

COMMITTEE ON PETITIONS

(EIGHTH LOK SABHA)

TENTH REPORT



[Presented to Lok Sabha on 9 May, 1989]

LOK SABHA SECRETARIAT
NEW DELHI

May, 1989/Vaisakha, 1911 [Saka]

Price : Rs. 23.00

3711

**Corrigenda to the Tenth Report of the
Committee on Petitions (Eighth Lok Sabha)**

<u>Page No.</u>	<u>Line No.</u>	<u>For</u>	<u>Read</u>
(v)	18	8 and	6 and
1	7	follow	follows
4	4	Air Hostesses	Air Hostess
6	8	from	form
	(from bottom)		
7	1	ofe	of
8	18	hostess	hostesses
	(from bottom)		
9	3	restiction	restriction
9	8	replies	replied
11	3	be ing	being
	(from bottom)		
13	17	casee	case
	(from bottom)		
17	24	o fthe	of the
18	14	fo	of
18	8	form	norm
	(from bottom)		
19	4	employyes	employees
	(from bottom)		
23	20	obtrved	observed
23	2	(i) According	Accordingly
	(from bottom)	(ii) 8 December	6 December
24	13	fiat	flat
26	2	schemes	scheme
	(from bottom)		
31	7	.i stalled	installed
	(from bottom)		
31	10	rak	tak
	(from bottom)		
33	9	1895	1985
39	8	Metropolies	Metropolis
44	16	state	stated

C O N T E N T S

PAGE

• COMPOSITION OF THE COMMITTEE ON PETITIONS	(iii)
---	-------

• INTRODUCTION	(v)
--------------------------	-----

REPORT

I. Petition regarding discrimination based on sex against Cabin Crew in Air India and Indian Airlines.	1
II. Representation regarding grievances of Nurses of Delhi Hospitals.	21
III. Representation regarding non-issuance of drinking water connections to the residents of Pocket F-24, Sector 7, Rohini, Delhi.	32
IV. Representation regarding acute shortage of drinking water in Sadh Nagar I and II and Raj Nagar I and II—Extension of Palam Village, New Delhi.	41

COMPOSITION OF THE COMMITTEE ON PETITIONS

(1988-89)

CHAIRMAN

Shri Balasaheb Vikhe Patil

MEMBERS

2. Shri Abdul Hamid
3. Shri Alkha Ram
4. Shri Digvijaya Singh
5. Shri H. A. Dora
6. Shri Debi Ghosal
7. Shrimati Madhuree Singh
8. Shri Nityananda Mishra
9. Shri Hannan Mollah
10. Shri Nihal Singh
11. Shri H. B. Patil
12. Shri Satyanarayan Pawar
13. Shri Salahuddin
14. Shri Ram Narain Singh
15. Ch. Sunder Singh

SECRETARIAT

Shri K. C. Rastogi—*Joint Secretary*

Shri G. S. Bhasin—*Deputy Secretary*

Shri O. P. Chopra—*Under Secretary*

**TENTH REPORT OF THE COMMITTEE ON PETITIONS
(EIGHTH LOK SABHA)**

INTRODUCTION

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

- (i) Petition regarding discrimination based on sex against Cabin Crew in Air India and Indian Airlines.
- (ii) Representation regarding grievances of Nurses of Delhi Hospitals.
- (iii) Representation regarding non-issuance of drinking water connection to the residents of Pocket F-24, Sector 7, Rohini, Delhi.
- (iv) Representation regarding acute shortage of drinking water in Sadh Nagar I and II and Raj Nagar I and II Extension of Palam Village, New Delhi.

2. The Committee considered the above matters at their sittings held on 11 March, 20 July, 12 October, 8 and 26 December, 1988.

3. The Committee considered the draft Report at their sitting held on 4 May, 1989 and adopted it.

4. The Committee would like to express their thanks to the officials of the Ministries of Civil Aviation and Tourism, Health and Family Welfare, Urban Development and Delhi Development Authority for furnishing information to the Committee.

NEW DELHI;

4, May, 1989

14, Vaisakha, 1911 (Saka)

BALASAHEB VIKHE PATIL,

Chairman,

Committee on Petitions.

PETITION REGARDING DISCRIMINATION BASED ON SEX AGAINST CABIN CREW IN AIR INDIA AND INDIAN AIRLINES

1.1 A Petition signed by Ms. Rubeen R. Khambatta and some other air hostesses, regarding discrimination based on sex against cabin crew in Air India and Indian Airlines, was presented to Lok Sabha on 2 May, 1988 by Shrimati Bibha Ghosh Goswami, M.P.

1.2 In the Petition, the petitioners *inter alia* stated as follow:

"It is the submission of the Petitioners that though the age for retirement of all employees of these Corporations is 58 years, the Corporations retire women employees who work as Cabin Crew at the age of 45. Male members of the Cabin Crew in these Corporations are allowed to work upto the age of 58 years. Unlike their male counterparts, the female members of the Cabin Crew are also required to undergo medical examination every year after attaining the age of 35 years. Female Cabin Crew members who are employed by Air India and are Foreign nationals and protected by the Sex Discrimination laws of their respective countries are not forced to retire on attaining the age of 45 years. The Petitioners are thus discriminated purely on grounds of sex and deprived of their means of livelihood on attaining the age of 45 years."

It was submitted that:

- "(i) The female Cabin Crew members be given equal opportunity for work as their male counterparts and their retirement age be fixed at par with their male counterparts.
- (ii) The Medical examination which the female Cabin Crew members are forced to undergo every year merely because they are women be abolished and the petitioners be put at par with their male counterparts in this regard.
- (iii) The female Cabin Crew who have since been retired at the age of 45 years be granted relief by way of re-instatement with full service benefits."

1.3 The Ministry of Civil Aviation in their comments on the points raised in the petition stated as under:

Point No. (i)

"The question of fixing the age of retirement of the female cabin crew at par with their male counterparts has already been decided by the Supreme Court in August 1981 in several writ petitions filed by the female cabin crew employees of Air India and Indian Airlines.

The validity and legality of the Employees' Service Regulations of the two Corporations, fixing the age of retirement of air hostesses at 35 extendable upto 45 years, subject to their medical fitness, was challenged by way of writ petitions and Ms. Rohin Khambatta and others, who are signatories to the present petition before the Lok Sabha, were also *inter alia* petitioners in the writ petitions decided by the Supreme Court. The Court negated the contention of the air hostesses that there was a denial of equality of opportunity between the female members of the cabin crew and their male counterparts with regard to the age of retirement. The Court held that there cannot be any cut and dried formula for determining the age of retirement which is to be linked to various circumstances and a variety of factors such as nature of work, prevailing conditions, practices prevalent in other establishments and the like. The fixation of retirement age of air hostesses who fall within a special class, depends on various factors which are to be taken into consideration by the employers. The court also held that the distinction regarding the age of retirement made by the service regulation between the air hostesses and asstt. flight pursers, cannot be said to be discriminatory because air hostesses have been held by the Court to be a separate class.

Other subsequent petitions in the Bombay High Court have also been dismissed in view of the observation of the Supreme Court in its judgement in 1981. The Bombay High Court has held that the cadre of air hostesses embraces all the advanced categories upto and inclusive of Chief Air hostesses. The maximum age for rendition of services by this cadre is 45 years.

In the year 1987 also the Supreme Court has upheld its judgement of 1981. Thus matter is *res judicata* and it cannot be re-agitated or re-adjudicated."

Point No. (ii)

"The Supreme Court in its judgement of 1981 have upheld the validity of the Employees Service Regulations of the two Airlines which lay down that the age of retirement of air hostesses be extendable to 45, subject to their medical fitness. Therefore, there is no justification in the demand by the female cabin crew that the said condition should be removed."

Point No. (iii)

"In view of the 1981 judgement of the Supreme Court which has been reiterated in 1987, the question raised in the above prayer does not arise."

1.4 Another representation dated 20 July, 1988 on the subject submitted by Ms. Khambatta *inter alia* stated as under:

"The argument of air hostesses in seeking removal of the discrimination faced by them is as follows:

- (a) The discrimination is purely based on sex in absence of any laws in India protecting women from discrimination and affording them equal opportunities in matters of employment. Sex discrimination is prohibited by laws in Japan and Europe and there Air India is bound to retire Air Hostesses on par with men, i.e. at the age of 60/58 years respectively.
- (b) The restriction not to get married upto four years from joining the corporation is unreasonable and arbitrary and has no nexus with the job functions performed by the Air Hostess. While women performing other jobs in India and also other jobs in Air India can be allowed to marry, it is discrimination not to allow Air Hostesses to marry within four years.
- (c) The job functions of Flight Pursers (male cabin crew) and Air Hostesses is similar in nature and thus there is no ground for treating Air Hostesses as a separate category. In fact, upto the year 1957 the Air Hostesses and Flight Pursers were equal in all respects except for retirement age where Air Hostesses were required to retire on getting married.

- (d) The fixing of retirement age at 35 extendable to 45 years subject to clearing the superannuation medical examination every year is unreasonable as again age has no nexus with the job functions of an Air Hostesses. All European, American, Japanese and their Foreign Airlines employ hostesses upto the same as they employ men.
- (e) Women working as Pilots in Indian Airlines (and now Air India) are allowed to work to the age of 58 years on par with men pilots and where as, their job-functions involve highly skilled mannual operations, there is no justification why an Air-Hostess cannot be allowed to work beyond 45 years.
- (f) Air Hostesses have also an equal right under the Constitution of India to be treated alike and this no reason why they cannot be allowed to have more than two children, or retirement age, or promotions on par with men cabin-crew.
- (g) It is also not the corporate objective for Air India or Indian Airlines to increase sale by employing beautiful and young women onboard its flight.
- (h) A self-supporting Air Hostess will have no means of livelihood to support herself when retired at 45 years. Right to life is a fundamental right and in today's circumstances the quality of life directly depends upon the quality of earnings. Thus, if at 35 years of age her employment is taken away, she will lose her independence in society and will have to depend upon someone else for her living.
- (i) In matters of promtion Indian Airlines which is also a Corporation enacted under the same Act, Air Hostesses are allowed to function as Supervisors in the flight. Thus, the seniormost cabin-crew whether a male or female, will supervise the flight. When an Air Hostess can be given this right of supervision in Indian Airlines there is no reason why Air India should deny female cabin-crew to supervise inflight service.

1.5 Giving point-wise comments on the various points raised in the representation referred to above, the Ministry of Civil Aviation have stated as under:

- “(a) There is no discrimination based on sex comparison with other Airlines in Japan and Europe is misconstrued for the

reason that the social conditions prevailing in India are quite different and distinct from the social conditions prevailing in Japan and Europe. The practice followed by other Airlines as well as the local laws applicable to them was also the subject matter of the various Courts/Tribunals and it has been held that there is no discrimination in so far as the age of retirement of Air Hostesses vis-a-vis Flight Purser is concerned. The retirement age has to be considered in totality of the circumstances having due regard to the recruitment and various other considerations laid down by the Industrial Awards in this regard. Air Hostesses in Air India at the initial stage of recruitment, are given higher start as compared to the Asst. Flight Purser and accelerated promotions. Whereas the Air Hostesses are eligible for post-retirement benefits after putting in 10/15 years of service, their male counterparts have to put in 20/25 years of service to become eligible for similar post-retirement benefits. There is no discrimination on the grounds of sex as Air Hostesses and Flight Purser each constitute a separate class based on prescribed job functions and have separate recruitment conditions. The Supreme Court has also held that the service conditions of Airhostesses in other countries cannot be compared with the Indian Air Hostesses.

- (b) Restriction on marriage taking place within 4 years of service is reasonable and not arbitrary and it has nexus with the job functions required to be performed by an Air Hostess. If the Air Hostesses are allowed to marry within 4 years of entering into the service of the Corporation, the Corporation will not have the benefit of training imparted to them. Over and above, the Corporation has to have additional trained Air Hostesses to fill up the non-availability of Air Hostesses for a considerably long period. Normally, the Air Hostesses avail, by way of maternity leave, one year and three months period of leave. The duties on an aircraft cannot be compared to the duties on the ground.

- (c) In so far as Air India is concerned, the job functions of Air-hostesses and Asstt. Flight Purser are distinct and separate and are prescribed separately in the Cabin Crew Manual. Each class, as stated above, is separately trained for these job

functions. These duties have been held not to be interchangeable by the Mahesh Chandra Award. The Management of Air India submitted before the Mahesh Chandra Tribunal that there should be an interchangeability of functions between the different categories of cabin crew. However, this was opposed by the Cabin Crew Union. The Division Bench of the Bombay High Court also, in its judgement held that "two classes have distinct and different duties and functions." The Hon'ble Division Bench of the Bombay High Court after having examined the duties of male and female cabin crew on flight has observed that "those of the Flight Purser are indisputably more onerous and responsible than those of Airhostesses."

In so far as Indian Airlines is concerned, in terms of 1967 agreement between the Management of Indian Airlines and ACEU representing the cabin crew, job functions of male and female cabin crew are the same. However, in practice due to reasons vast difference in the number of male and female cabin crew, the actual job performed by them have come to be different.

- (d) In view of the job that is required to be performed by Air Hostesses and also the fact that Air Hostesses are allowed to continue in service till the 3rd pregnancy; provided two children are alive, the requirement that they have to undergo the superannuation medical check-up is reasonable; particularly with regard to the job they are expected to carry out at the time of emergency and also their fitness to fly. The provision regarding annual medical examination of the Air Hostesses was also agitated before the Supreme Court and has been held valid.
- (e) There is no nexus between the functions performed by Air Hostess and those performed by the Pilot.
- (f) The Supreme Court has gone into this matter at length and held that Air Hostesses form a separate and distinct category and are governed by different service conditions and recruitment policies and this does not violate Articles 14 and 16 of the Constitution of India.
- (g) It calls for no comments except that the two Corporations are required to act on business principles and the service they introduce on their flights are commensurate with the functions required to be performed by the two Corporations.

(h) The retirement age is one of the conditions of service of an airhostess. At the time of joining the service, like any other employee, an airhostess knows it fully well that she has to retire on attaining the age of 35 years extendable upto 45 years and as therefore is expected to manage her affairs in such a way that on retirement she is placed in a situation like an employee who retires at 58 years. This apart, air hostesses in Air India are also given higher scales and other benefits which are available to the employees only on attaining the age of superannuation, i.e., 58 years.

(i) It is true that in IA the seniormost cabin crew on board the flight is allowed to supervise the functions of all other cabin crew whether male or female. However, in AI, the various posts of air hostesses and assistant flight pursers are as per the provision of the Cabin Crew Manual in which there is no provision for Dy. Chief Airhostess on board the aircraft. Further, the job functions of cabin crew of AI are distinct and separate from that of inflight services provided by IA. The inflight service of AI is more of a personalised nature and is very elaborate. In terms of agreement with Air India Cabin Crew Association the hierarchy on board the aircraft is not to be disturbed and that Dy. Chief Airhostess will carry out duties on board and function only as line airhostess and not as Dy. Chief Airhostess. As per Air-India Cabin Crew Manual, Flight Purser is incharge of each zone on board and hence there is no provision for Dy. Chief Airhostess doing supervisory function on board. This provision has also been held by courts of law."

1.6 During the course of informal discussions with the petitioners at Bombay on 22 September, 1988, the Committee were informed that initially the retirement age for airhostesses was 30 years which was later extended to 35 years. In 1981, the age of superannuation was further extended upto 45 years with the condition that they would have to undergo medical examination every year. However their male counterparts retired at the age of 58 years without any medical examination. The petitioners added that countries like France, U.K. and U.S.A. did not discriminate between male and female employees in the matter of retirement age.

1.7 When the Committee enquired whether frustration amongst the female cabin crew would be removed if their age of retirement was raised to 50 years with better retirement benefits. It was stated on behalf of the petitioners:

"Frustration among the female cabin crew cannot be removed as the basic question of discrimination against women in comparison to their male counterparts would still persist."

1.8 The petitioner further pointed out that the duties and functions of the male and female cabin crew were identical in nature and this fact was brought out by the judgement of the Supreme Court. To a specific question whether the male cabin crew were deployed on any particular duties involving physical or strenuous work which was not expected of their female counterparts, petitioners replied in the negative.

1.9 The petitioners also pointed out that the promotional avenues available to the female and male cabin crew were identical in Indian Airlines whereas in Air India it was not so. They demanded that there should be no discrimination among male and female cabin crew in Air India and Indian Airlines. The terms and conditions of service in both organisations should be the same. It was alleged that they had been deprived of all supervisory powers, though they did not lag behind their male counterparts in any work assigned to them. The senior female crew had to work under the junior male crew as an air hostess was considered junior to the junior most Assistant Flight Purser in the aircraft. Thus an air hostess of Air India, who had given training to the male cabin crew, when required to work in the aircraft would have to work under that trainee, as the air hostesses were not given supervisory posts. This was not so in the Indian Airlines. The air hostess in Air India were, therefore, being discriminated on the basis of sex.

1.10 The petitioners further pleaded for the removal of restriction of 4 years service imposed by both the Corporations for an airhostess to get married and the further restriction of only 2 living children which were in fact restrictions on their fundamental rights of marriage and motherhood and were discriminatory since no such restrictions were imposed on the male cabin attendants. The petitioners also complained that even at the time of interview for appointment, an airhostess had to prove that she was not married, which for a lady was difficult to prove. It was pleaded that an affidavit to the effect that they were not married should be accepted by the Corporations.

1.11 The representatives of Air India informed the Committee that female cabin crew were a privileged class compared to male cabin crew, as in the starting scale, they were getting Rs. 100/- more than their male counterparts. According to them the contention of the petitioners that the Air India management discriminated against female staff was not correct. They informed that in 1951-52, the retirement age of female

cabin crew was 30 years which had now been raised to 35 years and was extendable up to 45 years subject to their being medically fit. The earlier restriction on their marriage had also been removed and now after four years service they were allowed to marry and have upto two living children.

1.12 The Committee desired to know whether it would be feasible to increase the retirement age of female cabin crew from 45 to 50 subject to medical examination, and from 35 to 45 without medical check up, the representatives, of the Corporations replies in the negative.

1.13 The question regarding age of retirement of the Air hostesses in Air India and Indian Airlines and other matters connected therewith such as the constitutional validity of Regulations 46 and 47 of the Air India Employees Service Regulations, were considered by the Supreme Court in 1981. In its judgement of August, 1981, the Supreme Court upheld the constitutional validity of the Service Regulations of Air India and Indian Airlines under which the age of retirement of the air hostesses was fixed at 35 years, extendable to 45 years subject to medical fitness and those of other employees at 58 years. The Court also upheld that in view of the mode of recruitment, qualifications, retiral benefits and various other factors, the Air hostesses in the two corporations constituted a special category or class of employees different from the male cabin crew (comprising of Assistant Flight Purser, Flight Purser etc.) and therefore the fixation of different ages of retirement for these two categories of employees was not a case of hostile discrimination prohibited under Article 14 of the Constitution of India. Some relevant extracts from the said judgement of the Supreme Court are reproduced below:

"It is undisputed that what Article 14 prohibits is hostile discrimination and not reasonable classification. In other words, if equals and unequals are differently treated, no discrimination at all occurs so as to amount to an infraction of Art. 14 of the Constitution. A fortiori if equals or persons similarly circumstanced are differently treated, discrimination results so as to attract the provisions of Article 14.

In our opinion, therefore, the inescapable conclusion that follows is that if there are two separate and different incidents, the question of discrimination does not arise. On the other hand, if among the members of the same class, discriminatory treatment is meted out to one against the other Article 14 is doubtless attracted."

"Thus, from a comparison of the mode of recruitment, the classification, the promotional avenues and other matters which

we have discussed above, we are satisfied that the AHs form an absolutely separate category from that of AFPs in many respects having different grades, different promotional avenues and different service conditions. Finally, it may also be noted that even though the AHs retire at the age of 35 (extendable to 45) they get retiral benefits quite different from those available to AFPs.

“Having regard, therefore, to the various circumstances, incidents, service conditions, promotional avenues, etc., of the AFPs and AHs though members of the cabin crew are an entirely separate class governed by different set of rules, regulations and conditions of service.”

“In the same token, an additional argument advanced by Mr. Setalvad was that certain terms and conditions of AHs were palpably discriminatory and violative of Article 14. For instance, under the Regulations concerned, AHs suffered from three important disabilities—(i) their services were terminated on first pregnancy, (2) they were not allowed to marry within four years from the date of their entry into service, and (3) the age of retirement of AHs was 35 years, extendable to 45 years at the option of the Managing Director, as against the retirement age of AFPs who retired at the age of 55 or 58 years. There can be no doubt that these peculiar conditions do form part of the Regulations governing AHs but once we have held that AHs form a separate category with different and separate incidents, the circumstances pointed out by the petitioners cannot amount to discrimination so as to violate Article 14 of the Constitution on this ground.”

“We now proceed to determine the constitutional validity of the impugned Regulations. Taking the case of A.I.AHs, it would appear that their conditions of service are governed by Regulations 46 and 47, the relevant portions of which are extracted below:

“46. Retiring Age:

- (i) Subject to the provisions of sub-regulation (ii) hereof, an employee shall retire from the service of the Corporation upon attaining the age of 58 years, except in the following cases when he/she shall retire earlier:

* * * *

- (c) An Air Hostess, upon attaining the age of 35 years or on marriage if it takes place within four years of service or on

first pregnancy, whichever occurs earlier:

*

*

*

(47) Extension of Service:

Notwithstanding anything contained in Regulation 46, the services of any employee may, at the option of the Managing Director but on the Employee being found medically fit, be extended by one year at a time beyond the age of retirement for an aggregate period not exceeding two years except in the case of Air Hostesses and Receptionists where the period will be ten years and five years respectively.

A perusal of the Regulations shows that the normal age of retirement of an AH is 35 years, or on marriage, if it takes place within four years of service, or on first pregnancy whichever occurs earlier. Leaving the age of retirement for the time being, let us examine the constitutional validity of the other two conditions, viz., termination if marriages take place within four years or on first pregnancy. So far as the question of marriage within four years is concerned, we do not think that the provisions suffer from any constitutional infirmity."

"Having regard to these circumstances, we are unable to find any unreasonableness or arbitrariness in the provisions of the Regulations which necessitate that the AHs should not marry within four years of the service failing which their services will have to be terminated. Mr. Setalvad submitted that such a bar on marriage is an outrage on the dignity of the fair sex and is per se unreasonable. Though the argument of Mr. Setalvad is extremely attractive but having taken into consideration an overall picture of the situation and the difficulties of both the parties, we are unable to find any constitutional infirmity or any element of arbitrariness in the aforesaid provisions. The argument of Mr. Setalvad as also those who followed him on this point is, therefore, overruled."

The next provision which has been the subject matter of serious controversy between the parties, is the one contained in regulation 46(1)(c). According to this provision, the normal age of retirement of an AH is 35 years which may at the option of the Managing Director be extended to 45 years subject to other conditions being satisfied. A similar regulation is to be found in the Rules made by the I.A.C., to which we shall refer hereafter. The question of fixation of retirement age of

an AH is to be decided by the authorities concerned after taking into consideration various factors such as the nature of the work, the prevailing conditions, the practice prevalent in other establishments and the like."

"A perusal of the scheme of retirement age given above would clearly show that several considerations weigh with the Governments or Corporation concerned in fixing the retirement age which would naturally differ from country to country having regard to the various factors mentioned above. In fact, a similar grievance seems to have been made before the Mahesh Tribunal which also pointed out that the social conditions in Europe and other countries being different, the same rules could not apply to A.I."

"In this view of the matter the argument on this score must be rejected. This Court has pointed out that there cannot be any cut and dried formula for determining the age of retirement which is to be linked with various circumstances and a variety of factors."

"We might further mention that even before the Mahesh Tribunal, the stand taken by the AHs was merely that their age of retirement should be extended to 45 years and they never put forward or suggested any claim to increase the retirement age to 58 which clearly shows that their present claim is not merely belated but an afterthought particularly because the Mahesh Tribunal was dealing with this particular grievance and if the AHs were really serious in getting their retirement age equated with that of the AFPs, i.e. 58 years, they would not have failed to put forward this specific claim before the Tribunal. This is yet another ground on which the claim of the AHs to be retired at the age of 58 cannot be entertained because as we have already known the Award binds the parties even though its period may have expired."

1.14 On 26 December, 1988, the Committee heard oral evidence of the representatives of the Ministry of Civil Aviation, the Air India and the Indian Airlines.

1.15 With regard to the reasons as to why the women employees working as Cabin Crew were retired at the age of 45 years, unlike other women employees who retired on attaining the age of 58 years, the representative of the Ministry stated that the functions and duties of the

female employees working as cabin crew were quite different and distinct from those of other female employees working on the ground. The nature of jobs to be performed by air hostesses required that they should be in the prime of their health. These jobs were more related to stress, physical ability, presentability and tolerance since the air hostesses were required to have inter-action with the passengers. However, there was no discrimination between the Indian nationals and foreign nationals in the matter of retirement age for the female cabin crew. The retirement age in both the cases was 35 years extendable to 45 years subject to medical fitness.

1.16 Giving details of the retirement age of the air hostesses working on different Airlines, the Secretary, Ministry of Civil Aviation stated during evidence as under:—

“The Position of Air India and the Indian Airlines stands somewhere in between the European carriers and the Asian carriers. In the case of European carriers, for example, Lufthansa, the age of retirement, is 55 years, marriage is permitted and there is no condition regarding pregnancy. In the case of Pan Am and Trans World Airlines, the age of retirement is 60 years, marriage is permitted and there is no condition regarding pregnancy. In the case of Air France, the age of retirement is 55 years, marriage is permitted and there is no condition regarding pregnancy. In the case of Swiss Air, the age of retirement is 57 years, marriage is permitted and there is no condition regarding pregnancy. In the case of Alitalia Airlines, British Airways and Qantas Airlines, the age of retirement is 55 years, marriage is permitted and there is no condition regarding pregnancy.

As against this, our rules are that the age of retirement is 45 years with marriage not being permitted for the first four years and in the third pregnancy period they are terminated if two children are alive.

The position in our neighbouring countries, in the Asian countries like the Singapore Airlines, is that the age of retirement is 35 years and they have a contract period of five years and after five years it is renewed. 35 years is the limit beyond which they do not allow them to continue in service. Marriage is permitted. Service is terminated in the first pregnancy. In Thai Airlines, age of retirement is 40 years. They are not allowed to marry during probation and service is terminated on first pregnancy. Royal Nepal Airlines—Age of retirement is 35 years. They are not allowed to marry for the first five

years and there is no condition regarding pregnancy. In Bangladesh, age of retirement is 35 years, extendable upto 40 years and in case of promotion to higher scales even upto 45 years. They are not allowed to marry in the first three years and there is no condition regarding pregnancy. In Pakistan International Airlines, age of retirement is 35 years, extendable upto 40 years if the report is good and they are not allowed to marry."

1.17 Reacting to the demand of the petitioners for parity in the matter of retirement age with the male cabin crew in Air India and Indian Airlines, the Secretary of the Ministry stated as follows:—

"The demand of the petitioners is within the purview of the two Boards of the Airlines. Now, both these Boards have lady members as directors. We can suggest to the Boards to have a fresh look at this. Keeping the practice obtaining in the European Airlines as also in our neighbouring countries, it would be worthwhile for the matter to be reconsidered by the two Boards and as there are lady members, they will have an option to present their point of view. We would abide by whatever decision the Boards take. This would satisfy the petitioners."

He added:—

"Simply because Supreme Court has given the legal and constitutional position, it does not prevent the Boards of the Airlines from giving certain concessions to the employees. We Would request the Boards to look into this."

1.18 Referring to the annual medical checkups in the case of female cabin crew, the Ministry stated that the retirement age of air hostesses in the Air India and the Indian Airlines being 35 years, extension beyond 35 years under the Service Regulations could be given subject to medical fitness. Annual medical examination, therefore, flowed from the aforesaid provisions. Since extension of service to the air hostesses was on year-to-year basis, medical examination was required to be conducted annually. It has been stated that in Air India, not a single air hostess had been denied extension as a result of medical examination. Similar medical checks had been prescribed for foreign nationals and cabin crew in Air India.

1.19 On being asked as to why females alone should be subjected to medical examination in such situations, the representative of Ministry stated:

"The medical test is only in respect of those who are on extension. Whenever there is a case of extension, medical test will be

carried out, irrespective of whether it concerns males or females. So, discrimination is not there in the case of the medical test. The female crew retire at the age of 35. This is the main distinction, but medical test for extension is common after retirement."

1.20. Asked whether the Government and the Corporations has given a thought to the social security problems faced by the air hostesses after their retirement at a rather early age, the representative of the Ministry stated:

"There is a package of benefits-advantages and disadvantages in every profession. While entering the service, it was clear to the persons who were going to join the air service that they will retire at the age of 45. Moreover, before the Supreme Court, they had asked for a maximum age of 45. This social security point will arise even after the age of retirement is extended beyond 45. But this needs to be looked into afresh specially considering the fact that in most of the other airlines, the age is beyond 45."

1.21 In this connection, the Secretary of the Ministry observed as under:

"We will suggest to the Board that they may consider extending the service upto 58. If they have any problem in that, then they will be asked to work out a scheme for social security benefits after their retirement at the age of 45. So they must choose between the two."

1.22 Asked as to how far it was justified for an air hostess who may have imparted training to male cabin crew members at some point of time, to work under those very persons when she put on cabin crew duty, the Ministry stated that there was a difference between the training given to the male cabin crew and the female cabin crew, even though certain aspects of the training might be overlapping and common to both. The Deputy Chief Airhostess performed managerial and administrative functions while on ground. On board the aircraft, she was required to fly as a line Air hostess and hence had to work under the Flight Purser, who was in charge of cabin as per the Cabin Crew Manual. This was because promotional avenues were created for Air hostesses as per the Record note dated 17 November 1983 entered into between Air India Management and the Cabin Crew Association. It was one of the conditions insisted upon by the Cabin Crew Association representing the airhostesses and the Flight Purser's category that hierarchy on board the aircraft should not be disturbed. When Deputy Chief Airhostess was allowed to do line flying, she had to fly as line Airhostess.

1.23 It was further stated that the job functions and duties of female and male cabin crew as well as other terms and conditions of service were determined by the Awards|Agreements|Settlements with the Cabin Crew Association. Air India Cabin Crew Association was representing approximately about 1800 female and male members of the Cabin Crew. It was a recognised union to represent these categories. Out of 1000 air-hostesses as many as 800 airhostesses were its members. In the past, Cabin Crew Association have resisted inter-changeability in the job functions and given direction to members to adhere to the job functions and duties prescribed for them. It was also relevant to note that the Air Hostesses, who were members of Cabin Crew Association, were not partly to the petition in question.

Observations/Recommendations of the Committee

1.24 A petition from the air hostesses working in Air India and Indian Airlines alleging discrimination based on sex against the female cabin crew was presented to Lok Sabha by Smt. Bibha Ghosh Goswami, M.P. on 2 May, 1988. Two main grievances of the petitioners are:

- (i) Age of retirement of all employees including the male members of cabin crew of the two corporations was 58 years. However, the age of retirement of air hostesses working as cabin crew was 35 years, which was extendable upto 45 years subject to medical fitness. This difference according to the petitioners, was purely on grounds of sex and should, therefore, be done away with.
- (ii) In Air Inda, the air hostesses were not allowed to function as supervisors in the flight as the Cabin Crew Manual provided that only a Flight Purser, who was a male, could be incharge of the Cabin...

1.25 The Committee find that the grievances of the air hostesses are not new and the same have been agitated many times in the past either before the Tribunals specially set up or before various courts. The Supreme Court while considering some writ petitions filed on behalf of the petitioners, dealt with the very issues now raised in a very exhaustive manner. In its judgement given in August, 1981, the Supreme Court in very unambiguous language pronounced that having regard to various circumstances, service conditions, promotional avenues etc. the male crew members and the air hostesses constituted two different categories and as such the question of discriminating against air hostesses did not arise. Ac-

cording to the Supreme Court, what article 14 of the Constitution prohibited was hostile discrimination and not reasonable classification and therefore the treatment of the air hostesses in the matter of retirement age or service conditions in a different manner vis-a-vis male crew members was not discriminatory so as to amount to an infraction of Article 14 of the Constitution. The Supreme Court also held that the Service Regulations, under which age of retirement of air hostesses had been fixed at 35 years, extendable upto 45 years subject to medical fitness, against the retirement age of 58 for other employees, were not discriminatory and did not suffer from any constitutional infirmity.

1.26 The Committee note that this has also been the stand of the managements of the two Corporations. Therefore, whenever the petitioners have represented or filed writ petitions in Bombay High Court or Supreme Court, they were told that the Supreme Court in its judgement of August 1981 had upheld the validity of the Employees Service Regulations of the two Airlines and therefore there was no justification in the demands by the female cabin crew. The Committee feel that this tentamounts to taking too legalistic a view of the whole issue. In essence what the petitioners have been agitating for through representations and writ petitions is not merely a declaration that the provisions of the Service Regulations are discriminatory but a positive action on the part of the management to bring parity in the age of retirement of two categories of employees.

1.27. The Committee find that although the Supreme Court has held that fixation of different age of retirement for different categories of employees was perfectly constitutional, it has not said that the age of retirement of Air hostesses cannot be more than 35 years or 45 years as provided in the relevant service regulations. As a matter of fact the Court has in its judgement observed that "the question of fixation of retirement age of an air hostess has to be decided by the authorities concerned after taking into consideration various factors such as the nature of the work, the prevailing conditions, the practice prevalent in other establishments and the like"...The Court has further observed that "there cannot be any cut and dried formula for determining the age of retirement which is to be linked with various circumstances and a variety of factors"...It is thus always open to the managements of the two Corporations to decide what shall be the age of retirement for a particular category of employees. In the past also, the age of retirement of air hostesses has been enhanced from 30 years to 35

years and again to 45 years subject to certain conditions. The Committee are, therefore of the view that the demand of the air hostesses for raising the age of retirement needs to be considered afresh in the light of the present day socio-economic environment and the arguments advanced by the petitioners. The Committee would like to emphasise that a fresh appraisal of the demands of the air hostesses cannot and should not be shunt out taking shelter under the Supreme Court judgement, which as pointed out above, does not ban a reconsideration of the issue.

1.28. The Committee note with satisfaction the understanding and sympathy displayed by the Secretary, Civil Aviation, when he said during evidence before them that keeping in view the practice obtaining in European Airlines it would be worthwhile if the Boards of the two Corporations reconsidered the whole matter. It is relevant to recall the observations of the Secretary in this evidence before the Committee that 'simply because Supreme Court has given the legal and constitutional position, it does not prevent the Boards of the Airlines from giving certain concessions to the employees.

1.29. The Committee feel that a stage has now come for a fresh look at the service regulations, remedy the in-built bias against female employees and take necessary corrective measures with full confidence in the capabilities of our women folk.

1.30 Considering the general improvement in life expectancy as well as the position obtaining in several international airlines, the Committee are of the view that the retirement age of the Air Hostesses may be raised to 55 years. This can be subject to the condition that after completing 50 years of service, the Air Hostesses may be required to undergo a medical fitness test annually. The Committee are also of the view that the restriction of four years' service before an air hostess could get married is not warranted and should be done away with. The only reasonable restriction which the Committee feel could be imposed in keeping with the small family form, is that the services of an Air hostess may be terminated in case of third pregnancy after two living children. The Committee also feel that there is merit in the Air Hostesses' plea that it was very difficult for an Air Hostess to prove that she was not married. The management should not insist on such a condition and an affidavit to the effect that an Air Hostess was not married at the time of her appointment was good enough and should be accepted by the Corporations.

1.31 The Committee are further of the view that just as the seniormost Cabin Crew member on board an Indian Airlines flight is allowed to supervise the functions of all other cabin crew, whether male or female, the Air Hostesses working in Air India should also be permitted to function as supervisors on board. The Cabin Crew Manual of Air India which provides that only a Flight Purser could be incharge of each zone on flight may be amended so as to provide that a Deputy Chief Air Hostess could be entrusted with supervisory functions on board. In this case also, although the Supreme Court has up-held the constitutional validity of the provisions of Cabin Crew Manual, the management of Air India can always modify these provisions by issue of administrative instructions and bring them at par with those obtaining in Indian Airlines.

1.32. The Committee desire that a thorough review of the service regulations of employees both in Air India and Indian Airlines should be carried out with a view to removing the in-built bias against female employees and to provide them all necessary facilities and avenues of advancement as are generally made available by other international lines to their female employees. The Committee would like the boards of both the Airlines to complete such a review within three months and report back to them the changes effected.

II

REPRESENTATION REGARDING GRIEVANCES OF NURSES OF DELHI HOSPITALS

2.1 Delhi Hospital Nurses Joint Action Committee, New Delhi submitted a representation on 5 December, 1986, regarding grievances of Nurses of Delhi Hospitals. The following are the main grievances of the petitioners:—

- (i) There are no career prospects for the nursing personnel and opportunities for professional advancement are very limited. The remunerations of nursing personnel are at much lower level and are not commensurate with their socio-economic needs, qualifications responsibilities, duties and experience, particularly in the context of the constraints and hazards inherent in the profession.
- (ii) Nursing personnel who work in particularly arduous or unpleasant conditions are not receiving adequate compensation for this.
- (iii) International Labour Organisation has recommended—
 - (a) That uniform or work clothing, medical kits, transport facilities which are necessary for the performance of work should be provided by the employer to nursing personnel and be maintained free of charge. In this context the washing allowance sanctioned (Rs. 25/-) is far too meagre to maintain the uniform.
 - (b) Working hours should not exceed 40 hours a week and wherever necessary working hours should be progressively and rapidly brought down.
 - (c) Nursing personnel should be entitled to not less than 48 hours continuous weekly rest and in no case be less than 36 uninterrupted hours.
- (iv) No provision exists for meal breaks of reasonable durations and there are no rest breaks of reasonable duration included in the normal hours of work.

- (v) Work at inconvenient hours (like night and odd duties) is neither compensated by cash payment nor by granting night duty weightage as in the case of other shift workers.
- (vi) In spite of repeated assurances, nursing personnel are not provided with family accommodation and in a few cases where it has been provided, it is far away from the hospitals entailing long hours of travel.

2.2 The petitioners have demanded that—

- (1) They may be given pay scales higher than those recommended by IV Pay Commission.
- (2) They may be given uniform allowance/washing allowance|risk allowance|messing allowance|overtime allowance etc. at a much higher rate.
- (3) Cadre review should be carried out in consultation with the organisations of Nursing Personnel.
- (4) Accommodation should be provided near the place of duty. Transport facility at least for persons on night duty should be provided.

2.3 The Ministry of Health and Family Welfare (Department of Health) *vide* their communication dated 15 July, 1987 furnished the comments as follows:—

- (1) *International Labour Organisation's Recommendations*—The recommendations of I.L.O. have not been ratified by the Government of India. As such no action can be taken with reference to the recommendation.
- (2) *Revision of pay scales*—This demand of nurses has been examined in consultation with all concerned Ministries and it has been decided that it is not possible to accept the demand. However, if the nurses so desire, they may take up, on their own, the issue of the so-called anomalies with the Anomalies Committee being set up for the purpose.
- (3) *Allowances*.
 - (i) *Non-Practising Allowances*—(i) Not accepted.

- (ii) *Enhancement of Uniform Allowances*—(ii) Rate of Uniform allowance has been raised from Rs. 300/- P.A. to Rs. 1500/- P.A.
- (iii) *Enhancement of Washing Allowances*—(iii) Rate of washing allowances has been raised from Rs. 25/- P.M. to Rs. 75/- P.M.
- (iv) *Grant of Risk|Messing|night Weightage Allowances*—All these have been taken care of by grant of Nursing Allowance at rate of Rs. 150/- P.M. keeping in view the duties of Nurses which include among others, the requirement of night duty performance, the need for flexibility of working hours (including night duty hours) depending upon the condition of the patient being attended upon and the expectation of sympathy and understanding on the part of the Nurses.
- (v) *Grant of Qualification Allowance*—It has been decided in principle to grant two increments (Non-absorbable) for approved qualification. The details and modalities about the implementation of this scheme are being worked out in consultation with the Ministry of Finance and Department of Personnel and Training.
- (vi) *Grant of Special Pay*—A Committee has been set up to identify the specialised areas, in addition to the existing ones, where this benefit can be extended.
- (vii) *Grant of Over Time Allowances*—It has been decided that as and when the general scheme of grant of Extra Work Allowance will be finalised, the same will be considered for being made applicable to the Nurses also.
- (viii) *Increase of Student Stipend*—Rate of Stipend to the student Nurses undergoing general nursing and mid-wifery courses has been enhanced to Rs. 500/- P.M. uniformly for all the 3 years.

(4) Cadre Review of Nurses:

A Committee has been set up for looking into restructuring of cadre of nurses.

2.4 The Ministry further stated vide their communication dated 1 March, 1988, that:—

"....The matter regarding the working hours per week of Nurses has been examined in this Ministry. It is submitted that there was also a demand by the staff side of the Departmental Council of this Ministry seeking reduction in working hours of Nurses working in Central Government Hospitals from 48 hours per week with lunch break and bringing the same down and fix at par with the Nurses in Central Government Health Scheme viz. 34 hours per week without lunch break. This demand was considered by this Ministry in consultation with all concerned including Ministry of Finance and the Department of Personnel and Training who concurred in the proposal of this Ministry to approach the Cabinet for allowing this Ministry to record disagreement in the meeting of Departmental Council with regard to this demand. The Cabinet has approved the proposal.

It may also be mentioned in this connection that the Fourth Pay Commission, while recommending the revised scales of pay for the Central Government Employees had *inter-alia* observed that with the introduction of five days, week, the Central Government Employees should be willing to put in work for extra hours....Accordingly, the working hours of the Central Government Offices now total upto 40 hours per week, besides 2½ hours for lunch break.

It will be recalled that the Nurses working in Central Government Hospitals etc., besides getting the benefit of revised scales of pay with effect from 1-1-1986, are also drawing Washing Allowance and uniform allowance at the enhanced rates and a new allowance viz., Nursing Allowance at the rate of Rs. 150/-P.M.As such the recommendation made by the Fourth Pay Commission as referred above regarding increased working hours, should be aptly operative in the case of Nurses also.

Keeping in view all these factors, as given above, this Ministry cannot agree to the demand of the Nurses in Delhi hospitals for reducing their weekly working hours...."

2.5 The Committee decided to take oral evidence of the representatives of the Ministry of Health and Family Welfare (Department of Health). According at their sitting held on 8 December, 1988, the Committee held discussions with the representatives of the Ministry.

2.6 Giving details of the action taken by the Ministry in regard to the various demands of the petitioners, the Secretary, Ministry of Health and Family Welfare (Department of Health) informed the committee as under:—

- “(i) Uniform allowance had been increased from Rs. 25 to Rs. 125 P.M. Orders to this effect had been issued on 11.2.1987 and were effective *w.e.f.* 1.10.1986
- (ii) Nursing allowance @Rs. 150 P.M. had been sanctioned.
- (iii) There was a revision in regard to the Washing Allowance. (from Rs. 25 to Rs. 75/- P.M.)
- (iv) Sanctioned has been accorded to increase the stipend for nursing students from the existing Rs. 250 in the first year, Rs. 300 P.M. in the second and third years to a flat rate of Rs. 500 P.M. uniformly for all years. This was done in consequence of the agreement reached with the nursing staff.

The orders to grant above allowances were issued on 11-2-1987, and were effective from 1-10-1986.”

2.7 Asked about the reasons for the difference in working hours of the nurses working in the Central Government Health Scheme and Central Government Hospitals, the witness replied as under:—

“The Government took into consideration the difference between the Government general hospitals and the CGHS. We have found about half a dozen differences.

Firstly, Government general hospitals are kept open for 24 hours a day for 365 days a year but the CGHS function only for 6-7 hours a day. Naturally the working hours are less in the CGHS and so the nurses have to work for lesser number of hours.

Secondly, in the Government general hospitals, they have three shifts. But the CGHS have only one shift.

Thirdly, Government general hospitals have to work on holidays. For that they get 3 days off, while in CGHS they have got only week days as holidays.

Fourthly, nurses in the Government general hospitals are provided free furnished accommodation, but it is not so in the case of CGHS.

Fifthly, nurses in Government general hospitals have promotional avenues but it is not so in the case of CGHS. Nurses who work in CGHS in our opinion can best be compared with the non-residents. Nurses of the Government general hospitals who work in OPD cannot be compared with any other category of people whereas the nurses of CGHS work only for a period when it is open, i.e. for 6-7 hours a day."

He added:—

"It is not exactly true that they are all working for 48 hours. Nursing superintendents work for 36 hours. Likewise sisters are working for 37 hours.

As far as the allowances are concerned, they are getting special pay for duty in all major operation theatres, ICUs, other special units etc. They are getting a special pay of Rs. 60/- which the CGHS staff do not get."

2.8 The Committee were informed that working hours of nurses in Hospitals under MCD, DGHS and Ministry of Civil Aviation were on an average 8 hours per day. In Dr. Ram Manohar Lohia Hospital a Central Government hospital, nurses worked for 37½ hours per week and in other Central Government hospitals and hospitals under NDMC and Delhi Administration etc. the nurses had a shift duty (3 shifts).

2.9 Regarding the promotional avenues for nurses, the Director General Health Services informed the Committee as under:—

"As far as the hospitals are concerned once they are taken as special nurses, they have chances to become Assistant Nursing Superintendent and then Nursing Superintendent. Three tiers they have got."

He added:—

"The cadre review committee is working on it and it is going to submit a report. Then a large number of nurses will be promoted."

2.10 In the same context, the Ministry have in a note stated that:—

"Generally there are higher posts available in all the organisations for providing promotional avenues to Nurses in

lower grades. The promotion to the higher post depends on the availability of the vacancy in the higher grade and for that purpose relevant rules and instructions framed by the Government from time to time, including the observance of the roster formalities, must be followed by the concerned organisation/administrative authorities."

2.11 The Ministry also informed the Committee that the reservation provided for the candidates belonging to Scheduled Castes and Scheduled Tribes etc. in respect of Nursing personnel working in above Hospitals was as per Government rules.

2.12 When asked whether accommodation was provided to all the nurses, the Secretary of the Ministry replied that quarters were provided to unmarried nurses only. Asked whether the married nurses were provided transport facilities when they attended night duty, the Director General Health Services stated:—

"No travelling facility is provided. It is not possible for us to provide transport facilities because they are living in different places. At the same time, all the hospitals in the City are taking steps to have residential premises near their hospitals so that this difficulty can be obviated."

2.13 To a query regarding grant of overtime allowance or extra working time allowance, the Secretary of the Ministry replied:—

"The concept of extra working time-allowance has been introduced in places where the compensatory off cannot be given on account of exigencies of work. It is still under finalisation by the Department of Personnel and Training. We understand that they are not able to indicate any time limit by which it will be finalised."

He added:—

"We have given nursing allowance of Rs. 150/- keeping in view their arduous nature of duties. Overtime is computed on the basis of time, but extra duty allowance is computed on the basis of extra duty work. So I think, nurses will benefit by this extra duty work norm. When the new Schemes comes, I think, they will be benefited by that."

2.14 In reply to a query about the patient-nurse ratio, the Director General Health Services stated:—

“...the position in Delhi varies from hospital to hospital. It ranges from one nurse for 10 beds to one nurse for 18 beds. We have taken into account the report of the cadre review committee and the recommendations by the Indian Nursing Council. We have also taken into account that some departments in the hospital do require continuous nursing care like ICU, paediatrics department or burns. So taking that into account, we have worked out what should be the norm for a 500 bedded hospital and then right up to the line, what should be the number at the supervisory level. We have given a report. We have said in the report that straightway we cannot reach the idealistic norms but in a phased manner we will be able to reach those norms.”

2.15 As to the reasons for shortage of nurses, the Committee were informed that many of them were migrating to middle-east countries.

2.16 The Committee pointed out that the then Minister for Human Resource Development had stated in Lok Sabha that the ratio of nurses was very much lower as compared to the requirement and that the Government were taking steps to see that more nurses were recruited. Asked about the action taken in this regard, the Secretary of the Ministry stated:—

“At the moment, we have about 1,50,000 nurses. By, 1991, according to one estimate, we will be requiring 2,00,000 nurses. According to the nurse-doctor-ratio, the requirement will be 2,50,000 nurses. By 2000 A.D., we will be requiring about five lakh nurses. We are thinking how we can increase the facilities for nurses’ training in the Eighth Plan. Earlier, only from South, especially from Kerala, nurses used to come, but now they are available from everywhere. From Punjab also we are getting so many nurses. So, we are working on how to give more resources for nursing schools. Secondly we are working on how to make this line attractive.”

2.17 The Committee enquired whether the recommendations of the International Labour Organisation had since been ratified by the Government and if not, the implications thereof. In reply, the Secretary of the Ministry stated:—

“The recommendations of ILO have first to be ratified by the Government. The purpose of those recommendations is, to some extent, fulfilled by the conditions of service or employ-

ment rules. Certainly it is influenced by the ILO's approach. The ILO has made certain recommendations. Wherever they are feasible, we have followed. We have been bound by the ILO recommendations in letter and spirit. The provision regarding ratification of international agreements is kept as a safeguard so that a globally desirable thing is there. That is why each country retains the sovereignty to ratify. But the spirit of what they say regarding better working hours, working conditions etc. is there."

Observations/Recommendations of the Committee

2.18 The Delhi Hospital Nurses Joint Action Committee, New Delhi through a representation submitted to the Committee in December 1986, listed a number of grievances/complaints regarding their conditions of service. At the instance of the Committee, the representation was forwarded to the Ministry of Health and Family Welfare to ascertain the factual position in regard to various points raised in the representation. The Committee have been informed that in the light of the representation of the nurses, Government had taken certain positive steps and revised the rates of a number of allowances admissible to the nurses. These include enhancement of uniform allowance from Rs. 300 to Rs. 1500 p.m., raising of washing allowance from Rs. 25 p.m. to Rs. 75 p.m., increasing the rate of stipend of student nurses to Rs. 500 p.m. uniformly for all the three years and granting of a new Nursing Allowance at the rate of Rs. 150 p.m. It is a matter of satisfaction that some of the demands made by the nurses have been adequately met by raising the rates of different types of allowances.

2.19 The Committee, however, find that there are several other demands of the nurses, which are either under consideration or are not acceptable to the Government. A major demand of the nurses was that the recommendations of I.L.O. re. the service conditions of the nurses should be ratified and implemented by Government. It has been stated on behalf of the Government that although the I.L.O. recommendations have not been formally ratified by Government, the ideas underlying these recommendations have been followed both in letter and spirit. It has been further stated that the service and employment rules for the nurses have been framed in line with the I.L.O. recommendations. The Committee are, therefore, of the view that formal ratification of the I.L.O. recommendations may be better left to the discretion of the Government.

2.20 Another major demand raised by the nurses was that they may be given pay scales higher than those recommended by the Fourth Pay Commission. The Committee do not see any reason for reopening the

issue of revision of pay scales as the same had already been considered by the Fourth Pay Commission. However, as pointed out by the Ministry, if the nurses feel aggrieved about a particular scale or allowance, they should take up specific cases to the Anomalies Committee. The Committee have also been informed that a committee had been set up by the Government to identify the specialised areas, in addition to the existing ones, where special pay could be granted. The Committee would like the Ministry to ensure that this committee completes its work expeditiously so that relief, is granted to the nurses also, if justified.

2.21 The Committee note with satisfaction that it has been decided in principle to grant two increments for approved qualifications. The Committee desire that the details and modalities about the implementation of this scheme should be worked out early. The Committee also note that it has been decided that as and when the general scheme for the grant of extra work allowance was finalised, the same would be considered by the Ministry of Health for being made applicable to nurses also. The Committee expect that early action would be taken in the matter.

2.22 The Committee note that the need for cadre review of nurses was another major demand of the nurses. A Committee has reportedly been set up for looking into restructuring of the cadre of nurses. The Committee would like that the work allocated to this particular Committee should be finalised quickly so that a long outstanding grievance of the nurses is removed. The committee should be given a time bound schedule for completing its work.

The Committee find that residential accommodation is not provided to the nurses. Only un-married nurses are being provided with quarters. Keeping in view the fact that nurses are required to work at odd hours, the Government should as a matter of policy ensure that residential quarters are made available to all the nurses near the hospitals where they have to serve. Till residential accommodation is provided, arrangements for providing travelling facilities to the nurses from their places of stay to the hospitals should be provided. The Committee desire that this aspect of the matter may be examined in depth for granting relief to the nurses.

2.24 The Committee are concerned to note that there is a general shortage of nurses in the country. It was explained that at present there are about one lakh fifty thousand nurses and by 2,000 A.D. the requirement of nurses may well exceed the figure of five lakhs. The patient-nurse ratio is particularly very low. Even in place like Delhi the patient-nurse ratio ranges from one nurse to ten beds to one nurse for 18 beds. The Com-

mittee would like the Department to look into this aspect and take necessary steps for making the nursing profession more attractive so that a large number of nurses are able to join this profession and meet the future requirements of the country. In this connection the Committee would like the Government to give priority to post adequate number of nurses in the health centres in tribal and remote areas where there is acute shortage. The Committee would also like that facilities for training of nurses should be substantially increased so that a larger number of nurses become available for working in different parts of the country.

2.25 The Committee would like that facilities for training of nurses should be substantially increased or expanded with the help of voluntary organisations so that a large number of nurses become available for posting against the total requirements. While expanding such facilities it may be kept in view that a large number of nurses migrate to middle-east and other countries every year thereby creating shortage of personnel for being posted in various hospitals in the country. It will have, therefore, to be ensured that the training facilities are of such a magnitude that the total requirement of nurses is adequately met. It hardly needs to be emphasised that better service to the patient can be provided only when the burden on the nursing staff is reduced by ensuring better nurse-patient ratio. There is, therefore, need for a very substantial increase in the training facilities. The Committee expect that Government will give due attention to this aspect of the matter.

III

REPRESENTATION REGARDING NON-ISSUANCE OF DRINKING WATER CONNECTIONS TO THE RESIDENTS OF POCKET F-24, SECTOR 7, ROHINI, DELHI

3.1 Shri Narayan Choubey, M.P. forwarded a representation dated 14 March, 1988 from Shri Om Prakash Kasturia and 12 other residents of Pocket F-24, Sector 7, Rohini, Delhi regarding non-issuance of drinking water connections to them.

A. Petitioners' grievances, demands and Prayer

3.2 In their representation, the petitioners *Inter-alia* stated:—

- “(i) In 1983, the Delhi Development Authority sold plots of 90 square metres at the rate of Rs. 200/- per square metre in Pocket F-24, Sector 7, ROHINI, New Delhi. Only 3 years' time was given to construct these plots. Those who could not complete the houses within the stipulated period, were charged penalty @ Rs. 20/- per square metre per year.
- (ii) For the last one year, we have been applying for water connections, but the Delhi Development Authority has been making one excuse or the other—sometimes ‘pipes have not yet been laid’, sometimes ‘water tank is not yet ready’, sometimes ‘water tank is leaking’ and thus refusing to give water connections.
- (iii) For the last one year, we have been using water drawn from hand-pumps installed for construction purposes. Since the hand-pump water is not fit for human consumption, all have developed some or the other ailments.”

3.3 The petitioners prayed that the Delhi Development Authority be directed to provide drinking water connections immediately as besides a legal obligation, it was also their moral duty to provide the basic amenities like drinking water.

B. Comments of the Ministry of Urban Development

3.4 The matter was referred to the Ministry of Urban Development on 18.3.1988 for ascertaining the factual position. In their reply dated 13 April, 1988, the Ministry stated as under:—

“The grievances of the allottees have been examined in consultation with DDA, who have reported that Sector 7 falls in the common area of Overhead Tank. MCD is laying the water risings main upto this Overhead tank. Water connections to the allottees will be feasible only after adequate water is made available from MCD. The DDA's portion of water supply works have already been completed. The testing and flushing of the system will, however, be done soon after the water is released by MCD which is likely to take about a couple of months.”

3.5 The above reply was forwarded to Shri Narayan Choubey, M.P. who informed the Committee as under:—

- (i) The Delhi Development Authority had advertised for the plots in 1981 and later allotted them in 1983. Even after eight long years, it had not been possible to construct the tank to provide water to the residents.
- (ii) Why the plot holders were asked to complete the construction within three years when DDA had not provided the basic amenities like water, roads and road-lights?
- (iii) Responsibility should be fixed for not providing the basic amenities of water, roads and road lights to the residents in time.
- (iv) People living in pockets F-22, 23, 24 and 26 of Sector 7 had been drinking hand-pump water for more than 2 years. Diseases like cholera and gastroenteritis could spread if steps for regular supply of water were not taken immediately.
- (v) DDA must be asked to pay interest on the amount spent by the residents on the construction of their houses as was being done in the case of flats built by DDA.
- (vi) Amount of penalty charged by DDA for not completing the houses on the plots should also be refunded.

3.6 The Vice-Chairman, DDA, informed the Committee during evidence on 12.10.88, that the entire Rohini area was having saline

water. Ground water being not available, the colony depended upon the surface water from MCD. He stated—

“Generally what we contemplate is that when the development starts, we also start allocating plots. So, simultaneously we start development work. In two-and-half years, from the date when the plots for building have been given, water supply is being made available either by DDA or by MCD. Now, in these cases, the plot allotments were made between 1983 and 1985 and taking sometime for passing the building plan and completing other formalities, that is, before the completion of the construction, we should have made available drinking water to them by 1986 or 1987.”

3.7 Asked when the applications for allotment of plots and flats in Rohini to the public were invited, the Ministry in a written reply stated that the applications for registration of plots were invited in 1981, draw for allotment of plots for the registrants was held on 22.9.83, and the possession of most of the plots was handed over between 1983 and 85. It was DDA's responsibility to make available the infrastructural services like water supply, sewerage, electricity, etc. to the public by the time the construction of their plots was ready in the area developed by DDA. The time taken in providing such infrastructure was 1½ years to two years from the date of handing over of possession of plots.

3.8 With respect to the flats, the possession was handed over to the public only after completing the construction and the infrastructural facilities like water supply, electricity, sewerage connections, etc.

3.9 To a question whether it was not obligatory on the part of the DDA to provide potable drinking water before allotment of flats/plots was made, the Ministry stated—

“When the plots are allotted, some time is taken in construction of the building and potable water is not provided for construction purposes. It is only when the construction is completed that the allottee has to apply for connection for potable drinking water. This period is estimated to be 1½ years to 2 years from the date of handing over of the possession of the plot.”

3.10 It was pointed out during evidence that when plots were developed, the commitment was to make available drinking water in three years but actually seven years had passed without the facility being made available. The Vice-Chairman, DDA, stated:

“The question we are discussing is concerning a particular pocket. It is not that the entire Rohini is not getting any drinking water. Water supply has been provided to them. We are only discussing pocket of 170 plots where the flats were given between 1983 to 1985, where it took two-and-a-half years for completion. Normally a plot given in 1983 should have got water connection in 1987. This is not to say that in the entire Rohini for 7 years there is no water supply. There has been some delay here because there was a problem in the rising main.”

3.11 The Vice-Chairman, DDA further stated that applications for individual connections had been received from 20 plot holders and in respect of 16 plots the release orders had been given. On being pointed out that the water connections wherein given carried the stipulation that the water was not potable for drinking and preparing food, the Vice-Chairman stated—

“Even after giving connections, the condition has been put that water is not to be given for drinking and cooking purposes. It has to be got approved by the Municipal Corporation. Since there was urgency, we have provided the posts from where drinking water can be taken.”

3.12 Explaining the matter further, the witness stated—

“...the water we are feeding into the system should be free from bacteria. It takes from 6 weeks to 2 months to complete this system. Sometime bacteria has been accumulated. So we keep on flushing this system and it takes 6 weeks to 2 months. Then we take daily samples and sometimes even two or three times a day. These tests are done in the laboratories and it is only after certifying we give the water. When we put a disease-free or potable water into one end of the system, by the time we are able to flush it, it takes a period of two months. It is a question of days when we receive a

report from the Municipal Corporation about this. So as a kind of warning we have mentioned this, otherwise water is being supplied to the houses and we assure you that potable water is available."

3.13 When enquired as to whether the delay could be attributed to the lack of proper coordination between the Delhi Development Authority and the Municipal Corporation of Delhi, the representative of the Ministry replied in the negative. He, however, stated that there was delay in making available the drinking water to the Overhead Tank by the Municipal Corporation of Delhi.

3.14 Plot holders in Rohini were given three years to construct houses failing which penalty was to be charged from them. Asked to justify the imposition of penalty when DDA was not able to provide potable drinking water to the plot holders, the Vice-Chairman, DDA, during evidence admitted that imposition of levy and penalty was not justified. He stated—

"Now, we have recognised this fact and we have withdrawn the levy and the penalty in the case of two or three people who have paid the penalty. In the case of one person, it has been refunded and in the case of other two persons, we have intimated them to collect the money. Now, the position has been made clear that wherever water supply has not been made available in time, no penalty will be levied."

3.15 The Committee were informed that in all 20,369 plots were allotted in Rohini Ph. I through first and second draw. Water in this area had been made available. It has been further stated—

".....5056 plots were released in third draw during 1984. Handing over of possession to the allottees of this draw has been started only during 1988 with the condition that the period of construction which starts from the date of possession would be counted from 31.3.1989 and building activities shall be released from that date only. For these plots considering the construction period of three years, water should be made available by 1992 and it is expected that by this time MCD and DDA would be able to lay their lines and water shall be made available to these plot holders by that time.

Similarly, 5037 plots have been released in fourth draw during 1987 but handing over of possession of these plots

has not so far started due to non-availability of services and it is expected that in this area also water shall be available by the time construction activities are completed after handing over of possession to the allottees."

3.16 As to the future demand for drinking water and the steps taken to obviate further problems in Rohini, it has been stated—

".....in general, it is brought out that after completion of all the activities in Rohini Ph. I & II including society area, ultimate requirement of water would be nearly 50 MGD till their further expansion of Haiderpur water Treatment Plant which is yet to be done. At present, MCD is supplying only 3 MGD water.

In order to avoid further water problem in Rohini the MCD shall have to increase the quantity of water supply for Rohini Area to meet up the day-to-day increasing demand with the growth of population in this area.

Also MCD shall have to expedite construction of their underground reservoirs, pumping stations and installation of pumps including laying of rising mains from Haiderpur Treatment Plant to underground reservoirs for feeding water to our lines in the area for which work is already in progress."

3.17 With respect to the supply and demand of raw water in Delhi, the Committee had been informed that the present assessed requirement of raw water was 740MAF against which the present availability was 0.642 MAF from the following sources:—

(a) River Yamuna	—0.296 MAF
(b) River Beas System	—0.200 MAF
(c) Upper Ganges Canal	—0.146 MAF
Total	<u>—0.642 MAF</u>

The present production capacity of the Undertaking was 409 MGD, against the assessed requirement of over 472 MGD.

3.18 During evidence, the Secretary, Ministry of Urban Development stated—

“....We have been making strenuous efforts to increase the capacity of the water supply system specifically in regard to Haiderpur which caters to the Western areas like, Nazafgarh where the capacity is 100 MGD. We wanted to increase the capacity by another 100 MGD. A scheme has already been formulated. We have also earmarked the funds for that but it is contingent on an agreement with the Government of Haryana to release more water.”

C. Observations/Recommendations of the Committee

3.19 In a representation forwarded by Shri Narayan Choubey, M.P., the residents of Pocket F-24, Sector 7, Rohini had complained that drinking water connections had not been provided by DDA even though construction of houses had been completed long back. In the absence of any arrangement for the supply of drinking water by DDA, the residents of the area were forced to use water drawn from hand pumps which had been installed for construction purposes: The Committee are surprised to learn that whereas DDA miserably failed to provide drinking water facilities and other civic amenities in time, they did not hesitate in leaving penalty charges for late completion of the houses by the allottees. The Vice-Chairman, DDA admitted before the Committee that water connections in this particular pocket of Rohini ought to have been provided in 1986 but actually the connections could be provided only by 1988 end. Under the circumstances there can be no justification whatsoever for imposing a penalty on the allottees for non-completion of their houses.

3.20 The Committee have been informed that the penalty imposed on the plot holders for not constructing the houses within the time limit of three years has since been withdrawn as DDA seems to have realised that there was no justification for such a levy. The Committee would like that penalty charges recovered by DDA on this score should be refunded immediately. The Committee deplore the high handedness of DDA in the matter. They would like the DDA to ensure that in future the question of levying a penalty for late construction is considered only after DDA has fulfilled its own part of the contract by providing necessary civic amenities, to which the plot holders are entitled.

3.21 The Committee find that the main reason why drinking water was not made available in Sector 7 of Rohini was that in the absence of good ground water, DDA was totally dependent on MCD for the supply of surface water. It has been stated that the DDA's portion of water supply works have been completed but MCD has yet to lay the water risings main upto the overhead tank. There is obviously no coordination between the two organisations. A representative of the Ministry of Urban Development in the course of his evidence before the Committee deposed that although delay in sanctioning water connections in Sector 7 of Rohini could not be attributed to lack of coordination between the two organisations concerned, it was a fact that there was delay in making available the drinking water to the overhead tank by Municipal Corporation of Delhi. The Committee desire that this aspect of the matter may be looked into by the Ministry with a view to fixing responsibility for the delay.

3.22 In the light of general complaints about lack of drinking water facilities and other civic amenities in different colonies developed by DDA, the Committee feel that it may be stipulated in the DDA rules/regulations that possession of a DDA flats will not be handed over to the buyer unless the particular locality has been provided with drinking water facility and other essential civic amenities. Similarly a stipulation can be made that before a built up house is allowed to be occupied for residential purposes, DDA will ensure that water connection is installed.

3.23 The Committee note that Delhi faces an acute problem of shortage of drinking water not only at present but is likely to face yet bigger problems in future because of the growing population. It has been stated that the ultimate requirement of water even in Rohini area would be 50 MGD as against which MCD has so far committed only 10 MGD. This is also subject to further expansion of the Haiderpur water treatment plant which is yet to be set up. The Committee have been further informed that the present assessed requirement of raw water in Delhi is 740 MAF against which the availability is only .642. Here again in view of the absence of any commitment for the supply of raw water from Haryana, which is the only potential source, no further progress has been made in the construction of second water treatment plant at Haiderpur. When asked whether Haryana had been approached to supply additional water, the Committee were informed that seven attempts were made during the period December, 84 to December, 87 at

different levels (3 at the level of Secretary, Ministry of Urban Development with Chief Secretary, Government of Haryana and 4 at the level of Urban Development Minister with Chief Minister) for the procurement of additional water from Haryana apart from discussions with the Haryana Government officials in several meetings from time to time. Since setting up of 2nd Haiderpur water treatment plant seems to be the only remedy for meeting the water requirements of the growing Metropolies, the Committee cannot but emphasise that all matters connected with this plant should be sorted out at the highest level immediately. The Committee wish that the Government will take the matter regarding supply of additional raw water with the urgency it deserves and initiate appropriate measures to ensure that people in Delhi are able to get adequate potable drinking water;

IV

REPRESENTATION REGARDING ACUTE SHORTAGE OF DRINKING WATER IN SADH NAGAR I AND II AND RAJ NAGAR I AND II—EXTENSION OF PALAM VILLAGE, NEW DELHI

4.1 Shri R. S. Aggarwal, General Secretary, Central Government Employees Residents Welfare Association, Palam Colony, New Delhi submitted a representation dated 18 August, 1987 complaining of acute shortage of drinking water in the localities of Sadh Nagar I and II and Raj Nagar I and II—Extensions of Palam Village, New Delhi.

A. Petitioner's grievances, demands and prayers

4.2 In his representation, the petitioner stated as follows:—

- “(1) The colonies of Sadh Nagar I and II, and Raj Nagar I and II—extensions of Palam Village which are in existence since 1940s and regularised/approved by the Central Government in 1980 and having a population of more than one lakh are facing acute shortage of drinking water.
- (2) Now even the water level of unfit drinking water has gone down considerably and the poormen's handpumps—the only source of water supply—have also dried up. Poor people cannot afford luxury of deep-bore pumps.
- (3) Representations made to the Delhi Administration, Delhi Development Authority, Municipal Corporation of Delhi, Water Supply and Sewerage Disposal Committee to provide potable drinking water, which is second element after oxygen to sustain life on earth, have proved futile. All authorities are indifferent towards this serious situation.
- (4) Unsafe drinking water is creating potential health hazard and causing concern amongst all concerned.”

4.3 The petitioner prayed for immediate intervention by the Committee so that potable drinking water was provided on war footing and great hardship being faced by the residents was mitigated.

B. Comments of the Ministry of Urban Development

4.4 On 25 August, 1987, the representation was referred to the Ministry of Urban Development for a factual note in the matter. After protracted correspondence, the Ministry forwarded the following reply of the Delhi Water Supply and Sewage Disposal Undertaking on 15 January, 1988:

“These Colonies are situated in rural area of Najafgarh Zone where ground water is generally saline.

For identifying suitable sites for the construction of deep tubewells, a number of trial bores will have to be carried out.

Due to non-availability of any water main in the near vicinity and the shortage of filtered water, it would not be possible to provide the same for these colonies for the present.

As and when second 100 MGD water treatment plant at Haiderpur is set up, potable water will be made available to these colonies also. But the work on construction of treatment plant at Haiderpur can be taken in hand only after Haryana Government makes commitment to provide additional raw water.

Meanwhile, association may be advised to provide suitable sites where efforts can be made to construct tubewells.”

4.5 Finding the reply of the Government as being far from satisfactory, the Committee called the representatives of the Ministry of Urban Development, Delhi Development Authority and Municipal Corporation of Delhi for oral evidence on 12th October, 1988.

4.6 It was stated during evidence that these colonies had come up with unauthorised constructions on agricultural or other land. In 1977, a survey was undertaken to identify the constructions that had come in the form of a cluster and could be recognised as habitat or a colony for the purpose of providing civic facilities. A decision was taken in 1980 regularise some colonies including Raj Nagar and Sadh Nagar. Prior to 1981, these colonies fell within the jurisdiction of MCD. As per Delhi Master Plan, a decision was

taken to enhance the limit of the 'development area' and the control of the said unauthorised|regularised colonies was entrusted to DDA in 1982.

4.7 In a written note furnished to the Committee, it has been stated that at the time of take over by DDA the colonies were in a very much dilapidated condition. There were hardly any pucca roads and there was no drainage system. The back lanes and roads were full of slush and there were deep ponds where slushy water used to accumulate. No peripheral water mains which were to be provided by MCD were available in the near vicinity of the area.

4.8 The Committee were informed that these colonies remained with DDA for five year i.e. from 1982 to 1987. During this period DDA undertook development works which included (i) Filling of low lying areas; (ii) construction of roads and paths; (iii) brick flooring and red sand stone flooring in back lanes; (iv) construction of dust bins and urinals; and (v) construction of storm water drains and culverts. According to DDA a sum of Rs. 2 crores was spent on the development of these colonies.

4.9 It was stated that another policy decision was taken that all those colonies which were recognised and were with the Delhi Development Authority for about three to four years be transferred to the Municipal Corporation of Delhi so that civic amenities, which basically is the function of municipal bodies, could be provided. Thus these colonies were again handed over to the Municipal Corporation of Delhi in January, 1987, and continue to be with MCD since then.

4.10 Explaining the reasons for transfer of the colonies from MCD to DDA and again from DDA to MCD, the Joint Secretary, Ministry of Urban Development stated that the functions of the two bodies were different. DDA comes into operation as long as development takes place. Once the development work was over and a colony had been regularised, it was transferred to MCD.

4.11 When asked about the number of representations that were sent by the residents of these colonies to DDA, MCD, etc., for making available potable drinking water, it was stated that during 1982-87, DDA had received 12 representations and after the transfer of these to MCD in January, 1987, about 10 representations had been received by MCD from the associations and various individuals.

4.12 To a question as to how the Delhi Development Authority and the Municipal Corporation of Delhi could sleep over the matter of supply of potable drinking water to the residents after the process of regularisation of the said colonies was completed in 1980, the representative of the Ministry stated—

“Neither the DDA nor the Municipal Corporation officials have been unaware of the requirement. On the contrary, both the organizations did make efforts, not only in this area, but in other areas also. efforts were made, but there are certain problems which are not easily amenable to solution, The saline water is a very serious problem. Our intention and effort alone cannot solve it. It has to be done through the process of making more and more efforts. Because these efforts have been continuing, we have been able to achieve a certain limited success. There too, for technical reasons, the success has been only 25% of the total efforts. It has not at all been due to lack of intention or interest, but because of the very real problem of scarcity of the raw water availability, which is something beyond the control of any of these organizations.”

4.13 Asked whether these colonies could not be provided with potable drinking water facility during the past 48 years because these were unauthorised colonies, the Secretary of the Ministry stated:

“It is not that Delhi Administration or the Ministry ever consider that the legal status of the colony is a prerequisite to determine the availability of basic facilities. It is far from that. The problem here has been that the area has some technical difficulties as far as ground water is concerned. . . . The intention of the Government has always been somehow to find a solution. But because of the technical problems encountered, we have not been able to come up with a satisfactory solution. So it has not at all been the intention to deny the basic facilities just because this has been an unauthorised colony.”

He, however, added:

“It is also a fact that the Government think of taking up regular water supply schemes only in authorised colonies. Because these colonies were unauthorised, the general approach has been to provide some kind of minimum

facility like hand tubewells etc. The status of a colony is relevant in order to take up an organised water supply scheme."

Subsequently in a written note, the Ministry stated:

"Potable water supply was not being supplied in the areas where construction had been done without approval of layout plans by the MCD/DDA. It was only after the Government had decided to regularise these colonies in June 1980, that the question of extending civic amenities including water supply could be taken up. As stated above, the DDA could not supply water as there were no MCD water lines available in these colonies."

4.14 The Committee enquired whether it would be correct to infer that no action was taken during the last 40 years to make provision for potable water in these colonies either by the DDA or the MCD. The Secretary of the Ministry state:

"The ground water salinity problem in relation to the quantity of water required has been more serious in the past four or five years. The DDA prior to handing over these colonies to MCD themselves undertook a number of drilling efforts. But unfortunately they were not successful. The MCD also tried. Finally, the Central Ground Water Board was brought in. The CGWB is a highly specialised organisation; but with all their equipment and skills, the demand for their services is there all over the country. So depending on their programme they could undertake a special exercise for this area only about 1 1/2 years ago and fortunately they have been successful. Even then out of ten trial bores, they have been able to succeed only in three and here also only after the energisation we will be able to satisfy as to what is the total quantity of water that can be extracted.... We have also advised that some kind of a temporary arrangement should be made so that within the next two-three months, at least two-three safe sources can be provided."

4.15 In their communication dated 7 April, 1989, the Ministry intimated the latest position about the supply of water in Sadh Nagar as under:

".... it has been possible to construct/commission three tubewells in these colonies, one more tubewell will be com-

missioned shortly after power connection becomes available. In addition 3 more sites for tubewells have also been identified. Two tubewells constructed in Mangolpuri had also been commissioned which are also partly supplying water to Raj Nagar and Sadh Nagar colonies.

As an interim measure, water supply to these colonies has been given through public stand posts and sintex tanks. 100 mm dia pipelines in a length of 10 km. have been laid at a total cost of Rs. 24.00 lac. With the execution of scheme considerable relief has been given to the residents of the colonies. Wherever feasible, individual water connections will also be sanctioned to the people on payment of development charges at the rate of Rs. 15/- per sq. mt. from the main line as per approved policy."

4.16 With respect to the progress made in setting up of second MGD water treatment plant at Haiderpur and the likely of its commissioning, the Ministry in a written communication sent on 27-12-88 stated:

"In view of the absence of any commitment for the supply of raw water from Haryana, no further progress could be made with regard to the construction of the plant at Haiderpur. MCD has been advised to tap other sources for raw water."

4.17 When asked whether Haryana Government had been approached to supply additional raw water, the Government in a written communication dated 27.12.1988 informed the Committee as under:

"Seven attempts from 20.12.84 to 16.12.87 at different levels (3 at the level of Secretary M/o UD with Chief Secretary, Government of Haryana and 4 at the level of Urban Development Minister with Chief Minister) were made for the procurement of additional raw water from Haryana, apart from discussions with the Haryana Government officials in several meetings from time to time."

C. Observations/Recommendations of The Committee

4.18 A representation was received on 18.8.87, from General Secretary, Central Government Employees Residents Welfare Association, Palam Colony, New Delhi, complaining of acute

shortage of drinking water in the colonies of Sadh Nagar I and II and Raj Nagar I and II. It was stated that these colonies were in existence since 1940s but no proper arrangement for supply of drinking water for about one lakh residents of these colonies had yet been made by Delhi Administration or DDA or Municipal Corporation of Delhi. A large number of representations made to various authorities had proved futile.

4.19 The Committee are shocked to learn that although these colonies have been in existence for over four decades, the Municipal Corporation of Delhi did not take any action whatsoever for providing the basic facility of potable drinking water to the residents. It was only in 1977 that a survey is reported to have been carried out with a view to ascertaining what civic facilities could or should be provided for the unfortunate residents of these colonies. Even then no concrete action was taken till 1980, when these colonies were regularised and made over to DDA for further development. The actual control of these colonies was entrusted to DDA in 1982. This decision was reversed five years later and the colonies were transferred back to MCD in January, 1987. During the period of 10 years i.e. from 1977 to 1987 when the management of these so-called regularised colonies was vested either with DDA or MCD, no sincere effort was made by any of them to provide potable drinking water in these colonies. The DDA contented itself with providing roads and footpaths and paving the latter with sand stones etc. leaving the basic problem unattended. The MCD on its part has been waiting for supply of raw water from Haryana and took no interim measures to alleviate the sufferings of the people.

4.20 The Committee find that it was only after August, 1987, when the residents of these colonies made a representation to them that the authorities seem to have realised that the supply of drinking water in these colonies was a problem which required to be tackled. In January 1988, in response to a reference made by the Committee, the Ministry of Urban Development stated in a note that the ground water in these colonies was generally saline and due to non-availability of any water main in the vicinity and the shortage of filtered water, "it would not be possible to provide the same for these colonies for the present". It was also stated that for identifying suitable sites for the construction of deep tubewells a number of trial bores will have to be carried out.

4.21 In a further note dated 7 April, 1989, the Ministry have intimated that it has been possible to construct/commission three tubewells in these colonies and one more tubewell would be commissioned after power connection becomes available. Further as an interim measure, water supply to these colonies has been given through public stand-posts and sintex tanks.

4.22 The Committee cannot but deplore the callous—almost inhuman—attitude of the DDA and the MCD in the matter of supply of drinking water to these colonies. As the underground water was saline and there was no other arrangement for supply of surface water for drinking purposes, the predicament of the hapless residents of these colonies can be easily imagined. Surely, the authorities could not have been unaware of the problem when repeated representations were being made by the residents individually and their associations collectively. The Committee cannot but deplore that inspite of representations repeatedly made, neither the DDA nor the MCD made any efforts to tap alternative sources of water supply either through deep tubewells or by bringing surface water from other available sources till the Committee intervened on behalf of the hapless citizens. While some relief has since been provided by commissioning deep tube wells, it has been pleaded that as and when second 100 MGD water treatment plant at Haiderpur is set up, potable water will be made available to these colonies.

4.23 The Committee regret to observe that both the DDA and the MCD failed miserably in their obligation to the residents of the colonies in question—and these are surely no isolated cases—in providing the basic need of drinking water for years together after the colonies got established. The Committee hope that the authorities concerned have drawn the necessary lesson from the tragedy that occurred in East Delhi last year where a large number of deaths took place due to supply of contaminated water to the people of the area.

4.24 The Committee would like the Ministry of Urban Development to chalk out a time bound programme, in consultation with the authorities concerned, for making suitable and satisfactory arrangements for supply of drinking water in the capital

As an immediate step, deep tubewells may be commissioned with the help of the Central Ground Water Board. Urgent steps are also required to be taken to make arrangements for obtaining adequate raw water from neighbouring States. The Committee would like to be apprised of the precise action taken in this regard within three months.

NEW DELHI;
4th May, 1989
14 Vaisakha, 1911 (Saka)

BALASAHEB VIKHE PATIL,
Chairman,
Committee on Petitions.