

COMMITTEE ON PETITIONS

(THIRTEENTH LOK SABHA)

TWENTY EIGHTH REPORT

(Presented to Lok Sabha on 22.7.2003)

**LOK SABHA SECRETARIAT
NEW DELHI**

July, 2003/Asadha, 1925 (Saka)

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COMPOSITION OF THE COMMITTEE ON PETITIONS

Shri Basudeb Acharia - *Chairman*

Members

2. Shri S. Bangarappa
3. Shri Ambati Brahmaniah
4. Shri Ram Rati Bind
5. Shri Bikram Keshari Deo
6. Shri Anant Gudhe
7. Shri Babubhai K. Katara
8. Shri P.R. Khunte
9. Shri P.R. Kyndiah
10. Shri G. Mallikarajunappa
11. Shri Sis Ram Ola
12. Shri Shriniwas Patil
13. Shri Sunder Lal Patwa
14. Dr. Bikram Sarkar
15. Shri C. Sreenivasan

SECRETARIAT

1. Shri John Joseph - Additional Secretary
2. Shri R.C. Ahuja - Joint Secretary
3. Shri Brahm Dutt - Deputy Secretary
4. Smt. Neera Singh - Under Secretary
5. Shri V.P. Gupta - Committee Officer

TWENTY EIGHTH REPORT OF THE COMMITTEE ON PETITIONS

(THIRTEENTH LOK SABHA)

INTRODUCTION

I, the Chairman, Committee on Petitions, having been authorised by the Committee to present the Report on their behalf, present this Twenty Eighth Report of the Committee to the House on the following matters:

- (i) Action taken by the Government on the recommendations made by the Committee on Petitions (Thirteenth Lok Sabha) in their Thirteenth Report on the representation regarding provision of a halt station in between Kustaur and Bagalia Railway Stations situated on Adra-Chandil section of South Eastern Railway.
 - (ii) Action taken by the Government on the recommendations made by the Committee on Petitions (Thirteenth Lok Sabha) in their Sixteenth Report on the petition presented by Shri Kirit Somaiya, M.P. and signed by Shri Promod Sirwalker and others regarding environmental pollution in Chembur and adjoining areas of Mumbai.
 - (iii) Action taken by the Government on the recommendations made by the Committee on Petitions (Thirteenth Lok Sabha) in their Sixteenth Report on the representation seeking employment in the Eastern Coalfields Limited (ECL) in the category of land losers.
 - (iv) Action taken by the Government on the recommendations made by the Committee on Petitions (Thirteenth Lok Sabha) in their Twenty Sixth Report on the petition requesting for inclusion of Koli Caste in the list of Scheduled Tribes of Maharashtra.
2. The Committee considered and adopted the draft Twenty Eighth Report at their sitting held on 14th July, 2003.
3. The observations/recommendations of the Committee on the above matters have been included in the Report.

NEW DELHI;

14th July, 2003.

23 Asadha, 1925(Saka)

BASUDEB ACHARIA
Chairman,
Committee on Petitions.

CHAPTER - I

ACTION TAKEN BY THE GOVERNMENT ON THE RECOMMENDATIONS MADE BY THE COMMITTEE ON PETITIONS (THIRTEENTH LOK SABHA) IN THEIR THIRTEENTH REPORT ON THE REPRESENTATION REGARDING PROVISION OF A HALT STATION IN BETWEEN KUSTAUR AND BAGALIA RAILWAY STATIONS SITUATED ON ADRA-CHANDIL SECTION OF SOUTH EASTERN RAILWAY.

1.1 The Committee on Petitions in their Thirteenth Report (Thirteenth Lok Sabha) presented to Lok Sabha on 14th March, 2002 had dealt with a representation regarding provision of a halt station in between Kustaur and Bagalia railway stations situated on Adra-Chandil section of South Eastern Railway.

1.2 The Committee had made certain observations/recommendations in the matter and the Ministry of Railways (Railway Board) were requested to implement those recommendations and furnish their action taken notes for the consideration of the Committee.

1.3 Action taken notes have been received from the Ministry of Railways (Railway Board) in respect of the recommendations contained in the Report. The recommendations made by the Committee and the replies thereto furnished by the Ministry of Railways (Railway Board) are discussed in the succeeding paragraphs.

1.4 In paragraph 4.7 of the Report, the Committee observed as follows:-

“One of the main demand of the petitioners is that a halt station between Kustaur and Bagalia Railway Stations on Adra-Chandil section of South-Eastern Railway should be constructed. The South Eastern Railway have informed the petitioners that the halt station on the Adra-Chandil section would be provided after completion of a bridge between Purulia and Tamna. However, the halt station on the Adra-Chandil section has not been constructed by the Railways Authorities.”

1.5 In paragraph 4.8 of the Report, the Committee observed as follows:-

In this context, the Committee are informed by the South Eastern Railway that the proposed halt station at Adra-Chandil section infringes with the distance restriction for new halts imposed by the Railway Board and it is not financially viable. However, the Committee observe that the distance between Kaustur and Bagalia stations is sufficient enough to justify the provision of a new halt station on this rail section as the distance between these two stations is more than 5 Km. During the course of oral evidence before the Committee the representatives of the Ministry of Railways (Railway Board) have also assured that the matter regarding provision of a halt station between Kustaur and Bagalia stations will be given due consideration. The Committee, therefore, desire that South Eastern Railway should undertake a fresh survey with a positive perspective to ascertain the

feasibility of a halt station between Kustaur and Bagalia Railway Stations on Adra-Chandil Section and this new halt station may be provided for the convenience of the railway passengers. The Committee may be apprised of the outcome of the survey in this regard within three months.”

1.6 In their action taken note, the Ministry of Railways (Railway Board) have stated as follows:-

“The proposal for opening of a halt station between Kustaur & Bagalia stations on Adra-Chandil section has been re-examined. The proposal is not feasible from the operating point of view and also infringes the minimum, distance restriction of 5 Kms from both the adjacent stations which are located at a distance of 4 Kms each from the proposed site. The proposal has also not been found financially justifiable due to involvement of substantial capital cost and heavy recurring loss.”

Observations/recommendations

1.7 The Committee note from the reply of the Ministry of Railways that South Eastern Railway had informed the petitioners that the halt station on Adra-Chandil section would be provided after completion of a bridge between Purulia and Tamna. The bridge has already been completed but the halt station has not yet been provided. The Committee desire that due consideration may be given with a positive perspective to provide the halt station between Kustaur and Bagalia stations to meet the requirement of the people living in that area.

CHAPTER – II

ACTION TAKEN BY GOVERNMENT ON THE RECOMMENDATIONS MADE BY THE COMMITTEE ON PETITIONS (THIRTEENTH LOK SABHA) IN THEIR SIXTEENTH REPORT ON THE PETITION PRESENTED BY SHRI KIRIT SOMAIYA, MP AND SIGNED BY SHRI PROMOD SIRWALKER AND OTHERS REGARDING ENVIRONMENTAL POLLUTION IN CHEMBUR AND ADJOINING AREAS OF MUMBAI.

2.1. The Committee on Petitions (Thirteenth Lok Sabha) in their Sixteenth Report presented to Lok Sabha on 7th May, 2002 had dealt with a petition presented to Lok Sabha by Shri Kirit Somaiya, MP and signed by Shri Promod Sirwalker resident of 42/1495, Tilak Nagar, Near Police Station, Chembur, Mumbai and others regarding environmental pollution in Chembur and adjoining areas of Mumbai.

2.2. The Committee had made certain observations/recommendations in their Report and the Ministry of Environment and Forests were requested to implement those recommendations and furnish their action taken notes for the consideration of the Committee.

2.3. Action taken notes have been received from the Ministry of Environment and Forests in respect of all the recommendations contained in the Report. The recommendations made by the Committee and the replies thereto furnished by the Ministry of Environment and Forests are discussed in the succeeding paragraphs.

2.4. In Paragraph Nos. 1.16, 1.17 and 1.18 of the Sixteenth Report (13th Lok Sabha), the Committee had observed as follows:-

“The Committee note that about 10 lakh people of Chembur, Turbhe, Mahul, Mankhurd, Govandi and Tilak Nagar, the adjoining areas of Mumbai were suffering from environmental pollution for the last 10 years. The Government companies which are the real cause of this pollution have not installed proper machinery to stop the pollution. The life of the ordinary citizens particularly children and old people is being affected by the pollution and diseases like Asthma which are very common in the Chembur area.”

(Para 1.16)

“One of the main demands of the petitioner is to take strict action against these polluting units in order to make Chembur, Turbhe, Mahul, Mankhurd, Govandi and Tilak Nagar a pollution free and healthy area.”

(Para 1.17)

“The Committee note from the reply of the Ministry of Environment and Forests that in Chembur area there are four major Public Sector Undertakings namely, M/s Rashtriya Chemicals & Fertilizers Ltd. (RCF), Hindustan Petroleum Corporation Ltd. (HPCL), Bharat Petroleum Corporation Ltd. (BPCL) and Indian Oil

Corporation (IOC). The area is monitored regularly by the Maharashtra Pollution Control Board (MPCB). The effluent and air samples are collected periodically from the industrial units and appropriate action as required is taken by the pollution control authorities. The Committee, therefore, recommend that the Ministry of Environment and Forests should persuade the MPCB to furnish bimonthly reports to the Ministry, on air samples and purity of the atmosphere in Chembur. Also the action taken report by the pollution controlling authorities against the defaulting industrial units for not fulfilling the pollution norms may be furnished to the Committee by the Ministry of Environment and Forests within three months.”

(Para 1.18)

2.5. In their action taken replies the Ministry of Environment and Forests vide their communication dated 19th July, 2002, have stated as follows:

“The Central Pollution Control Board team conducted a survey/monitoring study during October 8-13, 2001 in the Chembur and adjoining areas. The team also inspected 9 industries namely, M/s RCF Ltd., M/s HPCL, M/s BPCL, M/s Balmer Lawrie-Van Leer Ltd., M/s Pepsico India Holdings Ltd., M/s Apar Chemicals, M/s Tata Electric Company, M/s Bombay Paints and M/s Indian Oil Corporation, for assessment of their pollution control status. The findings and recommendations of the inspections were sent to the Maharashtra Pollution Control Board with a direction to ensure compliance to standards in these industries.

In compliance with the Committee’s recommendations, the Central Pollution Control Board has issued directions under Section 18 (1) (b) of the Water Act, 1974 and Air Act, 1981 to Maharashtra State Pollution Control Board on 24.5.2002 requiring the State Board to (i) submit reports on the ambient air quality of the Chembur and adjoining areas every two months and (ii) to ensure compliance to standards in all the polluting industries in the area and take legal action against the defaulters wherever required.”

2.6. Vide their communication dated 12th September, 2002, the Ministry of Environment and Forests have further stated as under:-

“Maharashtra Pollution Control Board (MPCB) have reported that they have been monitoring the Ambient Air Quality of Chembur area at different locations as per recommendations. First such monitoring is done in Chembur at BPCL, near colony gate on 14.6.2002. The frequency of monitoring is generally once in a month.

From the result it can be seen that the parameters like NO_x, SO₂, RSPM & NH are found within the prescribed limits. Since the Ambient Air Quality is within limits, no action is initiated against the industry in this area.”

Observations/ Recommendations

2.7. The Committee note that with a view to monitoring and controlling the pollution in Chembur and adjoining areas, under directions of the Central Pollution Control Board (CPCB), the Maharashtra Pollution Control Board (MPCB) is reviewing the level of pollution in Chembur area on a monthly basis. The reports have brought out that the pollution is within limits. The Committee would like the CPCB to closely monitor the reports of the MPCB with a view to ensuring that pollution in Chembur area remains within limits. Wherever necessary, strict action may be taken against the polluting units as per the provisions of law.

CHAPTER - III

ACTION TAKEN BY GOVERNMENT ON THE RECOMMENDATIONS OF THE COMMITTEE ON PETITIONS CONTAINED IN THEIR SIXTEENTH REPORT (13TH LOK SABHA) ON THE REPRESENTATION SEEKING EMPLOYMENT IN THE EASTERN COALFIELDS LIMITED (ECL) IN THE CATEGORY OF LAND LOSERS.

3.1 The Committee on Petitions in their Sixteenth Report (13th Lok Sabha), presented to Lok Sabha on 7th May, 2002, had dealt with the representation forwarded by Shri Sunil Khan, M.P. and signed by Shri Bhaboi Sen Gupta and 12 others of village Bakulia, District Bankura, West Bengal, seeking employment in the Eastern Coalfields Limited (ECL) in the category of land losers.

3.2 The Committee had made certain observations/recommendations in the matter and the Ministry of Coal were requested to implement these recommendations and furnish their action taken notes for the consideration of the Committee. Action Taken Notes have been received from the Ministry of Coal in respect of the recommendations contained in the Report.

3.3 The Committee will now deal with action taken by the Government on their recommendations.

3.4 In paragraph 2.15 of the Sixteenth Report (13th Lok Sabha), the Committee had observed as follows:-

“ The Committee note that 48.5 acres of land had been acquired through Land Acquisition Collector, Bankura vide case No. 5 of 1987-88 dated 20.5.1988 under section 4(1) of Land Acquisition Act II for the Bakulia Project by Eastern Coalfields Ltd. (ECL). However, the Project could not take off because of its non-viability. The Committee also note that the work had been suspended during the end of 1991 after cutting of exploratory incline No. 1 & 2. The reason for non-viability of the Bakulia Project is stated to be on financial account as the Project had been incurring heavy losses since its formulation. Initially coal from this project had been proposed to be linked to Mejia Thermal Power Project of Damodar Valley Corporation (DVC) and it had been proposed to DVC to accept the coal on cost plus basis. The entire cost for production of coal had to be borne by DVC but DVC did not agree. Hence, there had been no other alternative but to shelve the project.”

3.5 In their action taken replies, the Ministry of Coal have stated that ECL could not find any market for the coal of Bakulia Project. DVC did not agree to accept the coal on cost plus basis, hence dropped.

OBSERVATION/RECOMMENDATION

3.6. The Committee are not satisfied with the reply of the Government. It appears to the Committee that Eastern Coalfields Ltd (ECL) did not enter into any firm agreement with Damodar Valley Corporation (DVC) before the project was envisaged. Had it been so, DVC could not have backtracked. The Committee are surprised to find that ECL went ahead without any proper feasibility study and the project started incurring heavy losses since its formulation, resulting in shelving the project. The Committee deprecate such casual approach of ECL in formulating the project and desire the ECL to take care in future.

3.7. In paragraph 2.16 of the Sixteenth Report, the Committee had observed as follows:-

“ The Committee further note that a Tripartite Agreement had been signed on 3.7.1981 between ECL; the Panchayat and the land losers to provide employment to 24 persons from the affected land losers as per norm prevalent at that time. ECL had empowered the Panchayat for processing of 24 employments on 19.7.1993 and the concerned Panchayat Pradhan submitted the proposals for appointments to the company which had been approved by ECL also. The required verification and processing had been completed in this regard but these employments had not been effected by the company.”

3.8. In their action taken replies, the Ministry of Coal have stated as follows:-

“ In Tripartite meeting between ECL; the Panchayat and the land losers, it was agreed, in principle, to provide 24 no. of employments against 48.5 acres of land, provided the project starts. As the project did not take off, the proposals received from Panchayat were not processed further.”

3.9. In paragraph 2.17 of the Sixteenth Report, the Committee had observed as follows:-

“ The Committee find from the information furnished to them that the main contention of the petitioners is that an expenditure of around Rs. 4 crore had been incurred by ECL on Bakulia Project but the land losers had not been provided the required compensation. The 24 employments in ECL as per the said Tripartite Agreement should be made so that the land losers are not deprived of their right of employment.”

3.10. In their action taken replies, the Ministry of Coal have stated as follows:-

“ About Rs. 3 crore was incurred on Bakulia Project. Out of which Rs. 2.5 crore was spent for exploration and prospecting and Rs. 4.9 lakh was spent against the deposit of 80% land value to the Collector. The land loser wanted compensation only with employment hence the same lying with the Collector.”

3.11. In paragraph 2.18 of the Sixteenth Report, the Committee had recommended as follows:-

“ In this context, the Committee note that since nationalization of Coal Mines a total of 10,672 employments have been made against land losers category upto December, 2000. However, the land losers affected by the proposed Bakulia Project have not been duly compensated by providing them employment in ECL. The Committee desire that a committee comprising of representation from ECL, Local Panchayat and representative from District administration be constituted to find out the quantum of land damaged because of cutting of incline and submit the report in regard to this within three months.”

3.12. In their action taken replies, the Ministry of Coal have stated as follows:-

“ As per recommendation of Petition Committee received from MOC&M vide letter No. 54012/4/2002/PRIW dated 12.7.02, DM, Bankura has been requested to nominate his representative in the committee and Panchayat Pradhan has also been requested either to be present in the committee or to nominate a member on behalf of him. The committee comprising representative alongwith representative of District Magistrate, Bankura and local Panchayat met at the project site on 24.10.2002 to assess the damage done for cutting of incline through measurement by Land Revenue Department of the District. The villagers did not allow the Block Land and Land Reforms officials to carry out the measurements. The committee decided to suspend the measurement process for the time being and will be made after harvesting season is over but the possibility of obstruction from measurement of ECL damaged land for incline cutting/road cannot be ruled out.”

3.13. In paragraph 2.19 of the Sixteenth Report, the Committee had recommended as follows:-

“ The Committee are informed that a total of Rs. 8.92 lakh compensation has been earmarked. ECL has deposited Rs. 4.9 lakh for the entire land on adhoc basis to Land Acquisition Collector of Bankura. However, the compensation amount deposited by ECL is yet to be distributed amongst the affected land losers by the Land Acquisition Collector of Bankura. The Committee desire that compensation amount to the land losers should be duly distributed amongst the land losers expeditiously. The Committee recommend that the land losers of the proposed Bakulia Project whose lands have been destroyed by the works of the Project should be given employment by ECL so as to provide them a sustainable source of income.”

3.14. In their action taken replies, the Ministry of Coal have stated as follows:-

“ About 7 acres of land has been used for cutting incline, road and dumping debris etc. Now, rest of the land is being used by land owners. ECL management approached the DLAO for de-requisition. The Committee as per directive of Petition Committee has been constituted to assess the exact damage of land. After receiving the report of the committee as suggested vide para 2.19, the land loser whose land has been used would be suitably compensated.”

OBSERVATION/RECOMMENDATION

3.15. The Committee note with satisfaction that a committee to assess the damage done for cutting of incline has been constituted. The Committee have also been informed that the villagers did not allow the Block Land and Land Reforms officials to carry out the measurements. The Committee recommend that the work of assessing the damage should now be undertaken. If required, the help of local police can be taken. The Committee further desire that the compensation for the losses incurred by the land losers should be disbursed without any further delay.

3.16. In paragraph 2.20 of the Sixteenth Report, the Committee had recommended as follows:-

“ The Committee regret to note that the 24 employments as promised to the land losers by a Tripartite Agreement between ECL; the Panchayat and the land losers have not been made by the ECL or the Government which has kept the poor land losers at a loss. The Committee recommend that the decisions made as per the Tripartite Agreement should be implemented by giving the required 24 employments to the land losers....”

3.17. In their action taken replies, the Ministry of Coal have stated that as the Project is shelved, ECL has no funds earmarked for meeting expenditure on land acquisition and rehabilitation. Besides this, the Company is declared sick under SICA and referred to BIFR with surplus manpower.

OBSERVATION/RECOMMENDATION

3.18. The Committee disapprove the contention of the Government that as the project is shelved, ECL has no funds earmarked for meeting expenditure on land acquisition and rehabilitation. Having entered into the Tripartite agreement with the Village Panchayat and the land losers, ECL is duty-bound to provide employment to the land losers even if they are to be accommodated in some existing projects. The Committee reiterate their earlier recommendation that the decision made as per the Tripartite Agreement should be implemented by giving the required 24 employments to the land losers alongwith due monetary compensation for the acquired land.

CHAPTER - IV

ACTION TAKEN BY THE GOVERNMENT ON THE RECOMMENDATIONS OF THE COMMITTEE ON PETITIONS MADE IN THEIR TWENTY SIXTH REPORT (THIRTEENTH LOK SABHA) ON THE PETITION REQUESTING FOR INCLUSION OF KOLI CASTE IN THE LIST OF SCHEDULED TRIBES OF MAHARASHTRA.

4.1 The Committee on Petitions (Thirteenth Lok Sabha) in their Twenty-sixth Report presented to Lok Sabha on 23rd April, 2003 had dealt with a petition requesting for inclusion of Koli caste in the list of Scheduled Tribes of Maharashtra.

4.2 The Committee made certain observations/recommendations in the Report and the Ministry of Tribal Affairs were requested to implement those recommendations and furnish their action taken notes for the consideration of the Committee. Action taken notes have been received from the Ministry of Tribal Affairs in respect of the recommendations contained in the Report.

4.3 The Committee will now deal with action taken by the Government in the succeeding paragraphs.

4.4 In paragraphs 1.18 and 1.19 of the Report, the Committee observed as follows:-

“The Committee find that 373 applicants preferred appeals to Courts against the cancellation of the Scheduled Tribe Certificates by the Scrutiny Committee. Out of these 373 cases, only 6 cases of claims of the petitioners as Scheduled Tribes had been allowed. In 121 cases, the matter has been referred back to Scrutiny Committee for fresh enquiry. 161 cases are still pending in Courts. The Committee note that as per census study 1981, the population of ‘Mahadeo Kolis’ numbered 7,87,448 and no details of the population of this tribe are available in the 1991 census and authentic data of the total number of ‘Kolis’ in the State of Maharashtra is not available. The Committee, also, find it hard to comprehend that many sub-Divisional Magistrates had issued wrong Scheduled Tribe certificates to the people who did not belong to ‘Mahadeo Koli’.

(Para 1.18)

During the course of evidence before the Committee, the officials of the Ministry of Tribal Affairs assured that detailed reply of the State Government of Maharashtra would be obtained in regard to the orders of the Scrutiny Committee for cancellation of Scheduled Tribe certificates given to ‘Mahadeo Kolis’ and the Government of Maharashtra should ensure that the said Scrutiny Committee does not work in an arbitrary manner. The Committee, therefore, desire that as assured to them, honest and sincere efforts should be made by the Ministry of Tribal Affairs to impress upon the State Government of Maharashtra to ensure methodological and judicious decisions of its Caste Scrutiny Committee. The Committee may be apprised about the steps taken in this regard in due course.

(Para 1.19)

4.5 In their action taken reply, the Ministry of Tribal Affairs have communicated that the Government of Maharashtra have been requested to advise the Scrutiny Committee to follow the judicious process, while verifying the social status certificates.

4.6 In paragraph 1.20 of the Report, the Committee recommended as follows:-

“There are several points which require examination by the Government in relation to considering the ‘Koli caste as ‘Scheduled Tribes’ in Maharashtra, the important ones are: the issue of ‘Koli Mahadeo’ certificates to certain ‘Kolis’ for decades, cancellation of certificates issued by the competent authority, orders of Supreme Court on the subject, non availability of authentic data on ‘Koli’ population, pendency of large number of court cases on the subject and demand of large number of people for bringing the ‘Koli’ caste in the list of Scheduled Tribes. The Committee would, therefore, like the Central Government to examine the matter afresh in consultation with the Maharashtra Government. Similarly, the matter may be referred to the Registrar General of India and the National Commission for Scheduled Caste and Scheduled Tribes for re-consideration. Considering the pending litigation and existing court judgements, opinion of the Ministry of Law may also be obtained. The Committee would also like to be apprised of the conclusive action taken by the Government in the matter.”

(Para 1.20)

4.7 In their action taken reply the Ministry of Tribal Affairs have stated that Government in June, 1999 had approved modalities for deciding claims for inclusion, exclusion and other modifications in the list of Scheduled Castes and Scheduled Tribes. According to these modalities, proposals which have been neither recommended by the concerned State Government nor the Registrar General of India would be rejected. The Government of Maharashtra, in their report dated 6th November, 1981, did not recommend the inclusion of Koli community in the list of Scheduled Tribes of the State. The Registrar General of India, in his report has, inter-alia, stated that a careful review of ethnographic information reveals that the Koli community does not possess any tribal characteristics. Thus , the Koli community is not eligible for inclusion in the list of Scheduled Tribes of Maharashtra. However, as per the recommendations of the Committee, the representation of the Koli community has again been forwarded to the Government of Maharashtra on 27 May, 2003 for their comments as required under article 342 of the Constitution of India. After receipt of the comments of the State Government, the matter would be taken up with the Registrar General of India and the National Commission for Scheduled Castes and Scheduled Tribes as per the approved modalities.

OBSERVATIONS/RECOMMENDATIONS

4.8 The Committee note from the reply of the Ministry of Tribal Affairs that the representation for inclusion of the Koli community in the List of Scheduled Tribes of Maharashtra has again been forwarded to the Government of Maharashtra on 27 May, 2003 for obtaining their comments as required under article 342 of the Constitution of India. The Ministry of Tribal Affairs have assured that after receipt of the comments of the State Government, the matter would be taken up with the

Registrar General of India and the National Commission for Scheduled Castes and Scheduled Tribes as per the approved modalities. The Committee would like the Ministry of Tribal Affairs to impress upon the Government of Maharashtra to furnish their report on the issue in a time bound manner. Thereafter the matter relating to inclusion of the Koli Community in the List of Scheduled Tribes may be examined by the Registrar-General of India and the National Commission for SCs/STs as per the approved modalities.

4.9 The Committee find that the Ministry has not given any reply about the recommendation for referring the matter to the Ministry of Law in the context of pending litigation and existing court judgements on the subject. They, therefore, reiterate that the matter may be referred to the Ministry of Law at an early date for their examination and opinion.

NEW DELHI;

14 July, 2003
23 Asadha, 1925 (Saka)

BASUDEB ACHARIA
Chairman
Committee on Petitions

MINUTES OF THE SEVENTY-SIXTH SITTING OF THE COMMITTEE ON PETITIONS (THIRTEENTH LOK SABHA) HELD ON 14TH JULY, 2003 IN COMMITTEE ROOM NO.53, FIRST FLOOR, PARLIAMENT HOUSE, NEW DELHI.

The Committee sat from 1400 to 1610 hours.

PRESENT

Shri Basudeb Acharia - Chairman

MEMBERS

2. Shri Ram Rati Bind
3. Shri Anant Gudhe
4. Shri Shriniwas Patil
5. Dr. Bikram Sarkar

SECRETARIAT

1. Shri Brahm Dutt - Deputy Secretary
2. Smt. Neera Singh - Under Secretary

WITNESSES

**REPRESENTATIVES OF THE MINISTRY OF RAILWAYS
(RAILWAY BOARD)**

1. Shri R.K. Singh - Chairman, Railway Board
2. Smt. Vijayalakshmi Vishwanathan - Financial Commissioner
3. Shri Kanwarjit Singh - Member Engineering
4. Shri Sudhir Mathur - Executive Director/Finance
5. Shri S.K. Choudhary - Executive Director/ Traffic (Commercial)
6. Shri B.S. Sudhir Chandra - Member Staff
7. Shri K. Biswal - Executive Director (Estt.)
8. Shri K.K. Sharma - Joint Secretary
9. Shri U.V. Acharya - Additional Member/Staff

**REPRESENTATIVES OF THE MINISTRY OF COMMERCE & INDUSTRY
(DEPARTMENT OF COMMERCE)**

1. Shri Deepak Chatterji - Secretary
2. Shri V.K. Gauba - Deputy Secretary
3. Shri S.D. Kapoor - Chairman-cum-Managing Director (MMTC Ltd.)
4. Dr. B.B.L. Madhukar - Director (Personnel) (MMTC Ltd.)
5. Shri G.P. Sharma - Chief General Manager (Personnel) (MMTC Ltd.)

REPRESENTATIVES OF THE MINISTRY OF ROAD TRANSPORT & HIGHWAYS

1. Shri Ashok Joshi - Secretary
2. Shri Santosh Nautiyal - Chairman–National Highway Authority of India.
3. Shri Nirmaljeet Singh - Member – National Highway Authority of India.

At the outset, the Committee considered the Draft Twenty-eighth, Twenty-ninth and Thirtieth Reports of the Committee and adopted the same with some minor verbal changes. The Committee then authorized the Chairman to finalise the Reports and to present them to the House on 22nd July, 2003.

2. The Chairman, thereafter, welcomed the representatives of the Ministry of Railways (Railway Board); Ministry of Commerce & Industry (Department of Commerce) and the Ministry of Road Transport & Highways, respectively, to the sitting of the Committee and invited their attention to the provisions contained in Direction 58 of the Directions by the Speaker, Lok Sabha.

3. The Committee then took oral evidence of the respective representatives of the above Ministries on the following subjects:-

- (i) Representation regarding conversion of Achalpur-Murtizapur narrow gauge railway line into broad gauge in Vidarbha area of Maharashtra (Ministry of Railways);
- (ii) Representation regarding grievances of Loco Running Staff in Eastern Railways (Ministry of Railways);
- (iii) Representation requesting to thwart the move for sale of MICA Plant and Machinery of MMTC (Ministry of Commerce); and
- (iv) Representation requesting to review notification dated 8.2.2002 and change National Highway (NH) 60 for alignment at Laxman Nath, Orissa (Ministry of Road Transport & Highways).

4. A verbatim record of the proceedings was kept.

The Committee then adjourned
