

INDIAN INSTITUTE OF FOREIGN TRADE

IIFT Death-cum-Retirement Gratuity Rules – 1980

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| 1 | Title | These Rules shall be called the Indian Institute of Foreign Trade Death-cum-Retirement Gratuity Rules, 1980. |
| 2 | Commencement | These Rules shall be deemed to have come into force w.e.f. September 16, 1972. |
| 3 | Definitions | <p>In these rules unless the context otherwise requires:</p> <ul style="list-style-type: none">(a) "Institute" means the Indian Institute of Foreign Trade registered under the Societies Registration Act, 1980.(b) "Each completed year of service" means a period of 12 months service rendered by the employee reckoned from the date of his / her joining the Institute.(c) "Employee" means the whole time regular employee of the Institute whose name appears on the pay roll of the Institute.(d) "Family" shall include the following:<ul style="list-style-type: none">i. Wife in the case of a male employeeii. Husband in the case of a female employeeiii. Sonsiv. Unmarried and widowed daughters, including step children and adopted childrenv. Brothers below the age of 18 years and unmarried and widowed sisters, including step brothers and step sistersvi. Fathervii. Motherviii. Married daughters andix. Children of a pre-deceased son(e) "Fund" means the Gratuity Fund so stipulated hereunder |

- (f) "Permanent total disability" means disability resulting from any disease / injury which in the opinion of the Director General makes the employee concerned totally incapable of rendering service to the Institute. Provided however, in the case of the Director General such authority shall be exercised by the Chairman.
- (g) "Qualifying Service" means service rendered by a person after completion of 18 years of age on regular basis including the period spent on probation from the date of his / her appointment or absorption in the Institute, but extraordinary leave without pay will not be counted for the purpose.
- (h) "Emoluments" means pay, officiating pay, special pay, personal pay, dearness pay or any other amounts specially declared as such, which the employee was receiving immediately before retirement / or resignation or the date of his / her death.
- (i) For the purpose of gratuity the emoluments so calculated shall be subject to a maximum of Rs.4000/- per mensem.
- (j) (Governing Body decision dt. 24-10-84)
- (k) "Governing Body" means the Governing Body of the Indian Institute of Foreign Trade.

All words and expressions used and not defined in these rules, but however, defined in the Rules & Regulations of the Institute or the Service Byelaws shall have the meaning respectively assigned to them in the said Rules & Regulations or the Service Bye-laws.

4 Applicability of Rules

These Rules shall apply to all the regular employees of the Indian Institute of Foreign Trade and shall exclude the following:

- i) Those covered under the payment of Gratuity Act, 1972.
- ii) Casual and non-regular employees
- iii) Government servants and other employees on deputation.
- iv) Employees on contract.
- v) Apprentices and trainees.
- vi) Re-employed persons.

- 5 Eligibility An eligible person shall be granted gratuity under the Rules in the following circumstances:
- (a) Retrenchment or on abolition of post or reduction of establishment
 - (b) Retirement due to permanent dis-ability on account of bodily or mental infirmity.
 - (c) Retirement on attaining age of superannuation.
 - (d) Resignation.
- 6 Qualifying period Except in the case of death, gratuity, will be admissible only 5 years' qualifying service.
- 7 Amount of gratuity admissible Gratuity will be payable as described hereunder:
- (a) $\frac{1}{4}$ month's emoluments for each completed $\frac{1}{2}$ year periods of service subject to a maximum of 16-1/2 times of emoluments of Rs.50000/- whichever is less.
- (Governing Body decision dt. 24-10-85)
- (b) In the case of death, the amount of gratuity will be as calculated under (a) above or as worked out below, whichever be more:-
 - i) During the first year of service – 2 months emoluments
 - ii) After one year but before 5 years service – 6 months emoluments
 - iii) After completion of 5 years service – 12 months' emoluments
 - (c) The gratuity shall be payable only in India as and when sanctioned by the Institute.
- 8 Recoveries from Gratuity All the dues recoverable from the employee can be recovered in full while making payment to his / her legal heirs in the case of death.
- 9 Competent Authority The Authority competent to sanction Gratuity shall be the Director General in all cases except that in the case of the Director General, the Competent Authority shall be the Chairman.
- 10 Composition of the Fund The Fund shall be composed of the following:
- 1. Annual contribution by the Institute as certified by a qualified Actuary in accordance with the decision of the Governing Body of the Institute.

2. Interest accrued, earned and / or received on the investments of the Funds.
3. Any special contribution made by the Institute or any other body / Government.

11 Nomination / Variation of nominations

Every employee on joining the service shall make a nomination in a prescribed form nominating one or more person(s) of his / her family the right to receive the gratuity in the event of his / her death indicating the share payable to each member. In case the employee has no family, the nomination may be made in favour of person / persons or body of persons corporate or non-corporate. Every nomination made and every notice of cancellation given by an employee shall be filed with the Finance Officer or such other officer as may be in charge of Accounts. He shall countersign the nomination indicating the date of receipt. An acknowledgement will be sent to every employee on the receipt of nomination.

In the event of there being no nomination, the gratuity on death may be paid in the following manner:

- (a) If there are one or more surviving members of the family as in (i) to (iv) under Clause 3(d) it may be paid to all such members other than any such member who is widowed daughter in equal shares.
- (b) If there are no surviving members of the family, but there are one or more surviving widowed daughters and / or one or more surviving members of the family as in (v) to (ix) under Clause 3 (d) the gratuity may be paid to all such members in equal shares.
- (c) If in case an employee dies while in service or after retirement without receiving any amount or gratuity and leaves behind no family or has no nomination made by him or the nomination made by him does not subsist the amount of DCRG payable to him shall lapse to the Institute.

12 Members not entitled to assign or transfer their entitlements

No employee is eligible to transfer or assign by way of security or otherwise his / her interest in the fund and no such transfer or assignment shall be valid and the Governing Body shall not recognize or be bound by notice to them or any of them of any transfer or assignment.

13 Alterations and amendments to the rules

The Governing Body may from time to time alter these rules hereby framed and make new rules to the exclusion of or in addition to or in substitution of all or any of these rules relating to this fund and the rules so made may be altered or modified by the Governing Body.

INDIAN INSTITUTE OF FOREIGN TRADE

IIFT Creation Of Gratuity Fund Rules - 1980

- 1 Title These Rules shall be called the Indian Institute of Foreign Trade Creation of Gratuity Fund Rules – 1980.
- 2 Commencement These Rules shall come into force w.e.f. November 15, 1980.
- 3 Definitions
 - (i) In these Rules unless the context otherwise requires:
 - (a) "Institute" means the Indian Institute of Foreign Trade registered under the Societies Registration Act, 1860.
 - (b) "Governing Body" means the Governing Body of the Indian Institute of Foreign Trade.
 - (c) "Board" means a Board of Trustees constituted under these rules.
 - (d) "Director General" means Director General of the Indian Institute of Foreign Trade.
 - (e) "Chairman" means the Chairman of the Board constituted under these rules.
 - (f) "Secretary" means Secretary of the Board of Trustees.
 - (g) "Year" means a financial year from 1st April to 31st March of the following year.
 - (h) "Member" means a member of the Fund.
 - (i) "Trustee" means a member of the Board of Trustees.
 - (ii) All words and expressions used but not defined in these rules and defined in the Rules and Regulations of the Institute shall have the meaning respectively assigned to them, in the said rules.
- 4 Applicability These Rules shall apply in respect of the amounts which may be placed in a separate fund for meeting expenditure contingent to the payment of gratuity to the employees covered under the payment of Gratuity Act 1972 and the IIFT Death-Cum-Retirement Gratuity Rules 1980.

5 Composition of the Fund

The Fund shall be composed of the following:

- (1) Annual contribution by the Institute as certified by a qualified Actuary in accordance with the decision of the Governing Body of the Institute.
- (2) Interest accrued, earned and / or received on the investments of the Funds.
- (3) Any special contribution made by the Institute or any other body / Government.

6 Constitution and Management of the Fund

- (1) Subject to the provisions hereinafter contained the Fund shall be administered by a Board of Trustees, hereinafter referred to as the Board, consisting of:
 - (a) The Director General who shall be the ex-officio Chairman of the Board of Trustees.
 - (b) A member of the Governing Body nominated by the Chairman.
 - (c) One Senior Officer and one staff member from amongst the members of the Fund to be nominated by the Director General.
 - (d) Secretary of the Institute as Member Secretary.
- (2) The Member Secretary shall be responsible to the Board for the execution of the work relating to the administration of the Gratuity Fund.
- (3) In the absence of the Member Secretary, his functions may be exercised by any one of the Trustees or any other officer so nominated by the Board or by the Chairman of the Board of Trustees on behalf of the Board.
- (4) The Member Secretary Co-jointly with any of the Trustees so authorised by the Board of Trustees, shall on behalf of the Board of Trustees, discharge, receive or otherwise dispose of, as may be necessary Government Promissory Notes, Securities, Interest Warrants, etc. relating to the Fund.
- (5) The term of office of the Trustees shall be one year commencing from the date of their nominations to the Board provided that any such Trustee shall notwithstanding the expiry of the said period one year continue to hold office until the nomination of the successor is made.
- (6) Any Trustee nominated to fill a casual vacancy, arising out of resignation, removal or death, shall hold office for the remainder of the term of office of the Trustee in whose place he is nominated.

- (7) An outgoing Trustee shall be eligible for re-nomination.
- (8) A Trustee may resign his office by a letter in writing addressed to the Chairman of the Board and his office shall fall vacant from the date on which his resignation is accepted by the Chairman of the Board.

(9) Cessation and Restoration of Trusteeship:

If a Trustee fails to attend three consecutive meetings of the Board without obtaining leave of absence from the Chairman of the Board, he shall cease to be a Trustee; provided that the Chairman of the Board may restore him to the Trusteeship if he is satisfied that there were reasonable grounds for absence.

(10) Disqualifications for Trusteeship:

A person shall be disqualified for being nominated as or for being a Trustee if,

- i) he is declared to be of unsound mind by a competent court; or
- ii) he is an undischarged insolvent; or
- iii) before or after the commencement of these Rules he has been convicted of an offence involving moral turpitude.
- iv) he is placed under suspension or ceases to be an employee of the Institute or proceeds on foreign service; or
- v) any question arises whether any person is disqualified it shall be referred to the Chairman of the Board, whose decision thereon shall be final.

(11) Meetings of the board:

The Board of Trustees shall meet at such places and time as may be fixed by the Chairman of the Board and in his absence by Member Secretary at the request of one of the Trustees. For this at least seven day's notice will be given.

At any meeting of the Board of Trustees, the Chairman or in his absence any other member elected from amongst those present shall preside. Each member shall have one vote and in case of equality of votes the Chairman shall have in addition on a casting vote.

(12) Quorum:

Two members of the Board shall form the quorum, out of whom one Trustee referred to under Rule 6(i)(c) of these rules shall be present:

if at any meeting the number of Trustees is less than the required Quorum, the Chairman of the Board shall adjourn the meeting to a date not later than seven days from the date of the original meeting informing the Trustees of the date, time and place of the adjourned meeting and it shall, thereupon, be lawful to dispose of the business at such adjourned meeting irrespective of the number of Trustees present.

(13) The costs, charges and expenses of administering the Fund including the Trustees' remuneration and all other charges incidental to those shall be paid by the Institute.

(14) Investments:

The Board of Trustees shall have full authority to invest or vary the investments of the fund in such a manner and in such Indian Securities as the Board may deem fit. All the investments shall stand in the name of the Fund.

(15) Operation of Bank Accounts:

(a) All the moneys belonging to the Fund pending investment shall be deposited with any of the Nationalised Banks and shall not be withdrawn except on a cheque signed by the Member Secretary and one member of the Board of Trustees so nominated by the Board or the Chairman of the Board of Trustees on behalf of the Board.

(b) All the moneys of the Fund shall be utilised only for discharging the liabilities arising out of the provisions of the payment of Gratuity Act 1972 or the IIFT Death-Cum-Retirement Gratuity Rules 1980.

(16) Accounts:

(a) The Trustees shall maintain the accounts of the Fund which shall contain such particulars and in such form as the Trustees shall think proper and as required by law of all financial transactions of the Fund.

(b) The Trustees shall appoint Auditors who shall have access to all books, papers, vouchers, accounts and documents connected with the Fund and who shall in writing report to the Board of Trustees on the Annual Balance Sheet and Receipts and Payments Accounts. A copy of the audited Accounts shall be furnished to the Institute.

(17) Payments:

- (a) When the amount of gratuity becomes payable under the payment of gratuity act 1972 or the IIFT Death-Cum-Retirement Gratuity Rules 1980, it shall be the duty of the Member Secretary after satisfying himself to make payment as provided under the said Rules.
- (b) If a person to whom the amount of gratuity is to be paid is a lunatic for whose estate a manager has been appointed in this behalf under the Indian Lunacy Act, 1912, the payment will be made to such manager, and not to the lunatic.
- (c) Any person who desires to claim payment under these Rules shall send a written application in that behalf to the Member Secretary. Payment of amounts shall be made in India only. The person to whom the amounts are payable shall make his own arrangements to receive payment in India.

7 Alterations and Amendments to the Rules

The Governing Body may from time to time alter these rules hereby framed and make new rules to the exclusion of or in addition to or in substitution of all or any of these rules relating to this Fund and the rules so made may be altered or modified by the Governing Body.