3

MINUTES BOOK

SEAMEN'S PROVIDENT FUND ORGANIZATION, MUMBAI

MINUTES OF

41ST BOARD OF TRUSTEES MEETING

TO

53RD BOARD OF TRUSTEES MEETING

FROM 41 77 TO 53 RD

SEAMEN'S PROUIDENT FUND ORGN.

MINUTES OF THE FORTYFIRST (XLI) 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-400038 ON TUESDAY, THE 30TH SEPTEMBER 1980 AT 10.15 AM.

The following were present:-

1. Shri R.D. Pradhan ... Chairman
2. Shri B.R. Pawar ... Member
3. Shri D.R. Bansal ... "
4. Shri M.N. Alikhan ... "
5. Shri T.S. Narayan ... "
6. Shri Leo Barnes ... "
7. Shri Bijoy Mukherjee ... "

Leave of absence was granted to Sarvashri S.N. Kakar, K.S. Bhandarkar and U.M. Almeida.

The Chairman informed the meeting that due to sudden indisposition, the Secretary/Commissioner was unable to attend the meeting. He however said that the business of the meeting for which due notice had been given could be proceeded with, particularly as the Accounts officer was present to give any explanation that may be necessary.

The Board then took up the items on the list of business for consideration.

Item No.1. Confirmation of the Minutes of the Fortieth (XL) Meeting of the Board of Trustees, Seamen's Provident Fund held at Bombay on Tuesday, the 8th April, 1980.

a) Page 2 - Item No.2 : The word "then" should be inserted between the words "that the" and "Commissioner in line one.

b) Page 3 - Item No.2 Sub-para 4 : As suggested by the Chairman, it was decided to add a preamble to the Resolution, as follows :—

"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."

This was agreed.

c) Page 3 - Item No.5 : The entire wording under this item should be re-worded as under :—

"At the request of Shri Bijoy Mukherjee, the Board deferred consideration of this item and decided that Shri Mukherjee may, in the meatime 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."

Subject to the above modifications, the Minutes were approved and confirmed.

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

Sr.No.5. Payment of moneys to seamen, who may have been the victims of alleged fraud.

The Chairman offered to get in touch with the Police Commissioner and inquire if any assistance is required from us for expeditious disposal of this long pending issue.

Sr.No.15(B). Fixation of rate of interest for credit to Members' Accounts for the year 1979-80.

Shri Leo Barnes observed that the fund moneys could be deposited with State Bank of India on long term basis to fetch higher interest under Section 4(3) of the Seamen's Provident Fund Act, 1966.

After discussion, it was felt that in view of Dy. Secretary, Ministry of Shipping & Transport letter (Annex.5 to the note) the pattern of investment as prescribed by the Government was mandatory. However, Chairman desired to go into the legal position regarding the Investment pattern vis-a-vis Section 4(3) of the Seamen's Provident Fund Act. The Commissioner was asked to submit a detailed note

regarding investments.

Except as above, the action on rest of the Items was noted. The Board however desired that in future nature of queries raised by the Ministry on the items dealt with in this note, be specified.

Item No. 3 : Draft Annual Report on the working of Seamen's Provident Fund Scheme, for the year 1979-80.

The Chairman and some members had certain amendments to suggest to the draft Annual Report for 1979-80. The Chairman expressed the view that the report should be precise and factual and as far as possible the last year's format be retained. He suggested that draft Annual Report be finalised by Shri B.K. Pawar in consultation with Shri T.S. Narayan and the Commissioner and submitted to him for final approval.

The Chairman's suggestion was agreed to by the Board.

Item No. 4 : Receipts Payments, and Accounting of P.F. moneys and progress of work from 1.4.1980 to 31.7.1980.

Para 2 - Provident Fund Payments.

The Board viewed with concern, the large number of (656) pending applications of all types on 31.7.1980 and desired to have the following information:-

1) Break up of these applications between Bombay and Calcutta

2) Specific period since when these applications are pending and the reasons therefor.

3) The amounts involved.

The Board expressed serious concern regarding claims which were pending for a long time. It was agreed that Dr. Leo Barnes and a representative of shipowners may, along with the Commissioner, examine such pending claims to ascertain reasons for the delay and settle them urgently and thereafter the Commissioner should submit a report to the Board for information.

The Board also referred to the growing number of unposted items with particular reference to Unposted Items of 1974-75 which would have been cleared by now. The Board desired Shri B.K. Pawar to look into this problem and suggest ways and means by which these Unposted Items can be liquidated.

Subject to the above, the Board noted the position.

Item No. 5. Report of the Commissioner on his official visit to Calcutta to examine

A) Request of the Liaison Officer (Director, Seamen's Employment Office) Calcutta, for enhancement in honoraria

The Board approved upward revision of honoraria as under:-

	Present	Revised
1. Superintendent	Rs 110/-	Rs 150/- p.m.

2. Stenographer Rs 35/- Rs 45/- PM

3 Peon Rs 10/- Rs 20/- PM

The revised honoraria shall become payable from 1.10.1980.

As regards enhancement of honoraria to the Director, Seamen's Employment Office, Calcutta, the matter was left to the Chairman to decide the issue during his next visit to Calcutta.

B) Proposals for appointment of Inspectors

The general view was that the appointment of the Inspectors was not necessary. However, at the suggestion of Shri Bijoy Mukherjee consideration of this proposal was deferred.

Item No. 6. Regular Permanent Accounts officer/ Commissioner Seamen's Provident Fund Organisation on long term basis.

The Chairman observed that this being an administrative matter he should have been consulted earlier. The incumbents in the posts of Commissioner and Accounts officer are appointed by the Government on deputation in accordance with the provisions of the Seamen's Provident Fund Act, 1966. He assured the Trustees that the officer to be appointed as Commissioner hereafter will have a sufficiently long tenure to serve the Organisation.

With regard to the continued retention in service upto 60 years of the present Administrative/ Asst. Accounts officer (non-Government) employee of the Board due to retire in July 1981, the Board authorised the Chairman to take a decision.

Item No. 7 Amendment to Section 8, Sub-Section (1) of the Seamen's Provident Fund Act, 1966.

The Board desired the Commissioner to submit final proposals to amend the Seamen's Provident Fund Act/Scheme, 1966 as under:—

1) The words "or deck barber" appearing at the end of Section 2(i) be deleted.

2) The words "not less than" be inserted in between the words "at the rate of ----- eight percent" appearing in Section 8(i) of the Seamen's Provident Fund Act, 1966.

3) The Chairman desired that the Commissioner should study and examine the following proposals for incorporating in the Seamen's Provident Fund Scheme, 1966.

a) Accepting voluntary contributions from seamen members at the uniformly fixed rate not exceeding 10% of wages, during the entire period of articled service.

b) Such voluntary contributions shall be paid directly by the employers to the Seamen's Provident Fund Organisation and

c) A separate account for such voluntary contributions shall be maintained by the Seamen's Provident Fund Organisation.

The Commissioner should also examine the volume of work involved in accounting procedures to be followed etc. and submit a detailed note.

Item No. 8. Payment of share of expenditure on major repairs to the Building and renovation of Lift - to Krupanidhi Pvt. Ltd.

The Board approved the payment of a sum of Rs 18.000/- representing 12% share of Seamens Provident Fund Organisation of the total estimated cost of Rs 1.5 Lacs on major repairs of the Building and renovation of lift, in Krupanidhi Building, and authorised the Commissioner to make such payment.

Item No. 9. Proposal for revision of Administrative charges for the year 1980-81.

The Board decided to maintain status quo for the present and review the position next year.

Item No. 10. (a) Amendments to the Seamen's Provident Fund Orgn. (Staff GPF) Regulations, 1972.

The Board decided that Central Government Provident Fund Rules should be followed mutatis mutandis

(b) Fixation of rate of interest to be credited to the individual members' accounts.

After discussion of the various issues involved, the Board decided to fix the rate of interest for credit to the Staff General Provident Fund for the year 1979-80 at 8 1/2%.

Item No. 11 Grant of exemption under Section 20 (1) of the Seamen's Provident Fund Act, 1966 from operation of Seamen's Provident Fund Scheme.

The Board desired the Sub-Committee Consisting of the following members to examine the issues involved in these as well other cases, if any, and submit its recommendations to the Board at the next meeting for final decision.

Shri B.K. Pawar.
Shri T.S. Narayan.
Shri Leo Barnes
The Commissioner.

Item No. 12. Report of the Sub-Committee to examine methods, systems and procedures in the functioning of the Seamen's Provident Fund Organisation.

The report of the Sub Committee was placed before the Board and the Board approved the recommendation regarding entrusting the work of partly computerized accounts to M/s Computility India Pvt. Ltd., Atlanta, 17th Floor, 209, Nariman Point,

c) A separate account for such voluntary contributions shall be maintained by the Seamen's Provident Fund Organisation.

The Commissioner should also examine the volume of work involved in accounting procedures to be followed etc. and submit a detailed note.

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The Board decided that Central Government Provident Fund Rules should be followed mutatis mutandis

(b) Fixation of rate of interest to be credited to the individual members' accounts.

After discussion of the various issues involved, the Board decided to fix the rate of interest for credit to the Staff General Provident Fund for the year 1979-80 at 8½%.

Item No. 11 Grant of exemption under Section 20 (1) of the Seamen's Provident Fund Act, 1966 from operation of Seamens Provident Fund Scheme.

The Board desired the Sub-Committee consisting of the following members to examine the issues involved in these as well other cases, if any, and submit its recommendations to the Board at the next meeting for final decision.

Shri B.K. Pawar.
Shri T.S. Narayan.
Shri Leo Barnes
The Commissioner.

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Bombay - 400021, The Board also authorised the Commissioner, Seamen's Provident Fund Organisation to execute the necessary Contract with the Firm on their behalf, with a view to avoid any delay in execution of the job.

With regard to rest of the recommendations of the Sub-Committee, the Board directed the Commissioner to examine effective implementation or otherwise,

Item No. 13. Attestation of Declaration and Nomination by the authorised office bearers of the NUSI, Bombay/Calcutta

The Board approved the amendments to the Declaration/Nomination Form I and Declaration/Nomination Form IV to include "all members of the Seamen's Employment Board" as the authorised officers for attesting these forms, The Ministry be approached for issue of necessary Notification.

Item No. 14. Conversion of Non-refundable withdrawals into temporary refundable advances - (Proposal of Shri Leo Barnes).

In view of the proposal under Consideration for voluntary contributions, Shri Leo Barnes withdrew this proposal.

Item No. 15. Payment of ITF Wages - Non-remittance of P.F. Contribution in respect of crews - ex. m.v. South Rainbow/Hibiscus/Pace Maker employed by M/s Mackinnon Mackenzie & Co. Ltd. ~~Calcutta~~.

Calcutta.

The Board decided that the same Sub-Committee appointed under Item No. 11 should examine this issue as well and submit its recommendations to the Board at the next meeting for final decision.

Item No. 16. Review of the final order passed under Inquiry No. 132/Mech. Agreement/BP/78-79 dated 31.3.1979 by the Board of Trustees. Request made by the Owners Agents' Committee (Crews), Bombay under letter dated 2.4.1980.

The Board did not have the power to review the Enquiry Officer's Order.

Addl. Item No. 1. Ad-hoc payment of Bonus to the employees of the Seamen's Provident Fund Organisation

The Board felt that the subject matter be submitted to the Director General of Shipping for his administrative approval.

In this context, the Chairman ruled that in future proposals relating to benefits and/or any improvements in the service condetions of the staff of the Seamen's Provident Fund Organisation including those of the Commissioner and the Accounts Officer, should not be tabled for consideration by the Board before these

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Item No.14. Conversion of Non-refundable withdrawals into temporary refundable advances - (Proposal of Shri Leo Barnes).

In view of the proposal under consideration for voluntary contributions, Shri Leo Barnes withdrew this proposal.

Item No.15. Payment of ITF Wages - Non-remittance of P.F. Contribution in respect of crews - ex. m.v. South Rainbow/Hibiscus/Pace Maker employed by M/s Mackinnon Mackenzie & Co Ltd. Calcutta.

The Board decided that the same Sub-Committee appointed under Item No.11 should examine this issue as well and submit its recommendations to the Board at the next meeting for final decision.

Item No.16. Review of the final order passed under Inquiry No. 132/Mech. Agreement/BP/78-79 dated 31.3.1979 by the Board of Trustees. Request made by the Owners Agents' Committee (Crews), Bombay under letter dated 2.4.1980.

The Board did not have the power to review the Enquiry Officer's Order.

Addl. Item No.1. Ad-hoc payment of Bonus to the employees of the Seamen's Provident Fund Organisation

The Board felt that the subject matter be submitted to the Director General of Shipping for his administrative approval.

In this context, the Chairman ruled that in future proposals relating to benefits and/or any improvements in the service condetions of the staff of the Seamen's Provident Fund Organisation including those of the Commissioner and the Accounts Officer, should not be tabled for consideration by the Board before these

are vetted by him as he was also the Director General of Shipping and consequently the controlling authority of the Organisation.

The Board decided to hold the next meeting in the first week of December, 1980.

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

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

28/1/82

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

MINUTES OF THE FORTYSECOND (XLII) 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 - 400038 ON MONDAY, THE 16TH FEBRUARY, 1981, AT 10.30 AM.

The following were present :-

1. Shri R.D. Pradhan .... Chairman
2. Shri S.N. Kakar .... Member
3. Shri B.K. Pawar .... —do—
4. Shri D.A. Bansal .... —do—
5. Shri M.N. Alikhan .... —do—
6. Shri T.S. Narayan .... —do—
7. Dr. Leo Barnes .... —do—
8. Shri Bijoy Mukherjee .... —do—
9. Shri U.M. Almeida .... —do—
10. Shri N.K. Prasad .... Secretary.

Leave of absence was granted to Shri K.S Bhandarkar.

The Chairman permitted Shri S.R. Borkar (Representative, Owners/Agents' Committee (Crews), Bombay) to attend the meeting due to absence of Shri K.S. Bhandarkar, who was indisposed.

At the request of Dr. Leo Barnes, the Chairman also permitted Shri A.V. Ketkar of National Union of Seafarers of India, to attend the meeting as observer.

The Chairman explained that the Board meeting had to be postponed due

are vetted by him as he was also the Director General of Shipping and consequently the controlling authority of the Organisation.

The Board decided to hold the next meeting in the first week of December, 1980.

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

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

28/1/82

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

MINUTES OF THE FORTYSECOND (XLII) 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 - 400038 ON MONDAY, THE 16TH FEBRUARY, 1981, AT 10.30 AM.

The following were present :—

1. Shri R.D. Pradhan .... Chairman
2. Shri S.N. Kakar .... Member
3. Shri B.K. Pawar .... —do—
4. Shri D.A. Bansal .... —do—
5. Shri M.N. Alikhan .... —do—
6. Shri T.S. Narayan .... —do—
7. Dr. Leo Barnes .... —do—
8. Shri Bijoy Mukherjee .... —do—
9. Shri U.M. Almeida .... —do—
10. Shri N.K. Prasad .... Secretary.

Leave of absence was granted to Shri K.S Bhandarkar.

The Chairman permitted Shri S.R. Borkar (Representative, Owners/Agents' Committee (Crews), Bombay) to attend the meeting due to absence of Shri K.S. Bhandarkar., who was indisposed.

At the request of Dr. Leo Barnes, the Chairman also permitted Shri A.V. Kethar of National Union of Seafarers of India, to attend the meeting as observer.

The Chairman explained that the Board meeting had to be postponed due

to charge of Commissioner in December, 1980. The members appreciated this view.

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

ITEM NO. 1: Confirmation of the minutes of the 41st Meeting of the Board of Trustees, Seamen's Provident Fund, held at Bombay on 30th September, 1980.

Item No. 4: Receipts, Payments and Accounting of Provident Fund moneys and progress of work from 1.4.1980 to 31.7.1980.

Shri M.N. Alikhan stated that he had gone through the amendment as suggested by Shri D.R. Bansal to Sub-para 2 under this item and felt that the amendment as suggested by him for this sub-para is rather concise and will serve the purpose if accepted. The Chairman advised that both these amendments be suitably amalgamated. Accordingly the following amendment was accepted:

Page 3 - Line 4 - 8 (Item No 4) The sub-para reading "The Board expressed ..... for information," be substituted with the following -

"The Board expressed serious concern regarding claims which were pending for a long time. It was agreed that Dr Ian Barnes and a representative of shipowners may, along with the Commissioner, examine such

pending claims to ascertain reasons for the delay and to settle them urgently and thereafter the Commissioner should submit a report to the Board for information."

Shri Bansal suggested and the Board approved that in future details of defaults by shipping companies in remitting provident fund dues be included in these quarterly reports to the Board.

ITEM NO 10(b): Fixation of rate of interest to be credited to the individual members' Accounts.

Shri T.S. Narayan suggested and the Board approved Shri D.R. Bansal's amendment with the deletion of words "i.e. the same as for the members of Seamen's Provident Fund" appearing in the last line. Thus the minutes under this item reading " In modification of its earlier ----- for the year 1979-80 at 8¼%" shall be substituted with the following:-

"After discussion of the various issues involved, the Board decided to fix the rate of interest for credit to the Staff General Provident Fund for the year 1979-80 at 8¼%."

to change of Commissioner in December 1980. The members appreciated this view.

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

ITEM NO. 1 : Confirmation of the minutes of the 41st Meeting of the Board of Trustees, Seamen's Provident Fund, held at Bombay on 30th September 1980.

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Shri M.N. Alikhan stated that he had gone through the amendment as suggested by Shri D.R. Bansal to sub-para 2 under this item and felt that the amendment as suggested by him for this sub-para is rather concise and will serve the purpose if accepted. The Chairman advised that both these amendments be suitably amalgamated. Accordingly the following amendment was accepted :

Page 3 - Line 4 - 8 (Item No. 4) The sub-para reading "The Board expressed ..... for information." be substituted with the following -

"The Board expressed serious concern regarding claims which were pending for a long time. It was agreed that Dr Lee Barnes and a representative of shipowners may along with the Commissioner, examine such

pending claims to ascertain reasons for the delay and to settle them urgently and thereafter the Commissioner should submit a report to the Board for information."

Shri Bansal suggested and the Board approved that in future details of defaults by shipping companies in remitting provident fund dues be included in these quarterly reports to the Board.

ITEM NO 10 (b) : Fixation of rate of interest to be credited to the individual members' Accounts

Shri T.S. Narayan suggested and the Board approved Shri D.R. Bansal's amendment with the deletion of words "i.e. the same as for the members of Seamen's Provident Fund" appearing in the last line. Thus the minutes under this item reading " In modification of its earlier ----- for the year 1979-80 at 8½%" shall be substituted with the following :—

" After discussion of the various issues involved, the Board decided to fix the rate of interest for credit to the Staff General Provident Fund for the year 1979-80 at 8½%."

ITEM NO.12: Report of the Sub-Committee to examine Methods, Systems and procedures in the functioning of the Seamens Provident Fund Organisation

Since the Contract with M/s Computility India Pvt. Ltd., had already been executed by the then Commissioner, the amendment as suggested by Shri D.R. Bansel to the record of minutes under this item could not be accepted. However, the Chairman desired the present Commissioner to submit the relevant Contract papers to him for his ex-post facto sanction/approval.

The Board also considered and accepted the amendments as suggested Shri M.N. Alikhan as under:—

"Page 1 (Members present).

The name of Mr. M.N. Alikhan should be shown as typed here, and not as 'Ali Khan'.

Page 3 (Item No. 6). Regular permanent Accounts Officer/Commissioner, Seamens Provident Fund Organisation on long term basis.

The last sentence in the record of minutes under this head be altered to read as below. The amendments have been shown underlined:

"He assured the Trustees that the Officer to be appointed as Commissioner, hereafter will have a sufficiently

long tenure to serve the Organisation."

Page 4: (Item No 7) Amendment to Section 8, Sub-Section (1) of the Seamens Provident Fund Act 1966.

The spelling of the word "uniformally" used in the record of minutes under this head be corrected to read as "Uniformly."

Page 6. (Item No 16) Review of the final order passed under Inquiry No 13/Mech. Agreement/BP/78-79 dated 31.3.1979 by the Board of Trustees. Request made by the Owners/Agents' Committee (Crews), Bombay under letter dated 2.4.1980

The record of minutes under this head be substituted with the following:—

"The Board did not have the power to review the Enquiry officer's Order."

Addl. Item No.1: Ad-hoc payment of Bonus to the employees of the Seamen's Provident Fund Organisation.

The following sub-para be added to the record of minutes under this head:—

"In this context, the Chairman ruled that in future proposals relating to benefits and/or any improvements in the service conditions of the Staff of the Seamen's Provident Fund Organisation including those of the Commissioner and the Accounts officer, should not

be tabled for consideration by the Board before these are vetted by him as he was also the Director General of Shipping and consequently the controlling authority of the Organisation."

Subject to the above modifications/additions, the Minutes were approved and confirmed.

ITEM NO. 2: Action taken on the decisions of the Board.

Sr. No. 1: Amendments to the Seamen's Provident Fund (Staff & Conditions of Service) Regulations, 1972.

Shri S.N. Kakar informed that the draft Notification proposing amendments to the Seamens Provident Fund Organisation (Staff and Conditions of Service) Regulations, (Amendments) 1979 has been finally approved, and only the procedural part viz. Hindi translation, cyclostyling work remained, which might take 3/4 week's time for the final issue of the Government Notification

Sr. No. 1 (d) Raising the retirement age of the Seamens Provident Fund Officers and Staff to 60 years.

Shri S.N. Kakar explained that the comparison of the Seamen's Provident Fund Organisation with the Shipping Corporation of India, Food Corporation of India and Indian Oil Corporation, etc. was improper as these were the Public Sector Undertaking

If at all the comparison had to be made, the same would be with the parallel Organisation like the Employees Provident Funds Organisation.

The Board did not consider it worthwhile to pursue this issue with the Government. However, it was decided that the case of any individual employee of the Seamens Provident Fund Organisation whose services are considered essential in the interests of the Organisation Board would consider on the specific recommendations of the Commissioner in accordance with his delegated administrative powers.

Sr. No. 2: Payment of monies to seamen who may have been the victims of alleged fraud.

The Secretary informed the Board that during the last hearing held on 6th February, 1981, before the Additional Metropolitan Magistrate, Esplanade Court, the First Accused - Mr. John F. Almeida, admitted all the 14 charges levelled against him and pleaded guilty. The Second Accused (Shri B.D. Pawar - the Suspended employee) was granted time to put forward his defence. The next hearing was fixed for 17th February, 1981.

Sr. No. 5: (Item No. 12 - Addl Item No. 1) Inoperative Accounts.

The Chairman desired to have the

following information brought before the Board at the next meeting:—

i) The total number of in-operative Accounts during preceding three years;

ii) The Procedure followed by the Regional Provident Fund Commissioner, in such cases;

iii) The procedure followed by the Banks in such cases;

iv) What are the provisions under the Seamens Provident Fund Act/Scheme, 1966 with regard to un-claimed amounts and how are these amounts being treated;

v) How these un-claimed amounts are finally to be disposed of or dealt with according to law; and

vi) After the Registration of the Seaman is cancelled; is he required to be informed;

Except as above, the action on rest of the Items was noted.

ITEM NO. 4: Budget proposals for the year 1981-82

The Board desired to discuss this item first with a view to take a final decision on Item No. 3 of the "List of Business".

At the query of Shri D.R. Bansal, the entry of (-) 112 under the Head "Contingencies" Non-recurring for the year 1979-80 (Actuals) was explained as

adjustment carried out at the instance of Audit due to postings of expenditure under in-appropriate heads.

The Chairman expressed surprise over the Token provision of Rs. 4,00,000/- for acquisition of suitable residential accommodation for the Commissioner, remaining un-utilised for so long. He desired the Commissioner to put in renewed efforts to acquire a suitable flat by advertisement, contact with the brokers etc. and report the result of such efforts to the Board at the next meeting. It was noted that the Commissioner would continue to occupy Government accommodation in the meanwhile.

The Board also expressed concern over the Colaba Flat leased by the Organisation, kept un-used for quite sometime. The Chairman desired to see the use of flat.

The Board requested the same Sub-Committee comprising of the following:-

1) Shri B.K. Pawar.
2) Shri T.S. Narayan
3) Shri K.S. Bhandarkar.
4) Dr. Leo Barnes and
5) Shri N.K. Prasad.

to examine this and other related issues and submit its report to the Board for consideration at the next meeting.

At the query of Shri D. R. Bansal, the variation in the pay of officers as under:—

Budget Estimates 1980-81 Rs 44 500.00
Revised Estimates 1980-81 Rs 50 500.00
Budget Estimates 1981-82 Rs 44.000.00

was explained as due to payment of leave salary and allowances to the former Commissioner during the period of his full pay and half pay leave commencing from 20.11.1979 onwards which remained to be recovered from his parent office.

After detailed discussions, the Board reduced the following provisions proposed for the year 1981-82.

	Proposed	Reduced to
Contingencies (Non-recurring)	Rs 30.000.00	Rs. 20.000.00
House Building Advance (Staff)	Rs 100.000.00	Rs 85.000.00

and approved the total Budgeted expenditure (proposed) at Rs 8,52.000.00 excluding the token provision of Rs 4.00.000.00 for acquisition of a residential flat for the Commissioner to be met from the surplus in the Administrative Charge Account.

ITEM NO. 3: Proposal for revision of Administrative Charges for the year 1981-82.

Shri S.N. Kakar explained the principle of Budget as balancing the income with the anticipated expenditure on year to year basis. If the surplus is eaten away gradually the time would come when there would be no surplus at all. The Board, however, considered the proposed expenditure of Rs 8,52.000/- to balance nearly with the anticipated income after addition thereto the income of the interest from the accumulated balance (Rs 7.50,000.00 + Rs 1.00.000.00) totally amounting to Rs. 8.50.000.00 and al- the suggestion of Sarvashri M.N. Alikhan and T.S. Narayan, the Board decided that- there was no justification at the present- to revise the rate of Administrative charge for the year under review.

Mr. M.N Alikhan, observed that- in presenting the budget- estimate for the year 1980-81 relating to fixation of rate of Administrative charges, the fact that- this matter was exhaustibly considered at the 34th Meeting of the Board of Trustees held on 12.4.1977 and as recorded under paragraph 21 and 22 (Pages) of the Minutes of the said meeting was not brought- to the notice of the Governmal- and suggested that- in future, in presenting the budget- proposals the decisions as recorded in paragraph 22 reading " 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 Charges Account is brought-down to Rs 5,00,000/-" should be mentioned.

ITEM NO. 5: Fixation of rate of interest for credit to Staff General Provident Fund Account for the year 1980-81

At the query of Shri D.R. Bansal and Shri S.N. Kakar, as to the mode of investment of subscriptions from the Staff Provident Fund stood invested in the Long Term Fixed deposits with the State Bank of India, fetching an interest income at the rate of 10% per annum. The Chairman desired the Commissioner to forthwith adopt the Government laid down investment procedure as applicable to similar institutions with regard to the Staff provident fund subscriptions also. The report of the action taken be submitted to the Board at the next meeting.

The Board felt it too early to decide the rate of interest for credit to the Staff General Provident Fund Account for the year 1980-81, particularly when the year was not yet over and deferred consideration of this item to the next meeting.

ITEM NO.6: Fixation of rate of interest for Credit to (Seamen) members Account for the year 1980-81.

The Board felt it too early to decide

and recommend to Government the rate of interest for credit to the (Seamen) members accounts for the year 1980-81 and hence deferred consideration of this item to the next meeting.

ITEM NO. 7: Additional Voluntary Contributions - Proposal of Dr. Leo Barnes.

The Board appreciated the proposal of Dr. Leo Barnes as quite laudable. However, the Chairman desired the Commissioner to refer the matter to the local wing of the Ministry of Law, with a view to obtain their opinion whether adoption of the proposal would be permissible under the law or whether certain amendments to the Seamen's Provident Fund Act/Scheme, 1966 would be necessary. If so, what amendments would be necessary so as to bring the proposal permissible under the law

ITEM NO. 8: Amendments to Section 8, Sub-Section (1) of the Seamen's Provident Fund Act, 1966.

The Chairman desired the Commissioner to give a detailed note on the subject for consideration at the next meeting

ITEM NO. 9: Receipts, Payments and accounting of Provident Fund moneys and progress of work from 1.4.1980 to 31.12.80.

The Board noted the good work done by the Organisation with particular reference to settlement of old pending

Provident- Fund claims, finalisation of un-posted items and desired the Commissioner to furnish under this item concisely the progress made with the disposal of important items of work of the Organisation.

ITEM NO. 10: Recommendations of the Sub-Committee appointed by the Board of Trustees, Seamen's Provident-Fund to examine:

a) Grant of exemption under Section 20(1) of the Seamen's Provident Fund Act from operation of Seamen's Provident Fund Scheme.

b) Payment- of ITF Wages — Non-remittance of Provident Fund Contributions in respect of crews ex- m.v. "South Rainbow" etc. employed by M/s Mackinnon Mackenzie & Co. Pvt. Ltd., Calcutta.

c) Outstanding claims of Provident Fund contributions / part-payments numbering 656 since 1967-68.

d) Clearance of Un-posted Items.

Shri M.N. Alikhan suggested to defer consideration of this item to the next meeting. The report of the Committee being not unanimous, the Chairman desired the Commissioner and the Sub-Committee to go through their recommendations item-wise, resolve the differences and make a unanimous report for consideration by the Board at the next

meeting.

ITEM NO 11: Report of the Commissioner on the proposals/ recommendation by the Sub-Committee (Appointed by the Board) to examine methods, systems and procedures in the functioning of the Seamen's Provident-Fund Organisation.

The Board felt- that- the recommendations of the Sub-Committee were made with the object of simplifying the procedures, shorten the delays in settlement- and to reduce the work load, as a whole on the Organisation. The question of practicability of implementation of these recommendations of the Sub-Committee was to be viewed in that- context. As sticking up on the technicalities would not assist the Organisation in its functioning more expeditiously and smoothly, the Chairman desired the Commissioner and the members of the Sub-Committee to hold a meeting, resolve the differences, if any and come to the Board for final decision.

ITEM NO. 12: Conversion of Current- Accounts into Savings Bank Accounts with the State Bank of India.

The Chairman remarked that this ought- to have been done earlier to avoid loss of interest.

The Board, however, took note of the

action taken.

ITEM NO. 13 : Regularisation of the creation of post of Peon in the Seamen's Provident Fund Organisation.

Shri D.R. Bansal felt that it was quite irregular to continue the incumbent in the post of a Peon in the Organisation in the absence of proper sanction. After some discussion, the Chairman desired the Commissioner to submit in detail the following information :—

1. The nature of work attended to by this peon.
2. Adequate justification for its un-interrupted continuance.
3. The work load involved.
4. Whether any of the peons could be promoted to create vacancy for absorption of the subject peon.
5. Whether there were any chances of someone retiring in the near future, If so how soon this adjustment could take place internally in the Organisation.

ITEM NO. 14 : Termination of the period of deputation of Shri N.C. Trivedi, as Seamen's Provident Fund Commissioner.

The Board noted the position.

ADDITIONAL ITEM NO.1 : Acceptance of Nomination filed by the seamen with the Government Shipping Office - proposal of Dr. Leo Barnes.

The Board desired the same Sub-Committee (under Item No. 4 of these minutes) to examine this issue and submit its report to the Board for consideration at the next meeting.

ADDITIONAL ITEM NO.2 : Payment of High Rate of interest on the Provident Fund Accumulations.

The Chairman desired the Commissioner to obtain a report of the G Ramanujan Committee dealing with the recommendations on the working of the Provident Fund Organisations. The same Sub-Committee shall examine this report and recommend the line of action to be adopted by the Board at its next meeting.

The Board provisionally decided to hold the next meeting on the 20th May 1981 preferably in the Board Room of the Commissioner, Seamens Provident Fund Organisation, Bombay.

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

28/5/81

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

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

MINUTES OF THE FORTY THIRD (XLIII) 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 - 400038 ON TUESDAY THE 8TH SEPTEMBER, 1981 AT 11.00 A.M.

The following were present :-

1.	Shri R.D Pradhan	Chairman
2.	Shri B.R Pawar	Member
3.	Shri D.R. Bansal	-do-
4.	Shri M.N. Alikhan	-do-
5.	Capt. K.S Bhandarkar	-do-
6.	Shri T.S Narayan	-do-
7.	Dr. Leo Barnes	-do-
8.	Shri U.M. Almeida	-do-
9.	Shri N.K Prasad	Secretary

Leave of absence was granted to Sarvashri S.N. Kakar and Bijoy Mukherjee.

The Chairman permitted Shri S.R. Borkar of Owners/Agents' Committee (Crews), Bombay and Shri A.V. Ketkar of National Union of Seafarers of India, to attend the meeting as observers.

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

Item No.1: Confirmation of the Minutes of the 42nd (XLII) meeting of the Board of Trustees, Seamen's Provident Fund held at Bombay on 16th February, 1981

Item 1, Para 1: The amendment suggested by Shri M.N. Alikhan to the penultimate para of the item was accepted. The amendment would now read as under:

"The Board expressed serious concern regarding claims which were pending for a long time. It was agreed that Dr. Leo Barnes and a representative of shipowners may, along with the Commissioner, examine such pending claims to ascertain reasons for the delay and to settle them urgently and thereafter the Commissioner should submit a report to the Board for information."

Item 10 (b): Fixation of rate of interest to be credited to the individual members' Accounts

The Board approved the amendments for substituting the word "issue" by "issues" appearing in the first line.

Item 3: Proposal for revision of Administrative Charges for the year 1981-82.

The Board approved the proposed amendment so as to read as under:-

"Shri S.N. Kakar explained the principle of Budget as balancing the income with the anticipated expenditure on year to year basis. If the surplus is eaten away gradually

the time would come when there would be no surplus at all. The Board, however, considered the proposed expenditure of Rs 8,52,000/- to balance nearly with the anticipated income after addition thereto the income of the interest from the accumulated balance (Rs 7,50,000.00 + Rs 100,000.00) totally amounting to Rs. 8,50,000.00 and at the suggestion of Sarvashri M.N. Alikhan and T.S. Narayan, the Board decided that there was no justification at the present to revise the rate of Administrative charge for the year under review."

Mr. M.N. Alikhan observed that in presenting the budget estimate for the year 1980-81 relating to fixation of rate of administrative charges, the fact that this matter was exhaustibly considered at the ~~the~~ 34th Meeting of the Board of Trustees held on 12.4.1977 and as recorded under paragraph 21 and 22 (Page 5) of the Minutes of the said meeting was not brought to the notice of the Government and suggested that in future, in presenting the budget proposals the decisions as recorded in paragraph 22

reading "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/-" should be mentioned.

Item 4: Budget proposals for the year 1981-82

Before the amendments in the constitution of the members of the Sub-Committee dealing with acquisition of a flat for the Commissioner and other items were considered, the Chairman pointed out that what he meant was to see the use of the flat and directed to correct the minutes. The second sentence of para four should read as "The Chairman desired to see the use of Flat" instead of "The Chairman expressed the desire to see the flat and then decide its further use for the Organisation."

The Board accepted the amendment to include the names of Sarvashri B.K. Pawar and K.S. Bhandarkar in the Sub-Committee and delete the name of Shri S.N. Koker.

With these amendments the minutes of the 42nd Board meeting were approved.

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

Para 1: The Board noted the position.

Para 2: The Board noted the position that Shri Almeida, accused No. 1 had been convicted and desired that the prosecution of the second accused Shri B.D. Pawar, the suspended employee of Seamen's Provident Fund Organisation may be expedited. The Chairman mentioned that if required he would write to the Police Commissioner in this respect.

Regarding payment of claims of the seamen from the Forfeiture Account, who are the victims of fraud, the Chairman expressed the view that in the first instance an attempt may be made to recover the defrauded amount from the accused persons and after that the question of payment of claims from the Forfeiture Account may be considered.

The Board approved the suggestion of the Commissioner that the sealed packet kept in the safe custody since 23.11.1974 should be opened and money contained therein credited to Seamens Provident Fund Account.

Para 3, 4, 6 & 16: These items were dealt separately.

Para 5: The position was noted and the Board desired to remind the Ministry.

Para 7: The position was noted.

Para 8, 9 & 15: The Board noted that the minutes of the Sub-Committee meeting had not been confirmed by the members.

Para 10: Shri D.R. Bansal explained that recommendations of Ramanujan Committee, which went into the working of the Employees' Provident Fund had been submitted to the Government and those were under consideration in the Ministry of Labour. The Chairman expressed that if considered necessary he would write to the Secretary to the Government of India, Ministry of Labour for obtaining the Report.

Para 11: The Board was of the opinion that recognised Provident Fund has to follow the Government pattern of investment, Shri Bansal mentioned that the Coal Mines Provident Fund Commissioner might have obtained exemption from following the pattern from the Ministry of Finance in respect of

Provident Fund of their staff. The Board desired that this may be clarified from the Coal Mines Provident Fund and the pattern of investment followed by the Employees' Provident Fund for their staff Provident Fund should also be obtained and placed before the Board for consideration.

Para 12: The position was noted.

Para 13: Dr. Leo Barnes expressed dissatisfaction about the delay in having the matter resolved. On a query from the Chairman the Commissioner explained that this matter was being dealt by Dr. M.K. Mishra, Additional Legal Adviser in the Ministry of Law and he had asked for certain clarifications. Then Dr. Barnes requested the Chairman that he might also be associated in future discussions with Dr. Mishra. The Chairman desired that Sarvashri B.K. Pawar, Barnes and the Commissioner may have a discussion with Dr. Mishra and obtain the opinion of the local wing of Ministry of Law and if undue delay was expected in obtaining the opinion he would write to the Joint Secretary, Ministry of Law.

Para 14: The position was noted.

Item No. 3: Receipts, Payments and Accounting of Provident Fund Moneys and Progress of work from 1.4.1981 to 31.7.1981.

The Commissioner brought to the notice of the Board the further clearance of pending Provident Fund payments of Final Withdrawals and part payment cases reducing the balance to 207 and 318 respectively on 31.8.81. The members expressed satisfaction about this as well as in effecting reduction in Unposted items. The position of progress of other items was noted.

Item No. 4: Draft Annual Report on the working of the Seamen's Provident Fund Scheme, for the year 1980-81.

The Board approved the 15th Annual Report for 1980-81 submitted by the Commissioner subject to the following modifications :—

Para 8.1 : A new sub-para as 8.2 should be added which should detail the annual average percentage yield on investments

Para 18 : In the second line after the words 'Forfeiture Account' the words "of Rs. 12,76,000.00" should be added. In the last sentence the words "purpose conductive to" should be deleted.

Para 19 : In the third line the words "review

to the exempted Funds under" should be deleted.

Para 24 : In place of the earlier para the following should be substituted,

"There is a tripartite Board of Trustees consisting of the Government appointed Chairman, three nominees of the Central Government, three representatives each of the Employers and Employees. The Director General of Shipping is the Chairman of the Board of Trustees, Seamen's Provident Fund".

Para 25 : Paras 25 and 26 should be merged and treated as one para and should read as "The Commissioner, Seamen's Provident Fund Organisation who is also an Ex-officio Secretary to the Board of Trustees of the Seamen's Provident Fund is assisted by the Accounts officer and 39 members of the staff. The total strength of 41 remained the same.

Para 32 : The last sentence "The Audit Report has ..... in its next meeting" should be deleted.

Para 33 : The last sentence "There has been ..... and Trustees" should be deleted.

The Board also felt that the number of Annexures could be reduced and decided that Sarvashri B.K. Pawar and T.S. Narayan should finalise the Annual Report, with

the help of the Commissioner subject to the modifications already approved.

It was decided to omit- Annexure 1 except the summary appearing at the end of Annexure with slight- modifications.

It was also decided to omit- Annexure 3 and Annexure 4A except- the summary appearing at the end of Annexure 4A.

It was also decided to omit- the details of Administrative charge and forfeiture Account investment- with State Bank of India, Bombay as on 31.3.1981 in Annexure 4-C except- Reinvestment- Plan (Special Deposits).

Item No. 5: Ad-hoc payment of Bonus to the Employees of the Seamen's Provident- Fund Organisation.

The Board agreed to the ad-hoc payment- of Bonus to the employees of Seamen's Provident- Fund Organisation subject to the following conditions as stipulated in letter No 2 13015 (13)/79-HI dated 4th October 1980 from the Ministry of Labour to the Central Provident- Commissioner, New Delhi.

1. An ad-hoc amount- equal to 15 days' wages will be paid in respect of accounting year 1979-80 to all the employees of the EPF Organisation who were in

Services on the 29th February, 1980.

2. The 15 days wages will be calculated as half monthly wage on the basis of pay and allowances admissible for the month of February, 1980.

3. Only employees drawing wages not- exceeding Rs. 1600/- per month will be eligible for the payment-, where the wages exceed Rs. 750/- per month, but do not- exceed Rs. 1,600/- per month the ad-hoc payment- to be made to such employees shall be calculated as if the wages were Rs. 750/- per month.

4. The payment- will be made only to regular employees, permanent or temporary. Casual and extra departmental employees shall not- be eligible to the payment.

Item No. 6: Inoperative Accounts.

The Board approved the proposals submitted by the Commissioner for settlement- of the Inoperative Accounts and they are mentioned below:

i) Inoperated Accounts which number 4716 will be analysed with reference to cancellation of registration order available with this office or with reference to the records of the Director, Seamen's Employment- offices with a view to ascertain

whether the Account holders had ceased to be members. In that event they would be asked to submit their claims.

ii) A system will be introduced by which the cancellation orders received from the Director, Seamen's Employment Offices are reviewed every three months in order to remind the seaman, if there is no claim received till then.

Item No.7: Budget Re-appropriation -1980-81

The Board noted the position.

Item No.8: Regularisation of creation of Post of Peon in Seamen's Provident Fund Organisation.

Initiating discussion Dr. Leo Barnes pointed out that there was no justification for a fifth Peon in the Seamen's Provident Fund Organisation, Sarvashri M.N. Alikhan and T.S. Narayan, whilst fully endorsing the views expressed by Dr. Barnes recapitulated that the Peon was taken on despite the recommendations to the contrary of the Sub-Committee appointed to go into the matter of engagement of staff and so they contended that it was not an over-sight but an irregularity that had been

committed. However, they felt that it would be unfortunate if a person who had served the organisation for a number of years were now to lose his job through no fault of his own and they felt, therefore, that the case merited sympathetic consideration. After further discussion the Board agreed to regularise the ad-hoc appointment of Shri Kundan Singh, the fifth Peon in the Organisation upto 31.12.81 and, in the meantime, the Commissioner was asked to investigate how best the problem could be resolved.

Item No.9: Acquisition of residential accommodation by the Commissioner, Seamens Provident Fund Organisation and the question of releasing the Flat already held by the Organisation at Colaba

The Board noted with satisfaction that the problem of accommodation of Commissioner has been solved for all time to come with the acquisition of the flats at Khira Nagar.

As regards Love Dale Apartment which is on leave and licence, the Board agreed not to release the flat and the same should be retained for Accounts officer, who is also posted on deputation like the Commissioner. The Chairman further observed that the present Accounts

officer should occupy the flat on or before 31.12.1981.

Item No. 10: Money Order Commission for amounts below Rs. 500/- to be borne by the Seamen's Provident Fund (Proposed by Dr. Leo Barnes).

The Board agreed in principle that the Seamen's Provident Fund Organisation should bear Money Order Commission for payment of Provident Fund dues upto Rs. 500/- and desired that Ministry may be approached to amend paras 58(D) and 62(5) of the Seamen's Provident Fund Scheme.

Item No. 11: To write off the dues as irrecoverable amounts from M/s Hindusthan Shipping Company - under liquidation.

The Board discussed the matter at length and decided that the Commissioner should examine whether any legal action was possible against the defaulting directors for recovery of dues and write off action should be initiated only after all the means in effecting recovery of dues had been exhausted. As regards payment of claims of seamen who have already ~~retired~~ retired they may be paid their own contributions as well as the

employers contributions along with interest from Forfeiture Account.

Item No. 12: Weeding out of records maintained by the Seamen's Provident Fund Organisation.

The Board noted the action initiated in weeding out of old records and authorised the Commissioner as being the Administrative head to fix preservation period according to the rules as may be applicable to the Regional Provident Fund Commissioner and in the Government Offices.

Additional Items: 1) Crediting of member's account with interest after every three months.

2) Payment of contributions by shipowners every month.

The Board approved the action proposed by the Commissioner in respect of additional Item No. 1 that the same would be submitted before the next meeting, after proper examination of the issues involved.

Next Board meeting was decided to be held in December, 1981 at a suitable place outside Bombay.

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

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

15/6/82

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

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15/6/82

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

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

MINUTES OF THE FORTY FOURTH (XLIV) 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-400038 ON THURSDAY, THE 28TH JANUARY 1982 AT 11.00 A.M.

The following were present:-

Shri R.D. Pradhan	Chairman
Shri B.K. Pawar	Member
Shri D.R. Bansal	—do—
Shri T. Bagchi	—do—
Capt. K.S. Bhandarkar	—do—
Shri T.S. Narayan	—do—
Dr. Leo Barnes	—do—
Shri U.M. Almeida.	—do—
Shri N.K. Prasad	Secretary

Lt. Col. P.C. Lahiri of Calcutta Liners' Conference (Crews) was permitted by the Chairman to attend the meeting as an observer.

Leave of absence was granted to Sarvashri S.N. Kakar and Bijoy Mukherjee.

Welcoming the new member Shri T. Bagchi, the Chairman wished all present a happy new year as this was the first meeting of the year 1982. The members also reciprocated.

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

ITEM NO 1. Confirmation of the Minutes of the 43rd (XLIII) meeting of the Board of Trustees, Seamen's Provident Fund held at Bombay on 8.9.1981.

On a query by the Chairman regarding the nature of proposed amendments the Commissioner explained that most of the amendments were verbal and then the Chairman said that those amendments should be avoided in future.

The following amendments to the minutes were accepted.

Item NO 2: Para 2: (Page 3): The word 'has' in the second line be replaced by 'had'.

Item NO 2. Paras 8, 9 and 15 (Page 3): The word 'have' in the second line be replaced by 'had'.

Item NO 2: Para 10 (Page 3): The words 'have' and 'are' in lines 3 and 4 be replaced by 'had' and 'were' respectively.

Item NO 2: Para 13 (Page 4): The word 'is' to be replaced by 'was' in line 12.

Item NO 3: (Page 4): The word 'respectively' be shifted before 'on 31-8-81' in line 4.

Item NO 4: Para 8.1 (Page 4): The word 'discuss' should be replaced by 'detail' in line 2.

Item NO 8: (Page 6): The entire paragraph beginning with the words "Initiating the discussion ..... find out a solution" be replaced by the paragraph mentioned

below:

"Initiating discussions Dr. Leo Barnes pointed out that there was no justifications for a fifth Peon in the Seamen's Provident Fund Organisation, Sarvashri M.N. Alikhan and T.S Narayan, whilst fully endorsing the views expressed by Dr. Barnes recapitulated that the Peon was taken on despite the recommendations to the contrary of the Sub-Committee appointed to go into the matter of engagement of staff and so they contended that it was not an oversight but an irregularity that had been committed. However, they felt that it would be unfortunate if a person who had served the organisation for a number of years were now to lose his job through no fault of his own and they felt, therefore, that the case merited sympathetic consideration. After further discussion the Board agreed to regularise the ad-hoc appointment of Shri Kundan Singh, the fifth Peon in the Organisation upto 31.12.81 and, in the meantime, the Commissioner was asked to investigate how best the problem could be resolved."

Item NO 10: (Page 7): The words 'paras 58(D) and' be added after the words 'amend'

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Item No 10: (Page 7): The words 'paras 55(D) and' be added after the words 'amend'

and before '62(5)' in line 4.

Item No. 11: (Page 7): The word 'have' in line 5 be replaced by 'had'.

ITEM NO. 2. Action taken on the decisions of the Board.

Para 1: After discussion of the issues involved the Board finally agreed with the Commissioner's suggestion that the victims of the alleged fraud cases be paid from the Forfeitere Account. The Chairman however cautioned that before payments were made it should be made sure that the claimants were the people who did not get payment already and that there were no doubts about genuineness of the claims. It was also agreed that Indemnity Bond might be insisted upon before payments wherever considered necessary in order to safeguard the interest of the Organisation

Para 2: It was decided that the Ministry be reminded.

Para 3: The Board noted the position.

Para 4: The Board decided that henceforth the Government Pattern of Investment may be followed for investment of money of the Staff General Provident Fund.

Para 5: The Board agreed with Additional voluntary contributions scheme proposed by Dr. Leo Barnes and desired that the proposal to amend Section 8(1) of Seamen's Provident Fund Act 1966 may be

sent to the ministry for issue of Notification.

Para 6: The Board noted the position.

Para 7: The Board noted the position

Para 8: The Chairman expressed his displeasure for not occupying the Love Dale Apartment flat before 31st December, 1981 by the Accounts officer as decided in the last Board meeting. The Commissioner explained to the Chairman that the occupation had been delayed for minor repairs, painting etc to be carried out to the flat which took time as the owner was not initially willing to bear the cost. The matter had been settled amicably and repair etc was to be undertaken soon. The Chairman wanted to put on record that the clear cut instructions given by the Board to occupy the flat before 31.12.1981 had not been followed and further directed that rent be recovered from the Accounts officer from 1st February, 1982, whether he occupied the flat or not.

Para 9: The Board noted the position

Para 10: The question of recovery of dues from m/s Hindusthan Shipping Company under liquidation was discussed in detail. The Commissioner explained that all the remedies criminal as well as civil had been exhausted on further query it was explained that claim with the Official Liquidator had already been lodged. The position was noted by the Board. Dr. Barnes mentioned that

there were several other shipping companies like m/s Hindusthan Shipping Company who had gone in liquidation and the Provident Fund dues of seamen had not been received so far and therefore he proposed that the provident-Fund dues of such seamen should be paid from the Forfeiture Account as the Board had decided in the last meeting to make payments of those seamen who had retired from service of m/s Hindusthan Shipping Company. In giving a ruling on Dr. Leo Barnes' proposal the Chairman desired that all such other cases should be placed before the Board separately for a decision.

Para 11: Regarding crediting member's account with interest after every three months the Board expressed that the note on the item submitted was insufficient and therefore a detailed note be put-up on the subject and placed as a separate item in the next Board meeting.

ITEM NO. 3: Receipts, payments and Accounting of Provident Fund Moneys and progress of work from 1.4.1981 to 30.11.81

While noting the progress of work during the 8 months of the current year the following points were made:-

a) Final Withdrawal Cases:

The members desired that in future yearwise break up of the pending cases

be indicated.

b) Declaration and Nomination Forms and In-Operative Accounts.

Dr. Leo Barnes wanted personalised approach, if necessary, by visit to Calcutta for securing Declaration/Nomination forms and for clearance of the in-Operative accounts, particularly for those who were un-registered seamen. The Chairman after hearing the Commissioner ruled that an Account could be closed by the Commissioner only when the seaman had ceased to be a member due to cancellation of registration.

c) Progress of Unposted Items.

The Commissioner explained in reply to a query from Shri Bansal that the unposted items for 1980-81 were heavy because the Accounts Slips for the year 1980-81 were finalised by m/s Computality India P. Ltd. during the first year of their service, very late and those could not be attended to by the staff who were pre-occupied for the clearance of In-operative Accounts and for analysis of cases of wanting Declaration/Nominations. Some inaccuracies in the figures of unposted items as per the Annexure were also raised by Capt. Bhandarkar and Shri Bansal and the Commissioner expressed regret over it.

ITEM NO. 4. Budget proposals for the year 1982-83

Shri Bansal pointed out that the

provisions proposed on Overtime allowance and medical expenditure were more for the Revised Estimates 1981-82 and Budget-Estimates 1982-83 in comparison to the Budget Estimates 1981-82 and enquired whether there was any general spurt in medical claims. He also cautioned that there should not be any bogus medical claims. The Commissioner explained that increase in the medical expenditure in the Revised Estimates 1981-82 was due to few hospitalisation cases. As regards provision of overtime allowances, the staff were detailed firstly on analysing inoperative accounts and take suitable action in respect of them and secondly on scrutinising the Declaration/ Nomination forms and make them upto date. Both the jobs were to be completed on a time bound programme as per the Sub-Committee's recommendation. The Commissioner further explained that four posts of Junior Assistants were lying vacant including the one under suspension due to non-finalisation of roaster points and that was also a reason to engage staff on overtime. The Commissioner assured the Chairman that the posts would be filled up by end of March, 1982 and the Board would be informed of the position in the next meeting.

[illegible]visaged the provision of non-recurring

contingency in the Budget Estimates 1982-83, Capt. Bhandarkar expressed doubt whether reconditioning of the two air-conditioners at the cost of Rs.20,000/- would be advisable. In reply to his further query, the Commissioner informed that after reconditioning both the air-conditioners would be installed in the Board room. As the actual use of these two air-conditioners would be for a few days in a year when the Board meetings were held in Commissioner's office, Capt. Bhandarkar pointed out that there was no particular necessity for the air-conditioners in the Board room and the meetings could be held without them. Finally, the Chairman ruled that no expenditure on reconditioning of the air-conditioners be incurred, instead the old air-conditioners be disposed of.

Regarding expenditure of Rs 30000/- on office renovation the Board approved the same after the Commissioner had explained the need for expenditure. The Chairman desired that while carrying out renovation work the utility aspect should be kept in view instead of decoration etc. He also desired that before awarding the contract Sarvashri B.K.Pawar and T.S. Narayan might be associated.

The Board approved the budget proposal except the expenditure of Rs 20,000/- on reconditioning of air-conditioners.

ITEM NO 5 Proposal for revision of Administrative Charges for the year 1982-83

Dr. Leo Barnes and Capt. Bhandarkar expressed the views that the rate of Administrative charges be revised to 2½% from 1.5% instead of 2.25% proposed as there would be an increase in the basic wages of seamen by 16% from 1.2.1982 as per the new NMB agreement which would cover up the shortfall in the total receipts so as to meet the expenditure. Capt. Bhandarkar said that in case there would still be short-fall on the basis of actuals the Commissioner might put up again a proposal for revision of Administrative charges after six months. After further discussions, the Board finally approved the increase of the rate of Administrative charges to 2% from 1.4.1982 accepting Capt. Bhandarkar's suggestion that the position be reviewed after six months and in the event of shortfall persisting the Commissioner might put up proposal for further revision of the Administrative charges.

ITEM NO.6 Audit Report on the accounts of the Commissioner, Seamen's Provident Fund Organisation, Bombay for the year 1979-80

Capt. Bhandarkar and Shri T.S. Narayen pointed out that the audit report had referred under the head "Levy of Damages", that a certain amount of penalty payable by the Shipping Corporation had been scaled down or cancelled by the

Commissioner. The Chairman expressed the view that consistent with the provisions of the Act and the scheme, all employers had to be dealt with on the same basis as regards payment of Provident Fund Contribution and the Administrative charges. The Chairman stated that the Commissioner should have brought to the notice of the Vice-Chairman and the Managing Director of the Shipping Corporation the seriousness of the matter. The Chairman also ruled that in future all employers, whether belonging to the Public Sector or the Private Sector, should be treated alike in regard to the recovery of penalty for failure to pay Provident Fund contribution in time. To a further query from the Chairman whether once the final order was passed by the Commissioner the same could be revised by him, the Commissioner explained that unless there was any technical flaw the final order could only be revised by the Ministry. The Chairman then directed that if any such case had been pointed out by the audit where the Commissioner had himself revised his earlier order, the same be referred to the Ministry for revision ex post facto.

Referring to Para 3 - Recovery of over payments - Shri D.R. Bansal expressed serious concern how the previous Commissioner who was the head of the Organisation was paid in excess. The Commissioner explained that Shri N.C. Trivedi's pay was

that this was a fit case requiring the Board to take a compassionate view and pleaded for favourable consideration. After further discussion the Board finally agreed to condone the shortfall in the qualifying service for entitlement of pension and decided to grant him the proportionate pension.

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

Secretary,
Board of Trustees,
Seamen's Provident Fund,
Bombay.
13.X.82

CHAIRMAN,
BOARD OF TRUSTEES,
SEAMEN'S PROVIDENT FUND,
BOMBAY.
13.10.82

MINUTES OF THE FORTYFIFTH (XLV) MEETING OF THE BOARD OF TRUSTEES, SEAMEN'S PROVIDENT FUND HELD IN THE BOARD ROOM OF THE SEAMENS PROVIDENT FUND, 'KRUPANIDHI' 3RD FLOOR, 9, WALCHAND HIRACHAND MARG, BALLARD ESTATE, BOMBAY - 400038 ON TUESDAY, THE 15TH JUNE, 1982 AT 11.00 A.M.

The following were present:

Shri S.M. Ochaney	Chairman
Capt. K.S. Bhandarkar	Member
Shri T. Bagchi	—do—
Dr. Leo Barnes	—do—
Shri U.M. Almeida	—do—
Shri N.K. Prasad	Secretary

Shri A.V. Ketkar from National Union of Seafarers of India was permitted by the Chairman to attend the meeting as an observer.

Leave of absence was granted to Sarvashri S.N. Kakar, O.R. Bansal, B.K. Pawar, T.S. Narayan and Bijoy Mukherjee.

Dr. Leo Barnes welcomed the Chairman with high appreciation that a Commissioner becoming the Chairman of the Board of Trustees for the first time since the constitution of the Board. Similar appreciations were also expressed by Sarvashri Bhandarkar and Bagchi. The Chairman also expressed his gratitudes.

Item No.1 : Confirmation of the Minutes of the 44th (XLIV) Meeting of the Board of Trustees Seamens Provident Fund held on 28.1.1982, in the Conference Room of the Directorate General of Shipping Jahaz Bhavan, Walchand Hirachand Marg, Ballard Estate, Bombay - 400 038.

The Board accepted all the suggested amendments except para 8 of the Item No.2 - Action taken on the decisions of the Board - as the Chairman said that there was nothing wrong in the draft paragraph and that should be retained.

The following amendments to the Minutes were accepted.

The opening para of Item No 1 - Confirmation of Minutes of the 43rd Meeting held on 8-9-1981 as "On a query by the Chairman ..... verbs used in ~~future~~ future" should be replaced by "On a query by the Chairman regarding the nature of proposed amendments the Commissioner explained that most of the amendments were verbal and then the Chairman said that those amendments should be avoided in future."

Item No 4; Para 2. Page 5; In the third sentence after the words "As the" the words "actual use" should be replaced by the word "utility".

Item No 4, Para 3. Page 5; The word "necessary" in third line should be replaced by the words "need for expenditure."

Item No 5, Page 5; In the last line of the first sentence the word "balance" should be replaced by the word "meet".

Item No 6; Para 1., Page 6; "Capt. Bhandarkar and Shri T.S. Narayan pointed out that ....." direct to the Vice Chairman of the Corporation" should be replaced by "Capt. Bhandarkar and Shri T.S. Narayan

pointed out that the audit report had referred under the head "Levy of Damages" that certain amount of penalty payable by the Shipping Corporation had been scaled down or cancelled by the Commissioner. The Chairman expressed the view that consistent with the provisions of the Act and the Scheme, all employers had to be dealt with on the same basis as regards payment of Provident Fund Contribution and the Administrative Charges. The Chairman stated that the Commissioner should have brought to the notice of the Vice Chairman and the Managing Director of the Shipping Corporation the seriousness of the matter. The Chairman also ruled that in future all employers, whether belonging to the Public Sector or the Private Sector, should be treated alike in regard to the recovery of penalty for failure to pay Provident Fund Contributions in time."

Item No.6, Para 2. Page 6: In the second sentence the word "lost" should be replaced by the words "suffered a loss".

Item No 12, Page 8: The draft para should be replaced by

"The Chairman invited Mr. T.S. Narayan, Indian National Shipowners' Association representative to express his views on the item. After hearing him the Chairman expressed the view that Indian National Shipowners' Association should have taken this matter directly with the Ministry as this was beyond the jurisdiction

of the Seamen's Provident Fund Board. The Chairman stated that if they so desired Indian National Shipowners' Association might approach directly the Ministry of Shipping & Transport in the matter."

The Minutes of the 44th Meeting were passed with the above amendments

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

Para 1: Dr. Leo Barnes expressed that as per the decision of the Board at the last meeting for payment to the victims of the fraud the Commissioner could have made the payment to atleast few seamen who had applied. The Commissioner explained that all those cases including the cases mentioned by Dr. Barnes were under scrutiny and they would be settled soon.

As regards the progress of prosecution of Shri B.D.Pawar, the second accused in the fraud case, the Commissioner explained that the first accused Shri J.F. Almeida had already been prosecuted by the Court and the prosecution of Shri Pawar was yet to be started and the police authorities had been reminded to expedite the hearing in the Court.

Para 2: The Board noted the position.

Para 3: It was decided that Ministry be requested to expedite obtaining a copy of the report of G. Ramanujan Committee from the Ministry of Labour.

Para 4: The Board noted the position.

Para 5: Ministry be requested to expedite the orders

Paras 6, 7, 8, 9, 10 and 11: The Board noted the position.

Para 12: The Board noted the position and desired that the reply from Shri N.C. Trivedi be placed before the Board if it required any decision of the Board.

Paras 13, 14, 15, 16 and 17: The Board noted the position and directed that the matters pending with the Ministry be vigorously pursued.

Para 18: Dr. Barnes and Capt. Bhandarkar enquired that how the pension case of Shri J.R. Pujabi could not be settled so far when the Board took a decision to pay him in the last meeting. The Commissioner explained that this was a peculiar case that Shri Pujabi initially served in Government Department and retired and availed pensionary benefits and again joined the Seamen's Provident Fund Organisation and the question of payment of pension has arisen for the second time after retirement from this Organisation which has delayed the payment. However, the Board desired that the decision taken should be carried out.

Item No.3: Receipts, Payments and Accounting of Provident Fund Moneys and progress of work from 1.12.81 to 31.3.82.

The Chairman expressed his desire to know how the figures for few months in 1981-82 were comparable to the whole year against Provident Fund Contributions, Administrative charges, Damages etc. and mentioned that it would be helpful if the figures for the previous twelve months

were given. The Commissioner explained that in each Board Meeting members wanted to know the progress of work and that was why the figures for few months were given to indicate the progress of work from the last Board Meeting.

The Chairman desired to know how the delay occurred in settling the Provident Fund dues to seamen and their kith and kin. The Commissioner explained that in those cases where the seamen had not filed the Declaration/ Nomination forms and died, the family report- is required to pay the Provident Fund dues and in such cases reference was made to the District Collector to get the family report. The replies from District Collectors are not received promptly and therefore the payments are delayed.

Capt. Bhandarkar expressed his desire to know what were the difficulties in clearing the unposted items. The Commissioner explained that the employers, shipping offices and the Director, Seamen's Employment Offices were the contributory agencies to that phenomena. The employers at times did not furnish the correct Provident Fund returns and the Director, Seamen's Employment Offices and Shipping offices had stopped sending the Regn. Nos. along with CDC Nos. and addresses of the seamen employed from 1978. These factors mainly contributed to the unposted items.

The Board directed the Commissioner to

issue circular letters to all Shipping Companies to furnish correct details in the columns shown in the Provident Fund Return forms and take up the matter of non-receipt of information with Shipping offices and Director, Seamen's Employment Offices.

The members noted and were satisfied with the figures shown under Receipts and Payments

Item No 4: (A) Inspection Report on the accounts of the Commissioner, Seamen's Provident Fund Organisation, Bombay for the year 1980-81

(B) Draft Audit Report on the accounts of the Seamen's Provident Fund Organisation, Bombay for the year 1980-81.

The Board noted the position regarding inspection Report on the accounts of the Organisation for the year 1980-81 and approved the replies of Draft Audit Report on the accounts of the organisation for the year 1980-81 to be communicated to the Government.

Item No. 5: Recommendations of the Sub-Committee appointed by the Board of Trustees, Seamen's Provident Fund covering the following issues:

i) Grant of exemption under Section 20(1) of the Seamen's Provident Fund Act from operation of Seamen's Provident Fund Scheme 1966

ii) Payment of ITF wages - non-remittance of Provident Fund Contributions in respect of Crews ex-m.v. South Rainbow/Hibiscus/Pace Maker - employed by M/s Mackinnon Mackenzie & Co. Ltd., Calcutta

iii) Outstanding claims of Provident Fund Contributions/Part Payments.

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iii) Outstanding claims of Provident Fund Contributions/Part Payments.

IV.) Unposted items.

The Board accepted the following recommendations:

1.0 Grant of ~~exemption~~ exemption under Section 20(1) of the Seamen's Provident Fund Act from operation of the Seamen's Provident Fund Scheme.

The employers, whose requests for exemption were under consideration, should first be required to —

a) i) Deposit with the Commissioner, Seamen's Provident Fund forthwith the Provident Fund contributions (both employees' and employers' share) together with interest accrued as well as Administrative Charge as applicable in respect of such seamen who were originally covered under the Seamen's Provident Fund Act 1966 but promoted as Petty officers subsequently, in respect of the period for which no Provident Fund contributions appear to have been made, calculated at the rate of wages payable to them during such probationary period.

ii) Credit Provident Fund contributions (both Employee's and Employer's share) with interest to the Provident Fund Accounts maintained by the Seamen's Provident Fund Commissioner in respect of Petty officers, in respect of the probationary period where they are not covered by the Company's Provident Fund Scheme.

b) In cases of exemption already granted to the employers in respect of their permanent Petty officers, the Employers should be required to credit the Provident Fund contributions of such employees together with matching employer's contributions and the interest accrued thereon for the period of probation of 6 months or one year as the case may be (during which period they were not covered under Company's Provident Fund Scheme) to the Provident Fund account of such permanent Petty officers under intimation to the Commissioner, Seamen's Provident Fund.

The present minimum and maximum period of service for the purpose of entitlement to the payment of employer's share of Provident Fund contributions under para 59(3) of the Seamen's Provident Scheme, 1966 be revised as under:

" If any member voluntarily resigns his membership of Seamen's Provident Fund, employers' share is payable to the extent as under:

For the period of membership of

i) Less than 2½ years	25%
ii) 2½ years but less than 5 years	50%
iii) 5 years but less than 6 years	75%
iv) 6 years and above	100%

In the event of approval by the Board of the above recommendations of the Committee, the question of grant of exemption under Section 20(1) of the Seamen's Provident Fund Act,

1966 will not arise, because the benefits under the Seamen's Provident Fund Scheme will be more favourable compared to the Company's Provident Fund Scheme. This will result in contributions for those categories also coming to Seamen's Provident Fund Organisation. This will require amendment of the Scheme and may be put up as substantive item before the Board.

2. Payment of ITF wages - Non remittance of Provident Fund Contributions in respect of Crews - ex m.v. South Rainbow/Hibiscus/Pace Maker, employed by M/s Mackinnon Mackenzie & Co Ltd. Calcutta.

(i) The Shipping Master, Bombay/Calcutta and/or the Seafarers Welfare Fund Society should be approached to pay to the Commissioner Provident Fund Contributions from the amounts deposited with them.

(ii) Provident Fund contributions both of employees and employers' shares in respect of such of the seamen who have refunded the amounts paid to them in excess of NMB rate of wages, be credited to their respective Provident Fund accounts on receipt ~~of copy~~ either from the Shipping Masters or Seafarers Welfare Fund, as the case may be.

3. Outstanding claims of Provident Fund Contributions/Past Payments

The Committee authorised the Commissioner to settle all the claims preferably upto the year 1978-79 by:

(i) Establishing claimant's right and if necessary, after taking an indemnity bond as required under law and after identification by a village Sarpanch, the Seafarer's Union or any respectable person, acceptable to the Seamen's Provident Fund Commissioner.

(ii) The cases where there is no response from the applicants for long time, should be treated as closed and the amounts credited to Provident Fund Suspense Account. If these claims are revived at any future date, the same can be re-activised and amounts paid to the claimants lawfully entitled to it from Suspense Account.

(iii) In case of past payments involving small amounts where it had not been possible to recover the amounts at least employer's share due in such cases should be paid from the forfeiture Account and the case treated as closed.

(iv) In case of claims where the amount involved is less than Rs. 5,000/- the Commissioner shall effect a payment to the claimant who in his opinion, is lawfully entitled to the same by invoking para 60 of the Scheme.

4. Unposted Items.

i) 100% checking of the Provident Fund Schedule, received in the Commissioner's office should be carried out before feeding to the computer to reduce number of unposted items.

Item No. 6: Report/Recommendations of the Sub-Committee appointed by the Board to examine:

A.) Methods, systems and procedures in the functioning of the Seamen's Provident Fund Organisation and

B) Acceptance of nomination filed by the Seamen with the Government Shipping offices for purpose of Settlement of Provident Fund dues.

The following recommendations were accepted by the Board.

A.1. (a) Account Payee Cheques in settlement of Final/Non-Refundable Withdrawals should be handed over to the concerned seamen in office premises except in case of deceased seamen. This will effect savings in man hours and postage. Paras 58-D. Non-Refundable withdrawals and 62 (5) Final withdrawal would need an amendment.

(b) The column "address for remittance' in the applications may indicate personal delivery of cheque in the office.

(c) The cheques should be delivered to the payees after proper identification with reference to CDC and if necessary, other documents.

(d) The CDC's accompanying the applications should be returned to the seamen after verification of voyage details, with suitable endorsement to

indicate that the claim is under process.

(e) Office may give approximate date as far as possible to the seaman on which the cheque is expected to be delivered.

The seamen may be encouraged to open joint account-preferably with State Bank of India for direct credit of Provident Fund monies

3. The personal Ledger Accounts (Ledger Folio) should be updated to effect expeditious disposal.

The Board agreed that to start with the Personal Ledger Accounts should be updated in those cases of seamen who were due to retire from service within two years.

4. Only one set of Provident Fund returns Company-wise, should be maintained wherein returns received from the employers should be entered and, on receipt of matching returns from the Shipping Master, suitable notation be made (in red ink) and the maintenance of separate set of registers for the returns received from the Shipping Master should be discontinued. At the close of the month wherever matching returns are not received from the employers they should be asked to remit the Provident Fund monies and Administrative Charges together with the returns.

5. The returns received from the Shipping Master be destroyed on receipt of

matching returns from the employers.

6. The acknowledgement-receipts should be directly entered in the Cheque/Money Order register against relevant COCs so as to avoid duplicate entry in Central inward diary.

8. The Seamen's Provident Fund Organisation should examine any proposal for reverting to manual system if so justified atleast 6 months in advance of the termination of the existing or new contract for Computerisation.

9. Particulars with regard to revisal of registration of seamen should be brought before the Board hereafter under the Agenda item dealing with "Receipts, Payments and accounting of the Seamen's Provident Fund Organisation."

The Board decided to keep pending the following recommendations.

A.7. The total wages as indicated in Provident Fund returns should be checked with reference to the NMB rate of wages and the period of voyage in Order to assess the correctness of wages on which Provident Fund contributions and Administrative Charges are calculated.

Commissioner's views.

This suggestion is also not possible to be implemented unless the Provident Fund

Organisation takes on it the additional responsibility that of the Shipping Master who can exercise the check at the time of making payments of the wages. The Seamen's Provident Fund Act and Scheme do not contemplate exercising such checks and there is also no enabling provision in the Act to enforce the NMB Agreement.

A.2. The proposal for issue of Pass Book on the lines of Bank Pass Book is under examination and this will be placed before the Sub-Committee at a later date for consideration.

Commissioner's views:

The subject matter is under consideration.

B. Acceptance of nomination filed by the Seaman with the Government Shipping Offices for purpose of settlement of Provident Fund dues.

The action to have valid Declaration/Nomination forms in respect of every Seaman has already been initiated and in a few months time we will be having valid Declaration/Nomination forms on our record, therefore accepting nomination filed by the seamen with the Shipping Offices will not be required to settle the Provident Fund claims in deceased cases.

The Board noted the position.

Item No. 7: Crediting of Members' Accounts with interest after every three months - Proposal of Dr. Leo Barnes

Dr. Barnes initiated the discussion and he stressed the need for crediting the members' accounts after every three months due to the difference in the period of payment of wages to the seamen in comparison to the employees governed by the Employees Provident Fund Scheme and in that he quoted an example that in many cases the seamen join the ship say in the month of June and complete their voyages in the month of following April and thus the Seamen's Provident Fund ~~Organisation~~ contributions deposited with the Seamen's Provident Fund Organisation in the month of April/May, remain without earning any interest till the following month of March. Dr. Barnes further clarified that in such cases the Provident Fund Contributions remain with the Seamen's Provident Fund Organisation for a period of nearly 10 months without earning any interest and they are the losers and therefore it requires crediting of members' accounts after every three months.

Capt. Bhandarkar stated that this would involve payment of interest on interest whereas the investment of Provident Fund money did not earn interest on interest and therefore the proposition was not

feasible and could not accept the proposal.

The Chairman directed that this matter be considered by a Sub-Committee consisting of

Shri B.K. Pawar
Shri T.S. Narayan
Capt. K.S. Bhandarkar.
Dr. Leo Barnes and
The Commissioner

and the recommendations of the Sub-Committee be placed before the Board for a decision.

Item No. 8: Fixation of rate of interest for Credit to the Members' accounts for the year 1982-83.

The Board recommended 8.75% rate of interest for crediting to the Members' accounts for the year 1982-83.

Item No 9. Staff Matters.

(a) Formation of Union:

The Chairman desired the Commissioner to explain the point. The Commissioner explained that the employees of the Seamen's Provident Fund Organisation were entitled to form Service Association like Central Government employees and not a Trade Union. The Commissioner also read out the text of Rule 29 - Conduct of Employees of the Seamen's Provident Fund (Staff and Conditions of Service) Regulations, 1978 that -

"Subject to the provisions of these regulations, the employees of the Organisation

shall be subject mutatis mutandis to a code of conduct similar to the one prescribed by the Central Government for Central Government Servants and the Employees' associations shall be regulated by the rules relating to:
Recognition of Service Associations of Central Government employees laid down by the Central Government from time to time."

and the Commissioner further stated that the employees of this Organisation had got themselves registered as Trade Union and demanded the recognition from the Organisation. Dr. Barnes suggested that the issue of recognition of the Union may be referred to the Ministry for instructions.

The Board agreed with the suggestion of Dr. Barnes.

(b) Ad-hoc payment of Bonus to the Employees of the Seamen's Provident Fund for the year 1980-81.

The Board recommended Ad-hoc payment of Bonus to the Employees of Seamen's Provident Fund for the year 1980-81 and directed to approach the Ministry for formal approval.

(c) Encashment of Leave:

The Board approved the Encashment of Leave and directed to approach the Ministry for ~~formal~~ approval.

(d) Enhancement ... Washing Allowance to Group 'D' Employees.

The Board agreed for enhancement of Washing Allowance to Group 'D' employees

(e) Implementation of new Central Government employees Group Insurance Scheme, 1980, for the employees of the Seamen's Provident Fund Organisation, Bombay.

The Board approved implementation of new Central Government employees Group Insurance Scheme 1980 for the employees of the Seamen's Provident Fund Organisation.

Item No. 10 Appointment of additional Hindi Staff for implementation of Government Policy on progressive use of Hindi

The Commissioner expressed that he had received a Government Order instructing to appoint one Hindi Translator and one Hindi Typist in the pay scale of Sr. Assistant and Jr. Assistant respectively. Dr. Leo Barnes suggested that instead of appointing new persons, why not train the existing staff members.

Capt. Bhandarkar expressed that this Organisation is running on the employers' Fund, not through Government fund, Government should not encourage to make additional expenditure.

The Commissioner stated that this was the policy issue and could not be escaped from the implementation

Finally the Board decided to refer this matter to the Sub-Committee which is going to consider the crediting of members' accounts with interest after every ~~six~~ three months.

Item No. 11: Non-recovery of Provident Fund Contributions from the employers of Seamen, who have gone into liquidation — Payment of Provident Fund dues to Seamen from Seamen's Provident Fund Forfeiture Account.

Dr. Leo Barnes expressed his opinion that whenever the Shipping companies had ~~not~~ gone into liquidation, the Seamen of those companies should be paid their Provident Fund dues from Forfeiture Account.

The Board accepted Dr. Barnes' suggestion that the seamen's claim should not be kept pending till recovery of Provident Fund dues from the employers who had gone into liquidation. They should be paid from Forfeiture Account and simultaneously the Commissioner should continue the recovery proceedings against the employers.

The Meeting then terminated with a vote of thanks to the Chair and the Members of the Board wished Shri S.M. Ochaney, the Chairman, a happy and peaceful retired life.

Chairman
Board of Trustees
Seamen's Provident Fund
Bombay

Secretary
Board of Trustees
Seamen's Provident Fund
Bombay.
2.8.83

MINUTES OF THE FORTY SIXTH (XLVI) MEETING OF THE BOARD OF TRUSTEES, SEAMEN'S PROVIDENT FUND HELD IN THE BOARD ROOM OF THE SEAMEN'S PROVIDENT FUND, 'KRUPANIDHI' 3RD FLOOR, 9, WALCHAND HIRACHAND MARG, BALLARD ESTATE, BOMBAY - 400038, ON WEDNESDAY, THE 13TH OCTOBER, 1982 AT 11.00 A.M.

The following were present:

Shri B.K. Rao	Chairman
Shri B.K. Pawar	Member
Shri T.S. Narayan	—do—
Dr. Leo Barnes	—do—
Shri U.M. Almeida	—do—
Shri N.K. Prasad	Secretary

Shri A.V. Ketkar from National Union of Seafarers of India was permitted by the Chairman to attend the meeting as an observer.

Leave of absence was granted to Sarvashri S.N. Kakar, D.R. Bansal, T. Bagchi, Bijoy Mukherjee and Capt. K.S. Bhandarkar.

The Chairman expressed that it was the first meeting which he was presiding as the Chairman of Seamen's Provident Fund Board and requested co-operation from the members in sorting out the problems. Dr. Barnes and Shri T.S. Narayan welcomed the Chairman and expressed their full Cooperation.

Item No. 1: Confirmation of the Minutes of the 45th (XLV) Meeting of the Board of Trustees, Seamen's Provident Fund held on 15.6.1982 in the Board Room of the Seamen's Provident Fund Organisation, Bombay.

Shri T.S. Narayan and Dr. Leo Barnes suggested the following amendments:

Page 3: Last Para: Line Two: The word "in" after the word "Board" be substituted by the word "at".

Page 4: Para 18: Last but one line: The word 'directed' be replaced by the word "desired" and the word 'once' in the same line be deleted.

Page 4: Item No 3: First line: The word "that" after the word 'know' be deleted and in line six the words "and every" be deleted and in the last line the word "previous" be substituted by the word 'last'.

Page 5: The second para "The Board agreed with the Commissioner's view" be deleted.

Page 5: Para 3: First line: The word "that" after the word 'know' be deleted and also in the same para in line five after the word 'employers' the words 'at times' be added.

Page 8: Item No 6: A.1 (c): In the third line after the word "and" the words "if necessary" be added.

Page 12: Last Para: Second Line: After the word 'wished' the words "Shri S.M. Ochaney" be added.

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

Regarding the cases pending with the Ministry the Chairman directed the Commissioner to prepare a draft D.O. letter to the Secretary to the Government of India, Ministry of Shipping and Transport from him enlisting the details of cases.

Regarding the audit observations at Sr. No 5

in respect of Shri N.C. Trivedi, Ex-Commissioner and recovery of leave salary from Directorate General of Shipping in respect of Capt. J.S Gill, Ex-Commissioner, the Chairman directed that these two cases be put-up to him for decision.

Item No 3: Receipts, Payments and Accounting of Provident Fund Moneys and progress of work from 1.4.82 to 31.8.82.

The Board desired that the pending final withdrawal applications upto 1979-80 and final withdrawal part payment cases upto 1977-78 should be settled and reported to the Board in the next meeting.

Item No. 4: Draft Annual Report on the working of the Seamen's Provident Fund Scheme, for the year 1981-82 and Annual Accounts of the Seamen's Provident Fund Scheme for the year 1981-82 along with the Receipt & Payment Accounts and Income & Expenditure Accounts for the year.

The Board decided to substitute the following in place of the existing text against para 3 on page 29:

"The salient features of the operation of fund during the year under review can be seen from the synopsis given below. There was a slight fall in the contribution reflecting the fall in the employment and the general recession in the Shipping industry."

Shri Narayan stated that there was no mention of balance sheet figures of the previous

year 1980-81 and thereby Ministry might raise a query why that had not been figured any where in the balance sheet. The Commissioner explained that so far the accounts were audited normally between January and March after the close of the financial year but as per the directive of the Ministry the accounts were required to be audited immediately after the end of the financial year from this year and accordingly the audit of the accounts of 1981-82 of the Organisation were completed by August, 1982 and therefore the Receipt and Payment Accounts, Income and Expenditure Accounts for the year 1981-82 and balance sheet as on 31st March, 1982 was annexed with ~~the~~ Annual Report of 1981-82 for the first time.

The Board decided that the following be added at the end of para 31.

" The Receipt and Payment Accounts for the year 1981-82 (Annexure 7A), Income and Expenditure Accounts for the year 1981-82 (Annexure 7B) and Balance Sheet as on 31st March, 1982 (Annexure 7C) have been appended for the first time."

Item No.5 (a) Report on the sale of securities to meet the demands for the payment of Final withdrawals and Non-Refundable withdrawals.

The Board noted the position.

(b) Proposal to terminate prematured low yield investments in Central Government Securities.

The Board decided that this item be finalised by the Chairman.

The Chairman desired to work out the interest earnings yearwise after the sale of securities which were invested in low yield interest earnings and put up to him for taking a final decision whether it would be worthwhile approaching the Ministry for approval.

Item No.6: Grant of exemption under Section 20(1) of the Seamen's Provident Fund Act 1966 from operation of Seamen's Provident Fund Scheme.

The Board deferred this item to the next meeting.

Item No.7: Report of the Sub-Committee appointed by the Board to examine:

1) Crediting of Members' Accounts with interest after every three months

2) Appointment of additional Hindi staff for implementation of Government policy on progressive use of Hindi

3) Introduction of Pass Book ~~was~~ on the lines of Bank Pass Book in the Seamen's Provident Fund.

1). Crediting of Members' Accounts with interest after every three months.

The item was deferred to the next Board meeting.

2) Appointment of additional Hindi Staff for implementation of Government policy on progressive use of Hindi

The Board approved the recommendation

of the Sub-Committee for appointing a Hindi translator and a Hindi Typist.

3) Introduction of Pass Book on the lines of Bank Pass Book in the Seamen's Provident Fund.

The Board approved the recommendation of the Sub-Committee that the introduction of Pass Book was not necessary in view of the Board's decision in the 45th Meeting to update the personal ledger accounts of Seamen to start with who are due to retire from service within two years.

Additional Item No 1: Increase in quantum of loan (Non-refundable withdrawal for purchase of dwelling house/flat

This item was deferred to the next meeting.

Additional Item No. 2: Damages claimed from Employers to be credited to Members' Accounts - Proposal of Dr. Leo Barnes.

Board deferred this item to the next meeting.

Additional Item No. 3: Amount of honorarium of Rs 45/- per month to the Jr. Stenographer in the Office of the Director, Seamen's Employment Office, Calcutta - Proposal of Director, Seamen's Employment Office, Calcutta.

The Chairman expressed that the Jr. Stenographer attached to Director, Seamen's Employment Office, Calcutta be paid a lump sum of Rs. 350/- to Rs. 400/- instead of regular honorarium of Rs 45/- per month as requested by the Director, Seamen's Employment Office, Calcutta. The Board agreed.

Any other Item.

Dr. Barnes initiated discussion on Deposit-Linked Insurance Scheme and after some discussion the Chairman desired that this be considered by a Standing Sub-Committee under the Chairmanship of Shri B.K. Pawar and other members Dr. Barnes, Shri Narayan and the Commissioner.

The Standing Sub-Committee should hold meetings after every three months. The same Sub. Committee also to consider the inoperative accounts which figure in the total number of accounts handled by the computer.

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

Secretary 2.8.83
Board of Trustees
Seamen's Provident Fund
Bombay.

Chairman 2/8/83
Board of Trustees
Seamen's Provident Fund
Bombay.

MINUTES OF THE FORTYSEVENTH (XLVII) MEETING OF THE BOARD OF TRUSTEES SEAMEN'S PROVIDENT FUND, HELD IN THE BOARD ROOM OF THE SEAMEN'S PROVIDENT FUND, 'KRUPANIDHI' 3RD FLOOR, 9, WALCHAND HIRACHAND MARG, BALLARD ESTATE, BOMBAY -400038. ON FRIDAY, THE 7TH JANUARY 1983

The following were present:

Shri B.K.RAO .... chairman
Capt. K.S. Bhandarkar .... Member
Shri T.S. Narayan .... —do—
Dr. Leo Barnes .... —do—
Shri Bijoy Mukherjee .... —do—
Shri N.K. Prasad .... Secretary

Sarvashri V. Ranganathan, Secretary, Owners/Agents' Committee (Crews) and A.V. Ketkar from National Union of Seafarers of India were permitted by the Chairman to attend the meeting as observers

Leave of absence was granted to Sarvashri B.K. Pawar, S.N. Kakar, D.R. Bansal, T. Bagchi and C.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 46th (XLVI) Meeting of the Board of Trustees, Seamen's Provident Fund held on 13.10.1982 in the Board Room of the Seamens Provident Fund Organisation, Bombay.

The draft minutes placed before the Board

were approved.

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

Paras 1 & 2: The Board noted the position.

Para 3: Shri Narayan desired to know whether any action was taken by the Commissioner. The Commissioner explained that Ministry had been reminded on several occasions but there was no reply from them. The Chairman decided to send telex reminder from him to the Secretary to expedite the sanction. The Board agreed with the suggestion.

Para 4: The Board noted the position.

Para 5: Shri Narayan desired to know what action was taken for the recovery of leave salary of Capt. J.S. Gill. The Commissioner explained that he had already taken up the matter with the office of the Director General of Shipping and it would be settled very soon.

Paras 6 & 7: The Board noted the position.

Para 8: Shri Narayan desired to know whether any permission of the Ministry was required for implementing the proposal of encashment of leave. The Commissioner explained that since the matter had been referred to the Ministry, nothing could be done before the Ministry's decision received

Paras 9, 10, 11, 12 and 13: The Board noted the position.

Item No 3: Receipts, Payments and Accounting of Provident Fund Moneys and progress of work from 1.4.82 to 30.11.82.

Dr. Barnes and Shri Narayan desired to know what was the difficulty in settling the final provident fund withdrawal cases. The Commissioner explained that the reasons of delay were for want of CDC books, family reports from the Collectors in cases where the Seamen had not nominated any nominee invariably took longer time, cancellation orders not received from the Director, Seamens Employment offices, voyages particulars required when the CDC Books not submitted and signatures not authenticated by the competent authority. The Commissioner further explained that in most of the cases the Declaration/Nomination forms had been sent to the Seamen and they had been received from them also which would reduce the instances of referring the cases to the District Collectors for family report in cases where the Seamen had died after nominating a valid nominee. After some discussion the Board decided that the Declaration/Nomination forms received so far which were awaiting scrutiny should first be scrutinised and sent to Computer for updating the master tape. The Computer should be fed 100% correct data. In case of Regn. No, CDC No., Declaration/Nomination, Cancellation Orders etc., Commissioners office should approach the Director, Seamens

Employment offices / Shipping Masters' offices for correct information. The pending cases should be split up into two groups as Bombay and Calcutta and it should cover the period from 1.1.1980 to 1.1.83 as shown below:

Sr No.	Year	Category	Bombay	Calcutta

These particulars should be completed before the next Board meeting and the Board would take decision on this issue.

Regarding the progress of Unposted items Board was very much satisfied and directed to reduce the numbers for 1979-80 and 1980-81.

Regarding filing of valid Declaration / Nomination forms by the seamen who would be joining the ships for the first time and those who are already in sea. Service and had not filed the Declaration / Nomination, the Chairman directed the Commissioner to draft an instruction Circular for the Director, Seamen's Employment Offices / Shipping Masters which he would issue from his office.

Item No 4: Budget Re-appropriation - 1981-82

The Board noted the Budgetary Re-appropriation of the Funds sanctioned in the Budget for the year 1981-82 made under para 49(3) of the Seamen's Provident Fund Scheme 1966.

Item No. 5 Budget proposals for the year 1983-84.

The Board approved the Budget proposals for the year 1983-84 as presented except the budget proposals of Rs 1.00.000/- for the creation of pension / gratuity fund and Rs. 1.00000/- for House Building advance which were reduced to Rs 25000/- and Rs. 45.163/- respectively by the Shri Narayan appreciated the savings on payment to the Computility India Ltd. which was reduced to Rs. 64000/- during 1982-83 from Rs 1.50.000/- and above during the years 1979-1980 and 1980-81 and proposed that this be placed on record.

Item No. 6: Proposal for revision of Administrative charges from 1.4.1983.

The Board approved the increase in the rate of Administrative Charges from 2% to 2.75% from 1.4.83 instead of 3.5% as proposed in view of recession in the shipping industry and directed that the expenditure be curtailed to match the earnings by way of levy of Administrative charges at the rate of 2.75%.

Item No. 7: Inspection report on the accounts of the Seamens Provident Fund Organisation, Bombay, for the year 1981-82.

The Board noted the position with satisfaction that the audit objections were very few and approved the replies.

Item No 8: Grant of exemption under Section 20(1) of the Seamen's Provident Fund Act, 1966 from the operation of Seamen's Provident-Fund Scheme.

After some discussion the Board decided that the Commissioner should submit proposals immediately to amend para 59(3) of the Scheme effective from 1.4.1983 and the request from the employers pending for the grant of exemption under Section 20(1) of the Act be considered after the amendment of the Scheme.

Item No 9: Crediting of Members' Accounts with interest after every three months.

The Board decided to discuss this issue in the next Board meeting.

Item No 10: Increase in quantum of loan (Non-refundable Withdrawal) for purchase of dwelling house/flat.

This item was deferred to the next Board meeting.

Item No 11: Damages claimed from Employers to be credited to Members Account.

Proposal of Dr. Leo Barnes

This item was deferred to the next meeting.

Item No 12: Payment of Provident Fund dues to the victims of fraud

The Board authorised the Commissioner to make the payment after satisfying himself regarding the genuineness of the claim.

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

1/11/83

Chairman
Board of Trustees
Seamen's Provident Fund
Bombay.

1.11.83

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

MINUTES OF THE FORTYEIGHTH (XLVIII) MEETING OF THE BOARD OF TRUSTEES, SEAMEN'S PROVIDENT FUND HELD IN THE BOARD ROOM OF THE SEAMEN'S PROVIDENT FUND, KRUPANIDHI 3RD FLOOR 9, WALCHAND HIRACHAND MARG. BALLARD ESTATE, BOMBAY-400038 ON TUESDAY, THE 2ND AUGUST, 1983, AT 11.00 AM.

The following were present:-

Shri B.R. Rao	Chairman
Shri M.K. Jain	Member
Shri T. Bagchi	"
Shri T.S. Narayan	"
Dr. Leo Barnes	"
Shri U.M. Almeida	"
Shri Bijoy Mukherjee	"
Shri N.K. Prasad	Secretary

Sarvashri V. Ranganathan, Secretary, Owners/Agents' Committee (Crews) and A.V. Kelkar from National Union of Seafarers of India were permitted by the Chairman to attend the meeting as observers.

Leave of absence was granted to Sarvashri Rajiv Srivastava and Capt. K.S. Bhandarkar.

The Board of Trustees welcomed the new member Shri M.K. Jain and then took up the items on the "List of Business" for consideration.

Item No.1: Confirmation of the Minutes of the 47th Meeting of the Board of Trustees, Seamens Provident Fund held in the Board Room of the Seamens Provident Fund Organisation Bombay on 7th January 1983 at 10.30 a.m.

The draft minutes of the 47th Meeting

of the Board of Trustees held on 7th January 1983 were approved by the Board.

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

Shri Narayan appreciated the efforts made by the Commissioner and the staff of the Organisation in achieving greater efficiency and disposal of work.

Para 1: Regarding issue of Charge-sheet to Shri B.D. Pawar, the suspended employee of the Organisation, Dr. Barnes stated that it had taken a long time and it should be expedited. Shri Narayan observed that responsibility for not issuing the Charge-Sheet in time lay with the officer in charge at that time and he thought such Charge-Sheet had to be issued within a stipulated time. The Chairman decided that the Charge-Sheet be issued to Shri B.D Pawar and reported to him within a week's time.

Paras 2, 3, 4, 6 & 8: The Chairman desired that a list of these cases be handed over to him to expedite the action required by the Ministry and the same was handed over to the Chairman as he was going to New Delhi on 2nd August, itself so that he could discuss the pending matters in the Ministry.

Paras 5 & 7: The items are closed.

Para 9: It appeared as a separate item in the Agenda papers of the 48th Meeting, as Item No 12.

Paras 10 & 11: The Board noted the position.

Paras 12 & 13: These items are closed.

Paras 14, 15 & 16: These items appeared separately in the Agenda papers of 48th Meeting.

Item No. 3: Receipts, Payments and Accounting of Provident Fund Moneys and Progress of work from 1.4.82 to 31.3.83

The Chairman desired that final withdrawal applications of the years 1978-79, 1979-80 and 1980-81 pending with the Organisation be settled immediately and the position reported in the next Board Meeting.

Dr. Barnes suggested that where no nomination has been filed by the seaman with the Seamen's Provident Fund Organisation or where the nomination so filed is found invalid, the provident fund may be paid to the nominee of the seaman named in his nomination filed with the Shipping Master for the purpose of receiving balance of wages, personal effects etc. The Chairman pointed out that the nomination filed with the Shipping Master has a different purpose and may not be acceptable for the settlement of Provident Fund money. After some discussions the Board decided that the question of expediting payment of the provident fund money where no valid nomination filed be examined.

Dr. Barnes suggested that the personal ledger folio system for each seaman may be prepared so that a seaman could be told the upto date amount in his account on

enquiry at the counter. The Chairman wanted to know whether this information to a seaman could be given with 10% plus or minus accuracy with the existing documents. The Accounts officer stated that every year accounts slips were printed by the Computer and despatched to each seaman which gave the amount standing in one's credit and the amount of a voyage or two performed by the seaman after the issue of the account slip would naturally not appear and therefore the accounts slip served the purpose of personal ledger account of each seaman. Then Dr. Barnes suggested that seaman be informed the amount in his account in writing duly signed by our official of the Organisation on request. This was agreed

Item No. 4: Fixation of rate of interest for Credit to the members' accounts for the year 1983-84.

The Board approved the rate of interest of 9.5% for credit to the members' accounts for the year 1983-84.

Item No. 5: Crediting of Members' Accounts with interest after every three months

Shri Jain stated that the rate of interest to be paid to the members of the Seamen's Provident Fund as well as Employees Provident Fund Coal Mines Provident Fund etc. are fixed by the

Ministry of Finance taking into consideration the fact that certain money deposited during the year did not allow to earn interest and be categorically mentioned that he was not in favour of the proposal. He desired to record his basic objection to the proposal. Dr. Narayan observed that the interest is calculated annually on the accumulated opening balance.

Dr. Barnes expressed that the nature of employment of seamen is entirely different than other employment in the country and in certain cases the contributions received during the financial year do not earn interest even for more than a year. The Chairman stated that he would look into this along with Dr. Leo Barnes, Shri T.S. Narayan and the Commissioner.

Item No. 6 Renewal of contract of M/s Computility India Pvt Ltd

Shri Jain stated that quotations be invited from various firms and then the new contract be finalised. The Commissioner stated that there was no difficulty in doing that but dealing with a new firm involved great amount of developing initial work as we had to face with M/s Computility India Private Limited three years ago when the change took place from M/s IDM and the reduction of some percentage of the proposed charges of M/s Computility India Pvt. Ltd, by

inviting quotations from various firms may not be worthwhile in the interest of smooth service, Shri T.S Narayan and Shri Jain stated that an effort be made to negotiate with M/s Competility India Pvt. Ltd. to reduce the charges atleast by 5%. This matter was left to the Commissioner to decide and report in the next Board meeting. As regards the item B, the matter was left to the Commissioner to decide and to take action accordingly.

Item No. I: Increase in quantum of loan (Non Refundable Withdrawal) ~~of~~ for purchase of dwelling house/flat.

The Board agreed in principle to the proposal of increase in quantum of loan (Non-Refundable Withdrawal) for purchase of dwelling house/flat as applicable to the members of Employees Provident Fund and the relevant para of the Seamens Provident Scheme be suitably amended.

Item No. 8. Damages claimed from Employers to be credited to Members Account — proposal of Dr. Leo Barnes

Shri Narayan stated that the damages recovered from the employers was a deterrent measure and could not be adjusted towards interest for the delayed payments. Shri Jain fully concurred with that view, Dr. Barnes stated that in many cases the payment of provident fund was delayed for more than a year and thereby the seamen did

not get interest on such delayed payments and therefore payment of interest was justified in such delayed cases. The Chairman enquired what were the average delay and to that the Commissioner replied that average delay was between three to six months and the delay of more than a year arose in stray cases where the shipping companies had gone into liquidation. The Chairman stated that the delay of more than a year required examination for payment of interest from the damages recovered from the employer.

Item No. 9. Proposal of Five-day week for Seamens Provident Fund Organisation.

The Board did not agree to the proposal and expressed that if the employees so desired they could switch over to the working days as observed in the Central Government offices i.e. Second Saturday of the month as off and all other Saturdays full working days or follow the existing working hours in a week.

Item No. 10: Seamens Gratuity Fund Act.

At the outset Chairman explained the background of the proposal for the Seamens Gratuity Fund, particularly in the context of several foreign shipping companies reducing and altogether stopping the engagement of Indian Seamen for whom adequate arrangements will have to be made for an agency within the country into which such fund could be credited by the foreign shipping companies. He also pointed out that initiative was taken by the DAC(C) and

INSA in the case of general roaster seamen several years back for constituting a gratuity fund within the existing laws. The proposal met with rough weather under the Income Tax Act and the Central Board of Direct Taxes and thus was pending for the past over a decade with no solution. In the meantime, a number of Indian Shipping Companies are also facing serious financial difficulties in the shipping recession and willy-nilly the seamen's interests in respect of Gratuity is getting more and more exposed to the risk of the Payment being delayed, if not, altogether being lost in whole or in part. In view of the interest already taken by the DGC(W) & INSA, the Director General of Shipping considered the necessity to give the proposed gratuity fund a sound statutory basis to be effective in protecting the interests of the seamen in this behalf. As there is already a statutory Seamen's Provident Fund establishment with a full-fledged Commissioner and a Board for operating the scheme, it was considered that the same establishment may look after the provisions of the Gratuity Fund Act and the scheme thereunder with the Seamen's Provident Fund Commissioner, being also designated as Seamen's Gratuity Fund Commissioner, and the same members could be on the Seamen's Gratuity Fund Board also. It is with this background that the draft Bill has been prepared and placed before the Board for

their consideration and comments.

The need for enactment of Seamen's Gratuity Fund Act and the scheme was discussed in detail.

Dr. Barnes, while welcoming the proposal suggested that it may be examined whether it would be expeditious if the provisions of the proposed Seamen's Gratuity Fund Act could be incorporated in the Seamen's Provident Fund Act itself by an amendment wherein the Deposit-Linked Insurance scheme could also be incorporated instead of proposing a separate Seamen's Gratuity Fund Act and scheme for enactment before the Parliament.

Shri Narayan stated that gratuity is a retirement benefit and becomes payable at the end of qualifying service and it essentially differs from Provident Fund which is contributory the employee making a specific rate of contribution and the employer a matching contribution. He pointed out that it will not be appropriate to treat the question of gratuity in the same manner as Provident Fund. He further stated that in any case the proposal to enact Seamen's Gratuity Fund Act and scheme to protect the gratuity of seamen particularly when there are foreign employers involved, is really a matter to be considered by the National Welfare Board for Seafarers. At this stage the Chairman clarified that it will be done at the next meeting of the National Welfare Board

for Seafarers.

Shri Narayan further stated that some Indian companies have already separate funds and it was not understood why Indian companies should be brought under an enactment which contemplates certain obligations on retirement. Shri Bagchi generally agreed with the view expressed by Shri Narayan. Shri Narayan also mentioned that the whole matter was complex and required deep study. In any case, if at all an act is made, it should have an exemption clause exempting those shipping companies who already have established Gratuity Fund Scheme in the same manner as the Gratuity Act for shore employees provides. Shri N.K. Prasad, Seamen's Provident Fund Commissioner and Secretary, Seamen's Provident Fund Board, explained that most of these aspects have been borne in mind, while framing the draft Bill and the required necessary provisions for such contingencies can also be incorporated.

After further discussions, the Board agreed in principle on the desirability and need to have a statutory basis for the Seamen's Gratuity and the Fund set up for the purpose should be operated under a scheme to be drafted by the same establishment which is now managing the Seamen's Provident Fund.

It was also felt that the matter may be placed before the next meeting

of the National Welfare Board with a proposal from the Director General of Shipping for their approval. It was generally agreed that if any enactment was eventually introduced for gratuity, the Provident Fund Commissioner could be entrusted with the work of administering such a scheme.

The chairman said that in principle everyone would agree that there was need to have certain special arrangements to protect the gratuity of Seamen and as such the best way of achieving the objective would be by giving it a statutory basis to the Fund to be set up for the purpose. He said that the proposal may be placed before the National Welfare Board for their approval.

Item No 11: Revision of scale of pay of Group 'D' employees in the Seamen's Provident Fund Organisation

Other members present were agreeable in favour of revision of scale of pay of Group 'D' in the Seamen's Provident Fund Organisation in the scale of Rs 210-270 except Shri Jain who stated that if we accepted the demand from the Group 'D' employees the other group of employees might also come in future for revision of their pay scale. The chairman expressed that a self contained note with justification for revision of pay scale of Group 'D' employees be put up in the next Board Meeting

Item No 12 : Proposal to terminate premature low yield Central Government Securities.

Shri Jain pointed out that the proposal required further examination after intricate calculations regarding the loss by way of selling prematured securities and earnings had they not been sold prematurely. The Chairman stated that this issue was pending from the last three Board meetings and we should not put again for further examination. However, the calculations wanted by Shri Jain may be done by the Commissioner and if he finds the proposal is profitable he may go ahead with the investment as agreed by the Reserve Bank of India.

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

3/4/84

CHAIRMAN
BOARD OF TRUSTEES
SEAMEN'S PROVIDENT FUND
BOMBAY

3.4.84

SECRETARY
BOARD OF TRUSTEES
SEAMEN'S PROVIDENT FUND
BOMBAY

MINUTES OF THE FORTYNINTH (XLIX) MEETING OF THE BOARD OF TRUSTEES, SEAMEN'S PROVIDENT FUND, HELD IN THE BOARD ROOM OF THE SEAMEN'S PROVIDENT FUND 'KRUPANIDHI', 3RD FLOOR, 9, WALCHAND HIRACHAND MARG, BALLARD ESTATE, BOMBAY 400038 ON TUESDAY THE 1ST NOVEMBER 1983 AT 11.00 A.M.

The following were present

Shri B.K. Rao	Chairman
" M.K. Jain	Member
" T. Bagchi	"
" T.S. Narayan	"
Capt. K.S. Bhandarkar	"
Dr. Leo Barnes	"
Shri U.M. Almeida	"
" Bijoy Mukherjee	"
N.R. Prasad	Secretary

Sarvashri V. Ranganathan, Secretary, Owners/Agents' Committee (Crews) and A.V. Ketkar from National Union of Seafarers of India were permitted by the Chairman to attend the Meeting as observers.

Leave of absence was granted to Shri Rajiv Srivastava.

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

Item No. 1: Confirmation of the Minutes of the 48th Meeting of the Board of Trustees, Seamens Provident Fund held on 2nd August 1983 in the Board Room of the Seamen's Provident Fund Organisation, Bombay.

With the following amendments the Minutes were

taken as confirmed.

Item No. 2.

Shri Narayan proposed to delete the words, "and desired to put on record" appearing at the end of the paragraph.

Item No. 3.

Shri Narayan proposed to substitute the word 'position' in place of the word "compliance' in the third line of para one.

The Board decided to substitute ~~the word~~ paragraph two as mentioned below:

"Dr. Barnes suggested that where no nomination has been filed by the seaman with the Seamen's Provident Fund Organisation or where the nomination so filed is found invalid, the provident fund may be paid to the nominee of the seaman named in his nomination filed with the Shipping Master for the purpose of receiving balance of wages, personal effects etc. The Chairman pointed out that the nomination filed with the Shipping Master has a different purpose and may not be acceptable for the settlement of Provident Fund money. After some discussions the Board decided that the question of expediting payment of the provident fund money where no valid nomination filed be examined."

In the last paragraph the words "when the approached the enquiry counter" be substituted by the words "on request' and at the end of the sentence the words "this was agreed" be added.

Item No. 5.

In the first paragraph in the fourth line the word "factors' be substituted by the word 'fact' and in the fifth line the words "is not allowed' be substituted by the words "did not allow'. Further, the words "at the time of interest declared" appearing in the last sentence be omitted.

Item No 6

At the end of the para the following be added:

"As regards the item B the matter was left to the Commissioner to decide and to take action accordingly."

Item No 10.

In the first para, in the second line the words "to give a statutory basis' be omitted. In the seventh line beginning with "He also' and ending with 'existing law' the sentence may be substituted as below:

"He also pointed out that initiative was taken by the DAC(C) and INSD in the case of general roster seamen several years back for constituting a gratuity fund within the existing law."

In the fourth paragraph in the sixth line after the word "to' the words "treat the question of gratuity in the same manner as provident fund' be substituted in place of "clubbing the issue of gratuity with Provident Fund or any other welfare measure". In the sixth para in the first sentence the word "has" be deleted and after the word 'agreed", the words 'in principle' be

taken as confirmed.

Item No. 2.

Shri Narayan proposed to delete the words, 'and desired to put on record" appearing at the end of the paragraph.

Item No. 3.

Shri Narayan proposed to substitute the word 'position' in place of the word "compliance' in the third line of para one.

The Board decided to substitute ~~the~~ ~~word~~ paragraph two as mentioned below:

"Dr. Barnes suggested that where no nomination has been filed by the seaman with the Seamen's Provident Fund Organisation or where the nomination so filed is found invalid, the provident Fund may be paid to the nominee of the seaman named in his nomination filed with the Shipping Master for the purpose of receiving balance of wages, personal effects etc. The Chairman pointed out that the nomination filed with the Shipping Master has a different purpose and may not be acceptable for the settlement of Provident Fund money. After some discussions the Board decided that the question of expediting payment of the provident fund money where no valid nomination filed be examined."

In the last paragraph the words "when the approached the enquiry counter" be substituted by the words "on request' and at the end of the sentence the words "this was agreed" be added.

Item No. 5.

In the first paragraph in the fourth line the word "factors' be substituted by the word 'fact' and in the fifth line the words "is not allowed' be substituted by the words "did not allow". Further, the words "at the time of interest declared" appearing in the last sentence be omitted.

Item No. 6.

At the end of the para the following be added:

"As regards the item B the matter was left to the Commissioner to decide and to take action accordingly."

Item No. 10.

In the first para, in the second line the words "to give a statutory basis" be omitted. In the seventh line beginning with "He also" and ending with 'existing law' the sentence may be substituted as below:

"He also pointed out that initiative was taken by the DAC(C) and INSB in the case of general roster seamen several years back for constituting a gratuity fund within the existing law."

In the fourth paragraph in the sixth line after the word "to' the words "treat the question of gratuity in the same manner as provident fund" be substituted in place of "club the issue of gratuity with Provident Fund or any other welfare measure". In the sixth para in the first sentence the word "has" be deleted and after the word 'agreed", the words 'in principle' be

added. In para seventh in line three the words "whose employment is discontinuing on foreign and Indian ships" be deleted.

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

Sr. No. 9: Crediting of members' accounts with interest after every three months.

Sr. No. 12: Damages claimed from employers to be credited to members' account.

Both the proposals required separate examination and were to be placed before the Chairman for decision. This was not done and therefore the Chairman desired that the two items be examined and put up to him by third week of November 1983 positively.

Regarding the cases pending with the Ministry the Members requested the Chairman to take up those cases personally. The Chairman informed that he already had a discussion in the Ministry just after the last Board Meeting and he would again discuss those cases when he next go to the Ministry. The Chairman also mentioned that Commissioner should go to the Ministry and expedite the disposal of the long pending cases.

Item No. 3: Receipts, Payments and Accounting of Provident Fund Moneys and progress of work from 1.4.83 to 31.8.83.

The Chairman desired that the Commissioner should hold a quarterly meeting with the Shipping Master, Director, Seamen's Employment Office Bombay and Principal Seamen's welfare

officer, Bombay with a specific agenda giving them 15 days prior notice regarding the pending cases of final withdrawal applications.

The Board decided that in case of pending final withdrawal cases, three attempts should be made to locate the claimants and if no response coming forth from them the cases may be segregated and should not be shown as pending final withdrawal.

Item No. 4: Draft Annual Report on the working of the Seamen's Provident Fund Scheme for the year 1982-83 and Annual Accounts of the Seamen's Provident Fund Scheme for the year 1982-83 along with the Receipt & Payment Accounts and Income & Expenditure Accounts for the year.

Mr. Jain pointed out that it would be better if previous year's figures be also shown in the Receipt & Payment Account for the year 1982-83 at Annexure I (A) and the Board decided to show from the next year.

Item No. 5: Inspection Report on the accounts of the Seamen's Provident Fund Organisation, Bombay for the year 1982-83.

The Board noted the position.

Item No. 6: Budget Re-appropriation - 1982-83.

The Board noted the position.

Item No. 7: Institution of Seamen's Gratuity Act & Scheme.

Regarding the proposal of M/s BP India Ltd, for depositing the Gratuity money with the Commissioner, Seamen's Provident Fund it was

decided that the money be accepted by the Commissioner for payment to the Seamen after retirement.

Item No.8: Ad-hoc payment of Bonus due for three years to the employees of the Seamen's Provident Fund Organisation

It was decided that the payment of ad-hoc Bonus along with the other pending cases with the Ministry be taken up by Shri Jain and accordingly a list of pending cases had already been forwarded to him for necessary action.

10/10/84

CHAIRMAN
BOARD OF TRUSTEES
SEAMEN'S PROVIDENT FUND
BOMBAY

SECRETARY
BOARD OF TRUSTEES
SEAMEN'S PROVIDENT FUND
BOMBAY

10.X.84.

Minutes of the Fiftieth (L) meeting of the Board of Trustees, Seamen's Provident Fund held on Tuesday, the 3rd April 1984 at 11.00 AM. in the Board Room of the Seamen's Provident Fund 'Karpanidhi', 3rd Floor, 9, Walchand Hirachand Marg, Ballard Estate, Bombay-400 038.

The following were present:-

Shri B.K. Rao	Chairman
Shri T. Bagchi	Member
Shri T.S. Narayan	Member
Capt. K.S. Bhandarkar	Member
Dr. Leo Barnes	Member
Shri U.M. Almeida	Member
Shri Bijoy Mukherjee	Member
Shri N.K. Prased	Secretary

Shri V. Ranganathan, Secretary, Owners/Agents Committee (Crews) was permitted by the Chairman to attend the meeting as observer.

Leave of absence was granted to Sarvashri Rajiv Srivastava and M.K. Jain.

Item No.1: Confirmation of the Minutes of the 49th Meeting of the Board of Trustees Seamen's Provident Fund held on 1st November 1983 in the Board Room of the Seamen's Provident Fund Organisation, Bombay.

The minutes were confirmed, there being no amendment to the draft already circulated to the Members.

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

The items were discussed and the decisions

thereon have been detailed in the Annexure.

Item No. 3: Receipts, Payments and Accounting of Provident Fund Moneys and progress of work from 1.4.83 to 30.11.83

While the Members expressed their satisfaction on the state of work, Dr. Leo Barnes however, felt that number of pending cases for want of CDC etc. were higher and could be reduced. He was of the opinion that for obtaining voyage particulars and wanting CDC books it should be possible to send some of the office assistants to the Shipping Office/ Director, Seamen's Employment Office which would help expediting settlement. The Commissioner then explained in detail that officials were already being sent for such purposes The Chairman observed that some pending cases would always be there at a particular point of time. He however desired that the pending cases upto 1980-81 should be settled early by devoting special attention, if necessary.

Item No 4: Budget proposals for the year 1984-85 and Revised Estimate 1983-84

The Board approved the Budget Proposals for 1984-85 with total Receipts including interest receipt of Rs. 0.20 Lakhs estimated at Rs 11.20 Lakhs and total expenses at Rs 10.94 lakhs besides House Building Advance of Rs 1.25 Lakhs As regards the revised budget estimates 1983-84 it was agreed that the financial year 1983-84 having been already over there was no purpose in going into details. It was then decided that the Actuals for 1983-84 both Receipts and

Expenditure be taken as the revised budget figures approved.

Item No. 5: Introduction of obtaining advance receipt for payment of Provident Fund

The Board approved the proposal of obtaining advance stamped receipts both for Non-refundable withdrawal and final withdrawal payments with a view to avoid unnecessary correspondence in obtaining stamped receipts from the payees.

Item No. 6: Provision of withdrawal of full amount of employer's share in case of Voluntary retirement of seamen due to unemployment — Proposal of the Principal Seamen's Welfare Officer, Calcutta

Dr. Barnes pointed out that after the Government had approved the amendment to the Seamen's Provident Fund scheme as proposed in Item No 7 of Action Taken Item the point would be substantially covered

In reply to an enquiry from the Chairman when he was told that the seamen under the existing rules were entitled to only 10% of his own accumulated share as unemployment relief he felt that the amount was too meagre to serve the need He therefore desired that a comprehensive proposal to increase the quantum of non-refundable withdrawals should be submitted to him He also desired to have a note detailing the circumstances under which final withdrawal of Provident Fund without enforcing forfeiture were permitted under the existing

scheme and whether in view of the unemployment situation any modification thereto was called for.

Agenda Item on request: Introduction of Deposit-Linked Insurance Scheme.

After going through the Agenda note prepared on the subject it was decided that a sub-committee consisting of Dr. Leo Barnes, Shri T.S Narayan, Capt. K.S. Bhandarkar and Commissioner should examine the proposal from the point of view of financial feasibility and submit a report to the Board in the next meeting.

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

CHAIRMAN
BOARD OF TRUSTEES
SEAMEN'S PROVIDENT FUND
BOMBAY

SECRETARY
BOARD OF TRUSTEES
SEAMEN'S PROVIDENT FUND
BOMBAY

ANNEXURE

Item No 1: Payment of monies to seamen who may have been the victims of alleged fraud

The Chairman wanted to know why Shri Pawar could not have been retired instead of allowing him to draw subsistence allowance which could be even higher than the amount of pension. Explaining the position, the Commissioner pointed out that it would go against the rules to retire an official until the suspension order was revoked. He also apprised the members that Departmental Inquiry had already been completed and the Report of the Inquiry Officer was under consideration.

Item No 2: Payment of High rate of interest of the Provident Fund accumulations.

On Chairman's enquiry it was explained by Dr. Barnes that the Ramanujan Committee report in question was on the working of the Employees Provident Fund and that some of its recommendations had already been accepted by the Government as seen from the Press Reports. The Chairman felt that the report might have already been published and Commissioner should therefore try to obtain a copy thereof from any Government Book Stall

Item No 3: Ad-hoc payment of Bonus to the Employees of the Seamen's Provident Fund Organisation.

Chairman observed that in view of the Ministry of Finance's Memorandum No. S.W/Mws (64)/81-MT dated the 10th February 1984 there would seem no necessity to seek Government's approval in the future to the payment of Bonus to the statutory bodies like Seamen's Provident Fund which were not

funded by the Government but financed by user bodies. In so far as the ad-hoc payment of Productivity Linked Bonus for the future years was concerned it was agreed after discussion that it would be necessary to have a Productivity Linked Bonus Scheme drawn up for the Seamen's Provident Fund which task was decided to be entrusted to the National Productivity Council. For the past years it may be paid on ad-hoc basis.

Item No 4: Money Order Commission for amounts below Rs 500/- to be borne by the Seamen's Provident Fund.

The Chairman while agreeing with the views expressed by the members that the scheme could have been implemented after the Board had approved the same, desired to know what would be the financial implication if the Scheme was implemented. He also desired that a note on this should be put up to him for a decision in the matter.

Item No. 5: Amendments to various Sections/Paras of the Seamen's Provident Fund Act/Scheme

Initiating the discussion Shri Narayan suggested that Commissioner should pay a visit to New Delhi for sorting out long outstanding cases by personal contact with the Ministry Officials. The Chairman desired that in the meantime a self contained D.O. letter to the Secretary, Ministry of Shipping & Transport should be issued under his signature giving particulars of the Original reference and Ministry's reference if any.

Item No 6: Staff Matters

i) Formation of Union

Noted.

ii) Encashment of Leave

After discussion it was decided that the matter be taken up with the Ministry for expediting Government's approval.

Item No. 7: Grant of exemption under Section 20(1) of the Seamen's Provident Fund Act 1966 from operation of the Seamen's Provident Fund Scheme

The Commissioner explained that the proposal did not involve amendment of the Act and could be approved by issue of notification in the Gazette as per the Scheme.

Item No 8: Fixation of rate of interest for credit to the members' accounts for the year 1983-84.

In reply to Chairman's query the Commissioner explained that according to the Scheme approval of the interest rate by the Government was necessary. He however explained to the Chairman that there had been no occasion when the Government had decided rate of interest for crediting the Accounts of the Members of the Seamen's Provident Fund different from the interest rate announced for Employees Provident Fund.

Item No 9: Crediting of Members' Accounts with interest after every three months

There was a lengthy discussion on the feasibility of crediting interest to Members' Account every three months as proposed. Dr Barnes was of the view that the Seaman

who earned pay every month, their provident-Fund should also be paid monthly instead of at the time of sign off which entailed loss of interest of over one year on provident-fund contributions in some cases. Capt. Bhandarkar on the other hand held the view that the payment of provident fund contribution is to be made at the time of final settlement of wages as per the Merchant Shipping Act. 1958 and there was no room for controversy on this.

The Chairman expressed the view that he was sympathetic to the problem but he could not see how this could be resolved as long as the existing mode of payment of provident-fund at the time of sign off continued.

The Chairman however noted that at the time of settlement of final withdrawal the seamen were paid interest upto end of the month preceding the date of payment.

Item No. 10: Increase in quantum of loan (Non-refundable withdrawal) for purchase of dwelling House/flat.

To the chairmans query the Commissioner explained that draft notification had been sent.

Item No. 11: Damages claimed from Employers to be credited to Members' Account - Proposal of Dr. Leo Barnes.

The Chairman desired that a note be prepared and put up to him laying down the principles and the guidelines to be followed for levy of damages for his Consideration.

Item No. 12: Receipts, Payments and Accounting of Provident Fund Moneys and progress of work from 1.4.83 to 31.8.83

The Chairman observed that the quarterly meeting envisaged for sorting out difficulties in disposal of pending cases had not been held. He further desired that Commissioner should hold the meeting with the Shipping Master, Director, Seamen's Employment office and Principal Welfare Officer before he goes on leave, which was noted

Item No. 13: Institution of Seamen's Gratuity Act & Scheme

Commissioner circulated the draft of the resolution dictated by the Chairman during the Gratuity Fund Meeting held on 28th March 1984. The Chairman desired that legal opinion on income tax matter arising from the resolution should be obtained from Solicitor who should also vet the draft resolution for putting up to the next Board meeting.

MINUTES OF THE FIFTYFIRST MEETING OF THE BOARD OF TRUSTEES, SEAMEN'S PROVIDENT FUND, HELD ON WEDNESDAY, THE 10TH OCTOBER 1984, AT 11.00 A.M. IN THE BOARD ROOM OF THE SEAMEN'S PROVIDENT FUND 'KRUPANIDHI 3RD FLOOR, 9, WALCHAND HIRACHAND MARG, BALLARD ESTATE, BOMBAY-400038.

The following were present:

Shri B. K. Rao	Chairman	
Shri Rajiv Srivastava	Member	
Shri N. K. Prasad	Member	
Shri T. S. Narayan	Member	
Capt. K. S. Bhandarkar	Member	
Shri T. Bagchi	Member	
Dr. Leo Barnes	Member	
Shri U. M. Almeida	Member	
Shri Bijoy Mukherjee	Member	
Shri V. I. Tewani	Secretary	
Shri V. Ranganathan	Secretary Owners/Agents Committee (Crews)	Attended the meetings as observers
Shri A. V. Kothar	NUSI	

Before the commencement of the official business, as Shri N.K. Prasad, has now relinquished charge as Seamens Provident Fund Commissioner and handed over to Shri V.I Tewani the new Commissioner, the Board placed on record the good work done during the tenure of Shri Prasad.

MINUTES OF THE FIFTYFIRST MEETING OF THE BOARD OF TRUSTEES, SEAMEN'S PROVIDENT FUND, HELD ON WEDNESDAY, THE 10TH OCTOBER 1984, AT 11.00 AM. IN THE BOARD ROOM OF THE SEAMEN'S PROVIDENT FUND 'KRUPANIDHI 3RD FLOOR, 9, WALCHAND HIRACHAND MARG, BALLARD ESTATE, BOMBAY-400038.

The following were present:

Shri B. K. Rao	Chairman	
Shri Rajiv Srivastava	Member	
Shri N. K. Prasad	Member	
Shri T. S. Narayan	Member	
Capt. K. S. Bhandarkar	Member	
Shri T. Bagchi	Member	
Dr. Leo Barnes	Member	
Shri U. M. Almeida	Member	
Shri Bijoy Mukherjee	Member	
Shri V. I. Tewani	Secretary	
Shri V. Ranganathan	Secretary Owners/Agents Committee (Crew)	Attended the meeting as observers
Shri A. V. Kothar	NUSI	

Before the commencement of the official business, as Shri N K Prasad, has now relinquished charge as Seamens Provident Fund Commissioner and handed over to Shri V. I Tewani the new Commissioner, the Board placed on record the good work done during the tenure of Shri Prasad.

Item No. 1: Confirmation of the 50th Meeting of the Board of Trustees, Seamens Provident Fund held on 3rd April 1984, in the Board Room of the Seamens Provident Fund Organisation, Bombay

The Board accepted the draft minutes ~~of~~ with the following amendments,

"At page 3 of the Annexure of Item 2, against Item No.9, in last line the words, "seamen were paid interest upto end of the month preceding the date of payment" be substituted for words "the seamen were paid interest upto the date of payment".

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

Para 1 Payment of monies to seamen who were the victims of alleged fraud.

The suggestion that the word 'involved' be substituted by the word 'affected' was accepted.

The Board noted with satisfaction that the departmental enquiry had been completed and the services of Mr. Pawar had been terminated. Shri T.S. Narayan observed that by not instituting the departmental enquiry and taking appropriate action promptly it has resulted in avoidable expenditure in terms of payetc.

Para 2: Payment of rate of interest of the Provident Fund accumulation

Dr. Barnes observed that since the Ramanujam Committee report or its recommendations had not yet been made available for the benefit of the members of the Board, he suggested efforts should be made to obtain

a copy as quickly as possible. The Chairman asked Shri Rajiv Srivastava to obtain a copy or at least the summary of recommendations.

Para 3: Ad-hoc payment of Bonus to the Employees of the Seamens Provident Fund Organisation.

The Chairman enquired whether the Accounts Officer could formulate a Scheme for the payment of bonus linking it to productivity. The Accounts Officer said that he had some data and would collect some further data on the basis of the Employees Provident Fund Organisation and submit a Scheme to the Chairman. The Chairman observed that so far this year is concerned bonus to the staff be paid as per the scale sanctioned by the Government. He further instructed that the assistance of other agencies like the National Productivity Council, NITE etc may be sought to formulate the Scheme.

Para 4. Money Order Commission for amount below Rs. 500/- to be borne by the Seamens Provident Fund

As the question of Money Order Commission on Money Order for amounts below Rs. 500/- be borne by the Seamens Provident Fund required amendment to paras 58(2) and 62(5) it was suggested by the Chairman that Mr. Rajiv Srivastava should assist the Commissioner who had been called by the Ministry of Law for discussion with a view to clearing this matter erelong

Para 5: Amendments to various Sections/Paras of the Seamen's Provident Fund Act/Scheme — Amendment to section 2(1), 7(2) & (4) & (1) & 19 — 20(i), 26(1) and 35.

As the matter was pending with the Ministry of Law, Shri Rajiv Srivastava, who was present, asked the Commissioner to visit Delhi when he would arrange a meeting with the Law Ministry to discuss and get approval for the amendments proposed.

Para 6: Encashment of Leave

It was noted that Goverment had approved the proposal regarding encashment of leave.

Para 7: Grant of exemption under Section 20(1) of the Seamen's Provident Fund Act-1966 from operation of the Seamen's Provident Fund Scheme

Consideration of representation from many Shipping Companies for grant of exemption had been deferred pending amendment of para 59 (3) of the Provident Fund Scheme when would be more attractive if carried out. The Board decided to delink this issue from amendment of the Scheme and consider the request of individual Shipping Companies on merit.

While discussing this question the merits and the justification made in the representation of Great Eastern Shipping Co, were accepted. (The application of

Great Eastern for exemption was being specifically dealt with in item 10 and the question of other cases also could be considered under that item).

Para 8: Fixation of rate of interest for credit to the Members accounts for the year 1983-84.

The Board noted the fixation of interest @ 9.5% for the year 1983-84 as approved by the Ministry.

Para 9: Crediting of Members' Accounts with interest after every three months

After some discussion and clarification, the Board decided to close the matter.

Para 10: Increase in quantum of loan (Non-refundable withdrawal) for purchase of dwelling house/flat.

The Board was informed that Government Notification amending the Para 58(C)(1) & (1A) was awaited. The Commissioner also would persue this matter on his Delhi visit.

Para 11: Damages claimed from Employers to be credited to Members Accounts — Proposal of Dr. Leo Barnes

The Chairman opined that we should collect the damages from the defaulting employers to the extent of the interest admissible to the subscriber for the period plus 2% extra to cover up the expenses. In this connection Statistics of the defaulting employers should be prepared and levy of damages should be considered. The matter be placed before the next Board meeting for consideration.

The Chairman agreed to the suggestion that Director, Seamen's Employment offices, Shipping Masters should help recovery of the provident fund dues of the defaulting companies by insisting for clearance of arrears before selection/signing on of crews and should render all help to the Seamens Provident Fund Organisation in effecting recovery. The Commissioner would inform the Director, Seamen's Employment offices and Shipping Masters in this connection. National Union of Seafarers of India, Bombay was also requested to extend cooperation in this matter.

Para 12: Receipts, payments and Accounting of Provident Fund moneys and progress of work from 1.4.83 to 31.8.83

Chairman desired that quarterly meeting of Shipping Masters/Director, Seamens Employment Offices must be called by the Commissioner and Dy. Director General of shipping (Crew) would participate in that meeting. A record Note of such meeting could be forwarded to him. On hearing that some cases could not be finalised since long as there was no response from distrey revenue authorities and District Courts of West Bengal for which reference had been made also to Director, Seamens Employment office, Calcutta for being pursued, but he too had not replied, the Chairman asked Commissioner to arrange meeting on 15.10.1984

when Director, Seamens Employment office, Calcutta would be in Bombay.

Para 13: Institution of Seamens Gratuity Act & Scheme.

The Board went through legal opinion and noted the position.

Para 14: Receipts, payments and Accounting of Provident Fund moneys and progress of work from 1.4.83 to 30.11.83

The Board noted with satisfaction the progress made.

Para 15: Budget proposals for the year 1984-85 and revised Estimates 1983-84.

The Board ~~desired that~~ the matter be pursued with Ministry.

Para 16: Introduction of obtaining advance receipts for payment of Provident Fund.

The Board noted the position that adoance receipts for payment of Provident Fund were being obtained.

Para 17: Provision for withdrawal of full amount of employer's share in case of voluntary retirement of seamen due to un-employment — Proposal of the Principal Seamens Welfare officer, Calcutta.

The Board decided to permit non-refundable withdrawal to afford relief during periods of unemployment with slight modification at the rate of 10% each time of 6 months, 1½ years and 2½ years of unemployment totally for three times as non-refundable withdrawal from his own contribution.

Para 18 Introduction of Deposit Linked Insurance Scheme.

The Chairman asked the Commissioner to procure Statistics regarding the death rate of the Seamen who were on the live registers of the Seamen's Employment offices for the last ten years and also to explore the possibility whether Life Insurance Corporation would be willing to undertake the risk instead of Provident Fund Organisation of handling it and what would be the economics. He should furnish this data and any other additional data required by them to assess the premium based on 90% of the expected contribution at the rate of 0.5% by the employer and 0.25% by the Government on the basic wages and Leave wages. On the basis of this contribution or even only by the employers at the rate of 0.5% the points such as how much maximum amount we could pay to the subscriber and further what should be the administrative charges etc. should also be get ascertained from them.

Item No 3 Receipts, Payments and Accounting of Provident Fund Moneys and Progress of work from 1.4.84 to 31.8.84

The Board appreciated the progress in Receipt and Payment Accounts. The Chairman was however of the view that pending cases upto 1979-80 should be cleared

expeditiously. He also wanted additional information to be furnished on the pending cases in the following fashion:-

On Final Withdrawal pending cases: List of individual cases, amount, CDC numbers and the specific reason for pending.

On Final Withdrawal (Part Payment) cases: Indicate the amount involved also.

As regards high incidence of payments on Non-refundable withdrawal, the Chairman opined that non refundable withdrawals should not be encouraged and checks should be exercised keeping in view the concept of saving through provident fund as a means of social security

Item No 4: Fixation of rate of interest for Credit to the Member's accounts for the year 1984-85.

The proposal contained in the Agenda Note for fixation of rate of interest for credit to the members accounts for the year 1984-85 was discussed. It was observed that for the last three years this Organisation had been paying more interest than it was earning. For example during 1981-82, 1982-83, 1983-84 annual interest yield was 8.17%, 8.23% and 8.73% respectively against the rate credited to the members at 8.50%, 8.75% and 9.15% respectively. This was possible because of balance of earlier years held in the Interest Suspense Account. At 9.90% of interest to be paid for the year 1984-85, the balance in the Interest Suspense Account would be

reduced to Rs 2.03 lakhs, leaving no balance for appropriation during next year. As per para 51(4) of the Seamen's Provident Fund Scheme, 1966 in determining the rate of interest Government has to satisfy itself that there will be no overdrawal on the Interest Suspense Account as a result of debit therefo of the Interest credited to the members accounts.

Keeping this in view it was agreed by the Board to recommend the rate of 9.90%. provided Government permitted liberalisation of general pattern of investment.

As against the prescribed pattern which envisages investment Central and State Government Securities at 15%. each, in Post office Time Deposits 40% and in Special Deposits 30%, the Board noted that the actual holdings in Central and State Government securities were 24.30%. and 18.36%. respectively. and 26.26% in Post office Time Deposits. The Board suggested that Government's permission should be obtained to liquidate excess holding of 9.30% in Central Securities and 3.36% in State Securities for investment of the same in high yielding securities which are more than compensated for any loss by immediate premature retirement of such securities.

The Board ~~further~~ was informed that the pattern of investment was liberalised effective January 1981, when rate of interest to be paid was 8.5% which in the subsequent years i.e.

1982-83, 1983-84 rose to 8.75% and 9.15% respectively but investment pattern did not witness any change ensuring higher yield. It was therefore felt necessary that the pattern of investment should further be liberalised since interest being credited to the members of the Scheme was proposed to be increased even further for 1984-85 to 9.90%. from 8.50% prevailing in 1981-82. It is therefore proposed that the pattern of investment should be liberalised further by reducing the present level of investment in Central/State Government Securities and corresponding increase of percentage of Post office Time Deposit and Special Deposits, at least till the ratio of percentage of investment was brought to the prescribed limit of 40% of Post office Time Deposits.

To implement this proposal, the Board felt that the state and Central Government Securities maturing soon (i.e in 1985-86, & 1987) should be allowed to be invested in Post office Time Deposits to the extent of 100%.

It was also noted that sizable amount as mentioned below would be maturing in the next three years

	State Loans	Central Loans	Total
1985	Rs 28256 300/-	Rs 1 32 48700/-	Rs 4 15 05 000/-
1986	Rs 26131 600/-	Rs 74 35 000/-	Rs 3 35 66 600/-
1987	Rs 1 61 69 500/-	Rs 11 62 900/-	Rs 1 73 32 400/-

As regards re-investment of matured Special Deposit Scheme for which limit of 30% has been fixed by the Government vide Notification dated 20.3.1981 quoted above, the existing investment of this Organisation made in 1975 is to the tune of Rs. 19.03.77.500/- which was due to mature in 1985. The Board suggested that Government be moved to grant permission for reinvestment of 50% of the same in Fixed Deposit with HUDCO, which are of shorter duration in order to earn more interest.

Item No 5: Draft Annual Report on the working of the Seamen's Provident Fund Scheme for the year 1983-84.

The Board approved draft Annual report for the year 1983-84.

Item No 6: Medical facilities to the staff of Seamen's Provident Fund Organisation.

The Commissioner informed the meeting that the Central Government Health Scheme was not applicable to autonomous bodies or undertakings like the Seamen's Provident Fund Organisation. He referred to certain difficulties in regard to passing of medical bills for domiciliary treatment etc. It was decided to refer this matter to a Sub-Committee regarding staff welfare matters consisting of the members namely Shri T.S. Narayan, Capt K.S. Bhandarkar and Dr Leo Barnes with Commissioner as Convenor for considering the details and to send the recommendations to the

Chairman for approval.

Item No 7: Proposal of keeping office closed on Second and fourth Saturday in month.

The Board accepted the proposal of closing of Seamens Provident Fund Office on Second and fourth Saturdays of the month and remaining Saturdays be full working days instead of working on all Saturdays upto 1.30 P.M. as the total number of working hours would remain unchanged.

Item No 8: Introduction of an incentive Scheme for the Staff members for passing Hindi Examination.

The Commissioner stated that there was no incentive for staff who passed Hindi examinations as Hindi was second language, in most of cases in their Matriculation examination although they come from non-Hindi areas.

The Shipping Corporation of India Ltd. had introduced a scheme which was placed before Board with the view that the same might be applied to this Organisation so that the staff should learn Hindi with zeal.

The Chairman thought that perhaps we could offer them concessions on the lines admissible to the staff of Directorate General of Shipping. However, the Sub-Committee on staff welfare matters constituted as above could also consider this matter and submit recommendations to the Chairman for approval.

Item No.9: Payment of Provident Fund dues, recoverable on behalf of seamen from Shipping Companies which are not paying contributions inspite of repeated demand but have not gone into liquidation technically, to be made from Forfeiture Account - Proposal of Dr. Leo Barnes, General Secretary, National Union of Seafarers of India, Bombay.

The Chairman further wanted to know that under Rs. 14 lakhs how many seamen were involved and how many would be eligible to claim upto 1990 and how much amounts involved yearwise.

The Board decided that the Commissioner should give a comprehensive report on this issue and place it before the next Board Meeting.

Item No.10: Request from M/s Great Eastern Shipping Co. Ltd, Bombay to reconsider the decision taken by the Board at its 47th Meeting regarding grant of exemption from Operation of Seamens Provident Fund Scheme under Section 20(1) of the Seamens Provident Fund Act.

It was decided to grant exemption as requested by Great Eastern Shipping Co. Ltd, who had fully explained their case in their representation. Great Eastern Shipping Co. could forward individual applications from the seamen concerned that they would like to continue membership of Provident Fund Scheme of the Company. As regards new applications for exemption, the Commissioner was authorised to deal

with them on merits and where he considered necessary the matter should be brought to the Board. This would not however apply to the case of Poet Ocean and Thakur Shipping Co.

Item No.11: Indifferent attitude of the State Bank of India, Seamens Provident Fund, Bankers, under the Seamens Provident Fund Scheme towards members of Seamens Provident Fund Scheme

The Board noted the arrangement made by the present Commissioner with the State Bank of India to issue demand drafts at par for outstation seamen upto a limit of Rs. 50,000/- per day. This would go long way to mitigate sufferings of Calcutta and other Outstation seamen specially those who applied for Non-refundable withdrawals on the grounds of dire need of small amounts.

The Board also noted with satisfaction that hereafter the seamen who were having accounts with the Shipping Office State Bank of India branch would get credit of the withdrawal amounts in their accounts directly. The Board desired that the working position should be watched for some time and matter be reported, if there was full co-operation from the State Bank of India and arrangement made by Commissioner with them was going on smoothly.

Item No.12: Proposal to enhance limit of Rs.5000/- provided for under paragraph 62 of the Seamens Provident Fund Scheme for Payment of provident fund dues of a deceased member to a claimant- in case there is no nominee in accordance with Seamens Provident Fund Scheme.

The Board listened to the Commissioner about the working of the provident fund Scheme and Act and his plea that certain Sections/Paras of Act and Scheme required amendments. In this connection he explained some of the practical difficulties experienced while working and suggested that amendments carried out in Employees Provident Fund Scheme and Act should be taken into consideration and our Act and Scheme to be brought upto date for smooth working. It was therefore decided that the Sub-Committee of the Board should be constituted with following members to prepare draft amendments:

1) Shri T.S. Narayan
2) Capt K.S. Bhandarkar
3) Dr. Leo Barnes
4) Shri Bijoy Mukherjee
5) Shri V.I Tewani, Commissioner/Convener

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

CHAIRMAN
BOARD OF TRUSTEES
SEAMEN'S PROVIDENT FUND
BOMBAY

PROVIDENT FUND
BOARD OF TRUSTEES
SEAMEN'S PROVIDENT FUND

Minutes of the 52nd Meeting of the Board of Trustees, Seamen's Provident Fund held on Friday, 8th February 1985 at 3.00 P.M. in the Board Room of the Seamens Provident Fund Organisation, Krupanidhi, 3rd Floor, 9, Walchand Hirachand Marg, Ballard Estate, Bombay- 400038.

Present were:

Shri B.K. Rao	Chairman	
Shri N.K. Prasad	Member	
Shri T.S. Narayan	Member	
Shri K.S. Bhandarkar	Member	
Shri U.M. Almeida	Member	
Shri Bijoy Mukherjee	Member	
Shri V.I Tewani	Secretary.	
Shri V. Ranganathan	Secretary Owners/Agents Committee (Crews) NUSI. Bombay	attended the meeting as observers
Shri A.V. Ketkar		

Leave of absence was granted to Shri Rajiv Srivastava, Miss Mira Saxena, Dr. Leo Barnes and the representative of the Calcutta Liners' Conference (Crews), Calcutta.

The Board then took up the items on the Agenda for consideration:

Item No.1 Confirmation of the Minutes of the 51st Meeting of the Board of Trustees Seamens Provident Fund held on 10.10.84 in the Board Room of the Seamens Provident Fund Organisation, Bombay.

The Board considered the amendments

suggested by Shri T.S. Narayan and Shri K.S. Bhandarkar and the proposed amendments were accepted with slight modification in respect of Sr No 3 of item No. 2 regarding payment of Ad-hoc Bonus to Staff. The accepted amendments by the Board are detailed in Annexure I, attached herewith.

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

The observation made and decisions taken on this item are given in the Annexure 2. attached herewith.

Item No. 3. Receipts, payments and Accounting of Provident Fund Moneys and progress of work from 1.4.1984 to 30.11.1984.

The Chairman desired to have a complete picture and for the purpose wanted to have statement of monthwise collections of Administration charges (from April to March) for the past 5 years.

The Board noted with satisfaction the good work done by the Organisation in clearance of imposted items as well as the pending cases. However, the Chairman expressed concern regarding old cases pending since 1978 and desired that these cases be pursued actively with the concerned officials with whom the cases were pending for an early settlement.

As regards Non-refundable withdrawals cases the Board expressed that efforts should be made to discourage Non-refundable

withdrawals payment particularly for marriage incidence of which had increased considerably.

Item No. 4. Budget proposals for the year 1985-86 and Revised Estimate 1984-85

At the stage when the Budget proposals were to be considered by the Board the Commissioner read out the corrections to the Budget proposals stating that instead of the total expenditure for Budget estimate 1985-86 Rs. 11.31,000/-, the amount would be Rs. 11.16000/- and the figure of total expenditure of revised budget 1984-85 would be Rs. 11.61.700/- instead of Rs 11.42.700/-. This change was necessitated as explained by the Commissioner, because of the fact that in the Budget Estimate 1985-86 under "Dearness Allowance" Rs. 15.000/- was provided towards payments of arrears of Dearness Allowance for four instalments payable during 1985-86 whereas later on as per the Government directive, Dearness Allowance arrears for six instalments aggregating to Rs 19000/- had to be disbursed along with the salary for January 1985. The Budget proposals were then taken up for consideration by the Board.

The Board noted that for both years i.e. 1985-86 and 1984-85 the proposed receipts towards contributions of Administrative charges were set at the same figure of Rs 10.65 lakhs. The Chairman however felt that due to scrapping and the sale of

suggested by Shri T.S.Narayan and Shri K.S. Bhandarkar and the proposed amendments were accepted with slight modification in respect of Sr No 3 of Item No. 2 regarding payment of Ad-hoc Bonus to Staff. The accepted amendments by the Board are detailed in Annexure I, attached herewith.

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The Board noted that for both years i.e. 1985-86 and 1984-85 the proposed receipts towards contributions of Administrative charges were set at the same figure of Rs 10.65 lakhs. The Chairman however felt that due to scrapping and the sale of

quite a number of ships and loss of foreign flag jobs during the year 1985-86 it might be difficult to achieve the targetted receipts. However, having due regard to the increase in seamen's basic wages from 1.4.1984 and further increase from 1.4.1985 as per the latest NMB agreement effective from 1.4.1984 the impact would partly accrue in 1984-85 and mostly in 1985-86 it was agreed that fall in the employment position would be at least partially compensated by wage increase and as such the total estimated receipts from contributions towards administration charges were decided to be retained at the existing level of Rs. 10.65 lakhs as per the Budget proposals

The Commissioner explained that whereas for the year 1985-86 the budgetted expenditure had been prepared with the utmost economy the revised estimate for 1984-85 was based on the amount actually incurred upto January 1985 and the estimated expenditure for the remaining 2 months The Board approved the total expenditure of Rs 11 16 000/- for the budgetted estimate for 1985-86 as against the estimated receipt of Rs. 10.80 000/- comprising of the administrative charges and interest. The Board also approved that the shortfall of Rs 36.000/- may be made up by withdrawals from fixed Deposit Receipts. The Board also approved that the Commissioner may encash Fixed Deposit

Receipts to the extent of Rs 71-700/- out of the earlier surplus on Administration Charge account.

In so far as sanction of House Building Advance was concerned the Board approved total payment of Rs. 93.000/- for Revised Budget 1984-85 as proposed on being explained that out of earlier sanction some instalments payments aggregating Rs. 35 000/- had fallen due before 31.3.1985. It was also decided that shortfall of Rs. 62,540/- on House Building advance Account during 1984-85 (disbursement of Rs. 93000/- against receipts of Rs. 30460/-) should be appropriated from Fixed Deposit Receipts. As for the budget Estimate 1985-86, the Board decided to impose moratorium against allotment of funds from revenue account for payment of House Building Advances. It was therefore decided to retain the figure of Rs. 36000/- (receipts as recovery of earlier advance) during the year as the amount available for disbursement as House Building advance during the year 1985-86

The Board considered the proposals of enhancing the rate of levy of Administrative charges but in view of the serious financial difficulties through which the Shipping Companies were passing the members, including the Chairman did not agree to place further burden on the Shipping Companies. It was decided by the

Board that fixed Deposit amount of Rs 1.75 crs/- created out of surplus of Administrative charge, held by the Organisation should be utilised to bridge the gap between the receipts and expenditure to the extent necessary as decided. The Board also desired that the Commissioner should exercise utmost economy on the expenditure.

Item No. 5. Budget Re-appropriation - 1983-84.

The Board noted the Budgetary - Re-appropriation and the funds sanctioned in the Budget for the year 1983-84 made under para 49 (3) of the Seamen's Provident Fund Scheme, 1966.

Item No. 6. Inspection report on the accounts of the Seamen's Provident Fund Organisation Bombay for the year 1983-84.

The Board noted the replies given to Auditors and expressed satisfaction that no serious irregularities/lapses had occurred

Additional Item No. 1. Request made by Shri S.K. Kapoor, the Owner of the flat at Love Dale Apartment Colaba, for releasing the flat occupied by the Seamen's Provident Fund Organisation

It was decided that in view of the good relations with the Seamen's Provident Fund Organisation on the part of Shri Kapoor, the landlord, the Board should consider his case sympathetically and it was decided to release the flat on his retirement on superannuation. Chairman

opined that the fund should be on the look out to purchase one more residential flat as both the officers i.e. Commissioner and Accounts officer, who will be generally on deputation are not entitled to accommodation from Central Government pool. unless the next Accounts Officer is drawn from Maharashtra Cadre who is having his accommodation already in Bombay.

Additional Item No. 2: Introduction of Scholarship schemes for the children of the subscribers of the Seamen's Provident Fund — Proposal of Dr. Leo Barnes, General Secretary, NUSI. Bombay.

It was decided that since welfare schemes were being operated by Seafarers' Welfare Fund Society and payment of Scholarships to the children of Seamen fell in that category, it was not felt necessary to introduce separate welfare scheme for Seamen by Provident Fund Commissioner.

Additional Item No 3: Upgradation of Jr. Asstt post to Sr. Assistant Post.

This could not be discussed owing to the shortage of time.

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

CHAIRMAN
BOARD OF TRUSTEES
SEAMEN'S PROVIDENT FUND
BOMBAY

SECRETARY
BOARD OF TRUSTEES
SEAMEN'S PROVIDENT FUND
BOMBAY

Annexure I

DRAFT MINUTES OF 51ST MEETING
AMENDED PARAS

Page 1. Para 1 At the end of the names of the Trustees mentioned add the following two names:

"Shri V. Ranganathan - Secretary Owners/Agents' Committee (Crews) } Attended the meeting as observers.
Shri A.U. Kothar - NUSI }

The next paragraph is revised as under.

"Before the commencement of the official business, as Shri N.K. Prasad has now relinquished charge as Seamen's Provident Fund Commissioner and handed over to Shri U.I Tewani, the New Commissioner, the Board placed on record the good work done during the tenure of Shri Prasad."

Page 1. Item NO. 2. Action taken on the decisions of the Board.

Para 1: Payment of monies to seamen who were the victims of alleged fraud.

The suggestion that the word 'involved' be substituted by the word 'affected' was accepted.

The Board noted with satisfaction that the departmental enquiry had been completed and the services of Mr. Pawar had been terminated. Shri T.S. Narayan observed that by not instituting the departmental enquiry and taking appropriate action promptly, it has resulted in avoidable expenditure in terms of pay etc.

Page 2. Payment of rate of interest of the
Para 2. Provident Fund accumulation.

Dr Barnes observed that since the

Ramanujam Committee report or its recommendations had not yet been made available for the benefit of the members of the Board, he suggested efforts should be made to obtain a copy as quickly as possible. The Chairman asked Shri Rajiv Srivastava to obtain a copy or at least the summary of recommendations.

Page 2.
Para 3. Ad-hoc payment of Bonus to the Employees of the Seamen's Provident Fund Organisation.

The Chairman enquired whether the Accounts officer could formulate a scheme for the payment of bonus linking it to productivity. The Accounts officer said that he had some data and would collect some further data on the basis of the Employees Provident Fund Organisation and submit a scheme to the Chairman. The Chairman observed that so far this year is concerned bonus to the staff be paid as per the scale sanctioned by the Government. He further instructed that the assistance of other agencies like the National Productivity Council, NITE etc. may be sought to formulate the Scheme.

Page 2
Para 4 Money Order Commission for amount below Rs 500/- to be borne by the Seamen's Provident Funds.

As the question of Money Order Commission on Money orders for amounts below Rs 500/- be borne by the Seamen's Provident Fund required amendment to para 58 (2) and 62 (2) it was suggested by the Chairman that Mr Rajiv Srivastava should

assist the Commissioner who had been called by the Ministry of Law for discussion with a view to clearing this matter erelong.

Page 2.

Para 5 Amendments to various sections/paras of the Seamen's Provident Fund Act/Scheme — Amendment to Section 2(1), 7(2), 7(4). 8(1) & 19. 26(1) 26(1) and 35.

As the matter was pending with the Ministry of Law, Shri Rajiv Srivastava who was present, asked the Commissioner to visit Delhi who he would arrange a meeting with the Law Ministry to discuss and get approval for the amendments proposed.

Page 2.

Para 6. Encashment of Leave.

It was noted that Government had approved the proposal regarding encashment of leave.

Page 3.

Para 7. Grant of exemption under Section 20(1) of the Seamen's Provident Fund Act 1966 from operation of the Seamen's Provident Fund Scheme.

Consideration of representation from many Shipping Companies for grant of exemption had been deferred pending amendment of para 59(3) of the Provident Fund Scheme which would be more attractive if carried out. The Board decided to delink this issue from amendment of the Scheme and consider the requests of Individual Shipping Companies on merit.

While discussing this question the merits

and justification made in the representation of Great Eastern Shipping Co., were accepted. (The application of Great Eastern for exemption was being specifically dealt with in item 16 and the question of other cases also could be considered under that item).

Page 3.

Para 8. Fixation of rate of interest for credit to the Members accounts for the year 1983-84.

The Board noted the fixation of interest @ 9.15% for the year 1983-84 as approved by the Ministry.

Page 3

Para 9. Crediting of Members' Accounts with interest after every three months

After some discussion and clarification the Board decided to close the matter.

Page 4.

Para 12. Receipts, payments and Accounting of Provident Fund moneys and progress of work from 1.4.83 to 31.8.83

Chairman desired that quarterly meeting of Shipping Masters/Director Seamen's Employment Offices must be called by the Commissioner and Dy. Director General of Shipping (Crew) would participate in that meeting. A record note of such meeting could be forwarded to him. On hearing that some cases could not be finalised since long as there was no response from district revenue authorities and District Courts of West Bengal for which reference had been made also to Director,

Seamen's Employment Office, Calcutta for being pursued, but he too had not replied, the Chairman asked Commissioner to arrange meeting on 15.10.1984 when Director, Seamen's Employment Office, Calcutta would be in Bombay.

Page 4.

Para 14: Receipts, payments and Accounting of Provident Fund moneys and progress of work from 1.4.83 to 30.11.83

The Board noted with satisfaction the progress made.

page 4.

Para 16. Introduction of obtaining advance receipts for payment of Provident Fund.

The Board noted the position that advance receipts for payment of Provident Fund were being obtained.

Page 4.

Para 17. Provision for withdrawal of full amount of employer's share in case of voluntary retirement of seamen due to Unemployment-

Proposal of the Principal Seamen's Welfare Officer, Calcutta.

The Board decided to permit non-refundable withdrawal to afford relief during periods of unemployment with slight modification at rate of 10% each time of 6 months, 1½ years and 2½ years of unemployment totally for three times as non-refundable withdrawal from his own contribution.

Page 6.

Item No. 4. (Para 3, line 6.) Fixation of rate of interest

for credit to the member's accounts for the year 1984-85.

The Board suggested that Government's permission should be obtained to liquidate excess holding of 9.30% in Central Securities and 3.36% in State Securities for investment of the same in high yielding securities which are more than compensated for any loss by immediate premature retirement of such securities

Page 6.

Item No 4. (Para 4. 1st Sentence)

The Board was informed that the pattern of investment was liberalised effective January 1981, when the rate of interest to be paid was 8.5% which in the subsequent year i.e. 1982-83, 1983-84 rose to 8.75% and 9.15% respectively. But investment pattern did not witness any change ensuring higher yield.

Page 7.

Item No 4. (Para 1, line 7)

Instead of Public Sector Housing Undertaking Scheme insert 'HUDCO'.

Page 7.

Item No 5. Draft Annual Report on the working of the Seamen's Provident Fund Scheme for the year 1983-84.

The Board approved draft Annual report for the year 1983-84.

Page 7.

Item No. 6: Medical facilities to the staff of Seamen's Provident Fund Organisation.

The Commissioner informed the meeting that the Central Government Health Scheme was not applicable to autonomous bodies or undertakings like the Seamen's Provident Fund Organisation. He referred to certain difficulties in regard to passing of medical bills for domiciliary treatment etc. It was decided to refer this matter to a Sub-Committee regarding Staff welfare matters consisting of the members namely Shri T.S Narayan, Capt. K.S. Bhandarkar and Dr. Leo Barnes with Commissioner as Convenor for considering the details and to send the recommendations to the Chairman for approval.

Page 7.

Item No. 7. Proposal of keeping Office closed on Second and fourth Saturday in a month.

The Board accepted the proposal of Closing of Seamen's Provident Fund office on Second and fourth Saturdays of the month and remaining Saturdays be full working days instead of working on all Saturdays upto 1.30 P.M. as the total number of working hours would remain unchanged.

Page 8.

Item No 8. Introduction of Incentive Scheme for the staff members for passing Hindi Examination.

The Chairman thought that perhaps we could offer them concessions on the lines ~~of~~ admissible to the staff of Directorate General of Shipping. However, the Sub-Committee

on staff welfare matters constituted as above could also consider this matter and submit recommendations to the Chairman for approval.

Page 8.

Item No. 10. Request from M/s Great Eastern Shipping Co. Ltd. Bombay to reconsider the decision taken by the Board at its 47th Meeting regarding grant of exemption from operation of Seamen's Provident Fund Scheme under Section 20(1) of the Seamen's Provident Fund Act.

Para 1: It was decided to grant exemption as requested by Great Eastern Shipping Co. Ltd. who had fully explained their case in their representation. Great Eastern Shipping Co. could forward individual application from the seamen concerned that they would like to continue membership of the Provident Fund Scheme of the Company. As regards new applications for exemption, the Commissioner was authorised to deal with them on merits and where he considered necessary the matter should be brought to the Board. This would not however apply to the case of Poor Ocean and Thakur Shipping.

Page 9.

Item No 11. Indifferent attitude of the State Bank of India, Seamen's Provident Fund.

Para 1. 1st Sentence Bankers, under the Seamen's Provident Fund Scheme towards members of Seamen's Provident Fund Scheme.

The Board also noted with satisfaction that hereafter the seamen who were having accounts with the Shipping office State Bank of India branch would get Credit of the withdrawal amounts in their accounts directly

Annexure 2.

THE OBSERVATIONS MADE AND DECISIONS TAKEN ON THE ITEM NO 2

Para 1: Payment of high rate of interest of the Provident Fund accumulations – Procurement of G. Ramanujam Committee Report.

The Commissioner informed the Board that a copy of the G. Ramanujam Committee Report had since been received from the Ministry. The Board decided that the Report be referred to the Sub-Committee already constituted in some other connections for necessary examination.

Para 2: Ad-hoc payment of Bonus to the Employees of the Seamen's Provident Fund Organisation

On an enquiry from the Chairman about the progress so far made in formulating the Bonus Scheme for the Seamen's Provident Fund Organisation the Accounts Officer explained that to progress the matter further it had become necessary to ascertain the basis on which assumptions giving weightage to different types of work was being made. The Commissioner then said that he would collect the necessary data when he visited Delhi next. The Chairman desired that the relevant Bonus Scheme should be formulated as early as possible and the progress made should be reported at the next Board meeting. It was also suggested that the assistance of NITE NPC EPFO etc. could be taken in this regard.

Para 3. Money Order Commission for amounts below Rs. 500/- to be borne by the Seamen's Provident Fund.

The Commissioner informed the Trustees that

due to preoccupations, it had not been possible for him to visit Delhi for discussions with the Ministry of Law regarding necessary amendment to para 58(B) and 62(5). The Chairman however desired that the matter should be pursued urgently.

Para 4: Amendments to various Sections/Paras of the Seamens Provident Fund Act/Scheme.

The Commissioner placed before the Board a copy of Ministry's letter No. SW/MWS(2)85-MT dated 2nd February 1985 regarding proposal for amending Sections 7(2) and (4) of the Seamen's Provident Fund Act. 1966 and corresponding provision in para 20 of the Seamen's Provident Fund Scheme 1966. To obviate the necessity to introduce frequent amendments to the Act which was a lengthy process and required the approval of Parliament every time pay scales were revised by the Pay Commission, the Ministry had suggested suitably re-wording the said Sections of the Act without laying down the maximum limit of pay (ceiling) attached to the post/posts concerned. The Board considered the suggestion and accordingly decided to revise the relevant Sections/Paras in the Seamens Provident Fund Act and Scheme as follows:

SEAMEN'S PROVIDENT FUND ACT:

Section 7(2)

The Board may appoint as many Deputy Seamen's Provident Fund Commissioners other officers and employees as it may consider necessary to assist the Seamens Provident Fund Commissioner

in the discharge of his duties.

Section 7(3):

Delete the para as it is redundant.

Sections 7(4): read as 7(3)

No appointment to the post of the Seamen's Provident Fund Commissioner shall be made except after consultation with the Union Public Service Commission.

Provided that no such consultation shall be necessary in regard to any such appointment—

a) for a period not exceeding one year or

b) if the person to be appointed is at the time of his appointment—

(i) a member of the Indian Administrative Service or

(ii) in the service of the ~~Seamen's Provident Fund~~ Government in Class I or Class II post or in the service of the Board.

Section 7(5): read as 7(4)

The method of recruitment, salary and allowances discipline and other conditions of service of the Seamen's Provident Fund Commissioner shall be such as may be specified by the Government.

Section 7(6): read as 7(5)

Section 7(7) read as 7(6).

Seamen's Provident Fund Scheme:

Para 20(1) Both provisos to this paragraph may be deleted.

Para 5: Increase in the quantum of loan (non-refundable withdrawal) for purchase of dwelling house/flat.

The Chairman pointed out that Government

Notification amending para 55(c)(i) and (1A) has been pending for a long time and desired that the matter be pursued on a priority basis with the Ministry of Shipping and Transport for expeditious action.

Para 6: Damages claimed from employers to be credited to members' accounts - Proposal of Dr. Leo Barnes

The Chairman expressed concern about the slow progress in making recoveries of Provident Fund dues from certain defaulting Shipping Companies and thought that such Companies should be asked to pay up the Provident Fund dues before being allowed to engage seamen, with a view to safeguarding the loss of interest to seamen caused by delayed recoveries. The chairman suggested that it would perhaps be fair for the fund to recover damages from the Shipping Companies equivalent to the interest of loss actually suffered by the subscriber in the normal course plus an additional 2% towards expenses.

As regards Shipping Companies that had gone into liquidation the Chairman desired to have information whether the Companies concerned had deducted the contribution of seamen from their wages and if so, to what extent.

Para 7. Receipts, Payments and Accounting of Provident Fund moneys and progress of work from 1.4.83 to 31.8.83.

The Board was pleased to note that the Commissioner had been holding periodic meetings

with the Shipping Master and Director, Seamens Employment Office which had produced positive results in disbursement of payments.

The Commissioner expressed his anxiety in not getting the precise information about Seamen who were signed off at outports particularly individual discharges. He was authorised to write to the Director General of Shipping so that, that office may instruct the Shipping Masters at various ports to transmit full information of such seamen including the wages and Provident Fund deducted from their wages to the Provident Fund Commissioner along with their provident fund returns in the normal course of 15 days of such sign off.

He was also authorised to elicit full information regarding the engagement of seamen directly recruited by certain foreign Shipping Companies whose registrations are frozen for some time by the Director, Seamens Employment office, Bombay.

Para 8: Institution of Seamens Gratuity Act & Scheme

The Chairman explained the position in regard to this matter.

Para 9: Budget proposals for the year: 1984-85 and Revised Estimates 1983-84.

The Board took note of the Government's approval of the Budget estimates.

Para 10: Provision for withdrawal of full amount of employer's share in case of voluntary retirement of seamen due to unemployment - proposal of the Principal Seamens Welfare officer, Calcutta.

After detailed discussion the Board approved the draft notification proposing amendment to para 58(A)(1) and (3) of the Scheme.

Para 11: Introduction of Deposit Linked Insurance Scheme.

The Chairman expressed dissatisfaction at the non-receipt of the information from the Director, Seamens Employment office, Calcutta, for want of which there was no progress in the matter. He advised Shri N K Prasad, Member of the Board of Trustees, and by Director General of Shipping (Crew) to instruct Shri Laxmi Narayan, Director, Seamens Employment office, Calcutta to transmit the information without any delay. The Chairman however observed that on the assumption that the annual casualties were about 250 he desired the Commissioner to work out a Scheme for payment of compensation at 2 or 3 levels according to availability of funds and the viability of the Scheme.

Para 12: Receipts, payments and Accounting of Provident Fund monays and progress of work from 1.4.84 to 31.8.84.

The list of pending cases was perused by the Board and the Commissioner was advised to take effective steps to reduce the number.

Para 13: Fixation of rate of interest for Credit to the members' accounts for the year 1984-85.

It was decided to recommend payment of interest at 9.90% per annum for the year 1984-85 to the subscribers as there would be not be overdrawal on interest suspense Account during the year. But so far as 1985-86 was concerned apprehension was expressed that it would not be

possible to recommend interest at 10.15% P.A. as understood to have been recommended by the Employees' Provident Fund. The Board again re-iterated its recommendations for acceptance of the pattern of investment on the lines ~~of~~ already suggested to the Ministry.

Para 14: Medical facilities to the Staff of Seamen's Provident Fund Organisation.

AND

Para 15: Introduction of an incentive Scheme for the Staff members for passing Hindi examination.

The Chairman directed that subject to the Sub-Committee, report on Medical facilities for Staff and the Hindi Incentive Scheme be implemented with the approval of Shri N.K. Prasad, Dy. Director General of Shipping.

Para 16: Payment of Provident Fund dues, recoverable on behalf of Seamen from Shipping Companies which are not paying Contributions inspite of repeated demand but have not gone into liquidation technically to be made from Forfeiture Account - Proposal of Dr. Leo Barnes, General Secretary, NUSI. Bombay.

The note submitted on the item could not be discussed for want of time and was decided to be considered at the next Board meeting.

Para 17: Request from M/s Great Eastern Shipping Co Ltd. Bombay and others to reconsider the decision taken by the Board at its 147th Meeting regarding grant of exemption

from operation of Seamen's Provident Fund Scheme under Section 20(1) of the Seamen's Provident Fund Act.

The Board noted the position. Necessary follow up action should be taken by the Commissioner.

Para 18: Facilities offered by the State Bank of India Seamen's Provident Fund Bankers, under the Seamen's Provident Fund Scheme, towards members of Seamen's Provident Fund Scheme.

The Board noted with satisfaction the efforts made by the Commissioner regarding free drafts facilities not only drafts requisitioned by this organisation but also instant payment facilities against cheques issued by this office and also having obtained further facilities of issue of free drafts to seamen having account with Shipping office extension counter, Bombay.

The Commissioner expressed that in so far as seamen hailing from Southern States and Eastern states were concerned it would be worthwhile to open accounts and avail of free Demand draft facilities through Indian Overseas Bank and United Bank of India respectively because their branches were more widespread in those areas than that of State Bank of India.

The Chairman desired that before this matter could be considered it would be useful to have statistics of district-wise seamen hailing from those areas which the Commissioner could collect from the Director, Seamens

possible to recommend interest at 10.15% P.A. as understood to have been recommended by the Employees' Provident Fund. The Board again re-iterated its recommendations for acceptance of the pattern of investment on the lines ~~of~~ already suggested to the Ministry.

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The Chairman directed that subject to the Sub-Committee, report on Medical facilities for staff and the Hindi Incentive Scheme be implemented with the approval of Shri N.K. Prasad, Dy. Director General of Shipping.

Para 16: Payment of Provident Fund dues, recoverable on behalf of Seamen from Shipping Companies which are not paying Contributions inspite of repeated demand but have not gone into liquidation technically to be made from Forfeiture Account - Proposal of Dr. Leo Barnes, General Secretary, NUSI. Bombay.

The note submitted on the item could not be discussed for want of time and was decided to be considered at the next Board meeting.

Para 17: Request from M/s Great Eastern Shipping Co Ltd. Bombay and others to reconsider the decision taken by the Board at its 47th Meeting regarding grant of exemption

from operation of Seamen's Provident Fund Scheme under Section 20(1) of the Seamen's Provident Fund Act.

The Board noted the position. Necessary follow up action should be taken by the Commissioner.

Para 18: Facilities offered by the State Bank of India, Seamen's Provident Fund Bankers, under the Seamen's Provident Fund Scheme, towards members of Seamen's Provident Fund Scheme.

The Board noted with satisfaction the efforts made by the Commissioner regarding free drafts facilities not only drafts requisitioned by this organisation but also instant payment facilities against cheques issued by this office and also having obtained further facilities of issue of free drafts to seamen having account with Shipping office extension counter, Bombay.

The Commissioner expressed that in so far as seamen hailing from Southern States and Eastern states were concerned it would be worthwhile to open accounts and avail of free Demand draft facilities through Indian Overseas Bank and United Bank of India respectively because their branches were more widespread in those areas than that of State Bank of India.

The Chairman desired that before this matter could be considered it would be useful to have statistics of district-wise seamen hailing from those areas which the Commissioner could collect from the Director, Seamen's

Employment office

Para 19 : Proposal to enhance limit of Rs 5000/- provided for under paragraph 62 of the Seamen's Provident Fund Scheme for Provident Fund dues of a deceased member to a claimant in case there is no nominee in accordance with Seamen's Provident Fund Scheme.

The Chairman desired that the matter be expedited.

MINUTES OF THE 53RD MEETING OF THE BOARD OF TRUSTEES, SEAMEN'S PROVIDENT FUND HELD ON FRIDAY, 26TH JULY 1985 AT 11.00 A.M. IN THE BOARD ROOM OF THE SEAMEN'S PROVIDENT FUND ORGANISATION, AT 'KRUPANIDHI', 3RD FLOOR, 9, WALCHAND HIRACHAND MARG BALLARD ESTATE BOMBAY - 400038.

The following were present:-

1.	Shri N. Chakraborty	Chairman.
2.	Shri N. K. Prasad	Member
3.	Miss Mira Saxena	Member.
4.	Shri T.S. Narayan	Member
5.	Capt. K.S. Bhandarkar	Member
6.	Dr. Leo Barnes	Member
7.	Shri U.M. Almeida	Member
8.	Shri V.I. Tewani	Secretary.
9.	Shri V. Ranganathan	Secretary Owners/Agents' Committee (Crews) NUSI. Bombay } attended the meeting as observers
10.	Shri A.V. Kethar	

Leave of absence was granted to Shri B.S. Minhas, Director, Ministry of Shipping & Transport and Capt. Ravindra Nath, Chairman, Calcutta Liners Conference (Crews), Calcutta.

Before commencing the discussion on the Agenda items, the Secretary, Shri Tewani welcomed the new Chairman, Shri N Chakraborty, Director General of Shipping and the new member Miss Mira Saxena, Controller of Accounts, Ministry of Shipping & Transport, who attended the

meeting for the first time.

The Board then took up the items on the Agenda for consideration.

Item No 1: Confirmation of the Minutes of the 52nd Meeting of the Board of Trustees Seamen's Provident Fund, held on 8.2.1985 in the Board Room of Seamen's Provident Fund Organisation, Bombay

The Board considered the observations made by Capt. K.S. Bhandarkar, Chairman of the Owners/ Agents Committee (Crews), Bombay with regard to Item No. 2 of the Minutes appearing on page 1 of Annexure 1 thereto and approved the amendment suggested.

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

The observations made and the decisions taken on the various paras of the item are detailed in the Annexure attached herewith.

Item No 3: Receipts, Payments and Accounting of Provident Fund Moneys and progress of work upto 30.6.1985

Referring to his report on the above item, the Commissioner informed the Board that he had been carrying on without the assistance of an Accounts officer since the superannuation of Mr. Bose Roy in February, 1985. Notwithstanding the said handicap considerable progress had been made in the clearance of all pending items. The new items of work relating to nomination forms and addresses, clearing of double/dormant and

inoperative accounts had been taken in hand. The Board took note of the position with appreciation.

Item No. 4: Request of Shri S.K. Kapur, the owner of the flat at Love Dale Apartment, Colaba, occupied by the Seamens Provident Fund Organisation, for release on immediate basis.

The request of Mr Kapur for the release of the Love Dale Apartment flat was discussed. The Trustees were of the opinion that as per law they might be entitled to retain the flat on the basis of tenancy rights. Nevertheless considering the fact that Mr. Kapur was a Government servant and he had been transferred back to Bombay and alternative accommodation was not available to him as he owned this flat after taking advance from the Reserve Bank ~~of India~~, the Board decided to release the flat purely on compassionate grounds.

Item No. 5: Introduction of Deposit Linked Inserance scheme for seamen covered under the Seamens Provident Fund Act and Scheme.

The Commissioner recalled that the item was proposed by the representatives of the Owners as well as the Seafarers. After detailed discussion at the last meeting of the Board the Commissioner was requested to furnish detailed statistical data collected from the Seamens

Employment offices to the Life Insurance Corporation of India and to ascertain from them the cost and economics of operating the Scheme.

The details furnished by the Life Insurance Corporation in this regard were placed for the consideration of the Board. The premium of Rs. 25 Lakhs quoted by the Life Insurance Corporation for operating the scheme was considered too prohibitive and beyond the means that will be available. However, the Trustees unanimously agreed with the suggestion of the Commissioner that a start could be made by restricting the rate of payment to the beneficiaries to Rs. 4,000/-, or 10% of the amount at deposit whichever was less. The Commissioner felt that sufficient funds would be generated from the employers' share at 0.5% and Government share at 0.25% of the wages to make disbursements on the above basis. The shipowners' representatives made it clear that their commitment for the implementation of the scheme was contribution of 0.5% and 0% towards administrative charges.

It was assumed that the average number of deaths annually was around 175 and the receipts worked out to approximately Rs. 11.25 crs/- both from the employers and Government share.

The Board noted that the scheme could not be implemented without the concurrence of the Government. It was therefore felt that in order to introduce

the proposed Deposit Linked Insurance Scheme for seamen for being administered by the Seamen's Provident Fund Organisation, the Seamen's Provident Fund Act would have to be amended to include a suitable provision in this regard.

Item No. 6: Re-fixation of rate of Interest for credit to members' accounts for the year 1984-85

Initiating discussion on the item, Dr. Barnes pointed out that the pattern of investing Provident Fund money was not satisfactory as it did not yield comparable rates of interest that was available to investments made by other Provident Fund Commissioners so much so it was not possible for the Board to pay the members at the rate of 9.9% for the year 1984-85 as was already recommended earlier by the Board on the analogy of Employees' Provident Fund. He said that the Board should deviate from the present procedure laid down by Government and diversify the investments in high yielding securities if the Board was to meet the demand of enhanced rate of interest at least at par with what was being paid by other Provident Fund Organisations. This point should be taken up with Government in right earnest and their sanction obtained for the revised pattern of investments in high yielding securities.

The Commissioner stated that the Employees' Provident Fund Organisation, the Coal Mines Provident

Fund Organisation, Dhanbad and Tea Plantation Provident Fund Organisation were paying different rates of interest although all the four including Seamen's Provident Fund were following the directions of the Ministry of Labour contained in their communication No. SW/MWS (1)/79-MT dated 20.3.1981 so far as investment pattern was concerned and the pattern had not yet been revised. He pointed out that the Employees' Provident Fund, Delhi and the Coal Mines Provident Fund Organisation, Dhanbad were also able to recommend to the Government the proposed rate of interest payable for the following year in advance whereas we had not been able to do the same resulting in inconvenience and extra work to the Seamens Provident Fund office in processing the difference in the interest payment cases already settled as Government Orders were consequently received late. Further those Organisations were not only in a position to recommend the rate of interest well in advance but were also able to recommend progressively higher rates every time. He therefore thought that a study of how the said organisations had been able to dilute the percentage of their low yield securities converting them into high yield ones and how they were able to anticipate the estimated figures of interest earnings enabling the recommendation of interest rate well in advance should be made. Their workings had

shown no variation between the estimated figures and the actual figures whereas in our case the difference between the estimates and the actual figures had been wide. The impact of this was not felt all these years since we had a buffer balance in the Interest Suspense Account. He farther stated that since the funds available in the Interest Suspense Account stood were nearly exhausted, it was necessary for the Board to seek the special permission of the Government for investing in high yield securities to the extent of 10% till such time the investment percentage of the low yield securities was brought down to the level fixed by the Government. In this connection the Commissioner informed the Board that he already had discussions with the Central Provident Fund Commissioner at Delhi and he hoped to receive copies of Government orders affording special sanction for the portion of investment in the high yield securities only as an ad-interim measure. The Commissioner hoped that the Board might also be guided by those orders

After prolonged discussion and due consideration of the circumstances as aforesaid the Board was of the view that the funds available for payment of interest at 9.9% as recommended earlier by the Board and already approved by Government were insufficient and therefore decided that the rate of interest should be re-fixed at 9.5% for the year 1984-85. The Board also

decided that the said .4%. difference in the interest rate might be borne in mind and paid when the resources position permitted. The Board took note of the financial position as under.

	Approx. balance in Interest Suspense Account as on 31.3.85
a) If interest payments are made at the rate of 9-9%.	(-) 38.76
Approximate interest-saving on NRW/FW payments	(+) 15.60
	(-) 23.16
b) If interest payments are made at the rate of 9-5%.	(-) 13.95
Approximate interest-saving on NRW/FW payments	(+) 15.60
	(+) 1.35 lakhs

Item No 7 Revision of Administrative charges from 2.75% to 3.50%.

The Shipowners' representatives argued forcefully against any upward revision of administrative charges at the present stage when the Shipping Industry was passing through an unprecedented depression and companies were faced with a constantly deteriorating financial crisis.

Nevertheless the Commissioner explained to the Board that the collection of Contributions had been gradually decreasing owing to the appreciable loss of jobs, while on the other hand the expenditure accruing on account of escalation in the clearness allowance, other

emoluments and all round rise in costs had been going up and without a suitable increase in the administrative charges it would not be possible to meet the resultant short-fall.

Dr. Barnes stated that consequent to the increase in the emoluments of seamen with effect from 1.1.1985 there would be an increase in the receipts in future Thereupon with the mutual consent of the representatives of the Owners and the Seafarers the Board decided to revise the administrative charges marginally and fixed it at 3% with effect from 1.8.1985. The Board also decided to review the position in this respect at the next meeting of the Trustees

Item No 8 Payment of Provident Fund dues recoverable on behalf of seamen from Shipping Companies which are not paying contributions inspite of repeated demand but have not gone into liquidation technically, to be made from Forfeiture Account - Proposal of Dr Leo Barnes General Secretary, National Union of Seafarers of India, Bombay

Dr. Leo Barnes stated that there were several shipping companies which were in de facto liquidation and they had not deposited Provident Fund Contributions in respect of seamen employed by them. As the seamen of such companies had to unnecessarily suffer

for no fault of theirs Dr. Barnes demanded that they should be paid both the contribution made by the seamen as well as the employers' share out of the Forfeiture Account which he said had been created with such welfare activities in view.

The Commissioner supported the views expressed by Dr. Barnes qualifying that such payments could be made provided wages had been paid to the seamen and Provident Fund contributions had been deducted from their wages. He also informed the Trustees that there was an accumulation of nearly 23 Lakhs in the Forfeiture Account which earned an annual interest of around Rs. 2.35 lakhs. Capt. Bhandarkar, the Shipowners' representative, however felt that the suggestion needed careful consideration since there was no likelyhood of replenishing in future of the amounts paid out from this account. The Commissioner however, stated that the financial position was satisfactory and it would be possible to pay both the shares without interest.

Considering the accumulated funds available in the Forfeiture Account and the interest accruing thereon the Board resolved to pay such seaman both his and his employer's shares of Provident Fund Contributions without interest out of the Forfeiture Account and desired that the Commissioner should satisfy himself regarding the deductions made from the wages of the member. The position

could be reviewed periodically taking into consideration the demand and the availability of funds.

Item No. 9: Fraudulent drawal of Seamens Provident Fund moneys in:

(A) Final withdrawal claim from the account of Seaman Shri Dayabhai Becharbhai Patel, CDC No A 60387 Regn. No BO - 47821.

(B) Non-refundable withdrawal claim under para 58-C 'Construction of dwelling house' from the account of Seaman Shri Joseph Michael Dias, CDC No A 66466 (Fitter).

(C) Non-refundable withdrawal claim under Para-B 'Sickness' from the account of Seaman Shri Mathew Francisco Varella CDC No A 57164, Regn. No BO - 34158

and

Item No 10 Filling up the post of Accounts Officer,

were deferred for the consideration of the next meeting.

Item No 11: To consider the draft of a resolution for the continuance of Mr V I Towani as Commissioner, received from Dr. Leo Barnes and three other Trustees.

A resolution submitted by the Trustees representing Shipowners and Seafarers proposing the continuance of Shri V I Towani as Commissioner, Seamens Provident Fund beyond the date of his

Superannuation was discussed by the Board. The Trustees pointed out to the good work done by Mr. Tewani as Commissioner during the short span of his service so far noting the qualitative achievement in disposing of the back-log of work and initiating action for the first time on long pending/new items. In view of the fact that the Accounts officer had retired earlier in February, 1985 and no incumbent had been appointed yet and even if one were to take the position the continuity would be lost for it took time for any new Accounts officer and/or new Commissioner to acquaint himself/themselves with the work for proper discharge of the functions involved. In the interest of the Organisation the Trustees requested the Chairman to persue this question further with the Government of India as there was already a precedent set by the re-appointment of Shri Rajagopalan for a further period beyond his date of retirement.

Item No. 12: Acceptance of the Provident Fund distribution work of employees of M/s Malabar Steamships and its allied Companies as per the Judgement passed by High Court, Bombay.

Item No. 13: Appointment of New Legal Advisor in place of Smt. Lata Desai

Item No 14: Payment of Honorana for liaison work at Calcutta.

Item No. 15: Recovery of outstanding dues in respect of M/s Punj Ocean Steamship Co. Ltd.

Item No. 16: Upgradation of the post of Junior Assistant to Senior Assistant.

were deferred for the consideration at the next meeting.

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

CHAIRMAN
BOARD OF TRUSTEES
SEAMEN'S PROVIDENT FUND
BOMBAY

SECRETARY
BOARD OF TRUSTEES
SEAMEN'S PROVIDENT FUND
BOMBAY

ANNEXURE

The observations made and decisions taken on various paragraphs of Item No. 2.

Para 1: Payment of high rate of interest of the Provident Fund accumulations — Procurement of G. Ramanujam Committee Report.

The Report received from the Ministry had been referred to the Sub-Committee for its consideration and recommendations.

The Board noted the position.

Para 2: Ad-hoc payment of Bonus to the Employees of the Seamen's Provident Fund Organisation.

The Commissioner explained that as per the Board's directions the issue of Bonus Scheme for the Staff of Seamens Provident Fund Organisation was referred to the National Productivity Council for exploring the possibility of formulating the Scheme. The reply received from the NPC was placed before the Board, wherein the expenses on account of fees of the Council were mentioned as Rs. 32,000/- As the expenditure on account of the fees was very high the Board decided to refer the matter to the Sub-Committee for examination with reference to the Productivity Linked Bonus Scheme received from the Employees' Provident Fund Organisation, New Delhi and report.

Para 3: Money order Commission for amounts below Rs 500/- to be borne by the Seamen's Provident Fund

The Commissioner informed the Board that during his last visit to New Delhi in the month of May 1985, he had discussed the issue with the Ministry and it was understood that the notification was likely to be issued shortly.

Para 4: Amendments to various Sections/Paras of the Seamen's Provident Fund Act/Scheme

The Commissioner stated that the notifications regarding amendments to various Sections/paras of the Seamen's Provident Fund Act/Scheme would be issued shortly. As regards Dr. Barnes' suggestion to implement the proposals pending issue of notifications, the Board directed that the proposals be implemented on receipt of notification. The Board also desired the Commissioner to pay visit to New Delhi periodically after 3-6 months to get the pending matter expedited.

Para 5: Increase in the quantum of loan (Non-refundable withdrawal) for purchase of dwelling house/flat.

The Commissioner informed the Board that as the Ministry had asked to review the draft notification for para 58-C on the lines of relevant para of the Employees' Provident Fund Scheme, the issue had been referred to

the Sub-Committee for examination along with the other amendments to various paras of the Seamens Provident Fund Act/Scheme.

Para 6: Damages claimed from employers to be credited to members' accounts — Proposal of Dr. Leo Barnes.

The Commissioner explained that at the earlier meeting the Chairman had suggested that the proposal of damages recovery equivalent to the interest of loss actually suffered by the subscribers in the normal course plus additional 2% towards expenses be examined. However, as issue involved amendment to section 18 of the Seamens Provident Fund Act it would be better to refer the matter to Sub-Committee appointed to go into the amendments to various paras of Seamens Provident Fund Act/Scheme.

The Board decided that the matter be examined by the Sub-Committee.

Para 7: Institution of Seamens Gratuity Act and Scheme

The Commissioner explained that the issue was being examined by him in consultation with the Dy. Director General of Shipping, Shri N.K. Prasad.

Para 8: Provision of withdrawal of full amount of employer's share in case of voluntary retirement of Seamen due to unemployment — Proposal of the Principal Seamens Welfare officer, Calcutta.

The Commissioner explained and the Board noted that the proposed amendment to para 58 A (1) and (3) of the Seamens Provident Fund Scheme was sent to the Ministry and the Ministry's notification was awaited.

Para 9, 10 and 11: The Board noted that separate items on the subject-matters were placed before the meeting.

Para 12: Facilities offered by the State Bank of India, Seamens Provident Fund Bankers, under the Seamens Provident Fund Scheme towards member of Seamens Provident Fund Scheme.

The Board noted that the services offered by the State Bank of India were satisfactory. Further the Commissioner had referred the matter to the Director, Seamens Employment Offices for obtaining the details of districtwise seamen accounts to examine the possibility of opening the accounts with the other Banks.

Para 13: Budget proposal for the year 1985-86 — Revised Estimates - 1984-85

The Board noted that the Ministry approved of the Budget Proposals for the year 1985-86.