

COMMITTEE ON PETITIONS
(TENTH LOK SABHA)

NINETEENTH REPORT



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LOK SABHA SECRETARIAT
NEW DELHI

CONTENTS

	PAGE
COMPOSITION OF THE COMMITTEE ON PETITIONS	(iii)
INTRODUCTION	(v)
REPORT	
I. Petition No. 32 from Sangli and Kolhapur Zilla Dugdha Vyavasayik Sangathana, Sangli (Maharashtra) regarding difficulties in implementing Rules made under Prevention of Food Adulteration Act in respect of their products "Chakka" and "Shrikhand"	1
II. Action taken by Government on the recommendations of Committee on Petitions (Tenth Lok Sabha) contained in their Fourteenth Report on Petition No. 20 regarding problems of workers of Railway Shramik Sangharsh Samiti, Moradabad, Northern Railway	4
APPENDICES	
I. Petition No. 32 from Sangli and Kolhapur Zilla Dugdha Vyavasayik Sangathana, Sangli (Mahashtra) regarding difficulties in implementing Rules made under Prevention of Food Adulteration Act in respect of their products "Chakka" and "Shrikhand"	8
II. Action taken note furnished by the Government on the recommendations made by the Committee on Petitions (Tenth Lok Sabha) in their Fourteenth Report.	10

**COMPOSITION OF THE COMMITTEE ON PETITIONS
(1994-95)**

- Shri P.G. Narayanan — Chairman**
2. **Shri L. Adaikalaraj**
3. **Shri Naresh Kumar Baliyan**
4. **Shri Prataprao B. Bhosale**
5. **Shri Lokanath Choudhury**
6. **Prof. Sudhir Giri**
7. **Dr. B.G. Jawali**
8. **Shri Lalit Oraon**
9. **Shri Sarat Pattanayak**
10. **Shri Prabhulal Rawat**
11. **Shri Muhi Ram Saikia**
12. **Shri Gabhaji Mangaji Thakore**
13. **Dr. Ramesh Chand Tomar**
14. **Shri Arjun Singh Yadav**
15. **Shri Satyapal Singh Yadav**

SECRETARIAT

- Shri S.N. Mishra — Additional Secretary**
Shri. G.C. Malhotra — Joint Secretary
Shri Ram Autar Ram — Deputy Secretary
Shri J.P. Jain — Under Secretary

NINETEENTH 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 Nineteenth Report of the Committee to the House on the following matters:—

- (1) Representation from the Indo-Norwegian Project Employees' Association, Ernakulam, Cochin regarding working of Integrated Fisheries Project.
 - (2) Representation regarding non-grant of family pension and other benefits to Smt. Ved Rani Sethi.
2. The Committee considered the draft Report at their sitting held on 23 May, 1995 and adopted it.
3. The observations/recommendations of the Committee on the above matters have been included in this Report.

NEW DELHI;
May 23, 1995

2 Jyaishta, 1917 (Saka)

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

I

REPRESENTATION FROM INDO-NORWEGIAN PROJECT EMPLOYEES' ASSOCIATION, ERNAKULAM, COCHIN REGARDING WORKING OF INTEGRATED FISHERIES PROJECT

A representation dated 4.12.1991 (See Appendix-I) was received from the General Secretary of Indo-Norwegian Project Employees' Association of the Integrated Fisheries Project, Ernakulam, Cochin-16, relating to working of Integrated Fisheries Project which is a Government Undertaking under the Ministry of Agriculture, Government of India.

1.2 The petitioners had stated *inter alia* that the reasons for the downfall of the Project were the step motherly attitude of the higher authorities and the wrong planning. They had prayed to the Committee to look into the matter so that the project could improve its functioning.

1.3 The representation was referred to the Ministry of Agriculture (Department of Agriculture & Cooperation) for furnishing their comments. Their comments were received through their communication dated 5 February, 1992 and considered by the Committee on Petitions at their sitting held on 9 April, 1992. The Committee decided to seek additional information on some points which was called for and received from the Ministry vide their communication dated 25 June, 1992.

1.4 The main points raised in the representation and the comments of the Ministry, received on different dates are summarised as at *Appendix-II*.

1.5 The Committee considered the various points at their sitting held on 8 September, 1992 decided to undertake an on-the-spot study visit to Cochin to look into the major grievances and problems of the petitioners.

1.6 While the issues involved were being processed, an urgent appeal in the form of a further representation dated 29 June, 1994 addressed to the Chairman, Committee on Petitions, was received from the General Secretary of Indo-Norwegian Project Employees' Association, Ernakulam, Cochin, on behalf of its Executive Committee submitting *inter-alia* that an alleged illegal lock out had been declared with effect from 9/10 June, 1994 in the Fisheries Section of the Integrated Fisheries Project by the Director of the Project. The petitioners sought urgent intervention by the Committee to help lift the lock out to mitigate their sufferings and to avoid industrial unrest in the Project.

1.7 The Ministry of Agriculture were requested to furnish their comments on the various points raised in the fresh representation. Their comments were received on 21 September, 1994.

1.8 Meanwhile, as had already been decided upon, the Committee undertook an on-the-spot study visit to Ernakulam, Cochin, in the last week of September, 1994. At the Project, the Committee held informal discussion with the petitioners, who represented themselves before the Committee through (i) Indo-Norwegian Employees' Association; and (ii) Integrated Fisheries Project Employees' Congress, Ernakulam, Cochin. The Committee also held separate informal discussion with the representatives of the Management of the Integrated Fisheries Project. Thereafter the Committee took oral evidence of the representatives of the Ministry of Agriculture (Department of Agriculture & Cooperation) at New Dehli on 30 November, 1994.

1.9 The important issues which have emerged out of the representations are discussed in the succeeding paragraphs.

1.10 A momentous and urgent issue which engaged immediate attention of the Committee was the declaration of lock out in the Fisheries Section of the Project on 9/10 June, 1994. In the fresh representation dated 29 June, 1994 it has been stated *inter-alia* that from 00.00 hrs. of 9/10 June, 1994 an illegal lock out has been declared in the Fisheries Section by the Director of the Integrated Fisheries Project.

The representative further stated that the Fisheries Section consisted of two vessels by name "Tuna" and "Samudra Devi". In addition, from February, 1994 onwards this Section has 2 more vessels imported from Japaneach vessel once sets sail can remain off the coast for a period of 21 days continuously. But normally work orders are given to keep the vessel fishing for a continuous period of 25 days.

Before setting sail each of the staff pays from his pocket and purchases provisions etc. for preparing food etc., during that course of journey.

The Japanese trawler consists of a Blast Freezer of the Capacity of 2.4 tonnes per day and a plate freezer with a capacity of 2 tonnes per day, each being maintained at a temperature of 25 degree centigrade. In practice the temperature goes down to a level of 40 degree centigrade.

The deck hands (fishing hands), upon fishing, stay with inside freezers for hours together for sorting, stacking and storing of the catch, temperature being too low, a stay of over 20 minutes within the freezer will normally result in stiffing limbs.

In order to avoid this, the Department was expected to provide necessary protective clothing/materials. This was not provided for use in the newly acquired ships. During the last two occasions, when the vessel was set on sail for fishing the staff found it practically difficult and impossible to perform their duties in the absence of the necessary protective materials. This truth was noticed by the skipper, who is the captain of the vessel and communicated to the Director of Integrated Fisheries Project, with a request to provide the necessary and appropriate materials.

The vessel neted returned after its provision trip on 31st of May, 1994.....The vessel was again ordered to work from 8.6.94. However, due to some welding work to be attended to, it did not set sail on 8.6.94. The fishing net to be mended and provided by the liaison officer was also not provided. However, the welding work was attended on 8.6.94. The fishing nets were also provided by 10 A.M. of 9.6.94.

All the staff had reported for duties. Provisions worth thousands, purchased at the cost of the workers were also got ready. The ship only had to set sail.

At this juncture, the promise for provision of protective cloth to the deck hands still remained unfulfilled. The staff wanted to know what happened to the promise given by the Director and, therefore, the skipper understood to have given a message to the Director asking for clarification and further instructions in this regard. The response was absolute silence.

It was later understood that at 14.45 hours, the Director had given an office memorandum to the skippers of the new vessels Samudrika/Sagarika.....it was only a command to the skippers, to set sail for fishing by 15 hours. There was no mention about the protective clothes. There was no direction to any of the subordinate workers. The entire direction was addressed to the Skippers and the Skippers alone.

It was only at 10 A.M. next day *i.e.* 10.6.94, the General Secretary of this Association received a communication, wherein it was alleged that section of the employees belonging to the Fisheries (Floating Staff) had resorted to an illegal agitation, thereby, paralysing the operation of the newly acquired Japanese Trawlers causing huge loss to the Government. It was also alleged that their action was in violation of section 22(a) and (b) and 23(a) of the Industrial Disputes Act, 1947; it was also alleged that the department had declared their agitation illegal and advised them to resume their work, by 15.00 hours of 9.6.94 and that the employees had not responded but continued their agitation.

In the said connection it was further informed that a Lock Out Stands declared under Section 22(3) of the Industrial Disputes Act, 1947.

Immediately, on getting this communication the employees were surprised and shocked. On making enquiries and having come to know that there was not strike on the part of the employees, the General Secretary on the very same day advised the Assistant Labour Commissioner and the Director I.F.P. that there was no strike by any section of the employees. The Director of the Integrated Fisheries Project was playing a dubious game whereby he wanted to create records as if the workers were on strike.

There was no cessation of work by a body of persons; there was no case that they acted in combination; there was no case that there was concerted refusal or refusal under a common understanding to continue to work or to accept employment. On the contrary, it may be seen, on the very day the

General Secretary received the communication regarding the lock out, it was replied that workers were/are ready to work.

Therefore, there was no reason for the Director to come to conclusion that there was a 'Strike', not speak of an illegal strike. There was no reason to invoke the powers under Section 22(3) of the I.D. Act.

In this connection, it was further stated that Section 22 of the I.D. Act had absolutely no application as regards the I.F.P. since it was not a "Public Utility Service" as defined under Section 2(n) of the I.D. Act. It may also be noticed that there was no notification in the Official Gazette declaring the I.F.P. as a Public Utility Service.

They were unable to bear the torture and agony any longer. They were afraid that the situation might explode at any time. It was, therefore, their humble submission that Committee on Petitions be pleased to intervene at once to sustain peace and to avoid industrial unrest.

1.11 During the on-the-spot study visit of the Committee to Cochin on 26.9.1994 the representatives of the petitioners submitted that they did not know the background and the reasons for declaration of the lock out of the Project by the Management. They did not go on strike and they were ready to sail. They attended to the work till 9 June, 1994 and they had also been paid the salary upto 9 June, 1994. All of a sudden, on 10 June, 1994 (i.e. at 10 A.M.) when they went for duty, they were not allowed to enter the premises of the Project. Only on that morning they came to know that the management had declared the lock out. On this sudden news they all were surprised and shocked.

1.12 The petitioners informed the Committee that I.F.P. had introduced two new vessels. In these vessels, the fishing-hands had to work for hours together inside the freezers in 25 degree centigrade to 40 degree centigrade temperature. They found it difficult to perform their duties without the protective woollen clothes. On their repeated demand, woollen clothes were provided to them but the same was of sub-standard and inferior quality which was not fit for working in 40 degree centigrade temperature. They informed the Committee that the two vessels needed only 12 persons and requested that they should be provided with woollen clothes of such standard which could protect them from 40 degree centigrade temperature.

1.13 According to the workers, the lock out was lifted on their repeated requests without any condition on 18 July, 1994. For lifting the ban, the Labour Commissioner was the mediator.

1.14 The management side of the Integrated Fisheries Project explained to the Committee the circumstances which led them to declare lock out in the Fisheries Section of the Project. They submitted that the Government of India allotted two modern deep sea refrigerated fishing trawlers to this Project through Japanese aid programme in January, 1994. These vessels can stay out at sea continuously for a minimum of 25 days and store upto

60 tonnes of frozen fish. The main objective of the vessel is to bring enough fish for supporting the fish processing and marketing activities of this project. Based on the rate of consumption of diesel oil, expenses on crew etc., it has been computed that the vessel should bring at least 30 tonnes of fish per month.

1.15 It was also submitted that ever since the vessels came, different sections of the employees have been expressing their resentment that they are not prepared to stay out at sea for duration longer than 10 days, the fresh water capacity is inadequate for staying continuously out at sea for 25 days etc. However the feed back from the vessels also showed that the crew were disinterested to put in adequate hours of fishing effort.

1.16 It was further stated that they had also staked their claims for payment of Overtime Allowance which is non-existent for the vessel crew since other allowances such as Messing Allowance, High Sea Allowance etc. on a per day rate is paid to them for everyday spent out at sea.

1.17 The representatives of the Integrated Fisheries Project further informed that a voyage for the month of June, 1994 for the two new vessels was finalised by the Director, I.F.P., in a meeting of the officials of the Fisheries Division of the Project, the Skipper and Chief Engineer of Vessels etc. on 4.6.1994. Accordingly it was agreed that both the vessels shall sail on 8.6.1994 for a voyage upto 30.6.1994. Every arrangements completed by the Fishery Division of effecting the sailing as per schedule. Between 4.6.1994 and 8.6.1994 none of the employees or their Unions had brought any grievance to the notice of the Director, IFP, warranting immediate attention.

1.18 The representatives of the Project stated that the crew of both the vessels took a unanimous decision to boycott the sailing on 8.6.1994 apparently pretending that they were willing to sail. On 9.6.1994 having found that both the vessels were still at port, a memo. was issued to the Skippers calling their attention to the gravity of the situation arisen out of the collective act of disobey and also inviting their attention to the provisions of the I.D. Act, 1947 which they had violated by their aforesaid action. Both the Skippers were also advised to sail the vessel by 3 P.M. on 9.6.1994. However, the Skippers and crew were so adamant that neither they sailed nor they submitted any convincing explanation for boycotting the work. The Dy. Director incharge of operation of vessels and other officers of the Fisheries Division had relentlessly tried to discuss and persuade the crew of these vessels to conduct themselves in a law-abiding manner. When all remedies were exhausted the management was forced to invoke the provisions available under the I.D. Act and to declare a practical lock out in the Fisheries Section of the Project in order to safeguard the public interest.

1.19 They further submitted to the Committee that the reasons such as inadequacy of warm clothing, non-completion of repair work on the vessel etc. were later inventions to cover up the offence committed by the employees. Several rounds of conciliation meetings were held by the

Assistant Labour Commissioner with the management and employees Union during the course of lock out. The offer extended to the employees by the management that any perishable food items lost during the lock out would be made good by the management if they agree to resume normal work etc. were the expression of goodwill of the management which might not be construed that these courtesies were extended as the management thought that it had acted wrongly.

1.20 In their written factual comments dated 21 September, 1994 on the points raised in the representation the Ministry of Agriculture (Department of Agriculture & Cooperation) have stated that:—

“The Association has stated that an illegal lock out was declared by the Integrated Fisheries Project (IFP) Management on 9th June, 1994. They have also contended that Section 22 of the Industrial Disputes Act has no application as regards IFP. Therefore, they have requested for the intervention of the Chairman of the Committee to resolve the issue.

The Industrial Disputes Act has always been considered applicable to IFP. The legality of the lock out as well as applicability of Section 22 is a matter of interpretation of the Industrial Disputes Act and this falls within the exclusive jurisdiction of the Labour Court. The issue has already been placed before the Labour Court, Ernakulam Asst. Labour Commissioner (Central) is seized of the legal issue raised by the Association and the Court's final decision on this point is awaited”.

However, it may not be out of place to mention here that after mutual negotiation with the Management and Association the lock out has been lifted w.e.f. 18.7.1994 without prejudice to the final judgement of the Labour Court.

1.21 During the oral evidence before the Committee on 30 November, 1994 the representatives of the Ministry of Agriculture (Department of Agriculture & Cooperation) were asked to explain the circumstances which led to the lock out in the Fisheries Section of the Project and also the reasons which led them to assume and come to a conclusion that the workers were on strike. The representatives of the Ministry stated as under:—

“During October, 1991 four fishing vessels of the Project were completely damaged in a fire hazard and the fifth vessel was incapacitated by a major engine breakdown, which paralysed the activities of the Project.

The Government of India decided to revitalise the Integrated Fisheries Project by resorting to acquiring two modern deep sea trawlers from Japan under the Japanese grant-in-aid.

The trawlers valued at Rs. 23 crore arrived at India in January, 1994 from Japan under grant aid. Twenty eight crew members

rendered surplus on the Burnt vessels were rehabilitated on these vessels.”

After completing all the formalities, these two new vessels procured from Japan were ordered for fishing voyage from 7th March, 1994 to 30th March, 1994. At that time the Union went on agitation maintaining that they were not prepared to sail for voyage exceeding ten days. This matter was discussed with the Union leaders and after persuasion we could make them agree to sail the vessels on the 5th April, 1994. When this voyage took place, the catch was not of the order that expected and the Department had to incur a loss of Rs. 23.3 lakhs.

He further stated:—

“The situation further worsened during the month of June, 1994 when both the vessels were under order of sailing from 8.6.94 to 30.6.94. The crew refused to sail vessels on 8th June, 1994. The Director, IFP, served a notice informing them that their stoppage of work without proper notice and without any demands pending with management was illegal under the provisions of the Industrial Disputes Act, 1947. The crew members were requested by a formal notice to resume work by 15 hours on 9.6.1994 in order to maintain cordial relations with the employees. However, the employees did not heed to the above gesture and continued to agitate. This situation forced the Director of the Project to declare a lock out of Floating Section of this Project as provided under Section 22(3) of the Industrial Disputes Act, 1947”.

1.22 Asked to state the efforts that were made by the Ministry to avoid lock out, the witness stated that the Ministry were very far from Cochin. However, efforts were made by the Director of the project at local level but the workers kept on refusing to go on sail without a formal notice.

1.23 When asked what were the reasons for the workers not going on sail, the witness stated that their difficulty was experienced right from the time when the trawlers came in the month of January, 1994. Previously, the boats were small and they used to go on sail for five days or so. In trawler, they had to go for three weeks which could cause them inconvenience, they were trying to avoid sailing since March. Ultimately, they were persuaded to go in April, 1994 but the catch was very less which led to loss of 23 lakh.

1.24 The Committee pointed out that during the study tour, they met the Director of the Project and he put it very clearly that there was certain demand for a particular cloth of standard quality. Since they were working under-40 degree centigrade, they wanted woollen protective clothing and they were not given. That is why, there was a lock out. The Committee asked the witness whether they agreed with it or not, the representative of

the Ministry stated that it was not in their knowledge.

1.25 Asked to state who were the officers from the Ministry side and the Union side who took part in the negotiations, the representative of the Ministry stated:—

“The manager of the IFP represented the management side and two representatives from the Union were there in the negotiations.”

1.26 Asked to state whether before declaring lock out the Director had any talk with the Ministry, the representative of the Ministry stated:—

“The Director had spoken to the then Joint Secretary who was looking after this work. He had been told that the people there had negotiated and they were willing to sail. The lock out was as a result of the instant decision taken on the 8th. On that day also they had said that they were going on voyage in June as per the plans. Unfortunately, on the last day, before they were to sail, the Director discovered that they had refused to go on voyage. Before that, the unions had been negotiating with the Director and were telling that they would go as per the plan. So, it was something which was disturbing and the Director had to declare the lock out. But as soon as the lock out took place, we, in the Ministry, did take note of it and a Joint Secretary was then sent to negotiate it further. As the Director also, in his statement made before the Committee mentioned, the demands which the workers made with regard to clothing, etc., had not been put forth earlier. These demands were put forth only after the lock out was declared.”

Observations/Recommendations of the Committee

1.27 The single dominant issue which has emerged out of the representation from the Indo-Norwegian Project Employees' Association of the Integrated Fisheries Project, Ernakulam, Cochin and which has been highlighted before the Committee, has been the declaration of lock out in the Fisheries Section of the Project with effect from 9/10 June, 1994. The activities of this Section of the project came to a standstill for about a month. On 18 July, 1994 the lock out was lifted “after mutual negotiations with the Management and Association”, as stated by the Ministry.

1.28 While the Committee note that the lock out had been lifted, they feel concerned that in an important research project, where not many operative personnel are involved, the situation was allowed to drift and it degenerated to a point of no return when the extreme step of closing down of the Fisheries Section of the Project had to be resorted to.

1.29 At this distant point of time, when the event is already over, the Committee can only take an over-view of the discharge of responsibilities by the Executive Authority—in this case the controlling Ministry of Agriculture as also their representatives managing the Project, the Director of the

project, who, the Committee feel, are responsible for smooth functioning of the Project and not to give the workers an occasion to ventilate their grievances, over their head, to the legislative authority, as has happened in this case, the Committee on Petitions.

1.30 The Committee note that there are two versions on the question of declaration of the lock out. The workers have contended that they had not gone on strike either individually or collectively even upto the point of time of declaration of the lock out.

To support their contention they have stated that immediately after they learnt of the declaration of the lock out they "advised the Assistant Labour Commissioner and the Director I.F.P. that there was no strike by any section of employees.....(and) workers were/are willing and ready to work". Besides, "Provisions worth thousands, purchased at the cost of the workers were also got ready", which, it had been stated, was the usual practice when the workers had to go fishing on high seas. The purchases included perishable items also for their daily food, etc. required by the workers while on board the trawler. In this context, the workers have also highlighted that their demand for providing the protective woollen clothing which was their essential requirement for discharge of their duties on the trawlers had not been met. It has been stated that when they had proceeded on a similar trip on the previous occasion they had informed of their operating difficulties and their requirements for the protective clothing to the Director of the project, through the Skipper. But until the time of departure for the next trip "the response was absolute silence" on this aspect and the required clothes had not been provided to them. In the opinion of the workers their basic minimum requirement for working on the trawler had been ignored by the management.

1.31 On the other side, the management have stated that the crew of both the vessels took a unanimous decision to boycott the sailing on 8.6.94, though apparently pretending that they were willing to sail. It has been added that between 4.6.94 and 8.6.94 none of the employees or the unions had brought any grievance to the notice of the Director, IFP, warranting immediate attention; rather the reasons such as inadequacy of warm clothing etc. were later invention to cover up the offence committed by the employees. In this context, the Ministry in their evidence before the Committee have given a historical background and stated that their difficulty (*i.e.* the workers not going on sail) was experienced right from the time when the trawlers came in January, 1994. Previously, the boats were small and they used to go on sail for five days or so. In the trawler they had to go for three weeks which could cause them inconvenience. They were trying to avoid sailing since March, 1994. Ultimately they were persuaded to go in April, 1994 but the catch was very less which led to loss of Rs. 23 lakhs.

1.32 In this context when the Committee drew attention of the

representatives of the Ministry of Agriculture during oral evidence to a statement made before the Committee by the Director of the project during informal discussion with the Management at Cochin that there was certain demand for a particular clothing of standard quality and asked the witnesses whether they agreed that there was lock out because the required protective woollen clothing had not been provided the representatives of the Ministry stated that "this is not in our knowledge".

1.33 In reply to another question as to the efforts made by the Ministry to avoid lock out, the representatives of the Ministry stated that "in any case from the Ministry, we are very far from Cochin." He, however, stated that efforts were made by the Director of the project at local level but the workers kept on refusing to go on sail without a formal notice. It has also been stated that "as soon as the lock out took place, we in the Ministry did take note of it and a Joint Secretary was sent to negotiate it further."

1.34 From the material placed before them, the Committee find that the Ministry have not adduced any cogent reasons or convincing grounds to enable the Committee to conclude that the Ministry were alive to the brewing discontent amongst the workers of the Project or that they were monitoring the developments with a view to advising the Director or to take pre-emptive corrective steps to check the deteriorating situation at the project. It seems everything was left to the good or bad judgement and discretion of the Director upto the point of time he took the extreme steps of declaring the lock out.

1.35 The Committee view with concern the simplistic statement of the Ministry that it was not in their knowledge that there was a pending demand from the workers for providing them a certain essential protective woollen clothing. Similarly the Ministry have been too unnatural in offering the plea that they were very far off from Cochin. India being predominantly an agricultural country, the Ministry of Agriculture are supposed to have access to the information, data and developments relating even to the farthest corner and remotest village of the country and with the modern means of communication being available to them, their argument of being far off from Cochin is hardly convincing, if not shocking or ridiculous. If New Delhi finds difficulty in monitoring a project in a well developed leading place like Cochin, the fate of Projects in the interiors of the country can hardly be more promising.

1.36 In the opinion of the Committee the Ministry need to upgrade and update their channels of communication, but more importantly they have to develop the will to be more vigilant to monitor the projects and schemes under their charge. The case of the present Project, is, perhaps, only a pointer to the need for reviewing the implementation of their projects etc.

1.37 The Committee feel that the circumstances and facts leading to the declaration of the lock out in this project is a fit case for a limited enquiry by the Vigilance Division of the Ministry with a view to fixing a

responsibility of the concerned officers of the Ministry as also the Director of the Project for their laxity in exercise of due vigilance in discharge of their duty and for taking suitable disciplinary action against them. The Committee would like to be informed within the next 3 months about the action taken in this regard.

1.38 The Committee also desire that the pending demands and grievances of the petitioners may be looked into on a priority basis and corrective/remedial steps taken with a view to ameliorating their condition and also to avoid recurrence of unsavoury situations which not only alienate workers but also cause loss to the national exchequer.

II

REPRESENTATION REGARDING NON-GRANT OF FAMILY PENSION AND OTHER BENEFITS TO SMT. VED RANI SETHI

2.1 Smt. Ved Rani Sethi from Jahangir Puri, Delhi, in her representation dated 11 February, 1992 addressed to the Chairman, Committee on Petitions, had stated that her husband Shri Ram Parkash Sethi, an employee of M/s. Intourist Corporation, Delhi, died on 9 August, 1984 after rendering 14 years service as a driver. She had submitted all the documents and completed the formalities as required by the office of the Regional Provident Fund Commissioner, New Delhi, for sanction of family pension and other benefits to her. But they had rejected her claim on the ground that her husband died after he had left service on 13 June, 1984. The employer (M/s Intourist Corporation) had, however, certified on 7 October, 1987 to the Provident Fund Office, New Delhi that Shri Ram Parkash Sethi was on medical leave from 15 June, 1984 until his death on 9 August, 1984.

2.2 The above representation was referred to the Ministry of Labour on 21 February, 1992 for comments. The Ministry in their reply dated 22 July, 1992 had stated that Smt. Sethi was not entitled to family pension under the EPF Act, 1952 as her husband Shri Ram Parkash Sethi was not on pay roll/muster roll of the Company at the time of his death. The Ministry was subsequently asked to clarify certain points with regard to the definition of the 'reckonable service' and the rules/documents etc. on the basis of which such a conclusion had been drawn. After protracted correspondence, the case of Smt. Sethi has been settled and the Ministry have furnished a satisfactory reply in the matter *vide* their O.M. No. R-15015(08)/91-SS-II dated 9 March, 1995 stating the position as under:—

"The monthly family pension at the admissible rate has since been granted to Smt. Ved Rani Sethi. The orders for payment of pension have also been passed."

2.3 The above reply of the Ministry alongwith a copy of the pension payment order No. RPFCEPF/PPO/DL/IL/798/2284/87 dated 16 February, 1995 issued by the office of the Regional Provident Fund Commissioner, New Delhi, has been forwarded to the petitioner for information and drawal of pension and arrears etc.

2.4 The Committee note with satisfaction that through their intervention the petitioner has been provided with the desired relief.

NEW DELHI;
23 May, 1995

2 Jyaistha, 1917 (Saka)

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

Apendix-I

(See para 1.1 of the Report)

To

The Chairman,
Petition Committee,
Lok Sabha,
Parliament House,
New Delhi-110001.

Respected Sir,

Reference : Our representation dt. 18.11.1991.

We are presenting the following point before you to substantiate our heartfelt pleading made earlier for the uplift of this prestigious fishery organisation of the Government of India through telegrams, telex, letters, memorandum, etc. This point will also clearly indicate that the main reason for the downfall of this project is solely of the step-motherly attitude as well as the insane planning of the higher authorities and not because of the poor employees.

The Integrated Fisheries Project (IFP) and the Central Institute of Fisheries Nautical Engineering and Training (CIFNET) are the only two fishery organisations working Directly under the Government of India, Ministry of Agriculture, New Delhi. The IFP is with complex activities, constituted with five technical divisions i.e. (1) Fishery Division (2) Processing and Marketing Division (3) Ice Plant and Refrigeration Division (4) Marine Engineering, Electrical, Electronics and Slipway Division (5) Civil Works Division and one Administrative Division functioning under the direct Control of a Director. In the case of CIFNET, it is only a training institute giving training to fishing vessel operational staff like Engine Drivers, Fishing Second Hand etc. since the IFP is of intricated activities the Director should be an able bodied man with proper farsightedness, forethought, discipline and with a good background of both technical and administrative procedure.

The Director of IFP had retired from the service on 30.4.1991 and the charge was handed over to the senior most officer of the project. Meanwhile the vacant position was advertised and selection was made by the Union Public Service Commission, New Delhi, on 18-7-1991. Instead of allowing the selected person to take up the position of the Director of IFP. The charge was taken out from the senior officer and given to the Director of C.I.F.N.E.T. The Director of C.I.F.N.E.T. took the additional charge of IFP on 29.7.1991 and continuing. But the person who has been selected for the position is still waiting for the opportunity.

The following actions of the Director of CIFNET who is holding the charge of IFP will also give some indications regarding his malicious intentions to shatter and disintegrate the IFP with the whole hearted cooperation of the higher officials:

1. He has misguided the Ministry by giving wrong informations regarding the sanction of Messing Allowances to the floating staff. He has reported to the Ministry that the staff are getting unauthorised Messing Allowances. But this is totally baseless. The staff are getting the Messing Allowance only on the basis of recommendations of the supervisory staffs and with the proper sanction of the Director. The aim of the CIFNET Director is to demoralise his predecessor and the employees of this project and to mislead the higher officials.

2. He is of the nature of insulting and provocating the employees even for unwanted and silly things. He is very reluctant to attend the meetings called up by the Labour Commissioner in order to settle the disputes among the employees. Usually he is giving petty excuse to avoid the concilation meetings or depute his junior officials who are not permitted to give any practical suggestions.

3. He has transferred about 4.5 cents of land from the IFP's working area. The previous Directors as well as the Senior officers of the IFP have already shown their unwillingness to transfer this land to CIFNET since the land is essential for the IFP's future expansions the IFP had purchased this land from the CALTEX for the development and expansion after a very long struggle and correspondence and the Project had already constructed its new workshop building and also waiting for the finalisation of new proposals for the utilisation of this piece of land transferred to CIFNET. The question is that how a person who is holding only and additional charge could transfer the property of this institution even the regular officials showed their unwillingness for transfer.

4. Unfortunately on 13.10.1991 a fire accident had occured in the backwaters where the fishing vessels of the IFP were berthed. Four fishing vessels of the IFP, carrying out regular fishing operations were damaged due to this fire. Even after forty days no proper action has been taken to get compensation from the party who had caused the accident or made any useful steps to revive the operations of the fishing vessels. If the IFP is having the regular Director the actions might have been much quicker and out fishing vessels might have resumed fishing operations by this time.

From these action we earnestly believe that the higher officials playing a 'loose game'' in order to shatter and disintegrate this precious project. So we are requesting your urgent intervention in this regard.

Thanking You, Sir.

Yours faithfully,
Sd/-

(General Secretary)

on behalf of Executive Committee.

Indo Norwegian Project Employecs' Association, Ernakulam, Cochin.

Appendix-II

(See para 1.4 of the Report)

Main points raised in the representation and the Comments of the Ministry of Agriculture (Department of Agriculture & Cooperation) received on different dates:

Main Points raised by the Petitioners

Reply of the Ministry of Agriculture thereon

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1. The Director IFP retired on 30.4.91 and handed over the Charge to the senior most officer. Selection for the post was made by UPSC on 18.7.91 but instead of allowing the selected person to take up the position of the Director, IFP, the charge was given to the Director of CIFNET who took the additional charge of Director IFP on 29.7.91 and is still continuing.

The action for appointment of a regular Director of IFP is in progress. The candidate selected by UPSC for the post of Director, IFP has been issued the offer of appointment who has since accepted the offer [vide their communication dt. 5.2.92.]

A regular Director has been appointed in the Integrated Fisheries Project, since April, 1992. [vide their communication dt. 25 June, 1992.]

2. Director of CIFNET who is holding the charge of IFP also has reported to the Ministry that the staff are getting unauthorised Messing Allowance which is totally baseless. The staff are getting Messing Allowance only on the basis of recommendations of the supervisory staff and with proper sanction of the Director.

The Director incharge has noticed irregular payment of Messing Allowance in contravention of order of Govt. of India on payment of Messing Allowance. This was stopped by the Director Incharge. There is no irregularity in this as he had only protected the interest of the Government [vide their communication dt. 5.2.1992.]

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The payment of Messing Allowance to the Floating staff was granted *vide* this Ministry's order No. 14024/1/81-F.Y(T.I) dated 13.5.82 subject to certain terms and conditions. However, irregularity in payment of the Messing Allowance, deviating from the above terms and conditions was noticed by the new Director Incharge when he took over charge in July, 1991 and the irregular payment was immediately stopped. [*vide* their communication dt. 25.6.1992.]

3. The Director CIFNET has transferred about 4-1/2 cent of land from IFP working area. The previous Directors and senior officers of IFP had shown their run willingness to transfer this land to CIFNET since this land is essential for future expansions of IFP, moreover the land was purchased by IFP after a long struggle and the project had already constructed its new workshop building on this piece of land and waiting for the finalisation of new plans.

The Government Management Committee attached to the Fishery Institute (the Central Institute of Fisheries Nautical & Engineering Training and IFP) in the meeting held on October, 1990 took a decision that this issue be resolved by mutual discussions of the Directors of IFP and CIFNET. [*vide* their communication dt. 5.2.92.]

Central Institute of Fisheries, Nautical and Engineering Training has taken over the land on 4.11.91. [*vide* their communication dt. 21.9.94.]

4. A fire accident occurred in the project on 13.10.91 but even after 40 days no proper action has been taken to get compensation from the party who had caused the accident.

The Director, IFP has already submitted a combined claim to Shipping Corporation of India (SCI) for compensation for the losses caused to IFP vessels and shore installation and a

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CIFNET vessel in Nov. 1991
i.e well in time. The
response from SCI is
awaited. [*vide* their
communication dated
5.2.1992.]

The Ministry of Surface
Transport has in consultation
with Shipping Corporation of
India referred the matter
again to Ministry of Law for
advice in April, 1994. [*vide*
their communication dated
21.9.94.]
