

**EMPLOYEES PROVIDENT FUND
AND MP ACT' 52/SCHEME**

ACTION PROCESS IN ENFORCEMENT

A. INITIAL STAGE

- (i) Ascertaining factual details;
- (ii) Co-relating applicability conditions; and
- (iii) Arrange securing compliance.

B. INTERMEDIATE STAGE

- (i) Detecting default, if any;
- (ii) Initiating Assessment process & determining dues payable and;
- (iii) Issue demand notice/compliance advice.

C. ADVANCED STAGE

- (i) Recovery action
- (ii) Imposition of penal damages
- (iii) Prosecution of Employer/establishment

POINTS INVOLVING INTERFACE

- (i) Detection & coverage of the establishment;
- (ii) Membership enrollment & compliance;
- (iii) Proceeding under Section 7A/Para 26 B for resolving dispute relating to applicability/determination of dues/membership entitlement.
- (iv) Proceeding under Section 14B for imposition of damages.
- (v) Prosecution sanction/withdrawal of prosecution
- (vi) Recovery of dues/Grant of installment for payment of arrears.

Incidence of Quassi-Judicial orders under the EPF & MP Act, '52 and the Schemes framed there-under

1. Resolution of dispute relating to applicability of the act to an establishment. (Sec. 7 A)
2. Determination of dues in case of default committed by an establishment – enrollment to the membership and/or remittance of contribution and other charges. (Sec.7A & 7C)
3. Review of orders passed under Section 7A. (Sec. 7B and Sub-sec(4) of Sec. 7A)
4. Levy of damages under Section 14B- including reduction/waiver in accordance with proviso under Section 14B. (Sec. 14B and Para 32B)
5. Resolution of doubt as to the entitlement to membership or continuance of membership. (Para 26B)
6. Dues realization measures as prescribed m/s 8 of the act and relevant rules thereof. (Sec.8B- 8G)

I. QUASI-JUDICIAL PROCEEDINGS

➤ General Understanding

- A quasi judicial function is partly judicial – an administrative act with judicial trappings.
- A proceeding arising out of or in accordance with judicial provisions but neither done by the judiciary in Court of law nor requires judicial process to be followed in its totality or strict sense.
- Generally done by administrative authorities following principles of law and natural justice.

II. QUASI-JUDICIAL PROCEEDINGS

➤ Essential Procedural Requirements

- Intimating the cause of action to parties affected.
- Extending reasonable opportunity to the parties for stating their case.
- Examining the evidences/relevant facts or record and as submitted by the parties to the proceeding.
- Reaching logical conclusions in accordance with law through a reasoned order.

III. Quasi-judicial proceedings – Principles of Natural justice

- General Understanding

- Generally under-noted two principles are regarded as fundamental to the dispensation of “natural justice”.
 - (i) *Nemo judes in causa sua*: No one shall be a judge in his own cause – the person deciding the matter should have no personal interest in the case i. e. impartiality to be maintained with fairness.
 - (ii) *Audi alteram partem*: “hear the other side” i. e. the accused be given reasonable opportunity to clarify his case and refute the allegations.

IV. Quasi-judicial Proceedings – Primary difference between judicial – quasi judicial & administrative functions:

- (i) Judicial proceedings: Resolution of dispute by the judiciary in a court of law following statutory process and principles of law.
- (ii) Quasi-judicial proceedings: Resolution of dispute in a judicious manner by an authority other than judiciary outside the court of law.
- (iii) Administrative action: Award of decision by an administrative authority following prescribed process or otherwise in a fair and reasonable manner.

V. Quasi – judicial proceedings – Administrative – vis-à-vis – Quasi – judicial functions – main points of difference

- (i) Quasi-judicial authority is empowered/derives authority through statute/statutory rules only – administrative power is delegated by the authority with whom it vests.
- (ii) Quasi – judicial authority cannot be dictated/directed by a higher authority or forced for a decision in any specified manner other than application of judicial pronouncement by higher judicial forum
 - an administrative authority is subordinate to higher authorities and bound by their directions.
- (iii) Orders passed by a quasi – judicial authority is legally binding. It can not be changed by any higher authority except following the appellate/revisionary process in the manner prescribed.
 - an administrative order can be over – ruled and/or modified by any higher administrative authority.

Cont.

- (iv) A quasi-judicial authority – need be exercised by the functionary prescribed and cannot be delegated to others.
- (v) Final order in a quasi – judicial proceeding need be a “speaking order” with reasons and logical conclusions – administrative orders have no such obligations.
 - **administrative authority can delegate its power to other subordinate functionaries.**
- (vi) Quasi – judicial proceedings need be held in a transparent manner providing reasonable access to the parties involved as to the basis and other details relevant to the case.
 - **administrative functions provide no such obligation and even secrecy can be maintained.**

“Speaking Order” – Construction Specification and Common Understanding

- ❖ The term “**Speaking Order**” is not lying defined and/or provided for such as in any law but largely conceptualized and clarified through various court ruling and judicial proceedings.
- ❖ The term is commonly associated and relatable to “**Orders and/or conclusions reached and being conveyed**” against or in the course of any judicial, quasi-judicial and/or administrative proceedings having conciliatory aspects.
- ❖ For common understanding it can be explained as an order and/or conclusion being conveyed against or in the course of any proceeding which is self explanatory or in other words the order which speaks for itself.

“Speaking Order” – Construction Specification and Common Understanding – Cont.

- ❖ Speaking Order need contain the facts under consideration, the analysis of reasoning and logical conclusion to arrive at the decision.
- ❖ The order so issued or decision conveyed need to be clear, precise and unambiguous.
- ❖ Such an order or conclusion must be complete in itself and has to be understood in accordance with the construction and/or language used in the order itself, and can not be related to or constructed in the light of any aspects not provided for or clarified subsequently.

“Speaking Order” – Construction Specification and Common Understanding – Cont.

- ❖ Hon’ble Supreme Court’s observation in this regard in the case of Commissioner of Police – v/s- Gordhandas Bhanji (AIR 1952 (SC) 16) are as under :-
 - ❖ *“Public orders publicly made, in exercise of statutory authority can not be construed in the light of explanation subsequently given by the officer making the order of what he meant , or what was in his mind, or what he intended to do. Public orders made by public authorities are meant to have public effect and are intended to effect the actings and conduct of those to whom they are addressed and must be construed objectively with reference to the language used in the order itself.”*

“Speaking Order” – Construction Specification and Common Understanding – Cont.

- ❖ The hon’ble apex court in its another ruling in the case of M. P. Industries Ltd. – vs – U. O. I. (AIR 1966 (SC) 671) further guided to effect that, the order must contain the reason for conclusion reached, though of course, the nature and elaboration of the reason must depend on facts of each case.

“Speaking Order” – Construction Specification and Common Understanding – Cont.

- ❖ The “Reason” for the requirements facilitate, inter-alia-
 - i. Links between materials on which the consideration is based and the resultant conclusion depicting a rational nexus between the facts considered and the conclusions reached;
 - ii. Preventing abuse of power by unscrupulous persons and/or dishonest officials;
 - iii. Excluding arbitrariness and instilling faith to the parties affected;
 - iv. Minimizes the chances of unconscious infiltration of personal bias or unfairness in the conclusion, but reached according to law, on merits and not on consideration on policy or otherwise expediency; and

“Speaking Order” – Construction Specification and Common Understanding – Cont.

v. Mention of reasons also enable Appellate/Revisionary Authorities to evaluate the decision, and the effected parties to help finalize their appeal/review petition in the matter.

❖ As per observation made by Lord Denning in “*Green –vs- Amalgamated Engineering Union (1971 (i) All ER 114)*”. The giving of reason is one of the fundamentals of good administration.

Proceedings U/S & 7A of the E. P. F. & M. P. Act, 1952 (For dues assessment & resolving applicability dispute)

I. Background Position:

The Employees Provident Fund Act 1952 (since renamed as the Employees Provident and Misc. Provisions Act 1952) was enacted and notified by the Central Government on 4th May 1952-

The scheme viz. The Employees Provident Fund Scheme 1952 framed under section 5 of the aforesaid act was notified on 2nd September 1952 and being implemented from 1st November 1952.

Proceedings U/S & 7A of the E. P. F. & M. P. Act, 1952 (For dues assessment & resolving applicability dispute) Cont.

The provisions under the act and the scheme have been designed as “Self Applying” and made applicable on the “Establishment’s” with compliance obligation on its “Employer” on “Self Complying” basis.

Initial frame of the Act did not visualize and provided for any contingency about non compliance as a result of any default or defiance and mechanism for regulating such situation.

Section 7A was inserted subsequently by amendment made in the law in the year 1963 for assessment of P. F. dues payable but not paid, and enlarged thereafter in 1971, 1976 and 1996 to cover dues payable under the erstwhile Family Pension Scheme 1971, EDLI Scheme 1976 and the Pension Scheme 1995 together with other connected matters.

Proceedings U/S & 7A of the E. P. F. & M. P. Act, 1952 (For dues assessment & resolving applicability dispute) Cont.

- The Provision initially contained power for assessment of dues only and subsequently got enlarged to cover resolution of applicability dispute also in specific terms vide amendment made in the year 1988-
- However as per judicial ruling pronounced by courts of law, preliminary dispute, if any, taken in the course of assessment of dues proceeding as to in applicability issues the inquiry officer had to take a view in that regard before proceeding for assessment of dues.
- Until amendment made in the year 1988, the Central Govt. was empowered u/s 19A of the act (since deleted) to decide applicability related issue.

Proceedings U/S & 7A of the E. P. F. & M. P. Act, 1952 (For dues assessment & resolving applicability dispute) Cont.

- The provision under section 7A of the Act initially empowered the CPFC, Dy. C. P. F. C and the R. P. F. Cs t exercise the authority. Subsequently through amendment made in the year 1988, power has also been vested to the Assistant P. F. Commissioners.
- Amendment made in 1988, has also enlarged the process by providing for Review, Determination of escaped amount subsequently, if any, Establishment of EPF Tribunal to hear appeals against orders passed u/s 7A/7B/7C and power of attachment to assessing officers to recover the dues assessed which were lacking earlier.

Proceedings U/S 7A of E. P. F. & M. P. Act, 1952 (For dues assessment & resolving applicability dispute)

II. Provisions & Procedures:

The provision made u/s 7A of the EPF & MP Act. 1952 empower the authorities to determine the amount due from any employer under any provision of the Act or the Schemes framed under the Act same will normally cover and involve matters relating to:

- (i) The amount due and payable as contribution u/s 6 of the Act read with paras 29, 30 and 38 of the scheme;
- (ii) The amount payable as interest on delayed remittance of any amount due and payable under the Act u/s 7Q of the Act;
- (iii) The administrative/inspection charges payable u/s 7(3A) (a) of the Act read with paras 38 and 39 of the scheme;
- (iv) The date from which the contribution and the administrative/inspection charges are payable; and
- (v) Transfer of accumulation u/s 15 (2) of the Act relating to existing provident funds in regard to establishment covered/coverable and u/s 17 (5) ibid in regard to exempted establishments upon cancellation of their exemption.

Proceedings U/S 7A of E. P. F. & M. P. Act, 1952 (For dues assessment & resolving applicability dispute)

- ❖ **The authorities specified have powers to conduct the enquiry “as deemed necessary”. Same authorizes, inter-alia, that the scope of the enquiry and the manner of conducting the enquiry to be flexible as per requirement and may not be subjected to detailed court procedure and/or related judicial process.**
- ❖ **The enquiry shall be deemed to be a “Judicial proceeding” within the meaning of section 193 and 228, and for the purpose of section 196 of the Indian Penal Code (45 of 1960).**

Proceedings U/S 7A of E. P. F. & M. P. Act, 1952

(For dues assessment & resolving applicability dispute)

- ❖ The officer conducting the enquiry shall have, for the purpose of conducting the said enquiry, same powers as are vested in a court under the Code of Civil Procedure 1908, for trying a suit in respect of the following matters namely:-
 - i. **Enforcing the attendance of any person or examining him on oath;**
 - ii. **Requiring the discovery and production of documents;**
 - iii. **Receiving evidence on affidavit; and**
 - iv. **Issuing commission for the examination of witnesses.**

Proceedings U/S 7A of E. P. F. & M. P. Act, 1952

(For dues assessment & resolving applicability dispute)

- ❖ The aforesaid provisions in its implementation process involves exercising authorities provided for under the Code of Civil Procedure, 1908 by the officer conducting the enquiry. Same are item wise inter-alia, as under:-
 - i. **Attendance of persons and their examination on oath. Section 27, 28, 29, 30, 31, 32 and orders XVIII;**
 - ii. **Production of documents etc.: Section 30, 32 and order XI of CPC**
 - iii. **Issuing commissions for examination of witnesses Order XXVI and Rules 1-8 of CPC**
 - iv. **Evidence on affidavit:- Order XIX of CPC**
 - v. **Granting of adjournments Order XVII of CPC**
- ❖ Sections quoted above in general provides for statutory authorities, while the rules and orders mentioned contain operative details and procedural aspects.

Proceedings U/S 7A of E. P. F. & M. P. Act, 1952 (For dues assessment & resolving applicability dispute)

III. Special Legal Attributes:

- ❖ Enquiry before the authorities to be judicial proceeding within the meaning of Sections 193 and 228 and for the propose of Section 196 of the Indian Penal Code. Same provides for as under:
 - **“Section 193, Indian Penal Code:** Whoever intentionally gives false evidence in any stage of a judicial proceeding or fabricates false evidence for the purpose of being used in any stage of a judicial proceeding, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.”

Proceedings U/S 7A of E. P. F. & M. P. Act, 1952 (For dues assessment & resolving applicability dispute)

- **“Section 228, Indian Penal Code:** Whoever intentionally offers any insult or causes any interruption to any public servant, while such public servant is sitting in any stage of a judicial proceeding, shall be punished with simple imprisonment which may extend to six months or with fine which may extend to one thousand rupees or with both.”
- **“Section 196, Indian Penal Code - Using evidence known to be false:** whoever corruptly uses or attempts to use as true or genuine evidence any evidence which he knows to be false or fabricated, shall be punished in the manner as if he gave or fabricated false evidence.”

Conduct of Quasi-judicial Proceedings under the EPF & MP Act, 52

Powers of Enquiry Officers in Holding the Enquiry-relevant Judicial Provisions Reference

❖ Code of Civil Procedure, 1908

➤ Section 27/31- Issue of Summons (Summons to defendant Summons to Corpus)

- ✓ Where a suit has been duly instituted, a summons may be issued to the defendant to appear and answer the claim and may be served in manner prescribed.”
- ✓ Summons could be issued to the defendant as also to other witnesses.
 - The term “**Summon**” is a document issued from the office of a court of justice, calling upon the person to whom it is directed, to attend before a judge or officer of the court for a certain purpose.

Conduct of Quasi-judicial Proceedings under the EPF & MP Act, 52

Powers of Enquiry Officers in Holding the Enquiry-relevant Judicial Provisions Reference

➤ Section 30: Power to Order discovery and the like

Subject to such conditions and limitations as may be prescribed, the court may, at any time, either of its own motion or on the application of any party:

- a) make such orders as may be necessary or reasonable in all matters relating to the delivery and answering to interrogatories, the admission of documents and facts and the discovery, inspection, production, impounding and return of documents or other material objects producible as evidence;
- b) Issue summons to persons whose attendance is required either to give evidence or to produce documents or such other objects as aforesaid;
- c) Order any fact to be proved by affidavit.

Conduct of Quasi-judicial Proceedings under the EPF & MP Act, 52

Powers of Enquiry Officers in Holding the Enquiry-relevant Judicial Provisions Reference

➤ Section 32: Penalty for default

The court may compel the attendance of any person to whom a summons has been issued under Section 30 and for that purpose may:-

- a) Issue a warrant for his arrest;
- b) Attach and sell his property;
- c) Impose a fine upon him not exceeding five hundred rupees; and
- d) Order him to furnish security for his appearance and in default commit him to the civil prison.

Conduct of Quasi-judicial Proceedings under the EPF & MP Act, 52

Powers of Enquiry Officers in Holding the Enquiry-relevant Judicial Provisions Reference

➤ Section 75: Power of Court to Issue Commission

Subject to such conditions and limitations as may be prescribed, the court may issue a commission:

- a) To examine a person
- b) To make a local investigation
- c) To examine or adjust accounts; or
- d) To make a part ion;
- e) to hold a sensitive, technical or expert investigation;
- f) To conduct sale of property which is subject to speedy and natural delay and which is in the custody of the court pending the determination of the suit;
- g) to perform any ministerial act.

Conduct of Quasi-judicial Proceedings under the EPF & MP Act, 52

Powers of Enquiry Officers in Holding the Enquiry-relevant Judicial Provisions Reference

- Note:-
 - Section 7 A: provides for resolution of applicability dispute and/or determination of dues payable.
 - Section 7B- provides for review of orders passed under section 7A – time limit 45 days from the date of 7A order – can be reviewed on application or suo-motu.
 - Section 7C- Determination of dues in respect of amount/details escaped notice in passing 7A order. – time limit 5 years from date of 7A order.
 - Sub-section (4) of Section 7A – Provides for review of 7A order passed ex-parte – time limit 3 months.

Provision relating to levy of damages/penal damages- Background position

- ❖ The Employees Provident Fund Act, 1952 (since renamed as the Employees Provident Fund and Misc. Provisions Act 1952) was enacted and notified on 4th May 1952.
- ❖ Central Govt. framed & notified u/s 5 of the Act, the Employees Provident Fund Scheme, 1952 on 2nd September 1952 – being implemented from 1st November 1952.
- ❖ The provision of the Act and the Scheme framed there under have been structured as “self applying” and made applicable on the employers of the establishment on “Self Complying” basis.
- ❖ The initial frame of the Act did not provide for any contingency about non compliance or irregularity in compliance or irregularity in compliance process by the employers and its control measure through administrative authority.

Provision relating to levy of damages/penal damages- Background position

- ❖ Section 14-B, providing for power to recover damages in the event of delayed remittance by the employers got inserted in the law subsequently in the year 1953.
- ❖ Section 14-B, initially provided for imposition of “Damages” on delayed remittance by the appropriate Govt. only not exceeding 25% of the amount in default.
- ❖ The provision was amended and enlarged subsequently through amendments made in the law as under:
 1. 1963- To cover transfer of accumulation u/s 15(2) relating to existing provident fund and exempted establishment u/s 17(5) of the act upon cancellation of exemption.
 2. 1973- To modify the ceiling of 25% of the arrears as damage with 100% of arrear amount- empowering the Central Provident Fund Commissioner and other officers of EPFO as may be authorized by the Central Govt. as authority competent in place of “Appropriate Govt.” of hearing to the employers before levying damages. Besides CPFC, RPFCs were notified for exercising the authority (vide S. O. No. 548 (E) published in gazette dated 17/10/1973 as modified by S. O. No. 1638 dated 9/5/1975.

Provision relating to levy of damages/penal damages- Background position

3. 1976- To include the “Family Pension Fund” and “Deposit Linked Insurance Fund” related remittances default.
4. 1988- Altering provisions content from the term “Imposing Damages as discretionary measure” to “Recovery by way of penalty such damages as may be specified in the scheme” with power to CBT for considering remission of waiver in respect of sick establishments for whom rehabilitation package has been sanctioned by BIFR in the manner prescribed in the scheme:
 - Section 7Q inserted providing for liability on the employers to pay simple interest @ 12% per annum or such higher rate as may be prescribed in the scheme, not exceeding lending rate by banks, on any amount due from the date the amount has become due till the date of its payment.
 - Para 32A- Inserted in the EPF scheme 52 vide G. S. R. 521, dated 16.8.1991 prescribing rate of damages between 17% to 37% p. a. based on extent of delay – earlier guideline instruction existed following incident of default on its frequency and extent of delay. (Rate of damages reduced between 5% to 25% vide notification GSR (E) dt. 26.9.2008).
 - Para 32B- inserted prescribing conditionalities for reduction of waiver of damages by CBT.
 - APFCs also empowered in addition to the RPFCs to levy damages u/s 14B of the Act vide Govt. notification dt.4.5.2002 published in the gazette dt.17.5.2002.

Prosecution Provisions

(Section 14 & 14AA, 14AB & 14 C of the EPF and MP Act 1952 and Para 76 of the EPF Scheme- 1952 & Para 29 of EDLI Scheme-76)

✓ **Section 14 – Stipulates Operational defaults and/or improprieties attracting penalties/Prosecution Viz.:**

- (1) Avoiding payments as per law or help avoiding such payments by others:**
 - Knowingly making false statements or false representation;**
 - (1A) Contravening legal provision or making default in remitting contribution and Inspection/Administrative charges payable.**
 - (1B) Contravening or default in complying with contribution & other charges payable as per EDLI scheme provision;**
- (2) Contravening or default in complying with any of the provisions as per EPS- 95/EDLI 76**
 - (2A) Contravening or default in complying with the Act/Scheme provisions or conditionalities employed in grant of exemption U/s 17 of the Act.**

Prosecution Provisions

- ✓ **Section 14A – Special provision for offences by companies:**
 - For the purpose of this section
 - (a) “Company” means any body corporate and includes a firm or other association of individuals; and
 - (b) “Director” in relation to a firm, means a partner in the firm.
 - **Person in-charge and responsible for the conduct of business of the company at the time of default shall be liable to be proceeded against.**
- ✓ **Section 14AA – Providing for enhanced punishment in case of committing same offence on subsequent occasion.**
- ✓ **Section 14AB – Overriding provision making default in contribution payment by employer – a cognizable offence despite different provision; if any contained in code of criminal procedure -1898.**
- ✓ **Section 14AC – Prescribed provision for taking cognizance or trial of offence committed with the EPF & MP Act., 52**
 - Providing for prosecution for trial only upon written sanction by competent authority viz. CPFC/RPFC on a report in writing of the facts constituting such offence; and
 - Trial in a court of Presidency Magistrate or Magistrate 1st class only

Exemptions – Provisions References

1. Section 17 of the EPF & MP Act. 52: Exemptions Admissibility Provisions - Operational requirements and conditionalities.
2. Para 27 of EPF Scheme- 52: Individual Employee Exemption Provision and Operational Conditionalities.
3. Para 27A of EPF Scheme- 52: Provision for Exemption of class of employees and attendant operational requirements.
4. Para 27AA of EPF Scheme-52: Prescribes regulatory terms and conditions for exemption operation – currently 31 conditions as prescribed in Appendix-A.
5. Para 28 of EPF Scheme-52: Transfer provision of the fund accumulation upon grant/cancellation of exemption.

Exemptions – Provisions References

6. **Para 79 of EPF Scheme-52:** Special provisions for grant of relaxation order by RPFC pending grant and notification of exemption by the appropriate Govt.
7. **Para 79B of EPF Scheme-52:** Time limit of three months for communicating views by CBT on exemption application to the Govt.
8. **Para 79 C of EPF Scheme-52:** Composition of BOT of the exempted establishment and terms and conditions of service of the Trustees.
9. **Para 39 of Pension Scheme-96:** Prescribe procedural details for exemption from pension scheme.
10. **Para 28 of EDLI Scheme-76:** Prescribe procedural details for exemption from EDLI Scheme-76.

Exemptions- Prescribed Provisions

Section 17(1): Provides for Exemption of the establishment as a whole from the operation of the statutory scheme provisions:-

Clause (a) – Relates to establishment with contributory provident fund system – requires rate of contribution and benefit admissibility on the whole in establishment scheme not less favourable than provision of the statutory scheme and:

Clause (b) - Relates to establishments providing benefits in the nature of provident fund, pension or gratuity and the benefits separately or jointly on the whole not less favourable than the statutory scheme provisions.

Provides for compulsory consultation requirement with CBT and Expression of views on exemption to the appropriate Govt. within such time limit as may be prescribed. Para 79B of the EPF Scheme 52 prescribes three months time limits for the purpose.

Exemptions – Prescribed Provisions

- Sub Section (1A):** Enjoins applicability of statutory provisions contained in Section 6, 7A, 8 and 14B of the Act not with standing grant of exemption and prescribing schedule of conditions as per Appendix-A under Para 27AA of EPF Scheme-52.
- Sub Section (1B):** Provides for accountability of the BOT in complying with statutory provision and application of penal measures upon its default and/or contravention.
- Sub Section (1C):** Provides for exemption process from the operation of the Employees Pension Scheme 1995. (Para 39 of the EPS-95 also relevant).
- Section 17(2):** Enabling provision for partial exemption in favour of any employee and/or class of employees to be provided for in the statutory scheme.
- Section 17(2A & 2B):** Provides for Exemption process form the operation of the EDLI Scheme 1976 and empowering the Central Provident Fund Commission to grant the exemption.

Exemptions – Prescribed Provisions

Section 17(3): Assigns responsibility upon the employer for administration of the fund in respect of partial exemption in the manner prescribed and submission of returns/information as may be required and allow inspections thereof.

Accountability assignment to the employer of the establishment granted partial exemption for any employee/class of employees in regard to:-

- Maintenance of required accounts for receipt, payment and investment of the fund,
- Payment of prescribed levies and charges,
- Effect requisite transfer in/out in appropriate cases; and
- Allow inspection of the records.

Exemptions – Prescribed Provisions

- Section 17(3a):** Corresponding provision for EDLI exemption cases.
- Section 17(4):** Exemption cancellation authority upon default/contraventions in compliance.
- Section 17(5):** Provides for transfer process of the fund upon cancellation of the exemption.
- Section 17(6):** Provision for payment for pension contribution to pension fund by the employer of the exempted establishment or exempted employee by diverting part of PF contribution despite exemption from EPF Scheme granted to them.