

COMMITTEE ON PETITIONS

(FOURTEENTH LOK SABHA)

SEVENTEENTH REPORT

MINISTRY OF CIVIL AVIATION
MINISTRY OF HEALTH AND FAMILY WELFARE
MINISTRY OF HOME AFFAIRS



LOK SABHA SECRETARIAT
NEW DELHI

August, 2006/Sravana, 1928 (Saka)

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(Presented to Lok Sabha on 23.08.2006)



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COMPOSITION OF THE COMMITTEE ON PETITIONS

Shri Prabhunath Singh — *Chairman*

MEMBERS

2. Shri Raj Babbar
3. Shri Nandkumar Singh Chauhan
4. Shri N.S.V. Chitthan
5. Shri M. Jagannath
6. Shri Jitin Prasad
7. Shri Baliram Kashyap
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9. Smt. Nivedita Mane
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13. Shri Damodar Barku Shingada
14. Shri Mansukhbhai D. Vasava
15. Shri Vijoy Krishna

SECRETARIAT

1. Shri P. Sreedharan — *Joint Secretary*
2. Shri A.K. Singh — *Director*
3. Shri U.B.S. Negi — *Under Secretary*
4. Shri Sanjay Goel — *Committee Assistant*

SEVENTEENTH REPORT OF THE COMMITTEE ON PETITIONS
(FOURTEENTH LOK SABHA)

INTRODUCTION

I, the Chairman, Committee on Petitions, having been authorised by the Committee to present the Report on their behalf, present this Seventeenth Report (Fourteenth Lok Sabha) of the Committee to the House on the following matters:—

- (i) Representation regarding reinstatement in service as Telephone Operator in Airports Authority of India.
- (ii) Representation against proposed conversion of JIPMER into an autonomous body.
- (iii) Representation regarding relief to 1989 riot victims of Bhagalpur.

2. The Committee considered and adopted the draft Seventeenth Report at their sitting held on 22nd August, 2006.

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

NEW DELHI;
22 August, 2006

31 Sravana, 1928 (*Saka*)

PRABHUNATH SINGH,
Chairman,
Committee on Petitions.

CHAPTER I

REPRESENTATION REGARDING REINSTATEMENT IN SERVICE AS TELEPHONE OPERATOR IN AIRPORTS AUTHORITY OF INDIA

1.1 Shri Ajit Kumar Singh, MP forwarded a representation signed by Shri J.P. Sinha, an ex-employee of Airports Authority of India (AAI) regarding reinstatement in service as Telephone Operator in AAI.

1.2 In the representation, the petitioner has stated that he was working in Airport Authority of India, Mumbai. However, his services were terminated without giving him any opportunity due to doubts regarding the date of his birth. He stated that he had worked continuously for five years but his services were terminated in spite of the fact that he had submitted documents in support of his date of birth but no action was taken thereon by AAI as the officers were prejudiced against him.

According to the petitioner, he was also subjected twice to undergo medical examination to ascertain his correct date of birth twice—first on 20.10.1983 and again on 17.10.1984 and on both the occasions, the report of the medical officer favoured his claim.

1.3 The Committee took up the matter for examination in accordance with Direction 95 of the Directions by the Speaker, Lok Sabha. The aforesaid representation was forwarded to the Ministry of Civil Aviation on 11th July, 2005 for furnishing their factual comments on the points raised therein by the petitioner. In response thereto, the Ministry of Civil Aviation *vide* their communication dated 15/19th July, 2005 submitted as follows:—

“(i) Shri Sinha had joined Airports Authority of India (AAI) on 17th September, 1980 as Telephone Operator, CSI Airport, Mumbai. His services were terminated on 15th March, 1985. The reason was that his stated date of birth 1st July, 1995 was found to be incorrect by AAI as his actual date of birth was discovered as 1st July, 1950. The services of Shri Sinha were terminated by AAI on the basis of personal enquiry by the local AAI Office which found him over-age by 5 years for the post. An enquiry was also conducted by AAI on 27th November, 2001 by a team of officers from AAI which also confirmed the date of birth as 1st July, 1950.

(ii) This Ministry has been receiving several representations to look into this case of termination. The Department of Administrative Reforms and Public Grievances have also requested to re-examine the case of petitioner at appropriate level. A Committee was constituted by the Ministry to look into the authenticity of the documents in connection with the genuineness of date of birth of the petitioner, on the basis of records. The Committee submitted his reports on 3rd December, 2004 and felt that no further consideration for reinstatement of the petitioner is called for.

(iii) This Ministry has been receiving apparently forged copies of verification certificate in respect of date of birth of Shri J. P. Sinha, from Shri J. P. Sinha himself and through the office of Resident Commissioner, Government of Bihar, New Delhi. Since this appears to be a serious matter involving tampering/forgery of a document this Ministry had requested Resident Commissioner, Government of Bihar, New Delhi to get the matter investigated through an appropriate Agency as deemed fit and send the outcome of the investigation to this Ministry. A reply from the Resident Commissioner, is awaited.”

1.4 In response to a query as to whether any show cause notice giving him adequate opportunity as the relevant rules was issued to him before terminating his services, the Ministry in their written note dated stated as under:—

“Yes. He was issued show cause notice on 06.02.1985 and was given adequate opportunity to defend his case and his reply was not found satisfactory and his services were terminated.”

1.5 As regards the rules/orders relating to termination of an employee and the procedure followed in such cases, the Ministry stated as under: -

“As per IAAI (General Service Conditions) Regulations, 1978 every employee must declare on his first appointment or when the Authority requires him to do so, his date of birth according to the Christian Era and produce confirmatory evidence like Matriculation or School Leaving Certificate, birth certificate or such evidence as may be acceptable to the authority. The date of his birth so recorded with the Authority shall be final provided that if the Authority later on acquires information that the particulars of age given by the employee are incorrect, may make such enquiry as it thinks fit. If it is satisfied that the information given by the employee is false, it may either declare the appointment as irregular and discharge the employee accordingly or take other action including change of date of birth as it deems necessary. The decision of the appointing authority in this connection shall be final.

Since Shri Sinha had submitted a false date of birth certificate, therefore, his services were terminated in accordance with the above provisions.”

1.6 In a written note, the Ministry stated that the post of Telephone Operator is a Group ‘C’ post and as per the rules, the Airport Director is the Competent Authority to terminate the services. They also stated that Wg. Cdr. S. A. Dravion, Acting Chief Security and Vigilance Officer (CSVO) conducted the enquiry. The enquiry officer had ascertained information regarding the correct date of birth of the petitioner from the Office of Secretary, Bihar School Examination Board (BSEB). The Secondary Bihar School Examination Board *vide* his letter dated 29.07.1981 stated that as per record the correct date of birth of the petitioner is 01.07.1950 and not 01.07.1955 as stated by him.

1.7 To a query about the name of the officers of AAI who were in the team to conduct enquiry against the petitioner, the basis on which the team found and confirmed

that date of birth of petitioner as 1st July, 1950, the Ministry in a written note commented as under:—

“S/Shri Anil Ray, Vigilance Manager, A.K. Malik, Sr. Personnel Manager and Manoj Kumar, Manager (Engg.-Civil), Patna Airport conducted the enquiry. All the three officers visited the office of Secretary, Bihar School Examination Board, Patna on 03.07.2001. The team has verified from the original records from the Bihar Examination Board. The name of Shri J.P. Sinha was indicated at page 54 of the original tabulation register, Group No.18 for the year 1966. His date of birth was indicated as 01.07.1950 in the register. Shri J.P. Sinha has passed the High School Examination in the 1966 and secured 3rd division.”

1.8 When asked about the basis on which the Department of Administrative Reforms and Public Grievances requested the Ministry to re-examine the case of the petitioner, the Ministry in a written note submitted as follows:—

“Ministry of Civil Aviation recommended constitution of a Committee consisting of Executive Director (Law), representatives from Ministry of Civil Aviation and GM (P&A). The Committee deliberated issue indepth and perused all the records available including the reports submitted by the vigilance team which has verified the date of birth of Shri Sinha as per Bihar School Examination Board from its office at Patna. The Committee also observed that if the date of birth of Shri Sinha is hypothetically considered as 1955, as claimed by him, in that event he would have passed the SSC examination at the age of 11 years and passed M.A. examination at the age of 19 years. On the other hand, if the date of birth is taken as 01.07.1950 as verified by AAI vigilance team then he would have passed Secondary School Examination at the age of 16 and passed M.A. at 24 years of age which seems to be quite reasonable and as per normal process of academic system.”

1.9 In response to another question as to why the petitioner was subjected twice to undergo medical and whether such medical examination for determining the date of birth was in accordance with the rules/procedures of the organisation, the Ministry stated as under:—

“The documents pertaining to medical examinations are not available at Mumbai Airport. However, as per para 6.5 (b) of AAI General Service Conditions, if any employee is unable to produce documentary evidence of his age, he may be sent to Medical Board authorized by the Authority for examination and its opinion as to the employee’s age shall be binding on the employee as well as the Authority and if such Medical Board states approximately the year of birth, the 1st of July of that year shall be treated as the date of birth for the purpose of Authority’s records.”

1.10 The Ministry in a written note also stated as follows:—

“Shri Sinha has submitted the following copies of the certificates : 1. HSC certificate; 2. BA Degree Certificate; 3. MA Degree Certificate. From the above, HSC certificate which is proof of date of birth was verified as stated above from the Office of Secretary, Bihar School Examination Board. The Secretary Bihar School Examination Board has informed that letter dated 29.07.1981 issued by vigilance officer informing the date of birth as 01.07.1950 is confirmed.”

The Ministry further stated:—

“The School Leaving Certificate of HSC indicating the date of birth is relied upon to determining the date of birth. This document was verified from Bihar School Examination Board and they have confirmed that the correct date of birth of the petitioner is 01.07.1950 and not 01.07.1955.”

1.11 When asked about the basis on which the Ministry came to the conclusion that the documents regarding date of birth of the petitioner were tampered/forged, the Ministry in a written note submitted as follows :—

“Ministry of Civil Aviation received two letters from Bihar Bhawan (Office of the Resident of Bihar Government) dated 18.12.2004 and 19.4.2005 forwarding therewith the report of Bihar Government regarding genuineness of Date of Birth of Shri J.P. Sinha. On scrutiny of these two letters it was observed that in the enclosure forwarded *vide* letter dated 18.12.2004 the date of birth of Shri Sinha was 01.7.1950 whereas in the enclosure forwarded *vide* letter dated 19.4.2005 signed by Shri Karu Ram, Chief Administrative Officer, Bihar Bhawan date of birth of Shri Sinha was 01.7.1955. Both the enclosures have been signed by same authority *i.e.* Deputy Secretary (Vigilance), Bihar School Examination Board, Patna for different date of birth of Shri Sinha. On scrutiny of both enclosures Ministry observed that the real fact pertaining to date of birth of Shri Sinha has been tampered with in the enclosure forwarded by Bihar Bhawan in their letter dated 19.4.2005.”

1.12 In response to a question as to whether the Ministry had received the investigation report from the Resident Commissioner, Govt. of Bihar, New Delhi, the Ministry stated as follows:—

“On request from this Ministry, Resident Commissioner, Government of Bihar confirmed that after investigation it is found that date of birth of Shri Sinha is 01.07.1950. This Ministry has also requested Resident Commissioner to get the matters investigated pertaining to tampering/forgery of the document furnished by Bihar Bhawan through an appropriate agency as deemed fit and intimate the outcome of the investigation.....”

1.13 After perusal of the comments furnished by the Ministry of Civil Aviation, Committee took oral evidence of the representatives of the Ministry of Civil Aviation on the subject on 18th April, 2006.

1.14 At the outset, the witness, the Secretary, Ministry of Civil Aviation gave a brief account of the case and submitted as under:—

“Sir, I want to submit some of the facts about the case in brief. Shri J.P. Sinha had assumed the charge of Telephone Operator in Airport Authority at Mumbai on 17th September, 1980. It is a Group ‘C’ post. The qualifications for the post were that the applicant must be Graduate and should be below 25 years. At the time when Shri Sinha had applied for, he had shown his date of birth as 1st July, 1955. the Controlling Officer of Shri Sinha had some doubts about his age, therefore he asked vigilance department of the Airport Authority to get

Shri Sinha's Sr. Secondary Certificate verified and corresponded with the Secretary, Bihar School Examination Board, Patna in this regard. It was informed by the board that his actual date of birth is 1st July, 1950 instead of 1st July, 1955. By this fact his age was more than 25 years and thus he did not fulfil the eligibility criteria. After obtaining facts from Bihar School Board Shri Sinha was asked to produce original certificate. In this regard Sh. Sinha said that he lost his original certificate during a train journey and he further stated that he directly got admission in 8th class and before that he studied no where. He further stated that he passed Higher Secondary in 1966. In this way; if his date of birth is accepted as 1955 he had passed Higher Secondary at the age of 11 years. Thereafter the Controlling Authority; General Manager of Mumbai Authority referred the matter to Vigilance Officer of the Airport and he conducted a detailed enquiry. In this regard information was sought from Principal of Christ Church College, Kanpur and Vice-chancellor of University of Kanpur and they also confirmed that his date of birth is 1st July 1950 and not 1st July, 1955.

Sir, after obtaining the information his case was again referred to Bihar School Certificate of Secondary Education Board and a written communication was sent to Secretary of the board and he again confirmed that Shri Sinha had given wrong information about his date of birth. As per his school certificate his date of birth was 1950 instead of 1955. Thereafter, the General Manager, Airport Authority of India; terminated his services in 1985 after obtaining directives from Chairman, Airport Authority of India.

Sir, since then, he has given many memoranda to Hon'ble Minister of Civil Aviation. Some of the Hon'ble Members also raised this matter. Thereafter a decision was taken to re-inquire into the matter. Therefore, an officer from the headquarters was sent to Christ Church College, Kanpur and another to Patna and the entire inquiry was conducted by Ministry of Civil Aviation. It was also confirmed in re-inquiry that as per their records his date of birth is 1950. Therefore, he had got the job by producing forged certificate and the Inquiry Board concluded that his termination was justified."

The witness further added: —

"Sir, we requested the Resident Commissioner of Bihar at Delhi to collect information at their own level and to intimate us about the facts of the case. He wrote us a letter wherein it is stated that the date of birth of Shri Sinha is 1950. Christ Church College, where he worked, also informed that even in their record his date of birth is 1st July, 1950."

Observations/Recommendations

1.15 The Committee note from the submissions of the petitioner Shri J. P. Sinha, that he joined Airports Authority of India (AAI) on 17th September, 1980 as Telephone Operator, CSI Airport, Mumbai. His services were terminated on 15th March, 1985 as his stated date of birth was found to be incorrect. According

to the petitioner, it was done without giving him an opportunity to explain his position and in spite of the fact that he had submitted several documents in support of his date of birth but no action was taken thereon by AAI as the officers were prejudiced against him.

1.16 The Committee note from the reply of the Ministry of Civil Aviation that the post of Telephone Operator is a group 'C' post and the applicant for the same must be graduate and below 25 years of age. The petitioner had applied for the said post indicating his date of birth as 1st July, 1955. Since there were some doubts which the age of the petitioner, the Acting Chief Security & Vigilance Officer(CSVO) conducted an enquiry into the matter and ascertained information regarding the correct date of birth of the petitioner from the Office of Secretary, Bihar School Examination Board (BSEB) which had confirmed that as per their records the correct date of birth of the petitioner was 01st July, 1950 and not 01st July, 1955. A team consisting of three officers also visited the Office of the Secretary, BSEB, Patna on 3.7.2001 and verified from the original records of the Board that the date of birth of the petitioner was indicated as 1.7.1950 in the register. By this fact the petitioner, who passed the High School Examination in the year 1966 was more than 25 years of age and ineligible for the post of Telephone Operator. The Ministry have further submitted that the Petitioner had failed to produce the original documents in support of his age on the grounds that he lost his documents during a train journey. The Committee further note that Department of Administrative reforms and Public Grievances requested the Ministry to re-examine the case of the petitioner and in pursuance a committee consisting of representatives from Ministry of Civil Aviation Executive Director(Law)and GM(P&A) of AAI was constituted. The said committee deliberated upon the issue and persued all the records, including the reports submitted by the Vigilance Team which had verified the date of birth of Shri Sinha as per BSEB. It also observed that if the date of birth of Shri Sinha was hypothetically considered as 01st July 1955, as claimed by him, in that event he would have passed SSC examination at the age of 11 years and MA examination at the age of 19 years which seemed neither reasonable nor as per normal process of academic system.

1.17 The Committee observe from the facts submitted by the Ministry that the information sought from the Principal of the Christ Church College Kanpur and a Vice Chancellor of the University of Kanpur, where Shri Sinha was in employment for sometime, had also confirmed that is date of birth was 1st July, 1950 not 1st July, 1955. The Committee also note that there were two conflicting letters issued by the Vigilance Officers of BSEB and subsequently one of these letter indicating the date of birth as 1st July, 1955 was found to be forged. On the request of the Ministry, the Resident Commissioner, Government of Bihar also confirmed after the investigation that the date of birth of the petitioner has 1.7.1950.

1.18 The Committee observe that the contention of the petitioner that he submitted documents in support of the date of birth untenable, as none of these

documents could stand scrutiny of the various investigations. His plea that he was not given adequate opportunity also seems unjustifiable as the enquiry to ascertain correct date of birth of the petitioner was initiated soon after he joined the service and the Bihar School Examination Board as early as 29.7.1981 intimated that as per their records the correct date of birth of Shri Sinha is 1.7.1950 and not 1.7.1955.

1.19 The Committee are not convinced that the Officers of AAI were prejudiced as a number of enquiries into the matter, including the committee constituted in the year 2001, in pursuance to the request of Ministry of P&PG, found no evidence in support of the contention of the petitioner. The Committee feel that petitioner has been given adequate opportunities to substantiate his claims which he squandered for want of any authentic documents.

1.20 The Committee strongly disapprove the actions of the petitioner and use of forged documents to secure employment and continued furnishing incorrect information to the organization and thus do not wish to pursue the case further.

CHAPTER II

REPRESENTATION AGAINST PROPOSED CONVERSION OF JIPMER INTO AN AUTONOMOUS BODY

2.1 In their representations, Shri R. Arochaim Kalaimathi, General Secretary, JIPMER Hospital Employees Union, Dhanvanthiri Nagar, Pondicherry and Shri M. Asokan, General Secretary, JIPMER Anti Conversion Action Committee (JACAC), Dhanvanthiri Nagar, JIPMER Campus, Pondicherry *inter-alia* stated that the Jawaharlal Nehru Institute of Postgraduate Medical Education and Research called as JIPMER, is a subordinate office of the Directorate General of Health Service, Ministry of Health & Family Welfare. This institution was given as a gift by Pandit Jawaharlal Nehru the then Prime Minister to southern region particularly to Pondicherry on the eve of its merger with India from the French Colonialism. There are more than 2500 government employees (Group A, B, C and D) working in JIPMER. They further stated that on announcement was made by Union Health Minister on 05.02.2005, the JIPMER Institute day function that a bill is being introduced to convert JIPMER into an autonomous body.

2.2 According to the petitioners, as per the Treaty of Cession, the Government of India shall continue to keep the benefit of the special administrative status of French establishment so long as the resident of Pondicherry shall not think otherwise. If the Government of India decides to make any change in any of the establishment, then the concurrence of the residents of Pondicherry would be necessary. The petitioners argued that without ascertaining the wishes of the people, the Government can not change the status of any former French Establishment through an Act, overlooking the Treaty of Cession ratified by the Parliament of both the countries. In this context, the Petitioners stated the AIIMS, New Delhi and Post Graduate Institute of Medical Education & Research (PGIMER) Chandigarh do not treat the patients free of costs and charge for Out Patient Case Sheet, clinical test, surgical operation, etc. like any other private hospital. Since people in Pondicherry are very poor, they could not afford to pay these charges. As per the details of the charges prevailing at AIIMS, New Delhi stated by the petitioners OPD Card costs Rs.10/- per head. Medical Fitness/Medical Examination and other such Certificates are issued after paying the requisite fees. For Indoor services, patients admitted in General Ward of AIIMS have to deposit bed charges in advance of 10 days at the rate approved by Govt. from time to time (currently Rs.375). The hospitalization charges of private room are Rs.1700 per day for A Class and Rs.1100 per day for B Class. Private Ward Patients are charged additionally for specific investigations, procedures, operations, etc. Short admissions requiring stay for less than 24 hours are done for minor illness, for which the admission charges are Rs. 60/- Patients attendants could stay at Raj Gharia Dharmashala after paying the

prevailing charges. Similarly, the petitioners referred to the details of charges prevailing at PGIMER, Chandigarh.

One of the petitioners also stated that JIPMER also provide treatment free of charge to the downtrodden, people of Pondicherry region and the adjoining Tamil Nadu State. JIPMER is a poor man hospital functioning efficiently in Pondicherry for more than three decades. 60 students are admitted for MBBS course which was increased to 75 from which 20 are reserved to Pondicherry. Further PG courses and paramedical courses are also conducted by the JIPMER. For all the courses nominal fees are only collected from students. The petitioners stated that a student can finish his MBBS course at a fees of about Rs. 10,000/-

In all political party meeting called on 5.3.2005, no political party agreed for conversion of JIPMER into an autonomous body. The petitioners, therefore, requested that the proposal for conversion of JIPMER into an autonomous body may be dropped.

Similar issues had also been raised by Shri V. Perumal, Pradesh Secretary, Communist Party of India (Marxist), Pondicherry.

2.3 The Committee took up the matter for examination in accordance with Direction 95 of the Directions by the Speaker, Lok Sabha. The aforesaid representation was forwarded to the Ministry of Health and Family Welfare (Department of Health) on 5th May, 2005 for furnishing their factual comments on the points raised therein by the petitioners. In response thereof, the Ministry of Health and Family Welfare (Deptt. of Health) *vide* their communication dated 13th December, 2005 submitted as follows:—

“A proposal for converting to Jawaharlal Institute of Postgraduate Medical Education and Research (JIPMER), Pondicherry to an Institution set up through Act of Parliament is under consideration and it is proposed to place the matter before the Cabinet. Such conversion will provide functional, administrative and academic autonomy to the Institute and make it into a Centre of Excellence. Concerns expressed in the representations sent by the Lok Sabha Sectt. have been adequately addressed while considering the establishment of the Institute through Legislation”.

2.4 After perusal of the comments furnished by the Ministry of Health and Family Welfare (Deptt. of Health), the Committee decided to take oral evidence of the representatives of the Ministry of Health and Family Welfare (Department of Health) on the subject on 17th January, 2006 and a list of questionnaire in the matter was sent to them for their comments.

2.5 In their written reply, the Ministry of Health and Family Welfare stated that JIPMER is a subordinate office of the Ministry of Health and Family Welfare under the Directorate General of Health Services. The total sanctioned strength of JIPMER, Pondicherry is 3185 – comprising of 242 Group ‘A’, 316 Group ‘B’, 1124 Group ‘C’ 1082 Group ‘D’ and 421 tenure posts.

The MH & FW further elaborated as under:—

“JIPMER was established with the aim of setting new trends in medical education and research. This can be achieved if JIPMER is given academic and administrative autonomy. The grant of academic autonomy to JIPMER will enable it to set the new trends in medical education and research and award its own degrees as in the case of AIIMS, New Delhi & PGI, Chandigarh and the degrees will automatically be recognized by the concerned Councils. The grant of functional autonomy will enable JIPMER to have its own policy and more flexibility for selection and recruitment of manpower. The selection of faculty and research will be possible without going through UPSC or SSC. Besides, JIPMER will be equipped with more financial autonomy, as is the case with AIIMS, New Delhi and PGIMER Chandigarh, and this will enable it to take many decisions themselves without reference to the Dte.GHS/Ministry. These measures would bring JIPMER at par with AIIMS, New Delhi and PGIMER Chandigarh and JIPMER will work like an AIIMS in southern India”.

2.6 When asked about the reasons behind the proposal to convert JIPMER into an autonomous body, the Ministry of Health & Family Welfare in their written reply informed the Committee as under :—

“The proposal is to convert JIPMER Pondicherry into a statutory institution on the lines of AIIMS, New Delhi and PGIMER Chandigarh through an Act of Parliament with a view to provide necessary academic and administrative autonomy. Over the years the institutes that were set up through an Act of Parliament, viz. AIIMS, New Delhi and PGIMER Chandigarh, around the same time as JIPMER, Pondicherry, have demonstrated phenomenal growth in the area of medical education, research and patient care as compared to JIPMER. But JIPMER, established with the aim of setting new trends in medical education and research, could not grow to the extent it was envisaged due to constraints on process of manpower selection and financial autonomy. With the autonomy proposed to be given it will be able to set new trends in medical education and research and this will also enable it to grow like AIIMS, New Delh and PGI Chandigarh.”

2.7 When asked about the salient features of the Treaty of Cession between India and France merging the territory of Pondicherry with India, the Ministry of Health & Family Welfare in their written reply informed the Committee as under :—

“The treaty of cession is an agreement between the Government of India and the Government of France to safeguard the interests of French establishments in India after their transfer to Govt. of India. Treaty was signed on 21.10.1954 and ensures that the French establishments that were having special administrative status prior to *de facto* transfer would continue to keep the benefits and any constitutional changes thereafter shall be made after ascertaining the wishes of people.”

2.8 To a query about the petitioners contention that without ascertaining the wishes of the people, the Government cannot change the status of any former French establishments through an Act, the MH&FW in a written note commented:—

“The petitioners’ contention is not correct as JIPMER, Pondicherry is not a French establishment and that the treaty of cession is aimed to protect the interests of the French establishments. JIPMER did not exist in its present form at the time of ‘*de facto*’ transfer. There was a medical school. The Govt. of India took over this medical school which was later on developed into a medical college. It was only in 1964 that JIPMER came into being.”

2.9 The MH&FW also stated that JIPMER, Pondicherry is a subordinate office of MH&FW and the Government has complete powers to decide on all matters concerning this institution. The proposal is only to bring JIPMER, Pondicherry on the lines of AIIMS/PGIMER.

2.10 When asked about the apprehensions of the petitioners that free treatment of poor patients would discontinue after conversion of JIPMER into an autonomous body, the MH&FW stated as under :—

“At present, poor and needy people are provided free treatment. Nominal charges are levied in private/pay wards. After conversion of JIPMER into a statutory institution with autonomy, the poor and needy will continue to receive free treatment as is being done in AIIMS, New Delhi and PGI, Chandigarh.....”.

2.11 In response to a question as to whether all political party meeting was convened on 5.3.2005 on the issue of conversion of JIPMER into an autonomous body, MH&FW stated as under :—

“An informal meeting was convened by the HFM on 5.3.2005 at JIPMER, Pondicherry to ascertain the views of various political parties on the issue of conversion of JIPMER into a statutory body. Most of the political parties were supportive of the proposal. The political parties also maintained that in this process adequate measures may also be taken so that interests of the employees are safeguarded and the people of Pondicherry continue to be provided the required services.”

The MH&FW also stated:—

“The main concern of the Unions is that their existing service conditions in the matter of pay/allowances and pensionary benefits should be protected. The concerns are being addressed in the proposed legislation. The dialogue with the unions will be a continuous process and their concerns will be suitably addressed.”

2.12 About the status of the proposal for conversion of JIPMER into an autonomous institution, the MH&FW replied as under :—

“The draft note for Cabinet along with the draft Bill have been circulated for seeking comments of the nodal Ministries.”

2.13 The Committee took oral evidence of the representatives of the MH&FW on 17th January, 2006. At the outset, the Secretary, MH&FW remarked as under :—

“.....As you tell us, we will act accordingly. People have grievances they demand for autonomy, they are seeking extension but first time we are seeing such a

petition in which they are saying they are rotting, they should be allowed to live comfortably, they should not be harassed. Sir, we are trying to give the status of AIIMS, New Delhi to JIPMER.”

2.14 On being pointed out by the Committee that according to the petitioners, free treatment is provided to the downtrodden in JIPMER, the witness, the Secretary, MH&FW commented:—

“Of course, it will continue.”

2.15 The Committee It was also pointed out that the people of Tamil Nadu, which is the border state of Pondicherry, have also been benefited by JIPMER, the witness, responded as under :—

“There is no problem in this. They will continue to be benefited.”

2.16 The Committee further pointed out that no fee is charged from the poor patients for their outdoor or indoor treatments. The witness responded as under :—

“There is no objection in it.”

2.17 The Committee also remarked that medicine and tests are also provided free of cost. To this the witness stated as under :—

“They will be continued.”

2.18 The Committee desired to know as to whether the Government had tried to know the feelings/sentiments of the public or had explored to know the wishes of the people and the employees if at all the Government wish to change structure of JIPMER. Responding to this, the witness stated as under :—

“.....Sir, if you any work in India, what so ever good may be, people will undoubtedly raise their voices against it. In this way, it is difficult to take mandate about all the work . There is a democratic process. There is a democratically elected Government. If you see the overall position, leaving this petition aside, JIPMER is an old and reputed institution. An old and reputed institution should be increased in its capacity. We have given Rs.200 crore this year. I am giving a rounded off figure. This is to improve its various facilities. If you pardon my submission, the All India Institute of Medical Sciences is universally accepted as number one medical institution of the country. I hope there is no second opinion about this. In terms of medical college quality, students join there. When the patients are frustrated from all other hospitals come there as a last resort referral.

We thought that we would have six other AIIMS-type of institutions in the country. But these were confined to the backward States of Orissa, Madhya Pradesh, Bihar, Rajasthan, U.P. etc. In South, we thought that we would upgrade one institution and give it autonomy so that it becomes a premier regional institution like the All India Institute of Medical Sciences in the South, that is the JIPMER. Also we are trying for NIMHANS of Bangalore. This is a part of our growth vision and not part of any harassing vision. The benefit to the poor will continue.

It is part of the accepted social policy of the Government of India notwithstanding the political changes. This has been going on for many decades now. The poor shall continue to enjoy the benefits. This whole effort is at providing a centre of excellence in medical education and research and treatment in this important area. If we do a new Greenfield institution it will cost money. Instead of doing that we are trying to upgrade the existing institution.

I would submit very respectfully that it is only out of love and regard for the good work and the discipline and everything that is good in JIPMER, Pondicherry that we are trying this. After the All India Institute of Medical Sciences and PGI, Chandigarh for PG courses and AFMC, Pune for medical education, we know by experience – because we do counselling for medical education – that JIPMER is the most preferred and accepted medical educational institution in the country for the students. We want to give it more status. There is no bad feeling or wrong motive behind improving JIPMER and giving it autonomy. There are some anxieties in the minds of some group – D employees as to what would happen to their pensions. The pensions would be available. All service conditions will be protected. What would happen to the Poor patients? That social policy will continue. It is the benefit which will increase and not the difficulty. It is for the august Committee to guide us. We are at your disposal.”

2.19 In response to a query as to whether there was any political meeting in this context, the witness replied as under: —

“The meeting was held, but that constituency is of our Health Minister, so if even 10 persons make a noise, it seems ten thousands people are making noises. This is nothing to do with the Hon. Minister. It is a part of long-term vision of upgradation of our institution.”

The witness added:—

“We had taken a consultative meeting.....We will try to make you understand because it is a good work. It is our duty that we sit with the people and talk to them. Even though they abuse, it does not matter we will try on – to establish communication with them.”

Observations/Recommendations

2.20 The Committee note that the Jawaharlal Nehru Institute of Postgraduate Medical Education and Research called as JIPMER is a subordinate office of the Directorate General of Health Service, Ministry of Health & Family Welfare. The total sanctioned strength of JIPMER is 3185, comprising of 242 – Group ‘A’, 316 – Group ‘B’, 1124 – Group ‘C’, 1082 – Group ‘D’ and 42 tenure posts. According to the petitioners, JIPMER is the hospital for the poor, which has been working efficiently for more than for the last three decades in Pondicherry. There are 75 seats for admission in M.B.B.S course in the Institute, out of which 20 seats are reserved for students of Pondicherry. Apart from it, Post-graduate and para-medical courses are also conducted by this Institute. Similarly, the charges for treatment in the Institute are nominal in comparison to a autonomous

Institutes like AIIMS, New Delhi or PGIMER, Chandigarh. While registration and bed charges, emergency treatment, tests for all ailments are free of cost in JIPMER, the Institute like AIIMS and PGIMER do not treat the patients free of costs. The petitioners apprehend that if JIPMER is converted into an autonomous body as announced by the Union Health Minister on 05.02.2005, then the poor people of Pondicherry will be deprived of the benefits of free treatment as presently enjoyed by them. In this context, the petitions also argued that the Govt. of India can not change the administrative establishment of JIPMER without ascertaining the wishes of the people as per the Treaty of Cession. The petitioners, therefore, pleaded that the proposal of conversion of JIPMER into an autonomous body be dropped.

2.21 From the information made available, the Committee note that JIPMER was established with the aim of setting new trends in medical education and research. According to the Ministry of Health and Family Welfare, the grant of academic autonomy to JIPMER will enable it to set the new trends in medical education and research and award its own degrees as in the case of AIIMS, New Delhi and PGIMER, Chandigarh and the degrees will automatically be recognized by the concerned Councils. The grant of functional autonomy will enable JIPMER to have its own policy and more flexibility for selection and recruitment of manpower. The selection of faculty and research will be possible without going through UPSC or SSC. Besides, JIPMER will be equipped with more financial autonomy, as is the case with AIIMS and PGIMER and this will enable it to take many decisions themselves without reference to the Dte.GHS/Ministry. In the opinion of the Ministry, these measures would bring JIPMER at par with AIIMS and PGIMER and JIPMER will work like an AIIMS in southern India.

The Ministry of Health and Family Welfare further contended that over the years, the Institutes that were set up through an Act of Parliament, *viz.* AIIMS, New Delhi and PGIMER Chandigarh, around the same time as JIPMER, Pondicherry, have demonstrated phenomenal growth in the area of medical education, research and patient care as compared to JIPMER. But JIPMER, established with the aim of setting new trends in medical education and research, could not grow to the extent it was envisaged due to constraints on process of manpower selection and financial autonomy. With the autonomy proposed to be given it will be able to set new trends in medical education and research and this will also enable it to grow like AIIMS, New Delhi and PGI Chandigarh. Keeping these aspects in view, the Government propose to convert JIPMER into a statutory institution on the lines of AIIMS, New Delhi and PGIMER, Chandigarh through an Act of Parliament with a view to provide necessary functional, administrative and academic autonomy to the Institute and make it into a centre of excellence.

2.22 The Committee were further informed that while considering the establishment of the Institute through an Act, the concerns expressed by the petitioners have been suitably addressed. It was also assured during the course of evidence that after conversion of JIPMER into a statutory Institution with autonomy, the poor, the downtrodden and the needy will continue to receive free treatment. The people of Tamil Nadu which is the border State of Pondicherry

will also continue to be benefited. The medicines and tests will continue to be provided free of cost.

2.23 The Committee were informed that an informal meeting was convened by the Ministry of Health & Family Welfare on 05.03.2005 at JIPMER, Pondicherry to ascertain the views of various political parties on the issue of conversion of JIPMER into a statutory body. Most of the political parties were supportive of the proposal. The political parties also maintained that in this process adequate measures might also be taken so that interests of the employees are safeguarded and the people of Pondicherry continue to be provided with the required services matter of pay/allowances and pensionary benefits should be protected. According to the Ministry, the concerns are being addressed in the proposed legislation. They also stated that the dialogue with the unions will be a continuous process and their concerns will be suitably addressed.

2.24 The Committee note that the Treaty of Cession is an agreement between the Government of India and the Government of France to safeguard the interests of French establishments in India after their transfer to Govt. of India. The Treaty was signed on 21.10.1954 and ensures that the French establishments that were having special administrative status prior to *de facto* transfer would continue to keep the benefits and any constitutional changes thereafter shall be made after ascertaining the wishes of people. According to Ministry of Health & Family Welfare, JIPMER, Pondicherry is not a French establishment and that the Treaty of Cession is aimed to protect the interests of the French establishments. JIPMER did not exist in its present form at the time of '*de facto*' transfer. Therefore, the contention of the petitioners that the Government cannot change the status of any former French establishment is not correct. The Committee were informed that there was a medical school which was taken over by the Government of India and later on developed into a medical college. It was only in 1964 that JIPMER came into being. The JIPMER, Pondicherry is a subordinate office of MH&FW and the Govt. has complete powers to decide on all matters concerning the Institute.

2.25 To sum up, the Committee regret to note that over the years, JIPMER failed to demonstrate the same growth as demonstrated by other comparable Institutes like AIIMS and PGIMER, in the field of medical education, research and medical care, despite being set up around the same time. The Committee take note of the assurance given by the Ministry that the proposed legislation will turn JIPMER into a centre of excellence by granting it full functional autonomy in the field of academy, administration and finance. They also take note of the assurance that the people of the area particularly the poor, the downtrodden and the needy will continue to get free medical treatment and tests as are being presently extended to them. The Committee expect that the interests of all the concerns including the petitioners will be protected in the process of conversion of JIPMER into an autonomous body. The Committee hope that the Government will expedite the proposed legislation accordingly and will not give any cause of grievance on the issue in future. Subject to these observations, the representations under examination stand disposed of.

CHAPTER III

REPRESENTATION REGARDING RELIEF TO 1989 RIOT VICTIMS OF BHAGALPUR

3.1 In his representation, Shri Subodh Roy, ex-MP *inter-alia* stated that no relief has been granted to the 1989 riot victims of Bhagalpur, Bihar in the matter relating to repayment of Bank loan. He stated that the communal riots of Bhagalpur in 1989 crossed all limits of cruelty and barbarism and in the process a large section of the minority people were affected. In this regard, the petitioner referred to the relief given by the Central Government to the affected people in 1984 anti Sikh riots. He also stated that while Bank Loan to the tune of Rs.83000 crore are not being recovered from big Industrial Houses, recovery of loan from the poor affected people of Bhagalpur is certainly inhuman. The petitioner, therefore, requested that relief may be extended to the 1989 riot affected people of Bhagalpur and warrants and cases against them may be taken back.

3.2 The Committee took up the matter for examination in accordance with Direction 95 of the Directions by the Speaker, Lok Sabha. The aforesaid representation was forwarded to the Ministry of Home Affairs and Ministry of Finance (Deptt. of Economic Affairs) on 13th August, 2004 for furnishing their factual comments on the points raised therein by the petitioner. In response thereof, the Ministry of Home Affairs *vide* their communication dated 31st August, 2004 submitted that the matter has been referred to the State Government for their comments and a reply in this regard will be furnished as soon as the same is received from the State Government. However, no further communication in the matter was received from them.

3.3 In their reply, the Ministry of Finance (Deptt. of Economic Affairs) *vide* their communication dated 7.10.2004 stated that the issue under reference was earlier raised by Shri Subodh Roy *vide* letter dated 13th June, 2003 on the same lines, addressed to the then Prime Minister. In his reply *vide* letter dated 30th September, 2003 addressed to Shri Subodh Roy, Ex-MP, the then Minister of State for Finance (Shri Anandrao Adsul) stated that Reserve Bank of India was not in favour of any proposal to waive the Bank loans on the ground that it would have adverse impact on the recovery of loans in general and that if the request of one State was accepted there was a possibility of receipt of similar requests from other States as well.

3.4 In response to a questionnaire on the issue raised by the petitioner, the Ministry of Home Affairs commented as follows:—

“The State Government of Bihar has intimated that a total of 1161 cases of persons killed/missing in the 1989 Bhagalpur riots were reported. These included 1069 cases of the first list, 78 cases of the supplementary list and 14 cases of mini riots.

As per the State Government report, out of the above 1161 cases after scrutiny/ verification 844 cases were found acceptable, which included 792 cases of the first list, 42 cases of the supplementary list and 10 cases of the mini riots. The State Government has sanctioned a total amount of Rs.7.96 crore in 796 cases @ Rs.1 lakh per case. These 796 cases included 746 cases of the first list, 40 cases of the supplementary list and 10 cases of mini riots.

In addition an amount of Rs.84.4 lakh has been released from the Prime Minister's Relief Fund in the aforesaid 844 cases @ Rs.10000 per case. These 844 cases include 792 cases of the First list, 42 cases of the Supplementary list and 10 cases of the Mini riots.”

3.5 When asked about the relief given or proposed to be given by the Central Government to the 1984 victims of anti-Sikh riots and the nature of relief/assistance given or proposed to be given to the victims, the Ministry of Home Affairs in a written note submitted as follows:—

“In pursuance of the assurances given by the Prime Minister and the Home Minister during discussion on the Report of Justice Nanavati Commission of Inquiry into 1984 riots in the Lok Sabha and the Rajya Sabha, the Central Government has sanctioned a rehabilitation package to provide *ex-gratia* and other assistance to the victims of 1984 riots *vide* Ministry of Home Affairs letter No. U 13018/46/2005-Delhi-I (NC) dated 16th January, 2006 as mentioned below:—

- (i) *Ex-gratia* amount @ Rs.3.5 lakh would be paid in each case of death during the riots. This will be in addition to the amount already paid by the respective State Governments;
- (ii) *Ex-gratia* amount in case of injuries will be paid @ Rs.1.25 lakh minus the amount already paid by the State Governments;
- (iii) All death cases which took place in trains during the 1984 riots would also be considered for payment of *ex-gratia* after due verification. The Government of Punjab, Ministry of Defence and Railways are to assist in verification of claims and identifying such cases;
- (iv) No new claims for grant of *ex-gratia* for death or injury would be entertained. Only those who received *ex-gratia* earlier should be eligible for the enhanced additional *ex-gratia* amount. However, if there are any pending or disputed cases which are awaiting decision for want of the necessary proof/evidence, such cases can be considered if they are finally accepted as genuine claims;
- (v) *Ex-gratia* for damaged residential properties would be paid @10 times the amount originally paid after deducting the amount already paid;
- (vi) *Ex-gratia* for damaged uninsured commercial/industrial properties would be paid @ 10 times the amount minus the amount already paid;
- (vii) Children/family members of those who died in the riots of 1984 will be given preference in recruitment in para-military forces, IR Battalions,

State Police Forces, Public Sector Undertakings and other State and Central Government Departments by giving necessary age relaxation;

- (viii) The Central Government/State Governments may launch a special recruitment drive to accommodate eligible members from riot affected families;
- (ix) Those who had lost their jobs in other States would be allowed to rejoin by treating the period of absence as 'dies-non';
- (x) Those who had to leave their jobs due to riots and have already crossed the age of superannuation may be given necessary pensionary benefits by relaxing the normal rules to the extent possible;
- (xi) The State Governments may grant pension to all the widows and old aged parents of those who were killed in the 1984 riots at the uniform rate of Rs.2500/- per month for the whole life from a prospective date. Wives of those who have suffered disability of 70% or more and those who are missing since 1984 may also be provided pension at the same rate;
- (xii) Approximately 22000 families of victims of riots, which migrated to Punjab from other riot affected States and are still living there, would be paid Rehabilitation Grant @ Rs.2 lakh per family. Similarly placed families of victims of the riots living in other States may also be given Rehabilitation Grant at the rate of Rs.2 lakh per family."

The entire expenditure on payment of *ex-gratia* in case of death and injury and *ex-gratia* for damaged residential properties and damaged uninsured commercial/ industrial properties and rehabilitation grant as indicated above would be borne by the Central Government. The expenditure on payment of pension to the indoors and old aged parents of those who were killed in 1984 riots, wives of those who have suffered disability of 70% or more and those who are missing since 1984 should be borne by the respective State Government.

3.6 In this context, the Ministry of Finance (Department of Economic Affairs – Banking Division) has submitted the following reply: -

“Pursuant to the decisions of the Cabinet Committee on Political Affairs, Debt Relief Scheme for November, 1984 Riot Affected Borrowers was introduced in 1993. The Scheme was modified by the Government subsequently from time to time. As a part of the rehabilitation measure for the victims, Government of India, Ministry of Finance *vide* their letter No.F.11(3)90/CP dated 30th March 1990 decided to provide relief in the form of reduction of interest to 6% in the bank loans under Central Interest Subsidy Scheme for 1984 Riot Affected borrowers”.

3.7 When asked about the difference between the 1984 anti-Sikh riots from the 1989 riots of Bhagalpur, the Ministry of Home Affairs in a written note explained as follows:—

“The violence which erupted in Delhi and other parts of the Country following the assassination of Smt. Indira Gandhi on 31st October, 1984 cannot be

compared with any other incident. It was an aberration in the history of India in as much as only one particular community was targeted and people of no other community suffered in any way. In other kinds of violence, people of different communities have to bear the brunt. But in 1984 riots, no other community was killed or attacked except Sikhs.”

3.8 In response to a question as to whether the Central Government have any policy guidelines to provide relief/assistance to victims of such riots uniformly and expeditiously in a just and equitable manner, the Ministry of Home Affairs replied as under:—

“Ministry of Home Affairs issued the guidelines to promote Communal Harmony in October, 1997 which laid down that though the State Governments are competent to decide the quantum of *ex-gratia*, it would be desirable that all the State Governments pay *ex-gratia* at a following uniform scale:—

Rs.1,00,000/- in the case of death, Rs. 50,000/- in the case of permanent incapacitation and Rs. 500/- per month pension to the widow of the victim of riot belonging to low income group.

The Communal Violence (Prevention, Control & Rehabilitation of Victims) Bill, 2005, which was introduced in the Rajya Sabha on 05.12.2005 and is currently before the Department-related Standing Committee of the Parliament on Home Affairs, provides for a sound institutional mechanism for implementing relief, rehabilitation and compensation measures for riot victims through a three tier set up comprising of a National Level, a State Level and District Level Councils expeditiously in an equitable manner.”

3.9 The Committee desired to know as to whether any kind of loan from the Banks had also been provided to the victims of 1989 riots and the nature of Bank loans given to the victims, the Ministry of Finance in a written note stated as follows:—

“As per information available from SBI, convener of SLBC for Bihar, loans amounting to Rs.1,26,83,064 were provided to 835 riot victims in Bhagalpur by various Banks. Loans were given primarily to weavers for rehabilitation. Banks are recovering these loans as per RBI extant guidelines/policies made by Individual Banks.”

3.10 In this context, the Committee were informed *vide* SBI letter dated 29.11.2004 that the status of the loans provided to the riot victim in Bhagalpur District by various banks is as under: —

Name of Bank	Number of Borrowers	Loan amount (Rs)	Accrued interest (Rs)	Total (Rs)
State Bank of India	467	74,75,008	95,71,486	1,70,46,494
Allahabad Bank	21	3,88,500	1,17,538	5,06,038
UCO Bank	190	27,48,756	14,43,543	41,92,299
Bank of India	15	1,06,800	44,910	1,51,710
Punjab National Bank	142	19,64,000	25,08,275	44,72,275
Grand Total	835	1,26,83,064	1,36,85,752	2,63,68,816

3.11 On being asked about the difficulties of the nature of relief as provided/ proposed to be provided to the victims of anti-Sikh riots is also extended to the victims of 1989 riots of Bhagalpur, the Ministry of Finance in a written note stated as follows:—

“As regards waiver of loans upto Rs.50,000/- and interest subsidy on loans for higher amounts extended to the victims of 1984 riots, the decision was taken by the Central Government due to extraordinary circumstances and wide spread nature of the riots.”

3.12 The Committee were also informed that an amount of Rs. 2,63,68,616 (upto October, 2004) is involved if the loan given to the 1989 victim of Bhagalpur is waived of. But the Ministry of Finance did not respond in their written reply to a specific question as raised by the petitioner about the failure of the Government to recover loan to the tune of Rs. 83,000/- crore from big industrial houses. Instead they have stated that a new legislation namely SARFAESI Act, 2002 (Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest) has been brought into operation to recover NPAs in addition to the existing DRT Act. Banks are taking steps for recovery as per these guidelines and recovery policy framed by the Bank Boards.

3.13 When the Committee desired to know as to whether the Government have examined the impact on financial discipline of the loans given by the banks particularly to riot victims in different States are waived of. Responding to this, the Ministry of Finance in a written reply stated as under:—

“It may be stated that the banks deal with depositors’ money and recovery of funds advanced by banks is, therefore, necessary. We do not favour any scheme of loan waiver because of its possible adverse impact on the recoveries and finance discipline. Further, any waiver agreed to in respect of one scheme in one State leads for similar demands regarding other schemes from other States as well.”

The Ministry of Finance have also informed that no demand from the States have been received for granting relief in loan to riot affected borrowers.

3.14 In response to the observation of the Committee that the victims of Bhagalpur riots or such riots need to be tackled with human approach, the Ministry of Finance responded as under:—

“The Banks have granted loans to riot affected victims on priority basis. State Governments undertake relief and rehabilitation measures for the riot victims. However, Government do not favour any scheme of loan waiver because of its possible adverse impact on the recoveries and financial discipline.”

3.15 After perusal of the comments furnished by the Ministry of Home Affairs and Ministry of Finance (Deptt. of Economic Affairs), the Committee took oral evidence of the representatives of the these Ministries at their sitting held on 27th January, 2006.

3.16 At the outset, the Committee desired to know about the number of persons killed in the anti-Sikh riots and the number of those killed in the Bhagalpur riots.

Responding to this, the witness from the Ministry of Finance stated as under :—

“The reply regarding the number of people killed in anti-Sikh riots was given in Parliament to the starred question No. 219 on 15 December, 2004. Compensation of Rs. 3.5 lakh was given in each of the 2327 cases of riot victims. We have sought information from the State Government regarding Bhagalpur riots. We have sought all such information several times but we have started receiving all such information from 11.00 A.M. onwards today that is why we want at least two weeks time, so that we may be able to collect all the information and submit it.”

3.17 The Committee sought clarification from the Ministry of Finance as to whether they have formulated any plan to provide relief to the those families which were ruined by the riots and are yet to be rehabilitated . In their clarification, the witness replied as under:—

“Sir, so far as the riots and its victims are concerned, the in-principle decision taken in this regard is never taken by the Ministry of Finance. This decision is taken in the Ministry of Home Affairs. The in-principle decision taken in the anti-Sikh riots or Bhagalpur riots is a centralized decision. The Ministry of Finance do not take any decision on these issues.”

3.18 The Committee also wanted to know as to whether the Ministry of Home Affairs are considering the cases of riot victims of Bhagalpur and the type of relief given on the basis of information made available by the petitioner. In this regard, the witness from the Ministry of Home Affairs stated as under:—

“Sir, we would be able to provide proper facts after getting complete information. But under the present policy guidelines which was sent to State Governments on 1997, there is a provision of Rs. one lakh in the case of death, Rs.50,000 in the case of permanent physical disability and Rs.500 per month to the widow of the person who have died in the riot. Our suggestion is that, all State Governments should follow this Policy Guidelines and if any State Government wants to give more compensation then they are free to give it on their own.”

3.19 On being enquired as to whether the Ministry of Home Affairs have undertaken any review of the matter with reference to the letter written by the petitioner, the witness from Ministry of Home Affairs did not given any satisfactory reply and stated that the matter would be examined after receipt of information.

3.20 In response to a query as to whether it is the policy of the Central Government to provide help to riot victims and whether the Central Government provide help in respect of all the riots which take place in the country. The witness from the Ministry of Home Affairs responded as under:—

“Not as a rule.”

The witness further added:—

“We have provided help in the case of anti-Sikh riots.”

3.21 On being enquired as to whether the help was provided only to the victims of anti-Sikh riots in Delhi or to the victims of the said riots in other parts of the country also. To this, the witness from the Ministry of Home Affairs responded as under:—

“For the anti-Sikh riots that took place in 1984, the State Government has provided certain relief to the victims. After the assurance given by the Prime Minister in the Parliament in the month of August, 2005, the Government of India reconsidered the whole issue. And only in the case of anti-Sikh considering its gravity and incomparability with any other incident the Government of India has recently decided to provide some relief in the affected States also. Normally it is not done. In the case of anti-Sikh riots, it has been decided to provide relief.”

3.22 The witness from the Ministry of Home Affairs failed to give any satisfactory reply to a specific query as to whether the Central Government have not provided any relief in other cases in any part of the country.

Observations/Recommendations

3.23 In his representation, the petitioner stated that no relief has been granted to the 1989 riot victims of Bhagalpur, Bihar in the matter relating to repayment of Bank loan. He stated that the communal riots of Bhagalpur in 1989 crossed all limits of cruelty and barbarism and in the process a large section of the people were affected. In this regard, the petitioner referred to the relief given by the Central Government to the affected people in 1984 anti-Sikh riots. The petitioner, therefore, requested that relief may be extended to the 1989 riot affected people of Bhagalpur and warrants and cases against them may be taken back.

3.24 Offering their comments on the points made in the representation, the Ministry of Home Affairs informed that a total of 1161 cases of persons killed/missing were reported in the 1989 Bhagalpur riots by the State Government of Bihar. Out of 1161 case, 844 cases were found acceptable. The State Government have sanctioned a total amount of Rs. 7.96 crore in 796 cases @ Rs.1 lakh per case. In addition, an amount of Rs. 84.4 lakh has been released from the Prime Minister's Relief Fund in the aforesaid 844 cases @ Rs.10,000 per case. According to the Ministry of Finance, a loan amounting Rs. 1,26,83,064 was also provided to 835 Bhagalpur riot victims by various Banks. Loans were given primarily to weavers for rehabilitation. Banks are recovering these loans as per RBI extant guidelines/policies made by individual banks. The interest accrued over the aforesaid principal loan amount was Rs. 1,36,85,752 as reported in November, 2004.

3.25 The Committee were also informed to note that the State Governments are competent to decide the quantum of *ex-gratia* to the victim of riots in their State. But in order to have a uniform scale, guidelines were issued in October, 1997, according to which all the State Governments may have to pay *ex-gratia* at a uniform scale of Rs. 1,00,000 in the case of death, Rs. 50,000 in the case of permanent incapacitation and Rs. 500 per month pension to the widow of the

person who have died in the riot. In pursuance of the assurances given by the Prime Minister and the Home Minister during discussion on the Report of Justice Nanavati Commission of inquiry into 1984 riots in Lok Sabha and the Rajya Sabha, the Central Government sanctioned ex-gratia amount and other assistance to the victims of 1984 riots *inter-alia* as under:—

- (i) *Ex-gratia* amount @ Rs.3.5 lakh would be paid in each case of death during the riots. This will be in addition to the amount already paid by the respective State Governments;
- (ii) *Ex-gratia* amount in case of injuries will be paid @ Rs. 1.25 lakh minus the amount already paid by the State Governments;
- (iii) *Ex-gratia* for damaged residential properties would be paid @10 times the amount originally paid after deducting the amount already paid;
- (iv) *Ex-gratia* for damaged uninsured commercial/industrial properties would be paid @ 10 times the amount minus the amount already paid;
- (v) Children/family members of those who died in the riots of 1984 will be given preference in recruitment in para-military forces, IR Battalions, State Police Forces, Public Sector Undertakings and other State and Central Government Departments by giving necessary age relaxation;
- (vi) Those who had lost their jobs in other States would be allowed to rejoin by treating the period of absence as ‘dies-non’;
- (vii) Those who had to leave their jobs due to riots and have already crossed the age of superannuation may be given necessary pensionary benefits by relaxing the normal rules to the extent possible;
- (viii) The State Governments may grant pension to all the widows and old aged parents of those who were killed in the 1984 riots at the uniform rate of Rs. 2500/- per month for the whole life from a prospective date. Wives of those who have suffered disability of 70% or more and those who are missing since 1984 may also be proved pension at the same rate;
- (ix) Approximately 22000 families of victims of riots, which migrated to Punjab from other riot affected States and are still living there, would be paid Rehabilitation Grant @ Rs. 2 lakh per family. Similarly placed families of victims of the riots living in other States may also be given Rehabilitation Grant at the rate of Rs. 2 lakh per family.

The Central Government also decided that the entire expenditure on payment of ex-gratia in case of death and injury and ex-gratia for damaged residential properties and damaged uninsured commercial/industrial properties and rehabilitation grant as indicated above would be borne by the Central Government. The expenditure on payment of pension to the widows and old aged parents of those who were killed in 1984 riots, wives of those who have suffered

disability of 70% or more and those who are missing since 1984 would be borne by the respective State Government.

3.26 The Committee were also informed that waiver of loans upto Rs. 50,000/- and interest subsidy on loan for higher amounts were also extended to the victims of 1984 riots. This decision was taken by the Central Government as a part of rehabilitation measure for the riot victims and due to extra ordinary circumstances and wide spread nature of the riots. Relief in the form of reduction of interest to 6% in the bank loans has been provided under Central Interest Subsidy Scheme for 1984 Riot Affected borrowers.

3.27 The Committee note that Reserve Bank of India (RBI) is not in favour of any proposal to waive the bank loans on the ground that it would have adverse impact on the recovery of loans in general and that if the request of one State was accepted there would be a possibility of receipt of similar requests from other states as well. The Ministry of Finance maintained that the relief extended to the victims of the 1984 riots cannot be extended to the victims in the present case on considerations of gravity and incomparability.

3.28 After examination of the facts placed before them, the Committee regret to conclude that even after 16 years, the Government do not have the requisite and detailed information/facts about the victims of Bhagalpur riots of 1989. This only goes to show the apathy shown and the treatment given or being given by the authorities to the victims of these riots. The Committee are not convinced with the arguments adduced against extension of similar relief to the victims of Bhagalpur riots on grounds of gravity, comparability etc. In the opinion of the Committee, there could not be any parameter to distinguish one riot from another riot as it is the victims of such riots who undergo great sufferings. The sufferings of the victims cannot be measured only by its area of eruption. As regards waiver of loans, the Committee find it difficult to agree with the stand taken by the RBI or the Ministry of Finance that it will adversely affect the financial discipline and also that the same may also lead for similar demands from other states as well. The loans provided to the victims of Bhagalpur riots by various banks amount only Rs. 1,26,83,064. Even if the interest thereon is taken into consideration, the same would not be more than Rs.3 crore roughly. The loans was given primarily to weavers for rehabilitation. They are the poor and downtrodden people belonging to the lower strata of the society and it should always be the efforts of the Central Government to uplift these people. The Committee, therefore, are of the view that provision of relief to the victims of the riots of Bhagalpur should be treated analogously with other cases. While the poor victims of riots find it difficult to repay the loans advanced to them, the Central Government could find ways and means to waive of the loan advanced to riot victims of Bhagalpur. The Committee hope that the whole issue will be considered accordingly.

NEW DELHI;
22 August, 2006
31 Sravana, 1928 (Saka)

PRABHUNATH SINGH,
Chairman,
Committee on Petitions.

MINUTES OF THE TWENTY-NINTH SITTING OF THE COMMITTEE ON
PETITIONS (FOURTEENTH LOK SABHA)

The Committee on Petitions sat on Tuesday, 17th January, 2006 from 1400 hrs. to
1535 hrs. in Committee Room No. 62, First floor, Parliament House, New Delhi.

PRESENT

Shri Prabhunath Singh — *Chairman*

MEMBERS

2. Shri Nandkumar Singh Chauhan
3. Mohd. Muqueem
4. Shri Dharmendra Pradhan
5. Shri Jyotiraditya Madhavrao Scindia
6. Shri Vijoy Krishna

SECRETARIAT

- | | | |
|-----------------------|---|---------------------------|
| 1. Shri P. Sreedharan | — | <i>Joint Secretary</i> |
| 2. Shri A.K. Singh | — | <i>Director</i> |
| 3. Shri U.B.S. Negi | — | <i>Under Secretary</i> |
| 4. Shri M.S. Jaspal | — | <i>Assistant Director</i> |

WITNESSES

*Representatives of the Ministry of Health & Family Welfare
(Department of Health)*

- | | | |
|-------------------------|---|----------------------------------|
| 1. Shri P. Hota | — | Secretary,
Ministry of Health |
| 2. Shri R.K. Srivastava | — | Director General |
| 3. Shri P.K. Phukan | — | Director (C&HS) |
| 4. Dr. Shiv Lal | — | Addl. Director General |
| 5. Smt. B. Thayagarajan | — | Joint Secretary |
| 6. Dr. Anil Kumar | — | Deputy Secretary |
| 7. Shri D.R. Sharma | — | Deputy Secretary |
| 8. Dr. R. Anand | — | Joint Director (HQ) |

9. Shri Kiranjit Singh Nagi — Under Secretary
10. Dr. Bhaskar Behera — Assistant Director
(CGHS)

2. At the outset, Chairman welcomed the representatives of the Ministry of Health & Family Welfare (Department of Health) and drew their attention to Direction 55(1) of the Directions by the Speaker, Lok Sabha regarding confidentiality of the proceedings.

3. Thereafter, the Committee took oral evidence of the representatives of the Ministry of Health & Family Welfare (Department of Health) on the following subjects:—

*** *** **

- (iii) Representation from Shri R. Arochiam and others against conversion of Jawaharlal Institute of Postgraduate Medical Education and Research (JIPMER) into an autonomous body.

*** *** **

III. *Representation from Shri R. Arochiam and others against conversion of Jawaharlal Institute of Postgraduate Medical Education and Research (JIPMER) into an autonomous body.*

The following points were discussed by the Committee:—

- (i) reasons behind the proposal to convert JIPMER into an autonomous body.
- (ii) benefits/facilities that will be extended to the patients after conversion of JIPMER into an autonomous body.
- (iii) comparative rates of various facilities granted by JIPMER vis-a-vis All India Institute of Medical Sciences (AIIMS).
- (iv) public opinion and the consultative meeting on the issue.

3. A copy of the verbatim proceedings of the sitting of the Committee was kept on record.

The witnesses then withdrew.

The Committee then adjourned.

MINUTES OF THE THIRTIETH SITTING OF THE COMMITTEE ON
PETITIONS (FOURTEENTH LOK SABHA)

The Committee on Petitions sat on Friday, 27th January, 2006 from 1400 hrs. to
1545 hrs. in Committee Room No. 53, First Floor, Parliament House, New Delhi.

PRESENT

Shri Prabhunath Singh — *Chairman*

MEMBERS

2. Shri Baliram Kashyap
3. Shri Suresh Kurup
4. Mohd. Muqueem
5. Shri Jyotiraditya Madhavrao Scindia

SECRETARIAT

1. Shri P. Sreedharan — *Joint Secretary*
2. Shri U.B.S. Negi — *Under Secretary*
3. Shri M.S. Jaspal — *Assistant Director*

WITNESSES

Ministry of Home Affairs

1. Shri A.K. Mitra — *Special Secretary*
2. Dr. K.S. Sugathan — *Joint Secretary(UT)*
3. Shri Yashwant Rai — *Joint Secretary (Admn.)*
4. Shri B.A. Coutinho — *Joint Secretary (HR)*
5. Shri Dinesh Singh — *Joint Secretary (FFR)*
6. Shri I.B. Karn — *Director (Delhi)*
7. Shri Pravir Pandey — *Deputy Secretary*
8. Shri S.K. Bhatnagar — *Deputy Secretary*
9. Shri Jagram — *Director*
10. Shri M.M. Kutty — *Addl. Commissioner (MCD)*

11. Shri Pradeep Srivastava	—	CVO (MCD)
12. Shri O.P. Kelkar	—	Principal Secretary (UD)
13. Ms. Renu Jagdev	—	Director (Personnel), MCD
14. Shri H.P.S. Saran	—	Director (Vig.), MCD
15. Shri Anil Agnihotri	—	Administrative Officer (MCD)

Ministry of Finance (Department of Economic Affairs—Banking Division)

1. Shri Vinod Rai	—	Addl. Secretary (FS)
2. Shri G. Srinivasan	—	CGM, RPCD, RBI
3. Shri P.P. Mitra	—	Economic Advisor
4. Shri Vivek Kapoor	—	Officer on Special Duty

*Ministry of Personnel, P.G. and Pensions
(Department of Personnel & Training)*

1. Shri P.I. Suvrathan	—	Addl. Secretary
2. Shri R. Ramanujam	—	Joint Secretary
3. Shri S.K. Lohani	—	Director
4. Shri D.N. Gupta	—	Deputy Secretary

2. At the outset, Chairman welcomed the representatives of the Ministries of Home Affairs, Finance (Department of Economic Affairs—Banking Division) and Personnel, P.G. and Pensions (Department of Personnel & Training) and drew their attention to Directions 55(1) of the Directions by the Speaker, Lok Sabha regarding confidentiality of the proceedings. The Chairman also drew attention to Direction 95 which clearly stipulates that the Committee shall also meet as often as necessary to consider representations, letters, telegrams from various individuals, associations etc. which are not covered by the rules relating to petitions and give directions for their disposal.

3. Thereafter, the Committee took oral evidence of the representatives of the Ministry of Finance (Department of Economic Affairs—Banking Division) and Ministry of Home Affairs on the representation from Shri Subodh Roy, ex. M.P. regarding relief to 1989 riot victims of Bhagalpur.

4. The following important points were discussed by the Committee:-

- (i) The number of victims of Bhagalpur riots that took place in 1989 *vis-à-vis* anti Sikh riots of 1984.
- (ii) The nature of relief or assistance given to the riot victims of Bhagalpur and efforts made by the Government for their rehabilitation.

(iii) Action taken by the Government with reference to the letter from Shri Subodh Roy, ex-M.P. on the issue.

(iv) Policy of the Union Government to provide relief in cases of riot victims.

5. The Committee directed the witnesses to send the replies on the points which were not supplied or readily available with them during the course of evidence and thereafter, on receipt of requisite information/report, the issue will be deliberated at their next sitting.

[The witnesses of the Ministry of Finance (Department of Economic Affairs—Banking Division) then withdrew and thereafter the representatives of the Ministries of Home Affairs, Personnel, P.G. & Pensions (Department of Personnel & Training) took their seats].

6. ** ** **

7. A copy of the verbatim proceedings of the sitting of the Committee was kept on record.

The Committee then adjourned.

MINUTES OF THE THIRTY-SIXTH SITTING OF THE COMMITTEE ON
PETITIONS (FOURTEENTH LOK SABHA)

The Committee on Petitions sat on Tuesday, 18th April, 2006 from 1400 hrs. to
1700 hrs. in Committee Room No. 53, First Floor, Parliament House, New Delhi.

PRESENT

Shri Prabhunath Singh — *Chairman*

Members

2. Shri Nandkumar Singh Chauhan
3. Smt. Nivedita Mane
4. Adv. Suresh Kurup
5. Shri Baliram Kashyap
6. Shri Raj Babbar
7. Shri Vijoy Krishna
8. Mohd. Muqeem

SECRETARIAT

1. Shri A.K. Singh — *Director*
2. Shri U.B.S. Negi — *Under Secretary*

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WITNESSES

Representatives of the Ministry of Civil Aviation

1. Shri Ajay Prasad — *Secretary*
2. Shri Sanjay Narayen — *Joint Secretary*
3. Shri R.K. Singh — *Joint Secretary*
4. Shri K. Ramalingam — *Chairman, AAI*
5. Dr. Vishwapati Trivedi — *CMD, IA Ltd.*
6. Shri V. Thulasidas — *CMD, Air India Ltd.*

2. At the outset, the Chairman welcomed the representatives of the Ministry of Civil Aviation and drew their attention to the Direction 55(1) of the Directions by the

Speaker regarding confidentiality of the proceedings. The Chairman also drew attention to Direction 95 which clearly stipulates that the Committee shall also meet as often as necessary to consider representations, letters, telegrams from various individuals, associations etc. which are not covered by the rules relating to petitions and give directions for their disposals.

3. Thereafter, the Committee took oral evidence of the representatives of the Ministry of Civil Aviation on the representation from Shri J.P. Sinha regarding reinstatement of his services in Airport Authority of India.

4. At the outset, the witness apprised the Committee on the issue relating to Shri J.P. Sinha and informed the Committee that after due verification they arrived to the conclusion that the date of birth of Shri J.P. Sinha is 01st July, 1950 instead of 01st July, 1955 as mentioned by him. Since, he got the service on the basis of false certificate his services were terminated. The following important points were also discussed by the Committee:—

- (i) Verification of the certificates—one indicating date of birth 01.07.1950 and the other indicating 01.07.1955 issued by the Bihar School Education Board.
- (ii) Verification from the Resident Commissioner of Bihar in Delhi.

The Committee directed the witnesses to send the photocopies of the letters of the Resident Commissioner and the Secretary of the Bihar School Education Board alongwith a detailed note on the issue. Thereafter, the Committee decided to drop the case.

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9. A copy of the verbatim proceeding of the sitting of the Committee was kept on records.

The Committee then adjourned.

MINUTES OF THE FORTY-THIRD SITTING OF THE COMMITTEE ON
PETITIONS (FOURTEENTH LOK SABHA)

The Committee on Petitions sat on Tuesday, 22nd August, 2006 from 1500 hrs. to 1540 hrs. in Chairman Room No. 45-II, Parliament House, New Delhi.

PRESENT

Shri Prabhunath Singh — *Chairman*

MEMBERS

2. Adv. Suresh Kurup
3. Smt. Nivedita Mane
4. Mohd. Muqeem
5. Shri Damodar Barku Singhda
6. Shri Vijoy Krishna

SECRETARIAT

1. Shri A.K. Singh — *Director*
2. Shri U.B.S. Negi — *Under Secretary*

2. At the outset, the Committee considered and adopted the Sixteenth, Seventeenth, Eighteenth and Nineteenth Reports with certain amendments as shown in the Appendix-I.

3. The Committee also authorized the Chairman to finalise and present the Reports to the House.

The Committee then adjourned.

APPENDIX

(See Para—2 of Minutes dated 22 August, 2006)

(A) AMENDMENTS MADE BY THE COMMITTEE ON PETITIONS IN
THE DRAFT
SEVENTEENTH REPORT

- (i) Page 29, Para 3.23, Line 5 from bottom
Delete — the word 'minority'
- (ii) Page 32, Para 3.28, Line 5 from bottom
Delete — 'particularly by the same yardstick as the riots of 1984'
- (iii) Page 32, Para 3.28, Lines 2-3 from bottom
For — 'or at least lesson the burden of '
Substitute — 'the'

(B) AMENDMENT MADE BY THE COMMITTEE ON PETITIONS IN
THE DRAFT
EIGHTEENTH REPORT

- (i) Insert before the last sentence of the para 23 on page 10 as under:—
"The Committee further desire that the Ministry of Tourism in cooperation with State Government of Bihar should chalk out suitable plan for places like Baikathpur Mahadev Sthan, Birth place of Guru Govind Singh, Chhoti Patan Devi, Badi Patan Devi and Kumhrar in Patna District to bring them on the tourist map and provide wayside amenities on these places considering their religious and historical significance."