EMPLOYEE RETIREMENT BENEFITS: A REVIEW OF PENSION LAWS AND PROVIDENT FUND SCHEMES IN INDIA

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ABSTRACT

All workers should have retirement benefits to ensure financial security in their older age, especially during their sixties. The benefits are a foundation of financial security in the post-retirement period and form a crucial part of India's overall social security framework. Provided that different legal provisions permit, retirement benefits should be able to offer monetary assistance to people after they leave active service. It is important to understand the importance of schemes like the Employees' Provident Fund (EPF) and other pension schemes, given that a large percentage of India's labor force works in the organized as well as the unorganized sector. The legislations prescribe the statutory foundation for contributory and non-contributory retirement plans, at the same time outlining the rights and obligations of the employer and employees in the administration of retirement benefits. The aim of this research is to critically examine the form and function of Provident Fund schemes in India, categorize the retirement benefits and examine the issues that workers in the informal sector face in receiving retirement benefits, with specific focus on gaps in coverage, regulatory limitations, and areas of potential policy reform.

Keywords: Pension Laws, Employee, Provident Fund, Retirement, Review.

INTRODUCTION

Every individual's ability to survive in society is reliant on their income. The food, clothing, shelter as well any other needs and wants that are necessary to their daily life can be fulfilled by the denomination of money even though there are some exceptions. A person can earn money or any things that constitute their asset through their labour. After reaching the age of retirement, the person stops earning income as he or she cannot have the same labour force. When a person reaches the age of retirement, they are no longer able to continue earning money since they are no longer able to participate in the labor force.

India's retirement benefits system is characterized by the complex relationships between provident fund schemes and pension laws, where major institutional challenges still exist to guarantee old age security. The foundation of India's contributory retirement system consists of the Employees' Provident Fund (EPF) and Employees' Pension Scheme (EPS), with eligibility beginning at age 55 or 58, depending on the plan. However, because of their limited scope, investment limits, and administrative inefficiencies, these schemes are severely limited.

Retirement benefits are sums of money given to workers in order to provide them with financial stability and a consistent income once they retire. The aim is to support retirees in achieving financial independence and leading comfortable lives after retirement.[1] In general words, retirement amount refers to the amount that a person keeps aside for their retirement stage or old age from the portion of money that was earned during their service or working period. If this is facilitated by a third party in an organised system through the statutory provisions of laws or voluntarily by the employees or employers, then it is called a retirement benefits or scheme.

This retirement benefits are given to a person in the different ways such as Employees' Provident Fund (EPF), Public Provident Fund (PPF), Voluntary Provident Fund (VPF), Employees' Pension Scheme (EPS), 1995, Gratuity, Leave Encashment, Superannuation Fund, Post-Retirement Medical, NPS (National Pension System), PPF (Public Provident Fund), etc. There are also other types of Schemes based on the employer's intention or based on any other need of the employee, however the above said types of benefits or schemes are commonly or widely used by the employee.

[1] Retirement Benefit, cleartax, (Feb 18th, 2025) https://cleartax.in/glossary/retirement-benefits

Provident fund schemes and pension law are the fundamental avenues for the establishment of financial security, and the frameworks for them are periodically revised to include the development of the economic environment as well as changes in the composition of the labor market. In line with constitutional principles and legal mandate, such a system remains largely shaped by beneficial legislation such as the Employees' Provident Funds and Miscellaneous Provisions Act, 1952, the Payment of Gratuity Act, 1972, and most recently, the Code on Social Security, 2020.

REVIEW OF LITERATURE

Md. Abdullah Omar & Kazuo Inaba (2020) stressed that although financial inclusion, poverty, and income inequality are highly interrelated with each other in developing countries, the same is not straightforward in specific countries. The differences among developing countries of Asian, African, Latin American, and Caribbean regions in terms of literacy rate, religion, gender inequality, human rights, availability of natural resources, and infrastructure are not considered, although they might affect the level of financial inclusion in each country.

Shubhankar Dam (2023) considers the impact of formal and informal post-retirement benefits on occupational conduct and institutional integrity. Though the focus is primarily on retirement benefits in the judiciary, the overall theme underscores the importance of having transparent, accountable, and fair retirement rules to ensure institutional integrity and public trust, both in the judicial context and among the general population.

Charmaine Savia Siqueira Lobo and Savio P. Falleiro (2023) in their paper, emphasize the necessity to eradicate ageism and provide able and willing older persons with a chance to make valuable contributions to the development of society. It is also necessary for policy-makers to provide special care for the promotion of welfare of vulnerable older persons, especially those with economic challenges or suffering from comorbidities and suboptimal health status.

S W Namagwa *et al.*, (2024) in their research emphasizes the importance of inclusive governance structures, particularly the participation of employee representatives on boards. Legislators ought to think about creating regulations that require or promote increased employee involvement in retirement benefit plan administration. In the end, such regulations would increase efficiency and better align the schemes with the demands of their beneficiaries by ensuring that the opinions of employees, who are important stakeholders, are fairly represented in decision-making processes.

Yoganandham (2024) brings the scholars into the debate by analyzing the socioeconomic effects of pension reform. The critics argue that pension schemes must be inclusive and fair, addressing the needs of various groups, such as women, workers from low-income families, and scheduled castes. Research shows that workers have a very poor perception of pension schemes, which may hamper their capacity to contribute effectively. It is thus crucial to enhance educational activities on pension benefits and their long-term consequences.

OBJECTIVE OF REVIEW

The objective of this study are

- To categories the Retirement Benefits on the basis of it being statutory or voluntary
- To analyze challenges faced by informal sector workers in accessing retirement benefits

RESEARCH METHODOLOGY

This research is based on the doctrinal analysis of various secondary sources and the legislation enacted by Indian Parliament. The secondary sources of data includes blogs, Journals, reports in official government websites of the organisation that is established by the related legislation or of the Ministry of Labour, International Convention & reports of International Labour Organisation and the Legislation.

CATEGORIES OF RETIREMENT BENEFIT

Retirement benefits can be classified in a broad sense on the basis of the mode of provision of the benefits, voluntary schemes, and statutory obligations. Retirement benefits legally include those which are statutorily required, such as government pensions, Employees' Provident Fund (EPF), and Employees' Pension Scheme (EPS); these provisions provide the retirees with a minimum level of financial security. Voluntary retirement benefits such as corporate pension schemes, superannuation funds, and gratuity benefits are provided at the choice of the employer or chosen by individuals.

I. STATUTORY RETIREMENT BENEFITS (LEGALLY MANDATED)

Statutory Retirement Benefits are legally mandated benefits that are governed by Indian labor laws and must be provided to eligible employees, especially in the organized sector.

TABLE 1: Statutory Retirement Benefit

Benefit Type	Eligibility	Contribution	Payout	Regulating Body / Law
Employees' Provident Fund	Employees in organizations with 20 or more employees	Employer (12%) + Employee (12%) of basic salary	Lump sum on retirement, resignation, or death	EPFO under the Employees' Provident Funds and Miscellaneous Provisions Act, 1952
Employees' Pension Scheme	Employees covered under the Provident Fund scheme	Employer's contribution (8.33% from the above 12%)	Monthly pension after age 58	Employees' Provident Fund Organisation
Gratuity	Employees with at least 5 years of continuous service	Employer - funded	Lump sum	Payment of Gratuity Act, 1972
Leave Encashment	Employees with earned leave balance	Employer - funded	Lump sum	Income Tax Act

SOURCE: Secondary Data[2]

(i) Employees' Provident Fund Scheme: It is a saving fund regulated by the Employees' Provident Fund Organisation which was established under the Employees' Provident Funds and Miscellaneous Provisions Act, 1952. It is mandatory to Employees whose earning is up to 15,000 INR per month in organizations with 20 or more employees. As for the employees earning above 15,000 INR per month can also apply for it with employer consent. The contribution for EPF is made by both Employer and Employee which is 12% of basic salary. However, the employer will only pay 3.67% towards this scheme. The Provident fund is paid on Lump sum on retirement, resignation, or death.

(ii) Employees' Pension Scheme: The Employees Pension Scheme (EPS), 1995 is a retirement pension scheme regulated by the Employees Provident Fund Organisation (EPFO). It was introduced under the Employees Provident Funds and Miscellaneous Provision Act, 1952. To

[2] Employees' Provident Fund Organisation, EPF Act & others

avail this scheme the employee should be a member of EPF scheme and have completed minimum 10 years of eligible service. In the contribution of 12% made for EPF, 8.33% was made to this scheme.

(iii) Gratuity: It is a financial benefit in lump sum given to the employees as a gesture of gratitude from the employer for their long-term service in the establishment. It is mandated under Payment of Gratuity Act, 1972. Employees who completed at least 5 years of continuous service with the same employer. It covers establishments such as factories, shops, mines, oilfields, plantations, ports, railways and other commercial establishments with 10 or more employees. Once this Act is made applicable, it will continue to apply even if the number of employees falls below 10 which is the basic eligibility.

(iv) Leave Encashment: It is a monetary compensation paid to an employee for the unutilized earned leave at time of retirement or termination from the establishment or during the service as per their policy. It is mandatory to have encashment at retirement, termination or resignation. Leave Encashment is a right, not a benefit that may be denied if you have earned leave balance. Statutory Acts such as Factories Act, 1948 and Shops & establishment Acts have provision to entitle earned leave and carry forward it in case of accumulation.

II. VOLUNTARY RETIREMENT BENEFITS

Voluntary Retirement Benefits are the benefits, schemes or options that are sponsored by the employer, supported by the Government or opted individually by employees themself respectively. The voluntary retirement benefit is further classified into three types, they are as follows.

A. EMPLOYER - SPONSORED VOLUNTARY RETIREMENT BENEFITS

Employer - sponsored Voluntary Retirement Benefits are not mandatory in implementation but they are offered by some employers to their employees to enhance the employee's post-retirement financial security.

TABLE 2: Employer - Sponsored Voluntary Retirement Benefits

Benefit Type	Eligibility	Contribution	Payout	Regulating Body / Structure

Superannuation Fund	It is usually offered to managerial or high-salaried staff	Usually employer (up to 15% of salary)	Lump sum or annuity	Regulated under Income Tax Rules and typically managed by Life Insurance Corporation or trust funds
Post-Retirement Medical Benefits	It depends on employer's policy	Employer - funded	Reimbursement or coverage for medical expenses	Employer-specific arrangements
Group Pension or Annuity Plans	It is offered by large corporations via insurers	Employer or employer + employee	Regular pension income	Life Insurance Corporation or private insurers

SOURCES: Secondary Data

(i) Superannuation Fund: It is a retirement Benefit contributed by the employers on the behalf of the employee who will get it as pension income after their retirement. It is usually offered to managerial or high level staff. It is usually contributed by the employer. It is regulated under Income Tax Rules and managed by Life Insurance Corporation or any IRDA[3] approved insurance company. It is classified into two on the basis of the investment and benefit, they are Defined benefit plans and Defined contribution plans.[4]

(ii) Post-Retirement Medical Benefits: Post - Retirement Medical Benefits (PRMBs) are health benefits offered by employers to cover the medical expenses that are incurred after the retirement of the retired employees. It is increasingly offered by the Public Sector units, Multinational Companies and other large private companies as a part of the employees retirement plans.[5]

(iii)Group Pension or Annuity Plans: It is a Plan offered by Large Corporation through insurers. It is more beneficial to individuals who want to earn assured returns after retirement as well as

[3] Insurance Regulatory and Development Authority of India (IRDA) is an autonomous statutory body that regulates and promotes the insurance business in India. See IRDA official website https://irdai.gov.in/

[4] Superannuation - How it works, types and Tax Benefits; cleartax; (April 5th, 2024) https://cleartax.in/s/superannuation

[5] PRMBS schemes by Aditya Brila Sun life Insurance, also see LIC's Group Post-Retirement Medical Benefit Plan, Post-Retirement Medical Benefit Scheme Bharat Petroleum Corporation Limited

provide financial stability to their dependents. Different variants such as a single annuity, joint annuity and an annuity with return of purchase price are provided to cater to the different individuals. Even the choice of paying a regular premium or even a single premium is provided.

B. GOVERNMENT - SUPPORTED VOLUNTARY PENSION SCHEMES

Government - Supported Voluntary Pension Schemes are government - backed schemes which are generally open to all individuals and especially to those in the unorganized sector.

TABLE 3: Government - Supported Voluntary Pension Schemes

Benefit Type	Eligibility	Contribution	Payout	Regulating Body / Scheme
National Pension System	It is open to all Indian citizens aged 18–70; mandatory for government recruits post - 2004	Individual or employer + individual	60% lump sum + 40% annuity at retirement	Pension Fund Regulatory and Development Authority
Atal Pension Yojana	It is for Citizens aged 18–40, especially in unorganized sector	Individual (monthly auto-debit)	Fixed monthly pension from ₹1,000 to ₹5,000 after age 60	Pension Fund Regulatory and Development Authority
Senior Citizens' Savings Scheme	Retirees aged 60+ (or 55+ under VRS)	Individual	Quarterly interest; principal at maturity	Post Office or Authorized Banks under Ministry of Finance

SOURCE: Secondary Data

(i) National Pension System: National Pension System (NPS) is a voluntary retirement savings plan regulated by the Pension Fund Regulatory and Development Authority (PFRDA). It is available to all Indian citizens aged 18-70 years, including government officials, self-employed, and NRIs (excluding OCIs/PIOs). There are two categories of NPS accounts: Tier I, which is compulsory and primarily intended for retirement with restricted withdrawal facilities, and Tier II, which is a voluntary and flexible savings account.

(ii) Atal Pension Yojana (APY): The Atal Pension Yojana is a scheme designed for workers in the unorganized sector in 2015. It offers a fixed pension ranging from 1,000 INR to 5,000 INR per month, depending on the contributions made. This benefit was extended only to those who were not covered under any statutory social security scheme and were not income tax payers. This scheme is regulated by PFRDA.[6]

(ii) Senior Citizens' Savings Scheme(SCSS): This scheme is for individuals above 60 years intending to provide them with a stable and secure source of income for their post - retirement phase. The interest rate offered under this scheme is revised every quarter and its derivation depends on several factors in the market.[7]

C. INDIVIDUAL VOLUNTARY INVESTMENT - BASED RETIREMENT OPTIONS

Individual Voluntary Investment - based Retirement Options are market - linked savings and investment schemes which are voluntarily chosen by individuals themself for planning out their own retirement.

TABLE 4: Individual Voluntary Investment - Based Retirement Options

Benefit Type	Eligibility	Contribution	Payout	Regulating Body / Provider
Public Provident Fund	Any Indian citizen	Individual (₹500–₹1.5 lakh/year)	Lump sum after 15 years (extendable)	Ministry of Finance
Mutual Fund Retirement Plans	Any investor	Individual	Lump sum or systematic withdrawal plan	Securities and Exchange Board of India-regulated mutual fund companies

[6] Atal Pension Yojana, protean, https://npscra.nsdl.co.in/nsdl/scheme-details/APY_Brochure.pdf
[7] SCSS, Groww, https://groww.in/p/savings-schemes/senior-citizen-savings-scheme-scss

Life Insurance Annuity Plans	Any adult investor	Individual	Regular pension (monthly/quarterly)	Life Insurance Corporation or private insurers
Reverse Mortgage Scheme	Senior citizens (aged 60+) who own a home	Bank pays the retiree; property used as collateral	Monthly/lump sum payments; ownership retained till death	National Housing Bank / Banks and Housing Finance Companies

SOURCE: Secondary Data

(i) Public Provident Fund: It is a long term investment plan with the tenure of 15 years and lump sum is availed after it. The contribution is made by the individual with a minimum deposit of 500 INR and the maximum of 1,50,000 INR in a financial year.[8]

(ii) Mutual Fund Retirement Plans: Aside from the fixed income pension schemes, retirement-based mutual fund schemes that give liquidity and tax advantage can be accessed. In case you are an aggressive risk-taker, you may invest in mutual funds since they offer market-linked returns. Lock-in period would depend on the scheme that the individual may be interested to invest in.

(iii) Life Insurance Annuity Plans: It is a financial product offered by life insurance companies that guarantees income monthly, quarterly, half-yearly, or yearly, depending on the plan they avail. There are two types of annuities i.e., Immediate annuity and deferred annuity.

(iv) Reverse Mortgage Scheme: Reverse Mortgage Scheme enables retired citizens (60+) to receive steady income without parting with their house by mortgaging their house and taking the loan which is paid back on their death or sale of property. It is thus a safe money option for post-retirement assistance without losing their house.

PENSION FUNDS AND PROVIDENT FUNDS

Retirement benefits include both pension funds and provident funds. Pension funds are retirement plans where the employer contributes a certain percentage of the employee's salary

[8] Types of Pension Plans in India, HDFC Life, https://www.hdfclife.com/insurance-knowledge-centre/retirement-planning/types-of-pension-plans

towards their retirement benefits. This is done as a consideration for their past services.[9] As per the provisions of the PFRDA Act, Rules and Regulations, the responsibilities of the Pension Funds are in investing the contributions received, accumulating the contributions and in managing the corpus of pension under different schemes of the NPS[10]

On the other hand, provident funds are retirement plans that require both the employer and the employee to make equal contributions for retirement benefits.[11] The types of provident funds are:

- Recognised Provident Fund (RPF)
- The Unrecognised Provident Fund (UPF)
- Public Provident Fund (PPF)
- Statutory Provident Fund (SPF)[12]

EMPLOYEES' PROVIDENT FUND ORGANISATION (EPFO)

Employees' Provident Fund Organisation established in 1952 under the statute Employees' Provident Fund & Miscellaneous Provisions Act, 1952 is the largest social security Organisation in India. Employees Provident Fund Organisation administers three programmes:

- Employees' Provident Fund Scheme
- Employees' Pension Scheme
- Employees' Deposit Linked Insurance Scheme

The organisation functions under the overall supervision and policies framed by the Central Board of Trustees, a tripartite body headed by Union Minister for Labour as Chairman, set up under the Employees' Provident Fund & Miscellaneous Provisions Act. The Chief Executive Officer of the organisation is the Central Provident Fund Commissioner, who is also an ex-officio member and Secretary of the Board.[13]

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[9] What is the Difference Between Pension and Provident Funds? Digit life Insurance; https://www.godigit.com/life-insurance/retirement-and-pension-plans/guides/provident-fund-vs-pension-fund
[10] Function of Pension Funds, NPS Trust, https://npstrust.org.in/functions-of-pension-funds
[11] What is the Difference Between Pension and Provident Funds? Digit life Insurance; https://www.godigit.com/life-insurance/retirement-and-pension-plans/guides/provident-fund-vs-pension-fund
[12] Tax Treatment of Provident Fund (EPF), ICICI Bank, https://www.icicibank.com/knowledge-base/tax/tax-treatment-of-provident-fund?
[13] Annual Report; Employees' Provident Fund Organisation (EPFO) (2001) https://www.epfindia.gov.in/site_en/Annual_Report.php

RETIREMENT BENEFITS OF UNORGANIZED WORKERS

The word "unorganized worker" has been defined under the unorganized Workers' Social Security Act, 2008 as an individual who may be home - based, self employed or a wage worker in the unorganized sector. The definition also includes any organised sector worker whois not covered under the Acts mentioned in Schedule II of Act.[14]

Section 3(1) of the Unorganised Workers' Social Security Act, 2008 provides that the Central should formulate suitable welfare schemes for unorganised Workers, especially section 3(1)(c) expressly stated to make schemes related to the matters of old age pension. eShram is a portal launched on 26th August 2021 for Unorganized Workers to register themself across India. This portal was established to build a National Database of Unorganized Workers (NDUW) in India.[15]

Pradhan Mantri Shram Yogi Maan-dhan Yojana (PM-SYM) was launched by the Government for the purpose of the Act and to provide a monthly pension of 3000 INR to the unorganized workers after attaining the age of 60 years.[16] Another scheme called National Pension Scheme is launched for the Traders and Self Employed Persons, that is, for the Vyapari to provide old age protection.

PM - SYM is a old age security scheme for ensuring social security of Unorganised Workers who are employed mainly as rickshaw pullers, street vendor, mid-day meal workers, head loaders, brick kiln workers, cobblers, rag pickers, domestic workers, washermen, home-based, agricultural workers, construction workers, beedi workers, handloom workers, leather workers, audio-visual workers or in similar other vocations. The age eligible for joining for the beneficiary is from 18 to 40 years and should not be a member of ESIC, EPFO or an income tax payer.

The NPS-Traders scheme is meant for old age protection and social security of Vyapaaris (retail traders, shopkeepers and self-employed persons) whose annual turnover is not exceeding Rs.1.5 Crore. These retail traders, petty shopkeepers and self-employed persons include people who are working as shop owners, retail traders, rice mill owners, oil mill owners, workshop owners, commission agents, real estate brokers, owners of small hotels, restaurants and any

[14] Unorganized Worker, Ministry of Labour & employment, https://labour.gov.in/unorganized-workers
[15] Unorganized Worker, Ministry of Labour & employment, https://labour.gov.in/unorganized-workers
[16] Press Release from Ministry of Labour, Press Information Bureau, https://pib.gov.in/PressReleasePage.aspx?PRID=1986238

other Vyapaaris. The entry age for the scheme is from 18 to 40 years and the Vyapaari should not be a member of ESIC, EPFO, PM-SYM or an income tax payer.[17]

Even though schemes exist for the unorganized worker, there is also need to make many improvements as to the nature of the unorganized worker. As most of the schemes are made with regular payment of contribution on a monthly basis, it is not practical for the workers who have unstable income. The money they get as returns in their retirement may be small in comparison to the expenditure of that time. Therefore, rather than making a fixed deposit, people may prefer a plan where their income is given interest.

CONCLUSION

India's pension laws and provident fund schemes provide a comprehensive framework to ensure financial stability for employees post-retirement. While mandatory schemes like Employees Provident Fund and Employees Pension Scheme create structured savings, voluntary contributions through National Pension System and Public Provident Fund enhance individual financial security. The schemes introduced by the government for the unorganized worker may still have some limitations in the practicality of execution. The continuous reforms in these policies are essential to address emerging economic challenges and demographic shifts, ensuring sustainable retirement benefits for future generations.

[17] Press Release from Ministry of Labour, Press Information Bureau, https://pib.gov.in/PressReleasePage.aspx?PRID=1602068

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