

TWENTY SIXTH REPORT

COMMITTEE ON PETITIONS

(THIRTEENTH LOK SABHA)

(Presented to Lok Sabha on 23rd April, 2003)



LOK SABHA SECRETARIAT
NEW DELHI

April, 2003/Chaitra, 1925 (Saka)

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COMPOSITION OF THE COMMITTEE ON PETITIONS

Shri Basudeb Acharia — Chairman

MEMBERS

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

SECRETARIAT

- | | | |
|---------------------|---|-----------------------------|
| 1. Shri John Joseph | — | <i>Additional Secretary</i> |
| 2. Shri Brahm Datt | — | <i>Deputy Secretary</i> |
| 3. Smt. Neera Singh | — | <i>Under Secretary</i> |

**TWENTY SIXTH 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-sixth Report of the Committee on the following matters to the House.

- (i) Petition requesting for inclusion of Koli Caste in the List of Scheduled Tribes of Maharashtra.
- (ii) Representation regarding non-implementation of Self-contributory Superannuation Pension Scheme to all eligible pensioners of Indian Airline Ltd.
- (iii) Action Taken by the Government on the recommendations of the Committee on Petitions (Thirteenth Lok Sabha) in their Fifteenth Report on representation regarding demands for improvement of railway facilities at Adra Railway Station (West Bengal).
- (iv) Gist of the representation requesting for sanction of Freedom Fighter Pension.
- (v) Gist of the representation requesting for sanction of Freedom Fighter Pension.
- (vi) Gist of the representation regarding inclusion of Poumai and Kuki Tribes of Manipur in the List of Scheduled Tribes.

2. The Committee considered and adopted the draft Twenty-sixth Report at their sitting held on 10th April, 2003.

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

NEW DELHI;
10 April, 2003
20 Chaitra, 1925 (Saka)

BASUDEB ACHARIA,
Chairman,
Committee on Petitions.

CHAPTER I

PETITION REQUESTING FOR INCLUSION OF KOLI CASTE IN THE LIST OF SCHEDULED TRIBES OF MAHARASHTRA

1.1 On 21 March, 2001 Shri Anant G. Geete, M.P. presented to Lok Sabha a petition signed by Shri Anant Tare, MLC, Maharashtra Legislative Council R/o Shri Bhagyalaxmi Anand Park, Thane, Mumbai requesting for inclusion of "Koli" Caste in the list of Scheduled Tribes of Maharashtra (*Appendix-I*)

1.2 In the petition, the petitioner submitted that the Mahadeo 'Koli' Tribals from Maharashtra were being illegally denied the reservation benefits granted to them by the Constitution. Under article 342 of the Constitution of India, the President/Parliament can specify any tribe or tribal community or part of or group within any tribe or tribal Community in the List of Scheduled Tribes. According, Mahadeo Koli, Donger Koli, Tokare Koli, Dhor Koli & Malhar Koli, which were parts of or groups of Koli tribe have been specified in the list of Scheduled Tribes, Every "Mahadeo Koli" was a "Koli". Every "Tokare" was a "Koli". The State Government of Maharashtra had rightly recommended by its letter dated 05.8.1968 & 17.05.1979 to Government of India for the inclusion of entire "Koli" tribe along with its sub-tribes in the list of Scheduled Tribes. Also, the Tribal Development Department of the State Government of Maharashtra in its Circular dated 25.09.1987 had directed to consider the Scheduled Tribe Certificate of a candidate as valid if his School Leaving Certificate showed his case entry recorded as "Koli" only.

1.3 The petitioner further stated that the mother tribe 'Koli' had been included in the List of Other Backward Classes (OBCs) in the State of Maharashtra. However, 'Koli' entry could not be fatal to the claim of Mahadeo Koli; Tokre Koli; Malhar Koli as Scheduled Tribes. 'Koli' was a generic term for Mahadeo, Tokre, Malhar Kolis etc. There were area restrictions from 1st November, 1956 to 26th July, 1977 and Mahadeo Koli, Dongar Koli, Malhar Kolis who were residing in few talukas/Districts of Old Bombay State were considered as Scheduled Tribes. Consequently, majority of the present Scheduled "Koli" tribals were not considered as Scheduled Tribes. Hence, they were recording their caste only as "KOLI" as they were not entitled to any reservation benefits of Scheduled Tribes. The sub-tribes of "Koli" community were given very inferior treatment by the higher classes, therefore, many of the sub-tribes preferred to call themselves by the generic term "Koli". In spite of voluminous evidences, the Tribal Development Department of Government of Maharashtra was illegally denying the reservation benefits to all (genuine) "Mahadeo Kolis" of Maharashtra.

1.4 The petitioner, therefore, requested that necessary instructions should be issued to the effect that 'Koli' entry was not fatal to the claim of Mahadeo; Tokare; Malhar, Dongar and Dhor Kolis as listed in the List of Scheduled Tribes.

1.5 The Ministry of Tribal Affairs were requested on 22 March, 2001 to furnish their comments on the points raised in the petition. In response, the Ministry of

Tribal Affairs *vide* their letter dated 8 May, 2001 submitted the following *para-wise* comments:—

"The Scheduled Tribes are notified by the President in exercise of powers conferred by Clause I of Article 342 of the Constitution of India, after consultation with the State Government concerned. Any subsequent change in the list once notified by the President can be modified through an Act of Parliament. The Government on 16.6.1999 has approved modalities for determining the claims for inclusion in, exclusion from and other modifications in the list of Scheduled Castes and Scheduled Tribes. According to these modalities only those proposals which have been recommended by the concerned State Government and the Registrar General of India as well as National Commission for Scheduled Castes and Scheduled Tribes are to be taken for consideration of amending legislation. The criteria followed for specification of a community as a Scheduled Tribe are indications of primitive traits; distinctive culture; geographical isolation; shyness of contact with the community at large and backwardness.

The list of Scheduled Tribes of Maharashtra is contained in Part IX of the Scheduled to the Constitution (Scheduled Tribes) Order, 1950 as amended to date. Under this order 3 sub-groups of Koli have been specified as Scheduled Tribes as per following details:—

28 Koli dhor, Tokre Koli, Kolcha, Kogha

29 Koli Mahadeo, Dongar Koli

30 Koli Malhar

It is now well settled through a catena of judgments of the Hon'ble Supreme Court that Scheduled Tribes Order must be read as it is and it is not open to say that a tribe, sub-tribe, part of or group or any other tribe though not mentioned in it is synonymous to the one mentioned in the Order.

It is not at all permissible to hold any enquiry or let in any evidence to decide or declare that any tribe or tribal community or group within any tribe or tribal community is included in the general name even though it is not specifically mentioned in the Order.

The wording of Article 342 to the effect "Part of or groups within tribes or tribal communities" enable the President to specify parts or groups within a tribal community (instead of tribe as a whole) as Scheduled Tribe. The President in exercise of powers conferred by Clause I of Article 342 has only specified Koli dhor, Tokre Koli, Koli Mahadeo, Dongar Koli, Koli Malhar as Scheduled Tribes in relation to the State of Maharashtra. Therefore, members of Koli community can not be deemed to belong to Scheduled Tribes unless the community is included in the list of Scheduled Tribes as per provisions of Clause II of Article 342 of the Constitution."

1.6 The Ministry of Tribal Affairs also informed that requests from various quarters for inclusion of "Koli" community in the List of Scheduled Tribes of Maharashtra had been received in the Ministry. Subsequently, comments of the State Government of Maharashtra had been invited in this respect. The State Government of

Maharashtra *vide* their letter dated 12th June, 1979 had recommended inclusion of Dhiwar, Dheemar, Koli, Bhoi, Kewat, Kahar and Palewar tribes in the List of Scheduled Tribes. Subsequently, the State Government of Maharashtra *Vide* their letter dated 6th November, 1981 informed that the recommendation in their aforesaid letter dated 12th June, 1979 in respect of 'Koli' community need not be considered any they should be dropped. Hence, the State Government of Maharashtra did not want inclusion of 'Koli' community in the List of Scheduled Tribes. The Registrar General of India (RGI) in his report had also *inter-alia* stated that a careful review of ethnographic information reveals that 'Koli' did not possess any distinct tribal characteristics. They were not distinguishable from other advanced communities with whom they interact without distinction of differentiation. Moreover, 'Koli' did not refer to any specific ethnic group. As per approved modalities for deciding such claims; the 'Koli' Community was not eligible for inclusion in the List of Scheduled Tribes of Maharashtra as neither the State Government nor the RGI had favoured its specifications as Scheduled Tribe.

1.7 After perusing the comments furnished by the Ministry, the Committee undertook an on-the-spot study visit to Mumbai in October, 2001 to gather first hand information and hold discussions with the petitioners and officials of the State Government of Maharashtra.

1.8 The Committee were informed by the petitioners that century-old ethnographic public history/literature stated that 'Koli' was the main tribe and Dhor Koli, Tokre Koli, Mahadeo Koli, Dongar Koli, Suryavanshi Koli, Malhar Koli, Chumble Koli, Panbhare Koli, Son Koli etc. were the sub-divisions of the main tribe 'Koli'. The Census of India 1901 had classified 'Koli' as aborigines, wild and wandering tribes. 'Koli' was a broad nomenclature which included all its sub-tribes. Hence, notice must be taken of the old official and public history documents.

The petitioner also informed the Committee that the Tribal advisory Council and Scrutiny Committees of the State Government of Maharashtra were giving highly discriminatory treatment to the scheduled 'Koli' tribals from non-specified/non-scheduled areas. If they found only one 'Koli' entry in the birth/school records of these tribals, then they held that such claimant belonged to the 'Koli'-Other Backward Class and not to the Scheduled Tribes as listed in the List of Scheduled Tribes. The Scrutiny Committees were not granting validity certificates to tribals from non-specified/non-scheduled areas inspite of their submitting sufficient supporting evidence. The services of a large number of employees of State Government including those who had put in 19 to 20 years of service had been terminated based on the recommendation of the Caste Scrutiny Committee.

1.9 During the discussion with the officials of the State Government of Maharashtra, the Committee were informed that the State Government of Maharashtra *vide* Government Resolution (GR) No. BCC 1094/CR-68/94/D-16-B dated 15.06.1995 had granted protection to Koli, Mana, Gowari, Koshti and Munnerwar people, who had been granted the status of 'Special Backward Class' *vide* GR. No. CBC 1494/CR-236/MAVK-5 dated 13.06.1995. The Special Backward Classes candidates had been extended reservation upto 2%. Even if the caste certificates issued to them had been invalidated by the Caste Scrutiny Committee, their continuation in service and

promotion as on 15.06.1996 had been protected. Therefore, if there were any specific cases of candidates whose services had been terminated in spite of the protection given under Government Resolution dated 15.06.1995, such cases could be brought to the notice of the State Government of Maharashtra in the General Administration Department to facilitate further necessary action.

The officials of the State Government of Maharashtra apprised the Committee that the Scrutiny Committee had come across some cases where the elder brother was issued a validity certificate while the younger one was denied the same. This aspect had also been discussed by the hon'ble Supreme Court of India, extensively, in Civil Appeal No. 5854 of 1994. Prior to 1995, there was not investigating machinery available with the Scrutiny Committee and the cases were decided on the basis of documents filed by the applicant only. However, in accordance with the direction of the Supreme Court, the Scrutiny Committee was reconstituted along with Vigilance Cells in 1994 and, thereafter, the process of conducting a comprehensive enquiry was initiated through the Vigilance Cell. Therefore, on the basis of detailed enquiries instituted on the basis of the comprehensive procedure laid down by the Supreme Court, the claims of some applicants could not be validated as the evidence produced by the Vigilance Cell could not establish the claim of the applicant regarding his/her belonging to a 'Tribe'.

The officials of the State Government of Maharashtra further stated that nearly in 373 cases, the applicants had preferred Writ Petitions in the various High Courts of Judicature of Mumbai, Bench at Aurangabad, Mumbai and Nagpur against orders of the Scrutiny Committee passed in respect of claims of "Mahadeo Koli". Out of 373 cases, as per the record, 7 cases belonged to Scheduled Area having area restriction before 1976. Out of 7 cases, 2 cases had been dismissed by the Court, whereas 5 cases were pending in the court. The remaining 366 cases belonged to area outside the Restricted Scheduled Area. As against 366 cases, 78 cases had been decided upholding the decision of the Scrutiny Committee. 121 cases had been remanded back to the Caste Scrutiny Committee for fresh enquiry. In 6 cases, the claims of the petitioners had been allowed. Remaining, 161 cases were still pending in the courts.

On a query regarding the exact population figure of the 'Koli' caste in the State of Maharashtra; the officials of the State Government of Maharashtra informed the Committee that there were no population figures available for "Koli caste" in the census records. However, the population of "Mahadeo Kolis" as per the census figures for 1961, 1971 and 1981 were as follows:

Year	Population of Mahadeo Koli
1961	2,74,244
1971	3,31,885
1981	7,87,448

No details of the population of "Mahadeo Koli" were available in the 1991 census.

1.10. The Committee, thereafter, took the oral evidence of the officials of the Ministry of Tribal Affairs on 16th May, 2002. The Committee desired to know as to

why the total number of people belonging to 'Koli' community in the State of Maharashtra were not available. To this, the witness stated that:—

"Actually, the figure of population of Kolis in Maharashtra is not available because especially after independence, caste/tribe enumeration is to be done only on the basis of whether they are Scheduled Castes or Scheduled Tribes. For this reason, the census authorities and the Ministry do not have authentic figures about the total number of Kolis in the State of Maharashtra."

1.11 The Committee further pointed out that in many instances the competent authority had issued Scheduled Tribe Certificates to people belonging to 'Mahadeo Koli' and on the basis of the Scheduled Tribe Certificates these people had been employed in Central Government, State Government, Governmental Corporations, etc. However, after more than 20 years of their service, the Scheduled Tribe Certificates issued to them had been cancelled after re-verification by the State Government of Maharashtra. The services of these people had also been terminated although they had not submitted any false or fake Scheduled Tribe Certificates at the time of joining the service. The Committee then desired to know as to whether such termination from services was justifiable. To this, the witnesses stated:-

"Mahadeo Koli Caste is enlisted under the Scheduled Tribes since beginning. I think it is far from reality to say that the State Government is terminating the services of such persons who have got valid certificates. The Maharashtra Committee must have probed into the matter. As far as we know, many persons joined the Government jobs saying that they belonged to the Mahadeo Koli Caste, whereas they were not Mahadeo Kolis."

1.12 In regard to reported issue of wrong ST certificates to the people not belonging to 'Mahadeo Koli'; the witness accepted that many SDMs made a mistake.

1.13 On being pointed by the Committee that the Scrutiny Committee set up by State Government of Maharashtra was not applying uniform principles in cancellation of the Scheduled Tribes Certificates given to "Mahadeo Kolis;" the witness assured that:—

"Ministry will ask the Government of Maharashtra to furnish detailed reply in this regard and the Maharashtra Government should also take care that this Committee may not work in arbitrary manner, instead make it a criteria and give justification for its orders or recommendations."

1.14 As regards the claim of the petitioners that 'Koli' community was a "Tribe"; the Ministry of Tribal Affairs in their written note informed that the Hon'ble Supreme Court in Ku. Madhuri Patil case in S.L.P. (Civil) No. 14767/1993 in Civil Appeal No. 5854/1994 decided on 2.9.1994 had held that the Koli community is a distinct and separate community and it has no connection with Koli Dhor, tokare Koli, Koli Mahadeo, Dongar Koli and Koli Malhar Scheduled Tribes which are hill tribes. Hence the contention in the petition that Mahadeo Koli, etc. are parts of Koli Tribe and Koli entry is not fatal for claiming Scheduled Tribe Mahadeo Koli status, is not correct in accordance with the decision given by the Supreme Court in S.L.P. (Civil) No. 14767/1993 in Civil Appeal No. 5854/1994 decided on 2.9.1994.

Observations/Recommendations

1.15 The petitioner has submitted before the Committee that some 'Mahadeo Kolis' in Maharashtra have been denied the reservation benefits accruable to them as Scheduled Tribes, in spite of voluminous evidence in this regard. According to the petitioner the 'Koli' community which is the mother tribe of all Kolis, however, has been notified as 'Other Backward Class'. All the sub-tribes of Kolis have been given inferior treatment by higher classes, therefore, many of the sub-tribes preferred to call themselves by their generic term 'Koli'. Since there had been area restrictions from 1st November, 1956 to 26th July, 1977, the Kolis in certain talukas/districts in Old Bombay State got notified as Scheduled Tribes and the majority of 'Kolis' have not been considered as Scheduled Tribes. The petitioner has contended that the Scrutiny Committee constituted by the State Government of Maharashtra and the Tribal Advisory Council had been giving highly discriminatory treatment to the 'Koli' tribals by not considering them as Scheduled Tribes and not enlisting them in the List of Scheduled Tribes of Maharashtra. The petitioner has also contended that century old ethnological public history/literature has stated that 'Koli' is the main tribe and Mahadeo Koli, Dongar Koli, Suryavanshi Koli, Tokare Koli, Malhar, etc. are the sub-divisions of the main tribe Koli and notice has not been taken of these old official documents by concerned governmental authorities. The petitioner, therefore, has stated that 'Koli' entry is not fatal to the claim of Mahadeo; Tokare Malhar, Dongar and Dhor Kolis. Hence, 'Koli' community alongwith its all sub-divisions should be considered as Scheduled Tribes.

1.16 The Committee have been apprised by the Ministry of Tribal Affairs that the list of Scheduled Tribes of Maharashtra contains 3 sub-groups of Koli viz', 'Koli dhor, Tokare Koli, Kolcha, Kogha,' 'Koli Mahadeo, Dongar Koli' and 'Koli Malhar'. As per the procedure approved in 1999, the Ministry process the proposals which are recommended by the concerned State Government, the Registrar General of India as well the National Commission for Scheduled Castes and Scheduled Tribes. The Government of Maharashtra in June 1979 had recommended for inclusion of certain castes including 'Koli' for inclusion in the list of Scheduled Tribes. However, the recommendation was withdrawn by the State Government in November, 1981. The Registrar General of India in his report also stated that a careful review of ethnographic information revealed that 'Koli' did not possess any distinct tribal characteristics. The Ministry has been receiving representations from various quarters for inclusion of 'Koli' caste in the list of Scheduled Tribes. In the year 1994, Supreme Court of India in Ku. Madhuri Patil case in S.L.P. (Civil) No. 14767/1993 in Civil Appeal No. 5854/1994 decided that the 'Koli' community was a distinct and separate community and it had no connection with Koli Dhor, Tokare Koli, Mahadeo Koli, Dongar Koli and Malhar Koli Scheduled Tribes. Thereafter, the Scrutiny Committee of the State Government of Maharashtra was reconstituted along with Vigilance Cells in 1994 to conduct a comprehensive study and establish the claims of communities as Scheduled Tribes. It came out during examination that prior to 1994, State Government has been issuing Scheduled Tribe certificates to 'Koli' castes and based on such certificates

people from this community were getting benefirts including jobs reservations. Based on review of certificates by Scrutiny Committee/Vigilance Cells, certain certificates of 'Koli' community were invalidated.

1.17 The Committee also note that the State Government of Maharashtra vide Government Resolution (GR) No. BCC 1094/CR-68/94/D-16-B dated 15.06.1995 had granted protection to Koli, Mana, Gowari, Koshti and Munnerwar people who had been granted the status of 'Special Backward Class' vide GR. No. CBC 1494/CR-236/MAVK-5 dated 13.06.1995. The Special Backward Classes candidates had been extended reservation upto 2%. Even if the caste certificates issued to them had been invalidated by the caste Scrutiny Committee, their continuation in service and promotion as on 15.06.1996 had been protected.

1.18 The Committee find that 373 applicants preferred appeals to Courts against the cancellation of the Scheduled Tribe Certificates by the Scrutiny Committee. Out of these 373 cases, only 6 cases of claims of the petitioners as Scheduled Tribe had been allowed. In 121 cases, the matter has been referred back to Scrutiny Committee for fresh enquiry. 161 cases are still pending in Courts. The Committee note that as per census study 1981, the population of 'Mahadeo Kolis' numbered 7,87,448 and no details of the population of this tribe are available in the 1991 census and authentic data of the total number of 'Kolis' in State of Maharashtra is not available. The Committee, also, find it hard to comprehend that many sub-Divisional Magistrates had issued wrong Scheduled Tribe Certificates to the people who did not belong to 'Mahadeo Koli'.

1.19 During the course of evidence before the Committee, the officials of the Ministry of Tribal Affairs assured that detailed reply of the State Government of Maharashtra would be obtained in regard to the orders of the Scrutiny Committee of cancellation of Scheduled Tribes certificates given to 'Mahadeo Kolis' and the Government of Maharashtra should ensure that the said Scrutiny Committee does not work in an arbitrary manner. The Committee, therefore, desire that as assured to them, honest and sincere efforts should be made by the Ministry of Tribal Affairs to impress upon the State Government of Maharashtra to ensure methodological and judicious decisions of its Caste Scrutiny Committee. The Committee may be apprised about the steps taken in this regard in due course.

1.20 As outlined in foregoing paragraphs, there are several points which require examination by the Government in relation to considering the 'Koli' caste as 'Scheduled Tribes' in Maharashtra. The important ones are; the issued of 'Koli Mahadeo' certificates to certain 'Kolis' for decades, cancellation of certificates issued by the competent authority, orders of Supreme Court on the subject, non-availability of authentic data on 'Koli' population, pending of large number of court cases on the subject and demand of large number of people for bringing the 'Koli' caste in the list of Scheduled Tribes. The Committee would, therefore, like the Central Government to examine the matter afresh in consultation with the Maharashtra Government. Similarly, the matter may be referred to the Registrar General of India and the National Commission of SCs/STs for re-consideration. Considering the pending litigation and existing court judgements, opinion of the Ministry of Law may also be obtained. The Committee would also like to be apprised of the conclusive action taken by the Government in the matter.

CHAPTER II

REPRESENTATION REGARDING NON-IMPLEMENTATION OF SELF-CONTRIBUTORY SUPERANNUATION PENSION SCHEME TO ALL ELIGIBLE PENSIONERS OF INDIAN AIRLINES LTD.

2.1 Shri Mehboob Zahedi, M.P. forwarded a representation on 3rd August, 2001 signed by Shri V.R. Sompurkar, R/o. Flat No. 101, Raigad CHS, Plot No. 136, Sher-e-Punjab, Andheri (East) Mumbai-400093 & other retired employees of Indian Airlines Ltd. who represented the Indian Airlines Pensioners Association regarding non-implementation of Self-contributory Superannuation Pension Scheme to all eligible pensioners of Indian Airlines Ltd.

2.2 The petitioners, in their representation submitted the following points:—

- (i) The Indian Airlines Ltd. entered into an Agreement with the employees union of the organisation on 19th February, 1998 for the introduction of the Self-Contributory Superannuation Pension Scheme *w.e.f.* 1.4.1994;
- (ii) The Self-Contributory Superannuation Pension scheme had not been implemented for all the eligible employees/pensioners of Indian Airlines Ltd.;
- (iii) The amount of contributions paid by the eligible pensioners had been refunded back on the plea that the Scheme had to undergo a revision. Such action of the Company created unbearable difficulty and financial problems to them; and
- (iv) Even, the widows and dependents of the deceased employees have been denied the due benefits of the contributory pension scheme.

2.3 The petitioners, therefore, requested that the benefits of the Self-Contributory Superannuation Pension Scheme must be extended to all eligible employees and the widows/dependents of the deceased employees.

2.4 The Ministry of Civil Aviation were requested on 13th August, 2001 for furnishing their factual comments in the matter. In response, the Ministry of Civil Aviation *vide* their O.M. dated 29th August, 2002 submitted the following sequence of events:—

- (i) In 1979, as a part of Wage Settlement with Air Corporation Employees Union (ACEU), the Indian Airlines agreed in principle to introduce a Pension Scheme subject to approval of the Government.
- (ii) In February, 1982, Government of India rejected the introduction of a Pension Scheme in Indian Airlines;
- (iii) In 1991, Department of Public Enterprises (DPE) advised all Public Sector Enterprises (PSEs) that besides the existing retirement benefits, namely,

Contributory Provident Fund and Gratuity, a suitable Annuity Scheme through Life Insurance Scheme (LIC) be introduced:—

- On purely voluntary contribution by the employees.
 - Without any liability on PSE/Government.
 - Management's contribution to be restricted to Rs. 100/- p.a. for all employees.
 - Government's guidelines stipulated that scheme to be made effective on prospective basis only and employees who have already retired prior to introduction of such scheme would not be eligible for pension benefit;
- (iv) After formulating the Scheme in consultation with Unions/Associations, Indian Airlines submitted the same to the Government of India for its approval on 25th January, 1996;
- (v) In May, 1997, the Government of India approved the introduction of Self-Contributory superannuation Pension Scheme *w.e.f.* 1.4.1994 with the conditions that:—
- The entire contribution to the 'Self-Contributory Superannuation Pension Scheme' would be made by the employees.
 - Indian Airlines' contribution to 'Self-Contributory Superannuation Pension Scheme' for all employees together would be restricted to Rs. 100/- p.a. only;
- (vi) In September, 1997, a Trust was formed for managing the Scheme;
- (vii) The Income Tax approval for introduction of the Scheme was received in December, 1997; and
- (viii) The monthly contribution from employees started from May, 1998 onwards after signing of the Memorandum of Understanding (MOU) with their respective Union/Associations.

2.5 The Ministry of Civil Aviation further informed that in May 1998, when first contribution from the employees was received, the monthly contribution from the employees was around Rs. One Crore and the total number of retirees since April, 1994, who were eligible to get pension in terms of the Self-Contributory Superannuation Pension Scheme, numbered 1579. Estimated amount for buying annuity for all of them was Rs. 55 crore. The Trust as formed in September, 1997 for managing this Pension Scheme, decided to offer pension to the retirees in phases subject to the accumulation of the funds by the Trust.

2.6 The Ministry of Civil Aviation further informed that upto July, 2002, the Trust had purchased annuity for 990 employees and the total amount paid for buying annuities for these employees was Rs. 33.36 crore as against employees contribution of Rs. 13.98 crore. In other words, employees had made average contribution of around 41% of the cost of annuity and 59% had been contributed by the Trust. Subsequently, Life Insurance Corporation (LIC) increased the cost of annuity by around 18% in July, 2000. In view of increase in the cost of annuity by LIC, no further annuities had been purchased. Around 140 employees had remitted their

contribution with the Trust during August/September, 2002 for whom the annuity had to be purchased. A few more employees also remitted the money and their cases were pending with the Trust.

2.7 The Ministry of Civil Aviation also stated that the funds of the Trust were adversely affected due to fact that the first contribution from employees commenced in May, 1998 and the Trust had no opportunity to build up a fund or earning interest. As large number of employees were eligible to receive pension as on April, 1998, the Trust, on the basis of monthly contribution received from May, 1998 onwards, commenced buying annuities w.e.f. February, 1999. This process had further not allowed the Trust to accumulate funds and earn interest thereon. Further, the outgo of the Trust to buy annuity for the employees had gone up due to increase in cost of annuity by LIC w.e.f. 1.7.2000. In view of the financial position of the Trust, the Trustees decided for valuation by professional actuaries. Based on the actuarial valuation/suggestion and the suggestions of the Union/Associations, the Trustees recommended that:—

- All members including members already in receipt of annuity and those eligible but yet to receive annuity to pay simple interest @ 12% p.a. for the short contributory service as on 1.4.1994.
- Pension to be paid based on last drawn salary as per the pay slip in the month of superannuation.
- Trust's liability for purchase of annuity be restricted to 100 times of the pension payable, alternatively, superannuated employee to have option to collect the lower pension.

2.8 The Ministry of Civil Aviation also stated that the Board of Directors of the Company (Indian Airlines Ltd.) had constituted a Committee to discuss with all Unions/Associations concerned to work out a long term solution in the matter, whereby, the pension fund becomes totally self-sustaining. This Committee made out a draft proposal wherein the following suggestions had been given:—

- (i) Pensions be frozen as on 31st December, 1996 for the services rendered till then, and thereafter, proportionate additional pension on the date of superannuation be worked out by taking a national increase of 7% per annum.
- (ii) The fixed contribution from the serving employees be enhanced from Rs. 350/- p.m. to Rs. 580/- p.m. w.e.f. 1.4.2002 and thereafter, to be escalated @ 10% per annum.
- (iii) The fixed contribution from the retired employees be collected as per the provision in the Scheme i.e. with an increase of 10% per annum on Rs. 360/- w.e.f. 1.4.1997.
- (iv) The variable contribution to be increased to 245% of the existing rate of contribution.

2.9 The Ministry of Civil Aviation further intimated that subsequent to the submission of the report by the Committee which was constituted by the Board of Directors of the Company, the Life Insurance Corporation (LIC) reduced the rate of

interest w.e.f. 1st August, 2002, thereby, increasing the corpus amount required to be given to LIC. In the meantime, in April, 2002, Air India, which had a similar Pension Scheme converted their 'Benefit Defined' Scheme to 'Contribution Defined' Scheme. On 20th June, 2002, the Indian Airlines Ltd. at its 62nd Board meeting had authorized the management to approve changes in the Self-Contributory Superannuation Pension Scheme as desired by the Trustees to facilitate an early switch over from 'Benefit Defined' to 'Contribution Defined'.

2.10 The Committee also to undertook an on-the-spot study visit to Mumbai for obtaining first hand information in the matter in October, 2001.

2.11 During their on-the-spot study visit, the petitioners reiterated before the Committee that the Superannuation Pension Scheme had not been implemented in respect of all the eligible employees in Indian Airlines. They had to refund back their contribution towards the Self-Contributory Superannuation Pension Scheme to the Indian Airlines Ltd., which put additional financial burden on the retired employees/senior citizens and the widows/dependents of the deceased employees.

2.12 The Committee were informed by the officials of Indian Airlines Ltd. that Memorandum of Understandings (MoUs) with various unions/associations had been signed between February, 1998 to August, 2000 towards introduction of the Self-Contributory Superannuation Pension Scheme for respective categories of the employees. The deductions from employee's salary for this Pension Scheme were made between May, 1998 to September, 2000. All permanent employees as on 01.04.1994 were eligible to participate in the Scheme. The permanent employees who joined the Company after 01.04.1994 were automatically admitted to the Scheme. As regards the funds position of the Trust, the officials of Indian Airlines informed that the present projected value of the funds of the Trust as on 31.3.2000 was Rs. 613.35 crore and the contributions of employees amounted to Rs. 168.48 crore resulting in a shortfall of Rs. 444.87 crore. The individuals who had already started receiving pension as per the revised proposal had borne the additional amount by contributions with interest and without interest.

2.13 The Committee, thereafter, took oral evidence of the representatives of the Ministry of Civil Aviation and the Indian Airlines Ltd., on 2nd January, 2003. The Committee desired to know the difference between the 'Benefit-Defined' Pension Scheme and 'Contribution-Defined' Pension Scheme. To this, the witness stated as follows:—

"In the benefit-driven scheme, irrespective of the quantum of contribution, you are mandated to get a certain amount, whereas in the contributory scheme, the annuity will comprise of the amount which is directly proportionate to what you have contributed by mutual consensus."

2.14 The Committee pointed out that Air India had a pension scheme in April, 2002 and their 'Benefit Defined' Scheme had been converted to 'Contribution Defined' Scheme. The Committee then desired to know the financial implication of the both

these pension schemes. The Ministry of Civil Aviation in a written note furnished after the evidence stated as follows:—

"As per the Indian Airlines 'Benefit defined' Scheme, pension at the rate of 1.25% per year of service with a minimum of 40% and maximum of 50% of the salary last drawn is payable. The employee makes a contribution between 1% to 5% of the salary depending on the age while joining the Scheme. The major drawbacks in the Scheme were:

- The rate of return on the funds was assumed to be 12%. However, the rate offered in the market fluctuate and is presently between 8% to 9%.
- The monthly contribution collected was on the basis of old salary, which was very different from the last drawn salary on which the pension is to be calculated.
- The monthly contribution had been collected from the employees on the basis of an assumed cost of annuity whereas the actual cost on the date of purchase is much higher.
- The shortfall had to be met by the Trust from the contribution of the present employees leading to progressive shortfall. As such the Scheme was not self-sustainable.

In the 'Contribution Defined' Scheme as envisaged by Air India, the monthly contributions collected are deposited with LIC in the individual employee's account. The amount so collected alongwith the interest accrued in the employee's account is utilized on his superannuation for purchase of annuity at the market rate then prevalent.

As such the shortfall of the 'Benefit Defined' Scheme have been removed in the 'Contribution Defined' Scheme."

2.15 When the Committee desired to know the reasons behind the inordinate delay in the implementation of the Indian Airlines Self-Contributory Superannuation Pension Scheme, which was finalized in February, 1998, the representative of Indian Airlines Ltd. stated during evidence:—

"It is only that retirement being a continuous process more people came into this fold from May, 1998 to March 2000, which is around 900 people, by which time the shortfall was such that further progress was not made. I have no comments to make on that and no real explanation to offer for that. All I can say is that we would try to resolve this issue and we are progressing steadily on this."

2.16 In a subsequent written note, the Ministry of Civil Aviation stated that the Superannuation Pension Scheme could not be implemented for all the retired employees as the Scheme resulted in shortfall in the money collected from the members as against the benefits which they were to be given thereby resulting in a mismatch between the collection and disbursement in the form of benefit. The shortfall was to the extent of 59%. this deficit position further got aggravated due to increase in the cost of annuity to be purchased from LIC w.e.f. July, 2000 resulting in the entire scheme becoming unviable. In view of the scheme becoming unviable certain changes were required to be made in the Scheme in line with the basic approval given by the Government to the Scheme. Certain retired employees had asked for return of their

contribution which they had paid to the Trust. Accordingly, 117 employees who had asked for refund of the money were refunded the amount with an option to rejoin the scheme once the scheme was amended and made sustainable. The total amount of Rs. 1.50 crore (approx.) had been refunded to the 117 employees.

2.17 When the Committee desired to know the involvement of the Unions/Associations in the timely implementation of the Indian Airlines Self-Contributory Superannuation pension Scheme, the witness stated during evidence that they have been having continual meetings with various unions. Unions also felt that the scheme as it existed was not viable.

2.18 Subsequently, in a written note, the Ministry of Civil Aviation stated that a meeting was convened on 10th December, 2002 where along with the representatives from all the Unions/Associations, the officials from LIC were called to discuss on the issues for changing the Scheme from "Benefit Defined" to "Contribution Defined" Pension Scheme. In this meeting, the proposed changes of the Scheme were explained by the LIC officials in detail to all the representatives of the Employee's Unions/Associations. The queries raised by the Unions/Associations were also replied to their satisfaction.

2.19 The Ministry of Civil Aviation further stated that a meeting of the Trustees was held on 8.1.2003 wherein the draft "Deed of Variation" had been examined and the amendments to the deed had been agreed to in principle. However, certain amendments had to be discussed and finalized with LIC, after which the same had to be sent for legal vetting. A meeting was held on 9.1.2003 wherein the Presidents and General Secretaries of the concerned Unions/Associations were called along with the Trustees of the Pension Scheme. An official from the LIC was also invited to attend the meeting. The participants were explained about the present status of Indian Airlines Employees Self-contributory Superannuation Pension Scheme and also the changes required in the said Scheme to make it self-sustainable. During discussions, certain clarifications were sought from the representative of LIC with regard to the working of the scheme, which were clarified. The Union representatives have agreed for finalisation of the Deed of Variation which would change the character and focus of the Scheme from "Benefit Defined" to "Contribution Defined". The scheme will be put into operation at the earliest after obtaining necessary approval from the Income Tax authorities.

Observations/Recommendations

2.20 The main contention of the petitioners is that the Indian Airlines Ltd. Self-Contributory Superannuation Pension Scheme introduced w.e.f. 1.4.1994 had not been implemented for all the eligible employees of the Company. The amount of contribution paid by the eligible pensioners had been refunded back by the company on the plea that the scheme had to undergo a revision. As a result, the pensioners, the widows and dependents of deceased employees have been denied the benefits of the said Contributory Pension Scheme. The petitioners have, therefore, requested that the benefits of Indian Airlines Self-Contributory Superannuation Pension Scheme should be extended to all the eligible pensioners and their dependents by effectively and fully implementing the scheme.

2.21 The Committee are informed that based on the advice of the Department of Public Enterprises (DPE) in 1991; the Indian Airlines Ltd. formulated a Self-Contributory Superannuation Scheme in consultation with the employees Unions/Associations of the Company. In May, 1997, the Government of India approved the introduction of this Self-Contributory Superannuation Scheme w.e.f. 1.4.1994 with the condition that the entire contribution for the Superannuation Scheme be made by the employees and the employers contribution to be restricted to Rs. 100/- per annum. In September, 1997 Trust had been formed for managing this Superannuation Scheme. In December, 1997 the Income Tax approval of this Scheme had been obtained. Memorandum of Understandings (MoUs) with the various Unions/Associations of the company had been signed between February, 1998 to August, 2000 with regard to the introduction of the Self-Contributory Superannuation Pension Scheme for all the employees in various categories.

2.22 The Committee note that the total number of employees who were eligible to get pension in terms of this new Superannuation Scheme numbered 1579. The Committee also note that upto July, 2000, the "Trust" entrusted to manage the scheme had purchased annuity for 990 employees. The cost of annuity for these employees amounted to Rs. 33.36 crore out which the employees contribution amounted to Rs. 13.98 crore i.e. 41% of the cost of annuity resulting in a shortfall to the extent of 59% of funds at that point of time. Subsequently, Life Insurance Corporation (LIC) increased the cost of annuity by around 18% w.e.f. 1.7.2000.

2.23 The Committee find the deficit position in the pensions fund got aggravated by the increase in the cost of annuity by LIC and as a result additional annuities could not be purchased by the Trust. The Committee are perturbed to note that due to a mismatch between the collection and disbursement of funds in the form of benefit, the Pension Scheme became unviable and the Scheme which was planned to be in operation w.e.f. 1.4.1994, could not be implemented for all the retired employees of Indian Airlines. On account of poor financial position of the Trust an actuarial valuation by professional actuaries had to be carried out.

2.24 Based on the actuarial valuation and suggestions of the Unions/Associations, the Trustees recommended that all members including members already in receipt of annuity and those eligible but yet to receive annuity were to be paid a simple interest @12% per annum for the short contributory service as on 1.4.1994. Also, the Trustees recommended that pension be paid based on last drawn salary as per the pay slip in the month of superannuation. Thereafter, the Board of Directors of the Company constituted a Committee to work out a long term/self-sustaining pension fund in consultation with all employees Unions/Associations. Subsequent to the submission of the report of the aforesaid Committee, the LIC reduced its rate of interest w.e.f. 1.8.2002 which increased the corpus amount required to be given to LIC. Based on the experience of the Air India, which had converted their 'Benefit Defined' pension scheme to 'Contribution Defined' pension scheme, the Indian Airlines Board also authorised its management on 20th June, 2002 to approve the changes in the Self-Contributory Superannuation Pension Scheme as desired by the Trustees to

facilitate an early switch over from 'Benefit Defined' to 'Contribution Defined' Pension Scheme.

2.25 The Committee also note that on 10th December, 2002, the Company convened a meeting with the representatives of employees Unions/Associations and LIC to discuss issues for changing the Scheme from 'Benefit Defined' to 'Contribution Defined' Pension Scheme. The Trustees examined the draft 'Deed of Variation' on 8th January, 2003 and held a meeting on 9th January, 2003 with the Unions/Associations and officials of LIC. During the aforesaid meetings, the present status and changes required in Indian Airlines Employees Self-Contributory Superannuation Pension Scheme and 'Deed of Variation' which had been agreed by employees Unions/Associations were explained to the participants.

2.26 While the Committee note that the finalisation of the 'Deed of Variation' in January, 2003 would change the character and focus of the Pension Scheme from 'Benefit Defined' to 'Contribution Defined', the Committee deprecate the inordinate delay in the implementation of the Self-Contributory Superannuation Pension Scheme in Indian Airlines. The Committee, therefore, recommend that timely and concerted efforts should now be made to fully implement the new Self-Contributory Superannuation Pension Scheme covering all serving employees of Indian Airlines and that it is made available to all eligible employees as per agreement entered into with a employees associations/unions. The Committee would like to be apprised of the conclusive action taken in this matter within three months of presentation of this Report.

CHAPTER III

ACTION TAKEN BY THE GOVERNMENT ON THE RECOMMENDATIONS OF THE COMMITTEE ON PETITIONS (THIRTEENTH LOK SABHA) IN THEIR FIFTEENTH REPORT ON REPRESENTATION REGARDING DEMANDS FOR IMPROVEMENT OF RAILWAY FACILITIES AT ADRA RAILWAY STATION (WEST BENGAL)

3.1 The Committee on Petitions (Thirteenth Lok Sabha) in their Fifteenth Report presented to Lok Sabha on 15 April, 2002 had dealt with a representation regarding demands for improvement of railway facilities at Adra Railway Station (West Bengal).

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

3.3 Action taken notes have been received from the Ministry of Railways (Railway Board) in respect of all the recommendations contained in the Report. Some of the recommendations made by the Committee and the replies thereto furnished by the Ministry of Railways (Railway Board) are discussed in the succeeding paragraphs.

3.4 In paragraph 3.13 of the report, the Committee recommended as follows:—

"As regards construction of electric locomotive shed, the Committee are informed by the Ministry of Railways (Railway Board) that the selection of an Electric Loco Shed is made taking into account traffic growth. However, the situation at Adra is different as it is not a terminal of freight trains or coaching trains. The Committee are not fully convinced by the opinion of the Ministry of Railways (Railway Board) that it does not suit to locate an Electric Loco Shed at Adra. The Committee are of the firm view that if the conventional rakes are replaced by MEMUs for short distance passenger traffic the number of rakes will increase and MEMU shed at Adra could be justifiable. The Committee, therefore, recommend that a MEMU Shed may be provided at Adra for maintenance of MEMU trains in Adra Division as infrastructure like quarters, land, water supply etc. is available there which can be utilized by the Railways."

3.5 In their action taken note the Ministry of Railways (Railway Board) have stated as follows:-

"Presently the existing MEMU rakes available with South Eastern Railway are being maintained at Tikiapara EMU Car shed and Bhilai Electric Loco shed. To meet the existing and future maintenance requirements of MEMU rakes in South Eastern Railway, a work for provision of EMU care shed at Kharagpur has already been sanctioned. The work is in progress and is likely to be completed by 2003-2004. Considering that with these three sheds in operation, there will be adequate maintenance facilities for MEMUs in South Eastern Railway, an MEMU shed at Adra is not justified."

Observations/Recommendations

3.6 The Committee have been apprised by the Railways that with the EMU car sheds at Tikiapara, Bhilai and one sanctioned at Kharagpur, there are adequate maintaining facilities of MEMU rakes in South Eastern Railway. The Committee's recommendation for having another maintenance unit at Adra was keeping in view the available infrastructure like land, quarters etc., which according to Railway Board assessment was also a factor to consider the proposal to meet existing and future maintenance requirements. The Committee, therefore, desire that the Ministry of Railways (Railway Board) should examine the matter again with a view of utilizing the existing infrastructure at Adra optimally. The Committee would await outcome of such review by Railways.

3.7 In paragraph 3.14 of the report, the Committee recommended as follows:-

"As regard the demand regarding a science stream in girls' school, the Committee note with dismay that there is no adequate demand to start a separate science course. In the boys higher secondary school at Adra, all facilities are available and they can have the girls from 11th and 12th in co-education. The Committee feel that there is a demand for science stream but the science teachers are not there to teach science subjects. The Committee, therefore, recommend that an appropriate science stream as well as a well equipped science lab in the girls' high school may be started from the coming academic year. The Committee would like to be apprised of the latest position of the action taken in this regard within two months of the date of presentation of this report to the Parliament."

3.8 In their action taken note the Ministry of Railways (Railway Board) have stated as follows:—

"Railway Girls' Higher Secondary School, Adra is already having well-equipped Science Laboratory. Partial renovation of the laboratory is in progress which will become fully operational from 1st July, 2002. 4 Post-graduate teachers (Maths, Physics, Biology) has been arranged. The admission process for class XI (Science Stream) has been started. Academic session 2002-03 will commence from 1st July, 2002."

Observations/Recommendations

3.9 The Committee note with satisfaction that with their intervention the Railway Girls' Higher Secondary School at Adra is being provided with post-graduate teachers for Maths, Physics and Biology studies. Also, the Science Laboratory is being renovated to make it fully operational. The Committee desire that this Science Laboratory should be well-equipped with latest state-of-the-art instruments for the use of the students of the Railway School.

CHAPTER IV

GIST OF THE REPRESENTATION REQUESTING FOR SANCTION OF FREEDOM FIGHTER PENSION

4.1 Shri K. Mahantaiah S/o Shri Rukmaiah, r/o H.N.No. 4-765, Mukampur, Haftgumbad, Gulbarga (Karnataka) in his representation dated 7.12.2002 addressed to the Chairman, Committee on Petitions, had stated that he had participated in Nizam Hyderabad State (Nizam's) Liberation Movement from 1947-48, in the then Karnataka Region *i.e.* Gulbarga, Raichur and Bidar districts. The State Government of Karnataka had forwarded his case to the Ministry of Home Affairs with their recommendation for sanctioning the Central Pension. The case was still pending with the Ministry of Home Affairs, Freedom Fighter's Division, New Delhi for the last two decades. He, therefore, requested to intervene for early disposal of the case. The matter was referred to the Ministry of Home Affairs, Freedom Fighter's Division on 9th January, 2003.

4.2 The Ministry of Home Affairs (Freedom Fighter's Division) with whom the matter was taken up *vide* their communication dated 28.1.2003 furnished their comments intimating *inter-alia* that on the recommendations of Hyderabad Special Screening Committee the case of Shri Mahantaiah has been accepted for grant of Swatantrata Sainik Samman Pension. The applicant has been requested by the Ministry to furnish the pre-requisite Identification Documents *vide* letter dated 24.1.2003. Formal sanction order will be issued on receipt of the same.

4.3. The Committee note with satisfaction that through their intervention, the grievances of the petitioner has been resolved.

CHAPTER V

GIST OF THE REPRESENTATION REQUESTING FOR SANCTION OF FREEDOM FIGHTER PENSION

5.1 Shri Basawanathappa S/o Shri Shivalingappa Houde, resident of LIG-54, Shanti Nagar, Gulbarga (Karnataka) in his representation dated 26th November, 2002 addressed to the Chairman, Committee on Petitions, had stated that he had participated in Nizam Hyderabad State (Nizam's) Liberation Movement from 1947-48, in the then Karnataka Region *i.e.* Gulbarga, Raichur and Bidar districts. The State Government of Karnataka had forwarded his case to the Ministry of Home Affairs with their recommendation for sanctioning the Central Pension. The case was pending with the Ministry of Home Affairs, Freedom Fighter's Division, New Delhi for the last two decades. He, therefore, requested to intervene for early disposal of the case. The matter was referred to the Ministry of Home Affairs, Freedom Fighter's Division on 9th January, 2003.

5.2 The Ministry of Home Affairs (Freedom Fighter's Division) with whom the matter was taken up *vide* their O.M. No. 124/1/2003-FF(HC) dated nil furnished their comments intimating *inter-alia* that the case of Shri Basawanathappa has been accepted for grant of Freedom Fighter Pension. The applicant has been requested by the Ministry to furnish the pre-requisite Identification Documents *vide* letter dated 27.1.2003. Formal sanction order will be issued on receipt of the same.

5.3 The Committee note with satisfaction that through their intervention, the grievances of the petitioner has been redressed.

CHAPTER VI

GIST OF THE REPRESENTATION REGARDING INCLUSION OF POUMAI AND KUKI TRIBES OF MANIPUR IN THE LIST OF SCHEDULED TRIBES

6.1 Shri K. Louno Andrew, Chairman Tribals of Manipur, resident of 71, Mochi Gaon, Nanakpura, New Delhi in his representation dated 4th August, 2001 had stated that there were 29 recognised Tribes in Manipur but two biggest tribes namely Poumai and Kuki tribes have been left out during the modification of Scheduled Tribes in the Constitution of India. The State Government had recommended the Poumai and Kuki tribes as Scheduled Tribes in 1979. After detailed verification by the National Commission for Scheduled Castes and Scheduled Tribes, the Commission officially recommended for inclusion of these two tribes in the list of Scheduled Tribes in June, 2000. The petitioner pleaded that the matter was pending with the Ministry of Tribal Affairs for long. He, therefore, requested for inclusion of Poumai and Kuki Tribes of Manipur in the List of Scheduled Tribes.

6.2 The Ministry of Tribal Affairs with whom the matter was taken up have *vide* their communication dated 3rd October, 2001 furnished their comments intimating *inter-alia* that the cases of both the Poumai and Kuki communities had been recommended by the State Government of Manipur, the Registrar General of India and the National Commission for Scheduled Castes and Scheduled Tribes. The Government of India opined to decide all such cases in one go and effect inclusion/exclusion of Scheduled Tribes through an Act of Parliament. Thereafter, the Scheduled Castes and Scheduled Tribes Orders (Second Amendment) Bill, 2002 which provided for inclusion of 'Poumai naga' and 'Any Kuki Tribes' in the List of Scheduled Tribes of Manipur has been passed by Parliament and it became an Act after gaining assent from the President of India on 7th January, 2003.

6.3 The Committee note with satisfaction that through their intervention, the Government expedited the pending enactment of law relating to inclusion of Poumai and Kuki tribes of Manipur in the List of Scheduled Tribes.

NEW DELHI;
10 April, 2003
20 Chaitra, 1925 (Saka)

BASUDEB ACHARIA,
Chairman,
Committee on Petitions.

**LOK SABHA
PETITION NO. 17**

(Presented to Lok Sabha on 21-3-2001)

To

Lok Sabha,
New Delhi.

The humble petition of Shri Anant Tare, M.L.C., Maharashtra Legislative Council, Shri Bhagyalaxmi Anand Park, Thane, Mumbai.

SHEWETH

I, the undersigned citizen of India submit that Mahadeo Koli Scheduled Tribals from Maharashtra are being illegally denied the reservation benefits granted by the Indian Constitution.

Under Article 342 of the Constitution of India, the President/Parliament can specify any tribe or tribal community or part of or group within any tribe or tribal Community in the List of Scheduled Tribes. Accordingly, Mahadeo Koli, Donger Koli, Tokare Koli, Dhor Koli & Malhar Koli, which are parts of or groups of Koli tribe have been specified in the list of Scheduled Tribes.

Mahadeo Koli, Tokare Koli etc. are the parts of or group of Koli tribe. Every Mahadeo Koli is a Koli. Every Tokare is a Koli. Hence Koli entry cannot be fatal to the claim of Mahadeo Koli.

Therefore, Government of Maharashtra has rightly recommended by its letter dated 05.08.1968 & 17.05.1979 to Government of India for the inclusion of entire Koli tribe along with its sub-tribes in the list of Scheduled Tribes.

Similarly, Tribal Development Department in its Circular dated 25.09.1987 has directed to consider the Scheduled Tribe Certificate as valid even if his School Leaving Certificate shows his caste entry recorded as Koli only.

Mumbai High Court in its judgement dated 25.07.1994 in the case of Prashant Shirsat Vs. State of Maharashtra stated that in their opinion the approach of the scrutiny Committee was completely erroneous. The scrutiny Committee had failed to see that in those days caste record was not maintained meticulously and therefore the fact that caste was generally described as "Koli" could not be a ground of rejecting the candidate's claim that he was "Mahadeo Koli" though he had laid satisfactory evidence in support of his caste claim. In similar matter this Court had taken a view that a candidate could not be denied the caste certificate of "Mahadeo Koli" only on the ground that originally the caste has been mentioned as "Koli".

From the above, it will be crystal clear that "Koli" entry cannot be fatal to the claim of Mahadeo Koli, Tokare Koli, Malhar Koli etc. Scheduled Tribes.

In spite of voluminous evidences, the Tribal Development Department of Government of Maharashtra is illegally denying the reservation benefits to Mahadeo Koli residents of Maharashtra.

In our opinion, this is due to political reasons. The Tribal Advisory Council of Government of Maharashtra consists of All the members from the former specified area. After the removal of area restrictions by Act No. 108 of 1976 *w.e.f.* 27.07.1977, the number of Scheduled Tribals has considerably increased. Naturally, the tribals from former Specified Area would not like to share their reservation benefits. Therefore, they are adopting negative approach to this problem.

I, therefore, submit this petition before you and request you kindly to issue necessary instructions to the effect that Koli entry is not fatal to the claim of Mahadeo Koli, Tokare Koli, Malhar Koli, Donger Koli, Dhor Koli Scheduled Tribes.

And your petitioner as in duty bound shall every pray.

S.No.	Name	Address	Signature
1.	Shri Anant Tare, MLC	Shri Bhagyalaxmi, Anand Park, Thane, Mumbai	Sd/-

Countersigned by Shri Anant G. Geete, M.P.

APPENDIX II

MINUTES OF THE SIXTY-FOURTH SITTING OF THE COMMITTEE ON
PETITIONS (THIRTEENTH LOK SABHA) HELD ON 2ND JANUARY, 2003
IN COMMITTEE ROOM 'B', GROUND FLOOR, PARLIAMENT HOUSE
ANNEXE, NEW DELHI

The Committee sat from 1500 to 1630 hours.

PRESENT

Shri Basudeb Acharia — *Chairman*

MEMBERS

2. Shri S. Bangarappa
3. Shri Ambati Brahmaniah
4. Shri Babu Bhai K. Katara
5. Shri P.R. Kyndiah
6. Shri Sadashiv Rao Dadoba Mandlik
7. Shri Sis Ram Ola
8. Dr. Bikram Sarkar
9. Shri Anant Gudhe

SECRETARIAT

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

WITNESSES

REPRESENTATIVES OF THE MINISTRY OF CIVIL AVIATION

- | | | |
|-------------------------|---|------------------------|
| 1. Shri K. Roy Paul | — | <i>Secretary</i> |
| 2. Shri Raghu Menon | — | <i>Joint Secretary</i> |
| 3. Shri Anurag Goel | — | <i>Joint Secretary</i> |
| 4. Shri O. Ravi | — | <i>Director</i> |
| 5. Shri Harbhajan Singh | — | <i>Director</i> |

REPRESENTATIVES OF INDIAN AIRLINES LIMITED AND AIRPORTS AUTHORITY OF INDIA

- | | | |
|----------------------|---|--|
| 1. Shri Sunil Arora | — | <i>Chairman & Managing Director,
Indian Airlines Limited</i> |
| 2. Shri S.K. Narula | — | <i>Chairman Airports Authority of India</i> |
| 3. Shri H.S. Bains | — | <i>Executive Director, International
Airports Division</i> |
| 4. Shri P. Rajendran | — | <i>Executive Director, National
Airports Divisions</i> |

- | | | | |
|----|---------------------|---|--|
| 5. | Shri M.C. Kishore | — | <i>Company Secretary, Airports Authority of India</i> |
| 6. | Shri V. Kashyap | — | <i>Deputy Managing Director, Indian Airlines Limited</i> |
| 7. | Shri Kapil Kaul | — | <i>Director (Personnel), Indian Airlines Limited</i> |
| 8. | Shri Vikram Badshah | — | <i>Director (Corporate Affairs), Indian Airlines Limited</i> |
| 9. | Ms. Sushma Chawla | — | <i>Director (Finance), Indian Airlines Limited</i> |

2. At the outset, the Chairman welcomed the representatives of the Ministry of Civil Aviation to the sitting of the Committee and invited their attention to provisions contained in direction 58 of the Directions by the Speaker.

3. The Committee then took oral evidence of the representatives of the Ministry of Civil Aviation on the points arising out of the following cases:—

- (i) Representation regarding non-implementation of self contributory superannuation pension scheme to all eligible pensioners of Indian Airlines Limited; and
- (ii) Representation regarding removal of imbalances/disparities in settlement of wages etc. in Airports Authority of India (AAI).

4. A verbatim record of the proceedings has been kept.

5. The Committee, thereafter, discussed the future programme of the Committee and decided to undertake an on-the-spot study visit to Kolkata, Visakhapatnam and Chennai from 3rd to 6th February, 2003.

The Committee then adjourned.

APPENDIX III

MINUTES OF THE SEVENTY-FIRST SITTING OF THE COMMITTEE ON PETITIONS (THIRTEENTH LOK SABHA) HELD ON 10th APRIL, 2003 IN COMMITTEE ROOM NO. 62, PARLIAMENT HOUSE, NEW DELHI.

The Committee sat from 1500 to 1525 hours.

PRESENT

Shri Basudeb Acharia — *Chairman*

MEMBERS

2. Shri S. Bangarappa
3. Shri Ram Rati Bind
4. Shri Bikram Keshari Deo
5. Shri P.R. Khunte
6. Shri P.R. Kyndiah
7. Shri Sis Ram Ola
8. Dr. Bikram Sarkar
9. Shri C. Sreenivasan

SECRETARIAT

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

2. At the outset, the Committee considered the Draft Twenty-Sixth Report and adopted the same without any amendment. The Committee decided to present the report to the House on 22nd April, 2003. They authorized the Chairman and in his absence Dr. Bikram Sarkar to present the Report to the House.

3. The Committee then considered Memorandum No. 44 on the representation regarding erratic bills and wrongful disconnection of telephone number 25737937. The Committee decided to hear the oral evidence of the officials of the Ministry of Communications and Information Technology (Department of Telecom) on the representation.

4. The Committee, thereafter, decided to undertake an on-the-spot study visit to Kolkata, Visakhapatnam and Mumbai in the Third week of May, 2003 relating to examination of certain subjects under consideration of the Committee.

The Committee then adjourned.