

COMMITTEE ON PETITIONS

(THIRTEENTH LOK SABHA)

THIRTY-EIGHTH REPORT



LOK SABHA SECRETARIAT
NEW DELHI

December, 2003/Agrahayana, 1925 (Saka)

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(THIRTEENTH LOK SABHA)

(Presented to Lok Sabha on 23 December, 2003)



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CB-I. No. 315 Vol. XXXVIII

Price: Rs. 20.00

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Published under Rule 382 of the Rules of Procedure and Conduct of Business in Lok Sabha (Tenth Edition) and Printed by the Manager, Government of India Press, Minto Road, New Delhi—110 002.

CONTENTS

	PAGE
COMPOSITION OF THE COMMITTEE ON PETITIONS	(iii)
INTRODUCTION.....	(v)
CHAPTER I. Petition regarding giving employment to the displaced families whose lands have been acquired for Talcher-Sambalpur Railway Link Project of South-Eastern Railway.....	1
CHAPTER II. Representation to provide minimum wages and other necessary facilities to the contract workers working in various steel plants in the country.....	12
CHAPTER III. Representation requesting for option to switch over from Contributory Provident Fund (CPF) to General Provident Fund (GPF) pension scheme in Indian Space Research Organisation.....	22

APPENDIX

Petition No. 8 regarding giving employment to the displaced families whose lands have been acquired for Talcher-Sambalpur Railway Link Project of South-Eastern Railway.....	29
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MINUTES

(i) Minutes of the Forty-third sitting of the Committee held on 8.2.2002.	30
(ii) Minutes of the Fiftieth sitting of the Committee held on 17.7.2002....	34
(iii) Minutes of the Eightieth sitting of the Committee held on 16.9.2003.	37
(iv) Minutes of the Seventy-ninth sitting of the Committee held on 4.9.2003.	39
(v) Minutes of the Eighty-third sitting of the Committee held on 14.11.2003.	41
(vi) Minutes of the Eighty-sixth sitting of the Committee held on 18.12.2003.	42

COMPOSITION OF THE COMMITTEE ON PETITIONS

Shri Basudeb Acharia — *Chairman*

MEMBERS

2. Shri S. Bangarappa
3. Shri Ambati Brahmanaiah
4. Shri Ram Rati Bind
5. Shri Bikram Keshari Deo
6. Shri Anant Gudhe
7. Shri Babubhai K. Katara
8. Shri P.R. Khunte
9. Shri P.R. Kyndiah
10. Shri Sis Ram Ola
11. Shri Shriniwas Patil
12. Shri Sunder Lal Patwa
13. Dr. Bikram Sarkar
14. Shri C. Sreenivasan
15. *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. Mallikarajunappa died on 30.11.2003.

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

INTRODUCTION

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

- (i) Petition regarding giving employment to the displaced families whose lands have been acquired for Talcher-Sambalpur Railway Link Project of South-Eastern Railway.
 - (ii) Representation to provide minimum wages and other necessary facilities to the contract workers working in various steel plants in the country.
 - (iii) Representation requesting for option to switch over from Contributory Provident Fund (CPF) to General Provident Fund (GPF) pension scheme in Indian Space Research Organisation.
2. The Committee considered and adopted the draft Thirty-eighth Report at their sitting held on 18 December, 2003.
3. The observations/recommendations of the Committee on the above matters have been included in the Report.

NEW DELHI;
18 December, 2003
27 Agrahayana, 1925 (Saka)

BASUDEB ACHARIA,
Chairman,
Committee on Petitions.

CHAPTER I

PETITION REGARDING GIVING EMPLOYMENT TO THE DISPLACED FAMILIES WHOSE LANDS HAVE BEEN ACQUIRED FOR TALCHER-SAMBALPUR RAILWAY LINK PROJECT OF SOUTH-EASTERN RAILWAY

1.1 On 18 August, 2000, Shri K.P. Singh Deo, M.P. presented to Lok Sabha a petition signed by Shri Pratap Chandra Behera, resident of Similipada (New PTC Colony), P.O. Angul (Orissa), and others regarding giving employment to the displaced families whose lands had been acquired for the Talcher-Sambalpur Railway Link Project of South-Eastern Railway (Appendix).

1.2 The petitioners in their petition *inter-alia* stated that they were the members of the Talcher-Sambalpur Railway Link (New BG line 174 km.) affected Villagers Development Committee, Angul. They represented more than 5000 affected and displaced families in over 52 villages whose lands had been acquired for the Talcher-Sambalpur Railway Link Project.

The petitioners contented that the Railway Board had given them assurance for employment. Around 511 posts of Gangmen had to be filled up by Railway Board under Divisional Railway Manager, Sambalpur. Even though the Railways has given assurance in writing for employment to the land losers in Group 'C' and Group 'D' posts, as they had similarly given preference to the affected people of other Railway Projects, no priority was given by the Railways to the affected land losers of the Talcher-Sambalpur Project.

1.3 The petitioners, therefore, requested the Committee to look into the matter and take a favourable decision for providing employment to the persons from displaced families (*i.e.* whose land was acquired by the Railways) in Grade 'C' and 'D' posts in Railways.

1.4 The Ministry of Railways (Railway Board) were requested to furnish their comments on the issues raised in the petition. In response, the Ministry of Railways (Railway Board) *vide* their communication dated 13 March, 2001 stated that in the Talcher-Sambalpur new Broad Gauge Line Project, the total number of land losers was 16135. Out of these land losers, 2805 had applied for employment in the Railways. Out of those who applied, only 652 fulfilled the prescribed conditions as required and 76 were finally empanelled for appointment on priority as "Gangmen". Another 82 posts of Gangmen had been kept unfilled.

1.5 In the context of giving employment and compensation to the land losers the Ministry of Railways (Railway Board) further informed in a note dated 8 May, 2001 as under:—

- "(i) *Vide* Sambalpur Division's notifications No. SBP/1/99 dated 5.2.99 and 4.3.99 (quoting previous notification dated 31.7.98), land losers were notified to

apply for recruitment in Group 'D' category in lieu of the land acquired for Sambalpur-Talcher section. These notifications were displayed on various notice boards and also published in local newspapers;

- (ii) 2805 persons applied in response to the notification mentioned at (i) above. Out of them, 652 applications were found to be valid after scrutiny. The other applications were rejected, as the same did not fulfill the requirements mentioned in the employment notice. All the 652 applicants were called to appear at the selection;
- (iii) On the basis of the selection held, Competent Authority's approval for forming a panel of 429 candidates was obtained and panel was published on 28.11.2000. Offer of appointment to these 429 candidates was issued in the first week of December, 2000. 401 candidates had already joined as gangmen in Engineering Department or as Khalasis in S&T Department of Sambalpur Division.
- (iv) Payment of compensation to land losers is done through Special Acquisition Officer nominated by the State Government. A sum of Rs. 17.99 crore had already been given to this officer for disbursing the compensation amongst the land losers; and
- (v) Some of the applicants had gone to the Hon'ble High Court and CAT/Cuttack praying for jobs for members of their families."

1.6 Elaborating policy of providing jobs to land losers, the Ministry of Railways in their note submitted:—

"Zonal Railways/Production units/Project authorities may consider applications received from persons displaced on account of large scale acquisition of land for railway projects for employment to the displaced persons or their son/daughter/wife in group 'C' and 'D' posts including engagement as casual labour and give them preferential treatment in such recruitment.

Notification may be issued locally in the areas of the acquisition of land calling for applications from eligible persons with a stipulated date wherever the same is justified.

For this purpose the concerned individual should have been displaced from land on the ground of acquisition by the railway for the project.

The displaced persons should not have derived any benefit from the State Government in the form of alternative cultivable land, etc.

Employment offered should not be more than one job per family.

The employment assistance to the land losers should be limited to recruitment in the quota of direct recruitment category and offered in the first recruitment or within a period of 2 years after acquisition of land whichever is later.

The persons concerned should fulfill the qualification for the posts in question and also be found suitable by the appropriate recruitment committee. In case of recruitment to group 'C' posts, RRB should be associated with the process of recruitment.

Once the offer of appointment has been made in no case should any further application claiming appointment on the ground of acquisition of same piece of land by railway authorities be entertained. Land acquisition certificate should be obtained from the concerned civil authorities, particularly from land acquisition collector for verification of the claim."

1.7 In their subsequent communication dated 2 July, 2001 the Ministry of Railways stated that compensation had been disbursed to 5763 families. The total amount of compensation paid was Rs. 12,06,34,072/-. Hon'ble Central Administrative Tribunal (CAT) Cuttack had passed an interim order in respect of Offer of Appointment filed by 82 persons. In compliance of the Interim Orders of the CAT, 82 posts of Gangmen had been kept vacant.

1.8 Detailing the specific Court cases on the subject filed by individuals, the Ministry of Railways (Railway Board) *vide* their communication dated 27 September, 2001 furnished the following information:—

- "1. (a) Shri B.K. Biswal had applied for appointment against employment notification No. SBP/1/99 dated 5.2.99 meant for land losers in connection with Sambalpur-Talcher rail link project. He however failed to qualify in the written examination conducted on 27.6.99. He has filed a case for exemption from such test before Central Administrative Tribunal/Cuttack *vide* O.A. No. 466/99 and the matter is subjudice.
- (b) Shri B.K. Biswal has been paid an amount of Rs. 5,39,548/- on 03.9.1993 as compensation for his land acquired for Sambalpur-Talcher Rail Link.
2. (a) No application has been received from Shri P.C. Behera for recruitment to Group 'D' post in Sambalpur division. However, Shri P.C. Behera, alongwith eight others, had filed OJC No. 9937/99 before Hon'ble High Courts Cuttack, regarding employment on South-Eastern Railway. *Vide* order dated 24.10.2000, Hon'ble High Court Cuttack dismissed the OJC on the ground of jurisdiction.
- (b) Shri P.C. Behera (son of Shri Banamber Behera) is not a land loser, Land was acquired for Talcher-Sambalpur Rail Link and Angul Loco Shed from Sri Banambar Behera, (father of Shri P.C. Behera) who along with his brothers was jointly owning the land. The same land was acquired in the following stages:—

For Sambalpur-Talcher Rail Link, Khata No. 112 (Area 29 Decimile) was acquired. Compensation awarded was Rs. 7786/- which was received on 4.11.85 by the party.

Land was acquired for Loco Shed at Angul, Khata No. 139 (Area 2 Acre 83 Decimile) & Khata No. 139 (area 1 Acre 83 Decimile) and

compensation awarded was Rs. 75044/- on 06.5.92 and Rs. 51,775/- vide Challan No. 7 on 14.5.1996. According to Assistant Land Acquisition Officer, compensation money could not be received by the party, on account of dispute in the family regarding the claims on the land."

1.9 The Committee, thereafter, took oral evidence of the representatives of the Ministry of Railways (Railway Board) on 8th February, 2002.

1.10 During the course of evidence the Committee pointed out that more than 16,000 families of over 52 villages have been displaced due to acquisition of land by the Railways for the Talcher-Sambalpur railway line of South-Eastern Railway. The Committee asked whether there was any system of monitoring as to whether the compensation was being paid or not after the money was deposited by the Railways with the concerned authorities and also whether there was any coordination between the Railway Authorities and the State Government so that timely payment of compensation could be ensured to the land losers. To this the member (Staff), Ministry of Railways (Railway Board) stated as under:—

"Sir, first we make the money available to the State Government and they are supposed to disburse the compensation to the various affected parties. The monitoring normally is that, every fortnight or month, we try to find out from the collector as to the amount that has been spent by him from the amount that was made available to him by us. The villagers have complained to us that they did not receive the compensation. Our managers in the field go and try to find out from the revenue officers as to why it has not been paid. This is basically done when we receive a complaint. This is basically done when we receive a complaint. Otherwise, we get monthly and fortnightly progress report on this."

1.11 In a subsequent written note regarding the number of persons who actually received monetary compensation, the Ministry of Railways (Railway Board) September, 2003 informed as follows:—

"An amount of Rs. 18.06 crores had been made available by the Railways to the Special Land Acquisition Authority of Government of Orissa who have disbursed Rs. 13.46 crores to 8,770 families of land losers. Regarding non-payment of compensation to the 365 land losers, the due amount has been deposited by Special Land Acquisition Officer/Sambalpur in the Court and no information has been received on disposal of the case by the court."

1.12 In to reply to a question about delay in payment of compensation to the land losers, the Railways in their written note stated as follows:—

"Payment of compensation and setting of claims of land losers is the job of State Government. Railways always makes adequate money available, in advance, with the State Government to enable them to disburse compensation. In fact the finalisation of awards and settlement of claims takes time by the State Government."

1.13 The Committee pointed out that the main contention of the petitioners was regarding employment and desired to know as to whether there was any specific agreement between the land losers and the Railways in this regard. The representative of the Ministry of Railways stated as under:—

"There was no agreement when we acquired the land. It is only a policy statement: They will be given preferential treatment."

He added:

"The Board has issued a policy whereby preferential employment to a Group C or Group D post is given for land evicted families. But it has to be done within a period of two years after the acquisition of the land. Secondly, this is limited to only one job per family."

1.14 On being pointed out by the Committee that in terms of Railway Board instructions of November, 1989, the Railways were to provide one employment per affected family, the Ministry of Railways stated:—

"From the guidelines laid down in Railway Board's letter No. (NG)II/89/RC-2/38 dated 10.11.1989 there is no such compulsion that one person per family of land losers has to be given a job. The above letter envisages that appointment can be made only on fulfillment of conditions specified. Instructions contained in the above letter had been duly followed in Sambalpur Division of South Eastern Railway."

1.15 Asked as to how many persons had been given jobs out of about 16,000 land losers, the witness stated as under:—

"We gave notification specifically for those people who have lost their land, on 5th February, 1999 wherein we specified the last date for receipt of application as 5th of March, 1999. In response to that notification, a total of 2,800 applications were received. The rest of the oustees did not respond. Those applications were screened and ultimately 652 applications were found valid. The reasons for rejection of the balance applications basically was that they could not give the land acquisition certificate. Some of them did not have the requisite educational qualifications. Out of the 652 valid applicants, 76 were selected to group D posts. Another 82 have gone to CAT 76 have been absorbed already in Group D posts as Gangmen."

1.16 Enquired about the criteria followed while preparing the list of land losers seeking employment in the year 1999, the witness stated:

"Basically three items. One is that land acquisition certificate should be there. Then comes the educational qualification of 8th pass. Then age is supposed to be not more than 28 years. For SCs and STs a five-year relaxation is there. Out of 2805 applications received, only 652 were found to be okay. We called all of them and selected some of them."

1.17 When the Committee asked whether any panel had been prepared for land affected people, the witness stated:

"Out of 652 cases, 511 candidates passed out of which 82 numbers have been kept in abeyance as they have gone to the court. So, in regard to 429 cases, they were offered appointment. 72 were the land losers."

1.18 The Committee undertook on-the-spot study visit to Bhubaneswar on 4 July, 2002 and held discussions with the petitioners.

1.19 During the discussion with the petitioners, the Committee were informed that they had been assured a number of times by Railway Board for the employment of land displaced persons of Talcher-Sambalpur Railway Link Project. But till then no concrete action had been taken to resolve the problems. In the year 1999 there was an advertisement for the post of Gangman by the D.R.M., Sambalpur, S.E. Railway, but they had not been given any priority in employment.

1.20 The Committee were further informed by the petitioners that they had filed a petition to the Orissa High Court in this matter. Hon'ble High Court directed the Central Administrative Tribunal (CAT), Cuttack Bench of Orissa, to resolve the matter. The CAT, Cuttack, had given a clear judgement to cancel the employment previously done and to employ the land displaced persons on priority basis in S.E. Railway, Sambalpur.

1.21 The petitioners requested that they may be given employment for the balance post of 82 vacancies as directed by the High Court, except for the posts of Gangman which were already filled by the D.R.M., Sambalpur, S.E. Railway. They also sought that Railway Authorities may give priority not only in employment but also in job work for railway maintenance, Canteens, Telephone Booths and other similar jobs, to the petitioners.

1.22 The Committee took, further, oral evidence of the representatives of the Ministry of Railways (Railway Board) on 17 July, 2002. During the evidence the Committee pointed out that in Talcher-Sambalpur New Broad Gauge Line Project, the total number of land losers was 16,135. The District Magistrate & Collector, Angul, had sent a list of 10,113 land losers for the 1,364.5 acres of land acquired by the Railways. Employment was given to very few persons but not under the category of land losers. When the Committee enquired about the reasons behind not considering the rest of 2153 applicants eligible for employment by the Railways, the witness stated as follows:—

"One factor was that they were not meeting the educational standard. Another factor was that they were overage. The notification was dated 5th February. The last date for submission of applications was 5th March. Out of 652 correct applications, 76 land-losers passed the written test and the physical test, and then they were selected. Out of these seventy-six, 66 joined, three were medically unfit and seven candidates did not turn up."

1.23 When the Committee desired to know as to why the land losers were not given employment by the Railways as a specific category of land losers, the witness stated as follows:—

"Sir, the extant instruction at that time was to do selection as for others except giving preference to the land-losers. In the extant instructions given to the Railways also from the Board it was said that preference may be given to land-losers. If two people are equally qualified, then preference is to be given to the land-loser for the job. Sir, if they have failed, it is difficult."

1.24 The petitioner had also informed that Railways policy to give priority to land losers in Group 'D' and 'C' posts was made applicable earlier in 1985 and 1989 for Sambalpur-Maneshwar stretch of 14 km. and Talcher-Angul stretch of 14kms in Raigarh-Koraput line. The extant orders of 1989 were extended to Talcher-Sambalpur section in 1995. The Cuttack Bench of CAT gave its judgement on 20th March, 2002 on the petition of the petitioners. Only three people, out of 511, got employment and 508 Gangmen were Contractor's nominees. When asked about the employment given to land losers in Koraput-Raigarh Project, the Ministry of Railways informed that out of the list given by the State Government, 188 land losers were empanelled for casual engagements. The Committee then desired to know the reasons behind not extending the benefit of employment to the land-losers of Talcher-Sambalpur Section. To this, the witness stated as follows:—

"There was one CAT order. When eighty-two people approached CAT, it said: "Keep the 82 vacancies, do not fill up." We have kept them vacant. As you said, Sir, the remaining 508 posts should be filled up. I will get a copy of the CAT's orders from Cuttack or our South-Eastern Office and then we will take action."

1.25 The petitioners also placed before them the contents of a communication sent by the Railway Minister in 1995 to Shri K.P. Singh Deo, M.P. which *inter-alia* states as under:—

"Kindly refer to your letter regarding appointment to the members of the families displaced as a result of acquisition of land for Talcher-Sambalpur railway link project of South Eastern Railway.

You will be happy to know that the South Eastern Railway authorities have been instructed that the facility of employment of land losers in terms of the extant instructions be extended to Talcher-Sambalpur project."

1.26 In regard to the latest position about Court cases, the Ministry of Railways (Railway Board) *vide* their communication dated 13th June, 2003 stated that an appeal against the judgement of Hon'ble CAT, Cuttack, was filed on 17th June, 2002. Hon'ble High Court, Cuttack, in the Court case (O.J.C. No. 6154 of 2002) has delivered an interim order dated 19th August, 2002 to stay the operation of the impugned order *i.e.*, the judgement of Hon'ble CAT, Cuttack, dated 20 February, 2002.

1.27 The Committee took further evidence of the representatives of the Ministry of Railways at their sitting held on 16th September, 2003. On a specific query about the actual number of land losers in the Talcher-Sambalpur Project; the representative of the Ministry informed that:—

"According to the latest figures, compensation has to be paid to 9,135 families. It was mentioned that these are the families. A family may consist of one or two members, who may be entitled to compensation. That is why, this figure of 16,135 was given earlier, but basically, the total number of families is 9,135."

In a subsequent written note the Ministry of Railways informed that initially it was estimated by the Government of Orissa that for acquiring land for Talchar-Sambalpur New Broad Gauge line, 16,135 landowners will be affected. Subsequently, Special Land Acquisition Officer has informed that the number of families is 9,135 and not 9,135 land losers. Regarding lowering down the numbers, he has informed that each family has more than one awardee and it varies from 2 persons to 20 persons.

1.28 The CAT in their judgement given in February, 2002 had *inter-alia* stated:

- (i)entire direct recruitment quota should be thrown open for the land oustees.
- (ii)a national policy may be evolved over a period of one year and implemented faithfully.

1.29 On the question of review of policy guidelines regarding employment and monetary compensation to affected land losers whose lands had been acquired for Railway project; the Ministry informed that pursuant to the judgement of Hon'ble CAT/Cuttack regarding evolving a national policy, the issue was referred to DOP&T who have informed that Government of India has not laid down any policy for giving jobs to the land losers and the extant policy laid down and followed by the Ministry of Railways is not in conformity with Government's policy.

1.30 It also came out during evidence that the Railways had advertised vacancies on 31st July, 1998. It was only late on 5th February, 1999 another notification was issued stating that land losers can also apply.

1.31 In regard 2805 applications received from land losers category, the representative of the Railways stated:—

"Sir, if I can explain, there is no family whose all land has been taken away. They have not been divested of their land. Only a portion of land has been acquired. So, their livelihood has not been taken away. For the land which we have taken, we have paid compensation."

1.32 The Committee further pointed out that there may be some cases where 90% or more holdings of individual villagers might have acquired. Asked whether any such list depicting acquisition of specific percentage of land of individual owners was prepared by the Railways, the representatives of the Railways admitted that this was not done.

1.33 In reply to a question about giving employment to land losers in other Railway projects undertaken in Orissa, the Ministry of Railways stated in a note that 188 casual labour were appointed out of 2757 land losers in Korapur-Rayagada (new BG line 164km).

Observations/Recommendations

1.34 The Committee note that 16135 persons of 9135 land losers families of over 52 villages in Orissa have been displaced/affected as a result of acquisition of their land for the Talcher-Sambalpur Railway Link Project of South-Eastern Railway. Most of them belong to the socio-economically backward class. The Committee are informed by the petitioners that the Railway Board was going to fill up 511 Gangman posts of in South-Eastern Railway under DRM Sambalpur. The Railways had assured them that they would be given priority in employment in Group 'C' and 'D' posts. Accordingly, the main demand of the petitioners is that land losers be given employment to the land losers in Railways in Grade 'C' and 'D' posts.

1.35 The Committee have been apprised that in response to the advertisement issued by South-Eastern Railway for the post of Gangman, 2805 land-losers had applied. Out of those who applied, only 652 fulfilled the prescribed qualifications and 76 were finally empanelled for appointment on priority as Gangmen out of whom 3 were declared medically unfit. Another 82 posts of Gangman have been kept unfilled under instructions from the Courts (February, 2002) due to cases filed by land-losers.

1.36 The Committee have also been informed by the Ministry that there was no agreement between the land-losers and the Railways for providing employment to them. However, as per the policy of the Railways land-losers were to be given preferential treatment for employment in Group 'C' and 'D' posts. As per this policy it has to be done within a period of two years after the acquisition of the land and employment is limited to only one job per family. The stay on filling up these posts was vacated on 19 August, 2002. The Committee however, regret to note that out of 9135 affected families employment has been given to 66 persons only and 82 posts of Gangman were kept vacant on directions of CAT, Cuttack. The Committee feel that out of the 511 posts of Gangman, giving appointment to 66 land-losers is too small a measures in providing help to the land-losers. As per the declared policy of Railways, due preference to the land-losers should have been given even by giving relaxation in eligibility criteria. The Committee, therefore, would like the Railways to provide employment to more land-losers out of the un-filled posts of Gangman and vacancies in other similar posts/grades. Had this been done, the Committee firmly believe that the petitioners would not have approached the courts of law for redressal of their grievances.

1.37 The Committee's examination of the relevant facts on the subject has revealed the following:—

- (i) Even though the Ministry of Railways Guidelines on the subject, issued from time to time, particularly those issued in November, 1989 stipulate provision of one employment per land-loser family, these have not been implemented.

- (ii) Even though the land for Talcher-Sambalpur railway link was acquired in the early 90's, Railways did not make sincere efforts to provide employment to the land-losers.
- (iii) The South-Eastern Railway issued a Notification for Group-D posts in July, 1998 in the open category. Subsequently, in February, 1999 another Notification was issued in continuation of the Notification of July, 1998 that persons from the land-loser category were also eligible. However, as per the guidelines on the subject, Railways should have issued exclusive Notification for the land-losers category. The circular of Railways issued in November, 1989 specifically stipulates as under:—

"A notification should be issued locally in the areas in which the land acquired is situated, calling for applications from eligible persons."

- (iv) The Railway Minister, on 27th June, 1995 had communicated to a Member of Parliament who was pursuing the matter on behalf of petitioners (Shri K.P. Singh Deo, M.P.) as under:—

"Kindly refer to your letter regarding appointment to the members of the families displaced as a result of acquisition of land for Talcher-Sambalpur railway link project of South-Eastern Railway.

You will be happy to know that the South-Eastern Railway authorities have been instructed that the facility of employment of land losers in terms of the extant instructions be extended to Talcher-Sambalpur project."

- (v) The Railways or the State Government of Orissa have not prepared any list detailing the percentage of land acquired of the land losers as there may be some cases where 75% or above holdings may have been acquired depriving the land owners of their livelihood.
- (vi) In the context of judgement of CAT, Cuttack regarding evolving a national policy on the subject, the Railways have stated that Ministry of Railways' policy is not in conformity with the Government policy.

From the above facts, the Committee regret to note that the Railways have not made sincere efforts to provide employment to the land-losers. Similarly, the Railways have not followed properly even their own guidelines on the subject. Considering the humanitarian angle in the matter and the very fact that the livelihood of the villagers in backward areas has been effected, the Committee strongly recommend that the Ministry of Railways should re-start the whole process with a view to providing maximum number of jobs to the land losers. Considering the fact that about 20,000 employees are to be recruited by the Railways in safety related areas immediately, the Committee hope that there will not be shortage of vacancies. The Committee would like to be apprised of action taken in the matter within 3 months of the presentation of this Report in Parliament.

1.38 The Committee regret to note that even decades after the acquisition of land by the Railways, 365 land-losers are yet to be given monetary compensation reportedly due to family disputes. The Railways have left the poor farmers at the mercy of the State Government. The Committee would like the Railways to coordinate with the State Government in this regard and ensure that each land-loser gets his due compensation.

1.39 The Committee's examination of the subject has revealed that there is a lacuna in the Railways' agreement with the State Government as it does not have specific provisions for providing jobs to land-losers. The Committee recommend that in future Railways' agreements with State Governments for land acquisition should have specific provisions about this aspect of employment of land-losers and their proper rehabilitation through the State Government which acquired the land for Railways projects. The Committee's examination of the subject has also revealed that there is no national policy for providing jobs to land-oustees/losers. Considering the magnitude of the problem, the Committee strongly recommend that proper and comprehensive policy guidelines regarding appointments in the land-losers category (*i.e.* for the affected persons whose lands are acquired for the Government projects) should be framed within a period of six months.

1.40 The Committee also desire that in the meantime the Railways should review their existing guidelines to make them more friendly to land-losers and also ensure their implementation by various zones/divisions/units of the Indian Railways.

CHAPTER II

REPRESENTATION TO PROVIDE MINIMUM WAGES AND OTHER NECESSARY FACILITIES TO THE CONTRACT WORKERS WORKING IN VARIOUS STEEL PLANTS IN THE COUNTRY

2.1 Shri P.K. Das, General Secretary of Steel Workers Federation of India, Vidyasagar Avenue, Durgapur, District Burdwan, West Bengal & 15,508 others submitted a representation to the Committee to provide minimum wages and other necessary facilities to the contract workers working in various Steel Plants in the country.

2.2 In their representation, the petitioners *inter-alia* submitted that a large number of contract workers working in the Steel plants of Steel Authority of India Ltd. (SAIL), Rashtriya Ispat Nigam Ltd. (RINL), Tata Iron & Steel Company (TISCO) and other steel companies. These contract workers are forced to work in extreme hardship. Most of the contract workers have no civic amenities, health care coverage and they receive poor wages and are compelled to work in hazardous conditions in the steel plants. Steel companies have not cared to improve the standards of living of the contract workers in the last few decades.

2.3 The petitioner further submitted:

"The pitiable conditions of contract workers in Steel Industry are going from bad to worse with each passing day. A large number of workers are facing loss of jobs and destitution. The benefits given to the regular employees are not extended to contract workers while all statutory benefits are deemed to them. The SAIL management is not implementing the legal provision as a principal employer. The SAIL, TATA and other managements are engaging contract labour in production jobs in utter violation of labour laws. The health, safety of contract workers are being ignored while they do not get D.A. properly with rise in price index. There is no work guarantee to thousands of employees."

2.4 In view of the above hardships to the contract workers, the petitioners submitted the following prayers:—

- (1) The contract workers minimum wages should be at par with regular employees pending which they should be given at least 25% wage rise.
- (2) The contract workers should be paid VDA at the rate of Rs. 2/- per point in rise in price index.
- (3) Contract workers engaged in permanent and perennial jobs to be made permanent. All workers in the job which have been notified and prohibited to engage contract workers should be made permanent immediately.

- (4) All statutory provisions like PF, Gratuity, Workmen compensation, creche, Maternity benefits, Medical facilities etc. should be paid to all contract workers.
- (5) The contract workers in Steel Industry should be given House rent allowance, conveyance, Bonus, Workers compensation etc.
- (6) Recruitment of contract workers should be on the basis of seniority."

2.5 The Ministry of Steel were requested to furnish their comments on the points raised in the representation. In response, the Ministry of Steel *vide* their communication dated 29th April, 2003 submitted as follows:—

- "(1) In SAIL, contract workers are paid wages either as per State Government notification and also through tripartite agreements arrived at locally in the steel plants, but not less than the statutory minimum. As the principal employers, the plants/units ensure that revised minimum wages are also paid whenever notified by the State Governments. Apart from this, the contract workers are also paid adhoc pay, special pay, special allowance and additional wage, wages for rest day etcetera.
- (2) Variable DA is being paid to the workers as per statutory notifications. The VDA is revised depending on the rise or fall in average AICPI every 6 months.
- (3) SAIL is a public sector enterprise and as such, its plants/units are bound by the CL (R&A), Act. Hence, contract workers employed by contractors are engaged to work in the premises of the principal employer on a temporary basis. They are not engaged to work in any permanent and perennial or prohibited nature of jobs.
- (4) It is ensured that all statutory payments under the various acts *viz.* PF, Gratuity, Retrenchment/Workmen's Compensation, Maternity Benefits, Bonus etcetera are extended to all the eligible contract workers.
- (5) As the principal employer, each steel plant ensures that the contractors fulfil their obligations under the different Acts applicable to the contract workers. In some of the steel plants every precaution is taken to comply with provisions of the existing tripartite agreements with regard to providing facilities to such workers."

2.6 During their study visit to Kolkata in May, 2003, the Committee held discussions with the petitioners. The petitioners made following submissions before the Committee:—

- "(1) In some of the steel plants, minimum wages are not paid to the contract workers;
- (2) In October, 2002, a Memorandum of Understanding (MoU) has been signed in Durgapur Steel Plant, the same should be applicable in all steel Plants. It should serve as a model for other steel plants.

- (3) In Durgapur Steel plant, contract labour is now getting Rs. 4200 per month. Whereas in some of the steel plants like Bokaro, workers are getting only about Rs. 2000 per month.
- (4) In Steel plants which are having captive mines, the violations of existing provision for contract labours are more.
- (5) Due to economic hardship and social tension, the workers are committing suicide as these workers do not have regular jobs.
- (6) With the change of contractors, the labourer should not change.
- (7) In some of the steel plants, there is no compensation for death, etc.
- (8) Number of regular employees are less in all steel plants and there is scope of giving regular jobs to contract labour.
- (9) With reduction in number of regular employees in various steel plants, a large number of houses are vacant in housing colonies owned by steel plants. These can be allotted to the contract workers against requisite rent/licence fee, etc.
- (10) While regular employees have VRS facility, there is no facility or compensation provision for the contract workers.
- (11) During earlier years, SAIL and other organizations including private ones like Tata were doing local development programmes towards social responsibility. But of late, these have been stopped.
- (12) Statutory provisions like PF, Gratuity, workman compensation, creche, maternity benefits, medical benefits should be complied with for all contract workers."

2.7 During the course of discussion with the officials of SAIL the Committee were informed that the management of the company had decided to downsize the manpower to one lakh by 2005 as in the past few years the output of the SAIL had come down. Measures for reduction of cost included downsizing of regular and to ensure competitiveness of the company. As a result of the initiatives of the company, SAIL brought down its manpower strength by 44,000 in the past five years. Similarly, the number of contract workers had come down by about 11,000 numbers. Presently, about 25000 contract workers were working in the various steel plants of SAIL including the mines, collieries and kulti works. With reference to the Contract Labour (Regulation and Abolition) Act, 1970, the officials informed that job contracts were awarded in SAIL for specific jobs where regular manpower had not been employed. In cases, where other PSUs like HSCL, EPI, MECON, etc., were the contractors, such companies remained the Principal Employer for the contract workers working with them in the SAIL premises. For these employees, SAIL was not the Principal Employer. SAIL was fulfilling its obligations and responsibilities as the Principal Employer. The contract workers had been paid in accordance with the wages as fixed by the State Governments or by way of Contract Agreements arrived at locally in the Steel Plants. As the Principal Employer, the Plants/Units ensure that revised minimum wages get paid

whenever notified by the State Governments. Also, Variable Dearness Allowances (VDA) had been paid as per statutory notifications.

2.8 In their submissions made before the Committee during their study visit to Vishakhapatnam in May, 2003, the Steel Plan Contract Labour Union also brought out that in RINL:—

- "(1) In permanent and perennial work 7000 people are engaged as contract labour. It is violation of Contract Labour (Regulation & Abolition) Act, 1970.
- (2) Non payment of minimum wages prescribed by State Government.
- (3) Unequal payment of wages for equal work.
- (4) Non provision of medical facilities.
- (5) Not paying the bonus as per the Payment of Bonus Act, 1965."

2.9 The Committee were informed by the officials of RINL that about 2000 contract workers had been employed in the various units of the company. A separate Cell established in RINL clears the tenders and this Cell also ensures that the tenderers *i.e.* Contractors fulfilled all the statutory norms including PF, Gratuity etc. RINL also ensures for a Group Insurance Scheme for the contract workers. All the contract workers receive wages as notified by the State Government and the wages of RINL workers includes Gratuity/death compensation, heat allowances etc. These workers receive medical facilities from ESI hospitals/dispensaries.

2.10 The officials of the Kudremukh Iron Ore Co. Ltd. (KIOCL) informed the Committee during their study tour in November, 2003 to Bangalore that a Contract Labour Cell monitors the payment of wages to the contract workers and fulfils its statutory obligations. They have not received any complaints from the contract workers, whenever, such complaints are received from the workers employed through contractors, these are redressed promptly. Presently, at Kudremukh unit has 836 contract workers for various pruning jobs, 230 contract workers work at Mangalore and 73 such workers were in Bangalore. The minimum daily wages for contract workers are:—

(i) Unskilled workers	Rs. 56.92
(ii) Semi-skilled/supervisory workers	Rs. 68.74
(iii) Skilled/clerical	Rs. 82.97
(iv) Highly skilled	Rs. 101.61

2.11 The Committee, thereafter, took oral evidence of the representatives of the Ministry of Steel at their sitting held on 4th September, 2003 on the subject. During the evidence, the Committee desired to know as to whether the guidelines stipulated in the Contract Labour (Regulation and Abolition) Act, 1970 had been followed strictly in awarding of contracts for execution of jobs through contract workers in various steel

plants of PSUs in the country. To this, the representative of the Ministry of Steel stated as follows:—

"We have contract cell at Bhilai, Bokaro, Rourkela and Durgapur. In the case of ISSCO, SSP and VISL, we have designated officers to look into this thing. Whenever we award a contract to any party, a copy of the work order is always given to this cell and it is this contract cell which allows the gate passes. They permit the gate passes to be issued to various contractors. Only on the basis of evidence given by the contractor, we process the bill for payment. At the time of closing of the contract, again, we want to make sure that the contractor has complied with all the requirements. Only then, the contract is allowed to be closed. In case we come across that any particular amount has not been paid—because any complaint from any contract labour also comes to this particular cell—then, we make the payment because we under the contract have a clause to make the payment and then recover it from the final bill of the contractor. This contract cell has liaison with various State statutory bodies to make sure that there is no defiance of any law at all. Sometimes, there is a Screening Committee. In the Screening Committee, we have maintenance team, we have personnel team and other user departments. People from the contract cell are also involved sometimes at the time of award itself so that they may be able to monitor very closely. Today, I can say with a high degree of confidence that the complaint i.e. from contract workers is absolutely minimal."

2.12 In a written note, the Ministry of Steel also informed that the statutory payments due under various Acts to the contract workers i.e. salary including dearness allowance etc. are witnessed by the representatives of the Steel Plants. As a principal employer it is also ensured that all due benefits are extended by the contractors to their workers. It is ensured that statutory payments under the various Acts viz. PF, Gratuity, Retrenchment/Workmen's Compensation, Maternity Benefits, Bonus etc. are extended by the contractors to all the eligible contract workers.

2.13 Asked about the reasons behind the large difference between the minimum wages of the contract workers employed in Durgapur Steel Plant (DSP); Bokaro Steel Plant (BSP); Vishakhapatnam Steel Plant (VSP) and other Steel Plants in the country, the representative of the Ministry of Steel stated:—

"Sir, we make sure that whatever is the total minimum wage prescribed by the Act, that is adhered to. It depends upon the local conditions. Sometimes, there is an association of contract labour and also the contractors. They discuss and come to some understanding. In case of Durgapur, in 2002, this type of an understanding was reached between the contractor association and the contract labour where the Durgapur management was a witness and where the amount was something like Rs. 3,300 plus variable DA and some fixed DA. The approximate amount will be about Rs. 4,000. In case of other steel plants, contractors and contract labour have one to one negotiations and they discuss amount themselves. Though the

minimum wage may be about Rs. 2,000 in case of Bokaro, the contractor, after holding individual talks, may be paying different amounts to different people under various contracts. What we ensure is that whatever minimum wage is required to be paid under the Act is adhered to. The minimum requirement in case of Bhilai today is about Rs. 78.31 per day. This is what the State Government has notified. In case of Durgapur, as per the notification, it is about Rs. 83.60 per day. In case of RSP, for the unskilled, it is Rs. 50; for the semi-skilled, it is Rs. 60; for the skilled, it is Rs. 70, and for the highly skilled, it is Rs. 80. In case of Bokaro, it is Rs. 64.73 per day. In these four major steel plants, there are different rates which have been prescribed by the appropriate authority which is the State Government concerned."

He added that:—

"In a Durgapur, particularly in West Bengal, the unions and the contractor labour are strong and there is a high degree of coordination there. They have been able to negotiate the price with the contractors. This is not so in all the States because the contractors are doing the job not only for me but also for many other parties. He has to keep parity with others also, so he adopts his own wage structure. When we talk about Bokaro, at one place, we are talking about the minimum and, in another place, we are talking about a negotiated one. That is the difference. The contractors have been negotiating the price in other States also it depends upon the bargaining strength of various contract labour."

2.14 Total number of contract workers employed in various Steel Plants, as on 31st July, 2003 was as under:—

Plant	Nos. of contract workers
BSP	3075
DSP	1400
RSP	2983
BSL	2106
ASP	167
SSP	226
CMO	—
RMD	—
RDCIS	—
CET	—
VISL	224
IISCO	2685
RINL	2750
MEL	—
TOTAL:	15,616

2.15 On the question of providing regular employment to the contract workers already working by the respective Steel Plants, the Ministry of Steel stated in a note that whenever a vacancy arises in the Steel Plants, the same gets filled either by notifying to the local Employment Exchange or from outside by newspaper advertisements as per the rules. In such recruitments, other things being equal, preference is given to contract workers. In IISCO, on the basis of the directive of the Hon'ble Kolkata High Court and subsequently upheld by the Hon'ble Supreme Court, 54 contract workers engaged in Coke Breeze distribution were absorbed w.e.f. 31.01.2002. In RSP, in the year 2000, 28 contract labourers were absorbed on specific orders of the Industrial Tribunal. In case of RINL, out of 48 candidates recruited during the period. 1.1.2002 to 31.5.2003 in the non-executive cadre, 14 had been engaged by the contractor at different points of time.

2.16 When pointed out by the Committee that the skill acquired by the contract workers in handling jobs at the Steel Plants could be utilized fruitfully by appointing them on regular basis; the representative of the Ministry of Steel stated during evidence:—

"We should keep people on regular basis. We have our own manpower which is too large today. We are all the time trying to see how we can redeploy the people fruitfully within the system. The need to take more people in arises when there is a permanent and regular type of job. These are the people who have been working for additional jobs and for varying and fluctuating types of jobs."

2.17 In reply to a specific question about regularization of the canteen workers in Visakhapatnam Steel Plant/RINL; the representative of the Ministry of Steel stated:—

"Sir, there are two types of notifications in Andhra Pradesh; scheduled and unscheduled jobs. All the service sector is being covered under the scheduled job and the industrial sector is covered under the unscheduled job. They have covered the canteen workers under the unscheduled job where the VDA is also there. We follow that. Recently the Andhra Pradesh Government has declared the things, which can also be contracted out, on which it is going to make a law. Actually, the High Court order said that only the statutory canteens situated with in the plant should be covered. But there are a few canteens which are not situated with in the plant. Under the Factories Act, if there are 250 or more workers, we are statutorily bound to provide a canteen. But we have got an administrative building, a training centre and certain other facilities which are not within the precincts of factory. When they (the contract workers) went to the High Court for regularization on the basis of a Government order given by the Government of Andhra Pradesh, there is a liability or responsibility for the principal employer to provide statutory canteen, you should not engage any contract labour in that. But that order itself was questioned in a court which was struck down separately. Since all the workers have not been covered in the original order, they went in appeal and that appeal is pending before the High Court (Andhra Pradesh).

2.18 As regards the measures taken to ensure safety of the contract workers at work in the Steel Plants, the Ministry of Steel informed that as a rule, all contract workers are provided necessary protective uniforms, shoes, glasses, etc. by the management of the steel plant. Safety training is also imparted to ensure compliance of use of safety appliances. Surprise checks are also made by the Safety Inspectors/Officers. In case of any deviation, necessary corrective measures are undertaken.

2.19 On the question of extending workmen's compensation and financial benefits to the contract worker at par with the regular employees in the event of accident or fatal accident, the Ministry informed that the contract workers engaged in various steel plants are covered under the Workman's Compensation Act. The amount of compensation under the Act is linked with the wage, age and also the factors for working out lumpsum compensation in terms of the Act. They are also eligible for payment under the Employees' Deposit Linked Insurance Scheme (EDLI). However, the permanent employees of Steel Plants are also entitled to other benefits like Leave Encashment, Payment under Life Cover Scheme, Group Insurance etc.

2.20 Regarding, the medical facilities provided to the contract workers, the Ministry of Steel informed that the contract workers have been provided the medical facilities available in the works area in the plants and the ESI run hospitals.

2.21 In regard to bringing changes in the Contract Labour (Regulation & Abolition) Act, 1970 with a view to provide social security to the Contract Workers, the Minister of Labour informed the Lok Sabha on 15th December, 2003 (L.S. Starred Q. No. 183) as under:—

"In the wake of economic liberalization as well as judicial pronouncements and experience gathered in the administration of the Contract Labour (Regulation & Abolition) Act, 1970, the Government have received various proposals from social partners for amendments to the said Act. The proposals *inter-alia* relates to amendment of the provision regarding prohibition of employment of contract labour with a view to allow engagement of contract labour in certain peripheral/supportive activities of an establishment like sweeping, cleaning, security services etc.

The Central Trade Unions are, by and large, opposed to the idea of contracting out of services and jobs which are perennial in nature.

The Government is actively considering the proposal for amendments to the Act. However, before taking any final view in the matter, welfare of the Contract Labour will be taken into consideration."

2.22 Similarly in regard to extending the scope of the Contract Labour (Regulation & Abolition) Act, 1970 to unorganized sector, the Minister of Labour informed the Lok Sabha on 8th December, 2003:—

"The Group of Ministers on Labour Reforms headed by Deputy Chairman, Planning Commission has been set up to examine the proposals for amendment to the Contract Labour (Regulation and Abolition) Act, 1970. The matter has been deliberated upon in detail but no final decision has yet been taken in this regard."

Observations/recommendations

2.23 The main grievances of the petitioners who are the representatives of the Steel Workers' Federation of India, Durgapur, West Bengal, pertain to the discriminatory treatment of the contract workers *vis-a-vis* the regular employees working in the plants/units and mines of the steel sector such as Steel Authority of India (SAIL), Rashtriya Ispat Nigam Ltd. (RINL), etc. The workers employed through contractors in different steel plants receive different daily wages for the similar nature of jobs performed by them. Even the minimum wages are not being paid in some of the steel units as per the Minimum Wages Act, 1948 and notified by the State Government. Also, the variable dearness allowances and other statutory allowances have not been paid to the contract workers on a par with the regular employees of the establishments. These contract workers are compelled to work in hazardous conditions and the safety provisions/equipment to be provided by the Principal Employers or the Contractors are not being complied with. Most of the steel plants employ contract workers on regular jobs, however, they do not regularize them in permanent posts in the establishment. The petitioners have sought the intervention of the Committee to protect the interests of the contract workers working in the steel plants *viz.* payment of wages as per the Minimum Wages Act, monetary compensation, bringing uniformity in the amount of wages paid to the contract workers in various steel plants; and providing other benefits and facilities to the contract workers as extended to the regular employees of the various steel plants. They have also requested to regularize the contract workers who are handling regular/perennial nature of jobs in the steel plants.

2.24 The Committee find that big manufacturers in steel sector, apparently, rely on automation and contract workers to boost output, rather than employing staff on permanent/regular basis. In fact, certain major steel producers are increasingly shedding staff through voluntary retirement schemes (VRS). In order to ensure competitiveness of the company in the steel market, the management of SAIL have taken measures for reduction of cost by downsizing manpower. As a result of this measure, the regular manpower of SAIL has been brought down by 44,000 in past five years. It also aims at bringing down the manpower at a level of 1,00,000 by 2005 as against the strength of 1,47,601 in the Company at the end of March, 2002. About 25000 contract workers are working in various public sector steel plants including mines, collieries and Kulti works. In this regard, the Committee are of the firm view that the freeze on permanent employment in the steel plants will have a negative impact on employment opportunities in the steel sector and the worst sufferers would be contract workers who could have got the opportunity for regular employment at some point of time. Considering the shrinkage in regular jobs, the Committee strongly recommend that the steel plants in public sector should give preference to contract workers whenever there are vacancies.

2.25 The examination of the subject by the Committee has revealed that different steel plants located in different States have different daily wages rates for the contract workers. For instance, the contract workers are getting about Rs. 4,000 per month in Durgapur Plant whereas workers in Bokaro Plant get only Rs. 2000 per month. The Committee find the situation highly anomalous particularly when under the

same Public Sector, the workers are getting daily wages at a vast variance. The Ministry of Steel informed the Committee that the wages are being paid as per the notification by the respective States. In some cases, there are agreements between the contract labour unions and the contractors and the steel plant representatives are only the witnesses there. The Committee, therefore, recommend that the Ministry should examine the matter in right perspective so that a solution is found out to pay at uniform rates in steel plants of the Public Sector Units. The Committee also desire that the matter regarding grant of other facilities like compensation, medical facilities, gratuity, etc. should also be considered.

2.26 The Committee note that even though safety provisions and norms have been laid down for providing safety equipment/uniforms, etc., by the Government for the workers under the provisions of various Act/Rules, considering the welfare and safety of workers, the Committee recommend that Safety Directorate should conduct a study of all steel plants to ensure the safety and health of the workers hired through contractors. Punitive action be taken in cases of non-compliance of the safety norms in the units. The Committee also recommend that steps should be taken to curtail accidents and accidental injuries to the workers working in the steel industries. The Committee would like to be apprised of the action taken in the matter in due course.

2.27 Another area which the Committee would like to pin-point is the medical facilities to contract workers. The petitioners have sought adequate medical treatment of the workers in the hospitals/dispensaries run by the respective PSUs. The Committee would like the Ministry to ensure that these facilities being the basic needs, are provided by respective PSUs.

2.28 The Committee regret to note that there is violation of Contract Labour (Abolition and Regulation) Act, 1970 by various organizations. There is no supervisory authority to check this menace. The Committee would like the Government to ensure that there is mechanism to ensure that provisions of the Act are complied with and there are no violations of the provisions of the Act.

2.29 It has come to the notice of the Committee that the Government of India (Ministry of Labour) are in the process of making amendments to the Industrial Employment Central Rules and Contract Labour (Abolition and Regulation) Act, 1970 for protecting the interests of the contract workers. A Group of Ministers on Labour Reforms headed by Deputy Chairman, Planning Commission is in process of examining the matter. Considering the welfare of a large number of workers, the Committee strongly recommend that Government should expedite the process of examination of the matter with a view to bringing comprehensive legislation on the subject at the earliest. Needless to emphasise that due care will be taken of the interests of the working force in the country.

CHAPTER III

REPRESENTATION REQUESTING FOR OPTION TO SWITCH OVER FROM CONTRIBUTORY PROVIDENT FUND (CPF) TO GENERAL PROVIDENT FUND (GPF)/PENSION SCHEME IN INDIAN SPACE RESEARCH ORGANISATIONS

3.1 Shri D. Soman Pillai, Leader, Joint Consultative, Machinery (Staff side), Department of Space, Antariksh Bhawan, New Bel Road, Bangalore-560 094 submitted a representation requesting for option to switch over from CPF to GPF/Pension Scheme.

3.2 The main points put forth by the petitioner in the representation were as follows:—

- (i) The employees of the Department of Space (DoS)/Indian Space Research Organisation ISRO should be covered under the GPF/Pension Scheme as a social security measures;
- (ii) One more option to switch over from CPF to GPF Scheme should be made available to the employees of Department of Space/ISRO; and
- (iii) The affected employees of Group 'C' and 'D' whose maximum pay scale amounted to Rs. 9000/- and commutation of pension/pension/family pension assured at the maximum of Rs. 4500/- with full qualifying service of 33 years should be given due consideration for an additional option to switch over from CPF to GPF Pension Scheme.

3.3 The petitioner had, therefore, requested the Committee to intervene in the matter and give appropriate direction to the Government to extend one more option of change from CPF to GPF pension scheme to the affected employees of DoS and ISRO.

3.4 The Department of Space were requested to furnish their comments on the points raised by the petitioners in their representation. In response, the Department of Space *vide* their communication dated 11th January, 2002 replied as follows:—

"In 1987, based on the orders of the Government all administrative employees of DoS/ISRO, who were governed by the CPF scheme were given an option to change over from CPF scheme to Pension Scheme. In response to this, majority of administrative employees of DoS/ISRO switched over from CPF to GPF scheme. However, about 450 administrative employees opted to remain in CPF. Subsequently, there have been repeated requests from these administrative employees of DoS/ISRO for extending one more option to them to switch over from CPF to GPF. This issue was also brought up in the Departmental Council of Joint Consultative Machinery (JCM) on many occasions.

The Department had considered their requests and had taken up the matter with the nodal Department *viz.*, the Department of Pension and Pensioners Welfare (DP&PW) and the Ministry of Finance many times since 1997. On the last occasion when the issue was taken up with DP&PW and Finance Ministry, the latter replied in May, 2001 that the proposal of the Department could not be agreed to on the ground that (a) it would have repercussions in other Ministries/Departments of Government of India and (b) Vth Pay Commission has not recommended grant of another option to those who had themselves opted to be governed under CPF scheme in 1987."

3.5 The Committee also held discussions with the petitioners and the officials of ISRO on the representation during their study tour at Bangalore on 3rd November, 2003. The petitioners *inter-alia* submitted to the Committee that the administrative employees in DoS/ISRO have integrated system of working with Scientific and Technical employees and their contribution to the various ISRO projects was not secondary to the S&T employees. All vital issues of service and welfare related matters of Group 'C' and 'D' were resolved through cordial discussions between Department of Space and JCM, (staff side). However, the issue of extending an additional option to about 450 administrative employees to switch over from CPF to GPF Pension Schemes remains unresolved due to the Government of India orders and the observations of the Vth pay Commission.

The petitioners stated that all Central Government employees governed by CPF Scheme were allowed one option to switch over to the GPF related Pension Scheme and were deemed to have come over to the pension scheme unless they specifically opted to continue under the CPF Scheme *vide* DOP & PW's O.M. No. 4/1/87-PIC-1 dated 1.5.1987 and the same had been applicable to the employees of DoS/ISRO. All the administrative staff who were in service as on 1.1.1986 and were still in service on the date of issue of this order were deemed to have come over to the GPF Pension Scheme unless specifically option given by employees for CPF.

All the new recruits in the organization were, thereafter, governed by the GPF Pension Scheme. Due to compelling personal, family problems and ignorance very few administrative employees opted for the CPF pension scheme and certain Group 'C' & 'D' employees retired without pensionary benefits of GPF Pension Scheme. While the option for administrative staff had been closed with the above said order, the S&T employees in DoS/ISRO had been given two more options to switch over to GPF Pension Scheme in January, 1993 and May, 1997. S&T category of employees enjoy the option from GPF Pension Scheme whereas the similarly placed administrative staff of ISRO did not have the same benefit. Two categories of employees *i.e.* S&T and Administrative in the same Department have been dealt with differently and the administrative staff have got discriminated by the Government.

The petitioners also stated that in justifying the decision to not give an additional option to the administrative staff to take GPF Pension benefits, the financial implication drawn by the Ministry of Finance for giving another option to the employees to switch over from CPF to GPF Pension Scheme amounted to Rs. 19.8 crores based on an average of life expectancy of 75 years but it is ambiguous in nature as the actual life

expectancy of these employees is about 60-65 years as they work in hazardous/chemical areas. Until the IVth Pay Commission, the option to the pension scheme was open to both the S&T and Administrative employees. The Vth Pay Commission, unexpectedly, did not provide for such option for the employees in administrative side. The petitioners then requested that the DoS/ISRO employees should be dealt with as a special case due to its uniqueness of work and responsibilities and a fresh option to switch over to GPF Pension Scheme be given to the administrative employees in DoS/ISRO.

3.6 During on-the-spot study, the Committee were informed by officials of Department of Space that for Scientific and Technical (S&T) category, the option can be exercised at any time within 20 years of qualifying service but option once exercised is legally final. Administrative categories of employees have been feeling discriminated because when S&T employees got the opportunity to exercise option in 1993 and 1997, the decision of the Government did not cover administrative categories. The Department of Space/ISRO are of the opinion that the administrative employees who are still governed under CPF, may be given atleast one more and final option to change over the GPF/Pension Scheme. According to the Ministry of Finance the one time additional financial implication to Government due to pensionary liability by allowing the 382 administrative staff to come over to GPF/Pension Scheme will be about Rs. 19.80 crores based on an average life expectancy of 75 years. Department of Space once again took up the issue with the Ministry of Finance. However, the Ministry of Finance had not agreed to extend one more option to the employees, on the ground that: (a) it would have repercussions in other Ministries/Departments of Government of India; and (b) Vth Central Pay Commission had not recommended grant of another option to those who had themselves opted to be governed under CPF Scheme in 1987. In October, 2001, the Space Employee's Association had sent a representation to the Prime Minister on the issue of extension of one more option to the administrative employees to switch over from CPF to GPF Pension Scheme. On perusal of the information furnished by the Department of Space, the Prime Minister Office had advised to place the matter before the Space Commission which is the governing body. Accordingly, the Space Commission considered the proposal at its 99th meeting held on 31.8.2002 and recommended that the administrative staff of Department of Space/Indian Space Research Organisation and its Autonomous Bodies may not be discriminated and may be given one more option to change over from CPF to GPF/Pension Scheme. The recommendation of the Space Commission on the matter have now been forwarded to the Ministry of Finance for their consideration. The decision of the Ministry of Finance is now awaited.

3.7 The Committee, thereafter, took oral evidence of the representatives of the Ministry of Personnel, Public Grievances and Pension (Department of Pensions & Pension Welfare) and the Ministry of Finance (Department of Expenditure) on 14th November, 2003. During the evidence, the Committee desired to know the main reasons for not allowing to switch over from CPF to GPF pension scheme to the 382 administrative employees (out of total 5000 employees) of ISRO in spite of Space

Commission's recommendation to allow such option. To this, the Secretary of the Ministry of Personnel, Public Grievances and Pension stated that:—

"It is true that there is still a small number of employees in the ISRO under the Contributory Provident Fund (CPF) pension scheme, but I would like to submit here that it is not the end of the matter. The Ministry of Finance and the Ministry of Personnel together have been looking into this issue. We are also aware about other categories of employees elsewhere who are expected to come up with similar demands and requests at which stage we will not find it feasible to make any distinction. If we were to consider allowing this to a such larger number of people—who may come from other Ministries and Department—then it would mean a high bill for the Government. Therefore, there are both administrative and financial difficulties in this issue.

The scientific personnel were first offered an opportunity in the year 1992, as they are not on the same plane with others. Their promotion rules are different; their retirement regulations are different; and sometimes their age of retirement is also different. It has been felt that they are on a different plane because there are certain specialisations involved in their case; and certain highly technical inputs that these people provide. These scientists also prefer some flexibility to move out or to come back to the organizations. They cannot really be bound down as the administrative people can. It is not that we have been reluctant to look at this issue or that a small number of employees have been discriminated against or that we have prevented them from getting certain facility, etc. The whole framework was such that it was not found possible to agree to that request. Now, a new pension scheme is also on the anvil for the future. All this will disappear when the new scheme comes into force with effect from the 1st of January."

3.8 On a query regarding the applicability of the proposed new Pension Scheme of the Central Government for its employees, the representative of the Ministry stated that it is a new scheme for the new entrants.

3.9 Asked whether some more organisations have similar grievances for their administrative staff, the Secretary of the Ministry of Personnel, Public Grievances and Pension informed that:—

"There are three Ministries which are classified as the scientific ministries, namely, the Departments of Space, Atomic Energy, and the Ministry of Information Technology. There are other scientific departments also, namely, the Ocean Development, Council of Scientific and Industrial Research (CSIR), Biotechnology, and soon. We have got representations from laboratories also. Most of the national laboratories are under the CSIR. There are administrative employees even in the railways, and their number can be quite large. The Finance Ministry is also aware of that. If it had at all been possible then we would have certainly tried to resolve the

issue. But, they have opted to remain in the CPF. For reasons best known to them they did not exercise an option in the year 1987. The number is small but there are wider implications involved here in this issue."

The representative of the Department of Expenditure stated during evidence that in Railways there were about 50,000 employees under CPF scheme. Apart from Government Departments there were 496 autonomous organisations which are audited by C&AG.

3.10 Asked about the financial implications involved in case another option is extended to all the employees on administrative side in Central Government to switch over to the GPF Pension Scheme, the representative of the Ministry of Finance stated:—

"Financial implications for Central Government employees alone would be Rs. 400 crore per annum. If you include autonomous organisations also, it would be another Rs. 400 crore. That is a very rough estimate on the lower side. We are being very conservative here. The overall annual outgo would be about Rs. 1000 crore. This is the overall picture."

3.11 As regards the action on recommendation of the Space Commission for giving one more option to administrative employees exercising their option to GPF Scheme, the Ministry of Personnel, Public Grievances and Pensions in a written note informed that the recommendation of 99th meeting of the Space Commission made available by Department of Space in a proposal has been received in the Department of Expenditure on 31.10.2003. The proposal is, presently, under consideration of the Department of Expenditure.

Observations/Recommendations

3.12 The Committee note that about 382 administrative employees of the Department of Space (DoS) and Indian Space Research Organisation (ISRO) have requested for giving them one more option to switch over from CPF to GPF Pension Scheme. These employees belong to Group 'C' and 'D' category whose maximum pay scale is Rs. 9000/-. As per Government orders contained in DoP & PW's O.M. No. 4/1/87-PIC.I dated 1.5.1987, all the administrative employees of DoS/ISRO who were governed by the CPF Scheme were given the last option in 1987 to switch over from CPF Scheme to GPF Pension Scheme. Though majority of employees switched over to GPF Scheme, these few employees opted to remain in CPF. After 1987, the CPF Scheme was discontinued for all general category of employees of the Central Government. The Committee further note that, the Scientific and Technical (S&T) personnel working in the Department of Space, Atomic Energy and IT have, however, different set of rules in this regard which *inter-alia* allow them to exercise an option any time on or before completion of 20 years qualifying service to switch over from CPF to GPF Pension Scheme. The object of the different rules for S&T employees is to ensure necessary flexibility for mobility, retention and attraction of highly qualified scientific personnel. However, the administrative staff of DoS/ISRO are governed by general orders applicable to all categories of Central Government employees.

3.13 The main grievance of the petitioners is that about 382 administrative side employees remained in the CPF Scheme when the Government employees including the employees in DoS/ISRO had been allowed to switch over to the GPF Pension Scheme *vide* DoP & PW's OM No. 4/1/87-PIC-I dated 1.5.1987. They opted for CPF Scheme due to some personal commitment compelling them to opt for CPF to get the fund in hand immediately. Moreover, the long term benefits of GPF/Pension Scheme vis-a-vis CPF were not cancelled by the administration to the poor employees. The Scientific & Technical staff had been allowed two more options to switch over to the GPF Pension Scheme in 1993 and 1997 but another option had not been extended to these remaining 382 administrative employees.

The petitioners contended that the Group 'C' and 'D' administrative cadre employees are being treated with discrimination as against the S&T cadre employees in the matter of benefits/facilities and Pension Scheme. They, therefore, have requested that one more option to all the 382 administrative employees in DoS/ISRO to switch over to GPF Pension Scheme should be given keeping in view that DoS/ISRO performed a specialised nature of job and both S&T employees as well as administrative employees work closely to achieve the objectives of DoS/ISRO.

3.14 While the Committee note that the demand of another option to switch over to GPF Pension Scheme has administrative and financial implications for similarly placed administrative employees in other Ministries/Departments, the Committee are of the firm view that the administrative employees in DoS/ISRO and other similar organisations which perform specialised nature of work, work as supporting staff to the S&T employees in various scientific projects. The Committee, therefore, feel it justified that the pensionary benefits to the administrative staff be given at par with other S&T employees. Regarding the reported financial implications involved amounting to Rs. 19.80 crore based on an average life expectancy of 75 years, the Committee are of the view that this is a non-issue because had these employees opted for GPF Pension Scheme in 1987, they would have been entitled for the estimated amount.

3.15 Similarly the Committee are not convinced by the stand taken by the Ministry of Finance that another switch over option from CPF to GPF has not been recommended by the Vth Pay Commission. The Committee have come across a number of decisions of the Government which are at variance with the recommendations of the Vth Pay Commission.

3.16 The Committee note that the Space Commission had considered the proposal regarding giving one more option to the administrative staff at its 99th meeting held on 31.8.2002 and recommended that the administrative staff of DoS/ISRO may be given one more option to change over from CPF to GPF Pension Scheme. This proposal was received in the Department of Expenditure on 31.10.2003 and it is presently under their consideration. The Committee, therefore, recommend that since the Governing Body of the DoS/ISRO has already examined and proposed to the Government of India to extend one more option for GPF Pension Scheme to the

administrative staff, the Government should consider the proposal with a positive perspective in mind and allow such option to GPF Pension Scheme as a special case.

NEW DELHI;
18 December, 2003
27 Agrahayana, 1925 (Saka)

BASUDEB ACHARIA,
Chairman,
Committee on Petitions.

APPENDIX

(See Para 1.1 of the Report)

LOK SABHA

PETITION No. 8

(Presented to Lok Sabha on 18.8.2000)

To

Lok Sabha,
New Delhi

The humble petition of Shri Pratap Chandra Behera. At. Similipada (New PTC Colony), P.O. Angul-759122 (Orissa) and others.

We the undersigned petitioners are the President, Secretary & Executive Members of Talcher-Sambalpur Railway Link affected Villagers Development Committee, Angul. We are representing above 5000 land affected families of over 52 villages of the above mentioned project. We are proud of this Talcher-Sambalpur line, which is a profit making link for State as well as Centre. We are displaced families as a result of acquisition of land for Talcher-Sambalpur Railway Link Project of Southeastern Railway. We are socio-economically backward people and also badly affected by the Super-cyclone.

Now Railway Board is going to recruit 511 Gangman posts in this line under DRM Sambalpur. Railway Deptt. had given us assurance in writing to give priority in employment in Group 'C' and Group 'D' posts as they have similarly given to the affected people of Koraput-Rayagada and Mancheswar, Bhubaneswar, under Khurda Divn.

Since last ten years, we are representing our grievances to the concerned authorities and they have given us assurance in writing to give priority in employment to the affected people.

But according to DRM, Sambalpur they have not received any instructions from Railway Board regarding employment so no priority can be given.

We, therefore, submit this petition before you and request you to urge upon the railway authorities through you to look into the matter and take favourable decision regarding employment in Grade C & D Posts.

And your petitioners as in duty bound shall ever pray.

Name	Address	Signature or thumb impression
Shri Pratap Chandra Behera	At. Similipada (New PTC Colony), P.O. Angul-759122 (Orissa)	Sd/-
Shri Basant Kumar Biswal	At. Raniguda, P.O. Turang, Dt. Angul-759122 (Orissa)	Sd/-

Counter signed by Shri K.P. Singh Deo, M.P.

MINUTES OF THE FORTY-THIRD SITTING OF THE COMMITTEE ON PETITIONS
(THIRTEENTH LOK SABHA)

The Committee on Petitions sat on Friday, 8 February, 2002 from 15.00 hrs. to 16.30 hrs. in Committee Room 'E', Parliament House Annexe, New Delhi.

PRESENT

Shri Basudeb Acharia — *Chairman*

MEMBERS

2. Shri P.R. Kyndiah

SECRETARIAT

- | | | |
|-----------------------|---|---------------------------|
| 1. Shri Ram Autar Ram | — | <i>Joint Secretary</i> |
| 2. Shri C.S. Joon | — | <i>Deputy Secretary</i> |
| 3. Shri J.S. Chauhan | — | <i>Under Secretary</i> |
| 4. Smt. Neera Singh | — | <i>Assistant Director</i> |

WITNESS

- | | | |
|-----------------------------|---|---|
| 1. Shri B.S. Sudhir Chandra | — | Member Staff, Ministry of Railways
(Railway Board) |
| 2. Shri I.I.M.S. Rana | — | Member Engineering, Ministry of
Railways (Railway Board) |
| 3. Shri B.K. Agarwal | — | Adviser L&A, Ministry of Railways
(Railway Board) |
| 4. Shri Anand Mathur | — | Executive Director Estt. (N), Ministry of
Railways (Railway Board) |
| 5. Shri P.N. Shukla | — | Executive Director (Tourism & Catering).
Ministry of Railways (Railway Board) |
| 6. Dr. P.K. Goel | — | Executive Director (Passenger
Marketing), Ministry of Railways
(Railway Board) |
| 7. Shri Sudesh Kumar | — | Executive Director, Electrical Engineering
(RS), Ministry of Railways (Railway
Board) |
| 8. Shri Mukesh Nigam | — | Director, Traffic Transportation/Chg.I,
Ministry of Railways (Railway Board). |

2. At the outset, the Chairman welcomed the representatives of the Ministry of Railways (Railway Board) to the sitting of the Committee and invited their attention to the provisions contained in direction 58 of the Directions by the Speaker.

3. The Committee then heard oral evidence of the representatives of the Ministry of Railways (Railway Board) on the following subjects:—

- (i) Petition regarding giving employment to the displaced families whose land has been acquired for Talcher-Sambalpur Railway Link Project of South Eastern Railway;

4. The Committee pointed out that five thousand land losers and affected families of over 52 villages have been displaced due to acquisition of land by the Railways for the Talcher-Sambalpur railway line of South-Eastern Railway. The Committee asked whether there was any system of monitoring as to whether the compensation is being paid after the Railways deposited the money with the concerned authorities and also whether there is any co-relation between the Divisional Authority and the concerned State Government so that the compensation is paid at a proper time to the land losers? At this, the member (Staff), Ministry of Railways (Railway Board) stated as under:—

"Sir, first we make the money available to the State Government and they are supposed to disburse the compensation to the various affected parties. The monitoring normally is that, every fortnight or month we try to find out from the collector as to the amount that has been spent by him from the amount that was made available to him by us. The wagers have complained to us that they did not receive the compensation; the villagers as well have complained to us that they have not received the compensation. Our managers in the field go and try to find out from the revenue officers as to why it has not been paid and etc. This is basically done when we receive a complaint. Otherwise, we get monthly and fortnightly progress report on this."

5. When the Committee asked whether the payment was delayed by two-three years and was the payment made with interest, the witness stated as under:—

"Whatever amount the Collector asked us to pay was paid to them. He may have included the interest also. As per the Land Acquisition Act, interest is payable when urgency clause is involved in land acquisition. Compensation is paid to all the 5463 families. The total amount deposited is Rs. 17.99 crore."

6. When the Committee desired to know whether there was any problem in paying the compensation, the witness stated as under:—

"In some cases the ownership has not been changed; in some other cases the names do not tally exactly. Because of such reasons compensation has been delayed. I would say that it is hardly 15 to 20 percent. In rest of the cases there is no problem."

7. The Committee pointed out that the main contention of the petitioners was regarding employment. Was there any agreement between the land losers and the Railways? If so, what was that agreement and what is the system followed in the

Railways in this regard? At this, the representative of the Ministry of Railways stated as under:—

"The Board has issued a policy whereby preferential employment to a Group C or Group D post is given for land evicted families. But it has to be done within a period of two years after the acquisition of the land. Secondly, this is limited to only one job per family."

8. The Committee desired to know that out of more than five thousand families who have lost their land, how many have been given jobs. At this, the witness stated as under:—

"We gave notification specifically for those people who have lost their land, on 5th February, 1999 wherein we specified the last date for receipt of application as 5th of March, 1999. In response to that notification, a total of 2,800 applications were received. The rest of the oustees did not respond. Those applications were screened and ultimately 652 applications were found valid. The reasons for rejection of the balance applications basically was they could not give the land acquisition certificate. Some of them did not have the requisite educational qualifications. Out of the 652 valid applicants, 76 were selected to group D posts. Another 82 have gone to CAT. 76 have been absorbed already in Group D posts at Gangmen."

9. When the Committee asked about giving employment to the rest of the applicants, the witness stated as under:—

"A small physical test was conducted. To be selected for the post of a Gangman a candidate has to be able to carry 50 kg load and run for a short distance. That is the norm kept."

10. The Committee desired to know the criteria followed while preparing the list of land losers seeking employment in the year 1999. At this the witness stated as under:—

"Basically three items. One is that land acquisition certificate should be there. Then comes the educational qualification of 8th pass. Then age is supposed to be not more than 28 years. For SCs and STs a five-year relaxation is there. Out of 2805 applications received, only 652 were found to be okay. We called all of them and selected some of them."

11. When the Committee asked whether any panel had been prepared for land affected people, the witness stated as under:—

"Out of 652 cases, 511 candidates passed. Out of which 82 numbers have been kept in abeyance as they have gone to the court. So, in regard to 429 cases, they were offered appointment. 72 were the land losers."

12. When the Committee desired to know as to whether all the 76 persons who had been offered appointment had joined, the witness stated as under:—

"No. Out of 76, 66 persons have joined. Three have been declared medically unfit and the remaining seven did not turn up."

13. When the Committee inquired as to whether there was any agreement with the land losers when the land was acquired, the witness stated as under:—

"There was no agreement when we acquired the land. It is only a policy statement. They will be given preferential treatment."

14. The Committee pointed out that in the entire mines' project, the system is if you acquire two acres of land you have to give one employment in addition to compensation. Government of India is now working on a uniform national policy of rehabilitation of the oustees. The Committee asked whether there is any system in case of Railways for giving compensation and employment to oustees? At this, the witness stated as under:—

"Firstly, the Land Acquisition Act does not provide for any such employment. The letter dated 1.1.83, says that it is not a must, obligatory or legal duty. Therefore, if the Railways have to give employment, the land losers also apply and the Railways consider them and some preferential thing was given to them. This is subject to their fulfilling other qualifications. I have been asking for the rule. I have requested our Advisor to show me the letter. We will come back to you if there is anything over and above it."

The Committee then adjourned.

MINUTES OF THE FIFTIETH SITTING OF THE COMMITTEE ON PETITIONS
(THIRTEENTH LOK SABHA)

The Committee on Petitions sat on Wednesday, 17th July, 2002 from 1500 hrs. to 1800 hrs. in Committee Room 'D', Parliament House Annexe, New Delhi.

PRESENT

Shri Basudeb Acharia — *Chairman*

MEMBERS

2. Shri Ambati Brahmaniah
3. Shri P.R. Khunte
4. Shri P.R. Kyndiah
5. Shri C. Sreenivasan
6. Shri G. Mallikarjunappa
7. Dr. Bikram Sarkar
8. Shri Chandra Bhushan Singh

SECRETARIAT

1. Shri Ram Autar Ram — *Joint Secretary*
2. Shri C.S. Joon — *Deputy Secretary*
3. Shri J.S. Chauhan — *Under Secretary*

WITNESSES

Ministry of Railways
(Railway Board)

1. Shri Kanwarjit Singh — Member, Engineering
2. Shri B.K. Agarwal — Advisor (Land & Amenities)
3. Shri B.S. Sudhir Chandra — Member (Staff)
4. Shri Anand Mathur — Executive Director, Estt. (N)
5. Shri P.K. Sanghi — Executive Director (Works)
6. Shri M.C. Srivastava — Member, Traffic
7. Shri P. Guha — Director (Coaching)

9. The Committee then heard the oral evidence of the representatives of Ministry of Railways (Railway Board) on the petition regarding giving employment to the displaced families whose land has been acquired for Talcher-Sambalpur Railway Link Project of the South-Eastern Railways.

10. The Committee pointed out to the witnesses that in Talcher-Sambalpur new Broad Gauge Line Project, the total number of land losers is 16,135. The District Magistrate & Collector, Angul has sent a list of 10,113 land losers in the 1,364.5 acres of land acquired by the Railways. However, after the acquisition of land the required employment has been given to the effected land losers. Employment was given to very few people but not under the category of land losers. The Committee then desired to know whether there was any agreement or package for acquisition of land between the Railways and the land losers. The witness replied as follows:—

“Sir, normally, there is a notification for the recruitment of Group-D staff. In this case, first, an ordinary notification was issued for the general recruitment and a special notification was issued on 5th February, 1999 for the land losers only, that the last date for receipt of applications from the land losers is 15th March, 1999. That is about 40 days time was given. That is only for land losers specifically a notification was issued.

Sir, in response to this notification, 2,805 people applied for employment. Out of these, the people who satisfied the educational qualification and otherwise were 652. In some cases, land certificates were missing. So, we could not consider them. So, the eligible applications after checking the educational qualification were 652. Then a panel was made for 511 people. The number of offers given for employment was 429, out of which as per the information submitted by the South-Eastern Railways under which this line falls, they have said 76 land losers were given the employment.

First, a notification had been issued for the general employment. That was an earlier notification on 13.7.1998. Two notifications were issued. The first was a general notification, specifically for land-losers.”

11. When the Committee inquired as to whether on 5th March, 1999 the Railways received 2,805 applications from the land losers and a list of 652 candidates has been prepared from the land losers; the witness clarified as follows:—

No, Sir. Out of 2,805, the valid applications were 652.

12. When the Committee enquired about the reason behind not considering the rest of 2153 applicants eligible for employment by Railways, the witness stated as follows:—

“One factor was that they were not meeting the educational standard. Another factor was that they were overage. We shall given you the break up of the 2,153 rejected applications. The notification was dated 5th February.

The last date for submission of applications was 15th March. Out of 652 correct applications, 76 land-losers passed the written test and the physical test, and then they were selected. Out of these seventy-six, 66 joined, three were medically unfit and seven candidates did not turn up.”

13. When the Committee desired to know as to why the land losers were not given employment by the Railways in a separate land-losers category, the witness stated as follows:—

“Sir, the extant instruction at that time was to do selection as for others except giving preference to the land-losers. In the extant instructions given to the Railways also from the Board it was said that preference may be given to land-losers. If two people are equally qualified, then preference is to be given to the land-loser for the job. Sir, if they have failed, it is difficult. In this also, in the first recruitment only they get preference as per the Board's instructions. That is not preference but 76 people have passed the physical test and their number was 76.”

14. The Committee pointed out to the witnesses that the extant order for giving priority to land losers as far as Group ‘D’ and ‘C’ posts were concerned was in 1989. The Raigarh-Koraput line of South Eastern Railway was connected to Sambalpur, Maneswar stretch of 14 kms and Talcher-Angul stretch of 14kms in the year 1985. The extant orders of 1989 were extended to Talcher-Sambalpur section in 1995. The Cuttack bench of CAT gave its judgment on 20th March, 2002 on the case of the petitioners. Only three people out of 511 have got employment and 508 Gangmen have been Contractor’s nominees. It has also been quoted by the Supreme Court in its judgment delivered on 20th February, 2002 that the Railways action was a “Specious action”. The Committee then desired to know the reasons behind not extending the benefit of employment to the land-losers of Talcher-Sambalpur Section. To this, the witness stated as follows:—

“There was one CAT order. When eighty-two people approached CAT, it said: “Keep the 82 vacancies, do not fill up.” We have kept them vacant. As you said, Sir, the remaining 508 posts should be filled up. I will get a copy of the CAT's orders from Cuttack or our South Eastern Office and then we will take action.”

The Committee then adjourned.

MINUTES OF EIGHTIETH SITTING OF THE COMMITTEE ON PETITIONS HELD
ON 16TH SEPTEMBER, 2003 IN COMMITTEE ROOM NO. 62, PARLIAMENT
HOUSE, NEW DELHI

The Committee sat from 14.00 to 16.15 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 Sunder Lal Patwa
7. Shri Sis Ram Ola
8. Dr. Bikram Sarkar

SECRETARIAT

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

WITNESSES

Representatives of the Ministry of Railways (Railway Board)

1. Shri S.M. Singla — *Member Staff (Railway Board)*
2. Shri Anand Mathur — *Executive Director Esstt. (N)*

SPECIAL INVITEE

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

*Representatives of the Ministry of Commerce & Industry
(Department of Commerce)*

1. Shri S.K. Arora — *Additional Secretary, & Finance Advis
(Department of Commerce)*
2. Shri L.V. Saptharishi — *Additional Secretary & Officiating
DG (S&D)*
3. Mrs. Veena Brahma — *Joint Secretary*
4. Shri M.K. Anand — *Director*

Representatives of the Ministry of Steel

- | | | |
|----------------------|---|------------------|
| 1. Shri V.K. Duggal | — | Secretary |
| 2. Dr. S.Y. Quraishi | — | AS&FA |
| 3. Shri J.P. Singh | — | Joint Secretary |
| 4. Shri P.K. Singh | — | Deputy Secretary |
| 5. Shri Navin Soi | — | Deputy Secretary |
| 6. Shri S.K. Sinha | — | Jt. DCI&S |

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

- (i) The Ministry of Railways (Railway Board) on the petition regarding giving employment to the displaced families whose land has been acquired for Talcher-Sambalpur Railway link project of South-Eastern railway.
- (ii) The Ministry of Commerce & Industry (Department of Commerce) on the representation regarding grievances of the staff of Supplies and Disposal Office at Kolkata as a result of the downsizing of the Staff strength.
- (iii) The Ministry of Steel on the representation against the closure of the office of the Development Commissioner for Iron & Steel and its four Regional Offices (DCI&S Organisation).

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 THE SEVENTY-NINTH SITTING OF THE COMMITTEE ON PETITIONS
(THIRTEENTH LOK SABHA) HELD ON 4TH SEPTEMBER, 2003 IN ROOM NO. 62,
PARLIAMENT HOUSE, NEW DELHI

The Committee sat from 14.00 hrs. to 15.30 hrs.

PRESENT

Shri Basudeb Acharia — *Chairman*

MEMBERS

2. Shri Ambati Brahmanaiah
3. Shri Ram Rati Bind
4. Shri Anant Gudhe
5. Shri P.R. Kyndiah
6. Shri Sis Ram Ola
7. Shri Shriniwas Patil
8. Dr. Bikram Sarkar
9. Shri C. Sreenivasan

SECRETARIAT

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

WITNESSES

Representatives of the Ministry of Steel

1. Shri S. Y. Quraishi — Additional Secretary and Financial Advisor
2. Shri S:N. Dash — Joint Secretary
3. Shri V.S. Jain — Chairman,
Steel Authority of India Ltd. (SAIL)
4. Shri A. Das — Dir. (Pers.), SAIL
5. Shri A.K. Shahi — ED (Tech. & Law), SAIL
6. Shri Ram Mohan — Joint Director (Pers.), SAIL
7. Shri Gautam Sinha — General Manager, SAIL
8. Shri A.K. Jayaswal — ED. HSCO
9. Shri B.K. Panda — CMD, Rashtriya Ispat Nigam Ltd. (RINL)

- 10. Shri C. Appa Rao — Dir. (Pers.) RINL
- 11. Shri H.S. Chhatwal — GM, RINL

2. At the outset, the Chairman welcomed the representatives of the Ministry of Steel to the sitting of the Committee and invited their attention to the provisions contained in Direction 55(1) of the Directions by the Speaker, Lok Sabha.

3. The Committee then took evidence of the representatives of the Ministry on the representation requesting to provide minimum wages and other necessary facilities to contract workers working in various Steel Plants.

4. A verbatim record of the proceedings was kept.

5. The Committee, thereafter, decided to hold their next sitting on 16th September, 2003.

The Committee then adjourned.

MINUTES OF THE EIGHTY-THIRD SITTING OF THE COMMITTEE ON
PETITIONS (THIRTEENTH LOK SABHA) HELD ON 14TH NOVEMBER, 2003 IN
COMMITTEE ROOM NO. 62, FIRST FLOOR, PARLIAMENT HOUSE, NEW DLHI.

The Committee sat from 1500 to 1540 hours.

PRESENT

Shri Basudeb Acharia — *Chairman*

MEMBERS

2. Shri Ambati Brahmaniah
3. Shri Ram Rati Bind
4. Shri Bikram Keshari Deo
5. Shri Anant Gudhe
6. Dr. Bikram Sarkar

SECRETARIAT

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

*Ministry of Personnel, Public Grievances and Pensions
(Department of Pension and Pensioners Welfare)*

1. Shri Arun Bhatnagar — *Secretary*
2. Shri Y.S. Bhawe — *Addl. Secretary*
3. Shri P.C. Mohanty — *Director (CR)*
4. Shri M.P. Singh — *Director (PP)*

Ministry of Finance (Department of Expenditure)

1. Smt. Sushama Nath — *Joint Secretary (Personnel)*
2. Shri Manoj Joshi — *Officer on Special Duty*

2. At the outset, the Committee welcomed the representatives of the Ministry of Personnel, Public Grievances and Pensions (Department of Pension and Pensioners Welfare) and the Ministry of Finance (Department of Expenditure) to the sitting of the Committee and invited their attention to the provisions contained in Direction 55(1) of the Directions by the Speaker, Lok Sabha.

3. The Committee then took evidence of the representatives of the Ministries on the representation requesting for option to switch over from Contributory Provident Fund to General Provident Fund/Pension Scheme in Indian Space Research Organisation.

4. A verbatim record of the proceedings was kept.

The Committee then adjourned.

MINUTES OF THE EIGHTY-SIXTH SITTING OF THE COMMITTEE ON
PETITIONS (THIRTEENTH LOK SABHA) HELD ON
18TH DECEMBER, 2003 IN COMMITTEE ROOM '62',
PARLIAMENT HOUSE, NEW DELHI

The Committee sat from 15.30 hrs. to 15.45 hrs.

PRESENT

Shri Basudeb Acharia — *Chairman*

MEMBERS

2. Shri Ram Rati Bind
2. Shri Bikram Keshari Deo
3. Shri Anant Gudhe
4. Shri P.R. Khunte
5. Shri Shriniwas Patil
6. Dr. Bikram Sarkar

SECRETARIAT

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

At the outset the Chairman welcomed the members. Thereafter, the Committee considered and adopted the draft Thirty-Eighth Report of the Committee on Petitions. The Committee also authorised the Chairman to present the Report to the House.

The Committee then adjourned.