
SEVENTH REPORT

STANDING COMMITTEE ON FOOD,
CIVIL SUPPLIES AND PUBLIC
DISTRIBUTION
(1999-2000)

(THIRTEENTH LOK SABHA)

MINISTRY OF CONSUMER AFFAIRS,
FOOD AND PUBLIC DISTRIBUTION
(DEPARTMENT OF CONSUMER AFFAIRS)

*Action Taken by the Government on the Recommendations contained
in the Fourth Report of the Committee on Food, Civil Supplies and
Public Distribution on Demands for Grants (2000-2001) of the
erstwhile Ministry of Consumer Affairs and Public Distribution
(Department of Consumer Affairs)]*

Presented to Lok Sabha on...19.12.2000

Laid in Rajya Sabha on...19.12.2000...



LOK SABHA SECRETARIAT
NEW DELHI

December, 2000/Agrahayana, 1922 (Saka)

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COMPOSITION OF THE STANDING COMMITTEE ON FOOD,
CIVIL SUPPLIES AND PUBLIC DISTRIBUTION
(1999-2000)

Shri Devendra Prasad Yadav — *Chairman*

MEMBERS

Lok Sabha

2. Shri A.P. Abdullakutty
3. Prof. S.P. Singh Baghel
4. Shri Shyamlal Bansiwala
5. Shri Ranen Barman
- *6 Shri Surender Singh Barwala
7. Shri Sujan Singh Bundela
8. Shri Namdeorao Harbaji Diwathe
9. Shri Rameshwar Dudi
10. Shri Abdul Hamid
11. Shri Jai Prakash
12. Shrimati Preneet Kaur
13. Shri Brijlal Khabri
14. Shri Shyam Bihari Mishra
15. Shri Aditya Nath
16. Shri Sisram Ola
17. Shri Mansinh Patel
18. Shri Laxmanrao Patil
19. Shri Bajju Ban Riyan
20. Shri Vishnu Dev Sai
21. Shri Abdul Rashid Shaheen
- \$\$\$22. Shri Kodikunnil Suresh
23. Shri Ram Naresh Tripathee
24. Shri Ram Chandra Veerappa
25. Dr. Sahib Singh Verma
- **26. Shri Akhilesh Yadav
- ***27. Shri Tejveer Singh
- ***28. Shri Kishan Lal Diler
- ***29. Shri Ramshakal
- ***30. Shri Rama Mohan Gadde
- ***31. Shri P.D. Elangovan

Rajya Sabha

- \$32. Shri Sushil Barongpa
33. Shri W. Angou Singh
34. Shri Abdul Gaiyur Qureshi
35. Shri Lajpat Rai
36. Shri Dawa Lama
37. Shri M.A. Kadar
38. Shri Kaushok Thiksey
39. Shri D.P. Yadav
- #40. Shri Nanaji Deshmukh
- \$\$41. Shri Vijay Singh Yadav
- \$\$\$42. Smt. Bimba Raikar
- ##43. Dr. A.K. Patel
- ###44. Shri K.G. Bhutia
- ####45. Shri G.C. Kharwar

SECRETARIAT

1. Shri Harnam Singh — *Joint Secretary*
2. Shri Krishan Lal — *Director*
3. Shri R.S. Mishra — *Under Secretary*

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- * Ceased to be a member of the Committee w.e.f. 24.1.2000 *vide* Bulletin Part II (Para No. 400) dated 24.01.2000.
 - ** Nominated to the Committee w.e.f. 14th March, 2000 *vide* Bulletin Part II, No. 667 dated 14th March, 2000.
 - § Ceased to be a member of the Committee consequent upon his retirement from Rajya Sabha w.e.f. 2.4.2000.
 - *** Nominated to the Committee w.e.f. 6th April, 2000 *vide* Bulletin Part-II, No. 708 dated 6th April, 2000.
 - \$\$\$ Nominated to the Committee w.e.f. 1st May, 2000 *vide* Bulletin Part-II No, 811 dated 3rd May, 2000.
 - \$\$\$\$ Nominated to the Committee w.e.f. 5th May, 2000 *vide* Bulletin Part-II, No, 847 dated 8th May, 2000.
 - # Ceased to be a member of the Committee consequent upon his resignation from the Committee w.e.f. 10th October, 2000 *vide* Bulletin Part-II dated 13th October, 2000.
 - ## Nominated to the Committee w.e.f. 19th May, 2000 *vide* Bulletin Part-II, No. 911 dated 19th May, 2000.
 - ### Nominated to the Committee w.e.f. 29th May, 2000 *vide* Bulletin Part-II, No. 942, dated 31st May, 2000 and ceased to be member of the Committee due to his demise w.e.f 12th August, 2000.
 - #### Nominated to the Committee w.e.f 29th May, 2000 *vide* Bulletin Part-II, No. 942 dated 31st May, 2000.
 - \$\$\$\$\$ Ceased to be a member of the Committee w.e.f 1st August, 2000 *vide* Bulletin Part-II, No. 1121 dated 1st August, 2000.

INTRODUCTION

I, the Chairman of the Standing Committee on Food, Civil Supplies and Public Distribution (1999-2000) having been authorised by the Committee to submit the Report on their behalf, present this Seventh Report on Action Taken by the Government on the recommendations/observations contained in the Fourth Report of the Committee (Thirteenth Lok Sabha) on "Demands for Grants" (2000-2001) of the erstwhile Ministry of Consumer Affairs and Public Distribution (Department of Consumer Affairs).

2. The Fourth Report was presented to Lok Sabha on 20th April, 2000. The Government furnished their replies indicating action taken on the recommendations contained in the Report on 3rd August, 2000. The Draft Action taken Report was considered and adopted by the Standing Committee on Food, Civil Supplies and Public Distribution (1999-2000) at their sitting held on 13th December, 2000.

3. An analysis of the action taken by the Government on recommendations contained in the Third Report of the Standing Committee (Thirteenth Lok Sabha) on "Demands for Grants" (2000-2001) is given in Appendix II.

NEW DELHI,
13 December, 2000
22 Agrahayana, 1922 (Saka)

DEVENDRA PRASAD YADAV,
Chairman,
Standing Committee on Food,
Civil Supplies and Public Distribution.

CHAPTER I

REPORT

1.1 This Report of the Standing Committee on Food, Civil Supplies and Public Distribution deals with the action taken by the Government on the recommendations contained in the Fourth Report (Thirteenth Lok Sabha) on Demands for Grants (2000-2001).

1.2 The Report was presented to Lok Sabha and laid on the Table of Rajya Sabha on the 20th April 2000. It contained 9 recommendations/ observations.

1.3 Action Taken Notes in respects of all the 9 observations/ recommendations contained in the Report have been received and categorized as follows:-

- (i) Recommendations/observations which have been accepted by the Government:

Para Nos. 3.11 and 5.8

(Chapter II, total-2)

- (ii) Recommendations/observations which the Committee do not desire to pursue in view of the Government's replies

Para No 1.6

(Chapter III, total-1)

- (iii) Recommendations/observations in respect of which replies of the Government have not been accepted by the Committee:

Para Nos. 2.12, 2.15, 3.18 and 4.7

(Chapter IV, Total-4)

- (iv) Recommendations/observations in respect of which reply of the Government is still awaited.

Para Nos. 4.8, 4.14

(Chapter V, total-2)

1.4 The Committee desire that the final replies in respect of the recommendations for which the Government has given only interim replies should be furnished to the Committee expeditiously.

1.5 The Committee strongly emphasize that utmost importance should be given to the implementation of recommendations accepted by the Government. In case where it is not possible for the Government to implement the recommendations in letter and spirit for any reason, the matter should be reported to the Committee in time with reasons for non-implementation.

1.6 The Committee will now deal with action taken by the Government on some of the recommendations.

Consumer Courts and Fora

Recommendation (Para No. 2.12)

1.7 expressing concern over high pendency of cases in consumer courts in the country, the Committee had recommended that States/UTs should be vigorously persuaded to make the three State Commissions and 43 District for a functional by filling the vacant posts of President/Members without further delay so that, cases pending in such courts are enormously reduced by speedy trails for redress all of consumers' grievances and also that Consumer Protection Act should be suitably amended so that problems regarding de-novo proceedings, establishment of more benches at the State/National Commission levels are tackled properly and representatives from Panchayat/Local bodies are accommodated.

1.8 The Govt. in their action taken, reply, have stated that the Department of Consumer Affairs (Ministry of Consumer Affairs, Food and Public Distribution) is repeatedly urging the State Govts./U.T. Administration from time to time at various levels to take necessary steps to fill up the vacant posts of the Consumer Courts on time and that many amendments are under consideration to enlarge the scope of Consumer Protection Act.

1.9 The Committee are aware that State/UT Govts. have been repeatedly requested by the Ministry to take necessary steps to fill up the vacant posts of Presidents/Members in the Consumer Courts and the amendments to the Consumer Protection Act, 1986 are under consideration of the Govt. for quite long time, but they are still not satisfied as the Govt. had not been able to come up with substantial achievement in the matter. Vacant posts of President/Members of the courts have not been filled up so far as a result pending cases have not been substantially reduced. While the Committee have been informed that amendments of the Consumer Protection Act are under

consideration of the Govt. the Committee are still unaware about the fate of their recommendations contained in the 4th Report, (Thirteenth Lok Sabha). While reiterating their earlier recommendation, the Committee strongly urge the Ministry to take up the issue with the State Govts. on priority so that vacant posts of the President/Members of the Consumer Courts are filled without further loss of time and that the Courts are made functional at all levels. Further, the Govt. should take immediate steps to ensure that the Consumer Protection Act is suitably amended to enable them to enlarge the scope of the Act in larger public interest making sure, particularly, that adequate representation from local bodies as made in Consumer Courts over and above the recommendation for specific amendments made in the 4th Report.

Advertisement and Publicity

Recommendation (Para No. 2.15)

1.10 Taking note of the unsatisfactory effects of the steps taken towards spreading awareness of consumers' rights, the Committee had recommended that the Govt. should organise teams of dramatists and artists to stage plays and dramas by funding the NGOs and that the brochures, booklets, literatures, etc. about consumer awareness be made available in regional and local languages to NGOs, Panchayats and individuals who can read. They also expressed their unhappiness about consumer welfare fund remaining unutilised in areas of low consumer awareness. Further they recommended that no fund allocated for consumer awareness should remain unutilised and that more funds should be made available for the purpose.

1.11 The Govt. in their Action Taken Reply have stated that the audio-visual and printed publicity programmes undertaken by the Deptt. and other agencies have created awareness among the consumers which is evident from the increase in the number of cases filed in the consumer courts as well as increase in the number of voluntary consumer organisations in the country. They also stated that the programmes were undertaken in regional and local languages. As regards Consumer Welfare Fund, the Govt. informed that all viable proposals to undertake programmes to spread consumer awareness in rural and backward areas are provided financial assistance from the Consumer Welfare Fund. They further added that there is no specific fund allocated to any State/U.T. and that areas like Arunachal Pradesh, Assam, Meghalaya, Mizoram, Tripura etc. have much less number of voluntary consumer organisations and that the Deptt. is not receiving adequate number of proposals from such States. The Govt. however, accepted the recommendation that every effort should be made to undertake consumer awareness programmes. They also stated that efforts will be made to ensure full utilization of funds available for publicity/awareness building schemes and to make more funds available for the purpose.

1.12 The purpose of making advertisement and publicity programmes is to ensure that the message of consumer protection reaches every citizen of the country. Even though the Govt. claim the audio-visual and printed publicity awareness among the consumers is a success as there is increase in the number of cases filed in the consumer courts, yet the hard fact remains that the population of the country as a whole also increases in leaps and bounds. Though the trend in the percentage of cases filed has since increased, it would not be deemed that there is wide spread consumer rights awareness. But the Committee is interested to see that there is uniform increase in the cases as well as in the number of voluntary consumer organisations all across the country. Further, lack of demand for assistance by consumer organisations from the rural and some urban areas is undoubtedly due to lack of awareness in those regions. Thus the claim of the Govt. do not seem to be justified. It is, therefore, clear that there is an urgent need of a novel and practical step. The Committee feel that the Govt. is not exploring new possibilities. The Committee, therefore, while reiterating their earlier recommendation, urge the Govt. to ensure that the message of consumer protection must reach to masses by making full use of the fund meant for the Consumer Welfare Fund and, even if need be, through making inter-ministerial coordination. Regions inhabited by SC/ST communities should be given preference.

Super Bazar

Recommendation (Para No. 3.18)

1.13 Expressing concern over the irregularities that have crept in the administration of the Super Bazar, and the tardiness shown by the Administration in dealing with the cases relating to the prosecution of guilty staff and officers, the Committee had recommended for their expeditious conviction and recovery of amount embezzled by them. The Committee had also recommended for holding of the long overdue election to the Board of Directors of Super Bazar and, in the interim period, making arrangements for running the branches of Super Bazar in profit.

1.14 Government in their Action Taken Reply, have stated that while they have received information about 37 cases with nature of irregularity, amount recovered, persons involved etc., the various irregularities committed by former Chairman/Vice-Chairman (seven cases in all) have been referred to CBI for investigation. Regarding election to the BOD, the Government have informed that except 22 constituencies from where no valid nomination had been received by the Super Bazar, the matter had been finalised with or without election. As regards interim arrangements, the Super Bazar had reportedly prepared a revival plan of Rs. 30 crores which could not be considered due to absence of plan/non-plan fund from the Department.

1.15 The Committee is not satisfied with the reply of the Government so far as no significant improvement in the functioning of Super Bazar has been reported. It seems that no serious efforts to make the branches viable has been made. Cases of irregularities are still pending with the CBI and the election to Board of Directors are also not completed. The Committee view this situation very seriously. The Committee, therefore, while reiterating their earlier recommendation desire that in order to improve the functioning of Super Bazar and to restore viability to its branches, the Govt. must ensure that some interim arrangements to reduce administrative expenditure on items like stationery and staff are made. The cases of irregularities must be concluded without further delay and election to the Board of Directors completed at the earliest.

Bureau of Indian Standards (BIS)

Recommendation (Para No. 4.7)

1.16 While appreciating the right step taken by the Ministry in persuading the Department of Revenue to link excise duty with Maximum Retail Price (MRP) on various goods, which has resulted in bringing down the exaggerated prices to lower levels, the Committee had asked the Govt. to devise concrete measures in consultation with State Govts. to ensure that the goods bearing ISI mark are not underweight and also consumers are not overcharged and that the goods are not of inferior quality. They also recommended that more goods are included in the list linking excise duty with M.R.P.

1.17 The Govt. in their ATR have stated that BIS keeps a check on the quality of the ISI marked products including weight wherever quality and its tolerances are specified in the relevant standards by conducting periodic inspections at the premises of the manufacturer of the ISI marked product by drawing samples of the product from the market as well as the factory and getting them tested from an independent laboratory either of BIS or approved by BIS for its conformity to the relevant standard. These checks, they said are limited to ISI marked products only. Further they informed that the standards of weights and measures (Packaged Commodities) Rules, 1977 and the Standards of Weights and Measures (Enforcement) Act, 1985 also have provisions to prevent under weighing of goods sold in pre-packed form and in loose form and that prosecution is done by the State enforcement authorities. They also stated that the Deptt. of Consumer Affairs had written to the Finance Ministry to consider inclusion of all commodities marketed in pre-packed form for charging excise duty as a percentage of MRP declared on the package.

1.18 The Committee are not satisfied with the reply of the Govt. keeping in view the fact that a large number of spurious goods bearing ISI mark are being sold in the country. The reply of the Govt. is a general reply and no serious effort seems to have been taken by the Govt. in curbing the misuse of ISI marks by the traders. While reiterating their earlier recommendation, the Committee urge the Govt. to further strengthen the enforcement wing of the BIS to enable them to conduct frequent inspections in the market by drawing samples of the product so that an ordinary buyer of goods is not cheated.

1.19 As regards charging of excise duty as a percentage of MRP declared on the pre-packed goods on all the commodities, the matter should be taken up with the Ministry of Finance for an early decision.

Bureau of Indian Standards (BIS)

Recommendation (Para No. 4.7)

1.16 While appreciating the right step taken by the Ministry in persuading the Department of Revenue to link excise duty with Maximum Retail Price (MRP) on various goods, which has resulted in bringing down the exaggerated prices to lower levels, the Committee had asked the Govt. to devise concrete measures in consultation with State Govts.

CHAPTER II

RECOMMENDATIONS/OBSERVATIONS WHICH HAVE BEEN ACCEPTED BY THE GOVERNMENT

Recommendation (Para No. 3.11)

The Committee observe that as an apex body of Consumer Cooperatives in the country in providing supply support and rendering technical and promotional guidance and assistance to Consumer Cooperatives, the role of NCCF is very important for the benefit of the common man. NCCF, however, suffered losses due to poor performance of some of its branches and inferior managerial skills for which the Government had to constitute an expert group in Dec., 96 to study and examine its commercial and financial problems and to suggest remedial measures. The Committee note that all the branches of NCCF earned profits during 1998-99 and the performance of the branches in the current year is under constant review of the Ministry. The Committee are, therefore, of the opinion that the Government should monitor the performance of NCCF vigorously and implement the recommendations of the expert group in letter and spirit to ensure that the Federation does not suffer any loss in future. Also the proposal for distribution of certain essential core commodities through Public Distribution system, Consumer Cooperative and Civil Supplies Corporation at fixed and reasonable prices should be finalised soon in consultation with the State Agencies so that the NCCF should earn profits. Steps taken and progress achieved should be communicated to the Committee within three months time.

Reply of the Government

The Govt. is monitoring monthly reports on sales, profitability and other important aspects of commercial activities of NCCF. In addition, the periodic review of activities and performance of the NCCF are also conducted.

It is reported by NCCF that they have implemented the recommendations of the Expert Group on NCCF in various areas such as implementation of VRS for reduction of staff strength, continuation of ban on further recruitment, reduction of loan liability, preparation & pursuing a business development programme resulting in all round improvement in the performance of the NCCF. The staff strength of the NCCF has come down to 615 from 1180. Certain un-economical branches have been closed. The loan liability of NCCF which was more than Rs. 19 crores as on 31/3/1999 has been reduced to Rs. 5.60 crores by the end of May, 2000.

The NCCF achieved a sales turnover of Rs. 313 crores and earned a net profit of Rs. 3 crores during the year 1999-2000. NCCF has worked out a business work programme for the next 5 years. During 2000-01, NCCF expects to achieve a sales turnover of Rs. 350 crores and earn a net profit of around Rs. 3.50 crores.

NCCF has identified a few essential consumer goods of daily use such as selected varieties of Pulses, Salt, Tea, Toilet Soap and Detergent, Exercise Note-books etc. for distribution at reasonable prices throughout the country. NCCF has already submitted proposals to different State Govts. for working out the distribution arrangement of these items. NCCF has been receiving encouraging response from some of the State Govts. and necessary arrangements are underway for supplying the items identified by them.

[Ministry of Consumer Affairs and Public Distribution (Department of Consumer Affairs) F. No. G-11027/5/2000-P&C]

Recommendation (Para No. 5.8)

The Committee take a serious note of the fact that the number of inquiries made regarding hoarding, black-marketing etc. and convictions made under the Essential Commodities act, 1955 are far from being satisfactory due to the fact that the number of persons convicted has come down from 6379 in 1997 to 1273 in 1999. In the same way the number of persons prosecuted has come down from 8320 in 1996 to 3048 in 1999 whereas the number of persons arrested has been considerably increasing from 4560 in 1996 to 6457 in 1999. Keeping in view the fact that a number of essential commodities are being blackmarketed by the traders to enrich themselves, the Committee strongly urge the Government to get the Essential Commodities (Amendment) Bill, 2000 as introduced in the Lok Sabha, re-considered seriously in order to eradicate nexus of the blackmarketeers, hoarders and adulterators.

Reply of the Government

The Essential Commodities Act, 1955 provides for regulation and control of production, distribution and pricing of commodities which are declared as essential under this act. Similarly, in order to prevent unethical trade practices like hoarding and black-marketing, etc., the Prevention of Black-marketing and Maintenance of Supplies of Essential Commodities Act, 1980 is being implemented by the State Governments to detain persons whose activities are found to be prejudicial to the maintenance of supplies of commodities essential to the community. In this connection, the information furnished to the Committee was based on the information received from the States and UT Administration.

2. The powers under the Essential Commodities Act have been delegated to the State Governments for enforcement of these laws. For speedy trial of the offences like black-marketing, hoarding and adulteration of essential commodities, the provision of special courts was brought under the Essential Commodities (Special Provisions) Act, 1981 which was extended upto August, 1997. To protect the interests of the consumers these provisions were extended by issuing Ordinances from time to time and ultimately the EC (SP) Act, 1981 lapsed on 8.7.1998. To make the Essential Commodities Act, 1955 more effective and deterrent against hoarders, adulterators and blackmarketeers, the Essential Commodities (Amendment) Bill, 2000 has been introduced in the Lok Sabha on 8.3.2000. This Bill has incorporated the important provisions of the Essential Commodities (Special Provisions) Act, 1981.

[Ministry of Consumer Affairs and Public Distribution (Department of Consumer Affairs) F. No. G-11027/5/2000-P&C]

CHAPTER III

RECOMMENDATION/OBSERVATION WHICH THE COMMITTEE DO NOT DESIRE TO PURSUE IN VIEW OF THE GOVT.'S REPLIES

Recommendation (Para No. 1.6)

The Committee are not satisfied with the performance of the Ministry in so far as plan expenditure is concerned. The percentage of plan expenditure during the year 1999-2000 over the Budget Estimate stood at 58.98% which is far from being satisfactory. The reasons put-forth by the Ministry for non-utilisation of funds such as delay in completion of procedural formalities for award of tenders for construction purposes, supply of equipment, non-filling of created posts for Regional Research Standard Laboratories (RRSL) are not satisfying the Committee. In the opinion of the Committee, the Ministry has tried to escape on one pretext or the other which is indicative of their poor monitoring. The Committee, therefore, recommend that the Ministry should make all out efforts for early completion of construction works and filling of vacant posts required for RRSL and should ensure that the amount allocated under BE/RE in a Financial Year should be fully utilized in the same Financial Year in an even manner. Steps taken and progress achieved in this regard should be communicated to the Committee within 3 months time.

Reply of the Government

For the year 1999-2000, the actual plan expenditure as percentage of Budget estimate was 80.93% as may be seen from the statement of expenditure given at Annexure I. Steps have been taken for early completion of construction works as indicated in reply to Paragraph No. 4.8 and paragraph No. 4.14 of this Note. As for filling up of posts of RRSL, Guwahati and Faridabad, the recruitment of Metrological Assistants is in process. The advertisement for nine posts of Metrological Assistant has already been issued in November, 1999 by the Staff Selection Commission. The post of Deputy Director and Asstt. Director for RRSL, Guwahati, have been filled in March and May, 2000 respectively. The post of Assistant Director, Faridabad has also been filled up. The incumbent is likely to take position shortly.

[Ministry of Consumer Affairs and Public Distribution (Department of
Consumer Affairs) F. No. G-11027/5/2000-P&C]

ANNEXURE I

*Scheme-wise Plan Expenditure Statement of Budget Estimates and the
Actual Expenditure for the year 1999-2000*

(Rs. in thousands)

Major Head	Scheme	Budget Estimates 1999-2000	Actual Expenditure 1999-2000
3451	Secretariat-Economic Services	—	29,00
2852	(I) Industries-Grants to BIS	2,00,00	—
2852	(II) Quality Council of India Contribution	45,00	45,00
3456	Consumer Protection Cell	2,54,00	2,28,00
3456	Assistance To Consumer Coop. in Urban Area (NCCF)	8,00,00	8,00,00
3475	RRSL	21,00	1,16
3475	Regulation of Markets (FMC)	151,00	1,32,94
5475	Other Economic Services	—	—
	(i) RRSL-Faridabad	40,00	23,46
	(ii) RRSL-Bhubaneshwar	40,00	39,96
	(iii) RRSL-Ahmedabad	23,00	16,07
	(iv) RRSL-Bangalore	16,00	14,40
	(v) RRSL-Guwahati	60,00	5,35
	Total	165000	133534

Percentage of actual Expenditure 80.93%.

CHAPTER IV

RECOMMENDATIONS/OBSERVATIONS IN RESPECT OF WHICH REPLIES OF THE GOVT. HAVE NOT BEEN ACCEPTED BY THE COMMITTEE

Recommendation (Para No. 2.12)

The Committee note with great concern that the percentage of cases disposed of by State Commissions and District Fora within 90 days stood at 21.4% and 26.6% respectively which is clearly indicative of the fact that the Government have still not been able to provide speedy redressal of grievances to the consumers. The Committee further note that three State Commissions and 43 District Fora are non-functional due to vacant Posts of President/members and also the one time grant released by the Central Government to the States for strengthening the Consumer Courts has not been fully utilised by some of the States such as Assam, Bihar, Haryana, Jammu and Kashmir, Karnataka, Madhya Pradesh, Meghalaya, Tamil Nadu, Tripura, West Bengal, A & N Islands, Chandigarh, Dadra & Nagar Haveli, Daman & Diu and Lakshadweep which clearly shows that the Government lacks coordination with the State Governments and their monitoring over the entire scheme have not been up to the mark. The Committee, therefore, strongly recommend that monitoring of the scheme should be further strengthened and the States should be vigorously persuaded to make the 3 State Commissions and 43 District Fora functional by filling the vacant posts of President/Members without further delay. Also the Consumer Protection Act should be suitably amended so that problems regarding de-novo proceedings, establishment of more Benches at the State/National Commission Levels are tackled properly and representatives from Panchayat/Local Bodies are accommodated to enable the consumers to redress their grievances speedily and within the stipulated time.

Reply of the Government

Under the Consumer Protection Act, 1986 the responsibility for setting up of the National Commission rests with the Central Government whereas the responsibility for setting up of the State

Commissions and District Fora and to ensure their effective and uninterrupted functioning lies with the State Governments/U.T. Administrations. Under section 24 (b) of the Consumer Protection Act, 1986, the National Commission is statutorily empowered to have administrative control over the State Commissions and District Fora in calling for periodical returns regarding cases filed, disposed, pending; issuance of instructions regarding adoption of uniform procedure in the consumer courts etc. and also to generally oversee their functioning to ensure that the objects and purposes of the Act are best served without in any way interfering with their judicial freedom. Similar powers have been given to State Commissions to monitor the functioning of the District Forum in their respective States/UTs. Further, under the one-time grant scheme, the National Commission has been made the nodal agency to monitor the utilisation of grants released to the States/UTs to strengthen the infrastructure of their consumer courts and the National Commission had been requested to exercise strict monitoring and to submit various returns and to ensure utilisation of the grant in the spirit of the scheme. In addition to this, the Department is also closely monitoring the performance of the consumer courts and utilisation of one-time grant given to the States/UTs for strengthening the infrastructure, functioning/non-functioning of the consumer courts etc. and repeatedly urging the State Governments/U.T. Administrations from time to time at various levels to take necessary steps to fill up the vacant posts to the consumer courts on time and provide necessary infrastructure etc. for their effective functioning.

To enlarge the scope of the Consumer Protection Act and to make it more effective and purposeful, many amendments are under consideration. These amendments will smoothen the working of the consumer redressal forums at various levels and also facilitate quicker disposal of consumer complaints by the consumer courts. The amendment proposals have been referred to the Ministry of Law. It is the endeavor of the Department of Consumer Affairs to introduce the Amendment Bill as soon as possible.

[Ministry of Consumer Affairs and Public Distribution (Department of Consumer Affairs) F. No. G-11027/5/2000-P&C]

[Please See Para 1.9 of Chapter I]

Recommendation (Para No. 2.15)

The Committee note that though the department resorted to audio-visual and printed publicity to spread awareness among the rural, poor, illiterate masses, yet it has not yielded the desired results. The urban poor may have access to TV and radios without being able to read while majority of the rural villages still remain ignorant about their consumer rights. As such the Committee desire that for spreading the awareness about consumers rights, teams of dramatists and artists who stage plays and dramas may be organised by funding the NGOs. The brochures, booklets, literatures and the like materials may be made available in regional and local languages to the NGOs/Panchayats and any individual who can read. The Committee are unhappy to note that fund from the Consumer Welfare Fund remains unused in areas of low consumer awareness like Arunachal Pradesh, Assam, Meghalaya, Mizoram, Tripura, A&N Islands and Lakshadweep. The Committee, therefore, recommend that consumer awareness Programmes be taken up vigorously throughout the country. No fund allocated for the purpose should remain unutilised and more funds be made available for the purpose.

Reply of the Government

The audio-visual and printed publicity programmes undertaken by the Department and other agencies have created awareness among the consumers which is evident from the increase in the number of cases filed in the consumer courts as well as in the increase of number of voluntary consumer organisations in the country. To spread awareness among the rural masses, the Department has undertaken audio-visual and printed publicity programmes in regional languages and is also providing financial assistance to the voluntary consumer organisations to undertake different programmes to spread consumer awareness. All viable proposals to undertake programmes to spread consumer awareness in rural and backward areas are provided financial assistance from the Consumer Welfare Fund.

Under the Consumer Welfare Fund, there is no specific fund allocated any State/UT. Areas like Arunachal Pradesh, Assam, Meghalaya, Mizoram, Tripura etc. have much less number of voluntary consumer organisations and the Department is not receiving adequate number of proposals from such States. The State Governments have been requested to encourage the formation of voluntary organisations to undertake consumer awareness programmes. Every effort will be made to ensure full utilization of funds available for publicity/awareness building schemes and to make more funds available for the purpose.

[Ministry of Consumer Affairs and Public Distribution (Department of Consumer Affairs) F. No. G-11027/5/2000-P&C]

[Please See Para 1.12 of Chapter-I]

Recommendation (Para No. 3.18)

The Committee note that the Super Bazar, established in 1966 with a view to provide essential commodities at reasonable prices to consumers in and around Delhi has earned a bad image during the recent times for inferior quality and unreasonable prices of commodities in some of its Branches. As such, the consumer have turned to open market there by leaving behind Super Bazar as an unviable organisation. They further note that the Super Bazar had to suffer huge losses due to a number of embezzlements, mix-appropriation, fraud, irregularities committed by its officers and staff. Also election to its Board of Directors has not taken place so far. The Committee have been informed further that is former Chairman and Vice-Chairman committed a number of omission and commissions such as continuous interference in the business and administrative matters, irregular appointments and promotions, irregularities in the purchase of Commodities etc. due to which they were changed from their positions in the past frequently. The Committee opine that the Ministry's monitoring over this issue has been very poor and negligible. The Committee view this situation very seriously. The Committee, therefore, strongly recommend that the Government should take immediate steps to ensure that the guilty officers and staff against whom enquiries are pending since long are convicted expeditiously and the amount embezzled by them are recovered without further delay. Also the election to the Board of Directors should be held at the earliest so that decision regarding its placement with the Government of National Capital Territory of Delhi is arrived at. In the meantime, the Committee urge the Government to devise ways and means to run the Branches of the Super Bazar in profit so that the very purpose of its establishment is not defeated.

Reply of the Government

The Cooperative Store Ltd. popularly known as Super Bazar, Delhi was established in 1966 with a view to provide essential consumer goods and other items of daily needs at reasonable prices at Delhi. It has started running in losses since 1996-97. At the end of March, 2000, the estimated losses were around Rs. 27.00 crores. Thus, there has been total erosion of own funds of Super Bazar. Super Bazar has reported that they have to pay around Rs. 30.00 crores to their suppliers resulting in erratic supply arrangements and very low sales turnover. It has a high establishment cost of around Rs. 2 crores per month. The pay revision of the employees had been carried out even without the approval of its BOD. The present staff strength is more than its requirement. As on 31/3/2000, the total

staff strength of Super Bazar was 2103 persons. The sales and profitability of the Super Bazar during the last 4 years are as under :

Particulars	(Rs. in Lakhs)			
	1996-97	1997-98	1998-99	1999-2000 (T)
Sales	13847.85	12680.31	12527.27	8300.59
Gross Profit	1157.58	1066.80	1094	N.A
Net Loss (-)	(-) 67.65	(-) 321.33	(-) 706.80	(-) 1643.50

Election of the Board of Directors was overdue and steps have now been taken for holding the election. In fact Super Bazar had failed to hold the elections within stipulated time. Ultimately Delhi High Court has appointed a Rtd. Registrar of Delhi High Court as Returning Officer. Returning Officer had given notification for holding election on 19/5/2000. The scrutiny of notification Papers & hearing of objections etc. was completed on 19/6/2000. Final list of candidates was displayed on 24/6/2000.

Out of 74 constituencies, nomination papers of 52 constituencies were found valid after scrutiny. Out of these 52, there were 38 constituencies where single valid nominee was received. In the rest 14 constituencies election was held on 16.7.2000 and result was declared on the same day. Still there are 22 constituencies from where on nomination has been received/found valid.

Super Bazar has reported 37 cases of irregularities committed by officers & staff of Super Bazar from 1.1.97 to 31.12.1999. The nature of the irregularity, amount recovered, persons involved etc. are given at Annexure-II.

As regards the various irregularities committed by its former Chairman/Vice Chairman, seven cases have been referred to CBI for investigation.

Due to procedural difficulties, the transfer of Super Bazar to GNCT of Delhi may not materialize in near future. Government is reviewing all the possible options on the functioning of Super Bazar.

Super Bazar, Delhi has prepared its revival plan at a cost of Rs. 30.00 crores. The revival plan could not be considered as no plan/no plan funds are available with this Department for the purpose.

[Ministry of Consumer Affairs and Public Distribution
(Department of Consumer Affairs) F. No. G-11027/5/2000-P&C]

[Please See Para 1.15 of Chapter-I]

ANNEXURE II

(Sl. No. 3.15 of Recommendation para No. 3.18 on Super Bazar)

3.15 On the irregularities committed by the officers and staffs of the Super Bazar, the Ministry has furnished the following information:

Super Bazar
The Cooperative Store Ltd.
New Delhi

Period from 1st January, 1997 to 31st December, 1999

S. No.	Name of Irregularity	Amount Recovered	Persons involved	Remarks
1	Misappropriation of Super Bazar Funds	Rs. 6572.00	1. Sh. Shyam Shankar, SA	Misappropriation proved & penalty imposed, amount recovered.
2	Fraud while making cash memo	—	2. Sh. Narender Kaushik, SA	Misappropriation proved & penalty imposed.
3	Misappropriation of Super Bazar funds	Rs. 93871.00	3. Sh. Ram Sagar, Packer 4. Smt. Sunanda Chatterjee Branch Incharge	Misappropriation Proved & penalty imposed amount recovered.
4			5. Sh. Kuldeep Jain, SA 6. Sh. P. Prasad, SA	
5			7. Sh. Dhirender, Helper	

1	2	3	4	5
4.	Misappropriation of Super Bazar funds	Rs. 1,41,000.00	8. Sh. A.P. Maniktala, SA	Misappropriation proved & penalty imposed, amount recovered.
5.	Misappropriation in provident funds Account	Rs. 940.00	9. Sh. Amarjeet, Sr. Acctt.	-do-
6.	Purchase of substandard sugar	—	10. Sh. Anand Mohan, Mgr.	Misappropriation proved & penalty imposed.
7.	Misappropriation of sales proceeds	—	11. Sh. Dashrath Sharma, SA	-do-
8.	Misappropriation of sales proceeds	—	12. Sh. Khilari Singh, SA	-do-
9.	Misappropriation of Super Bazar Funds	Rs. 27,384.00	13. Sh. H.C. Raj, Sr. Sup.	-do-
10.	Misappropriation of Super Bazar funds	Rs. 20,000.00	14. Sh. Hukam Chand, Helper	Misappropriation proved penlaty imposed, amount recovered.
11.	During surprise checks 24 bags Atta were found short	—	15. Sh. Jitender Kumar, Helper	Misappropriation proved & penalty imposed, amount recovered.
12.	Goods taken without cash memo	—	16. Sh. Braham Pal Sharma, SA	Misappropriation proved & penalty imposed.
13.	Misbehaved with the Customers	—	17. Sh. Panni Ram, SA	-do-
14.	Not provided the proper documents to Vigilance Deptt. of Bardana	—	18. Sh. S.P. Jaggi, SA	-do-
			19. Sh. S.P. Jaggi, SA	-do-
			20. Sh. B.R. Sethi, SA	-do-

1	2	3	4	5
15.	Supplied Sub-standard steel trunks	—	Sh. Vinit Sarin, AGM	Inquiry in progress before imposing the penalty D.C. has advised to obtained 2nd opinion from CVC.
16.	Misappropriation of Super Bazar funds	Rs. 1,16,206.00	Sh. K.C. Gulati, SA Sh. V.P. Singh, SA	Misappropriation proved and penalty imposed, amount recovered.
17.	Submitted forge Medical Certificate	—	Sh. K.B. Singh, SA Sh. Kiran Pal Singh, Helper	Inquiry in progress.
18.	Goods taken without cash memo	—	Sh. Kuldeep Jain, SA Sh. Jagat Singh, SA	Misappropriation proved & penalty imposed.
19.	Manipulated in a Credit Bill	Rs. 34,500.25	Sh. Shashi Kant, SA Sh. Sehdev, Packer	Inquiry in progress.
20.	Misappropriation of Super Bazar funds	Rs. 16,174.28	Sh. Gopal Kishan, Jr. SA Sh. Suresh, Helper	Inquiry in progress.
21.	Excess rate changed	—	Sh. Ram Niwas, SA Sh. Prem Chand, SA Sh. Arjun Parshad, Helper. Sh. R.N. Jha, SA	Inquiry in progress.
22.	Misappropriation of sale proceeds	—	Sh. Suresh Malik, Jr. SA	-do-

1	2	3	4	5
23.	Misappropriation of Super Bazar	Rs. 50,508.15	Smt. Anita Rawat, SA Sh. R.S. Rana, SA Sh. R.P. Pande, Acctt. Asstt. Late Sh. R.C. Sharma, Asstt. Manager Sh. D.P. Sharma, SA Sh. Satpal Mann, SA Sh. R.C. Ohri, SA Sh. Vijay Kumar, AGM Sh. H.S. Rao, Manager Sh. Naval Kishore Malhotra, SA Sh. Raj Pal Singh, Acctt. Asstt. Sh. Ashok Arora, Acctt. Asstt. Sh. Bhagwan Das, SA Smt. Pushpa Nagpal	Inquiry in progress. Inquiry in progress. Inquiry in progress. Inquiry in progress. Inquiry in progress. Inquiry in progress. Inquiry in progress. Inquiry in progress in the case of Sh. H.S.Rao, IO & PO being appointed. IO & PO in respect of Naval Kishore, Rajpal Singh is appointed. Inquiry in progress. -do- -do- Inquiry in progress in the case of Sh. H.S.Rao, IO & PO being appointed. IO & PO in respect of Naval Kishore, Rajpal Singh is appointed. Inquiry in progress. -do- Inquiry in progress IO& PO has been deputed and inquiry is in progress.
24.	Deliberately changed the rate in inventory sheet	—		
25.	Not followed the procedure of store while receiving the goods.	—		
26.	Misappropriation in purchase	Rs. 4,82094.15		-do-
27.	Misappropriation in purchase	Rs. 4,82094.15		-do-
28.	Fail to maintain sales tax record	—		
29.	Misappropriation of Super Bazar funds	Rs. 11,77000.00		Inquiry in progress.
30.	Excess rate charged	—		-do-
31.	By introduction of total brand salt favour was extend to the party.	—		

1	2	3	4	5
32.	Award of contract to M/S Etawah Mill	—	51. Sh. Rama Kant, Ex-MD 52. Sh. Vijay Kumar, DGM	Charge sheet already flour served. Charge sheet for departmental inquiry issued IO&PO being appointed.
33.	Award of contract to M/S Etawah	—	53. Sh. Vinit Sarin, AGM 54. Sh. Shaym Sunder, Manager 55. Mrs. Promila Mehra Asst. Manager	Charge sheet have been issued.
34.	Irregular promotion	—	56. Sh. Vijay Kumar, DGM	-do- Case sub-judicious, officer has resigned and resignation accepted w.e.f. 4.6.00 (A/N)
35.	Irregular sale of onion	—	57. Sh. C.K. Bhasin, Mgr. 58. Sh. V.K. Mahotra, Jr. Supervisor 59. Sh. Kuljeet Singh, Sales Asst. now 60. Smt. Veera Rajpal, Sr. Steno.	Advise from Ministry for action still awaited.

1	2	3	4	5
36.	Award of contract of M/S Mahamaya Foods	Rs. 9 crores	61. Sh. Sujit Banerjee, IAS Ex MD	Draft charge sheet forwarded to Govt.
			62. Sh. R.D. Srivastava Ex-DGM, Presently Director NDMC.	-do-
			63. Sh. T.N. Bajaj, Mgr.	Charge sheet issued as advised by CVC, IO & PO being appointed.
			64. Sh. Vinit Sarin, AGM	-do-
			65. Sh. Ravi Bali, Sr. Supervisor	-do-
			66. Sh. I.K. Garg, Asstt. Acctt.	-do-
			67. Sh. Mukesh Kashyap, Jr. SA,	-do-
			68. Sh. Gopal Krishna, Acctt. Asstt.	-do-
37.	Misappropriation of Super Bazar Funds	Rs. 1,48,000/-	69. Mrs. Saroj Awasthi, SA Inch. 70. Sh. Dharam Pal, Jr. SA	Show-cause Notice served for removal from service.
			71. Sh. O Parkash, Helper	Reply received. Reply of the charged officials placed before Disciplinary Authority for decision.
			72. Sh. Prem Chand, Helper	

Recommendation (Para No. 4.7)

The Committee appreciate the right steps taken by the Ministry in persuading the Department of Revenue to link excise duty with Maximum Retail Price (MRP) on various goods, which has resulted in bringing down the exaggerated prices to lower levels. The Committee are however, still apprehensive that the traders will now switch on to overcharging by under weighing the goods sold to consumers. The Committee, therefore deisre that the Government should devise concrete measures in consultation with the State Governments to ensure that the goods bearing ISI mark are not underweight and also the consumers are not overcharged and the goods are not of inerior quality. Also efforts should be made to include more goods in the list linking exice duty with MRP.

Reply of the Government

BIS keeps a check on the quality of the ISI marked products including weight wherever quantity and its tolerances are specified in the relevant standards by conducting periodic inspections at the premises of the manufacturer of the ISI marked product, by drawing samples of the product from the market as well as the factory and getting them tested from an independent laboratory either of BIS or approved by BIS for its conformity to the relevant standard. These checks are limited to the ISI marked products only.

However, the Standards of Weights and Measures (Packaged Commodities) Rules, 1977 and the Standards of Weights and Measures (Enforcement) Act, 1985 also have provisions to prevent under weighing of goods sold in pre-packed form and in loose form, respectively. The State enforcement authorities prosecute any person found violating the provisions. This Department has also written to the Finance Ministry to consider inclusion of all commodities marketed in pre-packed form for charging excise duty as a percentage of the MRP declared on the package.

[Ministry of Consumer Affairs and Public Distribution (Department of Consumer Affairs) F. No. G-11027/5/2000-P&C]

[Please See Para 1.18 of Chapter-I]

CHAPTER V

RECOMMENDATIONS/OBSERVATIONS IN RESPECT OF WHICH REPLY OF THE GOVT. IS STILL AWAITED

Recommendation (Para No. 4.8)

The Committee note with much concern by slow progress in the construction of NITSQM, Noida due to shifting of the award of contract from CPWD to a PSU. The Committee, therefore, desire that utmost care should be taken in selecting the firm to avoid unnecessary delay in the construction work. Also monitoring of the work should be intensified further so that the training institute is operationalised within the shortest possible period of time.

Reply of the Government

Technical offers from four PSUs were received with regard to the construction of the NITSQM, Noida. The contract will be awarded shortly. While holding discussions with the PSUs, the schedule for construction was also discussed and the firm to whom it is intended to award the contract, has indicated completion of the project in 18 months after the award of the contract. It is envisaged by BIS that the time frame of 18 months indicated by the firm would cover the following stages:

1. Signing of agreement between firm and BIS — 10 July, 2000
2. Submission of concept drawings by firm — 15 August, 2000
3. Approval of concept drawings by BIS — 30 August, 2000
4. Preparation and submission of drawings, estimates and clearance by statutory authorities. — 31 December, 2000
5. Preparation of tender documents pre-qualification and selection of contractors. — By 31 December, 2000
6. Commencement of construction work — 1 January, 2001
7. Completion of work and handing over of buildings. — 31 December, 2001

The above dates are only indicative and will be finally adjusted after submission of PERT charts by the consultant organization.

The progress till date is that the later of intent has been signed by the firm & BIS on 4th July, 2000.

[Ministry of Consumer Affairs and Public Distribution (Department of Consumer Affairs) F. No. G-11027/5/2000-P&C]

Recommendation (Para No. 4.14)

The Committee are distressed to note that the progress of construction of RRSLs at Faridabad, Bhubaneshwar and Guwahati and also augmentation of the infrastructure of existing RRSL at Ahmedabad has so far also been dismal though the work on the projects started during the financial year 1997-98. The reasons put forth by the Ministry for the delay in the completion of the projects such as delay in handing over the land by State Government, delay in construction by CPWD due to court case and due to technical problems encountered during water analysis at the site are not at all satisfactory. In the opinion of the Committee the Ministry has not attached due importance to the projects and has not even taken up the issue with the Ministry of Urban Development at appropriate level which has virtually resulted in cost and time overruns. The Committee view this situation very seriously. The Committee, therefore, recommend that the Ministry should make all out efforts for completion of the projects without further loss of time by taking up the issue with the Ministry of Urban Development at the highest level. Steps taken and progress achieved should be communicated to the Committee within three months.

Reply of the Government

In the case of RRSL, Bhubaneshwar, the work has been almost completed and the building is likely to be handed over to the Department in August, 2000. Necessary sanctions towards construction work for the other three projects at Faridabad, Ahmedabad and Guwahati have already been issued to CPWD for the year 2000-2001. The progress of implementation of the schemes is being monitored periodically by the Department in consultation with the Ministry of Urban Development for expediting the works in respect of the four projects.

[Ministry of Consumer Affairs and Public Distribution (Department of Consumer Affairs) F. No. G-11027/5/2000-P&C]

NEW DELHI;
13 December, 2000
22 Agrahayana, 1922 (Saka)

DEVENDRA PRASAD YADAV,
Chairman,
— Standing Committee on Food,
Civil Supplies and Public Distribution.

The progress till date is that the later of intent has been signed by the
Min & BIS on 4th July 2000.

APPENDIX I

MINUTES OF THE FIFTEENTH SITTING OF THE STANDING COMMITTEE ON FOOD, CIVIL SUPPLIES AND PUBLIC DISTRIBUTION HELD ON WEDNESDAY THE

13TH DECEMBER, 2000

The Committee sat from 15.00 hrs. to 16.00 hrs.

PRESENT

Shri Devendra Prasad Yadav — *Chairman*

MEMBERS

Lok Sabha

2. Prof. S.P. Singh Baghel

3. Shri Namdeorao Harbaji Diwathe

4. Shrimati Preneet Kaur

5. Shri Brijlal Khabri

6. Shri Shyam Bihari Mishra

7. Shri Vishnu Dev Sai

8. Shri Ram Naresh Tripathee

9. Shri Kishan Lal Diler

10. Shri P.D. Elangovan

Rajya Sabha

11. Shri W. Angou Singh

12. Shri Lajpat Rai

13. Shri Vijay Singh Yadav

14. Smt. Bimba Raikar

15. Shri G.C. Kharwar

SECRETARIAT

1. Shri R.S. Mishra — *Under Secretary*

APPENDIX II

(Vide Introduction of the Report)

**ANALYSIS OF ACTION TAKEN BY THE GOVERNMENT ON
THE RECOMMENDATIONS CONTAINED IN THE SEVENTH
REPORT OF STANDING COMMITTEE (THIRTEENTH
LOK SABHA) ON FOOD, CIVIL SUPPLIES
AND PUBLIC DISTRIBUTION**

(i)	Total Number of Recommendations	9
(ii)	Recommendations/Observations which have been accepted by the Government: Para Nos. 3.11 and 5.8	
	Total	2
	Percentage	22.22
(ii)	Recommendations/Observations which the Committee do not desire to pursue in view of the Government's replies: Para No. 1.6	
	Total	1
	Percentage	11.11
(iv)	Recommendations/Observations in respect of which replies of the Government have not been accepted by the Committee: Para Nos. 2.12, 2.15, 3.18 and 4.7	
	Total	4
	Percentage	44.45
(v)	Recommendations/Observations in respect of which reply of the Government is still awaited: Para Nos. 4.8 and 4.14	
	Total	2
	Percentage	22.22

** Not related to this Report.