay:
* Assistant Accounts/ Administrative Officer & Allied duties.	1	650-30-740-35-880-EB-40-1040.
* Sr. Assistants.	2	425-15-500-EB-15-560-20-700. (Existing scale).
Jr. Assistants.	3	330-10-380-EB-12-500-EB-15-560 (Scale under revision)

* (By promotion from existing staff in the first instance).

With these posts there should be significant reduction in over time paid and work should be brought current.

(E) The Board deferred the decision on the 'pre-receipted payments and payments by Payee's Account cheques', as per Sub-para (b) above.

(f) The Board decided that the question of re-fixation of the scales of pay for the post of Jr. Assistants, as originally recommended by the Board at its 25th meeting held on 8-1-1974 (at Rs.330-10-380-EB-12-500-EB-15-560) be taken up with the Government.

(g) (i) The Board agreed that the Provident Fund Returns prescribed by the Commissioner under para 32 of the Scheme should be amended to include the category, the "rate of basic wages", period of engagement, "Leave Wages" and "Total earnings" to make the P.F. Return self sufficient for verification of P.F. contributions.

(ii) The P.F. Return should be made out of a suitable thin quality paper with a view to have clear impression of typing on more number of copies.

(iii) All returns should be typed and the original return should be submitted by the employer with the cheques to the Commissioner, Seamen's Provident Fund Organisation.

(iv) The Employer should exercise all possible care in submitting the Provident Fund Returns and at the same time the Shipping Master should check the same before they are certified by him as required under the Seamen's Provident Fund Scheme. Should any discrepancy be noted in the Provident Fund Returns so filed with the Commissioner, the Commissioner may consider such Returns as defective with reference to the provisions of the Seamen's Provident Fund Scheme.

(v) Before sending the Provident Fund Returns to the Computer, these should be thoroughly checked by the Seamen's Provident Fund Office staff to eliminate the possibilities of throw-outs by the Computer.

(b) The Board decided that the Government rules on the subject of encashment of leave by the Seamen's Provident Fund staff, be followed.

(i) The Board approved raising the retirement age of the Seamen's Provident Fund Officers and staff to 60 years and suitably amending the Seamen's Provident Fund (Staff and Conditions of Service) Regulations, 1972 accordingly, subject to approval by Central Government.

~~(j) The Board decided that the Leave Reserve has already been extended for in the new posts created at Sub-para (d) above.~~

(k) The Board desired the Commissioner to put up separately the proposal for creation of the posts of Inspectors after completing his visit to Calcutta and further discussions with the N.U.S.I. Calcutta and Bombay.

(l) Crash steps with the additional staff now sanctioned be taken to clear unposted items and other pending work.

(m) The Organisation should make efforts to avail of the facilities offered by Computer Organisations to impart computer training to the staff without any extra expenditure or additional staff on this account.

(n) Arrangements by the Organisation should be made for implementing Government policy on the implementation of Hindi in the Seamen's Provident Fund Organisation.

(o) The seamen should be given pass books and separate P.F. account numbers and the Commissioner should submit his report for implementation of the same in consultation with the N.U.S.I. Bombay and Calcutta.

Item No. IV : Budget Proposals for the year 1979-80.

The Board approved the Budget for the year 1979-80 with the following modifications :—

Item No: 4 : Honoraria & Overtime : The expenditure should be reduced to Rs. 15,000/- (instead of Rs. 20,000/-).

Item No: 5: Contingencies : The expenditure under this head be reduced to Rs. 20,000/- as under :—

(iv) Type writers (Two)	Rs. 8,000.-
Furniture for Addl. staff	Rs. 4,000.-
Painting of office premises	Rs. 4,000.-
Repairs to Board Room chairs	Rs. 1,000.-
Cup-boards (2) and other fittings	Rs. 3,000.-
	Rs. 20,000.-

Item No: 7 : House Building Advance:

The Board was informed that in the year (1978-79) one employee Smt. B. J. Bhansar was granted the advance of Rs. 25,000/- in line with the Govt. rules on House Bldg. Adv. There is likelihood of three applications in 1979-80. The Board approved the provision of Rs. 75,000/- in 1979-80, and directed that such cases in future, be put up to the Board at the next meeting for information after the payment of the advance by the Commissioner.

The Supplementary Budget for new posts created under Item III (d) was also approved.

Item No. V: Fixation of rate of interest for credit to the Members' Accounts for the year 1978-79.

The Board recommended to the Government for approval the rate of interest at 8½% for credit to the Members' Accounts for the year 1978-79 under para 51(1) of the Scheme.

Item No. VI: Fixation of rate of interest for credit to

Staff G.P. Fund Account for the year 1978-79.

The Board approved 8½% rate of interest for credit to the Seamen's Provident Fund Staff G.P. Fund Account for the year 1978-79. Provided there is no charge on this account to the Administrative Charges Account and that the amounts so payable could be met fully from the yield of the investment of the staff General Provident Fund.

Item No. VII: Review of Administrative and Financial Powers of the Commissioner under para 21 of the Seamen's Provident Fund Scheme, 1966.

The Board appreciated the fact that the Administrative and Financial powers delegated to the Commissioner in 1967 have not been revised in line with the present general policy on the subject. The Board agreed to amend the existing para 44 of the delegated powers as under:—

Sr. No. 44.

To sanction contingent non-recurring and recurring expenditure subject to the limits laid down in para 21 of the S.P.F. Scheme.	Upto Rs. 2,000/- non-recurring and Rs. 750/= recurring per annum on any single item and upto the limit of the Budget provision for such purposes subject to such expenditure being put up to the Board for information.

The Board directed the Commissioner to submit any further revision of such delegated powers supported by proper justification at the next meeting for consideration.

Item No. VIII: Audit Report for the year 1977-78.

The Board noted and approved the reply to the Audit Report with particular reference to paras 3 and 4 thereof. It was decided that the existing approved formats by the Accountant General, Central for Receipts,

Payments, Income and Expenditure, be revised if necessary, in consultation with the Audit and under advice of Shri D. R. Bansal.

The staff overtime rules be prepared under para 31 of the Seamen's Provident Fund (Staff and Conditions of Service) Regulations, 1972 and put up to the Board for approval. The Government rules on the subject be followed for the time being.

The meeting then terminated with a vote of thanks to the Chair.

N. Srivastava.
Secretary,
Board of Trustees,
Seamen's Provident Fund,
Bombay.

CHAIRMAN.
BOARD OF TRUSTEES.
SEAMEN'S PROVIDENT FUND,
BOMBAY

Minutes of the Thirtyninth (XXXIX) Meeting of the Board of Trustees, Seamen's Provident Fund held in the Conference Room of the Directorate General of Shipping, Jahaz Bhavan, Walchand Hirachand Marg, Ballard Estate, Bombay 400 038 on Tuesday, the 12th February, 1980 at 10.30 A.M.

The following were present :-

1. Shre R. D. Pradhan ---- Chairman
2. Shri B. K. Pawar ---- Member
3. Shri S. N. Kakar ---- -do-
4. Shri K. S. Bhandarkar ---- -do-
5. Shri M. N. Alikhan ---- -do-
6. Shri T. S. Narayan ---- -do-
7. Shri Leo Barnes ---- -do-
8. Shri N. M. Almeida ---- -do-
9. Shri Bijoy Mukherjee ---- -do-
10. Shri N. C. Trivedi Secretary

Shri R. D. Pradhan, Chairman of the Board of Trustees of the Seamen's Provident Fund, took the Chair.

Leave of absence was granted to Shri D. R. Bansal.

The Chairman welcomed the members of the Board of Trustees and expressed his happiness at being associated with the Organisation. The members reciprocated the sentiments.

Shri Leo Barnes referred to the recent death of Shri K. K. Khadilkar, who was associated with the Seamen's Provident Fund Organisation since its inception for a number of years and the valuable service rendered by him as a Trustee. Members of the Board observed two minutes' silence in memory of the late Shri Khadilkar and also endorsed the sentiments expressed by Shri Leo Barnes. The Chairman

asked the Member Secretary to place on record the appreciation of Shri Khadilkar's services by a suitable resolution and convey the same to the family members of Shri Khadilkar.

Item No. 1. Confirmation of the Minutes of the 38th Meeting of the Board of Trustees, Seamen's Provident Fund held on 7th March, 1979

The Board considered the amendments to the Minutes as suggested by Shri T. S. Narayan and subscribed to by the Chairman, Owners / Agents Committee (Crews), Bombay and the Chairman, Calcutta Liners' Conference (Crews), Calcutta and accepted the same as under:

Page 2. first line : The sentence "In future the Minutes should comply para 15(1) of the Scheme" should be amended to read as under :-

"The Board directed that the Commissioner should circulate the draft Minutes of the Meetings of the Board of Trustees in accordance with the provisions of para 15(1) of the Seamen's Provident Fund Scheme within a period of one month from the date of the meeting."

The sentence reading "Action taken on the decisions should appear as a separate item in future" appearing in para 2 of Item II on page 2 of the draft Minutes should properly be incorporated as a separate para immediately above the record under Item II on page 2 of the draft Minutes.

Page 2 - Item III - Report on the computerisation of the Seamen's Provident Fund Accounts (1978-79)

The working of sub-para (a) under this item should be amended to read as under :-

"Considering all aspects of the matters, computerisation

of the accounts is agreed to be continued provided the expenses for the same do not exceed the existing limits in the current year's Budget and the new proposals, if any, on hand by the Committee's Computer Adviser for modification of programme, are included. A Sub-Committee consisting of Sarvashri K.S Sidhu, Leo Barnes, D.R. Bansal, a Trustee representing Shipowners or his nominee and the Commissioner be constituted to decide for 1979-80 as per the open quotations received. In the meantime, the work be continued as per the old programme with the IDM till the printing of 1978-79 account slips was completed."

Page 3 - Item III(d): The words appearing on line 2 and 3 of the sub-para (d) reading "and the other members of the Sub-Committee" should be amended to read "and the majority members of the Sub-Committee."

Page 3 - Sub-para (g)(i): Instead of the words "rate of pay" in line 3, the words "rate of basic wages" should be inserted.

Page 3 - Item (g)(iv): The entire paragraph should be re-worded as follows :-

"The Employer should exercise all possible care in submitting the Provident Fund Returns and at the same time the Shipping Master should check the same before they are certified by him as required under the Seamen's Provident Fund Scheme. Should any discrepancy by noted in the Provident Fund Returns so filed with the Commissioner, the Commissioner may consider such Returns as defective with reference to the provisions of the Seamen's Provident Fund Scheme."

Pages 3 and 4 - Item (g)(v):- The wording under this sub-para should be amended to read as under :-

"Before sending the Provident Fund Returns to the Computer, these should be thoroughly checked by the Seamen's Provident Fund Office staff to eliminate the possibilities of throw-outs by the Computer."

Page 4 - Sub-para (h) :- The word "etc" appearing at the end of this sub-para should be deleted.

Page 4 - Sub-para (i) :- This sub-para should be re-worded as follows :-

"The Board approved raising the retirement age of the Seamen's Provident Fund Officers and Staff to 60 years and suitably amending the Seamen's Provident Fund (Staff and Conditions of Service) Regulations, 1972 accordingly, subject to approval by Central Government."

Page 4 - Sub-para (m) :- The wording of this sub-para should be amended to read as under :-

"The Organisation should make efforts to avail of the facilities offered by Computer Organisations to impart computer training to the staff without any extra expenditure or additional staff on this account."

Page 5 - Item VI :- The following should be added at the end of the sentence after the words _____ "year 1978-79.

"Provided there is no charge on this account to the Administrative Charges Account and that the amounts so payable could be met fully from the yield of the investment of the staff General Provident Fund."

The Minutes, subject to the above modifications, were approved and confirmed.

Item No.2. Action taken on the decisions of the Board.

The Board considered the progress made on the decisions taken at various meetings as under :-

(1) Payment of monies to seaman who may have been the victims of alleged fraud.

The Secretary informed that Board that there were about 44 claims involving an approximate amount of Rs 1,21,532.90 out of which complaints had been received in 11 cases involving an approximate amount of Rs. 52,106.80 covered under this head. The final outcome of the report on the police investigation was awaited. The Chairman asked the Commissioner that the disposal of this long pending issue is expedited. The Chairman also asked the Commissioner to look into the case of the Junior Assistant, Shri B.D. Pawar who was suspended about 5 years back as he was suspected to have a hand in the fraud cases, and expedite necessary action.

(2) Regular Permanent Accounts Officer / Commissioner, Seamen's Provident Fund on long term basis.

Sarvashri K.S. Bhandarkar and M.N. Alikhan suggested and the Board agreed that some continuity atleast with the Accounts Officer should be maintained in the interests of the Organisation. The Chairman assured the Board to look into this matter and do what best was possible.

(4) Proposals for the appointment of Inspectors.

Shri Leo Barnes explained the background of the subject proposal and felt that there was no need to consider the proposal at this stage. Shri Bijoy Mukherjee however, stated that there was no Provident Fund Organisation at Calcutta and the work of the Seamen's Provident Fund~~ent~~ Organisation was being attended to by the Director, Seamen's Employment Office as a Liaison Officer. The District Authorities had declined to Co-operate in determining the heirs of deceased seaman and

sending reports thereon for expeditious disal of claims of deceased seaman. The Chairman directed that the Commissioner should undertake a visit to Calcutta, finalise his report and submit the same to the Board at the next regular meeting.

(5) Appointment of a Committee for acquisition of suitable residential accommodation for the Commissioner

The Chairman desired the Commissioner to explore the possibility of acquiring some suitable residential accommodation for the Commissioner in the Suburbs upto Rs. 3,00,000 to Rs 4,00,000 or even get the same on rental basis in Central Bombay upto the limit of Rs. 2,000/- to Rs 2,500/- P.M.

(6) Conversion of Non-Refundable Withdrawals into temporary refundable advances (Proposal by Shri Leo Barnes.)

The Chairman ruled that all such proposals should be thoroughly examined by the Seamen's Provident Fund Organisation and final proposals submitted to the Board at their regular meetings, with specific recommendations whether to accept or reject the same.

The position as indicated against each of the remaining items was noted by the Board.

Item No. 3. Draft 13th Annual Report 1978-79 on the Working of the Seamen's Provident Fund Scheme, 1966.

The Board considered the amendments to the Draft Annual Report proposed by the Chairman, Owners/Agents' Committee (Crews), and subscribed to by the Chairman, Calcutta Liners' Conference (Crews), Calcutta and by Shri T.S. Narayan.

(a) The monogram as printed in the last year's report "SPF" be retained on the cover page.

(b) In the list of Trustees under the head "Members representing Shipowners (Employers)" the following

be substituted under Serial No.2.

Shri N. Latif - upto 28.9.1978

Shri N. K. Sen - from 29.9.1978.

Similarly, under the heading "Members representing Seafarers" the words "(Employees)" be inserted in bracket after the words "(Seafarers)" to conform to the heading reading "Members representing Shipowners (Employers)".

(c) Page 1 - Review :- In para 3 under this heading, the percentage of wages shown below the rate of administrative charges on provident fund payable be deleted.

(d) Page 2 - Provident Fund Contributions : The words under this heading in para 4 reading "after allowing for the payments made plus" be deleted.

(e) Page 3 - Para 6: The words shown in bracket in lines 3 and 4 from the top, viz. "(442 in 1977-78)" and "(Rs 4,64,407.71 in 1977-78)" respectively, be deleted.

(f) Page 3 - Para 7:- The entire para 7 reading "On 31.3.1979 an estimated _____ was pending collection." be deleted.

(g) Page 3 - Para 8:- The last portion of this paragraph reading "Due to the cash flow _____ damages levied on the employers." be deleted.

(h) Page 4 - Interest paid to Members :- In para 11 under this heading the word "for" appearing in line 3 should correctly read as "on".

(i) Page 5 - The first para reading "4 cases amounting _____ length of service" be deleted.

(j) Pages 5, 6 and 7 :- The information given under the headings "Non-Refundable Withdrawals", "Forfeiture", "Computerisation" on Part Accounts / Unposted Items"

reference to percentages given under each subheading should be deleted altogether.

(k) Pages 7 and 8 - Para 22 :- The last sentence under this para reading "due to the cash flow _____ such recoveries" should be deleted.

(l) Page 8 - Para 24 "Board of Trustees" : The last but one line reading "The Board placed on record the valuable services and guidance rendered by him." should be deleted.

(m) Page 8. Para 25 under the Chapter "Board of Trustees" The entire sub-para 25 should be deleted and the subsequent paragraphs re-numbered.

(n) Page 8 - Para 26 - Administration ; The third sentence should be re-worded as under :- "Shri C. S. Venkateswaran from the office of the Accountant General, Maharashtra, joined as Accounts Officer on deputation from 29.8.1978."

(o) Page 8 - Para 27 - Inquiry and Public Relations :- The entire para 27 be deleted and the subsequent paragraphs re-numbered.

(p) Page 9 - Para 29 - Liaison arrangements :- The last sentence reading "The Liaison arrangment has worked to our full satisfaction" should be deleted.

(q) Page 9 - para 33 - Conclusion :- The entire para be modified to read as under :-

33. The concept of the Social Security embodied in the Seamen Provident Fund Act, 1966 has proved beneficial to the seaman. The annual payment of the Provident Fund to seamen has now ~~th~~ touched 1.3 crores which is more than three times than that of five years ago. The rate of interest paid is 8½%.

There has been the utmost economy in the management costs, for which the Board appreciates the guidance given by the Chairman and the Trustees.

(R) Page 10 - Para 34 - Acknowledgements : The entire para be modified as under :-

"The Board places on record their appreciation for the assistance and co-operation which they have received from the Directorate General of Shipping, Principal Officers of the Mercantile Marine Department, Shipping Masters, Directors of Seamens Employment offices Seamen's Welfare Officers, District Collectors, Police Commissioner and the Organisations of the Employers and the Seafarers".

(S) Page 10 - Para 34 : The entire sub-para under para 34 should be deleted.

The Chairman suggested and the Board agreed that the final draft Annual Report on the working of the Seamen's Provident Fund Scheme for the year 1978-79, after incorporating the above amendments, should be vetted by him before it was submitted to Government for being placed before the Parliament.

Item No.4. Budget proposals for the year 1980-81.

The Commissioner presented the salient features of the Budget proposals for the year 1980-81, in a summary form to the Board. Shri T.S. Narayan observed that the budget proposals presented by the New Commissioner appeared to be quite realistic. The Board approved the budget proposals for the year 1980-81 as presented, excluding the provision for Rs.4,000/- for purchase of Dry Copier regarding which members concurred in the view expressed by

Shri Alikhan that it was not very necessary.

The Board approved the proposal of payment of service gratuity to Shri M.G. Chaubal, the Office Superintendent who retired on superannuation on 30.4.1977.

While discussing the provision for payment to Computerisation, Shri Leo Barnes observed that there was enough room to streamline the methods, systems and the procedures in the functioning of the Seamen's Provident Fund Organisation with a view to avoid duplication of work and achieve efficiency, prompt disposal and regular flow of work. He desired that a Senior Official of the Directorate General of Shipping be associated with the Organisation, for this purpose. The Chairman agreed with the suggestion and the Board appointed a Sub-Committee comprising of the following to examine in detail the proposal of Shri Barnes :

(1) Shri S.N. Kakar.
(2) Shri T.S. Narayan.
(3) Shri K.S. Bhandarkar (or his Nominee)
(4) Shri Leo Barnes.
(5) The Commissioner — Convener.

Item No.5. Budget Re-appropriation - 1978-79.

The Board noted the Budgetary Re-appropriation of the funds sanctioned in the Budget for the year 1978-79 made under para 49(3) of the Seamen's Provident Fund Scheme, 1966.

Item No.6 :- Fixation of rate of interest for credit to the Members' Accounts for the year 1979-80

The Board considered the proposal to fix the rate of interest for credit to the Members' Accounts for the year 1979-80 and decided to recommend to Government that the rate of interest be fixed at 8½%.

Shri Leo Barnes observed in view of erosion in money value, the members deserved higher rate of interest on their credits. He felt

that the Seamen's Provident Fund Organisation being an autonomous body need not be hamstrung by the Government's prescribed pattern of investments of the Fund moneys. Our funds may be gainfully invested in such securities which yield higher rate of interest so that correspondingly higher rate of interest can also be paid to member seaman, particularly when this Scheme is a social security measure. The Chairman, while noting Shri Barn's Observations, stated that the matter should be examined in all its implications before any decisions could be taken and Law Ministry's opinion obtained.

Item No.7. Fixation of rate of interest for credit to Staff General Provident Fund Account for the year 1979-80

The Board approved the rate of interest for credit to the Staff General Provident Fund for the year 1979-80 at the rate of 8½% - same as declared by the Government for the Central Government Servants, subject to the provision that expenditure on this account should be met from the interest accruals on the Staff Provident Fund Contributions and that the same should not be a charge on the Administrative Account.

Item No. 8. Audit Report on the accounts of the Commissioner, Seamen's Provident Fund Organisation, Bombay for the year 1978-79.

The Board noted the Audit Report.

The Chairman expressed concern over the large number of un-posted items involving substantially large amounts. The Commissioner was requested to examine in detail all the pending issues with particular reference to the recoveries of arrears of Provident Fund Contributions from the Shipping Companies concerned, position of the cases under police investigation and initiate early and effective steps to expedite settlement of these issues. The Chairman also

desired that the progress made in this direction be reported to him periodically.

The Board also accorded their approval to the payment of overtime to the Office Superintendent during 1977-78 and 1978-79 (Total Rs 800/-), to meet the Audit requirement of regularising this payment.

Item No.9. Computerisation of the Part Accounts of the Seamen's Provident Fund Organisation.

The Board accepted the recommendations of the Sub-Committee dated 11.2.1980 and approved continuation of the computerised Seamen's Provident Fund Accounts with the IDM. The Board, however, desired that the progress be reported at the next regular meeting.

Item No. 10. Receipts, Payments and Accounting of Provident Fund moneys and progress of work from 1.4.1979 to 31.12.1979.

The Board noted the progress of work.

Item No 11. Retention of Flat in "Love Dale" Apartments, Colaba.

The Board decided to retain the said flat for the use by the Organisation for its Officers likely to come on deputation.

Item No. 12. (Addl. Item No.1) Inoperative Accounts.

The Board accepted the proposal of Shri Leo Barnes and required the Commissioner to implement the same.

The Board deferred consideration of rest of the items on the Agenda to the next meeting and decided to hold the next meeting, tentatively on Tuesday, the 18th March, 1980 at 10.30 A.M. at the same venue.

The meeting then terminated with a vote of thanks to the Chair.

30/2/80

CHAIRMAN,
BOARD OF TRUSTEES,
SEAMEN'S PROVIDENT FUND,
BOMBAY

Secretary;
Board of Trustees,
Seamen's Provident Fund,
Bombay.

Minutes of the Fortieth (XL) Meeting of the Board of Trustees, Seamen's Provident Fund held in the Conference Room of the Directorate General of Shipping, 'Jahaz Bhavan', Walchand Hirachand Marg, Ballard Estate, Bombay-400 038 on Tuesday, the 8th April 1980 at 10.00 A.M.

The following were present :-

Shri R. D. Pradhan	Chairman
Shri B. K. Pawar	Member
Shri D R Bansal	do
Shri K. S. Bhandarkar	do
Shri M. N. Alikhan	do
Shri T. S. Narayan	do
Shri Leo Barnes	do
Shri A. M. Almeida	do
Shri Bijoy Mukherjee	do
Shri N. C. Trivedi	Secretary.

Shri R D Pradhan, Chairman of the Board of Trustees of Seamen's Provident Fund, took the Chair.

Leave of absence was granted to Shri S. N. Kakar.

The Board then took up the items on the "List of Business" for consideration.

Item No 1 : Confirmation of the Minutes of the 39th (XXXIX) Meeting of the Board of Trustees of the Seamen's Provident Fund held on 12th February 1980.

I. Page 4, Item No 2 - Action taken on the decisions of the Board

(1) Payment of monies to seamen who may have been the victims of alleged fraud.

Shri Leo Barnes suggested and the Board agreed to add

the following sentence at the end of this sub-para :

"The Chairman also asked the Commissioner to look into the case of the Junior Assistant, Shri B.D. Pawar, who was suspended about 5 years back as he was suspected to have a hand in the fraud cases, and expedite necessary action."

II. Page 7 - Sub-para (9) Page 9 - Para 33 - Conclusion :

The entire para be modified to read as under :

The first sentence of this modified para reading :-

"33. The concept of the Social Security embodied in the Seamen's Provident Fund Act, 1966 has proved the benefit of such a centralised measure for seamen."

be substituted with the following :-

"33. The concept of the Social Security embodied in the Seamen's Provident Fund Act, 1966 has proved beneficial to the seamen."

III. Item No 4 - Budget proposals for the year 1980-81

In the last sub-para under this Item - on page 8, the composition of the Sub-Committee appointed by the Board to examine in detail, the proposal of Shri Leo Barnes, shall be as under :-

1. Shri S. N. Kakar.
2. Shri T. S. Narayan.
3. Shri K S Bhandarkar (or his Nominee).
4. Shri Leo Barnes.
5. The Commissioner - Convener.

The Minutes subject to the above modification were approved and confirmed.

Item No 2 - Application of Employees' Insurance Scheme to the Seamen's Provident Fund Organisation.

The Board felt that the then Commissioner should have

obtained prior approval before implementing the scheme. However, after detailed discussions, the Board accorded Ex-Post-Facto approval to the application of the Employees' Insurance Scheme to the Seamen's Provident Fund Organisation, which was in the nature of a welfare measure and in the interests of the employees.

The Board also passed the following Resolutions :

1) Resolved that the Seamen's Provident Fund Commissioner be and is hereby authorised to open a separate Account called "Seamen's Provident Fund Organisation Employees' Insurance Scheme Account." Any amount collected in terms of the provisions of the Scheme shall be transferred or deposited in this Separate Account.

2) Resolved Further that all cheques on the Banking Account of the Seamen's Provident Fund Organisation Employees' Insurance scheme Account in the State Bank of India, Bombay shall be signed, endorsed and/or drawn by the Seamen's Provident Fund Commissioner or by the Accounts Officer, in his absence, by specific authorisation given by the Commissioner."

3) Resolved that any amount collected for deposit/transfer in the "Seamen's Provident Fund Organisation Employees' Insurance Scheme Account" shall be utilised by the Commissioner, or Accounts Officer, in his absence, by sepecific authorisation by the Commissioner, for the purpose for which contributions under the provision of the Scheme have been collected.

4) It was assumed that the Scheme would be self generating and only in the initial stages, any liability that may arise, may have to be met from the Administrative Charge Account. Resolved that the liability for payment to the extent the amount falls short of lump sum of Rs. 5,000/- payable to the Employee/Nominee who superannuate from Group II, or those who die in harness as per the details given in the Seamen's Provident Fund Organisation Employees' Insurance Scheme be borne by

the Seamen's Provident Fund Organisation from the Administration Charge Account.

The Board directed the Commissioner to ensure that in future, Schemes of such nature should not be introduced without the prior and specific approval of the Board.

Item No.3 - Termination of the period of deputation of the present Commissioner Shri J. S. Gill and appointment of Shri N. C Trivedi, as Seamen's Provident Fund Commissioner.

The Board noted the position.

Item No.4 - Implementation of recommendations contained in para 45 and 46 of the 17th Report of the Committee on subordinate Legislation Sixth Lok Sabha regarding the Seamen's Provident Fund (Amendment) Scheme. 1977 (GSR 1591 of 1977) - para 58-E (4)

The Board accepted the suggestion made by the Committee on Subordinate Legislation, Sixth Lok Sabha regarding the Seamen's Provident Fund (Amendment) Scheme, 1977 (GSR 1591 of 1977) and asked the Commissioner to approach the Government to amend paragraph 58 (E) (4) of the Seamen's Provident Fund Scheme, 1966 to provide for giving a reasonable opportunity of being heard to the seamen concerned before action to recover the Non-refundable Withdrawal granted under this paragraph is initiated, for not having utilised the same for the purpose for which it was granted.

Item No.5 - The Deposit Linked Insurance Scheme for seaman members. (Proposal of Shri Bijoy Mukherjee)

At the request of Shri Bijoy Mukherjee, the Board deferred consideration of this item and decided that Shri Mukherjee may, in the meantime, make detailed suggestions, if any, whereafter the Commissioner should circulate a comprehensive note on the subject well in advance of the next meeting for

Members consideration.

Item No6 – Utilisation of Forfeiture Account under para 59(4) of the Seamens Provident Fund Scheme, 1966. (Proposal of Shri Bijoy Mukherjee.)

This item was withdrawn by Shri Bijoy Mukherjee.

Item No 7 – Monthly remittance of Provident Fund Contributions and Administrative Charges to the Seamens Provident Fund Organisation (Proposal of Shri Bijoy Mukherjee)

After detailed exchange of views, the Board finally agreed to treat this item as withdrawn as the Board felt that this was a matter which required to be considered by the appropriate forum.

Item No.8 – Liaison arrangements for the Seamens Provident Fund Organisation at Calcutta request from the Director, Seamens Employment Office, Calcutta, for enhancement of Honoraria.

The Chairman suggested and the Board approved that the Commissioner should visit Calcutta to examine in detail the work load of the Seamens Provident Fund Organisation attended to by the Liaison Officer and his staff at that port and submit his report/recommendation to the Director General of Shipping, Bombay for consideration. The Chairman in his capacity as the Director General of Shipping, may consider such report/recommendations for examining the merits of the case and then the matter will be brought before the Board for final decision.

Item No 9 – Permission to attend meetings of the Board of Trustees, Seamens Provident Fund as a special invitee – Suggestion made by the Ministry of Shipping and Transport, New Delhi

The Board considered the issue in detail and decided that since the provisions under the Seamens Provident Fund Act and the Scheme, 1966 did not provide for such "special invitees" as also the

fact that the Ministry of Shipping and Transport was already represented on the Board of Trustees, Seamens Provident Fund, it was not necessary to extend any such invitation.

The Ministry may be replied suitably.

Item No 10 – Grant of House Building Advance – (For information of the Board).

The Board noted the position.

The Board decided tentatively to hold its next meeting sometime in the month of August, 1980.

The meeting then terminated with a vote of thanks to the Chair.

Secretary,
Board of Trustees,
Seamen's Provident Fund,
Bombay.

CHAIRMAN,
BOARD OF TRUSTEES,
SEAMEN'S PROVIDENT FUND,
BOMBAY