

COMMITTEE ON PETITIONS

(THIRTEENTH LOK SABHA)

THIRTY SECOND REPORT

(Presented to Lok Sabha on 5.8.2003)

**LOK SABHA SECRETARIAT
NEW DELHI**

July, 2003/Sravana, 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

(iii)

THIRTY SECOND 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 Thirty Second Report of the Committee to the House on the following matters:-

- (i) Representation regarding denial of employment of the small land holders displaced by the land acquired for Bharat Petroleum Corporation Ltd. (BPCL) in the Industrial Complex of State Industries Promotion Corporation of Tamil Nadu (SIPCOT).
- (ii) Representation regarding wrong bills and wrongful disconnection of telephone No.25737937.
- (iii) Representation requesting to thwart the move for sale of MICA Plant and Machinery of MMTC Limited.
- (iv) Action taken by the Government on the recommendations made by the Committee on Petitions (Thirteenth Lok Sabha) in their Twenty-Second Report on the representation against the merger of the National Test House (NTH) with the Bureau of Indian Standards (BIS).
- (v) Gist of the Representation regarding enhancement of rent of the property of Sri Sri Anandamoyee Kalimata and Sri Sri Kubereswar Mahadeb, Kolkata, rented to Hindustan Petroleum Corporation Ltd. (HPCL).

2. The Committee considered and adopted the draft Thirty Second Report at their sitting held on 31st July, 2003.

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

NEW DELHI;

31st July, 2003.

9 Sravana, 1925(Saka)

BASUDEB ACHARIA

Chairman,

Committee on Petitions.

Lok Sabha

CHAPTER - I

REPRESENTATION REGARDING DENIAL OF EMPLOYMENT TO THE SMALL LAND HOLDERS DISPLACED BY THE LAND ACQUIRED FOR BHARAT PETROLEUM CORPORATION LTD (BPCL) IN THE INDUSTRIAL COMPLEX OF STATE INDUSTRIES PROMOTION CORPORATION OF TAMIL NADU (SIPCOT).

1.1 Shri V. Thandapani and others, residents of Muthu Reddy Kandigai Village, New Gummidipoondi Post, Gummidipoondi Taluk, Thiruvallur District, Gummidipoondi, Tamil Nadu – 601 201 submitted a representation regarding denial of employment to the small land holders displaced by the land acquired for Bharat Petroleum Corporation Ltd (BPCL) in the industrial complex of State Industries Promotion Corporation of Tamil Nadu (SIPCOT).

1.2. The petitioners, in their representation inter-alia stated that farm land measuring 49 acres had been acquired by the Government of Tamil Nadu for the purpose of accommodating the gas filling and bottling plant of BPCL in the industrial complex of the SIPCOT at Gummidipoondi. The acquired land belonged to small peasant families and it was the source of their livelihood. They were entitled to suitable employment in BPCL as per the directions of the Government of India vide G.O. MS No.188 dated 28.12.1976 of the Ministry of Personnel and Administrative Reforms; Letter No.8(4) – LP/77 dated 15.1.1977 of the Ministry of Industry (Department of Industrial Development) and letter No.WI/36453/75 dated 2.9.1977 and 13.10.1977 of the Director of Employment and Training.

1.3. The petitioners specifically drew the attention of the Committee to the Ministry of Industry's letter dated 15th January, 1977, which inter-alia contained the Minister of Industry's following assurance made in Parliament that:-

“you will appreciate that it is very essential to give employment to persons who are displaced from their lands on account of acquisition of land either for the establishment of a project in the public sector or in the private sector – job must be given at least to one person in the family. It must go as a matter of right. I stand by my commitment and will see to it that it is enforced.”

1.4. The petitioners further stated that the necessary certificates had been issued by Special Tehsildar to SIPCOT in respect of the land acquired and eligibility of land losers for suitable employment. However, they were not employed by BPCL and their families stood deprived of their bread-winning source/income.

1.5. The petitioners, therefore, requested the Committee to intervene in the matter and render justice by providing suitable employment to these Project Affected Persons (PAPs) by BPCL.

1.6. The Ministry of Petroleum & Natural Gas were requested to furnish their comments on the points raised in the representation. In response, the Ministry vide their communication dated 19th August, 2002 stated as follows:-

“The BPCL acquired 49.49 acres of land from State Industrial Promotion Corporation of Tamil Nadu (SIPCOT) for setting up an LPG Bottling Plant at Gummidipoondi. The land was acquired by SIPCOT prior to 1997 for industrial development. As per the agreement of BPCL with SIPCOT “10% of the jobs in the industrial units coming up in the industrial Complex, shall be reserved for the members of the families of land owners whose lands have been acquired for the industrial Complex, subject to fulfilling the eligibility criteria of qualifications, age, etc. prescribed for the jobs.” BPCL did not receive any list of Project Affected Persons (PAPs) from Special Tehsildar (Land Acquisition), Gummidipoondi. Since BPCL were to commission the plant, they went ahead with recruitment, and appointed 12 persons in the Labour category and 1 in the clerical category in the year 1997. Out of these, 2 persons in the labour category were appointed on compassionate grounds and 9 through Employment Exchange. The balance requirement of manpower was met by transferring workmen from other locations. BPCL received a list of PAPs from the Special Tehsildar, Gummidipoondi, in the year 1998. In the year 2000, BPCL decided to introduce second shift operations in view of the growing market demands. The total requirement of manpower for both the shifts was 50, including clerical staff for two shift operations. Keeping in view the agreement between BPCL and SIPCOT, 5 vacancies which is 10% of the total requirement were filled up in July, 2000 from amongst the PAPs.

Meanwhile the PAPs filed a writ before the High Court at Chennai for employment. The Hon’ble High Court directed BPCL to invite applications from all eligible persons who have been displaced by land acquisition proceedings and engage 22 of them whom they find suitable/ eligible to be appointed, as a temporary measure in respect of 22 vacancies. Such appointment is only as a temporary engagement and it will not confer any right.

Thereafter, the PAPs were called for interview for engagement as casual workmen and a panel of 25 PAPs has been made for casual engagement on required basis.”

1.7. After perusing the comments of the Ministry of Petroleum & Natural Gas, the Committee undertook an on-the-spot Study Visit to Chennai in September, 2002 to gather first hand information in the matter and held discussions with the petitioners and the officers of BPCL.

1.8. During their on-the-spot visit, the Committee were informed by the petitioners that all land losers of Gummidipoondi had not been provided employment as per

assurance given to them at the time of the acquisition of their land by SIPCOT. They belonged to small peasant families and had been deprived of their small land holdings without any suitable employment. Although specific orders had been given by Special Tehsildar (LA), SIPCOT for giving employment to affected land losers, BPCL had not employed the PAPs or their heirs.

1.9. The Committee, thereafter, took oral evidence of the representatives of the Ministry of Petroleum and Natural Gas on 18th February, 2003. During the evidence, the Committee desired to know whether there had been an 'Agreement' between SIPCOT and BPCL for the employment of the PAPs. The representative of the Ministry of Petroleum & Natural Gas stated that a 'Lease Deed' was signed between BPCL and SIPCOT. Clause 33 (of the Deed) provided that 10% per cent of the jobs in industrial unit set up would be reserved for the land oustees.

1.10. When the Committee enquired as to whether BPCL had submitted a compliance report to SIPCOT regarding the employment of these PAPs, the Ministry in a written note submitted that the 'Agreement' between BPCL and SIPCOT did not call for any compliance report to be sent to SIPCOT.

1.11. When the Committee desired to know about the steps taken by BPCL to get the list of PAPs from the concerned Tehsildar, the Ministry in their written note informed that letters dated 29.01.1997, 27.02.1997 and 14.03.1997 had been issued to the concerned Tehsildar, SIPCOT to provide details of PAPs, however, no response was received.

1.12. On a query about finalising the list of PAPs, the representatives of the Ministry of Petroleum & Natural Gas stated during evidence that after the three reminders, the Tehsildar, SIPCOT, gave them the list (of PAPs) in July 1998. This was incomplete and BPCL asked for some clarifications. Only in 1999 a list of 269 PAPs was given on the basis of which call letters were issued to PAPs.

1.13. On a query regarding the criterion adopted for selection out of the 269 PAPs for suitable employments in BPCL, the representative of the Ministry stated:-
"Sir, these 269 were scrutinized on the basis of having certificates of authentic land ownership from the Tehsildars and others. Then we also looked into qualifications and requirements for the job and the age limits applicable for the job. On the basis of this, call letters were sent to all those people who fulfilled those conditions and in this way, 73 people appeared in a written test. This was held on the 18th June, 2000."

He added: -

"Then out of these 73, 34 candidates who passed the written test were called for the interview. Out of these people interviewed, 5 have been identified and given

appointment letter after medical, etc. They were appointed on 4th July, 2000. The total number of people employed in the plant is 46 as on date.”

1.14. In a subsequent written note, the Ministry of Petroleum & Natural Gas stated that the Ministry of Industry vide their OM No.15/13/84-BPC(C) dated 3.2.1986 issued a comprehensive policy with regard to the manner of treatment with PAPs. The said circular provided the modalities to be followed on the following aspects:

- Land acquisition
- Compensation
- Rehabilitation

In this circular while withdrawing the Government policy to provide one job per PAP family, the emphasis was laid on training. The circular dated 3.2.1986, inter-alia provides:-

“With the existing training institutions, the Project Authorities should undertake to fund and start such training courses that will equip candidates for employment in the public sector undertakings, it should not be presumed to be a commitment for ultimate employment in the undertaking concerned. The main idea is to enable some members of the evictee families to qualify themselves for employment and compete for the same along with other land oustees”.

1.15. The Committee pointed out that the High Court of Chennai vide Orders dated 27.04.2000 directed BPCL to invite applications from all eligible persons who had been displaced by land acquisition proceedings and engage, whom they find suitable/ eligible to be appointed and desired to know the number of appointments made by BPCL in this regard. To this, the representative of the Ministry stated that 87 had appeared for the interview and out of them 22 plus 3 more had been short listed. A roster of 25 people had been maintained for appointments on a temporary/ casual basis. They (PAPs) have been given jobs depending on the requirements at the site. They are usually employed against absenteeism or leave vacancy. If people go on sick leave, against those slots, these people (PAPs) were called and put on these jobs.

1.16. When the Committee desired to know whether the above appointment made by BPCL from amongst the PAPs were against permanent vacancies, the Ministry of Petroleum & Natural Gas in a written note replied in the negative.

The Ministry further stated:-

“As per present position they cannot be absorbed since there is no vacancy. To the extent casual employment is feasible, it will be provided as and when the need arises. The PAPs have already received compensation as per rules for the lands taken from them by SIPCOT.”

OBSERVATIONS/RECOMMENDATIONS

1.17. The Committee note that Bharat Petroleum Corporation Ltd. (BPCL) acquired 49.49 acres of land from State Industrial Promotion Corporation of Tamil Nadu (SIPCOT) for setting up a LPG Plant at Gummidipoondi. This land had been acquired by BPCL prior to the year 1997. BPCL and SIPCOT signed a 'Lease Deed', wherein 10% of the jobs in the Industrial Units coming up in this Industrial Complex were reserved for the members of the families of the land owners whose lands had been acquired for the Industrial Complex. As per the said 'Deed', subject to the eligibility criteria of educational qualification, age, etc. as prescribed for the jobs, recruitment from amongst the land losers had to be made by the Industrial Units.

1.18. The main contention of the petitioners is that the farm lands acquired for BPCL in SIPCOT complex belonged to small peasant families and the lands were their source of livelihood and the land losers were not suitably employed by BPCL in accordance with the provisions contained in the 'Deed'. The petitioners pleaded that the land losers are entitled to suitable employment in BPCL as per the directions of the Government of India given in 1976 and 1977. The petitioners also stated that necessary certificates had been issued to them by the Special Tehsildar (Land Acquisition), in lieu of the acquired land and hence they were eligible for employment. The petitioners, therefore, requested that all the Project Affected Persons (PAPs) at Gummidipoondi be provided suitable employment by BPCL.

1.19. Although BPCL had acquired the land through SIPCOT prior to 1997 and had assured employment against 10% of jobs to the PAPs, the Committee regret to note that at the time of commissioning of the LPG Bottling Plant in 1997, the BPCL appointed 12 persons in Labour Category and 1 in Clerical Category and took the balance manpower by transferring workmen from other locations of BPCL but did not provide employment to the land losers reportedly due to non-availability of the list of PAPs from the Special Tehsildar (Land Acquisition) in time.

1.20. The Committee note that the Special Tehsildar submitted the list of PAPs containing names of 269 persons in 1999. Thereafter, based on the fulfillment of eligibility requirements of qualifications, age etc., BPCL issued Call Letters to the eligible land losers. Subsequently, 73 persons from amongst the PAPs appeared in a written test on 18.06.2000 and 34 persons, who passed the test, appeared for interview. Out of the persons who appeared for interview, 5 were appointed on 4.07.2000 by BPCL. Even though out of the 45 employees recruited by BPCL for the LPG Plant at Gummidipoondi, appointment of 5 persons from PAPs conforms to the stipulated 10%, the Committee feel that more persons from PAPs could have given employment.

1.21. The Committee have now been informed that BPCL has maintained a roster of 25 PAPs for engagement on the Chennai High Court Order dated 27th April, 2000, as temporary/casual workers for giving them work depending upon the requirement at site. The Committee recommend the empanelled casual workers should be regularized in a time bound programme. The Committee also feel that another area where BPCL can provide help to other PAPs is to engage them in small contracts like watch & ward, transport, canteens, etc. They, accordingly, desire that BPCL should consider it.

CHAPTER-II

REPRESENTATION REGARDING WRONG BILLS AND WRONGFUL DISCONNECTION OF TELEPHONE NO. 25737937.

2.1 Shri Puneet Sood, resident of 8/10, W.E.A., Karol Bagh, New Delhi-110005 submitted a representation regarding wrong bills and wrongful disconnection of telephone No.25737937.

2.2 In the representation, the petitioner stated that his grandfather, Shri Sat Prakash Sood, had subscribed telephone number 25737937 at his residence 8/10, W.E.A, Karol Bagh, New Delhi, in April, 1987 under Registration No.030025173, OB No.115726206 dated 25.4.1988 without STD facility. He was a cancer patient and often needed hospitalisation for indoor surgery, chemotherapy and related treatment. He died in 1993 and the telephone connection continued with the family and bills were regularly paid.

2.3 The petitioner further stated that in 1995 highly inflated wrong bills were received, which included overseas calls involving hours long conversations. The places to which the calls were purported to have been made were Dubai etc. The first wrong bill related to the billing cycle 16.12.1994 to 15.2.1995, showing overseas calls purported to have been made in January and February for Rs.1,20,195/- followed by further wrong bills. While the telephone was disconnected on 28.6.1995 by MTNL, bills were raised even for the subsequent period and overseas calls were shown on the disconnected telephone on the same overseas number billed earlier before disconnection. The family had no connection overseas, in Dubai, UAE, etc. – business or otherwise – and as such had no occasion to make overseas calls.

2.4. The petitioner contended that on receipt of the aforesaid wrong bill for Rs.1,20,195/-, his father, Shri R.K. Sood, represented to the concerned General Manager, MTNL on 21st March, 1995, stating that no overseas calls as listed in the bill in question were ever made on his aforesaid telephone by him or any other member of his family and billing for the calls which were never made was wrong. As such, a fresh correct bill limiting to local calls and rental be sent for settlement. It was also pointed out that there was no STD facility on the phone. Again on 12.6.1995, the concerned General Manager, MTNL, was reminded through a registered-AD letter and a copy thereof was also personally handed over in MTNL Office so as to send a revised correct bill for settlement. Since MTNL did not care to respond to any of the requests, another request dated 23.8.1995 for a revised correct bill was handed over personally with a copy to the Area manager, Karol Bagh, for necessary action. After several reminders, written as well as personal, when MTNL did not respond to any of them, on 1.10.1997 a representation was made to the then Chairman and Managing Director (Shri S. Rajagopalan) restating the whole case and pointing out wrongful disconnection of the phone on 28.6.1995, and,

as a result thereof, of the hardship and inconvenience caused in view of the serious ailments of a member of the family. Unfortunately this also did not move the MTNL to respond. Ignoring all representations to give correct bills and restore the telephone connection at least on compassionate grounds, the MTNL filed a suit on 9.2.1998 against his father, Shri R.K. Sood, in District Court. The Court of Additional District Judge of Delhi passed an ex-parte order for the recovery of Rs.1,87,082.80 paise from the legal heirs of the deceased consumer (Shri R.K.Sood).

2.5. The petitioner, therefore, requested that appropriate directions be given to MTNL to withdraw the wrong and illegal bills and issue rectified correct bills for settlement and take the necessary corrective action in the matter.

2.6. The Ministry of Communications and Information technology (Department of Telecom) were requested to furnish their comments on the issues raised in the representation. In response, the Ministry of Communications and Information Technology, vide their communication dated 25th March, 2003, submitted :-

“Telephone No.25737937 was provided to Shri Sat Parkash Sood, H.No.8/10, WEA, Karol Bagh, New Delhi, and was disconnected due to non-payment of telephone bills.

Recovery suit was filed in the court of Addl. District Judge, Delhi against the legal heirs of the ex-subscriber. The Hon’ble Court vide judgment and order dated 1.3.2002 in suit No.134/2000 has directed the legal heirs of the ex-subscriber for paying the outstanding dues.

The legal heirs of the ex-subscriber neither have challenged the court order nor have paid the outstanding dues amounting to Rs.1,87,082/- including interest.

2.7. After perusal of the comments furnished by the Ministry of Communications and Information Technology (Department of Telecom) in the matter, the Committee on Petitions took oral evidence of the representatives of the Ministry of Communications and Information Technology (Department of Telecom) at their sitting held on 24 April, 2003. During evidence, the Committee enquired if the subscriber of telephone No.25737937 had ever subscribed for STD or ISD facility on this number. The Secretary, Department of Telecommunications (DOT) and Chairman, Telecom Commission, stated:-

“It is true, the telephone was not provided with STD and ISD facility and that the petitioner has never subscribed to this facility on this telephone. But Sir, the fact of the matter is that these are not STD and ISD calls that are charged there on the Bill. They are international trunk calls that have been booked on this telephone and have matured. The details of these calls, which were booked and charged, are part of the record of MTNL. The lowest bill from 1987 to 1995, is Rs.330 and the highest bill is Rs.1,399, which gives the average of Rs.577. But, the fact remains that international calls were booked, and for which we have the complete record. The argument that because he did

not have STD and ISD facility, the calls could not have been made is fallacious. It is not necessary for a person to have STD and ISD facility then only these international calls will mature. He had booked the calls, and that is how the charge has taken place.”

2.8. Subsequently, the Ministry in their written note dated 17th June, 2003, furnished after the evidence, submitted that the bills claimed from the petitioner were not for STD/ISD calls but for 69 International Trunk Calls, booked and matured for telephone No.971-2-4517995 (Dubai) and six calls to telephone No.971-2-423500 (Dubai) during the disputed period 12.1.1995 to 10.2.1995 and 2.3.1995 to 21.3.1995, one call to telephone No.4991155 at Madras on 21.1.1995, respectively. The bill for the period 16.12.1994 to 15.2.1995 for international trunk calls, rental charges and local call charges was issued on 1.3.1995 amounting to Rs.1,22,195/- and for the period from 16.2.1995 to 15.4.1995 was issued on 1.5.1995 for Rs.2,275/-.

2.9. On a query regarding the telephone bills being raised even after the disconnection of the telephone by MTNL, the Secretary DOT stated as follows:-

“Beyond the disconnection date due to non-payment, up to a minimum period of six months, the rentals become due. This is the period for which the line and the telephone number are kept reserved in the hope that if he pays the dues, then the telephone can be reconnected. During this period, the rentals are charged. This is done for everybody, not for this case only. Any arrears that are detected in relation to the telephone can also be issued after disconnection. This telephone was disconnected on 28th June, 1995. The bills that were issued after disconnection pertain to certain overseas calls that have been made in 1995, before the date of disconnection. These were the cancellation charges of the overseas calls.”

He further stated:-

“It is not a bill for overseas calls. It is a charge of Rs.8 per cancelled call. This period relates to January, 1995 and not 1996. It has been included as an arrear. As mentioned, after disconnection there are two kinds of bills which are issued and one is for rentals beyond disconnection for a period for which the telephone number is reserved. If there are any arrears pending, they are also included in the bills. It can be seen from the records that the international call charges relate to cancellation charge of Rs.8 per cancelled call. It relates to 1995, the period during the telephone was working.”

2.10. The Committee then pointed out to the representatives of the Ministry that for trunk calls, the time limit is three minutes. But the bills issued were for 10 minutes, 20 minutes, etc. To this, the Chairman and Managing Director, MTNL replied that:-

“Sir, booked calls are operator controlled calls. Generally, the operator asks in between whether you want to continue or you want it to be disconnected. Then, the operator allows you to talk. It is not that automatically after three minutes it is disconnected.”

2.11. On a query as to whether the billing system is for every three minutes, the Chairman and Managing Director, MTNL, stated as follows:-

“Of course, the amount charged is for three minutes. After that it is based on the usage. When you make a call, you are charged for a minimum of three minutes. But the moment the call goes beyond three minutes, then it is in terms of actual usage. After three minutes, it is one-minute pulse. Of course, the operator will ask you in-between whether you wish to continue; if yes, she allows you to continue until you finish.”

2.12. When asked if the MTNL conducted any enquiry after receiving representations from the petitioner; the Secretary, DOT stated:-

“This has been done through the operator and it is not through STD or ISD and in all such cases the person who has requested for such long distance calls has to be available and then only the operator contacts him and if the person is available then the call is put through. There is an interface with the operator. But where this interface is not there and it is based on computerized meter billing, then there certainly an attempt is made to look into the grievances of the customer and some relief is given.”

2.13. To a query as to if it is possible that, in this particular case there is a case for over billing or wrong billing or a mischief by some telephone operator, the CMD, MTNL, stated as follows:-

“You have very rightly pointed out that such situations can occur where the telephone has gone dead for hours together and then somebody diverts the line and misuses the phone. I had mentioned to this august body to begin with that this was a call of not one day. This had been going on for over two months day after day and at no point of time, as I see the records now, the subscriber had said anything or complained that his telephone used to go dead during that period. So, obviously that situation was not there. The telephone was not going dead; otherwise the subscriber would have said that during that period.

Secondly, now we are eight years down the line. Even if we try to investigate, we may not get the desired results. We did try to find out this number in Dubai and we came to a situation where that number is no longer working. Therefore, at this point of time to investigate further into the issue on our part is a little difficult. Specially in the face of the fact that the court has given a judgment and before that the customer had full opportunity to represent to the court.”

2.14. When asked if the subscriber had received the summons by the court, the Secretary, DOT, stated that the court would never declare any proceedings ex-parte unless the court is satisfied that the party has been deliberately avoiding getting the notice.

2.15. When the Committee desired to know if the matter could be examined again and any relief given to the subscriber, the Secretary, DOT, stated:-

“We greatly respect your desire and I would try and see whether MTNL could soften the blow on her (the petitioner) and the interest that has been added, which is also a very substantial amount, could be fixed for payment in installments. If such things are in our hands, we would like, in the light of your desire, to look into the case. But the difficulty now is that the court has issued the decree and that itself would create a lot of problems vis-à-vis the CAG and other audit consideration. Nevertheless, we greatly respect your views and we will try and see how we can give any relief.”

Observations/recommendations

2.16. The Committee note from the submissions made by the petitioner that his grandfather, Shri Sat Prakash Sood, had subscribed telephone number 25737937 at his residence, 8/10, W.E.A., Karol Bagh, New Delhi, in April, 1987 under Registration No.030025173, O.B. No.115726206, dated 25.4.1988, without STD/ISD facility. He died in 1993 and the telephone connection continued with the family and the bills were regularly paid.

2.17. The grievance of the petitioner, placed before the Committee, is that the first wrong bill for Rs.1,20,195/-relating to the billing cycle 16.12.1994 to 15.2.1995, showing overseas calls, particularly to Dubai, etc., purported to have been made in January and February, was received in 1995. On receipt of the aforesaid bill, the petitioner's father, Shri R.K. Sood, had represented to the concerned General Manager, MTNL, on 21st March, 1995 stating that no overseas calls as listed in the bill in question had been made, and requested that fresh correct bills be sent for settlement. As no response was received, several authorities in the MTNL were reminded on 12.6.1995 and 23.8.1995. Instead of responding to the requests, the MTNL disconnected the phone on 28.6.1995. A representation dated 1.10.1995 was also sent to the then Chairman and Managing Director, MTNL, restating the whole case and pointing out the wrongful disconnection of the phone on 28.6.1995. Unfortunately, this also did not move MTNL to respond.

2.18. The Committee regret to note that MTNL ignored all the representations regarding the over/wrong billing and wrongful disconnection of telephone. Moreover, without giving reasonable opportunity to Shri R.K. Sood to place his grievance before MTNL authorities, the MTNL filed a suit on 9.2.1998 against him in District Court. The Court of Additional District Judge of Delhi, thereafter, passed an ex-parte order for the recovery of Rs.1,87,082.80 paise from the legal heirs of the deceased consumer i.e. Shri R.K. Sood.

2.19. The Committee are informed by the Ministry of Communications and Information Technology (Department of Telecommunications) that the bills claimed from the petitioner were not for STD/ISD calls but for 69 International Trunk Calls, booked and matured for telephone No.971-2-451799 and 971-2-423500 (Dubai) during the disputed period 12.1.1995 to 10.2.1995 and 2.3.95 to 21.3.95 and one to Madras. A bill for the period 16.12.1994 to 15.2.1995, amounting to Rs.1,22,195/-, for international trunk calls, rental charges and local call charges was issued on 1.3.1995 and another bill for the period from 16.2.1995 to 15.4.1995 was issued on 1.5.1995 for Rs.2,275/-.

2.20. The Committee note that booked trunk calls are made through the operator and the operator ensures that the booking person is available to put the call through. Admittedly, there are chances of misuse of phone by diverting the line, leading to theft or implantation of booked trunk calls with the collusion of MTNL operational staff or private telephone call booths.

2.21. The Committee strongly feel that had the MTNL enquired with the matter seriously after receiving the representations from Shri R.K.Sood and his family members, keeping in view the monthly average trend of bill amount of Rs.577/- of his past bills, paid from 1987 to 1995, it could have sorted out the grievance of the petitioner.

2.22. The Committee are not inclined to accept the plea given by the Ministry during the oral evidence that since the grievance is eight year old, any investigation on to it now may not give the desired results. The Committee recommend that with a view to give due justice to the petitioner, the Ministry/MTNL should examine the matter again thread-bare keeping in view the possibility of mischief that might have been played by some MTNL staff by un-authorized diversion of connection for overseas calls. The Committee feel such an attitude of MTNL ignoring requests/complaints of consumers, may be due to monopoly situation during that period. However, for raising satisfaction of the consumers in MTNL services, such an exercise is essential in this era of competition.

2.23. The Committee would await the concrete action taken by the Ministry in this regard including the settlement of the case of the petitioner within two months of presentation of their Report to the Parliament.

CHAPTER - III

REPRESENTATION REQUESTING TO THWART THE MOVE FOR SALE OF MICA PLANT AND MACHINERY OF MMTC LIMITED.

3.1 On behalf of the employees of the MICA Division (erstwhile Mica Trading Corporation of India Ltd., Abhrak Nagar, Jumaritelaya), Shri P.R. Ghosh, Secretary of the Federation of MMTC Employee's Unions, 7 – Kazipara Road, Dum Dum, Kolkata, submitted a representation requesting to thwart the move for sale of MICA Plant and Machinery of MMTC Limited.

3.2. In the representation, the petitioner inter-alia put forth the following points:-

(i) After the merger of Mica Trading Corporation Ltd. (MITCO) w.e.f. 1st April, 1994 with the MMTC in terms of Board of Industrial & Financial Reconstruction (BIFR) Orders in 1996, MITCO had become a Division of MMTC. All the employees of MITCO became direct employees of MMTC. Since then, the erstwhile MITCO continued in the MMTC as a separate entity called the MICA Division. However, MMTC practises gross discrimination against the employees of MICA Division especially in the matter of wages and benefits like medical assistance, compassionate appointment of dependants and other facilities.

(ii) BIFR had sanctioned a Rehabilitation-cum-amalgamation/merger scheme on 8th April, 1996 for the MICA Division of MMTC. The Ministry of Commerce and Industry had then committed to implement the BIFR revival package including technological upgradation in MICA Plants.

(iii) MMTC delayed the capital investment for technology upgradation in MICA Plants by five years and installed machineries like Hydraulic Press and Rotary Klin only in the year 2001. These newly installed machineries had also not been put into operation by MMTC.

(iv) MMTC did not make sincere efforts to nurse back the MICA Plants from their sickness so as to make them commercially viable and profitable.

(v) Although MMTC got a breather due to canalization of Mica Scrap, in garnering business of Mica Paper, Powder, Micanite Sheet, etc., in March, 2001 the business potential of the MICA Division was never achieved due to incompetence and negligence of the Company.

(vi) MICA Division has the potential for diversification which MMTC did not explore. Despite the managerial inefficiency on the part of the MMTC management, MICA Division recorded gross profit till the year 2000-2001.

(vii) The MICA Plants at Jhumeritelaya and Giridih employ about 400 employees. However, the MMTC does not have the will and entrepreneurship to utilize the manufacturing units at Jhumeritelaya; MMTC has condemned these Plants are unviable.

(viii) MMTC never discussed the commercial health vis-à-vis the viability of MICA Division or the necessity of its closure with the employees' union. Suddenly, the Board of MMTC came to the conclusion that this Division was not commercially viable.

(ix) MMTC vide their letter No.6/256/2003/IR dated 8th April, 2003 had sought permission of the Ministry of Labour for the closure of the MICA Division w.e.f. 15th July, 2003.

3.3. The petitioner contended that MMTC proposes to sell the MICA Plants and Machineries to private traders and the Company's Board had resolved to retrench the work force. The number of workmen whose services would be terminated on account of the closure of MICA Division is 327. Referring to the recommendations of the Committee on Petitions in their 2nd Report (Thirteenth Lok Sabha) on MMTC the petitioner also contended that the pay-structure of the employees of MICA Division had not been revised since 1987 to bring them at par with the other employees of MMTC.

3.4. The petitioner, therefore, requested to stop the move for closure of the MICA Division of MMTC and save the workers from retrenchment and also to revise the pay-scales of MICA Division employees and provide them service benefits at par with the other employees of MMTC.

3.5. The Committee undertook an on-the-spot study visit to Kolkata in May, 2003 and held discussions with the petitioners and the officials of MMTC. During the discussions with the petitioners, the Committee were informed that presently, there are 327 employees in MICA Division and they apprehend their retrenchment from the Company. Even though MMTC itself had submitted before the BIFR that Mica Division is an integral part of MMTC, the employees of this Division have not been treated at par with the other employees of MMTC. They are drawing their salaries at the 1987 pay-scale till date and have not been extended the benefit of pay revision at par with the other employees of MMTC. Similarly employees of MICA Division are not getting other facilities like medical assistance at par with the other employees of MMTC. About 60 employees of the Mica Division have been working in other Divisions of MMTC.

3.6. During the discussions with the officials of MMTC the Committee enquired whether MMTC had examined the matter relating to redeployment of the employees of MICA Division in other Divisions of the Company, instead of their retrenchment. The Committee were informed by MMTC officials that it had been not feasible to re-deploy

the 327 employees of the MICA Division in other divisions of MMTC because the Mica related work is specialized in nature.

3.7. Asked about the steps taken to revive MICA Division, the Committee were informed as under:-

(i) MMTC took all necessary action for revival of MICA Division while implementing revival/rehabilitation plan of MICA Division. The MICA Division earned profits up to 2001. Thereafter, Mica has been decanalised and it is no longer a monopolistic item. Besides, cheaper substitutes of mica are now available in the market resulting in less demand of the product.

(ii) Even though some of the employees of MICA Division have been deployed in other divisions of MMTC, their identity from the very beginning has been separate and their salary is being paid as per the BIFR orders.

(iii) Considering the decanalising of most of the items which MMTC has been dealing in so far due to liberalization policy of the Government, the requirement of manpower in MMTC has decreased substantially and as per the present activities, it is not feasible to re-deploy the 327 employees of MICA Division in other Divisions of MMTC.

(iv) MMTC, after considering all related aspects of the matter placed the matter before the Board and the Board has decided to close down the MICA Division and accordingly, the Labour Ministry has been approached for giving the permission for the same.

3.8. The Committee, thereafter, decided to take oral evidence of the representatives of the Ministries of Commerce and Industry (Department of Commerce) and Labour with whom the matter had been taken up. Accordingly, the Committee took oral evidence of the representatives of the Ministry of Labour at their sitting held on 3rd July, 2003.

3.9. The Committee enquired during the oral evidence about the procedure followed by the Ministry of Labour while examining various issues including retrenchment of the workers on closure of a Company/Division. A representative of the Ministry of Labour stated as follows:-

“MMTC had submitted an application under Section 25 (o) of the Industrial Disputes Act, 1947, requesting for retrenchment of 327 workmen. That application was received somewhere in April, 2002. It was processed and thereafter we had asked for certain additional information. We wanted to know whether the approval of the competent authority was taken before the closure application was submitted to the Ministry of Labour. They have now clarified that since the Mica Division is only a Division of MMTC, the approval of the Hon’ble Minister of Commerce and Industry has been taken and the Board of Directors of MMTC had earlier approved the proposal. Thereafter, as

per our normal practice, after getting the clarification, within sixty days, we have to give a decision – we compute the date from the date we receive the clarification – either favouring or disagreeing with the retrenchment. The date would expire on 11th July, 2003. In the meantime, as per the provisions of the Act, both the parties were given an opportunity of being heard. So, that opportunity was given to them on 30th June, 2003 in which I myself heard all the unions as well as the management. In the management also, they have submitted their documents. Some written submissions also were made by the unions. Now, we are going through these submissions.”

3.10. The Committee took the oral evidence of the representatives of the Ministry of Commerce and Industry (Department of Commerce) at their sitting held on 14th July, 2003. The Committee desired to know about the views of the Department of Commerce regarding re-deployment of the MICA Division employees to avoid their retrenchment and revision of their pay-scales at par with the other employees of MMTC. To this, the Chairman of MMTC replied as follows:-

“In the BIFR order it was clarified when this subject came up for discussions before the Group of Ministers that while approving the scheme it was said that rationalization of the work force of the company should be duly carried out and the employees of the company who were to continue in employment would not insist on getting the pay scale of MMTC. About the revision, the MMTC also reiterated that the company’s (MICA Division) employees should not agitate for the scale of MMTC. The (BIFR) Bench then drew the attention to the concluding sentence and said finally that the rights of the employees who were to continue in the service without interruption would be that they would be retained in the service and their terms will not be less favourable for them than those applicable immediately prior to the effective date of merger or amalgamation. We are going by these guidelines of the BIFR so far and exactly what has been directed to us is being adopted.”

3.11. Regarding the likely retrenchment of employees of MICA Division, the witness stated:-

“There is no decision as yet which has been taken on the retrenchment issue of the employees. We have been open for Voluntary Retirement Scheme (VRS) and based on whatever guidelines the Department of Public Enterprises (DPE) has issued from time to time, VRS has been opened. Some people have already taken VRS and this scheme can be opened again for people to take advantage of. We are strictly going by the DPE guidelines in this regard and the BIFR orders which have been issued while going ahead with the merger and amalgamation.”

3.12. As regards the viability of MICA Division and MICA products, the Ministry of Commerce and Industry (Department of Commerce) in their written note dated 9th July, 2003 submitted that:-

“The MMTC Board has been deliberating on the issue of unviability of MICA Division in a number of meetings held in the past and number of times the Board reiterated that operations of Mica Division are not commercially viable and possibility of winding up MICA Division be explored. MMTC first made efforts to lease out the plant and machinery in early 2002, but only one offer was received for Rs.15 lakh per annum which was rejected, being very low. The MMTC Board, in its meeting held on 28.1.2003, taking all the facts into account, came to the conclusion that the Division was not commercially viable despite all the money spent in the rehabilitation.

The Ministry further stated:-

“Mica Division products are no longer cost competitive and have become obsolete with the availability of cheaper substitutes. For example Micanite (mica paper laminated with silicon bonded resin) has been replaced by cheaper ceramic substitute. Other products like mica paper is not acceptable in the US and European markets as MMTC’s mica paper has a mechanical strength of 2.5N/cm whereas US market expects a tensile strength of 5.5 N/cm. Upon de-canalization of mica scrap w.e.f. 1.4.2002, overseas buyers cancelled their pending orders with MMTC as the international price is much cheaper.”

3.13. As regards the scope of re-deployment of the MICA Division employees/workers to other Divisions of MMTC, the Ministry of Commerce and Industry (Department of Commerce) in their written note stated that:-

“As on date 50 employees of Mica Division have been deployed for specific ad-hoc assignments at various locations like Haldia, Mohali, Jamnagar, etc. On completion of these temporary assignments, which are not perennial in nature, the workforce remains idle. Since MMTC itself is having surplus manpower in all its Divisions, there is no scope for deployment of Mica Division workforce in MMTC Divisions.”

3.14. Subsequently, after examining the matter in detail, the Ministry of Labour, in their communication dated 11th July, 2003 addressed to Chief General Manager, MMTC Ltd., informed that:-

“The request for closure of Mica Division of MMTC Ltd. was considered by the Government in all its details on the basis of the documents filed and the submission made during the hearing held in the Ministry on 30.6.2003.

According to the submissions made by the management, Mica Trading Corporation of India Ltd. (MITCO), a wholly owned subsidiary of MMTC Ltd. was declared sick in 1993. On the basis of the recommendations of Board for Industrial and Financial Reconstruction (BIFR), it was merged with MMTC w.e.f. 1.4.1994. Even after the merger with MMTC and in spite of the efforts made by the management to revive the MICA Division, the Division continued to incur losses. The management also made

efforts to revive the plant through leasing out of plant and machinery and even through outright sale of the division. However, it was not successful and in view of this the Board of Directors, MMTC decided that the Division was not commercially viable and sought the permission of the Government for closure and retrenchment of 327 workmen under the Industrial Disputes Act, 1947.

According to the workmen, while the pay and allowances of the employees of MICA Division prevailing at the time of merger were protected, these have not been revised since then. The basic pay of the workers continues to be abysmally low. The workers informed that a case pertaining to their pay revision at par with MMTC employees and payment of other allowances like productivity linked bonus is pending in the Industrial Tribunal in Bhilwara. The workers also informed that about 57 workmen on rolls of MICA Division are still working with other Divisions of MMTC. In spite of this these workers have been shown against the strength of MICA Division and are proposed to be retrenched. The Federation of MMTC Employees Unions also alleged that the management had not made any serious effort at diversifying in spite of the fact that the division had potential in other areas such as mineral water plant.

Having regard to the reasonableness/genuineness of the request of the management and the aforesaid submissions made by the management and unions, the Ministry of Labour did not grant permission for closure of MICA Division of MMTC Ltd.”

OBSERVATIONS/RECOMMENDATIONS

3.15. The Committee note that Mica Trading Corporation of India Limited (MITCO) was set up as a wholly owned subsidiary of MMTC Limited in 1973. After it became sick, MITCO was referred to the Board of Industrial and Financial Reconstruction (BIFR) in 1993 under the Sick Industrial Companies (SIC) Act. In terms of the BIFR's order dated 8th April, 1996, MITCO was merged with the MMTC Limited, retrospectively, w.e.f 1st April, 1994. Thereafter, this unit has been working as a separate Division of MMTC Limited and is known as the MICA Division.

3.16. The Federation of MMTC Employees Unions submitted a representation before the Committee stating inter-alia that:-

(a) MMTC did not make sincere efforts to nurse back the Mica Plant from its sickness to make it commercially viable and profitable;

(b) Although, the BIFR had sanctioned a Revival Package including technological up-gradation in 1996, the MMTC delayed their capital investment by more than 5 years and it installed certain machineries like Hydraulic Press, Rotary Klin, etc. only towards the end of the year 2001. These newly installed machineries had also not been put into operation by MMTC;

(c) MICA Division got a breather by canalization of the Mica scrap till March, 2001 to garner business and other areas such as Mica powder, paper and Micanite sheet. However, this business potential could not be achieved by the Division due to the negligence of the MMTC;

(d) MMTC practises gross discrimination against the employees of the MICA Division in the matters of wages, medical benefits, compassionate appointments of dependants and other facilities; and

(e) MMTC never discussed the commercial health vis-à-vis the viability of the Mica Division or the necessity of its closure with the employees union. Suddenly, the Board of MMTC came to the conclusion that this Division was not economically viable.

The petitioners pleaded before the Committee that the employees in MICA Division numbering 327 should be redeployed in other Divisions of MMTC and

their pay-scales and other benefits like medical allowance, retirement benefits, etc. should be raised at par with the other employees of MMTC.

3.17. The Committee note that the BIFR as per their orders made in 1996 had clearly mentioned that the employees of MICA Division will be employees of MMTC and their salaries, etc., will not be less than what they were getting as employees of MITCO. The Committee, however, regret to note that under the guise of these orders, MMTC is not revising the pay-scales of the employees working in MICA Division and they have been maintaining that they are paying salary to these employees as per orders of BIFR. The Committee do not approve of this contention of MMTC at all, particularly in view of the fact that MMTC at various for a, including BIFR, have maintained that MICA Division is one of the Divisions of MMTC. They, therefore, strongly recommend that salary and other allowances of the employees working in MICA Division should be revised at par with those of the employees working in other Divisions of MMTC. This step will help MMTC to achieve their target of reducing manpower strength as after revision of pay-scales many employees working in MICA Division may opt for the Voluntary Retirement Scheme.

3.18. Even though the MMTC has maintained that they have taken enough steps to revive MICA Division, the Committee feel that from the very beginning MMTC has been a reluctant owner of MITCO/MICA Division. The Committee also do not approve of the MMTC's efforts to sell the plant and machinery of MICA Division. Related with the issue of sale/closure of MICA Division is MMTC's reluctance to re-deploy 327 employees of MICA Division to other Divisions of MMTC. In the past in similar situations, like closure of Patna Division, the employees of that Division were re-deployed in other Divisions of MMTC. The Committee, therefore, desire that in the context of non-functioning of MICA Division, all the 327 employees should be redeployed in other Divisions of MMTC by imparting necessary training and orientation.

3.19. The Committee's examination of the matter has also revealed that as required under the provisions of Industrial Disputes Act, 1947, MMTC approached the Ministry of Labour for seeking permission for closure of MICA Unit and to retrench the 327 employees working in the Unit. The Ministry of Labour, after hearing all concerned in the matter, have not granted permission for closure of MICA Division. The Committee would like the Ministry of Commerce to honour the verdict of the Ministry of Labour and not pursue this matter further.

CHAPTER-IV

ACTION TAKEN BY THE GOVERNMENT ON THE RECOMMENDATIONS MADE BY THE COMMITTEE ON PETITIONS (THIRTEENTH LOK SABHA) IN THEIR TWENTY-SECOND REPORT ON THE REPRESENTATION AGAINST THE MERGER OF THE NATIONAL TEST HOUSE (NTH) WITH THE BUREAU OF INDIAN STANDARDS (BIS).

4.1 The Committee on Petitions in their Twenty-second Report (Thirteenth Lok Sabha) presented to Lok Sabha on 11th December, 2002 had dealt with a representation against the merger of the National Test House (NTH) with the Bureau of Indian Standards (BIS).

4.2. The Committee had made their observations/recommendations in the matter and the Ministry of Consumer Affairs, Food and Public Distribution (Department of Consumer Affairs) were requested to implement the recommendations and furnish their action taken notes for the consideration of the Committee.

4.3. Action taken notes have been received from the Ministry of Consumer Affairs, Food and Public Distribution (Department of Consumer Affairs) in respect of all the recommendations contained in the Report.

4.4. The action taken by the Government on the main recommendations/observations of the Committee has been dealt with in the subsequent paragraphs.

4.5. In paragraphs 1.19 and 1.21 of the Twenty-second Report (Thirteenth Lok Sabha); the Committee on Petitions recommended as follows;-

The Committee note that in pursuance of the decision to merge NTH and BIS, the Department of Consumer Affairs constituted a Committee in October, 2001 to work out the modalities of coordination and merger of NTH with BIS. This Committee has pointed out certain difficulties which will arise as a result of merger of these two Institutions. The Department of Consumer Affairs have stated that there will be administrative, financial, legal and functional difficulties in case the merger of the two institutions takes place. In this context, the Committee are informed that the procedure, system and rules of functioning of BIS Branches and NTH laboratories are different as BIS is an autonomous organization and NTH is a part of the Government. The rules of recruitment, scales of pay, employee benefits etc., are different in both these organizations. Around Rs.84 crore may be required for mandatory pensionary liabilities towards the employees of NTH so transferred to BIS. In addition Rs.129 crores may be required for meeting the liabilities on pension, gratuity, salary, leave encashment and expenditure during the next five years upon such merger. Furthermore, an amendment

of the BIS Act would be essential to cover all the testing activities of NTH before the actual merger takes place.

The Committee note that the Department of Consumer Affairs is not in favour of merger of NTH with BIS, rather it has been proposed to keep both the organizations as separate entities under the same Department with a better coordination, cutting down duplication and ensuring the activities of the two to supplement each other to the maximum extent possible. The Department of Consumer Affairs has already taken up the issue with the “Committee of Secretaries” to review the decision of the “Group of Secretaries” about the merger of NTH with BIS. However, the Committee of Secretaries has not yet convened its meeting to examine the issue. The Committee, therefore, recommend that a fresh review may be made by the “Committee of Secretaries” of the decision to merge NTH with BIS in a scientific manner and with a positive perspective in mind expeditiously.”

[para 1.19]

“The Committee can hardly appreciate the manner in which the well considered recommendations of Parliamentary Committees are being treated by the Government. They therefore, recommend that not only the independent identity of NTH be maintained but as recommended by Parliamentary Committees on Commerce/Food, Civil Supplies and Public Distribution, necessary inputs be provided to it so that it could become a center of excellence.”

[para 1.21]

4.6. In their action taken note, the Ministry of Consumer Affairs, Food & Public Distribution (Department of Consumer Affairs) have stated that the decision to merge NTH with BIS was reviewed by the “Committee of Secretaries” in its meeting held on 26.11.2002. Based on the review, the Government has decided to continue NTH and BIS as two separate organizations under the Department of Consumer Affairs. As recommended by the Committee, NTH is not going to merge with BIS and it will continue to function as an independent Government laboratory. As recommended by the earlier Parliamentary Standing Committees, sufficient funds are provided to NTH on year to year basis depending upon their requirements. Powers for procurement of machinery and equipment have been delegated to the Director General, NTH so that he may function with full authority and freedom. A new modern laboratory complex has been constructed at Salt Lake, Kolkata which has recently started functioning. New equipment is being procured for the modern laboratory at Salt Lake, Kolkata as well as for regional laboratories, depending on market demands. The existing facilities are being strengthened and new facilities in NTH laboratories are being created in view of the latest technological developments.

Observation/Recommendation

4.7. The Committee are satisfied to note that the Government decision to merge the National Test House (NTH) with the Bureau of Indian Standards (BIS) has been reviewed by the “Committee on Secretaries” on 26th November, 2002, afresh. The Committee are also happy to note that based on their recommendations, Government have now decided not to merge NTH with BIS and that NTH will continue to function as an independent Government Laboratory. The Committee trust that the new modern laboratory complex, recently constructed at Salt Lake, Kolkata, would go a long way in benefiting the customers of NTH. The Committee desire that all the NTH laboratories in the country should be strengthened with the state-of-the-art technologies and equipment by the Government in a time bound programme.

4.8. In paragraph 1.20 of the Twenty-second Report (Thirteenth Lok Sabha), the Committee recommended as follows:-

“The Committee note that most of the countries across the globe maintain one national testing and calibration laboratory under the direct control of the Government for quality assurance of various products and consumable commodities. The Committee recommend that the principles enunciated by the World Trade Organisation (WTO) may be adhered to in the testing and quality assurance of products in the country.”

[para 1.20]

4.9. In their action taken note, the Ministry of Consumer Affairs, Food & Public Distribution (Department of Consumer Affairs) have stated that the recommendation of the Committee that the principles enunciated by the WTO may be adhered to in its testing and quality assurance of products in the country has been noted for compliance. It may, however, be stated that the Ministry of Science and Technology and the Ministry of Commerce are the nodal Ministries for formulation of policy for the country as a whole and issuing guidelines in this regard keeping in view the globalisation of trade. The WTO guidelines relating to testing and quality assurance of products as agreed to by these Ministries will be followed by the National Test House.

Observation/Recommendation

4.10. The Committee note from the reply of the Ministry of Consumer Affairs, Food & Public Distribution that guidelines of the World Trade Organisation (WTO) relating to testing and quality assurance of products which have been agreed to by the Ministries of Science & Technology and Commerce would be followed by the NTH. In this respect, the Committee would like to emphasise that the norms fixed by the WTO from time to time be extended in regard to the NTH laboratories for testing and quality assurance of products in India. The Committee desire that appropriate measures should be taken by the Government in order to

ensure that NTH continues to give reliable, timely and unbiased test certifications to its customers including the vigilance agencies, police, Courts of Law and crime control bodies in the country.

CHAPTER-V

GIST OF THE REPRESENTATION REGARDING ENHANCEMENT OF RENT OF THE PROPERTY OF SRI SRI ANANDAMOYEE KALIMATA AND SRI SRI KUBERESWAR MAHADEB, KOLKATA, RENTED TO HINDUSTAN PETROLEUM CORPORATION LIMITED (HPCL).

5.1 Shri Subhendu Sekhar Naskar, Secretary, Committee of Management of the Hindu Deity Estates of Sri Sri Anandamoyee Kalimata and Sri Sri Kubereswar Mahadeb, 'Naskar Bhawan', 72, Beliaghata Main Road, Joramandir, Kolkata, submitted a representation dated 21st March, 2003, through Dr. Bikram Sarkar, M.P. In the representation, it was stated that a portion of the building of their holy trust situated at 15, Loudon Street, Kolkata had been rented out to Hindustan Petroleum Corporation Limited (HPCL) in 1970. This building had ten residential tenants. After the recent increase in rent, all the tenants, except HPCL, had increased the monthly rent to Rs.2500/-. Despite several requests since November, 2001, HPCL had been sitting silent and inactive in the matter; though the new Tenancy Laws provided for almost 400% increase in the old rent payable by the tenants. The petitioner, therefore, requested the Committee on Petitions to intervene in the matter.

5.2 The Ministry of Petroleum & Natural Gas with whom the matter was taken up have vide their communication dated 3rd June, 2003, furnished their comments intimating inter-alia that HPCL have now enhanced the monthly rent of the subject property from Rs.475/- to Rs.2500/- w.e.f. 1st January, 2002.

5.3 The Committee are happy to note that through their intervention the grievance of the petitioner has been redressed.

NEW DELHI;
31 July, 2003
9 Sravana, 1925 (Saka)

(BASUDEB ACHARIA)
Chairman
Committee on Petitions

Lok Sabha

MINUTES OF THE SIXTY-SEVENTH SITTING OF THE COMMITTEE ON PETITIONS (THIRTEENTH LOK SABHA) HELD ON 18TH FEBRUARY, 2003 IN COMMITTEE ROOM 'E', BASEMENT, PARLIAMENT HOUSE ANNEXE, NEW DELHI.

The Committee sat from 1500 to 1530 hours.

PRESENT

Shri Basudeb Acharia - Chairman

MEMBERS

2. Shri S. Bangarappa
3. Shri Ambati Brahmaniah
4. Shri Ram Rati Bind
5. Shri P.R. Khunte
6. Shri Shriniwas Patil
7. Shri Sunder Lal Patwa

SECRETARIAT

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

...p/2.

WITNESSES

REPRESENTATIVES OF THE MINISTRY OF PETROLEUM & NATURAL GAS AND BHARAT PETROLEUM CORPORATION LTD. (BPCL)

1. Shri B.K. Chaturvedi - Secretary
 2. Shri M.S. Srinivasan - Additional Secretary
 3. Shri A.K. Srivastava - Director
 4. Shri S. Behuria - Chairman and Managing Director, Bharat Petroleum Corporation Limited.
 5. Shri S.A. Narayan - Director, HR (BPCL).
2. At the outset, the Chairman welcomed the witnesses 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 took oral evidence of the representatives of the Ministry of Petroleum & Natural Gas and BPCL on the points arising out of the representation regarding denial of employment to the small land holders displaced by the land acquired

for Bharat Petroleum Corporation Ltd. (BPCL) in the industrial complex of State Industries Promotion Corporation of Tamil Nadu (SIPCOT).

4. A verbatim record of the proceedings has been kept.

The Committee then adjourned

MINUTES OF SEVENTY-SECOND SITTING OF THE COMMITTEE ON PETITIONS HELD ON 24TH APRIL, 2003 IN COMMITTEE ROOM 'C', PARLIAMENT HOUSE ANNEXE, NEW DELHI.

The Committee sat from 1500 to 17.15 hrs.

PRESENT

Shri Basudeb Acharia - Chairman

MEMBERS

2. Shri Ram Rati Bind
3. Shri Bikram Keshari Deo
4. Shri Anant Gudhe
5. Shri Babubhai K. Katara
6. Shri P.R. Khunte
7. Shri P.R. Kyndiah
8. Shri Sis Ram Ola
9. Dr. Bikram Sarkar
10. Shri C. Sreenivasan

SECRETARIAT

1. Shri John Joseph - Additional Secretary
2. Shri Brahm Dutt - Deputy Secretary
3. Smt. Neera Singh - Under Secretary

WITNESSES

**Representatives of the Ministry of Communication & Information Technology
(Department of Telecom)
and MTNL.**

1. Shri Vinod Vaish - Secretary, DoT, & Chairman
(Telecom Commission)
2. Shri N. Parthasarthy - Member (Finance),
Telecom Commission, (DoT)
3. Shri P. Ramachandran - Member (Services),
Telecom Commission, (DoT)
4. Shri Narinder Sharma - CMD, MTNL, New Delhi

- | | | |
|---------------------|---|--|
| 5. Shri K.H. Khan | - | Executive Director,
MTNL, New Delhi |
| 6. Shri A.C. Padhi | - | Deputy Director General (TPF),
DoT |
| 7. Shri Sunder Pal | - | GM (West-III), MTNL, New Delhi |
| 8. Smt. Sujata Ray | - | GM (TR), MTNL, Delhi |
| 9. Shri M.M. Sharma | - | GM (Legal), MTNL, Delhi |

Representatives of the Ministry of Coal/Mahanadi Coalfields Ltd.

- | | | |
|------------------------|---|---|
| 1. Shri C.D. Arha | - | Special Secretary, Ministry of Coal |
| 2. Shri Sanjay Bahadur | - | Deputy Secretary, Ministry of Coal |
| 3. Shri G.K. Chaudhary | - | Director (Personnel), Mahanadi
Coalfields Ltd. |

**Representatives of the Ministry of Environment & Forests/Central Pollution
Control Board**

- | | | |
|---------------------------|---|---|
| 1. Shri V.K. Duggal | - | Special Secretary |
| 2. Shri C. Viswanath | - | Joint Secretary |
| 3. Dr. (Mrs.) Nalini Bhat | - | Director |
| 4. Shri D.K. Biswas | - | Chairman, Central Pollution
Control Board (CPCB) |
| 5. Dr. B. Sengupta | - | Member-Secretary, (CPCB) |
| 6. Shri Paresh Barua | - | Member-Secretary (CPCB
-Assam) |

2. The Committee took oral evidence of representatives of concerned Ministries/Organisations on the following subjects :-

(i) the Ministry of Communication & Information Technology (Department of Telecom) and MTNL on the representation regarding erratic bills and wrongful disconnection of telephone No. 25737937;

(ii) the Ministry of Coal on the representation requesting for restoration of Kendriya Vidyalaya in Brajrajnagar, Orissa; and

(iii) the Ministry of Environment & Forests on the petition regarding pollution caused by Nagaon Paper Mill, Kagajgaon, Assam of Hindustan Paper Corporation Ltd.

3. Before start of evidence of each Ministry the Chairman drew the attention of the witnesses to direction 55(1) of the Direction by the Speaker. The Committee then put

questions and the same were replied by the witnesses on the subjects under consideration of the Committee

4. A verbatim record of proceedings was kept.

The Committee then adjourned.

