

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

LOK SABHA

**UNSTARRED QUESTION NO. 1108
TO BE ANSWERED ON 04.03.2013**

PENDING CASES IN EPF SETTLEMENT

**1108. SHRI SUBHASH BAPURAO WANKHEDE:
SHRI NISHIKANT DUBEY:
SHRI SANJAY DHOTRE:**

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

- (a) the total number of cases of Employees' Provident Fund (EPF) pending for settlement during each of the last three years and the current year, State-wise;**
- (b) the reasons for the pendency of such cases;**
- (c) the action taken for the speedy disposal of the pending claims along with the outcome thereof;**
- (d) whether the Government proposes to review the working of EPF Organisation; and**
- (e) if so, the details thereof?**

ANSWER

**MINISTER OF STATE FOR LABOUR AND EMPLOYMENT
(SHRI KODIKUNNIL SURESH)**

- (a): State-wise details of number of cases of EPF pending for settlement during last three years and the current year are annexed.**
- (b): The pendency of claims is largely on account of receipt of higher number of claims as compared to the previous years.**
- (c): Continuous efforts are being made to improve the pace of settlement of claims inter-alia including the following:**

Contd...2/-

- **A provision for ECR (Electronic Challan-cum-Return) has been made for the employers to file their return electronically. This has facilitated to speed up the process of updation of members' accounts on monthly basis.**
- **National Electronic Fund Transfer (NEFT) has been introduced to expedite the process of settlement of claims.**
- **Process of settlement has been simplified.**
- **Stages for approval of settlement have been reduced from 3 stages to 2 stages.**
- **Monitoring of settlement is done by the RPFC-In charge as well as at Head Office.**
- **All the field offices are being directed to review the position of pendency and to take all efforts to settle claims within 30 days.**

(d) & (e): Review of functioning of the Employees' Provident Fund Organisation is an ongoing process. Government reviews the functioning of the Organisation in consultation with Central Board of Trustees, Employees' Provident Fund from time to time and takes appropriate corrective steps.

•

ANNEX

ANNEX REFERRED TO IN REPLY TO PART (A) OF LOK SABHA UNSTARRED QUESTION NO. 1108 FOR 04.03.2013 BY SHRI SUBHASH BAPURAO WANKHEDE, SHRI NISHIKANT DUBEY & SHRI SANJAY DHOTRE REGARDING PENDING CASES IN EPF SETTLEMENT.

State-wise number of cases of Employees' Provident Fund (EPF) pending for settlement during last three years & the current year (upto 25.02.2013)

Sl. No.	State	FY 2009-10	FY 2010-11	FY 2011-12	FY 2012-13 (from 01.04.2012 to 25.02.2013)
1	Andhra Pradesh	53888	19693	37510	55705
2	Bihar	65	3782	3081	2851
3	Chhattisgarh	66	67	109	3570
4	Delhi	69163	124406	71510	39327
5	Goa	413	9643	1849	3667
6	Gujarat	42477	40156	18370	29614
7	Haryana	97815	56054	30056	29442
8	Himachal Pradesh	0	2874	1908	2642
9	Jharkhand	3758	3377	4676	4207
10	Karnataka	55021	131843	80442	82806
11	Kerala	3397	13339	12885	13199
12	Madhya Pradesh	3603	3365	14	483
13	Maharashtra	231718	99661	160614	136399
14	*North E. Region	322	3110	1543	1941
15	Odisha	7342	1730	5011	9571
16	Punjab	4607	11670	5531	10155
17	Rajasthan	10907	6636	5197	7032
18	Tamil Nadu	104270	72165	83179	78302
19	Uttar Pradesh	3577	27809	21592	18115
20	Uttarakhand	9392	3683	7969	6590
21	West Bengal	21663	39107	16533	49551
Total		723464	674170	569579	585169

* North Eastern Region comprising of Assam, Meghalaya, Tripura, Arunachal Pradesh, Nagaland, Mizoram.

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

**LOK SABHA
UNSTARRED QUESTION NO. 1027
TO BE ANSWERED ON 04.03.2013**

PF FACILITY TO DAILY WAGERS

1027. SHRI VISHWA MOHAN KUMAR:

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

- (a) whether the Government has any proposal to provide Provident Fund (PF) facility to the daily wagers;**
- (b) if so, whether such daily wagers, who frequently change their workplaces, would be able to withdraw their money deposited in PF account after changing their workplaces;**
- (c) if so, the details thereof ; and**
- (d) if not, the steps taken by the Government in this regard?**

ANSWER

**MINISTER OF STATE FOR LABOUR AND EMPLOYMENT
(SHRI KODIKUNNIL SURESH)**

(a): All the eligible employees, including daily wagers engaged in an establishment covered under the Employees' Provident Funds & Miscellaneous Provisions Act, 1952 (EPF & MP Act, 1952) are provided with Provident Fund (PF) facility.

(b) & (c): All the employees covered under EPF & MP Act, 1952 and Schemes framed thereunder can, after changing their workplaces, either transfer their Provident Fund accumulations from their old account to the existing account under Para 57 of the EPF Scheme, 1952 or withdraw their provident fund money under para 69 of the EPF Scheme, 1952.

(d): Does not arise in view of (b) & (c) above.

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

**LOK SABHA
UNSTARRED QUESTION NO. 971
TO BE ANSWERED ON 04.03.2013**

PF DUES DEFAULTING COMPANIES

971. SHRI D.B. CHANDRE GOWDA:

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

- (a) whether the Government has issued a directive that enforcement officers of the Employees' Provident Fund Organisation (EPFO) cannot act against companies defaulting on workers' PF dues unless they can identify the workers whose savings are at stake;**
- (b) if so, the details of this directive and the reasons therefor;**
- (c) whether after issuance of this directive many companies/firms against whom investigation was going on have been dropped since enforcement officers have failed to identify the workers whose PF is at stake;**
- (d) if so, the reaction of the Government thereto;**
- (e) whether there is any proposal to reconsider this directive; and**
- (f) if not, the reasons therefor?**

ANSWER

**MINISTER OF STATE FOR LABOUR AND EMPLOYMENT
(SHRI KODIKUNNIL SURESH)**

(a) to (f): The guidelines for Quasi-judicial proceedings U/s 7-A of the Employees' Provident Fund & Miscellaneous Provisions Act, 1952 have been issued by the Employees' Provident Fund Organisation vide its circular dated 30.11.2012. However, these have been kept in abeyance with immediate effect till further orders vide EPFO's letter dated 18.12.2012.

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

**LOK SABHA
UNSTARRED QUESTION NO. 1035
TO BE ANSWERED ON 04.03.2013**

CEILING FOR PF CONTRIBUTIONS

**1035. SHRI GAJANAN D. BABAR:
SHRI K. SUDHAKARAN:
SHRI JOSE K. MANI:
SHRI DHARMENDRA YADAV:
SHRI ADHALRAO PATIL SHIVAJI:
SHRI ANANDRAO ADSUL:**

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

- (a) whether there is ceiling for mandatory provident fund contributions;**
- (b) if so, the details thereof;**
- (c) whether most workers are already outside the mandatory Provident Fund net as minimum wages in most sectors is much above Rs. 6,500 per month;**
- (d) if so, the details thereof;**
- (e) whether Employees Provident Fund Organisation (EPFO) offered 8.25 per cent interest rate whereas the National Pension Scheme gives average return of 14 per cent in equity and corporate debt and over 10 per cent for Government bonds;**
- (f) if so, whether there is any proposal to permit EPFO to invest in equity and corporate debt and Government bonds; and**
- (g) if so, the details thereof?**

ANSWER

**MINISTER OF STATE FOR LABOUR AND EMPLOYMENT
(SHRI KODIKUNNIL SURESH)**

(a): Yes, Madam.

(b): The wage ceiling for mandatory provident fund contributions under the Employees' Provident Fund & Miscellaneous Provisions Act, 1952 is Rs. 6,500/-.

Contd...2/-

(c) & (d): Data of workers outside the wage limit is not maintained by the Employees' Provident Fund Organization.

(e): EPF money is invested as per the investment pattern of 2003 notified by Government of India which allows investment in Central Government Securities, State Government Securities, Bonds of Public Sector Undertakings and Private sectors.

Returns on EPFO fund is difficult to compare with return on other Pension Schemes like New Pension Scheme. The declaration of the return of NPS is on the basis of the accounting policy prescribed by NPS which allow the NAV to be declared on the basis of current market value of the investments. While EPFO follows the cost value of the investment for accounting its investment and return is declared on the basis of actual receipt of interest on the investments. The return on EPFO investments are fixed whereas the return on NPS are not fixed and fluctuates on daily basis depending on the prevailing market conditions.

(f) & (g): No, Madam.

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

**LOK SABHA
UNSTARRED QUESTION NO. 928
TO BE ANSWERED ON 04.03.2013**

SOCIAL SECURITY FOR PRIVATE SECTOR WORKERS

**928. SHRI MANOHAR TIRKEY:
SHRI NRIPENDRA NATH ROY:
SHRI NARAHARI MAHATO:**

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

- (a) whether the Government has decided to provide gratuity at the time of retirement of private sector workers in the country;**
- (b) if so, the number of employees likely to be benefited therefrom, State-wise;**
- (c) whether the Government proposes to provide economic, social, health facilities and security to the workers/labourers working in private sector;**
- (d) if so, the details thereof along with the number of such workers likely to be benefited therefrom, State-wise; and**
- (e) the number of factories/units/organisations/establishments covered under the Employees Provident Fund Organisation (EPFO) during each of the last three years and the current year, separately, State-wise?**

ANSWER

**MINISTER OF STATE FOR LABOUR AND EMPLOYMENT
(SHRI KODIKUNNIL SURESH)**

- (a): Payment of gratuity is employer's liability. Therefore, Government has no role to play in providing gratuity to private sector workers.**
- (b): Does not arise in view of (a) above.**

Contd...2/-

(c) & (d): A number of social security legislations which inter-alia include (i) The Employees' Provident Funds & Miscellaneous Provisions Act, 1952, (ii) The Employees' State Insurance Act, 1948, (iii) The Employees' Compensation Act, 1923, (iv) The Maternity Benefit Act, 1961 and (v) The Payment of Gratuity Act, 1972 are already in existence to provide for economic, social, health facilities and security to the workers/labourers working in private sector. Number of workers benefitted under these legislations is not maintained centrally.

(e): The information on State-wise coverage of establishments under EPFO during the last three years and the current year (April, 2012 to January, 2013) is annexed.

*

ANNEX REFERRED TO IN REPLY TO PART (e) OF LOK SABHA UNSTARRED QUESTION NO 928 FOR 04.03.2013 BYSHRI MANOHAR TIRKEY, SHRI NRIPENDRA NATH ROY AND SHRI NARAHARI MAHATO REGARDING SOCIAL SECURITY FOR PRIVATE SECTOR WORKERS.

STATE-WISE COVERAGE OF ESTABLISHMENTS DURING THE LAST THREE YEARS AND THE CURRENT YEAR (APRIL, 2012 TO JANUARY, 2013)

STATES	Covered During April-2009 to March-2010	Covered During April-2010 to March-2011	Covered During April-2011 to March-2012	Covered During April-2012 to January-2013
Andhra Pradesh	3111	3488	3409	3001
Bihar	700	884	558	314
Chhattisgarh	597	767	722	701
Delhi	2492	2509	1711	1772
Goa	235	223	224	165
Gujarat	3532	3816	3923	3037
Haryana	2522	2275	2004	1916
Himachal Pradesh	379	400	444	298
Jharkhand	731	855	711	555
Karnataka	3024	3388	3299	2821
Kerala	1149	1062	1176	764
Madhya Pradesh	1599	1503	1373	1497
Maharashtra	6949	8637	5919	5334
North East Region	771	676	597	512
Orissa	1107	1379	1059	1341
Punjab	2003	1974	1883	1255
Rajasthan	1933	1509	1617	1212
Tamil Nadu	4426	4693	4845	4004
Uttar Pradesh	3024	3383	3145	2311
Uttrakhand	522	705	462	406
West Bengal	1838	2237	2035	1710
TOTAL	42644	46363	41116	34926

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

**LOK SABHA
UNSTARRED QUESTION NO. 1070
TO BE ANSWERED ON 04.03.2013**

INOPERATIVE EPF ACCOUNT

1070. SHRI KHAGEN DAS:

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

- (a) the number of inoperative accounts with Employees Provident Fund Organisation (EPFO), State-wise;**
- (b) whether all the said accounts have a definite claimant;**
- (c) if so, the steps taken by the Government to disburse the said amounts to the rightful claimants; and**
- (d) the total number of accounts that have been settled during the last three years and the current year, State-wise and year-wise?**

ANSWER

**MINISTER OF STATE FOR LABOUR AND EMPLOYMENT
(SHRI KODIKUNNIL SURESH)**

(a): Data relating to Member-wise account of inoperative account is not maintained centrally in EPFO.

State-wise details of amount classified as 'Inoperative Account' is annexed.

(b) & (c): Yes Madam. In order to ensure the payment to the rightful claimant, following precautions are taken:

- (i) The pending backlog of updation/transfer of accounts has been taken on priority in last two financial years which re-allocates the amount from inoperative account to updated operative account.**
- (ii) The attestation of claim forms by the authorized signatory is made mandatory where the establishment is in operation.**
- (iii) To identify the member in those cases where employer is not available, the attestation by the Bank authorities is insisted alongwith at least one of the documents as required under KYC (Know Your Customer) of the bank.**
- (d): Data containing number of accounts that have been settled out of Inoperative accounts is not maintained separately.**

*

ANNEX

ANNEX REFERRED TO IN REPLY TO PART (a) OF LOK SABHA UNSTARRED QUESTION NO 1070 FOR 04.03.2013 BY SHRI KHAGEN DAS REGARDING INOPERATIVE EPF ACCOUNT

State-wise details of amount classified as 'Inoperative Accounts' in Employees' Provident Fund as on 31-03-2012

(Rs. In Crores)

Sl. No.	State	Amount
1	Andhra Pradesh	1,797.39
2	Bihar	204.21
3	Chattisgarh	342.36
4	Delhi	6.66
5	Goa	120.84
6	Gujarat	1,012.42
7	Haryana	1,061.85
8	Himachal Pradesh	178.09
9	Jharkhand	0.05
10	Karnataka	1,174.21
11	Kerala	0.22
12	Madhya Pradesh	488.80
13	Maharashtra	7,427.35
14	*N.E. Region	173.72
15	Orissa	282.49
16	Punjab	1,660.19
17	Rajasthan	744.47
18	Tamil Nadu	2,433.42
19	Uttarakhand	142.53
20	Uttar Pradesh	2,051.93
21	West Bengal	1,333.38
TOTAL		22,636.57

* North Eastern Regions comprising of Assam, Meghalaya, Tripura, Arunachal Pradesh, Nagaland, Mizoram.

**GOVERNMENT OF INDIA
MINISTRY OF LABOUR AND EMPLOYMENT
LOK SABHA
UNSTARRED QUESTION NO. 2200
TO BE ANSWERED ON 11.03.2013**

PF ACCOUNTS THROUGH E-MAILS/SMS

†2200. SHRI RAO SAHEB DANVE PATIL:

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

- (a) whether the Government has not yet implemented the scheme of sending the monthly details of the Provident Fund (PF) accounts of the Government and Non-Government employees through E-mail and SMS;**
- (b) if so, the reasons therefor; and**
- (c) the time by which the said scheme is likely to be implemented?**

ANSWER

**MINISTER OF STATE FOR LABOUR AND EMPLOYMENT
(SHRI KODIKUNNIL SURESH)**

(a) to (c): Status of sending the monthly details of the Provident Fund accounts to employees is as follows:

(i) The updated Provident Fund (PF) accounts are available online on the EPFO website i.e. www.epfindia.gov.in from August 2012 and the Provident Fund accounts of members are updated as and when the contribution is received. Members can view and take printout from anywhere any time.

(ii) Since April 2012, there is a facility for the employers to download the annual accounts slips for their employees from the accounting year 2010-2011 onwards.

(iii) The updated balance in EPF account can be obtained by an EPFO member through SMS by furnishing his PF number and mobile number by using "know your EPF Balance" facility in EPFO website.

(iv) The monthly details of Provident Fund (PF) accounts of EPF members are, presently, not sent through e-mails.

**GOVERNMENT OF INDIA
MINISTRY OF LABOUR AND EMPLOYMENT
LOK SABHA
UNSTARRED QUESTION NO. 2217
TO BE ANSWERED ON 11.03.2013**

AMENDMENT OF EMPLOYEES PENSION SCHEMES

†2217. SHRI RAVINDRA KUMAR PANDEY:

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

- (a) whether the Government had amended the Employees Pension Scheme in 1995;**
- (b) if so, whether the pensioners have complained about its effect on their pensionary benefits;**
- (c) if so, whether the Government has taken any action as per the complaints made by the pensioners and labour organisation in the country;**
- (d) if so, the details thereof; and**
- (e) if not the reasons therefor?**

ANSWER

**MINISTER OF STATE FOR LABOUR AND EMPLOYMENT
(SHRI KODIKUNNIL SURESH)**

(a): The Employees' Pension Scheme, 1995 came into effect on 16.11.1995 replacing erstwhile Employees' Family Pension Scheme, 1971.

(b) to (e): Some members and Trade Unions had challenged the Employees' Pension Scheme pleading it to be less beneficial as compared to Provident Fund. But in 2003, the Hon'ble Supreme Court upheld the Employees' Pension Scheme, 1995 terming it a good and successful scheme.

**GOVERNMENT OF INDIA
MINISTRY OF LABOUR AND EMPLOYMENT
LOK SABHA
UNSTARRED QUESTION NO. 4464
TO BE ANSWERED ON 22.04.2013**

CONTRACTORS UNDER EPFO

**4464. SHRI VISHWA MOHAN KUMAR:
SHRI PREMDAS:**

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

- (a) whether the Employees' Provident Fund Organisation (EPFO) is considering to bring the Government contractors under the Provident Fund umbrella;**
- (b) if so, the details thereof;**
- (c) whether the EPFO is also considering to make major changes to the law governing statutory savings; and**
- (d) if so, the details thereof?**

ANSWER

**MINISTER OF STATE FOR LABOUR AND EMPLOYMENT
(SHRI KODIKUNNIL SURESH)**

(a) & (b): The Employees' Provident Funds & Miscellaneous Provisions Act, 1952 applies to such classes of establishments which are notified by Government of India employing 20 or more employees in accordance with provision under Section 1(3) (b) of the Act.

By virtue of the above provision, the Act applies to contractors engaged in Government establishments in eligible cases.

(c) & (d): The matter of amending the EPF & MP Act, 1952 is under consideration.

**GOVERNMENT OF INDIA
MINISTRY OF LABOUR AND EMPLOYMENT
LOK SABHA
UNSTARRED QUESTION NO. 4497
TO BE ANSWERED ON 22.04.2013**

INVESTMENT PATTERNS OF EPFO

4497. SHRI P. LINGAM:

SHRI JOSE K. MANI:

SHRI GURUDAS DASGUPTA:

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

- (a) whether the Employees Provident Fund Organisation (EPFO) is set to adopt a new investment pattern from the coming financial year to boost returns on its 5 lakh crore corpus;**
- (b) if so, the details thereof and the reasons therefor;**
- (c) whether the new bond issues will have a new equity convertibility clause;**
- (d) if so, whether this decision will go against the EPFO policy of steadfast opposition to equity investments; and**
- (e) if so, the reaction of the Government in this regard?**

ANSWER

**MINISTER OF STATE FOR LABOUR AND EMPLOYMENT
(SHRI KODIKUNNIL SURESH)**

(a) & (b): The Central Board of Trustees (CBT), Employees' Provident Fund (EPF) in its 201st Meeting held on 25.02.2013 recommended adoption of 2008 pattern of investment of Ministry of Finance, without investment in equity. The matter is under consideration of the Government.

(c) & (d): The current bond investments do not have equity convertibility clause. However, if equity convertibility clause is incorporated in future bond issuances, decision on investment in such bonds would be taken on the basis of investment guidelines approved by the Government in consultation with CBT (EPF).

(e): Question does not arise in view of reply to parts (c) & (d) above.

**GOVERNMENT OF INDIA
MINISTRY OF LABOUR AND EMPLOYMENT
LOK SABHA
UNSTARRED QUESTION NO. 4499
TO BE ANSWERED ON 22.04.2013**

WITHDRAWAL OF RoC FACILITY

4499. SHRI P.C. GADDIGOUDAR:

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

- (a) whether the Government has withdrawn the facility of Return of Capital (RoC) available to the pensioners under the Employees Provident Fund Scheme;**
- (b) if so, the details thereof and the reasons therefor;**
- (c) whether the Government has any proposal to re-consider its decision in order to provide social security to the poor workers in the country; and**
- (d) if so, the details thereof?**

**ANSWER
MINISTER OF STATE FOR LABOUR AND EMPLOYMENT
(SHRI KODIKUNNIL SURESH)**

(a) & (b): Yes Madam. Para 13 of Employees' Pension Scheme, 1995 which provided option of Return of Capital (RoC) was deleted by GSR No. 688 (E) dated 26th September, 2008.

(c): No Madam.

(d): Question does not arise in view of reply to part (c) of the Question above.

**GOVERNMENT OF INDIA
MINISTRY OF LABOUR AND EMPLOYMENT
LOK SABHA
UNSTARRED QUESTION NO. 4470
TO BE ANSWERED ON 22.04.2013**

WORKERS IN INDUSTRIAL ESTABLISHMENTS

†4470. SHRI MAROTRAO SAINUJI KOWASE:

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

- (a) the State-wise and company-wise details of the workers engaged in various industrial establishments of the country as on date;**
- (b) whether the Government has formulated any scheme for the social security and welfare of these workers;**
- (c) if so, the details thereof and the number of workers benefitted under the said scheme during the last three years and the current year;**
- (d) whether such workers are being exploited continuously in various institutions; and**
- (e) if so, the details thereof and the action taken by the Government in this regard?**

ANSWER

**MINISTER OF STATE FOR LABOUR AND EMPLOYMENT
(SHRI KODIKUNNIL SURESH)**

- (a): Statistics on workers working in industrial establishments is not maintained centrally.**
- (b): The following five Acts are enacted for providing social security to the workers in organised sector:-**
 - 1. The Employees' State Insurance Act, 1948**
 - 2. The Employees' Provident Funds & Miscellaneous Provisions Act, 1952**
 - 3. The Employees' Compensation Act, 1923**
 - 4. The Maternity Benefit Act, 1961**
 - 5. The Payment of Gratuity Act, 1972**
- (c): The statistics with regard to number of workers who benefitted from these schemes is being collected.**
- (d) & (e): In case of infringement of rights of the workers, dispute can be raised by such workers as provided under the Industrial Disputes Act, 1947.**

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

**LOK SABHA
UNSTARRED QUESTION NO. 5386
TO BE ANSWERED ON 29.04.2013**

CENTRALISED PF SETTLEMENTS

5386. SHRI SANJAY BRIJKISHOR LAL NIRUPAM:

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

- (a) whether the Employees Provident Fund Organisation has decided to set up a centralised clearing house for Provident Fund (PF) settlements;**
- (b) if so, the details thereof;**
- (c) whether the clearing house would process and transfer all claims electronically on the line of the centralised processing centre of the Income Tax Department; and**
- (d) if so, the details thereof?**

ANSWER

**MINISTER OF STATE FOR LABOUR AND EMPLOYMENT
(SHRI KODIKUNNIL SURESH)**

(a): No, Madam.

(b) to (d): Do not arise in view of reply to Part (a) of the Question above.

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

**LOK SABHA
STARRED QUESTION NO. 557
TO BE ANSWERED ON 06.05.2013**

PF FACILITIES TO WORKERS

†*557. SHRI HANSRAJ G. AHIR:

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

- (a) whether an employer having more than 20 workers is required to grant the benefits of Provident Fund (PF) Scheme to the workers;**
- (b) if so, the details thereof;**
- (c) whether cases of depriving workers of the benefits of PF by Industries and business entities have come to the notice of the Government;**
- (d) if so, the details thereof, State/UT wise; and**
- (e) the action taken thereon?**

ANSWER

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

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

ANNEX-A

ANNEX REFERRED TO IN REPLY TO PARTS (c) TO (e) OF THE LOK SABHA STARRED QUESTION NO. 557 FOR 06.05.2013 REGARDING 'PF FACILITIES TO WORKERS' BY SHRI HANSRAJ G. AHIR.

Initiation and disposal of Assessment Cases under Section 7A of the Act as on
31.03.2012

Sl. No.	Region	Inquiries under hearing at the beginning of the year	Inquiries initiated during the period	Inquiries disposed during the period	Cases pending as on 31.03.2012
1	Andhra Pradesh	1738	2466	2854	1350
2	Bihar	785	55	134	706
3	Chhattisgarh	97	91	121	67
4	Delhi	810	107	59	858
5	Goa	99	66	75	90
6	Gujarat	1627	310	820	1117
7	Haryana	836	449	754	531
8	Himachal Pradesh	328	176	251	253
9	Jharkhand	363	175	172	366
10	Karnataka	1344	1528	1695	1177
11	Kerala	393	2882	2744	531
12	Madhya Pradesh	1025	637	843	819
13	Maharashtra	3617	802	1206	3213
14	North Eastern Regions	453	94	198	349
15	Odisha	769	303	480	592
16	Punjab	1038	1077	902	1213
17	Rajasthan	855	323	852	326
18	Tamil Nadu	1342	6825	6800	1367
19	Uttar Pradesh	2106	922	1195	1833
20	Uttaranchal	231	6	15	222
21	West Bengal	1443	321	491	1273
	Total	21299	19615	22661	18253

ANNEX-B

ANNEX REFERRED TO IN REPLY TO PARTS (c) TO (e) OF THE LOK SABHA STARRED QUESTION NO. 557 FOR 06.05.2013 REGARDING 'PF FACILITIES TO WORKERS' BY SHRI HANSRAJ G. AHIR.

The details of 406/409/ IPC Cases file before various courts as on 31.03.2012

Sl. No.	Region	Work load	Cases disposed during the year	Total case decided	Total pendency in courts
1	Andhra Pradesh	68	0	0	68
2	Bihar	6	0	0	6
3	Chhattisgarh	0	0	0	0
4	Delhi	0	0	0	0
5	Goa	85	0	0	85
6	Gujarat	759	0	0	759
7	Haryana	0	0	0	0
8	Himachal Pradesh	0	0	0	0
9	Jharkhand	25	0	0	25
10	Karnataka	8	0	0	8
11	Kerala	7	0	0	7
12	Madhya Pradesh	2	0	0	2
13	Maharashtra	90	5	5	85
14	North Eastern Regions	17	0	0	17
15	Odisha	49	0	0	49
16	Punjab	19	0	0	19
17	Rajasthan	68	1	1	67
18	Tamil Nadu	29	0	0	29
19	Uttar Pradesh	48	0	0	48
20	Uttaranchal	0	0	0	0
21	West Bengal	0	0	0	0
	Total	1280	6	6	1274

ANNEX-C

ANNEX REFERRED TO IN REPLY TO PARTS (c) TO (e) OF THE LOK SABHA STARRED QUESTION NO. 557 FOR 06.05.2013 REGARDING 'PF FACILITIES TO WORKERS' BY SHRI HANSRAJ G. AHIR.

No. of Prosecution under Section 14

Sl. No.	Region	No. of cases
1	Andhra Pradesh	46
2	Bihar	97
3	Chhattisgarh	1
4	Delhi	0
5	Goa	18
6	Gujarat	61
7	Haryana	0
8	Himachal Pradesh	67
9	Jharkhand	2
10	Karnataka	600
11	Kerala	116
12	Madhya Pradesh	39
13	Maharashtra	2032
14	North Eastern Regions	7
15	Odisha	55
16	Punjab	249
17	Rajasthan	1
18	Tamil Nadu	49
19	Uttar Pradesh	264
20	Uttaranchal	0
21	West Bengal	189
	Total	3893

STATEMENT REFERRED TO IN REPLY TO PARTS (a) TO (e) OF THE LOK SABHA STARRED QUESTION NO. 557 FOR 06.05.2013 REGARDING 'PF FACILITIES TO WORKERS' BY SHRI HANSRAJ G. AHIR.

(a) & (b): All such factory/establishment engaged in any industry specified in schedule - I of the Act and such classes of other establishments as notified by the Central Government from time to time and employing 20 or more employees come under the purview of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952. All eligible employees of such establishments are enrolled and extended the benefits of social security under Employees' Provident Funds Scheme, 1952, Employees' Deposit Linked Insurance Scheme, 1976 and Employees' Pension Scheme, 1995.

(c) to (e): As and when such cases are noticed, action provided under the Employees' Provident Funds & Miscellaneous Provisions Act, 1952 and Schemes framed thereunder are initiated against the delinquent employers. State-wise details of action taken under various provisions of the Act and the Schemes against such establishments/employers as on 31.03.2012 are at Annex- 'A', 'B' & 'C'.

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

**LOK SABHA
UNSTARRED QUESTION NO. 6256
TO BE ANSWERED ON 06.05.2013**

DEDUCTION OF SALARIES

6256. SHRI S.S. RAMASUBBU:

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

- (a) whether the Employees Provident Fund Organisation (EPFO) has asked the employers to deduct the subscription of the employees from their gross salary;**
- (b) if so, the details thereof and the reasons therefor;**
- (c) the number of employers and employees unions that have objected to the proposal of EPFO;**
- (d) whether the Government has taken any steps to solve the issue amicably and to reduce the burden of both the employees and employers;**
- (e) if so, the details thereof; and**
- (f) if not, the reasons therefor?**

ANSWER

**MINISTER OF STATE FOR LABOUR AND EMPLOYMENT
(SHRI KODIKUNNIL SURESH)**

(a) to (f): The Employees' Provident Fund Organisation had, vide its circular dated 30th November, 2012, *inter-alia* reiterated the statutory definition of "basic wages" as provided in the Employees' Provident Fund & Miscellaneous Provisions Act, 1952.

References were received from Hind Mazdoor Sabha (HMS) and the Employers' Federation of South India opposing the said circular. References were also received from Centre for Indian Trade Union (CITU) & PHD Chamber of Commerce & Industry (PHDCCI) supporting the said circular. The said circular has since been kept in abeyance.

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

**LOK SABHA
UNSTARRED QUESTION NO. 6372
TO BE ANSWERED ON 06.05.2013
FIXATION OF MINIMUM PENSION**

6372. SHRI P.C. GADDIGUDAR:

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

- (a) whether pension is to be fixed as per Employees Pension Scheme (EPS)-95;**
- (b) whether two separate minimum pensions should also be fixed in respect of past services with respect to Family Pension Scheme (FPS) and present services under EPS-95;**
- (c) if so, the details in this regard;**
- (d) whether the above provisions have been implemented; and**
- (e) if so, the details thereof and if not, the reasons therefor?**

ANSWER

**MINISTER OF STATE FOR LABOUR AND EMPLOYMENT
(SHRI KODIKUNNIL SURESH)**

(a): Yes, Madam. The Pension of member pensioners of Employees' Pension Scheme (EPS)-95 is fixed as per the provisions of that Scheme.

(b): No, Madam.

(c) & (d): Do not arise in view of reply to part (b) of the Question.

(e): Minimum pension is applied only for existing members i.e. those who were the members of the Employees' Family Pension Scheme, 1971 when the Employees' Pension Scheme, 1995 was introduced. Accordingly, first of all formula pension is calculated based on pensionable service and pensionable salary, subject to a minimum as provided in Employees' Pension Scheme, 1995. Thereafter, the past service benefit is added for service prior to 16-11-1995. Finally, the aggregate pension so arrived i.e. Formula pension + Past Service benefit is subject to a minimum as provided in the Employees' Pension Scheme, 1995.

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

**LOK SABHA
UNSTARRED QUESTION NO. 6236
TO BE ANSWERED ON 06.05.2013**

FUNCTIONING OF EPFO

6236. SHRI P.C. GADDIGOUDAR:

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

- (a) the total number of Employees Provident Fund (EPF) members and pensioners under the Employees Pension Scheme (EPS) in the country at present;**
- (b) the present composition of the Central Board of Trustees of the Employees Provident Fund Organisation (EPFO);**
- (c) the basis on which the total composition and strength of the trustees is being decided;**
- (d) whether there is any representation from the existing PF members/pensioners and if so, the details thereof and if not, the reasons therefor;**
- (e) the rate of contribution to PF from the employees, employers and from the Central and State Governments as on date; and**
- (f) the total amount of contribution received under the Employees' Pension Scheme as on date along with the details of investments and the interest accrued thereon during the last three years and the current year?**

ANSWER

**MINISTER OF STATE FOR LABOUR AND EMPLOYMENT
(SHRI KODIKUNNIL SURESH)**

- (a): As on 31.03.2012, the total members of Employees' Provident Fund are 8.55 crore and pensioners under Employees' Pensions Scheme are 41.03 Lakh.**
- (b) & (c): The present composition of Central Board of Trustees (CBT), Employees' Provident Fund (EPF) is Annexed. The composition of the CBT, EPF is as per Section 5A of the Employees' Provident Fund & Miscellaneous Provisions Act, 1952.**
- (d): As per clause (e) of sub-section (1) of Section 5A of the Employees' Provident Fund & Miscellaneous Provisions Act, 1952, ten persons representing employees in the establishments to which the Scheme applies, appointed by the Central Government after consultation with such organisations of employees as may be recognized by the Central Government in this behalf.**

Contd..2/-

(e): The Employees and Employers contribute 12% and 3.67% of wages respectively, to the Provident Fund. In addition, the employers and Central Government contribute 8.33% and 1.16% of wages respectively, to the Pension Fund.

(f): As per audited Balance Sheet of EPFO for the year 2011-12, total balance amount as on 31.03.2012 under the Employees' Pension Scheme(EPS), 1995 is Rs.162980.03 Crore.

As per latest figure (unreconciled), the balance in EPS, 95 as on 31.03.2013 is Rs.183,405.36 Crore, (on face value of securities), details of which are as follows:

S.No.	Category	Amount (Rs. In Crore)
1.	Central Government Securities	43,475.28
2.	State Government Securities	21,690.92
3.	Government Guaranteed Securities	4,640.30
4.	Special Deposit Scheme	1,400.52
5.	Public Account	63,593.44
6.	Public Sector	39,255.64
7.	Private Sector	9,349.26
Total		183,405.36

The Interest accrued thereon during the last three years and current year is as under:-

<u>Year</u>	<u>Interest amount (Rs. In Crore)</u>
2009-10	9,532.34
2010-11	10,888.49
2011-12	13,315.80
2012-13	14,416.65 (unaudited)

ANNEX REFERRED TO IN REPLY TO PARTS (b) & (c) OF THE LOK SABHA UNSTARRED QUESTION NO. 6236 FOR 06.05.2013 REGARDING 'FUNCTIONING OF EPFO' BY SHRI P.C. GADDIGOUDAR.

List of Members of the CBT (EPF) as on date

(a) Appointed under clause (a) of Sub-section (1) of Section 5A.	
1.	<u>CHAIRMAN</u> Union Minister for Labour & Employment
2.	<u>VICE-CHAIRMAN</u> Minister of State for Labour & Employment
(b) Representatives of the Central Government under clause (b) of sub-section (1) of Section 5-A (Member)	
3.	Secretary, Ministry of Labour & Employment, Government of India
4.	Additional Secretary, Ministry of Labour & Employment, Government of India
5.	Joint Secretary, Social Security, Ministry of Labour & Employment, Government of India
6.	Representative from the Ministry of Finance, Government of India
7.	Financial Advisor, Ministry of Labour & Employment, Government of India
(c) Representatives of State Governments under clause (c) of sub-section (1) of section 5A State Government Representatives (Member).	
8.	Secretary to the Government of Andhra Pradesh, Labour & Employment Department.
9.	Secretary to the Government of Assam, Labour & Employment Department.
10.	Secretary to the Government of Bihar, D/o Labour & Employment.
11.	Secretary to the Government of Gujarat, Labour & Employment Department.
12.	Secretary to the Government of Haryana, Labour & Employment Department.
13.	Secretary to the Government of Karnataka, Labour Department.
14.	Principal Secretary to the Government of Madhya Pradesh, Labour Department.
15.	Secretary to the Government of Maharashtra Industry, Labour & Energy Department.
16.	Secretary to the Government of Orissa, Labour & Employment Department.
17.	Secretary to the Government of Punjab, Labour Department.
18.	Secretary to the Government of Rajasthan, Labour & Employment Department.
19.	Secretary to the Government of Tamil Nadu, Labour & Employment Department.

20.	Secretary to the Government of Uttar Pradesh, Labour Department.
21.	Secretary to the Government of West Bengal, Labour Department.
22.	Secretary to the Government of NCT of Delhi, Labour Department, Delhi.
(d) Representatives of Employers under clause (d) of sub-section (1) of Section 5A (Member)	
23.	Shri J.P.Chaudhary, All India Organization of Employers, (Council of Indian Employers)
24.	Shri Ram S. Tameja, Employer's Federation of India, (Council of Indian Employers)
25.	Shri Sharad Patil, Employees' Federation of India, (Council of Indian Employers)
26.	Dr. U.D.Choubey, Director General, Scope (Council of Indian Employers)
27.	Shri Santosh Saraf, ASSOCHAM
28.	Shri Sushanta Sen, Confederation of Indian Industry
29.	Shri B.P. Pant, FICCI
30.	Shri Babulal Todi, AIMO
31.	Shri Badish Jindal, (FASII).
32.	Shri Ravi Wig, PHD Chamber of Commerce and Industry
(e) Representatives of employees under clause (e) of sub-section (1) of Section 5A (Member)	
33.	Shri Girish Awasthi, BMS
34.	Shri Baij Nath Rai, BMS
35.	Shri M. Jagadishwara Rao, BMS
36.	Shri G. Sanjeeva Reddy, INTUC
37.	Shri Ashok Singh, INTUC
38.	Shri D.L. Sachdev, AITUC
39.	Shri A.D. Nagpal, HMS
40.	Shri A.K. Padmanabhan, CITU
41.	Shri Shankar Saha, UTUC(LS)
42.	Shri Ramen Pandey, INTUC
Appointed under clause (aa) of sub-section (1) of section 5A	
43.	Central Provident Fund Commissioner – Ex officio Member

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

LOK SABHA

**UNSTARRED QUESTION NO. 6349
TO BE ANSWERED ON 06.05.2013**

NON-PAYMENT OF DUES BY LIQUIDATED COMPANIES

6349. SHRI M. KRISHNASSWAMY:

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

- (a) whether the provident fund dues of employees of closed/liquidated textile mills are pending against the said mills in the country;**
- (b) if so, the details thereof and the reasons therefor; and**
- (c) the steps being taken by the Government to ensure the payment of the said dues at the earliest?**

ANSWER

**MINISTER OF STATE FOR LABOUR AND EMPLOYMENT
(SHRI KODIKUNNIL SURESH)**

(a): Yes, Madam.

(b): Details of such dues are annexed. Recovery of dues in case of establishments gone into liquidation is pending due to non-completion of the process of liquidation by the official liquidator. In case of closed establishments, the recovery is delayed due to legal disputes.

(c): Steps taken by Employees' Provident Fund Organisation for recovery of dues against the closed establishments are as under:

- 1. Initiation of inquiry under Section 7A of the Employees' Provident Funds & Miscellaneous Provisions Act, 1952 for assessment of dues.**
- 2. Recovery measures under Section 6 of the Act/Provisions of the Second and Third Schedules to Income Tax Act, 1961 which includes:
 - i) Attachment of movable & immovable property.**
 - ii) Appointment of receiver.**
 - iii) Arrest of defaulters.****
- 3. Levy of Damages under Section 14B of the Act for belated remittances.**
- 4. Filing of Prosecution cases under Section 14 of the Act.**

In respect of establishments under liquidation, claims have been filed with Official Liquidator for release of PF dues.

*

ANNEX REFERRED TO IN REPLY TO PART (b) OF THE LOK SABHA UNSTARRED QUESTION NO 6349 FOR 06.05.2013 REGARDING 'NON-PAYMENT OF DUES BY LIQUIDATED COMPANIES' BY SHRI M. KRISHNASSWAMY.

Details of closed / liquidated textile mills in the country (state-wise) and dues against such mills.

S.No.	State	No. of closed / liquidated textile mills	Dues (Amount Rs. In lakhs)
1.	Andhra Pradesh	18	288.32
2.	Bihar	04	163.91
3.	Gujarat	46	1472.01
4.	Haryana	27	181.39
5.	Karnataka	04	38.59
6.	Kerala	06	148.11
7.	Maharashtra	27	197.82
8.	Madhya Pradesh	14	1716.29
9.	Orissa	16	3152.25
10.	Punjab	14	1.82
11.	Rajasthan	29	57.52
12.	Tamil Nadu	39	4919.11
13.	Uttarakhand	01	32.65
14.	West Bengal	08	1412.72
15.	Uttar Pradesh	19	2933.07
16.	Chhattisgarh	02	5.77
Total		274	16721.35
