

**COMMITTEE
ON
GOVERNANCE**

**TENTH LOK SABHA
THIRTY-FIRST REPORT**

197

**New Comprehensive and Liberalised Compensation
Package for the Oustees of Coal Projects**

(Presented on June 2, 1995)



28.3658R
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**LOK SABHA SECRETARIAT
NEW DELHI**

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CORRECTIONS

to the Thirty-First Report of the
Committee on Government Assurances
(Tenth Lok Sabha)

Page No.	Para No.	Line	Correction
4	14(111)	2	For evictees read evictee
	14	5	Delete plus an ex-gratia
			Payment of Rs. 100 p.m.
8	24	16	For pursuit read pursue it
10	28	1	For least read last
13	1	7	For SUQ read USQ
14	1	16	For Smt. Reva Nayyar
			read Smt. Reva Nayyar
16	8	1	Delete out
		2	For furnishing read furnished
		4	For acts read facts
26		6	For (???) Kura
			read Lalkura

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COMPOSITION OF THE COMMITTEE* ON GOVERNMENT
ASSURANCES (1993-94)

CHAIRMAN

Shri Basudeb Acharia

MEMBERS

2. Shri Vishveshwar Bhagat
3. Shri Gurcharan Singh Dadhahoor
4. Prof. K. Venkatagiri Gowda
5. Shri P.P. Kaliaperumal
- @ 6. Major D.D. Khanoria
7. Shri Harpal Panwar
8. Shri Surendra Pal Pathak
9. Shrimati Suryakanta Patil
10. Shri V. Sreenivasa Prasad
11. Shri Nawal Kishore Rai
12. Shri G. Ganga Reddy
13. Shri Yoganand Saraswati
14. Shri Shibu Soren
15. Shri V.S. Vijayaraghavan

SECRETARIAT

1. Shri Murari Lal —*Joint Secretary*
2. Smt. P.K. Sandhu—*Director*
3. Shri Madan Lal —*Assistant Director*

* The Committee was nominated by the Speaker w.e.f. 20 December, 1993 vide para 2609 of Lok Sabha Bulletin—Part II, dated 20-12-1993.

@ Nominated to the Committee on 23 December, 1993 vide para 2628 of Lok Sabha Bulletin—Part II dated 23-12-1993.

COMPOSITION OF THE COMMITTEE ON GOVERNMENT
ASSURANCES* (1995-96)

CHAIRMAN

Shri Basudeb Acharia

MEMBERS

2. Shri Vishveshwar Bhagat
3. Shri Gurcharan Singh Dadhahoor
4. Shri Santosh Kumar Gangwar
5. Shri P.P. Kaliaperumal
6. Prabhu Dayal Katheria
7. Shri Harpal Panwar
8. Shrimati Suryakanta Patil
9. Shri Shashi Prakash
10. Shri V. Sreenivasa Prasad
11. Shri J. Chokka Rao
12. Shri Asht Bhuja Prasad Shukla
13. Shri Ummareddy Venkateswarlu
14. Shri V.S. Vijayaraghavan
15. Vacant

SECRETARIAT

1. Shri Murari Lal —*Joint Secretary*
2. Smt. P.K. Sandhu —*Director*
3. Shri Madan Lal —*Assistant Director*

* The Committee was nominated by the Speaker w.e.f. 4 February, 1995 vide para 3723 of Lok Sabha Bulletin—Part II, dated 13-2-1995.

INTRODUCTION

1. The Chairman of the Committee on Government Assurances having been authorised by the Committee to submit the Report on their behalf, present this Thirty-First Report of the Committee on Government Assurances.

2. The Committee (1995-96) were constituted on February 4, 1995.

3. The Committee at their sitting held on February 23, 1995 considered a request received from the Ministry of Coal for dropping of an assurance given on February 25, 1993 in reply to Unstarred Question No. 605 regarding Compensation Package for Oustees of Coal Projects. On April 10, 1995, the Committee took oral evidence of the Ministries of Coal and Rural Areas & Employment on the subject matter. At their sitting on May 31, 1995, the Committee considered and adopted the draft Thirty-First Report.

4. The Minutes of the aforesaid sittings of the Committee form part of the Report (Appendices).

5. The conclusions/observations of the Committee are contained in this Report.

6. The Committee wish to express their thanks to the officials of the Ministries of Coal and Rural Areas & Employment for their cooperation.

NEW DELHI;
May 31, 1995

BASUDEB ACHARIA,
Chairman,
Committee on Government Assurances.

Jyaistha 10, 1917 (Saka)

REPORT

NEW COMPREHENSIVE AND LIBERALISED COMPENSATION PACKAGE FOR THE OUSTEES OF COAL PROJECTS

On February 25, 1993, the following Unstarred Question No. 605 given notice of by Shri Prakash V. Patil, M.P. was addressed to the Minister of Coal:—

- “(a) whether the Government propose to extend a new Comprehensive liberalised compensation package to the oustees of different coal projects;
- (b) if so, the details thereof;
- (c) when it is likely to be implemented;
- (d) the extent to which the new scheme would benefit the oustees who are either covered or not covered by the earlier schemes; and
- (e) the extent to which it would provide employment opportunities to them?”

2. The then Minister of State in the Ministry (Shri Ajit Panja) gave the following reply:—

- “(a) There is a proposal to introduce a comprehensive liberalised compensation package for the oustees of different coal projects.
- (b) to (e). A final decision is yet to be taken on the components of the package.”

3. Reply to parts (a) to (e) of the question was treated as an assurance by the Committee which was to be fulfilled within three months of the date of the reply *i.e.* by May 24, 1993.

4. The Ministry of Parliamentary Affairs *vide* their U.O. Note No. VI/CL(12)USQ No. 605-LS/92 dated Sept. 14, 1994 forwarded a request of the Ministry of Coal to the Committee on Government Assurances for the dropping of the assurance on the following grounds:—

“That this Ministry has been considering the comprehensive rehabilitation package for oustees of coal projects in consultation with other Ministries. The Ministry of Finance while furnishing their views on the proposed rehabilitation package suggested that this Ministry should wait till the finalisation of national policy for rehabilitation (Which is separately under consideration by a Group of Secretaries). In view of the above observations of the Ministry of Finance, it has

been decided to wait for the finalisation of national policy on rehabilitation of displaced persons being considered by the Ministry of Rural Development. Since the finalisation of National Policy on rehabilitation by the Ministry of Rural Development and subsequent framing of the comprehensive rehabilitation package by this Ministry is likely to take considerable time, it may not be possible to fulfil the assurance in the near future."

5. During the course of Study Tour the Committee held informal discussions with the Ministry of Coal and Coal India Ltd. on the subject at Calcutta on October 5, 1994. The Ministry submitted the following information to the Committee:—

"The Ministry has been considering the comprehensive rehabilitation package for Oustees of Coal Projects in consultation with other Ministries. The Ministry of Finance while furnishing their views on the proposed package suggested that the Ministry of Coal should wait till the finalisation of the National Policy for Rehabilitation being formulated by the Ministry of Rural Development. Hence the rehabilitation package under consideration by this Ministry has been kept in abeyance."

6. The Committee considered the request of the Ministry of Coal for dropping the assurance at their sitting held on February 23, 1995 and decided not to drop the assurance. They desired that the views of the Ministries of Coal and Rural Affairs & Employment regarding National Policy for Rehabilitation should be elicited.

7. On April 10, 1995 the Committee took oral evidence of the representatives of the Ministries of Coal and Rural Areas & Employment in this connection.

8. During the evidence the Committee recalled the informal discussions held at 'Calcutta' in October, 1994 when the Committee was informed that a National Policy on Rehabilitation was being prepared. The Committee, therefore, desired to know the position of the National Package that was being prepared by the Union Government for rehabilitation of the oustees of the coal projects. In reply, the Secretary, Ministry of Coal stated:—

"After the Committee had an informal meeting in Calcutta in October, the Ministry which has been given this assignment of preparing the National Policy had prepared a Note to which we had sent our comments about two months ago. The Note to the Cabinet is to be given by the Rural Development Ministry."

9. The Committee drew the attention of the representative of the Ministry of Rural Affairs & Employment towards their letter dated March 10, 1995 which was received before the evidence in which the Ministry had categorically stated that there was no National Rehabilitation Policy. When asked as to why the Ministry had made such a mention when the matter

regarding National Rehabilitation Policy was very much under their active consideration, the representative of the Ministry of Rural Areas and Employment stated as under:—

“...Regarding replies sent by the Ministry on 10th March we had been asked to send an updated note on the National Policy on Rehabilitation and other related information. So we could not submit a note on National Rehabilitation Policy since there is no such policy at present.”

10. When asked whether the Cabinet has approved the note, the witness further submitted:—

“It has not gone to the Cabinet. It has gone to the Committee of Secretaries. They will take a decision and then it will go to the Cabinet.”

11. The Committee wanted to know the total number of oustees project-wise which were yet to be rehabilitated, the Ministry of Coal informed them that the total oustees would be more than 21,000. The details of these oustees are contained in *Annexure*.

12. When the Committee enquired regarding the ultimate responsibility for the rehabilitation of more than 21,000 homeless and landless oustees of Coal Projects, the Secretary, Ministry of Coal stated that this figure related to the earlier coal project and further submitted as follows:—

“They would be governed by the rehabilitation package which was operating at that time. I would submit that at different points of time, different levels of benefits were given. In addition to the rehabilitation package of the coal companies, some States have their own rehabilitation schemes also. All these people who are still awaiting settlement, they would be governed by the schemes which were prevalent at that time.”

13. When the Committee enquired about the date on which a package was initially prepared by the Coal India Limited for its own projects and whether it was further amended, the Secretary, Ministry of Coal stated that the Coal India Limited prepared a package in 1990 for its own coal projects which was popularly known as ‘Sonepur Bazari Package’. The subsequent package was prepared in June 1994 and that was the Resettlement and Rehabilitation Policy of the Coal India Limited.

14. The Committee wanted to know about the details of the Sonepur Bazari Project, the Ministry of Coal invited the attention of the Committee towards their brief note in this regard. The salient features of this project as mentioned in the note are as follows:—

- (i) To the extent new employment opportunities get created in the project in unskilled and semi-skilled categories, these shall be reserved entirely for the land oustee families.

- (ii) Suitable vocational training facility would be provided to the land losers to upgrade their skills for employment in other categories of jobs in the project, on a preferential basis.
- (iii) Alternative house site with suitable infrastructure will be provided to all evicatee families. Each evicatee family would be paid shifting allowance upto Rs. 2000/- and lump-sum grant of Rs. 5000/- towards housing.
- (iv) Cash compensation for the land to be acquired will be deposited with the district administration in advance so that there is no delay in payment of compensation to the land owning displaced families.
- (v) Families which are not beneficiaries of employment for one of their members, would be paid subsistence allowance for 20 years at *pro-rata* basis @ Rs. 300/- per month per acre subject to maximum of Rs. 1000/- p.m. plus an *ex-gratia* payment of Rs. 100 p.m. plus an *ex-gratia* payment of Rs. 100 p.m. per family. The amount of subsistence allowance at the rates stated above would be capitalised on a 20 year basis and placed at the disposal of the concerned State Governments for disbursement to the land losers.

15. While elaborating further the Additional Secretary, Ministry of Coal stated:—

“Sonepur Bazari Package had been prepared earlier. Firstly we had to solve the problem of that particular project because it was hanging fire, since rehabilitation issues were involved. That package brought in a certain element of subsistence allowance to people, who could not be given any other rehabilitation programmes because giving employment had been stopped as per the guideline of the Department of Public Enterprises. They have introduced a component called the subsistence allowance, for the first time. After some time, the same package with some minor modification was made into a general policy. It was prepared for one particular project; then, it was made applicable to all coal projects. After that, we got busy with the idea of preparing a comprehensive package. Everywhere this question was coming up and this was alive. People were finding it inadequate in one respect or the other. Therefore, a working-kind of a package was prepared by Coal India which goes beyond the Sonepur-Bazari package in certain respects. But so far as the national package is concerned, since we do not know the full details as of now, the package is not finalised, we cannot say how it compares with the national package which is under evolution now.”

16. The Committee pointed out that by giving employment assistance only, as in the case of Sonepur Bazari Package, persons affected due to projects would not be properly rehabilitated and there should be some

other proposals from the Coal India like construction of houses for oustees etc. The Committee, therefore, enquired whether any improvement had been made over the Sonepur Bazari Package.

17. In Reply, the Addl. Secretary, Ministry of Coal stated:—

“After this package, the new policy which Coal India have been following in the interim period, is basically taking a more comprehensive approach to the problem of the project displaced people like beginning with the preference in employment where jobs are available etc. Instead of giving a certain fixed formula, it says that there will be reservation for people affected by projects. It goes on to providing training to the people, giving assistance for them to start non-farm employment and to take up income-generating activities finding them jobs with the contractors in the field of non-farm employment and things like that. This is the kind of picture which emerges from the new policy while we are waiting for the consensus on the National Package.”

18. When the Committee wanted to know the full details of the new package prepared by the Ministry, they were informed that this package prepared in April 1994 contained the following features:—

- (1) Persons whose lands are acquired will be given, in addition to the due compensation, employment to the extent feasible.
- (2) Assistance in purchase of alternative land with the compensation money.
- (3) Assistance in establishment of non-farm self employment through provision of infrastructure, petty contracts or formation of co-operatives.
- (4) PAPs with less than two acres of land would receive rehabilitation assistance in the form of subsistence allowance or grant to be used in productive investments provided that his income from other sources does not exceed Rs. 12000/- p.a.
- (5) Persons whose home stead is acquired will receive replacement cost of his home-stead and structure on it. In addition, the subsidiaries acquiring his home-stead will provide (a) an alternate house site measuring 100 sq. meters per family (b) assistance in designing the new house, if so desired by the PAP and (c) a shifting allowance to cover the full cost of transporting his belonging to the relocation site.
- (6) Share cropper & land losers, tenants and day labourers will be provided with benefit as at (3) above. Alternatively, contractors will be persuaded to give jobs to eligible PAPs on preferential basis where feasible.

7. Landless tribals will be provided benefits as at (3) above. Alternatively, contractors will be persuaded to give jobs to eligible PAPs on preferential basis, where feasible. In addition, the subsidiaries will shift the tribal community as a Unit and provide facilities to meet the specific needs of the tribals community that will allow them to maintain their unique cultural identity.
- (8) Special attempts will be made to ensure that women will be given adequate access to income generating opportunities offered under this policy.
- (9) Jobs will be given to eligible landless PAPs on a preferential basis when outside recruitment becomes necessary.
- (10) The resettlement sites will be provided with all infrastructure facilities in consultation with the State Government such as school, road, drains, drinking water, community centres, place of worship etc.
- (11) A baseline socio-economic survey will be carried out to identify the PAPs to ensure restoration of income of PAPs. This survey will be conducted prior to notification under the relevant land acquisition Acts.

19. Thereafter, the Committee desired to know the salient features of Coal India Rehabilitation Policy subsidiary-wise and project-wise. The Ministry of Coal later on informed the Committee in their written replies that under the recently framed Resettlement and Rehabilitation policy adopted by Coal India, preliminary work in respect of 16 projects has been initiated in 4 subsidiaries of CIL viz. MCL, NCL, CCL and SECL. This work *inter alia* includes socio-economic survey and preparation of resettlement and rehabilitation action plans. The following are the 16 projects:—

- | | |
|----------|----------------------|
| M.C.L. | 1. Ananta OCP |
| | 2. Belpahar OCP |
| | 3. Bharatpur OCP |
| | 4. Jagannath OCP |
| | 5. Lakhanpur OCP |
| | 6. Samaleshwari OCP |
| N.C.L | 1. Jhingurdah OCP |
| C.C.L. | 1. K.D. Hasalong OCP |
| | 2. Parej East OCP |
| S.E.C.L. | 1. Pandavpara UG |
| | 2. Singhali UG |
| | 3. Bisrampur OCP |
| | 4. Dhanpuri OCP |
| | 5. Gevra OCP |
| | 6. Dipka OCP |
| | 7. Kusmunda OCP |

20. Coal India Limited have further informed that to implement the Resettlement and Rehabilitation Policy, coordinating committees are functioning in SECL at Bisrampur, Gevra, Dipka, Kusmunda and Dhanpuri OCPs and Singhali and Pandavpara UG projects. The composition of these committees generally is as follows:—

1. Dy. CME (R&R) of the area — Member Secretary
2. A representative of the State Government. — Member
3. Non-Government organisation (voluntary) — Member
4. Two representatives from Project Affected Persons (including one woman representative) — Member
5. One representative of Host Community. — Member

21. The Committee also desired to know as to what has prompted for preparing a national rehabilitation package when Coal India Limited was already having a package for rehabilitation for its oustees. The Secretary, Ministry of Coal stated:—

“As stated by the Ministry in 1990 and what the hon'ble Chairman has stated that a package for Sonapur Bazari Project was prepared and initially it was decided that it would be implemented only in this project but later on it was decided to extend it to other projects, some improvements were carried out in this package. This was to be done because if some project was provided more compensation then the question arose why this was not provided to another project. The irony was that something has taken place at our project while some other thing had taken place at another project. This created differences among people and this package could not be implemented everywhere. Further, I would like to submit that it is not only our Ministry which implement such package, there are other Ministries. Planning Commission to look after it.”

22. When queried as to what would happen to the policy which is being followed in different States in the event of adoption of the National Policy when finalised and approved, the Secretary, Ministry of Coal stated:—

“I will seek your kind indulgence because this is a major question to which I do not have any response right now because we do not know as yet as to what would be the national policy. But I would like to submit that the projects of the concerned States. So, if there is a Central Government Undertaking, which is executing a project and that project naturally will be in some States, but since it involves expenditure of a capital nature, by and large, the Undertaking will be governed by the National Policy. The States' policies are essentially applicable to the States Projects, for the same reason that it involves

expenditure of capital nature or even on a recurring basis from their revenue."

23. To a further query as to the possibility of confrontation among the States unless a uniform policy was accepted by all the States the Secretary, Ministry of Coal submitted:—

"If you permit me, I would think aloud. I have nothing to say about State projects because we deal with our projects only which are in the Central Sector. Now, there can be differences between State Policy and Central or National Policy. Kindly consider mining projects which are taken up both by Centre as well as the States. Iron ore projects, for instance, are taken up in a State both by Central and State agencies. Based on my past experience, I am aware of a project where the package offered by the State Government was not so liberal as the Central Government's package, even though it happened to be in the same State and in the same area. In our federal system, this kind of variation will perhaps be there to a certain extent."

24. When the Committee pointed out that the assurance given in 1993 did not seem to be fulfilled by the Ministry of Coal because of different packages and involvement of different Ministries, the Secretary, Ministry of Coal explained:—

"Sir, as the Hon. Committee are aware that we had submitted full details ever since the assurance was shown against the Ministry of Coal. We have also explained...what steps the Ministry of Coal have taken since then. I would like to recapitulate that we in the Coal Ministry, had in fact, prepared a comprehensive policy. Now, we have to await the comprehensive national policy which is getting crystallised. In the meanwhile, the working has not stopped. In fact, since 1990, as the Hon. Member have said, another policy has been prepared, another package has been prepared, which is an improvement. As far as the assurance is concerned, we had earlier submitted to the Hon. Committee that the assurance may kindly be dropped. But that was not accepted by the Committee. They want to pursue it further and desire to know more about the National Policy which is emerging. On our part, we have already submitted not only with regard to the first policy and second policy, but also the revised and the newest policy of Coal India."

25. When asked which Ministry would be the nodal Ministry, the representative of Ministry of Rural Areas & Employment explained that rehabilitation of oustees is not a subject matter with which the Ministry of Rural Areas & Employment is dealing. They were given the task of preparing a note as per the decision of the Committee of Secretaries and which they have since prepared and submitted. The representative further stated that when the note would be finalised a final decision would also be

taken with regard to the nodal Ministry which would go into the entire subject.

26. When the Committee pointed out that approval of a project included the acquisition of land and unless the land was acquired the project could not be taken in hand and desired to know the procedure for acquisition of land for the project, the representative from the Ministry of Coal submitted:—

“For acquisition of land statutory provisions are there under the Land Acquisition Act which have to be followed. They have been doing whatever needs to be done in the field in order to get land, like rehabilitating people, giving employment etc. This was going on as a normal practice. It was for the first time in the case of Sonepur Bazari and important World Bank aided project got stalled, that Government to Government negotiations took place and some kind of a package was devised and then it was made general. While this was on at the national level, the debate was going on because projects of various Ministries were getting struck and various practices were being followed. Therefore, a talk came that a national policy should be there. While on the one hand a national policy was being involved, the question that came up was as to which Department should do it. As this was going on, the Coal India could not stop their projects. Therefore, they went on making marginal improvements in various things. So, there was nothing wrong in coming up with a policy and for that Government approval was not taken. For the Government the Sonepur Bazari package is there. What we see in 1994 project is not radically different from that. It is a little more comprehensive and rational. I want to submit again and again that work has to go on. What is being done today is better than what was being done a few years earlier. They have been making improvements. While we are waiting for the ideal, the actual must go on. That is what we have been pursuing.”

27. The Committee also desired to know whether there was any package or programme for persons affected due to subsidence in Coal Mining Areas. In reply, it was stated that subsidence was mainly prevalent in Jharia Coal Fields because mining was carried out under shallow cover in the distant past. As such there was no provision to give compensation on regular basis. However, in the Eastern Coal Fields there was an Apex Committee comprising District Administration representatives of Coal Companies, local Members and State Legislatures and Members of Parliament and that Committee inspected the affected areas. Still then there was no formal package required as these areas belonged neither to the Ministry of Coal nor the Coal Company was responsible for the subsidence in that areas. However, the Committee was informed when such occasions take place, the Coal Company

undertake to form a Committee with the help of District Administration, local M.L.As and MPs and each case is sorted out.

28. The Committee at least desired to know the steps taken by the Ministry of Coal in chronological order to implement the assurance. To it, the Ministry of Coal submitted that they had prepared a note which first went to the Committee of Secretaries and then it went to the Group of Ministers. When the matter reached the Finance Ministry, they in their comments opined that while a comprehensive policy by another Ministry was coming up, the idea of taking up of parallel action by preparing another policy should be abandoned. Hence all the efforts came to a standstill. The another note prepared by the Ministry of Rural Areas & Employment had already been submitted to the Committee of Secretaries for approval.

29. The Committee take notice that the Ministry of Coal has not been able to finalise the 'comprehensive liberalised compensation package' for rehabilitating the oustees of different coal projects despite assurance given in February, 1993. The Committee have been informed that the Ministry of Coal in fact, had prepared a draft comprehensive rehabilitation package for the oustees of various coal projects and sent the same to different Ministries including the Ministry of Finance for their comments. The Ministry of Coal, the Committee note, has kept matter in abeyance on the advice of the Ministry of Finance that a National Policy on Rehabilitation was under preparation by the Ministry of Rural Areas & Employment (Ministry of Rural Development) and that a parallel policy need not be prepared. Resultantly, the Ministry of Coal awaited finalisation of the National Rehabilitation Policy.

30. The Committee take a serious note of the fact that the Ministry of Rural Areas & Employment has taken an inordinate long time in finalising the National Rehabilitation Policy which is still reported to be in nascent stage. At the time of taking evidence of the representatives of the Ministry of Rural Areas & Employment the Committee were informed that only on March 25, 1995, a note prepared by that Ministry had been sent to the Group of Secretaries for their approval before it was finally considered by the Cabinet. The Committee, therefore, feel that at such a pace, the National Rehabilitation Policy would still take a number of years to materialise. What has been more disturbing to the Committee is the very fact that the Ministry was not even forthcoming in apprising the Committee about the factual position in this regard. They would expect greater responsibility and transparency to be discharged by the Ministry in future.

31. The Committee are of the view that waiting indefinitely for the finalisation of the National Policy on Rehabilitation would tantamount to denying justice to the poor oustees who are mostly tribals and Scheduled Castes. The Committee, therefore, stress that pending finalisation of this

policy, the Ministry of Coal should finalise a comprehensive rehabilitation package after having taken into account the flaws and shortcomings which exist in the 'Sonepur Bazar Package' as well the latest package prepared in 1994 so that the new package is a definite improvement over the existing ones. They also desired that taking into consideration the benefits which such a package would extend to the oustees the financial constraints may not be allowed to come in the way of its implementation. They expect a greater support from the side of the Ministry of Finance in this regard. The Committee also desire that since the assurance of rehabilitating the oustees pertains primarily to the Ministry of Coal, this Ministry should take an initiative for an early finalization of the National Policy on Rehabilitation and also act as a nodal Ministry in this regard.

32. The Committee also note that a large number of the people get affected on account of subsidence in Coal Mining Areas. The Committee are of the view that besides the rehabilitation of project affected oustees, the rehabilitation of the people who get affected due to subsidence should also be the primary responsibility of the Ministry of Coal. They, therefore desire that the Ministry of Coal should consider for providing relief to such affected persons under the new package which is to be prepared by them on humanitarian grounds.

33. The Committee further desire that a compact and flawless new package be placed before the Committee within three months from the date of presentation of this Report.

NEW DELHI;
May 31, 1995

Jyaistha 10, 1917 (Saka)

BASUDEB ACHARIA,
Chairman,
Committee on Government Assurances.

Appendix I
(Vide Para 4 of the Introduction)

MINUTES

First Sitting

**MINUTES OF THE SITTING OF THE COMMITTEE ON
GOVERNMENT ASSURANCES HELD ON FEBRUARY 23, 1995 IN
COMMITTEE ROOM NO. '50', PARLIAMENT HOUSE,
NEW DELHI.**

The Committee met on Thursday, February 23, 1995 at 15.00 hours to 15.40 hours.

PRESENT

Shri Basudeb Acharia — *Chairman*

MEMBERS

2. Shri Santosh Kumar Gangwar
3. Shri P.P. Kaliaperumal
4. Shri Asht Bhujra Prasad Shukla
5. Shri Ummareddy Venkateswarlu
6. Shri V.S. Vijayaraghavan

SECRETARIAT

1. Shri Murari Lal — *Joint Secretary*
2. Smt. P.K. Sandhu — *Director*
3. Shri Madan Lal — *Assistant Director*

2. At the outset, the Chairman extended a warm welcome to the Members of the Committee. For the information of the new Members of the Committee, the Chairman in his inaugural address referred to the Scope and functioning of the Committee. The Chairman also informed the members that assurances do not lapse either on the dissolution of the Lok Sabha or expiry of the term of the Lok Sabha. As such, he added that out of 9022, 2827 and 6631 assurances culled out during Eighth, Ninth and Tenth Lok Sabhas respectively, the Committee would have to pursue 1832 pending assurances during its term. While concluding his address the Chairman desired that the members should work together in a spirit of mutual co-operation and coordination. Assuring the same, the Members also expressed their willingness to work under his leadership.

3. The Committee then took up for consideration Memorandum No. 107 regarding dropping of an assurance.

Memorandum No. 107: Request for dropping of the assurance given on February 25, 1993 in reply to Unstarred Question No. 605 regarding Compensation Package to the oustees of Coal Projects.

The Committee considered the request of the Ministry of Coal, received through the Ministry of Parliamentary Affairs *vide* their U.O. Note No. VI/CL (12) SUQ-605-LS/93 dated September 14, 1994 for dropping of the assurance on the following grounds:—

“that this Ministry has been considering the comprehensive rehabilitation package for oustees of coal projects in consultation with other Ministries. The Ministry of Finance while furnishing their views on the proposed rehabilitation package suggested that this Ministry would wait till the finalisation of national policy for rehabilitation (which is separately under consideration by a Group of Secretaries). In view of the above observations of the Ministry of Finance, it has been decided to wait for the finalisation of national policy on rehabilitation of displaced persons being considered by the Ministry of Rural Development. Since the finalisation of National Policy on rehabilitation by the Ministry of Rural Development and subsequent framing of the comprehensive rehabilitation package by this Ministry is likely to take considerable time, it may not be possible to fulfil the assurance in the near future”.

4. The Committee did not agree to drop the assurance. The Committee, however, decided to hear the views of the Ministries of Coal and Rural Development regarding National Policy on Rehabilitation.

5. In addition, the Committee also decided to review the pending assurances of the Eighth Lok Sabha and Ninth Lok Sabha.

6. The Committee decided to hold their next sitting on Monday, March 6, 1995 at 11.30 hours.

The Committee then adjourned.

Appendix-II
(Vide Para 4 of the Introduction)

MINUTES

Fifth Sitting

MINUTES OF THE SITTING OF THE COMMITTEE ON GOVERNMENT ASSURANCES HELD ON MONDAY, APRIL 10, 1995 IN MAIN COMMITTEE ROOM, PARLIAMENT HOUSE ANNEXE, NEW DELHI

The Committee met on Monday, April 10, 1995 from 12.00 hours to 14.00 hours.

PRESENT

Shri Basudeb Acharia — *Chairman*

MEMBERS

2. Shri Gurcharan Singh Dadhahoor
3. Shri P.P. Kaliaperumal
4. Shri Prabhu Dayal Katheria
5. Shri Shashi Prakash
6. Shri V. Sreenivasa Prasad
7. Shri J. Chokka Rao
8. Shri Asht Bhuja Prasad Shukla
9. Shri Ummareddy Venkateswarlu
10. Shri V.S. Vijayaraghavan

SECRETARIAT

1. Smt. Rewa Nayyar — *Joint Secretary*
2. Smt. P.K. Sandhu — *Director*
3. Shri Madan Lal — *Assistant Director*

MINISTRY OF COAL

1. Shri M.P. Modi — *Secretary*
2. Shri B.N. Makhija — *Additional Secretary*
3. Shri B.N. Bhagat — *Director*

MINISTRY OF RURAL AREAS & EMPLOYMENT

- Shri Shivraj Singh — *Joint Secretary (Land Reforms)*
Shri Sukumar Das — *Director (Land Reforms)*

2. The Committee took oral evidence of the representatives of the Ministry of Coal and the Ministry of Rural Areas and Employment in connection with non-implementation of the assurance given on February 25, 1993 in reply to Unstarred Question No. 605 regarding Compensation-package to the oustees of coal projects.

3. At the outset, the Chairman welcomed the representatives of both the Ministries and drew their attention to the provisions of Direction 58 of the Directions issued by the Speaker, Lok Sabha, under the Rules of Procedure and Conduct of Business in Lok Sabha and clarified that their evidence was likely to be treated as public and was liable to be published unless the witnesses specifically desired that all or any part of the evidence given by them was to be treated as confidential. It was further explained to the representatives that even though the evidence was desired to be confidential such evidence was liable to be made available to the Members of Parliament.

4. After welcoming and introduction of the representatives of the Ministry of Coal and the Ministry of Rural Areas and Employment the Committee recalled the informal discussion held at 'Calcutta' in October, 1994, when the Committee was informed that a National Policy on Rehabilitation was being prepared. The Committee, therefore, desired to know the position of the National Package that was being prepared by the Union Government for rehabilitation of the oustees of the Coal projects. In reply, the Secretary, Ministry of Coal stated:

"After the Committee had an informal meeting in Calcutta in October, the Ministry which has been given this assignment of preparing the National Policy had prepared a note to which we had sent out comments about two months ago. The Note to the Cabinet is to be given by the Rural Development Ministry."

5. When the Committee enquired if the Ministry of Rural Development, now Ministry of Rural Areas and Employment, was asked to prepare a package for rehabilitating the oustees of various projects, the representative from the Ministry of Rural Development stated:—

"The Ministry of Rural Development has prepared a note in consultation with five Ministries. The process of consultation was taken up with the Ministries of Coal, Defence, Water Resources, Welfare and Planning Commission. Having received comments from these various Ministries, a note was prepared and sent to Committee of Secretaries in the Cabinet Secretariat during the month of March this year."

6. When enquired whether any note was prepared earlier also and considered by the group of Secretaries, the representative replied:

"We had prepared a detailed note. Initially that was considered by the Committee of Secretaries' and then we prepare another note."

7. The representative also explained that the initial note was considered rather too long and it was not accepted. Further the representatives stated that they were advised to consult five Ministries. After taking all the views into account, they prepared a final note, the witness added.

8. When the Committee enquired out why the Ministry of Rural Development in their letter dated March 10, 1995 furnishing to the Committee stated that at present there was no National Rehabilitation Policy and why that Ministry declined to furnish these acts to the Committee, the Secretary, Ministry of Rural Areas & Employment submitted:

"..... Regarding replies sent by the Ministry on 10th March we had been asked to send an updated note on the National Policy on Rehabilitation and other related information. So we could not submit a note on National Rehabilitation Policy since there is no such policy at present."

9. When the Committee insisted that the factual position could have been furnished, the witness from the Ministry of Rural Areas & Employment stated:—

"Regarding the present position a note has been submitted to the Cabinet Secretariat on March 24, 1995. It is expected that some decision would be taken shortly."

10. When asked whether the Cabinet has approved the note, the witness further submitted:

"It has not gone to the Cabinet. It has gone to the Committee of Secretaries. They will take a decision and then it will go to the Cabinet."

11. When the Committee enquired about the ultimate responsibility for the rehabilitation of more than 21,000 homeless and landless oustees of Coal Projects, the Secretary, Ministry of Coal stated that this figure related to the earlier coal projects and he further submitted as follows:—

"..... They would be governed by the rehabilitation package which was operating at that time. I would submit that at different points of time, different levels of benefits were given. In addition to the rehabilitation package of the coal companies, some States have their own rehabilitation schemes also. All these people who are still awaiting settlement, they would be governed by the schemes which were prevalent at that time. I do not have the specific information at present to what is being done to them. Should the Committee so desire, we would be prepared to submit them."

12. When the Committee enquired about the date on which a package was initially prepared by the Coal India Limited for its own projects and whether it was further amended, the Secretary, Ministry of Coal stated that the Coal India Limited prepared a package in 1990 for its own coal projects which was popularly known as 'Sonepur Bazari Package.' The subsequent package was prepared in June 1994 and that was the Resettlement and Rehabilitation Policy of the Coal India Limited. The Addl. Secretary, Ministry of Coal further elaborated.

"Sonepur Bazari Package had been prepared earlier. Firstly we had to solve the problem of that particular project because it was hanging fire, since rehabilitation issues were involved. That package brought in a certain element of subsistence allowance to people, who could not be given any other rehabilitation programmes because giving employment had been stopped as per the guideline of the Department of Public Enterprises. They have introduced a component called the subsistence allowance, for the first time. After some time, the same package with some minor modification was made into a general policy. It was prepared for one particular project; then, it was made applicable to all coal projects. After that, we got busy with the idea of preparing comprehensive package. Everywhere this question was coming up and this was alive. People were finding it inadequate in one respect or the other. Therefore, a working kind of a package was prepared by Coal India which goes beyond the Sonepur-Bazari package in certain respects. But so far as the national package is concerned, since we do not know the full details as of now, the package is not finalised, we can not say how it compares with the national package which is under evolution now."

13. The Committee pointed out that by giving employment assistance only as in the case of Sonepur Bazari package persons affected due to projects would not be properly rehabilitated, there should be some proposals from the Coal India like constructions of houses for oustees etc. The Committee, therefore, enquired whether any improvement had been made over the Sonepur Bazari Package.

14. In reply, the Addl. Secretary, Ministry of Coal stated:

"After this package, the new policy which Coal India have been following in the interim period, is basically taking a more comprehensive approach to the problem of the project displaced people like beginning with the preference in employment where jobs are available etc. Instead of giving a certain fixed formula, it says that there will be reservation for people affected by projects. It goes on to providing training to the people, giving assistance for them to start non-farm employment and to take up income-generating activities finding them jobs with the contractors

in the field non-farm employment and things like that. This is the kind of picture which emerges from the new policy while we are waiting for the consensus on the national package."

15. Thereafter, the Committee desired to know the salient features of Coal India rehabilitation policy subsidiary-wise and project-wise. The Secretary, Ministry of Coal promised to furnish the same.

16. The Committee also desired to know how the need arose for preparing a national rehabilitation package when Coal India Limited was having a package for rehabilitation of its oustees. The Secretary, Ministry of Coal in reply submitted:

"As stated by the Ministry in 1990 and what the Hon'ble Chairman has stated that a package for Sonepur Bazari Project was prepared and initially it was decided that it would be implemented only in this project but later on it was decided to extend it to other project also. But as difficulties arose while implementing this package on many projects, some improvements were carried out in this package. This was to be done because if some project was provided more compensation then the question arose why this was not provided to another project. The irony was that something had taken place at our project while some other thing had taken place at another project. This created differences among people and this package could not be implemented everywhere. Further, I would like to submit that it is not only our Ministry which implemented such package, there are other Ministries, Planning Commission to look after it."

17. When queried as to what happen to the policy which is being followed in different States in the event of the National Policy be finalised and approved, the Secretary, Ministry of Coal stated:

"I will seek your kind indulgence because this is a major question to which I do not have any response right now because we do not know as yet as to what would be the national policy. But I would like to submit that the rehabilitation policy is for the projects of the concerned States So, if there is a Central Government Undertaking, which is executing a project and that project naturally will be in some States, but since it involves expenditure of a capital nature, by and large, the Undertaking will be governed by the National Policy. The States' Policies are essentially applicable to the States projects, for the same reason that it involves expenditure of capital nature or even on a recurring basis from their revenue."

18. To a further query as to the possibility of confrontation among the States unless a uniform policy was accepted by all the States the Secretary, Ministry of Coal submitted:

"If you permit me, I would think aloud. I have nothing to say about State projects because we deal with our projects only which are in the

Central Sector. Now, there can be differences between State policy and Central or National Policy. Kindly consider mining projects which are taken up both by Centre as well as the States. Iron ore projects, for instance, are taken up in a State both by Central and States agencies. Based on my past experience, I am aware of a project where the package offered by the State Government was not so liberal as the Central Government's package, even though it happened to be in the same State and in the Same area. In our federal system, this kind of variation will perhaps be there to a certain extent."

19. When the Committee pointed out that without the involvement of the State Government it was not possible to implement the existing rehabilitation package and enquired about the prevalent system, the representative of the Ministry of Coal stated:

"the present policy is governed by the Sonepur Bazari Project package and the 1994 package which of course came only last year. The Government's idea is that the policy will cover all departments and projects. Taking the ground realities into account, there may be, here and there, certain changes in the package. The views of the State Government representatives and the district authorities are taken into consideration and if necessary certain modifications are made with regard to adequate compensation, preferences on which jobs to be given and so on. This is necessary because individual details do tend to differ from State to State or project to project. Depending on the urgency of the matter and importance of the problems of the local people, modifications are made because this is the practical and pragmatic solution. As of new, they are governed by the policy given by us. But I do not rule out some modifications here and there in line with local requirements."

20. The Secretary, Ministry of Coal further elaborated:

"Hon'ble Chairman desired to know whether the State Government or the district administration is involved. I understand that the district administration is invariably involved because right from the stage of land acquisition, they are in continuous interaction with the authorities at the district level."

21. To this, the Committee pointed out that involvement of the State Government was necessary and specifically enquired, whether there was any Committee comprising representative of State Governments' peoples representatives of that area and representatives from the Ministry of Coal and the Subsidiary Companies. In reply, the Secretary of the Ministry of Coal stated that he would find out and submit the required information.

22. When the Committee pointed out that the assurance given in 1993 did not seem to be fulfilled by the Ministry of Coal because of different packages and involvement of different ministries, the Secretary, Ministry of Coal explained:

"Sir, as the Hon. Committee are aware that we had submitted full details ever since the assurance was shown against the Ministry of Coal. We have also explained, ... what steps the M/o Coal have taken since then. I would like to recapitulate that we in the Coal Ministry, had in fact, prepared a comprehensive policy. Now, we have to await the comprehensive national policy which is getting crystalised. In the meanwhile, the working has not stopped. In fact, since 1990, as the Hon. Member have said, another policy has been prepared, another package has been prepared, which is an improvement. As far as the assurance is concerned, we had earlier submitted to the Hon. Committee that the assurance may kindly be dropped. But that was not accepted by the Committee. They want to pursue it further and desire to know more about the national policy which is emerging. On our part, we have already submitted not only with regard to the first policy and second policy, but also the revised and the newest policy of Coal India."

When the Committee desired whether there was a need to amend the Land Acquisition Act after the finalisation of the National Rehabilitation Policy, the representative, Ministry of Rural Areas & Employment stated:

"The Land Acquisition Act was amended in 1984 and so far as the note on rehabilitation is concerned, we do not envisage any further amendment based on that note."

When asked which Ministry would be the nodal Ministry, the representative explained that rehabilitation of oustees is not a subject matter with which the Ministry of Rural Areas & Employment is dealing. The Ministry of Rural Areas & Employment were given the task of preparing a note as per the decision of the Committee of Secretaries and which they have since prepared and submitted. The representative further stated that when the note would be finalised a final decision would also be taken with regard to the nodal Ministry which would go into the entire subject.

23. When the Committee pointed out that approval of Project included the acquisition of land and unless the land is acquired the project could not be taken in hand and desired to know the procedure for acquisition of land for the project, the representative from the Ministry of Coal submitted:—

"For acquisition of land statutory provisions are there under the Land Acquisition Act which have to be followed. They have been doing whatever needs to be done in the field in order to get land, like rehabilitating people, giving employment etc. This was going on as a normal practice. It was for the first time in the case of Sonepur Bazari an important World Bank aided project got stalled, that Government to Government negotiations took place and some kind

of a package was devised and then it was made general. While this was on at the national level, the debate was going on because projects of various Ministries were getting struck and various practice were being followed. Therefore, a talk came that a national policy should be there. While on the one hand a national policy was being involved, the question that came up was as to which Department should do it. As this was going on, the Coal India could not stop their projects. Therefore, they went on making marginal improvements in various things. So, there was nothing wrong in coming up with a policy and for that Government approval was not taken. For the Government the Sonepur Bazari package is there. What we see in 1994 project is not radically different from that. It is a little more comprehensive and national. I want to submit again and again that work has to go on. What is being done today is better than. What was being done a few years earlier. They have been making improvements. While we are waiting for the ideal, the actual must go on. That is what we have been pursuing."

24. The Committee atlast desired to know the steps taken by the Ministry of Coal in chronological order to implement the assurance. To it, the Ministry of Coal submitted that they had prepared a note which first went to the Committee of Secretaries and then it went to the group of Ministers when the matter reached the Finance Ministry, they in their comments on our note said that while a comprehensive policy by another Ministry is coming up, they should not take up parallel action by preparing another policy. Hence the efforts came to an end. As the another note was prepared by the Ministry of Rural Development and it has already been submitted to the Committee for approval.

25. The Committee also desired to know whether there was any package or programme for persons affected due to subsidence in Coal Mining Areas. In reply, it was stated that subsidence was mainly prevalent in Jharia coal fields because mining was carried out under shallow cover in the distant past. As such there was no provision to give compensation on regular basis. However, in the Eastern Coal Fields there was an Apex Committee comprising District Administration representatives of Coal Companies, local Members and State Legislatures and Members of Parliament and that Committee inspected the affected areas. Still then there was no formal package required as these areas belonged neither to the Ministry of Coal or the Coal Company was responsible for the subsidence in that areas. However, the Committee was informed when such occasions take place, the Coal Company undertake to form a Committee with the help of District Administration, local M.L.As and MPs and each case is sorted out.

26. The Committee, thereafter, reminded that this was a human question involving thousands of people who are mostly tribals, Scheduled Castes and poor peasants and required urgent steps to be taken by the Ministry of

Rural Areas & Employment and other Ministries directly involved in this to finalise the National package pertaining to all the projects of the Central Government so that rehabilitation of thousands of oustecs affected because of Coal Projects could be expeditiously finalised.

The Committee then adjourned.

Appendix III

MINUTES

Ninth Sitting

MINUTES OF THE SITTING OF THE COMMITTEE ON GOVERNMENT ASSURANCES HELD ON MAY 31, 1995 IN CHAIRMAN'S CHAMBER (ROOM NO. 143), PARLIAMENT HOUSE, NEW DELHI.

The Committee met on Wednesday, May 31, 1995 from 15.00 hours to 15.30 hrs.

PRESENT

Shri Basudeb Acharia — *Chairman*

MEMBERS

2. Shri Santosh Kumar Gangwar
3. Shri P.P. Kaliaperumal
4. Shri Prabhu Dayal Katheria
5. Smt. Suryakanta Patil
6. Shri V. Sreenivasa Prasad
7. Shri Ummareddy Venkateswarlu
8. Shri V.S. Vijayaraghavan

SECRETARIAT

1. Smt. P.K. Sandhu — *Director*
2. Shri R.K. Jain — *Assistant Director*

2. The Committee took up the draft Thirty-First Report of the Committee for their consideration and adopted the same after amending para 30 and adding para 31 as under:—

“Para 30—The Committee are of the view that waiting indefinitely for the finalisation of the National Policy on Rehabilitation would

tantamount to denying justice to the poor oustees who are mostly tribals and Scheduled Castes. The Committee, therefore, stress that pending finalisation of this policy, the Ministry of Coal should finalise a comprehensive rehabilitation package after having taken into account the flaws and shortcomings which exist in the 'Sonepur Bazari Package' as well the latest package prepared in 1994 so that the new package is a definite improvement over the existing ones. They also desired that taking into consideration the benefits which such a package would extend to the oustees the financial constraints may not be allowed to come in the way of its implementation. They expect a greater support from the side of the Ministry of Finance in this regard. The Committee also desire that since the assurance of rehabilitating the oustees pertains primarily to the Ministry of Coal, this Ministry should take an initiative for an early finalisation of the National Policy on Rehabilitation and also act as a nodal Ministry in this regard."

"*Para 31*—The Committee also note that a large number of the people get affected on account of subsidence in Coal Mining Areas. The Committee are of the view that besides the rehabilitation of project affected oustees, the rehabilitation of the people who get affected due to subsidence should also be the primary responsibility of the Ministry of Coal. They, therefore, desire that the Ministry of Coal should consider for providing relief to such affected persons under the new package which is to be prepared by them on humanitarian grounds."

3. The Committee authorised the Chairman to present the Report during the current Budget Session.

4. The Committee decided to hold their next sitting on Thursday, June 8, 1995 at 15.00 hours.

The Committee then adjourned.

ANNEXURE

Statement showing the members of oustees project-wise to be rehabilitated/
accommodated

(Vide para (11) of the Report)

Name of the Company	Name of the Project	No. of oustees yet to be rehabilitated
1	2	3
E.C.L.	Rajmahal	1713
	S.P. Mines	72
	Mugma	Nil
	Sonepur Bazari	Nil
	Kajora (1st Phase)	Nil
B.C.C.L.	Block IV OCP	Nil
	Bhowra OCP	Nil
	Katras Project	Nil
	Block II DCP	Nil
	P.B. Project	Nil
C.C.L.	Sirka	251
	Gidi 'C'	53
	Jeewandhara	60
	Urimari	247
	Saunda 'D'	101
	North Urimari	245
	Kedia D.C.P.	669
	Parej East	595
	Jharkhand	194
	Kuju	88
	Ara	500
	Pundi	418
	Topa	200
	Karma	131
	Hindegir	205
	Karketta	100
	K.D. Hesalong	250
	Purnadih	149
	Piparwar	167
	Ray Bachra	8
	Rly. Siding	21
	Ashok	650
	Rajarappa	Nil
	Amlo	276
	Selected Dhori	42
	Tarmi	7
	Phusro Jarangdih	187
Rly. Diversion		
Kaveri	160	
Govindpur DCP	80	
Dakra	66	
Gidi "A"	293	
Religara	145	

1	2	3
	Churi	80
	Damodar River Diversion Project	500
	Konar	266
	Karp-I	260
M.C.L.	Lakhanpur	297
	(???)kura	15
	Balpahara	695
	Lilari	Nil
	Bharatpur	327
	Jagannath	503
	Lingaraj	600
	Kalinga	481
N.C.L.	Jhingurda	7
	Dudhichua	288
	Amlohri	172
	Nigahi	559
	Kakari	58
	Khadia	528
	Bina & Bina II	Nil
	Gorbi 'B'/ Block B	300
	Jayant	201
S.E.C.L.	Kusmunda OCP	433
	Gevra OCP	85
	Dipka OCP	1302
	Dugga OCP	210
	Dola OCP	Nil
	Dhanpuri	Nil
W.C.L.	Basti OC	Nil
	Ghughus OS Rly. Colony	Nil
	Hindustan OC	Nil
	Bellora OC	455
	Padmapura OC	664
	Niljai OC	307
	Mungoli OC	169
	Gondegona OC	415
	Urdhan OC	415

1	2	3
	Kolarpimpri OC	120
	New Dhupkala OC	1400
	Gowri-II OC	635
	Junad OC	140
	Kawadi OC	311
	Ghugus (Rly. Colony)	907

(The above figures are estimated and approximate and are likely to undergo marginal changes at the time of actual implementation of projects.)

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