CONTENTS

4bou	at the authors	<i>I-5</i>
Prefa	ice	<i>I-7</i>
B.Co	m (H) Semester V Syllabus	I-11
	UNIT I	
	EMPLOYEES' PROVIDENT FUNDS AND MISCELLANEOUS PROVISIONS ACT, 1952	
1.1	Introduction	3
1.2	Objective of the EPF and MP Act, 1952	3
1.3	Key Amendments to the EPF Act, 1952	4
1.4	Scope and applicability of the Act	5
1.5	Non-Applicability of the Act	6
1.6	Key Definitions	6
1.7	Schemes under the EPF and MP Act, 1952	11
	◆ The Employees' Provident Fund Scheme (EPFS), 1952	11

PAGES

	CONTENTS	I-14
		PAGES
	◆ The Employees' Deposit- Linked Insurance Scheme	
	(EDLI), 1976	14
	◆ The Employees' Pension Scheme (EPS), 1995	15
1.8	Administration of the Fund	20
	◆ Central Board	20
	◆ Executive Committee	22
	◆ State Board	23
	◆ Officers	23
1.9	Determination of money due from the Employees	24
1.10	Employees' Provident Fund Appellate Tribunal	26
1.11	Appeal to Tribunal against the order of Officers	28
1.12	Recovery of money due from Employer	29
1.13	Benefits under the EPF Schemes	30
	 Provident Fund Benefits 	30
	 Pension Benefits 	31
	◆ Death Benefits	32
Sche	dules to the EPF & MP ACT, 1952	33
Sche	dule I	33
Sche	dule II	38
Sche	dule III	40
Sche	dule IV	41
Test (Questions	42
Pract	rical Problems	43
	UNIT II	
	EMPLOYEES' STATE INSURANCE ACT, 1948	
2.1	Introduction	47
2.2	Amendments to the ESI Act, 1948	47
2.3	Objectives of the Act	49
2.4	Scope and Applicability of the Act	49
2.5	Key Definitions	51
	v	

I-15 CONTENTS

		PAGES		
2.6	Administration of the Scheme			
	2.6.1 Employees' State Insurance Corporation (ESIC)	59		
	◆ Constitution of ESI Corporation	59		
	◆ Term of office of Members of ESI Corporation	60		
	◆ Powers of ESI Corporation	60		
	◆ Duties of ESI Corporation	61		
	2.6.2 Standing Committee	62		
	 Constitution of Standing Committee 	62		
	◆ Terms of office of Members of Standing Committee	62		
	 Power and Duties of Standing Committee 	63		
	2.6.3 Medical Benefits Council (MBC)	63		
	◆ Constitution of MBC	63		
	◆ Term of office of Members of MBC	64		
	◆ Powers and Duties of MBC	64		
	◆ Additional Powers and Duties of MBC	64		
2.7	Employees' State Insurance Fund (ESIF)	65		
	2.7.1 Purposes of ESIF	65		
2.8	Contributions	67		
	2.8.1 Rate of Contribution	67		
	2.8.2 Contribution and Benefit Period	67		
	2.8.3 Rules regarding Contribution	68		
2.9	Benefits under the Act	70		
	◆ Sickness Benefit	71		
	◆ Maternity Benefit	71		
	Disablement Benefit	72		
	◆ Dependents' Benefit	74		
	◆ Medical Benefit	76		
	◆ Funeral Expenses	79		
2.9A	General Provisions regarding Benefits	79		
2.10	Adjudication of Disputes and Claims	81		
	2.10.1 Constitution of Employees' Insurance Court	82		
	2.10.2 Matters to be decided by Employees'	02		
	Insurance Court	82		

	CONTENTS	I-16
		PAGES
	2.10.3 Determination of Disablement Question	83
	2.10.4 Employer to deposit 50% of the Amount Due	83
	2.10.5 Proceedings before the Employees' Insurance Court	83
	2.10.6 Powers of Employees' Insurance Court	84
	2.10.7 Reference to High Court	84
	2.10.8 Appeal to High Court	84
2.11	Schedules to the ESI Act, 1948	84
Sche	dule II	85
Sche	dule III	88
Test (Questions	90
Pract	ical Problems	92
	UNIT III	
	PAYMENT OF WAGES ACT, 1936	
3.1	Introduction	97
3.2	Objective of the Act	97
3.3	Application of the Act	98
3.4	Key definitions	99
3.5	Provisions relating to payment of wages	102
3.6	Deductions which may be made from wages	104
3.7	Limit of total deductions in a wage-period	110
Test (Questions	110
Practical Problems		111
	UNIT IV	
	PAYMENT OF BONUS ACT, 1965	
4.1	Introduction	115
4.2	Enactment of Bonus Act	115
4.3	Objective of the Act	116
4.4	Extent and application of the Act	116
4.5	Act not to apply to certain categories of employees	117
4.6	Key definitions	118

_	_	_	
I-	.1	7	CONTENTS
Τ.		4	CONTENTS

		PAGES
4.7	Computation of gross profits	121
4.8	Computation of available surplus	122
4.9	Eligibility for bonus	123
4.10	Disqualification for bonus	124
4.11	Payment of minimum bonus	124
4.11 <i>A</i>	Proportionate reduction in minimum bonus	125
4.12	Payment of maximum bonus	125
4.13	Computation of No. of working days	125
4.14	'Set on' and 'Set off' of allocable surplus	126
4.15	Determination of bonus payable to an employee	126
4.16	Adjustment of customary or interim bonus against bonus payable under the Act	127
4.17	Deduction of certain amounts from bonus payable under the Act	127
4.18	Time limit for payment of bonus	128
4.19	Recovery of bonus due from an employer	128
Test (Questions	129
Pract	ical Problems	130
	UNIT V	
	PAYMENT OF GRATUITY ACT, 1972	
5.1	Introduction	135
5.2	Commencement of the Act	135
5.3	Extent and application of the Act	135
5.4	Eligibility of employee to receive gratuity under the Act	136
5.5	Objects of the Act	136
5.6	Key definitions	137
5.7	Payment of gratuity	140
5.8	Application, determination and payment of gratuity	144
5.9	Provisions relating to gratuity disputes	145
5.10	Appeal to appellate authority	146
5.11	Nomination	147

	CONTENTS	I-18
		PAGES
5.12	Recovery of gratuity	148
5.13	Penalties	149
Test (Questions	149
Pract	cal Problems	151
	UNIT VI	
	EMPLOYEES' COMPENSATION	
	ACT, 1923	
6.1	Introduction	155
6.2	Amendments to the Workmens' Compensation Act, 1923	155
6.3	Objectives of the Act	156
6.4	Applicability of the Act	156
6.5	Distinction between Employees' Compensation Act, 1923 and Employees' State Insurance Act, 1948	157
6.6	Key Definitions	158
6.7	Employers' Liability for Compensation	163
	6.7.1 Conditions	163
	6.7.2 Accidents on public streets	168
	6.7.3 Defences available to Employers	169
	6.7.4 Amount of Compensation	169
	6.7.5 Compensation to be paid when due and penalty for default	173
	6.7.6 Method of Calculation of Wages	174
	6.7.7 Distribution of Compensation	174
	6.7.8 Compensation not to be assigned, attached or charged	176
	6.7.9 Notice and Claim of Accident	176
	6.7.10 Power to require from Employees Statements regarding Fatal Accidents	177
	6.7.11 Reports of fatel Accidents and Serious Bodily Injuries	177
	6.7.12 Contracting	178
6.8	Enforcement of the Act	179
	6.8.1 Appointment of Commissioners	179
	6.8.2 Eligibility of Commissioner	180

I-19 CONTENTS

		PAGES
6.8.3	Jurisdiction of Commissioners	180
6.8.4	Venue of Proceedings and Transfer	180
6.8.5	Form of Application	180
6.8.6	Powers and Duties of Commissioners	181
6.8.7	Procedure of Commissioner's Powers	182
6.8.8	Appeals	183
6.8.9	Rights and Duties of Employers'	184
6.8.10	Rights and Duties of Employees'	185
Schedules to	the Employees' Compensation Act, 1923	185
Schedule I		186
Schedule II		189
Schedule III		194
Schedule IV		196
Test Question	ns	198
Practical Pro	blems	200