

THIRD REPORT

COMMITTEE ON PETITIONS

(FIFTEENTH LOK SABHA)

MINISTRY OF CIVIL AVIATION
MINISTRY OF HOME AFFAIRS

(Presented to Lok Sabha on 16.03.2010)



LOK SABHA SECRETARIAT
NEW DELHI

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COMPOSITION OF THE COMMITTEE ON PETITIONS

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
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15. Shri Joseph Toppo

SECRETARIAT

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| 2. Shri Ashok Sarin | — | <i>Joint Secretary</i> |
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| 4. Shri U.B.S. Negi | — | <i>Additional Director</i> |
| 5. Shri Hulasi Ram | — | <i>Deputy Secretary</i> |
| 6. Shri Jyoti Prakash Krishna | — | <i>Executive Assistant</i> |

THIRD 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 Third Report of the Committee to the House on the following matters:

- (i) Action taken by the Government on the recommendations of the Committee on Petitions (Fourteenth Lok Sabha) in their Forty-Seventh Report on the representation regarding expansion of Dabolim Airport in Goa.
- (ii) Action taken by the Government on the recommendations of the Committee on Petitions (Fourteenth Lok Sabha) in their Seventeenth Report on the representation regarding relief to 1989 riot victims of Bhagalpur.

2. The Committee considered and adopted the draft Third Report at their sitting held on 11th February, 2010.

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

NEW DELHI;
11 February, 2010
22 Magha, 1931 (Saka)

ANANT GANGARAM GEETE,
Chairman,
Committee on Petitions.

CHAPTER I

ACTION TAKEN BY THE GOVERNMENT ON THE RECOMMENDATIONS OF THE COMMITTEE ON PETITIONS (FOURTEENTH LOK SABHA) IN THEIR FORTY SEVENTH REPORT ON THE REPRESENTATION REGARDING EXPANSION OF DABOLIM AIRPORT IN GOA

The Committee on Petitions (Fourteenth Lok Sabha) in their Forty-Seventh Report presented to Lok Sabha on 23rd December, 2008 had dealt with the representation regarding expansion of Dabolim Airport in Goa.

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

1.3 The Ministry of Civil Aviation *vide* their O.M. No. AV.20036/004/2002-AAI dated 30th October, 2009 have furnished their action taken replies in respect of all the recommendations/observations contained in the Report.

1.4 The Committee will now deal with the action taken replies furnished by the Ministry on the recommendations/observations.

1.5 In para 1.17 of the Report, the Committee observed as follows:—

“The Committee note that Shri Sardinha Francisco, MP in his representation stated that Navy was supposed to hand over 8.77 acres of land to Airports Authority of India (AAI) for expansion of Dabolim Airport, Goa. The Member desired the expansion of the airport to be expedited. He also raised the issue of utilization of Rs. 500 crore sanctioned for the work.”

(Para 1.17)

1.6 In their action taken reply, the Ministry of Civil Aviation have stated as under:—

“Ownership dispute over the piece of land measuring 2.52 acres between State Government of Goa and Indian Navy is still unresolved. Matter is being pursued at the level of Chief Secretary, Government of Goa and Defence Secretary, Government of India. AAI has the extensive development plans for the expansion of Dabolim Airport, which includes construction of New Integrated Terminal Building to cater 2700 passengers at an estimated cost of Rs. 330 crores and a full length Parallel taxi track. A new apron of dimension 158.5 metres X 153.4 metres has already been constructed and put in to use 6.25 acres of land transferred by Indian Navy. The remaining 2.52 acres (out of 8.77 acres) of land adjacent to new apron is yet to be handed over to AAI. Sufficient funds shall be allocated for the above works.”

1.7 In para 1.18 of the Report, the Committee observed as follows:—

“In their reply, the Ministry of Civil Aviation informed the Committee that the State Government of Goa had handed over 9.877 acres of land to AAI in two phases (7.221 acres on 31 August, 2005 and 2.655 acres on 09 August, 2006 respectively) on city side for construction of new Integrated Terminal Building complex. Out of this, 2.52 acres of land is under the dispute between the State Government and the Navy. The Committee were also informed that for c, additional land measuring 8.7 acres (approx.) is required from Navy. The approval for the same was conveyed by Ministry of Defence on 01 September, 2006. However, Navy handed over only 6.25 acres of land on air side on 08 March, 2007 and held the balance of 2.52 acres of land, which Navy adjusted against their claim of land equal to 2.52 acres out of land measuring 9.877 acres that was handed over by the State Government of Goa to AAI on the city side.”

(Para 1.18)

1.8 In their action taken reply, the Ministry of Civil Aviation have stated as under:—

“Indian Navy was to hand over 8.77 acres of land for the construction of new Integrated Terminal Building and New apron. Navy handed over only 6.25 acres of land and the remaining 2.52 acres of land was adjusted against 9.877 acres of land earlier given for airport development by the Government of Goa.

Matter is being pursued at the level of Chief Secretary, Government of Goa and Defence Secretary, Government of India for handing over the remaining 2.52 acres of Naval land to AAI.”

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

“The Committee were also informed that on the instructions of the Chief Secretary, Government of Goa, the Director of Transport, Government of Goa had conducted a detailed inquiry relating to the dispute of 2.52 acres of land with Indian Navy. The inquiry concluded that ‘In light of the entries made in the record of rights as per revenue laws, *prima facie* no credence can be given to the claims of the Navy on the land measuring 2.52 acres.’ The report recommended that Navy should forthwith transfer 8.77 acres of land to AAI.”

(Para 1.19)

1.10 In their action taken reply, the Ministry of Civil Aviation have stated as under:—

“Matter is being pursued at the level of Chief Secretary, Government of Goa and Defence Secretary, Government of India.”

1.11 In para 1.20 of the Report, the Committee observed as follows:—

“The Committee are anguished to note that the expansion of Dabolim Airport in Goa was delayed owing to non-transfer of a piece of land measuring 2.52 acres by the Navy since they claimed that 2.52 acres out of 9.877 acres of land handed over earlier by the State Government to AAI belonged to them. However, the report of the inquiry conducted by the State Government of Goa revealed that the said claim of the Navy could not be supported by the available revenue records and therefore, they should immediately transfer the land to AAI. The Committee now expect the Ministry of Civil Aviation to coordinate with the Ministry of Defence/the Navy and other concerned authorities to expedite the land transfer to AAI so that the expansion project of the Dabolim Airport is taken up without any further delay. Needless to say, Goa is one of the most important tourist attractions in the country, not only for national tourists but also tourists from abroad. Keeping this aspect in view, the Committee desire that an action plan should be chalked out in order to complete the project alongwith other connected work like construction of new apron and parallel link taxi way to enhance airport operation capacity of the runway, with a fixed time frame. Adequate funds should also be provided to AAI so that the project is not delayed in account of shortage of funds. The Committee would like to be apprised of the action taken by the Ministry in this regard.”

(Para 1.20)

1.12 In their action taken reply, the Ministry of Civil Aviation have stated as under:—

“The Secretary, Ministry of Civil Aviation, Government of India has requested Defence Secretary, Government of India to look into the matter of handing over 2.52 acres of Naval land to AAI at the earliest.

The land issue between the Indian Navy and AAI has been taken up at Secretary level between the Ministry of Civil Aviation and Ministry of Defence for early resolution.”

Observations/Recommendations

1.13 In his representation, Shri Sardinha Francisco, MP had expressed his desire that the expansion and renovation of Dabolim Airport, Goa should be expedited. When the Committee took up the matter with the Ministry of Civil Aviation, they were informed that the expansion of Dabolim Airport in Goa was getting delayed due to non-transfer of a piece of land measuring 2.52 acres by the Indian Navy to Airport Authority of India (AAI). The inquiry conducted by the State Government of Goa had revealed that the claim of Indian Navy over a piece of land could not be supported by the available revenue records. Consequently, the Committee in their original Report had recommended that the Ministry of Civil Aviation should co-ordinate with the Ministry of Defence/ Indian Navy and other concerned authorities to expedite the transfer of land to AAI so that expansion of Dabolim Airport is taken up without any further delay.

1.14 The Committee are constrained to note that the ownership dispute over the piece of land measuring 2.52 acres between State Government of Goa and Indian Navy still remains unresolved. According to the Ministry of Civil Aviation, the matter is being pursued at the level of the Chief Secretary, State Government of Goa and Defence Secretary, Government of India for handing over the remaining 2.52 acres of Naval land to AAI at the earliest. However, the Ministry have not furnished any details which could indicate their resolve to settle the issue expeditiously. The very fact that the dispute over the piece of land is yet to be settled, clearly shows that there is lack of concerted and co-ordinated efforts on the part of all the authorities concerned with the case. The Committee, therefore, reiterate that the Ministry of Civil Aviation, being the nodal Ministry, should pursue the matter vigorously and in right earnest with all the concerned authorities so that the requisite piece of land is transferred to AAI expeditiously and the expansion programme of Dabolim Airport is taken up without any further delay. The Committee would like to be apprised of the action taken by the Ministry in this regard.

CHAPTER II

ACTION TAKEN BY THE GOVERNMENT ON THE RECOMMENDATIONS OF THE COMMITTEE ON PETITIONS (FOURTEENTH LOK SABHA) IN THEIR SEVENTEENTH REPORT ON THE REPRESENTATION REGARDING RELIEF TO 1989 RIOT VICTIMS OF BHAGALPUR

The Committee on Petitions (Fourteenth Lok Sabha) in their Seventeenth Report presented to Lok Sabha on 23 August, 2006 had dealt with a representation regarding relief to 1989 riot victims of Bhagalpur.

2.2 The Committee had made certain Observations/Recommendations on the subject. The Ministry of Home Affairs were requested to implement those recommendations and furnish the action taken replies thereon for the consideration of the Committee.

2.3 The Ministry of Home Affairs *vide* their O.M. No. 13016/2/2006-NLI dated 17 June, 2009 have furnished the action taken replies in respect of all the Observations/Recommendations contained in the Report.

2.4 The Committee will now deal with the action taken replies furnished by the Ministry of Home Affairs.

2.5 In para 3.23 of the Report, the Committee had observed as follows:—

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

(Para 3.23)

2.6 In their action taken reply, the Ministry of Home Affairs have stated as follows:—

“The Government of Bihar have intimated with reference to the loans provided to Bhagalpur riot victims by various banks that the State Government have deposited the interest component of the loan, while the loan amount has been waived off by the concerned banks. A proposal for providing the same package as given to 1984 anti-Sikh riot victims, to the victims of Bhagalpur riots of 1989 received from the Government of Bihar has been considered by

the Central Government and a package was formulated in 2008 for the victims of Bhagalpur riots of 1989-90 with the following features:

- (i) In death cases, the next of kin would be paid Rs. 3.5 lakh in addition to the amount already paid by the State Government; and
- (ii) In injury cases, claimants would be paid Rs. 1.25 lakh minus the assistance already given by the State Government.

2. As details regarding State Government's assistance towards damage to residential properties and uninsured commercial/ industrial properties were not available, these components were kept out of the package. The Union Cabinet considered and approved the package amounting to Rs. 29.81 crore on 12.6.2008.

3. The amount of Rs. 29.81 crore has been paid to Bihar Government in two instalments on 28.1.2009 and 30.3.2009 for disbursement among the victims as additional *ex-gratia* for death and injury. The Bihar Government sought permission for making disbursement in this financial year (2009-10) and Central Government's concurrence on the issue has been communicated to Bihar Government on 2.6.2009."

2.7 In para 3.24 of the Report, the Committee had observed as follows:—

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

(Para 3.24)

2.8 In their action taken reply, the Ministry of Home Affairs have stated as under:—

"The State Government of Bihar intimated earlier that 844 cases of persons killed/ missing were found acceptable and the State Government paid Rs. 84.4 lakh from PM's Relief Fund in the aforesaid 844 cases. The State Government had paid Rs. 7.96 crore in 796 cases. As per report, the State Government has initiated the process of amending the definition to provide *ex-gratia* payment to the rest of the unpaid victims."

2.9 In para 3.27 of the Report, the Committee had observed as under:—

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

(Para 3.27)

2.10 In their action taken reply, the Ministry of Home Affairs have stated as under :—

“The Government of Bihar has intimated with reference to the loans provided to Bhagalpur riot victims by various banks that the State Government has deposited the interest component of the loan while the loan amount has been waived off by the concerned banks. Further, on consideration of a proposal from the Government of Bihar, a package amounting to Rs. 29.81 crore has been announced by the Central Government in 2008 for the victims of Bhagalpur riots of 1989-90 involving payment of *ex-gratia* in addition to what was given by the State Government in death and injury cases. The amount of Rs. 29.81 crore has been released to the Bihar Government in two instalments on 28.1.2009 and 30.3.2009 for disbursement among the victims/beneficiaries. Permission sought by the Bihar Government for making the disbursement in this financial year (2009-10) has been given on 2.6.2009.”

2.11 In para 3.28 of the Report, the Committee had observed as follows:—

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

Central Government to uplift these people. The Committee, therefore, are of the view that provision of relief to the victims of the riots of Bhagalpur should be treated analogously with other cases.

While the poor victims of riots find it difficult to repay the loans advanced to them, the Central Government could find ways and means to waive off the loan advanced to riot victims of Bhagalpur. The Committee hope that the whole issue will be considered accordingly.”

(Para 3.28)

2.12 In their action taken reply, the Ministry of Home Affairs have stated as under :—

“Law and Order being State subject under the Constitution of India, taking measures for relief and rehabilitation of the victims of communal riots is the primary responsibility of the State Government. In the case of Bhagalpur riots of 1989, the State Government spent Rs. 1330.93 lakh from its own funds and Rs. 98.89 lakh from PM’s Relief Fund towards *ex-gratia* for those who died in the riots/were missing; for arranging medical treatment for the injured and for rehabilitation of the victims.

The Government of Bihar have intimated with reference to the loans provided to Bhagalpur riot victims by various banks that the State Government has deposited the interest component of the loan while the loan amount has been waived off by the concerned banks. Further, a proposal for providing the same package, as given to the 1984 anti-Sikh riot victims, to the victims of Bhagalpur riots of 1989 has been received from the Government of Bihar. The State Government has stated that one of the components of the relief and rehabilitation package of anti-Sikh riots of 1984 relates to the pension to the widows and the parents of those killed. This part of the package has already been sanctioned by the State Cabinet on 28.08.2007. On consideration of the proposal from the Government of Bihar, a package amounting to Rs. 29.81 crore has been announced by the Central Government in 2008 for the victims of Bhagalpur riots of 1989-90 involving payment of *ex-gratia* in addition to what was given by the State Government in death and injury cases. The amount of Rs. 29.81 crore has been released to the Bihar Government in two instalments on 28.1.2009 and 30.3.2009 for disbursement among the victims/beneficiaries. Permission sought by the Bihar Government for making the disbursement in this financial year (2009-10) has been given on 2.6.2009.”

Observations/Recommendations

2.13 In his representation, Shri Subodh Roy, ex-MP had stated that no relief was granted to the victims of Bhagalpur riots of 1989 in the matter relating to the repayment of loans provided by the banks. In this context, referring to the relief given by the Central Government to the victims of anti-Sikh riots of 1984, the petitioner had requested that relief on the same pattern might be extended to the riot affected people of Bhagalpur and warrants and cases against them be withdrawn.

2.14 During examination of this representation, the Ministry had indicated that the State Governments were competent to decide the quantum of *ex gratia* to the victims of riots in the State. It was also brought to the notice of the Committee that the Central Government in 2006 had sanctioned a rehabilitation package to provide *ex gratia* and other assistance to the victims of anti-Sikh riots of 1984. After carefully considering all the facts placed before them, the Committee had come to the conclusion that the provision of relief to the riot victims of Bhagalpur should be treated analogously with other cases and ways and means should be found to waive off the loan advanced by the banks to the victims of Bhagalpur riots.

2.15 The Committee note with satisfaction from the Action Taken replies that at their instance, the loan amount provided to the riot victims of Bhagalpur has been waived off by the concerned banks. Further, the interest component of the said loans has also been paid by the State Government of Bihar. The Committee have also been informed that a proposal for providing similar package as was given to the victims of anti-Sikh riots of 1984, received from State Government of Bihar, was considered by the Central Government for the victims of Bhagalpur. One of the components of the relief and rehabilitation package of anti-Sikh riots of 1984 relates to the pension to the widows and the parents of those killed. This part of the package had already been sanctioned by the State Cabinet on 28 August 2007. Further, in 2008, the Central Government announced a package amounting to Rs. 29.81 crore for the victims of Bhagalpur riots involving payment of *ex gratia* in addition to what had already been released by the Bihar Government for disbursement among the victims/beneficiaries. In this connection, the State Government is stated to have initiated the process of amending the definition to provide *ex gratia* payment to the rest of the unpaid victims. The Committee hope that the Ministry of Home Affairs would persuade the State Government to carry out such amendment at the earliest.

2.16 The Committee are, however, constrained to note that the package announced by the Central Government do not cover assistance towards damaged residential properties for want of details regarding assistance provided by the State Government in this regard. It is unfortunate that such details are not available with the State Government and as a result thereof poor victims of the riots continue to suffer mental agony over the years. The Committee are of the view that although it was the primary responsibility of the State Government to take measures for relief and rehabilitation of the riot victims and to keep details/information in this regard, the Central Government can not also absolve their responsibility on such vital issues. The Committee expect the Ministry of Home Affairs, being the nodal agency, to pursue the matter vigorously with the State Government in order to ensure that the adequate relief/compensation is also paid to the riot victims for their damaged residential and uninsured commercial/industrial properties as was granted to the victims of anti-Sikh riots of 1984. The Committee would like to be informed of the precise action taken in this regard.

NEW DELHI;
16 March, 2010

25 Phalgun, 1931 (Saka)

ANANT GANGARAM GEETE,
Chairman,
Committee on Petitions.

ANNEXURE I

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

The Committee on Petitions sat on Thursday, 11th February, 2010 from 1500 hrs. to 1630 hrs. in Committee Room No. 139, First Floor, Parliament House Annexe, New Delhi.

PRESENT

Shri Anant Gangaram Geete — *Chairman*

MEMBERS

2. Shri Khiladi Lal Bairwa
3. Shri E.T. Mohammed Basheer
4. Shri N.S.V. Chitthan
5. Shri Gurudas Das Gupta
6. Shri Jagdambika Pal
7. Prof. Ram Shankar
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*
4. Shri Hulasi Ram — *Deputy Secretary*

** ** * * * * *

4. The Committee then considered and unanimously adopted draft Third and Fourth Reports of the Committee.

* * *

The Committee then adjourned.

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