

COMMITTEE ON PETITIONS

(FOURTEENTH LOK SABHA)

FORTY FOURTH REPORT

**MINISTRY OF CULTURE
MINISTRY OF RURAL DEVELOPMENT
MINISTRY OF CIVIL AVIATION
MINISTRY OF HEAVY INDUSTRIES AND PUBLIC
ENTERPRISES
(DEPARTMENT OF HEAVY
INDUSTRIES)**



**LOK SABHA SECRETARIAT
NEW DELHI**
November, 2008/Kartika, 1930 (Saka)

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(DEPARTMENT OF HEAVY INDUSTRIES)

(Presented to Speaker, Lok Sabha on 8.11.2008)

(Presented to Lok Sabha on 17.12.2008)



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COMPOSITION OF THE COMMITTEE ON PETITIONS

Shri Prabhunath Singh — *Chairman*

MEMBERS

2. Shri Shingada Damodar Barku
3. Shri Nandkumar Singh Chauhan
4. Shri N. S. V. Chitthan
5. Shri Sardinha Francisco
6. Shri Manikrao Hodlya Gavit
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SECRETARIAT

1. Shri N.K. Sapra — *Additional Secretary*
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6. Shri V.P. Gupta — *Under Secretary*

FORTY FOURTH REPORT OF THE COMMITTEE ON PETITIONS
(FOURTEENTH LOK SABHA)

INTRODUCTION

I, the Chairman, Committee on Petitions, having been authorized by the Committee to present the Report on their behalf, present this Forty Fourth Report of the Committee to the Speaker, Lok Sabha on the following representations:

- (i) Representation from Prof. S.P. Singh received through Shri Mohan Singh, MP regarding alleged irregularities in selection procedure of fellowships in Nehru Memorial Museum and Library (NMML).
- (ii) Representation from Shri Bibhuti Bhushan Pradhan countersigned by Shri Dharmendra Pradhan, MP regarding violation of allotment norms under 'Indira Awaas Yojana'.
- (iii) Representation from Shri Dharmendra Pradhan, MP regarding renovation of Airstrips of old Jharsuguda Airport and Risuan Airport of Keonjhar District (Orissa).
- (iv) Representation from Shri A.D. Nagendrappa, President, HMT SC/ST Ex-employees Welfare Association, Bangalore regarding payment of salary arrears.
- (v) Representation from Shri S.K. Basha, General Secretary, Hindustan Cables Limited, Hyderabad for payment of dues of employees who retired voluntarily.

2. The Committee considered and adopted the draft Forty Fourth Report at their sitting held on 6th November, 2008.

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

NEW DELHI;
6 November, 2008
15 Kartika, 1930 (Saka)

PRABHUNATH SINGH,
Chairman,
Committee on Petitions.

CHAPTER I

REPRESENTATION FROM PROF. S.P. SINGH RECEIVED THROUGH SHRI MOHAN SINGH, M.P. REGARDING ALLEGED IRREGULARITIES IN THE SELECTION PROCEDURE FOR AWARD OF FELLOWSHIPS IN NEHRU MEMORIAL MUSEUM AND LIBRARY (NMML)

A representation signed by Prof. S.P. Singh, resident of 68, Sahvikas Apartment, Flat No. YB2, I.P. Extension, Delhi was received through Shri Mohan Singh, M.P., Lok Sabha wherein he alleged irregularities in the selection procedure for award of Fellowships at Nehru Memorial Museum and Library (NMML). In his representation, the petitioner *inter-alia* stated as under:—

- (i) The Nehru Memorial Museum and Library (NMML) brought out advertisement in national dailies in September, 2003 for award of the NMML Fellowships. The applications were short listed on 4-5 June 2004 by the Selection Committee consisting of Prof. S.R. Mehrotra; Prof. D.N. Dhangre and Prof. Y. Vaikuntham;
- (ii) On 8 June 2004, NMML sent call letters to the duly short listed candidates for interview which was to be held on 10 July 2004. Within a couple of weeks after the dispatch of the aforesaid call letters, one unsigned and unidentified, petition with 20 odd names was faxed to the Minister for Culture on 25 June 2004 with copies forwarded to other concerned high officials of NMML, demanding therein postponement of the interview and a review of the selection procedure by the Ministry of Culture in the backdrop of the ensuing revamping of the Society of the NMML and its Executive Council;
- (iii) On 7 July 2004, *i.e.* only two clear days before the commencement of the interview on 10 July 2004, the NMML sent to the short listed candidates letters regarding postponement of the interview;
- (iv) Meanwhile, the new Society and the new Executive Council of the NMML were formed on 4 November 2004. The previously appointed Selection Committee was disbanded by the new Executive Council in its meeting held on 25 January 2005 and the new Selection Committee was also formed on this day;
- (v) On 4 March, 2005, the new Selection Committee of the NMML sat to consider afresh the applications of all the candidates. All the previous recommendations made by the duly constituted Selection Committee on 4-5 June 2004 were thus set aside without assigning any reason and issuing any show cause by any competent authority;
- (vi) On 1 April 2005, the aforesaid Sub-committee short listed the applications for the fellowship positions in the NMML. The name of Prof. Niraja Gopal Jayal of JNU was also short listed for the post of Senior Fellow although she had not even applied for it;

- (vii) The new Selection Committee met on 12 May 2005. It held interviews of the short listed candidates and made final selection of 3 categories of fellowships. The selections made by the new SC were approved by the Executive Council in its meeting held on 15 July 2005. Prof. Jayal was recommended by the new Selection Committee for the post of Senior Fellow. Her application was received in the NMML on 2 May 2005. Dr. Dilip Simeon, Director of the 'Aman Trust', was also recommended by this SC for the post of Senior Fellow. His application was received in the NMML on 9 May 2005. Both these applications were received in the NMML almost 19 months after the expiry of the last date.

The petitioner, therefore, requested the Committee on Petitions to intervene in the matter and have all the appointments for grant of fellowships cancelled in view of the legal and procedural infirmities. He also requested that the process of selection for grant of fellowships may be completed after revival of previous Selection Committee. Further, action may be taken against the officers of NMML for the suppression of facts, manipulations and misguidance of the Executive Council.

1.2 The Committee took up the above representation for examination under Direction 95 of the Directions by the Speaker, Lok Sabha. Accordingly, the above representation was forwarded to the Ministry of Culture on 04-09-2006 for furnishing their comments.

1.3 In their response, the Ministry of Culture *vide* O.M. dated 1 February, 2007 furnished their comments as under:—

“The Nehru Memorial Museum and Library has been running a fellowship programme for promoting high quality research as per the mandate given by the Memorandum of Association of the NMML Society. The NMML Society offers three levels of Fellowships namely, Senior Fellowships, Fellowships and Junior Fellowships. The qualifications for all the three categories of Fellowships are as follows:—

Senior Fellows : Scholars of eminence who have made a significant contribution to knowledge of their respective fields and preferably have experience of conducting and guiding research.

Fellows : Good academic record, Ph.D. and at least five years teaching/post-doctoral research experience.

Junior Fellows : These Fellowships are open to candidates with a good academic record and/or a scholarly publication, and preferably a Ph.D. Degree.

The pay scales of all the officers employed in the NMML are on par with the Government of India pay scales and all the posts have Recruitment Rules. But the pay scales of the three categories of Fellows of the NMML are similar to the pay scales of Lecturers, Readers and Professors of Central Universities. They are as follows:—

- | | | |
|------------------|-------------|------------------------------|
| 1. Junior Fellow | (Lecturer) | Rs.8000-275-13500 |
| 2. Fellow | (Reader) | Rs.12000-420-18300 |
| 3. Senior Fellow | (Professor) | Rs.16400-450-20900-500-22400 |

The Fellowships are tenurial positions unlike the regular posts in the Institution. Hence, there is no stipulated Recruitment Rules for fellowships and there is no age restriction also. The duration of the Fellowships is three years.

In the advertisement issued for Fellowship positions it is stated that those who wish to be considered for the Nehru Memorial Museum and Library Fellowships are requested to send a note on the proposed research project along with other details in the form of *curriculum vitae*.

The Fellowship Selection Committee is constituted by the Executive Council of the Nehru Memorial Museum and Library Society. A duly constituted committee examines the applications and shortlists candidates for all levels of fellowship. The shortlisted candidates for Fellowships and Junior Fellowships are called for interview. The Selection Committee selects the Senior Fellows without calling the candidates for personal interview but on the basis of their academic and research credentials. As the Fellowships positions are equated with Lecturers, Readers and Professors in Central Universities, the applications received after the last date may also be considered. This practice is followed in many Universities including Jawaharlal Nehru University. Moreover, the Selection Committee may offer Senior Fellowships, which are equivalent to Professors in Universities even to those who have not applied, a practice generally followed in Universities. In any case, the Executive Council of the Nehru Memorial Museum and Library Society finally approves the selection of Fellows made by the Selection Committee. In Fellowship selection in the Nehru Memorial Museum and Library there is also a precedent to condone the late applications and also to award Senior Fellowships to those who have not applied. The purpose of selection is to award fellowships to the most deserving candidates and not to restrict the selection.

On the basis of the position explained above we have to approach the issues raised in the news-item published in *The Times of India* dated 14 August, 2006 and also in the representation/petition submitted by Prof. S.P. Singh who was an applicant for a Senior Fellowship.

The NMML advertised for Fellowships in September 2003. The previous Executive Council of the NMML Society nominated Prof. S.R. Mehrotra as Chairman of the Fellowship Selection Committee and the Chairman of the Executive Council Shri T.N. Chaturvedi nominated Prof. D.N. Dhanagare and Prof. Y. Vaikuntham as members. This Committee met on 4-5 June, 2004 and screened the applications received for the three categories of Fellowships. The Committee shortlisted 18 candidates for Junior Fellowships, 26 for Fellowships and 11 for Senior Fellowships. The Shortlisted candidates for Fellowships and Junior Fellowships were called for interview as per our practice on 10 July, 2004. In the meantime, a group of scholars gave a representation addressed to Shri Jaipal Reddy, Minister of Culture endorsing a copy to the Prime Minister that the fellowship selection should be reviewed and selections should not be made as revamping of the General Council and Executive Council of the NMML was on the cards. The NMML postponed the proposed interviews.

The NMML Society was reconstituted on 5 November, 2004 and a new Executive Council was also put in place. The EC in its first meeting held on 25 January, 2005 constituted a new Fellowship Selection Committee with Prof. Arjun Sengupta as

Chairman and Prof. Neera Chandhoke and Dr. Ramachandra Guha as members. This new Selection Committee including the Director Incharge, NMML met on 4 March, 2005 and decided to take action on the applications received in response to the advertisement made in September 2003. It also constituted a sub-committee consisting of Prof. Neera Chandhoke and Dr. Ramachandra Guha to shortlist the applications received on the basis of the broad parameters namely: (i) Quality of published work; (ii) Quality of proposal; (iii) Relevance of the theme; and (iv) Academic record.

The sub-committee met on 1 April, 2005. After going through all the applications the sub-committee shortlisted 15 candidates for Junior Fellowships, 16 for Fellowships and 7 for Senior Fellowships. Some of the candidates shortlisted by the previous committee also figured in the list prepared by the new committee. We received an advance copy of an application on 24 March 2005 for Senior Fellowship from Prof. Niraja Gopal Jayal, Professor, Centre for the Study of Law and Governance, Jawaharlal Nehru University. She clearly mentioned in the advance copy of her application that her “application is simultaneously being routed through the proper official channels”. On the same day, on 24 March 2005, she submitted her application to the Chairperson of her Centre in Jawaharlal Nehru University. The NMML received the application sent through proper channel on 2 May 2005. The sub-committee considered the advance copy of the application of Prof. Niraja Gopal Jayal and shortlisted her name for Senior Fellowship. Dr. Dilip Simeon’s application was received on 9 May 2005. He was not shortlisted by the sub-committee but the Selection Committee in its final meeting decided to offer Dr. Dilip Simeon a Senior Fellowship on the basis of his high academic credentials. Prof. S.P. Singh was shortlisted by the earlier committee but did not figure in the shortlist prepared by the subsequent sub-committee.

The Fellowship Selection Committee interviewed the candidates for Junior Fellowships and Fellowships and considered the applications of candidates for Senior Fellowships on 12 May, 2005 and recommended four candidates for Junior Fellowships, eight for Fellowships and eight for Senior Fellowships. The recommendations of the Selection Committee were approved by the Executive Council in its meeting held on 15 July 2005.

On the basis of the position stated above, it is stated that no irregularity was committed in the appointment of Fellows in the Nehru Memorial Museum and Library. Needless to say that with limited availability of Fellowship positions, the selection process becomes rigorous. However, the selection was done meticulously by a committee of eminent scholars. The allegations and insinuations made in the petition made by the petitioner are incorrect and the Selection Committee has functioned fully within its mandate and exercised its powers in the best interest of the organization.”

1.4 The petitioner further submitted two representations dated 1 February 2007 and 29 June, 2007 which were also forwarded to the Ministry of Culture on 30 April and 17 July, 2007 respectively for furnishing their comments thereon.

1.5 In their response, the Ministry of Culture *vide* their communication dated 12th October 2007 furnished the para-wise comments as under:—

“It is to be noted that not all candidates have to send their applications through proper channel. The NMML Fellowships are considered prestigious

fellowships in the country and attract very competent and scholarly persons. Those who are not in service can apply directly and only those in employment are required to apply through proper channel as the NMML protect the salary drawn by the selected candidates if they are working in universities, colleges or any Government institutions.

The advertisement for NMML fellowships were last issued in September 2003 during the Directorship of Dr. O.P. Kejariwal who retired from the services of NMML in February 2004. On the directions of the Executive Council of the NMML Society Shri K. Jayakumar, Joint Secretary, Ministry of Culture took over the charge of Director, NMML and decided, as the fellowships applications were pending for action for quite some time, to initiate action. Hence the shortlisting of the applications was carried out in June 2004.

The said representation, which was faxed to the Ministry of Culture on 25 June 2007, was signed by Dr. Archana Prasad, who was a Junior Fellow of the NMML, on behalf of a number of eminent scholars such as Dr. Gail Omvedt, Prof. Anil Sadgopal and Prof. Uma Chakravarty. Dr. Archana Prasad is at present a Reader in Jamia Millia Islamia, Delhi. The representation is authentically signed by an individual and cannot be called a forged one.

The decision to postpone the interview was taken by the Director-in-charge who was instrumental in initiating the process of selection of fellows on the basis of the above-mentioned representation which clearly is not a faked one as alleged in the petition.

The NMML took all steps to inform the candidates so that they are not inconvenienced. The letters to all the candidates residing outside Delhi were sent by Express Telegrams. Also the NMML informed candidates through telephone and also by e-mail as it helps in instant communication.

It is to be pointed out here that during the middle of the process of selection of fellowship there was a change in the Central Government and it was widely expected that the NMML Society along with its Executive Council will be reconstituted. As expected, the NMML Society and its Executive Council was reconstituted on 5 November, 2004. In the first meeting of the Executive Council a new Fellowship Selection Committee was formed with Prof. Arjun Sen Gupta as Chairman and Prof. Neera Chandhoke and Dr. Ramchandra Guha as members.

The previous Selection Committee only shortlisted the candidates and did not make any recommendations for awarding fellowships.

Prof. Niraja Gopal Jayal, Professor, Centre for the Study of Law and Governance, Jawaharlal Nehru University applied for a Senior Fellowship through proper channel. The NMML received an advance copy of an application on 24 March, 2005 for a senior Fellowship from Prof. Niraja Gopal Jayal, Professor, Centre for the Study of Law and Governance, Jawaharlal Nehru University. She clearly mentioned in the advance copy of her application that her

“application is simultaneously being routed through the proper official channels”. On the same day, on 24 March 2005, she submitted her application to the Chairperson of her Centre in Jawaharlal Nehru University. The NMML received the application sent through proper channel on 2 May 2005. The sub-committee considered the advance copy of the application of Prof. Niraja Gopal Jayal and shortlisted her name for a Senior Fellowship.

Though eighteen months have passed after the advertisement for fellowships, the steps taken to award fellowships, only demonstrate the commitment to promote research. There were no manipulations nor the selection of NMML fellowships was illegal.

The short listing of the applications and the final selection of fellowships were done by the duly constituted Fellowships Selection Committee. Dr. Dilip Simeon’s application was received on 9 May 2005. He was not employed with any government organization but with a Public Charitable Trust. Hence he was not expected to send his application through proper channel. He was not given salary protection by the NMML and his fellowship was fixed as per the rules taking into consideration that he was a pensioner. The Selection Committee in its final meeting decided to offer Dr. Dilip Simeon a Senior Fellowship.

The Fellowship Selection Committee awards Senior Fellowships to candidates on the basis of the strength of the research proposals and academic background of the candidates, considering the high quality of research being promoted by the NMML.

In all, 77 applications were considered by the Selection Committee on 12 May, 2005 for Senior Fellowships. The list of the applicants with all their particulars including educational qualifications and professional experience contained 80 entries including three repetitions namely Professor Majid Siddiqi, Dr. C.K. Raju and Dr. Gulshan Sachdeva. Hence number 80 was inadvertently mentioned in the minutes of the Selection Committee while the actual number was only 77 if we delete the repetitions. The list provided to the petitioner contains 76 names including two repetitions for Senior Fellowships namely Dr. C.K. Raju and Dr. Gulshan Sachdeva. Due to clerical oversight the names of three more applicants considered by the Selection Committee namely Dr. Dilip Simeon, Prof. Niraja Gopal Jayal and Dr. Prem Chaudhary forming part of the last page of the list were not included in the list provided to the petitioner.

Dr. Brinda Bose is a Senior Lecturer in Hindu College, Delhi. She did her post graduation from Oxford University and doctorate from Boston University, USA. She was considered in absentia by the Fellowship Selection Committee on her request on the basis of her academic record, the research proposal and her previous publications.

Dr. Shekhar Pathak was a Professor in the Department of History, Kumaun University. He is an internationally known scholar and he has done an extensive field work in the Himalayan areas. In recognition of his outstanding work the Government of India conferred on him Padma Shri Award. The Fellowship

Selection Committee recommended him a Senior Fellowship as this position is equated with university professor and Dr. Pathak was a Professor when he applied for the fellowship.

The Executive Council is vested by the Memorandum of Association of the NMML Society with the powers of general superintendence, direction, control and administration of the affairs of the Society. In the interest of the Society and to promote high standards of academic research, the Executive Council approved the recommendations of the Fellowship Selection Committee by way of discharging its lawful functions.

The selection of fellows by the NMML was done as transparently as possible and no illegal decisions were made.

On the basis of the position stated above, it is stated that no irregularity was committed in the appointment of Fellows in the Nehru Memorial Museum and Library. Needless to say that with limited availability of Fellowship positions, the selection process becomes rigorous. However, the selection was done meticulously by a committee of eminent scholars.

It is reiterated that the representation received from the scholarly community signed on their behalf by Dr. Archana Prasad is an authentic representation and definitely not a fake one. It is to be stated that there was no conspiracy in postponing the interviews. It was in the interest of the institution and in the interest of the scholarly community that applications received in September-October 2003 were processed for selection in 2004. There was no intention whatsoever to undermine the applicants responded to the advertisement for fellowships in September 2003 even though eighteen months had passed. In fact, seventeen of the applicants shortlisted by the earlier committee were shortlisted by the new committee also. Out of the twenty candidates finally selected for fellowships nine of the candidates were shortlisted by both the committees. With regard to the question of taking the decision of postponing the interviews before the receipt of the representation from scholars it is stated that it is the general practice that there is always interaction between the institution and the concerned administrative ministry on urgent and important matters and communications on such matters sometimes are sent subsequently in a routine way. It is also to be pointed out here that the previous Selection Committee did not make recommendations for the selection of fellows and it only did the short listing of the candidates and hence the question of canceling the recommendations of the previous committee does not arise.....”

1.6 In response to the questionnaire forwarded to them, the Ministry of Culture *vide* O.M. dated 17 December 2007 stated as under:—

“The Nehru Memorial Museum and Library, New Delhi (NMML), is an autonomous Society. Its affairs are vested in the Executive Council, which has full powers and authority to do all acts that may be necessary for smooth functioning of the Society subject to the limitations laid down in the Memorandum of Association and Rules and Regulations of the Society.The NMML adver-

tised for fellowship positions on 4 August, 2003 and in response to this 70 candidates including the petitioner applied for Senior Fellowship. The first Selection Committee on 4-5 June, 2004 shortlisted eleven candidates for Senior Fellowship including Prof. S.P. Singh. However, before final selection was made, a representation on behalf of several eminent scholars to postpone the interview was received. In response to this, the final selection was postponed and all the candidates called for interview were informed. Meanwhile, the NMML Society was reconstituted by the Central Government on 5 November, 2004 and a new Executive Council was formed. The new Executive Council constituted a new Selection Committee for selection of fellows in the NMML. This Selection Committee considered all the applications received against advertisement besides seven more applications received later. After carefully considering the applications, the Selection Committee finally selected eight candidates for Senior Fellowship and this did not include Prof. S.P. Singh. It has been the practice in the NMML as well as in established academic institutions like JNU that candidates who apply late or do not apply can also be considered for appointments. In the NMML even for regular posts there is a provision to appoint persons selected through personal contact or candidates recommended by such persons or authorities from whom Director calls for recommendations.”

1.7 The Committee enquired from the Ministry about the details of the number of vacant posts of Senior Fellows/Fellows/Junior Fellows in NMML at the time of advertisement and how many candidates applied for these posts and out of them how many were shortlisted for interviews. In reply thereto, the Ministry of Culture in their written reply submitted as under:—

S.No.		Junior Fellow	Fellow	Senior Fellow
1.	Number of vacant positions in 2003	3	5	5
2.	No. of applications considered by the 1st selection committee*	125	75	70
3.	Number of candidates shortlisted by 1st selection committee	18	26	11
4.	Number of applications considered by the 2nd selection committee	127	76	77
5.	Number of applications shortlisted by the 2nd selection committee	15	16	7
6.	Number of candidates called for interview	15	16	-
7.	Number of candidates recommended/ selected **	4	8	8

*It may please be noted that the first selection committee considered one application for Junior Fellowship and one for Fellowship received after the due date.

** It may please be noted that the number of vacant fellowship positions increased in 2005 as some of the fellows selected in 2001 either left the fellowship or their term came to an end.

1.8 In reply to a question as to why the petitioner was not shortlisted for the interview, the Ministry stated as under:—

“The petitioner applied for Senior Fellowship and his name was shortlisted by the first committee. He was, however, not shortlisted by the second committee. The candidates shortlisted for Senior Fellowships are not called for interview. The Selection Committee takes a decision based on candidates’ merit including their academic/research qualifications.”

The Ministry also stated as under:—

“Professor S.P. Singh (petitioner) who applied for Senior Fellowship was not shortlisted by the New Selection Committee since in the assessment of the Selection Committee, there were other candidates better than him. In this connection it may also be mentioned that the petitioner had applied for Senior Fellowship in 1991 and 2001 also and he was not selected by the then Selection Committees.”

1.9 On being asked to state the reasons for postponement of the interviews by NMML without any show cause and the authority who took this decision, the Ministry stated as under:—

“The decision to postpone/cancel the interviews was taken by the then Director in response to the representation received from one Dr. Archana Prasad on behalf of several eminent scholars. There is no practice/requirement of showing any show cause to the candidates before postponement/cancellation of interviews. However they were duly informed of the postponement/cancellation of interviews in this case.”

1.10 The Committee enquired about the reasons as to why the new Selection Committee considered the fresh applications without inviting the same through re-advertisement and whether this was permissible under the rules of NMML. In reply thereto, the Ministry of Culture in their written reply stated as under:—

“The new Committee also considered two applications for Junior Fellowship; one for Fellowship and seven for Senior Fellowship which were received subsequent to the first shortlisting and recommended out of these applications three candidates for Senior Fellowship. The Senior Fellowships are equivalent to Professors in Universities in terms of pay-scale. In many Universities including Jawaharlal Nehru University suitable scholars are invited to join as Professors. In case of Universities also applications received after the due date can be considered by the Selection Committee. On earlier occasions also candidates were considered by the Selection Committee even if they had not applied in response to the advertisement. For instance, in 2001 the Selection Committee recommended the name of Prof. Mrinal Miri for a Senior Fellowship even though he had not applied in response to the advertisement. It would be appropriate to point out that the Executive Council of the NMML while launching the Fellowship Scheme in 1969 wanted that the Fellows be selected by a Selection Committee nominated by the Executive Council and the Fellowships

be advertised. However, individual research scholars working in the relevant field could also be asked, if interested. All applications would, however, be considered by the Selection Committee. Though the fellowship scheme underwent changes over the period of time in terms of broad themes, tenure, etc. the basic spirit outlined above continued to remain the same.

As per NMML Service Bye-Laws appointment even to a regular post by direct recruitment can be made on the recommendations of a selection committee from amongst:—

- (i) candidates recommended by the Employment Exchange on requisition in respect of those categories of employees of which recruitment has to be made through the Employment Exchange, and/or.
- (ii) from amongst the candidates applying in response to an advertisement; and/or
- (iii) from amongst persons selected through personal contact; and/or
- (iv) from amongst candidates who have been recommended by such persons, or authorities from whom recommendation has been called for by the Director; and/or
- (v) from amongst candidates employed in Government autonomous or statutory organizations, who apply in response to any circular.”

1.11 Informing about the details of selection procedure for the Fellowships in NMML, the Ministry in their written reply stated as under:—

“Under the Fellowship Schemes in NMML three levels of Fellowships namely, Junior Fellowships, Fellowships and Senior Fellowships are awarded to eligible candidates. These Fellowships are equivalent to Lecturer, Reader and Professor in Universities in terms of pay-scales. The NMML Fellowships are tenurial and are given for three years only. The applications received for fellowships are first shortlisted and candidates are called for interview for Junior Fellowships and Fellowships positions. Candidates for Senior Fellowships are recommended on the basis of their academic achievements without any interview. The Fellowship Selection Committee nominated by the Executive Council of the NMML recommends candidates for all levels of Fellowship and its recommendations subsequently considered by the Executive Council for approval. All these norms were followed in the selection of Fellows.”

1.12 On being asked to state the procedure for constitution of Selection Committee in NMML and also the recommendations of the newly constituted Selection Committee in selection of scholarships, the Ministry stated as under:—

“The Chairman of the Selection Committee is nominated by the Executive Council and two outside members are nominated by the Chairman of the Executive Council. However, the second Selection Committee which was constituted on 25 January 2005 was nominated by the Executive Council itself. The recommendations of the Selection Committee have to be finally approved by the Executive Council. The first Selection Committee only shortlisted candidates

for interview. The second Selection Committee constituted a sub-committee for short listing and finally recommended 8, 8 and 4 candidates for award of Senior Fellows, Fellows and Junior Fellows respectively.”

1.13 Subsequently, the Committee took oral evidence of the representatives of the Ministry of Culture on 18 December, 2007. Explaining in brief, about the case, the Secretary, Ministry of Culture stated as under:—

“For some time people have been coming to Nehru Memorial Museum for senior and junior fellowship which is for three years after leaving their original post and return on completion of academic research there. There were 70 candidates including the petitioner in August 2003 who had applied for the fellowship. After the shortlisting was finalized there were 11 candidates among which there were eminent Scholars and Doctorate. I would like to tell you that Prof. S.P. Singh had met me. At that time I had asked him about the problem and he told that it was a matter regarding procedure.

Direct appointment can be made on the recommendation of the Selection Committee. The guidelines are:—

1. Candidates recommended by the Employment Exchange on requisition in respect of those categories of employees.
2. From amongst the candidates applying in response to an advertisement and/or
3. From amongst people selected through personal contact and or from amongst candidates who have been recommended by such persons and/or from amongst candidates in Government organization.

The person who has given petition and on which the process was stopped, I had telephoned him about the petition that there were names of several senior Professors and Academicians and whether they were also agreeing to it? He replied in affirmative. The process was stopped on that petition. A fresh Committee has been appointed by Prof. Arjun Sengupta and a few new names were added and selected thereafter.”

1.14 When the Committee asked as to how the applications are invited for the fellowship, the witness replied as under:—

“We invite applications through an advertisement.”

1.15 Responding to a question as to whether there is any time limit fixed in the Advertisement, the witness stated as under:—

“As per the laws we can accept the applications of even those who have not applied.”

1.16 When the Committee observed that when the process of selection was withheld or stopped the same should have restarted from the point it was left but in this case the process was cancelled, the witness responded as under:—

“It was not cancelled.”

1.17 When the Committee wanted to know the procedure for selection of candidates after the receipt of the applications, the Director, NMML stated as under:—

“Any member of the executive council can suggest about the members of the Selection Committee. There are expert members in it. There are three members in it. I will read out the rule for you.

The research fellows will be selected by a Selection Committee nominated by the Executive Council Fellowships will be advertised, but individual research scholars working in the field could also be asked if they are interested. All applications will, however, be considered by the selection panel.

It is a kind of search and selection. The Committee can itself suggest names for selection. The distinguished academician of the executive committee applying for the senior fellowship are not interviewed. Their bio-data provides the information and this has been the tradition that six persons are invited to fellowship and we have invited such people in the year 2001 also to become the senior fellow. We have the past examples. This has been the practice in the institution. I have been in the University for the last 35 years. A number of applications used to be received late there. They are put before the Selection Committee which has the power to suggest some other person's name as well. We also invite persons of professor level from JNU.”

1.18 The Committee enquired when the interview is not conducted then why the short listing is done. At this, the witness from NMML stated as under:-

“This is being done at the screening stage.”

The witness further added—

“So far as senior persons are concerned, Selection Committee decides on the basis of application and publication.”

Observations/Recommendations

1.19 The Committee note from the submission of the petitioner that the Nehru Memorial Museum and Library (NMML) invited applications for award of the fellowships through an advertisement in national dailies in September 2003. On 4-5 June 2004, the Selection Committee shortlisted candidates for interview for grant of fellowships. On 8 June 2004, the NMML sent call letters to the duly shortlisted candidates for interview which was fixed on 10 July 2004. But, on 7 July 2004, the NMML sent letters through ordinary mail to the candidates regarding postponement of the interview. Meanwhile, a new Executive Council of the NMML was constituted on 4 November 2004. The new Executive Council at its meeting held on 25 January 2005 disbanded the Selection Committee constituted earlier and in its place a new Selection Committee was constituted. The new Selection Committee met on 4 March 2005 to consider afresh all the applications for the fellowships and constituted a Sub-Committee to shortlist the applications received for the purpose. The petitioner alleged that the previous list of shortlisted candidates was set aside without any reason and issue of any show cause notice to the applicants. On 1 April 2005, the

Sub-Committee shortlisted the applications for the fellowship position in the NMML. According to the petitioner, the name of Prof. Niraja Gopal Jayal of JNU was also shortlisted for award of Senior Fellowship although she had not even applied for the same. The new Selection Committee held interviews of the shortlisted candidates on 12 May 2005 and made final selection of 3 categories of fellowships. The selections made by the new Selection Committee were approved by the Executive Council on 15 July 2005. Prof. Jayal was recommended by the new Selection Committee for award of Senior Fellowship although her application was received in the NMML on 2 May 2005. Dr. Dilip Simeon, Director of the 'Aman Trust', was also recommended by the new Selection Committee for award of Senior Fellowship, although, according to the petitioner, his application was received in the NMML on 9 May 2005. The petitioner, therefore, requested the Committee to intervene in the matter in view of the legal and procedural infirmities committed in the selection of candidates for award of fellowships by the NMML and that the process of selection for grant of fellowships be completed after revival of previous Selection Committee. The petitioner also demanded that action be taken against the officers of NMML for suppression of facts, manipulations and misguidance of the Executive Council.

1.20 The Committee were informed that the NMML has been running a fellowship programme for promoting high quality research as per the mandate given by the Memorandum of Association of the NMML society. The NMML society offers three levels of Fellowships namely, Senior Fellowships, Fellowships and Junior Fellowships. The qualifications for these categories of fellowships are as follows:—

Senior Fellows : Scholars of eminence who have made a significant contribution to knowledge of their respective fields and preferably have experience of conducting and guiding research.

Fellows : Good academic record, Ph.D. and at least five years teaching/post-doctoral research experience.

Junior Fellows : These Fellowships are open to candidates with a good academic record and/or a scholarly publication, and preferably a Ph.D. Degree.

The pay scales of all the officers employed in the NMML are at par with the pay scales of the Government of India. But the pay scales of the three categories of Fellows of the NMML are similar to the pay scales of Lecturers, Readers and Professors of Central Universities which are as follows:—

Junior Fellow	(Lecturer)	Rs.8000-275-13500
Fellow	(Reader)	Rs.12000-420-18300
Senior Fellow	(Professor)	Rs.16400-450-20900-500-22400

The fellowships are tenurial positions unlike the regular posts in the Institution. Hence, there is no stipulated recruitment rules for fellowships and there is no age restriction also. The duration of the fellowships is three years.

1.21 It was also informed that the Fellowship Selection Committee is constituted by the Executive Council of the NMML Society. A duly constituted Committee examines

the applications and shortlists the candidates for all levels of Fellowship. The shortlisted candidates for Fellowships and Junior Fellowships are called for interview. The Selection Committee selects the Senior Fellows on the basis of their academic and research credentials without calling the candidates for personal interview. As the fellowship positions are equated with Lecturers, Readers and Professors in Central Universities, the applications received after the last date are also considered. The Selection Committee may also offer Senior Fellowships even to those who have not applied, a practice generally followed in universities. In any case, the Executive Council of the NMML Society finally approves the selection of Fellows made by the Selection Committee. In fellowship selections, there is also a precedent to condone the late applications and also to award Senior Fellowships to those who have not applied. The purpose of selection is to award fellowships to the most deserving candidates and not to restrict the selection.

1.22 The Committee note that the NMML advertised for fellowships in September 2003 and in response thereto, 70 candidates including the petitioner applied for Senior Fellowships. The Executive Council of the NMML Society nominated Prof. S.R. Mehrotra as Chairman of the Fellowship Selection Committee and the Chairman of the Executive Council nominated Prof. D.N. Dhanagare and Prof. Y. Vaikuntham as members. This Committee met on 4–5 June 2004 and screened the applications received for the three categories of fellowships. The Committee shortlisted 18 candidates for Junior Fellowships, 26 for Fellowships and 11 for Senior Fellowships including the petitioner. As per the practice of the NMML, the shortlisted candidates for Fellowships and Junior Fellowships were called for interview on 10 July 2004. In the meantime, a group of scholars gave a representation addressed to the then Minister of Culture endorsing a copy to the Prime Minister that the fellowship selection should be reviewed and selections should not be made as revamping of the General Council and Executive Council of the NMML were on cards. Consequently, the NMML postponed the proposed interviews of the shortlisted candidates for Fellowships and Junior Fellowships. Subsequently, the NMML Society was reconstituted on 5 November 2004 and a new Executive Council was also put in place. The Executive Council in its first meeting held on 25 January 2005 constituted a new Fellowship Selection Committee with Prof. Arjun Sengupta as Chairman and Prof. Neera Chandhoke and Dr. Ramachandra Guha as its members. This new Selection Committee met on 4 March 2005 and considered all the applications received in response to the advertisement made in September 2003, besides two applications for Junior Fellowships, one for Fellowship and 7 more applications received later subsequent to the first short listing. It also constituted a Sub-Committee consisting of Prof. Neera Chandhoke and Dr. Ramachandra Guha to shortlist the applications received on the basis of the broad parameters namely: (i) Quality of published work; (ii) Quality of proposal; (iii) Relevance of the theme and; (iv) Academic record. The sub-Committee met on 1 April 2005 and after going through all the applications, it shortlisted 15 candidates for Junior Fellowships, 16 for Fellowships and 7 for Senior Fellowships. Some of the candidates shortlisted by the previous Committee also figured in the list prepared by the new Committee. The sub-Committee also considered the advance copy of the application of Prof. Neeraja Gopal Jayal and shortlisted her name for Senior Fellowship. Prof. Jayal had sent an

advance copy of her application on 24 March 2005 for Senior Fellowship and the NMML received the application sent through proper channel on 2 May 2005. Similarly the application of Dr. Dilip Simeon was received on 9 May 2005. He was not shortlisted by the Sub-Committee but the Selection Committee decided to offer him Senior Fellowship on the basis of his high academic credentials. Further, one Dr. Brinda Bose was considered in her absentia by the Selection Committee on her request on the basis of her academic record, the research proposal and the previous publications. The name of the petitioner did not figure in the shortlist prepared by the Sub-Committee, although he was earlier shortlisted by the previous Selection Committee. The Fellowship Selection Committee interviewed the candidates for Junior Fellowships and Fellowships and considered the applications of candidates for Senior Fellowships on 12 May 2005 and recommended 4 candidates for Junior Fellowships, 8 for Fellowships including Dr. Brinda Bose and 8 for Senior Fellowships including Prof. Neeraja Jayal and Dr. Dilip Simeon. The recommendations of the Selection Committee were subsequently, approved by the Executive Council in its meeting held on 15 July 2005. Thus, according to the Ministry/ NMML, no irregularity was committed in the appointment of Fellows in the NMML. The selection was done meticulously by a Committee of eminent scholars. The Selection Committee had functioned fully within its mandate and exercised its powers in the best interest of the organization.

1.23 As regards postponing of interviews scheduled on 10 July 2004, the Ministry/ NMML explained that a representation was received from the scholarly community signed on their behalf by Dr. Archana Prasad. The Ministry/NMML claimed that the said representation was authentic and not a fake one and there was no conspiracy in postponing the interviews. They also pointed out that out of the 20 candidates finally selected for fellowships, 9 candidates were shortlisted by both the Selection Committees.

1.24 The Committee are constrained to note that before the first Fellowships Selection Committee under the Chairmanship of Prof. S.R. Mehrotra could have finalized the selection of candidates for award of fellowship under various categories, the selection procedure was abruptly withheld ostensibly on the ground that a group of scholars had given a representation for review of fellowship selection in view of the impending revamping of the General Council and the Executive Council of the NMML. Consequently, the proposed interviews which were supposed to be held on 10 July 2004 for the candidates shortlisted for Fellowships and Junior Fellowships were unduly postponed just three days before the scheduled interviews. This resulted in great inconvenience, harassment and became a cause of grievance for the petitioner.

1.25 The Committee are not convinced with the contention of the Ministry/ NMML that there was no irregularity or manipulations in the selection of NMML fellowships and that the selection of Fellows was done as transparently as possible. The examination of the points/issues raised by the petitioner and the submission made before the Committee by the Ministry/NMML reveals otherwise. The Selection Committee of the previous dispensation duly constituted by the Executive Committee of the NMML and consisting of eminent personalities initiated action to select candidates for award

of fellowships and in the process, the Selection Committee shortlisted 11 candidates for Senior Fellowship including the petitioner, 26 candidates for Fellowships and 18 candidates for Junior Fellowships. However, the action initiated by them was abruptly postponed and then cancelled subsequently. It was explained by the Ministry/NMML that they acted on the basis of a letter which called for cancelling of the selection procedure as the Executive Council of NMML was likely to be revamped. The petitioner contended that the Ministry/NMML acted on the basis of an unsigned and fake representation to postpone the proposed interviews of the shortlisted candidates scheduled on 10 July 2004. The Ministry/NMML failed to produce any record contrary to the contention of the petitioner. What was placed before the Committee was a copy of the fax letter containing the names of some 20 odd scholars which do not contain any signature. The Committee feel that such an unsigned letter in the normal course should have been ignored. Even if a new Selection Committee was constituted after revamping the new Executive Council, the legitimate exercise of the new Selection Committee should have been to complete the process of selection left by the previous Selection Committee. It is inexplicable that the NMML authorities chose to annul the list of candidates shortlisted by the previous Selection Committee without any valid reasons, presumably to favour certain individuals of their choice, which were proved correct by the subsequent events. The very fact that unsolicited applications from Prof. Niraja Jayal from JNU and Dr. Dilip Simeon, Director of the 'Aman Trust', were entertained and their candidature were considered by the reconstituted Selection Committee even after 19 months of the expiry of last date for receipt of the applications endorses the point. Their applications for fellowship in NMML were accepted, although there was no mention in the advertisement published in September 2003 that the NMML could also consider the names of such research scholars who had even not applied in response to the said advertisement. The Ministry/NMML had also failed to produce a copy of the relevant rules which empower the Selection Committee to consider such candidates. It seems that the NMML simply went by the practice being followed in the past, which, the Committee feel, do not have the sanctity of law. The Selection Committee even did not follow their own established procedure to make selection of candidates for fellowships through personal interview and selected one Dr. Brinda Bose for grant of fellowship in her absentia, without any personal interview. These events prove that the whole selection procedure for grant of fellowships in NMML was not transparent as claimed by the NMML and the Selection Committee acted in an arbitrary manner.

1.26 The Committee are of the considered view that the shortlisting of candidates by the Selection Committee for various categories of fellowships should have been restricted only to the applicants who had applied in response to the advertisement published in September 2003 and that too within the stipulated last date for receipt of such applications, i.e. latest by 20 October 2003. In the absence of such restriction or guidelines, it had given an opportunity to raise allegations of irregularities in the selection process and scope for malpractices and hence complaints from various quarters. There is no doubt that the selection process should be rigorous and meticulous in order to get only the meritorious candidates for the fellowships. But at the same time, the whole exercise should be transparent and objective so that there is

no scope for manipulation and accusation from any quarters. However, as reported and explained in the preceding paragraphs, the selection process of the shortlisted candidates by the previous Selection Committee was first postponed and then cancelled without any valid reasons/grounds. Further, the candidature of some of the unsolicited candidates for the fellowships were also considered and granted by the NMML. Hence, the whole exercise of selection of candidates for grant of fellowships by the NMML was not transparent nor did it have the sanctity of law. In the opinion of the Committee, the empanelment of such candidates for grant of fellowships was irregular and in the normal circumstances the same should have been scrapped to initiate the selection process afresh for grant of fellowships. However, the Committee understand that the tenure of the fellowships is three years which, in the normal course might have ended by this time. Therefore, at this stage, any action taken to scrap the empanelment of candidates for fellowships by the new Selection Committee, would be infructuous. However, the Committee would like to recommend that the Ministry/NMML should take immediate remedial measures to streamline the system of selection of candidates for grant of fellowships, in order to obviate recurrence of such instances as reported by the petitioner. Any guidelines/rules formulated in this regard should be transparent and objective devoid of any ambiguity leaving no scope for any irregularities or complaints from any quarters. The Committee also recommend that events which led to postponement and eventual cancellation of the selection process under previous dispensation for grant of fellowships in NMML should also be inquired into and action initiated against the officers responsible for such acts. The Committee would like to be apprised of the action taken by the Ministry/NMML in this regard.

CHAPTER II

REPRESENTATION FROM SHRI BIBHUTI BHUSHAN PRADHAN COUNTERSIGNED BY SHRI DHARMENDRA PRADHAN, MP REGARDING VIOLATION OF ALLOTMENT NORMS UNDER 'INDIRA AWAAS YOJANA'

The Committee on Petitions received a representation dated 27th August, 2007 from Shri Bibhuti Bhushan Pradhan and countersigned by Shri Dharmendra Pradhan, MP, Lok Sabha regarding violation of allotment norms under "Indira Awaas Yojana". In his representation, the petitioner stated that in the year 2005, the allotment norms under 'Indira Awaas Yojana' (IAY) were blatantly violated in Kankadahad block and Parjang block of Dhenkanal district in Orissa. The petitioner further stated that Pallasabha did not discuss names of prospective IAY beneficiaries and no feasibility study was done. Only the names of the beneficiaries were identified on the Government website. According to the petitioner the list prepared in 2005 has been fixed for successive five years as a result of which the deserving people had to suffer. The petitioner, therefore, requested that :—

- (i) an independent probe into the process of selection of names and allotment of 'Indira Awaas Yojana' in both the above blocks may be conducted and stringent action may be taken against the erring officials.
- (ii) the allotment of the allottees, if found unduly favoured, may be cancelled and recovery of the amount from the person concerned may be effected.
- (iii) the deserving beneficiaries who were deprived of their right may be allotted a dwelling unit under 'Indira Awaas Yojana'.

2.2 The Committee under Direction 95 of the Directions by the Speaker, Lok Sabha took up the above representation for examination. Accordingly, the representation of Shri B.B. Pradhan was forwarded to the Ministry of Rural Development on 30th October, 2007 for their comments.

2.3 The Ministry of Rural Development *vide* their O.M No.J-1/0/5/1/2007 – RH dated 12th October, 2007 furnished their comments as under:—

“The position has been ascertained from the State Government of Orissa who have informed that the names of IAY eligible beneficiaries have been selected in Pallasabha and feasibility study was also done in both the Blocks of Kankadahad and Parajang. Thereafter, allotment of IAY houses was made out of the permanent IAY waitlist for which no allegation was received by the competent authorities. It is also stated that the complaint of Shri Pradhan is only of a general nature and no specific case of undue favour or violation of guidelines has been pointed out. However, all the State Governments have been advised to prepare permanent IAY waitlists, with the approval of each Gram Sabha for selecting the IAY beneficiaries. Also, there is a provision of

two-tier appeal system in the guidelines and therefore, the lists so prepared can be revised/updated in case a complaint is received from any stakeholder and on inquiry, the same is found to be genuine. For the sake of transparency, IAY waitlists have been displayed at a prominent place by each Gram Sabha in addition to printing the lists in a booklet form and putting the same on the district's website. The Block Development Officers of both the Blocks have been advised by the Collector, Dhenkanal to delete the names of the beneficiaries who are not eligible for IAY house after field enquiry."

2.4 The Committee desired to know the date of meetings of Gram Sabha in which the beneficiaries were selected under IAY for the year 2005. In their written reply, the Ministry of Rural Development *vide* their O.M dated 18th December, 2007 stated as under:—

"As per the information furnished by DRDA, Dhenkanal, the meetings of the Gram Sabha were held in respect of Kankadahad Block on 15.8.2004, 26.1.2005, 30.6.2005, 15.5.2006, 2.10.2006 and so on. In respect of Parjang Block on 28.2.2005, 15.8.2005, 18.8.2006, 5.11.2006 and so on. Normal norms and guidelines of IAY were observed for conducting Pallisabha and also Gram Sabha."

2.5 On being asked to state whether the beneficiaries were selected from the list of eligible BPL households, the Ministry, in their written reply, stated as under:—

"The DRDA, Dhenkanal has informed that the beneficiaries were selected from the list of eligible BPL households."

2.6. In reply to a question about the allocation made and targets fixed under IAY during the years 2004-05, 2005-06 and 2006-07 and amount utilized in Dhenkanal district, the Ministry stated as under:—

"The allocation and the targets fixed and the funds utilized under IAY by Dhenkanal District during the years 2004-05, 2005-06 and 2006-07, are indicated in the table below:—

(Rs. in lakh)			
Year	Central allocation	Target fixed (Units in number)	Funds utilized*
2004-05	353.22	2261	467.04
2005-06	465.97	2485	691.55
2006-07	495.37	2642	681.80
Total	1314.56	7388	1840.39

*The utilization includes State share also".

2.7 About the quantum of Central assistance granted and amount utilized by the Government of Orissa under IAY, the Ministry in their written reply informed as under:—

"The amount of Central Assistance granted and the amount utilized by the Orissa

Government under IAY for the years 2004-05, 2005-06 and 2006-07 is given in the table below:—

(Rs. in lakh)		
Year	Central funds released	Funds utilized*
2004-05	13954.77	22620.13
2005-06	15047.71	22344.43
2006-07	15042.66	21534.98
Total	44045.14	66499.54

*The utilization includes State share also”.

2.8 The Committee desired to know the total housing shortage in Dhenkanal district with reference to BPL Census. In reply, the Ministry stated as under:—

“As per the information furnished by DRDA, Dhenkanal, the total housing shortage in Dhenkanal district under IAY is 16,243 units out of which the web hosting of the house shortage in Kankadahad Block is 2014 units and in Parjang Block, 1598 units”.

2.9 About release of funds under IAY to the Zila Parishad/DRDA in the Dhenkanal district, the Ministry replied as under:—

“The Central funds released to DRDA, Dhenkanal under IAY during the last three years are given below:—

(Rs. in lakh)	
Year	Central funds released
2004-05	259.73
2005-06	449.14
2006-07	495.37
Total	1204.24

2.10 When asked about the enforcement of the two-tier appeal system as provided in the guidelines of IAY, the Ministry stated as under:—

“Orders for preparation of the Below Poverty Line (BPL) lists, which were issued on 10th October, 2005 provided for a two-tier appeal system. Since permanent IAY waitlists are drawn up based on the BPL List, any complaint on the eligibility of the beneficiary is addressed through the same procedure. Government has issued orders to all the State Governments in this regard. Advertisements are also released in national as well as vernacular newspapers to disseminate this information. As far as Kankadahad and Parjang blocks are concerned, the State Government has informed that whenever complaints are received, the same are inquired into.”

2.11 In reply to a question whether any complaint was received against the list prepared by Gram Sabha for allotment of houses under IAY, the Ministry stated as under:—

“The State Government has informed that complaints were received by Collector, Dhenkanal against the web-hosted list of Kankadahad Block and that the Collector sought for clarification in his letter No.3159 dated 1.8.2007. *Vide* Letter No.30270 dated 11.9.2007 it was clarified by the P.R. Department that IAY houses may be allocated in favour of the eligible BPL families only out of the existing permanent waitlist. In case of any objection, names of ineligible families may be deleted on due enquiry with the approval of Palli Sabha/Gram Sabha”.

2.12 On the question of delay in finalization of BPL lists of 2002, the Ministry replied as under:—

“The State Government has informed that the BPL Survey of 2002 was conducted taking the 13 socio-economic indicators into consideration. The household survey of BPL Census was completed by June, 2003. However, the list could not be finalized due to a stay granted on 5th May, 2003 by the Hon’ble Supreme Court of India. Hon’ble Supreme Court vacated the stay on 14.2.2006 as communicated to the State by the Ministry of Rural Development (MoRD). Subsequently, a clarification was sought by the State Government on wide scale variation of permissible number of BPL families as per adjusted share from State to State from the MoRD. In response, as per the advice of MoRD, the State Government took up the matter with the Planning Commission of India in December, 2007. The Planning Commission and MoRD have clarified that the methodology of poverty estimation used by the Planning Commission is based on the recommendation of the Expert Group on estimation of proportion of number of poor. The MoRD had earlier advised the State Government to prepare the BPL list provisionally based on the BPL survey 2002 by restricting the number of BPL families to the number permissible as per the adjusted share. The State Government has still not finalized the BPL list.”

2.13 About the steps being taken by the State Government of Orissa to expedite finalization and notification of BPL list of 2002, the Ministry replied as under:—

“A discussion was held between the Planning Commission and the State Government on 18th December, 2007, for finalization of the BPL list of Orissa based on the 2002 BPL Census. In the meeting, it was decided that a team from the Planning Commission will visit the State for consultation to finalize the list. Accordingly, Chief Secretary, Orissa made a request to the Secretary, Planning Commission to send the team at the earliest. Further, Chief Secretary, Orissa along with Commissioner-cum-Secretary, Panchayati Raj Department and Director, Special Project held another discussion with Sr. Consultant, Planning Commission, Chief Economic Advisor (MoRD) and Director (P&P), MoRD on 18th January, 2008. The State Government has informed that as per the poverty ratio of Planning Commission done in the year 1999-2000, 48% of the total rural households belong to BPL category. As per the 2002 BPL Survey, the total

number of rural households in Orissa is 78,73,056 hence if 48% is taken as the poverty ratio, the total rural households numbering 37.79 lakh should be categorized as BPL. If 10% more is allowed on this for transient poor households, the total BPL households in the State of Orissa should be 41.56 lakh households (37.79 lakh HHs +3.779 lakh HHs). Government of Orissa, Panchayati Raj Department has requested the MoRD to accept the suggestion of the State and fix the number of BPL households of State of Orissa at 41.56 lakh. In the meantime, the Panchyati Raj Department of Government of Orissa is seeking orders of the State Government to fix the Cut-off-Score of the BPL households based on 2002 BPL survey keeping the upper limit of total number of households at 41.56 lakh. The number of BPL persons in the State is decided by the Planning Commission. MoRD conducts the BPL Census only to identify those BPL rural households. Since the permissible number of BPL families fixed by Planning Commission is less than 41.56 lakh families, the matter has been referred to the Planning Commission which has to take a final decision.”

2.14 On being asked to state whether the BPL list prepared by the State Government included the names of only eligible BPL category or the list also included non-eligible BPL persons also. The Ministry in their written reply stated as under:—

“The BPL list of 1997 *prima facie* includes persons of BPL category. However, on receipt of complaints of inclusion of non-BPL persons in the list, due inquiry is made and proposed benefit to such ineligible persons is denied.”

2.15 When asked to state the socio-economic criterion for listing the poor in the BPL list, the Ministry stated as under:—

“The BPL Survey of 2002 was conducted on a score based ranking taking the 13 socio-economic indicators into account *i.e.* land holdings, type of house, availability of clothing, food security, sanitation, ownership of consumer durables *viz.* TV, Electric Fan, Kitchen appliances, Cooker, Radio etc., literacy status of highest literate, status of household labour, means of livelihood, status of children, type of indebtedness, reasons for migration and preference for assistance.”

2.16 The Committee desired to know whether any complaint was received by DRDA, Dhenkanal against the above BPL list and if so, what action was taken thereon. In reply thereto the Ministry stated as under:—

“As informed by the State Government, complaints were received by Collector, Dhenkanal against the BPL list. Collector, Dhenkanal was instructed to delete the names of ineligible beneficiaries on due inquiry.”

2.17 In reply to a question, whether permanent `Indira Awaas Yojana' waitlist was prepared with the approval of Gram Sabha for selecting the `Indira Awaas Yojana' beneficiaries, the Ministry stated as under:—

“The permanent IAY waitlist is expected to be prepared with the approval of Gram Sabha. But the State Government has informed that deviation has been noticed in a few cases.”

2.18 The Committee asked whether a fresh list in the above blocks has been prepared after deleting the name of beneficiaries who are not eligible for 'Indira Awaas Yojana'. The Ministry in reply stated as under:—

“The State Government has informed that no fresh list has been prepared in Kankadahad and Parjang Block, but the Collector has been instructed to delete the names of ineligible families after due inquiry. The State Government has informed that the Waitlist will be prepared afresh after finalizing the 2002 BPL List.”

2.19 When asked to state the position with regard to displaying the waitlist at a prominent place by Gram Sabha and printing the lists in a booklet form, the Ministry stated as under:—

“The State Government has informed that the names of selected beneficiaries in the 5 years permanent waitlist were displayed on the notice board of the GP. The list has been printed in booklet form and also hosted on the website of the concerned DRDA.”

2.20 Thereafter, the Committee took oral evidence of the Ministry of Rural Development on 18.12.2007. Explaining the genesis of representation, the representative of the Ministry stated as under:—

“It was written in the petition that in the two blocks namely Kankadahad and Parjang blocks of Dhenkanal district, neither Gram Sabha meetings had been held, nor feasibility studies had been conducted during the year 2005. There are definitely some flaws in the selection of beneficiaries. Consequently, the persons other than actual beneficiaries have been allotted houses under IAY. It was stated in the petition that only eligible persons should be selected under the scheme. When we received the information from the State Government and district headquarter, we came to know that during the year 2005-06, the meetings of Gram Sabha had been held there in two blocks and we had been informed even about the dates of their meetings. After that, the concerned BDOs, in the State of Orissa had conducted feasibility study. They ensured whether the beneficiaries selected were genuine and belonged to the BPL List or not. This was the situation in 2005-06. In the year 2006-07, the Government of India had decided that in order to bring transparency in the selection of beneficiaries under IAY, permanent IAY wait list should be prepared for selection under Indira Awaas Yojana which should be based on BPL List and the list should be put on the website and sent to Panchayats also. Thus the selection would be from that list. During the year 2006-07, on the basis BPL List of 1997, an IAY List was prepared under these directions in the districts of Orissa and the selection has been from that list only. As per the Collector's report, action will definitely be taken on every complaint received in this regard. The selection will be done according to the permanent wait list. So, they have given information to us for the year 2005-06 and the information about procedure being followed from the year 2006-07 onwards has been given to us. They have also informed that they have not received any complaint so far. If any such complaint is

brought to their notice, they will conduct inquiry and look into the eligibility of the beneficiary.”

2.21 The Committee desired to know whether the Ministry of Rural Development has the powers to conduct independent inquiry to verify the report forwarded by the State Government. Responding to this, the representatives of the Ministry during evidence stated as under :—

“We are ready to conduct an inquiry about the two villages mentioned by you and we will get it done. The main question was about the change in the system and I want to mention that, the list was in use before 2005. The selection of IAY is done by Gram Sabha. They finalize the work there and the selection is based on that list. The BPL list of 1997 was in use in Orissa. After survey the list was displayed on the computer. The same list is in force in Orissa. We are asking the Government of Orissa to publish the survey already conducted in the year 2002. They are not in a position to decide the cut-off. We had a meeting with the members of the Planning Commission. We will discuss over it, but I want to tell one thing about the survey conducted in 2002. This has come to my knowledge right now that the two tier appeal system does not exist there. We shall send a team in this particular block and village to sort out these objections. A general problem is that the hearings are not taking place at two levels. We shall seek a report in this regard and also send a team to conduct the inquiry therein.”

2.22 At the instance of the Committee, the Ministry of Rural Development constituted a team of officials to visit Dhenkanal district in Orissa. The inspection of the district was carried out from 12 to 14 February, 2008. The report of the team, as forwarded by the Ministry of Rural Development is at *Annexure 'A'*.

2.23 Subsequently, the Committee took further oral evidence of the Ministry of Rural Development and the officials of the State Government of Orissa on 5.5.2008. Explaining about the findings of the team which visited Dhenkanal district in Orissa, the representative of the Ministry of Rural Development during evidence stated as under:—

“The honourable M.P. had pointed out names of some of the allottees. In the findings which had been written in brief. There had been irregularities in identification there. For example, in a village by the name of Bariharpur both the spouses had been allotted house. In another instance, allotment had been made to both father and his son and their identity was questionable. Thirdly, Loohan Sahu had been allotted an IAY. A fresh enquiry of its eligibility was to be conducted. There was no irregularity in the other two complaints. In Orissa, variations had been observed in the list of persons selected in the Palli Sabha. The list was to be hosted on the website. There was some variation in the information regarding the days during which the Palli Sabha had been conducted. Pointing it out we had asked the Government of Orissa to take action on the irregularities.”

2.24 About the action taken by the State Government on the inspection report, the representatives of the State Government of Orissa during evidence on 5.5.2008 stated as under:—

“The Government of Orissa accepts this report and we would accept the recommendations. Last week, we got this report; and we are already on the job. We have already served “show cause notice” to Sarpanch who has committed so. We will also take other action if required, and put the complaint redressal system in place.”

2.25 On being asked to state the period of allotment for which the inquiry was conducted, the representatives of the State Government of Orissa during evidence on 5.5.2008 stated as under:—

“Sir, from the year 2001 to 2005-06”.

2.26 About the responsibilities of the State Government to monitor the funds released by the Central Government, the representative of the State Government of Orissa during evidence on 5.5.2008 stated as under:—

“Sir, Director, Rural Housing had conducted five enquiries. The enquiry of three cases was conducted at the respective sites. In one case, both husband and wife have been allotted. We accept that it is an irregularity. A show cause notice has been issued to the Sarpanch.”

The witness further stated:—

“Sir, husband was allotted the Indira Awaas in 2001-02 and his wife was allotted in 2006-07. The concerned BDO and Sarpanch who were there in the year 2006-07 had been issued show cause notices. The wife has not been provided the money of Indira Awaas”.

2.27 When asked to state the reasons for violations of the guidelines under IAY and misuse of Central funds, the representatives of the Ministry of Rural Development during evidence on 5.5.2008 stated as under:—

“Sir, though the Indira Awaas Yojana is a very popular scheme because the money is given in cash, yet it has lacunae that sometimes the ineligible persons are selected. A decision regarding this issue was taken in November 2005 and from then onward a permanent IAY list will be prepared on the basis of BPL list. The families have been given marks as per their level of poverty in the BPL list prepared in the year 2002. Permanent IAY list will be prepared on the basis of the BPL list of 2002. In that list the person in need of the house, will be provided money on the basis of their ranking and that list will be painted on the wall of the village panchayat. In this way, the selection of ineligible persons could be checked. When this guideline was formed, the BPL list of the year 2002 was not prepared. The permanent IAY list has been prepared in all the States except 11 States.”

2.28 About the process of selection of beneficiaries under IAY, the witness during evidence stated as under:—

“Sir, we have written in the guideline that if many persons have same marks,

some of them may be given preference, *e.g.* free bonded labourers, persons belonging to SC/ST section. If it happens that there are same marks or same sections of people in the priority, the selection can be made through lottery method also.”

2.29 When asked to state whether there were irregularities in the selection of beneficiaries, the representatives of the State Government of Orissa during evidence stated as under:—

“I admit that there are some irregularities. I assure that a proper inquiry of the entire block will be conducted. We will take action against anyone who is found guilty. They will be taken to task. I assure this to the House”.

2.30 On being asked to state the time limit for taking action against the erring officials, the witness during evidence stated as under:—

“We need three months to deal both the cases in all the blocks.”

Observations/Recommendations

2.31 The Committee note that in his representation, the petitioner has alleged that in the year 2005, the allotment norms were violated under ‘Indira Awaas Yojana (IAY) in Kankadahad block and Parjang block of Dhenkanal district in Orissa. According to the petitioner, the names of prospective beneficiaries under Indira Awaas Yojana were neither discussed in the Pallasabha nor was any feasibility study done. The names of the beneficiaries were identified on the Government website. The petitioner further stated that the list of beneficiaries under IAY prepared in the year 2005 would be valid for five years thereby ignoring the genuine people. The petitioner, therefore, requested that:—

- (i) **The process of selection of names under Indira Awaas Yojana in Kankadahad and Parjang blocks of Dhenkanal district in Orissa, may be independently probed and guilty officials may be punished;**
- (ii) **The allotment to the beneficiaries may be cancelled, if found unduly favoured, and recovery of the amount may be effected from the persons concerned.**
- (iii) **The deserving beneficiaries, who were deprived of their right, may be allotted a dwelling unit under Indira Awaas Yojana.**

2.32 The Committee were informed by the Ministry of Rural Development that according to the State Government of Orissa, the names of eligible beneficiaries under IAY were selected in Pallasabha and feasibility study was also done in Kankadahad and Parjang blocks. Thereafter, allotment of houses was made from the permanent IAY wait list for which no allegation was received by the competent authority. According to the Ministry, the petitioner in his representation has not pointed out any specific case of undue favour or violation of guidelines. However, all the State Governments have been advised to prepare permanent IAY wait list with the approval of each Gram Sabha for selecting the IAY beneficiaries. The Ministry also informed the Committee that the guidelines under IAY provides for two-tier appeal system and as such the lists so prepared can be revised/updated in case a complaint is

received from any stake holder and on inquiry the same is found to be genuine. Further, in addition to printing the IAY wait list in a booklet form, the same is also displayed on the district website.

2.33 The Committee note that as per the report of the State Government of Orissa, the allotment of houses to the beneficiaries under IAY was made as per the norms laid down in the guidelines. The report did not point out any violation of rules in the selection of beneficiaries under the scheme. However, in the wake of allegations about irregularities in the selection process under IAY, the Committee asked the Ministry of Rural Development to verify the authenticity of the report sent by the State Government of Orissa. On the directions of the Committee, a team of officials was constituted which visited Dhenkanal district in Orissa from 12 to 14 February, 2008. In their report submitted to the Committee, the following deficiencies were pointed out:—

- (i) There were cases of irregularities in the selection of beneficiaries under IAY.
- (ii) The two-tier redressal system was not functioning as per the instructions issued by Ministry of Rural Development.
- (iii) There was variation in the list of persons selected by Pallisabha in Kankadahad block and the names of persons displayed on the website.
- (iv) Information given by the State Government regarding meetings of Pallisabha was partially incorrect.

2.34 The Committee regret to point out that the State Government of Orissa neither conducted a proper inquiry on the complaint of the petitioner nor submitted a correct report to the Committee. The initial report of the State Government of Orissa pointing out that beneficiaries were selected according to the norms of IAY, was proved wrong by the team of officials that subsequently visited Dhenkanal district on the directions of the Committee. The said team after physical inspection found that there were irregularities in the selection of beneficiaries and some undeserving persons got assistance under the scheme. During the course of oral evidence, while admitting their failure, the officials of the State Government assured the Committee that action will be taken against the delinquent officials. The Committee, therefore, recommend that strict action may be taken against all the erring officials who committed irregularities and violated the prescribed guidelines under IAY which resulted in benefits to persons other than the eligible persons. The process of investigation should be completed expeditiously and reported to the Committee within a period of one month.

2.35 The Committee find that the guidelines issued by the Ministry of Rural Development provide for two-tier appeal system under IAY. Therefore, in case a complaint is received from an individual and on inquiry the same is found to be correct, the list of beneficiaries can be revised/updated. However, when field inquiry was conducted in pursuance of the directions of the Committee, it was found that the grievance redressal system was not functioning. The Committee are constrained to

note that the instructions issued by the Ministry of Rural Development are not being implemented by the State Government of Orissa. The Committee consider it a serious lapse on the part of the concerned officials. The Committee, therefore, recommend that the Ministry of Rural Development should address these issues and issue suitable instructions to the State Government to implement the two-tier redressal system as per the guidelines issued by the Ministry.

2.36 The Committee recommended that the following steps may be taken by the Ministry of Rural Development to bring out transparency in the selection of beneficiaries under IAY:

- (a) Identification and Selection of beneficiaries may be done in open Palli Sabha in the presence of an independent observer to ensure effective participation of rural poor. It would check selection of ineligible persons.**
- (b) A mechanism may be framed for independent audit and review of the various actions taken for selection of beneficiaries, especially at Palli Sabha/Gram Panchayat.**
- (c) Whenever a complaint is received, DRDA should take immediate corrective action for addition/deletion of names.**
- (d) Monitoring system should be strengthened and all complaints about irregularities may be investigated.**

CHAPTER III

REPRESENTATION FROM SHRI DHARMENDRA PRADHAN, MP, REGARDING RENOVATION OF AIRSTRIPS OF OLD JHARSUGUDA AIRPORT AND RISUAN AIRPORT OF KEONJHAR DISTRICT (ORISSA)

The Committee on Petitions received a representation dated 21.12.2006 from Shri Dharmendra Pradhan, MP stating that there is only one airport in Orissa *i.e* Biju Patnaik Airport, Bhubaneshwar. Due to booming iron ore sector, many industries like Arcelor- Mittal, Posco, Jindal Steel, TISCO and Sterlite are going to establish their industries in Western part of Orissa. However, there is no such infrastructure for communication. Therefore, it is necessary to develop both Jharsuguda and Risuan Airports simultaneously to give boost to backward areas of Orissa. He, therefore, requested that a time bound programme may be chalked out for upgradation/ modernization of the existing air strips at Jharsuguda and Risuan.

3.2 The Committee under Direction 95 of Directions by the Speaker, Lok Sabha took up the representation for examination. Accordingly, the above representation was forwarded to the Ministry of Civil Aviation on 12.02.2007 requesting them to forward their comments on the issues raised in the representation.

3.3 At the instance of the Committee, the Ministry of Civil Aviation *vide* their O.M. dated 27.02.2007 furnished their comments as under:—

“Jharsuguda airport belongs to Airports Authority of India (AAI), and has runway dimensions of 6170x150 ft suitable for 50 seater aircraft but has been non-operational for two decades. During December, 2001 the airport was closed as the pavement and other infrastructure were unfit for aircraft operations. No airline has shown interest to operate schedule flights from Jharsuguda airport. Therefore, AAI has no plans to renovate/ develop the airport. AAI has received a request from M/s Vedanta Group of Industries for having Jharsuguda airport operational for use by their private aircraft for carrying their Senior Management Personnel etc. The proposal has been examined by AAI and M/s Vedanta will be required to enter into an MoU with AAI and give an undertaking that they will carry out the necessary repair works at their own cost for operation of aircraft under VMC and other conditions. As and when request from any schedule airline are received for operation through Jharsuguda airport, further necessary repair works can be planned by AAI for operations and M/s Vedanta will be required to hand over the airport to AAI on “as is where is condition”. The budget provisions are being proposed for development of Jharsuguda airport for operation of ATR-72 type of aircraft during the 11th Five Year Plan (2007-2011).”

The Ministry further stated:—

“Risuan airport in Keonjhar District of Orissa having airstrips of

914mtr.x14mtr. belongs to the State Government and is non-operational. There is no demand from any schedule airline to operate their services from this airport. As such the AAI has no plan to develop Keonjhar airfield.”

3.4 The Committee desired to know the reasons for reluctance of any airline to operate schedule flights from Jharsuguda airport. The Ministry in their written reply stated as under:—

“Airline operators are free to operate anywhere in the country subject to compliance with Route Dispersion Guidelines (RDG). Route Identification for Operation is decided by the respective Airline in their own commercial judgment. However, with a view to improve connectivity and incentivise operations by small aircrafts on regional routes, the Government has exempted aircrafts with a maximum certified capacity of less than 80 seats, operated by domestic scheduled operators, and helicopters of all types from landing charges. Incentives have also been given to light weight aircrafts in respect of Route Navigation Facility Charges. AAI has drawn a Master Plan for development of Jharsuguda Airport. Additional land measuring 815 acres for its development has been proposed to State Government for acquisition and handing over to AAI free of costs and free from all encumbrances along with draft MoU on 13.11.2007. Reply from State Government is awaited.”

3.5 About the request of M/s Vedanta Group of Industries to use Jharsuguda airport for their private aircraft, the Ministry in its written reply stated as under:—

“AAI had received a request from Vedanta Group of Industries for operations at Jharsuguda airport for use by their private executive aircraft. It was also proposed to carry out the required repair works for runway for a length of 1200 m by Vedanta at their cost. Accordingly, permission was accorded to carry out repair works on runway at Jharsuguda by Vedanta at their cost under an MoU to be signed between AAI and Vedanta Industry. Minor recarpeting work of laying bitumen for a length of 4000 sq. ft. runway was carried out by Vedanta Group. During 2008 approx. 90 movements have been carried out by small aircraft including that of Vedanta Industries.”

3.6 On being asked to state whether the AAI has studied the economic feasibility of running the airport, the Ministry in its written reply stated as under:—

“M/s Rites Ltd. have been awarded consultancy for feasibility study of AAI Non Operational Airports, which includes Jharsuguda”.

3.7 Regarding the latest condition of Jharsuguda airport, the Ministry in its written reply stated as under:—

“The existing runway at Jharsuguda is unfit for operation by schedule airlines.”

3.8 In reply to a question about development of Jharsuguda airport in the wake of growing industries in Orissa, the Ministry in its written reply stated as under:—

“AAI has already taken up development and modernization of 35 non-Metro

airports in a time bound manner. Bhubaneshwar airport in Orissa is included under the modernization plan. Works amounting to Rs. 150 crore (approx.) for New Integrated Terminal Building and Expansion of Apron are being undertaken. This is besides the proposed development work at Jharsuguda Airport.”

3.9 When asked whether the AAI has studied the economic viability of the Risuan airport, the Ministry in its written reply stated as under:—

“The airport belongs to State Government of Orissa. No firm proposal, either from State Government or scheduled airline operator, has been received for its development”.

3.10 On being asked to state the latest condition of the Risuan airport, the Ministry in its written reply stated as under:—

“Risuan airport in Keonjhar district of Orissa has an airstrip of 914mtr.x150mtr. and belongs to State Government. The airport is non-operational and the details about the condition of the pavement and infrastructure would be available with the State Government. State Government has been requested to make available the required information, which is awaited.”

3.11 Subsequently, the Committee took oral evidence of the representatives of the Ministry of Civil Aviation on 22.08.2008. Explaining the position the representatives of the Ministry stated as under:—

“Jharsuguda Airport belongs to the Airports Authority of India and this airport is in the State of Orissa. For a number of years, it has not been in operation. The condition of the runway is not good. We had declared earlier that its not safe for landing. So far we have not taken any action to improve it further because no scheduled airline has requested us saying that it has intention to operate any service. Of course, there are a lot of developments. To expand this, we prepared a Master Plan. The plan requires approximately 367 acres of land. We have sent it to the Orissa Government. Then, we have requested for an MoU. We have done MoU with the other State Governments. In the case of Surat, we have done it with Gujarat Government. Even in Andhra Pradesh, we have done it in respect of Rajmundry and Cudappa Airports. We have been doing that.

We need the support of both the State Governments and the Central Government to expand it. Our endeavour has been to acquire land from you, you may ask it from the State Government, and then we can do something to expand it because it is required for the development of the particular region. Therefore, we have sent an MoU to the State Government. In the meantime, we are in correspondence. Once they agree we can go ahead and go to the Board and take the approval of the competent authority. There is a Vedanta Group. Some time ago, they wanted to operate some service. They say they would take on some repairing work themselves. We permitted them, they did it for their requirement. They built four thousand feet of runway and we permitted. They are undertaking some repair work. Small aircrafts do land their. I have informed

the present status of the situation. We have to get the additional land. If the State Government agrees, we will send an MoU. We have done a similar MoU with other State Governments. We have to get some requisition from the airlines also so that after we develop, there is an operation, so this is the status about that airport.”

3.12 About expansion of the runway to attract private airlines to operate schedule flights, the representative of the Ministry during oral evidence stated as under:—

“We have to make a further expansion of runway and building their and therefore, we wanted some more land from the State Government. In the meantime, there is no requirement from any airline. We have asked many airlines whether they are ready to operate any service there. We are ready from outside to take up the development work. But the airlines are not willing to do it.”

3.13 Explaining about initiatives taken to develop the airport, the witness during oral evidence stated as under:—

“We have taken the steps. We have done the study and made a Master Plan. We have included the non-operational, non-Metro airports. We have done similarly in non-operational, non-Metro airports which we have to take up in the Phase-II. In the Phase-II, Jharsuguda airport is also included.”

Observations/Recommendations

3.14 The Committee note that in his submission, Shri Dharmendra Pradhan, MP has stated that Orissa, due to its rich mineral resources, has been attracting investment from all over the world. Major industrial houses have expressed their interest in establishing industries in the western part of the State. However, according to the petitioner, the western part of the State lacks infrastructure especially airport to encourage investment by big Companies. Further, he stated that Biju Patnaik Airport, Bhubaneswar is the only airport in Orissa and therefore it may prove to be a major hurdle in the development of the State. Therefore, the petitioner requested that Airports Authority of India may expand Jharsuguda and Risuan airports simultaneously, for development of backward areas of the State.

3.15 The Committee were informed by the Ministry of Civil Aviation that Jharsuguda airport belongs to the Airports Authority of India and has runway dimensions of 6170x150 ft. suitable for 50 seater aircraft but has been non-operational for two decades. No airline has shown interest to operate scheduled of flights from Jharsuguda airport and therefore, Airports Authority of India has no plan to renovate/develop the airport. Further, it was informed that as and when a request from any airline is received for operation through Jharsuguda airport, further necessary repair will be planned. About the Risuan airport, the Ministry informed that the airport having airstrip of 914 meters x150 meters belongs to the State Government and is non-operational. As there is no demand from any scheduled airline to operate their services from this airport, AAI has no plan to develop the airfield.

3.16 The Committee were informed that Airports Authority of India has drawn a Master Plan for development of Jharsuguda airport. For modernization and expansion of the airport, additional land measuring 815 acres is required. The State Government of Orissa has been requested to hand over the land free of cost and free from all encumbrances to AAI. Further, a draft Memorandum of Understanding has also been sent to the State Government on 13 November 2007. The reply from the State Government is awaited. The Committee also note that AAI has already taken up development and modernization of 35 non-metro airports and Bhubaneswar airport is one of them. About expansion and development of Risuan airport, the Committee note that no firm proposal either from the State Government or any schedule airline has been received.

3.17 The Committee observe that both Jharsuguda and Risuan airports have been non-operational for two decades. The runway dimensions of both the airports are unfit for operation of any schedule airline. For development of Jharsuguda airport for operation of ATR-72 type of aircraft, the budget provisions have been proposed during the 11th Five Year Plan (2007-2011). The State Government of Orissa has also been requested to hand over additional land measuring 815 acres for expansion and modernization of the Jharsuguda airport. The request for handing over additional land alongwith draft MOU was sent to the State Government on 13 November 2007. The approval of the State Government is awaited.

3.18 The Committee observe that infrastructure development is pre-requisite for the over all development of a region/State. For expansion of the Jharsuguda airport, AAI requires additional land from the State Government. The allotment of land will enable AAI to develop infrastructure facilities to attract scheduled airlines to operate flights. The Committee, therefore, recommend that the Ministry of Civil Aviation should vigorously pursue the matter with the State Government of Orissa for allotment of the required additional land to AAI for expansion of Jharsuguda airport.

3.19 The Committee also desire that the Ministry of Civil Aviation should take up this matter with the State Government of Orissa impressing upon the need to prepare a plan for expansion of the Risuan airport to attract scheduled airlines to operate flights.

CHAPTER IV

REPRESENTATION FROM SHRI A.D. NAGENDRAPPA, PRESIDENT, HMT SC/ST EX-EMPLOYEES WELFARE ASSOCIATION, BANGALORE REGARDING PAYMENT OF SALARY ARREARS

Shri A.D. Nagendrappa, President, HMT SC/ST Ex-Employees Welfare Association, Bangalore sent a representation dated 02.02.2005 on behalf of the retired SC/ST employees of HMT Limited, Bangalore stating that:—

- (i) During the course of their service, the Management of HMT Limited revised salaries of all employees from 01.01.1992. However, the arrears of pay were not paid.
- (ii) A voluntary retirement scheme (golden hand shake) was introduced and many employees opted for retirement with the hope that HMT Limited, would pay all the arrears of salary and other consequential benefits. However, the management did not settle their dues.
- (iii) For payment of dues, they approached various courts. Ultimately, the Supreme Court directed HMT to pay the arrears of salary. Despite the directions from the court, the management did not settle their dues.
- (iv) It is understood that HMT has approached the Government to sanction interest free loan of Rs. 30 crores to pay the arrears of salary.

The petitioner, therefore, sought intervention of the Committee for speedy settlement of arrears of pay.

4.2 The above representation was forwarded to the Ministry of Heavy Industries and Public Enterprises (Department of Heavy Industries) on 23.02.2005 requesting them to furnish their comments.

4.3 The Ministry of Heavy Industries and Public Enterprises (Department of Heavy Industries) *vide* their O.M dated 14.12.2005 informed as under:—

- (i) “The 1992 wage/pay revision for employees of the Company was implemented in 1995 in line with the Government guidelines with the condition that the ‘liability towards arrears from 1.1.1992 to 30.9.1995 will be examined only after the substantial improvement in the financial performance of the Company’. Due to financial difficulties, the company could not settle the pay revision arrears.
- (ii) In the meanwhile, the separated employees of various units have approached various Courts including the Hon’ble Supreme Court for payment of the arrears. The Hon’ble Supreme Court *vide* its Orders dated 7.8.2003 directed the Company to disburse 55% of the arrears to all the employees to the extent

of their eligibility within 3 months and the balance amount in 3 equal annual installments.

- (iii) However, in view of the continued critical financial position, the Company filed an Interlocutory Application before the Hon'ble Supreme Court during October, 2003 for modification of its order dated 7.8.2003 and a Review Petition was also filed. Subsequently, the Ex-employees' Welfare Association filed a Contempt Court case before the Supreme Court alleging non-implementation of Supreme Court orders.
- (iv) During hearing of the contempt case on several dates, on the insistence of the Hon'ble Supreme Court, a scheme was devised to settle the payment of wage/pay arrears to the eligible employees on account of 1992 pay revision by disbursement of Rs. 50 lakh per month starting from May, 2005 in the order of seniority based on their date of separation from the Company.
- (v) In accordance with the above decision, the Company has been making payment of the 1992 wage/pay revision arrears to the eligible ex-employees every month from May, 2005 onwards in the order of seniority based on the date of separation."

4.4 Subsequently, the Ministry *vide* their O.M dated 14.05.2007 furnished the following additional information:—

- (i) "In accordance with directions of the Hon'ble Supreme Court, HMT Limited and its subsidiaries have been disbursing a sum of Rs. 50 lakhs per month towards 1992 pay revision arrears to the separated employees based on their seniority of separation. The payment started in May, 2005.
- (ii) There are 108 cases of such employees who are dead, but the payment could not be released to the successors for want of requisite legal documents.
- (iii) The Company has sent the necessary information in this regard at the last known addresses of such ex-employees. In some of the cases, the cheques sent by the company have been returned undelivered.
- (iv) The Company is taking all steps to help the claimants to complete the formalities to receive their dues.
- (v) In some cases, it is not known if the ex-employees are alive or not. HMT(MT) Limited, Bangalore which is one of the subsidiaries of the company is likely to issue advertisement in Newspaper to help such employees or their legal heirs to contact the company."

4.5 Thereafter, the Committee took oral evidence of the representatives of the Ministry of Heavy Industries and Public Enterprises on 12.04.2007. Explaining the position, the witness during evidence stated as under:—

"As regards HMT, the question is about payment of arrears from 1.1.1992 to 30.9.2005. This matter has gone to the Supreme Court and in the final orders which the court has passed, they have said that the company should pay at the

rate of Rs. 50 lakhs per month because the amount is substantial. The total amount is about Rs. 61 crore that is still payable to the employees as arrears due to the revision in the salaries. As of now, the amount paid is about Rs. 11 crore. They are paying Rs. 50 lakhs per month without fail but it will take a lot of time for the entire amount to be paid in full.”

4.6 On being asked whether the amount is being paid regularly, the witness during evidence stated as under:—

“It is being paid regularly at the rate of Rs. 50 lakhs per month”.

4.7 In reply to a question whether HMT was earning profit, the witness replied:—

“Sir, HMT has been incurring losses. Supreme Court first ordered payment of arrears. Keeping in view the financial position of HMT, the court ordered that wage/pay revision may be settled by disbursing Rs.50 lakhs per month starting from May, 2005 in the order of seniority. It is for your information that HMT was not earning profit. The restructuring work is under process, but Rs. 50 lakhs has to be paid.”

4.8 On the directions issued by the Supreme Court, the witness stated:—

“When the Supreme Court passed its order, they came to the conclusion to make part payment. The first order which said that 55 per cent should be paid in one go was based on the presumption that the company was doing well and it was doing better than what it was earlier. Therefore, they wanted that the payment should be made”.

4.9 On being asked to state the target date by which the pay revision arrears would be finally settled, the witness informed:—

“Target is long because only 11 crores have been paid so far. After restructuring the unit will earn profit.”

Observations/Recommendations

4.10 The Committee note from the submission of the petitioner that the management of HMT revised the salaries of their employees from 01.01.1992. A voluntary retirement scheme was introduced in the Company and many employees opted for retirement with the hope that HMT would pay all the arrears and other consequential benefits in due course of time. However, the Company did not settle their legitimate dues. For payment of arrears, the employees approached the Courts. The Supreme Court on 07.08.2003 directed HMT to pay the arrears of pay revision. Despite directions from the Apex Court, the Company did not pay their dues which resulted in contempt proceedings against the Company. To avoid punishment by the Court, the management approached the Court seeking extension of time. The petitioner further stated that they have learnt that the Company has requested the Government to sanction 30 crores interest free loan to pay the arrears of salary. The petitioner, therefore, requested that the Committee on Petitions may intervene and direct HMT to pay the arrears of salary as per the orders passed by the Supreme Court.

4.11 The Committee note from the reply of the Ministry of Heavy Industries and Public Enterprises that the 1992 pay revision for employees of HMT was implemented in 1995 with the condition that liabilities towards arrears from 01.01.1992 to 30.09.2005 will be paid only after improvement in the financial position of the Company. For release of arrears, the voluntarily retired employees approached various Courts. Ultimately, the employees approached the Supreme Court. The Supreme Court on 07.08.2003 directed the Company to disburse 55% of the arrears to all the employees as per their eligibility within three months and the balance amount in three equal annual installments. Due to continued critical financial position, the Company filed an Interlocutory Application before the Supreme Court in October, 2003 for modification of order dated 07.08.2003 and a review petition was also filed. On the directions of Supreme Court, a scheme was devised to settle pay arrears of the employees by disbursing 50 lakhs per month starting from May, 2005 in the order of seniority based on their date of separation from the Company. Accordingly, the Company has been making payment of 1992 pay revision arrears to eligible ex-employees every month from May, 2005 onwards in the order of seniority based on the date of voluntary retirement.

4.12 The Committee observe that HMT has been adhering to the directions of the Supreme Court and accordingly disbursing Rs. 50 lakhs per month towards arrears of pay to the voluntarily retired employees. Upto August, 2008, out of the total financial liability of Rs. 61.17 crores, the Company had paid Rs. 20.28 crores to the employees. The Committee trust that all the employees who retired voluntarily will receive their wage revision arrears in due course of time although the target is long. The Committee desire the Ministry to consider a comprehensive revamp plan to ensure a turn around for the HMT and provide it necessary assistance to implement the same by appropriate restructuring of its viable units. The Committee expect that with the improved financial position the Company would suitably enhance the amount presently being disbursed per month to the employees. The Committee would like to be appraised in the matter.

4.13 The Committee have been informed that there were 108 cases of employees who have passed away but their payment could not be released to the successors for want of requisite legal documents. The Committee feel that HMT may consider it a social obligation to assist the dependents of the ex-employees in completing the legal formalities. The Committee, therefore, recommend that HMT and its subsidiaries may render all possible assistance to the legal heirs so that the formalities are completed expeditiously and they receive the payment at the earliest. For the benefit of such family members of ex-employees, the Company may issue advertisement in national and vernacular dailies requesting them to contact the Company.

CHAPTER V

REPRESENTATION FROM SHRI S.K. BASHA, GENERAL SECRETARY, HINDUSTAN CABLES LIMITED, HYDERABAD FOR PAYMENT OF DUES OF EMPLOYEES WHO RETIRED VOLUNTARILY

Shri Basudeb Acharia, MP on 27.2.2006 forwarded the representation dated 23.2.2006 of Shri S.K. Basha, General Secretary, Hindustan Cables Limited V.R.S. Employees Welfare Association, Hyderabad regarding non-payment of genuine dues to the voluntary retired employees of Hindustan Cables Limited, Hyderabad. The petitioner, in his representation stated that nearly 800 employees of the company sought voluntary retirement between December, 2000 and March 2001. However, the dues on account of arrears of wage revision, medical reimbursement etc. have not been paid. The Andhra Pradesh High Court has issued instructions to the management of the company to clear dues to the VRS employees. But, the management has not been clearing their dues despite directions from the Court. Further, it was stated that while submitting their voluntary retirement applications they had indicated their conditional relief for incorporating payment of various dues. Still they have been waiting for settlement of their dues from the company. The petitioner, therefore requested that Committee on Petitions may intervene in getting their dues.

5.2 The Committee under Direction 95 of Directions by the Speaker took up the above representation for examination. Accordingly, the representation was forwarded to the Ministry of Heavy Industries and Public Enterprises (Department of Heavy Industry) on 06.04.2007 requesting them to furnish their comments.

5.3 On the directions of the Committee, the Ministry of Heavy Industries and Public Enterprises (Department of Heavy Industry) *vide* their O.M NO.1(10)/007-PE.11 dated 11.04.2007 furnished their comments as under:—

“The implementation of pay revision of 1997 in Hindustan Cables Limited was subject to certain conditions in the Presidential Directives dated 23rd May, 2001 which, *inter-alia*, stipulated that the revised pay scales will be applicable from 01.04.2001. Arrears for the period 01.01.1997 to 31.03.2001 were to be paid only after HCL was able to generate sufficient resources and clear all the arrears of the statutory dues. HCL made part payment of pay-arrears without liquidating the outstanding statutory dues including PF dues. On the request of the company, Government had given budgetary support of Rs. 70.84 crore to HCL in 2004-05 for settlement of outstanding statutory dues which included dues pending from 1997 onwards. In the Special Audit Report of CAG dated 1.5.2006, it was stated that HCL disbursed arrears of pay revision when the statutory dues were outstanding. The disbursement of pay arrears without settling the outstanding statutory dues was, therefore, clearly in violation of Presidential Directive and, therefore, erroneous and liable to be recovered.

Some employees of HCL who had taken VRS filed a writ petition in the High Court of Andhra Pradesh claiming arrears of wages due to pay revision w.e.f. 1.1.1997. The High Court of Andhra Pradesh had passed an order that since HCL had paid arrears to its existing employees for the period 1.1.97 to 31.3.2001, arrears of pay revision should also be paid to employees who retired after 1.1.97. HCL went in appeal against this order. The Appellant Bench of High Court of Andhra Pradesh passed interim orders to the effect that the appellants shall deposit the arrears as per the revised pay scales upto 31.3.2001 in a Nationalized Bank, within a period of eight weeks from the date of receipt of copy of the order, and such a deposit would be subject to the result of this appeal.

HCL could not deposit the amount as per the orders of High Court of Andhra Pradesh which had resulted in contempt proceedings. HCL filed a Special Leave Petition against the order of High Court for depositing in advance the arrears dues. SLP was admitted in Supreme Court and ad-interim stay was granted until further orders. The matter is yet to be heard. As the Department of Heavy Industry is one of the respondents to SLP, the matter was examined in consultation with Department of Legal Affairs, who advised that the employees who had availed VRS were not entitled to the revision of retirement dues and consequently also not entitled to pay arrears for the period 1.4.1997 to 31.3.2001. In this connection attention was invited to judgement of Hon'ble 'Supreme Court in A.K. Bindal and Ors. Vs Union of India and Ors. JT 2003 (4) SC 328 at P-352 wherein it was *inter-alia* observed that 'The main purpose of paying this amount is to bring about complete cessation of the jural relationship between the employer and the employee'. In the reply on behalf of Union of India in the SLP, it had been submitted that payment of arrears made by HCL to some of its employees was irregular and was liable to be recovered.'

The Ministry further stated that:—

“The production of the company has been suspended since 2003. Although it is the responsibility of the company to make payment of salary and wages to its employees, keeping in view the financial position of the company, Government has been giving budgetary support for payment of salary and wages to its employees. While giving budgetary support, Government of India had asked HCL to effect recovery of irregular payment of arrears made in violation of Presidential Directives. Part recovery of pay arrears amounting to 25% has already been effected in respect of existing employees of the company.

Medical Reimbursement

As per agreement between company and VRS optees, the company had to pay hospitalization bills as well as out-patient bills for two years to the employees who had left on VRS. The entire amount of medical expenses of the VR employees had been paid till the date of their service in the company. However for the balance two years company had paid Rs. 39.03 lakhs towards the hospitalization bills and out patient bill of VR employees. Only the out-patient

bills of the value Rs.5.04 lakhs are pending due to non-availability of funds with the company.”

5.4 The Committee desired to know the scheme of voluntary retirement adopted by the company, the criteria followed for granting voluntary retirement and other details. In their written reply dated 11.01.2008 the Ministry stated as under:—

“The voluntary retirement scheme was opened in the HCL during the year 2000-01. The Company offered 60 days pay per every completed year of service or Gujarat Model Scheme whichever was beneficial. Keeping in view the pending wage revision, management has offered to increase the basic pay by adding four increments and 20% interim relief and corresponding increase of D.A. etc. for the purpose of calculations of VR compensation. Those Employees who applied for VR have been granted voluntary retirement during the year 2000-01 and such employees and officers who applied for VR were Seven Hundred and Sixty One (761). All the terminal benefits viz. VR Compensation, leave encashment, P.F. and gratuity were paid to the V.R. Employees. Medical bills to the tune of Rs.94.15 lakhs have been reimbursed to them. Still Rs.5.04 lakhs are due to be paid to the VR employees. Due to severe financial difficulties this could not be paid to the VR employees by the company. Subsequently the wages were revised as per 1997 pay scale and the wage revisions were implemented in the month of April, 2001. As per the approval of Government to the implementation of pay revision of 1997 pay scale, arrears were payable only after settlement of salary dues. The company failed to settle outstanding salary dues and budgetary support of Rs.70.21 crores was given during 2004-05 to settle the outstanding salary dues. Since the condition of implementation of pay revision of 1997 was not fulfilled, arrears were not payable and Government enforced recovery of arrears already paid. HCL employees got salary order against the recovery of irregular payment of arrears of pay revision made by HCL management. The matter is presently before High Court of Andhra Pradesh who have given stay for order of recovery of arrears. No arrears are payable to employees separated on VRS during the year 2001-02”.

5.5 On being asked to state the reasons for inordinate delay in payment of pay revision arrears from December 2000 to the employees who retired voluntarily, the Ministry in their written reply stated as under:—

“The financial position of the company has become critical as the company has become sick. As a result, the company is not even in position to pay the salary of the employees. The company was referred to voluntary retirement scheme in the month of November, 2002 and since then the company is dependant on the budgetary support from the Department of Heavy Industry for payment of wages and statutory dues”.

5.6 When asked to state about the efforts made by the company to expedite payment of pay revision arrears to VRS employees, the Ministry replied as under:—

“No arrears of pay revision of 1997 are payable to VRS employees of HCL”.

5.7 When asked to state why the management of the company has not settled the dues of voluntary retired employees despite directions from the Andhra Pradesh High Court, the Ministry replied as under:—

“Hon’ble High Court of Andhra Pradesh has given directions to the management to deposit the amount payable towards wage revision arrears of the petitioners in a nationalized authorized Bank. HCL management has challenged the order of High Court of Andhra Pradesh in the Supreme Court who quashed the order of High Court of Andhra Pradesh and directed High Court to hear the appeal of HCL. According to appeal, no pay arrears are payable to voluntary retired employees of HCL on their separation. The matter is *sub-judice*. Total 761 employees who took VR during the period 2000-01 have been paid an amount of Rs.43.37 crores towards VR compensation. In addition, they were also paid P.F. dues in full and gratuity dues in 6 instalments. The number of deaths and the reasons therefore as mentioned as per the opinion of the company is not tenable. The deaths even during the service period for some were due to the natural reasons”.

5.8 The Committee thereafter took oral evidence of the representatives of the Ministry of Heavy Industries & Public Enterprises (Department of Heavy Industry) on 12th April, 2007. Explaining the genesis of the case, the representative of the Ministry during evidence stated as under:—

“In this case, in the year 2001 the Government had agreed for the pay revision. It was made very clear that arrears would be paid only when there is sufficient generation of resources within the company. There was an audit Report which was given to the Government. This Report indicated that in spite of the fact that there is no surplus available, for some employees what is not provided in the Government directive has been done. So, an attempt was made to recover that amount. That is now before the Supreme Court. The matter is *sub-judice*. Right now this company is also closed. None of their units is working. They do not have resources to settle for the arrears that is payable to the employees”.

5.9 The Committee desired to know whether the company has filed an appeal in the court or the employees have moved the court. Replying to this, the witness stated:—

“The Company has gone in for an appeal against the orders of the court”.

5.10 Explaining about the orders of the Supreme Court, the witness stated:—

“The High Court of Andhra Pradesh had wanted the arrears to be paid. The Company did not have the money. So, the Company had to go to the Supreme Court to get the stay order”.

The witness further stated that:—

“The operative portion of the order says that there shall be *ad-interim* stay until further orders. This order has been passed on 24.3.2006”.

Observations/Recommendations

5.11 The Committee note from the submission of the petitioner that nearly 800 employees of Hindustan Cables Limited, Hyderabad (HCL) sought voluntary retirement between December, 2000 and March, 2001. HCL has not paid the wage revision arrears to such employees. For settlement of their dues, the ex-employees of the Company approached the High Court of Andhra Pradesh, who gave orders for clearing the dues. Despite directions from the Court, the management of the Company did not clear the dues of the voluntarily retired employees. The petitioner further submitted that in case the Government gives Rs. 9 or 10 crore to HCL, it would permanently settle all the dues of 800 employees. The petitioner, therefore, requested the Committee to take up the cause of the employees and issue directions to the Company for clearing all the dues of the employees.

5.12 The Committee were informed by the Ministry of Heavy Industries and Public Enterprises (Department of Heavy Industry) that the decision of the Government for pay revision from 01.01.1997 in Hindustan Cables Limited, Hyderabad was subject to certain conditions. As per the Presidential Directives, the revised pay scales were effective from 01.04.2001 and the arrears from 01.01.1997 to 31.03.2001 was to be paid only after the Company was able to generate sufficient resources and first clear all the arrears of statutory dues. At the request of the company, the Government gave budgetary support of Rs.70.84 crores in 2004-05 to Hindustan Cables Limited for settlement of outstanding statutory dues which included dues pending from 1997 onwards. The company, however, made part payment of pay arrears without liquidating the outstanding statutory dues including provident fund dues. The special Audit Report of CAG dated 1.5.2006 pointed out that Hindustan Cables Limited disbursed arrears of pay without first settling the outstanding statutory dues. Therefore, it was erroneous and liable to be recovered.

5.13 The Committee have been informed that except the wage revision arrears, all the terminal benefits *viz.* voluntary retirement compensation, leave encashment, provident fund and gratuity have been paid to the employees who had sought voluntary retirement. Further medical bills to the extent of Rs.94.15 lakhs have been reimbursed and only Rs. 5.04 lakhs on account of out patient bills have been pending due to non-availability of funds with the Company.

5.14 The Committee note that a total of 761 employees of Hindustan Cables Limited, who took voluntary retirement, filed a writ petition in the High Court of Andhra Pradesh for payment of arrears of wage revision from 01.01.1997. The Andhra Pradesh High Court passed an order that since Hindustan Cables Limited had paid arrears to its existing employees for the period from 01.01.1997 to 31.03.2001, arrears of pay revision should also be paid to the employees who retired after 01.01.1997. HCL appealed against the order. However, the appeal was dismissed and the Appellant Bench of High Court of Andhra Pradesh passed an interim order directing the Company to deposit the arrears as per the revised pay scales upto 31.3.2001 in a Nationalized Bank. The Company could not deposit the amount, which resulted in contempt proceedings. Thereafter, Hindustan Cables Limited filed a Special Leave Petition against the orders of High Court of Andhra Pradesh. The Supreme

Court admitted the Special Leave Petition and granted ad-interim stay until further orders. The Department of Heavy Industry, which is one of the respondents to the Special Leave Petition, sought the opinion of Department of Legal Affairs who advised that the employees who had availed voluntary retirement were not entitled to revision of retirement dues and consequently also not entitled to pay arrears for the period from 01.04.1997 to 31.03.2001. It was observed that “the main purpose of paying this amount is to bring about complete cessation of jural relationship between the employer and the employee”. In the reply in Special Leave Petition it had been submitted that payment of arrears made by HCL to some of its employees was irregular and liable to be recovered.

5.15 The Committee further note that on the directions of the Government, HCL enforced recovery of arrears already paid to the serving employees. However, the employees approached the Court and got stay order against recovery of payment of arrears of pay revision made by HCL. The matter is pending before the High Court of Andhra Pradesh.

5.16 The Committee find that Hindustan Cables Limited, Hyderabad has challenged the orders of High Court of Andhra Pradesh for payment of arrears of wage revision from 01.01.1997 to the voluntary retired employees by filing a Special Leave Petition in the Supreme Court of India. According to the Ministry, the Department of Legal Affairs has given its opinion that the employees who had taken voluntary retirement were not entitled to pay arrears for the period from 01.04.1997 to 31.03.2001. The Hon’ble Court on 24.03.2006 while admitting the SLP has granted ad-interim stay until further orders. The Committee find that as per the Presidential Directive dated 23.5.2001 the employees are entitled for payment of arrears on revision of pay. However, the arrears are payable only after HCL generate sufficient resources and clear all arrears of statutory dues first. As such, the advice of the Department of Legal Affairs is not in conformity with the Presidential Directive dated 23.05.2001.

5.17 As the matter regarding serving employees and voluntary retired employees is pending before the Andhra Pradesh High Court and Hon’ble Supreme Court respectively, the Committee at this stage cannot but only recommend the Ministry of Heavy Industries & Public Enterprises to make earnest efforts for early hearing and settlement of the case.

NEW DELHI;
6 November, 2008
15 Kartika, 1930 (Saka)

PRABHUNATH SINGH,
Chairman,
Committee on Petitions.

APPENDIX

(See Para 2.22 of the Report)

TOUR REPORT OF VISIT TO DHENKANAL IN ORISSA

In pursuance to directions of Parliament Petitions Committee, I along with Mr. Ramesh Maharana visited Dhenkanal, Orissa from 12th February to 14th February 2008. On arrival, I had a meeting with Secretary, Panchayati Raj, Orissa, Shri Baral, ex-Joint Secretary looking after IAY in the State and Shri R.K. Das, present Joint Secretary. I was informed that selection of IAY beneficiaries is made from Annual list derived from BPL list finalized from 1997 Survey. Annual list is prepared from the list of beneficiaries selected by Gram Sabha and forwarded to DRDA along with Resolution signed by Sarpanch and Panchayat Secretary. Thereafter, list is hosted on website.

Process of selection is as follows:—

- (i) Applications are invited from BPL families by issuing Centralized advertisement.
- (ii) Applicant has to submit application along with Rs.10 to Panchayat office. Submission of fee is not as per guidelines but State authorities informed that this is to ensure that all applications are accounted for as receipt of payment is issued.
- (iii) Block level officers visit applicants households to check the eligibility of candidates.
- (iv) List of eligible candidates is given to Gram Panchayat and thereafter placed before Gram Sabha.
- (v) Gram Sabha makes final selection of beneficiaries as per its discretion.

On 13th February 2008, in the morning, a meeting was held in Circuit House of Dhenkanal which was attended by Mr. Baral, Mr. Das who accompanied us from Bhubaneswar and Mr. Dharmendra Pradhan M.P., Mr. Bishnu Pradhan (original complainant), Mr. Suparno Satpathy, people representative, District Magistrate and DRDA officials like Project Director and BDOs.

Mr. Pradhan stated that there are irregularities in the selection process and deserving people have been left out even when some undeserving persons have got assistance under the scheme. He also complained about charging Rs.10 for filling application. He further informed that in spite of his writing letters to District as well as State authorities, no body has responded or investigated the matter.

District authorities informed that they don't have any power to make any changes in the five year prospective list finalized at the State level on day to day basis after getting complaints as State Government decided that these factors may be looked into

at the time of checking eligibility of candidates and finalization of annual list. This basically means that Two step complaints redressal system is not working in the district.

Specific Cases of Complaints and Facts after Inquiry

Mr. Pradhan provided details of following cases where irregularities have occurred:—

Block Parjang, Village Bariharapur

- (i) Sarpanch' sister Mrs. Surtani Sahu and her husband Mr. Sarat Sahu son of Vidhyadhar Sahu having same BPL number got assistance twice for two houses.

Observations:— Complaint was found to be correct. When we visited the residence of beneficiary, only Mr. Sarat Sahu was at home. He informed that family got assistance 4-5 years back. He did not show his BPL card or Pass Book to check out the amount of assistance paid to him as his wife was away to her parental home and has taken the keys with her after locking everything. Neighbours who gathered around confirmed that he was Sarpanch's brother-in-law. List of beneficiaries of 2001-02 and 2006-07 were scrutinized and it was found that Mr. Sahu got assistance in 2001-02 and his wife Mrs. Surtani in 2006-07. They have a pair of bullock and land. However, in spite of the fact that they got assistance twice, no house has been constructed. Small plot area was showing foundation work done a few years ago but the family is still living in Kachha house.

- (ii) Satyanand Biswal s/o Balachandra got financial assistance for IAY house in 2001-02 and his son again got another IAY allotment in 2004-05 against same BPL number. We were also informed that the family has 10 acres of land, motorcycle and TV.

Observations:— On our personal visit to the house, it did not look like a house belonging to BPL family as it was 2-3 rooms well built house. Only young daughter and grand daughter of the householder were at home. Initially, the girls were ready to show BPL card and other documents about allotment but later informed that everything is under lock and key and they don't have any access to documents. Rooms were bolted and we were not able to see the assets. The daughter informed that her brother Santosh Biswal (son of beneficiary) is away in Talcher where he runs coal business and father is working in the fields. On scrutiny of the beneficiaries list, we could find only Mr. Satyanand's name in 2004-05 list and Santosh Biswal's in 2001-02 list.

Not only though there is no double allotment, eligibility of the householder seems to be questionable. State Government needs to check the land records and other assets of the household to further investigate as Sarpanch and Panchayat Secretary were not available in Panchayat office. Only a peon was there who could not show any records as everything was locked in the Almirah. We were told that Sarpanch was there in the village when we were visiting but did not come forward.

Chandpur Village

Mr. Suparno Satpthy provided information about Mr. Lochan Sahu S/o Sh. Nabina Sahu of this village who has got financial assistance under IAY in spite of the fact that family has motorcycle fridge, TV and land.

Observations:— The family lives in Kachcha house. Son has motorcycle and there is TV in the house 3-4 bed rooms IAY house under construction is big on approximately 1200 square feet. We could talk to one of the sons who is working as LIC agent. He informed that family got Rs. 5,20,000 as compensation for acquisition of some part of land by the Government and this money has been put in to buy new motorcycle and towards cost of the house. As per the facts, this amount does not seem to be sufficient to create both assets. However, it is a joint family owning three acres as per son's statement and everyone must be contributing towards creation of assets. Since, no conclusive evidence was available, State Government needs to recheck the land records etc. to confirm eligibility.

Block Kokanhada

Pangatira Village

Mr. Dharmendra Pradhan pointed out that two Resolutions of 27th May 2006-07 sent by Gram Sabha to BDO. One list containing 118 names is signed by Sarpanch and the other having 70 names is signed by Sarpanch and Panchayat Secretary while website has 146 names. BDO explained that common names from both the lists were taken and then others were added in to the list.

Observations:— As per State Government and District Officers, only those lists are accepted which are signed by both Sarpanch and Panchayat Secretary. PD and BDO informed that there was no decision on the file to accept both lists and the reasons thereof. BDO who joined recently told that he had brought this fact to the State Headquarter and was advised that discrepancies/deletion of ineligible names should be done at the time of allotment. This decision is not as per guidelines of the scheme according to which complaints have to be investigated immediately and corrections made using two-tier redressal system.

Similarly, in Kantipala Panchayat Gram Sabha sent list of 125 names but web-site has only 17, in Konakahad Panchayat, Gram Sabha sent 49 names but web site has only 34, in Gadapalshuni Panchayat Gram Sabha sent 135 names but website has listed 156 and in Dasipur Panchayat, Gram Sabha sent 115 names but web site has 162.

Observations:— DRDA official again could not explain but as per their record discrepancies in the lists area as follows:—

Sl. No.	Name of the Gram Panchayat	Total person selected in Palli Sabha	Total at Website	Balance	Reason
1	2	3	4	5	6
1.	Kankadahad	49	21	18	Record does not show any reasons for discrepancy

1	2	3	4	5	6
2.	Kantapal	125	14	111	- do -
3.	Gadapalasiun	154	156	Excess 02	- do -
4.	Dasipur	128	118	10	- do -
5.	Pangatira	118	146	28 Excess 70 persons in both the list	

There is contradiction in this statement. On one side, we were informed that eligibility drill is done only when issue of allotment arises. On the other, deletion of names on ground of ineligibility was being cited as reason of difference in the number of lists. This issue was discussed with Secretary, Panchayati Raj as well as Director but no firm reply was available. They were requested to check up the same and inform the Ministry urgently. Further, while reduction in number of names on web site can be explained, it is surprising that web list has more persons pertaining to a Panchayat than what has been recommended by Gram Sabha. DRDA could not explain at what stage and how additional names were added.

Karagola Gram Panchayat

Two cases of wrong allotment were cited by Mr. Pradhan

- Two IAY houses allotted to single family bearing same BPL number (BPL-106). One house allotted to Smt. Subhdra Patra w/o Kalakar Patra and then another allotted to her daughter in law Smt. Uttam Patra.

Observations:— Complaint was found to be incorrect. Case file is at. Only one house has been allotted to Smt. Subhra Patra. Smt. Uttam Patra applied for a house but her application rejected after scrutiny.

- Smt. Mamta Panda wife of Shri Srivatsa Panda has been allotted a house in spite of the fact that family has TV Fridge, Grocery Shop and a Pucca building.

Observations:— Case file is at. Scrutiny of the record and concerned BDO's statement claim that woman belongs to poorest of the poor. So, no irregularity has been committed.

In addition to these complaints, Mr. Pradhan also pointed out some irregularities being committed in the implementation of NREGA. He suggested that Area Officer should discuss this with him on next visit to the area.

Issue of Palli Sabha meetings:

As per details given by BDO and placed at (Annexure-J) Palli Sabha meetings were held on 15th August, 2004, 26th January, 2005, 15th August, 2006 and 2nd October, 2006 and not held on 30th June, 2005 and 15th May, 2006 in Block Kankadahad. In Parjang block, meeting (Annexure-K) was held on 28th February, 2005 and not held on 15th August, 2005 18th August, 2006 and 5th November, 2006. Hence, earlier information provided by the district authorities is partially incorrect.

Gist of the findings:

- The complaint of Mr. Pradhan that the Sarpanch of Bariharpur village of Parjang Block had allotted IAY houses to his sister and his brother-in-law, was found true.
- His other complaint that Shri Satyanand Biswal got IAY house in 2001-02 and his son got another IAY house in 2004-05 was also found correct. In addition, their eligibility also seemed to be questionable.
- No conclusive evidence was available in the complaint of Mr. Suparno Satpathy that Mr. Lochan Sahu of Village Chandpur got financial assistance under IAY in spite of the fact that the family had motorcycle.
- Two complaints of Mr. Pradhan regarding double allotment of IAY house in a family and allotment to an ineligible person in Karagola Gram Panchayat, were not found true.
- There was variation in the list of persons selected by Pallisabha in Kankadahad Block and the names of the persons put on the website.
- Information given by the State Government regarding meetings of Pallisabha was partially incorrect.

Suggested Corrective Action:

- There are cases of irregularities and State Government should address these issues immediately.
- State should immediately put in place complaints redressal system as per instructions issued by Ministry of Rural Development.
- DRDA should take corrective action of addition/deletion of names at the time of receipt of complaint and immediate investigation rather than at the time of eligibility check up because this way, many genuine complaints are not looked into.
- Whenever a complaint about irregularities is received by State Government, it should send a senior officer from State Headquarter to investigate the matter rather than asking DRDA to investigate the matter against itself.
- In the present case, as a special measure, DRDA may be asked to invite complaints through advertisement and by generating awareness among the people with in a month and sort out the matter in emergent manner.
- Action may be initiated against the erring Sarpanch and district officials and if required case may be registered against them.

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

The Committee on Petitions sat on Thursday, the 12th April, 2007 from 1500 hours to 1600 hours in Committee Room No. C, Ground Floor, Parliament House Annexe, New Delhi.

PRESENT

Shri Prabhunath Singh — *Chairman*

MEMBERS

1. Shri Anant Gangaram Geete
2. Shri Mohan Jena
3. Shri Wangyuh W. Konyak
4. Adv. Suresh Kurup
5. Shri Kishan Singh Sangwan

SECRETARIAT

1. Shri A.K. Singh — *Director*
2. Shri U.B.S. Negi — *Deputy Secretary I*
3. Shri H.R. Kamboj — *Deputy Secretary II*

WITNESSES

Ministry of Heavy Industries and Public Enterprises

1. Shri N. Kokulram — *Additional Secretary and FA*
2. Dr. Surajit Mitra — *Joint Secretary*
3. Shri D.R.S. Chaudhary — *Joint Secretary*
4. Shri Arun Singhal — *Joint Secretary*
5. Shri A.V. Kamat — *CMD, HMT*
6. Shri A.K. Puri — *CMD, BHEL*
7. Shri S.K. Mukherjee — *CMD, HCL*

At the outset the Chairman welcomed the representatives of the Ministry of Heavy Industries and Public Enterprises to the sitting of the Committee. He then drew their attention to Direction 55(1) of the Directions by the Speaker regarding confidentiality of the proceedings. The Chairman also drew attention to Direction 95 which 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.

Thereafter, the Committee took oral evidence of the representatives of the Ministry of Heavy Industries and Public Enterprises on the petition/representations. The important issues/points which emerged after discussion with the representatives of the Ministry on the petition/representations were as follows:—

(B) Representation from Shri A.D. Nagendrappa, President, HMT SC/ST Ex-employees Welfare Association, Bangalore regarding payment of salary arrears as per Supreme Court directions dated 7.8.2003.

- (i) On the directions of the Supreme Court, a scheme has been devised to settle the payment of wages/pay arrears to the eligible employees on account of 1992 pay revision.
- (ii) As per the directions of the Court, the Company is paying 50 lakhs per month to the employees who had opted for voluntary retirement in the order of seniority.
- (iii) Out of total financial liability, only Rs. 11 crores have been paid.
- (iv) The proposal to re-structure the Company has been pending with the Government of India.

(D) Representation from Shri S.K. Basha, General-Secretary, Hindustan Cables Limited, Hyderabad regarding non-payment of dues of VRS employees.

- (i) The pay revision of 1997 in Hindustan Cables Limited was subject to certain conditions in the Presidential Directives which *inter-alia* stipulated that the revised pay scales will be applicable from 01.04.2001. Arrears from 01.01.1997 to 31.03.2001 were to be paid only after the Company was able to generate sufficient resources and clear all the arrears of the statutory dues.
- (ii) HCL made part payment of pay arrears without liquidating the outstanding statutory dues, which was objected in the Special audit report of CAG.
- (iii) Some employees of the Company, who had taken voluntary retirement, moved the High Court of Andhra Pradesh for payment of pay revision arrears. The Court directed the company to settle the pay arrears. As the company did not have the money, it failed to comply with the orders of the Court.
- (iv) HCL could not deposit the money as per the orders of the Court, which had resulted in contempt proceedings; the Company filed Special Leave Petition before the Supreme Court.
- (v) The SLP has been admitted and Supreme Court has granted the stay until further orders.

The Committee then adjourned.

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

The Committee on Petitions sat on Tuesday, 18th December, 2007 from 1500 hours to 1730 hours in Committee Room No. 62, First Floor, Parliament House, New Delhi.

PRESENT

Shri Prabhunath Singh — *Chairman*

MEMBERS

2. Shri Mohan Jena
3. Adv. Suresh Kurup
4. Shri Dharmendra Pradhan
5. Kunwar Jitin Prasada
6. Shri Kishan Singh Sangwan
7. Shri Paras Nath Yadav

SECRETARIAT

1. Shri A.K. Singh — *Director*
2. Shri U.B.S. Negi — *Deputy Secretary*
3. Shri H.R. Kamboj — *Deputy Secretary-II*
4. Shri V.P. Gupta — *Under Secretary*

Ministry of Rural Development

1. Dr. Subas Pani — *Secretary (RD)*
2. Shri J.K. Mohapatra — *Joint Secretary*
3. Ms. Prabha Kant Kataria — *Director (RC)*
4. Shri Jitendra Kumar — *Director (RC)*
5. Smt. Sunita H. Khurana — *Director (RH)*
6. Shri Ashok Mehta — *Deputy Secretary (RC)*
7. Shri Darshan Lal — *Under Secretary*
8. Shri D.P. Singh — *Under Secretary (EC/Training)*

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The Committee thereafter took oral evidence of the representatives of the Ministry of Rural Development on the following subjects:—

- (i) Representation of Shri Bibhuti Bhushan Pradhan and countersigned by Shri Dharmendra Pradhan, M.P., Lok Sabha regarding violation of allotment norms under Indira Awaas Yojana.
- (ii) Letter from Shri Manvendra Singh, M.P. Lok Sabha regarding poor quality of roads being constructed under Pradhan Mantri Gram Sadak Yojana.
- (iii) Representation of Shri Inderjit Singh, Superintending Engineer (Retd.) PWD regarding sub-standard construction of roads under Pradhan Mantri Gram Sadak Yojana.
- (iv) Representation of Shri Pramod Kumar Singh of Baniapur regarding construction of roads under Pradhan Mantri Gram Sadak Yojana.

The important points which emerged from the discussion are briefly as under:—

(I) Representation of Shri Bibhuti Bhushan Pradhan regarding violation of allotment norms under Indira Awaas Yojana

- (i) Brief report sent by the State Government of Orissa furnishing reply to the points raised by the applicant in his representation.
- (ii) Need to conduct inquiry in some blocks of Orissa about inclusion of BPL beneficiaries under Indira Awaas Yojana.
- (iii) Reported cases about non-implementation of some of the guidelines for allotment of houses under 'Indira Awaas Yojana'.
- (iv) The performance reports of centrally sponsored schemes forwarded by the State Government may be independently monitored by the Ministry of Rural Development.
- (v) For effect monitoring, the representatives of the Central Government may carry out random inspection of some blocks in a State.
- (vi) Need for some modifications in the guidelines relating to the generation of BPL list in the States.

6. 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 EIGHTY FOURTH SITTING OF THE COMMITTEE ON
PETITIONS (FOURTEENTH LOK SABHA)

The Committee on Petitions sat on Monday, 5th May, 2008 from 1500 hours to 1745 hours in Committee Room 62, Parliament House, New Delhi.

PRESENT

Shri Prabhunath Singh — *Chairman*

MEMBERS

1. Shri Dharmendra Pradhan
2. Shri Mohan Jena

SECRETARIAT

1. Shri A.K. Singh — *Director*
2. Shri U.B.S. Negi — *Deputy Secretary*
3. Shri H.R. Kamboj — *Deputy Secretary-II*

SPECIAL INVITEES

1. Shri Rajiv Ranjan Singh 'Lalan', M.P., Lok Sabha

Ministry of Rural Development and officials of NHPC, NBCC, IRCON NPCC and CPWD

1. Shri J.K. Mohapatra — Joint Secretary
2. Smt Nilam Sawhney — Joint Secretary
3. Shri S.K. Garg — CMD, NHPC
4. Shri A.R. Chowdhury — CMD, NBCC
5. Shri Arbind Kumar — CMD, NPCC
6. Shri Ankush Krishan — CMD, IRCON
7. Shri A.K. Singhal — Addl. DG, CPWD
8. Shri Anant Ram — Addl. DG, CPWD
9. Shri A.K. Gupta — Addl. G.M. IRCON
10. Shri R.K. Jha — Add. G.M. NBCC
11. Shri R.D.P. Kapri — Chief Engineer, NHPC
12. Shri K.N. Mishra — Zonal Manager, NPCC

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| 13. | Shri C.S. Prasad | — | Chief Engineer, CPWD |
| 14. | Shri P.K. Katare | — | Director, NRRDA |
| 15. | Shri Jitendra Kumar | — | Director |
| 16. | Smt. Sunita H. Khurana | — | Director |
| 17. | Shri B.D. Virdi | — | Director |
| 18. | Shri Ashok Mehta | — | Deputy Secretary |

State Government of Bihar

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|----|-----------------------------|---|-----------------------------------|
| 1. | Shri H.C. Sirohi | — | Principal Secretary (Rural Works) |
| 2. | Shri Hareshwar Prasad Sinha | — | Chief Engineer-I, R.W.D. |
| 3. | Shri Abhay Kumar Singh | — | Officer on Special Duty, E.W.D. |
| 4. | Shri Lallan Jha | — | Assistant Engineer, R.W.D. |

State Government of Orissa

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|----|-----------------------|---|---|
| 1. | Shri R.N. Das | — | Commissioner cum Secretary,
Panchayati Rad Department |
| 2. | Shri Saswant Mishra | — | Director (SP) & Additional Secy.
Panchayati Raj Department |
| 3. | Shri Jamil Ahmed Khan | — | Collector, Dhenkal District |

At the outset, the Chairman welcomed the Members and the representatives of the Ministry of Rural Development and other officials to the sitting of the Committee. Thereafter, the Committee took oral evidence of the representatives of the Ministry of Rural Development and the State Governments of Bihar and Orissa on the following representations:—

- (a) Representation of Shri Bibhuti Bhusan Pradhan and countersigned by Shri Dharmendra Pradhan, M.P., Lok Sabha regarding violation of allotment norms under Indira Awaas Yojana.

The important points, which were discussed are briefly as under:—

Representation of Shri Bibhuti Bhusan Pradhan regarding violation of allotment norms under Indira Awaas Yojana.

- (i) Discussion on the report submitted by the Ministry of Rural Development on the visit to Dhenkanal district in Orissa to inquire into the complaint made by an Hon'ble Member about irregularities in selection of beneficiaries under Indira Awaas Yojana. The report *prima-facie* establishes that there were irregularities in the selection of beneficiaries under IAY.
- (ii) Issue of instructions by the Ministry of Rural Development to the State Government of Orissa to take action against the delinquent officers.
- (iii) Assurance by the officials of the State Government of Orissa to put in place the two-tire grievance redressal mechanism under IAY.

- (iv) To conduct inquiry in the entire block of Dhenkanal district ensure that IAY list contains only the eligible beneficiaries.
- (v) Submission of an inquiry report within one month to the Committee by the State Government of Orissa on action taken against the concerned officers for violation of norms under IAY scheme.
- (vi) Strengthening of the Monitoring system to oversee that the funds released by the Centre are utilized properly. The Ministry of Rural Development may consider deputing a team of officials to conduct random inquiry of a block in the State.

The Committee then adjourned.

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

The Committee on Petitions sat on Friday, the 22nd August, 2008 from 1400 hours to 1500 hours in Committee Room No. 53, Parliament House, New Delhi. In the absence of Chairman, the Committee chose Shri Anant Gangaram Geete to act as Chairman for the sitting under Rule 258 (3) of the Rules of Procedure and Conduct of Business in Lok Sabha.

PRESENT

Shri Anant Gangaram Geete — *In the Chair*

MEMBERS

1. Shri Manikrao Hodlya Gavit
2. Shri Mohan Jena
3. Adv. Suresh Kurup
4. Shri Dharmendra Pradhan
5. Shri Kishan Singh Sangwan
6. Shri Francisco Sardinha
7. Shri Mansukhbhai Dhanjibhai Vasava
8. Shri Paras Nath Yadav

SECRETARIAT

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|---------------------|---|----------------------------|
| 1. Shri P.K. Grover | — | <i>Joint Secretary</i> |
| 2. Shri A.K. Singh | — | <i>Director</i> |
| 3. Shri U.B.S. Negi | — | <i>Deputy Secretary</i> |
| 4. Shri H.R. Kamboj | — | <i>Deputy Secretary-II</i> |

Ministry of Civil Aviation

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|-------------------------------|---|---|
| 1. Smt. Vilasini Ramachandran | — | <i>Additional Secretary
& Financial Adviser</i> |
| 2. Shri Arun Mishra | — | <i>Joint Secretary</i> |
| 3. Shri K. Ramalingam | — | <i>Chairman, AAI</i> |
| 4. Shri Anup Srivastava | — | <i>Director (Pers.) NACIL</i> |
| 5. Shri Sunil Khan | — | <i>Coo (AASL)NACIL</i> |

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

The Committee on Petitions sat on Tuesday, the 21st October, 2008 from 1500 hours to 1545 hours in Chairman's Room No. 45(II) Ground Floor, Parliament House, New Delhi. In the absence of the Chairman, the Committee chose Shri Anant Gangaram Geete to act as Chairman for the sitting under Rule 258 (3) of the Rules of Procedure and Conduct of Business in Lok Sabha.

PRESENT

Shri Anant Gangaram Geete — *In the Chair*

MEMBERS

1. Shri N.S.V. Chitthan
2. Shri Sardinha Francisco
3. Shri Wangyuh W. Konyak
4. Shri C. Kuppusami

SECRETARIAT

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|-------------------------|---|----------------------------|
| 1. Shri A.K. Singh | — | <i>Director</i> |
| 2. Shri U.B.S. Negi | — | <i>Deputy Secretary</i> |
| 3. Shri H.R. Kamboj | — | <i>Deputy Secretary-II</i> |
| 4. Shri V.P. Gupta | — | <i>Under Secretary</i> |
| 5. Smt. Jagriti Tewatia | — | <i>Committee Officer</i> |

2. The Committee decided to defer the consideration of the following draft reports in their next sitting:—

- (i) Forty Third Report on the representations concerning the Ministry of Defence (Department of Defence).
- (ii) Forty Fourth Report on the representations concerning the Ministries of Culture, Rural Development, Civil Aviation, Heavy Industries and Public Enterprises (Department of Heavy Industries).
- (iii) Forty fifth Report on the representations concerning the Ministry of Petroleum and Natural Gas.

The Committee then adjourned.

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

The Committee on Petitions sat on Thursday, the 6th November, 2008 from 1500 hours to 1545 hours in Chairman's Room No. 45(II) Ground Floor, Parliament House, New Delhi.

PRESENT

Shri Prabhunath Singh — *Chairman*

MEMBERS

1. Shri Sardinha Francisco
2. Shri Mohan Jena
3. Adv. Suresh Kurup
4. Shri Kishan Singh Sangwan

SECRETARIAT

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|-------------------------|---|----------------------------|
| 1. Shri P.K. Grover | — | <i>Joint Secretary</i> |
| 2. Shri A.K. Singh | — | <i>Director</i> |
| 3. Shri U.B.S. Negi | — | <i>Deputy Secretary</i> |
| 4. Shri H.R. Kamboj | — | <i>Deputy Secretary-II</i> |
| 5. Shri V.P. Gupta | — | <i>Under Secretary</i> |
| 6. Smt. Jagriti Tewatia | — | <i>Committee Officer</i> |

2. The Committee considered and adopted the following draft reports of the Committee with slight modifications as shown in the Appndix-I

- (i) Forty Third Report on the representations concerning the Ministry of Defence (Department of Defence).
- (ii) Fourty Fourth Report on the representations concerning the Ministries of Culture, Rural Development, Civil Aviation, Heavy Industries and Public Enterprises (Department of Heavy Industries).
- (iii) Forty Fifth Report on the representations concerning the Ministry of Petroleum and Natural Gas.

3. The Committee also authorised the Chairman to finalise and present the above Reports to Hon'ble Speaker in terms of Directions 71A of the Directions by the Speaker.

The Committee then adjourned.

AMENDMENT MADE BY THE COMMITTEE ON PETITIONS IN THE DRAFT
FORTY THIRD REPORT

Para 2.44, 7 line onwards from the bottom

For — The Committee, therefore, recommend that an independent inquiry may be instituted immediately to look into all aspects of the petitioner's grievances including his removal from service wherein the petitioner should be given full opportunity and legal assistance to put forth his case. The Committee would like to be apprised of the outcome of the inquiry along with supportive documents which may be completed within a period of 3 months.

Substitute — The Committee, therefore, recommend that the petitioner should be reinstated in the Army with full honour on notional basis retrospectively from the date he was cashiered from service and be paid all consequential benefits with full pay and allowances which could have accrued to him in the normal course but for his dismissal from service. The Committee would like to be apprised of the conclusive action taken in this regard within a period of 3 months.
