

# COMMITTEE ON PETITIONS

(TENTH LOK SABHA)

## THIRTEENTH REPORT



*(Presented to Lok Sabha on 5th May, 1994)*

LOK SABHA SECRETARIAT  
NEW DELHI

*April, 1994/Vaisakha, 1916 (Saka)*

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COMPOSITION OF THE COMMITTEE ON PETITIONS  
(1993-94)

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# **THIRTEENTH REPORT OF THE COMMITTEE ON PETITIONS (TENTH 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 Thirteenth Report of the Committee to the House on the following matters:—

- (1) Petition No. 24 regarding problems of coal workers working in South Eastern Coal Fields Ltd.
- (2) Action taken by Government on the recommendations made by the Committee on Petitions in their Ninth Report (Tenth Lok Sabha) on representation regarding problems being faced by migrants from Kashmir Valley.
- (3) Other Representations:—
  - (i) Representation regarding sanction of grant-in-aid to Tagore Educational Society, Tindivanam, Tamil Nadu.
  - (ii) Representation regarding allotment of Railway quarter to Smt. Bimla Bhardwaj's husband, Samasthipur—Bihar.

2. The Committee considered the draft Report at their sitting held on 28 April, 1994 and adopted it.

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

NEW DELHI;  
28 April, 1994

P.G. NARAYANAN,  
*Chairman,  
Committee on Petitions.*

## PETITION NO. 24 REGARDING PROBLEMS OF COAL WORKERS WORKING IN THE SOUTH EASTERN COAL FIELDS LTD.

Shri Mohan Singh, M.P., presented to Lok Sabha on 27 November, 1992 a petition (No. 24—See Appendix-I) signed by Shri Raghu Thakur, Acting President, Koyla Kamgar Panchayat, Jahangirabad, Bhopal, Madhya Pradesh on the above subject.

1.2 The petitioner has stated that in the Coal Sector specially in South Eastern Coal Fields contract workers “are compelled to do such work which is restricted but they are not paid the wages fixed by the Department of Coal. They are not paid any compensation in the event of any injury and they are removed from service at any time at the sweet will of contractor. They are not given any preference in the permanent posts in the Department of Coal.”

1.3 The main demands put forward by the petitioner are as under:—

- (a) Contract workers working in the Coal Sector may be paid wages through banks.
- (b) Contract workers may be given preference in appointment to jobs/posts under the Department of Coal and Mines.
- (c) Contract workers may be covered under group insurance and in the event of any injury etc. they may be granted leave with salary and also paid compensation and expenses incurred on treatment.
- (d) The arrears due to the coal workers on account of the less wages paid to them during the previous years may be computed and paid to them or “Coal Workers Welfare Fund” may be created for depositing these arrears.

1.4 The petition was referred to the Ministries of Coal and Labour for furnishing their factual comments. These Ministries furnished their comments/replies *vide* their communications dt. 4 January, 1993 and 12 March, 1993 respectively. The main points raised in the petition and comments of the above two Ministries thereto are as follows:

Demands raised in the petition	Comments of the Ministry of Coal	Comments of the Ministry of Labour
1	2	3
(a) Contract workers working in the coal sector may be paid wages through banks.	(a) According to Contract Labour Regulation and Abolition Central Rules, 1971, Rule 69,	(a) Similar reply as that of Ministry of Coal.

"All wages shall be paid in current coin or currency or in both." Hence the demand for payment of contractor's workers in coal sector through banks will be in contravention of the aforementioned rules.

(b) Contract workers may be given preference in appointment to jobs/posts under the Deptt. of Coal and Mines.

(b) This is a policy matter and can only be decided by the Central Advisory Contract Labour Board.

(b) The Govt. are considering a proposal to amend the Contract Labour (Regulation & Abolition) Act so that retrenched Contract Labour may be absorbed through reemployment subject to certain norms and tests to be laid down in certain jobs/processes/operations in which they were employed earlier and which now stand shifted to the main establishment. However, the suggestion that contract workers may be given preference in jobs under Deptt. of Coal and Mines is not tenable as it may interfere with the existing procedures.

(c) Contract workers may be covered under group Insurance and out of or during the 21 March, 1994 the

(c) In the event of an In their latest communication dt. arising communication dt. 21 March, 1994 the

1	2	3
<p>in the event of any injury etc. they may be granted leave with salary and also paid compensation and expenses incurred on the treatment.</p>	<p>course of the duty it is governed by the work-ers compensation Act and in the event of con-tractor failing to pay such benefits under the Act, the principal em-ployer will be respon-sible for giving such benefits to the Contrac-tor's labour as well. The demand for cover-ing contractors' labour under group insurance needs a decision in the Contract Labour Advi-sory Board and amend-ment to Contract Labour (Regulation and Abolition) Act, 1970 as Coal Industry can't be exception in such cases.</p>	<p>Ministry of Labour stated that the proposal to amend the Contract Labour Act 1970 is under process in consultation with the Ministry of Law, Justice and Company Affairs.</p> <p>(c) The Contract Workers are covered by the provi-sions of Labour Laws relating to social security measures like Workmen's Com-pensation Act, 1923, Employees Provident Fund and Miscellaneous Pro-visions Act, 1952, etc.</p> <p>(d) In this regard, a reference was made to RLC (C), Jabalpur who has intimated that regular inspec-tions are being carried out by the CIRM of-ficers of the establish-ments of Contractors operating in the South Eastern Coalfields Ltd. and wherever it is detected that less wages have been paid to the workers, the claim applications are filed by the inspecting officers before the Authority under Minimum Wages Act, 1948.</p>
<p>(d) The arrears due to the coal workers on ac-count of the less wages paid to them during the previous years may be computed and paid to them or Coal Workers Welfare Fund may be created for depositing these arrears.</p>	<p>(d) The labour enforce-ment machinery is the appropriate authority to ascertain whether any contractor's workers are not paid their wages as per the Contract Labour (Regulation and Abolition) Act. As such the concerned union may bring specific in-stances to the notice of the Labour Enforce-ment Machinery under the Ministry of Labour.</p>	

## OBSERVATIONS/RECOMMENDATIONS OF THE COMMITTEE

1.5 The Committee have perused the comments furnished by the Ministry of Coal and Ministry of Labour and note that payment of wages through banks to contract workers working in the Coal Sector is not feasible as it would contravene Rule 69 of the Contract Labour (Regulation and Abolition) Central Rules, 1971 under which all wages shall be paid in "current coin or currency or in both."

1.6 The Committee note that inspections of the establishments of contractors are being carried out by the officers of the labour enforcement machinery and wherever it is detected that less wages have been paid to the workers, the claim applications are filed by the inspecting officers before the authority under the Minimum Wages Act, 1948.

1.7 The Committee consider it unfortunate that underpayment was being made to contract workers in violation of the provisions of the Minimum Wages Act, 1948. They, therefore, recommend that the Ministry of Labour should strengthen their labour enforcement machinery and make the rules stringent so as to ensure regular inspection of establishments of contractors, proper maintenance of records and registers and supervision by senior officers.

1.8 Any violation detected during such inspections should be dealt with expeditiously and defaulting contractors should be brought to book, so that the problem of underpayment to contract workers is eliminated.

1.9 The Committee also note that the Ministry of Labour are processing a proposal to amend the Contract Labour (Regulation and Abolition) Act, 1970, to provide for absorption of retrenched contract labour through re-employment subject to certain norms and tests to be laid down, in certain jobs/processes/operations in which they were employed earlier but which now stand shifted to the main establishment. The Committee hope that the proposal to amend the said Act would be expedited. They would like the Ministry also to modify the rules/norms in such a way that all the retrenched employees are absorbed.

1.10 The Committee also recommend that both the Ministry of Labour and Ministry of Coal would take suitable steps for effective implementation of various provisions contained in the Workmen's Compensation Act, 1923, so as to ensure to the contract workers in the Coal Sector the statutory benefits like leave with salary, payment of compensation and expenses incurred on treatment in the event of an injury/accident arising out of or during their duty. The Committee suggest that the Ministry of Labour may examine the feasibility of providing Group Insurance benefits to contract workers in Coal Sector and, if necessary, with that object in view, may suitably modify the provisions of the Employees Provident Fund and Miscellaneous Provisions Act, 1952, and the Contract Labour (Regulation and Abolition) Act, 1970.



## II

### ACTION TAKEN BY GOVERNMENT ON THE RECOMMENDATIONS MADE BY THE COMMITTEE ON PETITIONS IN THEIR NINTH REPORT (TENTH LOK SABHA) ON REPRESENTATION REGARDING PROBLEMS BEING FACED BY THE MIGRANTS FROM KASHMIR VALLEY

The Committee on Petitions in their Ninth Report (Tenth Lok Sabha) presented to the Lok Sabha on 26.8.1993 dealt with a representation regarding problems being faced by the migrants from Kashmir Valley.

2.2 Action Taken Notes have been received from the Government in respect of the recommendations contained in the Report. The recommendations made by the Committee and the replies thereto furnished by the Government are given in *Appendix-II*.

2.3 The Committee will now deal with the action taken by Government on some of their recommendations:—

#### **Recommendation (Paragraph No. 3.17)**

The Committee had recommended that steps should be taken by the Govt. speedily to create conditions to normalise the situation in the Valley so that the Kashmiri migrants could go back to their State as early as possible.

2.4 The Government in their reply have stated that the pressure on militants have been increased to contain militancy and reduce the fear of the gun. Significant success have been achieved in terms of recovery of weapons and killings of militants. The aim is to reduce the fear of gun and create conditions conducive for early return of the migrants to the Valley. There is a qualitative change in the situation, and efforts are being made to consolidate on this further.

2.5 The Committee trust that sustained and speedy efforts would be made by the Government to restore normalcy and create conditions conducive for early return of the migrants to the Valley.

#### **Recommendation (Paragraph No. 3.18)**

2.6 The Committee had also recommended that adequate housing, health care, educational and other facilities might be given to the migrants living in Delhi so that they could have a reasonable living though away from their own houses.

2.7 The Ministry in their action taken reply have stated *inter alia* that in Delhi the migrants are staying in 14 camps set up in the community centres and a number of modifications/additions and alterations have been undertaken by the Administration in their camps. These include additional

toilets, bathrooms, cooking space, kitchens, installation of syntax tanks for augmentation of water, provision of booster pumps, adequate lighting and provision of fans etc. in the rooms.

Also attempts have been made by the Administration to decongest some of the camps found overcrowded.

They have further informed that medical facilities are being provided to migrants by various hospitals and dispensaries being run by Delhi Administration and local bodies. Mobile medical facilities have also been provided in these camps.

As regards educational facilities, the Ministry have informed the Committee that arrangements have been made for admission of the migrant students in various schools and colleges. In 1990-91, 1991-92 and 1992-93, 3769 students of different levels were given admission in various schools, colleges and polytechnics in Delhi.

The Ministry have also stated to have set up Jammu and Kashmir Migrants Camp Committees for regular interaction with the migrants to ascertain their difficulties and grievances.

The Committee appreciate the steps taken by the Government to provide medical, educational and other facilities to migrants.

The Committee trust that the Government would continue their efforts and take necessary steps as required from time to time to mitigate the sufferings of the Jammu & Kashmir migrants.

### III

#### OTHER REPRESENTATIONS

The Committee have also considered the following two representations by different individuals which were inadmissible as petitions.

(i) Representation regarding sanction of grant-in-aid to Tagore Educational society, Tindivanam, Tamil Nadu.

3.1 The Secretary, Tagore Educational Society, Tindivanam, Tamil Nadu, in his representation dt. 8.5.92 has sought sanction of grant-in-aid from the Ministry of Welfare, Government of India, for their society, which has been working since 1986 in South Arcot Distt. for the welfare of physically handicapped by way of providing aids to them. The matter was taken up with the Ministry of Welfare and the Ministry in their reply dt. 1.3.94 have stated that an amount of Rs. 90000/- was sanctioned vide their sanction letter No. 4-7/-91-HW-I dt. 24.2.94 to Tagore Educational Society under the scheme of aids and appliances.

(ii) Representation regarding allotment of Railway quarter to Smt. Bimla Bhardwaj's Husband, Samastipur.

3.2 Smt. Bimla Bhardwaj, Railways Qr. No. T/47 'K' Old Central Office, Samastipur, Bihar, in her representation dt. 8.8.92 has sought for implementation of the Railway Minister's order regarding allotment of a house No. T/47 'K' at SPJ on priority basis to her husband, who has been working in Railways. The matter was taken up with the Ministry of Railways and later placed before the Committee. The Committee directed to get a clarification from the Ministry as to why the name of Sh. Bhardwaj was not registered/did not appear in the priority register as per the orders of the Minister. In their clarification dt. 4 March, 1994, the Ministry have informed that the main grouse of the complainant has been resolved and Qr. No. T/47 at Samastipur as requested was allotted to her husband Shri S.K. Bhardwaj on compassionate grounds.

3.3 The Committee note with satisfaction that through their intervention, petitioners have been provided partial or complete relief or the Ministries/ Departments have adequately explained the position factual, legal or otherwise in respect of those representations.

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NEW DELHI;  
28 April, 1994

8 Vaisakha, 1916 (Saka)

P.G. NARAYANAN  
Chariman

Committee Petitions

## APPENDIX I

(See para 1.1. of the Report)

### LOK SABHA

#### PETITION NO. 24

(Presented to Lok Sabha on 27.11.1992)

To

LOK SABHA  
NEW DELHI

The humble petition of Shri Raghu Thakur, Acting President Koyla Kamgar Panchayat, Jahangirabad, Bhopal.

#### SHEWETH

In the Coal Sector especialy in South Eastern Coalfields Contract workers are compelled to do such work which is restricted, but they are not paid the wages fixed by the Department of Coal. They are not paid any compensation in the event of any injury and they are removed from service at any time at the sweet will of contractor. They are not given any preference in the permanent posts in the Department of Coal.

And, accordingly your petitioners pray that the following directives may be issued to the Ministry of Coal, Government of India, Chairman, Coal Authority of India and CMD, South Eastern Coalfields Ltd., Bilaspur:—

1. Contract workers working in the Coal Sector may be paid wages through banks.
2. Contract workers may be given preference in the posts of the Department of Coal and Mines.
3. Contract workers may be covered under group insurance and in the event of any injury etc. they may be granted leave with salary and also paid compensation as well as expenses incurred on the treatment.
4. The amount of wages paid less during previous years to the contract workers may be computed and the arrears in this regard may either be paid to them or it may be deposited in the 'Coal Workers Welfare Fund' to be created.

And your petitioners as in duty bound will ever pray :

Name of the petitioner	Address	Signature
Shri Raghu Thakur	Acting President Koyla Kamgar Panchayat, Jahangirabad, Bhopal (Madhya Pradesh)	Sd/-

Countersigned by Shri Mohan Singh, MP  
Division No. 541.

## **APPENDIX II**

**[See para 2.2 of the Report]**

*Replies furnished by the Government on the recommendations made by the Committee on Petitions in their Ninth Report (Tenth Lok Sabha) on representation regarding problems being faced by the migrants from Kashmir Valley*

### **Recommendation**

3.16 The Committee note that permanent rehabilitation of Kashmiri migrants outside the State of Jammu and Kashmir is not contemplated as various options for the return of migrants to the State are under consideration of the Govt.

3.17 The Committee hope that adequate steps would be taken by the Government speedily to create conditions to normalise the situation in the Valley so that the Kashmiri migrants can go back to their State as early as possible.

3.18 So far as migrants living in Delhi are concerned, the Committee desire that adequate housing, health care, educational and other facilities might be given to them so that they can have a reasonable living though away from their own homes.

### **Reply of the Government**

- (1) The pressure on militants have been increased to contain militancy and reduce the fear of the gun. Significant success have been achieved in terms of recovery of weapons and killings of militants. The aim is to reduce the fear of gun and create conditions conducive for early return of the migrants to the Valley. There is a qualitative change in the situation, and efforts are being made to consolidate on this further.
- (2) In Delhi, the migrants are staying in 14 camps which have been set up in the community centres. A number of modifications/additions and alterations have been undertaken by the Administration in these camps. These include additional toilets, bathrooms, cooking space kitchens, installation of sintex tanks for augmentation of water, provision of booster pumps for regular water supply, adequate lighting and provision of fans and exhaust fans in the rooms.

Attempts have also been made by the Administration to decongest some of the camps which were found overcrowded. Space was identified in other camps wherein inmates were few. The inmates of the camps do not want to shift on the plea that (a) South Delhi camps are well located; (b) their children are studying in nearby

Central Schools; (c) some of them have been granted teh-bazari provision in the Zone in which these camps are located and therefore they do not want to forego the same; (d) they are only willing to consider the offer if alternative space is offered in close vicinity of the present South Delhi camps.

- (3) Medical facilities are being provided to migrants by various hospitals and dispensaries being run by Delhi Administration and local bodies. The Health Deptt. of Delhi Administration has issued necessary instructions to the superintendents of these hospitals and dispensaries to extend medical facilities for check up and medicines to J&K migrants on submission of J&K migrant. I. Card, Mobile medical facilities have been provided in addition to other facilities available in these camps. Ration cards have also been supplied to J&K migrants. Temporary permission for pavement sales has been granted to 277 migrants residing in camps in Delhi.
- (4) J&K migrant camp Committees have been set up with the provision of regular interactions with the migrants to ascertain their difficulties and grievances. These Committees comprising of four members from each camp meet Director (Relief) once in every two months.
- (5) Arrangements have been made for the admission of the migrant students in various schools and colleges. In 1990-91, 1991-92 and 1992-93, 3769 students of different levels were given admission in Delhi Administration schools, MCD, Central Polytechnics, engineering colleges and Delhi University.
- (6) The position is reviewed from time to time and necessary steps are taken, as required, to reduce the sufferings of these people.