



Circular No – 032/2024

Date:25.04.2024

To

All Members of the Association

**PROVISIONS OF EPF AND PENSION SCHEMES RELATING TO
INTERNATIONAL WORKERS STRUCK DOWN BY
KARNATAKA HIGH COURT**

1. Some members of the Karnataka Employers' Association had challenged the constitutional validity of paragraph 83 of Employees Provident Fund Scheme and Paragraph 43-A of the Employees' Pension Scheme which are applicable to the International Workers before the Hon'ble High Court of Karnataka.
2. In the landmark judgment delivered today i.e. 25.04.2024, the Hon'ble High Court has held that both the above paragraphs as unconstitutional, violative of the Article-14 of the Constitution of India and struck down the paragraphs.
3. Though special provisions relating to EPF Scheme and Pension Scheme were inserted in 2008 to cover the international workers under the respective schemes, the said provisions had remained unchallenged. The above judgment is significant having regard to the fact that for the first time the above provisions have been tested on the touchstone of constitutionality.



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4. Detailed judgment will be circulated for the benefit of members once it is uploaded on the website of the High Court of Karnataka.
5. Office of B.C. Prabhakar had filed eight Writ Petitions which were heard along with other Writ Petitions and judgment pronounced today.

For KARNATAKA EMPLOYERS' ASSOCIATION

Sd/

[B C Prabhakar]

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