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**COMMITTEE ON
PETITIONS**

(FIFTEENTH LOK SABHA)

THIRTEENTH REPORT



**LOK SABHA SECRETARIAT
NEW DELHI**

December, 2010/Agrahayana, 1932 (Saka)

THIRTEENTH REPORT
COMMITTEE ON PETITIONS

(FIFTEENTH LOK SABHA)

MINISTRY OF CHEMICALS AND FERTILIZERS
(DEPARTMENT OF FERTILIZERS)

(Presented to Lok Sabha on 01.12.2010)



LOK SABHA SECRETARIAT
NEW DELHI

December, 2010/Agrahayana, 1932 (Saka)

CPB No. 1 Vol. XIII

Price: Rs. 28.00

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Published under Rule 382 of the Rules of Procedure and Conduct of Business in Lok Sabha (Fourteenth Edition) and printed by the General Manager, Government of India Press, Minto Road, New Delhi -110 002.

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COMPOSITION OF THE COMMITTEE ON PETITIONS
(2010-11)

Shri Anant Gangaram Geete — *Chairman*

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3. Shri Khiladi Lal Bairwa
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SECRETARIAT

- | | | |
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THIRTEENTH REPORT OF THE COMMITTEE ON PETITIONS

(FIFTEENTH LOK SABHA)

INTRODUCTION

I, the Chairman, Committee on Petitions, having been authorized by the Committee to present the Report on their behalf, present this Thirteenth Report of the Committee to the House on the representation from Shri Jayant Prabhakar Patil and others regarding employment to the Project Affected Persons of Rashtriya Chemicals and Fertilizers (RCF) Ltd.

2. The Committee considered and adopted the draft Thirteenth Report at their sitting held on 30th November, 2010.

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

NEW DELHI;
30 November, 2010
9 Agrahayana, 1932 (Saka)

ANANT GANGARAM GEETE,
Chairman,
Committee on Petitions.

REPORT

REPRESENTATION FROM SHRI JAYANT PRABHAKAR PATIL AND OTHERS REGARDING EMPLOYMENT TO THE PROJECT AFFECTED PERSONS OF RCF

Shri Jayant Prabhakar Patil and others of Alibag Taluka in Rashtriya Chemicals and Fertilizers (RCF) Ltd., Thal, Distt. Raigad, Maharashtra submitted a representation to the Committee on Petitions. The petitioners in their representation stated as under:—

- “(i) The Applicants are the Project Affected Persons (PAPs) of Rashtriya Chemicals and Fertilizers (RCF) Ltd., Thal, Alibag (Maharashtra), a Government of India Undertaking. This project manufactures various types of fertilizers and chemicals.
- (ii) In the year 1978, the Government through Collector of Raigad acquired about 259.83 hectares of land from the villages Thal, Boris, Gunjis and Navagaon, Taluka Alibag was acquired by the Government to set up RCF Plant.
- (iii) The Government issued certificate to PAPs to protect their claim/rights of the land owners and declared that at least one member from that family will be accommodated in the RCF employment.
- (iv) RCF Ltd. granted employment to some land affected members in the year 1978. The company employed 615 persons as per their qualification, but at the same time company engaged about 1,000 outsiders from all over India and only 10% PAPs were accommodated which is against the law of natural justice.
- (v) At present 105 petitioners are having the PAP certificates from Government of Maharashtra with the consent of beneficiary RCF Company Ltd.
- (vi) All the 105 PAPs are ready and willing to work with the company as per the terms and conditions of RCF Company Ltd. The company had engaged many PAPs in the contract works but it was only a temporary job, whereas, as per the agreement company should give employment to each of the PAPs on their pay role.
- (vii) RCF Ltd. filed a Writ Petition No.14/2005 at Hon’ble High Court at Bombay at Civil Appellate Jurisdiction, which was decided on 13 February, 2007. There were many agreements executed between the Company Management and the PAPs but somehow company management is taking advantage of the situation and avoiding to obey the order of Hon’ble High Court and the Hon’ble Minister.

- (viii) As per the order of the Hon'ble High Court, the company also agreed that in case if requirement arises in future due to expansion of RCF, Thal, the preference may be given to the PAPs subject to the genuineness of the PAPs certificates as per their qualification, experience and suitability.
- (ix) Even after the said order of the Hon'ble High Court dated 13 February 2007 and verification certificates from the Collector of Raigad the company is giving employment to many new persons who are not PAPs and who are outsiders. At the same time many PAPs and employees have also retired from the jobs and the company is giving benefits to them under voluntary retirement scheme. Thus, there were many vacancies available to give suitable jobs to the PAPs as per their qualification, efficiency and their experience. But the company's policy is against the natural justice and the company's management is not justified towards the applicants.
- (x) The petitioners have, therefore, prayed that the PAPs of RCF Ltd. Thal, Raigad be awarded with the employment of RCF Ltd. and specific directions may be given to the RCF Ltd., Thal for recruitment of 105 PAPs within 30 days."

2. The Committee on Petitions under Direction 95 of the Directions by the Speaker, Lok Sabha took up the representation for detailed examination. Accordingly, in the first instance the representation was forwarded to the Ministry of Chemicals and Fertilizers on 21 December 2009 requesting them to furnish their comments.

3. The Ministry of Chemicals and Fertilizers (Department of Fertilizers) *vide* its O.M. dated 12 January 2010 furnished its comments as follows:—

- (i) "In the year 1978 the Government of Maharashtra through Collector of Raigad had acquired 259 hectares of land at Thal for the RCF Project. The land of 385 families had been acquired by the Collector and was handed over to RCF. On commencement of this project, the issue of rehabilitation of PAP had been taken up by RCF in right earnest. For considering the issue of employment of PAPs, a meeting was convened, which was chaired by the then Chief Minister of Maharashtra State and the present Agriculture Minister, Government of India, Hon'ble Shri Sharad Pawar, other Ministers/MPs, Raigad, MLA Alibag and Local Leaders on 20 December 1978. In the said meeting, the issue of PAPs was discussed and it was decided that, one member from each of 385 Land Affected Families would be offered employment depending upon their qualification, experience etc. In the meeting, it was decided that process of giving employment to one each member of these 385 families would be completed within a period of 2-3 years since 1979. This decision was notified by the Government of Maharashtra *vide* a Resolution dated 21 January 1980.
- (ii) During initial 3-4 years, RCF had offered employment to 422 PAPs against originally identified 385. However, due to persistent demand from local politicians/leaders for giving more employment to the PAPs and also for ensuring the smooth commencement of the project, RCF had entered into an understanding on 5 October 1990 with Shri Anant D. Naik, one of the

petitioners. As per the said understanding employment to additional 165 people was given with a clear understanding that the issue of employment was totally resolved and closed. It was also mentioned in the understanding that, this was full and final settlement of the issue of PAP.

- (iii) It was observed that even after matter was closed in 1990, people were obtaining certificates from Collector's Office and were making claims for employment as PAP. To set the matter at rest RCF gave a published declaration in local newspapers that RCF had fulfilled its commitment of giving employment to the PAP as decided by the Government and it was not obligatory on the part of RCF to give employment any more to such types of certificate holders. The declaration was published in newspapers *viz.* Kulaba Darpan and Krishiwal.
- (iv) In spite of this, PAP and their leaders had been agitating from time to time for more employment. In the year 2005, 141 so called PAPs claiming to have certificates to the effect had resorted to Dharna at RCF gate. On 30 August 2005, they abducted the then Chief General Manager, In-charge of Thal Unit, Shri S.K. Borwankar and released him only after police intervention. In view of the agitation and consequent law and order problem as well as its likely effect on operation of the Plant, RCF filed a Writ Petition No. 4608 of 2005 in the Hon'ble Mumbai High Court. Hon'ble Court appointed one-man Commission of Hon'ble justice Shri A.B. Palkar (Retd.) by an order dated 23 February 2007 to look into the entire PAP issue of Thal.
- (v) Hon'ble Commission heard all the parties including the representatives of the Government, representatives of PAP and representatives of RCF. The Commission had gone through all the records submitted before it and Commission submitted its report to the Hon'ble Court. The Hon'ble High Court subsequently issued the order which specifically stated:—
 - “(a) RCF have complied with the obligation of providing employment to the 385 families and/or the persons named by them and are not bound to provide any further guaranteed employment.
 - (b) The High Court directed the Collector to conduct an enquiry as to how certificates had been issued to other than 385 families whose land had been acquired and who were eligible. If the Collector comes to the finding that, 180 families have been issued more than one certificate, then the certificate issued to second or third person in the said family shall have the remarks that, one member has already been provided employment.
 - (c) The Hon'ble High Court further directed Collector and Police Authorities providing immediate police protection to RCF plants and its employees and no demonstrators should gather at least within 100 mtrs. of entrance of RCF Plant.”
- (vi) Thus it is clear RCF has more than complied with the social and legal obligation by offering employment to 617 people of the identified 385 families. Thus, employment has been given to more than one person also in many families

out of 385 eligible families. Depending upon their qualification and experience, RCF has always given preference to local people in employment at RCF, Thal, which is substantiated by the fact that besides 617 PAPs, 849 people including Officers from Raigad District have been given employment, since inception of the Plant. In fact, out of nearly 2010 employments offered by RCF Thal which also include officers, more than 70% are locals which also consist of PAP. In the workers category over 90% are locals. RCF has been imparting special training and courses to improve the employability of the local people and to ensure good representation of the locals on the rolls of RCF, Thal.”

It was further submitted before the Committee that after the Order of the Hon’ble High Court, there has been neither any requirement nor any recruitment of unskilled workers at Thal. However, based on urgent needs, 50 skilled workers had been employed in different categories at Thal, of which 34 were local i.e. 68% of the jobs had gone to the locals. The category-wise recruitment and representation of local was given as under:—

Sl. No.	Category	No. of selections made	No. of local selected
1.	Tech. (Mech.) Gr. III	9	5
2.	Attend. Plant Gr. II	1	1
3.	Operator Gr. III	22	16
4.	Jr. Fireman	4	3
5.	Jr. Boiler Operator	8	5
6.	Male Ward Attendant	4	2
7.	Staff Nurse Gr. III	2	2
Total		50	34

It was mentioned by the RCF that the company had maintained giving preference to the local subjects to availability and fulfilling conditions in letter and spirit and therefore, the Hon’ble Court’s orders had been fully complied with. In fact, the question of giving preference and/or giving employment to the PAP should not arise as RCF had fulfilled the obligation by giving employment to 617 number of persons against 385 families.

4. In response to a query by the Committee as the total number of persons affected by the project and of these the number of persons who were issued PAP certificates, the Ministry in its subsequent written reply informed the Committee that the Office of the Collector had identified 385 families as PAPs. The Office of the Collector was the sole authority for issue of certificates and also maintenance of the record of the same.

5. The District Collector, Raigad *vide* his letter dated 22 February 2010 submitted before the Committee that the total number of PAP certificates issued was 538.

6. On being enquired about the exact purpose of the issuance of these certificates, the Ministry in its reply submitted:—

“.....These certificates are issued for the purpose like employment, education etc. However, mainly these were being used for the purpose of employment. It is relevant to mention here that the certificate of the PAPs can be utilized for the employment not only in RCF but in other projects of State and Central Government.”

7. When asked about the compensation for which the PAPs were entitled for from the Government/Company, the Ministry in a written reply submitted:—

“The PAPs were entitled for compensation @ of Rs.20,000/- per acre for bagayat, Rs.15,000/- per acre for paddy and Rs.12,000/- per acre for works land as decided by the Government of Maharashtra. In case of acquisition of land for RCF, Thal, the land had been acquired by the Special Land Acquisition Officer of Government of Maharashtra and later on handed over to RCF. As regards RCF’s Thal Project is concerned, the liability was to pay the compensation fixed by the Government and to give employment to one person from each of the 385 identified families. RCF had discharged its liabilities and obligations in entirety. The total amount of compensation paid against the land acquired is Rs.1,11,29,174/-. RCF had deposited the amount of compensation in the Office of Collector and who in turn, had paid the same to the concerned PAPs.”

8. The Committee categorically desired to know as to whether the Government/RCF have any Resettlement and Rehabilitation Policy for the PAPs, the Ministry in response thereto submitted:—

“RCF has a resettlement policy as far as employment is concerned. The employment had been offered to the PAPs based on the understanding reached in the meeting with the then Chief Minister, Government of Maharashtra. Even though only 385 families had been identified as PAPs. Over a period of time, RCF has employed 617 as direct employees from the PAPs. Further, RCF has provided infrastructure like Pukka Road, Water, School Buildings, etc. to the villages whose land had been acquired. RCF has fulfilled its obligation of employment by offering more employment i.e. 617 number of PAPs against 385 families.”

9. On being asked by the Committee as to whether the Government had any mechanism to monitor the Resettlement and Rehabilitation of PAPs, the Ministry replied in affirmative and submitted that one representative of the Collector, Government of Maharashtra was on the selection committees till the fulfilment of obligation of employment of PAPs.

10. When asked to respond to the contention of the petitioners that about 1000 outsiders were engaged by the company, whereas only 10% of PAPs were accommodated by the company, the Ministry in its written reply clarified:—

“It is not true that the company has engaged about 1,000 outsiders. The total employment of RCF, Thal till date is 2010 including officers, out of which 617

number of employees were employed as PAPs, in addition 849 number of direct employees who are local from the Raigad District. Therefore, the contention of engaging more than 1,000 outsiders is not true. No outsider have been engaged for the unskilled nature of work. Beyond the employment given to PAPs as per policy of the State Government, RCF has employed persons as per requirements of the jobs against advertised vacancies.”

11. While clarifying the issue of PAP certificates by the State Government of Maharashtra with the consent of RCF Ltd., in response to a query by the Committee to this effect, the Ministry in its written note submitted as follows:—

“RCF is not aware whether all the petitioners are having the PAP certificates issued by the State Government of Maharashtra. RCF had never given any consent/permission for issue of PAP certificates as it is the jurisdiction of Office of Collector. RCF had more than fulfilled its obligations as far as employment of PAPs is concerned and the same was also upheld by Hon’ble Mumbai High Court in the Writ Petition No. 6408 of 2005. There was no agreement with any of the authorities for giving employment to all the PAPs to whom certificates have been issued subsequently by the Collector. With regard to the contract labour it is submitted that there is no obligation to engage PAPs as contract labour as employment has been given to 617 PAPs against 385 families.”

12. When the Committee desired to know the total number of PAPs engaged by the company on contract basis, the Ministry stated:—

“There are 666 contract labours working at RCF, Thal, through various contractors/agencies. The terms and conditions of contract are decided by the contractors. The nature of employment is of temporary in nature. However, RCF (though not bound to do so) attempts to ensure that the contract labourers are continued even when there is change of contractor/agency.”

13. As regard the nature of jobs against which these PAPs were engaged, the Ministry on enquiry informed the Committee as under:—

“The nature of work done by contract labourers is of temporary/intermittent nature, which includes Railway track maintenance, Horticulture, Gardening and Miscellaneous jobs like spillage clearing, empty bags handling etc. The jobs offered to these contract labourers are not perennial in nature.”

14. The Committee asked about the procedure adopted for recruitment of PAPs in the company, the Ministry submitted as follows:—

“The recruitment rules are common to all employees. However, preference is given to PAPs subject to policies related to land acquisition in the State of Maharashtra. In the initial period special drive for recruitment of PAPs was undertaken. The concession like relaxation in age and special training was extended to the PAPs.”

15. On being specifically asked about the reasons due to which the RCF had gone before the court and its contention before the court, the Ministry submitted:—

“Even though RCF had given employment to 617 number of PAPs, the local leaders continued their agitation which had threatened the lives of RCF employees and also the property of the company. In the year 2005, the leaders of the PAP had resorted to Dharna, intensified their agitation and resorted to abduction of the then Chief General Manager (Thal) who was later on released after intervention of police.

The above situation compelled RCF to file a petition bearing No. 6408 of 2005 in the Mumbai High Court. The main contention in the Writ Petition were as follows:—

- (a) Declaration from the court that RCF had complied all obligation and decision taken in the meeting dated 20 December 1978 of giving employment to PAPs and RCF is not liable to employ any further PAPs.
- (b) Further, declaration that Collector ought not to have issued the certificates to the persons over and above 385 PAPs and RCF is not liable to give employment to any such certificate holders.
- (c) Protection to the property and the employees of RCF.”

16. As regards implementation of agreements by the RCF, which were executed between the company and PAPs consequent upon the judgement delivered by the Hon’ble High Court of Mumbai on 13 February 2007, the Ministry submitted that RCF has implemented all the agreements entered into with the representatives of PAPs. None of the orders of Hon’ble High Court have been violated till date.

17. To a query that even after the orders of the Hon’ble High Court, genuine certificates to PAPs were not issued and the company was trying to give contract work to various corporate bodies and was indirectly expanding their work and business, the Ministry in its written note clarified as follows:—

“With regard to issuance of the certificate of PAP it is stated that, RCF has no authority to issue the PAP certificates. The PAP certificates were issued by the Collector of the district. Therefore genuineness of the certificates cannot be verified by RCF.

No major expansion has taken place at RCF, Thal. Only some upgradation of the plants was undertaken which cannot be termed as expansion. Further, RCF has given employment to majority of local people at the Thal Project. Further, RCF has maintained the stand taken in the Writ Petition that, in case of major expansion, *i.e.* Thal III Project, PAPs will be given preference depending upon their qualification and experience and also by adhering to the recruitment policy. In the year 1996, the total strength of RCF, Thal was 1816. As of today the total strength of RCF, Thal is 1577. Thus, there is reduction in man power at RCF, Thal on account of VRS, resignations, deaths etc. This shows that there was no major expansion at RCF, Thal.”

18. On being again specifically asked by the Committee about the number of persons who are still waiting for issue of PAP certificates from the concerned authorities, the Ministry submitted as follows:—

“RCF is not aware whether some persons are awaiting issue of PAP certificate as the same are issued by the Office of Collector. But issue of Certificates for PAPs cannot be a never ending process. It was supposed to be done as soon as decision was taken in 1978 and was to be completed within 2-3 years. RCF has fulfilled its obligations as acknowledged by the Hon’ble High Court also.

Whereas, the Collector, Raigad, *vide* his letter dated 22 February 2010 informed the Committee that no application was pending for the issuance of PAPs certificate at the Collector’s Office, Raigad.”

19. On being asked about the number of vacancies that had arisen since 13 February 2007 due to retirement, etc. in the company, the Ministry submitted that since 13 February 2007, 10 employees had retired.

20. When enquired about the total number of persons recruited by the Company after the orders dated 13 February 2007 of the Hon’ble High Court, the Ministry submitted that after the court order, *i.e.* since 13 February 2007, the RCF recruited 50 workers out of which 3 were from the PAP families.

21. To a query about considering or giving preference to PAPs while filling these vacancies, the Ministry replied as follows:—

“Yes, members from the families of the PAPs had applied against the advertisements and preference had been given to them.”

22. Regarding the expansion of the work/business of the company over the years, the Ministry replied as follows:—

“There has been no major expansion at RCF, Thal. Therefore, no additional employment was generated except in cases where there was urgent need.”

23. As regards steps being taken by the Government/ RCF to provide employment to all the PAPs including petitioners, the Ministry submitted:—

“RCF has already given direct employment to 617 number of PAP who are from 385 original identified project affected families. Further, RCF has also given employment to 849 local persons since commencement of this project till date. In addition, majority of contractor labours are also local persons.”

24. On being categorically asked by the Committee about the formulation of any plan by the Government/RCF, to train these people specially for unskilled jobs available in the company for which they do not possess any specific qualification, the Ministry stated as follows:—

“Yes, at the time of commencement of the project, special training had been imparted to the unskilled PAPs who were not possessing requisite qualification.”

25. On being asked about the alternate arrangement the company plans to work out, in case it is not possible to provide any employment to the remaining PAPs in the company, the Ministry replied as follows:—

“RCF may give preference to the PAPs for employment depending upon age qualification, experience etc. at the time of any future major expansion. Further, in regard to the rehabilitation, RCF is spending substantial amounts on repair of the roads, providing of drinking water, repair of school buildings, etc. At least one member of each of the 385 PAP families had been given permanent employment in RCF. Adequate monetary compensation had been given at the time of settlement. It is also reiterated that the entire issue of employment of PAP was examined by Mumbai High Court who also upheld that RCF has fulfilled its obligations as far as employment is concerned.”

26. The Committee undertook an on-the-spot study visit to Mumbai on 8 June 2010 and held discussions with the petitioners, the representatives of the Ministry of Chemicals and Fertilizers (Department of Fertilizers), officials of RCF and State Government of Maharashtra. During the discussion, the Committee desired to know the status of providing employment to all PAPs. In response thereto the Office of Collector, Raigad furnished a list of 105 PAPs to the Committee. The Committee noted that out of these 97 persons had valid certificates and 8 persons were not having PAP certificates. Therefore, the Committee desired to know the exact status of providing employment to all the PAPs. In their response the representatives of the Ministry of Chemicals and Fertilizers also assured that all the PAPs would be considered and given priority in providing them a suitable job depending on the experience and qualifications of the persons in case of future expansion of the project.

27. The Committee also took oral evidence of the representatives of the Ministry of Chemicals and Fertilizers (Department of Fertilizers) on 15 January 2010 and 23 February 2010.

28. At the outset the Committee pointed out that out of 143 PAPs, 105 persons have given their certificate. These certificates have been issued in 1979 and some in 1984, 1986, 1992 and in 1996 also. The Committee, therefore, desired to know that since the certificates to these 143 persons, have been issued by the Collector, will they be considered as PAP. In response, the witness (Secretary, Department of Fertilizers) submitted as follows:—

“I would like to bring to your notice the two points while at one place it is written that we are social activists and after two or three paras it is written that we are land affected persons. Whether these two terms are mutually exclusive or not, is not clear. On the other hand in para eight, this point has been raised in the order of Hon’ble High Court the representative of the Collector has been asked to state if they have given the PAP certificates and if so, on what basis? Whether these certificates have been issued after all the verifying documents? It is clear from their reply on record and also from their own admission that some of the certificates have not been issued on the basis of concrete evidence. They have also stated several families have been issued more than one certificate for different family members. I have seen the drafting

and I found it correct but we don't have any information about it now. Until the district administration does not reply these two points, we are unable to identify genuine people who need our help."

He further submitted:—

"Sir, if we thoroughly go through the court order we find that a one man commission — headed by a retired Pal Commission Judge was appointed to look into the matter. It had settled several issues after reviewing all the points thoroughly. For example, Commission determined the number of such families, there were 385 affected families. They agreed to several issues and the institution accommodated all the 385 people whose names were there in the first list which came out at the time of settlement. Out of them, there were 379 such families whose one family was provided with a job. But, there were seven people who did not give their willingness for job for their family member so, in those cases outsiders were employed. So, in total we gave employment to 617 people including those having joint accounts and landless labour."

29. When asked if all of them are employees of RCF, the witness submitted:—

"Sir, all these people are employed. Against 385 that is 379+6, there were a total of 617 families and they were accommodated as per their right as landless labour or joint account holder."

30. On being pointed out that not a single PAP should be deprived of his due claim, the witness submitted:—

"Sir I am giving minute details of the matter. There are two important points in the agreement reached and in the circular of administration and in the resolutions of the Government. The policy is such that we need to sympathize with them as they have lost their employment and there is no way out for their livelihood. Therefore, certainly we need to sympathize with them. Beside they should be given priority as per their eligibility and existing vacancies. We require qualified people accordingly. A list was also prepared during the agreement before the then Hon'ble Chief Minister and it included the total number of persons who are eligible. We should go by that as we have to consider the eligible people included in the list that time. If some people are left in that list we have to take care of them alongwith those coming in future. Sir, this is all what I want to say."

The CMD, RCF further submitted as follows:—

"Sir, since I have been closely associated with this for 5-6 years, I would like to say something in the matter. In the year 2005, when last agitation took place, before that a decision was taken in 1978 as to how to employ them and accordingly employment was given. There were total 385 affected families who all were given employment. Besides 232 people were also employed. In this way total 617 people were given employment.

Besides, 1,326 appointments have been made under the workers category till-date to which they all belong, out of which 365 and 617, *i.e.* 95 per cent of

recruitment has been done from the local people that is these people belong to the same Raigad district. Similarly, all the contract labourers are totally local people. I think it would be right to say that this is the unique place where almost all people are locally employed.

Sir, there has been from time to time agitation regarding issuance of certificate and in the year 1990 an agreement was made with all the leaders including the respondent A.D. Naik that employment will be provided to 150 persons. This was the final settlement made and it also appeared in newspapers in the year 1993. Even after that, whenever there is any appointment the first preference is given to PAP and then the local person. This is the prevailing policy and will remain so. I would like to assure the Committee that we have not backtracked from our present policy. When the CGM was kidnapped and many more things happened in 2005, we went to the court and on the order of the High Court the one-man commission was appointed. After taking necessary evidence one-man commission thoroughly looked into the matter and after investigating every evidence presented its report. High Court in its categorical judgement said that RCF has fulfilled its commitment. Secondly, the High Court ordered the Collector, as Mr. Secretary also told the way in which certificates have been issued and if one person in a family has got employment, then it should be made this is for the second or the third member of the family. Hence, one man commission presented all the facts to the High Court, and the High Court thoroughly looked into the matter and delivered the final order. Even then, we still give preference to the local people and will continue to do so.”

31. During evidence the Committee invited attention to the fact that besides the families who lost the land there might be other persons like landless labourers etc., who had been indirectly affected by the setting of RCF Project. The Committee desired to have categorical views of the Secretary, Ministry of Chemicals and Fertilizers in the matter. In response thereto, the Secretary, Ministry of Chemicals and Fertilizers submitted that the State Government had already fixed the priority in respect of people who were either joint owners of the land, landless labourers etc. The Secretary further submitted that jobs to approximately 232 such people had also been provided by the RCF upto that point of time.

32. As regards eligibility and genuineness of the certificates, the witness submitted:—

“Sir I would submit for your consideration that there is an element of doubt that has been expressed, and it has been expressed by a court after interrogation in the court itself wherein the District Administration’s representative was questioned in the court, and it was admitted that there were quite a number of documents. Firstly, the District Administration was in the process of cancelling some of the PAP certificates given. Secondly, they have also stated in the judgement that quite a number of these certificates could have been issued without proper verification or without support documents. I have every reason to doubt these figures. Unless it is clarified by the District Administration, it would not be proper to go forward. It is my personal belief.”

33. To a query that in the case of a question mentioned on the validity of certificates, how it would be determined that no genuine case was left, the witness submitted:—

“It will be based on the Collector’s certificates after this verification. If and when it happens, as and when our expansion plans take place or any kind of vacancies occur, we will give them the priority that is accorded under the state policy.”

34. In response to a pertinent query by the Committee about the time required by the District Administration to verify the number of genuine cases, the witness responded:—

“I will try to ask them. There is a reasonable time frame; they would also like to settle this issue; they would not like to keep it lingering.”

35. On being pointed out by the Committee that 3 years have passed after the court gave its verdict and also the case is of 1978, *i.e.* 32 years have elapsed and after some time some people would become over age, the witness responded as follows:—

“I will submit my answer in two sentences, if you permit. One is that the court has already mentioned that one job for a family has been complied with. However, I am saying second sentence also with due respect, notwithstanding the directions to the District Administration, we could also have asked them. Beyond that, I will say, Yes, Sir, it appears to be an omission. I will accept it straightaway. But having said that, if and when some new vacancies occur, we will definitely see what can be done about them. But, as far as the court is concerned, it has given it clearly that compliance has been done in due course.”

He further submitted:—

“The court has given these directions. This has been pointed out. Therefore, it is binding on me to ascertain a particular position. I will do so.”

36. On being asked about the time required to investigate and verify the certificates issued, the Deputy Collector, Government of Maharashtra submitted before the Committee as follows:—

“At this point of time I can say only that the District Magistrate has said that it will take two months more to complete the enquiry because we have to go through very old records. It comprises the certificates that were issued since 1978 and the directions given by the Hon’ble Court and from the records it does appear that the number of the certificates issued is much larger than the number of the original account holders which was 385 as per records. If we see we find that the numbers of certificates are very excessive. The certificates were issued to more than one person in a family. We were analyzing the available details in our office. We have sought permission for two more months to complete the work.”

He further submitted:—

“I am not justifying the delay and don’t want to do that. I can say only that there is delay and it is a fact. Hence, the Collector has sought more time.”

37. The Committee agreed to the request made by the Deputy Collector, Government of Maharashtra and also directed that no further extension of time will be given because already enough time has been given for verification of certificates issued to PAPs.

Observations/Recommendations

38. The Committee note from the submissions made in the representation before them that in the year 1978 the Government had, through the Collector of Raigad, acquired 259.83 hectares of land from the village Thal to set up the Rashtriya Chemicals and Fertilizers (RCF) Ltd. The State Government of Maharashtra had issued certificates to the Project Affected Persons (PAPs) and to settle the claim of the land owners. It was also declared then that at least one member from each such family will be given employment in the RCF. According to the petitioners, the RCF provided employment to some of the PAPs, but 105 PAPs (petitioners) have not been provided with any employment so far by the RCF. They have submitted that the RCF had filed a writ petition in the High Court in 2005 which was decided on 13 February 2007. They have further submitted that as per orders of the High Court, the company had agreed to provide employment to PAPs in future, as and when the expansion of RCF took place, subject to the genuineness of PAP’s certificate, qualification, experience and suitability. However, despite the orders of Hon’ble High Court, the Company is giving employment to the outsiders and not to the PAPs. The petitioners, therefore, requested the Committee to ask the RCF to recruit all those 105 PAPs.

39. The Committee note from the Ministry of Chemical and Fertilizers (Department of Fertilizers) reply that the land of 385 families had been acquired by the Collector, Raigad District, Government of Maharashtra and was handed over to RCF. For considering the issue of employment of PAPs, a meeting was convened on 20 December 1978, which was chaired by the then Chief Minister of Maharashtra and attended by many Ministers/MPs, concerned MLAs and local leaders. In the said meeting it was decided that one member from each of 385 Land Affected Families would be offered employment depending upon his qualification, experience, etc. The decision was notified by the Government of Maharashtra *vide* a Resolution dated 21 January 1980.

40. The Committee observe that during the initial 3-4 years, RCF had offered employment to 422 PAPs against originally identified 385 families for the purpose. Thereafter, due to persistent demand from local politicians/leaders for giving more employment to the PAPs and also to ensure smooth functioning of the Project, the RCF had entered into an understanding with one of the petitioners on 5 October 1990 to give employment to additional 165 people with a clear understanding that the issue of employment stood totally resolved and closed. The understanding was also that this was full and final settlement of the issue of PAPs. The Committee, however, further note from the submissions made by the Ministry that despite closing the matter in 1990, people were still obtaining certificates from the Collector’s Office and making claims for employment as PAPs. To set the matter, RCF published a declaration in

local newspapers that RCF had fulfilled its commitment of giving employment to the PAPs as decided by the Government and it was no more obliged to give employment to such type of certificate holders. However, the PAPs and their leaders had been agitating from time to time for employment in the RCF. In view of the agitation and consequent law and order problem as well as its likely effect on operation of the plant, RCF filed a Writ Petition No. 4608 of 2005 in the Bombay High Court. The High Court appointed one-man Commission of Justice Shri A.B. Palkar (Retd.) by an order dated 23 February 2007 to look into the entire PAP issue of Thal. The Commission, after hearing all the parties including the representatives of the Government, PAPs and RCF and also going through the records submitted before it, submitted its Report to the Hon'ble Court. The High Court, in its order, *inter alia* observed that the RCF had complied with the obligation of providing employment to the 385 families and/or the persons named by them and were not bound to provide any further guaranteed employment and directed the Collector to conduct an enquiry as to how PAP certificates had been issued to over and above 385 families whose land had been acquired. The High Court also ordered that if the Collector finds that 180 families had been issued more than one certificate, then the certificate issued to the second or the third person in the said family shall have the remarks that one member had already been provided employment.

41. The Committee were initially informed *vide* their O.M. dated 12 January 2010 that 422 PAPs were offered employment in the RCF during the initial 3-4 years against the originally identified 385 PAPs. Later, employment to additional 165 people was given consequent upon an understanding between the RCF and one of the petitioners on 5 October 1990. That makes a total of 587 PAPs. The Committee are constrained to note that the Ministry has submitted in its same O.M. and subsequent submissions that 617 PAP were offered employment against 385 identified families, whereas, the District Collector, Raigad *vide* his letter dated 22.2.2010 gave the figure of total PAP certificates issued as 538. The Committee observe therefrom that RCF had given employment to 50 more workers out of which 3 were PAP, after the High Court judgment in February 2007. The Committee feel concerned that the actual figure of the total PAPs was not even made known to the High Court.

42. In this context the Committee find it pertinent to note that the High Court had also in its order dated 13 February 2007 directed the Collector, State Government of Maharashtra, to conduct an enquiry as to how certificates had been issued to other than 385 families whose land had been acquired and who were eligible. The Committee thus feel alarmed to observe that the matter has been kept pending for years together and no sincere efforts were made by the RCF to resolve this issue once for all. The Committee are not satisfied with the clarifications given by the Ministry that giving preference and or giving employment to the PAPs should not arise as the RCF has more than fulfilled the social and legal obligations by employing 617 PAPs against 385 identified families. The Committee are, therefore, of the considered opinion that the main concern of the Government/RCF should be to provide employment to each PAP because even if one PAP is not duly compensated by providing him/her employment it would amount to denial of justice to him.

43. The Committee would, at the same time, also like to place on record their appreciation for the policy of RCF of giving preference to the local people in employment at RCF Thal, which is substantiated by the fact that besides 617 PAPs, 843 people including officers from Raigad District have been given employment, since inception of the Plant. It is clearly borne out by the fact that out of nearly 2,000 employments offered by the RCF, Thal which also include officers, more than 70% of them are locals who also consist of PAPs and particularly in the workers category over 90% are locals. Reportedly, 232 joint owners of the land, landless labourers, etc. were also given jobs by the RCF. The Committee are, however, of the opinion that the aforesaid clarification given by the Ministry does not justify non-consideration of the remaining PAPs (including petitioners) for the grant of employment especially pending the issue of verification of genuineness of the certificates issued by the Collector, Raigad for about four years now.

44. During evidence, the Committee were informed by the Deputy Collector, Government of Maharashtra that the Collector has sought more time to complete the enquiry and verification of the certificates issued since 1978 because for the purpose they have to go through very old records. The Committee are, however, of the considered view that this exercise should be completed expeditiously to settle the cases of PAPs within a fixed time frame because even if one PAP is not compensated and has to go through the hardships for earning his livelihood for 32 long years it would amount to denial of justice to him. The Committee would, therefore, like the Ministry of Chemicals and Fertilizers to closely engage itself and monitor the matter with utmost sincerity and ensure that there is no further delay on the part of the concerned Authorities in settling the issue of providing employment to all the PAPs for good.

45. The Committee are also anguished to observe that even after 32 years since the land was acquired and about 4 years after the Bombay High Court gave the direction, the Collector, Raigad could not settle the issue of verification of the certificates issued to the PAPs to finality. The Committee are, therefore, inclined to take serious note of the lackadaisical approach of the Government to resolve the whole issue and for not having been able to establish the exact number of PAPs, who were to be provided employment as per policy of the State Government of Maharashtra. The Committee feel it was only due to the absence of the list of genuine PAP Certificate holders that these PAPs could not be given the requisite and timely compensation as per the policy framed to this effect. The Committee understand that there are still some persons with genuine PAP certificates, who have yet to be provided with any employment. The Committee, therefore, deplore this approach of the Authorities concerned and recommend that more benevolent and considerate efforts are needed on the part of the Government by involving all agencies including the State Government in settling the issue.

46. The Committee note with satisfaction from the submission made by the Ministry that the RCF has maintained the stand taken in the Writ Petition that, in case of major expansion, *i.e.* Thal-III Project, PAPs will be given preference depending upon their qualification and experience and also by adhering to the Recruitment Policy. The Committee, therefore, recommend that as soon as the issue of verification of

PAPs is finally settled by the Collector, Raigad, the genuine PAPs including joint owners of land, landless labourers, etc. be compensated adequately. In case no regular jobs are available in the Company, then an alternative temporary arrangement should be worked out immediately so that at least a person from every displaced family is provided with a job/means of livelihood. The Committee also recommend such families should invariably be given preference while making future employments by the Company directly—even if it requires imparting training or necessary on-the-job skills or relaxing the age limit for various recruitments for them or indirectly through contractors for their emergent or day-to-day affairs till they get their due compensation by way of regular employment. The Committee would like to be apprised of the final action taken in the matter within three months of the presentation of this Report positively.

NEW DELHI;
30 November, 2010

9 Agrahayana, 1932 (Saka)

ANANT GANGARAM GEETE,
Chairman,
Committee on Petitions.

MINUTES OF THE FIFTH SITTING OF THE COMMITTEE ON PETITIONS
(FIFTEENTH LOK SABHA)

The Committee on Petitions sat on Friday, the 15th January, 2010 from 1500 hrs. to 1600 hrs. in Committee Room 'C', Ground Floor, Parliament House Annexe, New Delhi to take oral evidence of the representatives of the Ministry of Chemicals and Fertilizers

PRESENT

Shri Anant Gangaram Geete — *Chairman*

MEMBERS

2. Shri Rajendra Agrawal
3. Shri Khiladi Lal Bairwa
4. Shri Gurudas Das Gupta
5. Shri Jagdambika Pal
6. Prof. Ram Shankar
7. Shri Rakesh Singh
8. Shri Joseph Toppo

SECRETARIAT

1. Shri N.K. Sapra — *Additional Secretary*
2. Shri V.R. Ramesh — *Director*
3. Shri U.B.S. Negi — *Additional Director*

WITNESS

*Ministry of Chemicals and Fertilizers
(Department of Fertilizers)*

1. Shri S. Krishnan — *Secretary*
2. Shri Sudhir Bhargava — *Joint Secretary*
3. Shri Manoj Kumar Gupta — *Director (PSU)*
4. Shri U.S. Jha — *CMD, RCF*
5. Shri K.K. Phadnis — *E.D. (HR), RCF*
6. Shri P.D. Shinde — *Chief HR Manager, RCF*

At the outset, the Chairman welcomed the representatives of the Ministry of Chemicals and Fertilizers. The Chairman, then drew their attention to Direction 55(1) of the Directions by the Speaker regarding confidentiality of the proceedings.

2. The Chairman, thereafter, referred to the representation received from Shri Jayant Prabhakar Patil and others regarding jobs to the Project Affected Persons (PAPs) of the Rashtriya Chemicals and Fertilizers Ltd. Thal, Raigad, Maharashtra and sought clarifications from the Ministry particularly relating to certificates issued to PAPs by the District Collector, Raigad. The Members of the Committee also sought certain clarifications on the issue which were explained by the Secretary of the Ministry of Chemicals and Fertilizers and the CMD, RCF. After some deliberations, the Committee decided that the officials of the State Government of Maharashtra might also be called to enable the Committee to come to the conclusion, particularly relating to the genuineness of the PAPs certificates issued by the District Collector, Raigad.

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

The witnesses then withdrew.

The Committee then adjourned.

ANNEXURE-II

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

The Committee on Petitions sat on Tuesday, the 23rd February, 2010 from 1500 hrs. to 1535 hrs. in Committee Room 'B', Ground Floor, Parliament House Annexe, New Delhi to take oral evidence of the representatives of the Ministry of Chemicals and Fertilizers and the concerned State Government officials of Maharashtra

PRESENT

Shri Anant Gangaram Geete — *Chairman*

MEMBERS

2. Shri Rajendra Agrawal
3. Shri Khiladi Lal Bairwa
4. Shri N.S.V. Chitthan
5. Shri Gurudas Das Gupta
6. Shri Jagdambika Pal
7. Prof. Ram Shankar
8. Dr. Sanjay Sinh
9. Shri Joseph Toppo

SECRETARIAT

1. Shri N.K. Sapra — *Additional Secretary*
2. Shri V.R. Ramesh — *Director*
3. Shri U.B.S. Negi — *Additional Director*

WITNESSES

*Ministry of Chemicals and Fertilizers
(Department of Fertilizers)*

1. Shri S. Krishnan — *Secretary*
2. Shri Deepak Singhal — *Joint Secretary*
3. Shri Manoj Kumar Gupta — *Director (PSU)*
4. Shri U.S. Jha — *CMD*
5. Shri K.K. Phadnis — *E.D. (HR)*
6. Shri P.D. Shinde — *Chief HR Manager*

Officials of State Government of Maharashtra

1. Shri Pravin Puri — *District Rehabilitation Officer*
2. Shri Santosh Perekar — *Awal Kavkun*

2. At the outset, the Chairman welcomed the representatives of the Ministry of Chemicals and Fertilizers and the officials of the State Government of Maharashtra. The Chairman, then drew their attention to Direction 55(1) of the Directions by the Speaker regarding confidentiality of the proceedings.

The Chairman, thereafter, referred to the representation received from Shri Jayant Prabhakar Patil and others regarding jobs to the project affected persons of the Rashtriya Chemicals and Fertilizers Ltd. Maharashtra. Chairman raised the issue of the verification of genuineness of 105 PAPs certificates of the petitioners. The officers of the Ministry of Chemicals and Fertilizers and official of the State Government of Maharashtra explained their position and requested the Committee to grant them two months time to collect the information from the old records of the State Government. The Committee acceded to the request with the condition that no further extension would be granted beyond two months for the purpose.

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

The witnesses then withdrew.

The Committee then adjourned.

ANNEXURE III

MINUTES OF THE TWENTY-SIXTH SITTING OF THE COMMITTEE ON
PETITIONS (FIFTEENTH LOK SABHA)

The Committee on Petitions met on Tuesday, 30th November, 2010 from 1500 hrs. to 1550 hrs. in Committee Room 'D, Ground Floor, Parliament House Annexe, New Delhi

PRESENT

Shri Anant Gangaram Geete — *Chairman*

MEMBERS

2. Shri Rajendra Agrawal
3. Shri Khiladi Lal Bairwa
4. Shri Sarvey Sathyanarayana
5. Shri Joseph Toppo

SECRETARIAT

1. Shri N.K. Sapra — *Additional Secretary*
2. Shri V.R. Ramesh — *Joint Secretary*
3. Shri Shiv Kumar — *Director*
4. Shri Hulasi Ram — *Deputy Secretary*
5. Smt. Jagriti Tewatia — *Under Secretary*

2. At the outset, the Chairman welcomed the Members of the Committee and then the Committee considered and adopted the draft Thirteenth Report with minor corrections.

3. The Committee also authorized the Chairman to finalize and present the Report to the House.

4. Thereafter, the Committee decided to undertake an on-the-spot study visit in the third week of January, 2011 to Chennai, Port Blair, Kolkata/Vishakhapatnam in connection with examination of representations received by the Committee through various Organizations and individuals.

The Committee then adjourned.