

THE COAL MINES PROVIDENT FUND AND MISCELLANEOUS
PROVISIONS ACT, 1948
(Act No. 46 of 1948)

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(Act No. 46 of 1948)

[3rd September 1948]

An Act to make provision for the framing of a Provident Fund Scheme ¹[a Pension Scheme.] ²[a Deposit Linked Insurance Scheme] and a Bonus Scheme for persons employed in coal mines ³[* * *]
It is hereby enacted as follows:

1. Short title and extent. – ⁴[(1) This Act may be called the Coal Mines Provident Fund and Miscellaneous Provisions Act, 1948] ⁵(hereinafter referred to as the Principal Act) ⁶[(2) It extends to the whole of India ⁷[* * *]].

2. Interpretation. – In this Act, unless there is anything repugnant in the subject or context,-

(a) “bonus” means any sum of money payable to an ⁸[employee] under the Coal Mines Bonus Scheme framed under this Act;

⁹[(aa) “coal” includes lignite;]

¹⁰[(b) “coal mine” means any excavation where any operation for the purpose of searching for or obtaining coal has been or is being carried on, and includes—

- (i) all boring and bore holes;
- (ii) all shafts, in or adjacent to and belonging to a coal mine, where in the course of being sunk or not;
- (iii) all levels and inclined planes in the course of being driven;
- (iv) any open cast working or quarry, that is to say, an excavation where any operation for the purpose of searching for or obtaining coal has been or is being carried on, not being a shaft or an excavation which extends below superjacent ground;
- (v) all conveyors or aerial rope-ways provided for the bringing into or removal from a coal mine of coal or other articles or for the removal of refuse therefrom;
- (vi) all adits, levels, planes, machinery, works, railways, tramways and sidings in or adjacent to and belonging to a coal mine;
- (vii) all workshops situated within the precincts of a coal mine and under the same management and used for purposes, connected with that coal mine or a number of coal mines under the same management;
- (viii) any office of a coal mine;
- (ix) all power stations for supplying electricity for the purpose of working the coal mine or a number of coal mines under the same management;
- (x) any premises for the time being used for depositing refuse from a coal mine, or in which any operation in connection with such refuse is being carried on being carried on being premises exclusively occupied by the employer of the coal mine;
- (xi) all hospitals and canteens maintained for the benefit of the employees of a coal mine or a number of coal mines under the same management;

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1. Substituted by Act 23 of 1996. (w.e.f. 31.03.1998)
 2. Ins. by Act 99 of 1976, Sec. 2 (w.e.f. 1st August 1976).
 3. Omitted by Act 16 of 1971, Sec. 3 (w.e.f. 23rd April 1971)
 4. Subs. by Act 99 of 1976, Sec. 3 (w.e.f. 1st August 1976).
 5. Subs. by Act 23 of 1996 Sec. 2 (w.e.f. 31st March 1998).
 6. Subs. by the A. O. 1950 for the original sub-section (2)
 7. “ Except the State of Jammu & Kashmir” omitted by Act 51 of 1970.
 8. Subs. by Act 51 of 1970. sec. 3
 9. Ins. by Act 45 of 1965
 10. Subs. by *ibid*.

- (xii) any coke oven or plant;
- (xiii) any premises in or adjacent to and belonging to a coal mine, on which any plant or other machinery connected with a coal mine is situated or on which any process ancillary to the work of a coal mine is being carried on;]
- (c) “contribution” means the contribution payable in respect of a member under the Coal Mines Provident Fund Scheme framed under this Act ¹[or the contribution payable in respect of an employee to whom the Insurance Scheme applies;]
- ²[(d) “employee” means any person who is employed for wages in any kind of work, manual or otherwise, in or in connection with a coal mine and who gets his wages directly or indirectly from the employer and includes—
- (1) any person employed by or through a contractor in or in connection with a coal mine, and
- (2) for the purposes of Coal Mines Provident Fund Scheme, also
- (i) any other person who is employed as a sanitary worker, mali, teacher or domestic servant in or in connection with a coal mine and who receives wages directly from the employer, and
- (ii) any apprentice or trainee who receives stipend or other remuneration from the employer;]
- ²[(e) “employer”, when used in relation to a coal mine, means any person who is the immediate proprietor or lessee or occupier of the coal mine or of any part thereof and in the case of a coal mine the business whereof is being carried on by a liquidator or receiver, such liquidator or receiver and in the case of a coal mine owned by a company the business whereof is being carried on by a managing agent, such managing agent; but does not include a person who merely receives a royalty, rent or fine from the coal mine, or is merely the proprietor of the coal mine, subject to any lease, grant or license for the working thereof, or is merely the owner of the soil and not interested in the coal of the coal mine; but any contractor for the working of a coal mine or any part thereof shall be subject to this Act in like manner as if he were an employer, but not so as to exempt the employer from any liability;]
- ³[(ee) omitted by Act 23 of 1996.]
- (f) “Fund” means the provident fund established under the Coal Mines Provident Fund Scheme;
⁴[* * *]
- ⁵[(fa) “Insurance fund” means the Deposit-linked Insurance Fund established under sub-section (2) of Sec. 3-G;]
- (fb) “Insurance Scheme” means the Coal Mines Deposit-linked Insurance Scheme framed under sub-section (2) of Sec. 3-G;]
- (fc) “managing agent” has the meaning assigned to it in the Companies Act, 1956 and]
- (g) “member” means a member of the Fund.
- ⁶(h) “Pension Fund” means the Pension Fund established under sub-section (2) of Sec. 3E;
- ⁷(i) “Pension Scheme” means the Coal Mines Pension Scheme framed under sub-section (1) of Sec. 3E;
- ⁸(j) “Superannuation”, in relation to an employee who is a member of the Pension Scheme, means the attainment, by the said employee, of such age as is fixed in the contract or conditions of service as the age on the attainment of which such employee shall vacate the employment.

1. Ins. by Act 99 of 1976, Sec. 4 (w.e.f. 1st August 1976).
 2. Subs. by Act 45 of 1965 (w.e.f. 1st April 1966)
 3. Omitted by Act 23 of 1996 (w.e.f. 31st March 1998).
 4. The word “and” omitted by Act 45 of 1965.
 5. Cl. (ff) related as Cl. (fc), and before the said Cl. (fc), Cls. (fa) and (fb) Ins. by Act 99 of 1976 Sec.4.
 6. Ins. by Act 23 of 1996 Sec.3 (w.e.f. 31st March 1998).
 7. Ins. by Act 23 of 1996 Sec.3 (w.e.f. 31st March 1998).
 8. Ins. by Act 23 of 1996 Sec.3 (w.e.f. 31st March 1998).

Comments

“Owner” of the “coal mines”.—In *S.K.Roy v. State*¹ the facts of the case were that the Bhowra Coke Plant originally belonged to the Bhowra group of collieries owned by the Eastern Coal Company, but subsequently in or about the years 1945 to 1947 this coke plant was transferred by sale to the petitioner. The group of Bhowra collieries was subsequently sold to the Bhowra Kankanee Collieries, Ltd. The petitioner is the owner of the coke plants and the lessee of the land on which it stands on payment of certain royalty by way of the ground-rent for the land the lessor, at the relevant time being the Bhowra Kankanee Collieries, Ltd. owning the coal mine and coalfield area, where the Bhowra Coal Mines are and the coke plant is situated. The coke plant is not only adjacent to the coal mine but is also situated on the surface land, which forms part of the coalfields near which and beneath which the coal mine is worked by the Bhowra Kankanee Collieries Ltd. The petitioner does not carry on the work of any coal mine there in that he does not excavate any coal by carrying on any operation for the purpose of obtaining coal. The coke plant is a by-product coke plant in which hard cokes as well as some other by-products are manufactured. The question for determination is whether, on the finding aforesaid, it can be held that the petitioner is the owner of a coal mine within the meaning of the Act and the Scheme.

As a matter of construction, it has got to be held that all works, machinery, tramways and sidings, whether above or below ground in or adjacent to a coal mine can come within the sweep of the definitions only when it belongs to the coal mine. That is to say, the word “or” occurring before the expression “belonging to a coal mine” in the main definition given in the Act has got to be interpreted to mean “and”; otherwise anomalous result would follow. Any work or tramways or sidings, if they do not appertain to the coal mine in the sense of ownership, cannot come within the meaning of the expression “coal mine” as given in the first part of Cl. (b) of sec. 2 of the Act. They would come by way of subsidiary works, machinery or the like if they appertain to and belong to the coal mine in the sense of carrying of excavation work by doing the operation for the purpose of obtaining coal.

Held that the coke plant owned by the petitioner is not a coal mine or a colliery within the meaning of the Act or the Scheme. The said plan is, therefore, not subject to and cannot be governed by their provisions. It follows, therefore, that the conviction of the petitioner is bad in law and must be set aside.

In the result the application is allowed. The conviction recorded against the petitioner and the sentence imposed upon him are set aside.²

“wages” include “bonus” also which would be payable to the person employed in terms of his employment. If bonus is paid illegally it can be deducted from the wages.³

Coal mine—Bee-hive Ovens.— Any coke oven or plant in Cl. (xii) of Sec. 2(b) unless it is in some way connected with excavation where any operation for the purpose of searching for or obtaining coal has been or is being carried on, cannot become a coal mine.⁴

Coal Mines Provident Fund Commissioner, if public servant.— The word “service” in Sec. 2(17) (h) of the Code of Civil Procedure must necessarily mean something more than being merely subject to the orders of Government or control of the Government. To serve means “to perform function, do what is required for”. The Commissioner appointed by Government performs the functions as envisaged in the Act and the scheme there under. When he is actually acting in the capacity of Provident Fund commissioner, he does not cease to be an officer in the service of the Government. In the present case, the Provident Fund Commissioner holds the office of Commissioner on appointment by Government by virtue of his office. His service are temporarily placed at the disposal of the Board, he does not, therefore, cease to be an officer in the

1. (1965) 2L.L.J. 522

2. *S.K. Roy v. State*, (1965) 2 L.L.J. 522 at pp. 523,526.

3. *Superintendent of Collieries v. Deputy Commissioner*, A.I.R. 1957 Pat. 647 at p. 649.

4. *Small Scale Bee-Hive Hard-Coke Producers, Association v. Government of India*, 1989 B.L.J. at pp. 331, 332.

service of the Government. The payment of his pay out of the Fund does not alter his status as Government employee. It was held that the Courts below have erred in holding that the Coal Mines Provident Fund Commissioner is not a public officer within the meaning of the term in Sec. 2(17) (h) of the Civil Procedure Code.¹

3. Coal Mines Provident Fund Scheme.— (1) The Central Government may, by notification in the Official Gazette, frame a scheme to be called the Coal Mines Provident Fund Scheme for the establishment of a provident fund for ²[employees] and specify the coal mines to which the said scheme shall apply.

³[(1-A) The Fund shall vest in, and be administered by the Board Constituted under Sec.3-A].

(2) Any scheme framed under the provisions of sub-section (1) may provide for all or any of the matters specified in the First Schedule.

³**[3-A. Constitution of Board of Trustees.—** (1) The Central Government may, by notification in the Official Gazette, constitute, with effect from such date as may be specified therein, a Board of Trustees for the territories to which this Act extends (hereinafter in this Act referred to as the Board) consisting of the following persons, namely:

- (a) a chairman appointed by the Central Government;
- (b) the Coal Mines Provident Fund Commissioner, ex officio;
- (c) three persons appointed by the Central government;
- (d) not more than six persons representing Government of such States as the Central Government may specify in this behalf from time to time, appointed by the Central Government;
- (e) six persons representing employers, appointed by the Central Government after consultation with such organizations of employers as may be recognized by the Central Government in this behalf, and of whom at least one shall be a person who is not a member of any such organization;
- (f) six persons representing employees, appointed by the Central government after consultation with such organizations of employees as may be recognised by the Central Government in this behalf and of whom at least one shall be an employee himself and at least one shall be a person who is not a member of any such organisation.

(2) The terms and conditions subject to which a member of the Board may be appointed and the time, place and procedure of the meetings of the Board shall be such as may be provided for in the Coal Mines Provident Fund Scheme.

(3) The Board shall ⁴[subject to the provisions of Section 3-E] ⁵[and Sec. 3-G] administer the Fund vested in it in such manner as may be specified in the Scheme aforesaid.

(4) The Board shall perform such other functions as it may be required to perform by or under any provisions of ⁶[the Coal Mines Provident Fund Scheme.] ⁷[,the Coal Mines ⁸Pension Scheme] and the Insurance Scheme].

3-B. Board of Trustees to be body corporate. — The Board of Trustees constituted under Sec. 3-A shall be a body corporate under the name specified in the notification constituting it, having perpetual succession and a common seal and shall be the said name sue and be sued.

1. Coal Mines Provident Fund Commissioner v. Ramesh Chandra Jha, 1990 B.B.C.J. 43 at pp. 44,45 S.C.
2. Subs by Act 80 of 1950.
3. Ins. by Act 45 of 1965 (w.e.f. 1st April 1966)
4. Ins. by Act 16 of 1971 Sec. 6 (w.e.f. 23rd April 1971)
5. Ins. by Act 99 of 1976 Sec. 5 (w.e.f. 1st August 1976)
6. Subs. by Act 16 of 1971 Sec. 6 (w.e.f. 22nd April, 1971)
7. Subs. by Act 99 of 1976 Sec. 5 (w.e.f. 1st August 1976)
8. Subs. by Act 23 of 1996 Sec. 3 (w.e.f. 31.03.1998)

Comment

A corporate and a corporate body are inter-changeable and non-use of the word "body corporate" in Cl. (12) of Sec. 21 of the Penal Code and will not make a body corporate out of the ambit of the Corporation. So the body corporate will mean a Corporation, under the said clause and an employee of body corporate is a public servant.¹

3-C. Appointment of officers. – (1) The Central Government shall appoint a Coal Mines Provident Fund Commissioner, who shall be the Chief Executive Officer of the Board and shall be subject to the general control and superintendence of the Board.

(2) The Central Government may also appoint as many other officers, whose minimum monthly salary in the scale of pay (if any) applicable to them is not less than four hundred rupees, as it may consider necessary to assist the Coal Mines Provident Fund Commissioner in the discharge of his duties.

(3) Subject to the provisions of sub-sections (1) and (2), the Board may appoint such other officers and employees as it may consider necessary for the efficient administration of the Coal Mines Provident Fund Scheme ²[the Coal Mines ³Pension Scheme and the Insurance Scheme].

(4) The method of recruitment, salary and allowances, discipline and other conditions of service of the Coal Mines Provident Fund Commissioner shall be such as may be specified by the Central Government and such salary and allowances shall be paid out of the Fund.

✓(5) The method of recruitment, salary and allowances, discipline and other conditions of service of other officers and employees of the Board shall be such as may be specified by the Board with the approval of the Central Government.

Comment

Coal Mines Provident Fund Commissioner is a public Officer. – The Provident Fund Commissioner holds the office of commissioner on appointment by Government by virtue of his office. His services are temporarily placed at the disposal of the Board. He does not, therefore, cease to be an officer in the service of the Government. The payment of his pay out of the Fund does not alter his status as Government employee. The Courts below have erred in holding that the Coal Mines Provident Fund Commissioner is not a public officer within the meaning of the term in Sec. 2 (17) (h), C.P.C. ⁴

3-D. Transfer of accounts. – (1) Where any employee who is a subscriber to any provident fund of the coal mine in which he is employed becomes a member of the Fund in accordance with the provisions of any Coal Mines Provident Fund Scheme, the accumulations in the provident fund of the coal mine standing to the credit of the employee shall, notwithstanding anything to the contrary contained in any law for the time being in force or in any deed or other instrument establishing the provident fund but subject to the provisions, if any, contained in the Scheme, be transferred, by such person and within such time as may be provided in the Scheme, to the Fund and shall be credited to the account of the employee in the Fund.

(2) Where a member of the Fund leaves his employment in a coal mine and obtains re-employment in any other establishment (not being a coal mine to which the Coal Mines Provident Fund Scheme applies) and becomes a subscriber to any provident fund of that establishment, the amount of accumulations to the credit of such employee in the fund shall be transferred, within such time as may be specified by the Central Government in this behalf, to the credit of his account in the provident fund of the establishment in which he is re-employed, if the employee so desires and the rules in relation to that provident fund permit such transfer.

1. Jalan Chaubey v. Public Prosecutor, Dhanbad Court, 1990 East Cr. C. 431 at p. 431 (Pat.).

2. Subs. by Act 99 of 1976, Sec. 6 (w.e.f. 1st August 1976)

3. Sub. By Act, 23 of 1996 Sec. 3 (w.e.f. 31.03.1998)

4. Coal Mines Provident Fund Commissioner v. Ramesh Chandra Jha, (1990) 1 S.C.C. 589 : 1990 Lab. I.C. 577: 1990 (5) Emo. L.R. 370 at p.372.

(3) Where any employee who is a subscriber to any provident fund of an establishment (not being a coal mine to which the Coal Mines Provident Fund Scheme applies) leaves his employment in that establishment and obtains reemployment in a coal mine and becomes a member of the Fund, the amount of accumulations to the credit of such employee in the provident fund of the establishment left by him shall, if the employee so desires and the rules in relation to such provident fund so permit, be transferred to the credit of his account in the Fund.

¹[**3E. Coal Mines Pension Scheme.**- (1) The Central Government may by notification in the Official Gazette, frame a scheme to be called the Coal Mines Pension Scheme for the purpose of providing for,--

- (a) superannuation pension, retiring pension or permanent total disablement pension to the persons employed in any coal mine or class of coal mines to which this Act applies; and
- (b) widow or widower pension, children pension or orphan pension and life assurance benefits, payable to the beneficiaries of such employees.

(2) Notwithstanding anything contained in Sec. 3, there shall be established, as soon as may be after framing of the Pension Scheme, a Pension Fund into which there shall be paid, from time to time, in respect of every employee who is a member of the Pension Scheme,-

- (a) such sums, not exceeding one-fourth, of the amount payable to the Fund under sub-section (I) of Sec. 10 D as the employer's contribution as well as the employee's contribution as may be specified in the Pension Scheme;
- (b) such sums as the Central Government may, after due appropriation made by Parliament by law in this behalf, specify;
- (c) the net assets of the Family Pension Fund as existed immediately before the establishment of the Pension Fund; and
- (d) any other contribution which may be made to the Pension Fund with the previous approval of the Central Government.

(3) On the establishment of the Pension Fund, the Family Pension Scheme (hereinafter referred to as the ceased scheme) shall cease to operate and all assets of the ceased scheme shall vest in and shall stand transferred to, and all liabilities under the ceased scheme shall be enforceable against, the Pension Fund and the beneficiaries under the ceased scheme shall be entitled to draw the benefits, not less than the benefits, they were entitled to under the ceased scheme, from the Pension Fund.

(4) The Pension Fund shall vest in and be administered by the Board in such manner as may be specified in the Pension Scheme.

(5) A scheme framed under the provisions of sub-section (I) may provide for all or any of the matters specified in the Second Schedule".

²**3-F. Special grant by Central Government.** - The Central Government shall, after due appropriation made by Parliament by law in this behalf, pay such further sums as may be determined by it into the ²Pension Fund to meet all the expenses in connection with the administration of the Coal Mines Pension Scheme other than the expenses towards the cost of any benefits provided by or under the said Scheme.]

³**3-G. Coal Mines Deposit- Linked Insurance Scheme.** - (1) The Central government may, by notification in the Official Gazette frame a scheme to be called the Coal Mines Deposit Linked Insurance Scheme for the purpose of providing life insurance benefits to such employees as are covered by the Coal Mines Provident Fund Scheme.

1. Subs. by Act 23 of 1996 Sec.- 5 (w.e.f. 31.03.1998)
2. Subs. by Act 23 of 1996 Sec.- 4 (w.e.f. 31.03.1998)
3. Ins. by Act 99 of 1976, Sec. 7 (w.e.f. 1st August 1976)

(2) There shall be established, as soon as may be after the framing of the Insurance Scheme, a Deposit-Linked Insurance Fund into which shall be paid by the employer from time to time in respect of every such employee, in relation to whom he is the employer, such amount, not being more than one per cent. of the aggregate of the basic wages, dearness allowances and retaining allowance (if any) for the time being payable in relation to such employee, as the Central Government may, by notification in the Official Gazette, specify.

Explanation.— For the purposes of this sub-section,—

- (a) the expression “basic wages” has the meaning assigned to it in the Employees’ Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952);
- (b) “dearness allowance” means all cash payments, by whatever name called, paid to an employee on account of a rise in the cost of living and shall be deemed to include also the cash value of any food concession allowed to the employee;
- (c) “retaining allowance” means an allowance payable for the time being to an employee of any coal mine during any period in which the coal mine is not working, for retaining his services.

(3) The Central Government shall, after due appropriation made by Parliament by law, contribute to the Insurance Fund in relation to each employee covered by the Coal Mines Provident Fund Scheme, an amount representing one-half of the contribution which an employee is required, by sub-section (2) to make.

(4) (a) The employer shall pay into the Insurance Fund such further sums of money, not exceeding one-fourth of the contribution which he is required to make under sub-section (2), as the Central Government may, from time to time, determine, to meet all the expenses in connection with the administration of the Insurance Scheme other than the expenses towards the cost or any benefits provided by or under that scheme.

(b) The Central Government shall, after due appropriation made by Parliament by law, pay into the Insurance Fund such further sums of money representing one-half of the sums payable by the employer under Cl. (a), to meet all the expenses in connection with the administration of the Insurance Scheme other than the expenses towards the cost of any benefits provided by or under that scheme.

(5) The Insurance Fund shall vest in the Board and shall be administered by the Board in such manner as may be specified in the Insurance Scheme.

(6) Any scheme framed under the provisions of sub-section (1) may provide for all or any of the matters specified in the Third Schedule.]

¹[4. For the purposes of the Income tax Act, 1961 – The Fund shall be deemed to be a recognised Provident Fund within the meaning of Part A of the Fourth Schedule to that Act.]

5. Coal Mines Bonus Scheme.—(1) The Central Government may, by notification in the Official Gazette, frame a scheme to be called the Coal Mines Bonus Scheme for the payment of bonus to ²[employees] and specify the coal mines to which the said scheme shall apply.

(2) A scheme framed under the provisions of sub-section (1) may provide for all or any of the matters specified in the ³[Fourth Schedule].

⁴(3) The employer shall pay the bonus in accordance with the Scheme as aforesaid.]

6. Retrospective operation of a scheme.— A scheme framed under this Act may provide that any of its provisions shall come into force either prospectively or retrospectively with effect from such date as may be specified in this behalf in the scheme.

1. Substituted by Act 23 of 1996, Sec. 6 (w.e.f. 31.3.1998)
2. Subs by Act 80 of 1950
3. Subs. by Act 99 of 1976, Sec. 8 (w.e.f. 1st August 1976)
4. Ins. by Act 45 of 1965 (w.e.f. 1st April 1966)

7. Modification of a scheme.— The Central Government may, by notification in the Official Gazette, add to, amend or vary ¹[either prospectively or retrospectively] a scheme framed under this Act.

²**7-A. Schemes to be laid before Parliament.**—Every Scheme made under this Act shall be laid as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in the one session or in ³[two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid] both Houses agree in making any modification in the scheme or both Houses agree that the scheme should not be made, the scheme shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that scheme.

7-B. Determination of moneys due from employers. – (1) The Coal Mines Provident Fund Commissioner or any other officer duly authorised in this behalf by the Central Government may, by order, determine the amount due from any employer under any provision of this Act or of any scheme framed thereunder and for this purpose may conduct such enquiry as he may deem necessary.

(2) The officer conducting the enquiry under sub-section (1) shall, for the purpose of such enquiry have the same powers as are vested in court under the Code of Civil Procedure, 1908, for trying a suit in respect of the following matters, namely, -

- (a) enforcing the attendance of any person or examining him on oath;
- (b) requiring the discovery and production of documents;
- (c) receiving evidence on affidavit;
- (d) issuing commissions for the examination of witnesses and any such enquiry shall be deemed to be a judicial proceeding within the meaning of Secs. 193 and 228 and for the purpose of Sec. 196 of the Indian Penal Code.

(3) No order determining the amount due from any employer shall be made under sub-section (1) unless the employer is given a reasonable opportunity of representing his case.

(4) An order made under this section shall be final and shall not be questioned in any Court of law.]

8. Protection against attachment.— (1) The amount of the provident fund standing to the credit of any member in the Fund shall not in any way be capable of being assigned or charged and shall not be liable to attachment under any decree or order of any Court in respect of any debt or liability incurred by the members and neither the Official Assignee nor any Receiver appointed under the Provincial Insolvency Act, 1920 (V of 1920), shall be entitled to, or have any claim on any such amount.

(2) Any amount standing to the credit of any member in the Fund at the time of his death and payable to his nominee under the Coal Mines Provident Fund Scheme shall, subject to any deduction authorized by the said scheme, vest in, the nominee and shall be free from any debt or other liability incurred by the deceased or incurred by the nominee before the death of the member.

[(3) The provisions of sub-section (1) and sub-section (2) shall so far as may be, apply in relation to the ⁴pension or any other amount payable under the Coal Mines ⁵Pension Scheme ⁶[and also in relation to any amount payable out of the Fund.]

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- 1. Ins. by Act 99 of 1976 sec. 9 (w.e.f. 1st August 1976)
 - 2. Ins. by Act 45 of 1965 (w.e.f. 1st April 1966)
 - 3. Subs. by Act 99 of 1976, Sec. 10 (w.e.f. 1st August 1976)
 - 4. Substituted by Act 23 of 1996, Sec. 2 (w.e.f. 31.3.1998)
 - 5. Ins. by Act 16 of 1971, Sec. 10 (w.e.f. 23rd April 1971)
 - 6. Ins. by Act 99 of 1976, Sec. 11 (w.e.f. 1st August 1976)

9. Penalty.— ¹[(1) If any person—

- (a) contravenes any provision of this Act or of any scheme framed thereunder, he shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both;
- (b) who has been convicted of any offence punishable as aforesaid, is again guilty of any such offence within a period of two years from the date of the previous conviction, he shall be punishable on conviction with imprisonment for a term which may extend to one year or with fine which may extend to two thousand rupees, or with both.]

(2) No Court shall take cognizance of any offence punishable under ²[Sub-section (1)] except on a report in writing of the facts constituting such offence made by an Inspector with the previous sanction of such authority as may be specified in this behalf by the Central Government.

³[(3) No Court inferior to that of a Presidency Magistrate or a Magistrate of the first class shall try any offence punishable under sub-section (1)].

Comments

Scope.— Section 9 of the Coal Mines Provident Fund and Bonus Scheme Act, 1948, prohibits the courts from taking cognizance of any offence punishable under the Scheme except on a report in writing of the facts constituting such offence made by an Inspector with the previous sanction of such authority as may be specified in this behalf by the Central Government.

It is well established that company is a legal entity different from its shareholders. The company is a separate legal entity. It can very well be prosecuted if it is alleged that it is guilty of acts which make it punishable under the provisions of a penal statute. The provisions contained in para.12 of the Scheme create liabilities only against the “employer”.

The directors are neither the immediate proprietors nor lessees nor occupiers of the mine or any part thereof. The lessee or the occupier in the present case would be the company itself. Therefore, the directors cannot be validly prosecuted under the sanction which has been given to prosecute the company itself by stating that the owners thereof may be prosecuted. In a case where the punishment for the offence is not only imprisonment but imprisonment or fine, as is the position in this case, there is no doubt that the company could be prosecuted and fined.

As punishment prescribed for the offence was an alternative punishment of imprisonment or fine, it is clear that the company could be before the Court in such a case would be proper punishment and the alternative provision does not defeat the jurisdiction of the Court to try the company for the commission of any offence. Thus, the sanction which was accorded to prosecute the company cannot be availed of to prosecute the directors.⁴

If the petitioner comes within the definition of “employer”, it is up to them to safeguard their own interests in the best way possible but they cannot escape liability under the Act or the Scheme framed thereunder.⁵

Prosecution for a graver offence.— There is no bar to the maintainability of the criminal proceedings merely on the ground that it is under the Indian Penal Code which is a general Act and not under Sec. 9 of the Coal Mines Provident Fund and Bonus Scheme Act, 1948 which is a special Act, requiring a sanction under Sec. 9(2) thereof, inasmuch as the offence proceeded with under the general Act is a graver offence.⁶

A person appointed under Sec. 9 and paid from the fund under Sec. 5 clearly comes within the provisions of rule 42 of Coal Mines, Labour Fund Rules and he shall not be deemed to be a Government servant. Section 9(2) also by necessary implication supports the position that a person appointed under Sec. 9 would not otherwise be a Government servant.⁷

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1. Subs. by Act 45 of 1965 (w.e.f. 1st April 1966)
 2. Subs. by Act 45 of 1965 (w.e.f. 1st April 1966)
 3. Subs. by Act 45 of 1965 (w.e.f. 1st April 1966)
 4. State of Madhya Pradesh v. D. V. Parkhari, A.I.R. 1964 M.P. 222 at pp. 223,224.
 5. D.N.Ghosh v. Additional Sessions, Judge, A.I.R. 1959 Cal. 208 at p. 213
 6. L.N.K. Jhajharia v. Chandra, 1974 Lab. I.C 685 at pp. 686, 689 (Cal.)
 7. S.S.Garga v. Coal Controller, 1974 Lab. I.C. 45 at p. 48(Cal.)

10. Inspectors. – (1) The Central Government may, by notification in the Official Gazette, appoint such persons as it thinks fit to be Inspectors for the purposes of the Coal Mines Provident Fund Scheme ¹[or the Insurance Scheme] or the Coal Mines Bonus Scheme and may define their jurisdiction.

- (2) An Inspector may, in respect of any coal mine within his jurisdiction, --
- ²[(a) require an employer or any contractor from whom any amount is recoverable under Sec.10-E-
- (i) to furnish such information, or
- (ii) to produce in the office of the Inspector or such other place as may be nearer to the employer or, as the case may be, the contractor, such accounts, books, register and other documents, relating to the employment of persons in a coal mine as the Inspector may consider necessary for the purposes of any scheme framed under this Act;]
- (b) at any reasonable time. ³[and with such assistance, if any, as he may think fit, enter and search any coal mine] and require any one found in charge thereof to produce before him such accounts, books, registers and other documents relating to the employment of persons in the coal mine he may consider necessary;
- (c) examine, with respect to any matter relevant to any of the purposes aforesaid, the employer ⁴[or any contractor from whom any amount is recoverable under Sec. 10-EJ his agent or servant or any other person found in charge of the coal mine ⁵[* * *] or whom the Inspector has reasonable cause to believe to be or to have been an employee in the coal mine.
- ⁶[(d) make copies of, or take extracts from, any accounts-books, registers or other documents maintained in relation to a coal mine and where he has reason to believe that any offence under this Act has been committed by an employer or contractor, seize with such assistance as he may think fit, such accounts, books, registers or other documents or portions thereof as he may consider relevant in respect of that offence;
- (e) exercise such other powers as any such Scheme may provide.]

⁶[(2-A) Every person required to furnish any information or produce any document under Cl. (a) or Cl. (b) to sub-section (2) shall be deemed to be legally bound to do so within the meaning of Sec. 175 of the Indian Penal Code, 1860 (XLV of 1860).

(2-B) The provisions of ⁸“the Code of Criminal Procedure, 1973 (2 of 1974)” shall, so far as may apply to any search or seizure under sub-section (2) as they apply to any search or seizure made under the authority of a warrant issued under ⁹“Sec. 94” of the said Code.”

(3) Every Inspector shall be deemed to be a public servant within the meaning of Sec. 2 of the Indian Penal Code, 1860 (XLV of 1860).

⁷**10-A. Mode of recovery of money due from an employer.**— Any amount due from an employer in respect of any contribution or bonus under any scheme framed under this Act ⁶[or any accumulations required to be transferred under sub-section (1) or sub-section (3) of Sec. 3-D or any damages recoverable under Sec. 10-F or any charges payable by the employer under this Act in respect of the administration of any such scheme] may be recovered by the Central Government in the same as an arrear of land revenue.]

Comment

The Central Government before recovering the amount of arrears under Sec. 10-A of the

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1. Ins. by Act 99 of 1976, Sec. 12 (w.e.f. 1st August 1976)
 2. Subs. by Act 45 of 1965 (w.e.f. 1st April 1966)
 3. Subs. by Act 45 of 1965 (w.e.f. 1st April 1966)
 4. Ins. by Act 45 of 1965 (w.e.f. 1st January 1966)
 5. Omitted by Act 45 of 1965 (w.e.f. 1st April 1966)
 6. Ins. by idbi.
 7. Ins. by Act 21 of 1951.
 8. Substituted by Act 23 of 1996, Sec. 7 (w.e.f. 31st March 1998)
 9. Substituted by Act 23 of 1996, Sec. 7 (w.e.f. 31st March 1998)

Provident Fund Act, under the certificate procedure can consider the feasibility of recovery of arrears from the amount of compensation and the hardship involved in recovering the arrears directly from the owners, if possible, should be avoided. But that is not to say that if the Central Government decides to recover the arrears under Sec. 10-A, the recovery proceedings can be held to be illegal.¹

²[10-B. Determination of employer in certain cases. – (1) Where the employer is a firm or other association of individuals all, or any of the partners or members thereof, or where the employer is a company, all or any of the directors thereof may be prosecuted and punished under this Act for any offence for which the employer is punishable:

Provided that where a firm, association or company has given notice in writing to the Coal Mines Provident Fund Commissioner or any officer specified by the Central Government in this behalf that it has nominated,--

- (a) in the case of a firm, any of its partners,
- (b) in the case of an association, any of its members,
- (c) in the case of a company, any of its directors, who is resident in each case in place to which this Act extends and who is in each case either in fact incharge of the management of or holds the largest number of shares in, such firm, association or company, to assume the responsibility of the employer for the purposes of this Act or of any scheme framed thereunder, such partner, member or director, as the case may be, shall so long as he continues to so reside and be in charge or holds the largest number of shares as aforesaid, be deemed to be the employer for the purposes of this Act or any scheme framed thereunder, unless a notice in writing canceling his nomination or stating that he has ceased to be a partner, member or director, as the case may be, is received by the Coal Mines Provident Fund Commissioner or any other officer specified by the Central Government in this behalf.

(2) Where the employer is a Government or any local authority, all or any of the officers or persons authorized by such Government or local authority, as the case may be, to manage the affairs of the coal mine, shall, notwithstanding anything to the contrary contained in any law or contract for the time being in force, be deemed to be the employers or employer in respect of the coal mine and may be prosecuted and punished under this Act for any offence for which the employer is punishable.

10-C. Delegation of powers.— (1) The Central Government may, by notification in the Official Gazette, direct that any power exercisable by it under this Act or any scheme framed thereunder shall, subject to such conditions, if any, as may be specified in the notification, be exercisable also by the Coal Mines Provident Fund Commissioner or any officer authorized in this behalf by the Central Government.

(2) The Board may delegate to its Chairman or the Coal Mines Provident Fund Commissioner or any other officer of the Board, subject to such conditions and limitations, if any, as the Board may specify, such of the powers and functions of the Board under this Act or any scheme framed thereunder, as the Board may deem necessary for the efficient administration of any scheme framed under this Act.

10-D. Payment of contribution by employer and recovery thereof from members.—(1) The contribution shall be payable by the employer (hereinafter referred to as the employer's contribution) and by the employee (hereinafter referred to as the employee's contribution) at such rate as may be specified in the Coal Mines Provident Fund Scheme, and the employer shall pay the employer's contribution as well as the employees' contribution, whether or not he has recovered from any employee the employees' share of the contribution.

(2) The amount of any contribution paid by the employer on behalf of a member shall, notwithstanding anything to the contrary contained in any other law for the time being in force or any contract, be recoverable by means of deduction from the wages of the member and not otherwise.

1. J.A. Trivedi Brothers v. Union of India, 1975 J.L.J. 404 at p. 411
2. Ins. by Act 45 of 1965 (w.e.f. 1st April 1966)

(3) Save as otherwise provided in the Coal Mines Provident Fund Scheme, not deduction under sub-section (2) shall be made from any wages other than such as are paid in respect of the period for which the contribution is payable.

(4) Notwithstanding any contract to the contrary, the employer shall not be entitled to deduct the employer's contribution or the charges referred to in Sec. 10-A from the wages of a member or otherwise to recover such contribution or charges from such member.

10-E. Recovery of monies by employers and contractors.— (1) ¹[The amount of contribution (that is to say, the employer's contribution as well as the employee's contribution in pursuance of the Coal Mines Provident Fund Scheme and the employers contribution in pursuance of the Insurance Scheme)] and any charges referred to in Sec. 10-A paid or payable by an employer in respect of an employee employed by or through a contractor and any bonus paid or payable under any Coal Mines Bonus Scheme in respect of any such paid or payable under any Coal Mines Bonus Scheme in respect of any such employee may be recovered by such employer from the contractor either by deduction from any amount payable to the contractor under any contract or as a debt payable by the contractor.

(2) A contractor from whom the amounts mentioned in sub-section (1) may be recovered in respect of any employee employed by or through him may save as otherwise provided in the Coal Mines Provident Fund Scheme, recover from such employee the employee's contribution under any such Scheme by deduction from the wages payable to the employee subject to the condition that no such deduction shall be made from any wages other than such as are payable in respect of the period to which the employee's contribution relates.

(3) Notwithstanding any contract to the contrary, no contractor shall be entitled to deduct the employers' contribution or the charges or bonus referred to in sub-section (1) from the amount payable to an employee employed by or through him or otherwise to recover such contribution or charges or bonus from such employee.

10-F. Power to recover damages.— Where an employer makes default in the payment of any contribution or bonus or any charges payable by him under any scheme framed under this Act, or where any person who is required to transfer provident fund accumulations in accordance with the provisions of Sec. 3-D makes default in the transfer of such accumulations, the Central Government may recover from such employer or person, as the case may be, such damages, not exceeding twenty-five percent of the amount of arrears, as it may think fit to impose.]

Comment

Power to recover damages— If a quasi-judicial power.— The power to recover damages under Sec. 10-F is a quasi-judicial power and must be exercised after notice to the party affected.²

When a body or authority has to determine a matter involving rights judicially the principle of natural justice is implied if the decision of that body or authority affects individual rights or interests. Again, in such cases having regard to the particular situation it would be unfair for the body or authority not to have allowed a reasonable opportunity to be heard.³

11. Priority of payment of contributions and bonus over other debts.— The amount due in respect of any contribution or bonus under a scheme framed under this Act, or any charges incurred in respect of the administration of any such scheme, shall, where the liability therefore has accrued before the person liable has been adjudicated insolvent or, in the case of a company ordered to be wound-up before the date of such order be deemed to be included among the debts which under Sec. 49 of the Presidency-towns Insolvency Act, 1909 (III of 1909), or under Sec. 61 of the Provincial Insolvency Act, 1920 (V of 1920), or under

⁴"Section 530 of the Indian Companies Act, 1956" are to be paid in priority to all other debts in the distribution of the property of the insolvent or the assets of a company being wound-up, as the case may be.

1. Subs. by Act 99 of 1976, Sec. 13 (w.e.f. 1st August 1976)
2. J.A. Trivedi Brothers v. Union of India, 1975 J.L.J. 404 at p. 412.
3. Commissioner of Coal Mines Provident Fund v. J.P.Lalla, 1976 S.C.C. (L&S) 161 at pp. 163, 164.
4. Substituted by Act 23 of 1996, Sec.-8 (w.e.f. 31st March 1998)

¹[11-A. **Protection for acts done in good faith.**— No suit or other legal proceeding shall lie against any person in respect of anything which is in good faith done or intended to be done under this Act or under any scheme framed thereunder.]

²[11-B. **Power to remove difficulties.**—If any difficulties arises in giving effect to the provisions of this Act or any scheme framed thereunder, the Central Government may, by order published in the Official Gazette, make such provision or give such direction not inconsistent with the purposes of this Act, as it appears to it to be necessary or expedient for removing the difficulty.]

³[11-C. **Power to exempt.**— (1) The Central Government may, if requested so to do by the employer, by notification in the Official Gazette, and subject to, such conditions as may be specified in the notification, exempt any coal mine from the operation of all or any of the provisions of the Insurance Scheme if it is satisfied that the employees of such Coal mine are, without making any separate contribution or payment of premium, in enjoyment of benefits in the nature of life insurance, whether linked to their deposits in provident fund or not and such benefits are more favorable to such employees than the benefits admissible under the Insurance Scheme.

(2) Without prejudice to the provisions of sub-section (1), the Insurance Scheme may provide for the exemption of any person or class of persons employed in any coal mine and covered by that scheme from the operation of all or any of the provisions thereof if the benefits in the nature of life insurance admissible to such person or class of persons are more favourable than the benefits provided under the Insurance Scheme.

(3) Where, in respect of any person or class of persons employed in any coal mine, an exemption is granted under this section from the operation of all or any of the provisions of the Insurance Scheme (whether such exemption is granted to the coal mine wherein such person or class of person is employed or to the person or class of persons as such), the employer in relation to such coal mine—

- (a) shall, in relation to the benefits in the nature of life insurance, to which any such person or class of persons is entitled, or any insurance fund maintain such accounts, submit such returns, make such investment, provide for such facilities for inspection and pay such inspection charges, as the Central Government may direct :
- (b) shall not, at any time after the exemption, without the leave of the Central Government, reduce the total quantum of benefits in the nature of life insurance to which any such persons or class of persons was entitled immediately before the date of the exemption; and
- (c) shall, where any such person leaves his employment and obtains reemployment in any other coal mine, transfer within such time as may be specified in this behalf by the Central Government, the amount of accumulations to the credit of that person in the insurance fund of the coal mine left by him to the credit of that person's account insurance fund of the coal mine in which he is re-employed or, as the case may be, in the Deposit-linked Insurance Fund.

Explanation – For the purposes of this sub-section “ insurance fund” means any fund established by an employer under any scheme for providing benefits in the nature of life insurance to employees, whether linked to their deposits in provident fund or not, without payment by the employees of any separate contribution or premium in that behalf.

(4) Any exemption granted under this section may be cancelled by the authority which granted it, by order in writing, if an employer fails to comply--

- (a) in the case of an exemption granted under sub-section (1), with any of the conditions imposed under that sub-section or with any of the provision of sub-section (3).
- (b) in the case of an exemption granted under sub-section (2), with any of the provisions of sub-section (3).

1. Ins. by act 80 of 1950
2. Ins. by Act 45 of 1965 (w.e.f. 1st April 1966)
3. Ins. by Act 99 of 1976, Sec. 14 (w.e.f. 1st August 1976)

(5) Where any exemption granted under sub-section (1) or sub-section (2) is cancelled, the amount of accumulations to the credit of every employee to whom such exemption applied, in the insurance fund of the coal mine in which he is employed shall be transferred within such time and in such manner as may be specified in the Insurance Scheme to the Credit of his account in the Insurance Fund.

11-D. Act to have effect notwithstanding anything contained in Act 31 of 1956.— The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in the Life Insurance Corporation Act, 1956.]

12. Repeal of Ordinance VII of 1948.— (1) The Coal Mines Provident Fund and Bonus Schemes Ordinance, 1948 (VII of 1948), is hereby repealed.

(2) Notwithstanding any such repeal, anything done or any action taken in exercise of any power conferred by or under the said Ordinance shall be deemed to have been done or taken in exercise of the powers conferred by or under this Act, as if this Act had commenced on the 23rd day of April 1948.

¹(3) The Coal Mines Provident Fund and Miscellaneous Provisions (Amendment) Third Ordinance, 1996 (Ord. 22 of 1996), is hereby repealed.

Repeal and Saving.— Notwithstanding such repeal, anything done or any action taken under the principal Act, the said Ordinance, shall be deemed to have been done or taken under the corresponding provisions of the principal Act, as amended by this Act.

Comment

The Coal Mines Provident Fund and Miscellaneous Provisions Amendment Act, 1996 has amended the following Secs. 1,2,3,4,10 and 11.

1. Substituted by Act 23 of 1996 (w.e.f. 31st March 1998)

THE FIRST SCHEDULE

[See Sec. 3]

Matters to be provided for in the Coal Mines Provident Fund Scheme

1. The employees or class of employees who shall join the Fund, the contributions payable to the fund and the conditions under which an employee may be exempted from joining the Fund or from payment of contributions.
- ¹[2. Payment of contributions to the Fund by employers and by, or on behalf of ²[employees (whether employed by an employer directly or by or through a contractor)], the rate, time and manner of such payment and the manner in which such contributions may be recovered].
- ³[2-A. The manner in which employees contributions may be recovered by contractors from employees employed by or through such contractors.]
3. The payment by the employer of such sums of money as may be considered necessary to meet the cost of administering the fund and the rate at which and the manner in which ⁴[the payment shall be made.]
- ⁵[4. The constitution of any committee for assisting the Board].
- ⁶[5. The opening of regional and other offices.]
6. The manner in which in which accounts shall be kept, the investment of money belonging to the Fund, the preparation of budget, the audit of accounts and the submission of reports to the Central Government.
7. The conditions under which withdrawals from the Fund may be permitted and any deduction or forfeiture may be made ⁶[the maximum amount of such deduction or forfeiture and the utilization of such deducted or forfeited amounts].
8. The fixation of the rate of interest payable to members by the Central Government is consultation with the Board of Trustees.
9. The form in which an employee shall furnish particulars about himself and his family when required.
10. The nomination of a person to receive the amount standing to the credit of a member after his death and cancellation or the change of such nomination.
11. The registers and records to be maintained by the employer ⁷[or contractor] and the returns to be furnished by him.
12. The form or design of an identity card or a token or a disc for purposes of identifying any employee and for the issue, custody and replacement thereof.
13. The fees to be levied for any of the purposes specified in this schedule.
⁸[13-A. The manner in which accumulation in any existing provident fund shall be transferred to the Fund under Sec. 3-D, and the mode of valuation of any assets which may be transferred by the person administering such provident fund.
14. Any other matter which is to be provided for in the Coal Mines Provident Fund Scheme or which may be necessary or proper for the purpose of implementing that Scheme.]

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1. Subs. by Act 21 of 1951.
 2. Subs. by Act 45 of 1965 (w.e.f. 1st April 1965)
 3. Ins. by *ibid*
 4. Subs. by Act 21 of 1951
 5. Subs. by Act 45 of 1965 (w.e.f. 1st April 1966)
 6. Subs. by *ibid*.
 7. Ins. by Act 45 of 1965 (w.e.f. 1st April 1966)
 8. Subs. by *ibid*.

¹“**THE SECOND SCHEDULE**
[See Section 3E (5)]

MATTER TO BE PROVIDED FOR IN THE COAL MINES PENSION SCHEME

1. The employees or class of employees to whom the Coal Mines Pension Scheme shall apply and the time within which option to join that Scheme shall be exercised those employees to whom the said Scheme does not apply.
2. The time within which the employees who are not members of the Family Pension Scheme under Sec. 3E as it stood before the commencement of the Coal Mines Provident Fund and Miscellaneous Provisions Amendment Act, 1996 (thereafter, in the Schedule, referred as the amending Act) shall opt for the Pension Scheme.
3. The portion of employer's contribution and employees contribution to the Fund which shall be credited to the Pension Fund and the manner in which it is credited.
4. The Central Government's contribution and other contributions to the Fund which shall be credited to the Pension Fund and the manner in which it is credited.
5. The minimum qualifying service for being eligible for pension and the manner in which the employees may be granted the benefits of their past service under Sec. 3E as it stood before the commencement of the amendment Act.
6. The regulation of the period of service for which no contribution is received.
7. The manner in which employees interest will be protected against default in payment of contribution by the employer.
8. The manner in which the accounts of the Pension Fund shall be kept and investment of moneys belonging to Pension Fund to be made subject to such pattern of investment as may be determined by the Central Government.
9. The form in which an employee shall furnish particulars about himself and the members of his family whenever required.
10. The forms, registers and records to be maintained in respect of employees required for the administration of the Pension Scheme.
11. The scale of pension and pensionary benefits and the conditions relating the grant of such benefits to the employees, the amount of life assurance payable under the Pension Scheme and the manner of such payment.
12. The mode of disbursement of pension and arrangements to be entered into with such disbursing agencies as may be specified for the purpose.
13. The manner in which the expenses incurred in connection with the administration of the Pension Scheme may be paid by the Central Government to the Board.
14. Nomination of persons for receiving pension and assurance amounts in the case of death of an employee.
15. Any other matter which is to be provided for in the Pension Scheme or which may be necessary or proper for the purpose of implementation of the Pension scheme.”

¹ substituted by Act 23 of 1996 (w.e.f. 31st March 1998

¹[THE THIRD SCHEDULE
[See Sec. 3-G]

Matters to be provided for in the Coal Mines Deposit-Linked Insurance Scheme

1. The employees or class of employees who shall be covered by the Insurance Scheme.
2. The manner in which the accounts of the Insurance Fund shall be kept and the investment of moneys belonging to the Insurance Fund, subject to such pattern of investment as may be determined, by order, by the Central Government.
3. The form in which an employee shall furnish particulars about himself and the members of his family whenever required.
4. The nomination of a person to receive the insurance amount due to the employee after his death and the cancellation or variation of such nomination.
5. The registers and records to be maintained in respect of employees; the form or design of any identity card, token or disc for the purpose of identifying any employee or his nominee or member of his family entitled to receive insurance amount.
6. The scale of insurance amount which shall not be less than the average balance in the account of the employee concerned in the Fund during a period of three years immediately preceding his death or more than rupees ten thousand.
7. The minimum average balance to be maintained by an employee in the Fund to make him eligible for the benefits under the Scheme.
8. The manner in which the amount due to the nominee or the member of the family of the employee under the scheme is to be paid including a provision that the amount shall not be paid otherwise than in the form of a deposit in a savings bank account, in the name of such nominee or member of family, in any corresponding new bank specified in the First Schedule to the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 (5 of 1970).
9. Any other matter which is to be provided for in the Insurance Scheme or which may be necessary or proper for the purpose of implementing that scheme.]

1. Ins. by Act 99 of 1976, Sec. 15 (w.e.f. 1st August 1976)

¹[THE FOURTH SCHEDULE]
[See Sec. 5]

Matter to be provided for in the Coal Mines Bonus Scheme

1. The payment of bonus dependent on the attendance of an ²[employee] during any period.
2. The employees or class of employees who shall be eligible for the bonus and the conditions of eligibility.
3. The rate at which the bonus shall be payable to an employee and the manner in which the bonus shall be calculated.
4. The conditions under which an employee may be debarred from getting the bonus in whole or in part.
5. The rate at which sums shall be set apart by the employer for payment of bonus, and the time and manner of such payment.
6. The registers and records to be maintained by the employer ³[or contractor] and the returns to be furnished by him.
- ⁴[6-A. The transfer, by an employer to the Fund or any other fund specified by the Central government, of the amount of bonus remaining unpaid or unclaimed for a period of six months from the end of the quarter to which the bonus relates and the extinguishment of the employer's liability to his employees to the extent of the amount so transferred.
7. Any other matter which is to be provided for in the Coal Mines Bonus Scheme or which may be necessary or proper for the purpose of implementing that Scheme].

1. Renumbered by *ibid* (w.e.f. 1st August 1976).
 2. Subs. by Act 80 of 1950.
 3. Ins. by Act 45 of 1965 (w.e.f. 1st April 1966)
 4. Subs. by *ibid*,