

COMMITTEE ON PETITIONS

(TENTH LOK SABHA)

TWENTY-SIXTH REPORT



सत्यमेव जयते

(Presented to Lok Sabha on 7 March, 1996)

LOK SABHA SECRETARIAT
NEW DELHI

March, 1996/Phalguna, 1917(Saka)

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**COMPOSITION OF THE COMMITTEE ON PETITIONS
(1995-96)**

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Shri J.P. Jain	—	<i>Under Secretary</i>

TWENTY SIXTH REPORT OF THE COMMITTEE ON PETITIONS
(Tenth Lok Sabha)

INTRODUCTION

I, the Chairman of the Committee on Petitions, having been authorised by the Committee to present the Report on their behalf, present this Twenty Sixth Report of the Committee to the House on the following matters:—

- (1) Petition (No. 31) seeking permission for starting Building Activities on the land owned by members of the Jag Jiwan Cooperative House Building Society located at Vasant Kunj, Mehrauli, New Delhi.
- (2) Petition (No. 37) for reconsideration/review of the Deep Sea Fishing Policy of the Government of India to protect and promote the interests of traditional small fishermen in the country.
- (3) Representation regarding acute problem of Sewerage in Mayur Vihar II (Pkt. A), Delhi due to dispute between DDA & MCD.

2. The Committee considered the draft Report at their sitting held on 6 March, 1996 and adopted it.

3. The observations/recommendations of the Committee on the above matters have been included in this Report.

NEW DELHI;
6 March, 1996

16 Phalgun, 1917 (Saka)

P.G. NARAYANAN,
Chairman,
Committee on Petition.

I

PETITION NO. 31 SEEKING PERMISSION FOR STARTING BUILDING ACTIVITIES ON THE LAND OWNED BY MEMBERS OF THE JAG JIWAN COOPERATIVE HOUSE BUILDING SOCIETY LOCATED AT VASANT KUNJ, MEHRAULI, NEW DELHI.

1.1 Shri Pius Tirkey, M.P., presented to Lok Sabha on 31 March, 1993 petition (No. 31 see *Appendix I*) signed by Shri Raj Baldev and other members of the Jag Jiwan Cooperative House Building Society located at Vasant Kunj, Mehrauli, New Delhi.

A. Petitioners' grievances, demand and prayer

1.2 In their petition, the petitioners have *inter alia* stated as follows:—

“The Jagjiwan Cooperative House Building Society purchased a piece of land in 1989 at Vasant Kunj, keeping in mind DDA's decision in its meeting held on 30.6.1984 as part of Agenda No. 140, Item No. 2 in which they recommended to the Central Government to include this area in the residential zone in the Delhi Perspective Master Plan 2001. The Society purchased this land also keeping in view the long term interest of the public.

After publication of gazette notification of the NEW MASTER PLAN in August 1990, the Society (JAGJIWAN COOP. HOUSE BLDG. SOCIETY) submitted the lay out Plans to the DDA to give “NO OBJECTION CERTIFICATE” on 18 April, 1991 so as to start their building activities in the larger interest of the members, a vital part of the society.

The land of the society is free from all encumbrances and is not under any sort of acquisition.

The Society and the Members have sufficient resources to build houses within a period of 6-7 months.

According to Building Bye-Laws 6:7:4 of the Delhi Development Authority, if within 60 days of the receipt of the lay-out plans etc., the authority fails to intimate in writing to the applicant its refusal or sanction or any intimation, the plans and statements shall be deemed to have been sanctioned. Though according to this provision, the society could have started the building activity after expiry of 60 days *i.e.* on 18th June, 1991, but as a law abiding group, we prefer to have a “NOC” first before starting the building activities, even though the members are pressing us hard to start the activities under the Building Bye-Laws 6:7:4.”

13. The petitioners have requested that directions may be issued for issue of No Objection Certificate to start building activities at their plot.

B. Comments of the Ministry of Urban Development

1.4. The petition was referred to the Ministry of Urban Development on 2 April, 1993 for furnishing their factual comments on the points raised in the petition. The Ministry of Urban Development *vide* their O.M. dated 13 August, 1993, have furnished their comments as follows:—

“The Jag Jiwan Coop. House Building Society has been claiming ownership of land bearing Kh. Nos. 132, 135, 136, 137 and 138 (new) of village Mehrauli, measuring 40 Bigha 10 Biswa (8.61 acre) in all. The land under reference is situated in Sector ‘D’ Pocket IV of Vasant Kunj Residential Scheme. The land could not be developed by DDA due to non-acquisition. The DDA had requested Delhi Administration for acquisition of this land by its letter No. F. 14(95)69CRC dated 10.6.86. In spite of many reminders, the last being dated 24.3.92, the land has not been acquired.

The land forms a part of a notified ‘Development Area’. The Society has started unauthorised construction on this land even though, under the unified Building Byelaws and various other enactments, no building construction can be taken up without a valid building permit issued by the competent authority. The society filed C.W. No. 1382/92, wherein the Hon’ble High Court has passed orders for maintaining *status quo*.

The petition of the society has been examined in consultation with DDA. The request of the society for allowing the construction of houses for its members cannot be acceded to and the same is not covered under policy of Government of India enunciated in 1961 regarding large scale acquisition, development and disposal of land in Delhi.

As regards the lay out plans submitted by the society, it may be stated that the same were considered by DDA and rejected by its letter dated 5.6.91 addressed to the Honorary General Secretary, wherein it was, *inter-alia*, stated that there is no policy of permitting group housing schemes in isolated pockets by Private individual groups.”

1.5. The Committee considered the petition along with the comments furnished by the Ministry of Urban Development (now the Ministry of Urban Affairs and Employment) at their sitting held on 27 October, 1993 and decided to hear the views of Shri Pius Tirkey, M.P., in charge of the petition along with the petitioners and also to take evidence of the representatives of the Ministry of Urban Development.

1.6. Accordingly, the Committee heard the views of Shri Pius Tirkey, M.P. and the petitioners and examined the representatives of the Ministry of Urban Development on 4 April, 1994.

1.7. The representative of the Society stated that in 1988, there was a historic judgement by the Delhi High Court releasing a large scale land, which was under acquisition from 1956. That land was released by the Delhi High Court in 1988. And since there was no appeal, the order of the High Court became absolute. The Managing Committee of the society decided in 1989 to enter into an agreement with villager, whose land fell under the Residential Zone and whose land freed by the Delhi High Court. So, the society purchased a piece of land in 1990 and 1991, which was more than 14 acres in Delhi and got it registered in 1991. Since the use of this land was residential and, therefore, the society after the publication of the New Master Plan in August 1990, has submitted for sanction a layout plan to the DDA on 18 April, 1991 and reminded on 8 May, 1991. The plans were received by the DDA, as per bye-laws 6:7:4 of the DDA Building bye-laws which says that if no rejection or any intimation contrary or any type is intimated to the society within 60 days, the society can go on with the building activities. But they as law abiding citizens, did not take up the building activities and they only formed two Welfare trusts. One was Jag Jiwan Charitable Human Welfare Foundation Trust and the other was Jag Jiwan Spiritual Cooperative Society. These two trusts were working under this Cooperative Society. They had constructed one Prayer Hall for all religions and one Meeting Hall in January 1992.

1.8. Stating the reasons for rejecting the application of the Jag Jiwan Cooperative Group Housing Society for No Objection Certificate (NOC) for starting the construction, the representative of the Ministry of Urban Development stated that the society submitted a lay out plan and applied for NOC from the DDA in March, 1991. The DDA rejected and conveyed the rejection *vide*, letter No. F. 3 (29)/91/MP, dated 5.6.1991. The reason was that such plotted development by the society is not permissible under the existing policy and group housing schemes in isolated pockets cannot be allowed.

1.9. When pointed out the petitioners that the DDA had informed that they had rejected the lay out plans as there was no policy of permitting group housing schemes in isolated pockets by private individual groups, the representative of the society stated that they had not been given any such letter. They were also of the view that before rejection they should be given an opportunity by DDA to explain the position.

1.10 During the course of evidence, the Committee asked the representatives of the Ministry to check the date from their record when the letter was issued to the petitioners, the Ministry *vide* their O.M. dated 9 May, 1994, informed the Committee that the DDA had reported that the said letter was not issued as a result of misunderstanding that the letter might have been issued by their Planning Department. The explanation of the concerned official for this lapse had been called by D.D.A.

1.11. About the intimation to be given within 60 days, the representatives of the Ministry stated that there was a provision, they called it, 'deemed sanction'. If anything was not conveyed within that period, then the party presumes that its case has been sanctioned. But, there were clear-cut policy guidelines and the various rulings of the court also that if somebody asked for something which was *abinitio* illegal or irregular, in that case 'deemed sanction' shall not apply.

Para 6:7:4 of the DDA Act placed two conditions. One was that after the expiry of 60 days, if the party wished to take the advantage of the provision of deemed sanction, it had to give a second notice of the DDA and then wait for 15 days.

In this case, according to their records, the Party had not given the second notice. On the contrary, they had papers which showed that the party had times without number said that it could have availed of the provisions of the deemed sanction but it had chosen as a body of good citizen, not to avail of that provision. That itself was suggestion that the party had itself chosen not to avail of this provision.

1.1.2. When asked to state why they had not complied within that 60 days period and why they expected it from the ordinary citizen when the Government itself failed to do its duty to give information within 60 days, the representative of the Ministry replied that in this case, it was the question of law & law must impose the obligation.

1.13. On an enquiry, the representatives of the Ministry stated that two cases had been cited where the NOC to construct or develop the same areas were given. One was Hamdard Wakf Group Housing Society (Institutional). Hamdard was allowed since it was a pharmaceutical or medical institution. Regarding another society the Seetharam Bhandar. The Committee was informed that neither the DDA nor the Government had taken any decision to permit them to construct houses. According to them they had not constructed any houses.

1.14. As far as Bijli Society was concerned, there was an order of the Court. The idea was that a piece of land should be acquired and notification be made. The land owner came with a certain request that it should be released and he should be permitted to construct. In the meantime, the Notification itself had lapsed. As such, the whole process of land acquisition decision had stopped.

1.15. In regard to orders/recommendations of the Minister of State (Urban Development), the representatives of the Ministry stated:—

“the Ministry had called for the file and recorded a note. When the file was sent to him it was done without any detailed examination of the case either at the level of the Joint Secretary, which normally

would be the case. He had addressed his note to the Cabinet Minister of Urban Development with whom this file was pending, until it had to be withdrawn for the present hearing of this case. The Minister has not yet recorded her views on the subject. Therefore, the said note of the Minister of State is essentially in the nature of advice to his senior Minister. It would be wrong on my Part to comment further on it. But I may mention that the copy produced before the Hon. Committee is an edited version of the original and certain sentences which could be interpreted as not favourable to the Society have been omitted."

He further informed that the Minister had objected to the development of plots on the land and he had recommended that construction of flats might be sanctioned. In the last one decade the plotted development had not been permitted. There were two types of societies. One was Cooperative House Building Society and other was Group Housing Society; where land remained with the society. Society constructs mutli-storeyed flats and then houses are allotted. So, in one case houses were allotted while in the other case land was allotted. Since this society was not a group housing society, a number of things would have to be done. The basic character of the society had to be changed. It will have to change from house building society to group housing society. Seniority would have to be fixed. And, then there was a basic issue as to whether a society could purchase land for construction of group houses without caring for the infrastructure.

Recommendations/Observations of the Committee

1.16 The Committee note that the Jag Jiwan House Building Cooperative Society had submitted the lay out plans and applied for 'No Objection Certificate' on 18.4.1991 so as to start building activities at their land but the request of the Society could not be acceded to by the Delhi Development Authority as the same is not covered under policy of Government of India enunciated in 1961 regarding large scale acquisition, development and disposal of land in Delhi.

1.17 The Committee also note that because of shortage of land there is no policy at present for development of plots on the land in Delhi as such DDA has not been permitting the plotted development during the last one decade. 'Moreover there' is no policy of permitting the group housing schemes in isolated pockets by private individual groups,

1.18 The Committee further note from the comments furnished and evidence tendered by the Ministry of Urban Development (now Urban Affairs and Employment) that the DDA had rejected the lay out plans of the Society and this was also conveyed to the petitioners *vide* DDA letter dated 5 June, 1991 whereas the petitioners denied to have

received such a letter. On confirmation, the Ministry have informed the Committee regretting that no such letter of rejection was issued to the petitioners due to some misunderstanding.

1.19 The Committee is unhappy to note that the Ministry of Urban Development (now the Urban Affairs and Employment) had not taken care to check the facts while appearing before a Parliamentary Committee for tendering evidence. The Committee feel that the Ministries should be more careful in future about the authenticity of facts while tendering evidence before a Parliamentary Committee.

1.20 The Committee further note that the land in question falls in the development area No. 176 in the residential zone in the Delhi Master Plan but the DDA could not develop it due to its non-acquisition by the Delhi Administration. The DDA had requested the Delhi Administration to acquire the land as far back as in the year 1986. But the land has not been acquired so far inspite of many reminders by DDA. In fact, the land has not even been notified for acquisition as yet. Moreover, the Delhi Administration has not communicated any reason for not acquiring the land.

1.21 The Committee, while agreeing with the policy of the Government and the DDA about the planned development of Delhi, feel in the circumstances of the present case that the Jag Jiwan Cooperative House Building Society should be allowed to construct multi-storied flats on their land and then flats are allotted to their members. To achieve this objective the petitioners may also fulfil the necessary formalities such as conversion of the society into a group housing society, etc.

II

PETITION (No. 37) FOR RECONSIDERATION/REVIEW OF THE DEEP SEA FISHING POLICY OF THE GOVERNMENT OF INDIA TO PROTECT AND PROMOTE THE INTERESTS OF TRADITIONAL SMALL FISHERMEN IN THE COUNTRY.

2.1 Shri Ram Naik, M.P. presented to Lok Sabha on 27 March, 1995 a petition (See Appendix II) signed by Shri Thomas Kocherry, National Convenor, National Fisheries Action Committee Against Joint Ventures, Kochi, on the above subject. The petition was also countersigned by Prof. Ram Kapse, MP.

2.2 In the petition, the petitioners stated *inter alia* as follows:

- (i) About 74 lakh fishermen operate in the waters of coastal States of Gujarat, Maharashtra, Goa, Karnataka, Kerala, Tamil Nadu, Andhra Pradesh, Orissa, West Bengal, Pondicherry, Andaman & Nicobar Islands, Lakshadweep and Diu & Daman.

These fishermen are facing grave situation for the last two years as huge trawlers have been operating under licences issued for joint ventures.

- (ii) As a result of the Government Policy, small fishermen are unable to get the catch and are facing grave crisis due to loss of gainful employment.

2.3 The petitioners prayed that:

- (1) The Government should reconsider the policy of giving deep sea fishing licences to the joint venture companies.
- (2) No such licences should be issued in future and the licences issued under this policy should be withdrawn.
- (3) In addition to reviewing the deep sea fishing policy the Government should also encourage the traditional fishermen to take up more and more deep sea fishing also to give fishermen necessary financial and technical assistance.
- (4) The Government should formulate and announce a policy to develop small harbours so that the fishermen will get all modern ammenities at these harbours to increase the marine production and the safety of the fishermen.

2.4 The petition was referred to the Ministry of Food Processing Industries and Agriculture for furnishing the factual comments on the various points raised in the petitions. The comments of these

Ministries were received *vide* their communications dated 28 April, 1995 and 8 June, 1995.

2.5 In order to get the first hand informations for better understanding of the problem the Committee also made on-the-spot study visits to some of the coastal areas during October, 1995 and January, 1996. During these visits the Committee discussed the major issues with the different petitioners' organisations as also with the concerned local officials.

2.6 Thereafter, the Committee discussed the matter with the representatives of the Ministry of Food Processing Industries who are primarily concerned with the Deep Sea Fishing Policy and took their oral evidence on 24 January, 1996.

2.7 The important points placed before the Committee by the Petitioners and the views thereon expressed by the concerned Ministries are dealt within the succeeding paragraphs in this Report.

(a) *Number of large trawlers operating and the size of affected fishermen.*

2.8 The petitioners have stated that about 75 lakh fishermen operate in the coastal waters of maritime States and UTs and for the last two years they have been agitating against the operation of large trawlers, purse-seiners and long liners operating under the licences issued for joint ventures. The Ministry of Food Processing Industries in their written comments dated 28 April, 1995 have stated *inter alia* that as per the statistics provided by the State Governments/UTs on the fishermen's population in different States and UTs, the total number of fishermen in all maritime States and UTs is 37.59 lakhs, which includes full time fishermen, part-time fishermen and occasional fishermen. The total number of full time fishermen in all maritime States and UTs is, however, only 12.06 lakhs.

2.9 As regards operation of large trawlers as on date, the Ministry of Food Processing Industries stated that only 25 deep sea fishing vessels under joint ventures/leasing are in operation. Out of these, only 3 trawlers are of more than 60 mtrs. overall length. There are no purse-seiners operating in Indian waters. As compared to the unexploited resources available in the deep sea area, the number of deep sea fishing vessels are much less. Only 3 tuna long liners have been permitted under joint ventures but these vessels are generally operating either in the international waters or in the waters of Oman by obtaining fishing licence from the Omani Government.

2.10 During oral evidence before the Committee the representatives of the Ministry of Food Processing Industries stated that, "In terms of numbers, there are about 40 vessels which are operating now. In fact, 16 companies were given permission for operating 61 vessels under joint ventures, 11 companies were given permission for leasing 57 vessels and for charter also there were 24. As against this, they are operating only 40

vessels, 20 under charter and 20 under leasing and joint venture. As soon as their period is over, we will get rid of charter.....Similarly, in the case of leasing also we will get rid of them after their period is over.....Normally, a charter is for one year. In old cases they were for three years and extended for another two years. Then there are present charters which are going upto 2000 A.D.....In the case of *lease* it is for five years; in the case of *charter* it is for one or two years; in the case of *joint ventures*, it is just like a company, it will be for continuous operation.....Under the present policy on deep sea fishing, three types of permissions are being given. Firstly, there are joint venture vessels. Secondly, there are leased licence vessels and thirdly, the chartered vessels. The joint venture vessels fly the Indian flag while the leased licence vessels and chartered vessels fly the flag of their respective countries. So, these are the three forms in which permission is given.

(b) Volume of fish catch

2.11 The Petitioners have contended that as a result of the General Policy small fishermen are unable to get the catch and are facing grave crisis due to loss of gainful employment. They have also added that as the sea coast is getting more and more polluted due to increasing urbanisation and industrialisation, the quantity of fish catch by small fishermen is decreasing.

2.12 The Ministry of Food Processing Industries in their written notes submitted to the Committee have stated that the total annual catch from the deep sea fishing vessels has not gone beyond 30,000 to 35,000 tonnes during the last 3 years against the total marine fish production of about 27 lakh tonnes. This is less than 2% of the total fish catch. Hence the allegation that deep sea fishing has affected the catch by the traditional fishermen is not borne out of the facts. In fact, the resources in the deep sea areas, which have been estimated at about 1.2 million tonnes, have not been fully exploited and as a result, there has been more and more poaching from foreign countries. The real reason for decline in the fish catch of the traditional fishermen is the unhealthy competition and unbridled increase of the mechanised fishing vessels owned mostly by rich fish processors. During the period 1989-90 to 1992-93, the number of mechanised fishing vessels has increased by 43.5%. The total number of mechanised fishing vessels operating in the coastal waters is about 3400 which is about 27% of the total fishing crafts in India. The catch landed by mechanised fishing vessels is about 65% of the total marine fish catch leaving only about 33% for the traditional fishermen, when less than 2% is caught by deep sea fishing vessels. It can, therefore, be observed that mechanised fishing vessels constituting 27% of the fishing fleet in coastal areas, are now responsible for exploitation of about 65% of the marine fish catch, thus, eating into the share of the traditional fishermen.

2.13 During oral evidence before the Committee, the representatives of the Ministry stated *inter alia* that "...if we take the total scenario, at present the total fish production is 47.80 lakh tonnes of which 26.90 lakh tonnes is from marine sources and 20.9 lakh tonnes from inland sources. The potential of exploitable marine fishery is about 3.9 million tonnes, but our production is about 2.7 million tonnes. There is a gap between the potential and what has been produced by deep sea fishing. The total production from deep sea fishing is about 27 thousand tonnes. It means only one per cent of the marine production is accounted for by deep sea fishing.

(c) Export by foreign vessels

2.14 It has been submitted by the Petitioners that the foreign vessels are permitted to export 100% of their catch depriving thereby the people of our own country of the valuable sea food. In this respect, the Ministry of Food Processing Industries have stated that the total export of marine products from India during 1994-95 was about 2.63 lakh tonnes. Out of this, only about 27,000 tonnes was provided by the deep sea fishing sector and this consisted mainly of marine products which do not have a demand in the domestic market. The rest of the exports were from the coastal and aquacultural sectors. It is therefore not correct to say that availability of fish for consumers in India was adversely affected because of the export from the deep sea fishing sector.

(d) Effect on marine ecology and indepth studies made in the past

2.15 The petitioners have stated that in our country licences are being issued to the foreign fishing vessels whereby we not only lose valuable marine resources but marine ecology is also adversely affected. In this connection, the Ministry of Food Processing Industries have stated that various demands made by fishermen's associations and apprehensions expressed by them on the operation of deep sea fishing vessels were considered by Government from time to time and as a result, a Committee was formed under the Chairmanship of Director General, Fishery Survey of India for indepth study of the situation and to suggest remedial measures. The Committee observed that operation of deep sea fishing vessels in Indian waters has not had any harmful effect on traditional fishermen. On the other hand, the unbridled growth of mechanised fishing vessels in the inshore waters has affected the operations of traditional fishermen adversely. In fact, marine ecology has not been adversely affected by the deep sea fishing vessels but it is threatened by the operations of ever-increasing mechanised trawlers in coastal waters. The Report of the Committee has been available to all the Members of Parliament and eminent persons who expressed an interest in the matter. Government has already decided to accept the recommendations of the Committee and to implement the same.

(e) *Evolution/implementation of the Deep Sea Fishing Policy*

2.16 The petitioners have submitted that even developed countries like Canada, USA, Japan etc. are restricting the deep sea fishing in their oceans because of destructive fishing by such huge vessels and, therefore, our approach in this behalf needs to be reviewed to protect the interests of the small fishermen. In this regard while explaining the evolution of the present Deep Sea Fishing Policy in India. The Ministry of Food Processing Industries have stated that the deep sea fishing in India is at a nascent stage. A beginning was made in this respect after the declaration of the Exclusive Economic Zone of India in 1976. The present Deep Sea Fishing Policy was announced in 1991, and comprises of three schemes, namely, Joint Ventures, leasing and Test Fishing. Under the new Deep Sea Fishing Policy, encouragement was given only to Indian owned companies registered in India to take up deep sea fishing projects, allowing foreign equity participation as a vehicle for transfer of technology. The whole idea behind this is to encourage India companies to acquire vessels, facilitate transfer of technology and to gradually replace foreign crew with trained Indian crew.

2.17 The Ministry of Food Processing Industry have elaborated that India cannot be compared with other developed countries like Canada, USA, Japan, etc. so far as deep sea fishing is concerned. These countries have been highly advanced in deep sea fishing for a long time. These countries have extremely large fishing fleets and over the years allowed unbridled increase in the fishing effort and in the absence of proper monitoring & management, the fisheries in their waters started declining due to over-exploitation. Such a situation has never been allowed to develop in India. Permission has been given by the Government for the operation of a small number of foreign fishing vessels in Indian waters, chartered and leased by Indian companies for transfer of technology. The total number of foreign deep sea fishing vessels under charter/lease in operation at present is only 22 on both the coasts. Moreover, these foreign fishing vessels are allowed to operate beyond 12 nautical miles on the West Coast i.e. beyond the areas of operation of the traditional fishermen/mechanised fishing vessels.

2.18 The petitioners have submitted that since their problem has been worsening, the issue was also raised, in the Lok Sabha on 12.12.1994. In this respect, the Ministry of Food Processing Industries have stated *inter alia* that the issue was raised in Lok Sabha on 12 December, 1994 and in reply, the Minister of State for Food Processing Industries made a statement stating that—"Certain issues were raised by some Hon'ble Members of Parliament yesterday regarding the agitation by fishermen of all the coastal States, who were protesting against the licenses given for the deep sea fishing to trawlers of multinational companies. I would like to clarify at the outset that my Ministry has not given any permission to

multinational companies for operating deep sea fishing vessels. Under the New Deep Sea Fishing Policy announced by my Ministry in 1991. We have encouraged the setting up of joint venture companies by Indian entrepreneurs for operation of deep sea fishing vessels in collaboration with foreign fishing companies. Under this policy, we have also encouraged leasing of fishing vessels as well as test fishing. This was done in order to encourage acquisition of vessels by Indian entrepreneurs which would result in transfer of technology on a permanent basis as against charter which used to be a short term contract. This policy was announced in order to gradually replace the charter policies of the Government. My Ministry has phased out the 1981 charter policy and has scrapped the 1989 charter policy. Only the 1986 charter policy is in operation now and this will also be phased out. The total number of foreign flag vessels actually in operation has consequently gone down from 75 in 1990 to only 16 in 1994. In addition, 14 Indian flag vessels are operating under joint venture. The apprehensions expressed by traditional fishermen about the operation of deep sea fishing vessels presumably stems from the report of a Study Group which had suggested the introduction of 2630 vessels in the Indian Exclusive Economic Zone. I would like to clarify here that my Ministry has not accepted the suggestions made by this Group and I would like to take this opportunity to allay the fears of all sections on this account. My Ministry has no intention of introducing such a large number of vessels. In fact the target for the Eighth Plan in this respect is only 200 vessels.

The 200 mile Exclusive Economic Zone of India has a fishery potential of about 3.9 million tonnes actually, out of which only 2.7 million tonnes is being exploited and a major portion of this is being exploited from the territorial waters which extend upto 12 nautical miles from the shore. The territorial waters are reserved exclusively for fishing by traditional fishermen, but in the recent past, they have been joined by mechanised trawlers of less than 20 metres length, which compete with them in exploiting the resources available in coastal waters. The number of mechanised trawlers has gone up from 24,272 in the Seventh Plan to 34,848 in 1992-93. The marine fish production has gone up from 18.17 lakh tonnes in 1988-89 to 27 lakh tonnes now. Out of this the major chunk of about 65% is caught by mechanised trawlers, about 33% is caught by traditional fishermen and only about 2% by deep sea fishing vessels.

The area beyond territorial waters is termed the "Deep Sea" and the Ministry of Food Processing Industries licenses fishing trawlers with overall length of 20 metres and above for operating in this area. It is, therefore, not borne out by the facts that trawlers responsible for 2% of the catch would pose a threat to the coastal fishing effort accounting for 98% of the catch. But since traditional fishermen are getting only 33% of the catch, there is need to fix a ceiling on the number of mechanised trawlers which operate in the coastal areas without a licence. Because of the unhindered increase in the number of mechanised trawlers and consequently their

catch, the share of fish catch per capita in respect of traditional fishermen has gone down.

I would like to state that it is necessary to introduce modern technology in the field of deep sea fishing since the future growth of marine production depends on the exploitation of the available resource in the deep sea areas. India must have a deep sea fishing fleet also because the activity of deep sea fishing vessels deters smuggling activities and also discourages poachers from neighbouring countries.

However, in view of the large scale agitation by traditional fishermen against the deep sea fishing policy, my Ministry had constituted an Expert Group to review the whole matter and to make appropriate recommendations. This Group has submitted its report and my Ministry has accepted all the recommendations of this Group. In order to reduce the areas of conflict between deep sea fishing vessels and traditional fishermen, we have decided to have three mile corridor beyond territorial waters, on the North-West coast, with the result that deep sea fishing vessels on the North-West Coast will have to operate beyond 15 nautical miles instead of 12. Also, certain tracking equipment will be made compulsory for deep sea fishing vessels so that their location can be pinpointed exactly in case of any intrusion into the territorial waters whereas there is no bar on traditional fishermen and mechanised trawlers fishing in deeper waters. In order to encourage active participation of traditional fishermen in deep sea fishing activity, I propose to provide more incentives for giving encouragement to traditional fishermen for setting up of deep sea fishing projects. I have also requested the State Governments to fix a limit on the number of mechanised trawlers operating in their coastal waters in order to protect the interests of traditional fishermen. I have also decided that we will not process any more applications for deep sea fishing till the whole matter is reviewed.

In the end, I would like to reiterate that the Government is committed to protect the interests of traditional fishermen and is open to holding a continuous dialogue with them on the subject of Government policy. The Government is seriously concerned about the welfare of traditional fishermen and is totally committed to protecting their interests and improving their economic condition by providing greater incentives to them.

2.19 In this context, the petitioners have pointed out that in July, the Committee on "Operation of deep sea vessels", appointed by Government of India, published its report but the findings and recommendations of the Committee are not at all acceptable to the fishermen. The Government, however, is proceeding on the assumption that there is public consensus on the Government Policy.

The Ministry of Food Processing Industries in their comments in this behalf have stated *inter alia* that the recommendations of the Expert

Committee on the Operation of Deep Sea Fishing Vessels were based on the data provided by the State Governments who were also represented in the Committee. These recommendations have been accepted by the Government. In their Report, the Committee *inter alia* observed that "an examination of the data available clearly indicates that there is no basis to conclude that the fish catches are coming down or there is a threat of reduction in employment or export earnings."

The Committee also suggested the specific remedial measures for the consideration of the Government in the interest of harmonious development of different segments of the fishing industry.

2.20 During oral evidence before the Committee the representatives of the Ministry of Food Processing Industries stated *inter alia*.

"The petition refers to Sudershan Committee which was appointed by the Government under the Chairmanship of Dr. D. Sudershan to look into the complaints, that the deep sea vessels are encroaching the territorial waters and depleting the fishery resources of territorial waters. The Committee came to the conclusion that there is no conflict of interest between traditional fishermen who are required to fish in territorial waters and the deep sea vessels which are required to operate beyond 12 nautical miles.

Fishermen say when these vessels go to deep sea fishing area, they also operate in territorial waters and exploit territorial waters.

The implementing authority is the coast guards. If some deep sea vessel is illegally operating in the territorial waters, the coast guards patrolling have to stop it.

No case of violation has been brought to the notice of our Ministry.

2.21 The petitioners have made some specific submissions that the Government should reconsider the policy of giving deep sea fishing licences to the joint venture companies. No such licences be issued in future and the licences issued under this policy should be withdrawn and in addition to reviewing the deep sea fishing policy, the Government should also encourage the traditional fishermen to take up more and more deep sea fishing and to give fishermen necessary financial and technical assistance. They also brought out before the Committee that to allow the fish to lay eggs, the fishermen stopped fishing for about four months in a year and suggested that the fishing by Joint Ventures should also not be allowed during that period.

2.22 In reply to these specific suggestions of the petitioners, the Ministry of Food Processing Industries have stated *inter alia* that the Government has already decided not to process any new applications under the new deep sea fishing policy. However, it does not appear to be justified that the permissions already granted should be withdrawn. Not only this would not be legally tenable but it does not also seem to be justified in view of

the very small number of vessels in operation. Cancellation of permits would also lead to loss of foreign exchange and loss of jobs.

The Government has already made a provision in its Plan Schemes to give preference to fishermen's cooperatives while granting assistance for setting up deep sea fishing and fish processing projects. The Government has already provided assistance to fishermen's cooperatives for setting up fish processing facilities. However, no request from any fishermen's cooperative have been received for grant of assistance for setting up deep sea fishing projects. The Government has already decided to provide necessary financial and technical assistance for this.

2.23 The petitioners have also made a suggestion that the Government should formulate and announce a policy to develop small harbours, so that the fishermen will get all modern amenities at these harbours to increase the marine production and the safety of the fishermen.

2.24 To this suggestion of the petitioners, the Ministry of Agriculture, who are directly concerned in the matter have in a independent note dated 8 June, 1995 furnished to the Committee, stated that the small fishery harbours and fish landing centres contribute significantly to the development of infrastructure facilities and, therefore, help in enhancing fish production from the marine resources.

Government of India initiated a Central Sector Scheme and a Centrally Sponsored Scheme during 1964 for construction of fishery harbours. Under the Central Sector Scheme 100% funds are provided to Port Trusts for the construction of fishery harbours at Major Ports. Under the Centrally Sponsored Scheme, 50% share of funds are provided to maritime State Governments and 100% to Union Territories for construction of minor fishery harbours and fish landing centres.

By 1994-95, 6 major fishery harbours, 37 minor fishery harbours and 137 fish landing centres have been sanctioned by Government of India under the Central Sector and Centrally Sponsored Scheme, out of which 5 major fishery harbours, 26 minor fishery harbours and 108 fish landing centres have been completed and commissioned. The remaining are under various stages of construction.

During the 7th Five Year Plan an allocation of Rs. 35 crores (Rs. 17 crores for major harbours and Rs. 18 crores for minor harbours) was made for the development of fishery harbours and the funds were fully utilised. In view of substantial demand from the States and the fact that large number of fishery harbours and fish landing centres are under construction, allocation for the 8th plan has been considerably increased to Rs. 101 crores (Rs. 54 crores for major harbours and Rs. 47 crores for minor harbours).

Construction of more fishery harbours and fish landing centres with infrastructural facilities will aid mechanised fishing vessels and traditional

fishing crafts to have safe anchorage and land their catch, thereby increasing annual fish production.

The project proposals for fishery harbours and fish landing centres are identified by the State Governments in view of the felt needs and then submitted to the Ministry of Agriculture for consideration. The Ministry considers the proposals on the basis of their technical soundness and economic viability. In the case of fish landing centres, the Ministry of Agriculture have hence taken a policy view that for the benefit of the traditional fishermen, fish landing centres costing upto Rs. 100 lakhs, should be considered for approval, waiving the criterion of economic viability provided the proposals are otherwise suitable from the engineering and utility point of view.

(f) Review of the Policy

2.25 The Ministry of Food Processing Industries in their communication dated 28 April, 1995 informed the Committee that "In view of the apprehensions expressed on the operation of deep sea fishing vessels, Government has appointed a Review Committee under the Chairmanship of Shri P. Murari, former Secretary to the Government of India. This Committee includes representatives of all maritime State Governments and concerned Ministries in the Central Government. The Committee has met twice and is expected to submit its report shortly. In the meanwhile, Government has decided not to process any new applications relating to deep sea fishing."

2.26 In their subsequent communication dated 13 September, 1995, the Ministry of Food Processing Industries intimated that the Review Committee had been enlarged to include Members of Parliament. The terms of reference of the Committee had also been amended. All these changes had been made as per the decisions taken in the meeting held on 18 May, 1995 by Minister of State for Food Processing Industries with the Members of Parliament, Fishermen's group and National Fisheries Action Committee Against Joint Venture etc. The tenure of the Committee had also been extended upto 30th November, 1995.

The amended terms of reference of the Committee were as follows:—

- (1) To review the potential and distribution of fishery resources in the Indian EEZ in consultation with experts and on the basis of available reports;
- (2) To ascertain the present status of exploitation of marine fishery resources by various sectors, namely, traditional sector, mechanised boats sector and deep sea fishing vessels;
- (3) To ascertain whether the operation of vessels under the new deep sea fishing policy or under charter has affected the traditional fishermen and the marine ecology adversely;

- (4) To suggest the lines on which the future development of the deep sea fishing sector should be charted; and
- (5) To suggest measures for protecting the interests of traditional fishermen and for reducing the areas of conflict between traditional fishermen and deep sea fishing vessels.

2.27 The Murari Committee has since submitted its report to the Government on 8 February, 1996.

Observations/recommendations of the Committee

2.28 The main grievance placed before the Committee by the Petitioners is that the small fishermen operating in the coastal states of India are unable to get the fish catch in the seas, leading to loss of gainful employment, mainly due to the huge trawlers operating in the deep seas by virtue of the permission granted by the Government under licences issued for the joint ventures.

According to the Petitioners some 75 lakh fishermen who operate in the waters of the coastal States of Gujarat, Maharashtra, Goa, Karnataka, Kerala, Tamil Nadu, Andhra Pradesh, Orissa, West Bengal, Pondicherry, Andaman & Nicobar Islands, Lakshadweep and Diu & Daman are affected because of this policy of the Government.

The petitioners have prayed to the Committee that the Government should reconsider its policy of giving deep sea fishing licences to the joint venture companies. They have pleaded that the existing licences should be withdrawn and also no such further licences be issued. The petitioners have desired that the Government should encourage the traditional fisherman to take up more and more deep sea fishing and take steps to develop infrastructural facilities for getting increased marine production and also for the safety of the traditional fisherman.

2.29 In regard to the main complaint of the petitioners that the fish catch available to the small fishermen is declining due to operation of the large trawlers, the Ministry of Food Processing Industries have explained *inter-alia* that the total annual catch from the deep sea fishing vessels has not gone beyond 30,000 to 35,000 tonnes during the last 3 years against the total marine fish production of about 27 lakh tonnes. This is less than 2% of the total fish catch. Hence the allegation that deep sea fishing has affected the catch by the traditional fishermen is not borne out of the facts. In fact, the resources in the deep sea areas, which have been estimated at about 1.2 million tonnes, have not been fully exploited and as a result there has been more and more poaching from foreign countries.

The real reason for decline in the fish catch of the traditional fishermen as observed by the Ministry is the unhealthy competition and unbridled increase of the mechanised fishing vessels owned mostly by the rich fish processors. They are stated to exploit about 65% of the marine fish with the mechanised fishing vessels contributing 27% of the fishing fleet in the

coastal areas. This leaves only 33% of the catch for the traditional fishermen and only 2% of the marine fish is caught by the deep sea fishing vessels.

2.30 While the Committee would not grudge the operation of the mechanised fishing vessels, they would like their activity to be properly regulated and monitored. It seems to the Committee that the areas or limits for the mechanised vessels need to be defined so that they do not resort to unfair means or practices to deprive the small fishermen of their rightful catch. The Committee would like the Government to study this aspect of the problem in greater depth and take suitable corrective measures to check the unbridled increase in the number of mechanised fishing vessels and their indiscriminate fishing in coastal areas which not only deprives the small fishermen of their catch but also threatens the sustainability of marine fish resources. There is need to fix a ceiling on the number of mechanised vessels which operate in the coastal areas.

2.31 The Committee were informed by the representatives of the fishermen that deep sea fishing vessels intrude into the territorial waters and their fishing operations often damage the fishing crafts and nets, etc. of the small fishermen. Such intrusions not only eat into the share of catch of the small fishermen but also disturb the fish ecology of the territorial waters. The Committee, therefore, recommend that the Government should take effective steps to stop the intrusion and encroachment by deep sea fishing vessels into the territorial waters reserved for small fishermen. With a view to achieving the objective the patrolling by coast guards should be strengthened and made more effective.

2.32 The Committee also recommend that suitable and effective steps should be taken by the Central and State Governments to make the small fishermen aware of the schemes of assistance available to fishermen cooperatives to enable them to undertake deep sea fishing in a viable manner. With this objective in view, there should be a nodal agency at the Centre and in every State with their camp/extension offices in coastal areas where clusters of fishermen are engaged in fishing. These camp/extension offices under the monitoring of nodal agencies should publicise the schemes of assistance by such means and in such manner that fishermen are made aware of them and are able to avail this assistance and improve the viability of their operations. These agencies should also take suitable measures to upgrading the capabilities of traditional fishermen on a long term basis.

The petitioners in certain coastal areas brought to the notice of the Committee that to allow fish to lay eggs they stopped fishing for about four months in a year. They were of the view that the fishing by deep sea fishing vessels should also be stopped during that period. The Government may look into this aspect of the problem so as to protect and keep the valuable fish reserves of the country.

2.33 The Committee observe that the amended terms of reference of the Murari Committee appear to be quite comprehensive not only for the future development of the deep sea fishing sector but also for measures to be suggested to protect "the interests of the traditional fishermen and for reducing the areas of the conflict between traditional fishermen and deep sea fishing vessels" which is the main subject of the petition under consideration of this Committee. The Murari Committee as reconstituted was fairly representative as it included almost all concerned interests and must have consulted the outside experts also as per the terms of reference itself. This Committee have every expectation that the Murari Committee would have given due weightage to the issues which have been engaging the attention of this Committee through the Petition presented to Lok Sabha.

2.34 Since the Murari Committee Report has been submitted to the government only a few weeks back it may appear to be too early to ascertain the action taken or proposed to be taken by the Government on the major recommendations of that Committee. However, the Committee hope that the Government will take into account the points made out by the representatives of the Petitioners' organisations in the coastal states of the country and come to a conscious decision so as to protect the interests of the large number of small fishermen for the fore-seable future.

2.35 The Committee strongly feel that the Government should review the policy of issue of deep sea fishing licences to joint ventures / charter / lease fishing and evolve a policy which would permit optimum utilization of marine fishery resources by a balanced and harmonious development of various sectors namely, traditional sector mechanised boats sector and deep sea fishing vessels with due priority to the protection and development of traditional sector.

III

REPRESENTATION REGARDING ACUTE PROBLEM OF SEWERAGE IN MAYUR VIHAR II (POCKET A), DELHI, DUE TO DISPUTE BETWEEN DDA AND MCD

3.1 Shrimati Santosh Kumari and other residents of pocket 'A' Mayur Vihar-II, Delhi, submitted a representation dated 2 March, 1995 on the above subject.

3.2 The main points put forward by the petitioners were as follows:

- (i) that pocket A of Mayur Vihar Phase II, DDA Colony of Delhi, was handed over to MCD in 1987-88 for maintenance of civic amenities. However, at that time some dispute was left relating to disposal of sewerage water etc.
- (ii) that the drinking water supply and disposal of sewerage including rain water line is being maintained by MCD. However, the water disposal pump house for Pockets A, B & C of Mayur Vihar-II are being maintained by DDA whereas the sewerage pump house for Pockets D, E & F which were handed over to MCD much later, are being maintained by MCD.
- (iii) that the residents of Pocket A, B & C are very much fed up with this dual agency system because when any sewerage problem comes, no agency, *i.e.*, neither DDA nor MCD is ready to own responsibility.
- (iv) that recently, due to some problems in pump house at Pocket C, DDA has constructed a screening chamber for it. For construction of the chamber, they blocked the sewerage water with sand bags and after completion of the work, the bags were not removed with the result the sewerage line was blocked for the whole of Pocket A, particularly the manhole situated between Flat No. 119A and 117A.
- (v) that the Residents Welfare Association of Pocket A, Mayur Vihar II, and also the residents in their individual capacity have approached various authorities but in vain. The sewerage water entered in most of the ground floor flats and is giving foul smell. Thus it has become difficult for the residents to live in.

3.3. The petitioners, therefore, prayed to look into the matter at the earliest and give relief to them.

3.4 The representation was forwarded to the Ministry of Urban Affairs & Employment on 10 March, 1995, who furnished their comments *vide* their D.O. letter dated 13.9.1995. Municipal Corporation of Delhi (MCD)

had also forwarded parawise comments *vide* endorsement of their communication dated 18.9.1995.

3.5 Regarding handing over of civic amenities of Mayur Vihar II to MCD, the Ministry have stated as follows:

“The DDA had intimated that the water supply alongwith the boosting arrangement, storm water drains, roads and internal sewer have been handed over to MCD for further maintenance. The sewage of this housing pocket is to be disposed of through a peripheral sewer line to be laid by DDA but due to heavy encroachment along the alignment of the proposed perihperal sewer line, to be removed by MCD, this could not be laid. As an interim arrangement, DDA has provided one sump well with pumping installations and these pumping installations are still with DDA. In addition, one diesel pump has also been provided as a stand by arrangement to ensure continuous pumping even when there is power failure.”

In this context, MCD have stated as follows:

“Pocket A of Mayur Vihar II was handed over to MCD by DDA in 1987-88 for maintenance. The disposal of sewage is by pumping and the pump house is still with DDA. The pump house for disposal of sewerage of pockets E & F has been handed over to MCD and running properly but due to inadequate capacity the pump house situated near pocket C which takes the disposal of pockets A, B, C & D could not be taken over by the MCD.”

3.6 As regards reasons for having time to time sewer problems in this area, the Ministry have further stated as follows:

“DDA has maintained that there is no overflow of sewer line/manhole and the residents are not put to any inconvenience and that they are increasing pumping hours whenever such needs arise. By way of further clarification DDA has informed that due to some problem in pump house at Pocket C, Mayur Vihar DDA has constructed a screening chamber for which the sewerage water being main hurdle was blocked with sand bags as a temporary measure. However, sand bags were removed soon after the screening chamber was put to use. As on date, there is no blockage of sewage and it is not causing any overflow.”

In this regard, the MCD in their reply have stated that “this problem comes only when the pumps are not operated by the DDA. In that position the MCD provide their sucking machines regularly to suck the sewerage water.”

MCD have further stated that,

"The sewerage problem was very acute in Pocket A particularly with the manhole situated between Flat No. 119A and 117A due to not operating of pumps by the DDA. The manhole has been checked many times and there is no blockage in the sewer line. Now there is no overflow here. This problem is due to improper functioning of pump house maintained by DDA. The DDA may be asked to increase the capacity of pump house."

3.7 The Ministry have further stated as under:

"It would be evident from the above that at present there is no problem of sewerage as both the Departments have maintained that there is no blockage. The fact, however, remains that there is encroachment along the alignment of the proposed peripheral sewer line which is to be removed by MCD. The matter has been taken up with MCD to remove the encroachment."

3.8 The Committee considered the above comments furnished by the Ministry at their sitting held on 5 October, 1995 and noted that there was involvement of the two agencies viz. DDA and MCD and none of them was owning responsibility for executing the work required to solve the problem. The Committee, therefore, took oral evidence of the representatives of the Ministry of Urban Affairs & Employment on 16 November, 1995.

3.9 Explaining the reasons for sewerage problem in Mayur Vihar, Phase II and its latest position, the representative of the Ministry of Urban Affairs and Employment stated before the Committee that the residents of Pocket A, Mayur Vihar Phase II, were subjected to inconvenience relating to the disposal of sewerage of the locality due to delay in the execution of certain sewer line works by the DDA, which in turn was caused due to some encroachments on the site. There was another reason also and that was for some time the pumping station which existed in Pocket C of Mayur Vihar Phase II was not working or was not operated by the DDA officials. Basically, it was a problem of coordination between the two departments (DDA & MCD).

As regards the latest position the representative further stated that this problem had been sorted out and Municipal Corporation of Delhi had taken over the pumping station of Mayur Vihar Phase II which was located in Pocket C a few days ago. MCD had also inspected the site themselves along with the officers of the DDA to ascertain the exact nature of the problem on the ground. In fact, the work relating to the construction or laying out of a peripheral sewer line had been entrusted by the DDA to a contractor as early as 1983, but the contractor was not able to complete the work on account of the encroachments on the site.

3.10 When asked about the reasons for not completing the work relating to sewer lines before handing over of the flats to MCD, the witness stated that the sewer line could not be completed because of the encroachments

the site. There are about 173 households; almost 40 per cent of them are semi-pucca or pucca including commercial land, of course, a large number of juggies. That is why, without making it a big law and order problem, even before completing the work on the sewer line, DDA handed over the flats to the MCD.

3.11 During evidence, the representatives of the Ministry were asked to state if, DDA was supposed to handover flats before or after construction of sewer line. The witness stated that since an arrangement for temporary disposal of the raw sewer existed and also because the DDA was under pressure to handover these flats, it was thought fit to handover these flats to the MCD.

The representative from the DDA further added that along with the flats the work of sewer line had also been completed. But the sewer system was separated into three stages. One is internal, second is peripheral and the third is trunk service; trunk services are attended to by the MCD and the remaining two were taken care of by the DDA. When flats of this pocket were given to the allottees, all the services and all the infrastructure were provided. Peripheral services were to be laid but as that was passing the road where there was an encroachment, so the DDA completed the entire line up to that point leaving a portion of 520 metres.

3.12 When asked to state whether any steps to remove these encroachments had been taken, the witness from DDA stated that, they had taken up the matter with the MCD and were coordinating with them. It was a human problem. There were certain jhuggies and certain other commercial complexes also; and they had to remove them. He stated that there was the question of eligibility also because Delhi Government had a policy that if somebody was staying since 1990, then they had to be given some site. So, studies had to be made to know who was eligible and who was not. They had to show some sort of alternative place where they could at least continue their business or they could live.

3.13 The Committee pointed out that when the flats were constructed in Mayur Vihar at that time there was no encroachment at all. The problem arose due to encroachment and enquired when the flats were constructed and why the work was not done at that time? To this the representative of DDA stated that the DDA had been wanting to construct it. A major portion had been constructed. Only in respect on the missing link, there had been encroachments. These encroachments were very old ones and in those areas they had not been able to construct. The matter had been going on for quite some time, for two years. MCD had been requested to remove the encroachments so that sewer line could be constructed.

3.14 In response to a query as to who was responsible to remove the encroachment and lay the sewer line the representative from NCT of Delhi clarified the position that MCD had not yet taken over the peripheral sewerage system which was distinct from the internal system. The DDA

was responsible to construct this line. According to the norms, the engineers required a working space of 60 feet to complete this sewer. The sewer would be at a depth of 25 feet. This working space included space for dumping the dirt, earth etc. There was no point at which the space available was less than about 48 or 49 feet. MCD had prepared a plan showing what was the space that was available. It was true that 60 feet were not available throughout. The earth excavated would have to be carried to a point. There would be difficulties in removing long-standing encroachments in Delhi where there were hundreds of people involved. Simply to call the police and remove a large number of shops which might have been there for twenty years or more created law and order problem. It could not be done easily.

He further stated that the MCD officers felt that the work could be done at 48—50 feet. After all, the sewer was not that wide. It had to come in the middle of the road. The MCD would be prepared to do it. The DDA would pay the MCD and the MCD would do the work. He had discussed with the Vice-Chairman. They were in agreement on that. It was question of some genuine difference in work or difference in perception between the engineering officers of the two organisations. So, they had tentatively agreed to that. They had discussed about the compromise arrangement to do the work.

3.15 When asked whether DDA was ready to provide the fund the representative of the DDA stated that it was expected that the DDA had to construct the peripheral sewerage line. Since, they were not able to construct it because of the constraints and since the MCD engineers felt they could get it constructed despite the constraints of encroachments, they were happy to provide funds and MCD would get it constructed so that this work could be completed without any difficulty.

3.16 As regards construction of sewer line by MCD, the representative from the MCD informed that they were prepared to do that. When asked whether there was any agreement, the witness stated they would discuss it and would finalise the thing.

3.17 The Committee desired to know, as to why the DDA or the MCD did not think it fit to get the sewer line constructed till the matter had been petitioned before the Committee, the representative of the Ministry of Urban Affairs & Employment stated that this colony was completed only in the middle of 1980 and in 1987-88 the maintenance of the services inside the colony was taken over by the MCD from the DDA. The Peripheral sewer lines are invariably constructed at a later stage of the work. It is true that had the full peripheral sewer lines been completed, this problem would not have arisen. But temporary arrangement which included several pumping installations had been made. One of them was in Pocket 'C'.

3.18 To a query as to whether the pumping station in Pocket 'C' had been handed over to MCD, the representative from the Ministry stated that, it was handed over by DDA to MCD and the problem had in fact been solved now. NCT official also stated that this pumping station had been taken over by MCD who had added two more pumps and now it was working satisfactorily.

3.19 The Committee desired to know as to when the work of sewer construction in the colony would be completed, the witness stated that luckily an agreement between the MCD and the DDA had been reached at and the Vice-Chairman clarified that keeping in view the fact that the matter had come up before the Petitions Committee; it should be completed at the earliest. The MCD Engineers were willing to take over the work. The tender calling or persuading the same contractors of the DDA to take up the work was in progress. It was felt that even with a little extra cost the work would be completed soon.

3.20 Subsequently, the Ministry of Urban Affairs & Employment vide their O.M. dated 1.12.1995 stated that "Commissioner, MCD had informed that as per the discussion he had with Engineer-in-Chief (water), 12 months time would be needed to complete the left out job.

3.21 The Committee further desired to know the number and names of the colonies having similar problem and also as to what was the difficulty because of which the Ministry were not able to redress their grievances. The Ministry vide their communication dated 1.12.1995 furnished a summary of the problem areas relating to sewerage problems. The Ministry further stated that pursuant to the Supreme Court Order dated 18.4.1995 in the matter of M.C. Mehta V/s. Union of India a completion programme of all the activities related to sewerage i.e. construction of sewerage pumping station, laying of trunk sewer lines and replacement of defective sub-standard sewer lines had been filed in the Hon'ble Supreme Court in the form of an affidavit. The problems envisaged by way of encroachment, non vacation of stay orders etc. had also been projected before the Hon'ble Supreme Court.

Observations/Recommendations of the Committee

3.22 The Committee have perused the material placed before them by the petitioners, the Ministry of Urban Affairs and Employment as also the views expressed in person by the representatives of the Ministry, the DDA and the Municipal Corporation of Delhi. The Committee are informed by the petitioners that due to some problem in pump house at Pocket 'C', Mayur Vihar-II, DDA had constructed a screening chamber for which they blocked the sewerage water with sand bags as a temporary measure. After completion of the work the bags were not removed and with the result the sewerage line was blocked for whole of the pocket 'A' of Mayur Vihar-II causing acute problem for the residents.

3.23 The Committee fail to understand as to why some other temporary alternative arrangement was not made before blocking the sewerage water

and thereby causing inconvenience to the residents. The Committee hope that adequate steps would be taken by the Government much in advance in future to avoid such problems.

3.24 The Committee note from the factual comments dt. 13.9.1995 furnished by the Ministry of Urban Affairs and Employment that there is encroachment along the alignment of the proposed peripheral sewer line which is to be removed by MCD and the matter has been taken up with MCD to remove the encroachment.

3.25 The Committee have been informed by the MCD in this regard that the sewerage problems was very acute in Pocket 'A' particularly with the manhole situated between flat No. 119A and 117A due to not operating of pumps by the DDA. This problem is due to improper functioning of pump house maintained by DDA. They requested that the DDA may be asked to increase the capacity of the pump house.

However, during evidence before the Committee the Ministry informed that now the problem has been sorted out and MCD has taken over the pumping station located in Pocket 'C' a few days ago.

3.26 The Ministry of Urban Affairs and Employment during oral evidence before the Committee on 16.11.1995, explained that the reasons for the problem was the delay in the execution of certain sewer line works by the DDA, which in turn was caused due to some encroachments on the site. The other reason was stated to be that the pumping station was not working and basically it was the lack of coordination between the two departments viz. DDA and MCD.

3.27 The Committee are concerned to note that due to lack of coordination between the two departments viz. DDA and MCD who are basically involved in setting up a colony and providing basic necessary amenities, the residents of a particular area had to suffer. The Committee desire that the Government should in future ensure provision of all the basic services and infrastructure such as electricity, drinking water, sewer systems etc. before allotment of flats.

3.28 The Ministry informed the Committee that the Peripheral sewer line which is distinct from the internal system could not be completed by DDA for a portion of 520 meters because of encroachment in the area which was there for the past about 20 years. According to the norms, the DDA Engineers require a working space of 60 feet to complete this sewer. But such a working space was not available for this portion of 520 meters. However, the representative of the Ministry clarified the position during evidence stating that the MCD officers feel that the work can be done at 48—50 feet. The MCD is prepared to do the job for DDA and DDA will provide the funds.

3.29 The Committee note with satisfaction that with their intervention, the Government have acted promptly and the two organisations have

arrived at an agreement to construct the peripheral sewer line which should have been done much earlier.

The Committee trust that the concerned Departments will now take appropriate steps without further loss of time to construct the left out work of 520 meters of peripheral sewer line and desire that the proposed work be taken up on priority basis. The Committee would like to be apprised of the action taken in the matter within three months.

3.30 The Committee are unhappy to note from the information furnished by the Ministry that there are 8 more DDA colonies in Delhi where sewer problems exist. The Committee hope that vigorous and adequate steps would be taken by the Government to sort out the problems pertaining to sewerage works in development of various DDA colonies and all activities relating to sewerage would be completed according to a time bound programme.

NEW DELHI;
6 March, 1996

Phalguna 16, 1917 (Saka)

P.G. NARAYANAN,
Chairman,
Committee on Petitions

LOK SABHA
PETITION NO. 31

[Presented to Lok Sabha on 31.3.1993]

To

LOK SABHA
NEW DELHI

The humble petition of Shri Raj Baldev and other members of the Jag Jiwan Cooperative House Building Society, New Delhi.

SHEWETH

Shelter is a basic human necessity and it is connected with development activities. Housing is an important part of strategy of any Government for alleviation of poverty and employment generation. Despite considerable investment and efforts on the part of the Delhi Development Authority (DDA), the housing problem continues to be daunting in terms of large number of homeless households. The rapid growth of slums and unauthorised colonies, spiralling prices and rents of land and houses, rampant speculation, sanitation and basic services to the poor and middle class income groups, create a problem for providing adequate shelter.

In Delhi, the capital of the largest democracy of the world where population was growing at unprecedented pace since 1947, in 1950 the then Prime Minister of India, Pt. Jawaharlal Nehru issued directives for freezing of land sale in Delhi so as to stop the speculation of lands resulting in spiralling of land prices due to increased demand of land. In 1957, by an Act of Parliament, the authority of DDA was created and it was entrusted the task to provide adequate houses for the middle income group people. But, it could not fulfil its commitments, and as a result of which the middle income group people were affected very much. In fact, the very purpose of freezing the land was set at naught by a careless and mindless exercise of Powers by land Acquisition Collectors and the Administrators who were asked to procure land for DDA. Even DDA caused the rising of land prices as it auctioned the land at reserve prices ranging from Rs. 5,000/- to Rs. 10,000/- per Sq. yd. The DDA also failed to provide sufficient houses needed for the rising population. As a matter of fact, DDA failed to fulfil its basic objectives. In the year 1988, the condition of civic amenities available to the people living in the colonies of the DDA came to the lime light when large number of deaths occurred due to the

insanitary conditions. The Hon'ble High Court of Delhi in its historic judgement on 18.11.1988 quashed the large scale land acquisition proceedings of 11 villages of South Delhi.

Realising the importance of construction of houses with faster speed and to fulfil their promises, the National Govt. at the Centre formulated a National Housing Policy, adopted by the Lok Sabha and Rajya Sabha in July, 1992.

The Jagjiwan Cooperative House Building Society purchased a piece of land in 1969 at Vasant Kunj, keeping in mind DDA's decision in its meeting held on 30.6.1984 as part of Agenda No. 140, Item No. 2 in which they recommended to the Central Govt. to include this area in the residential zone in the Delhi perspective Master Plan 2001. The Society purchased this land also keeping in view the long term interest of the public.

The Society purchased the land in 1989 in view of the recommendation of the DDA as given in para 4 above. Accordingly, in the NEW MASTER PLAN released in 1990 the area purchased by the Society has been shown in the Residential Zone.

After publication and gazette notification of the NEW MASTER PLAN in August 1990, the Society (JAGJIWAN COOP. HOUSE BLDG. SOCIETY) submitted the Lay-Out Plans to the DDA to give "NO OBJECTION CERTIFICATE" on 18 April 1991 so as to start their building activities in the larger interest of the members, a vital part of the society.

A reminder was sent to the Vice-Chairman of the DDA on 8th May 1991 by the Society wherein it was requested kindly to permit the construction work since the piece of the MASTER PLAN 2001.

The then Honourable Minister of State, for Urban Development, Shri M. Arunachalam, who had full sympathy for the genuine cause of the Society and also keeping in view the Govt. policy to support such causes in the larger interest of the people involved with the society for solving their housing problems, was kind enough to visit the Society's land and laid the foundation stone of the community and Welfare Centre of the Society on 25th January, 1992.

After publication of the new house encouraging policy (NEW HOUSING POLICY) and the decision of the CHAIRMAN of DDA (Hon'ble Shri P.K. Dave, Lt. Governor) on 1st Nov., 1992, the members of the Society approached the L.G. to use his good offices to get the No Objection Certificate issued since the society qualified for the same in letter and spirit.

the members of the Society approached the L.G. to use his good offices to get the No Objection Certificate issued since the society qualified for the same in letter and spirit.

According to Building Bye-Laws 6:7:4 of the Delhi Development Authority, if within 60 days of the receipt of the lay-out plans etc., the authority fails to intimate in writing to the applicant its refusal or sanction or any intimation, the plans and statements shall be deemed to have been sanctioned. Though according to this provision, the Society could have started the building activity after expiry of 60 days i.e. on 18th June 1991, as a law abiding group, we prefer to have a "NOC" first before starting the building activities, even though the members are pressing us hard to start the activities under the Building Bye-Laws 6:7:4.

After publication of the New Housing Policy any cooperative, Association, Community, Club, Society or Private Developers, can construct houses on the land purchased by them. As such DDA is only to complete the formality of issuing of "NO OBJECTION CERTIFICATE".

The land of the society is free from all encumbrances and is not under any sort of acquisition.

The Honourable Supreme Court of India in its judgement on 31.1.1990 has clearly held that the members of a Cooperative Society should not be denied residential accommodation for which they have taken effective steps. At best the Development Authority could have development charges for sewerage, electricity, road connection and the like. The internal development has to be done by the society itself and the society has to conform to the by-laws and regulations of the development authority in raising the construction. This judgement also directed the Development Authority to help the cooperative societies in fulfilling the aim of residential accommodation.

National Housing Policy approved in May, 1992 was placed in the Lok Sabha and Rajya Sabha on 9.7.92. Ministry of Urban Development issued orders in July 1992 regarding effective implementation of National Housing Policy. This Policy, *inter alia*, envisages that the group-based or cooperative societies or community, associations, private developers and the organised sectors will be encouraged to invest in various forms of housing and land development activities for house building for poor and middle income group people. The Development Authority will remove all constraints and help in the speedier implementation of the National Housing Policy.

The Society and the members have sufficient resources to build houses within a period of 6-7 months.

And accordingly your petitioners pray that with a view to helping national problem of housing to the community as a whole as is the general policy of the Government of India, the petitioners feel that their case is

genuine and where the No Objection Certificate may kindly be directed to be issued to the petitioners Society and proper direction may be solicited for the Lt. Governor the DDA's Chairman.

And your petitioners as in duty bound shall ever pray.

Name of Petitioner	Address	Signature or Thumb impression
1. Shri Raj Baldev	N-26 Malviya Nagar, New Delhi	sd/-
2. Ms. Tripti Bhatia	R-8/3, Green Park, New Delhi-110016	sd/-
3. Ms. Kawal Kanta	332, BM 86, West Shalimar New Delhi-110052.	sd/-
4. Shri Vipin Arora	56, Engineers Enclave, Pitam Pura, Delhi-34	sd/-
5. Ms. Shashi Agarwal	F-64, Ashok Vihar Phase-I, New Delhi	sd/-
6. Shri Rajeev Misra	QU-309D, Pitam Pura, New Delhi-34	sd/-
7. Shri Rajesh Garg and others	F-1/1, Malviya Nagar, New Delhi-17.	sd/-

Countersigned by Shri Piyus Tirkey, M.P.
Division No. 277

APPENDIX II
(see para 2.1 of the Report)

LOK SABHA

PETITION NO. 37

[Presented to Lok Sabha on 27 March, 1995]

LOK SABHA
NEW DELHI

The humble petition of Shri Thomas Kocherry, National Convenor, National Fisheries Action Committee Against Joint Ventures, 41/1771, Veeekshanam Road, Kochi-682018 on behalf of fishermen of various coastal states of the country.

SHEWETH

About 75 lakh fishermen operate in the waters of coastal states of Gujarat, Maharashtra, Goa, Karanataka, Kerala, Tamilnadu, Andhra, Orissa, West Bengal, Pondicherry, Andaman and Nicobar Islands, Lakshadweep, Diu and Daman. We are at present facing a grave calamity. For the last two years we have been agitating against huge trawlers, purseseiners and the long liners operating under licences issued for joint ventures. In order to protest against the Government policy, all India fishing Bundh was observed on 4 February, 1994, an impressive demonstration was staged before the Parliament on 3 March, 1994 and the representatives of the fishermen met the Minister of State for Food Processing Industries on 4 March, 1994 to place before him our grievances. We also submitted a memorandum to the Prime Minister. As our problem was not yet solved despite these efforts, nationwide agitation was again organised on 23 and 24 November, 1994, under the leadership of the National Fisheries Action Committee. In addition representations were also made, for the cancellation of the above licences, to the Government of India, by various associations of fishermen from all the coastal states of our country.

Even developed countries like Canada, the U.S.A., Japan etc. are restricting the deep sea fishing in their oceans because of destructive fishing by such huge vessels. But in our country licences are being issued to such foreign fishing vessels whereby we not only lose valuable marine resources but marine ecology is also adversely affected. As a

result of the Government policy, small fishermen are unable to get the catch and are facing grave crisis due to the loss of gainful employment. Moreover as sea coast is getting more and more polluted due to increasing urbanisation and industrialisation, the quantity of fish catch caught by the small fishermen are decreasing. The people in this country are also deprived of valuable sea food because of the fishing by the foreign vessels, which are permitted to export 100% of their catch. About 38 crores of fish consumers are being forced to pay higher prices because of such export.

3. The issue was also raised in the Lok Sabha by Shri Ram Naik, M.P. on 12 December, 1994 during the zero hour. His views were totally supported by about 24 MPs of the House cutting across the party lines.
4. During July 1994, a Report of "the Committee on Operations of deep sea vessels" appointed by the Government of India was published. The findings and the recommendations of the Committee are not at all acceptable to the fishermen.
5. Though pressed time and again, unfortunately the Government have a closed mind on this issue and they proceed on the assumption that there is public consensus on the policy that they are following. The Policy of the Government inviting foreign vessels to have fishing in deep sea waters will bring doom for us. However, the Government seems unconcerned. We have, therefore, no other choice but to appeal to you Sir, to redress our grievances.

And accordingly your petitioners pray that:—

- (1) The Government should reconsider the policy of giving deep sea fishing licences to the joint venture companies.
- (2) No such licences should be issued in future and the licences issued under this policy should be withdrawn.
- (3) In addition to reviewing the deep sea fishing policy the Government should also encourage the traditional fishermen to take up more and more deep sea fishing and to give fishermen necessary financial and technical assistance.
- (4) The Government should formulate and announce a policy to develop small harbours so that the fishermen will get all modern amenities at these harbours to increase the marine production and the safety of the fishermen.

And your petitioner as in duty bound will ever pray.

Name of the petitioner	Address	Signature
Shri Thomas Kocherry National Convenor, National Fisheries Action Committee Against Joint Venture.	41/1771, Veekshanam Road, Kochi-682018.	Sd/-

Counter Signed by:
 (i) Shri Ram Naik, M.P.
 Division No. 264
 (ii) Shri Ram Kapse, M.P.
 Division No. 492