

**45**

# **COMMITTEE ON PETITIONS**

**(SIXTEENTH LOK SABHA)**

## **FORTY- FIFTH REPORT**



**LOK SABHA SECRETARIAT**  
**NEW DELHI**

*November, 2017/Agrahayana, 1939 (Saka)*

**FORTY-FIFTH REPORT**

**COMMITTEE ON PETITIONS**

**(SIXTEENTH LOK SABHA)**

**MINISTRY OF DEFENCE**

(Presented to Lok Sabha on 22.12.2017)



**LOK SABHA SECRETARIAT**  
**NEW DELHI**

November, 2017/Agrahayana, 1939 (Saka)

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## CONTENTS

	PAGE
COMPOSITION OF THE COMMITTEE ON PETITIONS .....	(iii)
INTRODUCTION .....	(v)

### REPORT

Representation received from Brig. N.B. Singh (Retd.) forwarded by Shri Devendra Singh 'Bhole', M.P., Lok Sabha, regarding conferment of Param Vir Chakra on Late Major Mohan Singh martyred in 1965 Indo-Pak War.	1
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### ANNEXURE

Minutes of the 28th sitting of the Committee held on 3.10.2016 .....	17
Minutes of the 45th sitting of the Committee held on 30.11.2017 .....	21

COMPOSITION OF THE COMMITTEE ON PETITIONS  
(2017-18)

Shri Bhagat Singh Koshyari — *Chairperson*

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3. Shri Om Birla
4. Shri Jitendra Chaudhury
5. Shri Ram Tahal Choudhary
6. Dr. K. Gopal
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11. Shri Kodikunnil Suresh
12. Shri Dinesh Trivedi
13. Shri Rajan Vichare
14. Shri Dharmendra Yadav
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SECRETARIAT

- |                            |   |                            |
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FORTY-FIFTH REPORT OF THE COMMITTEE ON PETITIONS  
(SIXTEENTH LOK SABHA)

**INTRODUCTION**

I, the Chairperson, Committee on Petitions, having been authorised by the Committee to present the Report on their behalf, present this Forty-Fifth Report (Sixteenth Lok Sabha) of the Committee to the House on the representation received from Brig. N.B. Singh (Retd.) forwarded by Shri Devendra Singh 'Bhole', M.P., Lok Sabha, regarding conferment of Param Vir Chakra on Late Major Mohan Singh martyred in 1965 Indo-Pak War.

2. The Committee considered and adopted the draft Forty-Fifth Report at their sitting held on 30 November, 2017.

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

NEW DELHI;  
30 November, 2017  
9 Agrahayana, 1939 (Saka)

BHAGAT SINGH KOSHYARI,  
*Chairperson,*  
*Committee on Petitions.*

## REPORT

### REPORT ON THE REPRESENTATION RECEIVED FROM BRIGADIER N. B. SINGH (RETD.) FORWARDED BY SHRI DEVENDRA SINGH 'BHOLE', MP, LOK SABHA, REGARDING CONFERMENT OF PARAM VIR CHAKRA ON LATE MAJOR MOHAN SINGH, MARTYRED IN THE INDO-PAK WAR OF 1965 AND OTHER ISSUES RELATED THEREWITH

Brigadier N. B. Singh (Retd.) submitted a representation forwarded by Shri Devendra Singh 'Bhole', M.P., Lok Sabha, to the Committee on Petitions regarding conferment of Param Vir Chakra on Late Major Mohan Singh, martyred in the Indo-Pak War of 1965 and other issues related therewith.

2. In his Representation, the representationist has stated that his father, Late Major Mohan Singh was martyred during the Indo-Pak War of 1965, but his sacrifice was not attributed to death in action by the Army at that point of time, depriving him of Gallantry Award and other facilities. The Petitioner has further stated that after almost 50 years, *i.e.*, in the year 2014, the Army Headquarters has suddenly acknowledged his sacrifice and conceded his death as a 'Battle Field Casualty'. The representationist has, therefore, requested that the supreme sacrifice of his father be recognised and suitably conferred on him, the Param Vir Chakra. The representationist has also requested that the family/dependents of martyred soldier may suitably be rehabilitated such as allotment of Petrol Pump under the 'Discretionary Quota Scheme'.

3. The Committee on Petitions took up the Representation for examination in terms of Direction 95 of the Directions by the Speaker, Lok Sabha. Accordingly, the Representation was referred to the Ministry of Defence for furnishing their comments on the issues/points raised therein.

4. In response thereto, the Ministry of Defence *inter alia* furnished the following comments:—

- I. *Conferment of Param Vir Chakra to Late Major Singh in Indo-Pak war of 1965 and release of all his war medals held by the Military Organisation.*

"As per the information from the Integrated Headquarters of Army, Ministry of Defence, there exists well prescribed system for awarding deserving military personnel for their act of bravery, etc. Under this system, a citation highlighting the act of bravery that merit recognition is required to be initiated by the concerned Unit/Formation and processed through prescribed staff channels. There is no provision for initiating the case for Honours and Awards directly.

Honours and Awards are conferred within a specific period from the date of the act qualifying for such recognition. Since the act pertains to the year 1965, which is more than 50 years old, it is not feasible to have it processed at this belated stage."

II. *Allotment of Oil Product Agency under the Discretionary Quota to the family members of Late Major Mohan Singh.*

"Brig. N.B. Singh has been intimated that he is not eligible for the Oil Product Agency under the Discretionary Quota as he is not dependent on his father, being a retired Brigadier and drawing pension. However, Brig. N.B. Singh has been requested by Directorate General (Resettlement) to intimate the dependent of the deceased Ex-Serviceman for further processing the case on merit.

SL 633 Maj. Mohan Singh of 6 RAJPUT Regiment died due to wounds sustained in the enemy action during the 1965 operations on Indo-Pak Border while serving with his battalion. Due to procedural issues, it was not notified that the death of the officer had occurred on the grounds attributable to military service, however, the same has been accorded *vide* ADG, MP & Plg. letter No 12656/SL-0633/ROS/T-2/MP 5 (b) dated 19th November, 2014.

Brig. N.B. Singh, son of SL 633 Major Mohan Singh claims that a retail outlet was to be allotted from the discretionary quota scheme of Ministry of Petroleum & Natural Gas for allotment of Retail Outlet (RO) dealerships/ Superior Kerosene Oil—Light Diesel Oil (SKO-LDO)/Liquefied Petroleum Gas (LPG) Dealership. Brig. N.B. Singh (Retd.), VSM has been informed that he is not eligible for the same as he is not dependent on his father, being a retired Brigadier and drawing pension."

5. Giving a background note on the post-independence Gallantry Awards and honours instituted by the Government for the military personnel, the Ministry of Defence, in a written reply, submitted:—

- (i) Post independence, first three gallantry awards namely Param Vir Chakra, Maha Vir Chakra and Vir Chakra were instituted by the Government of India on 26th January, 1950, deemed effective from 15th August, 1947. Criteria for grant of these awards to the military personnel are as under:—

Award	Criteria
Param Vir Chakra	For most conspicuous bravery of some act of daring or pre-eminent act of valour or self-sacrifice in the presence of the enemy.
Maha Vir Chakra	For conspicuous gallantry in the presence of the enemy.
Vir Chakra	For gallantry in the presence of the enemy



- (ii) Thereafter, three more gallantry awards, *i.e.*, Ashoka Chakra Class-I, Ashoka Chakra Class-II and Ashoka Chakra Class-III were instituted by the Government of India on 4th January, 1952, deemed effective from 15th August, 1947. Later on, these awards were renamed as Ashoka Chakra, Kirti Chakra and Shaurya Chakra respectively in January, 1967. These awards are granted to the military personnel as well as paramilitary/police/civilian for their acts of gallantry otherwise than in the face of the enemy. Criteria for grant of these awards are as under:—

Award	Criteria
Ashoka Chakra	For most conspicuous bravery of some act of daring or pre-eminent act of valour or self-sacrifice otherwise than in the face of the enemy.
Kirti Chakra	For conspicuous gallantry otherwise than in the face of the enemy.
Shaurya Chakra	For gallantry otherwise than in the face of the enemy.

- (iii) Further, Sena Medal (Army Medal), Nao Sena Medal (Navy Medal) and Vayu Sena Medal (Air Force Medal) were instituted on 26th January, 1960 with a view to recognizing such individual acts of exceptional courage of the Armed Forces personnel as have special significance for the Armed Forces.
- (iv) These gallantry awards are notified twice in the year - first on the occasion of the Republic Day and then on the occasion of the Independence Day. Personnel recommended for the award shall not be involved in any adverse report or should not have been conveyed any 'Displeasure' or 'Censure' or given any punishment in a Court Martial proceedings or through administrative action. These Awards may also be awarded posthumously.'

6. The Committee, thereafter, desired to know about the rates of monetary allowance attached to the gallantry decorations The Ministry, in a written reply, submitted:—

Awards	Monetary Allowance (Per Month)
Param Vir Chakra	10,000/-
Ashoka Chakra	6,000/-
MahaVir Chakra	5,000/-
Kirti Chakra	4,500/-
Vir Chakra	3,500/-
Shaurya Chakra	3,000/-
Sena Medal/Nao Sena/Vayu Sena Medal	1,000/-

7. On being enquired by the Committee about the details about the pension/ family pension given to the Gallantry Award winners, their spouses and dependents, the Ministry, in a written reply, submitted:—

#### I. PENSION

- (i) **Commissioned Officers:** Commissioned Officers are entitled to retiring pension on completion of minimum 20 years of actual qualifying service and 15 years in the case of late entrants at 50% of the last/average of last 10 month reckonable emoluments drawn whichever is higher/beneficial.
- (ii) **Junior Commissioned Officers/Other Ranks:** Junior Commissioned officers/Other Ranks are entitled to service pension on completion of minimum period of the terms of engagement, *i.e.*, 15 years of qualifying service at 50% of the last/average of last 10 month reckonable emoluments drawn whichever is higher/beneficial.

#### II. FAMILY PENSION

- (i) **Family Pension:** Entitlement of the Next of Kin (NoK) to the type of family pension shall be determined on the basis of the circumstances of the casualties of the Armed Forces Personnel:—
  - (a) **Ordinary Family Pension:** In case of death being neither attributable nor aggravated by the service conditions, NoK is entitled to the Ordinary Family Pension at the rate of 30% of last pay drawn.
  - (b) **Ordinary Family Pension (Enhanced Rate):** In case, the service personnel dies within 7 years of retirement or before completing the age of 67 years, the NoK is entitled to family pension at the enhanced rate of 50% of the last pay drawn for a maximum period of 10 years or till the service personnel would have attained the age of 67 years, whichever is earlier.
  - (c) **Special Family Pension:** In case of death of a service personnel on account of causes attributable to or aggravated by Military Service, special Family Pension is admissible to the NoK at the uniform rate of 60% of reckonable emoluments last drawn by the deceased service personnel, subject to a minimum of Rs. 7,000/-.
  - (d) **Liberalized Family Pension:** When death takes place during action in war, war like situation, CI Ops, terrorist actions and battle inoculation exercises, Liberalized Family Pension, equal to last pay drawn for all ranks, is admissible to the nominated heir until death or disqualification.

#### III. ENTITLEMENTS OF THE WIDOW ON RE-MARRIAGE

- (a) Liberalized and Special Family Pension shall continue to be paid to the widow on re-marriage provided she supports the children. The children can ask for share of Family Pension in the event of their mother not supporting them.

- (b) With effect from 1.1.2006, Ordinary Family Pension in case of childless widow will continue after re-marriage.

#### IV. SPECIAL FAMILY PENSION TO PARENTS

In the event of death of an Army personnel who is unmarried/widow/without children, Special Family Pension is admissible at 60% of reckonable emolument to parents of JCOs/OR subject to mean income limit. In the event of death of Commissioned Officer, dependent family pension @ 50% of Special Family Pension is admissible to parents irrespective of the mean income criteria.

#### V. DEPENDENT LIBERALISED FAMILY PENSION TO PARENTS

Payable where the Commissioned Officer dies as a bachelor or a widower without children @ 60% of last reckonable emoluments for single parents and 75% of last reckonable emoluments for both parents. Parents of an unmarried/widow or without children JCOs/OR are entitled to full liberalized family pension as a first life award. They are also entitled to second life award in the event of death/disqualification of first recipient within first seven years.

8. The Committee further desired to know about the details of military personnel who have been awarded Param Vir Chakra, since Independence. The Ministry, in a written reply, submitted:—

Sl. No.	Rank	Name	Whether posthumous or not	Year of award	Remarks
1	2	3	4	5	6
1.	MAJ	SOMNATH SHARMA	YES	1950	Nov 1947. Kashmir Operations 1947-48
2.	L/NK	KARAM SINGH, MM	NO	1950	Oct 1948. Kashmir Operations 1947-48
3.	2/LT	RAMA RAGHOBARANE	NO	1950	Apr 1948. Kashmir Operations 1947-48
4.	NK	JADUNATH SINGH	YES	1950	Kashmir Operations 1947-48
5.	CHM	PIRU SINGH	YES	1952	Kashmir operations 1947-48
6.	CAPT	GS SALARIA	YES	1962	Dec 1961. Congo
7.	MAJ	DHAN SINGH THAPA	NO	1962	Oct 1962. Ladakh
8.	SUB	JOGINDER SINGH	YES	1962	Oct 1962. NEFA
9.	MAJ	SHAITAN SINGH	YES	1963	Nov 1962. Ladakh
10.	CQMH	ABDUL HAMID	YES	1965	Operations against Pakistan

1	2	3	4	5	6
11.	LT COL ARDESHIR BURHORJI TARAPORE		YES	1965	Operations against Pakistan •
12.	FLYING NIRMAL JIT SINGH OFFICER SEKHON		YES	1972	Dec 1971. Indo-Pak Conflict
13.	2/LT ARUN KHETARPAL		YES	1972	Dec 1971. Indo-Pak Conflict
14.	MAJ HOSHIAR SINGH		NO	1972	Dec 1971. Indo-Pak Conflict
15.	LNK ALBERT EKKA		YES	1972	Dec 1971. Indo-Pak Conflict
16.	MAJ RAMASWAMY PARAMESHWARAN		YES	1988	Nov 1987. IPKF Operations in Sri Lanka
17.	NB SUB BANA SINGH		NO	1988	Jun 1987, Operations in Siachen Glacier
18.	CAPT VIKRAM BATRA		YES	1999	Jun 1999, Operation Vijay in Kargil
19.	LT MANOJ KUMAR PANDEY		YES	1999	Jun 1999, Operation Vijay in Kargil
20.	RFN SANJAY KUMAR		NO	1999	Jun 1999, Operation Vijay in Kargil
21.	GDR YOGENDER SINGH Yadav		NO	1999	Jun 1999, Operation Vijay in Kargil

9. On being specifically asked about the details of the prescribed system/mechanism followed by the Integrated Headquarters of Army, Ministry of Defence for ascertaining as to whether a particular act of bravery of a military personnel is deserving or not for initiating a citation—highlighting the act of bravery/merit recognition—by the concerned Unit/Formation, and for conferment of honours/awards awarding the military personnel for their act of bravery, the Ministry, in a written reply, submitted:—

"In order to give recognition to acts of gallantry, a case is required to be initiated by the Unit and if found fit, the same is forwarded to respective Services Headquarters duly recommended by Commanders, in-chain, immediately after the act is performed. All such proposals are then considered by the 'Awards Committee' at Services Headquarters before recommending the proposals to the Ministry with the approval of the respective Chiefs for further consideration of the Central Honours and Awards Committee (CH & AC). Thereafter, the recommendations of the CH & AC are sent for the approval of the Prime Minister and the President.

The citations in respect of personnel of the Indian Army received at Army HQ duly recommended by the respective GOC-in-Command are considered by

the Army HQs Honours and Awards Committee (AHQ H&A Committee). The Committee consists of the Vice-Chief of the Army Staff as Chairman and Deputy Chief of Army Staff (IS & T), Deputy Chief of Army Staff (P & S), Adjutant General, Director General of Military Operations (DGMO) as Members and the Military Secretary as Member Secretary. The Chiefs of Staff (COS) of concerned Commands are co-opted Members for Gallantry Awards.

The DGMO and COS of the concerned Command apprise the Committee of the relevant aspects of the Operations where the act of gallantry was performed by the individual. Thereafter, the recommendations of this Committee, duly approved by the Chief of Army Staff (COAS), are forwarded for consideration by the Central Honours and Awards Committee (CH&AC) of the Ministry of Defence.

The meeting of CH&AC of the Ministry of Defence is held under the Chairmanship of the Raksha Mantri and Chief of the Army Staff, Chief of the Naval Staff, Chief of the Air Staff, Defence Secretary are Members. The Home Secretary is also Member for MHA citations. The final recommendations of CH&AC of the Ministry of Defence are forwarded for approval of the Prime Minister and the President of India and promulgated after approval of the President is accorded."

10. On being asked by the Committee as to whether there were any instance(s) when the concerned Unit/Formation did not initiate the citation — highlighting the act of bravery of military personnel — and the military headquarters and/or the Ministry of Defence had to intervene, the Ministry, in a written reply, submitted:—

"As per available records, there is no evidence of any such instance(s) when the concerned Unit/Formation did not initiate the citation — highlighting the act of bravery of military personnel — and the Military Headquarters and/or the Ministry of Defence had to intervene."

11. Referring to the instant case, the Committee categorically enquired about the degree of valour/self-sacrifice of Major Mohan Singh during the 1965 operations on the Indo-Pak border while serving his Battalion, as per the available records with the Army. The Ministry, in a written reply, submitted:—

"Army HQ has informed that SL-633 Late Major Mohan Singh was commissioned in the Army on 17 August, 1962 and died on 14 September, 1965 due to wounds sustained in the action. His service and medical documents have already been weeded out after expiry of retention period. Only important details/information are in record in the Veteran Register."

12. The Committee, then, specifically enquired as to whether there has been any technical/procedural lapse of non-notifying the self-sacrifice of Major Mohan Singh on the grounds attributable to military service. In other words, whether his supreme sacrifice would have been come in the category of 'deserving military

personnel for their act of bravery' for conferment of Param Vir Chakra or any other Gallantry Award. The Ministry, in a written reply, submitted:—

"For conferment of gallantry awards, Army Headquarters (AHQ) considers the names of only those personnel of Indian Army which come to the AHQ through proper channel and are considered by AHQ Honours & Awards Committee. It would not be appropriate to comment on the suitability of an act for conferment of a Param Vir Chakra or other Gallantry Award, without it being considered by AHQ H & A Committee."

13. The Committee, thereafter, wanted to know about the basis on which the self-sacrifice of Major Mohan Singh on the grounds attributable to military service was accorded. In response thereto, the Ministry, in a written reply, submitted:—

"Vide ADG, MP&Plg Letter No. 12656/SL-0633/ROS/T-2/MP 5(b) dated 19 November, 2014, a certificate regarding date of birth of SL-0633 Capt. Mohan Singh (father of Brig. N B Singh), *i.e.*, 10.12.1919, date of grant of commission to him in the Army, *i.e.*, 17.8.1962 and date of his death, *i.e.*, 14.9.1965 due to wounds sustained in action was issued by IHQ of MoD (Army) on the basis of service records maintained in /IHQ of MoD (Army). It was also mentioned in the aforesaid certificate dated 19 November, 2014 that death of the Officer had been notified as Battle Casualty and conceded as attributable to Military Service."

14. On being asked about the reasons(s) specifically owing to which the Ministry of Defence now finds it 'not feasible' to process the case of Late Major Mohan Singh for conferring Param Vir Chakra or any other Gallantry Awards, posthumously, by relaxing the Rules/Guidelines/Policy on the subject, the Ministry, in a written reply, submitted:—

"There exists well prescribed system for awarding the deserving military personnel for their act of gallantry. Under this system, a citation highlighting the act of gallantry that merits recognition is required to be initiated by the concerned Unit/Formation and processed through prescribed staff channels. There is no provision for initiating the case for honours and awards directly.

Further, honours and awards are conferred within a specific period of two calendar years from the date of the act. Since the act mentioned in the Petition took place fifty years ago, the case cannot be considered at this stage."

15. The Committee further desired to know about the details of the benefits granted by the Government to the dependants of Major Mohan Singh before and after notifying the self-sacrifice of Major Mohan Singh on the grounds attributable to military service in November, 2014. The Ministry, in a written reply, submitted:—

"(i) As per policy in vogue, battle casualties are entitled to Children Education Concessions, Rail concessions, Air Travel concession and Telephone Concession. Children Education Concessions are aimed for the wards of Armed Forces personnel killed/missing or permanently

disabled in various ops for education up, to first degree course. This concession is released on application basis. As regards the remaining three concessions, the claims are on the basis of the entitlement card issued by the MP Directorate of Army HQ for the officers and concerned Record Offices of the soldiers.

- (ii) It is informed that AHQ has neither received/processed any claim for Children Education Allowance from the Petitioner nor does it possess the details of the other concessions granted to him.
- (iii) Further, AHQ has informed that service and medical documents of the officer have already been weeded out after expiry of retention period. His service particulars are only available in the Veteran Register. However, as per records, Smt. Kamlawati, wife of the deceased officer was granted Family Pension (Special)."

16. Summarizing the facts with regard to the Representation of Brigadier N. B. Singh (Retd.) forwarded by Shri Devendra Singh 'Bhole', M.P., Lok Sabha, regarding conferment of Param Vir Chakra to Late Major Mohan Singh, martyred in the Indo-Pak War of 1965 the Ministry, in a written reply, submitted:—

"Brig. N.B. Singh (Retd.) had *inter-alia* raised the issue of allotment of Oil Product Agency in his representation. With reference to this, it has been intimated to him that he is not eligible for the Oil Product Agency under the discretionary quota as he is not dependent on his father being a retired Brigadier and drawing pension. The discretionary quota scheme of Ministry of Petroleum & Natural Gas has been scrapped on 26th December, 2006. At present 8% reservation quota exists in the Combined Category 1(CC1) quota for allotment of Oil product Agencies. The eligible defence personnel for this quota are:

- (i) Widows/dependents of those members of Armed Forces who died in war or in harness due to attributable cause.
- (ii) Ex-Servicemen who are war disabled/disabled in peace due to attributable causes.
- (iii) Able bodied Ex-Servicemen

Brig. (Retd.) N.B. Singh has been requested by Directorate General Resettlement to intimate the dependents of the deceased ESM and if someone is found eligible, appropriate action for issue of Eligibility Certificate will be taken."

17. The Committee, thereafter, took oral evidence of the representatives of the Ministry of Defence on the issue, wherein, the Committee desired to know the reasons for denial of Award to Late Major Mohan Singh purportedly due to procedural issues. The representatives of the Ministry of Defence submitted:—

"Neither there was a procedural lapse nor any procedural inadequacy. In the instance, it could be presumed that the act of valour or martyrdom of Late Major Mohan Singh might not have been considered adequate enough to be considered for such a citation. There does not appear to be any lapse in the

relevant case in view of the fact that the release of pension to the family of Late Major Mohan Singh was based on his attaining martyrdom. Therefore, the procedure of recognising his sacrifice had started in 1965 itself."

18. Referring to the Ministry of Defence Office Memorandum dated 23 December, 2015 *vide* which the Ministry had furnished their comments on the instant Representation, the Committee drew the attention of the representative of the Ministry, wherein, it was stated that due to procedural issues, the fact that the death of Late Major Mohan Singh had occurred on the grounds attributable to military service could not be notified. However, the same had been accorded *vide* letter of the ADG (MP & Planning) dated 19 November, 2014. The Committee, then, enquired about the reasons for the same. The representatives of the Ministry submitted:—

- (i) The relevant reply *vide* the Ministry of Defence Office Memorandum dated 23 December, 2015 is the reiteration of the issue brought up in the representation and not the comments of the Ministry on the matter.
- (ii) The ADG's (MP & Planning) letter dated 19 November, 2014 in question, was issued when his son Brigadier N.B. Singh requested to the Adjutant General Branch for a certificate so that he could apply for a petrol pump dealership, as on an earlier occasion, his application for the same was not considered. The representatives clarified that, 2014 is not the year when his casualty was notified for the first time. In his pension order of 1966, it was clearly mentioned that he was wounded in war, so having been martyred in 1965 operations was notified in 1965 itself and accordingly his family pension was initiated in 1966.
- (iii) The notification of battle casualty attributable to Military Service is done by the Adjutant General's Branch, whereas, the procedures related to initiation of citation, honours and awards are looked after by the Military Secretary Branch. These two are completely separate and independent channels and are not inter-linked at any point of time.

19. On the aspect of allotment of petrol pump to the son of Late Major Mohan Singh, the representatives of the Ministry submitted:—

"Though his son Brigadier N.B. Singh (Retd.) had applied for the petrol pump in 2006, in which case, he was not found to be eligible for consideration. At that point of time, the widow or the dependent who was below 25 years of age and having a low income was to be considered for the allotment of the pump. In the instant case, his son, the applicant, was a pensioner, and hence did not qualify to come under the category of dependent. Therefore, his application was not considered. However, the widow could have applied.

The allotment of petrol pump was considered by the Ministry of Petroleum and Natural Gas. As per Discretionary Quota Scheme of Ministry of Petroleum and Natural Gas which was laid down in 2001, the dependents of Defence/Paramilitary/Police personnel, who are killed in action or persons permanently disabled while performing their duties and have not been suitably rehabilitated.



However, the said Scheme was withdrawn *vide* orders dated 26.12.2006, wherein it was stated that the Government of India has decided to disband the Scheme with immediate effect as all the eligible applicants falling under this category can also apply under the normal selection procedure. Subsequently, in 2014, 8% Reserve Quota for Defence Service and Paramilitary personnel was merged."

20. The Committee, thereafter, desired to know if justice could be provided to the martyr, Late Major Mohan Singh and his family. In response thereto, the representatives of the Ministry submitted before the Committee that the citation had to be initiated by the Unit concerned and the Government is at the eighth level of reporting/recommending for a citation.

21. The Committee, thereafter, desired the representatives of the Ministry to re-examine the instant case and find out if there had been any procedural lapses in terms of conferment of Award or rehabilitation of the family members of the martyr Major Mohan Singh.

22. Subsequently, the Ministry of Defence *vide* their O.M. No. 599/2016D(Cer) dated 27 February, 2017 submitted:—

"Consequent to the directions of the Committee during the hearing, further efforts to obtain additional inputs on the circumstances leading to martyrdom of Late Major Mohan Singh were made by Army Headquarters(AHQ). Inputs were sought and received from War History Division of Ministry of Defence, Directorate General Resettlement, HQ 191 Infantry Brigade and 6 Rajput Battalion. Based on inputs, the following facts of the case are submitted:—

- (i) Employment of 6 Rajput in 1965 Operations:—6 RAJPUT were employed in the Chhamb- Jaurian Sector of Jammu & Kashmir on ORBAT (Order of Battle) of 191 Infantry Brigade from 2 September to 13 September, 1965 and subsequently under HQ 28 Infantry Brigade with effect from 13 September to 18 October, 1965.
- (ii) Circumstances leading to Martyrdom of (Late) Major Mohan Singh:— As per the details received from the War History Division, on—14 September, 1965, Late Major Mohan Singh along with some troops were tasked to lay mines in the Battalion area of operations. While proceeding to do so, they were ambushed by enemy resulting in Late Major Mohan Singh and one Other Rank being martyred, while five Other Ranks sustained grievous injuries.
- (iii) Initiation of Citation:— No record exist of any citation having been initiated in respect The officer by 6 RAJPUT. As per details of war accounts of 6 RAJPUTS, a total of 19 soldiers of 6, RAJPUT were martyred in operations in general area, Akhnoor, during the 1965 operations. Both Commanding Officers of the unit during the operations have since expired. The unit war diary makes a mention of Late Major Mohan Singh, having been martyred during an ambush by the enemy.

However, there is no mention of any citation having been initiated in respect of the officer. As per available records, only one officer at the level of 2nd Lieutenant was awarded a Sena Medal for gallantry during these operations.

(iv) Benefits, Pension & Admissible Allowances:—

- (a) SI-633 Late Major Mohan Singh was commissioned in Indian Army on 17 August, 1962 and martyred on 14 September, 1965 due to wounds sustained in action. His service and medical documents and service particulars have been obtained from Veterans Register held with AGs Branch.
- (b) As per records, Smt. Kamlawati, wife of the deceased officer was granted Family Pensions (Special) *vide* PCDA(P) Allahabad PPO No. M/0426/7/1965."

23. On the aspect of granting other benefits to the dependent(s) of Late Major Mohan Singh, the Ministry, in a written reply, submitted:—

"Brig. N. B. Singh (Retd.) had claimed *vide* his application that a Retail Outlet was to be allotted to him in 2006 from discretionary quota scheme of Ministry of Petroleum & Natural Gas for allotment of RO dealership/SKO-LDO dealership/LPG dealerships (No records of this held with the Director General Resettlement).

However, as per Brig. N. B. Singh (Retd.), the said allotment could not fructify due to non availability of a certificate showing death of Maj. Mohan Singh attributable to military service. Further, a certificate showing the death of Major Mohan Singh attributable to military service was issued to Brig. N.B. Singh (Retd.), *vide* ADG MP (Policy & Planning) letter No. 12556/SL-0633/ROST/T-2 MP 5(b) dated 19 November, 2014 on his request."

24. Elaborating on the discretionary quota scheme of Ministry of Petroleum & Natural Gas for allotment of RO dealership/SKO-LDO dealership/LPG dealerships, the Ministry, in a written reply, submitted:—

"The discretionary quota scheme of Ministry of Petroleum & Natural Gas (MoP&NG) was instituted *vide* their letter No. P-19011/4/99-IOC dated 25 May, 2001 and was scrapped *vide* MoP&NG No. P-19015/1/2012-IOC dated 26 November, 2006.

At present 8% reservation quota exists in the Combined Category 1 (CC1) quota for allotment of Oil Product Agencies to eligible members/dependents of Armed Forces personnel. Allotment of outlets is done directly by the Oil Producing Companies, DGR only issues an eligibility certificate to following eligible personnel for this quota:—

- (a) Widows/dependents of those members of Armed Forces who dies in war or in harness due to attributable cause.

- (b) Ex-servicemen who are war disabled/disabled in peace due to attributable causes.
- (c) Able bodied Ex-servicemen.”

25. Giving clarifications on the aspect of allotment of RO dealership/SKO-LDO dealership/LPG dealerships to the dependent(s) of Late Major Mohan Singh, the Ministry, in their written reply, submitted:—

"Dependents of SL-0633 Major Mohan Singh are now eligible for eligibility certificate from Directorate General Resettlement. However, Brig. N.B. Singh (Retd.) having earned a regular pension does not qualify as a dependent of Major Mohan Singh.

Allotment of RO to dependents of SL-0633 Maj. Mohan Singh against discontinued discretionary quota scheme, at such belated stage, remains in the purview of Ministry of Petroleum & Natural Gas."

#### **Observations/Recommendations**

##### *Conferment of Param Vir Chakra on Late Major Mohan Singh*

**26. The Committee note from the submissions made by the Petitioner that his father, Late Major Mohan Singh was martyred during the Indo-Pak war of 1965, but his sacrifice was not attributed to 'death in action' by the Army at that point of time, thereby, depriving him of Gallantry Award and other facilities. The Petitioner has further submitted before the Committee that after almost 50 years, i.e., in the year 2014, the Army Headquarters had suddenly acknowledged his sacrifice and conceded his death as a 'Battle Field Casualty'. The Petitioner has, therefore, requested the Committee that the supreme sacrifice of his father be recognised and be suitably conferred on him the Param Vir Chakra accordingly.**

**27. The Committee were informed by the Ministry of Defence that post independence, three gallantry awards, namely, Param Vir Chakra, Maha Vir Chakra and Vir Chakra were instituted by the Government of India on 26 January, 1950, which were deemed effective from 15 August, 1947. Thereafter, three more Gallantry Awards, i.e., Ashoka Chakra Class-I, Class-II and Class-III were instituted by the Government of India on 4 January, 1952, which were also deemed effective from 15 August, 1947. Later on, these awards were renamed as Ashoka Chakra, Kirti Chakra and Shaurya Chakra respectively in January, 1967. Further, with a view to recognizing individual acts of exceptional courage of the Armed Forces personnel, Sena Medal (Army Medal), Nao Sena Medal (Navy Medal) and Vayu Sena Medal (Air Force Medal) were instituted on 26 January, 1960.**

**28. The Committee were also informed by the Ministry that there exists a well prescribed system for awarding deserving military personnel for their act of bravery, etc. Under this system, a citation highlighting the act of bravery that merit recognition is required to be initiated by the Unit/Formation concerned and processed through the prescribed staff channels. There is no provision of initiating the case for Honours and Awards directly.**

29. In the context of martyrdom of Late Major Mohan Singh, the Ministry of Defence, in its written submissions, submitted before the Committee that 6 Rajput were employed in the Chhamb-Jaurian Sector of Jammu & Kashmir on ORBAT (Order of Battle) of 191 Infantry Brigade from 2 September to 13 September, 1965 and subsequently under HQ 28 Infantry Brigade with effect from 13 September to 18 October, 1965. As per the details received from the War History Division, on 14 September, 1965 Late Major Mohan Singh along with some troops was tasked to lay mines in the Battalion area of operations. While proceeding to do so, they were ambushed by enemy resulting in Late Major Mohan Singh and one other Rank being martyred, while five other Ranks sustained grievous injuries. However, there exists no record of any citation having been initiated - in respect of the officer by RAJPUT. As per details of war accounts of 6 RAJPUTS, a total of 19 soldiers of 6 RAJPUT were martyred in operations in general area - Akhnoor - during the 1965 operations. Both Commanding Officers of the Unit during the operations have since expired. The Unit war diary makes a mention of Late Major Mohan Singh, having been martyred during an ambush by the enemy. However, there is no mention of any citation having been initiated in respect of the officer. As per available records, only one officer at the level of 2nd Lieutenant was awarded a Sena Medal for gallantry during these operations

30. As regards the reasons and the probable procedural lapse on the basis of which the self-sacrifice of Late Major Mohan Singh on the grounds attributable to Military Service was notified on 19 November, 2014, *i.e.*, after a lapse of more than 50 years, the Ministry of Defence explained that the ADG's (MP & Planning) letter dated 19 November, 2014 was issued when his son, namely, Brigadier N.B. Singh requested the Adjutant General Branch for a certificate so that he could apply for a Petrol Pump dealership, as on an earlier occasion, his application for the same was not considered. As a matter of fact, 2014 was not the year when casualty of Late Major Mohan Singh was notified for the first time. In his pension order of 1966, it was clearly mentioned that he was wounded in war, so having been martyred in 1965 operations and was notified in 1965 itself and accordingly his family pension was initiated in 1966. As such, neither there was a procedural lapse nor any procedural inadequacy and the act of valour or martyrdom of Late Major Mohan Singh might not have been considered adequate enough to be considered for such a citation. The Ministry of Defence also pointed out that since the service and medical documents of Late Major Mohan Singh have already been weeded out after the expiry of retention period and the act of his self-sacrifice pertains to the year 1965, which is more than 50 years old, it is not feasible to process it at this belated stage.

31. The Committee are not convinced with the contention of the Ministry of Defence that there was no procedural lapse or irregularity in notifying the self-sacrifice of Late Major Mohan Singh as a Battle Casualty attributable to Military Service - in view of the fact that the martyrdom of Late Major Mohan Singh occurred during the Indo-Pak war in the year 1965 and the same was recognized by the Army Headquarters only in November, 2014. The Ministry of Defence had also failed to produce any documentary evidence before the Committee which could prove that prior to November, 2014, any serious effort was made by the Army

Headquarters to notify the martyrdom of Late Major Mohan Singh as a Battle Casualty attributable to Military Service. It seems that the Ministry of Defence had erroneously made an attempt to club the two separate events, *i.e.*, mentioning of 'wounded in war and having been martyred' in the Pension Order of 1966 with the 'Battle Casualty attributable to Military Service' notified in November, 2014. These events prove that the entire selection process of conferment of Gallantry Awards to the military personnel was not transparent and the Selection Committee, at that time, acted in an arbitrary manner. There is no doubt that the selection process for conferment of Gallantry Awards needs to be made more rigorous and meticulous - in order to choose only those defence personnel who had exhibited exceptional valour during war, but at the same time, the whole exercise should be transparent and objective so that there is no scope for accusations from any quarters. The Committee, therefore, recommend that the Ministry of Defence should undertake a fresh exercise on the basis of available records/documents to determine as to whether there was any procedural lapse by the then Authorities concerned in recognizing the martyrdom of Late Major Mohan Singh during the Indo-Pak war as 'Battle Casualty attributable to Military Service' with effect from 1965. The Committee would also like to recommend that the Ministry of Defence should take immediate remedial measures to streamline the system of selection of defence personnel for the conferment of Gallantry Awards in order to obviate recurrence of such instances in future. The Committee would like to be apprised of the action taken by the Ministry of Defence in this regard.

*Allotment of Petrol Pump under the Discretionary Quota Scheme*

32. The Committee note from the submissions made by the Petitioner that since his father, namely, Major Mohan Singh martyred in the Indo-Pak war of 1965 and his self-sacrifice has now been notified as Battle Casualty and conceded as attributable to Military Service, the family/dependents of martyred soldier be suitably rehabilitated by way of allotment of Petrol Pump under the Discretionary Quota Scheme of the Ministry of Petroleum and Natural Gas.

33. The Committee were informed that as per the Discretionary Quota Scheme of the Ministry of Petroleum & Natural Gas for allotment of RO Dealership/SKO-LDO Dealership/LPG Dealership which was instituted *vide* Letter No. P-19011/4/99-IOC dated 25 May 2001, the dependents of Defence/Paramilitary/Police personnel, who were killed in action or persons permanently disabled while performing their duties and had not been suitably rehabilitated, were considered. However, the said Scheme was scrapped *vide* the Ministry of Petroleum and Natural gas Letter No. P-190151212004-IOC dated 26 December 2006, wherein it was stated that the Government of India had decided to disband the Scheme with immediate effect as all the eligible applicants falling under this category, can also apply under the normal selection procedure. Subsequently, in 2014, 8% Reserve Quota for Defence Service and Paramilitary personnel was also merged therein.

34. The Ministry has also informed that the Petitioner, namely, Shri N.B. Singh, being a retired Brigadier from the Indian Army and having earned a regular pension, does not qualify as a dependent of Late Major Mohan Singh and, therefore,

not eligible for allotment of Oil Product Agency under the Discretionary Quota Scheme of the Ministry of Petroleum and Natural Gas. Nonetheless, Brigadier (Retd.) N.B. Singh had been requested by the Directorate General (Resettlement) to intimate the dependents of the deceased ESM and if someone is found eligible for allotment of RO Dealership/SKO-LDO Dealership/LPG Dealership, appropriate action for issuance of 'Eligibility Certificate' would be taken by them. It has also been informed by the Ministry that allotment of RO to the dependents of Late Major Mohan Singh against the discontinued Discretionary Quota Scheme, at such as belated stage, remains under the purview of the Ministry of Petroleum and Natural Gas.

35. The Committee are satisfied with the submissions of the Ministry of Defence that they have no role to play in the matter of allotment of RO Dealership/SKO-LDO Dealership/LPG Dealership under the Discretionary Quota Scheme which has already been scrapped by the Ministry of Petroleum and Natural Gas except that the Directorate General (Resettlement) only issues the 'Eligibility Certificate' to the widows/dependents of those members of the Armed Forces who dies in war or in harness due to attributable causes, etc. The Committee feel that the Petitioner, namely, Brigadier (Retd.) N.B. Singh should intimate all the details of the dependents of Late Major Mohan Singh and fulfil all the requisite formalities as required under the Rules for issuance of 'Eligibility Certificate' by the Directorate General (Resettlement). The Committee, therefore, urge the Ministry of Defence to invite Brigadier (Retd.) N.B. Singh for having an unambiguous understanding all the formalities required for issuance of 'Eligibility Certificate' in accordance with law. Thereafter, the dependents of Late Major Mohan Singh has the liberty of apply for allotment of RO Dealership/SKO-LDO Dealership/LPG Dealership under the normal selection procedure of the Ministry of Petroleum and Natural Gas as and when advertisements to this effect are published by the Oil Marketing Companies. The Committee would like to be apprised of the action taken by the Ministry in this regard.

NEW DELHI;  
30 November, 2017  
9 Agrahayana, 1939 (Saka)

BHAGAT SINGH KOSHYARI,  
Chairperson,  
Committee on Petitions.

ANNEXURE

MINUTES OF THE TWENTY EIGHTH SITTING OF THE COMMITTEE ON  
PETITIONS  
(SIXTEENTH LOK SABHA)

The Committee on Petitions met on Monday, 3 October, 2016 from 1500 hrs. to 1600 hrs. in Committee Room 'B', Parliament House Annexe, New Delhi.

PRESENT

Shri Jitendra Chaudhury—*In the chair*

MEMBERS

2. Shri Ram Tahal Choudhary
3. Shri Om Birla
4. Shri Chhedi Paswan
5. Shri Kamlesh Paswan

SECRETARIAT

- |                           |   |                             |
|---------------------------|---|-----------------------------|
| 1. Shri K. Vijayakrishnan | — | <i>Additional Secretary</i> |
| 2. Shri Shiv Kumar        | — | <i>Joint Secretary</i>      |
| 3. Shri A.K. Srivastava   | — | <i>Director</i>             |
| 4. Shri Raju Srivastava   | — | <i>Additional Director</i>  |

WITNESSES

**Ministry of Defence**

- |                             |   |                        |
|-----------------------------|---|------------------------|
| 1. Shri J.R.K.Rao           | — | Addl. Secretary (J)    |
| 2. Lt. Gen. Amarjeet Singh  | — | Military Secretary     |
| 3. Lt. Gen. J.S. Negi       | — | Addl. MS (B)           |
| 4. Shri Bharat Khera        | — | JS (Air) & Ceremonials |
| 5. Maj. Gen. Jagatbir Singh | — | DG (Resettlement)      |
| 6. R. Adm. Kishan K. Pandey | — | ACPS                   |
| 7. AVM V.R. Chaudhari       | — | ACAS (PO)              |

2. At the outset, in the absence of Chairperson, Committee on Petitions, the Committee, under Rule 258(3) of the Rules of Procedure and Conduct of Business in Lok Sabha, chose Shri Jitendra Chaudhury to act as the Chairperson for the sitting. Thereafter, the Chairperson welcomed the Members and the representatives of the Ministry of Defence to the sitting of the Committee and read out Direction 55(1) of



the Directions by the Speaker, Lok Sabha, regarding confidentiality of the proceedings.

3. Thereafter, the Committee took oral evidence of the representatives of the Ministry of Defence on the representation of Brig. N. B. Singh (Retd.) forwarded by Shri Devendra (alias) Bhole Singh, M.P., Lok Sabha, regarding conferment of Param Vir Chakra to Late Major Mohan Singh who was martyred in the 1965 Indo-Pak War. On being enquired by the Committee as to whether the Martyr was denied the Award due to procedural issues, the witnesses put forth the factual position as following :—

- (i) Param Vir Chakra is the highest gallantry award a soldier can get. As per records, in the 1965 Indo-Pak war, out of 3,331 who were martyred, only two soldiers were awarded Param Vir Chakra.
- (ii) Explaining the broad procedure for conferment of an Award, the representatives of the Ministry elaborately submitted the various levels of reporting for conferment of award from the level of the Unit concerned to the next higher level, which was Brigade Headquarter level in the instant case, and then to the Regional Headquarter, which is the next chain of command, where again the requisite scrutiny takes place. Then, all citations come up to the level of Corps Headquarter.

Eventually, they are compiled at the level of Command Headquarter and are sent to the Army Headquarters. Further, at the Army Headquarters, the Awards Committee makes a commendation to the Ministry of Defence where exists a Central Honours and Awards Committee under the Hon'ble Raksha Mantri which finalizes the list, which is thereafter sent for approval to the Hon'ble Prime Minister and subsequently to the Hon'ble President.

- (iii) Neither there was a procedural lapse nor any procedural inadequacy. In the instance, it could be presumed that the act of valour or martyrdom of Late Major Mohan Singh might not have been considered adequate enough be considered for such a citation. There does not appear to be any lapse in the relevant case in view of the fact that the release of pension to the family of Late Major Mohan Singh was based on his attaining martyrdom. Therefore, the procedure of recognising his sacrifice had started in 1965 itself.

4. Referring to the Ministry of Defence Office Memorandum of even number dated 23 December, 2015, the Committee drew the attention of the representative of the Ministry, wherein it was stated that due to procedural issues, the fact that the death of Late Major Mohan Singh had occurred on the grounds attributable to military service could not be notified. However, the same had been accorded *vide* letter of the ADG (MP & Planning) dated 19 November, 2014. The Committee



enquired about the reasons for the same. The representatives clarified this pertinent query of the Committee giving their explanations as following :—

- (i) The relevant reply *vide* the Ministry of Defence Office Memorandum dated 23 December, 2015 is the reiteration of the issue brought up in the representation and not the comments of the Ministry on the matter.
- (ii) The ADG's (MP & Planning) letter dated 19 November, 2014 in question, was issued when his son Brigadier N.B. Singh requested to the Adjutant General Branch for a certificate so that he could apply for a petrol pump dealership, as on an earlier occasion, his application for the same was not considered. The representatives clarified that, 2014 is not the year when his casualty was notified for the first time. In his pension order of 1966, it was clearly mentioned that he was wounded in war, so having been martyred in 1965 operations was notified in 1965 itself and accordingly his family pension was initiated in 1966.
- (iii) The notification of battle casualty attributable to Military Service is done by the Adjutant General's Branch, whereas the procedures related to initiation of citation, honours and awards are looked after by the Military Secretary Branch.

These two are completely separate and independent channels and are not inter-linked at any point of time.

5. However, about the allotment of petrol pump to the son of Late Major Mohan Singh, the representatives of the Ministry stated that, though his son Brigadier N.B. Singh (Retd.) had applied for the petrol pump in 2006, in which case, he was not found to be eligible for consideration. At that point of time, the widow or the dependent who was below 25 years of age and having a low income was to be considered for the allotment of the pump. In the instant case, his son, the applicant, was a pensioner, and hence did not qualify to come under the category of dependent. Therefore, his application was not considered. The representatives further informed the Committee that the allotment of petrol pump was, however, considered by the Ministry of Petroleum and Natural Gas. The representatives of the Ministry further informed the Committee that the Discretionary Quota Scheme of Ministry of Petroleum and Natural Gas for the allotment of dealership of petroleum products had been scrapped in 2006.

6. The Committee, then, desired to know if justice can be provided to the martyr and his family at this point in time. To this the representatives of the Ministry submitted that the citation had to be initiated by the Unit concerned and the Government is at the eighth level of reporting/recommending for a citation.

7. The Committee, thereafter, directed the representatives of the Ministry to re-examine the instant case and find out if there had been any procedural lapses in terms of conferment of Award or rehabilitation of the family members of the martyr Major Mohan Singh. The representatives assured the Committee of a prompt and

appropriate action in this regard taking into consideration all the possible details relating to the instant case and also assured of re-examining the lapses as pointed out by the Committee.

*The witnesses then withdrew*

8. A copy of the verbatim record of the proceedings of the sitting of the Committee has been kept.

*The Committee, then, adjourned.*

MINUTES OF THE FORTY-FIFTH SITTING OF THE COMMITTEE ON  
PETITIONS  
(SIXTEENTH LOK SABHA)

The Committee met on Thursday, 30 November, 2017 from 1230 hrs. to 1415 hrs. in Committee Room 'B', Parliament House Annexe, New Delhi.

PRESENT

Shri Bhagat Singh Koshyari—*Chairperson*

## MEMBERS

2. Shri Om Birla
3. Dr. K. Gopal
4. Shri C. P. Joshi
5. Shri Arjun Charan Sethi
6. Shri Kodikunnil Suresh
7. Shri Dinesh Trivedi
8. Shri Rajan Vichare

## SECRETARIAT

- |                         |   |                            |
|-------------------------|---|----------------------------|
| 1. Shri Shiv Kumar      | — | <i>Joint Secretary</i>     |
| 2. Shri Raju Srivastava | — | <i>Additional Director</i> |
| 3. Shri G. C. Dobhal    | — | <i>Deputy Secretary</i>    |

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2. At the outset, the Hon'ble Chairperson welcomed the Members to the sitting of the Committee.

3.\*\*\*

4.\*\*\*

5 \*\*\*

6. The Committee, then, took up for consideration of the following Draft Action Taken Reports :—

- (i) Report on the Representation received from Brig. N.B. Singh (Retd.) forwarded by Shri Devendra Singh 'Bhole', M.P., Lok Sabha, regarding

conferment of Param Vir Chakra on Late Major Mohan Singh martyred in 1965 Indo-Pak War; and

(ii)\*\*\* \*\*\*

7. After discussing the Draft Action Taken Reports in detail, the Committee adopted the same without any modification(s). The Committee also authorized the Chairperson to finalize the Draft Action Taken Reports and present the same to the House in the ensuing Session.

8.\*\*\* \*\*\*

*The Committee, then, adjourned.*

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\*\*\* Not relevant.

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