

No. G 25012/4/2008-NACO
Govt. of India
Ministry of Health & Family Welfare
(National AIDS Control Organization)

OFFICE MEMORANDUM

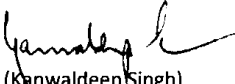
1. All SACS
2. All MSACS

Sub: Applicability of EPF & MP Act on contract employees of SACS & MACS of NACO

The undersigned is directed to state that a number of instances have been brought to our notice by various State AIDS Control Societies/ Municipal State AIDS Control Societies in which EPFOs of their respective states have served notices on them for non-compliance of the Employees Provident Fund and Miscellaneous Act, 1952 in respect of their contractual employees

Office of the Central Provident Fund Commissioner has clarified vide their D.O. No.Coord/10(1)2010/NACO/39576 dated March 04,2011 (copy enclosed) that by virtue of Notification No.S.O.2368 dated 07.06.2005 followed by notification (forwarded by Ministry of labour & Employment vide letter No.S-35015/46/2009-SSII dated 14.05.20010) issued by Government in exercise of powers under section 16(2) of Employees' Provident funds and Miscellaneous provisions Act, 1952, NACO and its above mentioned societies are excluded from the operation of the Act.

In the backdrop of the above clarification, it hereby informed for all concerned that State AIDS Control Societies /Municipal AIDS Control Societies do not come under the purview of Employee's Provident Fund and Miscellaneous Provisions Act, 1952. Accordingly no provident Fund contribution in respect of their employees is required to be deducted or deposited. In cases where proceedings are already in progress, the above clarification may be brought to the knowledge of the concerned EPFOs for dropping the same: Any amounts deposited in this regard may be claimed back.


(Kanwaldeep Singh)
Director (Finance)

Copy to:

1. Sr. PPS to Secretary & DG.
2. P.S.to A.S .
3. DDG (SV), DDG (SK), DDG (ND)
4. ADG (SK), ADG (MS), JD (IEC), Dir (A & P)
5. All officers in Finance Division

समीरेन्द्र चटर्जी, मा.प्र.से.
केन्द्रीय भविष्य निधि आयुक्त

S. Chatterjee, IAS
Central Provident Fund Commissioner



कर्मचारी भविष्य निधि संगठन
(श्रम मन्त्रालय, भारत सरकार)
मुख्य कार्यालय : भविष्य निधि भवन,
14, भिकाएजी कामा प्लेस, नई दिल्ली-110066
दूरभाष : 011-26172671, फ़ैक्स : 011-26189910
Employees' Provident Fund Organisation
(Ministry of Labour, Govt. of India)
Head Office : Bhavishya Nidhi Bhawan,
14, Bhikaji Cama Place, New Delhi-110 066
Phone : 011-26172671, Fax : 011-26189910

D.O.No. Coord/10(1) 2010/NACO ³⁹⁵²⁶
Dated 03.2011 4

Dear Sayan,

Kindly refer to your D.O. No. G-25012/4/2008-NACO dated 09.02.2011 on the issue of applicability of Employees' Provident funds and Miscellaneous Provisions Act, 1952 on contract employees of State AIDS control societies and Municipal AIDS control societies of NACO

2. The matter has been re-examined again in view of facts enumerated in your above mentioned D.O. and it has been observed that SACS, MACS and other offices of NACO fulfill the criteria of being wholly financed by Central Government grant-in-aids.

3. As such, by virtue of Notification No. S.O. 2368 dated 07.06.2005 followed by notification (forwarded by Ministry of Labour & Employment vide letter no. S-35015/46/2009-SS.II dated 14.05.2010) issued by Government in exercise of powers under section 16 (2) of Employees' Provident funds and Miscellaneous Provisions Act, 1952, NACO and its above mentioned societies are excluded from the operation of the Act.

4. Field Offices of EPFO are also being informed accordingly.

With regards,

Yours sincerely,


[S.Chatterjee]

Shri Sayan Chatterjee,
Secretary & Director General,
Department of AIDS Control, NACO,
Ministry of Health & Family Welfare
Government of India,
New Delhi