

to this House and inform us about the decision of the Cabinet in the matter?

MR. SPEAKER: That is left to the Minister to take the matter to the Cabinet or not.

[*Translation*]

SHRI GEORGE FERNANDES: Mr. Speaker, Sir, please allow a discussion on this subject in the House.

MR. SPEAKER: I can allow half-an-hour discussion on it. I have already allowed half-an-hour. I can give another half-an-hour later.

SHRI CHANDRA JEET YADAV: Mr. Speaker, Sir, the reply of the hon. Minister is full of contradictions. He has admitted that neither his Ministry nor PIB had granted clearance to the Project. He also admits that if there is an earthquake or an eruption it can prove dangerous to Delhi also. On the other hand he says that Rs. 4-5 crores have already been spent on the project. I dare say, that even if Rs. 4500 crore had been spent on it we should have abandoned it in case it was a source of danger to Delhi. Keeping in view the imminent danger to Delhi in case of an earthquake around the project site, and the opinion of foreign experts, would the hon. Minister take initiative and review the entire project in consultation with other concerned ministries?

SHRI KAMAL NATH: It is true that PIB had not granted clearance. But the hon. Member was not correct when he said that the Centre also did not grant clearance. Our clearance was conditional. We had set up a Committee and after getting the report of the Committee we gave clearance. I would like to quote a few lines of the clearance report in the House.

[*English*]

“Taking into consideration the geological and seismic study, the risk and hazard, ecological and social impacts accompanying the project, the cost and benefits expected, and after a careful examination of the information and data available, the

Committee has come to the unanimous conclusion that the Tehri Dam Project, as proposed, should not be taken up.”

SHRI CHANDRA JEET YADAV: This is what we are saying.

SHRI KAMAL NATH: I am sharing that. Now, Sir, despite this Committee's conclusion, approval was given. I have informed the House accordingly. So, in the light of the anxiety expressed and in the light of the new inputs available since the time the clearance was granted, we shall have another look at it.

[*Translation*]

SHRI KRISHAN DUTT (Sultanpuri): Just now the hon. Minister stated that the Department was not to blame for the report. I would like to know as to who was responsible for giving a wrong report and whether any action will be initiated against them?

[*English*]

MR. SPEAKER: You need not explain it, Mr. Minister.

[*Translation*]

Non-Payment of PF Share by Textile Mills, M.P.

*288. SHRI SATYNARAYAN JATIYA: Will the Minister of LABOUR be pleased to state:

(a) the names of textiles mills in Madhya Pradesh which have not deposited the share of management in the provident fund and since when this amount has not been deposited by each mill and the amount due from each mill separately; and

(b) the action taken so far against each management for not depositing its share?

[*English*]

THE DEPUTY MINISTER IN THE MINISTRY OF LABOUR (SHRI PABAN SINGH GHATOWAR): (a) and (b) A Statement is laid on the Table of the Sabha.

STATEMENT

S. No.	Name of the defaulting textile mill	Period of default	Account of default as on 31-3-91 (Rs. in Lakhs)	Action taken
(1)	(2)	(3)	(4)	(5)
1.	M/s. Indore Malwa United Mills, Indore . . .	2/65-9/72	55.66	S. Nos. 1-7
2.	M/s. Kalyanmal Mills, Indore . . .	3/70-4/72	11.33	All these are nationalised mills under the management of M/s. National Textile Corporation Ltd.
3.	M/s. Swadeshi Cotton & Flour Mills, Indore . . .	2/65-2/69	7.40	The arrears pertain to the pre-nationalisation period i.e. before 1-4-1974. Under the Sick Textile Mills (Nationalisation) Act, 1974, the claims for the out-standing dues were filed with the Commissioner of Payments. However the claims could not be realised as no funds were left with the Commissioner for payment of these dues.
4.	M/s. Hira Mills, Ujjain . . .	5/65-2/66	10.69	
5	M/s. Bengal Nagpur Cotton Textile Mills . . .	9/60-4/61	1.29	
6.	M/s. New Bhopal Textile, Bhopal . . .	2/65-2/72	6.92	
7.	Burhanpur Tapti Mills . . .	3/69-6/71	5.19	
8.	M/s. Hukam Chand Mills Ltd., Indore . . .	8/83-9/88	160.11	S. Nos. 8 to 10
9.	M/s. D.M. Woollen Mills Textile Pvt. Ltd., Indore	11/85-7/88	0.08	These mills have been granted instalment facilities for payment of arrears. They are accordingly paying the arrears in instalments.
10.	M/s. Bidasariya Mills Pvt. Ltd., Dhani Dhar . . .	3/84-3/87	0.10	
11.	M/s. Indore Textile Ltd., Ujjain . . .	4/81-1/86	54.43	S. Nos. 11 to 15
12.	M/s. Bimal Mills Ltd., Ujjain . . .	11/81-11/90	73.99	Prosecution/IPC cases have been filed against all these mills. As these mills are registered as sick
13.	M/s. Binod Mills Ltd., Ujjain . . .	11/81-11/90	266.15	

S. No.	Name of the defaulting textile mills	Period of default	Amount of default as on 31-3-91 (Rs. in Lakhs)	Action taken
(1)	(2)	(3)	(4)	(5)
14.	M/s. Rajkumar Mills Ltd., Indore	8/82-2/89	46.96	Mills under BIFB, no revenue recovery action has been possible against them.
15.	M/s. Shri Sajjan Mills Ltd., Ratlam	5/81-1/86	39.38	
16.	M/s. Bilaspur Spinning Mills Industry Ltd., Bilaspur.	12/81-5/90	14.81	<p>Sl. No. 16— The EPF authorities have taken the following action for recovery of the outstanding dues:—</p> <p>(a) Revenue recovery certificates have been filed under Section 8 of the EPF Act for default up-to 5/90.</p> <p>(b) Prosecution cases have been launched under Section 14 of the EPF Act for default up-to 10/89.</p> <p>(c) Complaints under section 406/409 IPC have been filed for non-payment of employees share of contribution deducted from the wages of the employees up-to 5/90.</p>

[Translation]

SHRI SATYNARAYAN JATIYA: Mr. Speaker, Sir, the Provident Fund amount of the workers is for their future use and for this purpose a certain amount of money is deducted from their salary till they attain the age of superannuation. The mill owners also make to it some contribution but the workers are deprived of their Provident Fund amount which they are supposed to get on attaining the age of superannuation. Although rules and regulations already exist in this regard, the workers do not get the payment of their Provident Fund amount. Consequently the workers are left in the lurch after their retirement and it becomes every difficult for them to earn a living for their family.

In the Binod Mills and Bimal Mills of Madhya Pradesh also the workers did not get the payment of their Provident Fund amount for ten years and the matter continued to languish for ten years. When there exists provision in law in this regard, what will happen to workers in the even of non-payment by public sector undertakings under those laws? As such, through you, I urge that anomalies in the existing law or provisions should be removed and arrangements should be made to provide relief to the workers by making payment of their Provident Fund dues promptly after their retirement.

[English]

SHRI PABAN SINGH GHATOWAR: Sir, about the mill of Madhya Pradesh, previously the Provident Fund money was the third charge in the list. The Government had taken a decision in 1989 to make it a first charge. So, we hope, in future the workers will be in a position to get their money because it is a first charge on the revenue.

[Translation]

SHRI SATYNARAYAN JATIYA: Mr. Speaker, Sir, as per the reply received in this connection it has been

stated that the payment has been made to him in accordance with legal provisions. My question comes as a sequel to the fact that the workers and the mill owners deposit their share of money in the Provident Fund. The mill owner's share deposited in the Provident Fund should be released immediately. But there are certain mills like the mills of Bilaspur in which the share of the workers is also deposited. This amounts to embezzlement. There should be no delay in payment of the share that has been deposited by the worker. The money deposited by the worker continuously for ten years has not been paid back to him. There is need to make specific provisions in this regard too. Through you, I make a request for introducing specific provisions in this regard with a view to providing relief to the workers.

[English]

SHRI PABAN SINGH GHATOWAR: The hon. Member is mentioning about some mill in Madhya Pradesh. This mill is taken over by the N.T.C. At the time of take-over, they have said that after the take-over by the N.T.C., the payment of previous arrears will be the responsibility of the previous owner.

[Translation]

SHRI SATYNARAYAN JATIYA: Mr. Speaker, Sir, it is quite clear that the share that has been contributed by the workers should be paid positively. Some immediate steps need to be taken in this regard. We can have some fund with the centre in this regard to provide relief to the workers. I want to know this through you.

MR. SPEAKER: No—Shri Digvijaya Singhji. You may please speak.

SHRI SATYNARAYAN JATIYA: Mr. Speaker, Sir, hon. Minister was giving a reply.

[English]

MR. SPEAKER: Do you want to reply?

THE MINISTER OF STATE OF THE MINISTRY OF COAL (SHRI P. A. SANGMA): I will supplement to what the hon. Minister has explained. I share the concern of the hon. Member. The cause of the default lies with the owners of the mills. When the workers retire, they do not get their Provident Fund fully. They suffer very much to that extent. We try to help the workers. Even if the owner has not deposited the money, because of various reasons which have been projected here, whenever the workers retire from the jobs, we pay the employee's share of the Provident Fund out of the Special Reserve Fund. Even if the mills are defaulting to pay their share of the Provident Fund, at least 50 per cent of the money is paid to the workers from the Special Reserve Fund. To that extent relief is provided to the workers.

SHRI DIGVIJAYA SINGH: Sir, the non-payment of the share of the management in the Provident Fund by the industrialists has become the order of the day. There are number of instances where the cases of non-payment and adjudication are pending in the courts. Would the hon. Minister consider setting up of a special Tribunal or a special Court to dispose of these cases early?

SHRI P. A. SANGMA: It is true that there is a huge amount of arrears, which is to the tune of Rs. 96.02 crores. But if we look at the total amount of the Provident Fund, it constitutes only one per cent. Though in absolute terms the figure is Rs. 96.02 crores, it is only one per cent of the total amount. That is the position. The Labour Ministry is trying to adopt certain measures as a result of which the recovery of the arrears has been improving. From the(Interruptions)

SHRI DIGVIJAYA SINGH: My question is whether he intends to set up a special court?

SHRI P. A. SANGMA: From the total amount of arrears of Rs.

98.96 crores in 1989-90, it has come down to Rs. 96.02 crores in 1990-91. There is a decline in the arrears.

MR. SPEAKER: Would you like to have special Tribunal?

SHRI P. A. SANGMA: We do have recovery offices.

SHRI DIGVIJAYA SINGH: My question is about the early disposal of the pending cases. There are criminal charges and also financial liability in some cases. All these cases have been pending for a very long time and at the cost of the labour. Would the hon. Minister consider setting up a special Court or Tribunal for early disposal of such cases? That is my question.

SHRI P. A. SANGMA: We have started recovery machinery from 1990. Earlier, the recovery was not done by the Provident Fund organisation at all. It was done by the Revenue Officers of the respective State Governments. That was the reason why the recovery was perhaps slow. Now, we have our own recovery machinery as a result of which there has been slight improvement.

DR. DEVI PROSAD PAL: Sir, the contributions made by the workers towards the Provident Fund represent their own money. It has been found from experience in West Bengal and in other States also that the employer does not make deposit with the Provident Fund Commissioner even the contributions of the workers. So, when the mill is closed or the company goes into liquidation, the workers are deprived of their own money.

There is also a provision under the Provident Fund Act to launch prosecution against this type of employers who do not even deposit the contributions made by the workers. I would ask the hon. Minister to tell us in how many cases have these defaults been made and whether any prosecutions have been launched in these cases and in how many cases the pro-

secutions have been successfully completed and action taken.

SHRI P. A. SANGMA: As far as the textile mills are concerned, there are four categories of defaulters. The first one is the NTC mills which are the public sector undertaking, and the dues are from the pre-nationalisation period. The second is the category of mills where we have come into agreement with them and they have started paying on instalment basis. Therefore, the question of prosecution does not arise. There is a third category of mills where we have launched prosecution, but in the mean time they have gone to DIFR and they have been declared as sick mills, as a result of which we have not been able to proceed with the prosecutions. The fourth category of mills are those mills which do not fall under the above three categories and we are accordingly proceeding with our prosecutions.

SHRI SHARAD DIGHE: Mr. Speaker, Sir, from the reply it appears that these mills have been divided into three categories mainly. Some of them were nationalised and NTC took over the mills. And then his reply says that when claims were filed, in that case, the claims could not be realised because the funds left by the predecessor were not sufficient at all. These things always occur whenever the NTC take over the mills which are sick and therefore, my question is: (a) Will the Government, therefore, consider amending the law so that NTC when they take over the assets of the mills will also take over at least this liability of paying provident fund to the worker, and (b) From the reply it appears that you have got recovery machinery. But it is so weak that in some cases instalments are granted, in other cases prosecutions under the Indian Penal Code or prosecutions under Section 14 of this Employees' Provident Fund Act are being taken up. And it appears that those methods are very weak and not effective at all. Therefore, here also will

the Government consider giving more teeth to the authorities under the Employees' Provident Fund Act so that recoveries can be effectively made and the workers are not deprived of their provident fund?

SHRI PABAN SINGH GHATOWAR: Sir, about the NTC mills, I have already stated that that was the case before September, 1989, because at that time it was the surcharge in the revenue. Now, with the amendment, we have included surcharge in the revenue so that the workers' provident fund gets priority. About the prosecution, we have started a recovery machinery from the year 1990 and we have set up an institution where we train our officers especially for the purpose of recovery. From our side we are doing our best to ensure that the workers do not suffer because of the closure of the mills.

SHRI RAM NAIK: After doing all these things, is there a single case where a person had been booked by the Court or had been given any punishment in the last two or three years?

SHRI P. A. SANGMA: Sir, we do not have the detailed figures, but when I was in the Labour Ministry, we had taken very firm action.

MR. SPEAKER: He is asking whether it had concluded in punishment.

SHRI P. A. SANGMA: Yes, but I do not have the details now.

Industrial units in Orissa

*290. **SHRI ARJUN CHARAN SETHI:** Will the Minister of ENVIRONMENT AND FORESTS be pleased to state:

(a) whether the industrial units of Orissa have violated the guidelines issued by his Ministry in regard to setting up of industries which are causing pollution;