

# COMMITTEE ON PETITIONS

**SIXTH REPORT**  
(SECOND LOK SABHA)

(Presented on the 8th May, 1959)



सत्यमेव जयते

**LOK SABHA SECRETARIAT**

**NEW DELHI**

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## CONTENTS

	PAGES
1. Personnel of the Committee on Petitions . . . . .	(iii)
2. Report . . . . .	1-7
3. Appendices I to XII . . . . .	8-40

## PERSONNEL OF THE COMMITTEE ON PETITIONS

1. Shri Upendranath Barman—*Chairman*.
2. Pandit Jwala Prasad Jyotishi.
3. Shrimati Uma Nehru.
4. Pandit Dwarka Nath Tiwary.
5. Shrimati Sucheta Kripalani.
6. Shri M. K. M. Abdul Salam.
7. Shri Jiyalal Mandal.
8. Shri K. G. Wodeyar.
9. Shri Nanubhai Nichhabhai Patel.
10. Shri Pendekanti Venkatasubbaiah.
11. Chaudhary Pratap Singh Daulta.
12. Shri D. R. Chavan.
13. Shri Nath Pai.
14. Shri Ram Chandra Majhi.
15. Shri Arjun Singh Bhadauria.

### SECRETARIAT

- Shri S. L. Shaktiher—*Joint Secretary*.  
Shri Avtar Singh Rikhy—*Deputy Secretary*.  
Shri A. L. Rai—*Under Secretary*.

## REPORT

I, the Chairman of the Committee on Petitions, having been authorised by the Committee to present the Report on their behalf, present this their Sixth Report.

2. The Committee at their sittings held on the 7th September and 19th November, 1957; 27th August, 9th and 15th December, 1958; 17th and 24th February, 16th and 30th March, 8th, 16th and 30th April and 4th May, 1959, considered the following petitions:

(i) Petition from Shri C. Kesaviah Naidu, Chittoor District, Andhra State, regarding amendment of the Indian Post Office Savings Bank Rules (Petition No. 11-Appendix-I);

(ii) Petition from Shri Haladhar Sarker and 2,652 other displaced persons in Tripura, regarding realisation of loans from them (Petition No. 19-Appendix-II);

(iii) Petition from Shri Parmeshwar Das Jain, Advocate, Delhi, regarding the Delhi Rent Control Bill, 1958, as reported by the Joint Committee (Petition No. 20-Appendix-III);

(iv) Petition from Shri C. Kesaviah Naidu, Chittoor District, Andhra State, regarding The Indian Electricity (Amendment) Bill, 1958, as reported by the Joint Committee (Petition No. 22-Appendix-IV);

(v) Petition from Shri L. Manickam, Secretary, North Arcot District Pinto (Wooden) Chekku Owners' Association, Vellore, Madras State, regarding excise duty proposed to be levied on oil produced by Pinto (Wooden) Chekkus (Petition No. 23-Appendix-V);

(vi) Petition from Shri Nand Kishore Agrawal, Kaimganj, U.P., regarding the withdrawal of exemption from the levy of excise duty on vegetable non-essential oils, proposed by the Minister of Finance in his Budget Speech (Petition No. 24-Appendix-VI);

(vii) Petition from Shri Chandra Prakash Agrawal, Kaimganj, U.P., regarding the withdrawal of exemption from the levy of excise duty on vegetable non-essential oils, proposed by the Minister of Finance in his Budget Speech (Petition No. 25-Appendix-VII);

(viii) Petition from Shri Chandra Prakash Agrawal, Kaimganj, U.P., regarding levy on excise duty on other than flue-cured tobacco, proposed in The Finance Bill, 1959 (Petition No. 26-Appendix-VIII);

(ix) Petition from Shri P. V. Doraiswamy Chettiar, President, Kancheepuram Oil Merchants' Association, Chingleput District, Madras State, regarding excise duty on oil produced by Pinto (Wooden) Chekkus (Petition No. 27-Appendix-IX);

(x) Petition from Shri Bansidhar Goyal, Secretary, Lagu Tell Utpadak Samiti, Parao, Ajmer, regarding the withdrawal of exemption from the levy of excise duty on vegetable non-essential oils (Petition No. 28-Appendix-X); and

(xi) Petition from Shri C. Rajagopalachari, Madras, and 18 others regarding the Report of the Committee of Parliament on Official Language, 1958 (Petition No. 29-Appendix-XI).

3. The Committee considered on the 7th September and 19th November, 1957; 27th August, 1958 and 24th February, 1959, Petition No. 11 (Appendix I) which had been presented to Lok Sabha by Shri V. Rami Reddy, M.P., on the 5th September, 1957.

The petitioner had suggested:

- (i) amendment of the Indian Post Office Savings Bank Rules so that a depositor could nominate a person to whom the deposit amount could be paid in the event of his death; and
- (ii) making a similar provision in the case of 10-year loan bonds issued by the State and Central Governments.

The Committee also perused the comments of the Ministries of Transport and Communications (Director-General, Posts & Telegraphs) and of Finance on the petition.

The Director-General, Posts & Telegraphs, in his note had stated that the Small Savings Board on the 10th October, 1957, had decided to recommend to Government for acceptance, the system of nomination in Post Office Savings Accounts on the analogy of the principle laid down in Sections 38 and 39 of the Insurance Act, 1938. He had added that the Ministry of Finance had been requested to take up the question of amendment of the Government Savings Bank Act.

The Ministry of Finance in their note had stated that:

(i) The Cabinet had approved the proposal for introduction of the facility of nomination to (a) depositors in Post Office Savings Bank, and (b) holders of National Plan Certificates, Treasury Savings Certificates and Annuity Certificates and that necessary amending Bill would be introduced in the current (Seventh) Session in Parliament.

(ii) The Government of India, in consultation with the Reserve Bank, had decided not to extend the proposed facility to Government Securities either in the form of promissory notes (which were transferable by endorsement and delivery) or to stock certificates (which were transferable by execution of transfer deed). The reasons for this decision were administrative difficulties and that the cost of the undertaking would be disproportionate to the amount of additional savings which it might help to attract.

The Committee also noted that the Government's intention to introduce during the current (Seventh) Session two Bills, *i.e.*, to amend the Government Savings Bank Act and the Public Debts Act, had been notified (*vide* Bulletin Part II, dated the 9th February, 1959).

Since the petitioner's main object had been achieved, the Committee feel that no further action on the petition is called for.

4. The Committee considered on the 9th December, 1958 and the 24th February, 1959 Petition No. 19 (Appendix II), which had been presented to Lok Sabha by Shri Dasaratha Deb, M.P., on the 4th December, 1958.

The petitioners, who had migrated from East Pakistan to Tripura and were registered displaced persons, had stated that loans of various categories had been granted to them by the Relief and Rehabilitation Department, Tripura.

As the petitioners had not yet been economically rehabilitated in the Tripura State, which was undergoing an acute food crisis due to food shortage, they had prayed that:—

- (i) the issue of certificates by the Relief and Rehabilitation Department for realisation of loans from them might be immediately stopped;
- (ii) the certificates already issued to some of them might be kept pending till their economic rehabilitation; and
- (iii) in deserving cases the loans might be remitted by the Government.

The Committee perused the comments of the Ministry of Rehabilitation on the Petition and noted that notices were served on the displaced loanees when payment of loan instalment became due. If, in response to such notices, the loanees represented their inability to pay the amount that had fallen due on account of hardship, they were asked to pay some token amount according to their capacity. If they did so, time was extended for repayment and certificate cases were not filed in the Court. If the displaced loanees did not turn up after the service of such notices, certificate cases were filed in the Court to save the loan amount from being barred by limitation but no active measures to execute the certificates were taken in cases where it was felt that such measures would cause real hardship.

The Committee also perused the following statistics furnished by the Ministry to show the lenient manner in which the policy had been followed to obviate real hardship to the loanees:—

1. No. of Demand Notices  
issued.

77,940

2. No. of certificate cases filed.	12,500
3. Amount due for recovery.	Rs. 1,59,46,566 -
4. Amount recovered.	Rs. 10,26,971 -

The Committee feel that, in view of the position explained by the Ministry, no action is necessary on the petition.

5. The Committee considered on the 15th December, 1958 Petition No. 20 (Appendix III) which had been reported to Lok Sabha by the Secretary on the 15th December, 1958.

The Petitioner had suggested certain amendments to The Delhi Rent Control Bill, 1958 including changes in the short and long titles of the Bill and insertion of new clauses.

As the Bill was under discussion in the House, the Committee directed that the Petition might be circulated *in extenso* to all the Members of Lok Sabha, under rule 307 of the Rules of Procedure.

The Petition was accordingly circulated on the 15th December, 1958.

6. The Committee considered on the 17th February, 1959, Petition No. 22 (Appendix IV) which had been reported to Lok Sabha by the Secretary on the 16th February, 1959.

The Petitioner had suggested amendment of the Indian Electricity (Amendment) Bill, 1958, as reported by the Joint Committee, so that—

- (i) under clause V of the Schedule to The Indian Electricity Act, the minimum number of persons entitled to require the licensee to extend his mains to the locality where such persons resided might be further reduced from 2 to 1 [*vide* clause 40(d) (i) of the Bill]; and
- (ii) for the words 'license' or 'licensee' wherever they occurred in the Bill, the words 'licence' or 'licencee' respectively might be substituted.

As the Bill was pending before the House, the Committee directed that the Petition might be circulated *in extenso* to all the Members of Lok Sabha under rule 307.

The Petition was accordingly circulated on the 17th February, 1959.

7. The Committee considered on the 8th April, 1959 Petition No. 23 (Appendix V) which had been presented to Lok Sabha by Shri N. R. M. Swamy, M.P., on the 4th April, 1959.

The Petitioner had referred to the proposed levy of excise duty @ 70 per ton on oil produced by Pinto (Wooden) Chekkus and had prayed that:

- (i) one Pinto (Wooden) Chekku might be exempted from the excise duty; and
- (ii) if this be not possible, a compound levy of Rs. 10 to Rs. 12.50 per Chekku per month might be levied as in the case of silk power looms.

The Committee perused in this connection paragraph 58 of the Budget Speech of Finance Minister in Lok Sabha on the 28th February, 1959, in which he had proposed withdrawal of exemption from levy of excise duty on vegetable non-essential oils produced by all power driven units.

The Committee also noted that the Demands for Grants for the Ministry of Finance were to be taken up for discussion in Lok Sabha on the 16th April, 1959.

As the Petition related to a matter connected with the Business pending before the House, the Committee directed that the petition might be circulated *in extenso* to all the Members of Lok Sabha under rule 307.

The petition was accordingly circulated on the 8th April, 1959.

8. The Committee also considered on the 8th April, 1959 Petitions Nos. 24 and 25 (Appendices V and VI) which had been presented to Lok Sabha by Shri D. R. Chavan, M.P., on the 6th April, 1959.

In Petition No. 24, the Petitioner, Shri Nand Kishore Agrawal, had desired that, just as small-scale products like handloom cloth, soap, foot-wear, and rayon were exempted from excise duties and for matches there were different grades of duties varying according to the size of the factory with the lowest rates for cottage factories, small oil units might also be granted protection, since—

- (a) these oil producers incurred higher cost of production;
- (b) it was desirable that production be increased by labour-intensive methods; and
- (c) it was an administrative problem to keep a check on production of scattered small-scale industries.

He had also stated that, since the position of small oil units was analogous to power looms (which were exempt to the extent of four looms), baby oil expellers or oil *Ghunnies* to the extent of two at least, might be exempted from excise duty.

In Petition No. 25, Shri Chandra Prakash Agrawal, while repeating arguments similar to those contained in Petition No. 24, had stated that:

- (i) in a Welfare State, there ought to be no unjust levy of **duty; and**



- (ii) Government ought not to be guided by the views of major industrialists, who favoured withdrawal of the exemption.

He had also requested continuance of exemption from excise duty of all small oil units.

As in the case of Petition No. 23, the Committee directed that Petitions Nos. 24 and 25 might also be circulated *in extenso* to all the Members of Lok Sabha under rule 307.

The two Petitions were accordingly circulated on the 8th April, 1959.

9. The Committee also considered on the 8th April, 1959 Petition No. 26 (Appendix VII) which had been presented to Lok Sabha by Shri D. R. Chavan, M.P., on the 6th April, 1959.

The Petitioner, while welcoming the changes in tobacco tariff proposed to be made *vide* clause 30 of the Finance Bill, 1959, had contended that the criterion of 'size' was not a real and valid criterion and had prayed for its deletion from the tariff. He had also submitted that the 'explanation' to clause 30 of the Bill delegated legislative power to Government which ought not to be given to them.

As the Finance Bill, 1959, was pending before the House, the Committee directed that this Petition might also be circulated *in extenso* to all the Members of Lok Sabha under rule 307.

The Petition was accordingly circulated on the 8th April, 1959.

10. The Committee considered on the 16th April, 1959 Petition No. 27 (Appendix IX) which had been presented to Lok Sabha by Shri Ram Chandra Majhi, M.P., on the 15th April, 1959.

The Petitioner had referred to the proposed excise duty on oil produced by Pinto (Wooden) Chekkus and had prayed that a compounded levy of Rs. 10 to Rs. 12.50 per Pinto (Wooden) Chekku per month might be levied on the same principle that we followed in the case of silk fabric power-looms.

The Committee noted in this connection that the Demands for Grants for the Ministry of Finance were being taken up for discussion in Lok Sabha on the 16th April, 1959.

The Committee also noted that the petitioner had put forward the same arguments as were contained in Petition No. 23 which had been considered by the Committee at their sitting held on the 8th April, 1959 and which had been circulated to all the Members of the Lok Sabha under rule 307 on the same day. (*vide* paragraph 7 above)

The Committee directed that Petition No. 27 might also be circulated *in extenso* to all the Members of the Lok Sabha under rule 307.

The Petition was accordingly circulated on the 16th April, 1959.

11. The Committee also considered on the 16th April, 1959 Petition No. 28 (Appendix X) which had been presented to Lok Sabha by Shri Ram Chandra Majhi, M.P., on the 15th April, 1959.

The Petitioner had prayed that the excise duty on vegetable non-essential oils produced by small factories might not be levied and had compared oil production with the production of cloth. He had stated that there were:

- (a) big factories producing oil in thousands of maunds, who spent hardly 8 annas per maund;
- (b) small oil producing factories, whose owners incurred high cost of production with low production; and
- (c) a class of oil producers who produced it by means of bullocks, just as khadi was produced in villages.

The problem of levy of excise duty on oil might be solved in the same way as had been done in the case of levy of excise duty on cloth.

As in the case of Petition No. 27, the Committee directed that Petition No. 28 might also be circulated *in extenso* to all the Members of the Lok Sabha, under rule 307.

The Petition was accordingly circulated on the 16th April, 1959.

12. The Committee considered on the 30th April, 1959, Petition No. 29 (Appendix XI), which had been presented to Lok Sabha by Dr. P. Subbarayan, M.P., on the 29th April, 1959.

The Petitioners had put forth several arguments for continuance of English as the Official Language of India.

As the Report of the Committee of Parliament on Official Language, 1958, was pending before the House, the Committee directed that the Petition might be circulated *in extenso* to all the Members of Lok Sabha under rule 307.

The Petition was accordingly circulated on the 30th April, 1959.

13. At their sitting held on the 24th February, 1959, the Committee also noted that, in implementation of the recommendations contained in paragraph 3 of their Fifth Report, Second Lok Sabha, the Ministry of Home Affairs had addressed all the State Governments on the 7th January, 1959 (Appendix XII) requesting them to give wide publicity to the facility of remittances by the public of licence fees under The Indian Arms Act, to the treasuries by money orders postal orders.

14. The Committee also considered at their sittings held during the Seventh Session of Lok Sabha, 225 representations, letters and telegrams addressed by various individuals, associations etc., to the House, the Speaker or the Chairman of the Committee, which were inadmissible as petitions.

UPENDRANATH BARMAN,  
Chairman,  
Committee on Petitions.

NEW DELHI;  
the 8th May 1959.  
Vaisakha 18, 1881 (Saka).

## APPENDIX I

### *Petition No. 11*

(See para 3 of Report)

To,

Lok Sabha,  
New Delhi.

The humble petition of Shri C. Kesaviah Naidu, Chittoor District, Andhra Pradesh, Sheweth:

The following news, which appears under the caption "Postal Life Assurance", is self-explanatory:—

"The Government of India have extended the provisions of Section 39 of the Insurance Act, 1938 to postal life insurance policies, thereby making it possible for the holder of a postal life insurance policy to nominate a person to whom the sum assured may be paid in the event of his death. Hitherto, holders of postal life insurance policies did not have this facility and the heirs of the policy-holders were required to obtain a legal title to the claim.

2. Whenever a Savings Bank deposit holder dies, there is endless litigation in the courts by the joint family members and others. During that time, friends and relatives become foes, their enmity continues and spreads over several other unnecessary litigations. In certain cases, the amount spent by the heirs of the deposit holder to obtain a legal title to the claim is more than the amount due to the party. Some are not claiming the same for want of proper guidance and/or due to heavy expenditure and mental strain involved in making several others appear before the officials to testify about (a) the death of the deposit holder; and (b) others saying that they do not have the claim over the deposit amount and so on.

3. In order to overcome all these difficulties, the provisions of Section 39 of the Insurance Act, 1938 may be extended to the Savings Bank deposit holder to enable him to nominate a successor to whom the deposit amount may be paid in the event of the farmer's death.

4. In the case of loans raised by the Central or State Governments by issue of 10 year loan bonds issued to individuals, a provision may

be made to nominate a person to whom the amount may be paid in the event of his death as death occurs without notice.

and accordingly your petitioner prays:

(a) that the Post Office Savings Bank Rules may be amended suitably to enable the Savings Bank deposit-holders to nominate a person to whom the amount may be paid in the event of the former's death; and

(b) that similar provisions may be made in regard to loan-bonds issued by the State and Central Governments.

and your petitioner as in duty bound will ever pray

Name of Petitioner	Full Address	Signature and date
Shri C. Kesaviah Naidu	Member, District Planning and Development Committee, Bheemavaram Chandragiri Post, Chittoor District, Andhra Pradesh.	Sd/- C. Kesaviah Naidu 1-8-57

Countersigned by Shri V. Rami Reddy, M.P.,  
(Div. No. 154).

## APPENDIX II

Petition No. 19

(See para 4 of Report)

To,

Lok Sabha,  
New Delhi.

The humble petition of Shri Haladhar Sarker, and 2,652 other residents of Tripura State,

Sheweth:

The petitioners are *bona fide* registered displaced persons who have migrated from East Pakistan to Tripura.

2. Uptil now loans of various categories have been given to them by Relief and Rehabilitation Department, Tripura, for their relief and rehabilitation.

3. At present certificates are being issued in many cases for the realisation of the loans given to the displaced persons and the properties mortgaged are going to be attached and sold for such realisation.

4. The displaced persons have not yet been economically rehabilitated in Tripura. Further, Tripura is going through an acute food crisis due to shortage of food stuff, and this factor has also aggravated the miseries of the displaced persons.

5. Issuing of certificate for the realisation of loans given to the displaced persons under such circumstances is going to displace them again in Tripura, where Government have been spending so much money for their rehabilitation,

and accordingly your petitioners pray that:

(a) the issuing of certificates in the names of displaced persons for the realisation of loan may be immediately stopped;

(b) the certificates that have already been issued might be stayed pending the economic rehabilitation of the displaced persons; and

(c) in deserving cases the loans might be remitted.

and your petitioners as in duty bound will ever pray.

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Name of first signatory	Full Address	Signature
Haladhar Sarker	Dandania Colony, P.O. Gandhi-gram, Tripura State.	Sd/- Haladhar Sarker.

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Countersigned by Dasaratha Deb, M.P.,  
Div. No. 525.  
25-11-58.

## APPENDIX III

Petition No. 20

(See para 5 of Report)

To,

Lok Sabha,  
New Delhi.

The humble petition of Shri Parmeshwar Das Jain, Advocate, Delhi.

Sheweth,

The more appropriate title of the Delhi Rent Control Bill, 1958, will be "The Delhi Premises Rent control and Eviction Bill, 1958" rather than as stated.

2. The long title needs redrafting so to bring within the scope of the Bill the power of the Controller to decide matters connected with the control of rents of premises and evictions. Where, under the provisions of the Bill, the differences are settled by an arbitrator and subsequently the decision of the arbitrator is violated by either party by initiating proceedings under the Bill before the Controller, the petitioner feels that it will not be within the competence of the Controller to base his decision on the matter moved before him after taking into consideration the question whether in fact there was an arbitration on the disputed point between the parties.

The Bill only provides "for the control of rents and eviction" etc. and not for certain matters connected therewith. It will, therefore, be in order to re-cast the whole long title in the following words to avoid any anomaly that may arise after the Bill becomes an Act and comes into force:

"A bill to provide for the control of premises rents and evictions, rates of hotels and lodging houses, for the lease of vacant premises to Government, in certain areas in the Union territory of Delhi, and for certain matters connected therewith."

If this suggestion is accepted it will help not only in the quick disposal of such cases but also eliminate duplicate work in two different courts on the matter directly or indirectly connected together.

3. In clause 1(I) of the Bill, the words "The Delhi Premises Rent Control and Eviction Act, 1958" be substituted for the words "The Delhi Rent Control Act, 1958" in view of the suggestion made in para 1 of this petition.

4. Clauses 2(a) to 2(i) are not in sequence and in proper order and, therefore, clauses 2(e), 2(f), 2(g), 2(h), 2(i), 2(j), 2(k) and 2(l) may be renumbered as clauses 2(h), 2(j), 2(e), 2(f), 2(g), 2(l), 2(k) and 2(i) respectively.

5. In clause 2(e) the definition of "landlord" is unnecessarily lengthy. It may be substituted by the following:

"(e) 'landlord' includes any person who is receiving or is entitled to receive the rent of any premises whether on his own account or on behalf of another or on behalf of himself and others;"

6. After clause 2(l) the following clause 2(m) relating to the definition of "rent" be inserted and thereafter clause 2(m) be renumbered as clause 2(n).

"(m) 'rent' in relation to any premises means any money or anything of value to be paid periodically by a tenant to a landlord as consideration for the transfer to him of a right to enjoy such premises, but does not include any tax in respect of such premises payable to a total authority";

7. Clause 3 provides that the Bill will not apply to certain premises belonging to or acquired by the Government. There is no reason why there should be distinction between the Government and an ordinary landlord. The provision made in this clause is not in consonance with the main idea of the Bill as the Government are stated to be the largest house owner in Delhi Union territory. It will, therefore, be in the fitness of things if the Bill is made applicable also to premises belonging to the Government or to any tenancy created by a grant from the Government in respect of certain premises. If it is not possible for the Lok Sabha to consider this suggestion the petitioner would submit that in the alternative at least the Bill may be made applicable to all those premises which will be acquired by the Government upto the 31st December, 1958. Consequently the petitioner proposes the following amendments:

*Either* clause 3 may be omitted; or the words after 31st December, 1958" may be added at the end of the marginal note and in between the words "Act" and "shall" in clause 3.

8. Just to give relief to the low income group all houses the monthly rent of which is rupees twenty or less should be exempted from the operation of the provisions of this Bill by the additional of the following clause 3A of the Bill:

"3A. *Exemption.*—Notwithstanding anything contained in this Act, all houses the monthly rent of which is rupees twenty or less shall be exempt from the operation of the provisions of this Act."



9. Clause 9(7) lays down that "in fixing the standard rent of any premises under this Section, the Controller shall specify a date from which the standard rent so fixed shall be deemed to have effect: Provided that in no case the date so specified shall be earlier than one year prior to the date of the filing of the application for fixation of the standard rent." The restriction of the period of one year in the Proviso to this clause is not reasonable and in consonance with the right given to the landlord or tenant to file an application under clause 12 to the Controller for fixing the standard rent of the premises within two years from a certain date. Accordingly the petitioner suggests the substitution of the words "two years" for the words "one year" in the Proviso to clause 9(7).

10. In the Explanation to Clause 14(1) (e) which is one of the grounds for evicting a tenant the ambiguous word "incidentally" is used for explaining the words "premises let for residential purposes". This word may be substituted by the words "seldom or by the way" to give clear intention of the Explanation.

11. Clause 14(1) (f) another ground for evicting a tenant lays down that the Controller may make an order for the recovery of possession of the premises if they have become unsafe or unfit for human habitation and are required *bona fide* by the landlord for carrying out the repairs which cannot be carried out without the premises being vacated. The words "unsafe and unfit" used in this clause are wide enough to embrace any desired meaning of the landlord. Therefore in order to avert any controversy that may arise due to the use of these words, the petitioner suggests substitution by the words "absolutely unsafe and unfit" in their place to prevent the likely abuse of the provisions of this clause.

12. Clause 14(1) (h) provides that a tenant can be evicted if he has built, acquired vacant possession of or been allotted, a residence. The words used in this clause are not free from defects. The petitioner, therefore, suggests that the words "a residence" be substituted by the words "a residence in the same city".

13. Clause 14(1)(j) provides for eviction of a tenant if he has caused or permitted to be caused substantial damage to the premises. The words "substantial damage" seem to be flexible. It is difficult to weigh their meaning accurately and grasp the extent of their range. The petitioner, therefore, suggests restriction of their meaning to a certain compass by adding the following words after the words "premises" in clause 14(1)(j).

"as are likely to impair materially the value or utility of such premises."

14. The words "first hearing" in clause 15(3) require to be explained expressly as they generally mean the day when the Controller

first applies his mind to the proceeding. Therefore the petitioner suggests the insertion of the following Explanation to clause 15(3):—

*“Explanation.—For the purposes of this clause ‘first hearing’ means the day when the Controller first applies his mind to the proceeding”.*

15. Clause 15(5) provides that “If the Controller is satisfied that any dispute referred in sub-section (4) has been raised by a tenant for reasons which are false or frivolous, the Controller may order the defence against eviction to be struck out. The striking out of the defence against eviction is an extreme penalty. The proper way is to impose heavy penalty in the form of compensation to be paid by the tenant in such a case to discourage him from creating such a position for himself. Moreover, the word “may” in the phrase “the Controller may order the defence against eviction to be struck out” seems to have the effect of “shall”. The petitioner, therefore, suggests the following amendment in this clause:

The words “the Controller may in his discretion pass an order specifying in it the compensation payable to landlord by the tenant” may be substituted for the words “the Controller may order the defence against eviction to be struck out and proceed with the hearing of the application”.

If this amendment is not approved, then in the alternative the words “in his discretion” may be inserted in between the words “may” and “order” in clause 15(5).

16. Clause 26(2) provides that “Every tenant who makes a payment of rent to his landlord shall be entitled to obtain forthwith from the landlord or his authorised agent a written receipt for the amount paid to him, signed by the landlord or his authorised agent”. Such a right proposed to be given is not alone sufficient. A tenant should also be given a right to insist upon the landlord to give details of the premises in his tenancy. A landlord usually neglects or evades giving such details to the tenant. A mandatory provision in this respect is necessary to safeguard the interests of the tenant. The petitioner, therefore, suggests the addition of the following words at the end of the clause for extending such a right to the tenant:

“and, on request in writing, details of the premises of his tenancy in such a receipt.”

17. As a consequence to the addition of these words the following sub-clause (4) be added after clause 26(3):—

“(4) Failure of the landlord or his authorised agent to furnish the tenant with the details of the premises of his tenancy in a rent receipt referred to in sub-section (1) will prevent him from bringing any action under this Act against such a tenant till such time as he complies with the request made by the tenant under sub-section (1)”.

18. Clause 29(2) provides for forfeiture of rent in deposit to Government if the rent deposited is not withdrawn by the landlord before the expiration of five years from the date of posting of notice of deposit. Such a provision is unjust as the Government cannot be expected to profit from such a mediation. The right party to claim it is the tenant depositing the rent. The petitioner suggests that the words "shall be refunded to the tenant depositing rent" be substituted for the words "shall be forfeited to Government" in the clause and the word "refund" be substituted for the word "forfeiture" in clause 29(3).

19. Clause 39(2) provides that "no appeal shall lie under sub-section (1) unless the appeal involves some substantial question of law. Such a provision narrows the right of appeal. The petitioner propose substitution of the following clause in its place.

"(2) No appeal shall lie under sub-section (1), unless the appeal involves some question of law or public importance".

20. Clause 48(2) lays down that "if any tenant sublets, assigns or otherwise parts with the possession of the whole or part of any premises in contravention of the provisions of clause (b) of the proviso to sub-section (1) of Section 14 he shall be punishable with fine which may extend to one thousand rupees." If under this clause the maximum amount of fine is imposed on the tenant he will be in difficulty to pay it in a lump sum besides facing eviction under clause 14(1) (b). It will be a sort of double hit to such a tenant and it may be difficult for him to survive. The petitioner, therefore, propose the addition of the following words at the end of this clause:

"and payable within a year from the date of imposition of such fine."

and accordingly your petitioner prays that:—

- (a) the short title of the Bill be substituted by the following, namely:— "The Delhi Premises Rent Control and Eviction Bill, 1958";
- (b) the long title may be substituted as suggested in para 2 above;
- (c) after substitution of new clause 2(e) for the existing clause, clause 2 (e) to 2 (i) may be renumbered in proper order, as suggested by the petitioner;
- (d) a new clause 2(m) defining rent, may be inserted after clause (i) and the existing clause 2 (m) be re-numbered as clause 2(n);
- (e) clause 3 may either be omitted or certain words added to it as suggested by the petitioner;
- (f) a new clause 3A, as suggested in para 8 above may be added;

(g) clauses 9(7), 14(1)(e), 14(1)(b), 14(1)(c), 14(1)(j); explanation to clause 14(3); and clauses 15(5), 26(2), 39(2) and 48(2) of the Bill may be amended as suggested by the petitioner; and

(h) a new sub-clause (4) may be added after clause 26(3) of the Bill;

and your petitioner as in duty bound will ever pray.

Name of Petitioner	Full Address	Signature with date
Parmeshwar Dass Jain	Advocate, Ganga Niwas Building, Kucha Brij Nath, Chandni Chowk, Delhi.	Sd/-Parmeshwar Dass Jain. 10-12-58.

**APPENDIX IV**  
**Petition No. 22**  
(See para 6 of Report)

To

Lok Sabha,  
New Delhi.

The humble petition of Shri C. Kesaviah Naidu Sheweth:

The petitioner desires to place the following facts for consideration of Lok Sabha when the Indian Electricity (Amendment) Bill, 1958, as reported by the Joint Committee, is taken up for consideration:

(1) Under Clause 40(d)(i) of the Bill, as reported by the Joint Committee, the minimum number of persons entitled to require the licensee to extend his mains to the locality where such persons reside has been reduced from six to two.

(2) Under 'Grow More Food' Campaign, the ryots are asked to live near the farms by very important persons. Moreover, if mains are extended to even one person, there is no loss to the Government.

(3) For the words "License" or "Licensee" wherever they occur in the Bill, the words "Licence" or "Licencee" respectively may be substituted.

and accordingly your petitioner prays that:

(a) The Indian Electricity (Amendment) Bill, 1958, as reported by the Joint Committee and the principal Act may be amended suitably to give service connections to houses to "one or more" instead of "two or more"; and

(b) for the words "License" or "Licensee", wherever they occur in the Bill, the words "Licence" or "Licencee" may be substituted.

and your petitioner as in duty bound will ever pray.

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Name of the Petitioner	Full Address	Signature with date
C. Kesaviah Naidu	Member, District Planning & Development Committee, Bheemavaram Village, Narsingapuram Post, Chittoor Distt., Andhra Pradesh.	Sd/-C. Kesaviah Naidu 6-2-1958.

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## APPENDIX V

### Petition No. 23

(See para 7 of Report)

To

Lok Sabha,  
New Delhi.

The humble petition of Shri L. Manickam, Secretary, North Arcot District Pinto Chekku (Wooden) Owners' Association, Vellore, Sheweth:

The Honourable Finance Minister has proposed to impose an Excise Duty at the rate of Rs. 70/- per ton of oil produced. This exorbitant rate of Rs. 70/- per ton is too excessive and unbearable for such a cottage industry like Pinto Wooden Chekku and much too complicated.

2. The petitioner admits that no Government can exist without taxes, but if the taxes are excessive, it is not possible for the people to bear the burden. The imposition of such an exorbitant rate of Rs. 70/- per ton is too excessive and unbearable for such a cottage industry like Pinto Wooden Chekku and much too complicated.

3. Most of the Chekku Owners are uneducated or poorly educated and the present complicated method of maintaining the R.G.I., E.B. 4., Gate Pass, A.R.I. Forms etc., is not understood by many of them and even the clerks do not know how to maintain them. It is prayed that instead of the present method of collecting the Excise Duty, a flat rate of Rs. 10/- or Rs. 12.50 per Chekku per month may be levied by way of compounded levy as is at present levied in the case of silk power looms.

The petitioner feels that by imposing a 'compounded' levy, not only will the Chekku owners be freed from the complicated system now in force, but the income derived by Government will also be same, if not more.

4. The particulars of production of the Pinto Chekku are furnished below:

- (1) There are many owning only one Chekku, some own two, and very few only own more than two Chekkus.
- (2) The normal production of oil per day per Chekku comes to 105 lbs. to 140 lbs.
- (3) The outturn of oil per bag of 177 lbs. is 40% to 41% or 69 lbs. to 72 lbs. and oil cake 95 lbs. to 100 lbs.

(4) I. *Production Cost of Labour and taxes*

(There is no difference between the Wooden Chekku and the country Ghani, where a bull drags round the big fixed wood and in this case the big wood rotates by Electric Motor, which crushes actually only double the quantity crushed by country Ghani, viz., one bag of 177 lbs.).

	Rs.	
(a) The crushing wage is	1 0 0	per bag of 177 lbs. of oilseeds.
(b) Cart hire & drying	0 6 0	Do.
(c) Shortage in drying 2 to 3 lbs.	0 15 0	Do.
(d) Gunnies, wood, wear and tear etc.	0 12 0	Do.
(e) Rent & establishments	0 11 0	Do.
(f) Electric charges	1 0 0	Do.
TOTAL	4 12 0	Do.

II. *Taxes & Licences now in force :*

(a) Local Licence & Profession tax per bag of 177 lbs.	0 0 5
(b) Madras Sales Tax @ Rs. 2/- per bag of 177 lbs.	1 2 6
(c) Central Cess approximately per bag of 177 lbs.	0 1 0
(d) Market Levy per bag of 177 lbs.	0 1 6
(e) Market Committee Licence per bag of 177 lbs.	0 0 10
TOTAL	1 6 3

III. *Taxes as proposed :*

(a) Excise duty on V.N.E. oil as proposed per bag of 177 lbs.	2 4 0
(b) Madras Sales Tax (one Point Tax) 3% less 2% existing hence 1% per bag of 177 lbs.	0 9 3
TOTAL	2 13 3
Per bag of 177 lbs. Total	8 15 6 or Rs. 8.97.

(5) *Cost of labour for production and selling rates of oils:*

	Rs.-
Rinto Wooden Chekku production Cost for 1 ton of oil	130
Rotary (Iron)—Production cost for 1 ton of oil	95
Expeller—Production cost for 1 ton of oil	45
Pinto oil selling rates per ton—Production cost for 1 ton of oil	1,415
Rotary oil—Production cost for 1 ton of oil	1,46
Expeller oil—Production cost for 1 ton of oil	1,490

5. Owing to the fact that the cost of production labour is much more in the case of Pinto Wooden Chekku and due to the low selling rate of oil than that of Rotaries for Expeller (Pinto Wooden Chekku oil selling rate is little less or equal to that of Village Ghani Oil), Pinto Chekku oil crushers are unable to sell their oil. They cannot compete with Rotaries of Expellers either in production or in buying the seeds. They cannot compete even with village Ghanies, who do not pay any tax, but get a rebate from the Government. This oil is neither exported nor used in Vanaspati, as in the case of Rotary oil. This is solely used for local consumption as Ghani oil.

6. This small cottage industry is now paying a Provincial Tax of Rs. 1.33 and a Central cess of Rs. 0.06 per bag of 177 lbs. of oil seeds. Because of this present heavy taxation the business is facing a crisis. If, in addition to the above taxes, a Central Excise Duty of Rs. 2.25 per bag of oil seeds is imposed, it is certain that this business will have to be closed down within a few months.

7. By imposition of the above taxes, most of the oil mongers, who depend upon this trade will be thrown out of employment. There are about 250 units in North Arcot District and about 1250 labourers will lose their jobs thereby aggravating the unemployment situation. Apart from this, about 200 small capitalists will also be affected. Besides North Arcot District, there are about 700 units of this peculiar cottage industry in Madras city, Chingelpet and South Arcot District which will also be similarly affected.

8. Most of Pinto Chekku Owners belong to oil mongers' caste who live only on small scale oil business. They were having village Ghanies some years back but due to non-availability of goods bulls and their cost being Rs. 600 to Rs. 700 a pair, they resorted to this power driven wooden Chekku which costs Rs. 2,000/- capital investment. Their income is only Rs. 100|- to 150|- p.m. (without deducting depreciation) per Chekku.

9. Previously one Chekku was totally exempt from Excise Duty and from submitting daily production and sales accounts as well as licence. According to new proposals the concession of 75 tons of oil given to two Chekkus, Rotary and Expeller has been only very insignificant revenue but the cost of collection will be more than the revenue collected.

and accordingly your petitioner prays that—

- (1) one Pinto (Wooden) Chekku may be exempt from Excise Duty,
- (2) and if the above be not possible, a compounded levy of Rs. 10|- to 12.50 per Chekku per month may be levied as in the case of silk power looms.



and your petitioner as in duty bound will ever pray.

Name of Petitioner	Address	Signature
L. Manickam	Secretary, North Arcot District Pinto Chekku (Wooden) Owners Association, 56 Chunnambukara Street, Vellore.	Sd/ L. Manickam. 30-3-59

Countersigned by **N. R. M. Swamy,**  
**Member, Lok Sabha,**  
 Dn. No. 384  
 30-3-59.

## APPENDIX VI

### Petition No. 24

(See para 8 of Report)

To

Lok Sabha,  
New Delhi.

The humble petition of Shri Nand Kishore Agrawal  
Sheweth:

In his speech delivered on the 28th February, 1959, while presenting the Budget of the Government of India for 1959-60 to Lok Sabha, the Hon. Finance Minister has stated (*vide* para 58—page 21—Part B of the speech) that exemption from the levy of duty on vegetable non-essential oils is to be withdrawn from all power-driven units and the concessional levy limited to only the first 75 tons of production.

2. In this connection, it may be stated that vegetable non-essential oils were previously made taxable under the Central Excises & Salt Act (No. I of 1944) by the Finance Act, 1956 (No. 18 of 1956), *vide* item 23 of the First Schedule to the Central Excises & Salt Act, 1944.

3. Particularly with a view to give due protection to the small units producing non-essential oils, production to the extent of 125 tons was exempted from the levy of tax by an executive order dated the 1st March, 1956. However, for reasons best known to the Government, the above exemption of 125 tons was also extended to the produce of big industries.

4. The scope of exemption of 125 tons, as stated above, was later on curtailed to 75 tons in the year 1958 by the Finance Act, 1958.

5. So far as the benefit of exemption was concerned, it was a matter of necessity in the case of small units while, at the same time, it was an extra advantage to the big industries. This aspect of the matter is an important one to be carefully taken into consideration before effecting any substantial change.

6. It is a different matter that the Government may not continue any extra benefit or advantage to some class of people as the same is not found to be a matter of public interest under the State policy. But this does not mean that the Government may act contrary to their basic policy for any reason, just as they have acted in the case of the small oil units.

7. Provision for giving protection to the cottage industries and small units is made in Article 43 of the Constitution of India. To

give effect to these provisions, projects of the small units are generally either wholly or partly exempted from the burden of taxation.

8. One of the features noticed in respect of a number of excise duties is the exemption from levy of duty on small scale products e.g., in respect of handlooms and power-looms (to the extent of 4), soap, foot-wear and rayon; and in respect of matches, there are different grades of duties varying according to the size of the factory, with the lowest rates for so-called cottage factories.

9. The main reasons in granting protection to the small units is not merely an economic or a fiscal problem, but a human problem in view of the following considerations:—

- (a) the highest cost of production incurred by the smallest producer and his relatively lower ability to bear taxation;
- (b) the desirability of encouraging production by labour-intensive methods *i.e.*, methods which promote greater employment; and
- (c) the administrative problem of keeping a check on the production of scattered small-scale producers.

10. Under the above-mentioned policy, power-looms to the extent of four are allowed to continue to be exempted from the levy of excise duty. Since the position of small oil units is analogous to that of power-looms there is no reason nor justification for the Government for not making any provision similar to those for power-looms in the case of small oil units. In the absence of any such provision, the survival of small oil units is almost impossible.

11. The above matter requires careful consideration and any levy of duty on small oil units ought to be in a judicious manner under a rule of law, otherwise this will adversely affect the nation's economy and no amount of planning will help the country.

12. For the sake of protection to the small oil units, it is absolutely necessary that the baby oil expellers or oil ghannies to the extent of two, if not four as is the case with power-looms, should be exempted from the burden of taxation, and necessary provision for the same should be made very early.

13. Since now the Government are going to implement certain basic State policies to achieve the objective of the Welfare State, this is the most appropriate occasion to make necessary provision similar to that for power-looms in the case of small oil units at the earliest.

and accordingly your petitioner prays for an early consideration of the petition in the larger interests of the country,

) and your petitioner as in duty bound will ever pray.

Name of petitioner	Full Address	Signature and date
Nand Kishore Agrawal	Mohalla Pirthiderwaza, Kaimganj (U.P.)	Sd/- Nand Kishore Agrawal, 27-3-95.

Countersigned by Shri D. R. Chavan, M.P.,  
Div. No. 509.

**APPENDIX VII**  
*Petition No. 25*  
(See Para 9 of Report)

To

Lok Sabha,  
New Delhi.

The humble petition of Shri Chandra Prakash Agarwal  
Sheweth:

In his speech delivered on the 28th February, 1959, while presenting the Budget of the Government of India for 1959-60 to Lok Sabha, the Hon. Finance Minister had stated (*vide* para 58—page 21—Part B of the speech) that exemption from the levy of duty on vegetable non-essential oils is to be withdrawn from all power-driven units and the concessional levy limited to only the first 75 tons of production.

The petitioner would submit that vegetable non-essential oils were previously made taxable under the Central Excises and Salt Act (No. 1 of 1944) by the provisions of the Finance Act, 1956, *vide* item 23 of the First Schedule to the Central Excises and Salt Act, 1944.

3. For the purpose of levying duty on vegetable non-essential oils as stated above, the first 125 tons were exempted from the levy of duty.

4. The exemption limit of 125 tons stated above was later on reduced in the year 1958, by the Finance Act, 1958, to 75 tons.

5. Provision for giving protection to the cottage industries and small units is made in Article 43 of the Constitution of India and to give effect to this basic principle, production of small units from the levy of duties is either totally exempted or made partially taxable at the lowest rate.

6. One of the features which has been noticed in respect of a number of excise duties is the exemption of small-scale products *e.g.*, handloom cloth, soap, foot-wear and rayon. For matches there are different grades of duties varying according to the size of the factory with the lowest rates for the so-called cottage industries.

7. The main reasons for granting protection to the small units are as under:

- (a) the highest cost of production incurred by the smallest producer and his relatively lower ability to bear taxation;
- (b) the desirability of encouraging production by methods of intensifying labour *i.e.*, of methods which promote greater employment; and

(c) the administrative problem of keeping a check on the production of scattered small-scale producers.

8. Under the above stated policy, power-looms to the extent of four are allowed to continue to be exempted.

9. The deletion of exemption in respect of vegetable non-essential oils, as recently proposed by the Finance Minister is an unjust act, which will result in great hardship to small units and at the same time there will be almost no collection of tax. This fact, therefore, deserves careful consideration.

10. In the Welfare State there should not be anything like unjust levy of tax, but it should be regulated under the rule of law in a judicious manner.

11. There is no justification for stopping the exemption in the case of vegetable non-essential oils, as it will adversely affect the small units and their survival will be almost impossible in competition with major oil factories.

12. Major industrialists favour the proposal for withdrawing the exemption, but the Government should not be guided by the views of the capitalists, and should not depart from or alter its basic policy in this respect.

and accordingly your petitioner prays for an early consideration of the petition in the larger interest of the people,

and your petitioner as in duty bound will ever pray.

Name of petitioner	Full Address	Signature & date
Chandra Prakash Agrawal	Hon. Secretary, The Tobacco Merchants' Association, Kaimganj, (U.P.)	Sd/- Chandra Prakash Agrawal, 9-3-1959.

Countersigned by Shri D. R. Chavan, M.P.,  
Div. No. 509.

## APPENDIX VIII

Petition No. 26

(See Para 9 of Report)

To

Lok Sabha,  
New Delhi.

The humble petition of Shri Chandra Prakash Agrawal  
Sheweth:

Under sub-clause (b) (i) of clause 30 of the Finance Bill, 1959, as introduced in Lok Sabha on the 28th February, 1959, tobacco tariff under item 9(I) of the First Schedule to the Central Excises and Salt Act (No. I of 1944) is proposed to be revised. The proposed changes are as under:

“30. In the First Schedule to the Central Excises and Salt Act, 1944,—

\* \* \* \*

(b) in item No. 9,—

(i) in sub-item I(5), for the description of goods in the second column, the following shall be substituted, namely:

‘if other than flue-cured and not actually used for the manufacture of (a) cigarettes or (b) smoking mixtures for pipes and cigarettes or (c) biris—

(i) stems of tobacco larger than 1¼ inch in size.

(ii) dust of tobacco,

(iii) granule (Irawa) of tobacco capable of passing through a sieve made of wire not finer than 24 S W G (0.022 inch diameter) and containing not less than 18 uniform circular or square apertures per linear inch,

(iv) tobacco cured in whole leaf form and packed or tied in bundles, hanks or bunches or in the form of twists or coils.

*Explanation.*—Such varieties of unmanufactured tobacco used in the manufacture of biris as the Central Government, by notification in the Official Gazette, specifies in this behalf shall not be deemed to be unmanufactured tobacco, not otherwise specified, within the meaning of sub-item (6).”

2. The proposed changes are no doubt good which will certainly improve the tobacco tariff, but they are not self-sufficient to make the tariff perfect, real and reasonable. There is still artificiality and unreality in regard to levy of duty on size, which cannot be a real and valid criterion. As already submitted by the petitioner in various petitions and representations both to the Lok Sabha and to the Government of India, the Government were not correct in accepting the opinion of the Tobacco Expert Committee (1956-57) and in proposing the changes in the tobacco tariff in the Finance (No. 2) Bill of 1957 to give effect to the opinion of the Tobacco Expert Committee, regard to the criterion of the assessment of other than flue-cured tobacco. After the experience of the working of the change in Tariff, the Government have realised the situation. It is therefore most just, real and reasonable on the part of the Government to delete the size criterion from the tobacco tariff at the earliest.

3. The above changes clearly show that the Government have come to the conclusion that size can never be the real criterion for determining the rate of duty, and that while it would not make the capable tobacco incapable for the manufacture of Biris, it has resulted in harassment and hardship to the trading public. For tobacco which is incapable by its very nature for the manufacture of Biris, application of the criterion of size is meaningless and it amounts to unreasonable restrictions on the rights of the trade and business guaranteed under our Constitution to every citizen of India.

4. Since, under the proposed changes a particular variety or type of tobacco has become assessable under the criterion of capability and actual use, and tobacco capable for the manufacture of biris has become assessable at the higher rate, there can be no just reason or argument to retain the criterion of size, which in any case has lost all its utility, if any, in the circumstances. This aspect of the matter is worth considering on its merits.

5. For the types of tobacco which are by their nature incapable for the manufacture of biris and are only fit for the manufacture of hooka and chewing, as already submitted by the petitioner previously from time to time, the size criterion which is meaningless should not be applied especially when the Government by their own experience have come to the same conclusion and realised the hollowness of the size criterion.

6. As regards the 'explanation', proposed to be added to the sub-item, it is respectfully submitted that nature and character of the power proposed to be conferred upon the Central Government is legislative. As such it is only just and proper that such power ought to be exercised by the Legislature itself and such policy should be discouraged as it is against principles of democracy.

7. The idea of notifying such varieties of tobacco which are normally used for the manufacture of biris is quite appropriate to meet the occasion, provided the initial classification is made scientifically as



proposed by the Taxation Enquiry Commission (1953-54) in their Report (*vide* para 28, page 296, Vol. II). It should not, however be left to the discretion of the Executive but as already submitted it is to be done by the Legislature itself.

and accordingly your petitioner prays for an early consideration of the petition in the public interest,

and your petitioner as in duty bound will ever pray.

Name of the petitioner	Full Address	Signature with date
Chandra Prakash Agrawal	Hon. Secretary, Tobacco Merchants' Association, Kaimganj (U.P.)	Sd/- C. P. Agrawal 7-3-59

Countersigned by Shri D. R. Chavan, M.P.

## APPENDIX IX

Petition No. 27

(See Para 10 of Report)

To

Lok Sabha,  
New Delhi.

The humble petition of Shri P. V. Doraiswamy Chettiyar, President, Kancheepuram Oil Merchants Association, and two others on behalf of V.N.B. Oils (Groundnuts, Gingelly Oil) Pinto (Wooden) Chekku Owners of Chingleput District of Madras State, sheweth.

1. The Honourable Finance Minister has proposed to impose an Excise Duty at the rate of Rs. 70/- per ton of vegetable non-essential oil produced. How this exorbitant rate of Rs. 70/- per ton affects our business is stated below for your kind consideration and necessary action.

2. We are confident that if Lok Sabha will kindly go through the information furnished by us, they will be finally convinced about our difficulties. We do admit that no Government can exist without taxes. But if the taxes are oppressive, it is not possible for the people to bear the burden. The imposition of such an exorbitant rate of Rs. 70/- per ton is too excessive and unbearable for such a cottage industry like Pinto (Wooden) Chekku and much too complicated.

3. Most of our Chekku Owners are uneducated or poorly educated and the present complicated method of maintaining the R.G.I., E.B. 4., Gate Pass, A.R.I. Forms etc., is not understood by many of them and even the clerks do not know how to maintain them. So we request that, instead of the present method of collecting the Excise Duty, a flat rate of Rs. 10/- or Rs. 12.50 per Chekku per month may be levied by way of compounded levy as is at present levied in the case of silk power looms.

We are confident that by imposing a 'compounded' levy, we will not only be freed from the complicated system now in force, but the income derived by Government will also be the same, if not more.

4. The particulars of production of the Pinto Chekku are furnished below:—

- (a) There are many owning only one Chekku, some own two, and very few only own more than two Chekkus.

(b) The normal production of oil per day per Chekku comes to 105 lbs. to 140 lbs.

(c) The outturn of oil per bag of 177 lbs. is 40 per cent to 41 per cent or 69 lbs. to 79 lbs. and oil cake 95 lbs. to 100 lbs.

(d) *Production Cost:*

(There is no difference between the Wooden Chekku and the country Ghani, where a bull drags round the big fixed wood and in this case the big wood rotates by Electric Motor, which crushes actually only double the quantity crushed by country Ghani viz., one bag of 177 lbs.)

	Rs.	
(a) The crushing wage . . . . .	1 0 0	per bag of 177 lbs. of oilseeds
(b) Cart hire & drying charges . . . . .	0 6 0	"
(c) Shortage in drying 2 to 3 lbs. . . . .	0 15 0	"
(d) Gunnies, wood, wear and tear etc. . . . .	0 12 0	"
(e) Rent & establishments . . . . .	0 11 0	"
(f) Electric charges . . . . .	1 0 0	"
TOTAL . . . . .	4 12 0	"

(e) *Taxes and Licenses now in force :*

(a) Local Licence and Profession tax per bag of 177 lbs. . . . .	0 0 5
(b) Madras Sales Tax. @ 2% per bag of 177 lbs. . . . .	1 2 6
(c) Central Cess Approximately per bag of 177 lbs. . . . .	0 1 0
(d) Market Levy per bag of 177 lbs. . . . .	0 1 6
(e) Market Committee Licence per bag of 177 lbs. . . . .	0 0 10
TOTAL . . . . .	1 6 3

(f) *Taxes proposed :*

(i) Excise duty on V.N.E. oil as proposed per bag of 177 lbs. . . . .	2 4 0
(ii) Madras Sales Tax (one Point Tax 3%) less 2% existing hence 1% per bag of 177 lbs. . . . .	0 9 3
TOTAL . . . . .	2 13 3
Per bag of 177 lbs. TOTAL . . . . .	8 15 6 Or Rs. 8.97

## 2. Cost of production and selling rates of oils :

	Rs.
Pinto Wooden Chekku production cost for 1 ton of oil.	130/-
Rotary (Iron)—Production cost for 1 ton of oil	95/-
Expeller—Production cost for 1 ton of oil.	45/-
Pinto oil selling rates per ton—Production cost for 1 ton of oil	1415/-
Rotary oil—Production cost for 1 ton of oil.	1460/-
Expeller oil—Production cost for 1 ton of oil.	1490/-

5. Owing to the fact that the cost of production labour is much more in the case of Pinto (Wooden) Chekku and due to the low selling rate of oil than that of Rotaries or Expeller—(Pinto Wooden Chekku oil selling rate is little less or equal to that of Village Ghani oil), we, the Pinto Chekku oil Crushers are unable to sell our oil. We cannot compete with Rotaries or Expellers either in production or in selling the products or in buying the seeds. We cannot compete even with village Ghanies, who do not pay any tax, but get a rebate from the Government. This oil is neither exported nor used in Vanaspati, as in the case of Rotary oil. This is solely used for local consumption as Ghani oil.

6. This small cottage industry is now paying a Provincial Tax of Rs. 1.33 and a Central cess of Rs. 0.06 per bag of 177 lbs. of oil seeds. Because of this present heavy taxation the business is facing a crisis. If, in addition to the above taxes, a Central Excise Duty of Rs. 2.25 per bag of oil seeds is imposed, it is certain that this business will have to be closed down within a few months.

7. By imposition of the above taxes, most of the oil mongers, who depend upon this trade will be thrown out of employment. There are about 200 units in North Arcot District and about 800 labourers will lose their jobs thereby aggravating the unemployment situation. Besides this, about 150 small capitalists will also be affected.

and accordingly your petitioners pray that their grievances may kindly be considered sympathetically and that a compounded levy of Rs. 10/- to 12.50 per Chekku per month may be levied as in the case of silk power looms, instead of the present system of levy.

and your petitioner as in duty bound will ever pray.

Name of First Signatory	Full Address	Signature with date
P. V. Doraiswamy Chettiyar.	No. 93, Kosa Street, Big Kancheepuram, Chingleput District, Madras State.	Sd/- P. V. Doraiswamy Chettiyar 27-3-1959.

Countersigned by Ram Chandra Majhi,  
Member, Lok Sabha,  
Dn. No. 386.  
15-4-1959.

## APPENDIX X

Petition No. 28

(See Para 11 of Report)

To

Lok Sabha,  
New Delhi.

The humble petition of Shri Bansidhar Goyal sheweth,

We beg to submit this Representation on behalf of the oil producers in Ajmer, Beawar, Nasirabad, Bijainagar, Jaipur, Chomu, Sri Madhopur, Chiteregarh, Neemuch etc. etc. and we hope that the Lok Sabha will kindly consider the matter sympathetically.

2. We compare here oil production with the production of cloth. The cloth production is divided into 3 parts. The cloth is needed by the public (human beings) but the oil is required not only by human beings but also by the animals etc.

Similar to the difference in rates and quality for the manufacture of cloth from one place to another there is difference in rates and quality of the oil produced by several means such as oil *kohlus*.

3. We explain below each step separately:—

- (a) There are big factories for the manufacture of cloth of different kinds in which a huge amount is invested and due to their name and fame, the cloth is being sold at a very high rate though their quality may actually be inferior and less costly in production.
- (b) There are small manufacturers who also manufacture cloth by hand and power-looms but they are not so famous and though their cloth is actually of a superior quality and costs more, yet the rate of the cloth is low.
- (c) The third class of cloth is khadi which is made in small villages. Government are fully aware of the conditions of this kind of cloth.

4. Similarly there are three means of producing oil:

- (a) There are so many big factories producing oil in thousands of maunds and though it costs them very little the rate of oil is high and their name and fame earn much. They have to spend hardly 0/8/0 per maund.

- (b) The oil producing small factories run by power produce very small quantity of oil and heavy expenses are borne on it. The small factory owners though producing small and good quantity, actually get very little margin of profit and they, being family men, are unable to meet both the ends. They are not even able to purchase the seed and thus their production and income are quite limited. They have to spend Rs. 4/- per maund; while, working whole day, hardly 4/5 maunds of oil is produced by 4/5 persons. Thus it will be observed that the second class is very hard put to earn its living.
- (c) The third class produces oil by bullocks and we are mentioning this point as Government know the conditions of this class as well. This factory is just equal to a khadi factory.

5. The Government have solved the problem of the Cloth peacefully. So also the problem of oil be solved. It will be unjustified in free India if the same tax is levied on the small factories as is charged from the big concerns, as the small factories have already to incur heavy expenses equal to the tax taken from the big concerns. If this conditions remained, the poor oil producers will be ruined in lacs and this will be a step further to ruin the citizens in free India.

and accordingly your petitioner prays that Lok Sabha may kindly consider the matter most favourably to the small oil producers and, since the oil is very essential for all, the excise duty proposed on the small factories may kindly be withdrawn.

and your petitioner as in duty bound will ever pray.

Name of Petitioner	Full Address	Signature with date
Bansidhar Goyal	Secretary, Lagu Tell Utpadak Samiti, C/o Shri Mahesh Oil Mills, Parao Ajmer	Sd/- Bansidhar Goyal 6/4/59.

Countersigned by Ram Chandra Majhi, M.P.,  
Dn. No. 380.  
15-4-59.

## APPENDIX XI

*Petition No. 29*

(See Para 12 of the Report)

To

Lok Sabha,  
New Delhi.

The humble petition of Shri C. Rajagopalachari and 18 other petitioners

Sheweth:

The Report of the Committee of Parliament on the Official Language 1958, is now pending before Lok Sabha.

2. The petitioners would submit the following in this connection, on the question of making Hindi the effective official language of the Union:

(1) We are making this appeal to the Parliament with anxiety as well as with hope. What is at stake is not the introduction of one language in place of another as the official language of the Indian Union. Rather, it is the unity of the country, which is in grave danger of being destroyed by the unimaginative imposition of the will of a dominant group. This is not a political or party issue, but a national issue in the fullest sense of the word.

(2) The major points of the case have been argued for and against for quite a considerable time now. We feel that the repercussions of a change-over of the official language of the Union Government from English to Hindi will create a crisis of the first order. Politically, it leads to the mother tongue of a section of the people being forced on the rest of India; for, the Central Government, whose functions have now multiplied a hundred fold, has a heavy impact on the lives of all the people of the country. It places those to whom Hindi is the mother tongue in a position of permanent advantage, in respect of every opening in the administrative services, psychologically, and arising out of the consequences mentioned above, it will definitely hinder the emotional integration among the numerous people of India, which all of us desire to bring into being.

(3) It has often been repeated, but is nevertheless not fully appreciated, that the opposition to Hindi is not to its being learnt in other parts of India where it is not the language of the people, but only to its proposed imposition as the administrative language of the Indian Union.

(4) It is sometimes argued that the difficulties involved in replacing English by Hindi as the Union language of India are only "transitional". It is necessary to make it perfectly clear that this is not the case, that even if all non-Hindi people could be brought to learn Hindi, they would continue indefinitely to be put to just as much disadvantage relatively to those others who have learnt Hindi as the latter, for instance, would have been at a permanent disadvantage relatively to Bengali or Tamil-speaking people, even after learning one of these languages, had Bengali or Tamil been chosen as the sole Union language of this country.

(5) During the years of British rule, the people of India achieved a certain measure of unity and emotional integration in response to the call for political freedom. Since the attainment of independence, however, the centrifugal tendencies of an earlier age have been getting ascendancy. A considerable measure of centralisation is inherent in a Welfare State with a planned economy; the use of the Central power to bring about an equitable adjustment of benefits to the numerous and unequally developed regions of the country is a task of great delicacy, and calls for the exercise of immense political wisdom. In these circumstances, any new move, which places one part of India in a position of permanent advantage, is the surest incentive for increasing the existing differences, jealousies, and suspicions.

(6) Assurances, that Hindi will not be introduced against the will of the non-Hindi knowing people, have not value in the present atmosphere of justifiable distrust. While on the one hand Parliament is seized of the matter, on the other every kind of administrative pressure is being brought to bear on the public and Government servants alike. The Post Office and the Radio are being used as vehicles of Hindi propaganda where it is not understood. Hindi classes are being held in Central Government Offices in all parts of India. Several complaints are being received from Government employees that they are being passed over for promotions for not passing the Hindi tests. It would appear that the Central Government Departments have no intention of waiting even for Parliament to take a decision on this question.

(7) It is easy to destroy unity, but difficult to build it up. No facade of apparent unity which is fabricated against the will of large masses of the people will make for real unity. It will be short sighted to brush aside the protests from the peoples of Madras, Bengal and the Punjab as the stray expressions of a minor discontent. The resolutions passed at the Madras and Calcutta conventions, and the comments of the Press of these two States, bear testimony to the strength of the feeling against the introduction of Hindi as the official language of the Indian Union. It is a people's opposition in every sense of the word.

(8) There is no use in fixing a more distant date line. That will only become a direction to propagate Hindi with redoubled efforts among an unwilling people. The situation will then worsen and not improve.



and accordingly your petitioners pray:

(i) that the continuance of the *status quo*, i.e., the continuance of English as the official language of the Union and abandonment of all measures to replace it by Hindi; and

(ii) that the subject may be given the calm and unbiassed attention of the legislators of this land.

*Names of signatories*

C. Rajagopalachari,  
60, Bazlullah Road,  
T. 'Nagar',  
Madras—17.

Mulk Raj Anand

N. C. Sen Gupta

Narendra Nath Law

O. C. Gangoly

Satyijit Ray

D. V. Gundappa

P. Kodanda Rao

C. P. Ramaswami Aiyar

D. D. Karve

S. E. Runganadhan

A. Subbiah

Lakkaraju Subba Rau

Master Tara Singh

M. Ruthnaswamy

Kazi Abdul Wadud

Suniti Kumar Chatterji

N. Madhava Rau

Annada Sankar Ray

Countersigned by Dr. P. Subbarayan, M.P. 24-4-59.

**APPENDIX XII**

(See Para 13 of the Report)

No. 35|84|59-P.IV

GOVERNMENT OF INDIA

**MINISTRY OF HOME AFFAIRS**

From

Shri V. P. Mithal,  
Under Secretary to the Government of India.

To

All State Governments.

New Delhi—1, the 7th January, 1959  
17th Pausa, 1880

**SUBJECT:** *Indian Arms Act and Rules—Committee on Petitions  
1955-56 6th Report—Suggestions under.*

Sir,

I am directed to refer to this Ministry's circular letter No. 35|26|56-IV, dated the 15th July, 1957, on the subject noted above, and to say that the Committee on Petitions, Second Lok Sabha, in their fifth report have recommended to this Ministry that it may be suggested to the State Governments that the facility of acceptance of remittances of arms licence fees under the Indian Arms Act by the Treasuries by money orders|postal orders, which forms 'Recommendation No. (1) in the enclosure to the circular referred to above and has been accepted by the State Governments may be given adequate publicity by issuing Press Notes etc. on the subject.

2. I am accordingly to request that the State Government may kindly give wide publicity to the above-mentioned facility *inter alia* by the issue of suitable press notes, etc.

Yours faithfully,

Sd/- V. P. MITHAL,

*Under Secretary to the Govt. of India.*

New Delhi-1, 7th January, 1959

17th Pausa, 1880.

No. 35|84|59-P. IV.

Copy forwarded to the Lok Sabha Secretariat for information with reference to their Office Memorandum No. F. 738-CI|58, dated the 22nd December, 1958.

Sd/- V. P. MITHAL,

*Under Secretary to the Govt. of India.*