Public Works (1898) Department.

RAILWAY BRANCH.

G.O., No. 113-14. Ry

DATED 21st January 1898.

[Despatch Abstract.]

L. G. Ry. Provident Institution

Ordered that the amended rules of the — be forwarded to the Govt. of India for sanction.

—

Forwarded

—

Indexed.

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
—	407 Rly	—	12-3-98				
—	587-88 Rly	—	18-4-98.				
—	1158 Rly	—	21-9-98				
—	1361 Rly	—	3-11-98.				

South Indian Railway.

Extract from the Agent's Letter No. 547 dated Trichinopoly, the 19th August 1897 to the Managing Director.

PROVIDENT INSTITUTION.

With my letter No. 536 dated 1st June, 1897, I forwarded copies of the Provident Funds Act No. IX of 1897, and with No. 543 dated 20th July, 1897, I sent a copy of Government of India letter No. 1633 G. dated 23rd June, 1897. In the last paragraph of this communication, the Government of India observed that steps should be taken to bring the rules of the several Provident Funds of railways managed by Companies into accord with the Act. I therefore submit for the approval of the Board a copy of the Rules and Regulations of the South Indian Railway Provident Institution, on which have been entered the rules suggested for adoption in place of original rules Nos. 24 and 25.

I also take advantage of the present opportunity to recommend for the favourable consideration of the Board revised rules in place of numbers 16, 20, and 23. The violent fluctuations which are now taking place in the value of rupee paper make it desirable that closer adjustment, to the actual value of the Institution's investments, should be made in respect to the accounts of retiring or deceased members, than is permissible under the present rules. This question is fully dealt with by the Chief Auditor in his letter No. A/1653 dated 3rd August, 1897, a copy of which is placed in the packet, so there is no necessity for me to enter into further details here. The proposed new rules are attached to the copy of the Rules and Regulations now sent, and have been approved by the Committee of the Institution at its last meeting. It is not proposed to make any change in rule 21, as it is considered unnecessary to require a close adjustment in the case of men who forfeit the whole of Company's contribution.

AGENT'S OFFICE, (True Extract)

16th Dec 1897

Accompaniment to the Agent's letter No. 472 W. Le Measurier

of 16-12-1897. for Agent.

ENC. IN 3 TO [illegible] 5548 OF 1897
LET OR TEL No. 1172 | 16. 12. 97
FROM A

South Indian Railway.

Extract from the Managing Director's Letter No. 199, dated London, the 19th November 1897. to the Agent.

PROVIDENT INSTITUTION. ALTERATION OF RULES.

The question raised in Government of India letter No. 1,633 G., dated 23rd June, 1897, and discussed in your No. 547, as to the necessity for altering the Company's Rules to bring them into accord with the Provident Funds' Act No. IX. of 1897, has been brought before the Board, and, with that object in view, they now approve of the amendments, as drafted by you, and forwarded with your letter No. 547 above referred to.

The further alterations, in regard to Rules 16, 20, and 23, suggested by you in view of violent fluctuations in the value of rupee paper, are also approved, and you are authorised to take such measures as may be necessary to give effect to the alterations in question.

You will bear in mind that, under clause 32 of the Regulations of the Provident Institution, any new rules are subject to the sanction of the Secretary of State for India.

AGENT'S OFFICE,
TRICHINOPOLY,
16th December 1897.

(True Extract.)

W. de Mesquita
for Agent.

Accompaniment to the Agent's letter No.
A. 844/11 of 16.12.1897.

ENC. No. 2 E Rs C No. 5548 1897
LETTER No. 1172 16. 12. 97
FROM A

Amended

SOUTH INDIAN RAILWAY PROVIDENT INSTITUTION.

RULES AND REGULATIONS
for the maintenance and management of the Institution and the funds thereof, approved by the Secretary of State.

Commencement.

1. The Institution is established as from the 1st day of January 1891, from which date the following rules shall take effect.

Definitions.

2. In these rules, unless there is something repugnant in the subject or context

(*a*) "Secretary of State" means the Secretary of State in Council of India.

(*b*) "Company" means the South Indian Railway Company.

(*c*) "Railway" means the Railways belonging to, or being worked, or managed by, the Company.

(*d*) "Committee" means a Committee in India, consisting of five principal Officers of the Company, *viz.*, the Agent or the Chairman of the Agency for the time being, and four other Officers (of whom the Chief Auditor shall not be one) to be from time to time nominated by the Agent or Chairman of the Agency. Three members of the Committee shall be a quorum.

(*e*) "Salary" means salary or wages, including personal or acting allowance, but excluding overtime, travelling or other fluctuating or extra allowances.

(*f*) "Member" means every servant of the Company, either in England or in India—

(1) Who receives salary from the Company, chargeable either in full or in part to the Company's Revenue Account.

(2) Who is not an Officer of Government.

(3) Whose salary is not less than 15 rupees a month, who is paid monthly, and who is entitled to not less than a month's notice before dismissal.

(4) Who is not serving under special covenant, or, if so serving, has nevertheless signified in writing, his desire to be admitted to the benefits of the fund.

(5) Who having become eligible under the foregoing conditions, may be employed temporarily in construction works entirely so that his salary for the time being is chargeable in full to capital.

Management of Institution.

3. The Institution, subject to the general supervision and control of the Board of Directors of the Company, shall be managed in India by the Committee; and the necessary expenses of management shall be a charge against the funds of the Institution. The Committee may from time to time appoint from among the Members of the Institution

Appointment and payment of Manager.

one person, to be called the Manager, to transact such of the business of the Committee as they, with the consent of the Board of Directors of the Company, may think fit to intrust to him, and may, for the time given by him to the service of the Institution in excess of the time required of him by the Company in respect of his ordinary duties as a servant of the Company, allow to, and pay, him out of the funds of the Institution, such salary or other remuneration as they, having regard to the duties to be from time to time discharged by him, may, with the consent of the said Board think fit.

Payments by Members.

4. The payment by Members to the Institution shall be as follows:—

Obligatory subscriptions.

(1) OBLIGATORY.—Every married Member, or widower with a child or children dependent on him, not being of purely Asiatic descent, shall subscribe a sum at the rate of $6\frac{1}{4}$ per cent. of the amount of his salary. Every other Member shall subscribe a sum at the rate of $3\frac{1}{8}$ per cent. of the amount of his salary.

Voluntary deposits.

(2) VOLUNTARY.—Any Member may, on giving not less than one month's notice to the Committee of his intention so to do, make deposits in the Provident Institution from the amount of his salary, as he may think proper, and any Member who, having availed himself of this provision, may at any time desire to vary or discontinue the amount of such deposits, may do so on giving not less than one month's notice to the Committee of such intention. All such deposits will be held at the disposal of the depositor, subject to such regulations as to notice of withdrawal and repayment as may be made by the Committee, provided that such notice shall not be fixed in excess of one month.

Discontinuance, or variation, or withdrawal

Exchange.

5. Subscriptions and voluntary deposits of Members of the Home Establishment engaged on salaries payable in sterling, shall from time to time, be received by the Committee at the commercial rate of exchange into rupee currency obtained by the Board of Directors of the Company at the time of remittance.

Subscriptions of Members absent on sick leave or furlough.

6. The subscriptions of any Member absent on sick leave or furlough shall, during the period of such absence, be assessed on the full amount of salary to which, but for such absence, he would have been entitled during the said period.

Deduction by Company of subscriptions from salary.

7. The Company shall from time to time deduct from any sum payable by them to any Member in respect of salary, such sum as may be required to pay any subscription due from him to the Institution, and shall from time to time pay over to the Committee in India all sums so deducted by them.

Contributions by the Railway to the funds of the Institution.

8. As soon as may be after the expiry of each half-year ending 30th June or 31st December, a contribution shall be made to the Institution out of the Gross Earnings of the railway of a sum equal to one half of the obligatory subscriptions of the Members during such half-year; and for every half-year in which there is any residue of "net revenue receipts" available for division between the Company and the Secretary of State, in accordance with Section 60 of the Contract dated 24th November 1890, between the aforesaid parties, a further contribution of one half per cent. of the net earnings of the railway for such half-year shall, as soon as such residue shall have been ascertained, be made to the Institution out of such residue, so far as the amount of such residue shall admit of the same: Provided that in all cases, such contributions shall be at the discretion of the

Board of Directors of the Company and the Secretary of State, and in no case shall the aggregate of such contributions for any half-year exceed either the aggregate of the obligatory subscriptions made during such half-year, or a sum equal to one per cent. of the net earnings of the railway for such half-year.

Method of dealing with contributions.

9. As soon as may be after the expiry of each half-year, the sum or sums contributed to the Institution under the last preceding rule in respect of such half-year, shall be credited to the accounts of the Members of the Institution, in proportion to their respective obligatory subscriptions during the said half-year.

Debit of contributions from Gross Earnings in Railway Accounts.

10. All contributions made to the Institution from Gross Earnings under these Rules shall be debited as a separate item to the Revenue of the Railway under Abstract G., "Special and Miscellaneous Expenditure," Sub-head VI., "Contributions to Railway Provident Institution."

Appointment of Trustees.

11. There shall be two Trustees of the funds of the Institution; one of such Trustees shall be an Officer of the Government of India and shall be appointed by the Government of India, and one shall be an Officer in the service of the Company and shall be appointed by the Board of Directors of the Company. Any Trustee appointed by the Government of India may at any time be removed by the Government of India, and any Trustee appointed by the said Board of Directors may at any time be removed by them; and if, and whenever, any Trustee shall be so removed, or shall resign, or die, or become incapable of acting, another person qualified as aforesaid shall be appointed a Trustee in his place by the party by whom the Trustee so removed, or resigning, dying, or becoming incapable of acting, as the case may be, may have been originally appointed.

Transfer of Securities, &c., to to Trustees

12. The Committee shall, as soon as two Trustees shall have been appointed as aforesaid, assign and transfer to such Trustees all securities in which for the time being any funds or moneys of the Institution may be invested, and shall from time to time pay into such Bank and at such place as the Board of Directors of the Company, with the sanction of the Secretary of State may from time to time determine, to the credit of the Institution, to an account to be approved by the Secretary of State, all moneys from time to time received by the Committee on behalf of the Institution. All moneys to the credit of that account shall be dealt with only by the Trustees for the time being.

Investment of funds of Institution.

13. All moneys not immediately required for the purposes of the Institution shall be, from time to time invested in manner following, that is to say:—

In the manner authorized by the Trust Investment Act, 1889, 52 & 53 Vict., Cap. 32, and further:—

In Rupee Securities of the Government of India.

In Municipal or Harbour Trust Loans of the cities of Calcutta, Madras, or Bombay, or such other Securities as shall from time to time be approved for the purpose by the Board of Directors of the Company and the Secretary of State.

Any investments shall from time to time be varied within the limits aforesaid upon the written direction of the Committee.

Realization of Securities.

14. The Trustees shall, from time to time, upon the written directions of the Committee, by a sale of the securities standing in their names or of a competent part thereof, raise such sum or sums as may be required for the purpose of the Institution.

Members' Accounts.

15. The accounts of the Institution and of the Members shall be made up half-yearly to the 30th June and the 31st December; but the said accounts shall be rendered for each calendar year, and as soon as may be after the 31st of December in each year, and the Committee shall thereupon render a Statement of his account to each Member of the Institution. For the purposes of this rule the investments of the

Interest payable.

16. All amounts standing to the credit of Members shall be credited with interest. The rate of interest shall be that from time to time fixed upon by the Committee according to the results of the investments of the moneys of the Institution, other than those arising from differences between the book and market values of the Investments of the Institution, due allowance being made for the expenses of management of the Institution in fixing this rate of interest.

certificate, or returning after such absence, an advance not exceeding Rs. 600 may be made to him on the security of the said amount to enable him to do so.

Assignment by Member in satisfaction of Guarantee Security.

18. If, and whenever, the amount standing to the credit of a Member, shall reach the amount of the Guarantee Security required by the Company for his fidelity, so much of the interest of the said Member in the Institution and the funds thereof as shall be equal to the amount of the Guarantee, may be assigned by him to the Company by way of security in satisfaction of such Guarantee. But if the amount of the Guarantee Security be Rs. 100 or more, the Member may begin to make such assignment as soon as the amount of his said interest shall be equal to one half of the amount of the Security.

Payments from the funds of the Institution to Members or their representatives.

19. Except as is by these Rules expressly provided, no Member, nor any person or persons on his behalf, or in respect of his interest in the Institution or the funds thereof, shall be entitled to claim any payment of money to him or them.

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on retirement,

20. On the retirement of any Member of the Institution from the service of the Company, the Committee shall pay to him or his assigns the sum of money standing to his credit in the books of the Institution on the 30th day of June or 31st day of December preceding his retirement, subject to the adjustment of any rise or fall in the average value of the Investments of the Institution between the end of the half-year and the end of the month last preceding his retirement, together with interest thereon up to the end of the month last preceding his retirement, at the rate applicable to the last preceding half-year. They shall also return to him in full the amount of his paid up subscriptions for the then current half-year, together with interest thereon calculated as hereinbefore stated.

to him by way of loan) subscribed by him from the end of the half-year in which they were paid at the rate or rates fixed under Rule 16, less any amount claimable by the Company or the Committee on account of loan or Guarantee, and all moneys then standing to his credit in the

books of the Institution in respect of contributions made under rule 9, together with any interest accrued thereon, shall upon such dismissal be forfeited to the use of the Institution, and shall be dealt with accordingly: Provided that the Committee may at any time, with the consent of the Board of Directors of the Company, pay to any such Member the amount or part of the amount to which he would have been entitled under Rule 20 if he had been permitted to retire, or had been discharged, from the service of the Company, and had not been dismissed.

on default.

22. If any Member, having assigned to the Company his interest in the Institution and the funds thereof under Rule 18, shall make any default in respect of which the Company would have been entitled to be indemnified from his Guarantee Security, the Committee shall, upon the demand of the Company, pay to the Company, from the moneys of such Member standing to his credit in the books of the Institution, the sum to which the Company would have been entitled from the said Guarantee Security, or so much thereof as the said moneys may be sufficient to pay.

on death,

23. On the death of any Member of the Institution whilst in the service of the Company, the Committee shall (subject to the provisions in these Rules after contained) pay to his executors or administrators, the sum of money standing to his credit in the books of the Institution on the 30th day of June or 31st day of December

on death, of sums not exceeding Rs. 2,000,

24. In case any Member shall die leaving any moneys not exceeding Rs. 2,000 standing to his credit in the books of the Institution, and probate of will or letters of administration be not produced to the Manager, or if notice in writing of the existence of a will, and intention to prove the same, or to take out letters of administration, be not given to the Manager at the office of the Institution within the period of one month from the death of such Member, or if such notice be given, but such will be not proved, or letters of administration be not taken out, and the probate or letters of administration (as the case may be) produced to the Manager within the period of two months from the death of the Member, the Committee, ~~after the period of one or two months, as the case may be,~~ may at their discretion pay ~~and divide~~ such moneys ~~to, or amongst the widow or relatives of the deceased Member, or to any one or more of them, according to the Provident Funds Act No. IX of 1897,~~ or, if they ~~Committee~~ shall think proper, according to the Indian Succession Act of 1865.

in accordance with the provisions of Sec: 3 of the Provident Funds Act No IX of 1897

exceeding Rs. 2,000,

to his credit in the books of the Institution exceeding Rs 2,000, such moneys shall be paid to the Executor or Administrator, only on the production to the Manager of the probate of the will or letters of administration of the estate or effects of such Member.

illegitimacy, would be entitled to the moneys standing to his credit in the books of the Institution, the Committee may pay such moneys to any one or more of the persons who in their opinion would have been entitled to the same, according to the Indian Succession Act of 1865, but for such illegitimacy as aforesaid.

Claims by the Company.

26 (*a*). In case of there being any outstandings due to the Company by a Member who may have retired, or been dismissed, or died, the Committee may deduct the amount of such outstandings from the amount, if any, that would otherwise be payable to the Member or his estate under the rules, and pay the balance only after such deduction, which deduction may be made over to the Company's Auditor in India. An absconding Member should be treated as dismissed from the Company's service.

Payments where to be made.

27. Any payment by these Rules directed to be made by the Committee may be made by them in India or in London, at their option ; if in London, at the current commercial rate of exchange.

Form of Certificate of Member's balance.

28. In all cases wherein a certificate shall be required of the amount of the balance standing in the books of the Institution to the credit of a deceased Member, for the purpose of obtaining a probate of will or letters of administration, such certificate shall be in the following form :—

MEMBER'S BOOK.	**South Indian Railway Provident Institution.**
Place_____	
No._____	

It is hereby certified that the amount of the balance standing in the books of the South Indian Railway Provident Institution to the credit of_____ of_____ numbered as above on the_____ day of_____ was_____

Witness my hand this_____ day of_____ 18____.

_____
Manager.

Entered_____

Examined_____

Payments from deposits of insane Members.

29. If any Member shall become insane, or otherwise incapacitated to act, and the same shall be proved to the satisfaction of the Committee, and if the Committee shall be satisfied of the urgency of the case, they may authorize payments from time to time out of the moneys standing to the credit of such Member in the books of the Institution to any person whom they shall judge proper, and the receipt of such person shall be a good discharge for the same.

Loss to funds of Institution.

30. Any loss to the funds of the Institution from any cause shall be borne by the Institution.

Audit of accounts.

31. The accounts of the Institution, as made up from time to time, shall be audited, and their accuracy certified, by the Chief Auditor of the Company.

New rules.

32. The Board of Directors of the Company, at their own instance or upon the requisition of the Secretary of State, or upon the proposition of the Committee, may make any new rules as occasion shall require, and such new rules shall in all cases be subject to the sanction of the Secretary of State.

Settlement of disputes.

33. If any dispute shall arise between the Committee as the first party, and the Trustees of the Institution for the time being as the second party, or between the Committee as the first party and any individual Member, or any Executor, Administrator, Next-of-kin, or Creditor or Assignee of a Member who may become bankrupt or insolvent, or any person claiming to be such Executor, Administrator, or Next-of-kin, Creditor, or Assignee, or to be entitled to any moneys deposited in the Institution as the second party, then, and in every such case, the matter in dispute shall be referred in writing to an Advocate-General of Government in India, to be in each case named by the second party to the dispute ; and an award, order, or decision of the said Referee shall be a condition precedent to any right of action of any party in difference in respect of any of the matters by these Rules provided for in any way arising thereout or connected therewith ; and whatever award, order, or determination shall be made by the said Referee shall be binding and conclusive on all parties, and shall be final to all intents and purposes without any appeal.

Compulsory Deposits not to be attached

34. The compulsory deposit, with bonus and interest thereon, standing at the credit of a Member cannot be attached under any decree or Order of a Court of Justice in respect of any debt or liability incurred by such Member and neither the Official Assignee, nor a Receiver appointed under Chapter XX of the Code of Civil Procedure (XIV of 1882), shall be entitled to, or have any claim on any such compulsory deposit.

Witness_____

____day of_____ 18____.

_____

W. Bellenden
for Agents

ENC. TO E.R. 5548 1897
LETTER NO. 1172 dt 16. 12. 97
FROM A

South Indian Railway,

PROVIDENT INSTITUTION.

RULES AND REGULATIONS.

No. 1172

South Indian Railway Co., Ld.,
AGENT'S OFFICE,
TRICHINOPOLY, 16th December 1897.

5548
Rec. 18.12.97
CONSULTING ENGINEER FOR RAILWAYS
RECEIVED
18 DEC 1897
MADRAS.

From

The AGENT,
SOUTH INDIAN RAILWAY,

To

The CONSULTING ENGINEER FOR RAILWAYS,
MADRAS.

Sir,

CR
Sec 11

With reference to Government Order No. 451 R — dated 9th July 1897, I have the honour to forward for sanction of the Secretary of State the amended rules of the South Indian Railway Provident Institution called for in Government of India letter — No. 1633 G dated 23rd July 1897. I also enclose for your information — extracts from my letter No. 547 dated 17th August 1897, to the Managing Director and from his letter to me No. 199 dated 19th November 1897.

S 11

S 9

From these papers you will observe that in addition to bringing the rules into conformity with Act No. IX of 1897, it is — proposed to modify Rules 16, 20, and 23 in order to meet the violent fluctuations which have recently occurred in the value of rupee paper. These further alterations have been approved by the Board and I — shall therefore be obliged if the necessary sanction to their adoption may be communicated to me.

I have the honour to be
Sir
Your most obedient Servant
A.G.G. Kelley
Captain R.E.
Agent

Enclosures 3

R

500—26-6-97.

Consg. Engr.'s No. 21.



Office of the Consulting Engineer for Railways,

Madras, 18th December 1897.

No. 3874

OFFICE NOTE.

Letter from the Agent, South Indian Railway, No. 1172, dated 16th December 1897, forwarded to the Examiner of Railway Accounts, for favour of remarks.

Can wait till after Railways

for E. R

17/12/97

EXAMINER'S REPLY.

The modified rules having been accepted by the Board, the sanction of the Govt: of India should be obtained to their inclusion in the Provident Institution Rules and Regulations.

E. R
10.1.98.

From

The Agent,
South Indian Railway,
Trichinopoly.

To

The Consulting Engineer for
Railways,
Madras.

Dated
Received } 189

No.

Enclosure.

Sr. 113. R dated 21/1/98.

Form No. 3.

PUBLIC WORKS DEPARTMENT,

RAILWAY BRANCH.

Bf

PROCEEDINGS OF THE MADRAS GOVERNMENT.

READ the following

Letter from the Agent S.R. No. 1172 of 16th Dec. 1897

The Government of India will be addressed

YJf
BR
20-1-98

H.E. Sr. 114 R dated 21/1/98.

Bf.
20/1/98

R. Form No. 12.

No. 1142 R

Government of Madras.

PUBLIC WORKS DEPARTMENT,

RAILWAY BRANCH.

To

The Secy. to the Govt. of India,

P. W. Department.

Calcutta.

Madras, the 21st January 1898.

Sir,

With reference to para 5 of ~~Govt of India~~ 3rd letter No. 1633 C7 d. 23/6/97 I am directed to forward, for the sanction of the Govt of India, the amended rules of the S.I.Rly. provident institution which commenced ~~to work~~ on 1st Apl. These rules, ~~which~~ have been approved by the Board of Directors vide extract from the Managing Director's letter No. 199 d. 19/11/97 a copy which is attached.

~~The above Commencement to be reported to Govt of India~~

Documents Accompg:
(1) Amended rules as referred to
(2) Extract from S.I.Rly letter No. 199 dy 19/11/97

Despatched on 21/2/98