

PROF. NARAIN CHAND PARASHAR : May I know by what date the findings will be completed and action taken ?

SHRI S. MOHAN KUMARAMANGALAM : The findings of the committee are actually before me as Minister at the moment. I hope within a month, I will be able to finalise the decision of Government in that matter.

Handing over of mineral based industries in Bihar to Bihar Government

*996 : **SHRI BIBHUTI MISHRA :** Will the Minister of STEEL AND MINES be pleased to state :

(a) whether Bihar Government has urged upon the Central Government to hand over mineral-based industries to the Government of Bihar ; and

(b) the reaction of Government thereto ?

THE MINISTER OF STEEL AND MINES (SHRI S. MOHAN KUMARAMANGALAM) : (a) No, Sir.

(b) Does not arise.

श्री विभूति मिश्र : क्या यह सही है कि चूक बिहार गवर्नमेंट की वित्तीय स्थिति खराब है, इसलिए वह चाहती है कि बिहार में जो बहुत सी मिनरल इंडस्ट्रीज केन्द्रीय सरकार के हाथ में हैं, उनको बिहार सरकार ले ले, ताकि उन इंडस्ट्रीज का फायदा उसको मिले और वह अपना काम चला सके और क्या इस बारे में बिहार सरकार ने केन्द्रीय सरकार से अनुरोध किया है ?

SHRI S. MOHAN KUMARAMANGALAM : Regarding the financial situation of Bihar, it would be better if he asks the Bihar Government himself. Regarding the question whether the mines should be handed over to Bihar Government, we have ourselves enquired from them and they have informed us that no proposal has been sent to us asking us to hand over the mines to them.

SHRI R. N. SHARMA : The question is not about mines but about the mineral-based industries.

SHRI S. MOHAN KUMARAMANGALAM : The reply is exactly in relation to mineral-based industries. The question which

was asked of the Bihar Government is in relation to mineral-based industries and the telegram I have received from Bihar Government says :

"No proposal has been sent to the Central Government to hand over the mineral-based industries to the Bihar Government. (b) and (c) Do not arise."

Arrears of Employees Provident Fund

*982. **SHRI S. M. BANERJEE**
on behalf of
SHRI RAMAVATAR SHASTRI :

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

(a) whether Employees Provident Fund arrears have increased to the maximum extent and no serious efforts have been made to recover the same ;

(b) if so, the reasons of accumulation and the amount of arrears as on the 31st March, 1972 ; and

(c) whether Government under whose direct control the E. P. F. Organisation is functioning is seriously thinking of forming a Recovery Cell with adequate staff in the Central Office of the organisation ?

THE DEPUTY MINISTER IN THE MINISTRY OF LABOUR AND REHABILITATION (SHRI BALGOVIND VERMA) : (a) and (b). A statement giving the available information is laid on the Table of the Sabha.

(c) No. There is no such proposal at present under consideration. However, the Government have under consideration proposals to make the penalties in the Act more stringent and to delegate enhanced powers to the Regional Commissioners.

Statement

The Provident Fund Authorities have reported that the information regarding arrears of provident fund contributions due from the employers as at the end of March, 1972 is not readily available. However, the total arrears of Provident fund contributions in respect of unexempted establishments stood at about Rs. 1861 lakhs at the end of December, 1971. The increase in arrears is attributable largely to absence of sufficiently deterrent penalties in the Employees' Provident Funds and Family Pension Fund Act, 1952

and lack of powers vested in Regional Commissioners under the provisions of the said Act. The following steps are generally taken against the un-exempted establishments which default in payment of dues :—

- (i) Prosecution is launched under Section 14 of the Employees' Provident Funds and Family Pension Fund Act, 1952.
- (ii) Revenue recovery proceedings are initiated under section 8 of the Employees Provident Funds and Family Pension Fund Act, 1952.
- (iii) In suitable cases, complaints are filed with the Police/Courts under section 406/109 of the Indian Penal Code.
- (iv) The defaults are brought to the notice of the Employees' and Workers' Organisations including the Trade Unions.
- (v) Penal damages are levied under Section 14-B of the Employees' Provident Funds and Family Pension Fund Act, 1952.
- (vi) In some cases, the establishments are afforded a chance to pay the dues in suitable instalments subject to production of adequate guarantee surety etc.
- (vii) In the case of Textile Mills which have gone into liquidation reconstruction schemes are examined on merits.

SHRI S. M. BANERJEE : Since the provident fund arrears have assumed a serious proportion, which is increasing every year, and the employers are willfully neglecting to pay, may I know whether the Government contemplate amending the Provident Funds Act so that this money can be recovered and those people who do not pay it are sentenced with not only fine but also imprisonment ?

THE MINISTER OF LABOUR AND REHABILITATION (SHRI R. K. KHADILKAR) : Yes, Sir. A proposal is under consideration to the effect, the default in payment of contribution or administrative and inspection charges shall be punishable with imprisonment for a term upto six months and a fine up to Rs. 2,000 provided that a fine equal to 5 per cent of the amount in default subject to a maximum of Rs. 2,000 shall be imposed in each case. We want to make a deterrent provision here. As I have said on a former occasion, under the present Act there are two difficulties. Firstly, the judiciary takes a very

light view and, secondly, we are dependent on the State Governments to initiate action. Our Regional Commissioner must be empowered to initiate action. Then only this problem of arrears could be minimised.

SHRI S. M. BANERJEE : I welcome this announcement of the hon. Minister. But I would like to know when this legislation is going to be brought forward. Are any measures being taken to see that the provident fund arrears are cleared and some punishment is given to those employers who have not paid it since independence ? May I know how many employers have not paid it for the last ten years

SHRI R. K. KHADILKAR : We will make every effort to introduce the Bill in the next session of Parliament. I am prepared to give the figures about prosecutions launched year-wise. Up to June 1971 the total prosecutions launched are 43,000 odd, total convictions 20,484, acquittal only 1,000 odd, withdrawal 6,000 and dismissed or discharged 590, total is 28,660. During the quarter ending 30th September 1971 the prosecutions launched are 929, convictions secured 621, acquittal 53, withdrawal 325, dismissed 2, in all 1,000.

SHRI S. M. BANERJEE : What is the conviction ?

SHRI R. K. KHADILKAR : As I have said, the convictions are fines ; that is my difficulty. Judiciary is not taking such offences as seriously as we think they should. Therefore, we are bringing forward an amending Bill to give deterrent punishment.

SHRI PRIYA RANJAN DAS MUNSI : In view of the fact that arrears of employee's provident fund are mounting up in West Bengal, the State Government have already made a policy statement that wherever there are large arrears action will be taken under the Maintenance of Internal Security Act. May I know whether at the Central level such type of legislation will be enacted so that the working class can be protected from the employers ?

SHRI R. K. KHADILKAR : I have seen the measure proposed by the Government of West Bengal. We have given our concurrence to that. At the appropriate time we will consider whether it should be made applicable to all States.

SHRI NAWAL KISHORE SINHA : May I know whether it is a fact that prosecutions were launched under this Act in Dhanbad and Jharia colliery mines areas and were later on withdrawn without any proper settlement of the cases ?

SHRI R. K. KHADILKAR : I know that prosecutions were launched but why they were withdrawn I am not in a position to say off-hand because the matter was dealt with by the State Government.

SHRI D. N. TIWARY : May I know whether out of the prosecutions launched all the cases withdrawn were due to some sort of settlement or payment made or some favours shown to them ?

SHRI R. K. KHADILKAR : Sometimes, some payment is made; sometimes, they are made to make payment by instalments and certain bank guarantees are given. But no favours are shown.

SHRI DINEN BHATTACHARYYA : May I know whether it is also a fact that in the case of factories which are being taken over by the Government, in those cases also, a large amount of provident fund arrears are there and, if so, what steps the Government is taking to make payment at least in these cases where the factories have been taken over by the Government, either by the Textile Corporation or by the ICC ?

SHRI R. K. KHADILKAR : The establishments run by authorised controllers after taken over by the Government are in default of payment of about Rs 6 crores. The difficulty is this. Every measure is taken to recover the amount. But we must bear in mind one thing. If we just now bring this pressure on them, there is every danger of the factory closed again. So, we are pursuing the matter keeping in view that the factory must go on running and, at the same time, the workers' dues are not in this process lost.

SHRI DINEN BHATTACHARYYA : Most of the workers are leaving these factories.

श्री ईश्वर चौधरी : मजदूरों का भविष्य निधि इतना इकट्ठा हो गया है मालिकों के पास कि वह कैश के डर से सब ब्लैक लिस्ट हो गए हैं और भाग रहे हैं ताकि कोई उनसे वसूल न कर सके। तो क्या सरकार ऐसे मालिकों के

प्रति भी निगाह रख रही है जो हैं लेकिन देना नहीं चाहते हैं और सरकार के जानून की निगाह से भागना चाहते हैं ?

SHRI R. K. KHADILKAR : It is not a correct picture of the situation because so far as the workers' dues are concerned, there is a provision under which we secure payment for them.

श्री ईश्वर चौधरी : वह आदमी हैं लेकिन फर्म बदल दिए हैं। तो क्या सरकार कोई ऐंसे नियम बना रही है जिससे कि वह पकड़े जा सकें ?

अध्यक्ष महोदय : अभी वह बहुत कुछ पहले सवान के जवाब में बता चुके, इसमें भी बना चुके कि पकड़ने की बातें कर रहे हैं।

SHRI R. N. SHARMA : In view of the fact that there is huge accumulation of arrears, while amending the Act, will the Government consider also having at the same time a recovery cell which can persuade the employers to agree and also replace those employers who are in default from the Trust Boards ?

SHRI R. K. KHADILKAR : A recovery cell at the regional level or at the Central level is of no avail because all these processes are pursued by the revenue authorities of the State. We have strengthened the State revenue authorities by making services available to them of some of the tehsildars.

श्री इसहाक सम्भली (अमरोहा) : अध्यक्ष महोदय, शायद आपने अखबारों में पढ़ा होगा अलाहाबाद विश्वविद्यालय...

अध्यक्ष महोदय : अभी नहीं। पहले काल अटेंशन आया। उसके पहले यह नहीं आना।

WRITTEN ANSWERS TO QUESTIONS

Setting up of a Steel Plant in Kerala

*984. **SHRI C. K. CHANDRAPPAN :** Will the Minister of STEEL AND MINES be pleased to state :

(a) whether the investigations by the Geological Survey of India has been completed in Kerala to ascertain the quantity of iron ore deposits there ;