

FIFTEENTH REPORT  
COMMITTEE ON PETITIONS  
(FIFTEENTH LOK SABHA)  
MINISTRY OF CHEMICALS AND  
FERTILIZERS  
(DEPARTMENT OF FERTILIZERS)

*(Presented to Speaker, Lok Sabha on 21.07.2011)*  
*(Presented to Lok Sabha on 03.08.2011)*



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COMPOSITION OF THE COMMITTEE ON PETITIONS  
(2010-11)

Shri Anant Gangaram Geete — *Chairman*

MEMBERS

2. Shri Rajendra Agrawal
3. Shri Khiladi Lal Bairwa
4. Shri E.T. Mohammed Basheer
5. Shri N.S.V. Chitthan
6. Shri Gurudas Dasgupta
7. Shri Dip Gogoi
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12. Shri Rakesh Singh
13. Dr. Sanjay Sinh
14. Shri Kabir Suman
15. Shri Joseph Toppo

SECRETARIAT

1. Shri N.K. Sapra — *Secretary*
2. Shri P.K. Grover — *Additional Secretary*
3. Shri Shiv Kumar — *Director*
4. Shri Hulasi Ram — *Deputy Secretary*

## **FIFTEENTH 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 Fifteenth Report of the Committee to the House action taken by the Government on the recommendations of the Committee on Petitions (15th Lok Sabha) in their Thirteenth Report on the representation from Shri Jayant Prabhakar Patil and others regarding provision of employment for the Project Affected Persons of Rashtriya Chemicals and Fertilizers (RCF) Ltd.

2. The Committee considered and adopted the draft Fifteenth Report at their sitting held on 20th June, 2011.

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

NEW DELHI;  
20 June, 2011  
30 *Jyaishta*, 1933 (*Saka*)

ANANT GANGARAM GEETE  
*Chairman,*  
*Committee on Petitions.*

## **REPORT**

**ACTION TAKEN BY THE GOVERNMENT ON THE RECOMMENDATIONS MADE  
BY THE COMMITTEE ON PETITIONS ( FIFTEENTH LOK SABHA) IN THEIR  
THIRTEENTH REPORT ON THE REPRESENTATION RECEIVED FROM  
SHRI JAYANT PRABHAKAR PATIL AND OTHERS REGARDING:  
PROVISION OF EMPLOYMENT FOR THE PROJECT  
AFFECTED PERSONS (PAPs) OF THE RCF LTD.**

The Committee on Petitions (Fifteenth Lok Sabha) in their Thirteenth Report presented to Lok Sabha on 1 December, 2010 had dealt with a representation regarding: provision of employment for the Project Affected Persons of Rashtriya Chemicals and Fertilizers (RCF).

2. The Committee had made certain observations/recommendations in the matter and the Ministry of Chemicals and Fertilizers (Department of Fertilizers) was requested to furnish their action taken replies thereon for consideration of the Committee.

3. Action Taken Replies have since been received from the Ministry of Chemicals and Fertilizers (Department of Fertilizers) in respect of all the observations/recommendations contained in the aforesaid Report which have been detailed in the succeeding paragraphs.

4. In paragraph 38 of the Report, the Committee had observed/recommended as follows:—

"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."

5. In their reply, the Ministry of Chemicals and Fertilizers (Department of Fertilizers) have stated as under:—

"RCF had agreed to provide employment to PAPs in future as and when expansion of RCF, Thal-III takes place, which was included in the High Court Order dated 13th February, 2007. After this High Court Order RCF recruited 50 persons of highly skilled categories such as, Bioler Operators, Technician, Staff Nurse, Jr. Fireman etc., which were not meant for expansion of the RCF, Thal-III. In the recruitment 3 persons from PAP families alongwith 33 locals were selected as per the Recruitment Rules and on merit basis. Hence, there is no violation of the Hon'ble High Court Order as it stipulates giving employment on preference basis to PAP persons only in case of expansion of RCF, Thal-III."

6. In paragraph 39 of the Report, the Committee had observed/recommended as follows:—

"The Committee note from the Ministry of Chemicals 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."

7. In their reply, the Ministry of Chemicals and Fertilizers (Department of Fertilizers) have stated as under:—

"The above observation/recommendation is true and RCF has acted accordingly. RCF has given employment to 617 PAPs as against the requirement to give employment to only 385 PAPs."

8. In paragraph 40 of the Report, the Committee had observed/recommended as follows:—

"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 settle 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 providing employment to them 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."

9. In their reply, the Ministry of Chemicals and Fertilizers (Department of Fertilizers) have stated as under:—

"The matter of enquiry as to how PAP certificates had been issued to over and above 385 families, whose land had been acquired, pertains to District Collector, Raigad District. The Department has got no information in this regard. Further, we are also not aware of putting remarks 'one member has already been provided employment' on the certificates of 180 PAPs, which is over and above 385 PAPs."

10. In paragraph 41 of the Report, the Committee had observed/recommended as follows:—

"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 PAPs 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."



11. In their reply, the Ministry of Chemicals and Fertilizers (Department of Fertilizers) have stated as under:—

"RCF *vide* O.M. dated 12 January, 2010 had mentioned giving employment to 617 numbers of PAP certificate holders, which is same as informed by Department of Fertilizers. Therefore, there is no variation between the statements made by RCF and the Department.

Regarding the information given by DC (District Collector), Raigad that only 538 PAP certificates were issued, the Department has no comments to offer."

12. In paragraph 42 of the Report, the Committee had observed/recommended as follows:—

"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 PAPs because even if one PAPs is not duly compensated by providing him/her employment it would amount to denial of justice to him."

13. In their reply, the Ministry of Chemicals and Fertilizers (Department of Fertilizers) have stated as under:—

"In regards to Committee considered opinion that, Government/RCF should provide employment to each PAP because even if one PAP is not duly compensated by providing him/her employment, it would amounts to denial of justice to him/her, we would like to reiterate that, RCF had provided employment to each and every original identified families *i.e.* 385 whose land has been acquired for RCF Thal Project. As per GR of State Government and also as per understanding with the then Chief Minister of Maharashtra, RCF was supposed to provide employment to one person from each affected family and the same has been provided. It is not correct that sincere efforts were not made by RCF to resolve this issue once for all. In fact, RCF had complied with the direction given by the Government of Maharashtra *vide* its resolution dated 21.01.1980 by giving employment to the Land affected families. Thereafter, to resolve the issue, RCF had entered into an understanding with one of the petitioners on 5th October, 1990 to give employment to additional 165 people with a clear understanding that the issue of employment stood totally resolved and closed. This was cleared in local newspapers also. This action of RCF clearly reveals that RCF has made its whole hearted efforts to resolve the issue of PAPs once for all. RCF had never assured that, regular employment shall be offered to all PAPs to whom certificates

have been issued by the Office of Collector. In fact, as stated above, the PAP certificates are issued for various purposes like employment, education, scholarship etc."

14. In paragraph 43 of the Report, the Committee had observed/recommended as follows:—

"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."

15. In their reply, the Ministry of Chemicals and Fertilizers (Department of Fertilizers) have stated as under:—

"In regards to non-consideration of remaining PAPs (including petitioners) for employment of RCF, we would like to draw the attention of the Committee that, RCF/Govt. had assured in Mumbai High Court and also to the Committee that, as and when expansion *i.e.* Thal-III take place, employment shall be offered to remaining PAPs subject to genuineness of certificates, qualification, experience and requirement of the Company etc. However, we can not comment on the time taken by the Office of Collector for verification of genuineness of PAPs certificates."

16. In paragraph 44 of the Report, the Committee had observed/recommended as follows:—

"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."

17. In their reply, the Ministry of Chemicals and Fertilizers (Department of Fertilizers) have stated as under:—

"We would like to state that, even though the issue of verification of certificates of the PAPs is the sole right of the Office of Collector, for expediting the matter and also for giving justice to the PAPs, we have already taken up the matter with the Office of Collector and requested *vide* letters dated 29.01.2010, 04.02.2010 and 19.02.2010 for verification of the certificates of petitioners PAPs about its genuineness. In future also we will take up the matter with Collector and request will be made for expediting the verification of genuineness of the certificates. However, the employment shall be considered only at the time of expansion of RCF, Thal-III."

18. In paragraph 45 of the Report, the Committee had observed/recommended as follows:—

"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."

19. In their reply, the Ministry of Chemicals and Fertilizers (Department of Fertilizers) have stated as under:—

"As stated in the reply of observation no. 44, even though Office of the District Collector is the sole authority for verification of genuineness of PAP certificates, we had already taken up matter with District Collector as stated above. Further, the matter shall be consistently followed up with the Office of Collector."

20. In paragraph 46 of the Report, the Committee had observed/recommended as follows:—

"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."

21. In their reply, the Ministry of Chemicals and Fertilizers (Department of Fertilizers) have stated as under:—

"As regards recommendation of alternative temporary arrangement, if Collector, Raigad District on verification of PAP Certificates certifies that there are genuine PAPs (Petitioners), if any, RCF will make arrangement to engage them on Contract jobs in place of the separating Contract Labours as per the serial no. in the list furnished by the Collector after verification of genuineness of PAP (Petitioners) certificates. They will remain as contract labourers till they get regular employment in RCF in case of major expansion or till superannuation. As regards recommendation of regular employment, RCF will give preference in employment in case of major expansion *i.e.* That III take place to Genuine PAPs (Petitioners) depending upon their qualification and experience and by adhering to the Recruitment rules. As regards recommendation of giving relaxation in age is concerned, RCF is required to follow the recruitment rules/Government guidelines. However, considering the recommendation of Committee, RCF will grant age relaxation of 10 years to the Genuine PAPs (Petitioners) as a very special case."

#### **Observations/Recommendations**

**22. The Committee in their 13th Report had observed that 259.83 hectares of land belonging to 385 families had been acquired by the Government in the year 1978 through the Collector, Raigad District and handed over to Rashtriya Chemicals and Fertilizers Ltd. (RCF). For considering the issue of employment of Project Affected Persons (PAPs), a meeting was convened on 20th December, 1978 which was chaired by the then Chief Minister of Maharashtra wherein it was decided that one member from each of the 385 affected families would be offered employment depending on his/her qualification, experience, etc. During the initial 3/4 years RCF had offered employment to 422 PAPs against originally identified 385 families. Thereafter due to persistent demand from local political leaders for giving more employment to the PAPs and also ensuring smooth functioning of the project, the RCF had entered into an understanding with one of the petitioners on 5th October 1990 to give employment to additional 165 people. The Committee were informed that a total of 617 people had been offered employment by RCF.**

23. According to the representation submitted before the Committee, the RCF had provided employment to certain PAPs but 105 PAPs (petitioners) had not been provided any employment. The matter was examined by the Committee in detail and they were constrained to observe in their 13th Report that the matter had been kept pending for years together and no sincere efforts were made by the RCF to resolve this issue once for all. The Committee were also not satisfied with the clarifications given by the Ministry that the question of giving preference and/or giving employment to the PAPs should not arise as the RCF has fulfilled more than the social and legal obligation by employing 617 PAPs against 385 identified families. The Committee had specifically recommended that the main concern of the Government/RCF should be to provide employment to each of PAPs because they felt strongly that even if one PAP is not duly compensated by providing him/her employment, it would amount to denial of justice to him/her.

24. The Committee are shocked to observe from the replies now furnished by the Government that their recommendations have not at all been taken seriously. The Government and the company have taken almost the same position on all the issues as had been taken earlier. Without going into the spirit of the recommendations or the immediate need for the employment of the remaining PAPs, mere technicalities advanced just reflect the apathetic attitude of the Ministry.

25. The Committee had noted the claims made by the Government that out of nearly two thousand employments offered by RCF Ltd., Thal which also included officers, more than 70 per cent were locals who also consisted of PAPs and particularly in the workers category over 90 per cent were locals. While appreciating the policy of RCF of giving preference to the local people in employment, the Committee had emphasized that this did not justify non-consideration of the remaining PAPs including petitioners for the grant of employment. The Committee are not satisfied with the reply now given by the Government that in regard to the remaining PAPs, RCF/Government had assured in Bombay High Court that as and when expansion, i.e. Thal III takes place, employment shall be offered to remaining PAPs subject to genuineness of certificates, qualifications, experience and requirement of the company, etc. They wish to point out that it is already more than 4 years since the orders were made by the Bombay High Court but the expansion of RCF has not so far taken place. The PAPs cannot be kept waiting endlessly to get the employment due to them for more than 33 years. It is high time that the Government /RCF realize the sensitivities of the issue and provide employment to the remaining PAPs without any further delay.

26. The Committee reiterate their recommendation made in the original Report that in case no regular jobs are available in the company at present, 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. Besides, 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.

27. The Bombay High Court, in their order, had directed the Collector, Raigad to conduct an enquiry as to how PAP certificates had been issued to over and above 385 families whose land had been acquired. Although the enquiry was to be conducted by the Collector, Raigad, the Committee are astonished at the way the Government/ RCF have tried to disassociate themselves completely from the issue and abdicate their responsibility completely. The matter regarding verification of certificates was last taken up by the Ministry with the office of the Collector in February, 2010. Since then, no sincere efforts seems to have been made to resolve this issue so that benefit of employment could be given to the remaining PAPs. The Committee recommend that the Ministry of Chemicals and Fertilizers (Department of Fertilizers) should take up the issue of verification of certificates of PAPs with the State Government at the highest level without any further loss of precious time and ensure that all the remaining PAPs are offered employment immediately. At the time of giving regular employment — whether regular or on contract basis — the age relaxation to the PAPs should not be restricted to 10 years as submitted by the Government. Moreover, they should be imparted training or on-the-job skills wherever necessary. The Committee would like to be informed of the action taken in this regard within two months of presentation of this Report.

28. The Committee also wish to point out that the Ministry itself had provided the information that as per the High Court orders 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". It is therefore very strange that the Ministry have now stated that they are not aware of putting these remarks. The Committee would like to emphasize that before submitting the replies to a Parliamentary Committee, the Ministry should check their records seriously and thoroughly.

NEW DELHI;  
20 June, 2011  
30 Jyaishtha, 1933 (Saka)

ANANT GANGARAM GEETE  
Chairman,  
Committee on Petitions.

ANNEXURE

MINUTES OF THE THIRTY-FOURTH SITTING OF THE COMMITTEE ON PETITIONS  
(FIFTEENTH LOK SABHA)

The Committee on Petitions sat on Monday, 20 June, 2011 from 1430 hrs. to 1500 hrs. in Committee Room 'G074', Ground Floor, Parliament Library Building, New Delhi.

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. Shri Joseph Toppo

SECRETARIAT

1. Shri N.K. Sapra — *Secretary*
2. Shri P.K. Grover — *Additional 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. The Committee then considered and adopted the following draft Reports of the Committee:—

(i) Draft Fourteenth Report on the representation from Shri H. Mahadevan, Deputy General Secretary, All India Trade Union Congress and forwarded by Shri Gurudas Das Gupta, MP, Lok Sabha regarding default in the contribution to the Provident Fund by the employers.

(ii) Draft Fifteenth Report on the action taken by the Government on the recommendations of the Committee on Petitions (15th Lok Sabha) in their Thirteenth Report on the representation from Shri Jayant Prabhakar Patil and others regarding provision of employment for the Project Affected Persons of Rashtriya Chemicals and Fertilizers (RCF) Ltd.

3. The Committee also authorized the Chairman to finalize and present the Reports to the House/Hon'ble Speaker.

*The Committee then adjourned.*

GMGIPMRND—1978LS(S4)—16.12.2011.

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