

EPFOA Reforms Proposal

Need for Reforms

1. Lack of coherence and unity of purpose in front of the management and the government resulting in weak bargaining position and decrease in moral authority of the association
2. Reduction in formal deliberation process in EPFOA and Social Media talk gaining primacy
3. To promote associated & effective participation by members
4. To ensure representation from all batches and designations in the Central Executive
5. To raise coordination among different batches to rule out skewed representation resulting in trust deficit
6. Condition 6 (g) of CCS (RSA) Rules Appendix-B states that- **“Any amendment in the constitution/ bye-laws of the Service Association, after its recognition under these Rules, shall be made only with the prior approval of the Government”** Thus, any changes in constitution post approval of EPFOA under CCS (RSA) Rules would require prior approval of ministry.

Present Structure/Constitution

Present Structure of EPFOA as per the current constitution is as under:

1. President EPFOA as Chairman of Central Executive
2. Working President to discharge functions in the absence of the President
3. Secretary General as Chief Executive of EPFOA
4. Joint Secretary General as coordinating link between SG and VPs and to discharge functions in the absence of SG
5. Treasurer as Funds Manager & Accountant of the Association
6. Organizing Secretary from Head Office
7. Vice Presidents – As coordinating members at Zonal level
8. In present constitution there is provision of Unit Council for every region and General Council. Unit Council to have elected members from Region and the delegates constituting General Council are to be elected from members of Unit Council. It is these elected delegates constituting General Council, which are supposed to elect Central Executive members. As of today, General Council do

not exist. The Unit Councils too have not been constituted in majority of Regions barring few exceptions.

Proposed Changes in the Present Constitution

To address the above stated issues and to make EPFOA truly an inclusive and representative body of the whole Group-A officer community of EPFO, following changes are proposed:

1. The post of Vice Presidents may be abolished for the reasons :
 - a. EPFOA consists of officers with all India service liability and officers are not restricted to any particular zone. Further, almost all issues are national in character
 - b. Vice Presidents are often transferred from one zone to another and thus zonal coordination becomes meaningless
2. There would be a 21 member Central Executive (CE)
3. Out of 21 members, there would be 1 President, 1 Secretary General, 1 Joint Secretary General, 1 Organizing Secretary, 1 Treasurer and 16 Central Executive Members (CEM). Further, Out of these 21 members, 20 would be elected/nominated by the member officers and 1 post (Organizing Secretary) would be nominated during the First meeting of Central Executive.
4. The senior most member of the Central Executive (CE) would be the President on the lines of convention established in the other Service Associations as well. (To be decided by Referendum as a separate item)
5. In the absence of President, the senior most member of the CE except SG would carry out the work of President and designated as Officiating President.
6. The first meeting of Central Executive would be convened by the President within 10 days of the declaration of results of election. Secretary General, Joint Secretary General, Organising Secretary & Treasurer would be elected by members of Central executive from among themselves by way of consensus. If consensus is not reached, the same would be decided through voting by the Central Executive members by way of simple majority. (To be decided by Referendum as a separate item)
7. The term of the Central Executive would be 2 years and would coincide with Calendar Year
8. Organising Secretary shall be nominated by Secretary General from among EPFOA member officers posted in HO/NCR with the concurrence of Central

Executive. Further, his post would be deemed vacant as soon as he is posted outside NCR.

9. The Central Executive should conduct meeting regularly on bimonthly basis over Video conference / other medium and circulate minutes to member officers.
10. The intimation for meetings of Central Executive shall be given at least 7 days in advance. The members who fail to attend meeting on 3 consecutive occasions shall cease to be members of Central Executive and post would be considered vacant.
11. All members of CE are empowered to introduce agenda items with the permission of chair
12. Matters placed before CE shall be decided by Simple majority.
13. To ensure participation and representation from every batch/designation in the seats in CE can be filled in two ways- by way of nomination and/or through direct election.

Salient features:

- a) There will be representation of minimum 1 officer from a particular batch/cadre.
- b) In case there is no nomination from any particular batch/cadre the same vacancy will be filled by other nominees.
- c) Elections will be held only if there is more than 20 nomination. Once unopposed nominated members shortlisted, direct election will be conducted for rest of vacancies of CE wherein electorate will consist of all members of EPFOA
- d) Batches would be like 1986, 1990, 1994, 1997, 1999, 2003, 2006, 2012/14, 2015/16, DP (Regular) & DP (1999 AO/EO) (likewise future batches)
- e) The remaining seats (including the no nomination cases) of the CE would be filled by direct election where the electorate would include all the members of EPFOA. Anyone from any batch / designation mode can file his nomination for getting elected in these remaining seats. However, if total number of nominations filed are less or equal to the number of remaining seats left for direct election, there will be no need of any election. In case, the total nominations are more than remaining seats left for direct election, the same will be filled by way of direct election wherein

each electorate would choose those many number of candidates equal to number of remaining seats. This would ensure that each batch / designation would find its place in the Central Executive (CE) and will have a say in the decision making of EPFOA thereby making EPFOA an inclusive, unified, powerful, sensitive and accountable voice of all officers.

Time Table for Proposal for Reforms in EPFOA:

Milestones	Dates
Draft Proposal of EPFOA Reforms- inviting Comments/Suggestions to epfoareforms@gmail.com	August 1, 2018
Closure of Window for Comments/Suggestions	August 15, 2018
Final Proposal for Reforms in EPFOA	August 25, 2018

Time Table for Referendum:

Milestones	Dates
Circulation of Agenda of Referendum along with Registration for Referendum Opens	September 1, 2018
Registration for Referendum Closes	September 10, 2018
Final list of Qualified Members	September 30, 2018
Referendum	October 5, 2018
Final Result	October 7, 2018
	October 8, 2018

Time Table for Membership Finalization:

Milestones	Dates
Publication of list of Non-contributing members & pending dues	August 30, 2018
Last date of settling dues & making representation	September 10, 2018
Revised List of Members of EPFOA	September 18, 2018
Last Cutoff date for paying dues and making representation	September 25, 2018
Final List of Members of EPFOA	September 30, 2018

Constitution

CONSTITUTION OF THE EMPLOYEES' PROVIDENT FUND OFFICERS' ASSOCIATION (RECOGNISED)

ARTICLE NO.1: NAME

The name of the Association shall be The Employees Provident Fund Officers Association (E.P.F.O.A.).

ARTICLE NO.2: HEADQUARTERS

The office of the Headquarters of the Association shall be where the Secretary General is stationed.

ARTICLE NO.3: OFFICIAL YEAR

The official year of the Association shall commence on the 1st day of January of each year and end on the 31st December of the same calendar year.

ARTICLE NO.4: AIMS AND OBJECTS

The aims and objects of the Association shall be to promote and safeguard the common interests of all the members of the Association through constitutional means and to foster a spirit of camaraderie and good fellowship amongst the members and also between the members of the Association and members of similar service association and do all such other acts as are incidental and conducive to the attainment of the said object. It shall be the paramount duty of the Association to represent the cause of the members uninfluenced by racial, communal or regional considerations. The Association shall not however espouse the cause of individual members. Provided that issues concerning individuals shall also be taken up by the Association where such issues involve general principles and policies of the Association.

ARTICLE NO.5: MEMBERSHIP

The membership of the Association shall be open to all departmental officers belonging to Group- A (Commissioners as defined in section 5D (7) of EPF& MP Act). The Unit Council shall have the right to reject the application of any officer from membership if the Council has reasons to believe that the conduct of the officer is against the general interest of the members of the Association. Every officer intending to become a member of the Association shall be required to submit his application to the Unit Secretary in the form prescribed along with the membership fee of Rs.100/-.

ARTICLE NO.6: SUBSCRIPTION

The annual subscription payable by such member shall be Rs. 1200/- which may be paid by the member either in one lump sum in advance or by monthly payment at the rate of Rs. 100/- per month. A member who does not pay the subscription for six consecutive months shall automatically cease to be a member of the Association. Revival of membership shall however be allowed to the members paying the arrears subscription and such other penalty as may be required by the Unit Council.

ARTICLE NO.7: ORGANISATIONAL SETUP

- (A) The organisational setup of the Association shall be as under:-
(i) Unit Council.

- (ii) General Council.
- (iii) Central Executive.

(i) Unit Council

Every region shall have a Unit Council with elected representatives of the officers numbering not more than nine. Wherever Sub-Regional Offices are functioning within the region the Unit Council shall provide for membership of at least one representative for each of the Sub Regional Office. The Unit Council shall have a Secretary who shall be the officer coordinating in all the activities of the association between the Unit Council and the Central Executive. The Unit council shall collect the subscription, which shall be deposited to the Association Headquarters as subscription before two months of the close of the calendar year. The Central office shall be treated as a region for the purpose of setting up of a Unit Council. In so far as the T.A. of office bearers and members of the Central Executive Committee are concerned the same will be borne by the Association.

(ii) GENERAL COUNCIL.

The General council shall be the supreme body in all matters of policy and laying of guidelines for the proper functioning of the Association, accepting the annual statement of receipts and payments, the Secretary General's report etc., The General Council shall consist of delegates at the rate of one for every 10 subscribing members or part thereof to be elected from among the members of Unit.

(iii) CENTRAL EXECUTIVE

Sl.No.	Name of Post	No. of Post
1	President	<u>1</u>
2	Working President	<u>1</u>
4	Organising Secretary (From Central Office)	<u>1</u>
5	Secretary General	<u>1</u>
6	Joint Secretary General	<u>1</u>
7	Treasurer	<u>1</u>
8	Vice President (One from each Zone)	<u>10</u>
	Total	<u>16</u>

(B) All the above office bearers and the Executive Committee Members shall be elected in a meeting of the General Council of delegates if necessary by secret ballots/E-mail/SMS/Other electronic mode.

ARTICLE NO.8: TERMS OF OFFICE

The terms of office of the representatives/office bearer of the Unit Council the Central Executive and General Council be two years. The Executive Committee/ Unit Council shall have the authority to co-opt any member to fill up any vacancy caused by transfer, resignation, retirement, removal from service or death of any of the office-bearer of the Central Executive or of the Unit Council.

ARTICLE NO.9: POWERS AND FUNCTIONS OF THE CENTRAL EXECUTIVE COMMITTEE PRESIDENT

The President or in his absence, the Working President shall preside for all meetings of the Central Executive Committee and also of the General Council when they are in session.

Vice-President

The vice president shall assist the president and working president in the discharge of his duties and in the absence of either the president or the working president. One of the Vice President shall discharge the functions of the President or the Working President.

SECRETARY GENERAL

The Secretary General shall be the chief executive of the Association and he shall enter into correspondence with the authorities on all matters concerning the activities of the Association. He shall maintain a proper record of all proceedings of the meetings and correspondences. He shall convene the meetings of the Central Executive Committee as well as the General Council in consultation with the President. He shall also maintain a correct list of members of the Association.

JOINT SECRETARY GENERAL

He shall be responsible to coordinate the working of the Association between the Unit Council and Central Executive. He shall assist the Secretary General in the discharge of his duties and he will also discharge the duties of Secretary General during his absence.

TREASURER

Treasurer shall collect subscription, fees, donations etc., issue proper receipts and keep the accounts of the receipts and expenditure and place before the General Council/Central Executive Committee the audited statement of accounts.

ARTICLE NO.10: POWERS OF CENTRALL EXECUTIVE COMMITTEE

The powers of the Central Executive Committee are subject to the general control of the General Council. The Central Executive Committee shall be responsible for the efficient conduct of the affairs of the Association and shall also initiate and execute all measures necessary or desirable for the purpose of securing the objects of the Association. In particular it shall prepare and submit memoranda and representation to the superior authorities in matters affecting the common interest of the members. It shall also submit an annual report on the working of the Association during the year. The Central Executive has the authority to incur any expenditure necessary for carrying out the aims and objects of the Association.

ARTICLE NO.11: FUNDS

The funds of the Association shall comprise the subscriptions from members, interest on investments, if any and donations from members or from like minded Associations. The funds of the Association shall be deposited in any of the scheduled banks and shall be operated upon by the Treasurer. The accounts of the Association shall be audited annually by an auditor appointed by the General Council and the audited statement of accounts will be sent to all the Unit Councils. A copy of the annual report and audited statement of accounts and list of the members and office bearers shall be submitted to the

Government of India and the Central P.F. Commissioner within one month from the date of Annual General Meeting.

ARTICLE NO.12: MEETING

General Council shall meet ordinarily once in a year to review the working of the Association and to elect office bearers to the Central Executive Committee once in two years, provided that a meeting of the General Council or Central Executive Committee shall be convened on a requisition from at least 50% of the Unit Councils or 50% of the members of Central Executive Committee within one month of receipt of such requisition to transact such business as may be mentioned in the requisition.

CENTRAL EXECUTIVE COMMITTEE

Central Executive Committee shall meet once in every six month or at such periodic intervals as the circumstances may warrant.

UNIT COUNCIL

Unit Council shall meet at least once in 3 months and inform to Joint Secretary General of any development relating to the region, along with a copy of the official minutes of the meeting.

ARTICLE NO.13: DECISIONS OF THE GENERAL COUNCIL AND CENTRAL EXECUTIVE COMMITTEE

All questions coming up before the General Council or Central Executive Committee shall be decided by a simple majority.

ARTICLE NO.14: CHANGE IN ARTICLES

The General Council shall have the powers to alter or abrogate or amend any of the existing Articles of the Constitution or form a new one after giving not less than one month advance notice to all Unit Councils. A copy of each of all such alterations, modifications or substitutions of the Articles shall be furnished to the Government of India and the Central P.F. Commissioner as soon as may be but in no case later than one month of such alterations or modifications.

ARTICLE NO.15: RESOLUTION OF DOUBT

In the case of any doubt or dispute as to the interpretation of any clause of this Constitution the decision of the General Council shall be final and binding on all.

ARTICLE NO.16: DISSOLUTION OF THE ASSOCIATION

The Association shall not be dissolved except with the consent of all the Unit Councils and except on a resolution to be adopted in a meeting attended by not less than 75% of the members of the General Council delegates present and voting.

No. 2/10/80-JCA
Government of India
Department of Personnel & Training

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New Delhi, the 9th November, 1993.

OFFICE MEMORANDUM

Subject:- Central Civil Services (Recognition of Service Association) Rules, 1993

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The undersigned is directed to say that the question of framing fresh Rules for recognition of Service Associations of Central Government employees has been under consideration of the Government for quite sometime. Accordingly the Government have framed the Central Civil Services (Recognition of Service Association) Rules, 1993. These Rules have been notified in part (II) , Section 3, Sub-Section (I) of the Gazette of India extraordinary dated 5th November, 1993, as GSR No. 689 (E). The Rules will , therefore, take effect from 5th November , 1993. A copy of the Rules is enclosed.

2. These Rules shall apply to all Service Associations of Central Government employees including civilian employees in the Defence services, but shall not apply to industrial employees of Ministry of Railways and workers employed in Defence installation of Ministry of Defence for whom separate Rules for Recognition exist.

3. The status of existing recognized Associations / Federations including those recognized on ad-hoc basis , shall be regulated in terms of rule 4 of the said Rules.

4. Recognition will be accorded by the Ministry / Department of an Association on fulfilling the conditions prescribed in Rule 5 (d) (i) of the rules in respect of the entire Ministry / Department . The Association so recognized at the Central level may have branches in the lower formation. In respect of Secretariat staff belonging to the Central Secretariat Service, Central Secretariat Stenographers Service, Central Secretariat Clerical Service, the recognition will be on all Secretariat basis as at present. Such Associations will have branches in respective Ministries / Departments.

5. Detailed procedure regarding recovery of subscription for the associations from the pay-rolls shall be prescribed by the Controller General of Accounts.

6. 1 Relaxation of any of the provisions of the CCS (RSA) Rules, 1993 under Rule 9 of the said Rules should be done only with the prior approval of the Department of Personnel and Training.

6. 2 Doubts regarding the interpretation of CCS (RSA) Rules 1993 should be referred to the JCA Division of the Department of Personnel and Training for clarification.

To be published in part-II, Section 3 , Sub-Section (i) of the Gazette of India)

No. 2/10/ 80-JCA (Vol. IV)
Government of India
Ministry of Personnel, Public Grievances & Pensions
(Department of Personnel & Training)

New Delhi , the 5th November, 1993.

NOTIFICATION

In exercise of the powers conferred by the proviso to article 309 and clause (5) of article 148 of the Constitution, after consultation with the comptroller and Auditor General in relation to persons serving in the Indian Audit and Accounts Department, and in suppression of the Central Civil Services (Recognition of Service Associations) Rules, 1959 except as respects things done or Omitted to be done before such super session, the president hereby makes the following rules, namely :

1. **Short title and commencement:** (1) These rules may be called the Central Civil Services (Recognition of Service Associations) Rules, 1993.

2. They shall come into force on the date of their publication in the official gazette.

2. **Definition :** In these rules , unless the context otherwise requires, -

(a) “ Government “ means the Central Government.

(b) “Government servant” means any person to whom the Central Civil Services (Conduct) Rules, 1964, apply.

3. **Application:** These rules shall apply to Service associations of all Government servants including civilian Government servants in the Defence Services but shall not apply to industrial employees of the Ministry of Railways and workers employed in Defence Installations of Ministry of Defence for whom separate Rules of Recognition exist.

4. **Service Associations already recognized :**

A Service Association or a federation which has been recognized by the Government before the commencement of these rules and in respect of which the recognition is subsisting at such commencement , shall continue to be so recognized for a period of one year from such commencement or till the date on which the recognition is withdrawn, whichever is earlier.

5. **Conditions for recognition of Service Associations:**

A service Association which fulfills the following conditions may be recognised by the Government, namely :-

(a) An application for recognition of Service Association has been made to the Government containing Memorandum of Association , Constitution , Bye-laws of the Association , Names of Office-Bearers , total membership and any other information as may be required by the Government ;

(b) the Service Association has been formed primarily with the object of promoting the common service interest of its members ;

(c) membership of the Service Association has been restricted to a distinct category of Government servants having common interest , all such Government Servants' being eligible for membership of the Service Association ;

- (d) (i) The Association represents minimum 35 percent of total number of a category of employees provided that where there is only one Association which commands more than 35 per cent membership , another Association with second highest membership , although less than 35 per cent may be recognised if it commands atleast 15 per cent membership ;
- (ii) The membership of the Government Servant shall be automatically discontinued on his ceasing to belong to such category ;
- (e) Government employees who are in service shall be members or office bearers of the Service Association ;
- (f) the service Association shall not be formed to represent the interests , or on the basis , of any caste , tribe or religious denomination or of any group within or section of such caste , tribe or religious denomination ;
- (g) the Executive of the Service Association has been appointed from amongst the members only ;
and
- (h) the funds of the Service Association consist exclusively of subscriptions from members and grants , if any made by the Government , and are applied only for the furtherance of the objects of the Service Association.

6 Conditions subject to which recognition is continued:

Every Service Association recognized under these Rules shall comply with the following conditions , namely :-

- (a) the Service Association shall not send any representation or deputation except in connection with a matter which is of common interest to members of the Service Association ;
- (b) the Service Association shall not espouse or support the cause of individual Government servants relating to service matters ;
- (c) the Service Association shall not maintain any political fund or lend itself to the propagation of the view of any political party or a member of such party ;
- (d) all representations by the Service Association shall be submitted through proper channel and shall be addressed to the Secretary to the Government / Head of the Organisation or head of the Department or office ;
- (e) a list of members and office hearers , and up-to-date copy of the rules and an audited statement of accounts of the Service Association shall be furnished to the Government annually through proper channel after the general annual meeting so as to reach the Government before the 1st day of July each year ;
- (f) the Service Association shall abide by , and comply with all the provisions of its constitution / bye-laws ;
- (g) any amendment in the constitution / bye-laws of the Service Association , after its recognition under these Rules , shall be made only with the prior approval of the Government ;
- (h) the Service Association shall not start or publish any periodical , magazine or bulletin without the previous approval of the Government ;

(i) the Service Association shall cease to publish any periodical , magazine or bulletin , if directed by the Government to do so , on the ground that the publication thereof is prejudicial to the interests of the Central Government , the Government of any state or any Government authority or to good relations between Government servants and the Government or any Government authority , or to good relations between the Government of India and the Government of a foreign State ;

(j) the Service Association shall not address any communication to , or enter into correspondence with , a foreign authority except through the Government which shall have the right to withhold it ;

(k) the Service Association shall not do any act or assist in the doing of any act which , if done by a Government servant , would contravene any of the provisions of the central Civil Services (Conduct) Rules, 1964 ; and

(l) communications addressed by the Service Association or by any office-bearer on its behalf to the Government or a Government authority shall not contain any disrespectful or improper language.

7 Verification of Membership:

(1) The verification of membership for the purpose of recognition of a Service Association shall be done by the check-off-System in pa-rolls at such intervals and in such manner as the Government may by order prescribe.

(2) The Government may, at any time, order a special verification of membership if it is of the opinion , after an enquiry , that the Service Association does not have the membership required under sub-clause (i) of clause (d) of rules 5 .

8 Withdrawal of Recognition :

If , in the opinion of the Government , a Service Association recognized under these rules has failed to comply with any of the conditions set out in rule 5 or rule 6 or rule 7 the Government may after giving an opportunity to the service Association to present its case, withdraw the recognition accorded to such Association.

9 Relaxation :

The Government may dispense with or relax the requirements of any of these rules to such extent and subject to such conditions as it may deem fit in regard to any Service Association.

10. Interpretation :

If any question arises as to the interpretation of any of the provisions of these rules or if there is any dispute relating to fulfillment of conditions for recognition it shall be referred to the Government , whose decision thereon shall be final.

Sd/-

(J.S.Mathur)

Joint Secy. to the Govt. of India

No. 2/10/80-JCA
Government of India
Department of Personnel and Training

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New Delhi, the 31st Jan, 1994

OFFICE MEMORANDUM

Subject : Procedure for verification of membership of Associations for the purpose of recognition under the Central Civil Services (Recognition of Service Associations) Rules, 1993.

This is in continuation of this Department's O.M. of even number dated 9th November, 1993 forwarding a copy of the CCS (Recognition of Service Association) Rules, 1993 for recognition of Service Associations of Central Government employees.

2. 1 In terms of Rules 7 of the above mentioned Rules, the verification of membership for the purpose of recognition of a Service Association shall be done by the check-off system in pay-rolls.

2. 2 Check-off system is a means to verify the membership of an Association on the basis of deduction of subscription from the pay-rolls. Under this system each Government employee, who is a member of an association is required to apply, in writing, to the DDO or any other designated authority, his consent, for the deduction of annual subscription, for the financial year, from the pay-roll in favour of a particular Association. A specimen of the application is enclosed at Annexure-I. On receipt of the application, the Association is required to confirm the membership, and thereafter pass on the application to the DDO for effecting recoveries.

2. 3 Consent for deduction of annual subscription shall remain valid till altered or withdrawn. The revised option for deduction, if any, can be exercised only in the month of April each year to be effective from July of that year.

2. 4 Under the check-off system a Government Servant may subscribe to only ONE Association. For the purpose of fulfillment of the requirement of minimum membership under Rule 5 (d) (i) of the CCS (RSA) Rules, 1993 only such of the members who have paid the subscription through the check-off system shall be taken into account.

2. 5 Recoveries of annual subscription from pay roll in favour of a particular Association shall be made by the DDO once a year in the month of July.

3. The conduct of the verification of Membership to be completed by 30th September, 1994. This procedure is to be adopted for recognition of Associations at the initial stage. The guidelines are by no means exhaustive and Ministries / Departments may make such changes as they deem fit provided the changes do not infringe any of the provisions of CCS (RSA) Rules, 1993.

4. Detailed procedure regulating recovery of subscription from the pay-rolls, accounting and the consolidation of accounts, has been prescribed by the controller General of Accounts vide their O.M. No. 9 (4)/93/TA/Vol.II/4 dated 9.1.2001. Doubts regarding the above mentioned OM may be addressed to Ms.T.R.Padmavathy Sr. Accounts Officer(TA), 7th Floor, Office of the Controller General of Accounts ,Lok Nayak Bhavan , New Delhi-110003.

5. The procedure for crediting the subscription deducted by the DDO to the Association's account may be finalized by each Ministry / Department in consultation with the concerned Association.
6. Each Ministry / Department should give wide publicity to all the instructions / information / schedule regarding the verification of membership so that the entire exercise is carried out in a smooth manner.

Sd/-
(BIR DATT)
DIRECTOR (JCA)

To,

1. All Ministries/Departments of the Govt. of India.