

MISAPPROPRIATION OF PROVIDENT FUND

378. SHRI N. K. KRISHNAN: Will the Minister of LABOUR AND REHABILITATION be pleased to state :

(a) whether it is a fact that the managements of the Damoda, Patmohana, Western Kajora coal mines in West Bengal have not paid Provident Fund contributions totalling about Rs. one crore and even misappropriated workers' share;

(b) what is the exact amount which has not been paid by each of the above managements and the details thereof;

(c) what drastic action has been taken against them for realisation of the dues and results thereof; and

(d) why the Defence of India Rules have not been applied against the managements for misappropriation of Provident Fund amount?

THE MINISTER OF LABOUR AND REHABILITATION (SHRI R. K. KHADILKAR): The Coal Mines Provident Fund authorities have reported as under:—

(a) For the period upto March, 1972, these collieries have defaulted in payment of Provident Fund dues amounting to Rs. 30.8 lakhs. Non-payment of members' share of contribution recovered from their wages amounts to breach of trust.

(b) Details of dues are given below:

Name of colliery	Dues on account of P.F. contribution & administrative charges	Dues on account of damages	Total
	Rs.	Rs.	Rs.
Patmohana	4,32,742.57	75,480.48	5,08,223 05
Damoda	17,79,114.36	2,19,615.58	19,98,729 94
Western Kajora	4,85,188 93	87,782.93	5,72,971 86
TOTAL	26,97,045.86	3,82,878.99	30,79,924 85

(c) *Patmohana*.—Certificate cases for the period upto August, 1967 have been filed. The colliery has been allowed to pay the principal dues on account of contribution and administrative charges by the Court in monthly instalments of Rs. 15,000/-. The colliery has filed writs in high courts challenging validity of the demand on account of damages. These are sub-judice. Notices in respect of the default for the period August 1971 to December 1971 have been issued. A case U/S 406 IPC has also been filed against this colliery which is sub-judice.

Damoda.—Certificate cases for the period upto December 1969 have been filed and the colliery has been allowed by the Court to pay the dues in monthly instalment of Rs 25,000/-. For the period May and June, 1970 and from

November 1970 to August 1971 certificate cases are being filed.

Western Kajora.—Certificate cases for the period May, 1968 to November, 1968 and from December 1968 to December 1970 have been filed. These cases are sub-judice. For the default for January, 1971 to January, 1972 notices are being issued.

(d) Non-payment of Provident Fund dues is a violation of the Coal Mines Provident Fund Family Pension and Bonus Schemes Act, 1948 and the Coal Mines Provident Fund Scheme Framed thereunder. Since this Act has its own penal provisions action has to be taken under this Act. However the question of taking action against defaulting employers of West Bengal under Maintenance of Internal Security Act of West Bengal is under examination.