

COMMITTEE ON PETITIONS
(ELEVENTH LOK SABHA)

SECOND REPORT



(Presented to Lok Sabha on 11 March, 1997)

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LOK SABHA SECRETARIAT
NEW DELHI

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**COMPOSITION OF THE COMMITTEE ON PETITIONS
(1996-97)**

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*Resigned from Lok Sabha w.e.f. 6.3.1997.

SECOND REPORT OF THE COMMITTEE ON PETITIONS

(Eleventh 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 Second Report of the Committee to the House on the following matter:—

- I. Action Taken by Government on the recommendations made by the Committee on Petitions (Tenth Lok Sabha) in their Seventeenth Report on the representation relating to continuance of Cost of Production Scheme and transfer of Cost of production Schemes on VFC Tobacco in Andhra Pradesh, etc.
 - II. Action Taken by Government on the recommendations made by the Committee on Petitions (Tenth Lok Sabha) in their Twenty First Report on the representation for implementing the Award of Board of Arbitration under the Scheme for Joint Consultative Machinery and Compulsory Arbitration for encashment of leave etc. of Central Government Employees.
 - III. Action Taken by Government on the recommendations of the Committee on Petitions contained in their Nineteenth Report (Tenth Lok Sabha) on the representation from, Indo Norwegian Project Employees Association, Ernakulam, Cochin regarding working of Integrated Fisheries Project.
 - IV. Action Taken by Government on the recommendations of the Committee on Petitions contained in their Twenty Fourth Report (Tenth Lok Sabha) on the petition regarding alleged regional imbalances in development of Jammu region and the problems faced by the people of the region.
2. The Committee considered the draft Report at their sitting held on 30 October, 1996 and 4 March, 1997 and adopted it.
3. The observations/recommendations of the Committee on the above matters have been included in this Report.

NEW DELHI;
4 March, 1997

13 Phalgun, 1918 (Saka)

DILEEP SANGHANI,
Chairman,
Committee on Petitions

ACTION TAKEN BY GOVERNMENT ON THE RECOMMENDATIONS MADE BY THE COMMITTEE ON PETITIONS (TENTH LOK SABHA) IN THEIR SEVENTEENTH REPORT ON THE REPRESENTATION RELATING TO CONTINUANCE OF COST OF PRODUCTION SCHEMES AND TRANSFER OF COST OF PRODUCTION SCHEME ON VFC TOBACCO IN ANDHRA PRADESH, ETC.

1.1 The Committee on Petitions (10 LS) had in their 17th Report presented to Lok Sabha on 23rd December, 1994, dealt with the representation signed by Shri. V. Venkata Rao, Joint Secretary, Citizens' Forum, Kondapi, Prakasam District, Andhra Pradesh, received through the Hon'ble Deputy Speaker, Lok Sabha relating to review of continuance of Cost of Production schemes and transfer of Cost of Production Scheme on VFC Tobacco in Andhra Pradesh, etc.

1.2 The Committee had made certain observations/recommendations on various aspects of the matter and the concerned Ministries of the Government were requested to implement those recommendations and also to furnish the action taken notes for the consideration of the Committee. The action taken notes have been received from the Government. The recommendations made by the Committee and the replies thereto furnished by the Ministry of Agriculture, Department of Agriculture and Cooperation, Directorate of Economic and Statistics are reproduced below:—

- (1) *Continuance of the Comprehensive Schemes for studying the Cost of Cultivation of principal crops (Para 1.5)*

Recommendations

1.5 The Committee note that the data collected under the Comprehensive Scheme on Cost of Cultivation/Production of principal crops in India is used by the Commission for Agricultural Cost and Prices, for making their recommendations about the level of minimum/statutory prices of various agricultural commodities. The Ministry of Agriculture has listed a number of other advantages also like output/input etc. Besides, these statistics provide a sound base for making plans for agricultural development for future. In view of these and other related advantages, the Committee are inclined to agree with the Ministry's view that the studies under the Comprehensive Schemes should be continued on a regular basis to sustain growth in this important sector of economic activity.

Reply of the Government

Keeping in view the advantages of the scheme, the Committee is inclined to the Ministry's view that the studies conducted under the Comprehensive Scheme should be continued on a regular basis to sustain growth in this important sector of economic activity. The decision of the Committee is welcome. [*vide* communication dated 29.12.1995.]

(2) *Transfer of VFC Tobacco Cost Study Scheme from Directorate of Tobacco Development, Madras (Para 1.6)*

Recommendations

1.6 In regard to suggestion of the petitioners that the Scheme for studying Cost of Cultivation of VFC tobacco be transferred from the Directorate of Tobacco Development, Madras, the Committee observe that the Ministry of Agriculture had already taken a decision to reorganise their Commodity Directorates including the Directorate of Tobacco Development, Madras.....The Committee observe that the Ministry had decided to shift the Comprehensive Scheme from the Directorate of Tobacco Development to some other research Centre, and it had been agreed to shift the Cost Study on VFC Tobacco to the Agro Economic Research Centre, Waltair, under the Andhra University. The Centre was willing to take over the Scheme along with the staff. But they demanded a fund of Rs. 10 Lakhs. However, this was not a permanent scheme. Therefore, the proposal fell through. The Tobacco Board was also not prepared to take the staff of the Ministry of Agriculture engaged in VFC Cost Study Scheme. Moreover, the Ministry of Commerce were of the view that the responsibility of Cost Study of all variety of Tobacco should remain with the Statistical Division of the Ministry of Agriculture.

The Committee, taking note of various aspects of the matter, recommended that the Ministry of Agriculture should find out a way to transfer the scheme of study of cost of cultivation of VFC tobacco, alongwith the staff connected with this study, to the Research Centre at Waltair or to the Andhra Agricultural University which was already implementing the Scheme for Cost of Cultivation of various crops. The provision of a reasonable fund should not come in the way of finding a just solution to the problem of the transfer of the staff. In this direction, the Committee would urge upon the Ministry of Agriculture to speed up the process of transfer of the Scheme as envisaged so that the Directorate of Tobacco Development can devote themselves to their primary responsibility of undertaking development work for the promotion of cultivation of tobacco in the country and transfer of technology in the field.

Reply of the Government

The Committee has recommended that the Ministry of Agriculture should find out a way to transfer the Scheme of Cost of Cultivation of VFC Tobacco along with the staff connected with the study to:—

- (a) Tobacco Development Board;
- (b) Agro Economic Research Centre, Waltair; or
- (c) Andhra Pradesh Agricultural University, Hyderabad.

During the last few years the possibilities were explored to transfer the Scheme to some suitable organisations such a Tobacco Board, the Andhra University, Waltair and the Andhra Pradesh Agricultural University, Hyderabad. However, due to certain financial and administrative difficulties, these institutions expressed their inability to accept the Scheme.

In view of the above the Ministry of Agriculture has decided to continue the implementation of the Scheme of Cost of Cultivation of VFC Tobacco with the Directorate of Tobacco Development, Madras. The interest of the employees working under this Scheme will, however, be duly looked after. [vide communication dated 29.12.1995]

The Ministry of Agriculture, Department of Agriculture & Cooperation (Directorate of Economics & Statistics) have further informed as under:—

“the administration of the Scheme has recently been transferred from Crops Division to the Directorate of Economics & Statistics (DES). The proposal regarding time-scale promotion for the Fieldmen, Computers, Assistant Statistician/Field Supervisors working in the Scheme of Cost of Cultivation VFC Tobacco is being examined in the DES.”

[vide communication dated 6 January, 1997]

- (3) *Transfer of Non-Plan Schemes from the Directorate of Tobacco Development to Tobacco Board (Para 1.6)*

Recommendations

1.6 The Committee would also like that the Ministry of Agriculture may examine in consultation with the Ministry of Commerce, on priority basis, the view of the Ministry of Commerce, as stated before the Committee, that some Non-Plan Schemes being implemented by the Directorate of Tobacco Development in respect of VFC tobacco could be taken over by the Tobacco Development Board. Such a change might further rationalise working of the two organisations. The Committee would like to be informed in due course of the progress made in implementing this suggestion.

Reply of the Government

(a) The Committee has observed that the Ministry of Agriculture may examine in consultation with the Ministry of Commerce that some non-plan Schemes being implemented by the Directorate of Tobacco Development in respect of VFC Tobacco be taken over by the Tobacco Board.

The Crops Division of Department of Agriculture and Cooperation is examining this issue and their views on the subject will be sent shortly.

[vide communication dated 29.12.1995]

(b) The Crops Division of Department of Agriculture and Cooperation investigated this matter and came to a conclusion that there is no non-plan Scheme concerning VFC tobacco which involves transfer to Tobacco Board. Hence, the transfer of non-plan Scheme concerning VFC Tobacco from Directorate of Tobacco Development to Tobacco Board does not arise.

[vide communication dated 5.5.1996]

(4) *Abolition of Directorate of Tobacco Development Madras. (Para 1.7 and 1.8)*

Recommendations

1.7 The Committee observe that the main activities of the Directorate of Tobacco Development, Madras, are totally distinct from those of the Tobacco Board. The former is engaged in increasing output of tobacco production and multiplying its areas of cultivation in southern parts of the country. The Directorate of Tobacco Development is the technical limb of the Ministry of Agriculture as well as a link between tobacco researchers and farmers for transfer of technology through various means of training, demonstration, publication, monitoring of crops situation, guidance and liaisoning between industry, State Government and the farmers. The Directorate of Tobacco Development is repository of information in various statistical data, technology on cultivation, status of tobacco both in the country and abroad. Presently, it is also implementing five Non-Plan Schemes on tobacco for production of seed/seedling and training of farmers. On the other hand, the Tobacco Board is an autonomous body under the Ministry of Commerce dealing with marketing and export of tobacco, primarily the virginia tobacco. The Board has no role in cultivation of tobacco and deals with export oriented responsibility.

1.8 In view the clear cut distinct role and spheres of activity of the Directorate of Tobacco Development, Madras, and of the Tobacco Board, the Committee are inclined to agree with the Ministry of Agriculture that the Directorate has not lost its credibility or that its

work has vanished. Hence, the petitioners suggestion to abolish the Directorate of Tobacco Development, Madras is not acceptable to the Committee.

Reply of the Government

The petitioner has suggested the abolition of Directorate of Tobacco Development, Madras which has not been agreed by the Committee. The Committee is inclined to agree with the Ministry of Agriculture that the Directorate has not lost its credibility or that its work has vanished. Hence, the petitioner's suggestion to abolish the Directorate of Tobacco Development, Madras is not acceptable to the Committee.

The decision of the Committee is very encouraging and the Ministry fully endorses it.

[*vide* communication dated 29.12.1995]

Observations of the Committee

1.3 The Committee are happy to note that the Government have either accepted the recommendation of the Committee or explained their difficulties and position on the matter.

1.4 In regard to a specific recommendation of the Committee in para 1.6 for transfer of the Scheme of Cost of Cultivation of VFC Tobacco alongwith the staff connected with the study from the Directorate of Tobacco Development, Madras to some other institutions/organisations enumerated above, the Committee note the position explained by the Ministry of Agriculture and Commerce that during the last few years, all possibilities were explored to transfer the Scheme to some other suitable organisation. But due to certain financial and administrative difficulties, these institutions expressed their inability to accept the Scheme. Consequently the Ministry of Agriculture has decided to continue the implementation of the Scheme, Cost of cultivation of VFC tobacco with the Directorate of Tobacco Development, Madras. "The interest of the employees working under this Scheme will, however, be duly looked after." While the Committee are inclined to accept the plea of the Ministry for continuance of the Scheme with the Directorate of Tobacco Development, Madras, they expect that the assurance being given to the Committee that "interest of the employees working under this scheme will be duly looked after" will be kept in view and fully honoured by the Ministry in course of time.

II

ACTION TAKEN BY GOVERNMENT ON THE RECOMMENDATIONS MADE BY THE COMMITTEE ON PETITIONS (TENTH LOK SABHA) IN THEIR TWENTY-FIRST REPORT ON THE REPRESENTATION FOR IMPLEMENTING THE AWARD OF BOARD OF ARBITRATION UNDER THE SCHEME FOR JOINT CONSULTATIVE MACHINERY AND COMPULSORY ARBITRATION FOR ENCASHMENT OF LEAVE ETC. OF CENTRAL GOVERNMENT EMPLOYEES

2.1 The Committee on Petitions (Tenth Lok Sabha) in their Twenty-First Report presented to Lok Sabha on 22 August, 1995 dealt with a representation received from Confederation of Central Government Employees and workers and representatives of other Government Employees Organisations through Sarvashri Basudeb Acharia and Ajoy Mukhopadhyay, MPs for implementing the Award of Board of Arbitration under the scheme for Joint Consultative Machinery and Compulsory Arbitration for encashment of leave etc. of Central Government Employees and made certain observations/recommendations.

These recommendations were taken up with the Ministry of Personnel, Public Grievances & Pensions (Department of Personnel & Training) for intimating the action taken in regard to their implementation.

2.2 The Ministry of Personnel, Public Grievances & Pensions (Department of Personnel & Training) have furnished Action Taken Reply *vide* their O.M. dated 25 October, 1995.

2.3 The Committee will now deal with the action taken by the Government on some of their recommendations.

Recommendation (Para No. 1.36)

2.4 The Committee in para 1.36 of the Report had observed/recommended as under:—

“Since the Pay Commission is currently seized of this matter also and their Report “is also in the offing”, as stated by the representatives of the Ministry, the Committee do not consider it necessary to go deeper into the question of desirability or otherwise of encashment of leave etc. to Central Government employees. The Committee expect that the Government will take a conscious view of the whole matter in the right perspective after the recommendations of the Pay Commission are available to them.”

2.5 The Ministry in their action taken note have stated in this regard as under:—

“Noted for action at the time of consideration of the ~~recommendations~~ of the Fifth Central Pay Commission on the subject.”

2.6 The Ministry were requested to intimate whether the matter regarding encashment of leave etc. of Central Government Employees, while in service, had been placed before the Fifth Pay Commission. The Ministry *vide* their O.M. dated 27 November, 1995 have forwarded a copy of the terms and conditions of the Fifth Central Pay Commission and stated as follows:—

“As per the terms and conditions of the Fifth Central Pay Commission the Pay Commission is required to examine the present structure of emoluments and “conditions of service” of the specified categories of employees, taking into account the total package of benefits available to them and suggest changes therein which may be desirable and feasible. The Pay Commission has also been informed of the Staff Side’s demand for encashment of leave while in service, the award of the Board of Arbitration in the case as well as the Government’s decision not to accept the award on account of its adverse effect on the national economy, subject to its approval by Parliament. In the circumstances, it is not considered necessary to make a specific reference to the Pay Commission as regards the issue of encashment of leave while in service.”

Recommendation (Para No. 1.37)

2.7 In para 1.37, the Committee had observed *inter-alia* as follows:—

“However, the Committee find no valid justification in prolonging the matter to almost six years till 20 March, 1995 when the notice for moving the required resolution in Lok Sabha for rejection of the Award was given by the Government.”

In this regard, the Ministry in their action taken reply, have stated that it is not possible to prescribe any mandatory time limit for the acceptance or rejection of an Award of Board of Arbitration by the Government.

2.8 The above reply was placed before the Chairman who desired to stress upon the Ministry that though no mandatory time limit may be prescribed, it was reasonable to expect that a decision on the Award should not be inordinately delayed. The Ministry was accordingly, requested to place the views of the Chairman before MOS (PP) and furnish a reply in this regard for consideration of the Committee.

2.9 The Ministry of Personnel, Public Grievances & Pensions have stated *vide* their O.M. dated 14.2.1996 as under:—

“The views of the Chairman of the Committee on Petitions, Lok Sabha, were placed before MOS (PP) and, as approved by her, the observations of the Committee on Petitions have been circulated to all Ministries/Departments and they have been requested to ensure that the awards given by Board of Arbitration (JCM) are processed expeditiously and a final decision in the matter is arrived at, as far as possible, within a period of six months.”

They have also enclosed copy of their O.M. No. 1/1/96-JCA dated 14.2.1996 issued in this regard to all Ministries/Departments of the Government of India. (Appendix-I)

Observations/Recommendations of the Committee

2.10 The Committee have considered the replies furnished by the Ministry of Personnel, Public Grievances & Pensions (Department of Personnel & Training) and are satisfied to note that the Government have instructed all the Departments of Government of India to ensure that the awards given by the Board of Arbitration (JCM) are processed expeditiously and a final decision in the matter is arrived at as far as possible, within a period of six months.

2.11 The Committee hope that the Government will take a conscious view in the matter of encashment of leave in the right perspective after the recommendations of the Pay Commission are available to them.

III

ACTION TAKEN BY GOVERNMENT ON THE RECOMMENDATIONS OF THE COMMITTEE ON PETITIONS CONTAINED IN THEIR NINETEENTH REPORT (TENTH LOK SABHA) ON THE REPRESENTATION FROM INDO-NORWEGIAN PROJECT EMPLOYEES' ASSOCIATION, ERNAKULAM, COCHIN REGARDING WORKING OF INTEGRATED FISHERIES PROJECT

3.1 The Committee on Petitions in their Nineteenth Report (Tenth Lok Sabha) presented to Lok Sabha on 25 May, 1995 had considered a representation from Indo Norwegian Project Employees' Association, Ernakulam, Cochin regarding working of Integrated Fisheries Project and made certain recommendations/observations. These recommendations were taken up with the Ministry of Agriculture for implementation.

3.2 Action taken note has been received from the Government in respect of the recommendations contained in the Report. The recommendations/observations of the Committee and the action taken thereon by Government are reproduced below:—

Recommendations/Observations (Para No. 1.28)

- (i) Para 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."

Comments of the Ministry of Agriculture

While regretting the situation which resulted in a lock-out from 10 June to 18 July, 1994, and assuring that steps would be taken to prevent recurrence of a situation where lock-out becomes necessary, to the extent possible, the Ministry would like to clarify that there was close contact between the Ministry and the Director of the Project by all means of communications, Senior Officers of the Ministry were deputed to the Project to negotiate with the workers. However, the lock-out became inevitable as brought out above, and in the report of the limited enquiry.

Observations/Recommendations (Para No. 1.30)

- (ii) Para 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 up to the point of time of declaration of the lock-out."

Comments of the Ministry of Agriculture

The facts have been brought out at length in the report of the limited enquiry in paras 4 to 13. The workers had adopted the tactic of not sailing the vessels and disrupting the work but claiming that they are not on strike. Effectively they were on strike in violation of the law as brought out above.

Observations/Recommendations (Para No. 1.32)

- (iii) Para 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 protective wollen clothing had not been provided the representatives of the Ministry stated that "this is not in our knowledge."

Comments of the Ministry of Agriculture

The facts regarding the demand for wollen clothing have been brought out clearly in the report of the limited enquiry at para 4 to 11. It has been established that the demand for wollen clothing was presented as a demand when the explanation of the Skippers was called for not sailing the vessels. No such Demand was referred to as late as 30.5.94 when a charter of Demands was presented to the Assistant Labour Commissioner (Central) and referred to the Project for comments. This is clearly brought in para 11 of the report.

Observations/Recommendations (Para No. 1.34)

- (iv) Para 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 of 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 step of declaring the lock out. 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 wollen clothing. Similarly the Ministry have been too unnatural in offering the plea that they were very far off from Cochin."

Comments of the Ministry of Agriculture

The Ministry of Agriculture (Department of Agriculture & Cooperation) have noted the observations/recommendations of the Committee. The Department agrees that monitoring of a project whether it be located in a nearby or distant place is essential and a responsibility of the Department. The report of the enquiry brings out in paras 10 to 12 the close contact between the Ministry and the Project on monitoring of the situation on a regular basis.

Observations/Recommendations of the Committee (Para No. 35)

- (v) Para 1.35: "In the opinion of the Committee the Ministry need to upgrade and update their channels of communications 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."

Comments of the Ministry of Agriculture

The Ministry of Agriculture (Department of Agriculture & Cooperation) have noted the opinion of the Committee. In fact, all attempts have been made to upgrade and update the channels of communication. Apart from telephone, there are telex and FAX. However, all efforts would be made to modernise channels of communication and use them effectively for monitoring and reviewing the progress of work.

Observations/Recommendations (Para No. 1.37)

- (vi) In para 1.37, the Committee had observed that "the Committee feels that the circumstances and facts leading to the declaration of the lock-out in this project is 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."

Comments of the Ministry of Agriculture

The findings of the limited enquiry bring out that the Director was forced to take the drastic step of lock-out because of an undeclared strike by the crew of the vessels. The Ministry of Agriculture had kept in close touch with the Director who had also kept the Ministry informed of all developments. Hence, it would not be possible to conclude that the Director, IFP or any of the officers in the Ministry were in any way responsible for laxity in the exercise of due vigilance in the discharge of their duties. The report of the limited enquiry brings out in details the facts and the circumstances leading to the lock-out and clearly brings out the fact that the officers of the Department of Agriculture & Cooperation (DAC) cannot be held responsible.

Observations/Recommendations of the Committee (Para No. 1.38)

- (vii) In para 1.38, the Committee has desired 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 conditions and also to avoid recurrence of unsavoury situations which not only alienate workers but also cause loss to the national exchequer.”

Comments of the Ministry of Agriculture

From the report of the limited enquiry and the other facts on record, it emerges that the pending demands and grievances of the petitioners have been looked into from time to time and since the Indo-Norwegian Project Employees' Association (Recognised ad-hoc) and the IFP Employees Congress (Registered as a Trade Union but not recognised) have been giving new demands off and on, the process of looking into the demands is an on-going one, in which the existing Government orders including matters pertaining to pay and allowances which are regulated by decisions of the Government on the recommendations of the Pay Commission or by further orders, have to be taken into account. Since, the project is treated as an industry under the Industrial Disputes Act, the workers have been referring disputes to the Assistant Labour Commissioner (Central), Cochin for conciliation/adjudication. Hence, the machinery of settlement of disputes under the Industrial Disputes Act is available to the workers for redress of their grievances. As brought out in the report, the demands of workers were presented to the Assistant Labour Commissioner (Central) who had called for remarks of the project and conciliation proceedings were pending when the workers resorted to not sailing of vessels as per valid orders given by the Director, in violation of Section 23 of the Industrial Disputes Act. It was an undeclared strike by the workers in violation of the above cited provisions of the Act which led to declaration of lock-out by the Director on 10.6.1994. It may be mentioned here that in addition to the machinery under the Industrial Disputes Act, the Joint Consultative Machinery (JCM) is also available to the workers and meeting of the office Council under the JCM have been held from time to time.

Observations/Recommendations of the Committee

3.3 The Committee have perused The Action Taken Replies of the Ministry of Agriculture on the various Observations/Recommendations of the Committee made in their main Report. An important recommendation made by the Committee in its 19th report was that there was laxity on the part of the officials of the Ministry of Agriculture necessitating calling for a limited enquiry.

3.4 The Ministry of Agriculture have since made the limited inquiry in the matter and taken decisions on the results of that enquiry and thereafter submitted their action taken notes for the consideration of this Committee.

The said limited inquiry seems to have arrived at conclusions which as may be seen appear to be at variance with the observations of this Committee.

3.5 An examination of the action taken replies reproduced above leads this Committee to be of the opinion that while more convincing facts can be correlated and supporting conclusion arrived at, similar to the earlier observations of this Committee, on the role and approach of the officers of the Ministry of Agriculture in the lackadaisical manner of handling the developments at the fisheries section of the Integrated Fisheries Project, Ernakulam. Cochin, the Committee have, at this late stage, no desire to make any further indepth post mortem analysis of the events which have already taken place long back and were commented upon by this Committee on the basis of material and facts as placed before them by the petitioners and also the officials of the Ministry themselves. There appear to be no convincing new circumstances or facts and material placed before this Committee which should call for any review of the earlier conclusions of this Committee. But keeping in view their dignity the Committee do not like to proceed further with this matter and would like to drop it.

3.6 The Committee would, however, like to re-emphasise the need for alert and vigilant monitoring of developments and events taking place in the lower formations or organisations or project under the charge of the Ministry of Agriculture so that timely action can be taken by the Ministry to avoid developing a situation which may cause avoidable hardship to the workers or employees and losses to the national exchequer.

IV

ACTION TAKEN BY GOVERNMENT ON THE RECOMMENDATIONS OF THE COMMITTEE ON PETITIONS CONTAINED IN THEIR TWENTY FOURTH REPORT (TENTH LOK SABHA) ON THE PETITION REGARDING ALLEGED REGIONAL IMBALANCES IN DEVELOPMENT OF JAMMU REGION AND THE PROBLEMS FACED BY THE PEOPLE OF THE REGION

4.1 In their Twenty Fourth Report (Tenth Lok Sabha) presented to Lok Sabha on 19 December, 1995 the Committee on Petitions considered a petition presented to Lok Sabha by Prof. Ram Ganesh Kapse, MP on 18.8.1991 regarding alleged regional imbalances in development of Jammu region and the problems faced by the people of the region and made certain observations/recommendations.

4.2 Action taken notes have been received from the Ministry of Home Affairs (Department of J & K Affairs) in respect of the recommendations contained in the Report. The recommendations made by the Committee and the replies furnished by the Government are shown on Appendix-II. The Committee will now deal with some of their recommendations.

Recommendations (Para Nos. 1.29 to 1.31)

4.3 Regarding delimitation of constituencies for the State Legislature for the three regions namely Jammu, Kashmir and Ladakh, the Committee had desired that when the popular Government was restored in the State for which efforts appeared to be under way, a conscious view might be taken up to review this demand of the people of the Jammu region so as to satisfy their aspirations for adequate and effective representation in the State Legislature.

In regard to the other major demand of the petitioners for creation of some more administrative districts in the Jammu region, the Committee had come to a conclusion that the State Government seemed convinced of the need for creation of three more districts in Jammu region as recommended by the Justice Wazir Commission, but were awaiting installation of the popular Government in the State. The Committee hoped that when the elected Government was formed, they would be able to give due priority to this regional demand in their agenda.

4.4 The Ministry of Home Affairs in this regard have stated that the State Government of Jammu and Kashmir has been asked to initiate necessary follow up action on the recommendations of the Committee and

place the matter for consideration of the popular Government at appropriate time with regard to demand of the people of Jammu region for increase in the number of constituencies under delimitation of constituencies in Jammu region and for creation of more districts.

Recommendation (Para 1.32)

4.5 In regard to development of Tourism in the Jammu region, the Committee hoped that the tempo of development of the infrastructural facilities would be speeded up to encourage more and more tourism which may in times to come also become an important lever for the general economic development of the region.

4.6 The Government of J & K in this regard have stated that under tourism sector all tourist areas in Jammu Division have been taken for development. It is ensured that no programme suffers for want of funds. In case of Tourism Development Corporation, during 1994 out of allocation of Rs. 70 crores, Rs. 40 crores have been spent on development of Patni Top in Jammu besides continuation of ongoing works elsewhere in the region. The Government has, however, mentioned that outlays in sector like tourism can not be based on regional consideration. Instead, outlays are made in accordance with its potentials.

Recommendation (Para No. 1.34)

4.7 The Committee had desired the Central Government to look into the various problems faced by the people of the Jammu region and take suitable corrective steps so that the alleged existing anomalies and disparities could be reduced or removed by the Central Government itself.

4.8 The various steps stated to have already been taken by the Government of J & K in the fields of education, power and other core sectors as well as various centrally sponsored rural development schemes to ensure balanced development of the Jammu region are shown at Appendix-III.

Observations/Recommendations of the Committee

4.9 The Committee note from the reply furnished by the Ministry of Home Affairs that the State Government of Jammu & Kashmir have taken adequate measures in various fields of power, education and other core sectors to ensure balanced development of Jammu region.

4.10 The Committee are satisfied with the steps taken in this regard and hope that the State Government will continue to develop infrastructural facilities and formulate various schemes for development of Jammu region. They also hope that the Central Government will make available all possible help to the State Government of Jammu & Kashmir to enable them to

execute the developmental programmes already initiated by them as well as for the future developments programmes for equitable development of all the regions of Jammu & Kashmir.

4.11 As the popular Government has since been installed in the State of Jammu & Kashmir, the Committee hope that the newly formed Government would also consider the long standing demand of the people of Jammu region regarding increase in the number of constituencies as also for creation of more districts in Jammu region and take positive action in this regard.

NEW DELHI;
4 March, 1997

13 Phalguna, 1918 (Saka)

DILEEP SANGHANI,
Chairman,
Committee on Petitions.

APPENDIX I

(See para 2.9 of the Report)

No. 1/1/96-JCA
Government of India
Ministry of Personnel, P.G. & Pensions
(Department of Personnel & Training)

New Delhi, the 14th Feb., 1996

OFFICE MEMORANDUM

SUBJECT: *Recommendation of the Committee on Petitions (Lok Sabha) for expeditious disposal of the awards given by the Board of Arbitration (JCM).*

The undersigned is directed to invite a reference to this Department's O.M. No. 3/23/85-JCA dated 10.6.1988 and 20.2.1989 laying down that the awards given by the Board of Arbitration under the JCM Scheme should either be implemented or statements proposing modification or rejection of the awards should be laid on the Table of both the Houses of Parliament within six months.

2. It has, however, been noticed that the Ministries/Departments have not been taking final decision in this matter within the above time limit.

3. The Chairman of the Committee on Petitions (10th Lok Sabha) which looked into this matter has observed that while no mandatory time limit may be prescribed, it would be reasonable to expect that a decision on the award should not be inordinately delayed.

4. Accordingly all the Ministries/Departments are again requested to ensure that the awards given by the Board of Arbitration (JCM) are processed expeditiously and a final decision in the matter is arrived at, as far as possible, within a period of six months.

Sd/-

(MRS. B. THYAGARAJAN)
Director (JCM)
Tel: 3013180

To

All Ministries/Departments of Govt. of India.

APPENDIX II

(See para 4.2 of the Report)

Replies furnished by the Ministry of Home Affairs *vide* their O.M. No. 15014/5/91. K. USK/Vol III/66 dated 22 January, 1996 forwarding the comments of the Government of Jammu & Kashmir on the recommendations made by the Committee on Petition (Tenth Lok Sabha) in their Twenty Fourth Report on the petition regarding alleged regional imbalances in development of Jammu region and the problems faced by the people of the region.

Recommendations

1.29 One of the issues highlighted before the Committee relates to the delimitation of Constituencies for the State Legislature for the three regions namely, Jammu, the valley of Kashmir and Ladakh. The latest Delimitation Commission under the Chairmanship of Justice K.K. Gupta of the State High Court made its Order in 1992 delimiting the total number of constituencies to 87, that is, an addition of 11 seats which was made by the Constitution amendment in 1989. Out of these 11 seats, five seats were allotted to Jammu Division, four seats were allotted to Kashmir Division and two seats were allotted to Ladakh. Thus, under the existing Delimitation Order, Jammu has 37 constituencies, Kashmir has 46 constituencies and Ladakh has 4 constituencies. In this connection when the Committee enquired whether the number of seats was going to be increased, the representatives of the Ministry of Home Affairs replied that "unless the Constitution of Jammu & Kashmir was amended it could not be done. There was no State Legislature and the Constitution would not be amended by any other authority."

1.30 While the Committee note the latest position on the delimitation of constituencies in the State, they desire that when the popular Government is restored in the State for which efforts appear to be under way, a conscious view may be taken to review this demand of the people of the Jammu region so as to satisfy their aspirations for adequate and effective representation in the State Legislature.

1.31 In regard to another major demand agitated by the petitioners for creation of some more administrative districts in the Jammu Region the Committee find from the submissions made by the representatives of the Ministry of Home Affairs that Justice Wazir Commission had recommended that three more districts should be created in the Jammu region. "Now the thinking of the State Government is that let the popular Government come and decide which districts should be created as a sequel

of recommendations made by Justice Wazir." From these statements, the Committee has come to the conclusion that the State Government seem convinced of the need for creation of three more districts in Jammu region as recommended by the Justice Wazir Commission, but are awaiting installation of the popular Government in the State who might be in a better position to give guidelines for carrying out the areas of the new districts. The Committee hope that when the elected Government is formed they would be able to give due priority to this regional demand in their agenda for the proper and harmonious development of the State.

1.32 In regard to development of tourism in the Jammu region, the Committee need to emphasise the potential for its development in the area. According to the Ministry of Home Affairs "Jammu tourism is receiving winter tourism and adventure tourism in Jammu Division because Patni Top gets a lot of attention and we are developing it... we have already given a report on how much investment is to be made by the private sector. We are also focussing on development of infrastructure". The Committee hope that the tempo of development of the infrastructural facilities would be speeded up to encourage more and more tourism which may in times to come also become an important lever for the general economic development of the region.

1.33 Some of the contentious issues of alleged imbalances or disparities placed before the Committee relate to the existing facilities and opportunities in the fields of education, health, employment, etc. in the different regions of the State. While the Committee need not over emphasise the need for making available reasonable and adequate facilities and opportunities in these fields for all the people, irrespective of the region or area, they appreciate the position explained by the Ministry of Home Affairs that "the matter of economic and political development in a part of the State and the actual implementation of development schemes in various fields are primarily the responsibility of the Government of Jammu & Kashmir."

1.34 However, since the State is presently being directly administered by the Central Government under the provisions of the President's rule and keeping in view the plea of the Ministry of Home Affairs that "Progress on any issue is generally a combination of action to be executed by the State Government both from the State Budget Allocation and the Central Assistance" the Committee would be glad if the Central Government can look into the various problems faced by the people of the Jammu region at this juncture itself and take suitable corrective steps so that the alleged existing anomalies and disparities can be reduced or removed by the Central Government itself and there is no feeling among the people of one

region that they are neglected *vis a vis* the people of other regions in the same State.

Reply of the Department of J&K Affairs, Ministry of Home Affairs

This Department has forwarded a copy of the observations/recommendations to the Chief Secretary, J&K and asked the State Government to initiate necessary follow up action in the light of the observations of the Committee contained in paras 1.28 to 1.34 of the Report particularly with reference to placing the matter for the consideration of the popular Government at appropriate time with regard to redressal of the grievances of the people of the Jammu region for increase in the number of constituencies under delimitation of constituencies in Jammu region as well as for creation of more distts.

2. Further, while formulating various schemes for the development of the regions especially in the development of tourism for speeding up development of infrastructural facilities to encourage more and more tourism, the State Government has been asked to ensure compliance with these recommendations.

3. The Department of J&K Affairs shall also keep in mind all these guidelines in future while examining the proposals of the State Government on various development matters so as to ensure equitable development of all the regions of J&K.

APPENDIX III

(See para 4.8 of the Report)

Note on Steps Taken by Government of J&K to remove the Problems of the People of Jammu Region

Education

Medical College in Jammu has been completed in 1994 at the cost of Rs. 27.25 crores.

An engineering College with an intake capacity of 160 students has already started functioning in Jammu. It is presently functioning from the old University Campus which has been purchased by the State Government. This site is being located for the construction of Engineering College.

BVSC has been established in Jammu Division in 1995 from existing building of Agriculture University. Site for construction of College Building is being identified.

Development Plans

The Annual Plan allocations are not bifurcated on region-wise basis, nor planning is done on regional considerations. There are variety of development programmes which have State level connotations and are being coordinated centrally. The basic criterion in regard to allocation of funds are the considerations of equity, greater focus on those areas which are neglected, uplift of the socially and educationally backward and neglected sections of society. The other determinant criterion are the potentiality of an area in terms of resource endowment, the needs and the agro-climatic conditions.

The State Government has stated that 30% of total plan outlay is earmarked for power sector as a critical component in the developmental strategy. The power projects are taken up with reference to potential for

Hydel power in various areas. There are a number of projects which are under execution in Jammu Division, namely:—

Project	Cost (in crores)	Capacity
1. SEWA	339	129 Mgwts.
2. Parnani	146	37.6 Mgwts.
3. Chenani	38.5	11.0 Mgwts.

In addition, the State Government has recently pleaded that the Government of India for return of the Baghliar project. Another important project has been identified at Bursar which is under investigation. On the contrary, in respect of Kashmir Division, the only project which is under the State sector under execution is the Sind Hydel (II). The Kishanganga Hydroelectric (330 Mgwts) Project is under investigation.

Even otherwise in regard to the Central Sector Projects, Salal Project having 690 Megawatts is allocated in Jammu Division and has already been commissioned. Another project namely Dulhasti (390 mgwts) where work is likely to be resumed shortly is in Jammu Region. In Kashmir Division, Uri Project (480 Mgwts.) is under execution in the Central Sector.

The other important component of the State Plan is the District sector where allocations are made at the District level and the execution is entrusted to the Distt. Development Boards constituted under the Chairmanship of the Deputy Commissioners. About 30% of the Plan outlay is earmarked for the Distt. sector. This provides an index of equitable distribution of funds in respect of such schemes which have local importance. The total allocation for the Distt. in J & K in the last 4 years is as under:—

Unit Rupees in Crores

Year	Jammu	Kashmir
1991-92	98.87	99.85
1992-93	106.70	107.77
1993-94	116.05	117.62
1994-95	117.85	118.77
1995-96	151.93	152.10

These figures are exclusive of Ladakh region where the allocation of funds has been as under:—

Year	Leh	Kargil
1991-92	15.00	15.00
1992-93	16.00	16.30
1993-94	16.30	16.30
1994-95	18.00	18.00
1995-96	19.50	19.49

Besides, the following important development projects/programmes are being executed in Jammu Region:—

(a) Core Area Development Project for Jammu city at a cost of Rs. 80 crores for upgrading civic amenities has been completed during 1994-95.

(b) The second bridge on river Tawi at a cost of Rs. 8.1 crores is under execution and is slated to be completed in 1996-97.

(c) The major project of fly-over to remove the congestion of Jammu city at a cost of Rs. 22.58 crores is under execution and is going to be completed in 1996-97. So far investment of Rs. 6 crores has been made.

(d) Under the Centrally sponsored scheme also, Jammu Division has been a major benefactor of the programmes. Intensive JRY is being implemented only in Jammu Division. Distt. Udhampur only is qualified for the scheme. The scheme is not being implemented in Kashmir Division at all.

(e) Under the Employment Assurance Scheme also, 38 blocks have been covered in Jammu Division as against 30 blocks in Kashmir and 12 in Ladakh Division.

(f) Under the Border Area Development Programme, 20 blocks out of 41 identified blocks are in Jammu Division 16 in Kashmir and 5 in Ladakh.

(g) At the end of 1994-95, the road length with R & B Department, Kashmir, was 6749 Kms. As against this, the road length with R & B Jammu was 4197 Kms. besides 70 Kms. of road between Jammu and Pathankot is being maintained by Railways.

Tourism

Under Tourism sector all tourist areas in Jammu Division have been taken for development. It is ensured that no programme suffers for want of funds. In case of Tourism Development Corporation, during 1994 out of allocation of Rs. 70 crores, Rs. 40 crores have been spent on development of Patni Top in Jammu besides continuation of ongoing works elsewhere in the region. It may, however, be mentioned that outlays in sector like tourism can not be based on regional consideration. Instead, outlays are made in accordance with its potential.

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