<u>THE EMPLOYEES PROVIDENT FUND & MISC PROVISION ACT , 1952</u>

Short summary (point wise)

1) The Act applies to every establishment fulfilling the following conditions
a) The establishment is factory
b) The establishment is engaged in any industry specified in schedule I
c) The establishment employs 20 or more persons

2) The act applies to every establishment fulfilling the following conditions;
a) the establishment employs 20 or more persons.
b) The act has been made applicable to such establishment by the CG by notification in official Gazette

3) The act applies to every establishment employing less than 20 persons if following conditions are satisfied;
a) The act has been made applicable to such establishment by CG by notification in official Gazette.
b) Before issue of such notifications the CG shall give 2 months notice to establishment.

4) If the provisions of the act becomes applicable to an establishment once , the act shall continue to apply to such establishment even if number of employees falls below 20

5)Factory means any premises including the precinct thereof ,in any part of which a manufacturing process is being carried on or is ordinarily so carried on , whether with the aid of power or without the aid of power

6) Employee means any person who is employed for wages in any kind of works , whether manual or otherwise , in or in connection with the work of establishment , who gets his wages directly or indirectly from the employer.

7) appropriate government (AG) means central government in the following cases;
a) In relation to an establishment belonging to , or under the control of CG
b) In relation to an establishment connected with a railway company , a major port , a mine or an oilfield or a controlled industry.
c) In relation to establishment having department or branches in more than one state

8) in relation to any other establishment AG means state government SG
9) Exempted establishment means an establishment in respect of which an exemption has been granted u/s 17 from the operations of all or any of the provisions of scheme
9)PF act is not applicable on an establishment fulfilling the following conditions;
a) The establishment has been registered under cooperative society Act.
b)it employs less than 50 persons
c) It is working without aid of power
11) PF Act is not applicable on Government Undertakings.
12) an establishment may be permitted to maintain the PF account of its employees.
13) The authorization for above may contain various terms and condition complied with by the employer

14) The authorization given by central government (CG) may be cancelled by CG, if the employer fails to comply with any of the term and conditions of the authorization or commits any offence under any provisions under any provisions of the Act
15) Exemptions from provident fund scheme may be given by AG
16) the exemption can be given only by way of notification in official gazette
17) For granting exemptions from PF scheme AG must must form an opinion that rules of provident fund with respect to rates of contribution are not less favourable than those specified in the scheme and the employer are also in enjoyment of other provident fund benefits which on the whole are not less favourable to the employees than the benefits provided under this act or scheme.
18)the contribution to provident fund scheme , employees pension scheme and employees deposit linked insurance scheme are credited to the fund
19) Executives committee is constituted by the central govt by notification in official gazette and consist of 13 members.
20) Disputes relate to dispute regarding applicability of the act to an establishment.
21) Disputes relate to amount due from any employer , in respect of contribution , administration charges, damages payable by employer for delayed payment and other any other amount payable by employer
22) Disputes may be determined by central provident fund Commissioner , Additional provident Fund Commissioner, deputy provident fund commissioner & regional provident fund commissioner
23)NO application for review can be made if an appeal is filed against the order made u/s 7A
24)Regarding escaped amount the officer is empowered u/s 7c to re determine the amount due from employer if such amount has escaped from determination.
25) Appeal against various orders passed under the act can be made to employee's provident fund appellate tribunal
26)The authorize officer is required to issue a certificate to recovery officer specifying the amount due from employer
27) Mode of recover shall be
a) attachment and sale of the movable and immovable property of establishment,
b) arrest of the employer and his detention in prison,
c)appointing a receiver for management of movable or immovable properties of the establishment or employer
28) if an employer ,who is the member of PF, leaves an establishment and he obtains re-employment in another establishment and the new establishment is also covered under PF act , then the amount standing to his credit will be transferred to his account in new establishment (ie. The establishment where he is re-employed)
29)liability of employer in case of transfer of establishment shall be limited with respect to period up to date of transfer.
27) AG is empowered to appoint the inspector for the purpose of EPF act, EPF scheme, Pension Scheme , and Insurance Scheme.
28) Employer contribution shall be 10% of pay(i.e. basic wages plus dearness allowances plus retaining allowance).
29)Employees contribution shall be 10% of pay . employee may voluntarily contribute a higher amount.

30) CG is empowered to increase the rate of contribution to 12%.
31) if the pay of an employee exceeds Rs.6500, the employer's contribution shall be 10%/12% of Rs.6500/-.
32)in employee's pension scheme ,the employers' contribution of 8.33% shall be diverted to employer pension scheme.
33)in employee pension scheme members will get pension either on superannuation or on retirement from services or upon permanent total disablement during employment.
34) In employees' deposit linked insurance scheme , the employer is required to pay contribution which cannot be more than 1% of the pay of employee .presently the rate of contribution is 0.5%.
35) In Employee's deposit linked Insurance Scheme the employees do not contribute any amount to the scheme.
36) In Employees' Deposit linked Insurance Scheme, the employer is also required to pay administration charges for the insurance Scheme which shall not be more than 0.25% of pay of employee .Presently the rate of contribution is 0.01% of pay of employee subject to a minimum of Rs.2 per member.