

COMMITTEE ON PETITIONS

(THIRTEENTH LOK SABHA)

THIRTY-SEVENTH REPORT



**LOK SABHA SECRETARIAT
NEW DELHI**

December, 2003/Agrahayana, 1925 (Saka)

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(THIRTEENTH LOK SABHA)

(Presented to Lok Sabha on 18 December, 2003)



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COMPOSITION OF THE COMMITTEE ON PETITIONS

Shri Basudeb Acharia — *Chairman*

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3. Shri Ram Rati Bind
4. Shri Bikram Keshari Deo
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12. Dr. Bikram Sarkar
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14. *Vacant

SECRETARIAT

1. Shri John Joseph — *Additional Secretary*
2. Shri R.C. Ahuja — *Joint Secretary*
3. Shri Brahm Dutt — *Director*
4. Smt. Neera Singh — *Under Secretary*

*Vacant vice Shri G. Mallikarjunappa, MP died on 30.11.2003.

THIRTY-SEVENTH REPORT OF THE COMMITTEE ON PETITIONS

(THIRTEENTH LOK SABHA)

INTRODUCTION

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

- (i) Petition against the transfer of the Indian Institute of Mass Communication, Dhenkanal to Utkal University, Bhubaneswar.
- (ii) Representation requesting to give appointment to the course completed Act Apprentices against existing vacancies in Southern Railway.
- (iii) Representation requesting for providing alternate land and basic amenities to the evicted occupants of Cossipore by the Kolkata Port Trust.

2. The Committee considered and adopted the draft Thirty-seventh Report at their sitting held on 15th December, 2003.

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

NEW DELHI;
15 December, 2003
24 Agrahayana, 1925(Saka)

BASUDEB ACHARIA,
Chairman,
Committee on Petitions.

CHAPTER I

PETITION AGAINST THE TRANSFER OF THE INDIAN INSTITUTE OF MASS COMMUNICATION, DHENKANAL TO UTKAL UNIVERSITY, BHUBANESWAR

1.1 On 8th May, 2003 Shri K.P. Singh Deo, M.P., presented to Lok Sabha a petition, signed by Shri Nabin Chandra Narayan Das, R/o. P.O. Dhenkanal, Orissa, and others, against the transfer of the Indian Institute of Mass Communication, Dhenkanal, to Utkal University, Bhubaneswar (*See Appendix*).

1.2 In the petition, the petitioners *inter-alia* submitted the following points:

- (i) The Government of India had set-up the Indian Institute of Mass Communication (IIMC) at Dhenkanal, as a branch of the IIMC of New Delhi, with the objective of providing quality teaching and research in Mass Communication and Journalism in Eastern India. Studies and Research in rural life and tribes was another main objective, because of the proximity of the new Branch to one of the most backward and poorest areas. One PG Diploma Course in English Journalism was started on the pattern of IIMC, New Delhi in 2001-2002. A PG Diploma Course in Oriya Journalism was also started with 15 seats, on an experimental basis. The Institute shifted to its own campus, situated on the hilltop in Dhenkanal town with a magnificent valley view;
- (ii) The permanent assets of the IIMC, Dhenkanal, were created with the project cost of about Rs. 780 lakh out of which about Rs. 700 lakh were for construction of the campus and the rest for staff and establishment. About Rs. 15 crore have been spent, by the Government of India for construction as well as staff expenses. An amount of Rs. 40 lakh is necessary for the establishment annually out of which Rs. 10 lakh is collected from students and earnings from training courses and research projects of the Institute. Therefore, in actual about Rs. 30 lakh is required to be provided by the Union Government. With the increase in research and training earnings of this Institute, the financial burden of the Union Government is likely to come down to Rs. 20 lakh;
- (iii) The Institute has been equipped with a good library, computerized Multi-Media Laboratory, good Video Laboratory, Central Hall, well-furnished class rooms, MIS & Internet centre, Auditorium to accommodate 200/250 persons, Audio/Video Studio, Girls/Boys Hostels with good facilities, provision of playground, open air theatre, Gymnasium, Recreation centre and Canteen facilities are under construction/process;

- (iv) The Institute has educated a number of persons who have already been employed in National Print, Electronic Media in senior positions and even have been posted abroad, i.e., United States, South Africa, etc.;
- (v) The Institute has acquired a reputation of the best media training centre in the country for young Media Professionals and during the last ten years of its existence, students from IIMC, Dhenkanal, have been topping the combined merit test throughout the country. All the Oriya PG Students who pass out from this Institute are absorbed in Oriya Dailies. All the trainees in the Short Course for T.V. News have also been employed soon after their passing out from the Institute; and
- (vi) Eminent media personalities including editors and authors from all over India visit this Institute and address the students, which helps them in their academic career. Overall, this Institute enjoys a certain Brand in the Media Sphere and is a pioneer institution of mass communication, comparable with any other Institute or University. More academist and supporting staff, if provided, will certainly raise the standard to match with the International Institutions.

1.3 The petitioners contended that a proposal has been initiated to handover this premier Institute, i.e. IIMC, Dhankenal, to Utkal University, Bhubaneswar, and the modalities of the transfer are being worked out the IIMC, New Delhi and Vice-Chancellor, Utkal University.

The petitioners also stated that the Utkal University should not take over this prestigious institution on the following grounds:—

- (i) Utkal University at present is facing financial crisis for which about 100 posts of academist have been abolished and there is ban on future recruitments;
- (ii) The University is facing students agitations alleging financial scandals against its Vice-Chancellors for the irregularities, want of facilities for library, hostel, canteen, good academic staff, etc. A special inquiry into the allegations has been ordered;
- (iii) Vice-Chancellor, Utkal University, had requested for an initial grant of Rs. 3 to 4 crore from the Government of India for maintenance of IIMC, if transferred to Utkal University. Apparently, such grants given by the Government of India would help the Utkal University to make-up its present financial crisis;
- (iv) Utkal University is already having a two year Master Degree Course in Journalism; and
- (v) Crores of rupees lying with the Government of India/University Grants Commission have not been utilized due to non-compliance of share money to be contributed by the Government of Orissa due to the Government's financial stringency.

1.4 The petitioners, therefore, requested to intervene in the matter in the interest of the students of eastern region, and people at large, and stop the transfer of IIMC, Dhenkanal, to Utkal University. It was also requested that IIMC, Dhenkanal, should be kept under the direct control of the Ministry of Information & Broadcasting or a Deemed University of the Union of India for the sake of the professionals in mass media in the country.

1.5 The petition was forwarded to the Ministry of Information & Broadcasting on 9th May, 2003 for furnishing their comments on the points raised therein. In response, the Ministry of Information & Broadcasting *vide* their communication dated 3rd June, 2003 informed that IIMC, Dhenkanal Branch, was established in 1993 with the objective of providing teaching, training and research in mass communication and journalism for the eastern region. The branch conducts PG Diploma Course in Journalism (English) and from 2001-2002, a PG Diploma Course in Oriya Journalism has been introduced. The Branch has its own campus in Dhenkanal which consists of an Administrative Block, Teaching Block/Audio Visual Block, well equipped computer lab, two hostels—one for girls and one for boys. A land measuring 7.5 acres was allotted by the Government of Orissa and the construction project at a total cost of Rs. 7.88 crore during the Eighth Plan period was approved.

1.6 The Ministry of Information & Broadcasting further stated that 351 students of Dhenkanal Branch have been awarded PG Diploma Course in Journalism (English). In addition, 29 students have completed the PG Diploma Course in Journalism (Oriya). It has also conducted two, 8-week Television Journalism Short Courses. In the year 2002-03, a research project for the Ministry of Health and also for the State Government of Orissa was undertaken. The IIMC, Dhenkanal, enjoys a certain reputation in the eastern region, and its trainees have been received well by the employment market. At present, 7 posts (teaching-2, non teaching-5) are in operation in the Dhenkanal branch of IIMC. Eminent scholars and media experts are invited as guest faculty of various streams of Mass Communication/Journalism as also for short courses as and when required. The faculty members from IIMC, New Delhi, also visit IIMC, Dhenkanal, to take classes.

1.7 In regard to proposed delinking of IIMC, Dhenkanal from IIMC, Delhi the Ministry of Information & Broadcasting informed that while drawing its plans and proposals for the Tenth Five Year Plan period, the IIMC was guided by Expenditure Reforms Commission's following recommendations:—

“The Branch Institutions could be discontinued as they lack in infrastructure. Scarce resources that may be required to develop them could rather be deployed on developing the main institute.”

Accordingly, IIMC and the Ministry planned to focus on the Headquarters and make available its human resource etc. to other centers on the basis of a plan proposal and the scheme “Collaboration with Regional Centres of Learning” was formulated. The rationale behind this scheme was to build upon the advantages of a strong local institution such as a university and thereby strengthen the

activities of IIMC in a meaningful and locally relevant manner. The IIMC visualized Utkal University as a strong collaborating partner. Essentially, it meant easing the administrative load of the Headquarters and better decision making. It also meant taking advantage of resources of other disciplines, etc. in Utkal University to strengthen the existing programmes and also evolve new programmes by working out appropriate arrangements to retain the formal association of IIMC in a manner that was beneficial to both the Institutions. The Vice-Chancellor of Utkal University had indicated that he would put the proposal through the decision-making mechanism of the University. The matter had been pursued through a formal meeting with the Vice-Chancellor to discuss the follow up action after he had visited the IIMC. While re-designing the course, the Institute would like to hand over the administration and day-to-day control to an institution which has a strong local presence, while ensuring that the quality of teaching meets the standards of IIMC.

1.8 Regarding IIMC, Delhi, the Ministry informed in a note:—

“With the fast changing scenario in the mass communication field, the Institute at Delhi which has consolidated itself as a premier centre of learning in the area needs to concentrate on further developing and diversifying its programmes and activities. A major initiative in this regard has been an application sent recently to UGC for grant of ‘Deemed University’ status to IIMC. Subsequently, the Institute proposes to start doctoral research programme for which it will be extremely useful to have institutional tie-ups with universities and institutions at the regional level.”

1.9 The Committee, thereafter, took oral evidence of the representatives of the Ministry of Information and Broadcasting on 30th September, 2003. During the course of evidence the Committee wanted to know the rationale behind transferring the IIMC, Dhenkanal to Utkal University, Bhubaneswar. The Secretary, Ministry of Information and Broadcasting stated as follows:—

“First of all I would like to say that we are no longer transferring this branch to the Utkal University. However the reason for the earlier decision was the Expenditure Reforms Committee Report. Basically the Expenditure Reforms Committee Report put the Ministry on the defensive. It asked for 80 per cent of the posts—5,700 out of 7,700 posts to be abolished. It recommended wounding up a number of institutions and media units. For example, it recommended wounding up of Song and Drama Division, Directorate of Field Publicity, and Film Division to be wound up. It wanted the film institutes and other educational institutions to be handed over to the private sector. For IIMC the recommendation was that while the IIMC, Delhi can remain, the branches should not be there. We wanted to save the branches some how. Therefore, we devised a new scheme called the ‘Collaboration with the Regional Institutions’. We also had another thought that when you come to educational institutions like this, the extension units are set up with the intention of making them full-fledged institutions in due course. It is because you cannot run them from Delhi. Obviously, we would

never do anything which would leave them in a lurch. Unless we are sure that we have a strong enough collaborating partner and standards do not fall, there is no question of going ahead with the proposal that was there.”

1.10 When the Committee desired to know whether the other ministries followed or implemented the recommendations of Expenditure Reforms Committee (ERC) in toto, the witness stated as follows:—

“Obviously, it was only a Commission. The Government has to take a decision on the recommendations. The Ministry strongly opposed the recommendations. We did not abolish anything. We gave good reasons for it. The Finance Ministry was very much committed to the recommendations of the Commission. We still do not have full meeting of minds with the Finance Ministry on this issue. We have been putting forward our cases. So have other Ministries where the ERC has given its decisions. However, we did agree that we would rationalize to the extent we thought was reasonable. For instance, how do you get the same out put at the least cost? We do not want any waste. There are very good reasons. For instance, let us take Doordarshan. You have a large number of studios etc., which are not fully utilized. But the reasons for setting them up was because of the cultural diversity of India. They are needed there. It is because public service broadcaster must reflect the culture of different regions in the country. If there is some extra capacity we have to find ways of utilizing it. We cannot say these things are useless. Similarly, there is a need for mass communication. Mass communication is an expanding field. I think after IT, may be it is one of the promising areas along with some others where India can excel. We do need a large trained man power. It has to come not only from Indian Institute of Mass Communication but from other Universities also. The demand is much more. It is like medical colleges. We need to set them up. So, what we did was to try and meet with the concerns expressed by the Committee to some extent and we ourselves noticed that the branches were not getting the attention from Delhi which perhaps was needed. Therefore, we devised a new scheme. We thought if we can get really good institutions in the States, then it would be worth while. But in fact in Orissa things are not so well. We also had a look. We realized that perhaps that this is not the right way to go about it. So, we have stopped this.”

1.11 When the Committee wanted to know whether there had been any communication or discussion with Utkal University in this regard, the witness stated as follows:—

“We had discussions. That is over because they are in difficulties. At present we do not find any other partner. So, the IIMC, from Delhi, will continue to run the branch for the present.”

1.12 When the Committee desired to know whether there was a proposal to strengthen this branch, the witness stated as follows:—

“That would be the next phase. The difficulty was that we were not getting any money from the Finance Ministry in respect of institutions

which the ERC recommended for closure. However, we will press for it. We will say that we have tried our best and that we have not succeeded in this collaboration, so, the best course now would be to strengthen this branch.”

1.13 In reply to a question about adequacy of infrastructure at IIMC, Dhenkanal, the Ministry in a note stated:—

“Only the very basic infrastructure has been created at IIMC, Dhenkanal while minimal manpower has been sanctioned for that branch. These facilities in infrastructure and human resources cannot be deemed to be adequate for that branch. As stated earlier, IIMC, Dhenkanal is only a branch of the Institute at Delhi and continues to draw heavily from the resources available at Delhi.”

1.14 The Committee pointed out that there was enough scope for making IIMC more strong and for this purpose the Ministry should provide all the facilities to this Institute and also take up the matter with Planning Commission and find out ways and means to strengthen this Institute. At this, the witness stated as follows:—

“We will certainly convey the sentiments of this august Committee to the Planning Commission. Certainly, mass communication is a subject which India needs now and our country needs more and more facilities for mass communication. We will see if we can change the mindset there. We will try our best.”

Observations/Recommendations

1.15 Shri K.P. Singh Deo, M.P. presented to Lok Sabha a petition signed by Shri Nabin Chandra Narayan Das against the transfer of Indian Institute of Mass Communication (IIMC), Dhenkanal to Utkal University, Bhubansewar. In the petition, it was submitted that IIMC, Dhenkanal was set up in 1993 by the IIMC, Delhi and there was a proposal by the Ministry of Information & Broadcasting to hand over this unit to Utkal University. According to petitioners, the financial position of Utkal University was not very sound and by transferring IIMC, Dhenkanal to Utkal University, the utility of this institute would become less as this Institute was providing excellent education in the field of mass communication and also employment to the young people who studied in the Institute in print/ visual media/journalism in the eastern region.

1.16 During the evidence of the representatives of the Ministry of Information and Broadcasting, the Committee were apprised that the proposal was based on the recommendations of the Expenditure Reforms Commission which *inter-alia* had recommended to do away with the branches of the institutions like IIMC. Based on these recommendations, the matter was taken up with the Utkal University. However, the matter could not be settled with Utkal University. For the present, IIMC, Dhenkanal, would remain with IIMC, Delhi till some new partners are found.

1.17 It also came out during the course of examination that IIMC, Delhi has consolidated itself as a premier centre of learning and needs to concentrate

on further developing and diversifying its programmes and activities. A major initiative in this regard has been an application sent recently to University Grants Commission for grant of 'Deemed University' status to IIMC, Delhi. Subsequently, the Institute proposes to start doctoral research programme for which it will be extremely useful to have institutional tie-ups with universities and institutions at the regional level.

1.18 Considering the fact that the IIMC, Dhenkanal is doing very well even with minimum infrastructure and IIMC, Delhi has developed into a premier centre which is in the process of being developed as Deemed University, the Committee strongly recommend that IIMC, Dhenkanal should remain with IIMC, Delhi and Government should not look for other collaboration partners. This will ensure better quality education in mass media and related fields in the eastern part of the country, which is comparatively a backward area.

CHAPTER II

REPRESENTATION REQUESTING TO GIVE APPOINTMENT TO THE COURSE COMPLETED ACT APPRENTICES AGAINST EXISTING VACANCIES IN SOUTHERN RAILWAY

2.1 Shri Janakiraman, General Secretary, Dakshin Railway Employees' Union, Chennai and 78 others submitted a representation to the Committee on 5th September, 2003 requesting to give appointment to the course completed Act Apprentices against the existing vacancies in Southern Railway.

2.2 The petitioners in their representation submitted that in pursuance of Supreme Court Directive dated 12.1.1995 and in terms of Railway Board's letter dated 19.7.1976, Railway administration was giving appointment to the course completed Act Apprentices as per the norms laid down by it. Railway administration had issued appointment orders to 526 apprentices. About 2500 apprentices were trained in workshops and other establishments in Southern Railway. Out of those apprentices, who had completed their training courses till the year 1988-89, nearly 500 persons were appointed.

The petitioners have further stated that in the context of stoppage of open market recruitment in Grade 'D' category in mechanical workshops, the process of appointing Act Apprentices was discontinued following Railway Board's orders dated 19.8.1999, directing General Managers to put on hold engagement of course completed Act Apprentices as "fresh face" substitutes in Grade 'D' category in workshops. As a result of this order, nearly 2000 Apprentices are left in the lurch without any hope of employment in railways in the near future or in their life time. According to the petitioner there are about 1800 vacancies of Grade 'D' posts in the workshops. Similarly, large number of posts are vacant in the open line and in Chennai Division alone there are 2000 vacancies.

2.3 The petitioners, therefore, requested to give appointment to the course completed Act Apprentices against existing vacancies.

2.4 The Ministry of Railway (Railway Board) were requested on 16th September, 2003 to furnish their comments on the points raised in the representation. The Ministry of Railways (Railway Board) *vide* their communication dated 16th October, 2003 furnished the following comments:—

“Apprenticeship training programme in the industry was made statutory by the enactment of the Apprentices Act, 1961. The implementation of the Act actually commenced in January, 1963 and provides for the regulation and control of training of apprentices in industry and matters connected therewith.

The Apprentices Act, 1961 has the following objectives:—

- (i) to regulate the programme of training of apprentices in the industry so as to conform to the prescribed syllabi, period of training etc. prescribed by the Central Apprenticeship Council; and
- (ii) to utilise fully the facilities available in the industry for imparting practical training with a view to meeting the requirements of skilled workers in the industries.

The Act makes it obligatory on the part of employers, both in public and private sector industries to engage apprentices according to the ratio of apprentices to workers other than unskilled in designated trades prescribed under the rules.

As per Section 22(1) of the Apprentices Act 1961, it is not obligatory on the part of the employer to offer any employment to the Apprentices on completion of their Apprenticeship training.

The nodal Ministry in this regard is the Ministry of Labour. Monitoring of the implementation of the Act is the overall responsibility of Directorate General of Employment & Training (DGET) under the Ministry of Labour.”

Elaborating the factual position on the points raised in the representation, the Ministry of Railways stated:—

“Due to electrification of Palghat-Trivandrum Sections of SR, an Electric Loco Shed was set up at Erode to cater to the needs of AC Locos plying in that area, duly creating additional posts to man the shed. Indents were placed on RRBs for filling up of vacancies of Khalasis. Since it was apprehended that the recruitment of Khalasis would get delayed and there was an urgent requirement of personnel to attend to the electric Locos awaiting maintenance, it was decided to engage Course Completed Act Apprentices as Substitutes under the General Manager's power. 268 course completed Act Apprentices were appointed as “Substitutes” between October, 1977 and March, 1999.

In the meanwhile, due to revision of hourly rate of incentives in workshops where there would be minimum reduction of 12% in allowed timings, which would generate additional capacity in various workshops, review of existing manpower was required. It was then decided that among other issues engagement of course completed Act Apprentices as “fresh face” Substitutes in Group ‘D’ category be put on hold.

The representation also refers to the Hon'ble Supreme Court Judgement dated 12.1.1995. Based on the letter of DGET the judgement states:—

- (i) Other things being equal, a trained Apprentice should be given preference over direct recruits;
- (ii) For this, a trainee would not be required to get his name sponsored by any employment exchange. The decision in the case of ‘Union of India-Vs-N. Hargopal’ would permit this;

- (iii) If age bar would come in the way of the trainee, the same would be relaxed in accordance with what is stated in this regard, if any, in the service rule concerned. If the service rule be silent on this aspect. Relaxation to the extent of the period for which the Apprentice had undergone training would be given.
- (iv) the training institute concerned would maintain a list of the persons trained year-wise. The persons trained earlier would be treated as senior to the persons trained later. Between the trained Apprentices, preference shall be given to those who are senior.

The Ministry of Railways have complied with the orders and issued the following instructions:—

- (a) That other things being equal, a candidate who is a course completed Act Apprentice trained in the relevant trade in the Railway establishment will be given preference over a candidate who is not such an apprentice. In other words, there will be no change in the procedure of recruitment and the selection for recruitment will be in accordance with the merits of the eligible candidate, where other things are equal between two candidates, the candidate who is a course completed act Apprentices trained in Railway Establishment will be given preference over the candidate who is not such an apprentice.
- (b) Course completed Act Apprentices trained on Railway Administration can also apply directly to the Railway Administration in response to notifications for recruitment to Group 'D' posts and such applications shall be considered alongwith others. At the time of selection no discrimination can be made between a candidate applying directly to the Administration and the one nominated by Employment Exchange and only the most suitable will be selected.
- (c) In so far as age relaxation is concerned, instructions already exist as under:—

(i) *Skilled Artisan*

The upper age limit in the case of a candidate who had commenced his apprenticeship under the Apprentices Act before attaining the age of 25 years will be 35 years.

(ii) *Group 'D' posts*

The upper age limit will be relaxed in the case of candidates who are course completed Act Apprentices, only to the extent of the period spent as Apprenticeship.

- (d) Railways were advised to maintain a year to year record of these apprentices who successfully complete the Apprenticeship trade-wise and while applying the instructions contained in letters mentioned in (a) above, the person trained earlier will get preference over persons trained later.

Further recruiting the course completed Act Apprentices in regular service without notifying the vacancies and not allowing other eligible candidates to complete should amount to discrimination in the matter of employment in Government of India due to the fact that this will be violative of clause 2 of Article 16 of the Constitution.

Unlike earlier, Group 'D' posts are now being filled up by recruitment through various Railway Recruitment Boards in an open, market selection. Thus the course completed Act Apprentices cannot be absorbed on the railways without going through the process of recruitment through RRBs. This has also been upheld by the Madras Bench of CAT *vide* judgement dated 24.3.2000. Further in consultation with the Department of Personnel & Training, it has been decided that employment notices for posts of Group 'C' and 'D' will also be published in Employment News in addition to Employment Notices being issued to Employment Exchanges, Associations of Scheduled Castes & Scheduled Tribes, etc.

Hence, the course completed Act Apprentices may be requested to apply against the various recruitment notifications."

2.5 After perusing the comments furnished by the Ministry of Railways (Railway Board), the Committee undertook on-the-spot study visit to Chennai on 6th November, 2003 to gather first hand information. The Committee held discussions with petitioners and officials of Southern Railway on the subject.

2.6 During the discussion with petitioners, the Committee were informed that the Apprentices Act, 1961 was enacted by the Government on 12.12.1961, to regulate and control the training of apprentices in certain designated trades, with the object of getting adequate manpower trained in industrial skills for the developing industries in the country. Under the provisions of the Railways Act Apprentices are taken for training only in workshops of the Civil, Mechanical and S&T Engineering Departments, Production units, Diesel and Electric Loco sheds, Carriage and wagon Depot and Electrification Projects. The Act Apprentices are utilised for performing the work of Group 'D' Employees also like cleaning, transporting materials etc. as there has been no recruitment of khalasis in workshops for more than 14 years. For many years the Act Apprentices are remaining without jobs and are in a state of distress. Earlier, a Supreme Court Judgement was instrumental in the engagement of a number of course completed Act Apprentices. In the year 1977 the Ministry of Railways issued instructions to the Southern Railway that they should provide a quota of 25% for Act Apprentices in the recruitment taking place for class IV in the workshops. When the Ministry of Labour pointed out that Railways are taking less number of apprentices than allotted to it, the Railways in their letter dated 29.11.1995 stated that due to change of technology and staff surplus, the number of apprentices has to be reduced.

The Committee were also informed by the petitioners that according to Railway Board's letter dated 3.12.1996 year wise seniority list of course completed Act Apprentices should be maintained, and in the list juniors should not get priority over the seniors. Supreme Court order also has directed that juniors should not get priority over seniors in appointment. Railway Administration now says that vacant posts will be filled up through Railway Recruitment Board and the Apprentices can also apply to Railway Recruitment Board if they want. This will render meaningless the seniority list prepared in accordance with the directions of the Supreme Court and Railway Board.

The petitioners further informed the Committee that only in Southern Railway, the Apprentices who have completed their course upto the year 1989 were left high and dry without hope of appointment in Railway for the last 14 years. In other Railways it is not so bad. Therefore, like in other Railways Apprentices who have completed their course may be appointed as substitute khalasis by the General Manager using his special powers. The petitioners requested to issue suitable and necessary recommendations for absorbing these helpless Apprentices by the Southern Railway administration.

2.7 The officials of Southern Railway submitted their comments on the points raised by the petitioners as follows:—

- (i) Railway Board *vide* their letter No. E(NG) II/96/RR-1/34 dated 26.6.1996 and 16.9.1996 have issued instructions that for recruitment to Group 'D' and Group 'C' posts, other things being equal, a candidate who is a Course completed Act Apprentice will be given preference over a candidate, who is not such an Apprentice. Board have further clarified that there will be no change in the procedure of recruitment and selection and recruitment will be in accordance with the merits of candidates. Board's instructions are in conformity with judgement of Hon'ble Court.
- (ii) As a one time measure, Southern Railway decided to fill up Group 'D' vacancies in Diesel Loco Shed/Erode and Electrical Loco Shed/Erode through Act Apprentices. During the period from October 1997 to March 1999, Railways offered employment to 526 Trained Act Apprentice as per seniority. Out of these 268 joined the service and the remaining 258 did not. Some candidates did not join due to personal reasons and also because of not having passed the requisite medical standards. However, with passage of time, these vacancies got filled up and Administration decided not to induct any more Act Apprentices.
- (iii) Railway Board *vide* their letter No. E (NG)II/99/SB/20 dated 19.8.1999 had issued instructions that engagement of Course Completed Act Apprentices in the Workshops should be stopped. This letter is of a general nature stopping the engagement of Group 'D' category in Workshops, since manpower requirement in Workshops was also coming down due to adoption of modern technology and other reasons. However, it will be incorrect to conclude that Southern

Railway discontinued recruitment of Act Apprentices due to Board's letter cited above. Board's letter dated 19.8.1999 was incidental and strictly speaking it is applied only to Workshops. The engagement of 268 Act Apprentices, as mentioned above, was not in the Workshops, but in the Diesel Shed and Electrical shed, which are open line establishments.

- (iv) From the judgment of Hon'ble Court and other judgments, it is clear that Act Apprentices should be given preference over others in the matter of recruitment, provided other things are equal. However, they have no automatic right of employment.
- (v) Railways have employed limited number of Act Apprentices as one time exemption during the period 1997—1999 to meet shortage of technically trained manpower for Electrical Loco Shed/Erode and Diesel Loco Shed/Erode. Once these vacancies got filled up there was no further need to engage Act Apprentices in these establishments.
- (vi) As per the latest directive of Railway Board in future all requirements of Group 'D' posts will be filled up by Railway Recruitment Board only. Southern Railway have already placed indents for filling up a large number of Group 'D' vacancies and Railway Recruitment Board/Madras are in process of completing the selection procedure.

2.8 The Committee, thereafter, took evidence of the representatives of the Ministry of Railways (Railway Board) on 24th November, 2003. During the evidence the Committee pointed out that there were thousands of course completed Act Apprentices who have received training in various Departments of Railways and in the past these course completed Act Apprentices were given employment by the Railways. Out of a panel of 526 apprentices prepared by the Southern Railways for recruitment as substitute Khalasis, 262 were given jobs between October, 1997 to March 1999. The Committee enquired about the reasons for not giving employment to the skilled apprentices particularly when these apprentices are selected based on competitive examination and they were being trained for about 2 years by the Railways. The Member (Staff), Railway Board, stated as follows:—

“I may explain that Apprentices Act, 1961 was basically formulated to regulate and control the training of apprentices in certain designated trades with the object of getting adequate manpower trained in industrial skills for the developing industries in the country. Now, the Act Apprentices are not specific to railways. They are available in all the industries where the Act applies. They are governed by the same Act and under the same Act, persons are being trained in industries for similar trades. So, these are the people which are available for industries with necessary industrial skill. Secondly, the act specifically provides that unless the contract says that they have to be provided employment after training, there is no obligation on the industry or the organization where the training is done, to give them employment.

Thirdly, in the past, as you have rightly mentioned, engagement has been done and these powers were there with the General Managers. However, in 1996, Supreme Court passed a judgment in the case of excise Superintendent, Malkapatnam, Krishna District, Andhra Pradesh versus K.B.N. Vishweshwara Rao and others which specifically prohibited taking persons from a specific area."

2.9 Asked about contents of the judgment of the Supreme Court in the case of U.P. Road Transport Corporation, the witness stated as follows:—

"As per this 1996 Supreme Court judgment, Department of Personnel and Training, which is the nodal Department for such issues, issued directives in 1998 that whenever we have to recruit personnel, we have to give it wide publicity through Employment News, radio, television, newspapers and Employment Exchanges, and all those who apply against this have to be considered for training. So, considering these directives DoPT, we are following the instructions. As far as this Supreme Court order regarding U.P. Road Transport Corporation is concerned, it merely says that other things being equal, a trained apprentices should be given preference over direct recruit."

2.10 When the Committee wanted to know about the position regarding employment of the Act Apprentices in other Zones/Divisions in Railways, the witness stated as follows:—

"In certain exceptional cases recruitment has been done. We can examine as to why this was done. But as a routine—when we are doing bulk recruitment or when it is being done in a routine manner—we are not authorised to do so. If DoPT issues instructions that we should recruit only from the Act Apprentices, we will be very happy to do so."

2.11 On being pointed out by the Committee that the Ministry of Railways should approach the DoPT for getting instructions regarding recruiting the Act Apprentices in Railways and absorb these apprentices in Railways as has been done in the past in many workshop and production units, the witness stated as follows:—

"We will be happy to have them but as I said, it is a policy decision to be taken. And, as you have suggested, we will move the file."

2.12 The Committee further pointed out that in the Railway Budget for the year 2003-04 it was announced to appoint about 20,000 personnel in Railways to strengthen safety areas and enquired whether these trained personnel (act apprentices) would not be better than the untrained persons. The representative of the Railways stated:—

"Sir, of about 20,000 vacancies, all are in safety category. What was finally approved were 18,000 plus vacancies. Out of that, about 17,000 vacancies are for the post of Gangman and another 1000 vacancies are for S&T and Mechanical Department."

2.13 Asked further whether it would not be in the interest of railway safety, if trained people are taken as gangman instead of recruiting untrained personnel, the witness stated:—

"Sir, I have said that we would be happy to have them."

2.14 In reply to the requisite qualifications for the post of Gangman, the witness stated:—

"For the recruitment that we are doing, we are getting Post-Graduates. This is a serious matter of concern for us because after this, we are doing physical efficiency tests. A gangman is required to do severe physical labour. Our requirement is that he may be having higher qualification, but then he should be able to do the physical labour and that is what we are trying to assess in the physical efficiency tests. Even if he is a Post-Graduate, we cannot refuse him employment as a gangman, if he is able to do the physical labour."

2.15 As per joint survey between the Ministry of Railways and Ministry of Labour, Railways have to train 4907 Act Apprentices. As against this the number of utilisation of training slots during 2000-01 and 2001-02 is as under:—

Railway	Seat Alloted	Slots Utilised (2000-01)	Slots Utilised (2001-02)
Central	375	70	129
Eastern	894	343	331
Northern	458	417	293
NER	158	0	0
NFR	59	59	0
Southern	518	771	431
SCR	244	208	140
SER	505	323	506
Western	393	329	215
CLW	615	233	523
DCW	63	63	25
DLW	120	199	120
ICF	320	235	518
RCF	160	163	190
RWF	25	16	16
TOTAL:	4907	3429	3437

Observations/Recommendations

2.16 The Committee note that Railways are one of the biggest employers in the Public Sector. However, in spite of increase in its network in the country, the employment generation in railways is decreasing. For instance as against the manpower strength of 15,45,308 as on 31st March, 2001, the manpower strength was 15,10,759 at the end of March, 2002 *i.e.* decrease of 34,549. Considering the increase in railway accidents, it was announced in the Railway Budget for the year 2003-2004 that about 20,000 posts will be filled in the Railways to strengthen

the safety measures. However, examination of the representation submitted by the Railway Employees Union, Chennai to the Committee has revealed that about 18,000 posts are to be filled in the Railways for safety purposes. Out of this, about 17,000 will be for Gangmen and another 1000 for S&T and mechanical Departments. As detailed in succeeding paragraphs, the Railways are recruiting all these employees from direct category ignoring the claims for Act Apprentices i.e. persons trained by the Railways under the provisions of the Apprentices Act, 1961.

2.17 The petitioners, in their representation submitted to the Committee have stated that in terms of Railway Board instructions issued earlier and the Supreme Court judgment given in 1996, various Zones/Divisions/Wings of the Railways were providing employment to the Act Apprentices. The Southern Railway offered employment to 526 Act Apprentices between October, 1997 and March, 1999 and out of these, 268 joined the service in railways. The petitioners submitted that presently there about 2500 Act Apprentices in the Southern Railway and Act Apprentices should be considered for regular employment against available vacancies in the Southern Railway.

2.18 The Railways in their submissions made before the Committee brought out that as per the provisions of the Apprentices Act 1961, concerned Departments are not under obligation to give employment to the Apprentices. The number of Apprentices is determined in consultation with the Ministry of Labour (Directorate General of Employment & Training) for each organization. In the past, Railways, in some cases, recruited directly from the Act Apprentices. But now, as per the Ministry of labour guidelines and provisions of the Apprentices Act 1961, the Ministry of Railways have framed detailed guidelines. As per the revised guidelines, the Apprentices are to apply in the open category and other things being equal preference is being given to them. Similarly, there are provisions for age relaxation for the Apprentices.

2.19 The examination of of the related issues by the Committee has revealed the following:—

- (i) As per circulars issued by the Railways from time to time, Act Apprentices were to be given preference in regular employment.
- (ii) The Supreme Court judgment , given in 1996 in the case of UP Roadways, has clearly brought out that a Seniority Register is to be maintained. As per the existing guidelines of Railways, since Apprentices are to apply against direct quota, this Seniority Register system cannot be fool-proof.
- (iii) Since the Act Apprentices undergo training for various period ranging up to 2-3 years, it would be in the interest of the Railways if they engage these people as against the unskilled/inexperienced persons.
- (iv) Considering the requirement of upgradation of safety measures, it is all the more essential that trained people are recruited for safety purposes.

- (v) As early as 1977, there was a provision in the Railways that of the total posts available in C&D categories, 25% posts should be filled up through Act Apprentices.
- (vi) Railways have given direct employment to the Act Apprentices in its various Wings/Divisions in the past.

2.20 Considering the above factors, the Committee strongly recommend that Zone-wise Seniority Registers of the Act Apprentices should be maintained in the Railways and out of the total vacancies in Group 'D' category, 25% should be exclusively reserved for Act Apprentices and these should be filled on seniority basis. Needless to emphasise that necessary rules should be modified accordingly. These measures will help the Railways to get skilled manpower for its various workshops, tracks and other areas of activities where safety is of paramount importance.

2.21 The Committee also note that as against 4907 seats allotted to the Railways for Act Apprentices, the Railways provided training to 3429 in 2000-2001 and to 3437 in 2001-2002. The Committee feel that the considering the size and infrastructure available at the disposal of the Railways, they should provide training to the requisite number of persons as per the allotment decided in consultation with the Ministry of Labour.

CHAPTER III

REPRESENTATION REQUESTING FOR PROVIDING ALTERNATE LAND AND BASIC AMENITIES TO THE EVICTED OCCUPANTS OF COSSIPORE BY THE KOLKATA PORT TRUST

3.1 The North-Port Trust Tenant Association submitted a representation in 1985 regarding eviction of occupants from the Port Trust land in Kolkata. The Committee on Petitions (8th Lok Sabha) examined the matter and made the following observations/recommendations in their 5th Report (8th Lok Sabha) on the subject:—

"The Committee are of the view that while the eviction notices served on the tenants to secure vacant possessions of the strips of two acres of land may well be legally enforceable in terms of lease or licence agreements, these tenants who are in legal occupation of plots of land for periods ranging from 9 to more than 50 years cannot be thrown out without providing them suitable alternative accommodation. These tenants cannot be equated with unauthorized occupants who may have envroached upon the vacant land of the Port Trust.

(Para 2.34)

The Committee are glad that taking a practical view of the situation, it has now been decided to earmrk a portion of the land on the Port Trust estate for relocating the evictees from the existing sites. The Committee will like the Port Trust Authorities to mutually sort out with all the 67 tenants how best they can be rehabilitated, after they are displaced from the existing sites. The Committee need hardly stress that the case of each tenant will be considered in a sympathetic and amicable manner.

(Para 2.35)

The Committee expect that each tenant will at least be given a strip of land equal to their existing occupation. The Committee would feel satisfied if as a result of their intervention, the tenants are also offered some sort of compensation for the expenses involved in dismantling and rebuilding the structures constructions on the new sites. The Secretary, Ministry of Surface Transport has already promised that necessary amenities such as water and electricity etc. would be provided by the Port Trust at the new sites.

(Para 2.36)

The Committee recommend that the 'Land Use Plan' of the Cossipore area be got approved by the Trustees of the Calcutta Port without further delay, after necessary consultations with the Calcutta Metropolitan Development Authority and other concerned agencies.

(Para 2.37)

The Committee would like Government to tackle this question of rehabilitation of evictees on humanitarian grounds and also keeping in view the fact that this land is no longer going to be used for port development purposes. The basic amenities like drinking water, electricity, approach roads, etc. should be provided while rehabilitating the evictees. The Committee also hope that with the provision of alternative accommodation to the evictees, the cases pending in the courts will be withdrawn by them early and unconditionally.

(Para 2.38)

3.2 In December, 2002, the North Port Trust Tenant Association, Cossipore submitted a representation to the Committee stating therein that the Kolkata Port Trust has not implemented the recommendations of the Committee on Petitions (8th Lok Sabha) fully even after about two decades. The grievances put forth by the Tenant's Association *inter-alia* include:—

- (i) Imposition of Public Premises Act (P.P. Act) for removing them.
- (ii) Non-allotment of alternate land with basic civic amenities.
- (iii) Prohibiting tenants from carrying out necessary construction for their living.
- (iv) Withdrawal of railway facility thereby affecting their business, and
- (v) Not providing owner-ship rights for the land.

3.3 Explaining the background of the issue, KoPT in a note stated:—

"Kolkata Port Trust has a landed estate at Cossipore where about 2.8 acres was allotted mostly for short term occupation (on month to month lease basis) terminable with 15 days notice on either side. These plots of land were allotted primarily for stacking of firewood, minerals etc. There was a railway siding there earlier which had to be closed down consequent on closure of Calcutta Jetties for lack of business. After the closure of the railway siding, it was decided in January 1985 to issue eviction notices to the lessees so that a large compact area was available for gainful utilization. Of the 67 lessees on the land, eviction suits were filed in respect of 25 due to breach of lease terms and the remaining 42 lessees were served with notices for eviction."

3.4 The Committee undertook study tour to Kolkata in May, 2003 and held discussions with the petitioners. The petitioners made the following submissions before the Committee:—

- (1) Even though the Committee on Petitions (8th Lok Sabha) made recommendations in 1988 for providing relief to them, Kolkata Port Trust has not taken effective steps to implement the recommendations fully.
- (2) Out of the 67 affected tenants, land has been given to 56 persons.
- (3) No basic facilities like electricity, water have been provided.

- (4) There is no agreement with the petitioners by the Kolkata Port Trust and they are not sure about the nature of their titles on the allotted land.
- (5) The Port Trust has not given any documents/papers of lease agreement to them.
- (6) They should be given option of paying rent in easy installments.
- (7) Bills are not being sent to them properly and for the time being, only 6 persons are paying rent.
- (8) Rent for the allotted land has been increased repeatedly and in the immediate past, it has been raised from Rs. 300 per 100 Sq. Mtrs. to Rs. 800 per 100 Sq. Mtrs.
- (9) Petitioners have helped the Kolkata Port Trust to recover some land, which has enabled the Kolkata Port Trust to earn some money.
- (10) Petitioners requested the Committee for providing:—
 - (a) Permission for carrying out construction on the allotted land;
 - (b) Withdrawal of security guards from their area;
 - (c) Giving property rights to the tenants;
 - (d) Basic amenities like water, toilets, sanitation, etc.
 - (e) Not to use PP Act for evicting tenants.

3.5 The Committee also held discussions with the officers of the Kolkata Port Trust. Explaining the factual position the officers submitted before the Committee as under:—

- (1) In deference to the recommendations of the Petitions Committee, the decision was taken by Board of Trustees of Port of Kolkata in the year 1989 to give alternate land to the affected persons. Accordingly, 26 tenants were offered alternate plot of land in the same area in consultation with the North Port Trust Tenant Association. They were given 60% additional area over and above their original occupation at the prevailing scheduled rent. They were also given compensation like waving of damage charges for encroachment, wharf charges and legal cost, etc. They were also excluded from payment of interest on the outstanding dues.
- (2) As of now, out of 67 tenants, 56 have got alternate land. The terms and conditions remain the same as were prevalent earlier. The tenants are, however, not paying their rent/changes.
- (3) As regards the contention of the petitioners about applying of PP Act for eviction, the officials informed that PP Act proceedings were initiated against 3 lessees for breaching of terms of the agreements like non-payment of rents and taxes, unauthorized construction, unauthorized parting, possession, etc.

- (4) In reply to a query of the Committee, the officials also informed that the petitioners also went to court and the High Court of Kolkata dismissed the petitioners in 1998/2001.
- (5) In reply to a question about civic amenities, the officials informed that the land allotted was for commercial purposes and not for residential purposes. For other tenants also, Port trust is not providing these facilities.
- (6) Regarding demand of petitioners for giving ownership rights, officials informed that as a general policy, Port Trust does not confer ownership rights on any of its lessees.
- (7) The officials agreed to the suggestion of the Committee that they should sort out the issue in consultation with Tenant Association within 3 month's time.

3.6 Asked about the background of the circumstances when the land in question was allotted and the agreement or terms and conditions laid down between the lessees and the Kolkata Port Trust Management, Kolkata Port Trust (KoPT) in a note replied:—

"These lessees were initially allotted the land at different points of times in mid-seventies and earlier. All of them except three were allotted short term occupation on month to month lease terms primarily for stacking of firewood, minerals etc. Such month-to-month lease was purely temporary in nature terminable with 15 days notice by either side.

The terms of month-to-month lease agreement, *inter-alia*, clearly stipulate that only light type of one storied structure with corrugated iron, asbestos or tiled roof will be allowed to be erected on the land and type of structure shall conform to the purpose of the lease and that KoPT reserve the right to refuse the approval of any plan without assigning any reason therefore.

Three long-term leases were granted with the condition that permanent structure could be constructed with prior permission to KoPT, but without any clause for renewal of lease."

3.7 The Committee also enquired as to whether the lessees were residing on the lands, KoPT in a note replied:—

"As per permitted use of the land in terms of the lease agreement, none of the lessees were authorized to reside on the land. As per records available with KoPT no one was residing on these lands. If at all anyone was residing on the land it was without permission of KoPT and such action would tantamount to violation of lease agreement.

The main reason for getting the land vacated by these temporary lessees was to obtain a compact area for gainful utilization. After dismantling of railway siding, it was considered necessary by the KoPT to resume the

strips of land held by these lessees and eviction notices were served on the lessees, as per terms of the lease agreement, for securing vacant possession of the plots occupied by these lessees for the aforesaid purpose."

3.8 Asked about the steps taken by the management to rehabilitate the lessees by providing them all the basic amenities necessary for a normal living, KoPT in a note stated:—

"These plots of land was allotted to the lessees for construction of sheds, offices and godown, for storing of firewood, minerals etc. on month-to-month leases terminable with 15 days notice from either side. However, in deference to the recommendation of Lok Sabha Committee on Petitions the affected lessees were allotted alternative plots on the same terms and conditions as earlier. It is relevant to mention here that KoPT in no case anywhere in its estate provides water, electricity, etc. Therefore if KoPT provides electricity, water to these allottees, it will raise demands for similar amenities elsewhere by the other lessees of KoPT. It is always the responsibility of individual allottees to approach respective authorities to obtain these basic amenities. Nonetheless to honour the recommendations of Lok Sabha Committee on Petitions, KoPT took up the matter with CESC & KMC to facilitate the lessees to obtain basic amenities."

3.9 Regarding the contention of the petitioners for withdrawing railway facility, KoPT in a note stated:

"A railway siding was set up in Cossipore area by the Port more than 100 years ago for movement of cargo from Calcutta Jetty area. No railway facilities were ever created specifically for these lessees. Later, after the closure of Calcutta Jetty area during the mid seventies and subsequent handing over the railway tracks of Calcutta Jetty area to Eastern Railway for running Circular Railway, the Cossipore siding was lying idle and its maintenance was uneconomical. This was the reason for withdrawal of railway sidings from the area. After withdrawing railway sidings from the area, the land there was treated as non-rail served plot within KoPT estate. This aspect was duly taken into account at the time of determination of rent for these plots of land while revising Schedule of Rent in 1988 & 1996."

3.10 The Committee further wanted to know whether lessees could be given ownership rights, KoPT replied:

"As a general policy KoPT does not confer ownership rights to any of its lessees. In keeping with this policy ownership rights of the land in question have not been given to these lessees."

3.11 Enquired about the grievances of the petitioners about initiating Public Premises Act (P.P. Act) Proceedings against the lessees, KoPT replied in a note:

"P.P. Act proceedings were initiated against three lessees for breach of terms of lease agreement like non-payment of rents & taxes, unauthorized construction, unauthorized parting with possession etc.

It is also relevant to mention here that in a number of cases, the lessees, who had been allotted alternative plots of land as per recommendation of Lok Sabha Committee on Petitions, continue to occupy their earlier plots for quite sometime despite constant persuasion by KoPT. Even now there are three lessees who have not vacated their earlier plots of land although they have already taken possession of alternative plots of land."

3.12 Regarding latest position of proceedings under the provisions the P.P. Act, KoPT replied in a note:—

"There are three cases in which P.P. Act proceedings were initiated. In one case the earlier plot was vacated after the order of Ld. Estate Officer. In another case eviction order has been passed by Ld. Estate Officer and execution of the said order is in progress. The third case is pending before the Estate Officer."

3.13 The Committee wanted to know the views of the Ministry of Shipping on the subject. The Ministry of Shipping in a note submitted points-wise replies to the points raised in the representation as under:

- "(i) In defence to the recommendation of the Lok Sabha Committee on Petitions (8th Lok Sabha), a decision was taken by the Board of Trustees for the Port of Calcutta in the year 1989 and accordingly, 26 tenants who were actually affected were offered alternative plot of land in the same area in consultation with the North Port Trust Tenant Association (NPTTA). They were given more or less 60% additional area over and above their original occupation at the prevailing schedule rent. They were also given compensation as suggested by Lok Sabha Committee on Petitions (LCoP) waiving damage charges for encroachment, wharf charges and legal cost amounting to a total of Rs. 1,43,508/-, Rs. 90,737/- and Rs. 1,58,000/- respectively. They were also exempted from payment on interest on the outstanding dues. As per advice of LCoP, KoPT also approached Calcutta Electricity Supply Corporation Ltd. (CESC) for arranging electric supply and Kolkata Municipal Corporation for water connection for the area. Therefore, Kolkata Port Trust implemented the LCoP recommendation.

On the other hand, NPTTA and their members were not satisfied with the package provided by the KoPT. Most of the members did not accept settlement as per offer of KoPT. In fact, NPTTA moved two writ applications in Calcutta High Court being C.O. 13192(W)/1994 and matter No. 1542 of 1996. Both the said writ applications were, however, dismissed on 11.9.2001 and 10.2.1998 respectively. It is, therefore, NPTTA who failed and neglected to fulfil their commitment to the Lok Sabha Committee on Petitions.

- (ii) NPTTA asked for arrangement of all amenities by Port. It has already been mentioned that KoPT took up the matter with appropriate

authority, *i.e.*, CESC Ltd. for electricity connection and KMC for water connection to facilitate eligible NPTTA members obtaining the aforesaid amenities. It is pertinent to mention here that nowhere in KoPT estates KoPT provides water, electricity, sewerage, etc. It is the individual tenant, who arranges to obtain such facilities. However, in the instant case, KoPT took up the matter with appropriate authority for compliance with the LCOP recommendation.

- (iii) Regarding the request of NPTTA for permission for construction at the individual plots of land for residential purpose, it is stated that sanction of the plan has never been held up or will be held up by KoPT without any reason. Such cases on receipt will be duly considered by KoPT on merit.
- (iv) KoPT have already withdrawn stationary private security guards from Cossipore area. Regarding removal of unauthorized settlers, KoPT has written to and discussed with the Police authorities on a number of occasions but could not do anything regarding ouster of the unauthorized settlement without Police help.
- (v) NPTTA requested for reversion of existing rent to rent prevailing at the time of withdrawal of railway facilities.

NPTTA also mentioned about slump in their earning due to withdrawal of the railway facilities, absence of any sheds/roof in the new land and water logging. KoPT withdrew the railway facilities in the year 1984 not only in Cossipore but almost everywhere in KoPT estates. While fixing the 1988 and 1996 schedule rent of KoPT, the said factor was taken into consideration. Since NPTTA members were asked to pay at the schedule rent only, intent of their representation has been adequately addressed. In fact, allotment of land at schedule rent instead of tender rent which is much higher than the schedule rent, was by itself, a concession. Moreover, it is not possible for KoPT to charge rent prevalent in the year 1984 in 2003. Regarding the slump in their earning for reasons attributed to KoPT is not correct.

- (vi) Request of NPTTA for ownership and title of the land can be examined provided they pay all past dues as per LCOP recommendation and present value of the land subject to the provisions of Urban Land Ceiling Act.
- (vii) NPTTA has demanded other basic civic amenities like drainage, road, drinking water, lavatory, etc. None of these civic amenities are arranged/provided by KoPT in its tenanted estate. KMC the relevant authority in this regard.

- (viii) P.P. Act proceedings have been initiated for breach of terms of contract/lease committed by the NPTTA members. P.P. Act proceedings are quasi-judicial and they can get their genuine grievance redressed as per provisions of Public Premises Act."

Observations/Recommendations

3.14 The North Port Trust Tenants Association (NPTTA) submitted a representation to the Committee in December, 2002 stating that the Association had petitioned before the Committee on Petitions (8th Lok Sabha) and the recommendations made by the Committee (8th Lok Sabha) have not been implemented by the Kolkata Port Trust. This relates to relocation of commercial sites, which were in possession of the petitioners for a period ranging from 9 to 50 years. The following assurances were given by the Ministry of Shipping and Transport to the Committee (8th Lok Sabha):—

- (i) The petitioners will be given alternate sites with about 60% additional area.
- (ii) Water and electricity facilities would be provided by Port Trust at the new sites.
- (iii) Land use plan of the Kossipore area to be got approved by the Trustees of the Port Trust in consultation with Kolkata Metropolitan Developmental Authority.

3.15 From the petition submitted by the NPTTA in December, 2002 and discussions held by the Committee with the petitioners/officers of Kolkata Port Trust in May, 2003 and the material placed before the Committee, the Committee regret to note that none of the commitments furnished by the Kolkata Port Trust/ Ministry of Shipping and Transport made in 1985 have been implemented by the Port Trust. The grievances of the petitioners remain where they were in 1985 except in a few cases where alternate sites have been allotted.

3.16 It came out during the discussions with KoPT officials that Port Trust is not having Lease Agreements with all the tenants. Similarly, the tenants are not given regular bills for payment of rent, etc. In 1985 the Ministry promised to provide electricity and water facilities to the petitioners at new sites, but now the Kolkata Port Trust has taken a stand that since the sites are not earmarked for residential purposes, they are not responsible for it and the petitioners should approach the Kolkata Municipal Development Authority. During the discussions with the officers of Kolkata Port Trust, the Committee were assured that they will look into the matter seriously and would settle the pending issues within a period of 3 months. However, from the repeated representations from the petitioners to the Committee, the Committee have observed that the Port Trust have not taken the matter seriously.

3.17 Taking a very serious view of the inordinate delay in solving the pending issues of the petitioners, the Committee, once again, recommend that the Ministry should examine all the pending demands of the petitioners with a

view to providing solution to the issues, which have been pending for over two decades. The Committee would also like to be apprised of the conclusive action taken in the matter within two months of the presentation of the Report to Parliament.

NEW DELHI;
15 December, 2003
24 Agrahayana, 1925 (Saka)

BASUDEB ACHARIA,
Chairman,
Committee on Petitions,
Lok Sabha.

APPENDIX

(See Para 1.1 of the Report)

LOK SABHA

PETITION NO. 26

(Presented to Lok Sabha on 8.5.2003)

To

Lok Sabha
New Delhi.

The humble petition of Shri Nabin Chandra Narayan Das & 10 other residents of Dhenkanal, Orissa.

SHEWETH

We, the persons of Dhenkanal bring the following facts for your kind knowledge and immediate action that Dhenkanal is the Headquarter of Dhenkanal District situated on the middle of Orissa well connected by Rail and Roads surrounded with hills and trees of natural beauty.

That Union Government of India decided to setup Indian Institute of Mass Communication (I.I.M.C.) at Dhenkanal as 1st branch of I.I.M.C., New Delhi with an objective of providing quality teaching and research in Mass Communication & Journalism in Eastern India. Studies & Research in rural & tribes was another main objectives, because of the proximity of the new Branch to one of the most backward and poorest. One PG Diploma Course in English Journalism was started on the pattern of IIMC, New Delhi in 2001-2002. A PG Diploma Course in Oriya Journalism was also started with 15 seats, on an experimental basis. The Institute has shifted to its own campus, situated on the hilltop in the Dhenkanal town with a magnificent valley view.

That the permanent assets of the Institution was created with Project cost of about Rs. 780 lakhs out of which about Rs. 700 lakhs for construction of the campus and rest for staff and establishment. So far about 15 crores have already been spent by Government of India for construction as well as staff expenses. An amount of 40 lakh necessary annually for establishment, out of which Rs. 10 lakhs is being collected from students and earning from training course and research projects. Therefore in actuals about Rs. 30 lakhs is required to be provided by Union Government. We also expect further increase in research and trainings earnings which will reduce the burden of Union Government provisions to a considerable extent which may come down to Rs. 20 lakhs.

That the institute is having a good library, computerized Multi-Media laboratory, good Video Laboratory, Central Hall, Well-furnished Class rooms, MIS & Internet centre, Auditorium to accommodate 200/250 persons, Audio/Video Studio, Girls/Boys Hostels with good facilities, provision of play ground, open air theatre, Gymnasium recreation centre and Canteen facilities are under construction/process.

That the Institute has produced a number of persons who have already got employment in National Prints, Electronic Media in senior position so much so that some of them have been posted out abroad, *i.e.*, United States, South Africa etc.

That the Institute has acquired a reputation of the best Media Training Centre in the Country for young Media Professionals and in the last ten years of its existence students from IIMC. Dhenkanal are topping the combined merit test through out the country. All the Oriya PG Students who have passed from this Institute are absorbed in Oriya Dailies. All the trainees in short Course for T.V. News have also been employed soon after their passing out.

That eminent Media personalities including Editors & Authors from all over India visit to Institute and address the students which helps students for their academic carrier. Overall, the Institute enjoys a certain Brand in the Media Sphere and is an pioneer institution of mass communication which is not comparable with any other Institute or University. With more academist & supporting staff if provided will certainly raise the standard to match with the Institutions of International sphere.

We are constrained to state that proposals have been initiated to handover this premier institute to Utkal University. Bhubaneswar and also discussions/ correspondences are going on between IIMC, New Delhi and Vice Chancellor, Utkal University for the modality of transfer.

However, the Utkal University should not take over this prestigious institution as:—

- (i) The University at present is facing financial crisis for which about 100 posts of academist have been abolished and there is ban in future recruitments;
- (ii) The University is facing students agitations alleging financial scandals against Vice-Chancellors for the irregularities want of facilities for library, hostel, canteen, good academic staff etc. The Chancellor of the University no less a person than Governor of Orissa has ordered for special inquiry into the allegations made by Accountant General;
- (iii) It has come to our notice that the Vice-Chancellor has proposed for an initial grant of Rs. 3 to 4 crores from Government of India for maintenance of IIMC if transferred to Utkal University. However, the grant projects to be parted out will help the Utkal University to make-up the present financial crisis of the University;
- (iv) Crores of rupees lying with University of Government of India/ University Grants Commission (U.G.C.) are not utilized for non-compliance of share money to be contributed by Government of Orissa due to Government's financial stringency; and
- (v) The Utkal University is already having two years of Master Course in Journalism.

Accordingly, your petitioners pray that your kindself may intervene in the matter in the interest of the students of Eastern Region and people at large and stop such retro-grade steps for transfer of IIMC, Dhenkanal to Utkal University. We therefore request that this Institute should remain in direct control of the Ministry of Information & Broadcasting or a Deemed University of the Union of India for the sake of the professionals in mass media in the country.

And your petitioners as in duty bound will every pray.

Name	Address	Signatures
Sh. Nabin Chandra Narayan Das & Others	At PO Dhenkanal, Orissa - 759 001	Sd/-

Countersigned by Shri K.P. Singh Deo, M.P.

MINUTES OF EIGHTY-FIRST SITTING OF THE COMMITTEE ON PETITIONS
HELD ON 30TH SEPTEMBER, 2003 IN COMMITTEE ROOM NO. 62
PARLIAMENT HOUSE, NEW DELHI

The Committee sat from 14.00 to 15.40 hrs.

PRESENT

Shri Basudeb Acharia—*Chairman*

MEMBERS

2. Shri Ram Rati Bind
3. Shri Ambati Brahmanaiah
4. Shri Anant Gudhe
5. Shri Shriniwas Patil
6. Shri P. R. Kyndiah
7. Shri C. Sreenivasan
8. Shri Bikram Keshari Deo

SECRETARIAT

Shri Brahm Dutt — *Director*

WITNESSES

Representatives of the Ministry of Information & Broadcasting

1. Shri Pawan Chopra — Secretary,
Ministry of Information &
Broadcasting.
2. Shri Sudhir Sharma — Joint Secretary (Policy &
Admn.)
Ministry of Information &
Broadcasting
3. Dr. B.P. Sanjay — Director,
Indian Institute of Mass
Communication, New Delhi.

SPECIAL INVITEES

1. Shri K.P. Singh Deo, M.P.
2. Shri Kirit Somaiya, M.P.

Representatives of the Ministry of Railways (Railway Board)

1. Shri K.K. Agarwal — Member, Traffic
2. Dr. A.K. Pandey — Director General/RPF
3. Dr. K. Suresh — Director General/RHS
4. Shri Yudhisthir Singh — Addl. Member/Comm.

5. Shri Arun Dubey	—	Addl. Member/IT
6. Shri M.Z. Ansari	—	Addl. Member/ME
7. Shri Uttam Chan	—	Adviser/L&A
8. Shri A.K. Goyal	—	Exe. Director/Passenger Marketing
9. Shri Sunil Kumar	—	Exe. Director/(C&IS)
10. Shri Arvind Jhamb	—	Director Traffic/Comm. (G)
11. Shri O. Chawla	—	Joint Director/Traffic Comm. (G)
12. Lt. Col. V.K. Raheja	—	Exe. Director/Elect.(G)
13. Shri O.P. Agarwal	—	Exe. Director/RRB
14. Shri Anand Mathu	—	Exe. Director/E(N)
15. Shri R.P. Thakur	—	Director/Passenger Marketing
16. Shri S.K. Nanda	—	CCM/Central Railway

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

- (i) Petition against transfer of Indian Institute of Mass Communication, Dhenkanal to Utkal University, Bhubaneswar.
- (ii) Representation regarding opening of new ticket booking windows in Mumbai Sub-urban Railway Stations.

3. At the outset, the Chairman drew the attention of the representatives of each Ministry, to Direction 55 (1) of the Directions by the Speaker regarding confidentiality of the proceedings. The Committee then put questions which were replied to by the witnesses on the subjects under consideration of the Committee.

4. A verbatim record of the proceedings was kept.

The Committee then adjourned.

MINUTES OF EIGHTY-FOURTH SITTING OF THE COMMITTEE ON
PETITIONS HELD ON 24TH NOVEMBER, 2003 IN COMMITTEE
ROOM NO. 62, PARLIAMENT HOUSE, NEW DELHI

The Committee sat from 14.30 to 16.00 hrs.

PRESENT

Shri Basudeb Acharia — *Chairman*

MEMBERS

2. Shri Ambati Brahmanaiah
3. Shri Ram Rati Bind
4. Shri Bikram Keshari Deo
5. Shri P.R. Kyndiah
6. Dr. Bikram Sarkar

SECRETARIAT

1. Shri Brahm Dutt — *Director*
2. Smt. Neera Singh — *Under Secretary*

WITNESSES

Representatives of the Ministry of Railways (Railway Board)

1. Shri S.M. Singla — Member, Staff
(Railway Board)
2. Shri Anand Mathur — Executive Director, Esstt. (N)
3. Shri O.P. Agarwal — Executive Director (RRB)
4. Shri P. Ananth — Director (MPP)
5. Shri A.M. Dharmalingam — Chief Personnel Officer,
Southern Railway

Representatives of the Ministry of Tribal Affairs

1. Dr. A.V.S. Reddy — Secretary
2. Shri S. Chatterjee — Joint Secretary
3. Dr. R.C. Mahapatra — Deputy Director

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

- (i) Representation requesting to give appointment to the course completed Act Apprentices against existing vacancies in Southern Railway.
- (ii) Representation regarding inclusion of Halba Koshti (Weavers) Tribe residing in Vidarbha, Chhattisgarh and Madhya Pradesh in the List of Scheduled Tribes.

(iii) Representation regarding inclusion of Panika Community of Chhattisgarh in the List of Scheduled Tribes.

3. At the outset, the Chairman drew the attention of the representatives of each Ministry, to Direction 55(1) of the Directions by the Speaker regarding confidentiality of the proceedings. The Committee then put questions on the subjects under consideration of the Committee which were replied to by the witnesses.

4. Thereafter, the Committee considered the Draft Thirty-fourth and Thirty-fifth Reports of the Committee and adopted the same with few modifications. The Committee then authorised the Chairman to finalise the Reports and present them to the House on 4th December, 2003.

5. A verbatim record of the proceedings was kept.

The Committee then adjourned.

MINUTES OF EIGHTY-FIFTH SITTING OF THE COMMITTEE ON PETITIONS
HELD ON 15TH DECEMBER, 2003 IN COMMITTEE ROOM NO. 'B',
PARLIAMENT HOUSE ANNEXE, NEW DELHI.

The Committee sat from 1500 hrs. to 16.00 hrs.

PRESENT

Shri Basudeb Acharia — *Chairman*

MEMBERS

2. Shri Ambati Brahmanaiah
3. Shri Ram Rati Bind
4. Shri Bikram Keshari Deo
5. Shri Sis Ram Ola
6. Dr. Bikram Sarkar

SECRETARIAT

- | | | |
|---------------------|---|------------------------|
| 1. Shri Brahm Dutt | — | <i>Director</i> |
| 2. Smt. Neera Singh | — | <i>Under Secretary</i> |

WITNESSES

Representatives of the Ministry of Finance

(Department of Economic Affairs—Banking Division)

- | | | |
|-------------------------|---|--|
| 1. Shri N.S. Sisodia | — | Secretary
(Financial Sector) |
| 2. Shri G.C. Chaturvedi | — | Joint Secretary
(Banking & Insurance) |
| 3. Shri G.R. Summan | — | Director
(Banking Division) |

Representatives of the State Bank of India

- | | | |
|--------------------------|---|--|
| 1. Shri A.K. Purwar | — | Chairman, SBI. |
| 2. Shri Santhanakrishnan | — | Dy. Managing Director, SBI. |
| 3. Shri A. Krishna | — | General Manager (HRD &
Charge Management), SBI. |
| 4. Shri Hariharan | — | Dy. MD/CCO, SBI. |
| 5. Shri S.A. Farooqui | — | Consultant, SBI. |
| 6. Shri S.K. Sinha | — | General Manager & Advisor
(Law), SBI. |

2. At the outset, the Committee condoled the sad demise of Shri G. Mallikarjunappa, a member of the Committee. The Committee stood in silence for a while to pay homage to the departed soul.

3. Thereafter, the Committee considered the Draft Thirty-sixth and Thirty-seventh reports of the Committee and adopted the same. The Committee also authorised the Chairman to finalise the Reports and present them to the House on 18th December, 2003.

4. The Committee then took evidence of the representatives of the Ministry of Finance (Department of Economic Affairs—Banking Division) on a representation requesting to implement Voluntary Retirement Scheme for State Bank of India VRS-2001 rejectees.

5. The Chairman welcomed the witnesses to the sitting of the Committee and invited their attention to the provisions contained in direction 55(1) of the Directions by the Speaker regarding confidentiality of the proceedings. The Committee then put questions on the subject under consideration of the Committee which were replied to by the witnesses.

6. A Verbatim record of the proceedings was kept.

The Committee then adjourned.