

TWENTY FOURTH REPORT

COMMITTEE ON PETITIONS

(THIRTEENTH LOK SABHA)

(Presented to Lok Sabha on 18 February, 2003)



LOK SABHA SECRETARIAT

NEW DELHI

January, 2003/Magha, 1924 (Saka)

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COMPOSITION OF THE COMMITTEE ON PETITIONS

Shri Basudeb Acharia — *Chairman*

MEMBERS

2. Shri Ramakant Angle
3. Shri S. Bangarappa
4. Shri Ambati Brahmaniah
5. Shri Anant Gudhe*
6. Shri Babubhai K. Katara
7. Shri P.R. Khunte
8. Shri P.R. Kyndiah
9. Shri G. Mallikarjunappa
10. Shri Sadashivrao Dadoba Mandlik
11. Shri Sis Ram Ola
12. Shri Sundar Lal Patwa
13. Dr. Bikram Sarkar
14. Shri C. Sreenivasan**
15. Shri Chandra Bhushan Singh

SECRETARIAT

- | | |
|----------------------|-------------------------------|
| 1. Shri John Joseph | — <i>Additional Secretary</i> |
| 2. Shri S.C. Rastogi | — <i>Joint Secretary</i> |
| 3. Shri Brahm Dutt | — <i>Deputy Secretary</i> |
| 4. Smt. Neera Singh | — <i>Under Secretary</i> |

* Nominated w.e.f. 28 August, 2002 vide Bulletin-Part II dated 28 August, 2002 Para No. 3164 vice Shri Anant Gangaram Geete ceased to be a member of the Committee on his appointment as Minister.

** Nominated w.e.f. 27 March, 2002 vide Bulletin-Part II dated 27 March, 2002 Para No. 2778 vice Dr. K. Malaisamy, M.P. resigned.

**TWENTY FOURTH 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 Twenty-fourth Report of the Committee on the following matters to the House.

1. Action taken by the Government on the recommendations made by the Committee on Petitions (Thirteenth Lok Sabha) in their Seventh Report on the petitions requesting for regularisation of handling labourers of Adra FSD godown of Food Corporation of India by introducing the direct payment system.

2. Action taken by the Government on the recommendations made by the Committee on Petitions (Thirteenth Lok Sabha) in their Eleventh Report on the petitions regarding stopping of work on Tehri Dam Project and amendment in THDC Plan to save Ganga river from pollution.

3. Action taken by the Government on the recommendations made by the Committee on the Petitions (Thirteenth Lok Sabha) in their Nineteenth Report on the petitions regarding de-casualisation and extension of employee's status as per tripartite settlement of Cargo handling workers of Paradeep Port Trust.

4. Action taken by the Government on the recommendations made by the Committee on Petitions (Thirteenth Lok Sabha) in their Fifteenth Report on the representation regarding allotment of suitable alternative residential accommodation to the affected families residing near the Railway line between Thane to Kurla in Mumbai.

2. The Committee considered and adopted the draft Twenty-fourth Report at their sitting held on 27 January, 2003.

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

NEW DELHI;
27 January, 2003
8 Magha, 1924 (Saka)

BASUDEB ACHARIA,
Chairman,
Committee on Petitions.

CHAPTER I

ACTION TAKEN BY THE GOVERNMENT ON THE RECOMMENDATIONS OF THE COMMITTEE ON PETITIONS CONTAINED IN THEIR SEVENTH REPORT (THIRTEENTH LOK SABHA) ON THE PETITION REQUESTING FOR REGULARISATION OF HANDLING LABOURERS OF ADRA FSD GODOWN OF FOOD CORPORATION OF INDIA BY INTRODUCING THE DIRECT PAYMENT SYSTEM

The Committee on Petitions (Thirteenth Lok Sabha) in their Seventh Report presented to Lok Sabha on 23rd March, 2001 had dealt with petition [signed by Shri Probodh Kumlehakur & others of Paschim Banga Mutia Mazdoor Union, Adra Unit, Food Corporation of India (FCI), West Bengal, presented to Lok Sabha on 25th August, 2000 by Shri Sunil Khan, M.P.] requesting for regularisation of handling labourers of Adra FSD godown of Food Corporation of India by introducing the direct payment system.

1.2 The Committee had made certain observations/recommendations in the matter and the Ministries of Labour and Consumer Affairs, Food & Public Distribution were requested to implement those recommendations and furnish their action taken notes for the consideration of the Committee.

1.3 Action taken notes have been received from the Ministries of Labour, Consumer Affairs, Food & Public Distribution in respect of the recommendations contained in the Report.

1.4 The Committee will now deal with action taken by the Government on some of their recommendations.

1.5 In para 1.28 of the Report, the Committee observed as follows:—

"One of the main contentions of the petitioners is that since the establishment of Adra FSD godown of Food Corporation of India (FCI) in the year 1980 a large number of handling labourers are working regularly in this godown under the control of the District Manager, Bankura (under senior Regional Manager, FCI, Kolkata) Adra FSD godown is a rail fed godown with a capacity of 80,000 Metric Tonnes and is used for storage of foodgrains for supply to the Eastern Region of the country. However, the handling labourers at this godown are compelled to receive wages at the mercy of the contractors as the labourers are engaged through contractors of the godown. They have, therefore, demanded to introduce the direct payment system at the Adra FSD godown of FCI in West Bengal as has been done in some other godowns of FCI like Kolkata, Gopalpur, Asansol and Durgapur."

1.6 In their action taken note, the Ministry of Consumer Affairs, Food & Public Distribution, Department of Food & Public Distribution have stated that the issue of prohibition of employment of contract labour in Adra, FSD was considered alongwith all depots of the FCI throughout the country by the Ministry of Labour, Government of India during 1989-91 as per the norms of 240 days or more work done in each year during the last three consecutive years. FSD Adra could not qualify under the said norms of the Ministry of Labour for prohibition of employment of contract labour and, therefore, the food handling operations at Adra FSD are being carried out by the labourers of the contractors, from time to time, who are brought and engaged by the contractor from the open market as per requirement on day to day basis. The labourers are, therefore, getting wages through contractors.

FSD Adra is, primarily, a buffer storage complex, but a small part of monthly allocation of wheat and rice under the Public Distribution System (PDS) for the revenue district of Purulia and the adjoining revenue district of Bankura is also made from FSD Adra. Overall, monthly allocation and off-take of wheat and rice under PDS (APL and BPL Schemes) relating to Purulia and Bankura is very nominal as indicated below:—

**Allotment and off-take Position of Foodgrains under APL
and BPL Schemes**

(in MTs.)

Month	District Office Bankura		District Office Purulia	
	Allotment	Off-take	Allotment	Off-take
12/2000	5131	2210	6238	2236
01/2001	5131	2005	6238	2236
02/2001	5131	2050	6238	2259

In most of the months, lifting of the foodgrains by the State Government is much less than the allotment. However, FCI has other FSDs as well in the revenue districts of Purulia and Bankura for the supply of monthly PDS allocation.

Because of the above reasons, the number of days when loading and unloading (issue/receipts of foodgrains) work has actually done at FSD Adra in each year, from 1997-98 onwards, was much less than 240 days i.e. 46 days in 1997-98, 136 days in 1998-99, 199 days in 1999-2000. Therefore, Adra Depot does not become eligible for prohibition of the contract labour system.

1.7 In para 1.30 of the Report, the Committee recommended as follows:—

“The Committee wish to point out that the labourers at Adra FSD have also worked for more than 240 days during a number of years and even consecutively for three years. According to the data certified by Assistant Manager (D) FCI, Adra FSD himself the number of working days were 297 days; 294 days; 284 days and 254 days in the years 1994; 1995; 1996 and 1998-99 respectively. While notifying that the matter has now been referred to the Central Advisory Contract Labour Board, the Committee recommend that Adra FSD godown should also be notified for abolition of contract labour immediately, if necessary after review/amendment of the guidelines of 1987 under intimation to them.”

1.8 In their action taken note, the Ministry of Consumer Affairs, Food & Public Distribution, Department of Food and Public Distribution have stated that the data certified by the Assistant Manager (Depot), FCI, FSD Adra about the number of working days was not appropriate for considering the issue of prohibition of employment of contract labour, as the figures of the number of working days given by the Assistant Manager (Depot) included the days on which handling operations (receipt and issue of bags) and the days on which the casual type of work like sweeping, fumigation, etc. were done. It may be relevant to mention that for the purpose of prohibition of employment of contract labour, only the number of days when receipt and issue (loading/unloading of foodgrains bags) operations took place have been considered so far. The data given below indicates the number of days when unloading/loading operations (receipt and issue of foodgrains bags) took place and which are the relevant operations of the depots for the purpose of abolition of the contract labour system.

<i>Year</i>	<i>No. of days</i>
1993-94	133
1994-95	155
1995-96	117
1996-97	156
1997-98	46
1998-99	136
1999-2000	199

However, the issue regarding prohibition of employment of contract labour at FSD Adra is already under examination of the Central Advisory Contract Labour Board of the Ministry of Labour and the matter in due course would be decided by the appropriate Government i.e. the Ministry of Labour.

Notification for prohibition of employment of contract labourer Adra FSD by amending the guidelines may establish a wrong precedent giving way to similar contract labourers working in all other 1000 contract depots (approximately) in the FCI to demand for prohibition of contract labour in those depots also, without following the said guidelines.

1.9 In their action taken note dated 24th September, 2001 the Ministry of Labour stated that the question of abolition of contract Labour system to FSD Adra, FCI was placed as an agenda item for consideration by the Central Advisory Contract Labour Board at its meeting held on 12-13th February, 2001. The Board after hearing the parties, in this meeting desired to have further details in respect of work load data, etc. by 31.3.2001. The received data was considered by the Board again in its meeting held on 16-17th May, 2001. For want of authentic verified data, the Board decided to send copies of all the material produced to Regional Labour Commissioner (RLC)(C), Asansol to verify the factual position and submit a report to the Board. The report of R.L.C.(C), Asansol called for on 14.6.2001 was received on 27.8.2001 and was to be placed again before the Board in the next meeting.

1.10 In their latest communication dated 26th December, 2002 the Ministry of Labour have informed that the Central Advisory Contract Labour Board to

whom the matter had been referred by the Government constituted a Committee *vide* Resolution dated 16.12.2001. On receipt of this Committee's Report, it will be placed before the Board for its recommendations in their meeting, tentatively, scheduled to be held in February, 2003.

OBSERVATION/RECOMMENDATIONS

1.11 The Committee cannot but express their displeasure over the fact that data certified by the Assistant Manager (Depot), FCI about the number of working days of the labourers at Adra FSD has not been considered sufficient to prohibit employment of contract labour at this Depot in accordance with the governing law in this regard. The Committee further note that the Central Advisory Contract Labour Board to whom the matter regarding abolition of the contract labour system in Adra FSD was referred for examination in early 2001 is yet to take a decision in the matter. The Board considered the matter in February and May 2001 and sought further details of work-load from the concerned Regional Labour Commissioner which was received on 27.8.2001. The Board constituted a Committee by a resolution dated 26.12.2001 to examine the issue. On receipt of the report of the Board's Committee, the Board will take a decision on abolition of contract labour system under section 10 of the Contract Labour (Regulation & Abolition) Act, 1970. Considering the fact that the matter has been considerably delayed, the Committee recommend that as assured the Board's Committee Report should be placed before the Board in February 2003 for a final decision in the matter. The Committee would like to be apprised of the final outcome.

1.12 In para 1.31 of the Report, the Committee recommended as follows:-

"The Committee are shocked to observe that the wage rates of casual labourers which was Rs. 106.38 per head per day during 1997-98 and 1998-99 were suddenly brought down to Rs. 59.81 per head per day during 1999-2000. The Committee have been informed that while the wage at FSD, Adra was fixed by the Management as agreed between the contractor and Principal Employer, the wages at neighbouring godowns like Bikna were paid as per the order of the hon'ble Supreme Court in 1994, regarding parity in the wages of labourers at different godowns of FCI. The Committee, therefore, recommend that the wages at Adra FSD godowns be brought at par with those at other neighbouring godowns of FCI without delay."

1.13 In their action taken note, the Ministry of Consumer Affairs, food & Public Distribution, Department of Food & Public Distribution have stated that the payment to casual labourers of the contractor at FSD Adra was made @ Rs. 106.38 per head per day as per the interim order dated 22.09.1994 of the Hon'ble Kolkata High Court. However, subsequently, the Hon'ble High Court *vide* its order dated 06.09.1995, permitted FCI to float a fresh regular tender enquiry for appointment of a contractor with a rate of Rs. 59.81 per head per day as minimum wage fixed by the State Government for unskilled labourers. Consequently, the workers of Adra Depot filed CA of WP No. 2357 of 1994 seeking an

order directing FCI and other respondents not to apply the rate quoted in the contract till the disposal of their Writ Petition. The Hon'ble Court, *vide* its order dated 08.01.2002, disposed of the petitions and the application with the direction upon the appropriate authority under the Minimum Wages Act, 1948 to decide the issue within a period of one month from the date of approach, if made by either of the parties, upon giving fullest opportunity and by passing reasoned order thereon.

The FCI has filed an Appeal Petition, along with Stay application of the order dated 08.01.2002 of the Hon'ble High Court challenging the direction of continuance of the Interim order passed in 1994. Further, the appropriate authority under the Minimum Wages Act, 1948 is empowered to fix wages for daily rated workers engaged directly by the authorised Government Department, and not for the workers labourers who are engaged by the contractors. However, as per Act in relation to any scheduled employment carried on by or under the authority of Central Government, the appropriate authority is the Central Government.

At present the FCI is paying Rs 87.81 paise per head per day to the contractor for his casual labour at FSD Adra as against the rate of minimum wage of Rs 59.81 per head per day allowed by the Kolkata High Court *vide* its order dated 06.09.1995, referred to above, as was fixed by the State Government for unskilled daily rated casual labourers.

1.14 In their action taken note, the Ministry of Labour have stated that the contract labourers are being paid wages as per Agreement between the Principal Employer and Contractor as reported by R.L.C.(C), Asansol, pursuant to an inquiry conducted by him. The nature of work done by the contract labour at FSD, Adra, FCI is not a scheduled employment under the Minimum Wages Act, 1948. In view of this, no legal action can be taken against the Principal Employer i.e. FCI, Adra Depot under the Minimum Wages Act, 1948. The relevant provisions of Payment of Wages Act, 1936 the Contract Labour (Regulation & Abolition) Act, 1970 are also not applicable to the instant case.

OBSERVATION/RECOMMENDATION

1.15 The Committee are not impressed by the belaboured reply of the Government quoting various provisions of the Acts and court judgements. Fact remains that as compared to payment of Rs. 106.38 per day in earlier years, FCI is paying Rs. 87.81 paise per head per day to the contractor for the casual labour employed by him at Adra FSD. Since FCI is paying @ Rs. 106.38 per day at some places, the Committee find no reason, as to why it should not be paid uniformly at all places considering the living cost as well as the fact that being a Central Public Sector Undertaking, FCI should be nodal employer.

1.16 In para 1.32 of the Report, the Committee observed as follows:—

"The Committee are deeply perturbed to learn that the employers' contribution towards Provident Fund was also being deducted by the contractor from the wages of the handling labourers at the Adra FSD

godowns of FCI. More appalling is the fact this came to the notice of Government only after the Committee took up the matter for examination. In fact some excess deductions are being made from the wages of labourers. The Committee take a very serious view of all this and recommend that deduction of Employers' contribution towards PF as well as any other unauthorised deductions from the wages of labourers should be stopped forth-with. Reimbursement of such deductions made so far should also be effected without any loss of time. In case of failure to do so, prosecution should be launched in the appropriate court against the Principal Employer and Contractor. The Committee hope that appropriate corrective action may be taken by the Government in consultation with the Regional Labour Commissioner and the final outcome of the case be intimated to the Committee."

1.17 In their action taken, the Ministry of Consumer Affairs, Food & Public Distribution, Department of Food & Public Distribution have stated that after receipt of the recommendation of the Committee on Petitions, the FCI took necessary steps to ensure that no unauthorised deductions are made by the contractor from the wages of the labourers and that the amount unauthorisedly deducted from the wages of the workers, if any, is immediately refunded to the workers by the contractor. The District Manager, FCI, Bankura has confirmed that the concerned contractor has made gross payment of Rs. 5,58,870 (Rupees five lakh fifty-eight thousand and eight hundred seventy only) to the concerned workers towards the excess deductions made from the wages of the labourers since 21.07.1999. Now, the wages are being paid after deduction of employees' share towards Provident Fund. The Regional Labour Commissioner (Central), Asansol has also been informed accordingly.

1.18 In their action taken note, the Ministry of Labour have stated that the Regional Labour Commissioner (C), Asansol has confirmed that the illegal deduction made from the wages of contract workers i.e. employers' contribution towards EPF as well as other unauthorised deductions have been stopped from the month of May, 2001 and the concerned workers are now being paid wages @ Rs. 59.81 per day per head after deducting their own (worker's) share towards EPF.

The unauthorised deductions from wages made from 22.7.1999 (date of commencement of work by contractor) to 30.4.2001 have been refunded to the workers through the payment sheets for the period from January, 2001 to May, 2001 and payments were made on 11.6.2001, 12.6.2001 and 13.6.2001. The said payment sheets indicate that payments were certified by the Assistant Manager (Depot) FCI, Adra. The Union Secretary as well as the concerned workmen, have also confirmed the receipt of payment.

OBSERVATION/RECOMMENDATION

1.19 The Committee note with satisfaction that on their intervention, the Regional Labour Commissioner (Asansol) has taken corrective action to stop the illegal deduction of the employer's contribution towards Provident Fund

from the wages of the contract workers. Also, the unauthorised deductions from wages made from 22.07.1999 to 30.04.2002 (the tenure of the contractor) have been refunded to these workers. The Committee, however, would like the administrative Ministry viz., Consumer Affairs, Food & Public Distribution and the Ministry of Labour to issue necessary instructions to concerned authorities under their administrative control to ensure that no injustice is done to the poor labourers at the hand of greedy contractors.

CHAPTER II

ACTION TAKEN BY THE GOVERNMENT ON THE RECOMMENDATIONS MADE BY THE COMMITTEE ON PETITIONS (THIRTEENTH LOK SABHA) IN THEIR ELEVENTH REPORT ON THE PETITION REGARDING STOPPING OF WORK ON TEHRI DAM PROJECT AND AMENDMENT IN TEHRI HYDRO DEVELOPMENT CORPORATION (THDC) PLAN TO SAVE GANGA RIVER FROM POLLUTION

The Committee on Petitions (Thirteenth Lok Sabha) in their Eleventh Report Presented to Lok Sabha on 29 November, 2001 had dealt with a petition regarding stopping of work on Tehri Dam Project and amendment in Tehri Hydro Development Corporation Plan (THDC) to save Ganga river from pollution.

2.2 The Committee made certain observations/recommendations in the matter and the Ministry of Environment & Forests were requested to implement those recommendations and furnish their action taken notes for the consideration of the Committee.

2.3 Action taken notes have been received from the Ministry of Environment & Forests in respect of the recommendations contained in the Report.

2.4 The Committee will now deal with the action taken by the Government on their recommendations.

2.5 In paragraph 1.6 of the Report, the Committee observed as follows:

"The Committee note that the Tehri Dam has been planned as a multi purpose project for providing irrigation, power and drinking water. The operation of the Tehri Dam has been planned to regulate continuous flow of water in the river throughout the year. The average annual inflow at the Dam site is 8000 Million Cubic Metre against which 2615 Million Cubic Metre would be stored during monsoon season. The storage in the Tehri reservoir would be built up only with the excess water in the months of July to September and the irrigation requirements are mainly in November to May."

2.6 In paragraph 1.7 of the Report, the Committee observed as follows:

"One of the main contention of the petitioners is that the basic elements of Ganga water which continuously get purified automatically with its flow could necessarily be affected in changed pressure and temperature of still water when mixed with rainy water in a 265 metre deep lake spread over an area of 42.5 sq. kilometre. Hence, it must be ensured that the sanctity and purity of Ganga water must be maintained by making it pollution free."

2.7 In their action taken note, the Ministry of Environment & Forests have stated that according to the information provided by the Ministry of Power, the operation of Tehri Dam reservoir would be so regulated that there would be continuous flow of water in the river throughout the year. The water in the reservoir is not going to be stagnant as the operation of the reservoir is so envisaged that water will always be in motion due to inflows and outflows with very large fluctuation levels in the reservoir.

Under Ganga Action Plan Phase-II, river pollution abatement works are envisaged in the larger town of Uttarkashi situated upstream of Tehri Dam reservoir. Works pertaining to interception, diversion and treatment of sewage outfalling into the river, low cost sanitation, river front development and afforestation are proposed under Ganga Action Plan Phase-II in the town. Till date, 4 schemes amounting to Rs. 5.40 crore have already been sanctioned under the Plan and are under various stages of implementation. It may be noted that as per the available water quality data of river Bhagirathi (from July-October, 1999), the Biochemical Oxygen Demand (BOD) upstream and downstream of Uttarkashi ranges from 0.8-1.1 mg/l, which is within the permissible limit of BOD<2mg/l for this stretch of the river.

2.8 In paragraph 1.8 of the Report, the Committee recommended as follows:

"According to the Ministry the operation of the reservoir will be so regulated that continuous water flow is maintained at Haridwar. The operation is so envisaged that there is a fluctuation of 90m. from Full Reservoir Leve (FRL) of EL 830 m to Minimum Draw Down Leve (MDDL) of EL 740m. Thus, the different layers in the reservoir will always be in motion due to inflows and outflows. The Committee, however, wish to point out that although the reservoir would be built by excess water during the monsoon period i.e. July-September, certain amount of stagnant water may remain in the reservoir as the irrigation requirements are mainly in the months of November to May. The Committee therefore, firmly recommend that adequate safeguards should be taken by the Project Authorities to prevent the river water getting dirty due to mixing with stagnant water in the reservoir."

2.9 In their action taken reply the Ministry of Environment & Forests have stated that the operation of Tehri Dam Reservoir would be so regulated that there would be continuous flow of water in the river throughout the year. The water in the reservoir is not going to be stagnant as the operation of the reservoir is so envisaged that the water will always be in motion due to inflows and outflows with very large fluctuation levels in the reservoir.

The issue of a possible stagnancy of water in the Tehri reservoir has been gone into and examined in detail by the Central Water and Power Research Station (CWPRS), Pune, who have carried out water circulation study on the Tehri Reservoir CWPRS has concluded through the mathematical modelling studies (developed by Danish Hydraulic Institute), that the water in the Tehri reservoir remain under a dynamic circulation throughout the year and does not

remain stagnant. The study has shown that during the monsoon period, the reservoir storage below Minimum Draw Down Level (MDDL) is replenished by fresh inflow from the river, and between winter and monsoon, the inflow water gets well mixed over the vertical and moves towards the outlet. The study has further shown that the Dissolved Oxygen (DO) and Biochemical Oxygen Demand (BOD) levels in the whole of the reservoir is expected to remain above 5 mg/l and less than 2 mg/l respectively, which are within the permissible limits desired for the drinking water source.

OBSERVATIONS/RECOMMENDATIONS

2.10 The Committee note that Central Water and Power Research Station, Pune through mathematical modelling studies has concluded that the water in the Tehri Reservoir remain under dynamic circulation throughout the year and does not remain stagnant. The Committee however, would like the Project Authorities to have a regular monitoring system to know about the possibility of stagnancy of water in the reservoir. The Committee recommend that appropriate corrective measures, if required, should be taken to obviate the stagnancy of water in the reservoir.

2.11 In paragraph 1.9 of the Report, the Committee recommended as follows:

“The Committee are informed that based on the recommendations of the Hanumantha Rao Committee, the treatment of the entire catchment area of the river of very high and high levels of erodibility is being implemented at project cost. Also, the State Forest Department has already formulated a revised CAT Plan, as advised by the Ministry for treating an area of 52,204 hectares of high and very high erodibility classification for which funds are being met by THDC. The Committee desire that the treatment work of high and very high erodibility should be completed in a specific time frame and they may be apprised about the progress made in this regard.”

2.12 In their action taken note, the Ministry of Environment & Forests have stated that the Uttaranchal State Forest Department has identified 52,204 ha. of degraded area of very high and high erosion category, covering both forest and non-forest areas, including agriculture land, which are required to be treated under the Catchment Area Treatment (CAT) programme. In accordance with the Ministry of Environment and Forests letter 2-19/81HCT/IA dated 21.7.98, the State Forest Department had to submit a CAT Plan, covering the entire 52,204 ha. area of Catchment, after deleting the area which had already been treated. The State Forest Department accordingly submitted the CAT Plan to the Ministry on 11.12.1998, on the basis of guidelines decided in the meeting held in the Ministry on 17.6.1998. This CAT project after deleting 32652 ha. area of Catchment of very high and high erosion category already treated till 1998-99 out of the total area of 52,204 ha. covers the balance 19,552 ha. area including agriculture land, for treatment. The CAT project is of 5 years duration, w.e.f. 1998-99, at a cost of Rs. 5449.61 lacs and is now under implementation. Total area treated till December, 2001 is 37589 ha.

2.13 In paragraph 1.10 of the Report, the Committee recommended as follows:

"As regards the treatment of the areas of medium and low categories of erosion, the Committee are informed that the State Authorities may formulate separate plans which could be funded and executed as an independent project. The Committee recommend that the Ministries of Agriculture, Environment & Forests and the State Government Authorities should make concerted efforts to finalise/formulate and execute these plans so as to revive the medium and low eroded area."

2.14 In their action taken note, the Ministry of Environment & Forests have stated that Government of Uttaranchal has been requested to formulate the catchment area treatment plan for areas of medium and low categories of erosion. The plan is yet to be received.

OBSERVATIONS/RECOMMENDATIONS

2.15 The Committee recommend that the Government of Uttaranchal may be persuaded to finalise the Catchment Area Treatment Plan for the areas of medium and low categories of erosion at an early date. The Committee also recommend that based on such plan adequate and proper measures may be ensured by the Government. Needless to emphasise that the Ministry should provide all possible assistance to the State Government in formulation and implementation of CAT Plan.

2.16 In paragraph 1.11 of the Report, the Committee recommended as follows:

"As regards the implementation of the Ganga Action Plan, the Committee are also informed that under Ganga Action Plan (GAP) Phase-1, out of a targeted capacity of 873 million litres per day (mld), a capacity to treat 835 mld has been commissioned by setting up 32 Sewage Treatment Plants. O&M of assets is satisfactory in West Bengal. However, the O&M of assets is not very satisfactory in States of Bihar and Uttar Pradesh. The Committee consider it unfortunate that the working of the Sewage Treatment Plants particularly in Bihar and Uttar Pradesh has not been taken seriously by the concerned Government Authorities. The Committee, therefore, recommend that suitable remedial action may be taken so that all the 32 Sewage Treatment Plants are effectively utilised to make the river Ganga absolutely pollution free."

2.17 In their action taken note, the Ministry of Environment & Forests have stated that the responsibility of operation and maintenance (O&M) of assets constructed under the Ganga Action Plan vests with the concerned State Governments. While the O&M in West Bengal has been satisfactory, it is found wanting in respect of Bihar and to some extent in U.P. Bihar has not been able to provide adequate and timely funds for running the assets on a continuous basis. Availability of uninterrupted power supply for continuous operation of assets has also not been ensured in Bihar & UP. As a result, utilisation of assets like sewage treatment plants, pumping stations and electric crematoria has not been satisfac-

tory. The matter has been constantly pursued with the State Governments. They have been asked to provide dedicated feeder lines to the power intensive assets, make adequate budget provision for O&M as well as improve the revenue generation of the local bodies in the respective towns. In case of Bihar, the Ministry took a decision to defer the release of further grants and approval of proposals for Ganga Action Plan Phase-II, till the O&M deficiencies are fully addressed by the State Government.

OBSERVATIONS/RECOMMENDATIONS

2.18 The Committee are deeply perturbed to note that Bihar has not been able to provide adequate and timely funds for running the assets on a continuous basis and availability of uninterrupted power supply for continuous operation of assets has also not been ensured in Bihar and Uttar Pradesh. As a result, utilisation of assets like sewage treatment plants, pumping stations and electric crematoria has not been satisfactory. The Committee also note that the concerned State Governments have been asked by the Ministry of Environment & Forests to provide dedicated feeder lines for power intensive assets, make adequate budget provision for operation and maintenance (O&M) as well as improve the revenue generation of the local bodies in the respective towns in this regard. The Committee, therefore, recommend that the Ministry may take up the matter at the highest level with concerned State Governments and other organisations to implement the Ganga Action Plan, and to achieve the objectives of the Plan fully.

2.19 In paragraph 1.12 of the Report, the Committee observed as follows:—

“As regards the safety aspect of Tehri Dam, the Committee are convinced by the reply of the Ministry that an Expert Group constituted by Government in 1996 had unanimously concluded after examining the various data, reports and conducting tests that the present design of the dam is safe to withstand the maximum credible earthquake of the region. The Committee also trust that the Project authorities would take adequate safeguards to ensure that land slides do not occur at the hill slopes adjoining the Tehri Dam areas.”

2.20 In their action taken note, the Ministry of Environment & Forests have stated that according to Tehri Hydro Development Corporation, there is no possibility of landslides in the immediate vicinity of the Dam in view of the topography of the Dam Site. The impoundment of reservoir will improve slope stability due to support rendered by water column especially at the toe with added padding effect by silt deposited at the reservoir bottom in future.

OBSERVATIONS/RECOMMENDATIONS

2.21 While the Committee are satisfied to learn that according to THDC there is no possibility of landslides in the vicinity of the Tehri Dam, the Committee recommend that regular checks are carried out at the Dam site by a Technical Team to ensure safety nearby the Dam. The Committee also recommend that suitable geographical studies are made regarding the flow of the Bhagirathi river from time to time in order to sustain and maintain the Tehri Dam.

CHAPTER III

ACTION TAKEN BY THE GOVERNMENT ON THE RECOMMENDATIONS MADE BY THE COMMITTEE ON PETITIONS (THIRTEENTH LOK SABHA) IN THEIR NINETEENTH REPORT ON THE PETITION REGARDING DE-CASUALISATION AND EXTENSION OF EMPLOYEE'S STATUS AS PER TRIPARTITE SETTLEMENT OF CARGO HANDLING WORKERS OF PARADEEP PORT TRUST

The Committee on Petitions in their Nineteenth Report (Thirteenth Lok Sabha) presented to Hon'ble Speaker, Lok Sabha on 26 August, 2002, thereafter, presented to Lok Sabha on 20 November, 2002 have dealt with a petition regarding de-casualisation and extension of employee's status as per tripartite settlement of Cargo Handling Workers of Paradeep Port Trust

3.2 The Committee had made certain observations/recommendations in the matter and the Ministry of Shipping were requested to implement those recommendations and furnish their action taken notes for consideration of the Committee.

3.3 Action Taken notes have been received from the Ministry of Shipping in respect of all recommendations contained in the Report.

3.4 The Committee will now deal with action taken by the Government on some of their recommendations.

3.5 In paras 1.57 to 1.60 of the Report, the Committee observed as follows:

"The Committee have been informed that an official Committee (Abraham Committee) constituted in 1984 considered the question of de-casualisation in various Ports and noted that there were 1500 workers in the main list and 700 workers in the subsidiary list and also found that the number of workers at Paradeep Port Trust were more than the required optimum strength of Cargo Handling Workers. It recommended that before extending de-casualisation benefits, the port should identify surplus workers, retrench them or put them in a subsidiary list. However, the Abraham Committee had not fixed the optimum number of workers. Thereafter, the Supreme Court appointed a High Power Committee in 1990 headed by Justice Khanna (Retd.) This High Power Committee, also, known as Khanna Committee identified the number of workers required before and after introduction of Mechanised Coal Handling Plant as 1104 and 495, respectively."

(Para 1.57)

"The Committee have also been informed by the representatives of Paradeep Port Trust that the unions however, did not agree to optimization of the number and insisted on their demand and gave a strike notice in 1994. After several rounds of discussion the Management of Paradeep Port Trust signed a tripartite settlement on 30.6.1994 with the trade unions under Industrial Disputes Act in presence of the conciliation officer cum Asstt. Labour Commissioner (C), Government of India for treating the main listed cargo handling workers as port employees. The settlement also included consequential benefits arising out of extension of employees status to these workers."

(Para 1.58)

"The Committee note that consequent upon tripartite settlement the cargo handling workers are enjoying almost all the benefits such as wages, pension, leave, LTC etc. at a par with the regular employees and because of this settlement not a single day work stoppage took place. The Committee note with satisfaction that the volume of cargo handled manually in the year 1993-1994 was 5.92 million tonnes and it has gone up to 10.05 million tonnes by 2001-2002."

(Para 1.59)

"The Committee also note that as per Clause 8 of the settlement, a copy of the settlement was forwarded to the Ministry of Shipping for approval vide letter dated 4.12.1994. The Chairman, Paradeep Port Trust has also written to Ministry of Shipping several times to accord necessary approval for extension of employees status to the Cargo Handling Workers with their justification."

(Para 1.60)

3.6 In their action taken reply, the Ministry of Shipping have stated that the Ministry could not take any action since the Paradeep Port Trust did not implement the recommendation of High Power Committee in its entirety.

3.7 In paras 1.61 and 1.62 of the Report, the Committee observed as follows:

"In this respect, the Ministry of Shipping have informed the Committee that for regularisation workers, large number of posts were to be created for which Ministry of Finance's approval was required. The Committee are surprised to note that keeping in view that the port employees have been given all the benefits applicable to port employees and that, there is no loss being caused to the workers by not according approval for regularisation of workers, the Ministry did not approach Ministry of Finance for creation of posts."

(Para 1.61)

"During oral evidence, the Ministry have given a plea that keeping in view the Government's decision of downsizing Government

departments, and, that the Ministry of Finance would discourage for creation of new posts, the Ministry did not approach Ministry of Finance with a proposal for creation of new posts for regularisation of worker .”

(Para 1.62)

3.8 In paras 1.63, 1.65 to 1.67 of the Report, the Committee recommended as follows:

“The Committee are not inclined to accept the plea given by the Ministry and take a serious view of the lackadisical approach made by the Ministry based on mere presumption that because of Government’s present policy of downsizing Government Departments, they did not take up the matter with Ministry of Finance. The Committee are deeply perturbed to note that the Ministry of Shipping have not impressed upon the Ministry of Finance the need for creation of additional posts while representing the case of workers before the Ministry of Finance to accord approval for their de-casualisation. The Committee feel that had the Ministry initiated action in 1994, when the copy of tripartite settlement was forwarded to them for their approval, the Ministry could have avoided the hypothetical situation that is being created by the Ministry now by quoting Government’s present policy decision of downsizing Governments department which was not applicable in 194 when the settlement took place.”

(Para 1.63)

“Although the Committee do not doubt the credibility of the findings of High Power Committee (HPC) that only 495 posts of cargo handling workers would be required after commissioning of Mechanized Coal Handling Plant, the Committee firmly believes that decasualisation of these workers is essential so as to provide physical and moral security to the cargo handling workers. Moreover, the regularisation of such workers should provide a very positive incentive of career progression.”

(Para 1.65)

“The Committee recommend that the Ministry may examine the feasibility of the proposal as submitted by Chairman, Paradeep Port Trust, expeditiously, so that while keeping the spirit of HPC’s recommendations alive and without retrenching the workers, the workers are given the benefit of de-casualisation in a phased manner. The Committee desire that the proposal to this effect as submitted by the port to the Government of India on 28.6.2002 may be examined without any further loss of time and the Committee may be apprised of the outcome within two months of the presentation of this report.”

(Para 1.66)

"The Committee place on record the repeated assurances given by the representatives during oral evidence before the Committee that the workers will continue getting all benefits, perks, and even family pension in case of unfortunate death at par with regular employees. However, the Committee are of the opinion that till these workers are not regularised they will keep on living in a fear of uncertainty due to the frequent change in Government's decisions. The Committee also feel that under this situation the workers are being deprived of their legitimate career progression despite the fact that, after the settlement, their hard work has resulted increase in performance of the port manifold."

(Para 1.67)

3.9 In their action taken reply, the Ministry of Shipping have stated that on the basis of the proposal of the Paradeep Port Trust dated 28.6.2002 and keeping in view the feelings of the Committee on Petitions, the Ministry of Shipping have submitted a proposal for the Ministry of Finance for creation of 495 posts of Cargo Handling Workers in various categories on 5.11.2002.

(Para 1.68)

3.10 In paras 1.69 and 1.70 of the Report, the Committee recommended as follows:

"The Committee, however, feel that with substantial increase in Cargo Handling, the number of manpower required has also doubled in these intervening years. Therefore, there is a case for an upward review of number of these employees to be regularised. Also, nine years have passed since HPC had submitted its report and gave 495 out of 1100 as the optimum number of workers to be kept in the main list for regularisation in service of Paradeep Port Trust."

(Para 1.69)

"The Committee are, therefore, of the opinion that as the workers are getting all the benefits/perks at par with regular employees, there is no extra financial burden on the exchequer in regularising the workers. The Committee are also of the opinion that with the passage of time and increase in workload on the Paradeep Port Trust, the optimum strength of 495 as recommended by HPC i.e. Khanna Committee should be reviewed. The Committee, therefore, recommend that the Ministry of Shipping should submit their proposal on the above lines to the Ministry of Finance expeditiously so that the workers of Paradeep Port Trust who have been from time to time being assured of getting employee's status by their authorities and who in return have not let single day work loss, should not be denied of justice. The Committee would like to be apprised of the action taken in the matter within two months of presentation of this report to the Parliament."

(Para 1.70)

3.11 In their action taken reply, the Ministry of Shipping have stated that they will examine the requirements of more posts after Ministry of Finance gives its approval for the existing proposal of creating 495 posts of Cargo Handling Workers in various categories.

OBSERVATIONS/RECOMMENDATIONS

3.12 The Committee note with satisfaction that on the basis of proposal of the Paradeep Port Trust dated 28.6.2002 the Ministry of Shipping have submitted a proposal to the Ministry of Finance for creation of 495 posts of Cargo Handling Workers in various categories on 5.11.2002 with a view to de-causalisation and extension of employee's status to cargo handling workers of Paradeep Port Trust. Since the matter is pending for long the Committee desire that the Ministry of Shipping should pursue the matter with the Ministry of Finance vigorously. The Committee would like to be apprised of the final and conclusive action in the matter.

3.13 Regarding the requirement of creation of more posts than 495, the Committee have been apprised that the Ministry of Shipping would examine the requirement of more posts after the Ministry of Finance gives its approval for the existing proposal of creating 495 posts of Cargo Handling Workers in various categories. To avoid creation of two categories of existing similarly placed employees, the Committee are of the firm view that the Ministry of Shipping should initiate early action to ascertain the requisite number of additional posts for regularisation of cargo handling workers in various categories, after taking into consideration all related factors such as existing work load, employees engaged presently in the work and status/category of existing employees vis-a-vis status of earlier earmarked 495 employees, etc. The Committee recommend that this exercise should be completed within a shortest stipulated time schedule and second/revised proposal be submitted to the Ministry of Finance at the earliest.

CHAPTER IV

ACTION TAKEN BY THE GOVERNMENT ON THE RECOMMENDATIONS MADE BY THE COMMITTEE ON PETITIONS (THIRTEENTH LOK SABHA) IN THEIR FIFTEENTH REPORT ON THE REPRESENTATION REGARDING ALLOTMENT OF SUITABLE ALTERNATIVE RESIDENTIAL ACCOMMODATION TO THE AFFECTED FAMILIES RESIDING NEAR THE RAILWAY LINE BETWEEN THANE TO KURLA IN MUMBAI

The Committee on Petitions (Thirteenth Lok Sabha) in their Fifteenth Report presented to Lok Sabha on 15 April, 2002 had dealt with representation regarding allotment of suitable alternative residential accommodation to the affected families residing near the Railway Line between Thane to Kurla in Mumbai.

4.2 The Committee had made certain observations/recommendations in the Report and the Ministry of Railways (Railway Board) were requested to implement those recommendations and furnish their action notes for the consideration of the Committee.

4.3 Action Taken Notes have been received from the Ministry of Railways (Railway Board) in respect of all the recommendations/observations contained in the Report.

4.4 The Committee will now deal with the action taken by the Government on their recommendations/observations.

4.5 In paragraph No. 1.14 of the Report, the Committee on Petitions observed as follows:—

“The Committee note that about 145 families who were the legal tenants of pucca buildings since generations located near railway line between Thane to Kurla had been informed by Mumbai Urban Transport Project-II, an authorised representative of Ministry of Railways, that they would acquire these pucca buildings/land for expansion of 5th & 6th Railway line between Thane and Kurla. The rehabilitation of the affected persons was being planned in terms of Resettlement and Rehabilitation policy of the State Government of Maharashtra.”

4.6 In their action taken reply, the Ministry of Railways (Railway Board) have stated that the 145 families referred to in the petition are a few of the Project Affected Persons (PAPs) of the Mumbai Urban Transport Project-II envisaged to augment the suburban infrastructure in Mumbai with the joint collaboration of the Government of Maharashtra (GOM) and Ministry of Railways to be executed on cost sharing basis. An MOU to this effect has been signed between GOM and Ministry of Railways in May, 1998. Ministry of Railways have also agreed, as a one time exception, to equally share the cost of the provisions of alternative accommodation to all the PAPs as defined in the rehabilitation policy framed by the GOM. This has been provided for in the MOU signed between the

two Governments. It has been agreed that while the cost of the rehabilitation of PAPs would be shared equally between the two Governments as a part of the overall project cost, the actual execution of R&R would be done by the GOM who have set up, for this purpose, a Project Monitoring Unit (PMU) under the Mumbai Metropolitan Region Development Authority.

The actual implementation of all the R&R needed in MUTP-II projects will be done by the Government of Maharashtra as per the policy framed by them as the Committee have also observed. The progress of implementation of R&R of the families is being monitored by the GOM.

4.7 In paragraph No. 1.15 of the Report, the Committee on Petitions observed as follows:—

“One of the main contentions of the petitioners is that the area offered by Resettlement and Rehabilitation Policy is inadequate and unjustified compared to the area occupied by each of the tenants as they have been offered an area of 225 sq. feet. The petitioners have, therefore, requested that each of the tenants should be given suitable alternative permanent accommodation duly RCC constructed of equivalent area within the same vicinity.”

4.8 In their action taken reply, the Ministry of Railways (Railway Board) have stated that the Government of Maharashtra is taking steps as appropriate within their policy.

4.9 In paragraph No. 1.16 of the Report, the Committee on Petitions observed as follows:—

“In this context, the Committee are informed by the Ministry of Railways (Railway Board) that for execution of Kurla-Thane 5th and 6th line project some land was acquired through the State Government of Maharashtra. On a portion of the land acquired there are 12 buildings—8 private and 4 Government which have to be dismantled and families residing thereon would be rehabilitated elsewhere. The tenants/landlords of these buildings have been proposed to be compensated by giving the cost of land being acquired, cost of existing buildings being dismantled and allotment of 225 sq. feet of area to each tenants in new location.”

4.10. In their action taken reply, the Ministry of Railways (Railway Board) have stated that the rehabilitation and compensation is being done by Government of Maharashtra.

4.11. In paragraph No. 1.17. of the Report, the Committee on Petitions recommended as follows:—

“The Committee note with satisfaction that Mumbai Metropolitan Region Development Authority (MMRDA) has identified a plot of Government land in the vicinity of these 12 buildings. This land will be handed over to MMRDA by the State Government of Maharashtra after clearance of the State Cabinet Committee shortly. The Chief Minister has already agreed in principle and accepted the proposal. After the land has been made available, pucca RCC buildings will be

constructed by MMRDA to accommodate all the 121 occupants. The Committee recommends that presuasive efforts should be made by the concerned Government Authorities so as to hand over the identified piece of land to MMRDA, expeditiously. The Committee desire that the construction of pucca RCC buildings on the land for accommodation of all the affected families is initiated without any loss of time for rehabilitation of these people. The Committee would like to be apprised about the position in the matter within two months."

4.12 In their action taken reply, the Ministry of Railways (Railway Board) have stated that Government of Maharashtra have approved relocating the inhabitants on a plot close by and they are following up further progress.

OBSERVATIONS/RECOMMENDATIONS

4.13 The Committee note from the reply of the Ministry of Railways (Railway Board) that the 145 families are a few of the Project Affected Persons (PAPs) of the Mumbai Urban Transport Project-II envisaged to augment the suburban infrastructure in Mumbai with the joint collaboration of the Government of Maharashtra (GoM) and Ministry of Railways which is to be executed on cost sharing basis. An MoU to this effect has been signed between GoM and Ministry of Railways in May, 1998. Ministry of Railways have also agreed, as a one time exception, to equally share the cost of the provisions of alternative accommodation to all the PAPs as defined in the rehabilitation policy framed by the GoM. It has also been agreed that while the cost of the rehabilitation of PAPs would be shared equally between the two Governments as part of the overall project cost, the actual execution of R&R would be done by the GoM who have set up for this purpose a Project Monitoring Unit (PMU) under the Mumbai Metropolitan Region Development Authority. The actual implementation of all the R&R needed in MUTP-II projects will be done by the Government of Maharashtra as per the policy framed by them. The progress of implementation of R&R of the families is being monitored by the GoM.

The Committee recommend that the Ministry of Railways (Railway Board) should impress upon the Government of Maharashtra to complete the Resettlement and Rehabilitation (R&R) of the PAPs within a specific time frame to the satisfaction of these displaced people.

4.14 The Committee also note that the Government of Maharashtra have approved relocating the inhabitants on a plot close to the Thane-Kurla Railway line and they are following up further progress. In this regard, the Committee desire that the work regarding allotment of land/plot for relocating the effected PAPs should be completed, expeditiously. The Committee would like to be informed about the progress made in this matter.

NEW DELHI;
27 January, 2003
8 Magha, 1924 (Saka)

BASUDEB ACHARIA,
Chairman,
Committee on Petitions.

MINUTES OF THE SIXTY-FIFTH SITTING OF THE COMMITTEE ON
PETITIONS (THIRTEENTH LOK SABHA) HELD ON 27th JANUARY, 2003
IN COMMITTEE ROOM 'A', GROUND FLOOR, PARLIAMENT
HOUSE ANNEXE, NEW DELHI

The Committee sat from 1200 to 1230 hours.

PRESENT

Shri Basudeb Acharia — *Chairman*

MEMBERS

2. Shri Ambati Brahmaniah
3. Shri P.R. Khunte
4. Shri Sadashivrao Dadoba Mandlik
5. Shri Sunder Lal Patwa
6. Dr. Bikram Sarkar
7. Shri Anant Gudhe

SECRETARIAT

1. Shri S.C. Rastogi — *Joint Secretary*
2. Shri Brahm Dutt — *Deputy Secretary*
3. Smt. Neera Singh — *Under Secretary*

2. The Committee considered and adopted the draft Twenty-Fourth Report containing chapters on the following:—

- (i) Action Taken by the Government on the recommendations made by the Committee on Petitions (Thirteenth Lok Sabha) in their Seventh Report on the petition requesting for regularisation of handling labourers of Adra FSD godown of Food Corporation of India by introducing the direct payment system.
- (ii) Action Taken by the Government on the recommendations made by the Committee on Petitions (Thirteenth Lok Sabha) in their Eleventh Report on the petition regarding stopping of work on Tehri Dam Project and amendment in THDC Plan to save Ganga river from pollution.
- (iii) Action Taken by the Government on the recommendations made by the Committee on Petitions (Thirteenth Lok Sabha) in their Nineteenth Report on the petition regarding de-casualisation and extension of employee's status as per tripartite settlement of Cargo handling workers of Paradeep Port Trust.
- (iv) Action Taken by the Government on the recommendations made by the Committee on Petitions (Thirteenth Lok Sabha) in their Fifteenth Report on the representation regarding allotment of suitable

alternative residential accommodation to the affected families residing near the Railway line between Thane to Kurla in Mumbai.

3. Pending reconstitution of the Committee, the Committee decided to postpone the scheduled tour of the Committee to Mumbai, Kolkata, Visakhapatnam and Chennai in February, 2003.

The Committee also authorised the Chairman to present the Report to the House.

The Committee then adjourned
