

SECOND REPORT

COMMITTEE ON PETITIONS

(FOURTEENTH LOK SABHA)

(Presented to Lok Sabha on 20 December, 2004)

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**LOK SABHA SECRETARIAT
NEW DELHI**

September, 2004/Bhadrapada, 1926 (Saka)

CONTENTS

	Pages
Composition of the Committee on Petitions	(iii)
I. INTRODUCTION	(v)
II. REPORT:	
(i) Action taken by the Government on the recommendations of the Committee on Petitions (Thirteenth Lok Sabha) in their Twenty-ninth Report on the representation requesting for the removal of disparities in the facilities and benefits available to the Airports Authority of India (AAI) formed by the merger of the International Airports Authority of India and the National Airports Authority.	
(ii) Action taken by the Government on the recommendations made by the Committee on Petitions (Thirteenth Lok Sabha) in their Thirty-second Report on the representation regarding denial of employment of the small land holders displaced by the land acquired for Bharat Petroleum Corporation Ltd. (BPCL) in the Industrial Complex of State Industries Promotion Corporation of Tamil Nadu (SIPCOT).	
(iii) Action Taken by the Government on the recommendations of the Committee on Petitions (Thirteenth Lok Sabha) in their Thirty-fifth Report on the petition regarding environmental pollution caused by Nagaon Paper Mill, Kagajgaon, Assam.	
(iv) Action Taken by the Government on the recommendations made by the Committee on Petitions (Thirteenth Lok Sabha) in their Thirty-eighth Report on the representation requesting for option to switch over from Contributory Provident Fund (CPF) to General Provident Fund (GPF) pension scheme in Indian Space Research Organisation.	

III Minutes

minutes of the Second Sitting of the Committee held on 1.9.2004.

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. Dr. M. Jagannath
6. Shri Jitin Prasad
7. Shri Baliram Kashyap
8. Shri Suresh Kurup
9. Ms. Nivedita Mane
10. Mohd. Muqueem
11. Shri Dharmendra Pradhan
12. Shri Jyotiraditya Madhavrao Scindia
13. Shri Damodar Barku Shingada
14. Shri Mansukhbhai D. Vasava
15. Shri Vijay Krishna

SECRETARIAT

1. Shri John Joseph - Additional Secretary
2. Shri R.C. Ahuja - Joint Secretary
3. Shri Brahm Dutt - Director
4. Shri J.V.G. Reddy - Assistant Director
5. Shri M.S. Jaspal - Committee Officer

**SECOND 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 Second Report of the Committee to the House on the following matters:-

- (i) Action taken by the Government on the recommendations of the Committee on Petitions (Thirteenth Lok Sabha) in their Twenty-ninth Report on the representation requesting for the removal of disparities in the facilities and benefits available to the Airports Authority of India (AAI) formed by the merger of the International Airports Authority of India and the National Airports Authority.
- (ii) Action taken by the Government on the recommendations made by the Committee on Petitions (Thirteenth Lok Sabha) in their Thirty-second Report on the representation regarding denial of employment of the small land holders displaced by the land acquired for Bharat Petroleum Corporation Ltd. (BPCL) in the Industrial Complex of State Industries Promotion Corporation of Tamil Nadu (SIPCOT).
- (iii) Action Taken by the Government on the recommendations of the Committee on Petitions (Thirteenth Lok Sabha) in their Thirty-fifth Report on the petition regarding environmental pollution caused by Nagaon Paper Mill, Kagajgaon, Assam.
- (iv) Action Taken by the Government on the recommendations made by the Committee on Petitions (Thirteenth Lok Sabha) in their Thirty-eighth Report on the representation requesting for option to switch over from Contributory Provident Fund (CPF) to General Provident Fund (GPF) pension scheme in Indian Space Research Organisation.

2. The Committee considered and adopted the draft Second Report at their sitting held on 1 September, 2004.

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

NEW DELHI;

1 September, 2004.
10 Bhadrapada, 1926(Saka)

PRABHU NATH SINGH
Chairman,
Committee on Petitions.

CHAPTER-I

ACTION TAKEN BY THE GOVERNMENT ON THE RECOMMENDATIONS OF THE COMMITTEE ON PETITIONS (THIRTEENTH LOK SABHA) IN THEIR TWENTY-NINTH REPORT ON THE REPRESENTATION REQUESTING FOR THE REMOVAL OF DISPARITIES IN THE FACILITIES AND BENEFITS AVAILABLE TO THE AIRPORTS AUTHORITY OF INDIA (AAI) FORMED BY THE MERGER OF THE INTERNATIONAL AIRPORTS AUTHORITY OF INDIA AND THE NATIONAL AIRPORTS AUTHORITY.

1.1 The Committee on Petitions (Thirteenth Lok Sabha) in their Twenty-Ninth Report presented on 22nd July, 2003 had dealt with the representation requesting for the removal of disparities in the facilities and benefits available to the Airport Authority of India (AAI) formed by the merger of International Airports Authority of India and the National Airports Authority.

1.2 The Committee made certain observations/recommendations in their Report and the Ministry of Civil Aviation were requested to implement those recommendations and furnish their action taken notes for the consideration of the Committee.

1.3 Action Taken notes have been received from the Ministry of Civil Aviation in respect of all the recommendations/observations contained in the Report.

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

1.5 In para 2.24 of the Report, the Committee recommended as follows:-

“The Committee note that AAEU and IAAWU agreed in regard to the adoption of the revised pay-scales; fitment formula for fixing the pay in the revised scales; payment of variable dearness allowance, house rent allowance and city compensatory allowance; reduction in medical expenses and overtime and career progression aiming at restructuring and removal of anomalies, in June, 2001. Furthermore, in October, 2002 a fresh referendum had been conducted which gave recognition to the majority union for a period of five year. The Committee, therefore recommend that appropriate steps should be taken by the management so as to ensure that the rightful service facilities/benefits to all the employees and workers of the International Division and the National Division are provided by adhering to the provisions of the Airports Authority of India Act, 1994. The Committee also recommend that periodic and timely discussions should be held with the representatives of the employees unions based on the principle of collective bargaining to obviate any occurrence of labour impasse in the organization.”

1.6 In their action taken reply, the Ministry have stated:

“As provided under Section 42 (2) of the AAI Act, 1994, the regulations relating to conditions of service and other related matters of employees of AAI on approval of Government are notified/being notified in the gazette of India. This will ensure service facilities/benefits to employees of AAI. The periodical meetings are held with the recognised Union/Officers Associations to maintain peace and cordial industrial relations in AAI.

Observation/Recommendation

1.7 The Committee note with satisfaction that necessary steps to ensure service facilities/benefits to the employees of AAI as provided under the provisions of the AAI Act 1994 have been initiated/taken by the concerned authorities. Besides, periodic meetings with recognised unions to maintain peace and cordial industrial relations in the organization would be held by the Management of AAI. The Committee

trust that the Government will continue their efforts in this direction on regular basis.

1.8 In para 2.25 of the Report, the Committee recommended as follows:-

“As regards the Pension Scheme for the employees of AAI, the Committee are informed that the facility of Pension is not applicable, however, a Self-Contributory Pension Scheme had been evolved for the employees by a Consultant. Since the employees did not favour this Self-Contributory Pension Scheme, an alternative Pension Scheme is being worked out which would be implemented once a consensus is evolved on it. The Committee would like the management to initiate negotiations with the unions with a view to finalise a workable Pension Scheme for the employees of AAI in a time bound manner. The Committee would like to be apprised about the outcome in this regard within two months of the presentation of the report to the House.”

1.9 In their action taken reply, the Ministry have stated:

“As recommended by the Committee a team is constituted having representatives of recognised union/officers association to recommend and workout a viable Pension Scheme for the employees of AAI. The recommendations of the committee are being examined in consultation with LIC to have a self-contributory Superannuation Benefit (Pension) Scheme in line with other Public Sector Undertakings. On finalisation of the Scheme, the Committee would be apprised.”

Observations/Recommendation

1.10 The Committee are happy to note that as recommended by them a self-contributory superannuation Benefit Pension (Scheme), in line with that in other Public Sector Undertakings, is being worked out for the employees of AAI in consultation with the LIC, the Committee trust that the consultations with LIC in this regard will be finalised, expeditiously and a suitable pension scheme for the employees of AAI put in place in

a time bound manner. The Committee would like to be informed of the conclusive action taken in this regard.

Rajkumar/Jaspal/Chapter

CHAPTER - II

ACTION TAKEN BY THE GOVERNMENT ON THE RECOMMENDATIONS MADE BY THE COMMITTEE ON PETITIONS (THIRTEENTH LOK SABHA) IN THEIR THIRTY-SECOND REPORT ON THE REPRESENTATION REGARDING DENIAL OF EMPLOYMENT OF THE SMALL LAND HOLDERS DISPLACED BY THE LAND ACQUIRED FOR BHARAT PETROLEUM CORPORATION LTD. (BPCL) IN THE INDUSTRIAL COMPLEX OF STATE INDUSTRIES PROMOTION CORPORATION OF TAMIL NADU (SIPCOT).

2.1 The Committee on Petitions (Thirteenth Lok Sabha) in their Thirty-second Report presented to Lok Sabha on 5th August, 2003 on the representation regarding denial of employment of the small land holders displaced by the land acquired for Bharat Petroleum Corporation Ltd. (BPCL) in the Industrial Complex of State Industries Promotion Corporation of Tamil Nadu (SIPCOT).

2.2 The Committee had made certain observations/recommendations in the matter and the Ministry of Petroleum & Natural Gas were requested to implement those recommendations and furnish their action taken notes for the consideration of the Committee on Petitions.

2.3 Action taken notes have been received from the Ministry of Petroleum & Natural Gas in respect of all the recommendations of the Committee contained in the report. Some of the recommendations made by the Committee and the replies thereto furnished by the concerned Ministry are discussed in the succeeding paragraphs.

2.4 In para 1.18 of the report, the Committee observed as follows:

“The main contention of the petitioners is that the farm lands acquired for BPCL in SIPCOT complex belonged to small peasant families and the lands were their source of livelihood and the land losers were not suitably employed by BPCL in accordance with the provisions contained in the ‘Deed’. The petitioners pleaded that the land losers are entitled to suitable employment in BPCL as per the directions of the Government of India given in 1976 and 1977. The petitioners also stated that necessary certificates had been issued to them by the Special Tahsildar (Land Acquisition), in lieu of the acquired land and hence they were eligible for employment. The petitioners, therefore, requested that all the Project Affected People (PAPs) at Gummidipoondi be provided suitable employment by BPCL.”

2.5 In their action taken notes, the Ministry have stated:

“The contention of the petitioners that the land losers were not suitably employed by BPCL in accordance with the provisions contained in the ‘Deed’ is inaccurate. Clause 33 of the Lease Deed stipulates that:

“10% of the jobs in the industrial units coming up in the industrial complex, shall be reserved to the members of the families of land owners whose lands have been acquired for the industrial complex, subject to eligibility as per qualifications prescribed for the jobs.”

Before the commissioning of the LPG Plant, the total requirement of manpower was estimated at 50, while the actual strength based on real requirement is 46. In compliance with clause 33 of the Lease Deed , 5 PAPs were selected and appointed.

Therefore, BPCL had fulfilled its commitments as per the Lease Deed.”

2.6 In para 1.19 of the Report, the Committee observed as follows:

“Although BPCL had acquired the land through SIPCOT prior to 1997 and had assured employment against 10% of jobs to the PAPs, the Committee regret to note that at the time of commissioning of the LPG Bottling Plant in 1997, the BPCL appointed 12 persons in Labour Category and 1 in Clerical Category and took the balance manpower by transferring workmen from other locations of BPCL but did not provide employment to the land losers reportedly due to non-availability of the list of PAPs from the Special Tahsildar (Land Acquisition) in time.”

2.7 In their action taken notes, the Ministry have stated:

“Well before the commissioning of the LPG Plant, right from January 1997 constant follow up was made with SIPCOT to provide the list of displaced families. However, it was only in July 1998 that the first list (also incomplete without details like present address, names of dependents, etc) was received from SIPCOT. As many as 9 letters were written from January 1997 at regular intervals besides personal follow up with SIPCOT to get the list of PAPs along with the details.

Notwithstanding the recruitment of 12 persons in labour category and 1 in clerical category, besides transfer of existing workmen from other locations, the Corporation did not in any way dilute its commitment as laid down in Clause 33 of the Lease Deed i.e. to reserve 10% of the jobs for PAPs.”

2.8 In para 1.20 of the Report, the Committee recommended as follows:-

“The Committee note that the Special Tahsildar submitted the list of PAPs containing names of 269 persons in 1999. Thereafter, based on the fulfillment of eligibility requirements of qualifications, age, etc. BPCL issued Call Letters to the eligible land losers. Subsequently, 73 persons from amongst the PAPs appeared in a written test on 18.6.2000 and 34 persons, who passed the test, appeared for interview. Out of the persons who appeared for interview, 5 were appointed on 4.7.2000 by BPCL. Even though out of the 45 employees recruited by BPCL for the LPG Plant at Gummidipoondi, appointment of 5 persons from PAPs conforms to the stipulated 10%, the Committee feel that more persons from PAPs could have given employment.”

2.9 In their action taken reply, the Ministry have stated:

“The break up of employees strength at Gummidipoondi LPG Plant is as follows:-

Clerical (white collar)	:	5
Labour (Technical Posts)	:	5
Labour (non technical Posts)	:	36

Out of the total strength of 46, the total number that was recruited was 18 including 5 PAPs. The balance 28 has been transferred from other locations. Therefore the observation that 45 employees were recruited by BPCL is inaccurate. Though the actual recruitment was only 18, PAPs were taken not on the basis of 10% of 18 but 10% of total number of workmen at the plant i.e. 10% of 46.”

2.10 In Para 1.21 of the Report, the Committee recommended as follows:

“The Committee have now been informed that BPCL has maintained a roster of 25 PAPs for engagement on the Chennai High Court Order dated 27th April, 2000, as temporary/casual workers for giving them work depending upon the requirement at site. The Committee recommend the empanelled casual workers should be regularized in a time bound programme. The Committee also feel that another area where BPCL can provide help to other PAPs is to engage them in small contracts like watch & ward, transport, canteens, etc. They, accordingly, desire that BPCL should consider it.”

2.11 In their action taken reply, the Ministry have stated:

“A panel of 25 casual workmen was being maintained essentially to cater to the requirement of manpower when the second shift was due to be introduced in the year 2000 and was intended as an interim arrangement, until permanent workmen could be positioned.

With the recruitment of 5 PAPs as also the transfer of permanent workmen of the Corporation from other locations, the full complement of manpower of 46 is available at the LPG Plant. There is therefore little or no scope for casual engagement on a need basis. As a matter of fact, the requirement of casual labour is further reduced as some automation in the manufacturing process on the LPG Filling line has resulted in 7 workmen being surplus to the requirement and who are now being rotated on relief basis. The prospect of additional manpower to be appointed in the near future appears remote as aside from the surplus of 7 in the location itself, there is a total of about 61 other workmen who are surplus at other LPG Plants awaiting redeployment to other locations.

As suggested by Committee on Petitions, 4 PAPs out of panel of 25 area already assigned the work of loading/unloading with the cylinder handling contractor.

As regards contract services, BPCL will offer contracts to the PAPs by following the procedures such as tendering etc.”

OBSERVATIONS/RECOMMENDATIONS

12. The Committee have noted that although the appointment of 5 persons by BPCL from the PAPs conformed to the stipulated 10% out of the total 45 employees recruited/deployed by BPCL for the LPG Plant at Gummidipoondi in

Tamil Nadu, more persons from amongst the PAPs could have been employed. However, the Ministry of Petroleum and Natural Gas have now informed that there is no scope for further employment in this unit as due to automation, 7 persons out of the total existing manpower of 46 have become surplus. Similarly, out of a panel formed by BPCL of 25 PAPs for engagement as casuals on the Chennai High Court order dated 27th April, 2000, 4 PAPs were assigned the work (casual) of loading/unloading with the cylinder handling contractor. In regard to this panel, the Ministry have informed that this was formed in 2000 as an ad-hoc arrangement only till regular manpower was posted in the Plant. Considering the fact that the land losers were small and marginal farmers and land was their only source of livelihood, the Committee reiterate that earnest efforts should be made to help PAPs to get some work in the Plant related activities including security, transport, canteen, etc.

CHAPTER-III

ACTION TAKEN BY THE GOVERNMENT ON THE RECOMMENDATIONS OF THE COMMITTEE ON PETITIONS (THIRTTENTH LOK SABHA) IN THEIR THIRTY-FIFTH REPORT ON THE PETITION REGARDING ENVIRONMENTAL POLLUTION CAUSED BY NAGAON PAPER MILL, KAGAJGAON, ASSAM

3.1 The Committee on Petitions (Thirteenth Lok Sabha) in their Thirty-Fifth Report presented on 4th December, 2003 had dealt with the petition regarding environmental pollution caused by Nagaon Paper Mill, Kagajgaon, Assam.

3.2 The Committee made certain observations/recommendations in their Report and the Ministry of Environment & Forests were requested to implement those recommendations and furnish their action taken replies for the consideration of the Committee. The replies of the Ministry have been received in respect of all the recommendations on 9th June, 2004.

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

3.4 In para 1.18 of the report, the Committee observed as follows:

“The Committee note that the Nagaon Paper Mill (NPM) of the Hindustan Paper Corporation Ltd. (HPC), which is situated at Jagiroad, Kagajgaon, in Assam, is an integrated Pulp and Paper Unit which uses bamboo as basic raw material for its paper production. It has a production capacity of 300 tonnes per day. The NPM is liable to maintain the standards for the Pulp and Paper industry as stipulated in the Environment Protection Act, 1986 in regard to emissions into the environment, from the industrial unit, of suspended solid wastes, water discharge, mercury discharge and other harmful

effluents/emissions. As per the governing provisions, the NPM is required to maintain the standards of the Bio-chemical Oxygen Demand (BOD) and Chemical Oxygen Demand(COD) in its adjacent environment, thereby, synchronizing the natural ecological balance.”

3.5 In their action taken reply, the Ministry of Environment & Forests have stated:

“The industry is a large scale integrated Pulp & Paper Mill having production capacity of 300 TPD. The industry is required to comply with environmental standards as stipulated under Environment (Protection) Act, 1986 so as, not to have adverse impact on the surrounding environment. The Industry, accordingly, has taken following measures for control of pollution:

- (a) Chemical Recovery Plant for recovery of chemicals from the most polluting stream of black liquor;
- (b) Effluent treatment plant for treatment of waste water;
- (c) Multicyclones for coal fired boilers for control of particulate emissions;
- (d) Electro Static Precipitator (ESP) with the chemical recovery boiler.

The Expert Committee constituted by this Ministry recommended a comprehensive study of pollution control measures, its adequacy and effect on surrounding areas to be carried out by IIT, Guwahati. ETP of the industry is required to be upgraded so as to achieve the standards. The recommendations of the study being done by IIT, Guwahati shall be considered by the Expert Committee for implementation so that the Industry remains within the permissible limits.”

3.6 In para 1.19 of the Report, the Committee observed as follows:-

“The Committee note that the Rapid Environmental Impact Assessment (REIA) was carried out by the National Environmental Engineering Research Institute (NEERI), Nagpur, in order to estimate the environmental implications of the Nagaon Paper Mill, Kagajgaon, Assam. Based on the REIA report, the Central Government had accorded environmental clearance to this Paper Mill in January, 1992.”

3.7 In their action taken reply, the Ministry of Environment & Forests have stated:

“The Project was accorded environmental clearance in January, 1992 based on the Rapid Impact Assessment Report for the Project.”

3.8 In para 1.20 of the report, the Committee observed as follows:

“The Committee also note that based on the representations by the local people about the ill-effects of the pollution caused by the Nagaon paper Mill in Assam, the National Human Rights Commission intervened in the matter and directed the State Government of Assam and the Assam Pollution Control Board on 17th October, 2002 to take effective steps from time to time to ensure that pollution around the NPM is under control and the health of the people around is not affected by the pollution.”

3.9 In their action taken reply, the Ministry of Environment & Forests have stated:-

“The Industry has finalised environmental management plan in consultation with the State Pollution Control Board for improvement of environmental conditions in the mills. The industry is implementing the environmental management plans.”

3.10 In para 1.21 of the report, the Committee observed as follows:-

“The Petitioner have submitted to the Committee on Petitions that for quite some time, the people living in the villages adjacent to the NPM have been complaining about the ill-effects of untreated effluents on their agricultural lands and health of the poor villagers. Even the rich and diverse flora and fauna, verdant Sonaikuchai Hills and wetlands in the region have lost their original natural glory due to the pollution. The petitioners have also stated that the HPC, the parent company of the NPM has not taken the requisite corrective measures to combat the pollution created by this Paper Mill and has kept a causal attitude towards the issue. The petitioners have, therefore, requested that suitable pollution control measures to combat air, water and soil pollution caused by the NPM be implemented.”

3.11 In their action taken reply, the Ministry of Environment and Forests have stated:-

“The Expert Committee has visited the mill and the surrounding area to observe the status of pollution from the Industry. The Committee suggested that IIT, Guwahati shall carry out comprehensive study of pollution control measures, its adequacy and effect on surrounding areas. The study, which is under finalisation, is expected to be submitted along with management plan in

June, 2004. Based on the recommendations contained in the study report, necessary directions would be issued to the project authorities for their implementation.”

3.12 In para 1.22 of the Report, the Committee recommended as follows:-

“The Committee note that certain pollution mitigating measures have been taken by the NPM which inter-alia include installation of:

- (a) Chemical Recovery Plant for recovery of chemicals from the most polluting stream of black liquor;
- (b) Effluent treatment plant for treatment of waste water;
- (c) Multicyclones for coal fired boilers for control of articulate emissions;
- (d) Electro Static Precipitator (ESP) with the chemical recovery boiler.

The Committee are, however, concerned to note that despite these measures, BOD levels and other hazardous chemical wastes like mercury are beyond the approved limits in environment. The Committee have been informed that the NPM has identified an area of 53 acres for the Environmental Management Plan. The Project Authorities have also furnished a legal Affidavit with an amount of Rs. 5 lakh as guarantee for compliance with this plan to the Assam Pollution Control Board. The Environment Management Plan envisages the following components:

- Installation of Disc save – all in paper machines for recovery of fibre from machine backwater with an estimated cost of Rs. 450 lakh;
- Installation of Flow Meters with an estimated cost of Rs. 50 lakh;
- Installation of Free Flow Falling Film Evaporator & Economizer to improve ESP efficiency with an estimated cost of Rs. 1107 lakh;
- De-sludging of Aerated lagoons with an estimated cost of Rs. 2000 lakh;

- Installation of secondary Clarifier with an estimated cost of Rs. 70 lakh;
- Cooling Towers for reusing water with an estimated cost of Rs. 175 lakh.

The Committee have also been informed that for disposal of lime sludge of 180 tonnes which is being generated by the Paper Plant per day, the NPM has proposed to install a lime kiln. In order to reduce BOD, it has been proposed to commission four Oxy-aerators. The Committee, therefore, recommend that the proposed Environmental Management Plan and other projects to keep the effluents/emissions from NPM within permissible limits should be completed in a time bound manner. Needless to say these vital measures/projects should not be hampered on account of shortage of finance. The Committee also desire that eco-friendly measures be taken by the NPM in coordination with the Assam Pollution Control Board, NGOs and local people for improvement of the environmental conditions in Kagajgaon and Jagiroad areas of Assam to make it a model project with the objective that the plant does not discharge any kind of hazardous effluents/emissions.”

3.13 In the action taken reply, the Ministry of Environment & Forests have stated:

“Industry is implementing environmental management plan for control of pollution. The industry has also submitted action plan for implementation of action plan for implementation of action points of Corporate Responsibility for Environmental Protection (CREP) for pulp & paper industry.

The recommendation of study of IIT, Guwahati shall also be implemented by the industry so as to control the pollution.”

3.14 In para 1.23 of the report, the Committee recommended as follows:-

“In line with the recommendations of the National Human Rights Commission, the Committee would also like to emphasis that periodic and proper assessments must be carried out by the Assam Pollution Control Board to ensure that the proposed measures are used to the maximum to make the area pollution free and timely remedial measures are taken, whenever necessary.”

3.15 In their action taken reply, the Ministry of Environment & Forests have stated:

“The Assam State Pollution Control Board regularly undertakes the inspection of the industry to ensure compliance. This exercise will continue and the State Pollution Control Board has been requested to continue monitoring of emission and effluent levels for Nagaon Paper Mill.”

3.16 In para 1.24 of the Report, the Committee observed as follows:-

“The Committee are glad to note that in pursuance of commitments made by the Ministry before them during the examination of the subject, an ‘Expert group’ comprising experts from Guwahati University, IIT Guwahati, NERI – Nagpur, IARI – Delhi with Chairman, CPCB as Chairman of the Group was formed by the Government to study and report on the subject. The Expert Group has since submitted their interim report containing several recommendations. The Group will be submitting their final report later. The Committee trust that the administrative Ministry will continue to pursue the matter with concerned departments with a view to implement the recommendations of the Expert Group so as to make Kagajgaon a pollution free area.”

3.17 In their action taken reply, the Ministry of Environment & Forests have stated:-

“In pursuance of the recommendation of the Expert Committee constituted by Ministry of Environment and Forests, the project authorities have entrusted studies to IIT, Guwahati on adequacy of pollution control measures and impact of the effluent discharge on nearby environment to Assam Agricultural University, Jorhat. Report of IIT, Guwahati along with Management Plans is expected in June, 2004 and that of Agricultural University in October, 2004. The recommendations of these studies would be evaluated and project authorities would be directed to implement the suggested mitigation measures.”

Observations/Recommendations

3.18 The Committee note that the comprehensive study being conducted by the IIT, Guwahati, on the pollution control measures and their adequacy and effect on surrounding areas, is still underway. Based on the recommendations contained in the Study Report of the IIT, necessary directions are proposed to be issued by the Ministry to the project authorities for their implementation to keep the pollution level within permissible limits. However, the Committee note that presently the various components of the Environmental Management Plan prepared by the Assam Government and Assam Pollution Control Board, due to the intervention of the National Human Rights Commission, alongwith the other pollution mitigating measures initiated by Nagaon Paper Mill (NPM) are being implemented to reduce the pollution level.

3.19 The Committee further note that the industry has submitted an action plan for implementation of action points of Corporate Responsibility for Environmental Protection (CREP) for pulp and paper industry and the Assam State Pollution Control Board is also undertaking inspection of the industry to ensure the compliance of the statutory obligations to keep the pollution under check.

3.20 The Committee would like the Government to ensure that the study by the IIT, Guwahati is completed expeditiously. After evaluating the recommendations of the study report, necessary directions be issued to the industry for implementation thereof in a time bound manner.

3.21 The Committee also recommend that besides ensuring effective implementation of the Environment Management Plan, pollution mitigating measures undertaken by the NPM and action points of Corporate Responsibility for Environmental Protection (CREP) for pulp and paper industry, expeditious action also be taken on upgrading Effluent Treatment Plant for treatment of waste water, installation of a lime kiln for disposal of lime sludge and commissioning of four Oxy-aerators to reduce the BOD in NPM to make Kagajgaon a pollution free area. The Committee would like to be apprised of the conclusive action taken on the above measures and the impact thereof on the pollution levels in the NPM area within a period of six months.

CHAPTER-IV

ACTION TAKEN BY THE GOVERNMENT ON THE RECOMMENDATIONS MADE BY THE COMMITTEE ON PETITIONS (THIRTEENTH LOK SABHA) IN THEIR THIRTY-EIGHTH REPORT ON THE REPRESENTATION REQUESTING FOR OPTION TO SWITCH OVER FROM CONTRIBUTORY PROVIDENT FUND (CPF) TO GENERAL PROVIDENT FUND (GPF) PENSION SCHEME IN INDIA SPACE RESEARCH ORGANISATION.

4.1 The Committee on Petitions (Thirteenth Lok Sabha) in their Thirty-eighth report presented to Lok Sabha on 23rd December, 2003 on the representation requesting for option to switch over from Contributory Provident Fund (CPF) to General Provident Fund (GPF) pension scheme in Indian Space Research Organisation.

4.2 The Committee had made certain observations/recommendations in the matter. The Department of Space and Ministries of Finance (Department of Expenditure) and Personnel, Public Grievances & Pension (Department of Pension & Pensioners' Welfare) were requested to implement those recommendations and furnish their action taken replies for the consideration of the Committee.

4.3 Action taken replies have been received from the Department of Space, Ministries of Finance (Department of Expenditure) and Personnel, Public Grievances and Pension (Department of Pension & Pensioner) in respect of all the recommendations/observations contained in the report. The replies furnished by the Ministry of Finance and Department of Pension and Pensioners' Welfare are similar

to the replies furnished by the Department of Space in regard to all the recommendations made by the Committee. The recommendations/observations made by the Committee and the replies there to furnished by the Department of Space are discussed in the succeeding paragraphs.

4.4 In para 3.12 of the Report, the Committee observed as follows:-

“The Committee note that about 382 administrative employees of the Department of Space (DOS) and Indian Space Research Organisation (ISRO) have requested for giving them one more option to switch over from CPF to GPF Pension Scheme. These employees belong to Group ‘C’ and ‘D’ category whose maximum pay scale is Rs. 9000/-. As per Government orders contained in DOP&PW’s O.M. No.4/1/87-PIC.I dated 1.5.1987, all the administrative employees of DOS/ISRO who were governed by the CPF Scheme were given the last option in 1987 to switch over from CPF Scheme to GPF Pension Scheme. Though majority of employees switched over to GPF Scheme, these few employees opted to remain in CPF. After 1987, the CPF Scheme was discontinued for all general category of employees of the Central Government. The Committee further note that the Scientific and Technical (S&T) personnel working in the Department of Space, Atomic Energy and IT have, however, different set of rules in this regard which inter-alia allow them to exercise an option any time on or before completion of 20 years qualifying service to switch over from CPF to GPF Pension Scheme. The object of the different rules is to ensure necessary flexibility for mobility, retention and attraction of highly qualified scientific personnel. However, the administrative staff of DOS/ISRO are governed by general orders applicable to all categories of Central Government employees.”

4.5 In their action taken reply, the Department of Space have stated:-

“As far as applicability of CPF and GPF Schemes to its officers and employees are concerned, the Department of Space has been following the orders of the Government of India issued from time to time.

As per Government (DP&PW) OM dated 1.5.1987, all the administrative employees of DOS/ISRO who were governed by the CPF Scheme were given the last option in 1987 to switch over from CPF Scheme to GPF Scheme. Though majority of employees switched over to GPF Scheme, approximately 382 administrative employees specifically opted to remain in CPF scheme. Thereafter, all administrative employees on their appointment have been admitted to GPF Scheme only. Scientific and Technical (Personnel working in

the Department of Space, Atomic Energy and Information) are allowed one option to be exercised any time on or before completion of 20 years qualifying service to switchover from CPF to pension scheme.”

4.6 In para 3.13 of the Report, the Committee observed as follows:-

“The main grievance of the petitioners is that about 382 administrative side employees remained in the CPF Scheme when the Government employees including the employees in DOS/ISRO had been allowed to switch over to the GPF Pension Scheme vide DOP & PW’s OM No.4/1/87-PIC-I dated 1.5.1987. They opted for CPF Scheme due to some personal commitment compelling them to opt for CPF to get the fund in hand immediately. Moreover, the long term benefits of GPF/Pension Scheme vis-à-vis CPF were not cancelled by the administration to the poor employees. The Scientific & Technical staff had been allowed two more options to switch over to the GPF Pension Scheme in 1993 and 1997 but another option had not been extended to these remaining 382 administrative employees.

The petitioners contended that the Group ‘C’ and ‘D’ administrative cadre employees are being treated with discrimination as against the S&T cadre employees in the matter of benefits/facilities and Pension Scheme. They, therefore, have requested that one more option to all the 382 administrative employees in DOS/ISRO to switch over to GPF Pension Scheme should be given keeping in view that DOS/ISRO performed a specialized nature of job and both S&T employees as well as administrative employees work closely to achieve the objectives of DOS/ISRO.

4.7 In their action taken reply, the Department of Space have stated:

“Administrative staff of ISRO are governed by general orders as applicable to all other categories of Central Government employees. On the other hand, scientific and technical personnel working in the Departments of Space, Atomic Energy and Information Technology are allowed one option to be exercised any time on or before completion of 20 years qualifying service to switchover from CPF to pension scheme. The objective of this facility is to provide the necessary flexibility required for mobility and ensure retention as well as to attract highly qualified scientific and technical personnel. Therefore, the facility available to S&T personnel of the aforesaid three departments cannot be extended to the administrative staff ISRO. Further, all Central Government employees governed by CPF scheme were allowed an option to switchover to the pension scheme and were deemed to have come over to the pension scheme unless they specifically opted to continue under the CPF scheme vide DP&PW’s OM No.4/1/87-PIC-I dated 1.5.1987. The CPF scheme was, thereafter, discontinued for general category of Central Government employees. The S&T personnel of the three specified

departments continue to join the Central Government under CPF scheme and they are also allowed only one option to switchover from CPF to pension scheme on or before completion of 20 years of qualifying service. As such, it cannot be held that the administrative staff of ISRO have been discriminated in regard to the facility of switchover from CPF to pension scheme and have not agreed to the proposal of the Department of Space for extending one more option to administrative employees.

4.8 In para 3.14 of the Report, the Committee observed as follows:-

“While the Committee note that demand of another option to switch over to GPF Pension Scheme has administrative and financial implications for similarly placed administrative employees in other Ministries/Departments, the Committee are of the firm view that the administrative employees in DOS/ISRO and other similar organizations which perform specialized nature of work, work as supporting staff to the S&T employees. Regarding the reported financial implications involved amounting to Rs. 19.80 crore based on an average life expectancy of 75 years, the Committee are of the view that this is a non-issue because had these employees opted for GPF Pension Scheme in 1987, they would have been entitled for the estimated amount.”

4.9 In their action taken reply, the Department of Space have stated:

“All Central Government employees governed by CPF scheme were allowed one option to switchover to the pension scheme wherein they were deemed to have come over to the pension scheme unless they specifically opted to continue under the CPF scheme vide DP&PW’s OM No.4/1/87-PIC-I dated 1.5.1987. The OM specifically provided that the option once exercised shall be final. On examination of the proposal of the Department of Space, the Ministry of Finance have held the following views:-

- (a) Relaxation, if any, would have to be extended to all the CPF beneficiaries whose number can be quite substantial and as per an assessment made by Ministry of Railways in 1990s, the number of such beneficiaries was 60,000 in that Ministry alone.
- (b) Apart from Central Government, a large number of autonomous bodies exists under various ministries/departments. As per the CAG’s Audit report of 2000, 496 such autonomous institutions were in existence. The actual number of the institutions is likely to be more.
- (c) Since 1987, the Ministry of Finance has, as a matter of policy, not been allowing Central Government pension scheme in these organizations. Granting another option to the Central Government CPF optees to

switch over to pension scheme can have repercussions in these organizations.

- (d) The implications of giving another option to the existing administrative employees to switch over from CPF to pension scheme will be substantial.”

4.10 In para 3.15 of the Report, the Committee observed as follows:

“Similarly the Committee are not convinced by the stand taken by the Ministry of Finance that another switch over option from CPF to GPF has not been recommended by the Vth Pay Commission. The Committee have come across a number of decisions of the Government which are at variance with the recommendations of the Vth Pay Commission.

4.11 In their action taken reply, the Department of Space have stated:

“The Ministry of Finance have conveyed that the decision not to allow another switch over option from CPF to GPF scheme to the 382 administrative employees working in DOS/ISRO was not solely based on the fact that the same had been considered and rejected by the Fifth Central Pay Commission. The decision was also based on other facts including the likely repercussions on other similarly placed categories, the burgeoning pension bill of the Central Government, all Central Government employees governed by CPF scheme were allowed one option to switchover to the pension scheme and were deemed to have come over to the pension scheme unless they specifically opted to continue under the CPF scheme vide DP&PWs OM No.4/187-PIC-I dated 1.5.1987, administrative employees of DOS/ISRO were not comparable with S&T employees in that organization as the two constitution distinct categories and facility of change of option to the S&T employees had been provided to ensure retention as well as to attract highly qualified scientific and technical personnel and replacement of the existing GPF scheme by a new contributory pension scheme for all fresh entrants to the Central Government joining on or after 1.1.2004. Furthermore, reliance was also placed on the fact that the issue of affording more opportunities to SRPF/CPF retirees for switching over to pension scheme was considered by the Supreme Court, which vide their judgment dated July, 1990 [(1990) 4 SCC 207] had held that those who did not opt for the pension scheme had ample opportunity to choose between this scheme and the SRPF (CPF) scheme. The Apex Court also held that the Government’s legal obligation under the CPF ended on the retirement of an employee whereas it began on retirement under the pension scheme.”

4.12 In para 3.16 of the Report, the Committee recommended as follows:-

“The Committee note that the Space Commission had considered the proposal regarding giving one more option to the administrative staff at its 99th meeting held on 31.8.2002 and recommended that the administrative staff of DOS/ISRO may be given one more option to change over from CPF to GPF Pension Scheme. This proposal was received in the Department of expenditure on 31.10.2003 and it is presently under their consideration. The Committee, therefore, recommend that since the Governing Body of the DOS/ISRO has already examined and proposed to the Government of India to extend one more option for GPF Pension Scheme to the administrative staff, the Government should consider the proposal with a positive perspective in mind and allow such option to GPF Pension Scheme as a special case.”

4.13 In their action taken reply, the Department of Space have stated:

“The proposal of Space Commission as forwarded by the Department of Space was considered by the Ministry of Finance. The Ministry of Finance have felt that the contention of the Space Commission that no distinction should be made between different categories of permanent staff of DOS/ISRO was unjustified and based on a wrong appreciation of facts and as such could not be accepted. The Ministry of Finance also felt that the option to switchover to the pension scheme wherein they were deemed to have come over to the pension scheme unless they specifically opted to continue under the CPF scheme was made available to all Central Government employees belonging to the administrative stream vide DOP&PW’s OM No.4/1/87-PIC-I. dated 1.5.1987. The OM specifically provided that the option once exercised shall be final. Relaxation, if any, would have to be extended to all the CPF beneficiaries whose number can be quite substantial and as per an assessment made by Ministry of Railways some time ago, the number of such beneficiaries was 60,000 in that ministry alone. Apart from Central Government, a large number of autonomous bodies exists under various Ministries/Departments. As per the CAG’s audit report of 2000, 496 such autonomous institutions were in existence. The actual number of the institutions is likely to be more. Since 1987, the Ministry of Finance has, as a matter of policy, not been allowing Central Government pension scheme in these organizations, granting another option to the Central Government CPF optees to switch over to pension scheme would have had repercussions in these organizations as well. It was also seen that the financial implications of the proposal would be around Rs. 2.2 crores per annum. These implications, however, were in respect of 382 employees working in DOS/ISRO. In case this dispensation was needed to be extended to all CPF/SRPF retirees (whose number exceeds 60,000), the financial implication on payment of pension alone would be Rs. 350 crores app. per annum. The expenditure on payment of family pension to the eligible family members of deceased CPF/SRPF retirees would be another Rs.175 crores app. per annum. The implications would have gone up still higher if employees of autonomous bodies/PSUs,

presently governed by the CPF scheme, also had to be brought under the pension scheme. The proposal of the Department of Space has accordingly been rejected by the Ministry of Finance on the following grounds:-

- (i) The financial implications of this proposal were staggering and may have actually amounted to an annual recurring liability of nearly Rs.1000 crores;
- (ii) the concerned employees had made a conscious decision to be governed by CPF scheme and as such they cannot be allowed another option because the pension scheme has, in the time being, become more attractive;
- (iii) no legal grounds existed to accept this proposal; and
- (iv) the Central Government was consciously moving away from the GPF pension scheme and w.e.f. 1.1.2004, all new entrants to the Central Government would be governed by the new pension scheme which was a defined contribution scheme in the nature of CPF and in such a scenario, it would not have been justified to extend the existing pension scheme to more persons by affording them another option to switch over.

In the light of rejection of the proposal by the Ministry of Finance, Department of Space is not in a position to extend one more option to its administrative employees to switch over from CPF Scheme to GPF Scheme.”

Observation/Recommendation

4.14. After perusing the action taken replies furnished by the Ministry of Finance, Department of Space and Department of Pension & Pensioners Welfare, the Committee note that acceptance of the request of the petitioners (i.e.382 administrative employees of Department of Space and ISRO) for another option to switch over from CPF to GPF would have serious administrative and financial implications as it would become necessary to give a similar option to similarly placed employees in the Railways and other Central Government Organisations. The Committee also note that the set of rules governing the Scientific and Technical personnel which enables them to exercise the option of switch over in the matter of Pension Scheme within 20years of their service cannot be made applicable to the administrative employees as these employees are governed by different set of rules. While giving due consideration to these concerns expressed by the Ministries, the Committee are of the view that the Government as a welfare State can consider issues of this nature more on humanitarian and welfare grounds than on grounds of monetary or legal implications. The Committee, therefore, would like the Government to reconsider the demand of the petitioners in proper perspective.

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

The Committee on Petitions sat on Wednesday, 1st September, 2004 from 1500 to 1600 hrs. in Committee Room No. 62, First Floor, Parliament House, New Delhi.

PRESENT

Shri Prabhunath Singh - Chairman

MEMBERS

2. **Shri Nandkumar Singh Chauhan**
3. **Dr. M. Jagannath**
4. **Shri Suresh Kurup**
5. **Mohd. Muqueem**

SECRETARIAT

1. **Shri John Joseph - Additional Secretary**
2. **Shri R.C. Ahuja - Joint Secretary**
3. **Shri Brahm Dutt - Director**
3. **Shri J.V.G. Reddy - Assistant Director**

2. The Committee considered and adopted their draft First, Second and Third Reports with certain amendments as shown in the Appendix.

3. The Committee decided to hold their next sitting on 16 September, 2004 for taking evidence of the representatives of the Ministry of Railways (Railway Board) on two representations.

The Committee then adjourned.