

The
Bangladesh Gazette



Extraordinary
Published by Authority

TUESDAY, AUGUST 15, 1978

BANGLADESH FILM DEVELOPMENT CORPORATION,
TEJGAON, DACCA—8.

NOTIFICATION

Dacca, the 12th August, 1978.

No. FDC/35(3).—In exercise of the powers conferred by sub-section (1) of section 46 of the Film Development Corporation Act, 1957 (E.P. Act XV of 1957), the Board of Directors of the Film Development Corporation, with the previous sanction of the Government, is pleased to make the following regulations, namely :—

THE FILM DEVELOPMENT CORPORATION (CONTRIBUTORY PROVIDENT FUND) REGULATIONS, 1978.

1. Short title.—The regulations may be called the Film Development Corporation (Contributory Provident Fund) Regulations, 1978.

2. Definitions.—(1) In these regulations, unless there is anything repugnant in the subject or context—

(a) "Act" means the Film Development Corporation Act, 1957 (E.P. Act XV of 1957);

(b) "Advance" means a loan granted to the subscriber by the Chairman out of the amount available to his credit in the Fund;

(4927)

Price : 75 Paise

- (c) "Chairman" means the Chairman of the Board;
- (d) "Contribution" means the sum of money deposited by the Corporation towards the account of a subscriber in the Fund including the amount deposited in the form of interest as admissible under these regulations;
- (e) "employee" means a whole-time paid employee of the Corporation;
- (f) "family" means the spouse and children of a subscriber and the wife and minor son and unmarried or widowed daughter of his deceased son and includes his parents provided they are absolutely dependent on him;
- (g) "Form" means a Form set out in the Appendix to these regulations;
- (h) "Fund" means the Contributory Provident Fund of the Corporation;
- (i) "nominee" means a person or persons nominated in writing by the subscriber and registered in the Corporation's office to receive payment of the amount standing to the subscriber's credit in the Fund in the event of his death or becoming insane or otherwise incapacitated to manage his own affairs at the time of making the payment by the Corporation to the subscriber;
- (j) "pay" or "salary" means that portion of emolument which constitutes pay in the scale on which the subscriber has been appointed and includes the special or personal pay, if any granted from time to time but does not include allowances like compensatory allowance, house or conveyance allowance;
- (k) "subscriber" means an employee of the Corporation who subscribes to Fund;
- (l) "subscription" means the sum of money deposited monthly by an employee from his pay towards the fund.
- (2) All other words and expressions used but not defined in these regulations shall have the same meaning as in the Act.

3. **Application of the regulations.**—These regulations shall apply to all employees, other than the employees who are Government servants and whose services have been placed by the Government at the disposal of the Corporation or who have been employed by the Corporation after their retirement from Government Service.

4. **The Funds and its management.**—The Fund shall consist of the subscriptions of the employees, contributions of the Corporation and the interests credited under regulation 13 and shall be administered by the Corporation.

5. **Rate of subscription.**—(1) Every employee shall be a subscriber to the Fund and shall subscribe to it during the period of his service in the Corporation at the rate of ten per cent. of his pay which shall be deducted from his pay every month.

(2) A subscriber who is placed under suspension shall not be eligible to subscribe to the Fund from the subsistence allowance in respect of the period of suspension. But if he is subsequently reinstated, subscription shall be recovered in respect of the entire period of his suspension at the rate specified in sub-regulation (1) in lump sum.

Note.—In Calculating the monthly pay on which deduction is to be made, any fraction of a Taka of such monthly pay shall be omitted.

6. **Subscriptions of subscribers' absent on leave**—(1) The subscription of any subscriber absent on leave shall, during the period of such absence, be assessed on the leave salary during such absence but any such subscriber shall be at liberty to subscribe on the full amount of his leave salary if he so desires. Provided that notice in writing of such desire shall have to be given by him to the Corporation prior to the due date for the first payment of leave salary next after such subscriber shall have taken leave.

(2) An employee who has been granted leave without pay and who has been allowed to retain a lien on his post may be permitted by the Corporation to subscribe to the Fund on the basis of his substantive or presumptive pay during the whole or any period of such leave.

7. **Subscriber's account.**—An account shall be opened and maintained by the Corporation in the name of each subscriber to which shall be credited—

- (a) the subscriber's subscriptions;
- (b) the contributions made by the Corporation under regulation 12;
and
- (c) the interest as provided by regulation 13.

Note.—All items of accounts shall be calculated to the nearest Taka.

8. **Maintenance of ledger.**—The detailed accounts of the subscribers' shall be maintained in the Ledger Book (in Form No. 1 and Form No. 2) which shall be treated as original record. The names of the subscribers with necessary particulars shall be entered in the ledger book in serial orders as soon as they are admitted and account numbers allotted. Separate columns shall be maintained in the Ledger Book for posting of subscriber's monthly subscription, Corporation's contribution, interest on subscribers' subscription and Corporation's contribution, advances, recoveries of advances and interest on advances.

9. **Annual statement of account.**—As soon as possible after the accounts for the year have been finally closed, each subscriber's account shall be made up with interest up to the 30th day of June and statement thereof (in Form No. 3) shall be sent to him through the Head of his Department. Subscribers shall satisfy themselves as to the correctness of these statements and unless errors in them are brought to notice within two months from the date of their receipt, no claims based on such errors shall be subsequently recognised.

10. **Payment of the Provident Fund.**—(1) If a subscriber dies or ceases to be a subscriber to the Fund or goes on leave preparatory to the final termination of services, the amount standing to his credit minus the outstanding balance of any advance granted under regulation 17 or any other deductions authorised under these regulations shall be payable in full in Bangladesh in lump sum.

(2) No claim shall be entertainable against the Fund if made more than five years after the date of which the amount due becomes payable and such amount shall be forfeited and credited to the Corporation's general fund.

(3) Any amount due from the Fund shall cease to bear interest after six months from the date on which the amount due becomes payable;

(4) Payment to the nominee or nominees of a subscriber in the event of his death shall be made on claim within six months of the date on which the payment falls due.

11. **Accumulation to be the absolute property of subscriber.**— All sums which shall accumulate to the credit of a subscriber shall be his absolute property. Any sum standing to the credit of a subscriber shall be handed over to him on the termination of his service in the Corporation or, if he is insane or dies while in the service of the Corporation, be dealt with as provided in these regulations.

12. **Contribution by the Corporation.**— At the end of each financial year the Corporation shall contribute for credit to each subscriber's account an amount equal to the subscription paid by him during the financial year :

Provided that when an account is finally closed prior to 30th June in any year, the amount to be credited under these regulations shall be credited to the account on the date of the closing of the account.

13. **Interest.** (1) The Corporation shall pay interest to the credit of the account of a subscriber each year and the rate of interest shall be determined by the Corporation at the end of each year.

(2) Interest shall be credited with effect from the 1st day of July each year in the following manner, namely:—

- (a) on the amount of the credit of a subscriber on 30th June of the preceding year, less any sum or sums withdrawn during the current year, interest for twelve months;
- (b) on the sum or sums withdrawn during the current year, interest from 1st day of July of the current year up to the last day of the month preceding the month of withdrawal;
- (c) on all sums credited to the subscriber's account after the 30th day of June of the preceding year, interest from the date of deposit up to the 30th day of June of the current year.

(3) Calculation of interest on the Corporation's contribution from the 1st day of July to the 30th day of June of the current year shall be made monthly as if it were contributed by the Corporation in each month.

(4) Interest shall not be credited to the account of a subscriber if he informs the Corporation that he does not wish to receive it; but if he subsequently asks for it he shall be credited with interest from the month following that in which he asks for it.

5. The total amount of interest shall be rounded to the nearest whole Taka (fifty paise amounting as next higher Taka).

14. **Payment of contribution.**—All sums credited to a subscriber's account under regulation 12 shall be appropriated and credited to the fund of the Corporation if he resigns or retires when he has been a subscriber for less than three years or is dismissed from the service of the Corporation:

Provided that if any subscriber retires or is discharged owing to injury, illness or old age, or for purpose of retrenchment of staff when he has been a subscriber for less than three years, the Corporation may order that the amounts credited to the subscriber's account as contribution be dealt with as provided in regulation 15.

15. **Nomination.**—A subscriber shall, as soon as his account is opened, furnish a nomination to the Accounts Officer in Form No. 4 conferring on the nominee or nominees the right to receive the amount that may stand to his credit in the Fund in the event of his death before that amount has become payable or having become payable, has not been paid. If any person thus nominated is minor or under any disability to give a legal discharge for any payment, the subscriber shall at the time of making the nomination, appoint another person who is of full age and capable of giving a legal discharge for the purpose of receiving payment on behalf of the minor or the person under disability so long as the minority or disability continues.

(2) If at the time of making the nomination the subscriber has a family, the nomination shall not be in favour of any person or persons other than the members of the family, and if, at the time of making the nomination, the subscriber has no family, the nomination shall become invalid in the event of his subsequently acquiring a family.

(3) If a subscriber nominates more than one person under sub-regulation (1), he shall specify in the nomination the amount or share payable to each of the nominees in such manner as to cover the whole of the amount that may stand to his credit in the Fund; otherwise, the amount shall be distributed in equal shares among the nominees.

(4) In the event of the death during the life time of the subscriber of any person who has been nominated or of any person who has been appointed to receive payment on behalf of the nominee under sub-regulation (1), the subscriber shall forthwith nominate or appoint another person in place of the deceased nominee or appointee.

(5) Every nomination or appointment shall be signed by the subscriber making it in the presence of two witnesses who shall also sign in his presence and in the presence of each other.

(6) A subscriber may, at any time, cancel a nomination by sending a notice in writing to the Accounts Officer of the Corporation:

Provided that the subscriber shall along with such notice furnish a fresh nomination in Form No. 4.

(7) A nomination or appointment shall remain in force until the subscriber, having no family at the time of making the nomination, subsequently acquires a family or until the death of the nominee or appointee or until revoked by the subscriber by delivering to the Accounts Officer of the Corporation another nomination or appointment in accordance with the provisions of these regulations.

(8) Every nomination or appointment and every cancellation of such nomination or appointment shall take effect on the date on which it is received by the Accounts Officer.

16. **Recovery from contribution.**—Subject to the condition that no deduction may be made which reduces the credit of a subscriber by more than the additional sum which has been credited by the Corporation, before the amount standing to the credit of a subscriber is paid out of the Fund, the Corporation may direct the deduction therefrom and credit to the Fund of the Corporation of any amount due under a liability incurred by the subscriber to the Corporation.

17. **Advance from the Fund.**—(1) There may be granted by the Chairman to a subscriber who has contributed to the Fund for not less than two years a temporary advance from the amount standing to his credit, subject to the following conditions, namely :—

- (a) No advance may be granted unless the Chairman is satisfied that the applicant's pecuniary circumstances justify it and that the amount advanced shall be expended for any of the following purposes :—
- (i) to pay expenses in connection with the prolonged illness of the subscriber or any member of his family or of any other person wholly dependent on him;
 - (ii) to pay for overseas passages for reason of health or education of the subscriber or his children;
 - (iii) to pay expenses in connection with marriage of self, sons, daughters and dependent sisters and funerals or ceremonies which by his religion it is incumbent on him to perform;
 - (iv) to pay insurance premium on production of necessary certificate from the insurance company;
 - (v) to meet the expenses of building a house for his own residential purpose.

(2) An advance shall not exceed the pay of the subscriber for three months preceding the date of the application for such advance or the total accumulations standing to his credit as his own subscription with interest, whichever is less.

(3) Except in special circumstances, a second or subsequent advance shall not be granted to a subscriber until at least twelve months have elapsed since the complete repayment of a previous advance together with interest thereof.

(4) Temporary advance so granted by the Chairman to a subscriber shall be placed in the next meeting of the Board for approval.

18. **Recovery of advances.**—(1) Advance granted under regulation 17 shall be recovered from the subscriber in such number of monthly instalments as the authority sanctioning the advance may direct, but such number shall not be less than twelve and not more than twenty-four. A subscriber may at his option make repayment in a smaller number of instalments than the number directed.

(2) Recovery of advance shall commence from the first payment of the full month's pay after the advance is made.

(3) After the principal of the advance has been fully recovered the interest on the advances shall be recovered at the rate as may be determined by the Corporation from time to time on Contributory Provident Fund balance.

(4) Interest on advance shall be recovered in one or two instalments in the month or months immediately following the full recovery of the principal.

(5) A subscriber in respect of whose deposits in the Fund no interest is credited to his account shall not be required to pay into the Fund any additional instalments on account of interest on advance.

(6) Recoveries of advance and the interest thereon shall be credited to the account of the subscriber in the Fund.

(7) The instalments shall be recovered by compulsory deduction from salary and shall be in addition to the usual subscription.

(8) No recovery shall be made from the pay of a subscriber while he is on leave, other than leave on full average pay, or on subsistence grant, except with the written consent of the subscriber.

19. **Payment on death.**—In the event of death of a subscriber, before the amount standing to his credit has become payable or when the amount has become payable, before payment has been made, the amount to his credit shall be disposed of as follows :—

- (a) If a nomination is made, the amount shall be divided among the nominees of his family in accordance with the terms of the nomination. If the nomination relates to a portion only of the amount, the balance shall be distributed in the manner prescribed in clause (c). If the nomination does not state the person or persons to whom the sum intended for the benefit of the minor is to be paid the sum due shall be paid to the minor's legal guardian to be used for the minor's benefit.

- (b) Where a subscriber leaves a family, but no form of nomination has been received from him, the amount shall be distributed among his family.

The division among the persons entitled shall be in equal shares except that the widow or widows and child or children of any deceased son shall take equally between them only the share which that son would have taken had he survived the subscriber.

- (c) Where a subscriber leaves no family the amount standing to his credit in the Fund shall become payable to his nominee or nominees in the proportion specified in the nomination. If such nomination relates only to a part of the amount standing to his credit in the Fund, the whole amount or the part thereof to which the nomination does not relate shall be paid to such person or persons and in such manner as described in clause (d).
- (d) If there be no party entitled to receive the amount it shall be paid to the subscriber's legal representative or such other person or persons as may be determined by a Civil Court competent to pass order in this respect:

Provided that if the sum remaining at the credit of the subscriber does not exceed Taka 500 it may be paid to such person or persons as the Corporation may consider to be the proper person or persons to receive it after such enquiry into the rights and title of the claimant as may be deemed sufficient.

Note.—The Corporation shall not be bound by or recognise any assignment or encumbrance which affects the disposal of the amount under these regulations.

20. **When a subscriber becomes insane.**—If any subscriber becomes insane or otherwise mentally incapacitated to manage his own affairs and the same is proved to the satisfaction of the Chairman, the Chairman may authorise any amount to which such subscriber may become entitled under these regulations to be paid to any person when he may judge proper to receive the same in the best interest of such subscriber and the receipt of the person to whom such payment is made shall be a good discharge for the same.

21. **Expenses of the management.**—The Corporation shall bear all expenses connected with the management of the Fund.

22. **Contributor's Provident Fund Forms.**—For the maintenance of Fund accounts Form No. 1 and Form No.2 set forth in the Appendix shall be used.

23. **Credit of sums accumulated in the existing Fund.**—Any sum of money accumulated in the account of an employee in the Contributory Provident Fund of the Corporation existing at any time before the commencement of these regulations shall be credited to the account of the employee opened and maintained under regulation 7.

APPENDIX

FORMS

[See Regulation 22]

FORM No. 1

The Film Development Corporation Contribution Provident Fund, General Index Register.

[See Regulation 8]

Account No.	Ledger Folio.	Name and Designation of subscriber.	Nomination when received.	Date and reason for closure of account.	Remarks.

FORM No. 2

Account No.
 Name of the employee
 Designation
 Office
 Date of joining FDC
 Date of joining the Fund

The Film Development Corporation
 Contributory Provident Fund Ledger
 For
 [See Regulation 8]

Date of closing the account
 Amount paid to employee
 As final payment Tk.
 Amount forfeited

Month	Pay	CONTRIBUTION			INTEREST			Remarks
		Subscription by the employee	Contribution by the employer	Total combined contribution (columns 3 and 4)	Interest on employees subscription	Interest on employer's contribution	Total combined interest (columns 6 and 7)	
1	2	3	4	5	6	7	8	9

Balance B.F.
 July
 August
 September
 October
 November
 December
 January
 February
 March
 April
 May
 June

Month	Advance made	TEMPORARY ADVANCES AGAINST CONTRIBUTORY PROVIDENT FUND				
		Recovery effected	Interest accrued	Interest realised	Balance	Remarks
10	11	12	13	14	15	16
Balance B.F.						
July						
August						
September						
October						
November						
December						
January						
February						
March						
April						
May						
June						

FORM No. 3

The Film Development Corporation.

Contributory Provident Fund

Annual Statement of Account

Year 19 - 19

[See Regulation 9]

Interest at the rate of Tk.

Account No.	Name of subscriber.	Opening balance.	Deposit during the year.	Interest for the year.	Withdrawals during the year.	Balance.	Remarks.
1	2	3	4	5	6	7	8

Subscriber's own subscription. Tk.....

Corporation's contribution Tk.....

N.B.—The subscriber is requested to satisfy himself as to the correctness of the statement and to bring errors, if any, to the notice of the Authority within two months from the date of its receipt.

Accounts Officer,
FDC Headquarters, Dacca.

4240 THE BANGLADESH GAZETTE, EXTRA, AUGUST 1978

FORM No. 4

THE FILM DEVELOPMENT CORPORATION
CONTRIBUTORY PROVIDENT FUND

FORM OF NOMINATION

[See Regulation 15.]

Name of the subscriber.....
Post held by subscriber.....
Provident Fund Account No.....
Marital status

(That is, Married or unmarried)

I hereby declare that in the event of my death the amount at my credit in the Film Development Corporation Contributory Provident Fund shall be distributed among the persons mentioned below in the manner shown against their names.

The amount due to a nominee who is a minor at the time of my death should be paid to the person whose name appears in column 5.

Name and address of the nominee or nominees.	Relation-ship with the subscriber.	Whether major or minor, if minor, state his age.	Amount or share of deposit.	Name and address of the person to whom payment to be made on behalf of the minor.	Sex and percentage of person mentioned in column 5.
1	2	3	4	5	6

Two witnesses' signature and designation :

(1) Address

(2) Do.

Station.....

Signature of subscriber.....

Date

Acknowledgement by Accounts Department of the Film Development Corporation.

No..... Date.....

The receipt of your form of nomination in respect of your Contributory Provident Fund is hereby acknowledged.

Accounts Officer,
FDC Headquarters, Dacca.

QAZI AZHAR ALI
Chairman,
Film Development Corporation.

Dated 12-8-1978.

Printed by the Officer-in-charge, Bangladesh Government Press, Dacca.
Published by the Assistant Controller-in-charge, Bangladesh Forms & Publications Office, Dacca.