

**GOVERNMENT OF INDIA
MINISTRY OF LABOUR AND EMPLOYMENT**

LOK SABHA

**UNSTARRED QUESTION NO. 1709
TO BE ANSWERED ON 7.3.2011**

EPF OUT OF SERVICE TAX

†1709. SHRIMATI JAYSHREEBEN PATEL:

Will the Minister of LABOUR AND EMPLOYMENT be pleased to state:

- (a) whether the Government has any proposal to keep the Employee's State Insurance (ESI) and Employee's Provident Fund (EPF) schemes out of the purview of service tax;**
- (b) if so, the reasons therefor; and**
- (c) the reaction of the Ministry of Finance thereto and the action taken by it thereon so far?**

ANSWER

**MINISTER OF LABOUR AND EMPLOYMENT
(SHRI MALLIKARJUN KHARGE)**

(a) & (b): Service Tax has been imposed on Employees' State Insurance Corporation (ESIC) treating it as insurance provider and on Employees' Provident Fund Organisation (EPFO) treating it as a Banking/Financial Institution. The matter regarding keeping the ESIC and EPFO out of the purview of Service Tax Act was taken up with Ministry of Finance explaining the reasons as under:-

- ESIC and EPFO are an autonomous social security organizations under the administrative control of the Ministry of Labour & Employment and they are established under the Act of Parliament.**
- Both organization are exempted from Income Tax under section 10(25)A of the Income Tax Act.**

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- **Both are discharging social security obligations of the Government under Articles 41 and 42 of the Constitution of India.**
- **Social Security is a comprehensive approach designed to prevent deprivation, assure the individual of a basic minimum income for himself and his dependents and to protect the individual from any uncertainties. The State bears the primary responsibility for developing appropriate system for providing protection and assistance to its workforce. Social security is increasingly viewed as a human right and an integral part of the development process. Providing social security by the Government through ESIC and EPFO is not to be considered as a taxable service.**

(c): The Ministry of Finance has stated that as per the current provisions of law, service tax is leviable on the services provided by ESIC and EPFO. Exemption to ESIC and EPFO would be in the nature of first point end-use exemptions and a policy decision has been taken to minimize them. It is an accepted principle of tax reform and administration that first point end-use exemption is a poor practice which results in leakage and is difficult to monitor.

As a preparation for introduction of the forthcoming Goods and Service Tax (GST), efforts are being made to widen the tax base with minimal exemptions. It should be prudent to keep, to the extent possible, all the economic activities involving goods and services within the GST regime, so that organizations providing taxable services can benefit from reduced incidence of tax through a seamless flow of input credit.

In view of this the request for service tax exemption in respect of ESIC and EPFO has not been acceded to by the Ministry of Finance.

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LOK SABHA

**UNSTARRED QUESTION NO. 1757
TO BE ANSWERED ON 7.3.2011**

EPF WITHDRAWAL

- 1757. SHRI GAJANAN D. BABAR:**
- SHRI ANANDRAO ADSUL:**
- SHRI K.R.G. REDDY:**
- SHRI SURESH KUMAR SHETKAR:**
- SHRI RAYAPATI SAMBASIVA RAO:**

Will the Minister of LABOUR AND EMPLOYMENT be pleased to state:

- (a) whether the Government has conducted any pilot study regarding withdrawal of Provident Fund (PF) by the employees;**
- (b) if so, the outcome thereof and the reasons therefor;**
- (c) whether the Labour and Finance Ministries differ over PF withdrawals;**
- (d) if so, the reasons therefor;**
- (e) whether there is a proposal to link Unique Identification (UID) number with the PF account to curb the withdrawal of PF due to change in the job; and**
- (f) if so, the time by which the final decision is likely to be taken in this regard?**

ANSWER

**MINISTER OF LABOUR AND EMPLOYMENT
(SHRI MALLIKARJUN KHARGE)**

(a): A study regarding Employees' Provident Fund (EPF) withdrawal was done first in Karnal Office of Employees' Provident Fund Organization (EPFO) and then in 13 other offices of EPFO across the country.

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(b): From the study, it was observed that majority of the claimants withdraw their Provident Fund (PF) balance with every job change, irrespective of their age. The provision of transfer of balances in old EPF account to the new establishment on re-employment is not being availed. A mere 0.8% of members had applied for transfer of PF balances as compared to 88.89% of members who preferred to take out their accumulation.

One of the reasons for this phenomenon is manual process of transferring the PF accumulations from one account to other. The process of transferring the amount has now been speeded up through electronic transfer of PF accumulations.

(c) & (d): No, Madam. It is a consultation process. Finance Ministry has opined that liberal advances and withdrawals from Employees' Provident Fund (EPF) should be shunned to achieve old age income security for employees because by not adhering to "one instrument one policy objective" most employees retire with as little as less than Rs. 35,000/- in their accounts.

(e) & (f): There is no proposal as of date to link UID with Provident Fund accounts.

**GOVERNMENT OF INDIA
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**STARRED QUESTION NO. 253
TO BE ANSWERED ON 14.03.2011**

EMPLOYEES PROVIDENT FUND

***253. SHRI BIBHU PRASAD TARAI:**

Will the Minister of LABOUR AND EMPLOYMENT be pleased to state:

- (a) whether the Government proposes to invest a part of subscription accumulated in the Employees Provident (EP) Fund in the capital market in the form of equity;**
- (b) if so, the details thereof and the reasons therefor;**
- (c) whether the Ministry has sought or received any feedback/opinion from other allied Ministries/Departments including the Ministry of Finance in this regard; and**
- (d) if so, the details thereof?**

ANSWER

**MINISTER OF LABOUR AND EMPLOYMENT
(SHRI MALLIKARJUN KHARGE)**

(a) to (d): A statement is laid on the Table of the House.

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STATEMENT REFERRED TO IN REPLY TO PART (a) TO (d) OF THE LOK SABHA STARRED QUESTION NO. 253 FOR 14.03.2011 BY SHRI BIBHU PRASAD TARAI REGARDING "EMPLOYEES PROVIDENT FUND"

(a) & (b) Central Board of Trustees, Employees Provident Fund has decided not to invest any funds in the Capital Market.

(c) & (d): Yes, Sir. Ministry of Finance vide its letter dated 14th August, 2008 has recommended broadly the following pattern of investment:

Category	Amount
Government Securities	Upto 55%
Debt Securities and Term Deposits	Upto 40%
Money market instruments including units of money market mutual fund	Upto 05%
Shares of Companies or equity linked mutual funds	Upto 15%

**GOVERNMENT OF INDIA
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LOK SABHA

**STARRED QUESTION NO. 255
TO BE ANSWERED ON 14.03.2011**

INTEREST RATE ON PFs

**†*255. SHRIMATI TABASSUM HASAN:
DR. BALIRAM:**

Will the Minister of LABOUR AND EMPLOYMENT be pleased to state:

- (a) the rate of interest fixed/proposed in respect of Employees Provident Fund (EPF)/Contributory Fund for the years 2009-10 and 2010-11;**
- (b) whether the Government is contemplating to increase the rate of interest on these Funds;**
- (c) if so, the details thereof and if not, the reasons therefor; and**
- (d) the steps taken by the Government to safeguard the interests of subscribers of the aforesaid Funds?**

ANSWER

**MINISTER OF LABOUR AND EMPLOYMENT
(SHRI MALLIKARJUN KHARGE)**

(a) to (d) A statement is laid on the Table of the House.

*

STATEMENT REFERRED TO IN REPLY TO PART (a) TO (d) OF THE LOK SABHA STARRED QUESTION NO. 255 FOR 14.03.2011 BY SHRIMATI TABASSUM HASAN AND DR. BALIRAM REGARDING "INTEREST RATE ON PFs".

(a): The rate of interest in respect of Employees' Provident Fund (EPF) had been declared @8.5% per annum for the year 2009-10 and has been recommended by the Central Board of Trustees, Employees' Provident Fund @ 9.5% per annum for the year 2010-11.

(b) & (c): The Central Board of Trustees, Employees' Provident Fund has recommended 9.5% interest rate for financial year 2010-11 as compared to 8.5% interest rate for the financial year 2009-10.

(d): The investment of the Employees' Provident Fund is made strictly as per the approved investment pattern and security of the investment is given utmost importance while taking investment decisions.

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LOK SABHA

**UNSTARRED QUESTION NO. 2821
TO BE ANSWERED ON 14.03.2011
PENSION CLAIMED BY RETIRED EMPLOYEES**

+2821. SHRI HANSRAJ G. AHIR:

Will the Minister of LABOUR AND EMPLOYMENT be pleased to state:

- (a) whether there is a constant rise in the number of claims in regard to pension of employees retired under the 1995 scheme in the country;**
- (b) if so, the details of the pending claims regarding pension of retired employees;**
- (c) whether any demand is being made to bring proper amendment therein so that the retired employees could maintain their living standard; and**
- (d) if so, the reaction of the Government in this regard?**

ANSWER

**MINISTER OF LABOUR AND EMPLOYMENT
(SHRI MALLIKARJUN KHARGE)**

(a): Taking into account the data for last five years there is an increase in receipt of pension claims during the year 2006-07 over previous year 2005-06 and during 2008-09 over previous year. But the receipt has decreased in the subsequent year i.e. it decreased in 2007-08 and 2009-10 respectively. However, when 2005-06 is compared to 2009-10 there is an increase in pension claims in absolute terms, approximately to the extent of 13.99%. The data on receipt, disposal and pendency of pension claims for the last five years is at Annexure-I

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(b): There are 77,690 pension claims pending as on 31.01.2011. The details of pending claims state-wise is given at Annexure-II.

(c) & (d): Yes Sir. The main suggestions/ representations/ complaints received on Employees' Pension Scheme, 1995 primarily cover the following:

- Increase in minimum pension.
- Increase of rate of contribution of employers and Government towards Employees' Pension Scheme, 95.
- Grant of Additional Relief regularly.
- Increase in the maximum salary limit.
- Pension at par with Central Government.
- Restoration of provisions of Commutation and Return of Capital.
- DA to pensioners linked with cost of index.

In order to address the above issues, the Government of India had constituted an Expert Committee for reviewing the Employees' Pension Scheme, 1995. The Expert Committee has submitted its report to the Central Government on 05.08.2010, which is under consideration of the Central Board of Trustees.

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ANNEXURE REFERRED TO IN REPLY OF PART (a) OF THE LOK SABHA UNSTARRED QUESTION NO.2823 FOR 14.03.2011 BY SHRI HANSRAJ G. AHIR REGARDING PENSION CLAIMED BY RETIRED EMPLOYEES.

MONTHLY PENSION CLAIMS (10A+10D)*

YEAR	OPENING BALANCE	RECEIVED	WORKLOAD	RETURNED/ REJECTED	CLAIMS SETTLED	PENDENCY
2005-06	31524	528122	559646	182084	333724	43838
2006-07	43838	553323	597161	190814	362668	43679
2007-08	43679	543279	586958	178810	353783	54365
2008-09	54365	609020	663385	196141	410376	56868
2009-10	56868	602013	658881	172342	419800	66739

* The Monthly Pension Claims (10A & 10D) include Member's Pension, Widow/Widower Pension, Nominee Pension, Parent Pension, Orphan Pension and Children Pension.

ANNEXURE REFERRED TO IN REPLY OF PART (b) OF THE LOK SABHA UNSTARRED QUESTION NO.2821 FOR 14.03.2011 BY SHRI HANSRAJ G. AHIR REGARDING PENSION CLAIMED BY RETIRED EMPLOYEES.

STATEMENT SHOWING THE PENDENCY OF MONTHLY PENSION CLAIMS (10A & 10D)*

(As on 31.01.2011)**

Regions	Workload	Returned/ Rejected	Net Workload	Claims Settlement				Pendency
				Within 30 days	% within 30 days on Total claims settled	Beyond 30 days	Total Claims Settled	
Delhi	21452	1811	15143	10704	85.53%	2628	12515	2628
Haryana	12590	1149	7360	4708	80.38%	1503	5857	1503
HP	1614	20	807	539	96.42%	248	559	248
Punjab	11566	3856	6799	2298	37.34%	645	6154	645
UP	57845	38123	48713	5071	11.74%	5519	43194	5519
Uttrakhand	7205	1374	3417	1852	57.41%	191	3226	191
NORTH ZONE	112272	46333	82239	25172	35.20%	10734	71505	10734
Bihar	7830	4488	7106	1727	27.79%	891	6215	891
West Bengal	44932	12354	37377	13079	51.43%	11944	25433	11944
Jharkhand	10249	2659	7650	2267	46.02%	2724	4926	2724
Orissa	10821	2248	7053	3382	60.07%	1423	5630	1423
NER	5047	1282	3698	1216	48.68%	1200	2498	1200
EAST ZONE	78879	23031	62884	21671	48.48%	18182	44702	18182
Karnataka	50712	14518	36788	15381	51.44%	6889	29899	6889
AP	55551	13864	37655	17930	56.39%	5861	31794	5861
Kerala	25859	12489	17131	1711	12.05%	2931	14200	2931
Tamil Nadu	56690	12460	37818	13955	52.83%	11403	26415	11403
SOUTH ZONE	188812	53331	129392	48977	47.87%	27084	102308	27084
Chhattisgarh	4804	3137	3693	528	14.41%	28	3665	28
Goa	1782	621	1235	377	37.78%	237	998	237
Gujarat	31139	9345	22802	9347	50.01%	4110	18692	4110
Maharashtra	107154	15282	67610	39563	72.14%	12765	54845	12765
MP	14414	3891	8812	2700	40.96%	2221	6591	2221
Rajasthan	11925	2790	7195	2076	42.66%	2329	4866	2329
WEST ZONE	171218	35066	111347	54591	60.89%	21690	89657	21690
TOTAL	551181	157761	385862	150411	48.81%	77690	308172	77690

* The Monthly Pension Claims (10A & 10D) include Member's Pension, Widow/Widower Pension, Nominee Pension, Parent Pension, Orphan Pension and Children Pension.

** Provisional

**GOVERNMENT OF INDIA
MINISTRY OF LABOUR AND EMPLOYMENT**

LOK SABHA

**UNSTARRED QUESTION NO. 2839
TO BE ANSWERED ON 14.03.2011**

COMPUTATION OF INTEREST ON EPF

2839. SHRI HARIBHAU JAWALE:

Will the Minister of LABOUR AND EMPLOYMENT be pleased to state:

- (a) whether the Government has not yet completed computation of interest on the Provident Fund (PF) accounts of crores of subscribers;**
- (b) if so, the steps initiated by the Government in this regard;**
- (c) whether the Government proposes to pay 9.5 per cent interest on all PF accounts for 2010-2011; and**
- (d) if so, the details thereof?**

ANSWER

**MINISTER OF LABOUR AND EMPLOYMENT
(SHRI MALLIKARJUN KHARGE)**

(a): The total number of EPF members as on 31.03.2010 is 5.39 crore. 4.72 crore accounts were pending as on 31.03.2010 wherein interests were to be credited. However, 1.10 crore of members' accounts have already been updated during the period from 1st April to 31st December, 2010.

(b): Since the updation of accounts is largely dependent upon the submission of annual returns by the Employer, following measures have been taken to collect the same:

- i) Issue of press notes to impress upon the Employers to submit returns.**
- ii) Submission of returns in electronic mode.**
- iii) Deputing Enforcement Officers to collect the returns.**

(c) & (d): For the financial year 2010-11, 9.5 per cent rate of interest on Employees' Provident Fund (EPF) has been recommended by the Central Board of Trustees, Employees' Provident Fund [CBT,EPF] in the 190th meeting held on 15th September, 2010 based on the funds available in the interest suspense account. The Ministry of Labour and Employment has forwarded the recommendation of CBT to the Ministry of Finance for approval.

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**UNSTARRED QUESTION NO. 2843
TO BE ANSWERED ON 14.03.2011**

UPDATING EPF ACCOUNTS

2843. SHRI G.S. BASAVARAJ:

Will the Minister of LABOUR AND EMPLOYMENT be pleased to state:

- (a) whether more than 50 million subscribers to the Employees Provident Fund are not likely to receive the 9.5 percent return they were promised five months ago;**
- (b) whether a recent audit by Comptroller and Auditor General of India revealed that 47.2 million EPF accounts are not updated;**
- (c) if so, the steps taken by the Government for updating these accounts;**
- (d) whether the Board of Trustees of EPF had approved a dividend rate of 9.5 per cent last year;**
- (e) if so, whether the C&AG contends that once the EPF accounts are updated there could be liabilities far exceeding the accumulated surplus reserve;**
- (f) whether the EPFO which maintains the PF accounts of all formal sector employees does not know exactly who owns how much of the Rs. 36,000 crore of its corpus; and**
- (g) the present status in this regard?**

ANSWER

**MINISTER OF LABOUR AND EMPLOYMENT
(SHRI MALLIKARJUN KHARGE)**

(a): All the subscribers to the Employees' Provident Fund (EPF) are to receive the 9.5% interest only after notification is issued by the Central Government. The Central Board of Trustees, EPF in its 190th meeting held on 15.09.2010 has recommended 9.5% rate of interest for EPF subscribers for the financial year 2010-11. Ministry of Labour & Employment has taken up the matter with the Ministry of Finance for obtaining their concurrence as per rules. During consultation with it Ministry of Finance has raised certain observations which were clarified by the Ministry of Labour & Employment. The approval from Ministry of Finance is yet to come.

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(b) & (c): As per the C&AG report 4.72 crore accounts were pending as on 31.03.2010 wherein interests were to be credited. However, it does not mean that it involves 4.72 crore members, as one member may have more than one accounts pending.

Since the updation of accounts is largely dependent upon the submission of annual returns by the employer, following measures have been taken to collect the same:-

(i) Issue of press notes to impress upon the employers to submit returns.

(ii) Submission of returns in electronic mode.

(iii) Deputing Enforcement Officers to collect the returns.

(d): The Central Board of Trustees, EPF in its 190th meeting held on 15.09.2010 has recommended 9.5% rate of interest for EPF subscribers for the financial year 2010-11.

(e): C&AG has not mentioned in its audit report of 2009-10 that once the EPF account are updated there could be liabilities far exceeding the accumulated surplus reserve. However, it has only mentioned that the actual interest liability on 4.7 crore pending accounts is not ascertainable.

(f) & (g): EPFO is maintaining account for each member. In each account contribution received and withdrawals made are recorded and interest is credited wherever details as supplied in time by the employers. The total amount and its bifurcation into individual members account is only ascertainable after receipt of these details from employers. However, some establishments default in submission of details, so EPFO cannot credit into account of such members any contribution or interest thereon till such details are received. Efforts are made by EPFO to collect returns etc. from such employers by special campaign, newspaper advertisements and by deputing enforcement officers etc.

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LOK SABHA

**UNSTARRED QUESTION NO. 2885
TO BE ANSWERED ON 14.03.2011**

DEFAULTING IN EPF CONTRIBUTION

2885. SHRI MANOHAR TIRKEY:

Will the Minister of **LABOUR AND EMPLOYMENT** be pleased to state:

- (a) whether many companies have been found to have defaulted in contributing of Employees Provident Fund resulting in piling up of crores of rupees as arrears;
- (b) if so, the steps taken to ensure regular contributions to EPF companies; and
- (c) the reasons and circumstances leading to accumulation of such high arrears of EPF, to the detriment of the fund and the employees?

ANSWER

**MINISTER OF LABOUR AND EMPLOYMENT
(SHRI MALLIKARJUN KHARGE)**

(a): Yes, Madam.

(b): Following steps are taken by the Employees' Provident Fund Organisation (EPFO) to ensure regular continuation:

1. Periodical inspection of the establishment
2. Initiation of 7A inquires on detection of default of payment of contribution /other dues.
3. Action under section 8F of the Employees' Provident Fund & Miscellaneous Provisions Act, 1952 prohibiting 3rd parties including bankers against payment due to the defaulter and appropriating it against Provident Fund dues.

4. Recovery action by: -

i. Attachment and sale of movable and immovable properties of the defaulting establishments / employer

ii. Appointing a receiver for the management of the movable or immovable properties of the establishments or as the case may be the employer.

iii. Arrest and detention in prison of the defaulter.

5. Action under section 14 of the EPF Act - Prosecution of the defaulters before the courts of law.

6. Action under section 14B - levying damages as penalty - a deterrent action.

7. Prosecution under section 406/409 IPC - for non-payment of employees share deducted from the wages but not deposited.

8. Action under section 110 Cr PC - complaints filed with the Executive Magistrate.

9. Action under section 7Q - levy of interest for belated remittances.

(c) The reasons for piling up of huge arrears are as under:

i) Stay by various courts.

ii) Company under liquidation.

iii) Delay in grant of Rehabilitation Package by BIFR.

iv) Closure of establishment.

**GOVERNMENT OF INDIA
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LOK SABHA

**UNSTARRED QUESTION NO. 2914
TO BE ANSWERED ON 14.03.2011**

INOOPERATIVE EPF ACCOUNTS

**2914. PROF (DR.) RANJAN PRASAD YADAV:
SHRI GURUDAS DASGUPTA:
SHRI P. LINGAM:
SHRI MAGUNTA SREENIVASULU REDDY:**

Will the Minister of LABOUR AND EMPLOYMENT be pleased to state:

- (a) whether the Finance Ministry has made a suggestion to the Government saying that the employees should not be permitted to withdraw from the Employees Provident Fund accounts to meet the expenses such as medical, education, marriages, etc.;**
- (b) if so, the details thereof and the reaction of the Government thereto;**
- (c) whether the Government is putting lock-in period for EPF withdrawals;**
- (d) if so, the details thereof;**
- (e) whether the Government has decided to stop the interest payment on inoperative EPF accounts; and**
- (f) if so, the details thereof and the total number of inoperative accounts and the total amount lying in these accounts?**

ANSWER

**MINISTER OF LABOUR AND EMPLOYMENT
(SHRI MALLIKARJUN KHARGE)**

(a): Yes, Madam.

(b): The Finance Ministry while recommending adoption of investment pattern notified by them on 14.08.2008 for Employees' Provident Fund and "Exempt Funds" suggested that liberal advances and withdrawals from Employees' Provident Fund (EPF) should be shunned to achieve old age income security for employees because by not adhering to "one instrument one policy objective" most employees retire with as little as less than Rs. 35,000/- in their accounts. Ministry of Labour and Employment has replied to the Ministry of Finance mentioning the need for continuation of the provision for partial withdrawal from provident fund account of the subscribers.

(c): No, Madam.

(d): Does not arise.

(e) & (f): Yes, Madam. With effect from 01.04.2011 interest will not be paid on Inoperative Accounts as per Notification dated 15.01.2011 issued by the Ministry of Labour & Employment, Government of India.

Data containing number of Inoperative Accounts is not maintained separately. However, total number of Inoperative Accounts has been estimated to be around three crore.

As per the Consolidated Annual Accounts of the Employees' Provident Fund Organisation for the year 2009-10, an amount of Rs. 8,318.69 crore is lying in Inoperative Accounts.

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**UNSTARRED QUESTION NO. 2934
TO BE ANSWERED ON 14.03.2011**

PF INTEREST

2934. SHRI SUGUMAR K.:

Will the Minister of **LABOUR AND EMPLOYMENT** be pleased to state:

- (a) whether the Government is considering to put the additional interest rate, from the surplus EPF amount in the interest suspense account;
- (b) if so, the details thereof;
- (c) whether the increased interest rate will cost the EPFO an additional Rs. 1700 crore; and
- (d) if so, the details thereof?

ANSWER

**MINISTER OF LABOUR AND EMPLOYMENT
(SHRI MALLIKARJUN KHARGE)**

(a) & (b): Yes, Madam. The Central Board of Trustees, Employees' Provident Fund in its 190th meeting held on 15.09.2010 has recommended 9.5% rate of interest for Employees' Provident Fund subscribers for the financial year 2010-11 by utilizing the surplus amount available in the Interest Suspense Account.

(c) & (d): The increased interest rate will increase the liability of interest to the Employees' Provident Fund Organisation and an additional Rs. 1,700 crore (approximate) shall be paid/credited to the members accounts for the year 2010-11.
