

COMMITTEE ON PETITIONS

FOURTH REPORT

(THIRD LOK SABHA)

(Presented on the 3rd May, 1966)



LOK SABHA SECRETARIAT
NEW DELHI

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**PERSONNEL OF THE COMMITTEE ON PETITIONS
(1965-1966)**

Shri M. Thirumala Rao—*Chairman*
2. Shri Peter Alvares
3. Shri K. L. Balmiki
4. Shri R. G. Dubey
5. Shrimati Jamuna Devi
6. Shri Narayan Sadoba Kajrolkar
7. Shri S. Kandappan
8. Rani Lalita Rajya Laxmi
9. Shri Nihar Ranjan Laskar
10. Shrimati Sangam Laxmi Bai
11. Shri B. P. Maurya
12. Shri P. Muthiah
13. Shri Sarjoo Pandey
14. Shri Sadhu Ram
15. Shri Bhishma Prasad Yadava.

SECRETARIAT

Shri M. C. Chawla—*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 Fourth Report.

2. The Committee was re-constituted by the Speaker on the 1st May, 1965.

3. The Committee, after the presentation of their Third Report, held five sittings on the 10th September and 9th December, 1965, and 23rd February, 25th March and 20th April, 1966.

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

- (i) Petition from Shri C. Kesaviah Naidu, Chittoor District, Andhra Pradesh, *re*: extension of rail berth reservation facilities from out-stations and intermediate Railway Stations, available to ACC/I Class Passengers, to Third Class passengers also. (Petition No. 6—Appendix I).
- (ii) Petition from Sarvashri R. Nagan Gowda and A. Sitaram Singh, Kamalapur, Bellary Dt. Mysore, *re*: establishment of sugar factories by co-operative societies (Petition No. 11—Appendix II).
- (iii) Petition from Shri Chandra Prakash Agrawal, Kaimganj, U.P., *re*: the liability of the State in tort. (Petition No. 13—Appendix III).
- (iv) & (v) Petitions from Shri Chandra Prakash Agrawal, Kaimganj, U.P., *re*: the Central Excises and Salt Act, 1944 and the Rules made thereunder. (Petitions Nos. 20 & 21—Appendices IV & V).
- (vi) Petition from Shri Sailendra Mohan Guha and 7,639 others *re*: provision of rail connection for Balurghat (Petition No. 23—Appendix VI).
- (vii) Representation from Shri Ranchhodhbhai Kushalbhai Desai, Village Talodh Falia, Bilimora, District Bulsar, Gujarat.
- (viii) 109 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 20th April, 1966.

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

II

PETITION NO. 6 FROM SHRI C. KESAVIAH NAIDU, CHITTOOR DT., ANDHRA PRADESH

7. The Petition (Appendix I) was presented to the House by Shri C. Dass, M.P., on the 20th August, 1963. The Committee considered the petition at their sittings held on the 30th August 1963, and 10th September and 9th December, 1965.

8. The petitioner had stated that he was disappointed to note from a newspaper report dated 2nd April, 1963, that Rail Berth Reservation by Post facility was intended for Air Conditioned Class and First Class passengers only. It did not cover similar facilities to Third Class passengers, who formed the largest number of travellers paying about 90% of the revenues to the Railways. As at present arranged, Third Class passengers could obtain reservation only by personal visits to the Intermediate stations, while in the case of Air Conditioned/ I Class Passengers, they could remit by money order 20 days in advance, Rs. 42/22 to the Station Master concerned.

The petitioner had, therefore, suggested that:

- (i) the reservation fee and advance remittance for ACC/Ist Class passengers might be rounded off to Rs. 40/Rs. 20 to avoid wastage of 15 NPs on Money Order Commission;
- (ii) Third Class out-station railway passengers entraining at Intermediate railway stations (to catch a mail/express train or passenger train from a train-starting station) should be permitted to reserve their Third Class berths/seats from the starting station, by remittance of an advance of Rs. 20/- by money order to the appropriate Intermediate station; and
- (iii) this advance remittance facility should be extended to all Third Class Passengers travelling 500 kilometres and over, by allowing them to remit the advance rail fares 2 days ahead of the date of commencement of reservation at the train-starting station. In other words, at intermediate stations where 7/10 days advance booking facilities exist, the out-station Third Class passengers who remitted by

money order 9/12 days in advance of the date of departure of the train at the train-starting station, should also be permitted the reservation facilities.

9. The Committee have perused the comments of the Ministry of Railways (Railway Board) on the petition in which they have stated that out of the sum of Rs. 42/- and Rs. 22/- required to be remitted by A/C and First Class passenger respectively, Rs. 2/- represented the charges towards telegrams etc., and the remaining was to be adjusted with the fares due and to serve as a deposit against any cancellation charges that might become due should the journey be cancelled later. These charges were fixed in 1959. Since then, there had been an increase of about 15% in 1st Class fares. Further, the cancellation charges for cancelling reserved accommodation had also been increased. It would, therefore, appear that there was little case for decreasing the amount of deposit to be obtained from passengers. In actual practice, 15 NP should make little difference to A/C and 1st Class Passengers. The Ministry therefore have not accepted the first suggestion of the petitioner.

As regards the other two suggestions, the Railway Board had at first pointed out that the above mentioned method of reservation for ACC/1st Class passengers from Intermediate and outstations had been introduced as an experimental measure in order to see how the system worked in actual practice. Being an experimental measure, it had to be confined solely to reservations in the Upper Classes because the volume of demand for such reservations in these classes would be within limits and under control.

As far as III Class traffic was concerned, in view of the heavy volume of traffic, any attempt to introduce such a system was open to the grave possibility of its failing totally because of the pressure of demand, particularly since the system had yet to be tried out fully.

The Railway Board had added that the question of extending similar facilities to III Class passengers would also be taken up when the results of the working of the scheme for A.C. and First Classes were available and had been assessed.

10. The Committee asked the Ministry of Railways (Railway Board) to intimate after six months the results of the working of the scheme for A.C./1st Class passengers from Intermediate/out-stations.

11. The Ministry accordingly reviewed the working of the above facilities for A.C./First Class passengers with a view to extend the same to Third Class passengers also where practicable. They had

as a consequence introduced the facility of reservation of berths and seats by post in all classes of accommodation at Delhi, Howrah, Sealdah, Madras and Bombay Central stations. They had added that the extension of this facility to other important stations had not been found feasible for the present. The Committee then recommended that this facility of reservation of berths/seats in all classes of accommodation should be extended to Hyderabad also as it was an important Railway station serving as Starting Station and terminus for several Mail and Express Trains connecting with other principal cities in the country.

12. The Committee note with satisfaction that in implementation of their above recommendations the Ministry of Railways (Railway Board) have (besides providing for these facilities at Delhi, Howrah, Sealdah, Madras and Bombay Central) issued necessary instructions to the Central Railway Administration for introducing the facility of reservation of berths/seats in all Classes of accommodation at Hyderabad as a trial measure for a period of six months. The Committee also note that further extension of the facility will be considered on receipt of the report regarding the working of the system.

13. The Committee also note with satisfaction that the petitioner's suggestions contained in his petition for provision of reservation of berths/seats facilities in all classes of accommodaton have been accepted in principle and, as far as feasible, have been provided at important railway stations. The Committee also recommend that the facility now introduced at Hyderabad Railawy Station on a trial basis might be provided on a permanent basis in view of the position of Hyderabad as a train-starting and terminus station as well as an important connecting station with other principal cities in the country.

III

PETITION NO. 11 FROM SARVASHRI R. NAGAN GOWDA AND A. SITARAM SINGH, KAMALAPUR, MYSORE.

14. The petition, (Appendix II) was presented to Lok Sabha by Shri Sivamurthi Swami, M.P., on the 13th March, 1964. The Committee considered the petition at their sittings held on the 28th March and 5th June, 1964 and 9th December, 1965.

15. The petitioners had stated that sugarcane production and processing into sugar was eminently suited for being carried out on a co-operative basis, as the number of cultivators was large,

finances required were still larger and the growers had to cultivate sugarcane throughout the year.

They had referred to Government's intentions to add immediately to the sugar-producing capacity by 5,00,000 tons by erecting 32 more factories with 1,000 tons for cane crushing capacity per day. Government had also announced that they proposed during the Fourth Five Year Plan, to provide for additional capacity of two to three lakhs tons by expanding the existing factories. Petitioners had pointed out that, of 190 factories in India, only 45, i.e., less than 25% were run on a co-operative basis and that it would be difficult to convert existing factories in the private sector, to the co-operative fold.

While describing the increasing sugarcane production in Kamalapur, Kampli, Gangawatti Sirguppa, Siddapur and Kustigi, in Bellary and Raichur Districts, the petitioners felt that the cane-growers' attempts to form co-operative sugar factories should be encouraged by Government. Petitioners cited the instance of small cultivators in Malinagar in Sholapur District, Maharashtra State, where an average yield of 63.13 tons per acre was achieved over 2,000 acres, and the Saswadi Mali Factory of 1,000 tons crushing capacity was supplied with 1,37,998.3 tons of cane in 1961-62 crushing season. Petitioners felt that the cultivators of Bellary and Raichur Districts of Mysore State under the Tungabhadra Dam could confidently achieve good results by co-operative factories. They had also described the genesis of the Kamalapur factory.

16. The Committee have perused the comments of the Ministry of Food & Agriculture (Department of Food: Directorate of Sugar & Vanaspati) on the petition (See Appendix VII).

The Committee note the following facts:

- (i) Government have been following a policy of giving preference to the co-operative sector in the matter of establishment of new factories and fair and non-discriminatory treatment to different units of the entire industry, both joint stock and co-operatives, as laid down in Paras 10-11 of the Industrial Policy Resolution of 1956.
- (ii) Government do not, therefore, accept the petitioners' suggestion for restriction of licensing for additional capacity in future mostly to co-operative sector.
- (iii) 54 of 72 new sugar factories which have been licensed, i.e. nearly 75% are farmers' co-operatives, and the total

capacity of sugar licensed is 33.6 lakhs tons of sugar per annum.

- (iv) The petitioners' statement that Government had announced that 75% of the licensed capacity should be in the co-operative sector is not correct. No such allocation has been decided upon or announced by Government.
- (v) All pending applications including two applications, one from Kamalapur (submitted by Shri R. Nagan Gowda, the first petitioner) and another from Siruguppa, have since been examined by a Screening Committee. The Mysore State Government's latest recommendation is for giving fifth priority to Kamalapur, the first four being for establishment of co-operative sugar factories at Bidar, Mugat-Khan, Hubli, Hiriyur and Gangavati. After meeting the requirements of the two existing factories at Hospet and Kampli, there will hardly be any surplus cane to sustain another sugar factory in the area

As regards Siruguppa, the Mysore Government had not recommended it as it is not one of the places selected by them for establishing a sugar factory during the Third Plan Period. The Screening Committee also did not support this application.

17. The Committee have also perused the following in this connection:

- (i) Statement containing an extract from the recommendations of the Screening Committee made on the applications for establishment of co-operative sugar factories at Kamalapur and Siruguppa in Bellary District, Mysore State, considered and endorsed by the Licensing Committee at its special meeting held on 15th May, 1964. As per the said recommendations, a Study team had, in 1964, made an on-the-spot study of Kamalapur area (See Appendix VII).
- (ii) Statement containing extract from the recommendations of the Screening Committee (based on the findings of the Study Team mentioned above) which were finally considered and accepted by the Licensing Committee at its meeting held on 13th July, 1965. (See Appendix IX).

18. The Committee note that the establishment of a new sugar factory at Kamalapur has not been considered feasible. However, the decision on this case is yet to be conveyed to the petitioners

pending some further examination of the matter, and a prospective visit to the area by the Minister of Food and Agriculture.

19. *The Committee feel that, in view of the facts stated above, no further action is necessary on the petition.*

IV

PETITION NO. 13 FROM SHRI CHANDRA PRAKASH AGRAWAL, KAIMGANJ, U.P.

20. The petition (Appendix III) was presented to Lok Sabha by Shri Ram Sewak Yadav, M.P., on the 24th April, 1964. The Committee considered the petition at their sittings held on the 30th April and 5th June, 1964 and 9th December, 1965.

21. The petitioner had referred to the decision of the Committee on Petitions, Second Lok Sabha (contained in their Fifth Report presented to Lok Sabha on the 15th December, 1958), not to make any recommendation on his Petition No. 18 which suggested legislation on the liability of State in tort, as recommended by the Law Commission in their First Report.

The Committee on Petitions, Second Lok Sabha, had noted from the comments of the Ministry of Law that in implementation of the Law Commission's recommendation, they had circulated a draft Bill on the subject to the State Governments. On receipt of their comments, further legislative action would be taken.

Shri Agrawal had alleged that, despite the passage of long time since then, no such Bill had been introduced in Parliament. As the law on the subject was in a state of uncertainty and the decisions of the law courts were not quite uniform, he had desired that the Committee might recommend to Government early introduction of the Bill in Parliament.

In support of his prayer, he had referred to a decision of the Supreme Court in the *State of Rajasthan Vs. Mst. Vidhyawati and another* [(1963) I.S.C.I., Page 307].

22. The Committee have perused the comments of the Ministry of law on the petitioner's suggestion. The Committee note that although a draft Bill prepared by the Ministry of Law to implement the Law Commission's recommendations on the subject, had generally found favour with the Ministries and State Governments, some objections had at first been raised in certain quarters which required

careful consideration of the different aspects of the problem. After careful consideration of the whole matter a Government Bill, *viz.* the Government (Liability in Tort) Bill, 1965, has been introduced in Lok Sabha on the 31st August, 1965. This Bill seeks to implement the Law Commission's recommendations referred to by the petitioner and is now before Lok Sabha.

23. *The Committee note with satisfaction that the petitioner's object, viz., the introduction of legislation on the subject of Liability of State in Tort has been achieved. The Committee hope that the Bill will soon be passed by Parliament and put on the Statute Book.*

24. *The Committee, therefore, feel that no further action is necessary on the petition on their part.*

V

PETITION NO. 20 FROM SHRI CHANDRA PRAKASH AGRAWAL, KAIMGANJ, U.P.

25. The petition (Appendix IV) was presented to Lok Sabha by Shri Kishen Pattnayak, M.P., on the 31st March, 1965. The Committee considered the petition at their sitting held on the 10th September, 1965.

26. The petitioner had stated that the Finance (No. 2) Act, 1957, had laid down the criterion of *size or form* for the purpose of assessing unmanufactured tobacco, *vide* Tobacco Tariff in Schedule I to the Central Excises & Salt Act, 1944.

Later on, when it was found that this criterion could not serve the object of making capable tobacco unsuitable for manufacture of *biris*, the Tobacco Tariff was further amended by section 30(b) (i) of the Finance Act, 1959, by adding the word *biris* in sub-item 1(5) of item 4 in the First Schedule to the Central Excise & Salt Act, 1944. Thus the criterion of *use* was given preference to the criterion already laid down.

The petitioner alleged that the amendment made in 1959 had not been given effect to so far, and he felt that this should be done for levy and collection of duty on the entire tobacco used for *biri* manufacture [*vide* item 4 I(b) of Tobacco Tariff] and that the criterion of *size or form* should not be used in cases where the tobacco by nature was incapable for *biri* manufacture. He prayed for sympathetic consideration of his request.

27. The Committee have perused the factual comments of the Ministry of Finance (Department of Revenue) on the petition and note the following:

- (i) The criterion of "capability" of the use of unmanufactured tobacco for manufacture of *biris* etc. which had many short comings was the criterion for levy of duty immediately prior to the existing tariff. It was mainly on the recommendation of the Tobacco Expert Committee that the "physical form" tariff was introduced by the Finance (No. 2) Act, 1957.
- (ii) Another high-powered Committee known as the Central Excise Reorganisation Committee who reviewed the tobacco tariff had observed that there was no workable alternative to the existing "physical form" tariff.
- (iii) As regards the alleged non-implementation of the amendment made in item 4(I) (5) of the tariff by the Finance Act, 1959, the Ministry have stated that that amendment only gave powers to Government to exclude by notification any variety of tobacco used for *biri* manufacture from the purview of sub-item (5) and to bring it under sub-item (6) in case there was evidence of general large-scale increase in the production of whole leaf varieties to be converted into flakes by changing the system of curing with a view to avoid the higher rate of duty. Since, on investigation, no variety was found to have been exclusively used in *biris* and there had been no large-scale increase in curing whole-leaf tobacco, and with a view to avoid hardship to some of the consumers (other than *biri* manufacturers), no notification had been issued in pursuance of the 'Explanation' below sub-item (5) as inserted by the Finance Act, 1959.

The Ministry have urged that no change is envisaged in the Finance Act, 1965, in regard to the criterion (of 'physical form') for the levy of excise duty on unmanufactured tobacco. They have also invited attention to their comments on Petition No. 49, Second Lok Sabha, in which Shri Agrawal had prayed for abolition of the "physical form" tariff on non-flue-cured unmanufactured tobacco not used in cigarettes, smoking mixtures and *biris*. The Committee have perused in this connection the Supreme Court's judgement* delivered on the 20th April, 1961, dismissing the writ petition filed by Shri Jagannath, Shri Agrawal and others challenging the "physical form" tariff (Writ Petition No. 84 of 1958).

*A.I.R. 1962 S.C. 148

28. The Committee, after careful consideration of the matter feel that no further action is needed on the petition.

VI

PETITION No. 21 FROM SHRI CHANDRA PRAKASH AGRAWAL, KAIMGANJ, U.P.

29. The petition (Appendix V) was presented to Lok Sabha by Shri Kishen Pattnayak, M.P., on the 31st March, 1965. The Committee considered the petition at their sitting held on the 10th September, 1965.

30. The petitioner had stated that Rules 9, 52 and 158 of the Central Excise Rules, 1944, provided that for the clearance of tobacco, other than tobacco used for agricultural purposes from warehouses after payment of duty, necessary application in Form A.R. 1 (Central Excise Series No. 57) was to be presented at the Central Excise Office and normally actual clearance was made either on the very same day or the day after the application was made. If, for some reason or other, the duty as actually assessed was not paid, and it remained pending for over 10 days from the date of assessment, the validity of the form expired automatically and fresh application had to be presented for clearance.

The petitioner had pointed out that, in the case of tobacco used for agricultural purposes, the rate of duty was Nil, *vide* sub-item 1(7) of item 9 of the First Schedule to the Central Excises & Salt Act, 1944. In spite of this, and despite the fact that a common procedure had been prescribed by law for all kinds of tobacco cleared from warehouses, clearance of tobacco used for agricultural purposes was normally delayed for over two to three years. The petitioner prayed that such delay should be minimised and expeditious clearance facilities afforded to such tobacco also.

31. The Committee note the following facts from the comments of the Ministry of Finance (Department of Revenue) (See Appendix X) on the petition:

(i) Rules 9 and 158 of the Central Excise Rules, 1944 do not provide for any time-limit within which the clearance of tobacco from the warehouse must be allowed by the Central Excise Officers after the filing of applications for removal. They merely require 24 hours notice from the assessee and on receipt of such notice, clearance is allowed *only after* the duty is paid on the assessed tobacco. The petitioner's statement that clearance must be permitted

on the same day or next day is not correct although normally it might be possible to assess and clear the tobacco within 48 hours.

- (ii) Similarly, his contention that non-payment of duty assessed on A.R. 1 within 10 days from the date of assessment, *ipso facto* rendered such A.R. 1 invalid and necessitated presenting a fresh application, is neither correct nor relevant. Rule 224A, to which he had referred presumably, prescribed that goods shall be liable for re-examination or re-weighment before clearance or removal, if not cleared within 10 days of completion of assessment; further, assessment already made could also be cancelled on specific written request of licensee with cancellation fee of Re. 1/- per document.
- (iii) Though the same procedure is applicable for all clearances of tobacco from warehouses, the "expeditious clearance" after application for removal had been put in, will depend on the time taken in—
 - (a) assessment by the Central Excise Officers; and
 - (b) making the payment by licensee of the duty so assessed.

As a general rule, such assessment of tobacco for agricultural purposes (duty being nil) is more time-consuming compared to other assessments as unscrupulous licensees got opportunity to remove saleable tobacco surreptitiously and to present substituted inferior tobacco in its clearance at Nil rate. In view of this substantial scope for evasion, such tobacco has to be thoroughly verified as to the quality, larger quantities had to be assessed with prior approval of senior officers and even the process of rendering tobacco unfit for human consumption had to be done under strict supervision of the Central Excise Officers of different grades depending on the quantity and amounts of duties involved. Thus, in the interests of revenue, clearance naturally takes some time. However, consignments upto 25 maunds are attended to expeditiously by local officers. By and large, in majority of cases, including bigger lots, the officers completed formalities quickly. Only in suspicious cases, clearances are apt to be delayed, as in such cases regular substitution proceedings has to be drawn up against assessees and their requests for clearance "free of duty" for agricultural purposes had naturally to remain in abeyance pending decision of adjudicating authority.

32. The Committee feel that, in view of the above facts the matter need not be pursued further.

VII

PFTITION No. 23 FROM SHRI SAILENDRA MOHAN GUHA AND 7,639 OTHERS

33. The petition (Appendix VI) was presented to Lok Sabha by Shri C. K. Bhattacharya, M.P., on the 30th November, 1965. The Committee considered the petition at their sittings held on the 9th December, 1965 and 25th March, 1966.

34. The petitioners, who are members of the Balurghat Railway Sangjoy Committee and residents of the Balurghat Sub-Division, West Dinajpur District, West Bengal, had referred to the acute travelling and transport difficulties experienced by the people of this sub-division since Partition, as thereafter rail connection between Calcutta and West Dinajpur was deprived to the district. The nearest rail head at Kaliyaganj, a station on the North East Frontier Railway, was 52 miles away from Balurghat, the District Headquarters of West Dinajpur, and 68 miles away from Hili, the most important trade centre in pre-Partition days.

They had referred to their representations to the State and Central Governments since Partition for the provision of rail connection. In spite of the recommendations made by the State Government in 1954 and this year, and of a complete survey made by the Ministry of Railways (Railway Board) in 1953-54, and in spite of assurances given by the then Railway Ministers, Sarvashri Jagjivan Ram and Lal Bahadur Shastri, in the past, there had been no response from the authorities concerned to the petitioners' demand.

They had also pointed out that West Dinajpur District, especially Balurghat sub-division, was a surplus district in paddy and fed to a great extent the North Bengal districts including Tea Gardens. For want of direct railway route, foodgrains were moved to Calcutta either by road or by railway via Katihar, a devious route which caused delay and added to transport costs. Provision of rail connection to Balurghat would ensure cheaper and quicker transport facilities.

Lastly, they had urged that at least from the point of defence of this vast Border area, including the North-Eastern portion of Malda District, railway connection should be provided in a top priority basis, as only one high-way having 3 narrow bridges links the area and the majority of the Border roads were all Kachha and totally blocked during rains for any vehicular traffic. The strategic importance of Hili should not also escape the notice of the Ministries of Defence and of Railways, as Pakistan had in the past raised dispute about a portion thereof.

35. The Committee have perused the factual note (See Appendix XI) furnished by the Ministry of Railways (Railway Board) on the petition.

The Committee note therefrom that:—

- (i) the cost of construction of a metre gauge line from Balurghat *via* Chilampur to Ekhlaiki on Katihar-Singhabad Branch, as per the survey conducted in 1949 is estimated at Rs. 229 lakhs for about 53 miles;
- (ii) due to conversion of the Katihar-Singhabad line into broad gauge, the cost of construction of a BG line from Old Malda to Hili *via* Balurghat, length 88 Kilometres, might now be about Rs. 9 crores. The traffic survey made in 1948-49 did not show the line to be financially justified and the Ministry doubt whether, with the very limited funds that might be made available to the Railways for construction of new lines, this scheme involving such a huge investment can find a place in the Fourth Plan Schemes;
- (iii) in the first year of the Fourth Plan, 1966-67, after re-evaluation of the Plan in view of Defence needs, funds made available to the Railways have been cut and continuing schemes might have to be slowed down further to fulfil the urgent need for economy in expenditure.

The Ministry add that it is hardly likely that the Railways can look forward to any greater availability of funds in the remaining years of the Plan particularly for new lines except for what is vitally needed for defence and for meeting basic requirements for sustenance of essential economic activity.

36. The Committee have also examined in this connection a railway index Map (received from the Ministry) of the region in which Balurghat is situate.

37. *The Committee feel that, in view of the difficulties explained by the Ministry, the matter need not be pursued further at present,*

VIII

REPRESENTATION FROM SHRI RANCHHODBHAI KUSHAL-BHAI DESAI, TALODH FALIA VILLAGE, BILIMORA, DT. BULSAR.

38. The petitioner had addressed a petition to the Speaker, Lok Sabha, dated the 17th August, 1966 regarding construction of level crossing on Bilmora Port Siding.

39. The petitioner had alleged that, in 1949, when that area was served by the erstwhile G.B.S. Railway, with Head Office at Partapnagar, Baroda, he had requested for permission to construct a level crossing at Bilimora Port Siding and had deposited a sum of Rs. 651 towards supervision charges, rental charges, or agreement fee together with cost to cover departmental work. He was duly given a receipt therefor. In the letter communicating acceptance of his offer, the Chief Engineer of that Railway had intimated to the petitioner that on receipt of the said amount the petitioner would be allowed to start the work under the supervision of the Permanent Way Inspector, Bilimora, who was authorised to do so. This letter was written on 16th April, 1949.

Subsequently, however, changes in the administrative set up, of various Railways in India took place, and petitioner's representations to the Railway authorities as well as to the Railway Board had no effect. As he is a poor man and in a tight corner, he desired sympathetic consideration of his case and grant of early permission to start the works.

40. The Ministry of Railways (Railway Board) with whom the matter was pursued by the Committee, at first stated on the 28th July, 1965 that the first reference in this regard was made by the petitioner only in 1964, i.e. after a lapse of 15 years. Not only the sanction had lapsed, it had not been possible to trace the deposit due to lapse of time and the claim was *prima facie* time barred under the laws of limitation. They also pointed out that if the work was carried out now by the party they would have to pay the Railway based on present day costs about Rs. 1,327 to cover the charges for supervision, agreement and cost of materials etc. plus annual rental fees @ 6 per cent on current market value of Railway Land, and annual maintenance charges for level crossing. If, however, the work on level crossing is to be executed by the Railway, it would cost initially Rs. 5,141 plus annual recurring charges. Under the rules all these charges have to be borne by the party asking for the facility. As the party had not agreed to bear the additional financial liability over and above Rs. 651, the proposal could not be progressed further. The matter was however, being expedited, the Railway Board added.

41. The Ministry of Railways were asked to clarify whether any intimation of lapse of sanction for execution of the work was given to the petitioner by the concerned Railway at any time, and, if the Railway were unable to undertake the work, whether there was any objection to the refund of Rs. 651 deposited by the petitioner.

42. The Ministry of Railways (Railway Board) after protracted correspondence intimated on the 12th November, 1965 that Shri Desai was no longer interested in having a level crossing provided at the present day cost. In regard to the refund of that deposit of Rs. 651 the Railway Board have intimated on the 19th April, 1965 that the Western Railway Administration had obtained the original money receipt from Shri Desai and had decided to refund Rs. 651 to him, provided he executed the Indemnity Bond. A special man has been sent to the party at Billimora for getting the Indemnity Bond executed. As soon as this is done the payment will be made to the party.

43. The Committee note with satisfaction that it is mainly due to the Committee's intervention that a matter which had been pending for over 17 years, has been settled expeditiously.

IX

REPRESENTATIONS INADMISSIBLE AS PETITIONS

44. At their above mentioned sittings held during the period covered by this Report, the Committee have also considered 109 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.

45. The Committee observe with satisfaction that, through their intervention during the period under report, 59 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 XII).

NEW DELHI;

The 20th April, 1966.

M. THIRUMALA RAO,

Chairman,

Committee on Petitions.

APPENDIX I

PETITION No. 6

[Presented by Shri C. Dass, M.P., on the 20th August, 1963]

(See Para 7 of Report)

To

The Lok Sabha,
New Delhi.

The humble petition of Shri C. Kesaviah Naidu, President, Bheemavaram Panchayat, Chittoor District, A. P.

SHEWETH

When your petitioner saw in the newspapers of April 2, 1963 "RAIL BERTH RESERVATION BY POST" in bold capital letters, he thought that his suggestion (to the Committee on Petitions, Lok Sabha) was implemented; but on going through the whole news column, to his utter disappointment he found that the grapes were sour and that the reservation by post was intended for (1) Air-conditioned and (2) First Class passengers only. It did not cover middle-class people of petitioner's type, who travel by Third-Class on the Railways mostly and who thus pay 90 per cent of the revenues to the Railways.

2. Certain towns are 35 to 40 miles away from their nearest Railway Stations and the middle class people travelling by Third Class have got certain pre-arranged engagements like attending a marriage, a meeting and return of Non-gazetted Officers serving at distant places to their homes during festival days, and the like.

3. Air-conditioned and First Class passengers from out-stations are allowed to send money orders of Rs. 42/- and Rs. 22/- respectively, irrespective of the distance they travel, 20 days in advance. In order to avoid wastage of 15 nPs. on money order commission, these should be rounded off to Rs. 40/- and Rs. 20/- respectively.

4. Third Class passengers from out-stations do require the same facilities as are available for A-C and First Class passengers, for long

distance journeys of 500 kilometres and above only. As per the present (existing) reservation rules, if a passenger desires to reserve a seat or a berth in Third Class, he should go to the nearest Railway Station, 7 or 10 days in advance, purchase a ticket and intimate the Station Master to wire to the Train-starting Station to reserve accommodation. When there are postal facilities for sending money for purchase of a ticket, it is unnecessary for the passenger to journey to the Railway Station simply for purchasing a Railway ticket. The Government (i.e. Ministry of Railways) or the Railways should make suitable provisions in their rules, so that intending passengers get their reservations by post, sitting at home.

5. As reservation from Intermediate Stations for Third Class passengers is stopped 24 hours in advance of the departure of that particular train and the last minute cancellation (facility) is open only to the passengers entraining at cities which are the Train-starting stations; the passengers joining from Intermediate and out-stations may be allowed to purchase tickets or send Money orders 9 days and 12 days in advance for reservation of seats and berths respectively as some postal holidays may, if they intervene, disappoint the passengers, who are eagerly on the look out for purchasing tickets.

6. As in the case of Air-conditioned and First Class passengers, facilities for reservation of seats/berths by postal remittance of advance money may be extended to Third Class long-distance, say 500 Kilometres and over, passengers from Intermediate or out-stations.

and accordingly your petitioner prays that the Rules framed under the Indian Railways Act, 1890, might be so amended that:

- (a) for Air-conditioned and First Class passengers from out-stations, berths may be reserved on their remitting by money orders, sums of Rs. 40 and Rs. 20/- i.e. in round figures, respectively; and
- (b) for long distance i.e. 500 kilometres and over, Third Class passengers from Intermediate or out-stations, facilities for reservation of seats/berths might be extended on their remitting by money order Rs. 20/- two days in advance of the date of commencement of reservation at the Train-starting Station,

and your petitioner as in duty bound will ever pray.

Name of Petitioner	Full Address	Signature with date
C. Kesaviah Naidu	President, Bheemavaram Panchayat, Narasingapuram Post, Chandragiri Taluk, Chittoor District, Andhra Pradesh.	Sd/- C. Kesaviah Naidu 4-4-1963

Countersigned by { C. Dass, M.P.
II-7-1963
Div. No. 91

APPENDIX II

PETITION No. 11

[Presented by Shri Sivamurthi Swami, M.P., on the 13th March, 1964]

(See Para 15 of the Report)

To

Lok Sabha,
New Delhi.

The humble petition of Sarvashri R. Nagan Gowda, Ex-Minister of Mysore, Hospet; and of A. Sitaram Singh, Secretary, Ryots Association, Kamalapur.

SHEWETH

Your petitioners humbly beg to submit this petition regarding sugar-cane cultivation and manufacture of sugar on co-operative basis.

Growing of sugarcane and processing into sugar is eminently suited for being carried out on a co-operative basis. The number of cultivators belonging to this industry is very large and the finances required are still larger, the growers being required to work in the field all the year round.

It is therefore appropriate that the Government of India have announced that 75 per cent of the sugar industry in future should be in the co-operative sector.

2. At present there are 190 factories in India of which only 45 i.e. less than 25 per cent are run on a co-operative basis. It might be a difficult task to convert the factories now in the private sector to the co-operative fold. Hence, in order to achieve their object the Government should, hereafter, encourage larger percentage of co-operatives to put up new factories.

3. The Government now propose to add an additional capacity of 5,00,000 tons of sugar immediately; that is by erection of about 32 more factories of 1000 tons of cane crushing capacity per day. It is now easy to see how many of these 32 new factories should be on co-operative basis.

The Government have announced very recently that they propose to see that an additional capacity of 2 to 3 lakhs of tons of sugar production is created in the Fourth Five Year Plan by expanding the existing factories.

This expansion also should therefore be mostly by the existing co-operative factories to enable the Government to achieve their object of having 75 per cent of the sugar industry on cooperative basis.

4. In the Tungabhadra Valley, by the erection of the Tungabhadra Dam and the reservoir, a huge area has come under irrigation. It was the intention of the Governments of the then composite Madras State and of the Nizam's State to encourage intensive sugarcane production in various places under the Dam where sugar factories could be erected. So far, only one factory has come into existence in this area at Kampli. Gangawatti, Sirgupa and Kamalapur are other places where sugarcane is grown most intensively and deserve sugar factories.

In Kamalapur area, in Hospet Taluq co-operative credit movement has developed so well that the greater percentage of cane production is financed by societies.

The cultivators in this area are anxious that their cane should be processed into sugar by themselves in a co-operative factory. Similarly, the cane growers of Gangawatti and Sirguppa are anxious for a cooperative society in their places.

5. *Intensive Cultivation.*—Cooperation helps cultivation of cane in a most intensive manner. The grower gets his finances in time from the society which also supplies him fertilizers when he requires it whereas a joint stock Company cannot ordinarily do it. In Kamalapur and Hospet Firkas, about a dozen credit societies are financing about 5000 acres of cane to the tune of twenty five lakhs of rupees on the pledge of crops every year and produce over 65 lakhs of rupees worth of cane.

6. *Yield of Cane.*—In this area from about 25 tons per acre a decade ago, the yield has gone up to over 35 tons. A large number of cultivators are today regularly producing over 40 tons per acre. There are many instances of growers getting 45 and 50 tons per acre.

Further increase in yield is possible if there is coordination between production of sugar cane and processing it into sugar in a co-operative mill. By regulating cane planting over a period of 3 or 4

months in equal areas, it will be possible to prepare seed bed in a proper manner so that higher yields could be obtained. Delivery of cane also to the processing unit i.e. the factory, could be easily regulated so that cane in a condition of optimum sugar content is delivered to a cooperative factory resulting in high recovery of sugar.

Mysore State in which the Tungabhadra Project is located has got the high distinction of producing highest average yield per acre, namely 33 tons as per data published by the Indian Central Sugar Cane Committee, New Delhi. This achievement has been carried out during the period 1951 to 1963. During the same period, yield in Hospet and Kamalapur areas, Bellary District, have gone up to over 35 tons per acre.

7. Higher Yields.—The above yield, however, is not enough. Where enough irrigation is available and the soil is normal, given adequate finances and plant protection measures, it should be possible to produce 50 tons of cane per acre on the average.

An extra-ordinary example of what can be achieved by even small cultivators is seen in Malinagar in Sholapur District in Maharashtra State where an average yield of 63.13 tons per acre was achieved over an area of about 2000 acres and the Saswadi Mali Factory of 1000 tons crushing capacity was supplied with 1,37,998.3 tons of cane in the crushing season of 1961-62. The soil in this area cannot be claimed to be too fertile—if any, it is of average fertility. The suppliers of cane are all small cultivators, the biggest of them reported to be having only 20 acres. But their achievement of high yields is due to the co-ordination that exists between the growers and the factory which is owned by them. Their recovery for the above year was as high as 11.28 per cent for the season.

What has been possible for Saswadi Mali Factory can be confidently attempted and achieved by the cane growers in other areas especially in Tropical India and certainly in Kamalapur and other places under the Tungabhadra Dam.

8. Food Production.—Irrigated land is the only area where the farmer can have full control on all the factors and produce the highest yields which is not possible in unirrigated areas in this country. To achieve our object of producing enough food grains for the ever increasing population of India, most effective and large scale contribution must come from the cultivators in possession of irrigated land.

By producing high yields of cane, it will be possible to supply the requirements of a factory from a small area similar to Malinagar.

leaving the balance for the production of rice and other food crops which we are now importing from abroad. Such high yields can be achieved only by cooperative efforts where the interest of the farmers and the manufacturers of sugar are identical and there is full coordination at every step and the needs for cultivation for cane are made available in adequate quantities and in time.

9. *Recoveries.*—In a factory in which there is such cooperation between the factory and the cane suppliers, the recovery of sugar is bound to be high. In the cooperative factory at Kampli the recovery of sugar for the last five or six years has been over 11 per cent. The recovery in the neighbouring factory at Hospet managed by a joint stock Company has been going down especially these two years after the Government linked the cane price to recovery. A fall of one per cent in recovery means to the cultivator a loss of one hundred rupees per acre, while the saving to the factory would be about five lakhs of rupees.

10. *Genesis of Kamalapur Factory.*—During 1958-59 and before it was found that the recovery in Hospet factory was low and at a conference inaugurated by Shri M. V. Krishnappa, the then Union Deputy Minister of Agriculture, it was felt that the low recovery of cane was due to the large supplies of cane grown in the area requiring extension of crushing during summer months when cane deteriorates. This problem was considered in September 1959 again at a meeting in the chambers of the Mysore Agricultural Minister, Shri Rachiah, when Shri Krishnappa was also present along with the Director of Agriculture and other experts and managers of Hospet and other factories of Mysore and it was suggested that erection of another factory on cooperative basis was the solution for the surplus cane of Kamalapur firka. The idea was blessed by the then Chief Minister of Mysore, Shri Jatti, on 1st October, 1959 when he told the press also that he intended giving a new factory to Kamalapur.

The people of Kamalapur immediately organised a Society and collected over five lakhs of rupees share capital in 1960; and their efforts to put up a factory were given first priority by the then Government of Mysore.

11. Such attempts by cooperative institutions should be encouraged by the Government whose concern is to foster co-operative effort. Any attempt to bolster up a joint stock company to extend its capacity and consequently thwart the creation of cooperative units should not be countenanced at all.

12. Success of the attempts of the Kamalapur cultivators would encourage also similar attempts by the growers of cane at Sirguppa

in Bellary District and Gangawathi, Siddapur and Kustigi in Raichur District, all under the newly constructed Tungabhadra project canals.

and accordingly your petitioners pray that the above petition regarding encouragement to the cooperative effort of the cane growers especially at Kamalapur and other places to put up factories in Bellary and Raichur Districts be favourably considered and thus a socialistic pattern of Society in that part of the country, be promoted.

and your petitioners as in duty bound will ever pray.

S. No.	Name of the Petitioners	Full Address	Signature
1.	Dr. R. NAGAN GOWDA, Ex-Minister of Mysore, & farmer, Hospet, Bellary District.	Chairman : The Hampi Vijayanagara Sehakar Sakhare Kharkhane Ltd., R.C.S. No. 1860, Kamalapur, Kamalapur Firka, Hospet Taluk, Bellary Dt., Mysore State.	Sd/- R. Nagan Gowda.
2.	A. SITARAM SINGH, Farmer & Director, Hampi Vijayanagara Sehakar Sakhare Kharkhane Ltd.	Chairman : Kamalapur Town Panchayat, Kamalapur Firka, Bellary Dt., Mysore State.	Sd/- A. Sita Ram Singh

Countersigned by { Sivamurthi Swami M.P.
10-3-64
Div. No. 377

APPENDIX III

PETITION No. 13

[Presented by Shri Ram Sewak Yadav, M.P., on the 24th April, 1964]

(See Para 21 of the Report)

To

Lok Sabha,
New Delhi.

The humble petition of Shri Chandra Prakash Agrawal

SHEWETH :

1. The Law relating to the liability of the State in tort is in a state of uncertainty.
2. There is great necessity for Parliamentary legislation on the subject of the liability of the State in tort in view of the fact that the decisions of the law courts are not quite uniform on the subject.
3. The necessity for Parliamentary legislation on the subject is revealed from the recent decision of the Supreme Court [*vide* (1963) I.S.C.J., page 307 in the case: The State of Rajasthan Vs. Mst. Vidhyavathi and another, and hence your petitioner desires that it might be introduced as envisaged in Article 300 of the Constitution of India.
4. The matter is very old and is pending for a long time. For, the reasons are best known only to the Ministry of Law, as to why there has been so much delay in introducing the bill, when as early as 11th May, 1956, the Law Commission in their First Report had recommended legislation for making the State to stand on the same footing as in a suit between subject and subject.
5. In Petition No. 18, dated 11th May, 1958, submitted to Second Lok Sabha, by your petitioner, he had requested that necessary

Legislation as recommended by the Law Commission might be initiated during the Fifth Session of Second Lok Sabha, for the following reasons:

- (a) In principle, there was no convincing reason why the Government should not place itself in the same position as a private employer subject to the same rights and duties as were imposed by the statute.
- (b) The law should progress in favour of the subject in the context of a welfare State and should not remain inflexible.
- (c) Legislation in this respect had not so far been initiated and enacted.
- (d) Legislation in this respect was essential in the public interest.
- (e) In the context of a welfare State, it was necessary to establish a just relation between the rights of the individual and the responsibilities of the State.

6. The Committee on Petitions, Second Lok Sabha, at their sittings held on the 17th September and the 21st November, 1958, had considered the above petition which had been presented to Lok Sabha by Shri Arjun Singh Bhaduria, M.P. (a member of the Committee) on the 11th September, 1958. The Committee noted from the comments of the Ministry of Law on the petition that the Ministry were taking necessary steps to implement the recommendations of the Law Commission. A draft bill on the subject had been prepared and circulated to the State Governments etc. for comments. After the comments were received and considered by the Government, the bill would be introduced in Parliament. The Committee, therefore, did not feel it necessary to make any recommendation on the petition [vide Para 2, Fifth Report of the Committee, Second Lok Sabha].

7. Since then, a good deal of time has passed but neither has such a bill been introduced in Parliament so far, nor has any statement been made on behalf of the Government that such a bill would be introduced in Parliament 'shortly'.

8. In the circumstances, your petitioner feels that this is a fit case which the Committee on Petitions might take up immediately with the Government and recommend the introduction of the bill during the current (Budget) Session of Lok Sabha.

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

and your petitioner as in duty bound will ever pray.

Name of the petitioner	Full Address	Signature with date
Shri Chandra Prakash Agrawal	Kaimganj, Uttar Pradesh	Sd/- C. P. Agrawal 3-4-64

Countersigned by { Ram Sewak Yadav, M. P.
Div. No. 373
6-4-64

APPENDIX IV

PETITION No. 20

[Presented by Shri Kishen Pattnayak, M.P., on the 31st March, 1965].
(See Para 26 of the Report)

To

Lok Sabha,
New Delhi.

The humble petition of Shri Chandra Prakash Agarwal, Kaim-ganj, U.P.

SHEWETH :

The criterion of *size* or *form* for the purpose of assessment of unmanufactured tobacco was given effect to in the Tobacco Tariff, under Schedule I to the Central Excises & Salt Act, 1944, by the Finance (No. 2) Act, 1957.

2. Later on, when it was found that the new criterion of *size* or *form* could not serve the required purpose of making capable tobacco unsuitable for the manufacture of *biris*, the Tobacco Tariff was further amended by the Finance Act, 1959 *vide* Section 30 (b) (i) *ibid* by adding the word *biris* in sub item I(5) of item 4. In this way criterion of use was given preference to that of the *size* or *form* criterion.

3. It has also been found by actual experience that the criterion of *size* or *form* is meaningless for those types of tobacco which by their very nature are incapable for the manufacture of *biris*.

4. Under this state of affairs, it is not understood why the criterion of *size* or *form* was allowed to continue when it could not serve the required purpose. Further, it is not understood why the Tobacco Tariff as amended by the Finance Act, 1959 was not given effect so as to levy and collect duty on the entire tobacco which is used for the manufacture of *biris* under item 4 I(6) of the Tobacco Tariff. There appears to be no valid reason why the Central Excise Authorities are not acting according to law in this particular matter, when in fact they are legally bound to act according to law passed by Parliament.

5. It is therefore both necessary and expedient in the interests of justice to require that *size* or *form* criterion be not applied particularly in cases where the tobacco by its nature is incapable for the manufacture of *biris* and further that levy and collection of duty be made under item 4 I(6) of the Tobacco Tariff for the entire tobacco which is used for the manufacture of *biris*.

6. Suitable directions may kindly be issued to the authorities concerned requiring them to act accordingly.

and accordingly your petitioner prays that the matter under reference being a matter of public importance be kindly sympathetically considered immediately,

and your petitioner as in duty bound will ever pray.

Name of the Petitioner	Full Address	Signature with date
Shri Chandra Prakash Agrawal	Kaimganj, U. P.	Sd/- C. P. Agrawal, 5-3-65

Countersigned by { Kishen Pattanayak, M.P.
15-3-65
Div. No. 479

APPENDIX V

PETITION No. 21

[Presented by Shri Kishen Pattnayak, M.P., on the 31st March, 1965].
(See Para 30 of the Report)

To

Lok Sabha,

New Delhi.

The humble petition of Shri Chandra Prakash Agrawal, Kaim-ganj.

SHEWETH :

Unmanufactured tobacco is assessable for levy of Central Excise duty, *vide* item 9 of the First Schedule to the Central Excises and Salt Act, 1944 (No. I of 1944).

2. Under sub-item I (7) of item 9 of the First Schedule *ibid*, rate of duty is NIL, if the tobacco is used for agricultural purposes.

3. For the clearance of tobacco from the warehouse after payment of duty, it is provided under Rules 9, 52 and 158 of the Central Excise Rules, 1944, that necessary application, commonly known as 'AR. 1' (*vide* Central Excise Series No. 57, p. 198 of the Central Excise Manual), is to be presented to the Central Excise Officer, and the actual clearance is normally made either on the very same day or the day after the date of the presentation of the application. If, for some reason or other, the duty is not paid as actually assessed by the officer, and it remains pending for over 10 days from the date of assessment, its validity automatically expires and fresh application is required to be presented for the purpose of clearance.

4. In the case of tobacco used for agricultural purposes, however, on which no duty is leviable, *vide* sub-item I(7) of item 9 in the First Schedule to the Act, the above procedure of expeditious clearance from the warehouse is not followed. It may be stated here that the law has prescribed a common procedure for the purposes of all clearances after payment of duty etc.

5. From time to time, this fact was brought to the kind notice of the Central Excise authorities concerned with the request that this practice, which is not in accordance with the law, should be

stopped. Despite their assurances that clearance would be permitted within the reasonable period of ten days, this is not actually carried out.

6. Since, in the eyes of law, clearance under sub-item I(7) of item 9 in the First Schedule to the Act, and under other sub-items, is subject to the same procedure, the authorities should normally permit immediate clearance of agricultural tobacco similar to other clearances. In any case, they should permit clearance within the 10-day period prescribed.

7. The fact that sometimes, actual clearance of agricultural tobacco is made even after two or three years, shows that it has become a **source of trouble and harassment to the public at large, for no fault of their own.**

8. It is not in the public interest that this state of affairs be permitted to continue for ever and it should be checked properly.

and accordingly your petitioner prays that the above matter, being one of public importance, may kindly be examined at the earliest,

and your petitioner as in duty bound will ever pray.

Name of Petitioner	Full Address	Signature or thumb impression
Shri Chandra Prakash Agrawal	Kaimganj (U.P.)	Sd/- C. P. Agrawal 13-3-65

Countersigned by { Kishen Pattnayak,
M.P.
Div. No. 479

APPENDIX VI

PETITION No. 23

[Presented by Shri C. K. Bhattacharyya, M.P. on the 30th November, 1965]

(See Para 34 of the Report)

To

Lok Sabha,
New Delhi.

The humble petition of Shri Sailendra Mohan Guha, President: Balurghat Railway Sangjoy Committee, Balurghat, District West Dinajpur, West Bengal; and 7,639 other residents of the Balurghat Sub-Division.

SHEWETH:

Your petitioners, on behalf of the people of Balurghat Sub-Division in the district of West Dinajpur in West Bengal beg to state that the people of this Sub-Division have been suffering acute travelling and transport difficulties since Partition, as, thereafter, the facilities of rail connection between Calcutta and West Dinajpur were deprived to this district as a result of which no industrial development, either big or small could be made in this area during the last 18 years of Independence. Balurghat, the District Headquarters of West Dinajpur, is 52 miles away and Hili, the most important trade centre in pre-Partition days is 68 miles away from their nearest rail head at Kaliyaganj, a station on the North East Frontier Railway.

2. The people of Balurghat have been representing for railway connection since Partition both to the State and the Central Governments. In the year 1954, the State Government recommended for according of first priority to the construction of the railway lines: Khejuria-Malda-Ekalakhi-Balurghat-Hili in the Second Five Year Plan period. But this was not done. This year also, in the month of February, the State Government again recommended for the construction of the lines connecting Hili and Balurghat with Old-Malda, a distance of about 65 miles during the Fourth Plan period. A complete survey was done by the Ministry of Railways (Railway Board)

for the above railway connection in 1953-54 and the project, as your petitioners are aware, was found to be profitable. Further, it may be pointed out in this connection, that the then Railway Minister, Shri Jagjivan Ram and our Prime Minister, Shri Lal Bahadur Shastri, while he was the Railway Minister, had assured the people of Balurghat re: the provision of the above railway connection, during their visits to Balurghat on 15th June, 1954 and 2nd April, 1955 respectively. Several Members of Parliament also pressed for the above railway connection a number of times in the Lok Sabha but unfortunately, without any response from the Administrative authorities concerned.

3. Complete indifference of the authorities to one of your petitioners' essential needs, namely railway connection has made your petitioners' lives miserable in various ways. It is very painful to note that in our popular form of Government, the peoples' voice is being ignored for such a long period of time.

4. The District of West Dinajpur is a surplus district in paddy, especially Balurghat Sub-Division which produces large surplus amount of paddy, besides other agricultural commodities and feeds to a great extent the North Bengal districts including Tea Gardens. Since the introduction of rationing in Calcutta, it has assumed special importance. A large quantity of paddy and rice are procured from this district, but for want of direct railway route connecting Calcutta with Balurghat, foodgrains are moved to Calcutta either by road transport or by railway *via* Katihar, a devious route. This no doubt causes delay and adds to transport costs. If Balurghat is connected with railway, cheaper and quicker transport facilities will be available.

5. Apart from your petitioners' acute travelling and other difficulties, at least for the defence of this vast border area including the North-Eastern portion of Malda district with a population in all of about 7 lakhs. Railway connection should be established as a top-priority, because this area is linked up with only one high-way having 3 narrow bridges on it and the majority of the Border roads are all Katchha and totally blocked during rains for any vehicular traffic. Further, the strategic position of Hili, which is of vital importance should not escape the notice of the Ministry of Defence and also of the Ministry of Railways (Railway Board), as Pakistan had, in the past, raised dispute about a portion of Hili and had tried to provoke trouble there and they may do so again.

and accordingly your petitioners pray that Lok Sabha might give due consideration to their grievance and ensure that the proposed

railway connection be established as a Top-Priority work by the North East Frontier Railway and thus relieve your petitioners of their sufferings which they are undergoing for the last eighteen years since Independence,

and your petitioners as in duty bound will ever pray.

Name of the first Signatory	Full Address	Signature
Shri Sailendra Mohan Guha	President : Balurghat Railway Sangjoy Committee, Balurghat, Distt. West Dinajpur, West Bengal	Sd/- Sailendra Mohan Guha
Countersigned by	<div style="text-align: right; margin-right: 20px;"> C. K. Bhattacharyya, M.P. Div. No. 34 15-11-65 </div>	

APPENDIX VII

[See Para 17 of the Report]

MINISTRY OF FOOD AND AGRICULTURE (DEPARTMENT OF FOOD)

*Note for the Committee on Petitions, Lok Sabha on Petition No. 11
Regarding Establishment of Sugar Factories by Co-operative Societies.*

In this petition, the petitioners have stated that growing of sugar-cane and processing it into sugar is eminently suited for being carried out on co-operative basis. In this connection, they feel that it is appropriate for the Government to have announced that 75 per cent of the Sugar Industry in future would be in the co-operative sector. It is stated that at present, out of 190 factories in India, only 45 are co-operatives which is less than 25 per cent. Therefore the petitioners have urged that additional capacity now decided by the Government to be licensed should be in the co-operative sector both for the new factories and expansions of existing ones, so that the share of the co-operative sector is increased to 75 per cent as early as possible. In this context the petitioners have prayed that efforts of the cane growers especially at Kamalapur and Siruguppa in Bellary District and Gangavati, Siddapur and Kustigi in Raichur District of Mysore State for establishing co-operative sugar factories be favourably considered and thus a socialistic pattern of society in that part of the country be promoted. The facts regarding this matter and policy of licensing in the Sugar Industry etc., are as follows:—

2. There was no regulation and planned development of the sugar industry on all-India basis till the coming into force in May, 1952 of the Industries (Development and Regulation) Act, 1951 which was enacted with a view to regulating the development of the major industries in the country, including sugar industry, under Five Year Development Plans. According to the Industrial Policy Resolution of 1956, the Sugar Industry falls in the private sector including those organised on co-operative basis. Paragraphs 10 and 11 of the Resolution are relevant which are re-produced below:—

Paragraph 10.—All the remaining industries will fall in the third category, and it is expected that their development

will be undertaken ordinarily through the initiative and enterprise of the private sector, though it will be open to the State to start any industry even in this category. It will be the policy of the State to facilitate and encourage the development of these industries in the private sector, in accordance with the programmes formulated in successive Five Year Plans, by ensuring the development of transport, power and other services, and by appropriate fiscal and other measures. The State will continue to foster institutions to provide financial aid to these industries, and special assistance will be given to enterprises organised on co-operative lines for industrial and agricultural purposes. In suitable cases, at the State may also grant financial assistance to the private sector. Such assistance, especially when the amount involved is substantial will preferably be in the form of participation in equity capital, though it may also be in part in the form of debenture capital.

Paragraph 11.—Industrial undertakings in the private sector have necessarily to fit into the framework of the social and economic policy of the State and will be subject to control and regulation in terms of the Industries (Development and Regulation) Act and other relevant legislation. The Government of India, however, recognise that it would, in general, be desirable to allow such undertakings to develop with as much freedom as possible, consistent with the targets and objectives of the national plan. When there exist in the same industry both privately and publicly owned units, it would continue to be the policy of the State to give fair and non-discriminatory treatment to both of them.

3. The development of the sugar industry in the private sector has been regulated on the principles laid down in the above resolution. In licensing additional capacity in the sugar industry within the targets fixed under the Five Year Plans, care has been taken to encourage establishment of new cooperative sugar factories with liberal financial assistance by Government. While applications for the establishment of new sugar factories and also for expansion of existing units are considered on merits—judged from all angles namely, availability of cane supplies, economic viability of the scheme, capacity to execute the same in minimum time, preference is given to cooperatives in the matter of establishment of new factories. As a result of this, there has been a significant development in setting up new cooperative factories during the past 10 years or so. At the beginning of the First Five Year Plan, the installed capa-

city of the sugar industry was about 16.4 lakh tons of sugar per annum which was planned to be raised to 25 lakh tons at the end of Second Plan and to 35 lakh tons at the end of Third Plan. Against these targets, an additional capacity totalling 17.2 lakh tons of sugar per annum has been licensed in the shape of 72 new sugar factories of which 54 are farmers' cooperatives and by expansion in 120 existing units of which 9 are cooperatives. There were only 2 cooperative sugar factories in the country before commencement of the First Plan. Besides, a joint stock factory was taken over by the growers cooperative in 1959. Nearly 75 per cent of the total capacity licensed for establishment of new sugar factories have been in the cooperative sector. This is a fact which has emerged as a result of the licensing of additional capacity following the principles indicated above so far in the sugar industry. It is not true, as stated in the petition, that Government has announced that 75 per cent of the capacity should be in the cooperative sector. No such allocation of capacity between cooperative and joint stock enterprises has been decided upon or announced by Government.

4. In the petition it has been suggested that most of the additional capacity to be licensed now both for new factories and expansion of existing units should go to cooperatives to achieve the 75 per cent of the total capacity. The fact of the matter is that alongside the new cooperative factories which have been set up during the last decade and more are likely to be set up in future, there are a large number of sugar factories in India, which were established during the early growth of the sugar industry in 1930's as joint stock enterprises. Most of these factories are old and uneconomic, and are in urgent need of expansion, rehabilitation and modernisation, not only for their continued existence but to serve a much wider purpose of sustaining a much larger number of cultivators supplying cane to these factories. In U.P. & Bihar where the sugar industry was first established, the entire rural economy of these States is vitally linked with the growth of sugarcane and the sugar industry. The suggestion made in the petition that licensing of additional capacity in future should be restricted mostly to cooperative sector both for new units and expansion of existing ones would lead to the choking of the growth of a section of the industrial enterprises in the country, which would bring distress to a very large section of the agricultural population in those regions. Government cannot perhaps be a party to such a policy.

5. While production of better quality of cane and higher per-acre yield are considerations duly taken into account in deciding grant of licences, other considerations mentioned above are equally important

and cannot always be ignored. Therefore, Government is following a policy of giving preference to the cooperative sector in the matter of establishment of new factories and fair and non-discriminatory treatment to different units of the entire industry, both joint stock and cooperatives, as laid down in the Industrial Policy Resolution.

6. Of the five places mentioned in the petition, applications were received for grant of licences under the Industries (Development & Regulation) Act, 1951 for establishment of cooperative sugar factories at two places namely at (1) Kamalapur and at (2) Siruguppa, both in Bellary district of Mysore State. The particulars of these applications are:—

- (1) Shri R. Nagan Gowda, Chairman, the Hampi Vijayanagara Sahakara Sakhare Karkhana Ltd., made an application dated 26th April, 1960 which was received by the Central Government in the Ministry of Industry on 2nd May, 1960 for establishment of a sugar factory of 1000/1250 tons cane per day capacity on cooperative basis at Kamalapur, Tehsil Hospet in district Bellary.
- (2) Messers. Bellary Central Cooperative Stores Ltd., made an application dated 7th January, 1961, received by the Central Government in the Ministry of Industry on 16th January, 1961 for establishment of a cooperative sugar factory of 1000/1200 tons cane per day capacity at Siruguppa, Distt. Bellary.

7. The above applications were among a large number of applications received in connection with the licensing of additional capacity against the Third Plan target in response to a Press Note issued by Government in August, 1959. A Negotiating Committee comprising representatives of concerned Ministries of the Central Government was set up to examine these applications in chronological order of their receipt. Out of the applications received upto 31st March, 1960 licences were granted for the establishment of 20 new sugar factories including 16 on cooperative basis and expansion in 49 existing units which covered a total capacity of 5.3 lakh tons of sugar per annum. With this, the total existing and licensed capacity of the Industry came to 33.6 lakh tons against Third Plan target of 35 lakh tons. But due to surplus production of sugar in 1959-60 and 1960-61 and consequent problem of disposal of surplus sugar, Government decided to suspend licensing of further capacity in the Sugar Industry for the time being. When the licensing was suspended, all applications received after 31st March, 1960 (including 11 which were received earlier than that) were shelved and the applicants informed accord-

ingly. It was also decided that if and when licensing in the sugar industry was resumed, these pending applications were to be taken up for consideration. These included the applications for Kamalapur and Siruguppa also which were received after 31st March, 1960.

8. In June, 1963, Government reviewed this matter in an inter-ministerial meeting and decided to resume licensing in the sugar industry for an additional capacity of 5 lakh tons of sugar per annum. Later on, a further capacity to the extent of 3 lakh tons of sugar per annum was also decided to be licensed as advance licensing against Fourth Plan requirements of sugar. A Screening Committee was appointed for the purpose which have examined all the pending applications including those from Kamalapur and Siruguppa.

9. So far as the Kamalapur case is concerned, the State Government's latest recommendation is that this application should be given fifth priority amongst the applications for new cooperative factories proposed to be set up in Mysore State, the first four being for establishment of cooperative sugar factories at Bidar, Mugat-Khan Hubli, Hiriur and Gangavati. The Screening Committee has examined this application recently. It is observed that there are two sugar factories already existing in the District of Bellary, one at Hospet—a joint stock concern and the other at Kampli—a cooperative factory, which are situated at a distance of 6 and 14 miles respectively from the proposed site of Kamalapur. The present capacity of Hospet factory is 1250 tons cane per day and of Kampli factory 1200 tons cane per day and the total annual requirements of cane for these two factories for a normal duration in the region is about 4.3 lakh tons of cane while the total cane production in the whole of Bellary District in 1962-63 was 5.62 lakh tons, of which about 4.5 lakh tons could have been available to the factories for crushing, the balance being for seed, gur etc. There is, therefore, hardly any surplus cane to sustain another sugar factory in the area, which would require about 2 lakh tons of cane annually. In view of this doubtful cane availability, the Screening Committee has proposed to make an on-the-spot investigation to see if there is possibility of getting sufficient cane for the proposed factory after meeting the expanded needs of the existing neighbouring factories.

10. So far as the establishment of a cooperative at Siruguppa is concerned, the State Government has stated that this is not one of the places selected by them for the establishment of a sugar factory in Mysore State during the Third Five Year Plan and they have not, therefore, recommended this case. The Screening Committee in view of the present availability of cane in the District of Bellary is also not supporting this application for the grant of licence.

11. While Government is fully sympathetic towards the promotion and establishment of cooperative sugar factories in the country as is evident from the rapid growth of cooperative sugar factories in the country that has taken place within a short space of about 10 years, one of the most important consideration that has to be borne in mind in the economic viability of a particular scheme. The total investment for a new sugar factory of a capacity of 1000/1250 tons cane per day as proposed for Kamalapur and Siruguppa is about Rs. 150 to Rs. 160 lakhs for each. The financial pattern of a cooperative is that the Society has to raise an initial capital of Rs. 20 to 25 lakhs to which the State Government contributes a matching amount. The main bulk of the finance is to be met from the loans from I.F.C. to the extent of Rs. 90 lakhs—jointly guaranteed by the Central and State Governments and the rest is through other cooperative banks and Institutions.

APPENDIX VIII

(See Para. 18 of the Report)

*An extract from the recommendations of the Screening Committee made in 1964.
(Accepted by the Licensing Committee on 14-5-1964.)*

Sl. No.	Name and address of applicant	Proposed location with District	Date of receipt of application	Cooperative or Joint Stock in the Min. of Ind.	Capacity applied for (tons cane/day)	Views of the State Government	Brief Screening Committee recommendations
1	2	3	4	5	6	7	8

Mysore :

1. Shri R. Nagan Gowda, Chairman, The Hampi Vija-yanagara Sahakara Sakhare Karkhana Ltd., Kamalapur, Distt. Bellary.

The State Government have reported that during 1962-63 6835 acres were under cane producing about 2.25 lakh tons of cane within a radius of 10 miles of the proposed site. This cane, however, is being utilised at present mostly by the neighbouring factories at Hosper and Kampil, in the Bellary District, during 1962-63 the total cane production was 5.6 lakh tons of

cane of which about 4.5 lakh tons might be available for crushing assuming 80% drawal. The total requirement of the existing two factories is 4.3 lakh tons. Thus, there is no surplus cane at present for a new sugar factory in the district. The Committee has, therefore, recommended to make an on-the-spot study regarding the cane production and particularly the effect its establishment will have on the neighbouring existing factories.

The State Government have not furnished any particulars and have informed that Siruguppa is not one of the places selected by them for establishment of a new sugar factory in the State during the Third Five Year Plan and have not supported the application. The Committee under the circumstances has recommended rejection of this application.

1000/1200 W Not recommended.

16-1-61 Coop.

2. M/s. The Bellary Siruguppa, Central Coop. Dist. Stores, Ltd., Sugar Factory, P. B. No. 21, Bellary.

APPENDIX IX

(See Para 18 of the Report)

Extract from the recommendations of the Screening Committee after perusing the Study Team's Findings.

(Accepted by Licensing Committee on 13-7-1965).

Sl. No.	Name and address of applicant	Proposed location with District	Date of receipt of application in the Ministry of Industry	Coop. or J.S.	Capacity applied for (Tons cane/day)	Views of the State Government	Brief recommendations of the Screening Committee.
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Mysore :

2. Shri R. Nagan Gowda, Chairman The Hampi Vijayanagara Sahakara Sakhare Karkhane Ltd., Kamalapur, Distt. Bellary.

2-5-60 Coop. 1000/-
1250/-

Recommended

The present production of sugar-cane is about 2.6 lakh tonnes and the existing sugar factory at Hospet which is only 6 miles from the proposed site is utilising most of this cane. There is no immediate potential for increasing the cane production substantially because the wet land is limited. Therefore, the Screening Committee considers that the establishment of a new sugar factory at Kamalapur is not feasible.

APPENDIX X

(See Para 32 of the Report)

GOVERNMENT OF INDIA

MINISTRY OF FINANCE

(DEPARTMENT OF REVENUE)

SUBJECT:—Petition No. 21 from Shri C. P. Agrawal, Kaimganj—
Alleged non-observance of legal procedure for clearance of
tobacco for agricultural purposes—

The Lok Sabha Sectt. may kindly refer to their U.O. No. F.21/C/
65, dated the 5th April, 1965, on the above subject.

2. The point raised by Shri C. P. Agrawal in a nut-shell is that the prescribed legal procedure is not being followed in allowing expeditious clearance from warehouse of tobacco intended to be cleared free of duty for agricultural purposes under sub-item I(7) of item 4 of the First Schedule to the Central Excises and Salt Act, 1944. In this connection the petitioner has specifically cited rules 9, 52 and 158 of Central Excise Rules, 1944 the provisions of which, in his opinion, are not observed.

3. Rule 9 of the Central Excise Rules, 1944, prescribes *inter-alia* that excisable goods cannot be removed from the place of production, curing or manufacture until the excise duty leviable thereon has been paid but such goods may be deposited in a warehouse etc. without payment of duty. For clearance of unmanufactured tobacco from the warehouse on payment of duty, rule 158 of Central Excise Rules, 1944 enjoins on the licensee to put in an application for removal in proper form (A.R.1) at least 24 hours before the tobacco is intended to be removed. The tobacco is then assessed and clearance allowed on receipt of the evidence of payment of duty in terms of rule 157 read with rule 52 of Central Excise Rules, 1944. The aforesaid rules, and for that matter any other rule, do not provide for any time limit within which the clearance of tobacco from the warehouse must be allowed by the Central Excise Officers after the application for removal has been filed. All that the rules require is that the assessee shall give a notice of at least 24 hours of his intention to clear the tobacco and on receipt of such notice tobacco will be assessed and clearance allowed only after the duty has been paid. It will not

therefore be correct to say that clearance must be permitted on the same day or next day although normally it may be possible to assess the tobacco within 48 hours and even allow its clearance if the duty due thereon has been paid.

Similarly the contention of the petitioner that non-payment of duty assessed on A.R.1 for one reason or the other within 10 days from the date of the assessment, *ipso facto* renders such A.R.1 invalid and necessitates presenting a fresh application is neither correct nor relevant. The petitioner presumably refers to rule 24-A which lays down that the goods shall be liable to re-examination or re-weighment before clearance or removal if not cleared within 10 days of the completion of the assessment on form A.R.1 by the proper officer. The assessment already made can also be cancelled under rule 224-A only on the specific written request of the licensee under certain circumstances and that too on payment of cancellation fee of Re. 1 for each assessment document.

4. It will thus be observed that no time-limit has been prescribed in the Central Excise Rules for clearance of tobacco from warehouses. In practice, however, clearances on payment of duty are attended to within 48 hours on receipt of notice of removal under Rule 158 of the Central Excise Rules. It is true that the procedure for clearance of tobacco from the warehouse on payment of duty is the same for all clearances, whether for agricultural purposes or otherwise, but the "expeditious clearance" after the application for removal has been put in will depend on the time taken in—

- (i) assessment by the Central Excise Officers; and
- (ii) making the payment by the licensee of the duty so assessed.

In the case of tobacco sought to be cleared for agricultural purposes the rate of duty being "Nil", question of payment of duty does not arise. Clearance in such cases will therefore depend on the time taken for assessment of the tobacco for agricultural purposes by the Central Excise Officers. The time taken for such assessment is directly related to nature of each consignment; but, as a general rule, assessment of tobacco for agricultural purposes is more time-consuming compared to other assessments on payment of duty as unscrupulous licensees get opportunity to remove saleable tobacco surreptitiously and to present substituted inferior tobacco in its place for clearance for agricultural purposes at the Nil rate. As substantial scope for evasion thus exists the tobacco in respect of which application for removal for agricultural purposes is filed has, therefore, to be thoroughly verified as to quality before assessment at the 'Nil' rate.

as claimed, its removal from the warehouse and actual conversion to manorial use. Further, for the same reasons assessment of larger quantities in such cases, has to be made with the prior approval of senior officers and even the process of rendering tobacco unfit for human consumption has to be done under the strict supervision of Central Excise officers of different grades depending on the quantity and therefore, the amounts of duties involved. It will be appreciated that in revenue interest such precautions are inevitable as the rate of duty is "Nil" only if the tobacco is *actually* used for agricultural purposes. All this naturally takes some time. It is not correct to say that all cases of clearance of tobacco for agricultural purposes are delayed. Consignments upto 25 mds. are attended to expeditiously by the local officers. Generally there is not much of delay in bigger lots also as instructions exist to attend to such requests expeditiously and the supervising officers keep track over pendencies of such clearances. By and large, in majority of the cases the officers complete the formalities quickly; only in suspicious cases, clearances are apt to be delayed as the officer permitting such clearances has to satisfy himself about the genuineness of tobacco sought to be destroyed. In some cases, instances of which are not wanting, clearance of tobacco sought to be cleared for agricultural purposes at 'Nil' rate of duty were refused since on verification the same is found to have been substituted by extraneous matter. In such cases, regular substitution proceedings have been drawn up against the assessees and their requests for clearance "free of duty" for agricultural purposes have naturally to remain in abeyance pending decision of adjudicating authority on the substitution proceedings.

Sd/- A. P. KUMTAKAR,
Under Secretary to the Government of India.

Lok Sabha Sectt., New Delhi.

Min. of Fin. (Dept. of Rev.) U.O. No. 7465-CXIV dt. 20-4-1965.

APPENDIX XI

(See Para 36 of the Report)

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*Note furnished by the Ministry of Railways (Railway Board) re:-
Petition No. 23:*

Representations are being received from Shri C. K. Bhattacharyya and other M.Ps. from the Government of West Bengal and others for provision of a rail link from Old Malda to Hilli via Balurghat.

2. A survey was carried out in 1949 for a metre gauge line from Balurghat via Chilampur to Eklakhi on the Katihar-Singhabad branch. The cost of this project was then estimated at Rs. 229 lakhs for a length of about 53 miles. Since then the Katihar-Singhabad line has been converted to broad gauge and, naturally, any rail link, now to be provided to this branch from Balurghat, will have to be broad gauge. The cost of construction of a BG line from Old Malda to Hilli via Balurghat (length 88 KMs) may now be about Rs. 9 crores. The traffic survey conducted in 1948-49 showed that the line is not financially justified. It is doubtful if this scheme, involving such a large investment, can find a place in the Fourth Plan Schemes, within the very limited funds that may be available to the Railways for construction of new lines.

3. Even before the August 5th emergency, the funds, that had been earmarked for new lines construction in the country's Fourth Five Year Plan were meagre and most of these were for completion of new lines already under construction. The Fourth Plan is being re-evaluated particularly in view of the Defence needs. In the first year of the 4th Plan, 1966-67, the funds being made available to the Railways have been cut and though the outlay was primarily on continu-

ing schemes, even they may have to be slowed down further to fulfil the urgent need for economy in expenditure. It is hardly likely that Railways can look forward to any greater availability of funds in the remaining years of the Plan particularly for new lines except for what is vitally needed for defence and for meeting basic requirements for the sustenance of essential economic activity even in abnormal times and in emergencies.

APPENDIX XII

(See Para 41 of Report)

List 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.

Sl. No.	Name of Petitioner	Brief Subject	Facts perused by the Committee
1	2	3	4
1.	Shrimati Morand Bai Chainmal.	Appointment of petitioner as sole heir to her deceased husband and payment of due compensation.	[Rehabilitation] Shrimati Morand Bai had since been paid compensation of Rs. 4195.35 paise as per details below, after she and her son were appointed as successors in interest to her late husband, Shri Chainmal :— 48

A. Deductions towards :

- (i) Rent arrears of tenement No. 1810, Block, C-905, at Ujjhas Nagar—5.
Rs. 766.50.
- (ii) Convenience charges in respect of the above tenement.
Rs. 315.70.
- (iii) Principal of rural loan advanced to the deceased, Shri Chainmal.
Rs. 100.00.
- (iv) Interest in the loan advanced to the deceased
Rs. 46.65.

(v) Cost of agricultural land allotted to the deceased.
Rs. 1,237.50

B. Payments made in :

(vi) Cash.	Rs. 4.00
(vii) National Defence certificates	Rs. 25.00
(viii) Zamindari Abolition Bonds.	Rs. 1700.00
	Total Rs. 4,195.35.

2. Shri Kewalram Mulchand, Payment of cash compensation against his half share in CAF
Ahmedabad.
No. B/A/A/695A/XXI(L)

[Rehabilitation] The grievance had been re-dressed as follows :

(a) *Full share in claim verified for Rs. 4,880/- ;*
Rs. 2495/- compensation has already been paid. 49

(b) *Half share in claim verified for Rs. 7972/- ;* Difference of compensation Rs. 1292/- paid by statement of account issued to him on 15-6-65.

[Rehabilitation]. Admitted the oversight in adjustment and stated that now the amount was re-adjusted towards house building loan and credit was afforded to Accountant General, Bombay, in October, 1957 prior to the formation of Gujarat State. They added that hence there was no question of passing on the credit to Accountant General, Gujarat, as desired.

3. Shri Khernchand *alias* Mir-
chumal, Ahmedabad. Rectification of error in bill sent to P. & A.O., Bombay, showing adjustment of Rs. 1769.28 as rent arrears of No. 53/1, Thakar Bapa Nagar, Ahmedabad, to read as 'House building loan' and to pass on the credit to the Accountant General, Gujarat.

1 2 3 4

4. Shri Taurmal Virumal, Pulgaon, Dt. Wardha. Payment of difference of compensation due, *viz.* Rs. 1774.25/- against his 1/3rd share of compensation claim, Rs. 3100. [Rehabilitation]. The case had already been finalised and a Statement of Account for Rs. 1452.25/- and 1st. acre and 2.117/120 units sent to claimant, Shri Taurmal, by registered post on 20-3-1965 had been received by him.

5. Shri Chimandas Gurumukh das, Vrindaban, Mathura Dr. Cancellation of land allotted in possession of which could not be granted to him, and re-adjustment of compensation due against cost of property at Jhunagarh in his associate's name. [Rehabilitation]. The entire land allotment made in favour of Shri Chimandas had since been cancelled, and a sum of Rs. 3124.6/- had been adjusted towards cost of Property Nos. 418, 418/1, and 418/2 at Jhunagarh, as desired.

6. Shri Tharumal Raichandmal, Ulhasnagar. Finalisation of Rehabilitation grant application case by adjustment of compensation due against tenement No. 1276, Block No. C/638, Camp No. 4, Ulhasnagar, Bombay allotted to him.

7. Sarvashri Totaram and Jhamatmal, Kalyan Camp. Finalisation of verified agricultural land claim for 10 standard acres and 20.9/10 annas.

50

[Rehabilitation]. Below were the details of how the compensation in the two claims in respect of urban property and agricultural land (verified for Rs. 9683/- and 10 standard acres respectively worked out to Rs. 8365/-; since paid to claimants as under :—

(i) Rent arrears and Cony.	Rs.
Charges against Shri Jhamatmal	503.83
2.14	

		51
(ii) Rent arrears and conv. charges against Shri Totaldas	441.94	
(iii) Cost of tenement No. 2. Bk. No. I	2.93 1536.00	
(iv) Loan against non-claimant Shri Thanwardas J.	1492.99	
(v) Rent arrears of Brk. No. 2058/2	519.01	
(vi) Cost of tenement No. 2058/2	1363.00	
(vii) Amount received in cash by the claimant himself	1993.00	
(viii) Amount received by National Plan Saving Certificates by claimant	510.00	
TOTAL		<u>8364.84</u>

Protesting against the introduction of departmental catering on Eastern Railway Stations.

8. Five traveller residents of Kharagpur.

[Railways (Railway Board)]. Departmental catering was introduced as per the recommendation made by the High Powered Committee on catering (1953), the intention being to set the standard and service as a model for the contractors to emulate, thereby leading to an improvement in the general standard of catering on all the Railways. Accordingly, departmental catering was introduced not only at stations on Eastern Railway but also at some stations on each of the other Railways.

1 2

3

4

The Catering/Vending contractors having smaller holdings who were displaced in the context of introduction of departmental catering, were rehabilitated by award of suitable alternative contracts. Particulars of the catering and vending contractors whose holdings were taken over and who had not yet been rehabilitated, had not been furnished in the representation made by 5 "traveller" residents of Kharagpur.

It was true that for some years losses were incurred in running departmental catering but due to various measures of economy, there had been an appreciable improvement in the position and it was expected that during 1963-64 loss would be eliminated and some profit realised. Rates for food etc. were fixed taking into account several factors including the classes of passengers travelling on the Railways and every care was taken that they favourably compared with the prices for food etc. prevailing in private catering establishments of comparable standard outside the station premises.

There had been some complaints against departmental catering but at the same time, appreciations were also frequently received. By and large the quality of food served from departmental catering establishment had come in for some appreciation.

A number of measures had been taken to improve the quality of food, etc. sold at the departmental units. The more important of these measures were tightening up of control and inspection of materials purchased, drawing up of schedules of ingredients, appointment of competent cooks, intensification of inspections by inspectorial staff and officers as also by members of non-official committees, etc., and every endeavour was made to maintain a good standard of service.

In the circumstances, there was no proposal to abolish departmental catering at stations where it had been introduced and to revert to the contract system at those stations.

53
Regarding tenure of catering / vending contracts held by contractors at railway stations, revised instructions had been issued to the Railway, according to which the contracts held by all the contractor were required to be re-advertised when the tenure of 9 years for refreshment rooms, stalls, etc. and 10 years for Restaurants and Restaurant Cars was completed since the first award of the contract. The intention was to make available to the public improved service at the catering establishments and such of the existing contractors who were rendering efficient service stood a good chance of being continued for another term.

[Rehabilitation] The desired adjustment of Rs. 1850/- from claimants CAF towards cost of GBP No. 267/A & 266/B, Sardarnagar, Ahmedabad, purchased

Adjustment of Rs. 1850.07 from his CAF towards cost of GBP No. 267/A & 266/B, Sardarnagar, Ahmedabad, purchased

9. Shri Ravinder Mohan Kumar alias Ramesh Kumar, Pankaj Society, Ahmedabad.

by Shri Tahiram Tanumal, r/o 267, Sardarnagar Colony.

10. **Shri Kachhona Ranwaldas**, Disposal of appeal dated 7-9-61 against rejection of his review application *re*: properties in first floor.

region. The recovery schedule along with the agreements file had been transferred to Administrator Sardarnagar Township, for purpose of further recovery of instalments. Shri Tahiram Tanumal has also been asked by the Regional Settlement Commissioner Bombay, to settle his accounts with Administrator, Sardarnagar.

54 [Rehabilitation] The revision petition was heard and dismissed on 9-4-1965 by the Settlement Commissioner with delegated powers of C.S.C. and a copy of this order was issued to applicant on the same date.

11. **M/s. D. J. Mehta & Co.**, Rejection of their application for issue of licence for import of wire rope during January/June, 1957, while allegedly a licence was granted to M/s. J.C. Kundoo & Sons., Calcutta. Exporters and Importers of Iron and Steel, Carnac Bunder, Bombay-9.

[Commerce] Petitioners' application was forwarded by the Iron & Steel Controller, Bombay, to the Import Trade Control Authorities along with other pending applications as certain items including 'wire, ropes' were transferred to the licensing jurisdiction of the Import Trade Control Authorities. A general policy decision was thereafter taken wherein it was *inter alia* indicated that :

(i) applications from established Importers and dealers might be rejected and these parties might be asked to get their past imports quotas fixed in the first instance by the Import Trade Control Authorities before licensing period October, 1957

to March, 1958. Such applicants were accordingly asked to apply afresh to Import Trade Control Authorities in proper form and manner within the basic period announced for the purpose ; and

(ii) application from established Importers or dealers against Directorate General of Supply & Disposals or Railway contracts were to be dealt with in accordance with instructions prevailing at that time relating to the foreign exchange sanction from the Ministry of Finance after proper verification of the date of acceptance of tender and import recommendation certificate.

M/s. D. G. Mehta & Co.'s application was given due consideration in the light of the above general policy decision and was rejected. Their subsequent appeal was also turned down after careful consideration. M/s. J. C. Kundoo & Sons' application was against Directorate General of Supply & Disposal contract, and the licensee was issued to them on this basis and not against any past imports. Hence their case was not similar to that of M/s. D.G. Mehta's and the rejection of the case was in order.

[Department of Social Security] The Constitution of India envisaged certain special safeguards in respect of the Scheduled Castes and Scheduled Tribes and thus their advancement became a special responsibility of the Government of India. Some of the Nomadic Tribes which satisfied the criteria for Scheduled

12. Shri M. S. Helawar, State Welfare of Nomadic Tribes in Mysore State and in India as a whole.
Organiser of the Mysore State Branch, Bharathiya Gauumanthu Jan Sevak Sangh, Saraswapur, Dharwar.

1	2	3	4
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Castes/Tribes were already included in the lists of the Scheduled Castes and Scheduled Tribes and they were getting all the facilities admissible to the Scheduled Castes and Scheduled Tribes. Other Nomadic Tribes form part of the category called 'Other Backward Classes' whose advancement was the primary responsibility of the State Governments.

The main problem in the case of Nomadic, Semi-Nomadic and Denotified Tribes was to wean them away from the criminal way of living and also from the habit of wandering from place to place and to enable them to settle down like any ordinary citizen of India in a fixed home with proper interest in the upbringing of their children in society. For this purpose the Mysore Government had instituted certain schemes. Taking into account the disabilities which the Nomadic, Semi-Nomadic and Denotified Tribes suffered from the Mysore Government as a matter of State Policy, had categorized them separately from the the Economically Backward Classes for certain concessions which were on par with those given to the Scheduled Castes and Scheduled Tribes. To the extent they satisfied the economic criterion prescribed for the Economically Backward Classes, they were eligible for the concessions available to the Economically Backward Classes in the matter of educational concessions and reservation of services under the

State Government of Mysore. For the purpose of Government of India's post-matric scholarships scheme for the Backward Classes, Denotified, Nomadic and Semi-Nomadic Tribes were treated as a separate category.

The Government were thus, already alive to the needs of the Nomadic Tribe people and were doing the needful for their advancement.

Both the Government of India and the State Government of Mysore were taking suitable action on the recommendations of the Tribal Seminar held in Mysore in 1963.

[Finance (Dept. of Company Affairs & Insurance)].
The L.I.C. Bombay had stated that Shri K.R. Deb Krori, was appointed as agent in 1960. In the appointment letter issued to an agent by the Life Insurance Corporation the minimum business guarantee fixed for an agent was indicated as Rs. 40,000 for every alternate year. In between every agent had to complete a business of at least Rs. 10,000. Shri Krori had completed business of Rs. 4,000 (on 3 lives) in 1962. In 1963, he did not procure any business. His agency could not be continued in 1964.

In terms of Section 44 of the Insurance Act, 1938 as applied to the Life Insurance Corporation under Section 43(2) of the Life Insurance Corporation Act, 1956 the renewal Commission was guaranteed to

13. **Shri K. R. Deb Krori, Binobanagar, Dr. Kamrup, Assam.** Alleged termination of Life Insurance Corporation Agency held by him without rendering him legal assistance under the Insurance Act, 1938.

an agent who had worked as an agent for at least 5 years continuously and who had at least Rs. 50,000 business to his credit one year prior to the cessation of the agency. As Shri Deb Krori was appointed as an agent in 1960 and his agency was terminated with 5 years of his appointment for not fulfilling the business quota fixed for him, the Life Insurance Corporation were unable to continue the payment of renewal commission to Shri Deb Krori.

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The Controller of Insurance, whose comments were also obtained by the Ministry for perusal by the Committee, had explained the provisions of Sections 42(2) and 44 of the Insurance Act, 1938, and of Rule 16B of the Insurance Rules, 1939, and stated that the appointment of an agent by the LIC was of a contractual nature, providing for matters such as rate of commission, volume of business, termination of agent's services etc. Because of this contractual nature of the relationship between LIC and its agent, (which was subject to the jurisdiction of Courts) the Department did not normally entertain any complaints from agents relating to questions arising under the contract unless it was *prima facie* clear that some important provisions of the Insurance Act or other law had been violated by the LIC. The only legal submissions made by Shri Deb Krori were :

- (i) Fixing of quotas was not envisaged in the Insurance Act except perhaps under Rule 16-B of the Insurance Rules, 1939 ; and
- (ii) the Life Insurance Corporation had not complied with the provisions of Section 44(1) (a) of the Insurance Act, 1938 and not paid any renewal commission to him.

As regards (i) the reference to Rule 16-B of the Insurance Rules, 1939 was not relevant. The Act did not at all fix any annual quotas of business to be procured by insurance agents. It made certain stipulations of total business only for the purpose of—

- (a) earning commission on a policy on his own life (Section 41 and Rule 16B) ; and
- (b) confirmed payment of the renewal commission by the insurer to the agent [Section 44 (i) of the Act].

The implications of these two provisions were that for the purpose of (a) above, the business procured should not be less than that mentioned in Rule 16B while for the purpose of (b) above, the insurer could not insist on a business in force of an amount (or length of service) higher than the one mentioned in the Act.

It, therefore, followed that fixation of any quota of annual business to be done by an agent was not prohibited by the Insurance Act, 1938. The Life Insurance

Corporation had presumably fixed these quotas at suitable level taking into account the potentialities of the area where the agent works and it has probably done so to build up a whole time and effective agency force.

As regards (ii), Section 44 (1) (a) was not applicable in this case. Perhaps, the agent had in mind the provisions of Section 44(1)(b). The decision on the point whether provisions of section 44(1)(b) of the Insurance Act relating to payment of renewal commission in the event of termination of agency were attracted, again turned upon a question of fact namely whether the agent was *inter alia* able to complete 5 years of continuous service with the insurer, and keep a business of Rs. 50,000 in force as mentioned in that section. It was observed from Life Insurance Corporation's letter dated the 10th August, 1964 to the agent a copy of which was forwarded by the agent to this Department that this condition was not complied with.

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The Controller of Insurance had finally stated that as there did not appear to be any substance in the complainant's contentions in regard to the legal aspects of the case and as no decision could be given on the question of fact in dispute between the parties, the agent had been informed that the Controller of Insurance was unable to advise or interfere in the matter.

(i) *Allotment of quotas of Sambhar salt.*—The zonal Scheme for movement of salt from the various areas of production to the places of consumption was drawn up by the Salt Commissioner in consultation with the Railways. Till 31st December, 1958, the Sambhar Lake source was being run departmentally by the Salt Department. It was taken over by the Hindustan Salts Limited with effect from the 1st January, 1959. Upto the end of 1963, the Salt Commissioner was also the Managing Director of the Hindustan Salts Limited. The practice hitherto had been that the allocation of quota of salt from Sambhar Lake for edible purposes was being made for the various States in the Zonal Scheme by the Salt Commissioner. The Managing Director, Hindustan Salts Limited, had, however, stated that the request of the Chamber would be examined by the Company and suitable action taken in consultation with the State Governments concerned.

(ii) *The Ministry's letter No. 27/4/65-Salt, dated the 12th March, 1965, came as a surprise to petitioners.*—The various points raised by the Chamber were considered carefully in the Ministry. Since the Board of Directors of the Hindustan Salts Ltd./ Sambhar Salts Limited were fully competent to take the decisions they did, after giving due consideration to the various circumstances then prevailing and since the various points had been dealt with by the Board, the Chamber was informed in the letter cited above that Government found no reason to interfere with the decisions of the Board.

(iii) *Government of India were being dragged into litigation.*—There was no instance of Government being involved in any litigation because of the action of the Hindustan Salts Limited/Sambhar Salts Limited. One or two parties had filed suits against the Company and the Company were taking necessary steps to defend the suits.

(iv) *The Chamber's request for the allotment of 10,000 Wagon loads of salt per annum, should be acceded to.*—Under the Zonal Scheme, Sambhar Salt was supplied to the States of Punjab, Rajasthan, Uttar Pradesh, Himachal Pradesh and Delhi. The Sambhar traders were getting 50% of the total States' quotas in respect of Punjab and Rajasthan and 12½% in respect of Delhi and Himachal Pradesh. The request for an increase in the shares allocated to the Sambhar Traders by the State Governments concerned should be addressed to State Governments, as they were the authorities concerned with the procurement and detailed distribution of salt within their territory.

(v) *The U.P. Government should be persuaded to adopt the policy of decontrolling of salt and of abolition of the nominee system in that State and also to issue 50% of the State's quota through the Chamber.*—The State Governments had full authority in the matter of procurement of salt and its detailed distribution within their territory. The request of the Chamber for the abolition of the Nominee system for procurement and

distribution of salt in Uttar Pradesh and for the allotment of 50% of U.P.'s quota to them should, therefore, be addressed to the State Government. The Hindustan Salts Limited were, however, examining the Chamber's request with a view to taking up the matter with the State Government authorities, if necessary. Previously the U.P. Government were not willing to utilise the services of the Sambhar Traders for lifting their quotas.

(vi) *Allotment to the Chamber of the Quota for iodised salt.*—The movement of iodised salt to the goitrous districts of Punjab, the whole of North Bihar (Champaran) and Himachal Pradesh was made through the State Government Nominees appointed for the purpose and other approved Traders. This had resulted in a reduction in the quotas of the Sambhar traders, but with a view to helping them, the Hindustan Salts Limited were ascertaining from the State Governments concerned whether they would be willing to release a suitable quota of iodised salt for being handled by the Sambhar traders.

(vii) *Allotment to the Chamber of the surplus stock of unlifted and lapsed quotas.*—The Hindustan Salts Limited had stated that the lapsed quotas of the Chamber in respect of the year 1964 had already been allowed to be lifted during the current year. The unlifted and lapsed quotas of the District Nominees of the various States could not be allocated to the Sambhar Traders without the approval of the State Governments concerned. The State Governments

concerned were not inclined to transfer the unlifted or lapsed quotas in favour of the Sambhar Traders. It was in the interest of the Hindustan Salts Limited/ Sambhar Salts Limited to invite tenders in a public manner for the disposal of the surplus salt and the disposal of surplus salt by inviting tenders was also in accordance with the established commercial practice.

The recommendations of the Regional Advisory Board for salt for Rajasthan referred to by the Chamber in para 3 of their Memorandum dated the 23rd April, 1965, was for allocating quotas meant for Sambhar traders to Associations of Sambhar traders and for increasing these quotas substantially. The Board also recommended that, whenever Hindustan Salts Limited felt the necessity to dispose of its surplus salt by making *ad hoc* allotments, such allotments should be made to the Sambhar traders only. The Company accepted this recommendation only as a temporary measure, subject to examination by the Central Advisory Board for Salt. The question was not, however, placed before the Central Advisory Board for salt. Ever since the formation of the Hindustan Salts Limited, the Sambhar salt traders as well as the District nominees (Registered dealers) or the various States were getting their quotas regularly.

15. Students and staff of the Requesting that the Institution School for Blind, Punchkun be taken over by Government. Road, New Delhi.

[Department of Social Security] Forwarded a copy of the Report of the Enquiry Committee on the Institution for the Blind, Punchkun Road, New Delhi which contained all the relevant facts mentioned in the petition.

The contents of the report were discussed with the management of the School for necessary advice. Suggestions were also made to them for initiating action on the relevant points. Since then copies of the reports had also been placed on the Table of the Lok Sabha. Major contents of the report had also appeared in the local Dailies.

It was purely a private school. The Government of India, however, had already requested Delhi Administration to take over this Institution. The proposal was at present under the consideration of the Chief Commissioner.

16. Shri Gelaram Chetandas, Adjustment of Rs. 320/- from the claim of Smt. Hassibai Jethanand towards cost of tenement No. 707/2, Ambawadi, Sardarnagar Colony, Ahmedabad.

17. Shri Prabhakti Musafir and others Jhoupuri Ashram, Prithivi Raj Lane, New Delhi.

[Rehabilitation]. The required adjustment of Rs. 320/- was carried out in 1961. Shri Gelaram who approached the Sanyukta Sadachar Samiti was also apprised of facts on 10-6-65, under intimation to the Ministry of Home Affairs.

(Works & Housing). The Jhuggi dwellers of Prithivi Raj Lane, had already been removed from the site on the 26th and 27th April, 1965, and provided with alternative accommodation in the colonies put up under the Jhuggis and Jhopris Removal Schemes. However, the comments of the Ministry on the various

points were :

(i) *Allotment of plots of 80 square yards straightaway, instead of camping sites of 25 sq. yards at first.* All persons squatting on Government and public lands in Delhi were not eligible for allotment of plots of 80 sq. yards or tenements under the Jhuggis and Jhopris Removal Scheme under which the programme was to provide 5,000 tenements, 20,000 plots of 80 sq. yards and 25,000 camping sites of 25 sq. yards for allotment to persons, who had been squatting unauthorisedly on Government and public lands prior to the 31st July 1960. For this purpose, squatters were divided into three categories :

- (a) those who were Government servants or employees of local bodies ;
- (b) those who were migratory labourers ; and
- (c) others

squatters of category (a) were allotted camping sites of 25 sq. yards each and then moved to accommodation in the General Pool or in the tenements constructed for their staff by the Local Bodies. Squatters of category (b) were also allotted camping sites of 25 sq. yards each since they constituted a floating population. None of these two categories were eligible for the allotment of plots of 80 sq. yards or built tenements under the Scheme. Only squatters of category (c) were eligible for the allotment of such plots or tenements

ments. As all these three categories were intermixed and it were expedient to clear the areas *en bloc*, these squatters were, in the first instance, allotted plots of 25 sq. yards. The squatters belonging to category (c) were, however, allotted 80 sq. yards plots or tenements, as and when they became available.

(ii) *Allotment of alternative accommodation near the place or work.*

The authorities concerned tried as far as possible, to shift the Jhuggi dwellers to places near to their place of squatting. But due to non-availability of suitable land and the number of squatters being very large it was not possible to achieve this objective in a number of cases and the juggi dwellers had to be shifted to distant places.

(iii) *Grant of financial assistance to allottees of plots for purchase of building materials etc.*

The Scheme did not contemplate grant of any financial assistance to juggi dwellers for purchase of building materials etc. The question of grant of loans of Rs. 1,000/- to each allottee of a plot under the Scheme was considered at one time, but was dropped since :

- (a) grant of loans to squatters would make squatting unduly attractive ;
- (b) squatters would not be able to repay the loans, which ultimately might have to be written off as irrecoverable ; and

(c) the amount to be advanced would run into crores of rupees and it would be difficult to find funds for the purpose.

(iv) *Use of Police force should be stopped during clearance operations; as the policemen misbehaved and misused their authority.*

This allegation was not correct. In fact, the police was deployed to facilitate clearance operations and not to harass the Jhuggi dwellers. Almost all the clearance operations so far carried out had been peaceful. Free transport facility was also provided to squatters for shifting to J & J Colonies.

(v) *Clearance should be postponed as it upset their children's education who were taking annual examinations.*

This was considered to be a genuine demand of the Jhuggi dwellers and their clearance operation was postponed from the 15th April, 1965 to 26th on this account.

A deputation of Jhuggi dwellers from Prithivi Rai Lane had also seen the Minister of Works and Housing in the month of April, 1965 in connection with their above demands and the position was fully explained to them at that time.

The approximate number of squatters in Delhi was about 65,000 families. Of these 15,784 had been

removed so far, and had been allotted 12,052 plots of 25 sq. yards each and 3732 of 80 sq. yards/tenements each.

18. Ch. Karag Singh, President
Akhil Bhartiya Jhuggi Niwasi
Sabha, New Delhi.

Grievances of Jhuggi dwellers
squatting unauthorisedly on
Government lands in Delhi.

[Works & Housing] (i) Allot-
ment of Plots of 80 sq. yards.
(ii) Rehabilitation of squatters at
or near their present place of
squatting.
(iii) Grant of financial assistance
to allottees of plots.
(iv) Formulation of a scheme
for Jhuggi dwellers.

{ The Ministry had
furnished similar
comments as on
points raised in
S. No. 17 above.

(v) *Allotment of plots on ownership basis.*

The Akhil Bhartiya Jhuggi Niwasi Sabha has suggested that ownership rights of the plots allotted to jhuggi dwellers under the Jhuggis and Jhopris Removal Scheme may be transferred to the respective allottees. In this connection, it may be stated that the original Jhuggis and Jhopris Removal Scheme, which came into operation in January 1960, envisaged the allotment of open developed plots to squatters on 99 years lease on their paying the cost of plot subsidised to the extent of 50 per cent, in lump sum or in ten yearly instalments. It was found that provision of plots on an ownership basis encouraged *benami* sale and trafficking in plots. The Scheme was revised in November, 1962, and the revised Scheme provides for allotment of plots or tenements to squatters on rental basis only.

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(vi) *Service of prior notice before eviction.*

The public lands squatted upon in Delhi belonged to different public authorities. In a large number of cases where people had been squatting for several years at various places, the land owning authorities *viz.* the Delhi Development Authority, the Delhi Municipal Corporation, the Railways etc., had already served notices on squatters to vacate their lands. All the squatters were therefore aware that sooner or later they had to shift from Government and public lands unauthorisedly occupied by them. Further the Jhuggis and Jhopris Removal Scheme had been given due publicity in the press and this Scheme envisaged the removal of all squatters on Government and public lands in a period of 12 to 18 months. Until the date of furnishing these comments 25,123 families have been removed and 16,404 had been allotted plots.

(vii) *Provision of basic amenities in the J & J colonies.*

The Delhi Municipal Corporation, who were responsible for the execution of the Jhuggis and Jhopris Removal Scheme, provided the basic amenities like approach roads, street lighting, water supply, community latrines, baths etc. in the J & J colonies.

(viii) *Payment of damages to squatters in lieu of their existing houses/jhuggis which were demolished.*

It was not considered desirable to pay compensation for structures which the squatters had unauthorisedly put up on Government and public lands. Acceptance of this suggestion would encourage further squatting on Government and public land.

(ix) *Facilities for schools and hospitals in the J & J Colonies.*

Educational and medical facilities were provided in the J & J colonies, if these services were not already available in the neighbourhood.

(x) *Arrangements for rehabilitation of slum and jhuggi-dwellers in Delhi.*

The Slum Clearance Scheme envisaged improvement/clearance of slums. The Jhuggis and Jhopris Removal Scheme provided for allotment of alternative accommodation to squatters on Government and public lands in J & J colonies being developed for them.

(xi) *Transport arrangements.*

Almost all the J & J colonies were connected by bus service and efforts were being made by the Municipal Corporation to provide greater facilities in transportation.

[Steel & Mines (Dept. of Mines and Metal)] In order to give effect to the relaxation on the Control on distribution of soft coke and Grades II and III non-coking coals, all the State Governments including the State Government of U.P. were requested to amend suitably their State Coal Control Orders so as to bring them in conformity with that Department Notification S.O. No. 2181 dated the 18th June, 1964.

Alleged contravention by the U.P. Government of Notification (S.C. 2181 of 1964) issued by the Central Government dated the 17th June, 1964, Published in Gazette of India Extra-ordinary, Part II, Section 3, dt. 18-6-64 re :

19. Shri C. P. Agarwal Kaimani, U.P. (countersigned by Shri Ram Sewak Yadav) M. P.

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acquisition, purchased or disposal of certain classes and grades of coal by the public without any order of allotment or written authority.	Powers in respect of distribution of coal and coke received-produced in the State had already been delegated to the State Governments under Section 3 of the Essential Commodities Act, 1955.		

After consulting the Government of U.P. the Ministry had forwarded a copy of letter No. 1226/XXIX-B-II-63 SC/1957 dated 24-4-1965 together with its enclosure received from the Government of Uttar Pradesh (Annexure I). The State Government had since made necessary amendments in the U.P. Coal Control Order, 1959 and as a result of these amendments all restrictions on the movement of soft coke and Grades II and III non-coking coals had been removed. Consignees could also take delivery of coal/coke consignments without having to get the Railway Receipts countersigned first. Besides, the District Magistrates had also been issued instructions to grant licences for coal/coke depots to applicants, liberally. (See Annexure I and its enclosure at Pages 99—102).

[Rehabilitation] He had since been paid balance of compensation of Rs. 949.63 paise, *in lieu* of agricultural land claim bearing Index No. S/1SR-4/357.

20. Shri Naval Singh Dandoon, *Payment of balance compensation due on his agricultural claim.* Ulhasnagar.

21. Shri Tirathdas Dayaram, Refund of Rs. 1,200 adjusted twice erroneously from his two compensation claims for buildings and agricultural lands.

[Rehabilitation] A statement of Account affording a refund of Rs. 1,200/- was disbursed to him on 6-8-65.

22. Shrimati Indirabai Jumromal, Nagpur. Settlement of her compensation claim pending for years.

[Rehabilitation] After due proceedings under Section 9 of the Displaced Persons (Compensation & Rehabilitation) Act, 1954, orders were passed on 10th November, 1964, declaring Shrimati Indirabai Jumromal as sole legal heir to her deceased husband. Then, after processing her case for her half share in the claim a statement of account for Rs. 8,615/- was issued to her on 9th August, 1965.

23. Shri Gianchand Manghanmal, Amravati. Payment of compensation against agricultural land claim assessed for 0-927/40 annas.

[Rehabilitation]. Shri Gianchand had neither submitted an application for inclusion of his agricultural land claim in his CAF within 90 days of the order passed on 23rd December, 1961, nor later by the 31st January, 1964, the final date fixed by the Minister of Rehabilitation for such requests. At first the Ministry had regretted that delay in filing his application could not, therefore, be condoned.

As, however, the petitioner's original representation to the Committee was dated the 14th December, 1963, i.e., a month and a half before the final date fixed, viz., 31st January, 1964, the Committee had felt that petitioner's technical omission to apply simultaneously to the concerned authority might be overlooked and that his representation might be deemed to have been filed in time and case decided on merits.

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The Chief Settlement Commissioner, in implementation of the Committee's recommendations, had as a special case, condoned the delay on the part of Shri Gianchand in filing his application and directed the RSC, Bombay to do the needful to finalise the claim *vide* his letter No. 5(9) L&R 65 dt. 26-8-65, endorsing a copy of this letter to the applicant, directing him to file his application before RSC, Bombay, within 35 days from date of issue of the letter.

24. Shri Khanumal Ghanomal, Ahmedabad. Verification and registration of [Rehabilitation] The claimant's Rehabilitation Grant case his Rehabilitation Grant application and payment of compensation claim amount due.

25. Shri Assomal Pahloomal, Agra. Inclusion in the conveyance deed [Rehabilitation] The sale deed for the said property had for Evacuee Property No. 150 since been issued to petitioner, showing the area Thana Taj Ganj, Agra allotted to him, of the total area of the House.

26. Shri Tahirram Tirathdas, Agra. Payment of difference of compensation due and issue of a [Rehabilitation] The balance of Rs. 233/- due to claimant was disbursed to him by the Assistant

recovery schedule to the Collector, Alwar, with a copy to the petitioner, from his CAF.

Settlement Officer, Agra, on 31-5-65. A copy of the Schedule showing the recovery of loan amount of Rs. 630/- from his claim had also been forwarded to the Collector, Alwar, as far back as 13th May, 1964.

27. Shrimati Lachhni Bai Tanwarmal, Ahmedabad.

Substitution of petitioner as legal heir of her husband Shri Tanwarmal, missing for over 7 years and payment of compensation.

[Rehabilitation] Shrimati Lachhni Bai had been substituted as the legal heir of Shri Tanwarmal and compensation as stated below was disbursed to her on 1st July, 1965.

	Rs.
Total Amount of compensation admissible	2314.00
Adjustment towards small urban loan advanced to Shri Tanwarmal by D.R. R.O., Jaipur	727.00
Amount paid in cash	1587.00

28. Shri Aildas Chabaldas Sawanji, Ulhasnagar.

Enquiry into alleged misappropriation of Rs. 170/- deposited by him with Settlement Officer, Ulhasnagar, for which receipt was given.

[Rehabilitation] The cost of room No. 12 in Barrack No. 588 Kalyan was provisionally fixed at Rs. 1870/- and after Rs. 1700/- was adjusted from his compensation application, the balance of Rs. 170 was paid by Shri Aildas Chabaldas in cash. The cost of the property was subsequently revised and fixed at Rs. 1520/- and claimant was thus entitled to a refund of Rs. 350/-. This amount was refunded to him in two instalments, at first Rs. 180/- and later Rs. 170/- paid on 5-7-65 by the Regional Settlement Commissioner Bombay.

29. Shri Girdharilal Bhawanidas, Agra. Deduction of a Tribunal decadal amount of Rs. 1099/- from compensation of judgment debtor Shri Harnandas Vishnudas, and payment thereof to him, as heir to deceased Shri Bhawanidas.

30. Sarvashri Chetandas Kanumal and Rejhunmal, sons of Shri De wandas, Bilo chpura, Lohamandi, Agra. Condonation of delay in filing applications for inclusion of verified agricultural land claim for 2 Sa-2 units in their CAFs already filed.

31. Shri Kanaya Lal Totaram, Ulhasnagar. Settlement of claims for compensation.

32. Shri R. P. Sarangi, MLA, Bihar. Alleged discrimination against one, Shri Jugal Pradhan, Shed Khalasi, S.E. Railway, by not absorbing him on a permanent basis in that post on the ground that he was allegedly illiterate in English.

[Rehabilitation] Shri Girdharilal had received payment from the Assistant Settlement Officer, Agra, on 7th June, 1965.

[Rehabilitation] The Chief Settlement Commissioner had condoned the delay in filing applications and had informed claimants accordingly *vide* endorsement No. 2(9)/L&R/65 dated 14-7-1965.

[Rehabilitation] The conveyance deed for Government Built Property No. 2045/1, Ulhasnagar, allotted to claimant, had been issued to him on 24th August, 1965.

[Ministry of Railways (Railway Board)] In December, 1964, the father of Shri Jugal Pradhan along with Shri R. P. Sarangi, M.L.A. approached the Divisional Personnel Officer S.E. Railway, Chakradharpur, for his son's employment as a Shed Khalasi. He was sent for medical examination on 30-1-1965 and was found medically unfit. The boy underwent hydrocele operation and was sent for medical examination on 26-3-65, when he was declared fit, and

he was appointed as a Shed Cooly w.e.f. 3-4-65 (afternoon). No differential treatment between the 'Hindi knowing' and 'English knowing' candidates was given and both the categories were treated equally and were afforded equal opportunities for appointment. Likewise, in selections also the serving employees were allowed freely to write answers to questions in Hindi. Shri R. P. Sarangi's allegation was hence not correct.

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[Rehabilitation] The statement of account in this case was issued to Shrimati Champa Devi on 1st October, 1965.

33. **Shrimati Champa Devi w/o late Shri Nand Lal Pritam Dass Sharma, Aharavati.** Referring to facts communicated to her late husband (*vide* item 80, p. 68, Appendix XV, Second Report of the Committee, Third Lok Sabha), *re:* finalisation of his claim for compensation and complaining that nothing had been done and her husband had passed away on 3-2-1965.

34. **Shri H. M. Nagori, Palanpur, and others.** Modifications in the pension scales of Central Government pensioners.

[Home Affairs] See Annexure II, Pages 103-105

[Rehabilitation] The applicant had tendered association papers only for the Balance cost of property allotted to him, and nowhere in these papers he had desired adjustment of the loan dues. Only Rs. 1437/- was adjusted towards the cost of tenement from the associate's compensation under Bill No.

35. **Shri Harbux Ahmedabadi.** Adjustment of associate's claim for Rs. 1,700/-, towards cost of Government Built Property No. D-103, Kuber Nagar, Ahmedabad, allotted to claimant.

139/March-61/1044. No further adjustment could be made as the entire compensation payable to associate stood exhausted. (Petitioner to be apprised).

36. **Shri Jetanand Parumal, Ahmedabad.** Adjustment of Rs. 618/- from claim of his associate Shri Parumal Kissumal, towards cost of tenement No. 645/1, Ambawadi, Ahmedabad, allotted to claimant.

37. **Shri Chandramal Chainomal, Ahmedabad.** Issue of conveyance deed in respect of Government Built tenement No. 22/1, New G. Ward, Kuber Nagar allotted to him.

38. **Shri C. P. Agrawal, Rajgani, U. P. (Countersigned by Shri Ram Sewak Yadav, M.P.)** Suggesting provision under Section 3(2)(J) of the Essential Commodities Act, 1955, of procedure for disposal of appeals against orders of a Licensing Authority (by appointment of a Tribunal) so that proper remedy might be afforded to the aggrieved persons.

39. [Rehabilitation] The conveyance deed was issued to him on 12th August, 1965, and acknowledgement obtained from him.

40. [Food & Agriculture (Department of Food) Permits, licences, etc. were issued to regulate trade and commerce for the purposes of maintaining or increasing supplies to the Community. Under the powers delegated by Parliament, the executive Government should be satisfied that circumstances existed for them to intervene. In order to ensure that powers to grant permit etc. had been exercised properly provisions had been made for appeal being heard by an officer of a rank higher than that of the licensing authority. If any palpable injustice had been done.

in any particular case, the aggrieved person had got the fullest liberty to approach the executive Government at the State level for any remedy. Thus adequate provisions already existed for the appeal of an aggrieved party being properly considered, and it did not appear necessary or advisable to bring the judiciary into the picture. Further, the provision in the licensing Orders did not take away the right of any person to move the appropriate court for special remedy, like writs under article 226 of the Constitution.

II. [Commerce] Had endorsed a copy of an Office Memorandum addressed to the various Ministries, including the Ministry of Food & Agriculture.

In this Memorandum, the Ministry had stated that they noticed from the orders issued by the Ministry of Food and Agriculture that provision of appeal from the decision of the licensing authority was not invariably contained in every order issued under section 3 of the Act. Some of the orders however contained such a provision, while others did not. The Ministry of Commerce were not aware of the reasons, which weighed with the Ministries concerned for not providing a provision of appeal in the orders issued under section 3. Since the proposal made by Shri Agarwal involved providing for a compulsory provision of appeal and laying down of procedure for the disposal of the appeals by a Tribunal to be set up for the purpose, the Ministry of Food and Agriculture (Dept. of Food) etc. were requested to let the Minis-

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try of Commerce have their considered views on the suggestion made by Shri Agarwal at an early date.

After consulting the various Ministries/Depts. of the Government, who were concerned, with the essential commodities, the Ministry of Commerce stated that the majority of them were not in favour of laying down procedure for disposal of appeals against orders of licensing authorities. Since it was open to any party seriously affected by any order issued under the Essential Commodities Act, to seek redress in the Courts of Law, the Ministry were of the opinion that there was no need to make a provision under section 3(2)(i) of the Essential Commodities Act, 1955 for laying down procedure for disposal of appeal against orders of licensing authorities.

[Ministry of Home Affairs] No specific allegation had been made in the first four paragraphs of the complaint. The allegations had been considered and no substance had been found in them. The assessees were treated with due courtesy in the assessment proceedings. Whenever there was any complaint which was very rare so far as sales tax department was concerned, an opportunity had certainly to be given to the official complained against, to explain his position. There was therefore, no force in the

39. **Shri A. R. Datt, Artist and Photographic dealer, Alipur Road, Delhi.**

Alleged harassment by Shri S. N. Kak, Assistant Sales Tax Officer, Delhi, in the matter of assessment of Sales Tax for 1960-61, disposal of appeal against Shri Kak's demands and transfer of case to another Court.

allegations, that the complaints were not pursued vigorously or that they are lightly disposed of. Each complaint was decided on its merits.

The following were the allegations about this case :—

(i) The assessment for 1959-60 completed by Shri S. S. Mehta, Sales Tax Officer. As it contained glaring mistakes, an appeal was preferred contending that no tax was chargeable on (a) sales tax (b) refunds allowed and (c) labour receipts.

(ii) The Commissioner advised the complainant to apply for stay and demand was stayed by Commissioner's order No. MIS/CST-61/19A/2488, dated 24-2-1964. The appeal was also decided in favour of the Complainant and the case was remanded on 27-1964 for fresh assessment.

No harassment was caused to any one in the assessment proceedings. The dealer's representation against the assessment framed by Shri S. S. Mehta, former Sales Tax Officer was considered by Shri V. R. Bapat, the then Commissioner of Sales Tax. The then Sales Tax Commissioner had granted stay of demand till the decision of appeal. In appeal, the assessment was not maintained, as it contained certain defects. Accordingly, the case was sent back for fresh decision. The Commissioner of Sales Tax did not

think, that Shri Mehta had any personal interest in this case. Moreover, he was no more in the Sales Tax Department. He was transferred to the Deputy Commissioner's Office some time back.

After remand, the case was heard by Shri S. N. Kak, Assistant Sales Tax Officer. He had created additional demands of Rs. 1,787.76 for 1960-61. Both the assessments were finalised on 29-3-1965. The dealer applied for stay before the Assistant Commissioner (Recovery) on 9-4-1965. Shri Kak had stated that he did not oppose the stay application nor had he sent anybody from the staff for the recovery of the dues. After deciding the case, he had himself realised that two deposits of Rs. 322.98 P. and Rs. 992.95 P. were wrongly not given credit in the assessment order and that the photographs were wrongly taxed @ 7% as against 4%. He had mentioned these facts in his report on the stay application and had also requested the Assistant Commissioner (Recovery) to stay the demand till the orders were reviewed *suo motu*. He had further sought permission to review the order as it contained certain defects. He had denied having opposed the stay application and injured the feelings of the dealer. There was, therefore, no force in the allegation that certain errors were deliberately committed in the assessment order with a view to harass the dealer.

that the submission of the report and the file was deliberately withheld, that the clerk concerned was stopped from sending the file to the Assistant Commissioner (Recovery), and that he had opposed the stay application. However, if any mistake had occurred in the assessment order, it was just through inadvertence and not with any ulterior motive. In any case, the complainant had not disclosed the reasons as to why he was being harassed by Shri Kak.

In response to Shri Datt's request, the Commissioner of Sales Tax transferred the case from the court of the present Sales Tax Officer, to the Court of another officer.

The Ministry, had also enclosed a copy of Letter No. F. 4/40/63, Finance (B) dated the 7th December, 1965, from the Secretary (Excise & Taxation), Delhi Administration, intimating that the appeal filed by Shri A. R. Datt against the assessment order for 1960-61 had since been allowed by the Assistant Commissioner, Sales Tax, Delhi.

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[Rehabilitation] Payment of Rs. 329/- in cash and Rs. 315/- in National Defence Certificates was made to Shri Khanchand against his Rehabilitation Grant application No. RG/95/327/GWL/6 on 17th September, 1965, through the Assistant Settlement Commissioner I/C U.P. Region at Lucknow.

40. **Shri Khanchand Bodonal, Finalisation of compensation claim:**
Kamai Katra, Agra. Either physical possession of [Rehabilitation] land allotted to her, (viz. Agra. After examining the case in consultation with the Assistant Settlement Commissioner,

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Khasra Nos. 479, 631, 776, in
village Ghesupur, Tehsil
Anoopshahar, Dt. Buland-
shahr, U.P.) might be given
to her or the allotment might
be cancelled, as No. 776 did
exist there, and the other 2
khasras were entered in the
names of several persons.

Khasra Nos. 479, 631, 776, in Lucknow, the allotment of land made to her had been cancelled on 1-9-65.

42. Shri Khataunmal Rijhumal Manglani, Dt. Nanded, Marathwada. Settlement of his deceased father's, and his claim for agricultural land.

43. Shri Choithram Kimatmal, Morsi, Dt. Amravati. Payment of compensation as legal heir to deceased Shri Kimatmal Harumal's claim for residential and agricultural assessed for Rs. 5,100 and 6 std. acres 10.41/64 units; respectively.

[Rehabilitation] Against the applicant's father's claim for agricultural land for 3 Std. Acres and 3 units compensation had already been paid to the deceased by way of adjustment towards liquidation of small urban loan taken by him from Deputy Commissioner, Amravati. For payment of compensation against residential properties' claim, the applicant had since declared sole legal heir and necessary action was being taken by R.S.C., Bombay, to finalise the case.

44. Shri Gurmukhtdas Pherumal, Bombay. Payment of compensation against CAFs filed by him for urban and agricultural land.

[Rehabilitation] The payment of compensation was made to petitioner on 1-7-1965.

45. **Shrimati Horinibai Peman das, Agra.**

Inclusion of 1/6th share in claim for flour mill, grant of relief under rule 19(2(b) of the Compensation Rules; Settlement of 1/6th share in claim for Rs. 38,551/-.

[Rehabilitation] Her case had since been finalised and a Statement of Account issued to her on 29-1-1965 and intimation sent to her on 30-3-1965.

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46. **Shri Khubchand Sardarnagar, Ahmedabad.**

Adjustment of Rs. 1,100/- from CAF of associate Shri Thanwar Dass Dholwan towards cost of the 2 properties No. 271-272, New G Ward, Kuberanagar.

[Rehabilitation] The required adjustment of associates compensation had been carried out towards cost of the 2 properties and Conveyance Deed of Property No. 271 had also been issued in his favour on 3-9-64. The Conveyance Deed for tenement No. 272 would be issued only after the allottee had paid the balance price due towards the cost thereof. (The Committee decided that the Petitioner might also be apprised to enable him to make up the shortfall).

47. **Shri Chella Singh G. Vaswani, Bombay.**

Cancellation of land allotment made to him as his public dues were more than the cost of land; and adjustment of value of the 2 rooms in Kopri Colony against his CAF.

[Rehabilitation] Shri C. G. Vaswani was allotted agricultural land, against his land claim *vide* allotment order No. ND-24 dated 12-5-53 admeasuring 4-3-50 Standard Acres in villages Antharni and Wanalkahad of Tehsil Mudkhed Nander District, against his agricultural land claim assessed for 5-5-3/4 Standard Acres of his share. At the time when the land allotment was made the claimant was not in occupation of any Government—Built Property in any Government Colony. After the allotment of land by the Regional Settlement Commissioner, Bombay Shri Vaswani made a representation that the land allotted to him

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was not fertile and the Jagirdar or tenants were dangerous people. On enquiry from the Deputy Custodian Evacuee Property, Hyderabad, it was confirmed that the land was quite fertile provided some amount was spent on its improvement. No tenant or Jagirdar had in any manner obstructed the claimant allottee in cultivation at the time of taking the possession of the land.

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On enquiry from the Officer-in-charge Kopri Colony it had been confirmed by the Regional Settlement Commissioner, Bombay that Shri C.G. Vaswani had occupied the tenement No. 49 in building No. 2 of Kopri Colony from 13-12-54. The date of occupation of the Government Built Property was subsequent to the allotment of land to him. According to the Displaced Persons (Compensation & Rehabilitation) Rules, 1955, the cost of the land had to be adjusted first as the allotment of land was prior to the date of occupation of the Government Built Property. The compensation payable to the claimant for his rural claim amounts to Rs. 1,688/- and the same stands adjusted towards the part value of the tenement bearing No. 49 on 31-3-60. The claimant had yet to pay the balance of Rs. 1569/- towards the cost. The agreement for the balance payment of this amount would

be executed after the arrears towards rent and conveyance charges were determined. The Sanad of the tenements would be issued after the balance cost and other dues were recovered from the claimant. In view of the above facts the allotment of land in the name of claimant could not be cancelled.

48. **Shri Lotram Dwardadas, Kalyan Camp I.** Correction of conveyance deed issued to him by deletion of names of co-owners from it.

53. *53. 53. 53. 53. 53. 53.*

[Rehabilitation] The necessary correction in the Conveyance Deed for GBP. Brk. No. 256/B, Room No. 4, Kalyan Camp I, allotted to claimant, had since been made corrigendum sent to him, and copies endorsed to the Administrator, Ulhasnagar, and Sub-Registrar, Kalyan, on 1-8-64.

49. **Shri Dayaldas Chawla, Agra.** Payment of Tribunal decratal amount of Rs. 500/- deducted from compensation of judgment debtor, Shri Bhagwandas Beli Ram.

[Rehabilitation] The sum of Rs. 500 had since been paid to decree holder, Shri Dayaldas.

50. **Shrinati Lachhimbai Bhagwandas Bijlani, Kalyan.** Finalisation of claim allowed in *suo motu* revision by Shri Y.L. Taneja, Settlement Commissioner, New Delhi, and payment of balance. Compensation due for 1 std. acre 13/10 annas.

[Rehabilitation] She had been paid the compensation on her verified agricultural land claim for 8 std. acre and 5 11/20 units, which also included the value of 1 std. acre and 13 3/10 units claimed by her. After the application of the Punjab Cut area worked out only to 6 std. acres and 53/80 a units. Of this, she had been allotted 5 std. acres and 14 7/20 units of land leaving

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the balance of net @— 13 5/16 units at her credit. On this, the total compensation payable worked out to Rs. 374.37 paise which was paid to her by adjustment of Rs. 216/- towards rent arrears of Barrack No. 1235 Camp 3, Ulhas Nagar. The remaining balance of Rs. 158.37 paise (Rs. 66.87 principal and Rs. 97.15 paise interest) was adjusted towards small urban loan taken by her deceased husband. The intimation in this behalf was sent to her on 15-10-1965 by registered post and necessary recovery schedule indicating the above mentioned adjustment was also forwarded to the authority concerned on 27-9-65.

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51. **Shri Rughnath Taraporewala**

Provision of waiting room at Tintoda/Titora Railway, in Dr. Mehsana, Gujarat.

[Railways (Railway Board)] The following works of passenger amenities were sanctioned by the Western Railway in 1961-62 Works Programme for Titora Station :—

(i) Provision of a passenger shed.

(ii) Provision of rail level platforms including lamp posts and lights.

(iii) Provision of furniture and equipment for the station.

In the meantime a representation was received from the local public with the recommendation of the Collector, Mehsana requesting for shifting the site of the station. This proposal was also approved by the General Body of the District Local Board, Mehsana and by the Government of Gujarat State. In view of the above, the provision of these works could not be undertaken at the old site.

When the work of shifting of the site of the station was started, certain representations against shifting of the station were received. An injunction to stop the work of shifting was also served on the Railway by the Court on the representations of the residents of Tarapur village. The Railway Administration had filed an appeal against the injunction obtained by the residents of Tarapur Village. The appeal was, however, rejected by the Assistant Judge, Mehsana, who upheld the injunction order of the lower court. The Railway Administration filed a revision petition in High Court of Gujarat. The matter continues *sub judice*.

The suit filed by the party was dismissed by the court on 13th January, 1966 and as such the *Ad-interim* injunction issued by the court on 12th April, 1962 in the aforesaid suit was also vacated by the Civil Judge, Senior Division, Mehsana on and from the same date (13-1-1966).

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Subsequently, the plaintiff made a petition for continuation of the *Ad-interim* stay granted by the court earlier for a further period so as to enable him to obtain stay order from the Appellate Court. The Civil Judge Senior Division, Mehsana, had therefore granted three weeks time for obtaining stay order from District Court and had ordered continuance of the *Ad-interim* stay granted by him for a further period of three weeks from 17th January, 1966.

At the new site, where the station was proposed to be shifted, passenger amenities, viz. a waiting hall, with a booking office inside the waiting hall, and a rail level platform have been provided. Shifting of the station to the new site could only be done after the matter was finally decided by the Hon. Court.

[Home Affairs] I. *Government of India Min. of Home Affairs letter No. 4/6/61-Ets(C), dated 23-5-1961.*

52. Dr. Parkash Singh Sangha, Extension of concessions mentioned in the Ministry of Home Affairs I letter dt. 23-5-61 to ex-INA personnel Armed Forces (Combatants and non-combatants).

In one of the supplementaries the Hon. Home Minister promised that the necessary clarification with regard to the treatment of ex-INA personnel will be issued

by the Min. of Home Affairs. The above letter was accordingly issued clarifying the decision regarding treatment of ex-INA personnel to the State Government. All the concessions to political sufferers have been extended to ex-INA personnel also.

2. *Statement made by the Hon. Home Minister in the Lok Sabha on 1-5-1963.*

The above statement was made by the Hon. Minister in answer to the Supplementary question relating to the discretionary grants of the Home Minister to the political sufferers. Even though the statement is in general terms and is true even in the matter of re-employment and other service concessions, the answer was reference to the dis-
cretionary grant.

3. *Resolution passed by general public at Delhi on 23-1-1965 regarding extension of service concessions to ex-INA personnel and payment of dues to them.*

In September, 1945, the Government of the day decided that officers and men of the Indian Army who had joined the Indian National Army, should be classified into three categories—"White", 'Black' and 'Grey' and should be disposed of as stated below:

(a) **WHITE** (i.e. those who cleared themselves of any desire to help the enemy)—They were retained in the Indian Army and all their arrears of Pay & Allowances, etc. were paid.

(b) **GREY** (i.e. those who had been misled by their leaders or persuaded by torture or hope of better conditions of living)—They were discharged from the Army and forfeited pay and allowances (less family allotment already paid) from the date of their capture by the enemy upto the date of their recovery. They were eligible for service pensions/gratuities and disability and family pensions admissible under the rules, but the period from the date of capture by the enemy to the date of recovery was not reckoned as qualifying service.

(c) **BLACK** (i.e. those who joined the INA with the definite intention of helping the enemy and those who had been instruments in causing the death of or grievous hurt to their fellow countrymen)—They were dismissed from the service and forfeited pay and allowances (less family allotments already paid) from the date of capture by the enemy upto the date of dismissal. Any pensions/gratuities earned by such persons were also forfeited.

On 29th March, 1948, the Prime Minister also made a policy statement in the Constituent Assembly and made it clear that ex-INA Officers and men should not be reinstated in the Army. It was also clarified that the orders of dismissal passed on ex-INA men should be set aside and replaced by order of

discharge so that no stigma should be attached to such personnel and there would be no bar for their services under the State in any capacity. As such all the discharged ex-INA personnel became eligible for re-employment in the Army, if otherwise fit and suitable. The service personnel discharged on account of their participation in the INA were given the following concessions on an *ad hoc* basis :—

(a) Amount including deferred pay, standing to their credit on the date of their capture by the enemy.

(b) An amount equal to three months pay and allowances including deferred pay, of the substantive or war substantive rank held at the time of discharge/retirement reduced by the amount of pay on account of release/notice leaf having already been drawn, if any.

(c) War gratuity in full assessed on the whole of war service upto the date of discharge.

(d) Service pension/gratuity assessed on the whole of war service upto the date of discharge.

(e) Lump sum grants ranging from Rs. 400/- to Rs. 800/- to personnel who were disabled while serving with the Indian National Army and to dependents of such personnel who dies while servicing with the Indian National Army.

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Apart from this, a sum of Rs. 30 lakhs has also been set aside for distribution among the ex-INA personnel 'Black' and 'Grey' and payment had been made at the following rates to them depending upon their rank at the time of discharge :—

Officers	•	•	•	Rs. 1500
JCOs	•	•	•	Rs. 500
NCOs	•	•	•	Rs. 220
ORs.	•	•	•	Rs. 160
NCSE	•	•	•	Rs. 120

It was not practicable to grant any further concessions to the ex-INA personnel.

(Dept. of Post & Telegraphs) The T.M.O. was paid to the payee on 11-3-65. The T.M.O. was delayed in payment due to irregular financing of the Office of payment. Suitable action was being taken against the official at fault at also to remedy the defect noticed. A sum of Rs. 1.20 paise representing the telegraph charges incurred by the remitter, Shri Pawan Kumar Sharma, had been refunded to him on 17-9-1965.

53 Shri Pawan Kumar Sharma, Alleged non-delivery of a Telegraphic Money Order for Rs. 50/- sent by him on 25-2-1965 from Girgaum Post Office to his mother : Shri-Bombay, Dt. 10-3-1965. Villagati Moti Maa, Bhomari, PO Josyura, T.G. Almora, U.P.

54. Shri Mevalmal Jeesaram, Adjustment of balance cost of the property with interest had been recovered and the conveyance Deed had been issued to applicant on 9th November, 1965.

55. Shri K. P. Nawani, P. O. Bhaisholatan, Dt. Charmparan, Bihar. Alleged inordinate delay in the transfer of post Office Savings Bank Account Nos. 124798, 122743 and 122744 from Bhagalpur Division, Bihar, to Farrakka, Dt. Murshidabad, West Bengal.

[Dept. of Posts & Telegraph] These accounts stood at Mathuraganj Shahabganji B.O. The Pass Books Nos. 122743, 122744 and 124798 were received on 9-1-64. These accounts were transferred to Berhampur H.O. (West Bengal) on 5-2-64 and the A/T were sent to Postmaster, Barhampur on 12-2-64, but it appeared that the Regd. Letter containing the A/Ts was misdelivered to the Branch Postmaster, Berhampur (Muzaffarpur). Duplicate A/Ts. were issued on 20-4-65 and new accounts were opened at Berhampur H.O. on 23-4-65 under account Nos. 1016120, 1016171 and 1016172. All these three accounts were again transferred to Bhamsaloran S.O. under Motihari H.O. on 15-6-65 and 16-6-65 as desired by the depositor. Action was being taken against the officials for the lapses noticed in course of enquiry.

[Rehabilitation] House No. 2F/44, Faridabad Town-ship was allotted to claimant Shri Tek Chand, on hire purchase basis for 30 years. In the case of claimants, remission of interest on the amount outstanding from time to time is allowed from certain dates. Shri Tek Chand had filed a joint claim with his brother. A sum of Rs. 1010-25 paise was adjusted from his share of the claim towards cost of the above property and he was allowed remission of interest to the extent of the amount ad-

56. Shri Tek Chand, Faridabad. Issue of conveyance deed for House No. 2F/44, Faridabad.

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Juared from the crucial date *viz.* 1-11-1953. An equal amount had also been adjusted from the share of his brother towards the cost of the house allotted to Shri Tek Chand. This adjustment was treated as an association by a 3rd party and therefore, relief of interest was given to the allortee from the date of adjustment and not from the crucial date. Shri Tek Chand represented against this, to this office also when the whole question was re-considered and it had been decided to allow remission of interest to Shri Tek Chand in respect of the amount adjusted from the claim of his brother also, from the crucial date, as requested by him. The grievance of Shri Tek Chand had therefore, been removed. However, an amount of Rs. 139/- still remained due from him, a notice for payment of which had been sent to him on 17th September, 1965, but the payment had not been received so far. The conveyance deed would be issued after this payment had been received. The Committee directed that the petitioner might also be apprised.

57 [Rehabilitation] Have endorsed a copy of letter No. 22 (188) Comp. & Prop/65 dated the 1st December, 1965, intimating the petitioner that the required adjustment had already been carried out against the claim of his associate. The Ministry had also advised him in that letter to contact the Gujarat Government to whom the work relating to recovery of instalments had been transferred.

58 Associate claim towards cost of GBP No. D/o Klibernagat, and appraisal of Administrator, Sardarnagar, about the adjustment.

Voicing the grievances of the blind and seeking advice for ameliorating their conditions.

[Education] State that, (a) Social integration was usually possible only when there was psychological and emotional acceptance of the blind by the public at large. This involved a fundamental change in the human reaction to disability. Such a change would be brought about by legislative enactments.

A measure of economic integration was often possible by legislative measures. The possibility of reserving a certain percentage of vacancies for the disabled was, therefore, being examined.

(b) Experience here and elsewhere had shown that it was not always possible for the blind to be placed in open employment. This was particularly true in countries where the manpower was surplus. Sheltered Workshop offered a possible solution to the problem of unemployment among the blind. What was important, however, was to ensure congenial working conditions.

This Department administered a small sheltered workshop for the blind, at Dehra Duh. In this workshop the workers were paid on piece-rate basis. In addition, they were provided free medical aid, free residential accommodation and a Cook. Whenever further workshops were set up by this Department, every possible effort would be made to ensure the provision of good working conditions. Meanwhile, Special Employment Exchanges had been set up in the country to place trained physically handi-

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capped persons, including the blind, in ordinary industrial and commercial establishments and public undertakings.

(c) It was true that training in traditional occupations like weaving and chair caning were out-dated. In view of this, the Department was trying to develop training facilities for the blind in engineering occupations. This was being done in collaboration with an Expert provided by the United Nations Technical Assistance Board. The Expert was posted at the Training Centre for the Adult Blind, Dehra Dun, administered by this Department. This Department also proposed to publish shortly a small pamphlet entitled "The Blind Can Build" which would provide guidance for other institutions wishing to develop similar facilities."

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59. Shri Bhojram Bulchand, Adjustment of associate's compensation towards Government built tenement No. A-325, Kuberagar, Ahmedabad allotted to him.

[Rehabilitation] A sum of Rs. 558/- had been adjusted from the associate's claim towards the cost of the property. The recovery schedule therefor was being sent to the Regional Settlement Commissioner, Bombay, with instructions, to expedite the issue of sale deed of the property purchased by applicant.

ANNEXURE I

(See Appendix XII of Report, item 19, P 71)

COPY

No. 1226/XXIX-B-II-63SC/1957.

From

Sri B. N. Chaturvedi,
Anu Sachiva,
Uttar Pradesh Shasan.

To

The Secretary to the Government of India,
Ministry of Steel and Mines,
(Department of Mines and Metals),
New Delhi.

Khadya Tatha Rasad (KHA-2) VIBHAG.

Dated, Lucknow 24th April, 1965.

SUBJECT.—Relaxation of Control on the distribution of Soft Coke and Grades II and III Non-coking Coal

Sir,

With reference to the correspondence resting with Sri S. Krishna-swamy's letter No. 11/4/64-CI, dated February 20, 1965 on the subject mentioned above, I am directed to enclose a copy of the amendments made in the U.P. Coal Control Order* 1959 following relaxation of distribution control on soft coke, Grades II/III non-coking coal. As a result of these amendments all restrictions on the movement of the above varieties of coal/coke have been removed. Consignees can also take delivery of coal/coke consignments without having to get the Railway Receipts countersigned first. Restrictions on the transfer of coal/coke have also been removed. In addition, the District Magistrates have been advised to issue licences for coal depots to all who apply for them. The District Magistrates have also been instructed to issue licence for brick-kilns liberally.

Yours faithfully,
Sd/- (B. N. CHATURVEDI),
Anu Sachiva.

*Published in Part I-A of the Gazette of Uttar Pradesh, dated 20th March, 1965.

Enclosure to Annexure I

COPY OF GOVERNMENT OF UTTAR PRADESH FOOD & CIVIL SUPPLIES (B-II) DEPARTMENT NOTIFICATION.

(Published in Part I-A of the Gazette of Uttar Pradesh, dated 20th March, 1965)

In pursuance of the provisions of clause (3) of article 348 of the Constitution of India, the Governor of Uttar Pradesh is pleased to order the publication of the following English translation of Notification No. 1462/XXIX-B-II-63SC/57, dated March 11, 1965.

NOTIFICATION

No. 1462/XXIX-B-II-63SC/57

Dated Lucknow, March 11, 1965

Where as the State Government is of the opinion that it is necessary to do so for securing the equitable distribution and availability at fair prices of coal in Uttar Pradesh;

Now, therefore, in exercise of the powers under section 3 of the Essential Commodities Act, 1955 (Act No. 10 of 1955) as delegated to the State Government by the Government of India in the late Ministry of Production No. S.R.O. 1185, dated April 2, 1957 as subsequently amended by Government of India, Ministry of Steel and Mines S.O. No. 1618, dated June 4, 1963 and Section 21 of the General Clauses Act, 1897 (Act No. 10 of 1897), the Governor of Uttar Pradesh is pleased to make the following amendments in the Uttar Pradesh Coal Control Order, 1959:—

AMENDMENTS

In the aforesaid Order for the existing clauses 5, 5A and 6 the following shall respectively be substituted:—

“5. Restriction on movement of Coal.—(1) No person shall carry or cause to be carried or offer for carriage by rail, road or river any coal other than soft coke of non-coking Grades II/III coal from any district in Uttar Pradesh to any place outside the limits of that district without the permission of the State Coal Controller.

5-A. Restrictions on taking delivery of consignments of Coal—

All licences and other persons dealing in or obtaining or holding stocks of coal *except soft coke and non-coking Grades II/III* coal shall submit the Railway Receipts of Arrivals thereof either to the Licensing Authority or in his absence to any other officer authorised by him in this behalf for countersignature before actually taking delivery of the commodity from the Railway:—

Provided that nothing in this clause shall apply to the consignments of coal under the authority of the Coal Commissioner, Government of India, or any other officer acting on his behalf or to the coal or its bye-products consigned on Railway account.

6. Restrictions on transfer of Coal.—A person who has been allotted coal, *except soft coke and non-coking Grades II/III* coal, by the Licensing or other authority empowered to do so shall not utilise or cause it to be utilised otherwise than in accordance with the conditions contained in the order of allotment, and for a purpose other than the purpose for which it was allotted and shall not divert or transfer any such coal except under a written authority from the State Coal Controller.”

By order,

BHAGWANT SINGH,
Sachive.

No. 1462(i) /XXIX-B-II-63SC/57

Copy with a copy of the Hindi version of the above Notification, forwarded to the Superintendent, Printing and Stationery, U.P., Allahabad, for publication in the next issue of the Official Gazette. 250 copies each of English and Hindi Version may be sent to this Department.

(2) Copy also forwarded for information to:—

1. All District Magistrates (District Supply Officers), Uttar Pradesh.
2. The Provincial Iron and Steel Controller, Uttar Pradesh, Kanpur.

3. The Principal Liaison Officer to Government, Uttar Pradesh,
12, Netaji Subhash Road (Top Floor), Calcutta.
4. The Legislative Department (Vetting Section) of the Uttar
Pradesh Secretariat.
5. The Director of Movements, Uttar Pradesh, Lucknow.

By order,

Sd/- (B. N. CHATURVEDI)
Anu Sachive.

ANNEXURE II

See Appendix XII of Report item 34, P. 77

Factual Comments of Ministry of Home Affairs on Shri Nagori's representation.

2. (1) **Grant of dearness allowance to Pensioners:** The reliefs afforded from time to time to Central Government Pensioners is as follows:—

- (a) Pensioners who were drawing pensions upto Rs. 100 and had retired before 15th July 1952 were allowed in 1958 increases in pension ranging between Rs. 10 and Rs. 12.50 p.m. in lieu of the earlier rates. (The pensioners who had represented are in receipt of this increase).
- (b) Persons who retired after 15th July, 1952 got the benefit of counting half dearness allowance for pension.
- (c) Pensioners, who retired after 30th June 1959 got the benefit of full dearness allowance for pension.
- (d) *Ad hoc* increases in pension ranging from Rs. 5 p.m. to Rs. 10 p.m. were given with effect from 1st October 1963 to all existing pensioners and those retiring after 1st October, 1963. These *ad hoc* increases were in addition to those allowed in 1958. (The pensioners who have represented are in receipt of this *ad hoc* increase).

In reply to a question in the Rajya Sabha on 30th September 1964, the Finance Minister stated as follows:—

'The position of Government servants who are in service is different from that of pensioners. The latter in principle are not eligible to the same concessions as are admissible to serving Government employees.'

In answering supplementaries to a question in the Lok Sabha on 29th April 1965, Finance Minister appreciated that the increased cost of living had hit the fixed-income groups, but pointed out that 'Government have to meet the demands of the people who are now in employment'. Regarding the demand of pensioners for dearness relief he said 'I have no difficulty in saying that we will consider it

sympathetically provided the resources are available but at the present moment the resources are not available'. In view of the position stated above, the question of granting further relief to the pensioners is not contemplated at present.

(2) Affording free educational facilities to children of pensioners. The benefit of the schemes of Children's Educational allowance and re-imbursement of tuition fees, in respect of children of Central Government servants is applicable only to serving Central Government servants and not to pensioners. A pensioner like any other ordinary citizen, would be entitled to such facilities as have been granted by the Government of the State in which they are resident. As already stated the position of Government servants who are in service is different from that of pensioners. The latter in principle cannot claim the same concessions and facilities as are granted to the former.

(3) Free Medical Facilities to Pensioners:—This question was examined in 1963 and it was decided to extend the benefit of the C.G.H.S. scheme to pensioners in Delhi/New Delhi, as an experimental measures, on a monthly contribution to be paid by the Pensioners.

(4) Revision of Rules:—The petition does not indicate what rules desired to be revised. Presumably the request is that the pension rules should be revised having regard to present day conditions. The Pension Rules have not been static. They have been revised from time to time with a view to further liberalisation. In the matter of pension, a Government servant is governed by the rules prevailing at the time of his retirement. It would not, therefore, be possible to revise the pension rules so as to give retrospective effect in respect of Government servants who have already retired. In this connection, attention is also invited to the reply given in the Lok Sabha on 19th August, 1965 to Starred Question No. 106.

(5) Facility of employment in the field of Mill Industries, Technical Departments etc. after retirement:—So far as employment in Private Sector is concerned, a pensioner can, like any other citizen seek employment subject to the provisions of Article 531-B of the C.S.Rs. The prospective employer is also free to consider such retired employees for employment. We cannot ask them to give any preferential treatment in the matter of employment. As regards re-employment in Government Departments, for various reasons, it has been decided that re-employment of retired Government servants in

Government offices should be resorted to in rare and exceptional circumstances only.

(6) Statement of the Minister of State (Shri Bhagat) in the Parliament (Lok Sabha) on 10th December 1964:—The Statement was made in reply to a Parliament Question (Q. No. 447 in the Lok Sabha by Smt. Savitri Nigam and others answered on the 10th December 1964) and referred to the *ad hoc* increases granted in October, 1963. The Central Government pensioners were sanctioned *ad hoc* increase in pension only with effect from 1st October 1963 and further relief is not under contemplation (The pensioners who have signed the petition are in receipt of this *ad hoc* increase).
