

COMMITTEE ON PETITIONS

THIRD REPORT

(THIRD LOK SABHA)

(Presented on the 30th April, 1965)



**LOK SABHA SECRETARIAT
NEW DELHI**

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**PERSONNEL OF THE COMMITTEE ON PETITIONS
(1964-65)**

1. Shri M. Thirumala Rao—*Chairman.*

2. Shri K. L. Balmiki

3. Shrimati Zohraben Akbarbhai Chavda

4. Shri R. G. Dubey

5. Maharani Gayatri Devi of Jaipur

6. Shri J. N. Hazarika

7. Shri Narayan Sadoba Kajrolkar

8. Shri P. Muthiah

9. Shri P. K. Vasudevan Nair

10. Shri Peter Alvares

11. Shrimati Sahodra Bai Rai

12. Swami Rameshwaranand

13. Shri Sadhu Ram

14. Shri Hari Charan Soy

15. Shri Bhishma Prasad Yadava

SECRETARIAT

Shri B. B. Tewari—*Deputy Secretary.*

REPORT

I

INTRODUCTION

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

2. The Committee was re-constituted by the Speaker on the 1st May, 1964.

3. The Committee, after the presentation of their Second Report, held five sittings on the 5th June, 1st October, and 14th December, 1964 and 12th March and 22nd April, 1965.

4. At their sittings mentioned above, the Committee considered the following petitions and other matters:

- (i) Petition from Shri M. J. Mohamed Yakoob, Ex-Municipal Councillor, Mysore, *re*: an All India Free and Cheap Housing Scheme (Petition No. 9—Appendix I).
- (ii) Petition from Shri M. J. Mohamed Yakoob, Ex-Municipal Councillor, Mysore, *re*: flood control and economical use of flood waters (Petition No. 10—Appendix II).
- (iii) Petition from Shri Chandra Prakash Agrawal, Kaimganj, U.P., *re*: the Code of Civil Procedure, 1908 (Petition No. 14—Appendix III).
- (iv) Petition from Shri Sonubhau Dagadu Baswant, M.P., and others *re*: classification of the Agri Community as a backward community (Petition No. 15—Appendix IV).
- (v) Petition from Shri Anil Basu and others *re*: the Gold (Control) Bill, 1963, as reported by the Joint Committee (Petition No. 16—Appendix V).
- (vi) Petition from Shri Bansidhar Sahu and 132 others *re*: the Gold (Control) Bill, 1963, as reported by the Joint Committee (Petition No. 17—Appendix VI).
- (vii) Petition from Shri Bhadalya Navasha Gond and others *re*: extension of land legislation and other measures in Maharashtra to Nagar Haveli region (Petition No. 18—Appendix VII).
- (viii) Note from the Ministry of Law regarding action taken by Government to implement the recommendation of the Committee, contained in their First Report, Third Lok Sabha, on Petition No. 2 from Shri C. Kesaviah Naidu.
- (ix) Representations *re*: grievances of Secondary School Teachers.

- (x) Representation from Shri G. D. Somani, Bombay *re: ban on cow-slaughter in India.*
- (xi) 84 other representations, letters, etc. from various individuals, bodies or associations which were inadmissible as petitions.

5. The Committee considered and adopted their Report at their sitting held on the 22nd April, 1965.

6. The recommendations, decisions or observations of the Committee on the above matters have been included in this Report.

II

PETITION NO. 9 FROM SHRI M. J. MOHAMED YAKOOB, MYSORE

7. The petition (Appendix I) was presented to Lok Sabha by Shri Sivamurthi Swami, M.P., on the 9th March, 1964. The Committee considered the petition at their sittings held on the 28th March and 5th June, 1964.

8. The petitioner had referred to the acute housing shortage in the country and put forth an All India Free and Cheap Housing Scheme containing the following proposals for solving the housing problem in the country:

- (a) Forty factories each consisting of Saw Mill Units, Wood Working Machine Units, one tile factory and 5 lorries, would turn out building wooden materials, tiles etc. for about one lakh of houses per year. This would save 50 per cent of the cost of material.
- (b) The houses could be designed and constructed with bricks, cement flooring, and wooden and tile roofing and should provide two rooms, one hall, one kitchen, one store-room, a compound in rear with bath and latrine:—enough accommodation for about eight persons. The houses could be built in rows of 20 each unit, with a footpath and a road in front, and a conservancy in the rear. The estimated cost per house was between Rs. 1,500 to Rs. 2,000.

Petitioner had also suggested another design for a house which might accommodate five or six persons and cost about Rs. 1,000.

- (c) For financing the scheme, he suggested an All India Housing Lottery Committee with membership open to every Indian subscribing Rs. 10 per year. Lotteries might be held twice a year, 50 per cent of proceeds earmarked for 100 prizes and 99 lotteries; and the balance 50 per cent used for financing the Housing Scheme. About

1,00,000 houses might thus be built annually accommodating eight lakhs of people. The Government of India should be member-trustee of the funds and spend the proceeds State-wise according to programme.

(d) He also suggested a Central Administration with links from Centre to States, States to Districts and Districts to Villages. Six-monthly meetings of this Committee to discuss the progress made at lower levels and to chalk out future programmes should be held.

After implementing the above proposals, Government should formulate methods under the Low Income Group Housing Scheme or other schemes, for benefiting houseless people, or those in the Low Income Group earning below Rs. 150, both in cities and villages.

9. The Committee have perused the comments of the Ministry of Works and Housing on the petition (reproduced at Appendix IX) and note therefrom that the Government are not in favour of the petitioner's suggestions as they feel that the proposal on the whole appears impracticable and not susceptible of implementation.

10. The Committee, therefore, recommend that no further action need be taken on the petition.

III

PETITION NO. 10 FROM SHRI M. J. MOHAMED YAKOOB, MYSORE

11. The petition (Appendix II) was presented to Lok Sabha by Shri Sivamurthi Swami, M.P., on the 9th March, 1964. The Committee considered the petition at their sittings held on the 28th March, and 5th June, 1964.

12. The petitioner had referred to the fact that rains in India were either wanting, untimely or too heavy and did not occur as and when required for different categories of crops, with the result that full harvesting of crops was not possible. He felt that if extra rain water which went as waste to the sea when there were heavy rainfalls, was conserved and used for irrigation purposes, the food problem of the country could be solved. He, therefore, put forth a scheme which did not require construction of any anicut, but only channels, which might be of three kinds, viz. Double Gate—, Second Gate—and Reversed 'J' Cutting—Channels. He explained the details of construction of each Channel and claimed that by their construction nearly 80 per cent of the fields would be saved from drought and waste while expenditure would not be more than 20 per cent of the present expenditure on irrigation. The country's food problem could be solved within three years.

He claimed that the Reversed 'J' cutting channel was a new discovery which had the advantages of keeping rivers full of water

throughout the year ensuring crop cultivation; and at places where rivers burst through during floods, of directing water to the fields for cultivation. He was prepared to explain in person the working of the Reversed 'J' Type cutting channel with practical demonstration.

He had also enumerated five other schemes and devices relating purely to floods which, if tried, would be more economical in expenditure and more advantageous than the Government's existing schemes for flood control and irrigation.

He had finally suggested construction of storage tanks in very many basin-shaped hallow areas surrounded by hillocks on three sides, on one side of which mud bund could be constructed. This would be more effective than anicuts for preventing flood waters going waste to sea.

13. The Committee have perused the factual comments on the petition furnished by the Ministry of Irrigation and Power, and note that the petitioner had made the same suggestion to the Ministry earlier and it was examined in the Central Water and Power Commission and discussed with him. It was found that, while the principle involved was scientific, the utility of the method was very limited for the purpose of reducing floods and flood damage, especially in the case of big rivers. The Ministry have examined his suggestions and state that the idea is more or less the same as that of inundation irrigation, which was already in use in some parts of India, before the modern system of irrigation with storage reservoirs and canals came into being. In fact, the system of inundation irrigation was given up to introduce perennial irrigation which was found to be necessary in many parts of India for increasing agricultural production. During the First, Second and Third Plans, a number of Projects have been under way for increasing the irrigation net work in different parts of the country; therefore, there is hardly any necessity of re-introducing inundation irrigation suggested by him.

As regards the flood control benefits, the practical utility of his suggestion is very limited especially on big rivers, as the percentage of flood waters that could be diverted in this fashion would be insignificant compared to the total inflow of the river during floods. For reducing the flood damage being caused by different rivers, diversion channels etc. are already under way. Besides, multipurpose storage reservoirs having irrigation, hydroelectric power and flood moderation benefits are also being constructed on some rivers, where the flood waters are impounded, thereby reducing the floods in the areas lower down. The excess waters stored in the reservoirs are used for irrigation and hydroelectric generation.

After examination of his suggestions in the detail in the above light, the Ministry find that there is hardly any scope for implementing his suggestions.

14. The Committee note¹ that the Government are not in favour of the petitioner's suggestions, (a) *re: diversion of flood waters*, as this will lead to re-introduction of inundation irrigation, which has been given up in favour of perennial irrigation; and

(b) *re: flood control* as the practical utility thereof is very limited, especially on big rivers and diversion channels etc. are already under way for reducing flood damage.

15. The Committee, therefore, feel that, in view of the factual position stated by the Ministry, no further action is called for on their part on the petition.

IV

PETITION NO. 14 FROM SHRI CHANDRA PRAKASH AGRAWAL, KAIMGANJ, U.P.

16. The petition (Appendix III) was presented to Lok Sabha by Shri Mohan Swarup, M.P. on the 1st May, 1964. The Committee considered the petition at their sitting held on the 1st October, 1964.

17. The petitioner had alleged that Section 80 of the Code of Civil Procedure, 1908, as at present worded, was against the spirit of the Constitution which laid down equality before law and equal protection of law, and he felt that there was no reason why Government, or its officers, should seek this kind of privilege under this Section.

He also referred to the recommendation of the Law Commission contained in their Fourteenth Report on the Reform of Judicial Administration (Vol. I, ch. 20 pp. 475-476) which had suggested omission of Section 80 of the Code of Civil Procedure and making of a provision in its place that if a suit against the Government, or a public officer, was filed without reasonable notice, the plaintiff would be deprived of his costs in the event of a settlement of his claim by Government or the public officer before the date fixed for settlement of issues.

The petitioner had, therefore, prayed for omission of Section 80 of the Code of Civil Procedure as recommended by the Law Commission.

18. The Committee have persued the comments of the Ministry of Law on the petition in which they have stated that the facts as stated in para 4 of the petition appear to be correct. The Code of Civil Procedure, 1908 is at present being examined by the Law Commission, which will also take into consideration the changes in the Code that might be necessary in view of the recommendations contained in the 14th Report of the Law Commission on the Reform of Judicial Administration.

This particular recommendation of the Law Commission made in Chapter 20—Suits against Government (pages 475-76) has been

taken note of while suggesting amendments to the Code of Civil Procedure. The Commission have prepared a draft report on the revised Code and circulated the same for comments of State Governments etc. It has suggested that the following might be substituted for Section 80:

"80. Costs of suits filed against Government etc. without notice.—(1) Where a suit is instituted against the Government or against a public officer in respect of any act purporting to be done by such public officer in his official capacity, and the claim of the plaintiff is satisfied before the date fixed for the settlement of issues (or where the Summons has been issued for the final disposal of the suit, before the date of the hearing for final disposal), the plaintiff shall not be entitled to the costs of the suit against the Government or the public officer, as the case may be, unless reasonable notice of the suit stating the particulars of the claim was given before its institution in the manner provided in sub-section (2).

(2) A notice for the purposes of this section shall be in writing and shall be delivered to or left at the office of—

- (a) in the case of a suit against the Central Government, except where it relates to a railway, a Secretary to that Government;
- (b) in the case of a suit against the Central Government where it relates to a railway; the General Manager of that Railway;
- (c) in the case of a suit against a State Government, a Secretary to that Government or the Collector of the District;
- (d) in the case of a suit against a public officer, that public officer".

Notes on clauses in respect of the proposed section 80 state as under—

"80. Section 80.—This is in implementation of the 14th Report. The object is to remove the existing provision requiring notice to Government before a suit is filed, and to substitute, instead a milder provision whereby failure to give the notice does not entail dismissal of the suit, but merely disentitles the plaintiff to costs of the suit".

The Minister have added that the final Report of the Law Commission on the revision of the Code of Civil Procedure, 1908, is still awaited.

19. In view of the fact that the matter is already under consideration of the Law Commission, the Committee recommend that no further action on the petition is needed.

PETITION NO. 15 FROM SHRI SONUBHAU DAGADU^U
BASWANT, M.P., AND OTHERS, BOMBAY

20. The petition (Appendix IV) was presented to Lok Sabha by Shri Madhavrao Laxmanrao Jadhav, M.P., on the 26th November, 1964. The Committee considered the petition at their sittings held on the 14th December, 1964 and 12th March, 1965.

21. The petitioners, who were stated to be over 25,000 Agris, had submitted the petition on behalf of the Akhil Agri (Agle) Samaj Parishad, collecting signatures from the Districts of Kolaba, Thana and Nasik (State of Maharashtra) where the Agris mainly dwelt.

22. The petitioners had referred to the recommendation of the Backward Classes Commission contained in their Report presented in 1955, for the classification of the Agri Community as one of the 'Most Backward' communities in Maharashtra, and complained that they had, however, been classified as an 'Advanced Community' and were being grouped with Brahmins, Shenvis, Kshatriyas and other truly advanced communities. Thereby, they had been deprived of opportunities, facilities, encouragement and protection afforded to Backward Communities.

They had reproduced in the petition a short summary of the conditions concerning different aspects of the Agri Community; to show that the Agri Community was really backward, the vast majority being uneducated and illiterate. In view of their backwardness, the community fell an easy prey to deceits, money-lenders and cheap, ruinous alcoholic liquors.

The petitioners had, therefore, prayed that the Agri Community might be classified as a backward community and all facilities and benefits in respect of employment, education etc. might be made available to them also.

23. The Committee have perused the factual comments (See Appendix X) furnished by the Department of Social Security on the petition in which that Department had explained their decision not to accept caste as a criterion for determining backwardness. The Government have finally decided not to draw up an all India list of "Other Backward Classes". They have also advised the State Governments that while the latter are constitutionally at liberty to follow the criteria of their choice for defining "Other Backward Classes", it is better to follow the *economic* criterion rather than to go by *caste*.

The Department have explained the economic criterion for award of post-matric scholarships to "Other Backward Classes" wholly financed by the Central Government. The denotified, nomadic and semi-nomadic tribes will, however, continue to be treated as "Other Backward Classes" in view of their special problems. All persons other than these, who satisfy the criterion mentioned above, will be eligible for post-matric scholarships.

They have added that the request of the Agri Community for treatment as "Backward" or "Most Backward" cannot be accepted, as the Government of India are not maintaining any list of backward classes other than the Scheduled Castes and Scheduled Tribes. The Department had replied to a similar petition from Shri Sonubhai Dagadu Baswant, M.P., accordingly.

The Committee also note that a discussion on the Report of the Backward Classes Commission is pending before the House on a Motion moved by Shri Yashpal Singh, M.P., on the 3rd October, 1964.

24. In view of the position stated above, the Committee recommend that no further action is necessary on the petition.

VI

PETITION NO. 16 FROM SHRI ANIL BASU AND OTHERS, DELHI

25. The petition (Appendix V) was presented to Lok Sabha by Shri S. M. Banerjee, M.P., on the 1st December, 1964. The Committee considered the petition at their sitting held on the 14th December, 1964.

26. The petitioners, who were Swarnakars led by the Akhil Bharatiya Swarnakars Sangh, Dariba Kalan, Delhi, had stated that the Defence of India (Amendment) Rules, 1963, relating to Gold Control, as amended from time to time, had failed to achieve their main objectives, viz. preventing the smuggling of illicit gold, lowering of gold price to the international level and unearthing of hoarded gold.

The Sangh regretted that, in addition, the Rules had resulted in throwing two million gold artisans out of their hereditary avocation depriving them of their only means of livelihood. It was alleged that due to Government's failure to rehabilitate them, more than two hundred artisans had ended their miserable lives by committing suicides.

The petitioners stated that the Gold (Control) Bill as introduced in 1963, and the Bill as reported by the Joint Committee, contained nothing new except for conferring more powers on the Administrator for dealing with millions of unfortunate Swarnakars. They felt that these powers were unjustified and that the Bill, as reported by the Joint Committee, would not only ruin self-employed goldsmiths etc., but would also create confusion and deadlock in the economic fabric of the Society.

The petitioners, while submitting the following demands for sympathetic consideration, had prayed that the Bill as reported by the Joint Committee be dropped:

- (i) "Swarna Shilpa" as a Cottage Industry should be recognised, protected and developed fully by Government,
- (ii) arrangements should be made for the import and distribution of gold to artisans and the public through Government agencies; and

(iii) arrangements should be made for the sale of "Swarna Shilpa" products on the lines of handicraft products in the internal as well as international market, together with effective propaganda therefor.

27. Since the Bill was pending before the House, the Committee directed that the petition might be circulated *in extenso* to all Members of Lok Sabha under Rule 307 of the Rules of Procedure and Conduct of Business in Lok Sabha.

28. The petition was accordingly circulated on the 14th December, 1964.

VII

PETITION NO. 17 FROM SHRI BANSIDHAR SAHU AND 132 OTHERS, KENDRAPARA SUB-DIVISION, CUTTACK

29. The petition (Appendix VI) was presented to Lok Sabha by Shri Surendranath Dwivedy, M.P., on the 11th December, 1964. The Committee considered the petition at their sitting held on the 14th December, 1964.

30. The petitioners, who belong to Kendrapara sub-division, Cuttack District, Orissa, had expressed opinion that neither the Defence of India (Amendment) Rules, 1963, relating to Gold Control nor the Gold (Control) Bill, 1963, as reported by the Joint Committee, then pending before Lok Sabha, had proved beneficial to the interests of goldsmiths and other artisans employed in the trade from the economic point of view. They had referred to the fact that lakhs of such artisans had become unemployed and were starving; and felt that Government's objectives, viz. to stop illicit smuggling of gold, to lower gold price and to unearth hoarded gold, had not been achieved by the said Rules, and would not be achieved by the Bill, if passed into law.

The petitioners had put forth three suggestions, which were similar to those contained in Petition No. 16 referred to above but desired that specific provision therefor might be made in the Defence of India (Amendment) Rules, 1963, relating to Gold Control. Petitioners had prayed that the Bill be dropped.

31. As the Bill was pending before Lok Sabha, the Committee directed that copies of the petition might be circulated *in extenso* to all Members of the House under Rule 307 of the Rules of Procedure and Conduct of Business in Lok Sabha.

32. The petition was accordingly circulated on the 14th December, 1964.

VIII

**PETITION NO. 18 FROM SHRI BHADALYA NAVASHA GOND
AND OTHERS, NAGAR HAVELI REGION**

33. The petition (Appendix VII) was presented to Lok Sabha by Shri K. Ananda Nambiar, M.P., on the 16th December, 1964. The Committee considered the petition at their sitting held on the 12th March, 1965.

34. The petitioners had referred to the fact that, since the Nagar Haveli region was liberated from Portuguese rule, the Administrator appointed by the Union Government administered it but the old method of administration was continuing, causing untold miseries and hardships to the residents. Eighty per cent of the inhabitants were aborigines closely linked with Talasari and Dahanu taluks in the adjoining Maharashtra State. They had prayed for application of the land legislation, levy of land revenue and wages, facilities given to aborigines and establishment of Gram Panchayats, as they were applicable in Maharashtra, to the Nagar Haveli Region.

35. The Committee have perused the comments furnished by the Ministry of Home Affairs (See Appendix XI) wherein they have explained the various measures taken to ameliorate the conditions of the residents of Nagar Haveli. Their comments are equally applicable to Dadra region also. The Committee note that the recommendations of the Land Reforms Commission appointed in August, 1964 are under consideration of the Ministry of Home Affairs and the Planning Commission.

They also note that steps have already been taken to carry out survey and settlement operations in the territory on the same lines as is being done in Maharashtra and Gujarat States, as regards land revenue and wages of agricultural and forest workers.

Facilities have also been given to the aborigines in Dadra and Nagar Haveli regions as regards education, health, housing, establishment of Gram Panchayats on the basis of adult suffrage, etc. A Village Panchayat Regulation is being drafted to foster the Panchayat movement and to bring village Panchayats on to the same pattern as were obtaining in other parts of the country. The Union Territory is also represented in Parliament since its integration i.e. 11th August, 1961 by one member.

36. The Committee have also perused a detailed map of the Dadra and Nagar Haveli regions forwarded by the Ministry.

37. The Committee recommend that, in view of the facts furnished by the Ministry and the steps already taken and being taken by them in this behalf, no action on the petition is necessary.

PETITION NO. 19 FROM SHRI NABHI RAM JOSHI AND OTHERS,
NEW DELHI

38. The petition (Appendix VIII) was presented to Lok Sabha by Shri Tulshidas Jadhav, M.P., on the 22nd December, 1964. Petitioners had protested against the Gold (Control) Bill, 1963, as reported by the Joint Committee, and prayed that the Bill be dropped. As that Bill was under discussion in Lok Sabha, copies of the petition were circulated *in extenso* to all Members of Lok Sabha on the same day, namely, the 22nd December, 1964 in pursuance of the direction by the Speaker under Rule 307(1) of the Rules of Procedure and Conduct of Business in Lok Sabha.

NOTE FROM THE MINISTRY OF LAW RE. ACTION TAKEN TO
IMPLEMENT THE RECOMMENDATIONS OF THE COMMIT-
TEE CONTAINED IN THEIR FIRST REPORT, ON PETITION
NO. 2 FROM SHRI C. KESAVIAH NAIDU

39. In their first report, presented to Lok Sabha on the 28th March, 1963 the Committee, after considering Petition No. 2 from Shri C. Kesaviah Naidu in the light of the comments of the Ministry of Law, had recommended (*vide* paras 18 and 19 of that Report) that voters on election duty within their own constituency should be provided ordinary voting facilities for voting at the polling stations of their posting.

40. The Committee note that the Ministry of Law, with whom the recommendation was pursued, have intimated that, after consultation with the Election Commission, necessary amendments in the Conduct of Elections Rules, 1961, have been made by the Conduct of Elections (Second Amendment) Rules, 1964. They have forwarded a copy of S.O. 3662 published by the Ministry in the Gazette of India Extraordinary, Part II—Section 3, Sub-Section (ii) dated the 16th October, 1964, Rules 3 and 4 of the Conduct of Elections (Second Amendment) Rules, 1964, reproduced below [which inserted new Rules 20(2) and 35A in the Conduct of Elections Rules, 1961] contain provisions whereby a polling officer, presiding officer or other public servant on election duty, can, if he so desires, vote at the polling station where he is on duty.

“3. *Amendment of Rule 20.*—Rule 20 of the principal Rules shall be re-numbered as sub-rule (1) thereof, and after sub-rule (1) as so renumbered, the following sub-rule shall be inserted, namely:—

‘(2) Where such voter, being a polling officer, presiding officer or other public servant on election duty in the constituency of which he is an elector, wishes to vote in person at an election and not by post, he shall send an application in Form 12A to the returning officer so as to reach

him at least four days, or such shorter period as the returning officer may allow, before the date of poll; and if the returning officer is satisfied that the applicant is such public servant and voter on election duty in the constituency, he shall—

- (a) issue to the applicant an election duty certificate in Form 12B,
- (b) mark 'EDC' against his name in the marked copy of the electoral roll to indicate that an election duty certificate has been issued to him; and
- (c) ensure that he is not allowed to vote at the polling station where he would otherwise have been entitled to vote'."

"4. *Insertion of new Rule 35A.*—After rule 35 of the principal Rules, the following rule shall be inserted, namely:—

'35A. *Facilities for public servants on election duty.*—(1) The provisions of rule 35 shall not apply to any person who produces at the polling station an election duty certificate in Form 12B and asks for the issue of a ballot paper to him although the polling station is different from the one where he is entitled to vote.

- (2) On production of such certificate the presiding officer shall—
 - (a) obtain thereon the signature of the person producing it;
 - (b) have the person's name and electoral roll number as mentioned in the certificate entered at the end of the marked copy of the electoral roll; and
 - (c) issue to him a ballot paper, and permit him to vote, in the same manner as for an elector entitled to vote at that polling station."

41. This notification was also laid on the Table of Lok Sabha on the 17th November, 1964.

42. The Committee note with satisfaction that the recommendation of the Committee contained in paras 18-19 of their First Report on Petition No. 2 has been implemented in full by Government by the above amendments in the Conduct of Elections Rules, 1961.

XI

REPRESENTATION RE: GRIEVANCES OF SECONDARY SCHOOL TEACHERS

43. On the 21st April, 1964, representatives of a large number of Secondary School teachers presented to the Speaker, Lok Sabha, in his Chamber, representations purporting to be from one lakh signatories. These contained a number of demands, chief of which

were uniform pay scales throughout India, security of service and introduction of pension scheme for teachers in non-Government schools.

44. The Committee have perused the comments of the Ministry of Education thereon (reproduced at Appendix XII). The Committee understand therefrom that the Government are taking various measures re: uniform pattern of education, uniform pay scales and service conditions, security of service of teachers and old-age benefits, setting up of a Secondary Education Grants Commission etc. covering the various demands of the petitioners.

45. The Committee have also perused the reply given by the Minister of Education, Shri M. C. Chagla, in Lok Sabha to Starred Question No. 151 on the 3rd June, 1964, in which the Minister had stated that uniformity of scales all over India was very difficult since salary scales of teachers were linked with the general salary structures in the States. He had also mentioned about his offer to Chief Ministers of States that the Centre would be prepared to bear 50 per cent of the additional expenditure that might be incurred by the States for improvement of pay scales and conditions of service, including old age benefits, of Secondary School teachers.

46. The Committee note that the Government are doing whatever is feasible in the circumstances for removal of the grievances of Secondary School Teachers. The Committee have passed on the representations to the Ministry of Education for sympathetic consideration and disposal.

XII

REPRESENTATION FROM SHRI G. D. SOMANI, BOMBAY RE: BAN ON COW SLAUGHTER IN INDIA

47. The Committee at their sitting held on the 12th March, 1965, considered a representation from Shri G. D. Somani, Bombay addressed to the Speaker, Lok Sabha re: ban on Cow Slaughter in India.

48. The Committee have perused the comments of the Ministry of Home Affairs in which they have stated that prohibition of slaughter of cows etc. is provided in Article 48 of the Constitution in Part IV containing Directive Principles of State Policy. It is for the State Governments to take necessary action in the matter by promotion of suitable legislation etc. and the Central Government cannot perhaps give directions in the matter to the States.

49. The Committee have also perused the comments of the Ministry of Food and Agriculture (Dept. of Agriculture) in which they have stated that the memorandum submitted by Shri Somani to the Speaker was also received by the Prime Minister and the Minister of Food and Agriculture.

The Ministry have enclosed a note (See Appendix XIII) on the various points raised in the memorandum, and stated that a delegation of the memorialists, headed by Shri G. D. Soman, had met the Prime Minister on the 22nd February, 1965 and the Minister of Food and Agriculture on the 24th February, 1965. The main points raised by them were:

- (i) There should be complete ban on slaughter of cows and calves in all States.
- (ii) To achieve this objective, Article 48 of the Constitution should be amended to enable Parliament to enact uniform legislation for the country as a whole. Alternatively, a recommendation/directive from the Central Government could be issued to the State Governments concerned.
- (iii) The delegation drew special attention to the manner in which healthy milch cattle of good breed was being slaughtered in Calcutta.
- (iv) The scheme for establishment of mechanised slaughter houses should be abandoned altogether as cow slaughter was likely to take place on a larger scale in such slaughter houses if they were given an industrial character. The scheme could be revived, if at all, after a total country-wide ban had been imposed on cow slaughter.
- (v) The export of cattle feed from the country should be prohibited.
- (vi) The Central Council of Gosamvardhana should be given the status of a statutory body. Shri U. N. Dhebar, President of the Council, would be discussing the matter shortly with the Minister for Food and Agriculture.
- (vii) More grass-land should be made available for grazing purposes.

50. The Committee have perused the note (Appendix XIII) furnished by the Ministry and observe that the economic utility of India's cattle (which had increased in number during the decade ending 1961 by 11.4 per cent as against land resources remaining almost constant) is limited by their low productivity. Under the cattle development programme, emphasis is being placed on the maintenance of a limited number of good quality cattle by the farmer against a large number of low productive cattle being maintained at present. The recommendation of the Cattle Preservation and Development Committee set up by Government in November, 1947, suggesting a total prohibition at first on slaughter of all useful cattle other than animals of over 14 years of age, was accepted and a draft model Bill was prepared and circulated to States for their guidance as enactment of legislation in this field was within their competence. The Note has also referred to the Supreme Court's ruling in *Md. Hanif Qureshi Vs. State of Bihar*, 1959 SCR 629*, in the light of which some of the States which had imposed total ban on slaughter of cattle had amended the Act(s) to conform to the ruling. The Expert Committee set up in 1954, the Central Council

of Gosamvardhana in 1962, and the Planning Commission are not in favour of a total ban on slaughter and have stressed the desirability of limiting further rise in the Country's cattle population in view of the inadequate feed and fodder resources.

51. The Committee feel that, in view of the facts stated above the matter does not call for their intervention.

XIII

REPRESENTATIONS INADMISSIBLE AS PETITIONS

52. At their above mentioned sittings held during the period covered by this Report the Committee have also considered 84 representations and letters addressed by various individuals, bodies or associations to the House, the Speaker or the Chairman of the Committee, which were inadmissible as petitions.

53. The Committee observe with satisfaction that, through their intervention during the period under report, 55 petitioners had been provided expeditious, partial or complete relief or due redressal of their grievances, or that the Ministries concerned had explained satisfactorily the grounds for not being able to remove the petitioners' grievances. (See Appendix XIV).

M. THIRUMALA RAO,
Chairman,
Committee on Petitions.

NEW DELHI;
The 22nd April, 1965.

APPENDIX I

PETITION No. 9

[Presented by Shri Sivamurthi Swami, M.P., on the 9th March, 1934]
(See Para 7 of the Report)

To

Lok Sabha,
New Delhi.

The humble petition of Shri M. J. Mohamed Yakoob, Ex-Municipal Councillor, Mysore.

SHEWETH:

Your petitioner humbly begs to present before the august House practical proposals for All India Free and Cheap Housing Scheme, which are as follows:

1. *Factory System:* For the Housing Scheme, we require a factory consisting of Saw Mill Units, Wood Working Machine Units, one tile factory and five lorries costing altogether about Rs. 5,00,000 to Rs. 6,00,000. There must be one such factory for a population of 80 lakhs or one crore and on this basis, there will be 40 such factories for the whole of India. Each factory will prepare building materials, such as wooden articles and tiles for about 2,500 houses per year. All kinds of wooden materials completely, of sizes as required for house building of types of description, must be manufactured by the factory and kept in readiness. The house builders should have no other work excepting masonry and construction of walls. Building materials will be at a very cheap rate since they are prepared in our own factories. Thus it is possible to have building materials, enough for one lakh houses per year from all the forty factories. Considering the present cost of living, this arrangement will save 50% of the cost of materials. Apart from this, this scheme affords a living to lakhs of people by way of continuous work.

2. *Design and construction of houses:* The houses will be built of brick and plastered with cement flooring, roofing being of wood and tiles. These houses will be stronger and will sustain for more than 50 years. Accommodation will be of two rooms, one hall, and a kitchen, a store room and a compound in rear with bath and latrine. The houses will be in a row of 20 each unit, face to face, as per plan and have a footpath and a road in front and a conservancy in the rear. They will be looking like an extension. Each house could accommodate about 8 persons. If the construction is taken up on a commercial basis, it costs more. But if some responsible body undertakes to build the same with philanthropic view, it may cost about Rs. 1,500 or 2,000 per house. Your petitioner has undertaken lot of pains for the last one year to devise the construc-

tion of a house of the above type at such small cost mentioned above. In addition to the first design, another kind of construction may be adopted. In growing teak plantation, we are adopting the method of removing the poles which grow nearer and such removed poles are sold in auctions at 25 np, 50 np or at the most 75 np per pole. Instead of selling them in auctions, we could buy them and cut them according to plan and fix them to ground all round the house as per some fixed plan; then we can spread the same poles for covering also as rafters and on them sheets or tiles for the shade and bamboo thatched wall may be constructed. These kinds of houses will be durable, lasting for about 50 to 60 years and may cost within Rs. 1,000 per house which will be accommodating a single family consisting of five or six persons.

3. Finance for the scheme: Your petitioner suggests in this connection that in the whole of India, there must be a committee called the 'Housing Lottery Committee'. All those who have no houses may become members of this committee. Every member must subscribe Rs. 10 per year which may amount to Rs. 1,00,00,000 (one crore). We must have a lottery committee for the whole of India and there must be two lotteries per year. There must be four crores of tickets at Rs. 2 each, for every lottery, once in six months, grouped state-wise. There will be a realisation of many crores of rupees from this annually, out of which 50% of the realised amount must be earmarked for awarding as prizes which will be 100 in number, ranging from 5 lakhs rupees and the balance divided among 99 lotteries. The balance 50% may be used for financing the Housing Scheme. No tickets for this lottery should be sold to outsiders other than Indians, as it is meant solely for the benefit of the Indians. Some commission may be allowed to the sellers of lottery tickets as a source of incentive. When by sheer luck, some of our poor brethren win and increase in number, the attention of others is drawn towards these lotteries, seeing that the poor brethren are living happily with their families through these lotteries. In course of time, gambling in any form will become extinct.

Thus, the total realisation for this building scheme would be in crores excluding approximately Rs. 3 crores for establishment charges and travelling expenses annually. We could build about 1,00,000 houses annually and about 8 lakhs of people could be accommodated. We may go on increasing this lottery year after year and we may hope to realise about Rs. 40 crores annually. This scheme will have sufficient work for more than 10 lakhs of people of India and unemployment problem will be solved to a certain extent and appreciable percentage. The Government, in the committee, must be a trustee on behalf of the committee. The entire amount must be in the custody of the Government and they should not utilise this amount for any other purposes. This amount must be spent province-wise according to a programme.

According to this scheme, your petitioner is confident that there will be no scarcity of houses in India within a period of ten years. Your petitioner has formulated this scheme for the last two years for the benefit of our countrymen, and is prepared to see that this

scheme is fully accomplished. The Government and the public must give their full cooperation. He assures that if the above scheme is successfully carried out, there will be no more poor brethren in India, without a house of their own.

4. *Administration:* There must be a centre for the whole of India with branches in a link-to-link system from the Centre to Province (State), State to District and from District to the Villages. There must be members selected for these committees from among the people who own no houses. These members must meet once a month in their respective places to discuss the work done and submit a report to their next higher committee who will in turn send their progress report to the Centre. Once in every six months, there must be a meeting of the Central Committee to discuss all these things and also to chalk out the programme for the future.

The Committee members must be responsible people, either official or non-official, without any restriction of caste or creed, rich or poor. They must be prepared to do purely voluntary and honorary service. The members shall arrange to build the required number of houses for the money given to them and the funds shall not be wasted except for establishment charges and so on.

5. *Mode of distribution of houses:* The Government of India should, after implementing the above proposals, formulate methods under the Low Income Group Housing Scheme or other schemes, for benefiting the people living without houses, or those who belong to the Low Income Group below Rs. 150/-, both in the cities and the villages,

and accordingly your petitioner prays that these suggestions of general public interest be taken into consideration and be implemented by Government to solve the housing problem of low income and poor people in the country,

and your petitioner as in duty bound will ever pray.

Name of petitioner	Full address	Signature
Shri M. J. Mohamed Yakoob	Ex-Municipal Councillor and owner of Indra Bhavan Building, Bamboo Bazar, Mysore City, Mysore State.	Sd/- M. J. Mohamed Yakoob.

Countersigned by }	Sivamurthi Swami, M.P., Div. No. 377, 3-3-1964
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APPENDIX II

PETITION No. 10

[Presented by Shri Sivamurthi Swami, M.P., on the 9th March, 1964]
(See Para 11 of the Report)

To

Lok Sabha,
New Delhi.

The humble petition of Shri M. J. Mohamed Yakoob, Ex-Municipal Councillor, Mysore,

SHEWETH:

Your petitioner humbly begs to present before the august House practical proposals for controlling the floods to solve the food problem by increasing the irrigation potentialities in the country, detailed below:

1. *Flood waters during rainy season:* Rains in our country are either wanting, untimely or too heavy. Again rains are not forthcoming as and when required by different categories of crops. In that, the net result is that the crops are in one way or the other damaged, and not fully realised. When there are lot of heavy rains, much of it goes in waste to the sea. No scientist has so far given any thought as how to conserve this extra rain water and use it for the purposes of irrigation. If means had been devised, perhaps the periodical havoc by rains to the crops could have long been eliminated.

The slope of the ground in our country is such that waters on account of heavy rains, gather from 3 to 4 hundred miles and fall into the river and hardly 10% of rain water is in any way usefully utilised for agricultural purposes. That means, 90% of rain water is going as waste to the sea.

In our country about 70% of the fields are entirely depending on rain water. As aforesaid, poverty in the country is also due to this main reason of the agriculturists in not getting rains in time, sufficient quantities of rain and timely and types of rain as and when needed by different categories of crops. To eliminate this long standing difficulty, your petitioner's flood scheme which is quite economical in its practice, should immediately be taken up when the returns will be manifold. Nearly 80% of the fields are saved from drought and waste for rain water. When there are more than sufficient rains in our country, in or not in time, people do not know how to conserve the same, as a result of which many agriculturists suffer and this forms 50% of the cause. The scheme has means to conserve rain water.

In this scheme there are no construction of any anicuts. If at all there is any expenditure, it is only on the construction of channels which will solve the entire problem. The expenditure will not be more than 20% of what is now being expended on irrigation. Within 3 years the food problem will be solved with a guaranteed recurring improvement, annually. Short duration crops (paddy crops of different varieties) may be abundantly grown in waste barren lands, with advantage, by the process of conserving rain water, during flood season. People may get about 4 seers of rice per rupee and there will be no necessity to import rice from foreign countries.

2. **Flood channel:** Double Gate Channel, Second Gate Channel and Reversed 'J' Cutting Channels are all the devices needed to carry the river waters over hundreds of miles. After survey, one can easily estimate the area to be irrigated, quantity of water required, size of the gates required to be provided in the rivers and the main channels with gates at the branch channels. This scheme is applicable to any place and rivers in India. Almost all the rivers in India can be interconnected by means of these devices. Full details regarding the scheme are appended below:—

In Northern India, where the rivers are in unusual floods, nearly a crore of acres worth of crops are being damaged, crores of people are denied of their hard-earned food, including loss of life, property and livestock in thousands. This is an annual and periodical catastrophe costing the Government a hundred crores of rupees in the form of relief to the suffering. The scheme will surely eradicate all the foregoing misfortunes. Procrastination is the thief of time. Greater the delay, greater the loss in many ways. No matter how many more crores of rupees may be spent on schemes other than petitioner's, he is sure, it will not improve the situation in the country.

Your petitioner fervently hopes that the House will bestow its serious attention and action to implement his schemes at the earliest opportunity, for the sake of the country, and its suffering humanity.

3. **Second additional channel:** In various rivers there is only one or two channels and one Kate for each river. This does not cover appreciable areas of dry land. During the floods season, excess water finds its own course in spite of the amount and damages areas in and around it, resulting in heavy financial investment by the Government for repairs. What the petitioner suggests is that a Second Additional Channel be opened where the river takes its own course while in floods. This will cover as much dry land as the existing channel, with a Kate. The investment required here, is for the additional channel only. This will be on a temporary basis only. The existing channels will not be interfered with or damaged, but will continue to function on their own.

4. **Economical use of flood waters during floods season. Second gate channel:** There is a great need to store water in tanks or lakes,

especially the excess water flowing from anicuts during floods season. The floods season will last for 5 or 6 months in a year and in this period much havoc is done by the floods to the nation's properties in addition to heavy casualties. At present we find a first gate open at every anicut leading the water into a canal, from which, water is taken for cultivation of lands nearby. If another second cutting gate is opened to the anicut, by the side of the first gate, at least 50% of the flood waters is deviated from the canal, by widening the canal and strengthening the bunds and making branches towards the barren lands in the direction to a distance depending on the flow of water, from storage tanks erected for the purpose. Your petitioner feels that 50% of dry lands now lying fallow and dry in the nearby areas could easily be brought under wet cultivation. Government are also aware that the present growth of population in the country is about one crore every year and unless other measures are taken to check the growth of population, the country's economic resources and agricultural resources in the open area of the country will not however improve. We must see how best we can help our countrymen in their needs for food and shelter. The implementation of these proposals will surely provide jobs to many unemployed persons. The need for importing food stuffs will be considerably minimised and the wealth of the country enormously increased. Crores of people in the country will get food if the above proposals are implemented. About 10% of water is being utilised for crops, while 90% is helplessly going to the sea. The excess of water from the rivers in India, after filling the kates, should be used as much as possible in places where additional extent of land could easily be brought under wet cultivation. This stops any water going into the sea, as waste. Excess water it is possible to store by constructing Storage Tanks and lead channels from the Storage Tanks to nearby dry plains. To regulate the water flow, side channels may be dug so as to irrigate the additional land, since water rushes wherever it finds its own level without any effort. By this method, crores of acres of land could be brought under wet cultivation in five years' time resulting in employment to crores of unemployed and the food situation eased to an appreciable extent in three years' time.

5. *Northern Indian big rivers-Reversed 'J' Cutting Channels Gate on a permanent basis—Crops throughout the year:* Generally Northern Indian big rivers flow with full water throughout the year, in narrow and low level areas. If proportionate Reversed 'J' type cuttings of suitable width, one foot below the level of the river accompanied by a wall required for the 'J' type are made (bearing in mind the strength of the soil beneath) providing gates (its strength being that much sufficient to withstand the flow of water from the gate) hundreds of miles of channel could be easily dug with branches without anicuts, to irrigate crores of acres of land. Instead of constructing a 5-crore worth of dam, a 20 to 25 lakh worth of Reversed 'J' type cutting will do much better than the dam. This only acts as a diversion for flood waters preventing havoc common every year. Storages may be made wherever possible from such channels and canals extended therefrom. Putting strong bunds besides the rivers does not eliminate flood havocs. Moreover, the

more the bund is strengthened, the more the impact of water. It is, therefore, an accepted fact that flood waters in big rivers of Northern India must be allowed to pass freely by diverting them to channels dug with Reversed 'J' cutting with gate leading to a channel, water being regulated from the gate according to the area of the land available at all possible points. By this, we can safely avoid heavy expenditure that is wasted now on the strengthening of bunds. With negligible cost the flood waters can be diverted for wet cultivation. Further, for Reversed 'J' cutting areas, minimum cost walls have to be provided except at the gate opening to the channel, according to the quantity of water to be allowed. The wall protects the cutting from further eruption. Bearing in mind the distance of the river from its starting point, only that much water should be allowed to exist and flow in the river and the rest diverted via Reversed 'J' cutting channels, which will prevent havoc to crops and villages during flood season and promote irrigation and cultivation of wet lands. When Rs. 200 to Rs. 500 is realised by way of contribution on an acre of land converted as wet, the Government can then easily sanction the scheme without any hesitation. To promote wet cultivation on a large scale, land may be allotted to the landless, free of cost.

With the help of Reversed 'J' cutting channels, rivers can be brought together with one another, having regard to the level of the Reversed 'J' cutting channel and the river, which will then make the water in the river and in the Reversed 'J' cutting channel appear in one and the same level. This can be done without the necessity of an anicut. Reversed 'J' cutting is such a device that it can command and regulate quantities of water as much or less and as and when required. With the help of the cutting channels, to big rivers, water can be made available throughout the 12 months of the year, in the canals and grow crops successfully.

The advantages of the Reversed 'J' cutting channels are:

- (i) in case of rivers which dry up in summer, water can be drawn from big rivers into these through this channel. This will keep such rivers full of water throughout the year, from which lands can be cultivated, with the assistance of dams at suitable places.
- (ii) During floods, the rivers change their courses and run over the bunds, which will ultimately render the land unfit for cultivation. At places where the rivers burst through, Reversed 'J' cutting can be introduced on top of it and water directed to the fields for cultivation.
- (iii) This Reversed 'J' cutting is a new discovery and helps the world at large to a great extent.

Your petitioner is confident that even a fraction of water will not go waste under his scheme. The flood water is utilised to the maximum and does not leave a chance of it going to the sea, in waste. Such a device as this is yet to be discovered and tried by any one in the world. If the above scheme is implemented immediately, the food problem facing the country will be solved automati-

cally within a span of 3 years, besides providing employment for the whole population of India.

Apart from what has been narrated about the Reversed 'J' cutting channel, there are other numerous schemes and devices relating purely to floods, like:

- (a) Control of flood waters during rainy season.
- (b) Flood channels.
- (c) Second additional channel.
- (d) Economical use of flood waters during flood season—second gate channel.
- (e) Flood channel—Storage tanks—construction of.

All these schemes when practically tried, are more and more economical in expenditure and advantages are much more than what is being realised by the Government out of their own schemes. If necessary, your petitioner is prepared to explain in person the working of the Reversed 'J' type cutting channel with the practical demonstration.

6. Flood channel—Storage tanks—Construction of: The floods in the rivers during the rainy seasons have not been so far successfully controlled, with the existing anicuts, because out of the enormous quantity of flood waters, only that much is stored depending on the strength and capacity of the anicut as any attempt to store more will only damage the anicut. As such, lot of floods waters is going waste to the sea, such waste of water can be controlled by the aid of storage tanks constructed in very many basin shaped hallow areas accompanied by hillocks not very far from the rivers; sometimes these areas are fairly big and quite suitable. By constructing a mud bund one one side only (leaving its other three sides) where hillocks exist, at low cost, any amount of flood waters can be stored. These basins are naturally connected to every flood channel. Sufficient water to feed many crores of acres throughout India can be stored. This scheme does not interfere with the normal functioning of the existing anicuts, during other seasons of the year. This scheme will be practicable and applies to all the rivers, big and small.

The demands of the existing and increasing population can never be met, no matter how many dams are constructed. Instead, construction of storage tanks at suitable places in close proximity of every river is of primary importance and deserves priority over the dam. From storage tanks water can be directed to any place of irrigation. It need not be apprehended that the other dams may run short of water consequent on the construction of storage tanks. During floods season the entire number of storage tanks will be filled with this water all in a matter of 24 hours. The existing dams are conserving only 15 per cent of the flood waters going in waste. Whereas storage tanks will conserve another 30 per cent. more making a total of 45 per cent of the flood waters hitherto going in waste to the sea, which will be more than sufficient to comply with the requirements of irrigation. Therefore, storage tanks are inevitable

and a necessity. If the technicians specialising in this branch give this subject their serious thought, it would be well worth it.

and accordingly your petitioner prays that these suggestions of general public interest be taken into consideration and be implemented accordingly to solve the food problem in the country.

and your petitioner as in duty bound will ever pray.

Name of petitioner	Full Address	Signature
Shri M. J. Mohamed Yakoob	Ex-Municipal Councillor and owner of Indra Bhavan Building, Bamboo Bazaar, Mysore City, Mysore State.	Sd./- M. J. Mohamed Yakoob

Countersigned by } Sivamurthi Swami, M.P.,
Div. No. 377,
3-3-64.

APPENDIX III

PETITION No. 14

[Presented by Shri Mohan Swarup, M. P., on the 1st May, 1964]
(See Para 16 of the Report)

To

Lok Sabha,
New Delhi.

The humble petition of Shri Chandra Prakesh Agrawal.

SHEWETH:

1. Section 80 of the Civil Procedure Code (Act No. V of 1908) provides that no suit shall be instituted against the Government or against a public officer in respect of any act purporting to be done by such public officer in his official capacity, until the expiration of two months next after notice in writing (in the manner provided in the section) has been delivered, and stating certain particulars in the notice without which the suit cannot be instituted.

2. As a matter of fact, this provision of the law is against the spirit of the Constitution of India, which lays down equality before law and equal protection of law, and this provision, which has lost its purpose and the necessity for availing it as a safe weapon under the present set-up of the Rule of Law should not therefore be utilised.

3. There is no reason why the Government or its officers should seek this kind of privilege under the "Rule of Law", and as there is almost no scope for such a privilege under the basic law of the land, the matter requires careful consideration.

4. The Law Commission, in their Fourteenth Report on the Reform of the Judicial Administration (*vide* Vol. I, Chapter 20: Suits Against Government, pp. 475-476 of the Fourteenth Report of the Law Commission) have recommended that this provision in the Civil Procedure Code, which is a cause and source of hardship in a large number of cases, should be omitted, and, in its place, it should be provided that if a suit against the Government or public officer is filed without reasonable notice, the plaintiff would be deprived of his costs in the event of a settlement of his claim by Government or the public officer before the date fixed for settlement of issues.

5. The omission of the above provision is, therefore, vitally necessary in the public interest, since by its continuance, the public cannot get immediate relief by way of injunction or otherwise, and this results in hardship in genuine cases. While a wealthy and prosperous man can get his purpose served by invoking the extraordinary jurisdiction of the High Court under Article 226 of the Constitution of India, it is hardly possible for an ordinary man with limited

income to do so. Keeping this aspect of the matter in view, the omission of Section 80 of the Civil Procedure Code, as it stands at present, is all the more necessary, with a view to provide equal justice to all.

6. The popular leaders of the people are of the view that justice should be made cheap so that one can get it within his reach. Shri Lal Bahadur Shastri, Union Minister without Portfolio, who presided over the function at the Centenary Celebrations of Lala Lajpat Rai Memorial series at Lajpat Bhavan in New Delhi on 28th January, 1964, had regretted that justice was not available to the common people at a low cost.

7. The omission of the said provision of law will also be great help in certain other aspects, for example, the people will thereby get relief in the district courts instead of the High Court; and thus the High Court will be able to clear the arrears of work or part of it.

and accordingly your petitioner prays that the above submissions made by him may kindly be taken into consideration and that the existing provision of Section 80 of the Civil Procedure Code may be omitted in the public interest, as recommended by the Law Commission in their Fourteenth Report.

and your petitioner as in duty bound will ever pray.

Name of Petitioner	Full Address	Signature with date
Shri Chandra Prakash Agrawal	Kaimganj, U.P.	Sd/- C. P. Agrawal, 19-2-1964

Countersigned } Kr. Mohan Swarup M.P.
by } Div. No. 485,
} 13-3-1964

APPENDIX IV

PETITION No. 15

[Presented by Shri Madhavrao Laxmanrao Jadhav, M.P., on the
26th November, 1964]

(See Para 20 of the Report)

To

Lok Sabha,
New Delhi.

The humble petition of Shri Sonubhau Dagadu Baswant, M.P.,
Shri Ganesh Lakshman Patil and others belonging to the 'Agri'
Community,

SHEWETH:

On behalf of Akhil Agri (Agle) Samaj Parishad, the one and the only central organisation representing all the sections of Agri Community, your petitioners have the humble honour and privilege to present to you this mass petition signed by over 25,000 Agris. These signatures have been collected by the Parishad from different villages and towns in the Districts of Kolaba, Thana and Nasik (State of Maharashtra).

2. The Report of the Backward Classes Commission (1955) appointed by the Government of India and headed by no less a person than revered Kakasaheb Kalekar, has confirmed categorically that the 'Agri' Community is one of the 'MOST BACKWARD' Communities in the State of Maharashtra after careful and critical investigations, study and inquiries (Vol. I, Page 23 and Vol. II Page 36).

3. It is however to be unfortunately regretted that the 'Agris' are classified as an 'Advanced Community' and are grouped with Brahmins, Shenvis, Kshatriyas and other truly advanced communities. Thereby Agris are being deprived of the opportunities, facilities, encouragement and protection which are afforded to Backward Communities. How much havoc this wrong and unwise policy of the Government must have played with the budding careers and future of the younger section of Agri Community in particular may best be imagined.

Shoulder to shoulder with their countrymen, Agri youngsters are aspiring to advance themselves in all the activities of the nation-building so that they would be second to none to discharge their patriotic responsibilities as vanguards of the future.

4. Below, your petitioners also beg to reproduce a short summary of the conditions concerning different aspects of Agri Community,

which might be taken into consideration, and fervently pray for your sympathetic consideration of their case.

'Agri' Community at a Glance

Population.—Approximately 7 lakhs.

Domicile.—Kolaba District and Thana District spread mostly along marshy creeks and jungle and hill-outskirts and Nasik District in the State of Maharashtra.

Number of Villages of residence.—Thana District Kolaba District Nasik District 28.

Trades and Professions.—(1) Seasonal farming.

- (2) Agricultural labour.
- (3) Salt-pan workers.
- (4) Village Musicians.
- (5) Wood-cutting labour.
- (6) Stone-cutting.
- (7) Sea sand uplifting.

Spoken language.—A dialect of Marathi.

Mode of Worship.—Village deities, Bhavani and Khandoba.

Geographical environment.—Agri populations are almost completely cut off by hill ranges and forests in the interior and marshy creeks in the plains. Very few villages of Agri population are directly connected with the main trade routes or roads. Their isolation from the rest of the cultured urban population is one of the causes of their general backwardness.

Allied communities.—'Kolis' or fishermen along sea-shores; Warlis and Katkaris along hill sides. All of these communities are classified either as Backward or Tribal Communities.

Mode of clothings.—(A) *Males*:—Loin cloth girded upto down below knees or langotis; a 'Kabja' or a sleeveless jacket of coarse cotton cloth; a white cloth piece serving as turban.

(B) *Females*: A 'Choli'; A sari tightly wrapped round waist and upto knees, covering shoulders and breasts; A 'Khol' a 'Kambal' suitably folded to cover-up the backside of the body from head to knee. The 'Kambal' also serves to ward off the sun whilst walking and working and also for squatting down whenever required.

Ornaments.—Mostly of Silver and of antique pattern—

- (a) 'Putlis' 'Vajrathik'—golden } serving as
'Saree'—silver } necklaces.
- (b) 'Bawte'—silver—arm wear.
- (c) 'Got' and 'Patlis'—silver—Wristwear.
- (d) 'Nath' or 'Moti'—miniature pearls nosering.
- (e) 'Gathe'—Gold plated earrings.

Economic poverty.—‘Agris’ cultivate their petty rice farms, which give yield only once a year, either as direct cultivators or tenants. Nearly 90% of Agris thus occupy farms between $\frac{1}{2}$ and 2 acres only. The farm-land is mostly marshy or salty and therefore requires considerable amount of intensive labour with proportionately very less return. At least three seasons out of five years, vagaries of nature play havoc with the farming activities. If at any time the rains are favourable, the sea tide intervenes to do the damage by bursting the protecting mud ‘bunds’.

During the off-farming season, the ‘Agris’ hire themselves out as labourers on farms or in petty village undertakings.

In the city of Bombay, Agris were among the original settlers, living in small villages. Today, all their lands and villages are razed to the ground and they are reduced to serve as workers in mills, factories etc.

If at all, a genuine specimen of the proverbial poverty of the Indian peasant is to be presented, it is here—the ‘Agris’.

Low Culture.—Though it cannot be said that ‘Agris’ have their own peculiar culture as in the case of Tribal Communities, they are a most backward community in respect of culture etc. in general. Looking to their modes of living, thoughts, traditions, language, habits etc. etc., they can be said to be a community bordering between the Tribal and other backward communities.

Educational backwardness.—There is no ‘Agri’ person holding any Administrative Post. Only a very few in the cities can be said to be highly educated.

The vast majority of ‘Agris’ from the countryside are simply uneducated and illiterate. Some of the ‘Agris’ from the Villages can be said to be literate in the sense that they can only sign their names and nothing more.

If this is the position in respect of male ‘Agris’ what must be the pitiable and tragic conditions of the womenfolk can best be imagined.

On account of their illiteracy and educational backwardness, Agris fall an easy prey to the deceits, foul play and manoeuvrings of money-lenders, businessmen, landlords and traders and other exploiting section of the society. No wonder that, in the circumstances, they also become the easy victims of cheap, dreadful and ruinous alcoholic liquors,

and accordingly your petitioners, on behalf of the Agri Community, pray that their case for classifying them as a Backward Community—which they are really—needs to be sympathetically reconsidered and that all facilities and benefits in respect of employment, education etc. due to Backward Communities be made available to them,

and your petitioners as in duty bound will ever pray.

S. No.	Names of first two signatories	Full Address	Signature with date
1	Shri Sonubhau Daga- du Baswant, M. P., President Akhil Agri (Agle) Samaj Parishad.	Gangabai Mansion , Govindji Keni Road, Boiwada-Parel, Bombay-12.	Sd/- S. D. Baswant 18-11-64
2	Shri Ganesh Laksh- man Patil, General Secretary, Akhil Agri (Agle) Samaj Parishad.	Do.	Sd/- G. L. Patil 18-11-64

Countersigned by	Madhavrao Laxmanrao Jadhav, M.P.
	Div. No. 58.

APPENDIX V

PETITION No. 16

[Presented by Shri S. M. Banerjee, M.P., on the 1st December, 1964]

(See Para 25 of the Report)

To

Lok Sabha,
New Delhi.

The humble petition of Shri Anil Basu on behalf of the representatives of Swarnakars of India, and others.

SHEWETH:

1. The Gold (Control) Bill, 1963, as reported by the Joint Committee is now pending before Lok Sabha.

2. Swarnakars of India led by The Akhil Bhartiya Swarnakars Sangh, are of considered and firm opinion that the Defence of India (Amendment) Rules, 1963, relating to Gold Control, as amended subsequently, have by all considerations and beyond any doubt registered a black record of series of abject failures in as much as the main objectives of the Order, *viz.* (a) checking of smuggling of illicit gold, (b) bringing down the price of gold to international level, and (c) bringing out/unearting of hoarded gold for utilization in Nation Building Project have not yet been realised.

3. The Sangh also note with deepest regret that, whereas the Defence of India (Amendment) Rules, 1963, relating to Gold Control have failed in their real and avowed objectives, they have nevertheless succeeded in throwing two million Gold artisans out of their hereditary avocation depriving them of their only means of livelihood and this has been admitted by the Hon'ble Finance Minister Shri T. T. Krishnamachari on the floor of this Parliament as early as the 21st September, 1963, when he said that the Gold Control Amendments are necessary "to alleviate the hardship to the class of people who have been working on Gold as a means of livelihood." The Government has failed, the Sangh feels, to give them employment or to rehabilitate them as a result of which more than two hundred artisans ended their miserable life by committing suicides.

4. Under the circumstances, the Government introduced the Gold (Control) Bill, 1963, in the Parliament with a view to make it a permanent law. But there is nothing new in this Bill, which is the same as the old Gold (Control) Rules, 1963 as amended subsequently from time to time.

Nor have your petitioners found anything new in the Report of the Joint Committee, save and except for some additional powers

given to the Administrator to strengthen his hands to deal ruthlessly with the millions of the unfortunate Swarnakars. Your petitioners feel that giving additional powers is unjustified and undemocratic.

5. Your petitioners are of the firm opinion that the Gold (Control) Bill, 1963 as reported by the Joint Committee, will not only be ruining the self-employed Goldsmiths and others working as artisans to whom this was a traditional method of earning their bread, but has also created confusion and deadlock in the economic fabric of the Society.

6. Your petitioners, therefore, submit the following demands for sympathetic consideration by Parliament:

- (a) Government should recognise and protect "Swarna Shilpa" as a Cottage Industry and shoulder all responsibilities for its fullest development.
- (b) Arrangements should be made for the import and distribution of Gold to artisans and the public through Government agencies.
- (c) Arrangements should be made for the sale of "Swarna Shilpa" products on the lines of handicraft products, in the internal as well as international market; and for launching of an effective propaganda for the sale of the products and establishment of Jewellery Emporias in different places for this purpose.

and accordingly your petitioners pray that the Gold (Control) Bill, 1963, as reported by the Joint Committee, be dropped.

and your petitioners as in duty bound will ever pray.

Sl. No.	Name of first signatory	Full Address	Signature with date
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i Shri Anil Basu, 1626, Dariba Kalan Delhi-6. Sd/- Anil Basu
General Secretary,
Akhil Bharatiya
Swarnakar Sangh.

28-II-64

Countersigned
by

S. M. Banerjee,
M.P.
Division No. 462
28-II-64

APPENDIX VI

*PETITION No. 17

[Presented by Shri Surendranath Dwivedy, M.P., on the 11th December, 1964]

(See Para 29 of the Report)

To

Lok Sabha,
New Delhi.

The humble petition of Shri Bansidhar Sahu on behalf of Kendrapara Sub-division Swarnakar Sangha, Orissa, and 132 others, citizens of Kendrapara sub-division in Cuttack District, Orissa,

SHEWETH:

The Gold (Control) Bill, 1963, as reported by the Joint Committee, is now pending before Lok Sabha.

2. Your petitioners are of the firm opinion that the Defence of India (Amendment) Rules, 1963, relating to Gold Control, have proved harmful to the interests of goldsmiths and other artisans employed in the trade, from the economic point of view. As a result of the promulgation of the said Rules, lakhs of people have become unemployed and are almost starving. The objectives of the Government *viz.*, to stop illicit smuggling of gold, to lower gold price to the international level and to unearth hoarded gold, have not been achieved by the enforcement of the said Rules. There has been incalculable loss to the nation, as a whole.

3. The purpose of the Government will not be served by the Bill now pending before Lok Sabha, which merely attempts to make the Defence of India (Amendment) Rules, 1963 relating to Gold Control, a permanent law.

4. Your petitioners, therefore, submit the following suggestions for making suitable provisions in the Defence of India (Amendment) Rules, 1963, relating to Gold Control:—

- (i) The Gold ornament trade may be considered as a cottage industry and sufficient protection should be given to it and Government should take full responsibility for its development.
- (ii) Government should supply gold to the goldsmiths and jewellers and also to the public through its own agencies.
- (iii) Government should organise sales of all manufactured articles of goldsmiths and jewellers like other cottage

industries and should open stalls at different centres for the purpose.

and accordingly your petitioners pray that the Gold (Control) Bill, 1963, as reported by the Joint Committee, be dropped.

and your petitioners as in duty bound will ever pray.

Sl. No.	Name of First Signatory	Full Address	Signature with date
1	Shri Bansidhar Sahu on behalf of Kendrapara, sub-divisional Swarnakar Sangha, Orissa.	Village Talabarang P.O. Kendrapara, Cuttack, Orissa.	Sd/- Bansidhar Sahu.
Countersigned by			S. N. Dwivedy, M.P. Div. No. 438 7-12-64

APPENDIX VII

PETITION No. 18

[Presented by Shri K. Ananda Nambiar, M.P., on the 16th December, 1964]

(See Para 33 of the Report)

To

Lok Sabha,
New Delhi.

The humble petition of Shri Bhadalya Navasha Gond and other inhabitants of Nagar Haveli, Goa,

SHEWETH:

The Nagar Haveli region in Goa was liberated from the Portuguese rule and since then it is governed by the Administrator of the Union Government. However, the old land legislation still continues there and the method of administration is unchanged with unto miseries and hardships continuing. Eighty per cent of the people are aborigines who are closely linked to the Talasari and Dahanu talukas in the adjoining State of Maharashtra.

2. Your petitioners, therefore, submit that the following legislative and other measures applicable in the State of Maharashtra may also be made applicable to the Nagar Haveli region:

- (i) Land legislation;
- (ii) land revenue and wages of agricultural and forest workers as in the adjoining Talasari taluka in Maharashtra;
- (iii) facilities given to aborigines in Maharashtra; and
- (iv) establishment of Gram Panchayats on the basis of adult suffrage.

and accordingly your petitioners pray that the above demands submitted by them may kindly be considered sympathetically by Lok Sabha,

and your petitioners as in duty bound will ever pray.

Sl. No.	Name of First Signatory	Full Address	Signature or thumb impression.
1	Shri Bhadalya Navasha Gond.	Nagar Haveli, Goa.	Thumb-impressed.

Countersigned
by } K. Ananda Nambiar,
} M.P.
} Div. No. 442

APPENDIX VIII

PETITION No. 19

[Presented by Shri Tulshidas Jadhav, M.P., on 22nd December, 1964 & circulated in pursuance of the Speaker's direction under Rule 307(1) of the Rules of Procedure and conduct of Business in Lok Sabha]

(See Para 38 of the Report)

To

Lok Sabha,
New Delhi.

The humble petition of Shri Nabhi Ram Joshi, and other Citizens. of India most respectively,

SHEWETH:

1. Your petitioners aggregating to nearly 25,00,000 citizens are voicing the sentiments of people from various States in India. Your petitioners feel that on account of inadequacy of time more number of people could not join in this representation and have no doubt that if given some more time to place their views before this Hon'ble House, more than five times the number would join us in expressing our views regarding the Gold (Control) Bill, 1963 which is being piloted before this Hon'ble House.

2. It will be recalled that this Bill was submitted to the Joint Committee of both the Houses for examination and scrutiny and have the opinion of nearly 45 hon'ble Members constituting that Committee. The Joint Committee heard various representatives and has submitted its report to the Parliament. The report includes the recommendations of the Committee as also minutes of dissent.

3. Your petitioners most respectfully beg to point out that rules for the control of quality and quantity of gold have already been framed by the Government under the Defence of India (Amendment Rules) 1963. These Rules were introduced with a view to check smuggling and bring down the soaring prices of gold. The Government felt and, it is submitted, very rightly, that unless the price of gold was controlled and brought on par with the international price the inflation in prices would not be checked. Your petitioners feel that the remedy sought by the Government by the introduction of Gold Control Rules is faulty and ineffective. The statements made by the Ministers concerned from time to time regarding the working of the Gold Control Rules and the effect it has produced till now are not satisfactory and it must be conceded that these rules have failed. It will not be out of place to mention that the price of gold has not yet come down to the level it ought to so that inflation may be checked. It must also be conceded that smuggling in gold is still continuing unabated. Your petitioners, therefore, feel that the Gold Control Rules are not the effective remedy for bringing down prices of gold and inflation nor are they a panacea for stopping smuggling of the precious metal.

4. Since the Gold Control Rules framed under the Defence of India (Amendment) Rules, 1963, are still in force, the introduction of Gold (Control) Bill, 1963 was inopportune. Your petitioners feel that it would be a hasty step to introduce a permanent piece of legislation when almost a similar piece of legislation has received no support from the public and has not been found effective. It is the considered opinion of petitioners that the people in general in cities, towns and villages are all opposed to the control on the quality of the gold. A special and permanent piece of legislation is neither necessary nor desirable for that purpose. It is also the considered opinion of your petitioners that this Bill should have been probed into by the appointment of a high-powered Commission. Your petitioners feel that the Gold (Control) Bill should have been introduced only if a probe had been made and it had been found that the public opinion was receptive. It need hardly be said that in a democratic welfare State no such laws should be forced upon the people against their will. Law is the expression of the will of the people. Your petitioners humbly pray that even now it would not be too late to send the Bill for public opinion and await a probe in that direction. If it be ultimately found that the people in general are wholly opposed to this bill—and your petitioners have a feeling that they are so opposed—it would be in the interest of this great democratic institution to drop it out of consideration.

and accordingly your petitioners, therefore, humbly pray that Lok Sabha, as representative of the nation might look into the grievances of the various representatives of the trade which had given evidence before the Select Committee and take into consideration this most humble and respectful representation and either drop the Bill out of consideration; or at least to hold its consideration in abeyance after a report of a high-powered Commission about public opinion in respect of this Bill has been received.

and your petitioners, as in duty bound, will ever pray.

Sl. No.	Name of first petitioner	Full Address	Signature with date
1	Shri Nabhi Ram Joshi.	Pradhan, Brahman Maha Sabha, c/o Shri Tulshidas Jadhav, 150, North Avenue, New Delhi.	Sd/- Nabhi Ram Joshi.
Countersigned by			Tulshidas Jadhav, M.P 150, North Avenue. New Delhi.

APPENDIX IX

(See Appendix I and Para 9 of the Report)

NOTE CONTAINING FACTUAL COMMENTS OF THE MINISTRY OF WORKS AND HOUSING ON PETITION No. 9

The following comments are offered on the proposal contained in the subject petition presented to the Lok Sabha by Shri Sivamurthi Swami, M.P.

The petitioner, Shri Yacoob, has suggested establishment of factories for producing timber products and clay roofing tiles in different parts of the country. Some 40 such factories in the whole of India have been proposed by him and each factory is expected to cater to a population of 80 lakhs or 1 crore. Each factory will provide timber products and roofing tiles for about 2500 houses per year.

It appears that the petitioner thinks that the scarcity exists in timber products and roofing tiles only. These materials he proposes to utilize in the construction of the roof of the house only. For the construction of walls he has indicated the use of bricks and cement but has not given any proposal regarding the manufacture of these materials. In fact there exists large scarcity for these materials all over the country and their cost is also very high. No figures regarding the cost of building materials have been given and the petitioner has hypothetically assumed that the production of only timber products and roofing tiles in the factory would lead to 50% saving in the cost of materials. The tiles and timber products constitute only a portion of the entire cost of the building. As these 40 factories will be distributed all over the country, the cost of transportation of building materials from the factory to the site will in itself be tremendous.

In the design and construction advocated by the petitioner, there is neither any novelty nor any new technique. This is purely a traditional type of construction. It is very much doubtful whether with the use of building materials like bricks, cement, timber, tiles a house having two rooms, one hall, a kitchen, a store room and a compound in the rear, with bath and latrine would cost only Rs. 1000 and Rs. 2000, as mentioned in the petition. On the basis of the accommodation suggested in the petition, a minimum built-up area of 600 sft. of durable construction will be needed for a house, the cost of which in no case will be less than Rs. 5000. We wonder if any philanthropic person can come forward to build houses on such a mass scale, but even if he does on no-profit basis, the saving in cost will be hardly 10 to 15%.

The next type of house suggested by the petitioner is a timber-frame house. These days timber is not available so freely in all

parts of the country. We wonder if a teakwood pole will be available at 25 nP. These days even the bamboo costs much more than that.

The petitioner has not proposed the use of any new materials, nor has he given any proposal regarding the production of materials at cheaper cost. Also in the construction of houses no such technique which may lead to reduction in cost has been suggested. The cost figures mentioned in the petition are hypothetical, and the construction of the houses is in no way different from what is already practised in different parts of the country.

With regard to the financing of the scheme, the petitioner suggests that there should be a housing lottery committee, consisting of 10 lakh members, each contributing Rs. 10 in order to fetch a capital of Rs. 1 crore. It is not known how these 10 lakhs persons are going to benefit by the scheme. From the organisational and administrative points of view, it is very difficult to find 10 lakhs willing persons and such a society if at all founded will be too unwieldy for any purpose.

The petitioner has further suggested a scheme of lottery for financing the house-building. He has suggested 4 crore tickets each of the value of Rs. 2 on a half-yearly basis. This would fetch Rs. 16 crores by the sale of tickets. It would mean that almost every house hold covering the entire population of the country should buy a ticket every year. This appears to be an impracticable proposition.

It has been suggested that 50% of the money so collected should be given away in the form of 100 prizes of different value, and the rest, namely, Rs. 8 crores be utilized for financing the construction of houses. It is doubtful whether the lottery system of financing would catch the imagination of the people, as also to what extent the award of 100 prizes among 8 crore purchasers of tickets would serve to attract the capital fund. From this sum of Rs. 8 crores the petitioner proposes to construct one lakh houses annually. Allowing Rs. one to two crores for establishment charges and travelling expenses, etc., the balance left over will be Rs. 6 crores, and if one lakh houses are to be constructed, each house will cost about Rs. 600, which contradicts the earlier proposition of the petitioner that this house would cost Rs. 1000 to Rs. 2000. Considering the normal cost of such a house, about 12000—15000 houses can be constructed as against one lakh claimed by the petitioner.

The system of financing through lottery would not serve the purpose. The problems, apart from financing, is of the techniques and methods adopted in bringing down the cost of building houses, which has been completely excluded in the petition.

The proposal on the whole would appear impracticable and not susceptible of implementation.

APPENDIX X

(See Appendix IV and Para 23 of the Report)

DEPARTMENT OF SOCIAL SECURITY SCT IV SECTION

SUBJECT:—Classification of the Agri. Community as a backward Community.

Reference Lok Sabha Sectt.'s U.O. No. F. 21/C/64 dated 30-11-64/ 1-12-64 and 15-12-64 on the above subject.

2. In this connection it may be stated that the term "Backward Classes" includes the Scheduled Castes, the Scheduled Tribes and the other Backward Classes. The Scheduled Castes and the Scheduled Tribes have been specified by the President in accordance with the provisions contained in Article 341 and 342 of the Constitution. As regards the "Other Backward Classes" the President in accordance with the provisions of Article 340 of the Constitution, appointed the Backward Classes Commission in 1953, to determine the criteria to be followed for specifying these people and in accordance with such criteria to prepare a list of such classes. The Report of the Backward Classes (in Three volumes) together with the Government's Memorandum of the action taken on the Report was laid on the Table of both the Houses of Parliament on the 3rd September, 1956. As stated in the Memorandum referred to above, the Government of India did not accept the criterion of caste suggested by the Commission for determining backwardness. As a result of this the list of "Other Backward Classes" based on caste, furnished by the Commission in volume II of their Report was also rejected by the Government.

3. Having discarded 'caste' as the yardstick for ascertaining who the "Other Backward Classes" are, the Government of India made their own attempts to evolve some positive and workable criteria for the purpose but these did not yield any useful results. After careful consideration of the whole question the Government of India finally decided in 1961 that no all-India list of "Other Backward Classes" need be drawn up. Government of India further advised the State Governments that whereas the latter were constitutionally at liberty to follow the criteria of their choice for defining "Other Backward Classes", in the opinion of the Government of India, it was better to follow the economic criteria rather than to go by caste.

4. The only scheme for the "Other Backward Classes" which is wholly financed by the Central Government is that of post-matric scholarships. For this limited purpose, the Government of India have specified the following economic criterion for determining "Other Backward Classes" with effect from 1963-64:—

"There will be two slabs—one with family income upto Rs. 1500 per annum, and the other with family incomes over Rs. 1500 but not exceeding Rs. 2000 per annum, except in the case of technical courses (e.g. medical, engineering, agricultural and veterinary courses) where the limit may be Rs. 2400 per annum. Students from the first slab should be considered first for the grant of scholarships, and if any amount is left over from the allotted funds, students from the second slab may be considered. Students from families with lower incomes will receive preference over those from families with larger incomes."

The denotified, nomadic and semi-nomadic tribes will, however, continue to be treated as "Other Backward Classes" in view of their special problems (also as whole groups, they can be taken to be economically backward). All persons (other than those belonging to Scheduled Castes, Scheduled Tribes, Denotified, nomadic and Semi-nomadic Tribes) irrespective of religion or caste, who satisfy the above noted criterion shall be eligible for post-matric scholarships as economically backward classes. Obviously, persons belonging to the Agri. Community who come within the income limits mentioned above, will also be eligible for post-matric scholarships as "Other Backward Classes".

5. In view of the position explained above, it would be clear that the Government of India are not maintaining any list of backward classes other than the Scheduled Castes and the Scheduled Tribes. The request of the Agri. Community for treatment of the community as 'backward or most backward' cannot therefore be accepted. In this connection, it may also be stated that a similar petition from this community was also received in this Department and Shri Sanubhau Dagadu Baswant M.P. and President, Akhil Agri. (Agle) Samaj Parishad, has been informed of the position accordingly.

6. It may also be added that a discussion on the Report of the Backward Classes Commission is pending before the House on a Motion moved by Shri Yashpal Singh, M.P. on the 3rd October, 1964.

Sd./- M. P. Rodrigues.
Under Secy. to the Govt. of India.

Lok Sabha Sectt. (Committee Branch).

Dept. of S. S. U.O. No. Dy. 4171/64-SCT. IV dated the 26th Dec. 1964.

APPENDIX XI

(See Appendix VII, and Para 35 of the Report)

MINISTRY OF HOME AFFAIRS

Will the Lok Sabha Secretariat (Committee Branch) please refer to paragraph 2 of their U.O. No. F. 21/C/64, dated the 16th December, 1964 regarding extension of Land Legislation and other measures in Maharashtra to Dadra and Nagar Haveli? The comments of the Ministry of Home Affairs are given below:—

1. Land legislation in Dadra & Nagar Haveli

Out of a total area of 1,22,572 acres, about 50,845 acres covering 60 villages is under forest. The total cultivated area is only 65,474 acres, out of which about 27,000 acres is under grass. The population of the territory according to 1960 Census was 50,873 representing 9,877 households. 88 per cent of this population belongs to the Adivasi class.

The proprietary right over the land is that of the State. Before 1919 land was given on annual lease only. After 1919 the system of annual leases was discontinued, and instead of this the cultivators were given 'Alwaras' (Senaads) for an indefinite period on the payment of a fixed assessment. Those who were not given 'Alwaras' were leased out lands for fixed periods. The total number of Khatedars in 1960 was 1843 out of which 1412 held land on an indefinite basis, 363 on leases for 3 years and 68 for leases upto one year. The number of Adivasi Khatedars was estimated to be of 50 per cent. Only one Adivasi family in 10 owned land. The distribution of land was very uneven between the various Khatedars. 149 Khatedars mainly non-adivasis are large land-owners paying land revenue between Rs. 100 and 1300. The landlords constitute a very important and influential group in the territory.

The Adivasis therefore were at the mercy of the landlords.

The liberation of Dadra and Nagar Haveli took place on 21st July, 1954 and 2nd August, 1954 respectively. The free Administration took various steps to save the Adivasi tiller from exploitation by the big landlords. The following steps were taken to meet some of the urgent demands for land reforms:—

- (a) An ordinance was issued on the 11th of March, 1955, prohibiting the landlords from taking possession of land leased to the tenants without the permission of the Administration.
- (b) On the 26th of December, 1955, the Administration issued an order prescribing that the landlords should take as

rent only $\frac{1}{4}$ th of the crop grown by the tenants. A penalty of Rs. 1000 was prescribed for any breach of this order.

- (c) In May, 1961, an effort was made to consolidate the law governing the relationship of tenants and landlords by issuing the Free Dadra and Nagar Haveli Tenancy and Agricultural Lands Ordinance (No. 2 of 1961). Broadly, it provided that no tenancy shall be terminated merely on the efflux of time and while fixing the maximum rent at one-fourth of the main crop grown on the land, it also empowered the Administrator to reduce the maximum limit.
- (d) On 5th December 1962, the Administrator issued a notification and reduced the maximum rent from one-fourth to one-sixth of the yield of the crop.

All these measures, however, did not meet the needs of the time and to go over the question, a Land Reforms Commission was appointed in August, 1964. This Commission met under the Chairmanship of Shri L. R. Dalal, ICS., Secretary to Government of Gujarat. The Commission submitted its recommendation to the Administrator in November, 1964, and has kept in view the following basic principles:—

- (a) The actual tiller of the soil should be brought in direct relationship with the State.
- (b) There should be a ceiling on the extent of land which a person is allowed to hold and cultivate.
- (c) Surplus land made available by the imposition of the ceiling mentioned above should be distributed to land-less persons.
- (d) There should be security of tenure and certainty about rent.

The recommendations of the Commission are under the consideration of the Ministry of Home Affairs and the Planning Commission.

2. *Land Revenue and Wages of Agricultural and Forest Workers as in the adjoining Talasari Taluka in Maharashtra*

The assessment rates in the territory are at present regulated by the old Portuguese law enacted in 1919. Steps have already been taken to carry out survey and settlement operations in the territory on the same line as is being done in the Maharashtra and Gujarat States. The preliminary work has commenced and a Regulation which would give statutory cover to these operations and provide for assessment of land revenue on the lines obtaining in the adjoining States is under preparation and is expected to be promulgated as soon as possible. The settlement work is to be undertaken from the beginning of November, 1965.

The position regarding the wages of agricultural land and forest workers is as follows:—

Unskilled forest workers are paid at the rate of 1.75 rupees per day. The rates fixed for agricultural labour by the Varishtha Panchayat Dadra and Nagar Haveli for various types of works are as follows:—

- (1) for reaping—male—Rs. 1.37.
female—Rs. 1.25
child under 16 yrs.—Rs. 1.00
- (2) for harvesting—male—Rs. 1.50.
female—Rs. 1.37
child under 16 yrs.—Rs. 1.12
- (3) Operations other than reaping and harvesting—Rs. 1.00
- (4) Ploughing—Rs. 3.00
- (5) for cutting five hundred bundles of grass and stacking.—
Rs. 3.50.

These rates are at par with those paid in the Thana District of the Maharashtra State.

3. Facilities given to aborigines in Maharashtra

(a) Education:

- (i) Grant of tuition fees and examination fees to Tribal students.
- (ii) Development of Ashram Schools.
- (iii) Construction of Hostels.
- (iv) Grant of Scholarships.

(b) Economic Assistance:

- (i) Propagation of improved agriculture.
- (ii) Development of land belonging to Scheduled Tribes.
- (iii) Grant of loans and subsidies.
- (iv) Assistance in the formation of Cooperative Societies.
- (v) Improvement in Communications.

(c) Health, Housing & other Schemes:

- (i) Medical Relief and construction of hospitals.
- (ii) Construction of drinking wells.
- (iii) Help in Housing.

The facilities being given in Dadra and Nagar Haveli are as follows:—

(a) Education:

- (i) Adivasi Chatralaya

The Administration is running a free hostel for 40 Adivasi students. Government have also sanctioned a recurring payment of Rs. 20 per mensem per child for meeting the boarding and lodging expenses of the children.

(ii) The Administration has taken up the construction of an Ashram-type school at a cost of Rs. 2,65,040.

(iii) *Primary & Secondary Education.*

Primary and Secondary education is free.

(iv) Stipends are paid to the deserving students whose parents' income is below Rs. 900 per annum. (For College education). Stipend is given at the rate of Rs. 40 per mensem if the child is studying in a hostel and at the rate of Rs. 27 per mensem in other cases. In 1963-64 9 such scholarships were given.

(v) Text-books and note-books are supplied free to Adivasis and non-Adivasis receiving Primary and Secondary education.

(vi) The Government is running two Bal Mandirs at Silvassa and Naroli at their own cost.

(vii) Newspapers are supplied to all Primary schools free of cost. The Administration is also running a free Library at Silvassa.

(b) *Other Help:*

(i) The Administration has distributed seeds at subsidized rates.

(ii) The Administration has already advanced 2,40,996 rupees by way of loan for land improvement.

(c) *Health, Housing and other Schemes:*

(i) The Administration has constructed six drinking wells and 22 others are in progress.

(ii) The Administration has constructed a Veterinary Centre at Kilvani. The construction of three other Centres is in progress.

(iii) The construction of a hospital at Silvassa at a cost of Rs. 5 lakhs is proposed.

(iv) Licences for 85 industries have been issued. This pertains to small scale industries.

(v) Adult Literacy Classes have been started at 12 Centres.

(vi) A tailoring class for women has been started at Silvassa, and a tailoring class for gents has been started at Dapada. Each trainee is given a stipend of Rs. 25 per mensem.

(vii) The Government have also issued a sanction for a permanent advance of Rs. 2 lakhs to the Dadra and Nagar Haveli Administration for the procurement of paddy to build up reserves and for its distribution through fair price shops.

(viii) There is an Adivasi Welfare Fund which is used to help Adivasis on the occasion of marriages, for construction and repairs of houses, and for loans at low interest for the purchase of bullocks, for medical expenses and prosecution of studies.

(ix) Subsidy is being given for the construction of houses. A hundred houses are under construction out of which 30 have been completed.

It will be seen from the above that ample facilities are being given in Dadra and Nagar Haveli especially to Adivasis.

4. Establishment of Gram Panchayats on the basis of adult suffrage

There are 72 villages in the territory, grouped into 10 groups. Before the integration of the territory in the Indian Union, each group elected a group panchayat. The members of these group Panchayats in turn elected a Varishtha Panchayat of 36 members. The functions of the Varishtha Panchayat are given in Section 4 of the Dadra and Nagar Haveli Act, 1961, which reads as under:—

“4 (1) Until other provision is made by Law, as from the commencement of this Act the Varishtha Panchayat shall have the right to discuss and make recommendations to the Administrator on—

- (a) matters of administration involving general policy and schemes of development,
- (b) any other matter referred to it by the Administrator.

(2) The functions of the Varishtha Panchayat referred to in this Section will be advisory only but due regard shall be given to such advice by the Administrator in reaching decisions in the matter in relation to which the advice is given.

(3) No act or proceeding of the Varishtha Panchayat shall be invalid by reason only of the existence of any vacancy amongst its members or any defect in the constitution thereof.”

To foster the Panchayat movement and to bring the Village Panchayats on to the same pattern as obtaining in other parts of the country, a Village Panchayat Regulation is being drafted. This Regulation will provide for the establishment of Village Panchayats which will be empowered to undertake works connected with sanitation, education, social welfare, etc.

The Union territory has been given a representation in the Lok Sabha since the date of integration, namely 11th August, 1961. It is represented in the Parliament by one member.

Sd./- V. P. Malhotra,
Dy. Secy. (GP)

Lok Sabha Sectt. (Committee Branch) (Shri B. B. Tiwari, Dy. Secy.)
Ministry of Home Affairs u.o. No. F. 14/45/64-Goa, dated 16-1-65.

APPENDIX XII

(See Para 44 of the Report)

NOTE BY MINISTRY OF EDUCATION RE: DEMAND OF SECONDARY SCHOOL TEACHERS

The All India Secondary Teachers Federation also submitted a similar Memorandum to Prime Minister and Education Minister, containing the demands of Secondary School teachers. The main points raised by the teachers related to:—

- (i) Uniform pattern of education.
- (ii) Uniformity of pay scales and service conditions of teachers of Secondary schools in different parts of India.
- (iii) Security of service of teachers working in private schools.
- (iv) Introduction of pension scheme for non-government school teachers.
- (v) Setting up of a Secondary Education Grants Commission.
- (vi) Retention of Teachers' Constituencies in State Legislatures.
- (vii) Representation of teachers on educational bodies.

2. The position in respect of the points raised above is as follows:—

Uniform Pattern of Education

Following the recommendations of the Secondary Education Commission a uniform pattern of higher secondary education was recommended to the State Governments as far back as 1954. This system could not, however, be introduced in all the States. Full success in upgrading the high schools to the higher secondary pattern could not be achieved due to the shortage of properly qualified staff and the required financial resources. The question of the pattern of education was reviewed at the State Education Ministers' Conference held in November, 1963 and it was recognised that there must be equivalence of standards while permitting rooms for flexibility and experiment. The recommendations of the Conference are receiving the attention of the State Governments.

The last conference of State Education Ministers held in April this year also considered this question and generally agreed to having ultimately a 12-year pattern of secondary education.

Union Territories have been asked to convert all secondary schools into Higher Secondary schools as early as possible according to a phased programme. It is also intended that all the Higher Secondary schools in the Union Territories be affiliated to the

Central Board of Secondary Education in order to bring about uniformity in the pattern of Secondary education.

Uniformity of pay scales and service conditions.

There has been improvement in the salary scales of teachers because of the initiative taken by the Central Government. It is felt that it will be difficult to have uniform salary scales all over the country since the States have different salary structures for their employees. The question of suggesting the adoption of a minimum salary scale was considered in this Ministry and it was felt that a uniform salary scale in all the States was not possible. A national minimum will in effect mean only that scale to be adopted by all States. This will not be in the interest of the teachers.

For improving the emoluments of teachers in both Government and non-Government schools, the Government of India has been assisting the State Governments on 50:50 basis. The Planning Commission has been requested to agree to the continuance of this assistance upto the end of the Fourth Plan and so far they have not agreed to the proposal because the general pattern of Central assistance for the 4th Plan has yet to be decided.

Regarding the removal of disparity between the salary scales and allowances of Government and non-Government school teachers, the Minister for Education has addressed a letter to the Chief Ministers of States. It has been emphasised that since both categories of teachers do same kind of work, there is hardly any justification for a difference in their emoluments and other service conditions.

The matter was also considered at the conference of State Education Ministers held in April, 1964. The Conference came to the conclusion that:

"It is necessary to do away with the disparity between the emoluments and service conditions of teachers serving under different managements such as in Government schools, in local authority schools and in private schools where such disparity exists at present.

Other facilities to be provided to teachers should include the following:—

- (a) Free education for their children.
- (b) Triple benefit (e.g., pension, provident fund and insurance).
- (c) Quarters for women teachers—specially in rural areas."

As for the Union territories, the Ministry of Education is already considering the question of making scales of pay of teachers uniform in all the Territories.

Security of service of teachers and old-age benefits.

In his letter to Chief Ministers of States (referred to above) the Minister for Education has drawn attention of State Governments

to the general sense of insecurity of service amongst teachers of non-Government aided schools and has requested them to take special steps to inspire confidence and self respect in the entire teaching profession. The State Governments have also been advised to introduce the triple benefit scheme for the non-Government school teachers. This scheme provides for contributory provident fund, insurance and pension. The Central Government has also offered to share with the State Government half of the expenditure involved in introducing such a scheme. The scheme is at present in operation only in the four States of Andhra Pradesh, Madras, Kerala and Mysore and other States are considering the matter.

The Ministry is already examining the proposal to have: (1) a uniform set of rules governing the conditions of services of the teachers in aided schools of the Union Territories, by amending the rules for Grant-in-aid to the schools, if necessary, and (2) Terminal benefits to the teachers in the schools in Union Territories similar to those enjoyed by Central Government employees.

Secondary Education Grants Commission.

The question of setting up a Secondary Education Grants Commission has been taken up with the Ministry of Law and their final comments are awaited. Meanwhile, the Union Minister of Education has succeeded in persuading the Finance Minister in allocating a special amount to undertake a crash programme to improve the standard of secondary education. Out of this, special grants on 100% basis will be given to the State Governments to improve science laboratories and libraries of their schools as well as to organize special training programmes for science teachers.

Retention of Teachers Constituencies in State Legislatures.

The matter has been referred to the Ministry of law who are considering the matter.

Representation of teachers on educational bodies.

In this regard it may be stated that the organisations of teachers in the country are still in a formative stage. As and when fully representative organisations are established, the Government would be glad to take their representatives on educational bodies, wherever it is felt desirable. In the meantime, individual teachers are invariably included in various Committees, Commissions, Study Groups etc.

APPENDIX XIII

(See Paras 49 and 50 of the Report)

A NOTE ON THE POINTS RAISED BY SHRI G. D. SOMANI, IN HIS MEMORANDUM TO THE SPEAKER, LOK SABHA ON PRESERVATION, PROTECTION AND DEVELOPMENT OF COWS. [MINISTRY OF FOOD AND AGRICULTURE]

India has a large cattle population comprising 175 million cattle and 51 million buffaloes (1961) being about one-fifth and more than one-half the world's cattle and buffalo population respectively. During the decade ending 1961, the bovine (cattle and buffalo) population had increased greatly. According to the results of the Livestock Census, number of Cattle increased by 11.4 per cent or 2.3 per cent annually for the 5-year period, 1956—61. If this rate of growth continue, the bovine population would be well over 310 million head by 1975 and nearly 350 million head by 1981. With the land resources remaining almost constant, such a rapid increase in the cattle population is likely to lead to a very serious and unmanageable situation.

2. While the traditional reverence for cattle among the people is noteworthy, the economic utility of our cattle is limited by their low productivity. The average annual milk production per cow and milch buffalo is about 180 litres and 550 litres only against about 5,000 litres milk per cow in some of the countries having well-developed cattle industry. In regard to draught quality except for bullocks of some of the well-defined breeds of cattle, the draught capacity of majority of bullocks is poor. This low average productivity of our cattle has resulted in having to maintain larger number of these for meeting the requirements of milk and draught power. The increasing number of these, in turn, cause a serious strain on the limited grazing and feeds and fodder resources which are hardly adequate for the optimum feeding of about 50 per cent of the existing cattle population.

3. In view of the importance of cattle in the country's rural economy increasing attention is being paid to cattle development and milk production under the Five-Year Plans. The outlay for animal husbandry and dairy development under the First and Second Five-Year Plans was Rs. 15 crores and Rs. 33 crores respectively. The Third Plan provides for about Rs. 90 crores for these activities. A very much higher priority is proposed to be accorded to cattle improvement and dairy development under the Fourth Plan and it is understood that a provision to the extent of Rs. 208 crores has been tentatively agreed to by the Planning Commission for these activities.

4. The cattle development programmes which have been undertaken, aim at improving the productive efficiency of cattle, both for draught purposes and milk production for which a number of

schemes have been sponsored. As the productivity of our cattle improves due to various measures already initiated, a somewhat smaller cattle population would meet the requirements of milk and draught. Under the cattle development programme, therefore, emphasis is being placed on the maintenance of a limited number of good quality cattle by the farmer against a large number of low productive cattle being maintained at present.

5. After the Independence, there was a persistent demand for placing a total ban on the slaughter of cattle in the country. The Government of India in November, 1947, constituted a Cattle Preservation and Development Committee comprising officials and non-officials to review *inter alia* the existing regulations regarding restrictions on slaughter of cattle and the administrative arrangements for the enforcement of the regulations. Although the Committee came to the conclusion that slaughter of cattle was not desirable in the country and should be prohibited, it recommended that, at the first stage, there should be a total prohibition on the slaughter of all useful cattle other than animals of over 14 years of age and those of any age permanently unable to work or breed due to injury or deformity. This recommendation was accepted by the Government of India in consultation with the States and a draft model Bill was prepared and circulated to the States for their guidance as enactment of legislation in this field is within the competence of the State legislatures.

6. Later in 1954, the Government of India set up a Committee of Experts to *inter alia* consider the steps that should be taken to prevent the slaughter of milch cows, particularly in the cities of Calcutta and Bombay even when they had gone temporarily dry. This Committee examined the question of slaughter of cattle from all aspects and had felt that a complete ban on the slaughter of all cattle will tend to increase their numbers further and jeopardise the well-being of the limited number of good cattle the country still possessed. The Committee also felt that an increase in the cattle population would also result in a real danger of the number of surplus cattle being allowed to roam wild thereby proving a menace to the production of crops. The Committee had come to the conclusion that a total ban on slaughter of all cattle would not be in the best interest of the country as it was merely a negative approach. As a constructive approach to the problem, the Committee suggested that slaughter of useful animal should be banned and further the country's resources should be fully harnessed to develop better and more efficient cattle.

7. In this connection, it may be pointed out that in the course of a debate on the non-official Bill on cattle preservation in the Lok Sabha on the 2nd April, 1954, the late Prime Minister asked the House to reject the Bill on the grounds that the subject-matter of the Bill was not within its legislative competence and further that the Bill by merely providing for a ban on slaughter of cattle was not likely to achieve its objective of protection and development of cattle. Continuing, the Prime Minister said that the approach to this problem had to be a constructive one and the Government were already taking steps which were bearing results.

8. The question of cattle protection and preservation concerns the State Governments. A number of States, namely, Bihar, erstwhile Madhya Bharat and Madhya Pradesh, Mysore, Punjab, Rajasthan, erstwhile Saurashtra and Uttar Pradesh had imposed complete ban on the slaughter of cattle. In some of other States, namely, Jammu and Kashmir, Kutch, PEPSU, Manipur Valley the slaughter of cattle was prohibited either by local customs or by executive orders. In the Union Territory of Delhi, the Municipal bye-laws laid down that no cow, bullock, working buffalo, buffalo in milk, pregnant buffalo could be slaughtered. In some other States namely, Assam, erstwhile Bombay, Hyderabad, Madras and West Bengal (Some municipal areas), the ban on slaughter of cattle covered useful cattle only.

9. The matter came up before the Supreme Court when some butchers and others engaged in the cattle trade for slaughter and in hides and skins filed petitions against the legislations enacted in Bihar, erstwhile Madhya Pradesh and Uttar Pradesh on the grounds that these Acts infringed their fundamental right of trade occupation, etc. After a detailed examination of the matter, the Supreme Court gave the following ruling (*Md. Hanif Qureshi Vs. State of Bihar 1959 SCR 629*):

1. that a total ban on the slaughter of cows of all ages and calves of cows and she-buffaloes, male and female, is quite reasonable and valid and is in consonance with the directive principles laid down in Art. 48;
2. that a total ban on the slaughter of she-buffaloes, breeding bulls or working buffaloes (cattle as well as buffaloes) as long as they are milch or draught cattle is also reasonable and valid; and
3. that a total ban on the slaughter of she-buffaloes, bulls and bullocks (cattle or buffaloes) after they cease to be capable of yielding milk or of breeding or working as draught animals *cannot be supported as reasonable in the interest of general public.*

10. This matter was further considered in the Ministry of Food and Agriculture in the light of the judgment of the Supreme Court and it was felt that no directive need be sent to the State Governments as the matter was within the purview of the States themselves. The States which had imposed a total ban on slaughter of cattle have generally amended the Act(s) to conform to the ruling of the Supreme Court.

11. It may be stated that the technical opinion in the country has not been in favour of total ban on slaughter of cattle in view of the very rapid increase in the cattle population and acute shortage of feeds and fodder in the country. The Expert Committee on the prevention of slaughter of cattle in India referred to earlier had estimated that if the slaughter of cattle was banned, an annual rate

of increase in the cattle population would be as much as 5.75 per cent. The Animal Husbandry Wing of the Board of Agriculture and Animal Husbandry in India while discussing the maintenance of unproductive and uneconomic cattle at its meeting in 1957, had strongly recommended that the ban imposed on the slaughter of cattle in the various States should be immediately lifted. The Agricultural Production Team sponsored by the Ford Foundation during 1959 had recommended that a complete ban on the slaughter of cattle would not be in the interest of cattle breeding in the country and steps should be taken to reduce the number of unproductive and uneconomic cattle. Recently (1962), the Central Council of Gosamvardhana while considering the various aspects of cattle development expressed concern at the rapid increase in the cattle population during the 5-year period 1956-61 and stressed the desirability of limiting further rise in the country's cattle population in view of the inadequate feed and fodder resources.

The Planning Commission while discussing the developmental programme for Animal Husbandry and Fisheries in its report on the Second Five Year Plan referred to the Directive Principle as embodies in Art. 48 of the Constitution and advised that, in giving effect to the Directive Principle, care should be taken that conditions were not created which might defeat the very objective which the Constitution seeks to achieve.

The following paragraphs deal with some of the specific points raised by the memorialists:—

Requirements of bullocks and milk production:

Under the animal husbandry programme due attention is being paid to the development of dual-purpose cattle males of which should be efficient draught animals and females good milkers. The requirements of draught power and milk have to be largely met through improvement in the productivity of the cattle rather than by large increases in their numbers. However, the number of working cattle (males and females) had increased from 70.67 million in 1956 to 77.86 million in 1961. In addition there were 2.47 million males in 1961 used for breeding and work as well. In view of the programmes for the consolidation of holdings, adoption of cooperative farming mechanisation of some of the farm operations and of road transport, the requirements of work cattle is not likely to increase very much in the future. In regard to milk production, the available estimates indicate that it had increased from about 19 million tonnes in 1956 to about 22 millions tonnes in 1961. With a view to further stepping up the production of milk a crash programme for the improvement of cattle and milk production has been sanctioned in 12 selected areas during the current year and is proposed to be extended to 8 more areas. The intention is to give concentrated attention to the improvement of breeds, to increasing supplies of feed and fodder and to providing veterinary facilities in these areas. In course of time these programmes will be extended to cover all areas.

Unproductive cattle and Gosadan Schemes:

Under the Livestock Census no separate enumeration is carried

out about the old and unproductive stock. However, cattle and buffaloes not used for work, breeding and milk production, are enumerated and classified under a separate heading. During the period 1951-56, there was a sizable reduction in the stock not used for work, breeding or milk production, but this trend has reversed somewhat during the subsequent inter-census period 1956-61 as would be seen from the following data:

(in million head)

Year	Over 3 years age not used for work or breeding					Total
	Male Cattle	Cow	Male buffaloes	Female buffaloes	*	
1951 . . .	2.68	1.18	0.46	0.29		4.61
1956 . . .	1.95	0.80	0.22	0.24		3.21
1961 . . . (Provisional)	1.49	1.05	0.25	0.29		3.08

It may be stated that the Cattle Preservation and Development Committee (1948) had estimated that 2 per cent. of the cattle population may be taken as unserviceable and another 2 per cent as unproductive. In case a total ban on slaughter of cattle is imposed, it would be necessary to provide for the maintenance of 17.5 million head of cattle, excluding buffaloes, in Gosadans. Considering that a minimum grazing area of 2 acres is required per head of cattle, at least 35 million acres land would be required for their maintenance, apart from huge finances required for putting up sheds for their housing, provision of attendants etc. The Gosadan scheme, therefore, has a limited scope. There are, obvious difficulties in locating large blocks of land for establishment of gosadans. So far 78 Gosadans handling about 15,000 cattle annually have been set up, of which 27 are run through the non-official institutions. The two model Gosadans being run by the Central Council of Gosamvardhana are not yet self-supporting as stated by the memorials even though some income is derived by these Gosadans through the sale of animals. Though the Government of India as well as the Central Council of Gosamvardhana have been advocating the establishment of Gosadans through non-official organisations, progress in this respect has been slow as non-official organisations have also been finding it difficult to run Gosadans without substantial financial assistance from Governments.

Exports and industrial utilisation of cattle feeds:

The Ministry of Food and Agriculture has been all along stressing a highly restrictive export policy with regard to cattle feeds. In recent years, however, due to the need for augmenting foreign exchange resources, the exports of feeds have been somewhat liberalised. The Ministry of Food and Agriculture has set up an Inter-Ministerial Committee under the chairmanship of Vice-President, Indian Council of Agricultural Research to go into this matter fully. This Committee has studied the problem and its report is expected to be available shortly. As regards the industrial utilisation of fodder and grasses, the matter was considered by the Ministry of Food and Agriculture sometimes ago and in consultation with the Ministry of Industries, State Governments have been advised to discourage the use of edible grasses and straws for industrial purposes etc.

Improvement of slaughter houses:

The existing slaughter houses in the country were set up many decades ago and are out-moded. They lack facilities for *anti-and post-mortem* examination of animals. Further the working conditions in these slaughter houses are grossly insanitary and the slaughtering practices in vogue are inhumane. According to the Natural Resources Committee of the Planning Commission (1963) various by-products of slaughter houses valued at Rs. 254 lakhs were being wasted at present due to lack of facilities in the slaughter houses for their collection and utilization. The Ministries of Commerce and Health, Planning Commission and the Animal Welfare Board have all been stressing the need for modernising the slaughter houses from the point of view of public health. Utilisation of slaughter house wastes and adoption of humane method of killing animals. The Third Plan Scheme does not envisage setting up of large abattoirs for industrial purposes but only provides for modernisation of existing slaughter houses with a view to supplying clean and wholesome meat. Only a small part of the animals slaughtered are cattle, the majority being sheep and goats.

Salvage of dry cows and calves:

A special committee of the Central Council of Gosamvardhana on preserving high-yielding cattle (1962) has recently examined this matter. The Committee has stressed the need for regulating the export of milch cattle from breeding areas to urban areas under a system of permits which may be issued to only those who agree to salvage the dry cattle and calves. The recommendations of the Committee have been forwarded and commended to the State Governments concerned for their consideration and action. Besides, the large Milk Schemes like that of Bombay, Calcutta and Madras have provision for salvage of dry milch cattle and rearing of calves. In addition, the Central Council of Gosamvardhana has drawn up a scheme for salvaging dry cows from Calcutta city with the co-operation of non-official organisations. Similar arrangements are also contemplated in Bombay.

Exempting grazing areas of prior to 1948 from the purview of land legislation:

A considerable time has elapsed since 1948 and during this period many areas have undergone changes due to new settlements, extension of irrigation facilities, consolidation of holdings etc. However, in some States, the legislation on land reforms provides for exemption of specialised cattle breeding and dairy farms etc. from land ceilings. The Wastelands Survey Committee appointed by the Ministry of Food & Agriculture sometime ago had recommended that such of the wastelands which could be advantageously developed as pastures should be developed for such purpose. The recommendations of the Committee have already been forwarded to the State Governments and are receiving their attention.

Central Council of Gosamvardhana:

With a view to ensuring adequate attention to the problems of cattle preservation and development and securing coordination among the activities of various organisations, official and non-official, in these fields, the Government of India set up a Central Council of Gosamvardhana in the beginning of 1962. The composition and functions of this Council have been further broadbased during 1960-61. The Council has also been associated with the formulation of the animal husbandry and dairy development programmes of the Government. The question of giving the Council a greater share in the implementation of these programmes is already under consideration of the Ministry of Food and Agriculture.

In conclusion it may be stated that the whole problem of cattle development has to be considered from the economic angle rather than on sentimental grounds. With this object in view the Government of India as well as the State Governments have sponsored a number of schemes for the improvement of the quality and productivity of cattle. Any large increase in the cattle population will lead to difficulties in view of the limited feed and fodder resources. It is well recognised that a fewer properly tended and well-fed cattle could be as productive as a larger number of ill nourished stock. For the development of the cattle industry, therefore, increasing emphasis has necessarily to be given to improvement of the quality and productivity or stock through improved breeding, better feeding and control of diseases. It is well-known that no genetical improvement in cattle is possible without selection, no selection is possible without culling and no culling can be effective without elimination of sub-standard stock. In other countries, the conventional method for elimination of the below standard animals is slaughter. It is felt that unless some practical method of elimination of below standard stock is adopted in this country, the problem of cattle development would become very difficult due to their increasing population and continued shortage of feed and fodder.

APPENDIX XIV

(See para 53 of the Report)

All of representations on which the Committee's intervention had procured speedy, partial or complete relief, or elicited replies from the Ministries concerned meeting adequately the petitioners' points.

Serial No.	Name of petitioner	Brief subject	Facts perused by the Committee
1	Shri P. Ranga Charlu and 4,641 other petitioners, Kamalapur and Hospet Firkas, Bellary Dt., Mysore.	Grant of a licence to their co-operative society for establishing a sugar factory in Kamalapur Firkas, Bellary Dt., Mysore.	[Ministry of Food & Agriculture (Deptt. of Food)] All pending applications including two applications, one from Kamalapur (submitted by Shri R. Nagan Gowda, the first petitioner) and another from Siruguppa, had since been examined by a Screening Committee. The Mysore State Government's latest recommendation was for giving fifth priority to Kamalapur, the first four being for establishment of co-operative sugar factories at Bidar, Muggar Khan, Habil, Hiriyur and Gangavati. After meeting the requirements of the two existing factories at Hospet and Kampli, there would hardly be any surplus cane to sustain another sugar factory in the area. The Screening Committee proposed to make an on-the-spot investigation before deciding the question of licensing the factory.
2	Shri D. R. Sharma, Lodi Colony, New Settlement of his compensation claim as displaced person from Pakistan-held Kashmir. Delhi.	Alleged non-delivery by M/s. Appejay (P) Ltd., Calcutta, to the former of Stainless Steel sheets for which release order had been issued by the Iron and Steel Controller, Calcutta.	[Rehabilitation] The case had been finalised and Shri D. R. Sharma was paid Rs. 3,500/- by Bank draft dated 8-11-63 by the Assistant Settlement Commissioner, Jullundur.
3	Shri Harbans Singh, Partner, M/s. Brij Lal Badri Dass of Jagadhri.	Alleged non-delivery by M/s. Appejay (P) Ltd., Calcutta, to the former of Stainless Steel sheets for which release order had been issued by the Iron and Steel Controller, Calcutta.	[Steel, Mines and Heavy Engineering (Deptt. of Iron and Steel)] M/s. Brij Lal Badri Dass were allotted 0.60 tons of stainless steel sheets and were asked to collect the same from M/s. Appejay (P) Ltd., Calcutta. The latter firm failed to supply the material and pending investigation into the

4 Sarvashri K. Venkata Ramana Rao, Correspondent, 'Andhra Patrika', Kovur, and S. Viswanadha Sarma, Correspondent, 'Indian Express' and 'Andhra Prabha', Kovur, Andhra Pradesh.

Alleged cancellation of halts of No. 3/4 Madras-Howrah Mails at Kovur Railway station in implementation of the recommendations of the Estimates Committee of Lok Sabha and pleading for restoration of the halts, since :

- (i) even after their elimination, there had been no appreciable gain in speed of those trains between Madras and Waltair.
- (ii) the elimination of the halts had affected the receipt and despatch of *tariffs* at, and from Kovur station, in that 24 out of 32 Branch Post Offices were shifted by the Postal authorities to neighbouring Nidadavole Post Office

complaint no other release order could be issued. It was now reported that the Iron and Steel Controller had made alternate release of the stainless steel sheets to the party on 25-3-1964.

[Railways (Railway Board)] In pursuance of the recommendation of the Estimates Committee, 2nd Lok Sabha contained in paras 15 and 16 of Chapter III of their Seventeenth Report, the Southern Railway had been following a policy, with the approval of its Zonal Time Table Committee, of eliminating halts of important long distance Mail/Express trains at stations where these were not warranted by the volume of long distance traffic. The general basis evolved by the Railway, with the concurrence of its Time Table Committee, was that halts of Mail/Express trains should be eliminated at such stations where the number of long distance passengers travelling over 150 miles dealt with was less than 6 per day on the average. In pursuance of this policy, the halts of Nos. 3/4 Howrah-Madras Mails had been eliminated at the following stations as it was found that the volume of long distance traffic dealt with at these stations by these trains was much less than 6 per day :

Name of station Date from which halt eliminated

1. Chirala	1-4-1959
2. Bapatla	
3. Nidubrolu	
4. Duggirala	
5. Kovur	
6. Yellamanchilli	
7. Nuzvid	1-4-1960
8. Pithapuram	
9. Sullurupeta	

The daily average number of passengers booked from Kovvur for distances over 150 miles by the Howrah-Madras Mails prior to the elimination of halts was nil.

(i) As regards the first objection, the Ministry had furnished figures from which the Committee noted that there had been a progressive reduction in overall running time of 3 Up/4 Dn. Mails between Madras and Waltair in successive revisions of timetables, after the halts were eliminated. Their restoration would therefore considerably decelerate these trains, which is a retrograde step. Further Nos. 37 Up/38 Dn. Howrah-Madras Expresses introduced from 1-10-62, stopped at all the 9 stations mentioned above.

(ii) As regards the second point, at present, postal bags from south intended for Kovvur were carried by 4 Dn. Madras-Howrah Mail to Godavari reaching there at 9.31 and carried back to Kovvur by 72 Dn. Passenger at 11.22 hours. In the reverse direction, Mails intended for South were despatched from Kovvur by 48 Dn. leaving Kovvur at 14.25 and arriving Nidadavolu wherefrom they were despatched by 3 Up Mail at 17.00 hours. Postal bags from Kovvur towards Calcutta were conveyed under weightment system in charge of the guard of 38 Dn. Madras-Howrah Express leaving Kovvur at 22.4 hours. Mails from Calcutta side for Kovvur were carried by 3 Up Howrah-Madras Mail to Nidadavolu wherefrom they were returned to Kovvur by 38 Dn. Express. There was also a direct bag for Kovvur from the R.M.S. section working by 37 Up Howrah-Madras Express.

It was not hence justifiable to restore the halts of 3 Up/4 Dn. Howrah - Madras Mails at Kovvur as a regular measure. However, with effect from

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1-4-64, as decided in the Zonal Railway Time Table Committee Meeting, these Mails trains were allowed to stop at Kovvar to set Down and pick up, on prior intimation, Air-Conditioned and First Class passengers travelling over 160 kms. which relaxation should meet the reasonable need of traffic.

5 Shri Seoomal Kotumal, Amravati.

Finalisation of pending CAF.

[Rehabilitation] Against claimant's verified rural property claim of Rs. 5,185 and an Agr. Land Claim of 2 acres 9 units, compensation payable was Rs. 3,464/- Out of this, Rs. 1,785.32 nP. had been adjusted towards loan advanced to the applicant by the Collector, Amravati. The balance of Rs. 1,562.68 nP. was adjusted towards the property No. 7 Motinala, Jabalpur. No further compensation was payable to the applicant.

6 Shri Bhagwan Das Rangmal,
Uthamnagar.

Settlement of compensation claim for agricultural and residential property, by condoning delay in submission thereof.

[Rehabilitation] Under the Displaced Persons (Compensation and Rehabilitation) Rules, 1955, the D.P. claimants were required to file compensation applications within a certain prescribed period. The cases of those persons who failed to apply within the prescribed period could be processed only after the delay was condoned in their cases. The applications from such persons were called for upto 31-1-64 through a Press Note issued by this office. The case of Shri Bhagwandas who had also applied in response to the above Press Note would be considered as soon as these cases are taken up.

7 Sarvashri Gokalmal and Kishnmal Achanta, Uthamnagar.

Supply of a copy of the order on their claim for agricultural land estimated at Rs. 25,000 left in Pakistan.

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[Rehabilitation] The case was decided by the Settlement Officer (Jalical) on 16-4-64 and a copy of the order was supplied personally to the claimant Shri Gokalmal on 17-4-64 by the verifying officer.

Shri Devadas Kundandas, Yestmal

Supply of a copy of the order verifying his claim.

[Rehabilitation] After examining the relevant records, Shri J.C. Gulati, Settlement Officer, summoned claimant for *suo motu* revision in respect of agricultural claim on 24-8-62 and finally disposed of it on 21-11-62 after linking co-sharer's file. Though no request for the copy had so far been made to the CSC's office by applicant, a copy thereof had since been supplied to him.

9 Shri V.P.R. Subbiah, Hon. Secretary, the Tamilnad Foodgrain Merchants' Association, Madurai, Southern Rail-way.

(Forwarding a copy of the proceedings of the conference of rice millers and grain dealers held on 2nd January, 1964, at Madurai). Protesting against the resolution passed by the A.I.C.C. at New Delhi on 31st December, 1963 *re* : taking over of rice mills and foodgrains trade in the country and requesting that any such proposal should be dropped by the Central and State Governments.

[Food & Agriculture (Dept. of Food)] The proposal to take over rice mills progressively under State or co-operative control was discussed in general terms with the Food Ministers and Food Secretaries of the States at a conference held in Delhi on 23rd February, 1964. The matter was proposed to be discussed in greater detail again after the State Governments had given thought to the question of how best the proposal could be implemented in their respective States. There was no proposal at present to enforce state trading in foodgrains.

10 Shri Somandas Nandiram

Linking up of copies of claim order passed on basis of Jamabandi records received from Pakistan with the compensation due and payment thereof to him.

[Rehabilitation] (i) Compensation on agricultural land claim for 4 Std. acres 11 $\frac{1}{2}$ units had already been paid to claimant and he had been apprised. (ii) After certain adjustments, he was further entitled to receive compensation for his agricultural land claim of 1 Std. acre 15-7/32 units for which he was asked to furnish particulars of the application made by him, if any, within 90 days of the date of verification of the claim. (iii) On receipt of the information from claimant, his case was processed and payment made to him on 20th January, 1964 in the shape of U.P. Zamindari Abolition Bonds.

[Rehabilitation] Regional Settlement Commission-er, Jaipur, has carried out the necessary adjustment

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be adjusted from the CAF of her Associate, Shrimati Nejibai Shambhulam.

12 Shrimati Utami Bai Teoomal, Agra.

Payment of difference of compensation due on house claim and compensation due on land claim.

and sent the Recovery schedule to the Authority concerned. (viz Managing Officer, Ahmedabad) whom she might be asked to contact for further necessary action required in the matter.

[Rehabilitation] Shri Teoomal's claim No. M/J/J/29/VII (WA) had been verified for rural non-substantial property for Rs. 3450/-00 and for agricultural land of 2 St. acres 94 units. On his death on 30th July, 1963, his widow Smt. Utami Bai and her three sons, Sarvashri Kodomal, Lokumal and Sobhomal were appointed as legal heirs. After processing the CAF under Rule 54 and against agricultural land claim, and after conversion into rupee value, cash payment of Rs 435/- was made to Smt. Utami Bai as her own share and that of her minor son, Shri Sobhomal. The other 2 sons received Rs. 218/- each.

Since under Rule 54, when cash payment is made, on agricultural land claim, the other claim for rural non-substantial property was washed away, no payment for rural non-substantial property claim was due and the claim stood finally settled.

[Rehabilitation] The petitioner and his brother were paid compensation by the Regional Settlement Commissioner, Bombay, on 7th May, 1964.

Early settlement of his and his brother's claims for compensation due to their deceased father (Shri Menghomal Dewandas) on grounds of petitioner's blindness and his brother suffering from hernia.

13 Shri Sugornal Menghomal, Kalyan Camp.

[Rehabilitation] After *ad motu* revision of the claim in the court of a Judicial Officer of the Chief Settlement Commissioner's organisation, the Sanad in respect of the remaining survey numbers of land was issued to Shri Lalwani on 23rd June, 1964.

Grant of sanad for 61 acres of land allotted to him at Byrogondanhalli village, Arsikere Taluk, Hassan Dt. Mysore State.

14 Shri S. G. Lalwani, Bangalore.

15 Shri Nanikram Tahlioma, Ahmedabad Erroneous allotment of tenement No. 700/3 Ambawadi, Sardarnagar, Ahmedabad, to his namesake, and requesting issue of conveyance deed to petitioner after rectifying the error. [Rehabilitation] After adjustment of Rs. 537.35nP paid in cash to Administrator, Sardarnagar, and of the claim of associate, Shri Malhoonaal Khatoomal towards balance cost of the tenement viz., Rs. 2420/-, the conveyance deed for the property was issued to petitioner on 29th June, 1964, under registered cover.

16 Shri H. M. Narang, Bombay Issue of conveyance deed for Room No. 579, Bldg. No. 17, Wadia Estate Kurla, Bombay. Finalisation of compensation claim pending since, 1953.

17 Shri Lilaaran Kewalram Bhakhtani, Uthasnagar. Finalisation of compensation claim pending

[Rehabilitation] After the required adjustment was carried out, the conveyance deed for the property was issued to Shri Narang on 6-4-1964. [Rehabilitation] The claimant had agricultural land claim for 11 std. acres 15 $\frac{1}{2}$ units and also rural claim assessed for Rs. 16,642/- . After deducting this area from his agri. land claim the balance compensation payable to him for the rest of agricultural land claim was Rs. 1,971/- . This was adjusted towards small urban loan taken by the claimant from D.C., Nagpur. The position was explained to him on 13-8-58 by Regd. post by the Regional Settlement Commissioner, Bombay. The claimant's rural property claim was rejected under Rule 65 because the area allotted was more than 4 std. acres and the assessed value of the claim was less than Rs. 20,000/- . Thus the applicant's case stood finally settled and no further compensation was payable to him.

[Rehabilitation] (i) Compensation had been paid to claimant on final assessed area of 185 std. acres 13 $\frac{1}{2}$ units.

(ii) Proportionate mortgage amount had been correctly set off. It was immaterial whether mortgage had obtained a decree or not under the Debt Adjustment Act, 1951.

[Rehabilitation]

Settlement of land claim as petitioner who had filed CAFs for both house & land claims had received compensation on house claim only.

18 Shri Veparimal Nathumal, Kalyan. Payment of difference in compensation due to enhancement of assessed value of agricultural land claim to 185 SA-14 units.

(i) Deduction of Rs. 2,000 from his land claim without mortgage obtaining Debt Adjustment Tribunal decree.

[Rehabilitation]. The Compensation due, Viz., Rs. 1,972/- against petitioner's building claim, was paid to him in cash on 27th August, 1956. The compensation due on his land claim, viz., Rs.

[Rehabilitation]

Settlement of land claim as petitioner who had filed CAFs for both house & land

claims had received compensation on

house claim only.

[Rehabilitation]

Settlement of land claim as petitioner who had filed CAFs for both house & land

claims had received compensation on

house claim only.

20 Shri Balwant Singh, New Delhi.

Payment of Compensation for claim filed [Rehabilitation] in Bombay region.

3256.87nP. was adjusted towards the cost of acquired evacuee property No. 928, 928/1, Rui-Ki-Mandi, Agra, allotted to claimant's associate, Shri Paru Mai.

21 Shri D.E. Pereira, Socialist-in-charge, Catholic Enquiry Centre, Bandra, Bombay-50.

Re-consideration of the P&T Directorate's decision to enhance annual Postal Permit Fee on Business Reply articles from Rs. 10/- to Rs. 100/- per annum without notice to permit-holders.

Since the claimant was at present residing at Delhi, after the bill for Rs. 8.4/- was passed by the Pay and Accounts Officer, Bombay, payment, was made by cash to claimant by the Regional Settlement Commissioner, New Delhi, on 10th June, 1964.

[Dept. of Posts & Telegraphs] Had explained the reasons for enhancement of the Business Reply Permit fee to Rs. 100/- per annum and had declined to re-consider their decision on the following grounds:—

(i) The alternative system of levying 5 np. per Business Reply articles (suggested by petitioner if adopted, would make the permit holders ultimately to pay much more than the consolidated permit fee of Rs. 100/- p.a..

(ii) The decision to enhance the fee was taken in view of the increase in the number of such articles transmitted by post and as the Dept. incurred a cost of 13.63 paise on the extra work involved and for carrying an unpaid article as against 8.84 paise for carrying an ordinary letter.

(iii) The grant of concession to educational and cultural associations may create a bad precedent as there could be no end to such demands in respect of other P&T services also and it would be very difficult to resist similar requests for concession in every postal service, rendered by the Dept.

(iv) It was, perhaps, the internationally accepted policy not to afford any such postal concession and so far as the Deptt. were aware, no other Postal Administration afforded such a concession in charging the Business Reply Permit fee.

[Rehabilitation] Recovery had been made and the conveyance deed therefor issued to petitioner on 19th May, 1964.

22 Shri T. Iltumal Uttoomal, Ahmedabad.
Adjustment of full cost of tenement No. 705/1 Sardar Nagar, Ahmedabad Rs. 164/- from compensation claim.

[Education]. There were several schools, especially in big cities, which were conducted for the children of the rich and the well-to-do and which charged high fees. They did not agree, however, that these schools received any grants from the State. They felt that these schools were not aided; and if some aid might have been given to some of them, it was more as an exception than the rule. The quantum of assistance also would be negligible in comparison with the sums which Government spent on schools for the poor. Moreover, neither the Planning Commission nor the Government of India could do anything in this matter. The grant-in-aid codes of the State Governments were prepared and sanctioned by the State Governments themselves who, under the Constitution, have the final authority in educational matters. Even out-side the usual grant-in-aid codes, the State Governments had the authority to assist any educational project within their areas. The Ministry did not see how the Government of India—the Planning Commission or the Ministry of Education—could prevent the State Governments from assisting selected schools on the basis of certain criteria which they might decide for themselves.

23 Shri Kali Prasad Poddar, Hon. Genl. Secretary, Guardians Association, Mahatma Gandhi Road, Calcutta, (Counter-signed by Shri Ram Sewak Yadav, M.P.)
(a) The Planning Commission should be directed to fix up a ceiling on *per capita* expenditure on education and set out conditions for Grant-in-aid or financial assistance to the educational institutions, in order that the children of the poor should get the maximum advantage from the schemes prepared by Government or from schemes sponsored by Government; and

(b) the Ministry of Education may be directed to abandon the Central Scheme of merit Scholarships in public Schools.

The Merit Scholarship Scheme was primarily designed to provide good education for those talented children who were poor and could not afford education in good schools. There was a case to augment this scheme in a manner to pick out the talented children and provide education for them in good schools so that their financial position did not stand in the way of their progress. Under the present scheme 200 scholarships were being awarded annually to meritorious students on the basis of an All India Competitive examination. Nearly 4500 students within the age group 9-12 tried for these scholarships.

[Planning Commission (Education Divn.)] The Guardians Association had approached the Planning Commission with these suggestions in the past, which were examined earlier and the association were informed appropriately at various times. Comments on the various points were :—

(i) It was no doubt true that the *per capita* cost on the education of a student would vary from State to State and even within the State from place to place and institution to institution. Much of this variation would be on account of the different salary scales obtaining in the States and in different schools managed by different agencies.

(ii) It was not correct to say that the *per capita* cost of educating a student in a private institution was generally higher. There would no doubt be a few institutions, such as the Public Schools, where the cost of educating a student

would be substantially higher as compared to the cost of educating a student in an ordinary School. The data published in the Ministry of Education publication 'Education in India 1959-60', seemed to indicate that while the *per capita* cost in aided institutions was Rs. 68.8 it was Rs. 71.3 in Government institutions. However, in the case of District Board and Municipal Board institutions it was Rs. 27.6 and Rs. 43.4 respectively.

Considering that the private aided agencies manage most of the colleges of general, professional and special education about 1,000 out of 1850 in 1960 the *per capita* cost did not appear to be very high.

(iii) It would not be correct to say that the private institutions are mostly financed out of Government Grants. The Government contribution in 1959-60 was about 48 per cent of the expenditure incurred on these institutions while the contribution from fees, endowments and other sources was 51 per cent.

(iv) The location of institutions also affected the *per capita* cost on educating a student. In case of District Board institutions which are mostly located in rural areas the *per capita* cost was about Rs. 28 while in the case of Municipal Board institutions, this cost was higher and was about Rs. 43 in 1959-60.

It would be difficult for the Central Government to formulate rules and regulations under which grants-in-aid could be given to schools located in different parts of the country. Under the Constitution, education was a State Subject. The State Governments had formulated educational codes which embodied rules and re-

gulations] governing [The recognitions of private schools and the financial assistance made available to them by the State Government.

(v) It would not be correct to say that merit-scholarship scheme of the Education Ministry benefits only the higher sections of the population. In fact the scholarships provided under this scheme enabled these students to have an opportunity for better education, who could otherwise not afford this.

[Rehabilitation]. The disbursement in compensation Application No. P/K/762/XXI-L was made to S/Shri Kanaya Lal and Mohan Lal on 6-4-64 and 20-5-64, respectively. As regards payment of decretal charges from C.A.F. No. P/K/621/XXI-L, the same stands rejected in *suo motu* revision and as such nothing could be paid against the same.

24 **Sarra Shri Mohan Lal & Kanaya Lal, Leather Merchants, Hing-Ki-Mandi, Agra.** Inordinate delay caused in release of compensation on account of Debt Adjustment Tribunal Decree in the two cases for Rs. 31,450 & Rs. 83,950 respectively.

[Dept. of Posts and Telegraphs (D.G., P&T)]. Shri Mirchandani took out three whole life PLI Policies with stipulation to pay premia throughout his life according to the tables of premia, then in force. As a measure of concession, however, the Government of India decided in 1957 *vide* Resolution No. F. 74-15/55 (L.D.), dated the 3rd April, 1957 that such insurers would not be required to pay further premiums after attaining the age of 85. They furnished the particulars of the three policies held by the petitioner together with the particulars regarding the amounts of premium paid upto 1963-64, as also the bonus accumulations under these policies upto March, 1964 (bonus for 1960-63

25 **Shri V. K. Mirchandani, Bombay.** Re-examination of Postal Life Insurance Rules and amendment thereof to enable payments of policy amounts to petitioner and his like.

They stated that the purpose of Life Insurance was to spread the individual losses over a large number of persons and thus to minimise their effect. In the case of those policy holders who died early, the premiums recovered were much smaller than the sum assured. In such cases according to the terms of the contract, the full face value of the policy was required to be paid to the legal heirs along with the bonus accrued thereunder. The resultant short recovery of premiums had to be made good from the premiums received from the other policy holders who were fortunate enough to live longer. It might also be pointed out that neither the Fund balance nor the premium rate on the old policies had been increased on account of decrease in the value of the rupee.

Attention had also been invited to answers to unstarred questions Nos. 1820 & 1822 in Lok Sabha on 17-12-1963.

The Ministry enclosed a copy of their letter dt. 23rd June, 1964, in reply to the following points of petitioner : (a) that he should not be required to pay premiums in excess of the sum assured (b) that due to decrease in the value of the rupee, the real value (purchasing power) of the policy money had gone down in relation to the amount of premiums paid by him in the past.

They had also informed him that in case he found it difficult to continue payment of further premiums, he could apply to the Postmaster General, Bombay circle, 342-Grand Road, Bharatnagar, Bombay-7, for making his policies paid up for reduced sums assured, the terms of which might be had from that officer direct.

[Ministry of Law (Dept. of Legal Affairs)]. After consulting the Election Commission, it was stated that sub-section (3) to (6) of Section 27 of the Representation of the People Act, 1950 and rule 31 of the Registration of

Requesting that (a) when electoral rolls [Ministry of Law (Dept. of Legal Affairs)]. After consulting the Graduates' Constituencies were either revised or scrapped in toto, and graduates were called upon to apply afresh,

26 Shri C. Kesaviah Naidu, Chittu Dr., Andhra Pradesh. (counter-signed by Shri N. G. Range, M.P.)

either a reply card or an application might be sent to each voter by post/book-post at Government expense and (b) In the case of the Teachers' Constituencies, the managements might be asked to furnish the list and for this purpose, the present rules relating to registration of electors might be amended.

Electors Rules 1960 contained practically the whole law relating to the preparation and revision of the electoral rules for 'Teachers' and Graduates' constituencies. If, however, there was any defect in these legal provisions, the Central Government might, after consulting the Election Commission, amend them. Unless the Commission agreed, no amendment of the Election Law was taken up, as under Article 324 of the Constitution, the superintendence, direction and control of elections to Parliament and State Legislatures was vested in the Election Commission.

In order to bring the Graduates and teachers electoral rolls up-to-date on the eve of biennial elections to the Legislative Councils, it was desirable that these rolls should be prepared afresh in the manner provided in rule 31 of the Registration of Electors Rules, 1960. Past experience had clearly shown that if the rolls initially prepared in each State eight or ten years ago were merely carried forward after a summary revision, they were not even 50% accurate and this lead to large scale impersonation and other undesirable practices at the time of the elections.

The Election Commission considered that it was not too much to expect of graduates and teachers that they should take the very small trouble of sending by post an application for enrolment at the appropriate time. The rules provided for the issue of a public notice in two newspapers on three different dates in the months of October. The form for making this application had been considerably simplified and in fact, it could be readily copied out on

an inland letter form and sent to the electoral registration officer at a negligible expense.

• first suggestion made in the petition in the opinion of the Commission would not at all serve the purpose. Apart from the considerable labour and expense involved in sending out these cards at the appropriate time, half of them were likely to be returned either undelivered to the addressee or what was worse filled in by unauthorised persons in a misleading way. It would certainly not be possible to prepare accurate rolls on the basis of replies so received. So also the second suggestion that an application form should be sent to each voter would not achieve the object, since the addresses given in the obsolete rolls were not the present addresses of the voters in more than 50% of the cases.

As regards the second suggestion, it had to be pointed out that the number of such institutions was very large and was increasing. The Commission was also doubtful whether many of them would take the trouble of compiling an accurate list from their staff.

In the circumstances, the Ministry of Law felt that no amendment was necessary or desirable and it was considered that the suggestions contained in the petition were not practical.

[Home Affairs]. In regard to the appointments under the State Government, Article 16(1) of the Constitution provided that there shall be equality of opportunity for all citizens in matters relating to employment of appointment to any office under the State. Clause (2) of the same Article provided that no citizen shall, on grounds only of religion, race, caste, sex, descent, place of birth, residence or any of them, be ineligible for, or discriminated against in respect of any employment or office under the State.

Shri Ved Mitter Arora, Lucknow.

(i) Alleging discrimination in the matter of employment opportunities in various States, e.g., Maharashtra, Gujarat and Bengal; and suggesting that (a) the Government of India might make compulsory the use of Hindi and English for Employment purposes in India and States, that regional languages should have no place for such purposes, and (b) action should be taken against (private) employers who advertise jobs prescribing the

regional language as necessary or desirable.

In 1960 the Govt. of India noticed that certain States had introduced language qualification in their rules or had issued executive instructions which have the effect of introducing domiciliary restrictions indirectly. This matter was considered at great length by the meeting of the Chief Ministers and Central Ministers held in August, 1961. The decisions taken by the meeting of the Chief Ministers were embodied in a statement, copies of which were laid before both Houses of Parliament by the late Prime Minister on 14th August, 1961.

In para 16 and 17 of the Statement, the main principles laid down were:—

- (a) language should not be a bar to recruitment and a test of proficiency should be held after selection and before the end of probation ;
- (b) for competitive examinations for recruitment to State Services, candidates should have the option of using as the medium of examination English or Hindi besides the official language of the State; and
- (c) for purposes of recruitment to service in a State degrees or diplomas granted by all Universities/ institutions recognised by the Central University Grants Commission should be recognized.

The above decisions were brought to the notice of the State Governments on 14th August, 1961. The reports received from the State Governments indicated that almost all the State Governments had modified their recruitment rules in accordance with the principles laid down under (b) and (c).

above. In regard to (a) above, with the enactment of the Public Employment (Requirement as to residence) Act, 1957, the domicile restrictions for purposes of recruitment to Govt. services had also been abolished in all the States except in the Telangana area of Andhra Pradesh, Himachal Pradesh, Manipur and Tripura. Almost all the State Governments (including Maharashtra and Gujarat) had either agreed to modify or withdrawn the requirements of passing a compulsory paper in the regional language. At the last meeting of the Western Zonal Council held under the Chairmanship of the Union Home Minister, the Chief Ministers of Maharashtra and Gujarat agreed to drop the language qualification and to provide for a test of proficiency in the State Official language after selection and before the probation period. The State Government of U.P. had not, however, agreed so far to withdraw the compulsory Hindi paper for the competitive examinations for recruitment to the State Civil Services, and knowledge of Hindi was prescribed as an essential or preferential qualification for almost all posts under the State Government including technical posts.

As regards employment in private sector, the Government of India did not exercise any control and the employers had the discretion to choose the persons whom they wished to appoint.

The Ministry had also sent a reply to Shri Arora dated the 2nd July, 1964 and apprising him of the abolition of the restrictions re: domicile and language in most States.

[Rehabilitation]. The necessary adjustments had been carried out and the conveyance deed for tenement No. 286-B, Sardar Nagar was issued to Shri Mohandas Lokumal on 21st February, 1964.

28 Shri Mohandas Lokumal, Sardarnagar, Ahmedabad.

Adjustment of balance cost of tenement vis.
Rs. 3,533.25nP from claims of Shri Rati-
al Bhagwanji (Rs. 1305/-) and of Shri
Jhamunai Jhumronmal (Rs. 2,229/-).

29 Shri Sugnoma Vidhomial, Manavadar, Issue of conveyance deed for evacuee property shop No. 71/2 allotted to him.

30 Shri Trathmal Lachchand, Agra. (i) Payment of difference of compensation due ; and

[Rehabilitation] (i) Claimant's verified claim for Rs. 3700/- included the assessed value of rural plot against which no compensation was payable under the Rules. The total compensation due to him against his verified property and agricultural land claims only worked out to Rs. 4057.6/- which was adjusted towards the property purchased by him. No more compensation was as such due to the applicant.

(ii) adjustment of associate's compensation toward cost of Evacuee Property No. 7508 Biloichpura, Agra, auction-purchased by petitioners.

Requesting allotment to them of the said property, auctioned at first for Rs. 60,000/- to them, but bid for which was rejected subsequently.

[Rehabilitation] (ii) The adjustment of associate's compensation desired by the applicant had already been made in September, 1963 under intimation to the claimant.

[Rehabilitation] One half share in this property was owned by non-evacuee, Shri Virumal, jointly with Shri Daulat Ram and Lila Ram, while the other half share belonged to the evacuee, Shri Imam Ullah. Shri Virumal filed a claim before the Competent Officer, who accepted it, *vide* his Order dated 8-2-1957, fixed the reserve price of the property at Rs. 90,000/- and ordered its auction sale to separate the evacuee and non-evacuee interests in the property.

At the first auction conducted on 14-3-1957, the property fetched the highest joint bid of Rs. 60,000/- by the six persons, which was rejected by the competent Officer as being below the reserve price. Thereafter the property was tried at auction on 21-10-1957, 4-6-1958, 18-3-1959, and 7-11-1959, due publicity being given to its sale, but no bid was received. At the subsequent sixth auction on 29-2-1960, Shri Harbans Lal and Arjan Dass gave the highest bid of Rs. 40,000/- which being 44% of

the reserve price, was accepted by the Competent Officer after obtaining the consent of the Custodian on 30th December, 1960, as the previous four auctions did not fetch any bid and as there was no likelihood of the property fetching higher price. The proclamation of sale at the last auction was published in the *Statesman*, New Delhi, vide No. DL 772 dated 12-1-1960.

Shri Virumal filed objection against the sale of the property, but subsequently withdrew it. Provisional possession was given to the auction purchaser on 7th July, 1961. The auction was open to all including the persons who participated in the first auction, but a rejected bid could not be revived nor the highest bidder at the first auction compelled to stick on it. If Shri Babu Ram and others were aggrieved with the conduct of sale, they should have filed objections before the Competent Officers within 7 days from the acceptance of the bid or should have preferred an appeal to the Appellate Officer. They failed to follow the legal process prescribed by Law. The sale order of the Competent Officer had since become final, and the Ministry had no jurisdiction to interfere with it. A regret reply had already been sent to Shri Babu Ram and others *vide* letter No. 28(46) Comp. & Prop/63 dated 28-11-1964.

[Rehabilitation] Confirm petitioner's statement that only Rs. 586.78 was outstanding against her and a notice for shortfall of the said amount had already been issued to her on 1st August, 1964. Necessary action for issue of the conveyance deed would be taken after the lady had paid the required balance amount.

[Rehabilitation] The desired adjustments had since been carried out by the Regional Settlement Commissioner, Jaipur, who had also sent intimation thereof to the authorities concerned.

Adjustment of Rs. 782.00 and Rs. 407.44 towards cost of Room No. 17, Bk. No. 1040, Ulhasnagar, for which sale agreement was issued to her on 12th August, 1959.

32 Shrimati Santabai Ramchand, Ulhasnagar-3.

Adjustment of the balance amount of compensation due Rs. 1510 as follows :—

(i) Rs. 334/- towards cost of property No. C4/120, Nai Basti, Aligarh, allotted to Shri Ram Saroop Non-claimant; and

(ii) Rs. 1177.80 towards cost of GB Qr. No. 28, Sindhi Colony, Etah, allotted to Shri Kishnoma.

34 Shri Teliomal Ranwimal, PO Modasa, Payment of compensation due against CAF No. P/A/2003/IV(NT), as he had surrendered the tenement allotted to him in Sardarnagar Colony, Ahmedabad.

[Rehabilitation] From the compensation due i.e. Rs. 1601, on petitioner's rural verified claim for Rs. 2565, a loan of Rs. 600 plus Rs. 48.75 interest, a further sum of Rs. 788.62 towards arrears of rent for the tenement in Sardarnagar Colony, subsequently surrendered by petitioner, were deducted. Petitioner was issued notice at his address as per record for receiving the balance compensation of Rs. 164/-, but with no response. The Bank draft became time-barred and was cancelled. His case for payment of the amount at the new address given in his present representation was being re-processed by the R. S. C., Bombay, whom he should contact.

35 Shri Nanik Ram Chandi Ram, Bonbay, Inordinate delay in issue of sanad for property purchased by him, viz. Room No. 12, Bk. No. 529, Ulhasnagar-2, Dt. Thana.

[Rehabilitation] Conveyance deed had been issued to the claimant on 30th June, 1964.

36 Shri Maneklal Mohanlal Shah, Vianagar, Payment of co-sharers' compensation for which they had given consent statements in Dr. Mehama. petitioner's favour.

[Rehabilitation] Case of the applicant was processed in his favour for self and on behalf of his brother Shri Kanhayalal and uncle, Shri Jetna Lal. Claimant was entitled to receive compensation of Rs. 6121/- (i.e. Rs. 996/- in cash and Rs. 5125/- in National Plan Savings Certificate). Payment would be made to him after the bill was passed by the Pay & Accounts Officer, Bombay.

37 Shri Samonmal Wadhurnal, Nadiad. Adjustment of cost of tenement No. 65 Block No. 8, Jawaharnagar colony, from compensation of his associate and issue of conveyance deed.

38 Shri Warumal Topandas. Bhusaval. . Issue of sale deed to him for tenement Nos. 180 and 181, Sindhi Colony, Bhusaval.

39 Shri Alfonso George, 372 Sembawang Road, Singapore-27, Malaysia. Requesting restoration to him and others of Indian origin in Singapore of Indian Citizenship, as they acquired Singapore Citizenship out of ignorance of Indian Citizenship regulations.

[Rehabilitation] Adjustment was made as desired and the conveyance deed was issued on 24th September, 1964.

[Rehabilitation] Towards the purchase price of the property i.e., Rs. 1,500/- a sum of Rs. 153.54 had been adjusted from Shri Warumal's CAF. For adjustment of the balance price of Rs. 146.46 from his associate's CAF, the bill had been sent to P & AO, Bombay, and sale deed would be issued to claimant after the bill was passed.

[Ministries of External & Home Affairs] Section 9(1) of the Citizenship Act, 1955, provided that if any citizen of India who by naturalisation, registration or otherwise voluntarily acquired, or had at any time between the 26th January, 1950 and the commencement of the said Act voluntarily acquired, the citizenship of another country would upon such acquisition or, as the case may be, such commencement, cease to be a citizen of India.

The petitioner was stated to have been born and brought up in India. It was not clear from his petition whether he had at any time become a citizen of India under Part II of the Constitution, before acquiring Singapore Citizenship. But even if he was such a citizen, his citizenship of India would be regarded as having terminated with effect from the date of acquiring Singapore citizenship.

Singapore being included in the First Schedule of the Citizenship Act, 1955, the citizens of that country could acquire (or re-acquire, as the case may be) citizenship of India by registration under section 5(1)(c) of the Act. For this purpose he can make an application in the form prescribed in Rule 16A(1) of the Citizenship Rules, 1956, provided he satisfied the following conditions :—

(a) was of full age and capacity,

(e) was of good character,

(c) had resided in India throughout the twelve months immediately preceding the date of his application ;

(d) had during the twelve years immediately preceding the date of his application resided in India for periods amounting in the aggregate to not less than eight years, and,

(e) intended to reside permanently in India.

Every such applicant had thus to satisfy, *inter alia*, the residential qualifications mentioned in clauses (c) and (d) above.

In view of these statutory provisions, it was not possible to agree to the request of the petitioner, Shri Alfonso George, to re-confer Indian Citizenship on him merely in consideration of his birth in India and without his fulfilling the residential and other qualifications prescribed under the Rules referred to.

[Rehabilitation] After finalising CAF, the bill was sent to P & AO who returned it with certain objections. It had been re-submitted to P & AO after meeting the objections, and payment would be made to claimant as soon as it was admitted.

40 Shri Sant Ram s/o Kalu Ram, Hari - Settlement of verified claim for Rs. 3,000/-

pura, Amritsar.

Adjustment of Rs. 1,900/- from claim of

associate Shri Mengraj Tagomal, to-wards balance cost of tenement No. 42/1, New G Ward, Kuber Nagar, P.O. Sardar-nagar, Ahmedabad, allotted to petitioner.

[Rehabilitation] Adjustment has been made, *viz*;

Bill No. 37700 S. No. 3550 dated 13-7-64 and the recovery Schedule forwarded to the Regional Settlement Commissioner, Bombay, *viz* his letter No. RSCR/AO(S)/1135/64/2737 dated 13-8-64.

[Rehabilitation] Desired adjustment had been made from CAF of claimant and her two sons, S' Shri

Shrimati Sanmukhi Bai Bhagwandas, Kopri Colony, Thana, Maharashtra.

Adjustment of cost of 3 tenements Nos. 830-52, BK. 24, Kopri Colony allotted

[Rehabilitation] Adjustment has been made, *viz*;

Bill No. 37700 S. No. 3550 dated 13-7-64 and the recovery Schedule forwarded to the Regional Settlement Commissioner, Bombay, *viz* his letter No. RSCR/AO(S)/1135/64/2737 dated 13-8-64.

against compensation payable to her and her 3 sons.

Jethanand and Hotchand, and necessary intimations sent to authority concerned. CAF of Shri Hari Ram Bhagwandas had also been finalised by adjustment towards E.P. 68 Gondal and 46, Kutyana.

Recovery of Rehabilitation Finance Administration's loan to her deceased husband Shri Assandas from compensation payable to him.

43. Shrimati Bhoji Bai Assandas, Uthasnagar.

44. Shri Tanumal Narumal Gambani, Uthasnagar.

(i) Correction of Barrack No. 1502 on conveyance deed issued to him, to read Barrack No. 1503.

(ii) Refund of Rs. 820/- excess recovered towards cost of the GBP.

[Rehabilitation] The balance compensation of Rs. 1550/- was adjusted towards the RFA loan advanced to her deceased husband. The recovery statement intimating the above adjustment was sent to the authorities on 17-6-64, and intimation re : this adjustment has also been sent to the claimant by the RSC, Bombay.

[Rehabilitation] (i) Necessary correction in conveyance deed already made and intimations sent to Administrator and Sub-Registrar of Kalyan on 10-1-1963.

(ii) Rs. 1050 only had been adjusted from his CAF, and U.P. Zamindari Abolition Bonds for the balance of Rs. 820/- were issued to him on 7-4-1964.

[Rehabilitation] The conveyance deed was issued to the claimant, his brothers and mother on 13-7-1964.

[Rehabilitation] Necessary adjustment had been carried out by RSC Bombay, who had sent the necessary intimation to the authorities concerned and the applicant.

[Rehabilitation] Entire compensation of Rs. 2725-08 P. due to the applicants had been adjusted towards the property No. 6/23, Bharatpur, allotted to them, leaving a sum of Rs. 2839.92 P. still recoverable from them. The recovery schedule pertaining to the said adjustment had been sent by him to the Managing Officer, Alwar. The grievance of the applicants thus stood redressed.

Issue of conveyance deed for property, viz. Room No. 1, Bk. No. 308A, Kalyan camp 2, Uthasnagar Township.

Adjustment of statement of account for Rs. 1,966 against cost of E.P. No. C. 4/229, Nai Basti, Aligarh.

[Rehabilitation] The conveyance deed was issued to the claimant, his brothers and mother on 13-7-1964.

[Rehabilitation] Necessary adjustment had been carried out by RSC Bombay, who had sent the necessary intimation to the authorities concerned and the applicant.

Adjustment of Rs. 2,616.73 from her deceased husband's claim towards cost of E.P. No. 6/23, Bharatpur.

[Rehabilitation] Entire compensation of Rs. 2725-08 P. due to the applicants had been adjusted towards the property No. 6/23, Bharatpur, allotted to them, leaving a sum of Rs. 2839.92 P. still recoverable from them. The recovery schedule pertaining to the said adjustment had been sent by him to the Managing Officer, Alwar. The grievance of the applicants thus stood redressed.

Jethanand and Hotchand, and necessary intimations sent to authority concerned. CAF of Shri Hari Ram Bhagwandas had also been finalised by adjustment towards E.P. 68 Gondal and 46, Kutyana.

48. Smt. Dalip Kaur, Mother of recruit Smti Bhagwan Singh, Stationed in I/HDT Sq. N.T.R. Min. to Line, Ahmednagar.

Alleged delivery of a 72 Kg. parcel of ghee sent by her to her son without the contents and non-delivery of a registered letter sent by her to him.

[Dept. of Posts & Telegraphs] For want of the recruit's Military Number, and as there were a number of persons of the same name in the unit, the registered letter could not be delivered to Shri Bhagwan Singh and was returned to the sender.

(a) [Dept. of Posts & Telegraphs] Ministry of Railways [Railway Board] Consignee, Shri Bhagwan Singh, had taken delivery of the parcel on 4th January, 1964, under clear signature and no discrepancy was noticed either at the time of unloading or delivery of the parcel.

Have also explained that, in accordance with the procedure of delivery of parcels, the consignee was first required to surrender the Railway Receipt, effect book delivery by giving signature in the delivery book and then proceed to effect physical delivery very book and then proceed to effect physical delivery of the parcel. At the time of effecting physical delivery, if the parcel showed signs of having been tampered with or pilfered or the consignee had any suspicion about the condition or contents of the parcel and demanded open delivery, the same was granted without prejudice, if justified ; the fact that the consignee had already signed "the delivery book did not affect his right to refuse physical delivery book and demand open delivery in such a case. It was therefore, not correct to say that the consignee, in this case was forced to sign first for the receipt of the parcel even when he had not seen the parcel. Even after effecting book delivery, it was open to him to have applied in writing to the Station Master, Ahmednagar for granting open delivery at the time he went for effecting physical delivery. No discrepancy was noticed by the railway staff too either at the time of unloading or delivery. In accordance

with Rule No. 139 of I.R.C.A. Coaching Tariff No. 18 in force, the railway is not responsible for any damage, loss etc. unless such damage, loss etc. was brought by the consignee to the notice of the railway in writing before the removal of the Goods from the railway premises.

As there was no evidence that the discrepancy complained of by the consignee subsequent to the removal of the parcel from the railway premises existed while the parcel was in the custody of railway nor was the same brought by him to the notice of the railway staff before removal of the parcel from the railway premises, no remedy was available under the provisions of the Indian Railways Act, 1890, for redressal of the consignee's grievance.

[Rehabilitation] Survey No. 16 stood in the name of some other person and claim for both the Survey Nos. 665 and 616 (and not S. No. 665 alone) was allowed. Two claim orders were passed in favour of Shri Hiromal, one for urban property of Rs. 9044/- as *karta* of the Joint Hindu Family consisting of self and brother, Shri Rochandmal and the other rural property exclusively in favour of claimant. The latter claim was taken as of Joint Hindu Family and Shri Hiromal was paid $\frac{1}{2}$ share of compensation for both claims under Rule 19. The other $\frac{1}{2}$ share compensation which remained to be paid, could only be disbursed if his brother had not filed any CAF and gave his consent letter along with the affidavit re: public dues etc.

Since the claimant did not include his verified agricultural land claim in his CAF, he could not be paid anything for the land claim. Even afterwards, he did not appear to have applied to R.S.C., Bomba

49 **Shri Hiromal Mohandas, P.O. Dhabhoi, Verification of claim for three Survey Nos. 16, 616 and 665 (agricultural land) on the basis of Jamabandi records received from Pakistan.**
Dt. Baroda, Gujarat.

for inclusion thereof in his CAF within the prescribed period of 90 days of the amendment of the claim order.

50 Shri Hundomal Sumomal, Ahmedabad. Payment of balance compensation, Rs. 162/- due after adjustment of cost of property allotted.

51 Shri Bhugromal Bassarmal, Ahmedabad. Payment of compensation under Rule 19(2)(b) of the Displaced Persons (Compensation & Rehabilitation) Rules, 1955.

52 Shri Tahirkhanmal, Ahmedabad. Supply of a copy of Jamabandi record received from Pakistan.

[Rehabilitation] Payment was made to the claimant on 27-8-1964.

[Rehabilitation] From the compensation of Rs.8,922/- payable under Rule 19(2)(b) on the verified claim for Rs. 18,700/-, a sum of Rs. 6,354/- was paid to claimant in December, 1956. The balance of Rs. 2,568/- was paid to claimant at Ahmedabad on 27-8-1964.

Interested parties were not allowed to peruse the jamabandi records in this office.

Supply of copy of the certified copy was barred within the meaning of the section 76 of the Indian Evidence Act which provision allows only certified copy of public documents itself and not the copy of the certified copy, which was not a public document as defined in section 74.

53 Shri Balchand Raghumal, Agra.

Supply of information relating to value of extent of compensation of petitioner's share paid to his brother Shri Shivandas Raghumal, how it was paid and the balance due.

[Rehabilitation] Shri Shivandas Raghumal was paid Rs. 3,727/- against verified claim of Rs. 8,677/- in respect of the residential property for himself and on behalf of his two brothers, S/Shri Assandas Raghumal and Bal Chand Raghumal as per details below:

Rent Arrears.

1. Rs. 90.00

Small urban loan taken by S/Shri Shivandas Raghumal, Idandas Shivandas and Assandas Raghumal.

2. Rs. 1539.38

Cost of tenement No. B-83 Kuber Nagar, Ahmedabad allotted to Shri Shivandas.

3. Rs. 1277.62

Total :-Rs. 3727.00

Shri Shivandas had also an agricultural land claim, which exclusively stood in his name and his case was being examined for payment of compensation to his legal heirs as he (the claimant) was reported to have died since. The applicant might be advised to correspond further directly with Regional Settlement Commissioner, Bombay, if necessary.

54 Shri Jethanand, Bhusawal.

Payment of compensation due on his verified claim for 4 acres 23 Ghants on basis of revenue records received from Pakistan, by inclusion thereof in his CAF.

[Rehabilitation] As the application was within the prescribed period, necessary action was being taken by the RSC, Bombay, for payment of compensation on that claim whom Shri Notandas might be advised to contact further in the matter.

55 Shri Atmaram Namornal Khiani,
Bombay.

Verification of pension claim under the Part-Earned Pension Claims Scheme and counting of his service as signaller from 23-4-1919 to November 1931, as qualifying service for pension.

[Rehabilitation (Central Claims Organisation)] The pension claim was forwarded by the Central Claims Organisation (India) to its counter-part in Pakistan for verification and issue of payment authority. The claim is still pending verification with authorities concerned in Pakistan who are being regularly reminded in the matter from time to time.

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In order to mitigate the hardship caused to displaced Government Servants, pensioners etc., on account of the delay in verification of their claims by the Government of Pakistan, the Government of India decided in 1957 to make provisional payments on the basis of such documentary evidence as might be available with the claimants in India. The pension claim of Shri Atmaram was placed before the *ad hoc* Committee, but as he could not produce any documentary evidence to show that his service as a signaller in the Sind P.W.D. from 23-4-1919 to November, 1931 could be counted towards pension in the clerical cadre to which he was appointed later on and from which he ultimately retired, the *ad hoc* Committee did not accept the claim. The payment of the claim will therefore be authorised as soon as the authority for its payment is received from the Government of Pakistan. Shri Atmaram was apprised of the position in letter No. 14/Adhoc/PE-Pen/Sind/A-5 dated the 19th November, 1964 issued by the Officer-in-charge, Central Claims Organisation.