

# COMMITTEE ON PETITIONS

## FIFTH REPORT

(THIRD LOK SABHA)

*(Presented on the 2nd December, 1966)*



LOK SABHA SECRETARIAT  
NEW DELHI

December, 1966/Agrahayana, 1888 (Saka)

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C O R R I G E N D A

TO THE  
THE FIFTH REPORT OF THE  
COMMITTEE ON PETITIONS, THIRD LOK SABHA

Page 2, (i) line 9, after "Hoshiarpur", insert : "re: the Punjab Re-organisation Bill, 1966".

(ii) line 17, after "Delhi", insert: "re: the Punjab Municipal (Delhi Amendment) Bill, 1966.

Page 24, line 3, after "early" insert : "in the"

Page 25, line 10, for "persued" read "perused"

Page 29, (i) line 24, after "concernei" insert "at"

(ii) line 32, delete the comma after "be"

Page 31, line 10 from bottom, for "Committee", read "Committee's"

Page 33, line 10, after "representations" insert "on"

Page 34, (i) line 20, for "63" read "632"

(ii) line 7 from bottom, after "by" insert a dash (-)

Page 134, (i) line 3, for "Cgmmitee's", read "Committee's"

(ii) line 8, for "persued" read "perused".

## C O N T E N T S

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PERSONNEL OF THE COMMITTEE ON PETITIONS

(1966-67)

1. Shri M. Thirumala Rao—*Chairman.*  
2. Shri K. L. Balmiki  
3. Shrimati Jyotsna Chanda  
4. Shri Himmatsinhji  
5. Shri Narayan Sadoba Kajrolkar  
6. Shri S. Kandappan  
7. Rani Lalita Rajya Laxmi  
8. Shri Nihar Ranjan Laskar  
9. Shrimati Sangam Laxmi Bai  
10. Shri Laxmi Dass  
11. Shri P. Muthiah  
12. Shri Sarjoo Pandey  
13. Shri H. C. Linga Reddy  
14. Shri Sadhu Ram  
15. Shri Nagendra Prasad Yadav.

SECRETARIAT

Shri M. C. Chawla—*Deputy Secretary.*

## REPORT

### I

#### INTRODUCTION

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

2. The Committee was re-constituted by the Speaker on the 1st May, 1966.

3. The Committee, after the presentation of their Fourth Report on the 3rd May, 1966 held four sittings on the 17th August, 3rd September, 22nd and 29th November, 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*: the Motor Vehicles Act, 1939 and the Rules made thereunder. (Petition No. 22—Appendix I).
- (ii) Petition from Shri Purushottam Namjoshi, Secretary, Apprentice Advocates Association, Indore and others, *re*: the Advocates Act, 1961. (Petition No. 24 Appendix II).
- (iii) Petition from Shri C. Kesaviah Naidu, Chittoor District, Andhra Pradesh, *re*: the Indian Post Office Rules, 1933. (Petition No. 25—Appendix III).
- (iv) Petition from Shri Naba Kishore Das, Advocate & President: Neoist Union, Pallivihar, P.O. Bari-Cuttack, Cuttack, *re*: a scheme for model farms for scientific agriculture. (Petition No. 27—Appendix IV).
- (v) Petition from five citizens of Delhi *re*: provision of at least 51% in the Budget for 1966-67 etc. for Food and Agriculture (Petition No. 28—Appendix V).
- (vi) Petition from Shri Murli Dhar Pandey and others *re*: Plan allocation for Education and connected matters. (Petition No. 29—Appendix VI).
- (vii) Petition from Shri L. A. Patil and 62 others *re*: the proposed One-Man Commission to enquire into the boundary question between Maharashtra and Mysore. (Petition No. 30—Appendix VII).

- (viii) Petition from Shri Saroj Chaudhari and others *re*: ban on import and use of electronic computers and automation equipment in offices and factories. (Petition No. 31—Appendix VIII).
- (ix) Petition from Shri Gangu Ram and other inhabitants of Una Tehsil, Anandpur Block, etc. *re*: the Punjab Re-organisation Bill, 1966. (Petition No. 33 Appendix IX).
- (x) Petition from Chaudhri Shanti Sarup and other inhabitants of the Kandi area, District Hoshiarpur. (Petition No. 34—Appendix X).
- (xi) Petition from Shri Bhawanji Ramji Gala and others *re*: payment of commission of five paise per litre to retail shop-keepers selling kerosene oil, without an increase in the consumer price. (Petition No. 36—Appendix XI).
- (xii) Petition from Shri Karam Chand, Hon. Secretary: Federation of Associations of Babar Road, Diplomatic Enclave, Golf Links and Jor Bagh, New Delhi. (Petition No. 37—Appendix XII).
- (xiii) Representation from Shri Ram Dass T. Chugani, Delhi, *re*: alleged non-implementation of the recommendations of the Committee on Petitions, First Lok Sabha, contained in their Fifth Report, *re*: his Petition No. 2.
- (xiv) Representation from Shri Tejumal Tahkandas, *re*: alleged refusal by the Chief Settlement Commissioner to supply a copy of the certified copy of the Jamabandi record received from Pakistan.
- (xv) Representation from various inhabitants of Madhya Pradesh, *re*: dismissal of the Mishra Ministry in Madhya Pradesh, transfer of officials from Bastar District and setting up of a 3-man Commission to enquire into the disturbances in Bastar District in March-April, 1966.
- (xvi) 71 other representations, letters etc. from various individuals, bodies or associations, which were inadmissible as petitions.

5. The Committee considered and adopted the Report at their sitting held on the 29th November, 1966.

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

PETITION NO. 22 FROM SHRI C. KESAVIAH NAIDU, CHITTOOR  
DISTRICT, ANDHRA PRADESH

7. The Petition (Appendix I) was presented to the House by Shri N. G. Ranga, M.P., on the 23rd August, 1965. The Committee considered the petition at their sittings held on the 10th September, 1965 and 17th August, 1966.

8. The petitioner had referred to the decision of the Committee on Petitions, First Lok Sabha, on his Petition No. 70, contained in the Tenth Report of that Committee presented to Lok Sabha on the 13th September, 1956. The Committee, after considering the petition in the light of facts furnished by the then Ministry of Communications, had felt that the comments generally met the suggestions made in the petition. The Committee had accordingly advised the petitioner [of Paragraph 10 of the Tenth Report, First Lok Sabha.]

The petitioner had now refuted the following comments of the Ministry of Communications on his Petition No. 70:—

- (i) One of the conditions for a stage carriage permit holder was to convey mails on terms and conditions fixed by the Regional Transport Authority in consultation with the Postal Authorities. (Petitioner had stated that actually no RTA had made any efforts in this regard).
- (ii) The Ministry had outlined their programme for the conversion of runners lines into mail motor lines resulting in expediting delivery or despatch of mails. (Petitioner denied the existence of such a programme and wanted to be supplied with a copy of the yearly targets and achievements from 1957 to 1964 and of organised planned programme for next 5 years).
- (iii) The Ministry had rejected the suggestion of the petitioner to co-opt the Superintendents of Post Offices and Heads of Circles as members of the Regional Transport Authorities and State Transport Authority, in view of the fact that close co-operation already existed between the Postal Authorities and the R. T. As. (Petitioner stated that as a non-official member of Chittoor Divisional Postal Advisory Committee, he observed more of non-cooperation than co-operation between the two).

The petitioner had, therefore, suggested amendment of the Motor Vehicles Act, 1939 and the Rules made thereunder to:—

- (a) carry Mails free compulsorily as per the timings given by the Postal Authorities by the Stage Carriages named by them;
- (b) open new routes for conveyance of Mails specially with suitable timings given by the Posts & Telegraphs Deptt.; and
- (c) plant a post box in any Stage Carriage for clearance *en route* or at the destination and if they failed to keep up timings or did not run during certain days a penal provision might be added to fine them.

9. The Committee have perused the factual comments of the Ministry of Transport (Transport Wing) (See Appendix XIII) and of the Director-General, Posts and Telegraphs (See Appendix XIV) on the petition from which the following points emerge:—

- (i) The Regional Transport Authorities in various States are compelling the private operators to carry mails, wherever they are moved to do so, if the carriers refused to accept mails. State Governments have issued instructions to the respective Regional Transport Authorities to fix mail subsidy on the basis of agreed rates except in Madras, Kerala and Jammu & Kashmir States.
- (ii) The Posts & Telegraphs Directorate have refuted the allegation that no runner line had been converted during the past 9 years, by enclosing a Statement showing such conversion made during 1956-57 to 1963-64.
- (iii) Both the Ministry of Transport and the P&T Directorate have refuted the allegation of non-cooperation between the Postal Department and the Regional Transport Authorities and have stated that the question of timings for mail carriage on buses, opening of new routes as well as other difficulties are resolved through efforts and negotiations at appropriate levels.
- (iv) The Ministry of Transport are against accepting petitioner's suggestion for free carriage of mails as the Posts and Telegraphs Department is run on a commercial basis, and such a provision might be open to legal objection also.

The Posts and Telegraphs Directorate have also supported this view and have added that it will be against the spirit of

the Constitution to take forced labour without compensating adequately for services rendered by the operators.

(v) In accordance with arrangements made for clearance of mails carried by buses at destinations by Posts and Telegraphs officials, letter boxes, for which a nominal rent of Rs. 12 per annum will be charged by the State Regional Transport Authority, would be fixed to a bus, open public call offices are provided at bus stations on demands; use of telegraph and telephone posts are permitted for fixation of State Transport undertakings etc.

On a recent review undertaken as to the working of this arrangement, it was found that most of the buses carried empty letter boxes and members of the public did not make any appreciable use of these boxes. The concensus of opinion of field officers was for withdrawal of this facility as having outlived its utility. The Posts and Telegraphs Directorate are, therefore, against extension of this facility to State Transport buses other than mail carrying buses.

The Posts and Telegraphs Directorate have finally added that they do not consider it appropriate to amend the Motor Vehicles Act, 1939, in respect of the petitioner's points.

**10. The Committee note from the above facts and comments that the petitioner's suggestions do not find favour with the Government and that the public are not availing of the facilities already provided in this direction by the State Governments.**

**11. The Committee feel that, in view of these facts, no useful purpose will be served by pursuing the matter further.**

### III

**PETITION NO. 24 FROM SHRI PURUSHOTTAM NAMJOSHI,  
SECRETARY, APPRENTICE ADVOCATES ASSOCIATION,  
INDORE AND OTHERS.**

12. The Petition (Appendix II) was presented to Lok Sabha by Shri Homi F. Daji, M.P. on the 3rd December, 1965. The Committee considered the petition at their sittings held on the 9th December, 1965 and 17th August, 1966.

13. The petitioners were members of the Apprentice Advocates Association, Indore, (M.P.); the Kerala Law Apprentices' Association, Ernakulam; the Bhavi Abhibhashak Sangh, Ujjain; the Law Graduates' Association, Ratlam; the Law Apprentices Association, Raipur;

and the Apprentices Advocates Association, Gwalior. They had represented against the provisions in the Advocates Act, 1961, which laid down that a person before enrolling as an advocate has to undergo a training under a Senior Advocate of at least ten years' standing.

They had pointed out that, after training, the apprentice had to pass through an ordeal of an examination prescribed by the State Bar Council and besides had to attend a certain number of lectures at District places, which meant that the apprentice had to leave his residence in the Mofussil and live in the District place for at least 2 years.

The petitioners had also pointed out that the apprentice could not engage himself in any employment, profession or calling, and this would be a heavy burden on the candidates' finances, which was mostly meagre. The high prices of commodities, high rates of rent and difficulties of maintaining two establishments would deny any opportunity to the poor apprentice for enrolling himself as an advocate.

The other difficulties experienced by the apprentice and pointed out by the petitioners, were:

- (i) The apprentice was not even equal in status to that of the Advocate's clerk and was merely a neutral spectator in Court.
- (ii) The apprentice was not entitled to be a Court Commissioner or a Receiver even, nor did he receive any remuneration at all.
- (iii) While the House Surgeons in the case of Medical Graduates, Engineer-apprentices, Probationary Indian Police Service/Indian Administrative Service Officers, could engage themselves in their respective duties and get remuneration therefor; the apprentice advocate was denied these amenities.
- (iv) While a candidate selected for a appointment as probationary judicial officer could dispose of Civil and Criminal Cases and began to earn his living from the date of his appointment, a person who chose to enter the legal profession had to wait for 1½ years and was denied the opportunities given to the judicial officer.
- (v) The present system of recruitment of advocates enabled a person to appear before the Supreme Court the day he got a licence from the Bar Council. This did not sound very

consistent, as in former times, one had to have at least ten years' experience at the Bar before he could appear in the Supreme Court.

- (vi) Since the courses for the Law examinations held in 1964 and 1965 were the same, it would be sheer discrimination to declare those passed in 1964 as qualified for enrolment as advocates without training, while the students passing in 1965 were not so qualified. Further, most of the subjects were almost the same in which the graduates had already passed.
- (vii) The extension of the Advocates Act, 1961, to Jammu and Kashmir and to Goa, would mean discrimination, as obviously the Bar Council of India would be obliged to exempt the Law Graduates wishing to practice in those States.

14. The petitioners had therefore, prayed that:

- (a) the training and subsequent examination should be dispensed with exercising the powers of Section 49A(2)(c) and (d) of the Advocates Act, 1961;
- (b) without prejudice to the above, an apprentice might either be given a temporary licence to practise at the Bar in Courts of Civil Judges Class II and in Criminal Cases before Magistrates Class II and III and upto a Sub-Divisional Officer in Revenue cases; or the apprentice might be allowed to appear and plead in cases dealt with by his Senior Advocate;
- (c) as a convention it should be laid down that the trainees be given benefit of being appointed Commissioners under Order 26 and Receivers under Order 40 of Civil Procedure Code and Insolvency proceedings; and
- (d) in the context of the present emergency, all the law graduates be exempted from training and subsequent examination till one year after the emergency is over.

15. The Committee have perused the comments of the Ministry of Law (reproduced at Appendices XIV, XV) on the petition and note the following facts:—

- (a) *Point (1)—re: issue of directions by the Central Government to Bar Councils: The rules relating to training*

apprenticeship etc. are framed by the State Bar Councils who are corporate bodies having independent status. They alone are competent to make any change in these rules and Government cannot give them any direction in this behalf or offer any suggestions.

- (b) *Points (2) to (11)* expressing the difficulties experienced by apprentice trainees in the matter of securing employment, and referring to selections for judicial officers' posts and to the provision for getting a licence from the Bar Council of India for appearing before the Supreme Court. The Ministry have no comments to offer, presumably as these do not concern them directly.
- (c) *Point (12)* and one part of the petitioners' prayer, *viz.*, that Law Graduate who had obtained a degree on the results of an examination (for Law Degree) held before the 31st December, 1965, might be exempted from training and examination:—The petitioners' prayer has since been acceded to by the Government by notifying the Admission as Advocates (Exemption from Training and Examination) Rules 1965, (S.O. 3917) in the Gazette of India, Extraordinary, Part II, Section 3 (ii), dated the 15th December, 1965.
- (d) *Points (13 and 14)* contained in paras 13-14 of the petition referring to extension of the Advocates Act, 1961 to the States of Jammu and Kashmir and Goa and to the fact that most of the subjects prescribed for examination by the Bar Council are the same as those in which the law graduates who passed in 1965 have already passed:—In regard to these points, the Ministry have no comments to offer.

The Ministry of Law have further stated that a Committee is being constituted for the purpose of reviewing the working of the Advocates Act, 1961 in all its aspects, and the question of apprenticeship, training etc. will naturally come up for consideration before the Committee. Individuals and associations interested in the revision of the provisions of the Act would have adequate opportunity to make suggestions before the Committee. The Minister in the Ministry of Law had made statements in Lok Sabha on the 28th February and 21st March, 1966, announcing the setting up and composition of the Committee. A Press Note had also been issued announcing the setting up of the said Committee.

The Ministry have also enclosed a copy of letter No. BC I/D/ 542/1966 dated the 10th March, 1966 from the Secretary, Bar Council of India, to the Ministry enclosing a copy of their Resolution No. 18/1966. In this Resolution, the Bar Council had expressed "strong protest against the Central Government's action in issuing a notification extending the date of exemption from training and examination to 31st December, 1965, which is in direct opposition to the decisions of the Bar Council of India and the State Bar Councils." The Resolution had also stated that such action, besides being unjustified on the part of the Central Government, "affects adversely the independence of the Bar Council and is calculated to undermine its authority and cause deterioration in the standards and efficiency of the profession."

**16. The Committee note with satisfaction that the specific request contained in part (d) of the prayer of the petition had been acceded to partially by the Government inspite of opposition from the Bar Council of India. As regards the other points, the Committee feel that the Government's reply meets adequately the petitioners' points.**

**17. The Committee therefore feel that no further action is necessary on the petition.**

#### IV

##### PETITION NO. 25 FROM SHRI C. KESAVIAH NAIDU, CHITTOOR DISTRICT, ANDHRA PRADESH

18. The petition (Appendix III) was presented to Lok Sabha by Shri N. G. Ranga, M.P., on the 15th February, 1966. The Committee considered the petition at their sittings held on the 25th March and 17th August, 1966.

19. The petitioner had referred to the use of small slips of paper in Government Offices as a measure of economy since the introduction of Emergency, but he pointed out that the economy effected in reducing the size of the letter paper was lost in the postage paid for closed envelopes. He suggested that it would be economical to the tax-payer, if all the Central and State Government Departments were issued India Government Service "Inland Letters" without embossed stamps. He had referred in this connection, to some inland letter received by him from the General Manager, Southern Railway, Madras (with the emblem of Indian Railways and the words 'Indian Railways' inscribed in outer circle), and from the Lok Sabha Secretariat. He had also pointed out that several private companies had switched over to use of present Indian Letter Form.

He had also felt that, like a registered letter, on which a 70 paise stamp was embossed, but which was sold at 80 paise, to recover 10 paise towards stationery cost, the general public might be permitted to use their own printed inland letter stationery affixing 8 paise postage stamps (the remaining 2 paise being deducted towards cost of stationery). The address-side should be white with lines for writing address only without any colour printing.

The petitioners had suggested amendment of the Indian Post Office Rules, 1933 for the above purposes.

20. The Committee have perused the detailed comments of the Director-General, Posts and Telegraphs covering all the suggestions of the petitioner. (reproduced at Appendix XVI).

The Committee note therefrom that service inland letter cards have already been introduced for use by Central and State Government Departments and offices. The petitioner's first suggestion had, therefore, been accepted by Government.

As regards deduction of cost of stationery, the Department are not agreeable to accept his suggestion on the ground that cost of manufacture, i.e. 0.7 paise was insignificant compared to its sale price and cost of handling which comes to 10 paise. No portion of manufacturing cost is included in the postage fixed, as stationery charge is not a charge under the Indian Post Office Act and is not being recovered from the sender. Hence the Department do not agree to deduct cost of stationery from privately manufactured inland letter cards.

As regards the third suggestion for leaving the address side of letter form plain-white, the matter is still under consideration, and the decision would be intimated in due course.

21. The Committee feel that, in view of the difficulties explained by the Department, the petitioner's suggestion for reduction in postage of privately manufactured inland letter cards may not be pressed for implementation.

22. As regards the third suggestion, the Committee recommend that if facts are received before their next Report is finalised, these might be suitably incorporated in that Report.

**PETITION NO. 27 FROM SHRI NABA KISHORE DAS, ADVOCATE, PALLIVIHAR, P.O. BARI-CUTTACK, CUTTACK.**

23. The petition (Appendix IV) was presented to Lok Sabha by Shri Sivamurthi Swami, M.P., on the 17th March, 1966. The Committee considered the petition at their sittings held on the 25th March and 17th August, 1966.

24. The petitioner felt that for the economic development of India, agriculture should be established as a stable and prosperous industry, without which urban industrialization etc. will fail. As the Indian peasant lacked practical example of scientific and improved agriculture, the petitioner suggested that for the year 1966-67 the Central Government might first set apart Rs. 50 lakhs. At least one model-farm might be started in every electoral constituency of Lok Sabha with ten acres as a consolidated field, an educated cultivator being entrusted with required finance directly given by the Central Government keeping these projects as security and subsidising half the loan. The Central Government should grant financial aid on cheap interest, irrigation facilities, know-how and better seed and fertilisers to these persons for cultivation with an approved plan, so that the individual farmer can earn at least Rs. 31/- per day. The scheme would also help peasants to earn more money by producing more vegetables, fruits, milk and other cash crops. For digging wells and buying pump-sets, petitioner estimates the minimum cost for each farm will be Rs. 10,000/-. He estimated that crop patterns (e.g. bananas, chillies, jowar, grapes etc.) would give at least Rs. 10,000/- or more per annum and illustrated his estimate by taking banana plants as example.

25. The Committee have perused the para-wise comments of the Ministry of Food, Agriculture, Community Development & Co-operation (Dept. of Agriculture) on the petition (reproduced at Appendix XVII).

The Committee note the following therefrom:—

*Petitioners' points*

1. The spearhead of attack on the economic development of India must be the establishment of agriculture as the stable and prosperous industry without which any attempt at development in either fields, such as urban industrialisation will inevitably fail.

*Comments of Ministry*

1. This has been recognised and agriculture given due priority in the framework of our Planning.

**Petitioners' points**

2. The Indian peasant lacks practical example of how scientific and improved agriculture can be carried on so that he may be benefited by example and the officers of the Agriculture Department, though learned, lack demonstration-farms on village level to show to the peasant scientific agriculture; hence they fail to influence the peasants, who are wise enough not to hear theoretical advice.

3. Therefore, a planned drive for scientific agriculture and improved food production is necessary on a wider scale and the Central Government may be pleased to set apart Rs. 50/- lakhs for the year 1966-67 for the purpose.

4. At least one model farm may be started in every constituency of the Lok Sabha with ten acres as a consolidated field, where an educated cultivator may be entrusted with required finance and Central Government may directly finance these projects keeping security, where necessary, and half of the loan may be granted as subsidy.

**Comments of Ministry**

2. The need for demonstration of improved agricultural practices is well recognised. There are a large number of seed farms spread all over the country managed by the State Governments. These farms which are meant to be established at the Block level are required not only to supply the foundation seed required for the Block but also serve as demonstration farms for the farmers of the area. Experience has shown that the demonstrations laid out on cultivators' fields are more convincing to the farmers than those established on government farms. Keeping this in view, a large number of composite demonstrations, intended to show the effect of package of improved practices on increasing yields, are being laid out in every crop season in all the I.A.D.P. and I.A.A. Districts. Even in the other areas, demonstrations are being laid out to show the benefits of adoption of use of fertilisers, pesticides, etc. As a result of proper supervision, the demonstrations organised in the Intensive Districts have been found to be more effective in promoting farmers' acceptance of the improved practices.

3. To carry out an adequate programme of field demonstrations the necessary funds are made available by the Central and State Governments under the various agricultural production programmes.

4. Experience has shown that the farmers are generally apprehensive about the profitability of application of results of demonstrations on small plots over their entire holdings. With a view to demonstrate the economic feasibility of adoption of the results of such demonstrations over the entire farm holding, whole farm demonstrations are already being organised in I.A.D.P. Districts. It is necessary to extend this to other areas also to the extent possible. Besides, in some of the State like Punjab, the demonstrations have been established over large areas of

**Petitioners' points**

5. The Central Government grant financial aid on cheap interest, irrigation facilities, know-how and better seed and fertilisers to these persons who shall cultivate the land with an approved plan, and rotation of crops prepared by the Department of Agriculture and under their supervision and advice, so that the individual farmer can earn at least Rs. 31/- a day.

6. Cow-keeping, bee-keeping, etc. can also be added but main target of the project should be scientific agriculture so as to earn Rs. 31/- a day from 10 acres of land.

7. As India lacks sufficient vegetables, fruits, the scheme will help the peasants with a way out to earn more money by producing more vegetables, fruits, milk and other cash crops.

8. The cultivator willing to take up the experiment may lack finance for irrigation and pump-sets, hence the minimum requirement of these farms each will be about Rs. 10,000 for digging wells and buying pump-sets.

9. Crops pattern such as bananas, chillies, Jowars, grapes will give at least Rs. 10,000 or more per annum and detailed calculations can be had from the Deptt. of Agriculture.

10. To give some example, 1,500 banana plants can be grown in one acre fetching at least Rs. 1,500/- per annum and 10 acres can give Rs. 15,000/- a year, so chillies in 10

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**Comments of the Ministry**

about ten acres and more and they have been found to be very effective in producing the necessary impact on cultivators' minds. In the Fourth Plan considerable emphasis is being laid on areawise demonstration of plant protection, soil conservation, etc.

5. The entire programme of demonstration is planned by the technical staff of the Agriculture Department and also supervised by the field staff. The cost of inputs required for these demonstrations is generally met by the Government. Besides, for the implementation of the various agricultural production programmes sponsored by the Govt. financial assistance is provided to the farmers by the Central as well as State Governments in the form of grants and loans.

6 and 7. To maximise the profitability of agriculture special programmes for promotion mixed farming i.e. production of livestock, poultry and fisheries with crops, are being developed. Programme for cultivation of vegetables, fruits, etc. are being given special emphasis especially in areas around towns and cities. Under these schemes also financial help is being rendered to the farmers by way of grants and loans.

8. For all minor irrigation schemes like digging wells, installation of pump-sets etc., loans are being granted to farmers in different States, the amount of loan being related to cost of digging of wells and installation of pump-sets.

9&10. Cultivation of crops like banana, chillies, grapes, etc. requires considerable investment as well as care for protection against diseases and pests. Therefore, proper and adequate education of farmers and field demonstrations are necessary to induce them to take up such cultivation. Technical advice on the feasibility of cultivation of such crops is given by the technical staff of the Deptt. of Agriculture and

**Petitioners' points**

acres can be of Rs. 10,000/- grapes in one acre can be about Rs. 10,000, potato, brinjal and other vegetables also can be grown with much profit. Even in banana fields other vegetables can be grown.

**Comments of Ministry**

wherever the raising of these crops has been found to be profitable, the cultivators are going in more and more for cultivation of such crops.

**26. The Committee note from the foregoing that most of the petitioner's points have been met adequately by the Minister's reply.**

**27. The Committee, therefore feel that the matter need not be pursued any further.**

**VI****PETITION NO. 28 FROM FIVE CITIZENS OF DELHI**

**28. The petition (Appendix V) was presented to Lok Sabha by Shri Sivamurthi Swami, M.P. on the 18th April, 1966. The Committee considered the petition at their sitting held on the 17th August, 1966.**

**29. The petitioners had alleged that, of the total budget for 1966-67, only 10.6 per cent was allocated for all nation-building activities, as compared to 19 per cent allocated in 1965-66. Further about 6 per cent only of the total budget had been allocated for Agriculture, Rural Development, Animal Husbandry, Co-operation and Multi-purpose schemes during the years 1966-67. The petitioners felt that this allocation was insufficient in the context of the need for making the nation self-sufficient in food and agriculture; hence they requested that 51 per cent at least of the budget for 1966-67 might be reserved for food and agriculture (programme for grow more food compaigns etc.)**

**The petitioners had also requested for an opportunity to present their views in person before the Committee.**

**30. The Committee have persued the detailed brief furnished by the Ministry of Food, Agriculture, Community Development and Cooperation, on the petition (reproduced at Appendix XVIII) the following facts:—**

- (i) According to the Budget in Brief for 1966-67 total development expenditure on revenue account provided is about 16 per cent and not 10.6 per cent mentioned in the petition.
- (ii) As regards provision of funds for Agriculture, Animal Husbandry, Community Development and Co-operation

and major and medium irrigation schemes, these are State subjects under the Constitution and the outlays thereon find an important place in the States budgets. Provision for these in the Central Budget largely relate to administrative expenditure, Central Scheme, Centre's share in respect of Centrally sponsored schemes and loans and grants to States and Union territories. As such, only the combined provisions made by the Centre and the States for agriculture and other allied subjects will reflect the correct picture.

(iii) The Ministry have furnished figures *re:* outlays being incurred in 1966-67 by the States and the Union Territories on the various items, from which it is apparent that as much as 41.4 per cent of the total outlay (Rs. 992 crores), is for Agricultural Programmes, Community Development and Crops, major and Medium Irrigation and Flood control schemes. The outlay on these items in 1965-66 was 38 per cent.

In addition, the Central Government had made the following provisions on various schemes mentioned below:

**A. Revenue Account**

(a) For direct outlay on agriculture and allied schemes; (in revenue account)	Rs. 24.08 crores
(b) Grants to States and Union Territories for similar purposes.	Rs. 64.32 crores
Total	Rs. 88.40 crores

**B. Capital Account**

(c) For giving loans to States	Rs. 168.54 crores
(d) For direct investment	Rs. 104.93 crores
Total	Rs. 273.47 crores

(iv) The Reserve/State Bank of India, the Life Insurance Corporation and Land Mortgage banks are increasingly supporting larger investment for agricultural development.

In 1966-67, the level of short term and medium term advances from Co-operative Agricultural Credit Societies was targeted to rise from Rs. 400 crores estimated for 1965-66 to Rs. 450 crores. The level

of long term advances by Land Mortgages Bank should rise from about Rs. 40 crores in 1965 to Rs. 45 crores in 1966. The level of *tac-cavi* loans supplied by the State Governments is estimated at about Rs. 35 crores per year.

(v) Government are trying to develop scientific agriculture relying heavily on industrial inputs like fertilisers, pesticides, tractors etc. Outlay thereon will be largely included in the industrial sector. Somewhat similarly, investment on power generation will also make a contribution to agricultural progress by rural electrification, electricity for pumps sets, tube-wells etc.

The Ministry have concluded that, as a whole, agricultural development is receiving a very high priority, and that outlays for agriculture can not be said to be low as alleged by the petitioners.

31. The Committee observe from the foregoing that Government are already seized of the problems of increased agricultural and food production in the country, and that all possible measures are being taken to make increasing provisions for food and agriculture in every year's budget. Further the bulk of the outlay is made by the State Governments.

32. The Committee feel that in view of the above facts no further action is necessary on the petition.

## VII

### PETITION NO. 29 FROM SHRI MURLI DHAR PANDEY AND OTHERS BELONGING TO ALL INDIA SECONDARY TEACHERS' FEDERATION, CHAWRI BAZAR, DELHI-6.

33. The petition (Appendix VI) was presented to Lok Sabha on the 13th May, 1966 by Shri Prakash Vir Shastri, M.P.† The Committee considered the Petition at their sitting held on the 17th August, 1966.

34. The petitioners had desired that education be given its appropriate status in the Fourth Five Year Plan, should be based on sound, scientific and democratic basis and production by some 81 crores of rupees of expenditure under the head 'Education' during 1966-67. They had demanded at least 10 per cent allocation in the Central Plan and 20 per cent in State Plans. They had also suggested uniform pay Scales for teachers based on their grades and classes of teaching, and supported a pension scheme, linking of dearness allowance of teachers with the cost of living index, retention of Teachers' Constituencies of

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†The member subsequently forwarded a further identical petition signed by numerous petitioners. He stated that total number of signatories was one lakh.

Legislative Council in States having bicameral Legislatures etc. They had further felt that at least 6 per cent of the national income be expended on Education to fulfil all the above objectives.

35. The Ministry of Education to whom the petition was referred for comments have furnished a detailed brief (reproduced at Appendix XIX) giving their comments on the various points raised in the petition. The Committee note therefrom the following facts:

- (i) Progressively increasing allocations have been made for Education in the successive Plans, for example, Rs. 560 crores in the Third Plan and provisionally Rs. 1,260 crores in the Fourth Plan. Further, for free university and compulsory education 93.5 per cent enrolment in the age group 6—11 years will be possible by the end of Fourth Plan; 100 per cent still later.
- (ii) In pursuance of the recommendations made by the Committee appointed by the Central Advisory Board of Education in 1963, the questions of introduction of productive work in all schools whether urban or rural for children and of the programme at the primary stage based on the orientation programme towards basic pattern and crafts, have been referred to the Education Commission for greater and detailed consideration.
- (iii) The gap of Rs. 81.62 crores between the allocation for 1966-67 (Rs. 98.38 crores) and for 1965-66 (Rs. 180.00 crores) for education is due to the fact that, in the first year of a Plan, normally the outlay on education is less than the outlay of the last year of preceding plan. The gap is however, comparatively larger in 1966-67 due to the fact that no new projects have been taken up, all the construction programme have been withheld and only continuing programmes sanctioned. It is also due to the fact that more funds have been allocated to Agricultural Programmes and Defence.
- (iv) Apart from Rs. 1,260 crores proposed to be allocated under the head 'Education' in the Fourth Plan, a sum of Rs. 400 crores, in addition would be provided for medical, agricultural education, scientific research, craftsman training etc. and the total provision is likely to be Rs. 1,660 crores or about 11.5 per cent of the total plan Outlay in the Public Sector of Rs. 14,500 crores.
- (v) Accepting the recommendation of the Mudaliar Commission on Secondary Education made in 1953, a re-organised uniform pattern of higher secondary education has been

introduced in Andhra Pradesh, Assam, Bihar, Jammu & Kashmir, Madhya Pradesh, Mysore, Orissa, Punjab, Rajasthan, Maharashtra and West Bengal.

- (vi) The Government of India are alive to the need for better scales of pay, emoluments and better service conditions as well as retirement benefits to the teachers and had been pressing the States to take necessary steps in that direction. They have offered to share the additional expenditure on 50:50 basis. It has, however, not been possible to fix a natural uniform pay structure or even a national minimum pay scale for teachers for a variety of reasons. As regards setting up of a Secondary Education Grants Commission demanded by the teachers, since there was no statutory provision for setting up such a Commission for education at the Secondary stage, the demand cannot be acceded to. The Ministry has, however, appointed a Committee of officers drawn from Union Ministries and the State Governments to advise them re: grants to States in the field of Secondary Education. A beginning has been made by seven States with the triple benefit scheme/pension, provident fund and insurance.
- (vii) As regards increased dearness allowance and linking it with cost of living index, it was decided at the State Education Ministers' Conference held in June 1965 at Srinagar that there was an urgent need for raising the emoluments of teachers and that it would not be possible to meet the additional expenditure involved from the State resources alone. It was further decided to treat the increase in emoluments as a normal expenditure in the non-Plan Sector. The money will have to be found from the resources of the States and by special Central aid as non-Plan expenditure, and the matter will have to be examined further on receipt of proposals from the State Governments.
- (viii) The Central Government have no authority to set up Tribunals to ensure security of service of teachers, Education is a State subject and the rules governing the service conditions of teachers in all States are framed by the State Governments, and these rules provided for appellate or reviewing authority by the State Deptts. of Education.
- (ix) As regards the question of retention of teachers constituencies, the matter is under consideration of the Ministry of Law and no final decision has been reached so far. The

proposal to abolish these constituencies is based on (a) lack of justification for special treatment to only one profession; (b) introduction of active politics in educational institutions; and (c) virtual incapacity of teachers in Government and local bodies schools to seek election for these constituencies under Art. 191(1) (a) of the Constitution and rules of conduct and discipline respectively.

(x) Finally, the expenditure on education (including agricultural and medical education) has increased from 1.2 per cent in 1950-51 to 3.0 per cent in 1965-66 and will increase to a little over 3.5 per cent by the end of the Fourth Plan.

**36. The Committee feel that, in view of the steps being taken by the Ministry, the matter might be treated as closed.**

### VIII

#### PETITION NO. 30 FROM SHRI L. A. PATIL AND 62 OTHERS, DISTRICT BELGAUM, MYSORE STATE

37. The petition (Appendix VII) was presented to Lok Sabha by Shri Sivamurthi Swami, M.P. on the 27th July, 1966. The Committee considered the petition at their sitting held on the 22nd November, 1966.

38. The petitioners had referred to the statement made by the Prime Minister some time back regarding the proposal to appoint a one-Man Commission to go into the boundary question between Maharashtra and Mysore and stated that this had caused great unrest and disunity in the country in general and in particular in Mysore and Maharashtra. As the States Reorganisation Commission, 1956, had given a final recommendation accepted by Lok Sabha, re-opening of the same issue against the decision of the House was contrary to the accepted principles of natural justice.

The petitioners, had, therefore, prayed that, at least during the current emergency, no Commission should be appointed at the cost of national integration and solidarity of India.

39. The Committee have perused the factual comments furnished by the Ministry of Home Affairs on the petition (See Appendix XX).

The Committee note the following points therefrom:—

(i) Both the Government of Mysore and the erst-while state of Bombay and of Maharashtra had recognised the

existence of a dispute in this matter since 1957. Efforts had been made from time to time to settle these minor differences among themselves.

(ii) An agitation started in Mysore following the announcement of the decision of the Working Committee of the All India Congress Committee, on 23rd May, 1966, about the appointment of a Boundary Commission, was called off on 5th July, 1966, following the resolution of the Congress Working Committee calling upon the Chief Ministers of Maharashtra and Mysore to work out the terms of reference for the proposed Commission within a period of two months. The allegation of the petitioners that this had caused great unrest and disunity in the country was not correct.

**40. As the matter is before the One-Man Commission, the Committee feel that it does not require their intervention any further.**

**They however hope that the Commission's findings will be acceptable to both the States of Maharashtra and Mysore and will remove public discontent.**

## IX

### PETITION NO. 31 FROM SHRI SAROJ CHAUDHARI AND OTHERS

41. The petition (Appendix VIII) was presented to Lok Sabha by Shri S. M. Banerjee, M.P., on the 31st August, 1966. The Committee considered the petition at their sitting held on the 22nd November, 1966.

42. The petitioners, who were employees of various private firms, undertaking, enterprises etc., throughout India had referred to the use of versatile and sophisticated labour-saving devices such as electronic computer in manufacturing and servicing industries like the Life Insurance Corporation of India, State Bank of India, Oil Companies, Government Departments, Commercial Houses, Electricity undertakings and Academic Institutions like Universities, Boards of Technical and secondary education etc. They had stated that these devices had already made grave inroads into the size of the labour force and threatened job security. They felt that, at this time, when there was appalling unemployment in the country, with ever-increasing backlog of unemployed at the end of each Plan, diversion of India's scant resources and extremely precious foreign exchange in schemes of automation would be a negation of national needs.

The petitioners had felt that greater decentralisation (and not automation) would be conducive to efficiency in servicing establishments.

The petitioner, had, therefore, prayed that the import and use of electronic computers and automation equipment in offices and factories might be stopped and policy directives should be issued by the Government to public/private sector establishments to abandon schemes of automation, particularly in servicing industries.

43. The Ministries of Finance (Deptt. of Economic Affairs), Labour, Employment & Rehabilitation (Dept. of Labour & Employment) and of Industry have furnished their comments on the petitioners' points, (Reproduced at Appendices XXI to XXIII).

44. The Committee note the following points from the Ministries' comments:—

(i) In so far as allocation of foreign exchange for import of electronic computers is concerned, the Ministry of Finance (See Appendix XXV) have invited attention to the replies given in Lok Sabha to Starred Questions No. 262 (by Shri Inderjit Gupta & Shri Tridib Kumar Chaudhuri) and 534 (by S' Shri Tridib Kumar Chaudhuri, P. C. Borooh and Onkar Lal Berwa) during the Fifteenth session, 1966. These indicate that, in order to keep pace with the fast-growing technological advancement in the rest of the world, it will be of significant advantage to India to have computers, particularly for processing of data, certain types of scientifically worked out operations involving large scale data processing, working and programming, inventory control for preparation of pay rolls in the case of large industrial enterprises; also in technical problems of complex nature as in the Atomic Energy Commission and research institutions, statistical organisations and big banks. Modern computers can attend to these operations efficiently and in time. While giving permission to import computers (allowed so far in a limited way), special consideration has been given to developing a manufacturing programme in this country.

Further, in this age of competition, introduction of such machines will create more jobs for highly technical and specialised skill. Likewise, to deal with collation of data for several technical problems of complex nature faced by the organisations mentioned above, it requires specialised expertise (and not ordinary people) and for such experts, it is also necessary to find jobs.

As regards the policy of Government, the Ministry deny that they had advised the private and public sector undertakings to change over to the use of automation, but point out that these organisations themselves have come forward

with the request. One unit has since been licensed for computer-manufacture in India.

(ii) As regards the effects of Automation on employment position, the Ministry of Labour, Employment & Rehabilitation (Dept. of Labour & Employment) in their comments at Appendix XXII, have explained that though there may be a small saving of men employed (for e.g. in Life Insurance Corporation) on this particular job, they will be more than absorbed in other jobs and that in terms of total employment in the Life Insurance Corporation, there will be no reduction of employment. Similarly, the Reserve/State Bank and the Unit Trust have introduced some measure of automation without resulting in loss of employment. These organisations, on the contrary, hope that this will lead to expansion of employment.

The Ministry further referred to the decisions taken at the 15th and 24th Indian Labour Conference held on 11-12th July, 1957 and 29th and 30th July, 1966; and give details of a working arrangement (model agreement) that might be entered into by union(s) and employer concerned for any scheme of rationalisation. In terms of the decisions of the Indian Labour Conference, there should be no retrenchment or loss of earnings of existing employees, benefit of rationalisation being equitably shared between the community, employers and workers and proper assessment of workloads should be made by experts. Further, Government policy in regard to automation should be a selective one and should ensure social good.

(iii) The Ministry of Industry (Appendix XXIII) while fully endorsing the views expressed by the Ministry of Finance, point out that there is no ban as such on manufacture of electronic computers. M/s I. B. M. World Trade Corporation have already been granted an industrial Licence for manufacture of these Electronic Computers. Besides a "letter of intent" has also been issued to M/s. Elliot Automation, Ltd., London, U.K. for manufacture of electronic digital computers and an application of M/s. K. C. P. Ltd., Madras for manufacture of Analogue Computers is under consideration.

45. The Committee note from the foregoing that the Government have tried to remove the apprehension felt by the petitioners in re-

gard to unemployment and have explained that only limited foreign exchange is being allowed for import of computers, while indigenous production is being encouraged. Further, the public/private Sector undertakings themselves (*and not Government*) desire to change over to automation.

46. In view of what has been urged Government which shows, that in terms of the total employment in the Life Insurance Corporation of India, Reserve/State Bank of India and the Unit Trust of India, there would be no reduction of employment, the Committee feel that the matter need not be pursued any further by them.

The Committee are, however, of the opinion that all servicing industries, especially these in the public sector, will do well to adopt the model agreement between workers and employers suggested by the Ministry of Labour, Employment & Rehabilitation with a view to remove labour discontent.

## X

**PETITIONS NOS (1) 33 FROM SHRI GANGU RAM AND OTHER INHABITANTS OF UNA TEHSIL, ANANDPUR BLOCK ETC.; AND (ii) 34 FROM SHRI CHAUDHRI SHANTI SARUP AND OTHER INHABITANTS OF THE KANDI AREA, DISTRICT HOSHIARPUR**

48. Petition No. 33 (Appendix IX) and Petition No. 34 (Appendix X) were presented to the House by Shri Hem Raj, M.P. and by Shri Pratap Singh, M.P. respectively on the 3rd September, 1966.

49. The Committee considered the petitions at the sitting held on the 3rd September, 1966.

50. In Petition No. 33, the petitioners had put forth arguments quoting extensively from the Reports of the Parliamentary Committee on the Demand for Punjabi Suba and the Boundary Commission and had prayed that the entire Tehsil of Una be merged with Himachal Pradesh with which it has cultural and geographical affinity and the Punjab Re-organisation Bill, 1966 might be amended accordingly.

51. In Petition No. 34, the petitioners had put forth similar arguments and prayed for merger of the Kandi area (Hilly areas of Dasuya, Hoshiarpur and Garhshankar tehsil of District Hoshiarpur, comprising of Community Development Blocks of Talwara, Dasuya, Bhunga, Hoshiarpur I and II, Mahilpur Saroya and Balachaur) with the Himachal Pradesh, as the above areas had cultural affinity and geographical contiguity to it. The petitioners had desired that the Bill might be amended accordingly.

52. The Committee noted in this connection, that the Punjab Re-organisation Bill, which had been introduced in Lok Sabha on the 3rd September, 1966, would be taken up by the House early next week and passed by it before the fifteenth session came to an end. The Committee had, therefore, directed that copies of the two petitions should be circulated *in extenso* to all Members of Lok Sabha on the 3rd September itself under Rule 307 of the Rules of Procedure and Conduct of Business so that Members might be aware of the importance that the public of the areas mentioned in the petitions were attaching to the matter. Copies should also be forwarded to Ministry of Home Affairs for such action as the Ministry might consider necessary.

The petitions have accordingly been circulated on the 3rd September, 1966, and copies were also forwarded to the Ministry of Home Affairs on the same date.

## XI

### PETITION NO. 36 FROM SHRI BHAWANJI RAMJI GALA AND OTHERS, BOMBAY

54. The petition (Appendix XI) was presented to Lok Sabha by Shri Madhu Limaye, M.P., on the 7th September, 1966. The Committee considered the Petition at their sitting held on the 22nd November, 1966.

55. The petitioners had stated that the rate of commission of 1.5 paise per litre of kerosene oil after they purchased it at 45.5 paise per litre and sold it at 47 paise per litre (the price fixed by the Central Government), was totally inadequate, as considerable amount of oil was lost by evaporation and otherwise.

In terms of the "Maharashtra Kerosene Dealers licensing order" petitioners who were retail dealers in kerosene were required to maintain stock and sale registers, to give receipts of sale of 5 litres or above, and to obtain licence to sell it after depositing Rs. 50.00. This had further reduced the margin of commission earned by petitioners.

The petitioners had quoted the recommendations of the Oil Price Inquiry Committee appointed by the Government of India, in terms of which the retailers' purchase price was fixed at Rs. 245.31 per kilolitre, and the retailers sold kerosene at Rs. 260.31 per kilolitre charging Rs. 15 as commission, i.e. at a price of 26 paise per litre.

As compared to this, to-day the consumer's price of 1 kilolitre of kerosene oil stood at Rs. 470 resulting in an increase of retail price of kerosene oil from 26 to 47 paise per litre, and reducing the retailer's

margin to 1.5 paise per litre, while the increase of 21 paise was shared by the oil companies and the State. The oil companies, after payment of Government duty, etc., had now increased the price of kerosene oil by Rs. 69.40 per kilolitre, which represented their huge additional profits.

The petitioners had, therefore, prayed that the margin of commission earned by them (retail dealers) should be increased to 5 paise per litre without increasing consumer price of 47 paise per litre of kerosene oil.

The Committee have pursued the comments of the Ministry of Petroleum and Chemicals (reproduced Appendix XXIV).

The Committee observe therefrom that the Government have refuted the allegation that the oil companies have gained financially by increase in the price of kerosene and so it is not possible to increase margin payable to the dealers by reducing the profit margin of oil companies. Also, since the retail price including the margin to the dealers and the Maharashtra Kerosene Dealers' licensing Order are all matters falling within the purview of the State Government (of Maharashtra), the Ministry suggest that the petitioners may be advised to take up the matter with the State Government.

57. The Committee feel that, in view of the facts furnished by the Ministry, the matter may be treated as closed. The Committee recommend that the petitioners may, if they so desire, submit a petition to the State Legislature of Maharashtra, which is the appropriate forum for ventilation of their grievances.

## XII

### PETITION NO. 37 FROM SHRI KARAM CHAND, NEW DELHI

58. The Petition (Appendix XII) was presented to Lok Sabha by Shri M. L. Dwivedi, M.P., on the 17th November, 1966. The Committee considered the Petition at their sitting held on the 22nd November, 1966.

59. The petitioner, on behalf of owners of houses within the jurisdiction of the New Delhi Municipal Committee, had submitted his views on the various clauses of the Punjab Municipal (Delhi Amendment) Bill which seeks to amend the various sections of the Punjab Municipal Act, 1911, as in force in New Delhi. He had referred to the difficulties experienced by the house owners in New Delhi and illustrated them by facts. Finally he had concluded that the Bill was not necessary.

He had prayed that, either the Bill be dropped; or if this was not possible, the following provisions might be inserted in the amending Bill:

- (i) *Clause 7 of the Bill (Amendment of section 61 of the Principal Act).*—The maximum limit of house tax might remain as at present, i.e. 12½%.
- (ii) *Clause 8 ibid (Amendment of Section 67(1) of the Principal Act).*—No person by reason of such amendment, should become liable to pay any tax or increase of tax in respect of any period prior to the commencement of the year in which the amendment was made.
- (iii) *Clause 10 (Amendment of Section 85 of the Principal Act).*—The appellate Court should have power to pass stay order in disputed tax.
- (ix) *Clause 11 (Amendment of Section 97 of the Principal Act).*—The occupier of a house might get a water connection *only if* the rent had been paid upto date and the occupier was a legal tenant.
- (v) *Clauses 14 and 15 (Amendment of Sections 195 and 195A of the Principal Act).*—(A) A time limit might be placed for demolishing an unauthorised residential building on a site purchased from a recognised agency. (b) The District Judge should be the only authority to hear appeal in all cases of dispute under the Act.

60. The Committee noted that the Punjab Municipal (Delhi Amendment) Bill, 1966, was pending before Lok Sabha and the next motion proposed to be moved was for reference of the Bill to a Joint Committee of both the Houses. The Bill had not found a place in the programme of legislative business for the week commencing on Monday, the 21st November, 1966.

61. As the Bill was pending before the House, the Committee had directed that :

- (a) copies of the petition might be circulated *in extenso* to all Members of Lok Sabha under Rule 307; and
- (b) a copy of the petition might be sent to the Ministry of Home Affairs with the recommendation of the Committee that the Ministry might examine the feasibility of the petitioner's suggestions before proceeding further with the Bill.

62. The petition was accordingly circulated on the 22nd November, 1966 and a copy thereof was forwarded to the Ministry of Home Affairs on the same date.

### XIII

#### REPRESENTATION FROM SHRI RAM DASS T. CHUGANI, AZADPUR, DELHI

63. The Committee at their sitting held on the 17th August, 1966 considered two representations from Shri Ram Dass T. Chugani re: alleged non-implementation of the recommendations of the Committee on Petitions, First Lok Sabha, contained in their Fifth Report, regarding his Petition No. 2. The Committee noted that during First Lok Sabha, *i.e.* in 1955 Shri Ram Dass T. Chugani, had submitted a petition praying that agricultural evacuee lands near or adjoining or within the municipal limits in India might be allotted *only to* those displaced persons who had similar holdings in Pakistan in order that they might be properly compensated.

64. This petition, which was presented to Lok Sabha as Petition No. w, was considered by the Committee on Petitions, First Lok Sabha, at their sitting held on the 16th March, 1955, along with six other petitions concerning certain grievances of displaced persons. In this connection, the Committee had also examined the following representatives of the Ministry of Rehabilitation:—

- (1) Shri L. J. Johnson—*Deputy Secretary*.
- (2) Shri K. N. Channa—*Deputy Secretary*.

The Committee had noted from the evidence given by the above-mentioned representatives of the Ministry that the Agricultural evacuee land within municipal limits were being generally auctioned as they were valuable land.

65. The Committee, after due consideration of the petition in the light of Government's view point, *had nevertheless recommended that Government should as far as possible, allot such land to displaced persons in the manner prayed in the petition.* This recommendation was incorporated as para. 10 of the Fifth Report of the Committee which was presented to First Lok Sabha on the 2nd May, 1955 and a copy thereof was forwarded to the Ministry of Rehabilitation for information and necessary action.

66. After a lapse of about 10 years, Shri Ram Dass T. Chugani had now represented that, instead of implementing the Committee's recommendations, the Government had declared all suburban lands

as 'urban' and transferred them to displaced persons irrespective of any consideration whether they owned suburban lands or not in Pakistan. As a result of this, he who had owned suburban lands in Pakistan to the extent of 1,400 acres of perennially irrigated land with an annual income of Rs. 80,000 had been allotted only 6 acres which was not at all sufficient to maintain himself. He had also prayed for a personal hearing by the Committee. The petitioner had also prayed that a Report might be obtained from the Ministry for the Committee's information under intimation to him to enable him to seek justice.

67. The Ministry of Rehabilitation with whom the matter was pursued, had, at first, (See Appendix XXV) forwarded a copy of Chapter VA of the Displaced Persons (Compensation and Rehabilitation) Rules, 1955, introduced in 1960, which contained the procedure for disposal of evacuee agricultural lands situated in urban area by way of allotment etc. They had also explained that Government's policy in this regard was contained in the Displaced Persons (Compensation and Rehabilitation) Act, 1954, or the Rules made thereunder. *These did not provide for allotment of urban agricultural land in India against similarly situated land in West Pakistan.* The claims for urban land left in India had been verified in terms of money and compensation on these claims had been paid according to Rules.

68. As regards Shri Ram Dass's personal grievance, the Committee note the following facts:

- (a) Shri Ram Dass was allotted 10 standard acres of land in Azadpur village, Delhi, treating it as rural agricultural land, against his verified land claim for 1043 standard acres. As this and other villages were subsequently declared as urban, the land could not be transferred to him and he opted to purchase 32 Bighas and 19 Biswas out of this land at the reserve price of Rs. 67,158. The remaining area could not be transferred as it constituted a garden. After recovery of the amount partly in cash and partly by adjustment against his claims, Shri Ram Dass T. Chugani was issued the transfer deed on 22nd May, 1964, and
- (b) in addition to his above land claim, Shri Ram Dass Chugani had building claim verified for Rs. 80,000 reduced subsequently in *suo motu* revision to Rs. 15,000. The compensation due to him for both these claims, *viz.* Rs. 68,258-72 was adjusted towards part price of the land in Azadpur mentioned at (a) above, price of quarters Nos. 281-282,

Indra Nagar Colony and arrears of rent. As no more compensation is now due to him, the question of allotting any land to Shri Chugani did not arise.

69. The Ministry with whom the matter was further pursued as regards the action taken by them to implement the recommendations of the Committee, have reported (See Appendix XXVI) that "*the old file where the Committee's recommendations were personally considered is not forthcoming. However, on reconsideration now, in view of the policy followed as contained in Chapter VA of the Compensation Rules, it had not been found possible to accept the said recommendation of the Committee. Moreover, all land available for allotment had already been allotted and no new allotments were being made.*"

70. So far as the reply re: Shri Ram Dass Chugani's personal grievance is concerned the Committee have decided to treat it as closed, and that the petitioner may be advised accordingly.

71. As regards the non-implementation of the recommendations of the Committee on Petition No. 2, First Lok Sabha, which related to fair distribution of agricultural evictee property amongst displaced persons, the Committee consider that the explanation of the Government, viz. that the recommendation of the Committee could not be implemented because the concerned file was not readily "forthcoming", is not satisfactory. The Committee are deeply concerned this state of affairs prevailing in the Ministry of Labour, Employment and Rehabilitation (Dept. of Rehabilitation). The Committee recommend that the non-availability of the relevant file should be, thoroughly enquired into by the Ministry and the result of the enquiry intimated to the Committee. The Committee apprehend that a number of files relating to other similar cases too might have been lost by efflux of time or tampered away with, thus subjecting the claimants to hardships. The Committee would, therefore, like all such cases of loss being investigated thoroughly and suitable relief afforded to the applicants after taking appropriate action against the delinquent officials.

#### XIV

#### REPRESENTATION FROM SHRI TEJUMAL TAHKANDAS

72. The Committee at their sitting held on 17th August 1966 considered a representation from Shri Tejumal Tahkandas re: alleged refusal by the Chief Settlement Commissioner to supply a copy of the certified copy of the Jamabandi record received from Pakistan.

73. The Committee noted that earlier they had appended facts relating to the case as item 52, Appendix XIV, p. 82, Third Report of the Committee presented to Lok Sabha on 30th April, 1965 accepting the Ministry's reply as adequate and satisfactory. In connection with that representation the Committee had noted from the Ministry's reply that supply of copy of the certified copy of a Jamabandi was barred within the meaning of the Section 76 of the Indian Evidence Act which provision allowed only certified copy, which was not a public document itself and not the copy of the certified copy, which was not a public document as defined in Section 74. Though the Chief Settlement Commissioner's Office had received copies of the Jamabandi record from Pakistan, in view of the legal position, copy of a copy could not be supplied to Shri Tejumal.

74. Shri Tejumal Tahkandas to whom a copy of the Third Report of the Committee, after its presentation, was forwarded, however, submitted a fresh representation citing these facts and stating that earlier he was supplied a copy of the certified copy of Jamabandi on request. Since the Government of India did not possess the jamabandi records and were basing their decisions on admissibility of displaced persons' claims on certified copies of the jamabandi record (received from Pakistan), and there were past precedents of complying with requests like his, he had requested that his request might be reconsidered and complied with.

75. The Ministry of Rehabilitation in their factual comments had, at first, replied that prior to 7th March, 1963 copies of jamabandis were supplied on payment of usual fees to the claimants. But on 7th March, 1963 it was decided by the Chief Settlement Commissioner that supply of the same should be stopped as legally no copy of a copy could be supplied. Besides, it was felt that the issue of such copies only led to further proceedings which had to be stopped. Hence copies of jamabandies were not being issued since the above date.

As the Ministry's reply was not satisfactory, they were requested to furnish the following information for being placed before the Committee:

- (i) The considerations, if any, on the basis of which copies of the certified copies of jamabandi were supplied to claimants prior to 7th March, 1963;
- (ii) the considerations which led to the discontinuance of the above-mentioned practice from 7th March, 1963.
- (iii) the difficulties which stood in the way of acceding to the petitioner's request now made by him and whether there was any legal bar to the grant of such copies, and

(iv) Whether the claims of displaced persons were admitted or rejected prior to 7th March, 1963, on their production of attested copies of the documents mentioned at (i) above supplied to them by the Chief Settlement Commissioner; and the reasons therefor.

76. The Committee note from the reply since furnished by the Ministry of Labour, Employment and Rehabilitation (Department of Rehabilitation) (reproduced at Appendix XXVII) that

(i) as regards points (i) to (iii) above, they had explained that while dealing with the claims cases, the judicial officers based their judgments on the entries in the copies of jamabandi received by the C.S.C. from Pakistan, and not on the copies in possession of claimants. The practice was discontinued on 7th March, 1963, as copy of certified copy of jamabandi was not admissible in evidence; and

(ii) as regards point (iv), they had stated that, after re-examining the matter in consultation with the Ministry of Law, it had been decided that copies of the jamabandi might be made available to Shri Tejumal and also to any other claimant asking for such a copy, hereafter. Shri Tejumal had been asked to make a fresh formal application to the C.S.C's Office for supply of copy of the jamabandi required by him along with the prescribed fee in **postal orders.**

77. The Committee note with satisfaction from the foregoing facts that the Department *had resiled* from the position taken by them while furnishing factual comments on (then incorporated in the Third Report of the Committee) Shri Tejumal's first representation. They have also acceded to his one and only request by a general decision applicable to all displaced persons alike. As the petitioner's case has been redressed mainly on the Committee intervention, the Committee feel that the case deserves special mention in this Report.

## XV

### REPRESENTATIONS FROM VARIOUS INHABITANTS OF MADHYA PRADESH (FORWARDED THROUGH SHRI HARI VISHNU KAMATH, M.P.)

78. The Committee at their sitting held on 17th August, 1966 considered these representations which requested dismissal of the Mishra Ministry in Madhya Pradesh, transfer of officials from

Bastar District, and setting up of a 3-man Commission to enquire into the disturbances in Baster District in March-April, 1966. The Committee noted that the petitioners had referred to the death of Shri Pravin Chander Bhanjdeo in the disturbances at Bastar on March 25-26 and had alleged that democracy had come to an end in the State. The petitioners had prayed for the dismissal of the present Ministry in Madhya Pradesh headed by Shri D. P. Mishra, Chief Minister. They had also requested for transfer of officials in Bastar District immediately outside Raipur Division and for appointment of a three-Member Commission, comprising of a Supreme Court Judge (Chairman) and two other Judges including a Judge of the State High Court etc. probe into the massacre at Bastar.

79. The Committee have perused the Comments of the Ministry of Home Affairs on the points which are as follows: (See Appendix XXVIII).

- “1. The Government do not agree that there is any case for invoking the powers of the President under article 356 of the Constitution, namely, that the Government of the State cannot be carried on in accordance with the provisions of the Constitution.
2. During the discussion in the House on 28th March 1966 on Motions for adjournment and Calling Attention Notices on Bastar incidents, a demand was made by certain Members for entrusting the enquiries to a Supreme Court Judge. As the demand was tantamount to questioning the impartiality of the Judge nominated by the Chief Justice of Madhya Pradesh, who had been appointed to hold the inquiry, the Home Minister turned it down in his reply on 30th March 1966. There is, therefore, no question of associating any Supreme Court Judge or any High Court Judge from outside with the Commission.
3. As regards the transfer of officers etc. if the Commission of Inquiry feel that any step is necessary in the interests of the inquiry the State Government would be requested to create all possible conditions necessary to facilitate an impartial inquiry.”

80. The Committee noted that Government did not accept any of the suggestions of the petitioners and had urged that, if the present Comission of Inquiry felt that any step was necessary in the interests of the inquiry, the State Government would be requested to create all possible conditions necessary to facilitate an impartial inquiry.

A request from 74 Opposition Legislators in M.P. for promulgation of Presidents Rule in M.P. was rejected by Government (vide reply to S.Q. No. 1607 dated the 11th May, 1966 to Shri D. C. Sharma).

The Committee further noted that the matter continued to be sub-judice before the One-Man Commission of Inquiry and it might take considerable time for it to finalise its Report to the State Government.

31. As the matter was sub-judice and as it related to a State subject, in view of the Speaker's directive that representations State subjects should be sent to the State Legislature Secretariats, the Committee had felt that these representations in original might be sent to the M.P. Vidhan Sabha for disposal after due consideration, and Shri Kamath advised of their disposal.

32. The representations were accordingly forwarded to the M.P. Vidhan Sabha Secretariat Bhopal, on the 24th August 1966 under intimation to Shri Hari Vishnu Kamath, M.P.

## XVI

### REPRESENTATIONS INADMISSIBLE AS PETITIONS

83. During the period under report, the Committee have also considered 71 representations and letters addressed to the by various individuals, bodies or associations to the House, the Speaker or the Chairman of the Committee, which were in-admissible as petitions.

84. The Committee observe with satisfaction that, through their intervention during the period under report, 65 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 XXIX).

85. The Committee, however, note with concern that in respect of 162\* cases referred for factual report to various Ministries of the Government of India (Appendix XXX), final replies showing action taken on the representations or their disposal have not yet been furnished by the Ministries concerned. In particular, the Committee regret to note that some of these cases are about five years old and their intervention has not procured for the petitioners the desired measure of relief they had prayed for. In view of the fact that the life of the current Lok Sabha is likely to expire early next year and the term of the Committee also expire therewith, the Committee

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\*Out of these cases, 146 pertained to Ministry of Labour, Employment & Rehabilitation (Dept. of Rehabilitation).

would emphasize that Ministries concerned should expedite the supply of the required information which should be considered by the successor Committee.

## XVII

### GENERAL

86. The Committee note with satisfaction that in so far as petitions presented to the House were concerned, Lok Sabha had acted as a useful avenue to ventilate the public grievances on such matters of controversial nature relating to the policies of the Government of India, such as Gold Control, Land Reforms [Constitution (17th Amendment) Bill], grievances of school teachers in India, ban on cow slaughter, switching over of public/private undertakings to automation, general discontent of the public in regard to rise in prices, food shortage, etc.

87. The Committee note that, during the life-time of Third Lok Sabha upto date, their intervention had resulted in redress of not only grievances contained in petitions presented to the House but also those contained in representations considered by them under Direction 95 of the Directions issued by the Speaker. In particular, the Committee note with satisfaction that, out of 63 cases of representations considered by them since the presentation of their First Report upto date, 279 cases (of which 210 related to displaced persons from West Pakistan) had resulted in redress of public grievance or eliciting replies from Ministries concerned meeting adequately the petitioners' points.

The Committee are happy to note there is an ever-increasing consciousness amongst the general public in India of their inherent right to Petition Parliament—the highest sovereign body in the country and to utilise the forum of Lok Sabha as a vital link between Parliament and the Executive will bear fruitful results and that this is reflected by the quality of petitions ventilating individual grievances submitted to the Committee.

M. THIRUMALA RAO,

NEW DELHI ;  
The 29th November, 1966.

Chairman,  
Committee on Petitions.

## APPENDIX I

### PETITION No. 22

[Presented by Shri N. G. Ranga, M.P. on the 23rd August, 1966]

(See Para 7 of the Report)

To

LOK SABHA,

NEW DELHI,

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

SHEWETH:

Your petitioner had submitted a petition (See Petition No. 70 included in the Tenth Report of the Committee on Petitions, First Lok Sabha, presented on the 13th September 1956) suggesting certain amendments to the Motor Vehicles Act, 1939 and the Rules framed thereunder to carry Mails by buses.

2. The Committee on Petitions, First Lok Sabha, after a perusal of the reply given by the Ministry of Communications had felt that it met adequately your petitioner's points when they noted that one of the conditions for a stage carriage permit holder was to convey mails on such terms and conditions as the Regional Transport Authority might fix in consultation with the Postal Authorities.

3. The relevant portions of the Ministry's reply contained in the Tenth Report of the Committee on Petitions of the First Lok Sabha are reproduced below with your petitioner's comments thereon:—

Reply of the Ministry of Communications (*vide* para 10 of the Tenth Report Committee on Petitions, First Lok Sabha) *Comments of your petitioner*

(i) One of the conditions for a stage carriage permit holder was to convey mails on such terms and conditions as the Regional Transport Authority might fix in Consultation with the Postal Authorities.

Conditions are laid down but no Regional Transport Authority worth the name has made any efforts in this regard.

(2) The Ministry had outlined their programme for conversion of runners lines into mail motor lines, where it would result in expedition in delivery or despatch of mails.

There is no such programme and no such conversion for the last 9 years. Your petitioner will highly appreciate if he is supplied with a copy of yearly targets and achievement from 1957 to 1964 and organise planned programme for the next 5 years.

(3) Close co-operation already existed between the Postal and the Regional Transport Authorities and therefore it was not considered necessary to coopt the Superintendents of Post Offices and Heads of Circles as members of the Regional Transport Authorities and State Transport Authority.

As a non-official member of the Chittoor Divisional Postal Advisory Committee, your petitioner observed that there was more of non-cooperation between the two than cooperation.

4. There are several instances where the willing bus operator is not given suitable timings to carry Mails, when an influential fleet-owner not only refuses to carry Mails but also objects to the suitable timings given to such willing operator.

5. During the British days, your petitioner had noted that there were several instances when the Mails were conveyed free by the bus-operators on competition basis. There were also a few instances when the Mails were conveyed free not only without accepting any remuneration but also by paying a token amount to the Posts and Telegraphs Department for the privilege and honour given to the operator to convey Mails. During 1940s, your petitioner remembers a specific instance like the one mentioned above with regard to the conveyance of Mails from Muddanur Railway Station to Jammalamadugu in Cuddapah District, Andhra Pradesh. Such humanitarian and service-minded bus operators are rare today and even if there are any, they are not encouraged with route permits.

6. Further, if post boxes are planted in the buses and cleared *en route* or at the destinations according to the timings, the letter can reach the addressees in record time and the P. & T. Department will have close check up of their running also efficiently and punctually, and accordingly your petitioner prays that the Motor Vehicles Act, 1939 and the Rules framed thereunder may be amended suitably so as to:—

(a) carry Mails free compulsorily as per the timings given by the Postal Authorities by the Stage Carriages named by them;

- (b) open new routes for conveyance of Mails specially with suitable timings given by the P. & T. Department; and
- (c) plant a post box in any Stage Carriage for its clearance *en route* or at the destination and if they fail to keep up timings or do not run during certain days, a penal provision may be added to fine them,

and your petitioner as in duty bound will ever pray.

<i>Name of the Petitioner</i>	<i>Address</i>	<i>Signature with date</i>
Shri C. Kesaviah Naidu.	Sarpanch, Dheemavaram Gram Panchayat, Narasingapuram Post, Chittoor District, Andhra Pradesh.	Sd/- C. Kesaviah Naidu, 25-5-65
<b>Countersigned by</b>		<b>N.G. Ranga, M.P.</b> Div. No. 440 .15-6-65

## APPENDIX II

### PETITION No. 24

[Presented by Shri Homi F. Daji, M.P. on 3rd December, 1965]

(See Para 12 of the Report)

To

LOK SABHA,  
NEW DELHI.

The humble petition of Shri Purushottam Namjoshi, Secretary, Apprentice Advocates Association, Indore and others,

SHEWETH:

Your petitioners beg to submit this petition containing facts regarding difficulties experienced by Apprentice Advocates for sympathetic consideration by the Lok Sabha:—

(1) Under the Advocates Act, 1961, before a person is enrolled as an advocate, he has first to undergo a training under a Senior Advocate of at least ten years' standing. After the training is over, the trainee has to pass through an ordeal of passing an examination prescribed by the State Bar Council. Besides the training and examination, one has to attend a certain number of lectures which will ordinarily be held only at District places. Obviously, therefore, a person living in Mofussil has to leave his place and stay at the District place for at least 2 years.

(2) During the period of training, the apprentice cannot engage himself in any employment, profession, business trade or calling. Thus this training will be a heavy burden on the finances of the candidates, which in most cases is very meagre. The high rates of commodities, the high rates of rent prevailing in all places, the difficulties of maintaining two establishments will in most cases deny opportunity to a person to be enrolled as an advocate, his only fault being that he has been born in a family which is financially poor. It will, therefore, be appreciated that this denies equal opportunities to all:—poor and rich, low and high.

(3) During the period of training, the apprentice finds his position not even equal to that of an advocate's clerk, who can act in

all matters of a routine nature which do not require the personal attendance of the advocate. Even an illiterate labourer is permitted to represent his brother labourer in dispute before a labour tribunal. Thus, the apprentice is merely a neutral spectator standing in the Court reduced to the status of not even a clerk of an advocate.

(4) During the period of apprenticeship, while the candidates are not allowed to undertake any employment, profession, trade or business, they do not get any remuneration at all. They are not entitled to be a court commissioner or a receiver even.

As far as the apprentice at law is concerned, the intention of the enactment must be the same as the training in other professional fields like Medicine, Engineering etc. For instance, a candidate who has passed the degree course in medicine can, during the period of House-surgeonship, attend to and treat patients along with his masters, his service being remunerative. Engineer-apprentices are active energetic assistants of their masters and can earn and learn for their livelihood. Probationary Indian Police Service or Indian Administrative Service officers can engage themselves in the respective office duties by actually doing them. Unfortunately, however, the apprentice advocates have been totally denied these amenities.

(5) Looked at from still another point of view, it will be clear that the Senior Advocates are not even ready to have with them such kind of apprentices because these are not helpful to them even in routine matters of court, where the advocate's personal attendance is not necessary and the work of the Senior Advocate becomes like that of a school master. In this way, an apprentice is a burden and a liability on a Senior Advocate.

(6) According to the system of recruitment of judicial officers on approval of the candidature of a person by the Public Service Commission, a Law Graduate is probationally appointed as a judicial officer and thereafter he is given a training for six months. Even in this short period of training, he is asked to dispose of certain number of cases both Civil and Criminal.

(7) A person who by sheer dint of fortune is appointed a judicial officer starts earning his livelihood right from the first day of his appointment, while, on the other hand a person who chooses to enter the legal profession has to wait for a full period of  $1\frac{1}{2}$  years.

(8) It is absolutely certain that the authorities, whoever they may be, do not consider the job of a judicial officer less important

than that of an advocate. Your petitioners, therefore, fail to understand why a person who elects the legal profession is denied the opportunities to earn his living.

(9) Formerly, before a person was entitled to be enrolled as an advocate, he had to possess a standing of at least three years as practising pleader. Before an advocate could be permitted to appear before the Supreme Court of India, a standing of ten years as an advocate was prescribed. This means that, in order to be able to appear before the Supreme Court, one was to have at least ten years' experience at the Bar.

(10) According to the present system of recruitment, the day one gets a licence from the Bar Council, one is entitled to appear before the Supreme Court. This does not sound very consistent.

(11) The utility of training is not denied but it should be imparted on the principle of 'Earn and learn' so that objective of imparting training is achieved and the candidate also does not have to starve during the period of training.

(12) The courses for the law examination were the same in 1965 as were prescribed for the Law Examinations of 1964. In these circumstances, it will be sheer discrimination to say that, whereas those who passed in 1964 were qualified to be enrolled as advocates without any training and examination, the students who passed in 1965 were not so qualified.

(13) The Advocates Act, 1961, has been extended to the States of Jammu and Kashmir and to the State of Goa. Obviously the Bar Council of India will be obliged to grant exemption to the Law Graduates wishing to practice in those States. This will again mean discrimination. It is no fault of us that the Advocates Act, 1961 was applied to this State earlier. An equal treatment has to be given to all.

(14) Again in most of the subjects (three and half out of four subjects) prescribed for the examination by the Bar Council are the very same in which the Law Graduates who passed in 1965 have already passed.

and accordingly your petitioners pray that the Lok Sabha may kindly consider the following suggestions sympathetically:—

(a) The training and subsequent examination should be dispensed with; exercising the powers of S. 49A (2) (c)&(d), of the Advocates Act, 1961.

Without prejudice to the above, either:—

(b) A candidate undergoing training may be given a temporary licence to practice at the Bar in the Courts of Civil Judges Class II and in Criminal cases before a Magistrate Class II & III and upto a Sub-Divisional Officer in Revenue cases.

OR

He may be allowed to appear & plead in cases dealt with by his Master, so as to enable him to gain the practical experience and requisite confidence and also to make himself useful at least in some ways to the Master Advocate.

(c) It should be laid down as a convention that the trainees will be given benefit of being appointed commissioners u/o 26, receivers u/o 40 of Civil Procedure Code and insolvency proceedings.

(d) The present emergency also calls for a sympathetic consideration of the matter and your petitioners pray that all Law Graduates might be exempted from training and from subsequent examination till one year after the emergency is over,

and your petitioners as in duty bound will ever pray

*Name of First  
Signatory*

*Full address*

*Signature*

**Shri Purushottam  
Namjoshi.**

Secretary, The Apprentice  
Advocates Association  
4, Barasarafa, Indore  
(M.P.).

Sd/-  
ottam Namjoshi

Countersigned by

Homi F. Daji M.P.  
Division No. 454.

### APPENDIX III

#### PETITION No. 25

[Presented by Shri N. G. Ranga, M.P. on the 15th February, 1966]

(See Para 18 of the Report)

To

LOK SABHA,  
NEW DELHI.

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

SHEWETH:

Since the introduction of Emergency, letters issued from the Government Offices to the general public are typed on small slips of paper. This is a welcome move towards effecting economy on stationery. However, these letter slips are sent by envelopes affixed with economy address slips. Thus the small economy affected in reducing the size of the letter paper is lost in the postage paid for closed envelopes. It would be economical to the tax-payer, if all the Central and State Departments are issued with India Government Service "Inland Letters" without embossed stamps. All short letters without enclosures from these Government Offices should go only as Inland Letters.

2. Your petitioner felt glad when he received some *inland* letters from the General Manager's Office, Southern Railway, Madras (with the emblem of the Indian Railways, with the front portion of engine emanating smoke in the inner circle, with the words "Indian Railways" inscribed in the outer circle); and from the Lok Sabha Secretariat, New Delhi.

3. Your petitioner might mention here that several private companies have switched over to the use of the present Inland Letter form for sending communications when there is heavy demand in the cities and consequent scarcity of them in rural areas.

4. A registered letter (mostly used to send insured articles) with 70 p stamps embossed and affixed is sold at 80 p to recover 10 p towards the cost of stationery. In the same way, when the general

public use their own printed inland letter stationery, they may be allowed to affix 8 p postage thus encouraging them to use their own better stationery, without depending upon Government supply.

5. On the address-side, if it is white, with lines for writing address only without any colour printing, it will be easy for Mail sorters in sorting Inland and Foreign letters at night,

and accordingly your petitioner prays that the usage of pointed Inland Letter stationery in Government Offices and by the general public might be adopted/encouraged on the following lines;—

(a) the Departments of the Central and State Governments might be supplied with unembossed Inland Letter forms as Stationery, with the words "on India Government Service only" printed on them,

(b) the cost of stationery, say 2 paise per Inland Letter, may be deducted from postage and the general public might be allowed to use privately manufactured Inland Letter form conforming to the prescribed specifications affixing 8 paise postage stamps on them; and

(c) on the address side of Inland and foreign letter forms, it may be left plain-white, with lines for writing the address,

and your petitioner as in duty bound will ever pray.

<i>Name of Petitioner</i>	<i>Full address</i>	<i>Signature with date</i>
Shri C. Kesaviah Naidu	Sarpanch, Bheemavaram Gram Panchayat, Narasimhapuram Post, Chandragiri Taluk, Chittoor District, (A.P.)	Sd/- C. Kesaviah Naidu 22-12-1965

Countersigned by

N.G. Ranga, M.P.,  
Div. No. 440.

## **APPENDIX IV**

### **PETITION No. 27**

**(Presented by Shri Sivamurthi Swami, M.P., on the 17th March, 1966)**  
**(See Para 23 of the Report)**

**To**

**LOK SABHA,**  
**NEW DELHI.**

The humble petition of Shri Nabakishore Dass, Advocate, President: Neoist Union, Pallavihar, P.O. Baricuttack, Cuttack,

**SHEWETH:**

1. The spearhead of attack on the economic development of India **must be the establishment of agriculture as the stable and prosperous industry without which any attempt at development in either fields, such as urban industrialization will inevitably fail.**
2. The Indian peasant lacks practical example of how scientific and improved agriculture can be carried on so that he may be benefited by example and the officers of the Agriculture Department, though learned, lack demonstration-farms on village level to show to the peasant the scientific agriculture; hence they fail to influence the peasants, who are wise enough not to hear theoretical advice.
3. Therefore, a planned drive for scientific agriculture and improved food production is necessary on a wider scale and the Central Government may be pleased to set apart Rs. 50 lakhs for the year 1966-67 for the purpose.
4. At least one model-farm may be started in every constituency of the Lok Sabha with **ten acres as a consolidated field**, where an educated cultivator may be entrusted with required finance and Central Government may directly finance these projects keeping security, where necessary, and half of the loan may be granted as subsidy.
5. The Central Government shall grant financial aid on cheap interest, irrigation facilities, know-how and better seed and fertilisers to these persons, who shall cultivate the land with an approved plan, and rotation of crops prepared by the Department of Agriculture and under their supervision and advice, so that the individual farmer can earn at least Rs. 31 a day.

6. Cow-keeping, bee-keeping, etc. can also be added but main target of the project should be scientific agriculture so as to earn Rs. 31 a day from 10 acres of land.

7. As India lacks sufficient vegetables, fruits, the scheme will help the peasants with a way out to earn more money by producing more vegetables, fruits, milk and other cash crops.

8. The cultivator willing to take up the experiment may lack finance for irrigation and pump-sets, hence the minimum requirement of these farms each will be about Rs. 10,000 for digging wells and buying pump-sets.

9. Crop pattern such as: bananas, chillies, Jowars, grapes will give at least Rs. 10,000 or more per annum and detailed calculations can be had from the Department of Agriculture.

10. To give some example 1,500 banana plants can be grown in one acre fetching at least Rs. 1,500 per annum and 10 acres can give Rs. 15,000 a year; so chillies in 10 acres can be of Rs. 10,000; grapes in one acre can be about Rs. 10,000, potato, brinjal and other vegetables also can be grown with much profit. Even in banana fields other vegetables can be grown,

and accordingly your petitioner prays that the above petition may kindly be considered by Lok Sabha and it might be suggested to the Government that the scheme proposed by him be accepted and the work organised accordingly,

and your petitioner as in duty bound will ever pray.

<i>Name of petitioner</i>	<i>Full address</i>	<i>Signature</i>
Shri Nabakishore Dass, Advocate, President, Neoist Union, Pallivihar, Cuttack.	Sanatan Dharma Higher Secondary School, Lajpat Nagar, New Delhi-14.	Sd/- Nabakishore Dass

Sivamurthi Swami M.P.  
Countersigned by Division No. 377.

## APPENDIX V

### PETITION No. 28

[Presented by Shri Sivamurthi Swami, M.P. on the 18th April, 1966]

(See Para 28 of the Report)

To

LOK SABHA,

NEW DELHI.

The humble petition of Sarvashri R. C. Agrawal, R. Saran, Satish Kumar, Namwar Singh and Anand Jain, citizens of Delhi,

**SHEWETH:**

We, the following signatories, earnestly request the honourable members to make the country self-sufficient and to remove the sufferings of the people in food and agriculture.

2. We request to reserve at least 51 per cent for the programme of grow more food and helping the poor peasants in the villages. The total budget for nation-building and social services including food and agriculture is only 19 per cent according to Central Budget in Brief 1965-66, published by Department of Economic Affairs of the Government of India. In fact this small amount for full welfare programme is nothing if you consider seriously the vast population in the agricultural sector which is more than 85 per cent in our country.

3. During this year's budget still less amount has been allotted for social and other developmental services including Agriculture.

4. In fact this year only 10·6 per cent is allowed to be spent for all nation-building activities, but we are surprised to see that for Agriculture, Rural Development, Animal Husbandry, co-operation and multi-purpose river schemes have been allotted very little money which will come to only 6 per cent of the total budget,

and accordingly your petitioners pray that, to make the country self sufficient in food, at least 51 per cent of the budget should be reserved for food and agriculture,

and your petitioner as in duty bound will ever pray.

<i>Names of the Petitioners</i>	<i>Full Addresses</i>	<i>Signatures</i>
Shri R.C. Agarwal	12, Lady Hardinge Road, New Delhi-1.	Sd/- R.C. Agarwal
Shri R. Saran	100-D, Kamla Nagar, Delhi-7.	Sd/- R. Saran
Shri Satish Kumar	Flat-37, Shanker Market, New Delhi-1.	Sd/- Satish Kumar
Shri Namwar Singh	D 1/6, Model Town, Delhi-9.	Sd/- Namwar Singh
Shri Anand Jain	12, Lady Hardinge Road, New Delhi.	Sd/- Anand Jain

Countersigned by **Sivamurthi Swami, M.P.,**  
**Div. No. 377.**

## APPENDIX VI

### PETITION No. 29

[Presented by Shri Prakash Vir Shastri, M.P., on the 13th May, 1966]

(See Para 33 of the Report)

To

LOK SABHA,

NEW DELHI

The humble petition of the All India Secondary Teachers' Federation and Delhi School Teachers' Association.

SHEWETH

Education may be given proper status and place in the 4th Five Year Plan and Teachers emoluments be raised.

2. Education alone can meet any challenge to a country whether from external forces or from internal problems. A policy to slash educational expenses to meet any emergency because either of aggression from outside or of food crisis in the country is extremely unwise and retrograde.

Your petitioners, therefore, press for higher allocation for education in both the Central and the State budgets as well as in national and State Plans.

3. Your petitioners further are of opinion that the directive principle of the Indian Constitution regarding free, universal and compulsory education up to the age of fourteen should be achieved within the period of the fourth five-year plan.

4. Your petitioners further demand that Education should be made production-oriented and should be placed on sound, scientific and democratic basis.

5. Your petitioners protest against the drastic reduction by some 81 crores of rupees under the head 'Education' in the ~~ad hoc~~ one year Plan for 1966-67 in comparison with the Plan expenditure for the year 1965-66 in spite of public statements made by the authorities concerned regarding inadequacy of allocation under this head.

6. Your petitioners demand an allocation of 10 per cent of the Central Plan and at least 20 per cent of the State Plans for Education.

Secondary Education is the key-stone in the educational structure of a country and we support the demand of the All-India Secondary Teachers' Federation for a uniform pattern and standard of Education in the country.

7. Your petitioners are definitely of opinion that better emoluments and service conditions of teachers and other workers in the educational institutions should receive a prior consideration in any scheme for the improvement of the standard of education in the country and in this respect they support the view of the All-India Secondary Teachers Federation that uniform pay-scales for teachers and other workers should immediately be introduced throughout our motherland irrespective of the state frontiers and the differences in the managements of the institutions.

Your petitioners feel that the following pay-scales recommended by the Federation and D.S.T.A. for the teachers are fair, just and equitable and that for the introduction of these pay-scales all over India the Central Government and the State Governments should collaborate on the basis of 60 per cent and 40 per cent respectively of the additional costs required for the purpose:—

<b>Primary Teachers</b>	•	•	•	150—375
<b>Heads of Primary Schools</b>	•	•	•	200—500
<b>B.A., B.T. Teachers</b>	•	•	•	200—500
<b>Heads of Middle Schools</b>	•	•	•	250—625
<b>M.A., B.T.</b>	•	•	•	300—750
<b>Principals</b>	•	•	•	500—1250

In this respect they also support the idea of setting up a Secondary Education Grants Commission at the Centre on the line of the U.G.C.

8. Your petitioners also support the demand of the Federation for a retirement pension scheme on the line of that enjoyed by the civil employees of the Central Government.

9. Your petitioners further support the demand of Federation regarding the linking of the Dearness Allowance of teachers and other workers in educational institutions to the Cost of Living Index and

the payment of an additional D.A. of Rs. 30 to them plus an additional amount at the rate of 25 paise per unit of the Cost of Living Index taking 1960 as the base year for the purpose of this calculation.

10. Your petitioners support the demand of the Federation regarding setting up of Tribunals to ensure reasonable security of service to teachers and other workers in the educational institutions.

11. Your petitioners further support the demand of the Federation regarding retention of the Teachers' constituencies of the Legislative Councils of the States having bicameral Legislature and of associating the teachers adequately with all authorities shaping the educational policy of the country.

12. Your petitioners feel that to fulfil all the objectives at least 6 per cent of our national income should be expended on Education,

and accordingly your petitioner(s) pray that their above demands may kindly be considered sympathetically by Lok Sabha, and your petitioners as in duty bound will ever pray.

<i>Name of first petitioners</i>	<i>Address</i>	<i>Signature</i>
Shri Murli Dhar Pandey	45 Sultan Pur Mouja, Allahabad	Sd/- Murli Dhar Pandey

**Countersigned by** **Prakash Vir Shastri, M.P.,**  
**Div. No. 360.**

## APPENDIX VII

### PETITION No. 30

[Presented by Shri Sivamurthi Swami, M.P., on the 27th July, 1966]  
(See Para 37 of the Report)

To

LOK SABHA,  
NEW DELHI.

The humble petition of Shri L. A. Patil, District Belgaum, Mysore State and 62 others.

SHEWETH:

Your petitioners who are voters of Mysore State desire to submit the following in respect of boundary question between Maharashtra and Mysore:—

1. Your petitioners deeply regret to note that during this emergency period, the Prime Minister of India has given a statement that she is going to appoint a one-man Commission to go into the boundary question between Maharashtra and Mysore. It has caused great unrest and disunity in the country in general and Mysore and Maharashtra in particular.

2. States Reorganisation Commission, 1956, had given a final decision and reopening of the same against the verdict of such a high powered Commission and against the decision of this August House, the Parliament of India, taken in 1956, is not only improper but also contrary to the accepted principles of natural justice,

and accordingly your petitioners pray that at this critical time, no Commission should be appointed at the cost of national integration and solidarity of our country,

and your petitioners as in duty bound will ever pray.

S. No.	Name of First Signatory	Full Address		Signature
		Village	District	
1	Shri Lingan Gowda Anderdan Gowda Patil	Chikkop State	Belgaum Mysore	Sd/- L. A. Patil.

Countersigned by Sivamurthi Swami,  
M.P.,  
Div. No.377. 25-7-1966

## APPENDIX VIII

### PETITION No. 31

[Presented by Shri S. M. Banerjee, M.P., on the 31st August, 1968]  
(See Para 41 of the Report)

To

LOK SABHA,  
NEW DELHI.

The humble petition of Shri Saroj Chaudhari and others, most of whom are employees of various private firms, undertakings, enterprises etc., throughout India,

SHEWETH:

Resort to the use of such versatile and sophisticated Labour-saving device as Electronic Computer in manufacturing and servicing industries like the Life Insurance Corporation of India, State Bank of India, Oil Companies, Government Departments, Commercial Houses, Electricity undertakings, and Academic Institutions Like Universities, Boards of Technical and secondary education etc., have already made grave inroads into the size of the labour force and threaten job security.

2. At a time when the country is plagued by appalling unemployment with ever-increasing backlog of unemployed at the end of each Plan, the economy can ill-afford to displace labour at such a colossal rate as has been the experience even in the most advanced countries of the West.

3. Diversion of our scant resources and extremely precious foreign exchange in schemes of automation would be a negation of national needs.

4. Greater decentralisation is needed for efficiency in servicing establishments-automation in offices would only lead to greater top-heavy centralisation and can be self-defeating,

and accordingly your petitioners pray that immediate steps be taken

(a) to stop import and use of electronic computers and automation equipments for offices and factories; AND

(b) to cause issuance of policy directions to establishments in public and private sectors to abandon schemes of automation in factories and offices, particularly servicing industries,

and your petitioners as in duty bound will ever pray.

S.No.	Name of First Signatory	Full Address		Signature
		Village	District.	
1	Saroj Chaudhari	24, Chittaranjan Avenue, Calcutta-12.		Sd/- Saroj Chaudhari 25-8-1966.
-		Counter signed by Sd/- S. M. Banerjee, M.P., Div. No. 462 25-8-66.		

## APPENDIX IX

### PETITION No. 33

[Presented by Shri Hem Raj, M.P., on the 3rd September, 1966]

(See Para 48 of the Report)

To

LOK SABHA,

NEW DELHI.

The humble petition of Shri Gangu Ram and other inhabitants of Una Tehsil belonging to (i) Anandpur Block, (ii) Nurpur Bedi Block and (iii) villages of Kherabagh, Samipur, Bhabour and Kalsehra of Una Block.

#### SHEWETH:

Serious anomalies in the Punjab Reorganisation Bill, 1966 now pending before Lok Sabha, have caused great harm and hardship to the entire population of these areas which are component parts of the Una Tehsil and your petitioners beg to Submit as under:—

#### Parliamentary Committee on Demand for Punjabi Suba.

1. During the recent conflict between Pakistan and India the issue of Punjabi Suba was again brought to the forefront by the Akalis and a Parliamentary Committee was appointed to go into the matter and make a report. The Parliamentary Committee accepted the demand for a Punjabi speaking States and also made the following remarks regarding the hilly areas:—

"It emerged from the evidence given before the Committee that there was deep rooted grievance among the hilly people that the people from the plains wield a more dominant position in the present Punjab and they have always tried to exploit the simple hill folk of the hilly tracts. The people of the hill areas feel that no amount of weightage, safeguards or assurances can satisfy their aspiration and sentiment if they are tagged on either to the Punjabi State or Haryana Prant (Para 52 of the Report)."

The following announcement was made in Parliament by the Home Minister on 21st March, 1966:—

"The Government have given careful thought to the recommendations made by the Parliamentary Committee and have decided to accept in principle that the present State of Punjab be reorganized on linguistic basis."

A boundary Commission was accordingly appointed with the following terms of reference:—

- (a) That the Commission shall examine the existing boundary of the Hindi and the Punjabi Regions of the present State of Punjab and recommend what adjustments, if any, are necessary in that boundary to secure the linguistic homogeneity of the proposed Punjab and the Haryana States,
- (b) That the Commission shall also indicate the boundaries of the hilly areas of the present State of Punjab, which are contiguous to Himachal Pradesh and have cultural affinity with that territory,
- (c) That the Commission shall apply the linguistic principles with due regard to census figures of 1961 and other relevant considerations; and
- (d) That the Commission may also take into account such other factors as administrative convenience and economic well-being, geographical contiguity and facilities of communication and will ordinarily ensure that the adjustments that they may recommend do not involve breaking up of existing Tehsils.

II. In response to the Press Note issued by the Boundary Commission on 28th April, 1966, several organisations of the Tehsil and Public represented before the Commission for the merger of whole of Tehsil Una with Himachal Pradesh. The findings and recommendations made by the Commission with regard to Tehsil Una are reproduced below:—

*Boundary Commissions Report Regarding Tehsil Una.*

“69. This is one of the four tehsils in the District of Hoshiarpur, the other three being Garhshankar, Hoshiarpur and Dasuya. The terrain of the tehsil is hilly and is flanked by the ‘Sola Singhi’ range and Shivalik range which run almost parallel forming the Dun Valley and the Kandi areas between them. The region consists of two ranges of hills and a valley in which is the bed of the river Suwan.

The ‘Dun’ varies in width from 3 to 16 miles.

70. In the census report of 1961, the following language figures are found for the Una Tehsil:—

	Hindi Speaking	Punjabi Speaking.
Total . . . .	360,899 (71.2%)	102,339 (28.4%)
Rural . . . .	309,185 (72.3%)	84,527 (27.4%)
Urban . . . .	51,714 (64.7%)	17,512 (33.9%)

It is clear that in the rural as well as in the Urban areas, the language of the people is predominantly Hindi. It does not appear

that in this area, there was a large population of Muslims which migrated to Pakistan, nor does there appear to be large-scale settlement of refugees from Pakistan in this area.

71. The topography is similar to the land in Himachal Pradesh, especially in the northern region. The problem of soil erosion and harnessing of choes in this tehsil is similar to one obtaining in the Kangra district.

72. The dress, diet, customs, manners, habits, traditions, festivals and rituals disclose a close similarity between the people of Una and the people of Kangra District and this similarity of customs was recognised in a judgement of the Punjab High Court (6, Punjab Law Reporter No. 17, 1916). Marriage and other ceremonies are also similar to the ceremonies in the Hilly regions of Himachal Pradesh. The staple food of the people in the hill areas is mainly maize and rice and not wheat as in the plains. The flora and fauna of the hills also appear to be similar to those of Hamirpur and Dera Gopipur Tehsils of District Kangra.

73. The language figures as disclosed by the 1961 census are corroborated by the statistics of student population in the High Schools taking their Matriculation and Higher Secondary Examinations in the medium of Hindi. It appears that more than 90 p.c. of the students of the Una Tehsil opt every year to answer the question papers—through the medium of Hindi, for instance, in the Amb Block out of 6 schools in the years, 1961, 1962, 1963, 1964, and 1965 not one student opted to answer the question papers in Punjabi, in Gagret Block 4 out of 339 in 1961, none out of 302 in 1962, none out of 512 in 1963, 2 out of 472 in 1964, and none out of 476 in 1965 opted to answer the question papers in Punjabi. Even in the Nurpurbedi Block where there is a fairly large percentage of students who answered the question papers in the Punjabi medium, the overall percentage is not larger than the percentage of students answering the question papers in Hindi. In Una Block in the year 1961 to 1965, the percentage of students answering the question papers in Punjabi was never more than 10 per cent and in the Anandpur Block also the position was the same. This, it may be noticed, was the State of affairs, even though Una Tehsil was included in the Punjabi Region under the Sachar Formula, and the Regional Formula of 1956.

74. There are five towns in this area; Anandpur (1,500), Una (1,500), Amb (1,000), Gagret (1,2000) and Daulatpur (3,000). The rest of the people live in villages with population of less than 1,000. The population is therefore predominantly rural. The area has direct communication with Kangra and has cultural ties with the hill areas.

The sub-montane regions in the two hills roughly vary between 1,500 to 3,000 feet in height.

75. South of the town of Una through a breach in the hill range of Sola Singhi flows the Sutlej River. A big Dam, one of the highest in the world has been erected at a place called Bhakra and the waters of Sutlej are diverted to Nangal and from that point to the territory of the two regions-Punjabi and Hindi. There are to the south of the Bhakra Project the Nangal Hydro-Electric Project with a factory for manufacture of heavy water and fertilizers, and Ganguwal and Kotla Power Houses.

76. Between Rupar and Nangal is situated the famous shrine at Anandpur Sahib which is visited by a large number of pilgrims. This shrine is held in great reverence by the Sikh Community.

77. Taking into consideration the physical characteristics, life of the people, their habits, customs, manners, festivals, the flora and fauna of the region and inter-dependence of the people with the people of adjacent districts of Bilaspur and Kangra, there is no doubt that the Tehsil Una has linguistic and cultural affinities with Himachal Pradesh. But we are of the view that this tehsil should be divided between the Punjabi speaking State and Himachal Pradesh, for in our view the Bhakra Dam and its canals, the Nangal Hydel Canals and the power and other industrial complex should remain in the Punjabi speaking State. We are also of the view that the town of Anandpur Sahib with its shrine should also remain in the Punjabi speaking State. It would not be possible to draw a practical Boundary giving effect to our conclusions otherwise than by retaining the whole of the Anandpur and Nurpurbedi Blocks in the Punjab. We therefore recommend that Anandpur and Nurpurbedi Blocks together with the villages of Kherabagh (No. 233), Samipur (No. 232) Bhabour (No. 234), Kalseh (No. 235) out of the Development Block of Una be merged with the Punjabi speaking state. We further recommended that the village Kosri which was transferred from District Kangra should besides the villages named form part of the Punjabi State.

78. We recommend that the Amb and Gagret Blocks and the Una Block (but not including the villages which fall within the Punjabi-Speaking State) should be merged with Himachal Pradesh."

III. The recommendations of the Punjab Boundary Commission regarding the merger of Anandpur and Nurpur Bedi Blocks along with five villages of Una Block of the Una Tehsil in the Punjabi-speaking State are defective, unjustifiable and against its terms of reference for the following reasons:—

(a) Having come to the definite conclusion that the entire Una Tehsil is Hindi Speaking and Hilly area having cultural

and linguistic affinities with the people of Himachal Pradesh, its recommendations for bifurcating the tehsil is against its own findings and terms of reference.

- (b) One of the reasons advanced by the Commission for the inclusion of the Anandpur Block in the Punjabi speaking State is that there is a Sikh shrine at Anandpur, which is visited by a large number of pilgrims and is held in great reverence by the Sikh Community. This line of reasoning is clearly communal as well as beyond the scope of the terms of reference of the Commission and the assurance given by the Government of India time and again in Parliament. There are several Hindu shrines of note in the area of the Una Tehsil proposed to be merged in the Punjabi-speaking State hence to recommend the transfer of any area on religious grounds and its acceptance by the Government of India as such strikes at the very roots of the secular character of our great democracy.
- (c) Absolutely no reason whatsoever has been assigned for the inclusion of the Nurpur Bedi Block in the proposed Punjabi-speaking State. Therefore, this part of the recommendation is entirely whimsical and arbitrary and does great injury to the inhabitants of the Block who are predominantly Hindi Speaking.
- (d) The findings of the Commission in para 77 of their Report, that "It would not be possible to draw a practical boundary giving effect to our conclusion otherwise than by retaining the whole of the Anandpur and Nurpur Bedi Blocks in the Punjab" is misconceived and entirely against facts and geographical position. When the Sutlej River forms a natural boundary, dividing the Anandpur Police Station area and the Nurpur Bedi Block area, it is incomprehensible why Nurpur Bedi Block should be tagged with the Anandpur Police Station area, which latter is situated on the left bank of the river Sutlej whereas the former lies on its right bank. So the suggestion regarding the difficulty in drawing out a practical boundary is without any substance.
- (e) The recommendation of the Boundary Commission for including the areas of the Anandpur Block in the Punjabi State because of the Bhakra Nangal Project being located therein is without any substance on the very face of its subsequent recommendation that this Project should be managed by the Central Government through a Joint Control Board of the concerned States (Para 134 of the

Report). Acting upon these recommendations Section 79 of the Bill provides for the constitution of a Bhakra Management Board for managing the Bhakra Dam, Nangal Dam and Nangal Hydel Channel and the Ganguwal and Kotla Power Houses. No basis now remains for the retention of the Anandpur Block in the Punjab State and the same alongwith the Nurpur Bedi Block should therefore be transferred to Himachal Pradesh in their entirety alongwith the four villages of the Una Block and the Fertilizer and Heavy Water Factories of Naya Nangal Township.

- (f) The so called Bhakra-Nangal Industrial Complex regarding the location of which the Boundary Commission has laid such great emphasis merely consists of the Fertilizer and Heavy Water Factories in the Naya Nangal Township of the Una Block. To retain this complex within the Punjab State the Commission has recommended the bifurcation of Tehsil Una and not content with climbing down from the Tehsil to the Block level it has gone still further down to the village level and recommended the merger of four villages of Una Block with the Punjab State so as to put the area surrounding the Heavy Water and Fertilizer Factories within the boundaries of this State. No sound reasons have been advanced for making these recommendations. The Heavy Water and Fertilizer Factories at Naya Nangal are the concerns of the Union Government and have got nothing to do with the Punjab State. The notified area of Naya Nangal created by the Punjab Government Notification No. 2225-C1 (3cl)-61-9484 dated the 21st March, 1961 should also therefore be transferred to the Himachal Pradesh and merged in it.
- (g) In recommending the bifurcation of the Una Tehsil the Bill has altogether ignored the facility of communications in as much as the direct road link between Gagret, Amb, and Una areas of the Una Tehsil with the Himachal Pradesh headquarters at Simla via Nangal, Anandpur and Kartarpur will henceforth lie in the Punjabi State for a distance of nearly thirty miles starting from the Nangal Fertilizer Factory and ending at the borders of the Bilaspur District in Himachal Pradesh. This will not only affect the Himachal Transport System, but also cause unnecessary hardship to the passengers moving to and from one part of Himachal to the other, especially in matters like carriage of foodgrains and arms and ammunition etc.

IV. The Bill has unjustifiably provided for the breaking up of the Una Tehsil into two parts keeping one part with the Punjab State and transferring the other to Himachal Pradesh. As explained in the preceding paragraphs there are no sound or cogent reasons to warrant such a bifurcation. Moreover Section 5(e) as well as the consequential details given in Part I of the Third Schedule of the Punjab Reorganisation Bill have been left vague and undefined thereby keeping a much larger number of villages of the Una Block in the Punjab State than the mere *four* recommended by the Punjab Boundary Commission's Report. Thus the Hindi speaking people who form the majority in the Tehsil as well as in the two Blocks of Anandpur and Nurpur Bedi plus the villages of Kherabagh, Samipur, Bhabhaur and Kalsehra of the Una Block have been deprived of the Constitutional protection provided to them by Article 29 of the Indian Constitution in the matter of language, script and culture and also deprived them of the various benefits to Services accruing to them under the Eligibility Act and the Public Employment (Requirement as to Residence) Act 1957,

and accordingly your petitioners pray that the entire Tehsil of Una, which is hilly, Hindi speaking and has cultural affinity and geographical contiguity with Himachal Pradesh be merged in it and the Punjab Reorganisation Bill, 1966 (No. 68 of 1966) might be amended accordingly before it is passed by the House,

and your petitioners as in duty bound will ever pray.

<i>S.No.</i>	<i>Name of first Signatory</i>	<i>Full Address</i>	<i>Signature with date</i>
1	Shri Gangu Ram	S/o Mussadi, resident of V. Laker P. O. Samhah Block Anandpur Sahib.	Sd/- Gangu Ram

Countersignature of member.

Hem Raj, M.P.  
2-9-66. Division No. 69

## APPENDIX X

### PETITION No. 34

[Presented by Shri Pratap Singh, M.P. on 3rd Sept. 1966]

(See Para. 48 of the Report)

To

LOK SABHA,  
NEW DELHI.

The humble petition of Chaudhari Shanti Sarup and other inhabitants of the 'Kandi' area (Hilly areas of Dasuya, Hoshiarpur and Garshankar tehsils of District Hoshiarpur) comprising of Community Development Blocks of Talwara, Dasuya, Bhunga, Hoshiarpur I, Hoshiarpur II, Mahilpur Saroya and Balachaur.

SHEWETH

Bilingual Punjab State

Since the dawn of Independence the languages problem in Punjab came to the fore front. While a solution of this vexed problem was being sought the late Pandit Jawahar Lal Nehru reacted strongly to the move and conveyed his considered view to the Punjab Government in 1949 which run as under:—

"Even if you make some kind of linguistic division of the province, facilities for carrying on primary education in the script and language of the parents choice must be available in either area"

Consequently Sachar Formula, which came into force on 1-10-1949, recognised Hindi or Punjabi to be the two spoken languages of the Punjab and allowed ample freedom to the parents to have their children educated through the medium of either Hindi or Punjabi in both the Zones.

The Formula *inter-alia* provided that Hindi in Dev Nagri script in Hindi Region and Punjabi in Gurmukhi script in Punjabi Region shall be the medium of instruction in all the schools upto the Matric stage and Hindi/Punjabi shall be taught compulsory language from the first class of the primary Department and upto the Matriculation stage in case of girls schools in the Middle classes only in the respective régions.

Where however the parents or guardians of the pupil wish him to get instructions in the language other than the language of the region, on the ground that the language of the region is not the mother tongue, in such cases, without questioning the declaration of parents or a guardian arrangements will be made for instruction in the language other than the regional language during the primary stage provided there are not less than 40 pupils in the whole school or 10 such pupils in each class wishing to be instructed in the language other than the regional language. Under these arrangements Hindi/Punjabi will be the medium of instruction for the pupil in the primary stage but the regional language shall be taught as a compulsory language from the fourth class and to girls in girls schools from sixth class.

2. In the year 1957, when the Regional Committee were constituted in Punjab the Sachar Language Formula was adopted as a permanent solution of the Punjab Language problem. The demarcation of Hindi and Punjabi regions which was to be in consultation with the interests concerned was done arbitrarily and the Hilly/Hindi speaking areas of Hoshiarpur District, were included in the Punjabi Region under the safeguards provided in Sachar Language Formula, the students of the Hindi Speaking Kandi area of Hoshiarpur District, continue to have their instruction through the medium of their mother tongue Hindi.

#### *Revival of demand for a Punjabi Suba*

3. Controversy over the re-organisation of the Punjab State was, it was thought, laid at rest in 1956 when the Government of India evolved the Regional Scheme. But the Government of India in consideration of the demand of Akalis re-opened the whole issue and on 23-9-1965, constituted a Parliamentary Committee under the Chairmanship of Shri Hukam Singh, Hon'ble Speaker of the Lok Sabha to go into the question of re-organisation of the existing State of Punjab on linguistic basis. The Parliamentary Committee presented their report to the Parliament on March 18, 1966. The Committee were of the view that it would be in the larger interests of the people of these areas and the country as a whole that the present State of Punjab be re-organised on linguistic basis.

#### *Constitution of Boundary Commission*

4. On March 21, 1966, the Minister of Home Affairs made a statement in the Lok Sabha that "the Government had given careful thought to the recommendations made by the Parliamentary

Committee and had decided to accept in principle, that the present State of Punjab be reorganised on linguistic basis". To determine the boundaries of the new States, the Government of India appointed a Commission on April 20, 1966 consisting of Hon'ble Justice J. C. Shah of the Supreme Court as the Chairman and Shri S. Dutt and Shri M. M. Philip as the members, with the following terms of reference:—

- (i) The Commission shall examine the existing boundary of the Hindi and Punjabi Regions of the present State of Punjab; and to recommend what adjustments, if any, are necessary in that boundary to secure the linguistic homogeneity of the proposed Punjab and Haryana States;
- (ii) The Commission shall also indicate the boundaries of hilly areas of the present State of Punjab which are contiguous to Himachal Pradesh and have cultural affinity with that territory;
- (iii) The Commission shall apply the linguistic principles with due regard to Census figures of 1961 and other relevant considerations.
- (iv) The Commission may also take into account such other factors as administrative convenience and economic well-being, geographical contiguity and facilities of communication and will ordinarily ensure that the adjustments that they may recommend do not involve breaking of existing tehsils.

In response to the Press Note issued by the Boundary Commission on 28-4-1966, different Associations, bodies and members of the public of 'Kandi' area, submitted a number of Memoranda and representations for the merger of this area with Himachal Pradesh.

#### *Findings of the Boundary Commission.*

5. The recommendations by the Commission with regard to this area as under:—

"113. It was also claimed that the three tehsils of Hoshiarpur District-Garshankar, Hoshiarpur and Dasuya should also be joined with Himachal Pradesh. But the Punjabi-speaking population in each of these tehsils exceeds the Hindi-speaking population. The ground on which this claim was made is that a large number of residents of these tehsils are Dogras and by merging these tehsils with Himachal Pradesh a single region occupied by

Dogras would be brought into existence. But Dogras are spread over the State of Jammu and Kashmir, Himachal Pradesh and the Punjab. It cannot be said that by merging the three tehsils of Hoshiarpur the linguistic principle would be advanced. The claim cannot be accepted."

*Claim of Kandi Area for Merger with Himachal Pradesh.*

6. The claim has not been fully discussed as in case of other areas like Pathankot, Una, Najafgarh tehsils etc. It is submitted that many vital factors which stand for unquestionable merger of this area with Himachal Pradesh have not been taken into account by the Commission.

The Hilly areas of the three tehsils (Dasuya, Hoshiarpur and Garshankar of District Hoshiarpur) comprising of Development Blocks of Hajipur, Dasuya, Bhunga, Hoshiarpur I, Hoshiarpur II, Mahilpur, Saroya and Balachaur, lie along the western side of the Shivalik range. On the Northern side it is contiguous to tehsil Dhera Gopipur of District Kangra running southward along the boundary of Una Tehsil upto Rupar. On the western side the road from Rupar to Pathankot via Balachaur-Mahilpur-Hoshiarpur Hariana-Dasuya-Mukerian is the bi-secting line between the hilly areas and the plains of District Hoshiarpur.

In para 69 of the Report the Commission while discussing the case of Una tehsil has mentioned that the Kandi area is situated between the 'Sola Sanghi' and 'Shivalik' ranges. This is quite contrary to the fact and it appears that the Commission has altogether mis-understood the basic claim pertaining to the Kandi area and perhaps taken the Kandi area as a part of Una tehsil.

The other factors which stand for the merger of the 'Kandi' area with Himachal Pradesh and which were brought to the notice of the Commission in various Memoranda and representations etc. furnished by various Associations, bodies and publicmen but ignored altogether by the Commission are:—

*Geographical Contiguity.*

7. On the northern side Hilly Development Blocks of Dasuya and Hajipur are contiguous to Dehra Gopipur tehsil of District Kangra and remaining parts are contiguous to Una Tehsil. On the western side the road running from Rupar to Pathankot is the natural bi-secting line of the 'Kandi' area and the plains of District Hoshiarpur.

Thus the entire 'Kandi' area is contiguous to District Kangra and Una tehsil which are proposed to be merged with Himachal Pradesh.

8. The Punjab Government vide their communication No. PPA-60/5221/63, dated 6th October, 1961, have declared the entire 'Kandi' area, comprising the eight Blocks referred to above, as hilly areas. The height of various places lying in this area are given below:—

Sl. No.	Name of Place	Tehsil	Height Above Sea Level in Feet
1	Jaijon	Garsankar	1231
2	Bankhandi	Una/Hoshiarpur	1900—2133
3	Mehngarwal-Nari	Hoshiarpur	1697
4	Patial	Hoshiarpur	1840
5	Dehrian	Hoshiarpur	1882
6	Chamuhi	Dasuya	2113
7	Kamahi Devi	Dasuya	2182
8	Bah Khushsala	Dasuya	2382
9	Badla	Dasuya	1893
10	Datapur	Dasuya	1250

This further establishes that these areas are hilly areas.

The topography is similar to the land of Himachal Pradesh. The problems of soil erosion and harnessing of Choes in this area is quite similar to the one obtaining in Kangra.

In the various Settlement Reports of Hoshiarpur District as well as those of Kangra District, it has been clearly mentioned that the characteristics of this hilly area are quite distinct and have nothing in common with the plains.

#### *Cultural Affinity*

9. (a) *Historical Background*.—It would be worthwhile to trace the history of old administrative set-up of this area. In the History of Punjab Hill States, it has been mentioned that the hilly areas of Punjab have the oldest civilization unknown to the historians.

The history of Datapur Hill State is connected with this hilly area of Hoshiarpur District. It clearly indicates ancient culture and socialities with the remaining hilly areas of Punjab and Himachal Pradesh.

(b) *Customs and Traditions*.—So far as cultural aspect is concerned, the people in their dress and diet, songs and folk proverbs, temperament, habits and traditions, festivals and rituals, bear a close similarity with the people of Kangra and Himachal Pradesh. The hilly people are akin to each other in all respects which distinguishes them very much from the people living in plains. Marriages

and other religious ceremonies are celebrated through the medium of Sanskrit and Hindi Languages. The culture is cohesive and it is completely impossible to draw a line of demarcation between these hilly areas *vis-a-vis* Kangra and Himachal Pradesh. They belong to the same racial stock as is borne out by the fact that there is mutual resemblance with one another in physical structure and size and even in colour and complexion.

(c) *Recruitment to armed forces.*—For purposes of recruitment to the Armed Forces, the Government of India in the Defence Department have prescribed physical standards for the Dogras hailing from hilly areas of Hoshiarpur and Kangra Districts which are quite different from those prescribed for Sikhs, Jats etc. The laying down of common physical standards for the Dogras is by itself a recognition that they come from the same racial stock, have similar way of life, traditions, customs and cultural affinity with the people of Kangra District and Himachal Pradesh.

(d) *Diet and Food Habits.*—The staple food of the people of this hilly area is mainly maize and rice as against wheat in plains. The varieties of dishes are different from those in the plains.

(e) *The Fauna & Flora.*—The Fauna and Flora are the same as those of Kangra and Himachal Pradesh (Cheel, Khair, Beohal, Soonana, Mehndar, Garna, Kangoo, Kinoo, the trees/shrubs and Kokar, Ban Kukar, Bagh, animals). This shows beyond doubts that the culture of Kandi area is akin to that of Kangra and Himachal Pradesh. The division of this compact hilly area will cut at the very roots of the cultural affinity and territorial integrity of this homogeneous Hilly Zone.

#### *Language*

10. According to the terms of reference, the linguistic principle had to be applied by the Commission for determining the language of particular area with due regard to Census figures of 1961 and other relevant considerations.

In the 1961 census the statistics for language were compiled upto tehsil level by the Government and as such the language statistics below tehsil level are not available. Consequently to determine the language of the areas below tehsil level other relevant factors shall have to be taken into account.

A brief history of the language problem of the Punjab since Independence is given in para 1 of the petition. The solution of this problem was found when the Language Formula known as Sachar Formula was first adopted in 1949 and subsequently at the time of

Constitution of Hindi and Punjabi Regional Committee in 1957. Under the safeguards provided in the Sachar Language Formula the students of the Kandi area of Hoshiarpur District continued to have their instruction through the medium of their mother tongue, Hindi.

In the absence of the language statistics below tehsil level in the 1961 Census the other test which can be applied for determining the language of an area, are the statistics of the students population of the area who took up Hindi/Punjabi as the medium of instruction. The Commission while determining the languages of Una tehsil have placed reliance on the statistics of students population in the High Schools taking their Matriculation/Higher Secondary Examinations through the medium of Hindi/Punjabi, According to the statistics appended below of students population in the High Schools taking their Matriculation/Higher Secondary Examination through medium of Hindi/Punjabi during the year 1961 to 1965 in respect of the Schools serving the hilly areas known as 'Kandi' area of the three tehsils (Dasuya, Hoshiarpur and Garhshankar) it is evident that more than 75 per cent of the students have adopted Hindi as their medium of instruction:—

#### BLOCKS

Hajipur	Dasuya	Saroya	Balachur	Mahilpur	Hoshi- arpur.	Bhunga	Total	Percent- age
<b>1961</b>								
T 180	244	149	212	76	492	42	1895	
H 165	157	125	119	55	411	42	1074	77%
P 15	87	24	93	21	81	..	321	23%
<b>1962</b>								
T 190	214	141	204	70	449	86	1354	
H 180	114	124	115	46	363	86	1028	76%
P 10	100	17	89	24	86	..	326	24%
<b>1963</b>								
T 351	686	156	259	178	963	94	2687	
H 325	421	138	149	117	825	90	2065	77%
P 26	265	18	110	61	138	4	622	23%
<b>1964</b>								
T 412	703	111	287	175	892	81	1659	
H 386	419	99	167	112	763	80	2026	76%
P 26	284	12	120	61	129	1	633	24%
<b>1965</b>								
T 418	734	125	291	94	989	76	2727	
H 374	532	110	150	75	829	76	2146	79%
P 44	202	15	141	19	160	..	581	21%

NOTE:—(1) T Stands for Total, H for Hindi and P for Punjabi.

(2) The statistics of the schools catering to the areas lying on the western side of Rupar-Pathankot Road have not been taken into account while compiling the above figures.

This establishes, beyond doubt that the 'Kandi' area is predominantly Hindi-speaking. The residents of this area come from the same racial stock, have a common history, similar traditions, common way of life, and have cultural affinity with the people of District Kangra and Himachal Pradesh. The similarity in all spheres of life is by itself a positive proof that their language is the same as that of their kinsmen of Kangra District and Himachal Pradesh. It is but natural that if the residents of the eastern side of 'Shivalik' range speak Hindi the residents of Kandi area which is flanked over the western side of the Shivalik range have the language i.e. Hindi.

The 'Kandi' area which is all hilly is sparsely populated. On the other hand the plain areas of these tehsils which fall on the west side of the Rupar-Pathankot road, are thickly populated and create an imbalance in favour of Punjabi so far as overall percentage of population of these tehsils is concerned.

The fact as such remain that the hilly areas of the three tehsils are not only predominantly Hindi-speaking but also constitute a homogenous Hindi-speaking tract.

#### Other Consideration

11. The Commission in para 27 of the Report while discussing the terms of reference, have observed:—

"Other relevant circumstances in the context in which it occurs and specially having regard to the authority conferred upon the Commission to take into consideration other factors such as Administrative convenience, economic well-being geographical contiguity and facility of communication must have a wide import."

The special feature pertaining to the Kandi area under the above factors, are discussed below:—

#### Administrative Convenience

12. For Administrative convenience the compactness of the area, level of development and the least interference with the existing Administrative machinery should weigh more while deciding the merger of these hilly areas. The entire hilly area of District Hoshiarpur to the east of Rupar-Pathankot road forms a compact track. Nowhere will it be broken by the territory of any of the other two new States and thus the Himachal Pradesh after the integration of these hilly areas, will form a compact unit.

The Kandi area is at the same level of development as other hill areas of Punjab proposed to be merged with Himachal Pradesh.

and requires Hill oriented pattern for its development, which is quite distinct from the general pattern of development of Punjab, which is plain oriented.

The plain areas of the three tehsils of Garhshankar, Hoshiarpur and Dasu, a lying on the western side of the abovementioned can without any Administrative inconvenience be transferred to Nawanshehr and Jullundur tehsils of Jullundur District. The compactness of the hilly areas which lie on the western side of the road, will continue as such without any Administrative change.

#### *Economic Well-being*

13. The hilly area of Hoshiarpur District known as 'Kandi' area did not get their due share in the development schemes with the result that it remained most backward. On the other hand substantial progress is visible in the proposed Punjabi and Haryana States. This progress is mostly attributed to political domination afforded to these regions during the last two decades.

There is no Medical College, Engineering College, Veterinary College or any industry worth the name set up in this area. These hilly areas have been neglected to in the case of Irrigation Electricity, small scale units, allocation for scarce commodities and no effort has been made to the economic well-being of the area. This hilly area has distinct entity and differs from the plains in almost every respect. The Agriculture of this area continues to be in a backward state and still a gamble in the monsoon. Here land erosion is entirely due to the incidence of falling rains on naked soil denuded of all vegetal cover and the constantly changing course of hill terrain choes. The Kandi area tract is dry and unproductive *vide page 2 of Gazetteer of Hoshiarpur District 1883-84 relevant portion reproduced below:—*

"The tract lying along the western slopes of the Shivalik is known as Kandi, and is dry and rather unproductive."

It could thus be observed that the problems of this hilly tract are entirely different from those of the other parts of the Punjab. In fact the two parts are as different as charcoal is from the cheese. On the other hand this hilly tract forms a National Geographical and economic unity with the neighbouring Kangra District and Himachal Pradesh.

The resin and other forests-based industry of Hoshiarpur has to supplement its raw material from the teeming forests of Kangra

District and if this area is put under one Administration the Industry can certainly forge ahead and make an impact on the employment market. Consequently this hilly part offers un-parallelled economic advantages for the location of industry based on the forests produce whether of Kangra or the Shivalik.

#### *Facility of Communication*

14. The areas of Himachal Pradesh, Kangra District and this hilly tract of Hoshiarpur, are inter-connected with one another more by means of roads which is the main means of communication so far as Kangra District, Himachal Pradesh and these hilly areas are concerned. The routes from Hoshiarpur to Pathankot Una, Dehra-gopipur, Kangra, Dharamsala, Hamirpur, Jawalamukhi and Kulu are the main routes which connect the whole of Mandi, Kangra, and Kulu Districts. To separate this part from Himachal Pradesh is to disrupt the communication facilities of Himachal Pradesh.

#### *Backbone of the Armed Forces*

15. As submitted in the preceding para the land of this area is dry and unproductive and the Agriculture entirely depends upon the Monsoon rains. There also being no Industry in the area, the residents entirely depend for the source of income for employment outside. This is a well known area producing soldiers for the Armed Forces. The soldiers of this Area have shown their unstinted loyalty to their Motherland. They fervently expect that their Government would not separate them from their brethren of the hilly areas being merged with Himachal Pradesh. They expect that this hilly area which have equal if not greater geographical contiguity and linguistic affinity with Himachal Pradesh, will not be discriminated against as compared to other hilly areas proposed to be merged with Himachal Pradesh.

From the above it is evident that:—

- (i) that the Kandi area of Hoshiarpur District is hilly and has geographical contiguity with Himachal Pradesh;
- (ii) that the Kandi area has similar land topography, having the same flora and fauna;
- (iii) that the Kandi area has cultural affinity with Kangra and Himachal Pradesh;
- (iv) that the Kandi area is Hindi-speaking area as borne out from language statistics of the students population offering Hindi as their first language and medium of instruction; and
- (v) that from point of view of Administrative convenience, economic well-being and communication facilities, this area stands justified for merger with Himachal Pradesh.

To separate this region which has nothing in common with plains, from Himachal Pradesh, is to separate the body from the soul, and accordingly your petitioners pray that in view of the above submissions, the entire Kandi area *viz.* the areas of development Blocks of Hajipur, Dasuya, Bhunga, Hoshiarpur I, Hoshiarpur II, Mahilpur, Saroya and Balachaur of District Hoshiarpur lying on the eastern side of Rupar-Pathankot road, which is hilly, Hindi-speaking and has cultural affinity and geographical contiguity with Himachal Pradesh, may kindly be merged with Himachal Pradesh; and the Bill regarding Re-organisation of the existing Punjab State may be amended accordingly before it is passed by Lok Sabha,

and your petitioners as in duty bound will ever pray.

<i>Name of First Signatory</i>	<i>Address</i>	<i>Signature or Thumb Impression</i>
Chaudhry Shanti Sarup, President: Panchayat Samiti, Talwara, Hoshiarpur.	Village and P. O. Karai, Teh. Dasuya, Sd/-Shanti Sarup Hoshiarpur.	
	Countersigned by Pratap Singh, M. P. 2-9-66. Div. No. 218.	

## APPENDIX XI

### PETITION No. 36

[Presented by Shri Madhu Limaye, M.P., on the 7th September, 1966].

(See Para 54 of the Report)

To,

LOK SABHA,  
NEW DELHI.

The humble petition of Shri Bhavanji Ramji Gala and others who are shop-keepers of Bombay.

SHEWETH

Your petitioners are owners of small shops selling provisions stores including kerosene oil.

2. The retail price of kerosene oil has been fixed by the Government of India at 47 paise per litre. Petitioners purchase kerosene oil at the rate of 45.5 paise per litre from authorised agents of the oil companies and its selling price being 47 paise per litre, your petitioners earn commission at the rate of 1.5 paise per litre. Your petitioners humbly submit that as kerosene oil is sold in small quantities such as one bottle or a litre at a time to each customer, considerable amount of oil is lost by evaporation or otherwise and this loss has to be borne by your petitioners themselves. In the circumstances the rate of commission of 1.5 paise per litre, which includes loss on account of evaporation and otherwise, becomes inadequate and your petitioners are required to sell kerosene oil at their own costs.

3. Your petitioners submit that the Government of Maharashtra had issued an order on 30th June, 1966 called "The Maharashtra Kerosene Dealers Licencing Order" whereby your petitioners and others who sell kerosene to customers are required to maintain stock and sale registers, to give receipts of sale of 5 litres or above to obtain licence to sell kerosene which is issued after payment of Rs. 50/- as deposit. Your petitioners submit that the inadequate margin of commission of 1.5 paise per litre has been further reduced by the imposition of the said order which requires employment of at least one employee to keep accounts and issue receipts.

4. Your petitioners submit that in view of the above fact the sale of kerosene oil in the aforesaid circumstances has become economically inadvisable and, therefore, most of your petitioners had to stop sale of kerosene oil.

5. Your petitioners submit that the Government of India appointed an "Oil Price Inquiry Committee" in 1960. According to the findings of the Committee, these Oil Distributing Companies, i.e., Burmah Shell, Stanvac and Caltex earned Rs. 45.62 crores profits before taxation during the years 1956 and 1959 on a capital of Rs. 76.91 crores. It is also seen from the published reports of refineries run by these companies, that during the years 1956 and 1961, after investing Rs. 36 crores as capital, these refineries have earned Rs. 42 crores by way of dividends and reserves and after paying taxes. It is also reported that all oil distributing companies and refineries are earning huge profits thereafter by selling kerosene and other petroleum products. Your petitioners therefore, humbly approach the Lok Sabha with a request that the commission payable to shop-keepers may be increased from 1.5 paise per litre to 5 paise per litre without increasing the consumer price of 47 paise per litre.

6. Your petitioners humbly submit that the "Oil Price Inquiry Committee" appointed by the Government of India with Mr. K. R. Damle as its chairman in its report has stated that the refineries obtain their Crude Oil for preparation of kerosene, gasoline and other products from suppliers who are not producers. The Companies did not disclose either the names of producers or the actual price of the Crude Oil. The Committee had therefore to adopt universal monopoly market prices of Crude oil (Platt's Oilgram specifications) as the basis for their recommendations to the Government. The Committee had recommended that the price of one Kilo litre (1,000 litres) of kerosene oil at Bombay should be Rs. 237.61 ex-Company's storage point.

Rs.

100.67	F. O. B. Bombay.
9.75	Freight-Insurance.
94.01	Duties.
204.43	Landed Cost. "
5.89	Installation.
8.75	Administration.
9.77	Distribution.
8.77	Profit.
<b>237.61</b>	

Your petitioners submit that the retailers' price of 1,000 litres of kerosene oil was proposed by adding Rs. 7.70 by way of commission to agents, to the aforesaid price of Rs. 237.61 kilo litre. Thus the retailers' purchase price of kerosene oil was fixed at Rs. 245.31 per kilo litre. The Committee has not recommended commission charges to retailers. However, the retailers sold kerosene at Rs. 260.31 per kilo litre by charging Rs. 15/- as commission, i.e., at a price of 26 paise per litre.

7. The Committee further recommended that the basic ceiling selling prices evolved by them should remain in force till 31st March, 1965 subject to some adjustments being made to give effect to charges which may take place in future.

8. Your petitioners however say that, to-day the consumer's price of one kilo litre, i.e., 1,000 litres of kerosene oil has changed substantially and is Rs. 470. It consists of following items.

Rs.	
470	per 1000 litres.
30	Commission of agents (Rs. 15) and retailers (Rs. 15).
440	
—227	Excise and other Government duties.
213	The price of the companies.

9. Your petitioners submit that at the time of publication of the Report of the Oil Price Enquiry Committee in 1961 the net amount earned by the oil companies was Rs. 237.61 less Rs. 94.01, being the Government duty, i.e., Rs. 143.60 per 1000 litres of kerosene oil, whereas in 1966 the oil companies are earning Rs. 213 per 1000 litres of kerosene oil. Thus, there is an increase of Rs. 69.40 per 1000 litres of kerosene oil for oil companies. Your petitioners submit that the oil companies are responsible for the major element of Rs. 213 in the ultimate consumer's price Rs. 470 when formerly (that is at the time of the Damle Committee's report) it was Rs. 143.60. The net increase of Rs. 69.40 conceals their huge additional profits.

10. Your petitioners submit that in the last six years the consumer price of one litre of kerosene oil has been increased from 26 to 47 paise per litre, a net increase of 21 paise per litre which is being shared by the oil companies and the State. Your petitioners submit that they are approaching the LOK SABHA, with a request that the margin of Commission for your petitioners should be increased without increasing Consumer Price of 47 paise per litre as the petitioners least desire to earn a single more paisa at the cost of poor citizens of India. Your petitioners hereby give assurance

to sell kerosene at a price determined by the Government and will not charge anything more to the consumers;

and accordingly your petitioners, therefore, pray that the LOK SABHA may direct the Government of India to allow 5 paise as commission per litre of kerosene oil sold by your petitioners without increasing the present consumer price of 47 paise per litre;

and for this act of kindness your petitioners as in duty bound will ever pray.

<i>Name of first signatory</i>	<i>Full Address</i>	<i>Signature</i>
Shri Bhawanji Ramji Gala.	122-30, Parel Road, Chinsapokhali, Bombay	Sd/- Bhawanji Ramji Gala.
	Countersigned by	Madhu Limaye, M.P. Dy. No. 498.

## APPENDIX XII

### Petition No. 37

[Presented by Shri M. L. Dwivedi, M.P., on the 17th November, 1966].

(See Para 58 of the Report)

To

LOK SABHA  
NEW DELHI.

The humble petition of Shri Karam Chand, on behalf of the house owners within the jurisdiction of New Delhi Municipal Committee, submitted through the Federation of the Associations of Babar Road, Diplomatic Enclave, Golf Links and Jor Bagh, 213, Jor Bagh, New Delhi-3.

SHEWETH:

The Punjab Municipal (Delhi Amendment) Bill, 1966, is now pending before Lok Sabha. Your petitioner's views on the various clauses of the Bill are enumerated below:—

(1) *Clause 7 of the Bill:—*

Section 61(1) (a) (i) of the Punjab Municipal Act, 1911 is sought to be amended to increase the Property Tax from the existing maximum limit of 12½% to 20% of the annual value, so as to bring the rate on a par with the maximum rate at which the Municipal Corporation of Delhi can levy property tax. There is no justification for increasing the tax for the following reasons:

(a) The status of the New Delhi Municipal Committee is quite different from that of the Delhi Municipal Corporation. The Corporation, being an elected body always gives due consideration to and weighs the matter from all angles during the deliberations and then arrives at a decision in regard to the extent, within the Statutory maximum, to which the tax may be levied in a particular assessment year. In fact, during the last few years, attempts have been made by the Commissioner of Delhi Corporation to

raise the rate of property tax; but every time, because of the popular support, this attempt has been frustrated. On the other hand, the New Delhi Municipal Committee being an executive-run and a nominated body having no elected members on it, is obviously not so constituted as to give the matter a consideration in the same manner. The New Delhi Municipal Committee should not, therefore, be given such excessive powers to levy tax at its discretion at such a high rate.

- (b) The Corporation needs much more funds than the New Delhi Municipal Committee because the New Delhi Municipal Committee area is already far better developed. Areawise also, the New Delhi Municipal Committee even at the present rate of taxes, gets much more House Tax than the Delhi Municipal Corporation does from privately owned residential as well as commercial localities. The biggest building in the Corporation Area does not yield as much as the smallest house in the New Delhi Municipal Committee jurisdiction.
- (c) Late S. Mohan Singh, Senior Vice President, New Delhi Municipal Committee, had, with the blessings of the Late Shri Lal Bahadur Shastri, the then Prime Minister of India, finalised several paying schemes like Hotels, Swimming Pools, Cinemas, Hoping Centres and Office Blocks which are hoping Centres and Office Blocks which are expected to bring-in huge sums to the Committee. In his speech, delivered at the time of the inauguration of the Schemes, the Late S. Mohan Singh had said that the Committee is embarking on these Schemes *with a view to keep the Taxation low*. The Tax Payers are already heavily burdened on account of high prices of the basic necessities and it will be another strain on the population if they are made to pay higher taxes. The owner residents, especially those retired from service or business and widows will find it hard to live in their houses. At least, the owner-occupied houses deserve special consideration.

(2) *Clause 8 of the Bill:—*

Section 67 (1) of the Principal Act is sought to be amended to include the buildings constructed after the comple-

tion of assessment list. This seems to be an out-come of the several court judgements in which it has been ruled as illegal to levy House Tax on buildings completed after the assessment list is finalised by the Committee. The fact remains that the legislature has purposely and intentionally given concession to exclude such buildings in order to compensate the owners on account of the following:

- (a) A building left vacant for less than 2 months, is not entitled to any rebate in House Tax, and
- (b) even if the owner is unable to realise the rent from a tenant occupying the building he has to pay the House Tax to the Committee.

It will, therefore, be seen that it is not proper to withdraw the concessions wilfully provided for in the original Act. In case Government decides to withdraw these concessions, then provision may be made to give House Tax relief: (a) in respect of the period for which the building has remain unoccupied even if it is less than 2 months, and (b) where the rent has not been paid by the tenant.

It may be further added here that it has been held by the Punjab High Court that the assessment list cannot be amended with retrospective effect but inspite of this New Delhi Municipal Committee is doing so and harasses the assessees. It is, therefore, requested that a provision be made under Section 67(1) *ibid* as has been done in Section 126 of the Delhi Municipal Corporation Act, which runs as follows:—

“Provided that no person shall by reason of any such amendment become liable to pay any tax or increase of tax in respect of any period prior to the commencement of the year in which the amendment is made.”

(3) *Clause 10 of the Bill:—*

Section 85 of the Principal Act.—This is sought to be amended to make the assessee pay the Municipal Taxes even if the liability to pay the tax is disputed and an appeal is pending in a court of Law. This is an effort to deprive the appellate court of its inherent power to stay the recovery of disputed tax. The proposed amendment is highly objectional and inappropriate because the New Delhi Municipal Committee is already raising demands

and insisting on payments although the demands created by it are legally not sustainable. It will not be out of place to mention that during 1966 the Committee has amended assessment list of several past years and levied Taxes with retrospective effect. This action is absolutely unjustified and is in utter disregard to the decision of the High Court.

It may please be appreciated that if the appellate court is not empowered to stay the recovery of disputed Taxes, it will breed corruption and harassment of the highest order and the owners can be made to pay taxes which are legally not due from them.

**(4) Clause 11 of the Bill:—**

Section 97 of the Principal Act is sought to be amended to give the occupier of a building the right to get water connection besides the owner. With this provision, even a trespasser will be entitled to get a water connection. If such a right is to be given to the occupier, it may be made compulsory for the occupier to first establish that he is a lawful tenant and has paid the rent regularly and is not in arrears.

**(5) Clauses 14 and 15 of the Bill:—**

Sections 195 and 195A of the Principal Act.—These sections are sought to be amended for the reason that in respect of any buildings erected without proper sanction, the Committee is not empowered under the present Act, to demolish the building after 6 months of its erection. The Act has been in force for the last 55 years and there appears to be no reason to amend an Act which has stood the test of time. Also, no necessity has, so far, been felt in the whole of the Punjab for such an amendment. Six months is quite a sufficient period for the New Delhi Municipal Committee to take action against any defaulters. The existing restrictions in the grant of completion certificates for building in New Delhi are so rigid that there is absolutely no room for extension of the period of action on the part of the municipality. By this amendment the sword of demolition will always remain hanging over the head of the owners. The powers can also be mis-used, to great extent, even for minor deviations. A limitation must, therefore, be placed.

It would be significant to note that an order passed by the New Delhi Municipal Committee under Section 195 will be appealable to the District Judge, Delhi while an appeal in

the matter of taxation lies to the Deputy Commissioner under Section 84. There cannot be two separate authorities of appeal under the same Act. It is, therefore, requested that the District Judge should be the sole appellate Authority in respect of all types of cases arising under the Punjab Municipal Act,

and accordingly your petitioner prays that either:

(1) the Bill to which this petition relates be not proceeded with and may be dropped; or

(2) if this is not possible, the following provisions may graciously be inserted therein:

(a) *Clause 7 of the Bill [regarding Section 61 (1) (a) (i) of the Principal Act.]*

The maximum limit of house tax may remain as at present i.e., 12½%.

(b) *Clause 8 of the Bill [Section 67(1) of principal Act.]*

That no person shall, by reason of such amendment of list, become liable to pay any tax or increase of tax in respect of any period prior to the commencement of the year in which the amendment is made.

(c) *Clause 10 [regarding Section 85 of the principal Act.]*

The appellate court should have power to pass stay order in disputed tax.

(d) *Clause 11 [regarding Section 97 of the principal Act.]*

The occupier may get a water connection only if the rent has been paid upto date and the occupier is a legal tenant.

(e) *Clauses 14 and 15 of the Bill: [regarding Sections 195 and 195A of the Principal Act].*

(i) A time limit may be placed for demolishing an unauthorised residential building on a site purchased from a recognised agency.

(ii) The District Judge be the only authority to hear appeal in all cases of dispute under the Act,

and your petitioner as in duty bound will ever pray.

<i>Name of Petitioner</i>	<i>Full Address</i>	<i>Signature with Date</i>
Shri Karam Chand, Hon. Secretary Federation of the Associations of Babar Road, Diplomatic Enclave, Golf Links and Jor Bagh, New Delhi.	213, Jor Bagh, New Delhi-3.	Sd/- Karam Chand 29-10-1966.

Countersigned by

M. L. Dwivedi, M.P.

## APPENDIX XIII

(See Para 9 of the Report)

### MINISTRY OF TRANSPORT (TRANSPORT WING)

SUBJECT: Petition No. 22 from Shri C. Kesaviah Naidu, Chitoor Dt., Andhra Pradesh.

Reference Lok Sabha Secretariat U.O. No. F. 21|C|6, dated 23rd August, 1965.

2. Under the Constitution the executive authority in respect of Road Transport vests in the State Governments. The operation of motor vehicles is regulated in accordance with the provisions of the Motor Vehicles Act, 1939, and the rules framed by the State Governments thereunder. Although the Motor Vehicles Act is a Central Act, it is administered through the State Governments. This Ministry has no comments to offer on the observations made by the petitioner on the previous petition. The Ministry of Communications may be consulted in regard to the conversion of runners lines into mail motor lines.

3. The following comments are offered seriatim on the points raised by Shri Naidu in para 6 of his petition No. 22:—

- (a) P. & T. Department is run on a commercial basis. It is, therefore, not desirable to press the Transport operators to carry mail in their buses free of charge. Such a provision may be open to legal objection also. The question of timings for the conveyance of buses carrying mail can be settled mutually by the Transport operators and the P. & T. Department.
- (b) It has been suggested that we should provide for opening of new routes for conveyance of mails, especially with the suitable timings given by the P. & T. Department. It is possible to achieve this objective even under the existing law; in that P. & T. Department has to approach the respective State Transport Authority/Regional Transport Authority, and who, in turn, take action for providing vehicle on the route.
- (c) The question of fixing letter boxes to stage carriages and their clearance enroute or at the destination is one to be

negotiated by the P. & T. Department with the operators. So far as the nationalised transport services are concerned this matter was considered in a meeting convened by this Ministry on the 6th April, 1955 to consider the terms and conditions for the carriage of mail in vehicles of the State Transport Undertakings. It was agreed that letter boxes will be fixed on such buses as the P. & T. Department consider necessary, on the following conditions:—

- (1) Letter Boxes of the type designed by the Hyderabad State Road Transport Department (now Corporation) with minor alterations to suit the undertaking's special needs, if any, will be used;
- (2) Cost of making the letter boxes and fixing them to buses will be borne by the Posts and Telegraphs Department.
- (3) The State Transport Undertaking will charge a nominal rent of Rs. 12 per annum per letter box fixed to a bus (only one box will be fixed to a bus) and in turn the Posts and Telegraphs Department will provide them the following facilities.
  - (i) Open public call offices at bus stations on demand, provided responsibility for the safety of instruments etc. is taken by the State Transport Undertakings.
  - (ii) Allow use of telegraph and telephone posts for fixation of stage signs of the State Transport Undertaking subject to a nominal charge of Rs. 0.50 per annum.
  - (iii) To treat State Transport Undertakings on par with the State Governments in the matter of priority for installation of telephone connections.
- (d) The articles posted in the letter boxes will be cleared only at the terminal stations and the locks for the boxes will be provided by the Posts and Telegraphs Department.

The Ministry is, however, not aware how far the above decision has been implemented.

Sd/- R. K. SHARMA,  
Under Secretary to the Govt. of India.

Lok Sabha Secretariat (Committee Branch), New Delhi.

Ministry of Transport (Transport Wing) U.O. No. 39 TAG(6)/65,  
dated the September, 9-9-1965.

**APPENDIX XIII**  
(See Para 9 of the Report)  
P. & T. DIRECTORATE

**SUB: Petition No. 22 from Shri C. K. Naidu, Chittoor District, A. P. relating to amendment of Motor Vehicles Act 1939 and the rules made thereunder.**

Will the Lok Sabha Sectt. kindly refer to their, U.O. No. F-21/C/65, dated 27-12-1965 on the above subject. The following factual comments on the petition are offered by this Department Para by Para.

1. No remarks.
2. No remarks.

3 (1) The Regional Transport Authorities in the various States are compelling the private operators to carry mails, whenever they are moved to do so, if the carriers refuse to accept mails on one plea or an other. The private operators cannot refuse carriage of mails as it is a condition attached to the issue of permit. The Department has negotiated with almost all the State Governments the rates to be paid to the Stage carriage transport operated by both the State Transport Undertakings and the private operators. State Governments have issued instructions to the respective R.T.As. to fix mail subsidy on the basis of agreed rates, except in the case of Madras, Kerala and J. & K. States.

(2) Shri Naidu has stated that no runner line has been converted during the past 9 years which is not correct. In this connection, a statement showing the number of runner lines and their mileage/ kilometrage as have been converted into various media of expeditious conveyance of mails during the period 1956-57 to 1963-64 is enclosed for perusal. The Department is continuously taking steps to convert runners lines, where possible and advantageous.

(3) It would not be correct to say that there is no proper cooperation between the postal Department and the Regional Transport Authorities. However, points of difference which are bound to exist between any two organisations are resolved through efforts and negotiations at appropriate levels.

(4) The timings of buses are allotted by the Regional Transport Authorities. The instances referred to in the petition are not known

to this office. There may, however, be occasional difficulties but these are generally resolved as stated above.

(5) It would not be desirable to force or even encourage the transporters to carry mails free of charge compulsorily as it will be against the spirit of the Constitution to take forced labour without compensating adequately for the services rendered by the operators.

(6) The Department had laid down in May, 1951 that all buses carrying mails should invariably carry letter boxes which should be cleared at the office of destination by postal officials. A State Transport Bus carrying a letter box is paid @ Rs. 12/- per annum as rent. The cost of letter box and its installation are borne by the Department. Recently a review was undertaken to gauge the continued utility of this facility. It was found that most of the buses carry empty letter boxes and members of the public do not make any appreciable or noticeable use of these letter boxes. The consensus of opinion of the field officers is that this facility has now outlived its utility in view of the rapid pace of development of postal communications and opening of post offices in remote areas and that these letter boxes should be withdrawn for better use elsewhere. Fixing of letter boxes on State Transport Buses other than mail carrying buses may not be acceptable to the State Transport Authorities as clearance of mails from these letter boxes by post offices will delay the running of the buses which would be a source of great inconvenience to passengers. It is also very difficult for the Department to arrange clearance of these letter boxes on buses which would be arriving at various places at different times. The expenditure, it is feared, would be not all commensurate with whatever, little additional facility would be provided in such an arrangement. This would add to the cost of the service and would, therefore, be against the public interest.

In view of the facts stated above, this Department does not consider it appropriate to amend the Motor Vehicles Act, 1939 in respect of the points suggested in the petition.

Sd/. A. M. NARULA,

*Director (Mails)*

DA: As above.

Lok Sabha Sectt., New Delhi.

### ENCLOSURE TO APPENDIX XIII

Statement showing the number of runner's lines replaced by various speeder mode of conveyance together with Mileage/ Kilometrage converted.

As per A. R. for each year

Year	No of lines. replaced.	Mile /Kilometer converted.
1956-57 . . . . . . . .	367	2906 miles.
1957-58 . . . . . . . .	265	2146 miles
1958-59 . . . . . . . .	191	1663 miles.
1959-60 . . . . . . . .	205	3507 Kilometer
1960-61 . . . . . . . .	136	2959 kilometer
1961-62 . . . . . . . .	690	11,799 kilometer
1962-63 . . . . . . . .	1993	52,662 kilometer
1963-64 . . . . . . . .	885	14,165 kilometer.

## APPENDIX XIV

IMMEDIATE

(See Para 15 of the Report)

No. F. 25 (32) /65-Leg. II.

GOVERNMENT OF INDIA  
MINISTRY OF LAW  
(Legislative Department)

New Delhi, the 23rd December, 1965.

### OFFICE MEMORANDUM

**SUBJECT:**—Petition No. 24 from Shri Purushottam Namjoshi and others relating to the Advocates Act, 1961—Presented by Shri Homi F. Daji in the Lok Sabha.

The undersigned is directed to refer to the Lok Sabha Secretariat U.O. No. F. 21/C/65, dated the 21st December, 1965, on the above subject, and to enclose herewith a copy of Notification No. S.O. 3917, dated 15th December, 1965, published in the Gazette of India, Extraordinary, Part II, section 3(ii), of the 15th December, 1965. It will appear therefrom that every person who has obtained a degree in Law from any University in India on the results of an examination held before the 31st day of December, 1965 has been exempted from training and examination as required under clause (d) of Sub-section (1) of Section 24 of the Advocates Act, 1961 (25 of 1961).

A. G. NAMBIAR,  
Assistant Draftsman.

To

The Lok Sabha Secretariat,  
(Shri M. C. Chawla, Deputy Secretary),  
New Delhi.

ENCLOSURE TO APPENDIX XIV

REGISTERED No. D. 221

[See Para 15(c) of the Report]

THE GAZETTE OF INDIA EXTRAORDINARY

PART II—SECTION 3—Sub-section (ii)

PUBLISHED BY AUTHORITY

NO. 323] NEW DELHI, WEDNESDAY, DECEMBER 15, 1965/  
AGRAHAYANA 24, 1887

Separate paging is given to this Part in order that it may be filed  
as a separate compilation.

MINISTRY OF LAW

(LEGISLATIVE DEPARTMENT)

NOTIFICATION

*New Delhi, the 15th December, 1965.*

S.O. 3917.—Whereas on account of diverse circumstances caused by the emergency, particularly in the border States difficulties have been experienced by persons who obtained their degree in law from any University in India on an examination held during the year 1965, as well as by barristers who were called to the Bar during that year, in undergoing training and passing an examination as required under clause (d) of sub-section (1) of section 24 of the Advocates Act, 1961 (25 of 1961);

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (2) of section 49A of the said Act, the Central Government hereby makes the following rules, namely:—

1. These rules may be called the Admission as Advocates (Exemption from Training and Examination) Rules, 1965.
2. Every person who has obtained a degree in law from any University in India on the results of an examination held before the 31st day of December, 1965, and every barrister who was called to the Bar before such date, shall be exempt from undergoing a course of training and passing an examination as required under clause (d) of sub-section (1) of section 24 of the Advocates Act, 1961 (25 of 1961).

[No. F. 16(11)/65-Leg. II].

V. N. BHATIA, Jt. Secy.

## APPENDIX XV

[See Para 15 of the Report]

No. F. 25 (32) /65-Leg. II.

GOVERNMENT OF INDIA

MINISTRY OF LAW

(Legislative Department)

New Delhi, April 4, 1966.

### OFFICE MEMORANDUM

**SUBJECT:**—Petition No. 24 from Shri Purushottam Namjoshi and others relating to the Advocates Act, 1961—Presented by Shri Homi F. Daji in the Lok Sabha.

In continuation of this Ministry's Office Memorandum of even number, dated the 23rd December, 1965, the undersigned is directed to furnish the following factual comments of this Ministry on the points 1 to 14 raised in the petition mentioned above.

2. **Point No. (1).**—Before a person is enrolled as an advocate, he has to undergo training and apprenticeship as required by section 24(1) (d) of the Advocates Act, 1961 and as per rules framed by different State Bar Councils.

3. The provisions contained in section 24(1) (d) of the Act relating to training and examination is based on the recommendations contained in the Report of the All India Bar Committee and the fourteenth report of the Law Commission. The All India Bar Committee has made the following observations at page 23 of its report:

“60. After considering all the aspects of the question, the Committee has come to the conclusion that the uniform minimum qualification for admission to the roll of advocates should be a law degree obtained after at least a two years' study of law in the University after having first graduated in Arts, Science or Commerce and a further apprentice course of study for one year in practical subjects, e.g., Law of Procedure including Rules of the High Court and of the Supreme Court, Court-fees Act, Stamp Act, Registration Act, Insolvency and Limitation Acts and the like after attending a certain percentage of lectures arranged for imparting instruction during this apprentice course.

**The State Bar Councils should hold an examination in these subjects. If any State Bar Council is not in a position immediately to arrange for lectures for the apprentice course and for holding the examination, it may make the necessary arrangements with the University of the State for that purpose."**

4. While endorsing the above views of the Committee, the Law Commission has observed in its fourteenth report on the Reform of Judicial Administration at p. 548, para. 60 as under:—

"The year's professional course should be followed by a stiff test. Where examinations are at present being held by the Bar Council, the tendency is to make the test almost a nominal one. The pupils pass it with very little preparation and the percentage of failures is very small. In our view, the examination at the end of the professional training should be a very strict test. Whereas very stiff tests are applied for admission to other professions like engineering and medicine, it has been customary to regard the legal profession as one which needs very little training. Not an uncommon notion even among legal practitioners is that the lawyer will have plenty of opportunity of practical training after he has started practice. We have already dealt fully with this aspect of the matter and pointed out how these views are erroneous and unfounded. It should be the duty of the professional bodies that conduct these courses of instruction and examinations to see that the young man admitted to the profession is well-equipped and fully fit to do justice to the cases of his clients."

5. In so far as the rules relating to training apprenticeship etc. framed by the State Bar Councils are concerned, it may be stated that since the State Bar Councils are corporate bodies having independent status, they alone are competent to make any change in these rules and Government cannot give them any direction in this behalf or offer any suggestions.

6. *Points (2) to (11).*—This Ministry has no comments to offer regarding points (2) to (11).

7. *Point (12).*—It may be stated that the period of exemption which was valid upto the 31st December, 1964 has been further extended upto 31st December, 1965 under the Admission as Advocates (Exemption from Training and Examination) Rules, 1965 published with the Notification of the Government of India in the Ministry of

Law No. S.O. 3917, dated the 15th December, 1965, as already intimated in this Ministry's O.M. of even Number dated the 23rd December, 1965.

Therefore persons who have passed law examinations during the period upto 31st December, 1965 are not required to undergo any training and examination before enrolment as advocates.

8. *Points (13) and (14).*—This Ministry has no comments to offer.

9. It may, however, be stated that a committee is being constituted for the purpose of reviewing the working of the Advocates Act, 1961 in all its aspects, and the question of apprenticeship, training etc. will naturally come up for consideration before the committee. Individuals and associations interested in the revision of the provisions of the Advocates Act will have adequate opportunity to make suggestions to the said committee. A statement regarding the setting up of the committee was made by the Minister in the Ministry of Law in the Lok Sabha on 28th February, 1966 and the names of the members of that committee were announced by the Minister in that House on 21st March, 1966. A Press Note has also been issued announcing the setting up of the said committee.

10. The Bar Council of India is directly concerned with many of the points dealt with in the petition, a copy of their letter No. BCI/I/542/1966, dated the 10th March, 1966, is enclosed for information (enclosure).

Sd/- A. G. NAMBIAR,  
Assistant Draftsman.

To

The Lok Sabha Secretariat,  
New Delhi.

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#### ENCLOSURE TO APPENDIX XV

Copy of letter No. BCI/D/542/1966, dated 10th March, 1966 from the Secretary, Bar Council of India to the Ministry of Law, New Delhi.

**SUBJECT:—Petition No. 24 from Purushottam Namjoshi and others relating to the Advocates Act, 1961—Presented by Shri Homi F. Daji in the Lok Sabha.**

I have been directed to state that the Bar Council of India does not agree with the statements contained in the petition of Shri Purushottam Namjoshi. As has been pointed out by the Bar Council of India in its previous letters to the Law Ministry, the Bar Council of India has taken consistently the view that as recommended by the All India Bar Committee and the Law Commission, the period of training and examination are absolutely essential so as to ensure a proper standard. The Legal Education Committee of the Bar Council of India has also taken the same view.

The view of the Council also is that persons cannot be allowed either to engage themselves in any other full-time service or otherwise get any remuneration during the period of such training or to make appearances in Court or otherwise practice law during the period of training.

The Bar Council of India has expressed itself strongly against the extension of the date of exemption from training and examination on the ground of emergency. A copy of the Resolution passed in that behalf and sent to Shri S. P. Sen Varma, Secretary, Law Ministry is given below:—

#### RESOLUTION NO. 18/1966.

“The Bar Council of India expresses its strong protest against the action of the Central Government in issuing a notification extending the date of exemption from training and examination to 31st of December, 1965 in direct opposition to the decision of the Bar Council of India and the State Bar Councils. It is of the opinion that such action on the part of the Central Government besides being not justified, is one that affects adversely the independence of the Bar Councils and is calculated to undermine its authority and cause deterioration in the standards and efficiency of the profession.”

## APPENDIX XVI

(See Para 20 of the Report)

**SUBJECT:—Petition in Lok Sabha suggesting printing of service inland letter card for use in Government offices and privately manufactured inland letter cards should be allowed transmission through post by affixing 8 P. postage stamps.**

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In his petition dated 22nd December, 1965 addressed to the Lok Sabha submitted under the provision of Rule 160 of the Rules of Procedure and Conduct of Business in the Lok Sabha, Shri C. Kesaviah Naidu, Sarpanch Bheemavaram Gram Panchayat, Narasingapuram, Andhra Pradesh, has made three requests viz:—

- (a) The Government Departments may be supplied with unembossed inland letter forms as stationery, with the words 'On India Government Service only' printed on them;
- (b) The cost of stationery say 2 paise may be deducted from postage on privately manufactured inland letters and the public allowed to post them after affixing 8 paisa postage stamps; and
- (c) The address side of inland and foreign letter form, may be left plain-white, with lines for writing the address.

2. Service inland letter cards have already been introduced for use of the Central and State Government Departments and offices.

3. The suggestion that the public should be allowed to use their own manufactured inland letter cards and pay a smaller postage after deducting their cost of manufacture appears to be based on the assumption that the cost of manufacture forms a good proportion of the inland letter cards. Actually the cost of manufacture of inland letter is about 0.7 paisa and it is insignificant compared to its sale price and cost of handling. The public is allowed to use and manufacture their own inland letters if they conform to prescribed specifications and are required to pay the actual postage of 10 Paise on them. No portion of the manufacturing cost is included in the postage fixed for the inland letter card under the I.P.O. Act and the same postage has to be paid on inland letter card even when private forms are used.

It may be stated that under Section 2(g) of the Indian Post Office Act, the value denoted on any postal stationery may contain only postage or other fees or sums payable in respect of postal articles under the Indian Post Office Act. The stationery charge is not a charge under the I.P.O. Act, and is not being recovered from the sender. In view of this, the postage charged on privately manufactured inland letter cards cannot be different from the inland letter cards issued by the P. & T. Department. In fact, as the P. & T. Department is not charging any extra for the stationery on inland letter cards, the question of allowing any rebate on privately manufactured inland letter cards does not arise.

4. As regards the suggestion of Shri Naidu that the address space on inland and foreign letter cards may be left plain-white for writing the address, it may be stated that such a proposal is already under examination and decision taken in the matter will be intimated to the Lok Sabha Secretariat.

[File No. 10/2/66-CI].

## APPENDIX XVII

(See Para 25 of the Report)

No. F. 1-62/66-AE

GOVERNMENT OF INDIA

MINISTRY OF FOOD, AGRICULTURE,  
COMMUNITY DEVELOPMENT & COOPERATION,  
(Department of Agriculture)

New Delhi, the 11th May, 1966.

**SUB:—Petition No. 27 from Shri Nabakishore Das, advocate Cuttack  
regarding a scheme for model farms for Scientific Agriculture.**

The undersigned is directed to refer to Lok Sabha Secretariat U.O. No. 21/C/66 dated 22nd March, 1966 on the above subject and to forward herewith the comments on the points raised in the petition as desired.

Sd/- SANTOKH SINGH,  
Under Secretary to the Government of India.

To

The Lok Sabha Sectt.  
(Committee Branch),  
New Delhi.

### Enclosure

The humble petition of Shri Nabakishore Das, Advocate, President: Neoist Union, Pallivihar, P.O. Baricuttack, Cuttack.

**SHEWETH:**

1. The spearhead of attack on the economic development of India must be the establishment of agriculture at these stable and prosperous industry without which any attempt at development in either fields, such as urban industrialisation will inevitably fail.
1. This has been recognised and agriculture given due priority in the frame-work of our Planning.

2. The Indian peasant lacks practical example of how scientific and improved agriculture can be carried on so that he may be benefited by example and the officers of the Agriculture Department, though learned, lack demonstration farms on village level to show to the peasant scientific agriculture; hence they fail to influence the peasants, who are wise enough not to hear theoretical advice.
2. The need for demonstration of improved agricultural practices is well recognised. There are a large number of seed farms spread all over the country managed by the State Governments. These farms which are meant to be established at the Block level are required not only to supply the foundation seed required for the Block but also serve as demonstration farms for the farmers of the area. Experience has shown that the demonstrations laid out on cultivators' fields are more convincing to the farmers than those established on government farms. Keeping this in view, a large number of composite demonstrations intended to show the effect of package of improved practices on increasing yields, are being laid out in every cropseason in all the I.A.D.P. and I.A.A. Districts. Even in the other areas, demonstrations are being laid out to show the benefits of adoption of use of fertilisers, pesticides, etc. As a result of proper supervision, the demonstrations organised in the Intensive Districts have been found to be more effective in promoting farmers' acceptance of the improved practices.
3. Therefore, a planned drive for scientific agriculture and improved food production is necessary on a wider scale and the Central Government may be pleased to set apart Rs. 50/- lakhs for the year 1966-67 for the purpose.
23. To carry out an adequate programme of field demonstrations the necessary funds are made available by the Central and State Governments under the various agricultural production programmes.
4. At least one model farm may be started in every constituency of the Lok Sabha with ten acres as a consolidated field, where an educated cultivator may be entrusted with required finance and Central Government may directly finance these projects keeping security, where necessary, and half of the loan may be granted as subsidy.
4. Experience has shown that the farmers are generally apprehensive about the profitability of application of results of demonstrations on small plots over their entire holdings. With a view to demonstrate the economic feasibility of adoption of the results of such demonstrations over the entire farm holding, whole-farm demonstrations are already being organised in I.A.D.P. Districts. It is necessary to extend this to other areas also to the extent possible. Besides, in some of the State like Punjab, the demonstrations have been established over large areas of about ten acres and more and they have been found to be very effective in producing the necessary impact on cultivators' minds. In the Fourth Plan considerable emphasis is being laid on area wide demonstration of plant protection, solid conservation, etc.
5. The Central Government shall grant financial aid on cheap interest, irrigation facilities, know-how and better seed and fertilisers to these persons, who shall cultivate the land with an approved plan, and rotation of crops prepared by the Department of Agriculture and under their supervision and advice, so that the individual farmer can earn at least Re.9/- a day.
5. The entire programme of demonstration is planned by the technical staff of the Agriculture Department and also supervised by the field staff. The cost of inputs required for these demonstrations is generally met by the Government. Besides, for the implementation of the various agricultural production programmes sponsored by the Govt. financial assistance is provided to the farmers by the Central as well as State Governments in the form of grants and loans.

6. Cow-keeping, bee-keeping, etc. can also be added but main target of the project should be scientific agriculture so as to earn Rs. 31/- a day from 10 acres of land.

7. As India lacks sufficient vegetables, fruits, the scheme will help the peasants with a way out to earn more money by producing more vegetables, fruits, milk and other cash crops.

8. The cultivator willing to take up the experiment may lack finance for irrigation and pump-sets, hence the minimum requirement of these farms each will be about Rs. 10,000/- for digging wells and buying pump-sets.

9. Crop pattern such as bananas, chillies, jowars, grapes will give at least Rs. 10,000 or more per annum and detailed calculations can be had from the Deptt. of Agriculture.

10. To give some example, 1,500 banana plants can be grown in one acre fetching at least Rs. 1,500/- per annum and 10 acres can give Rs. 15,000/- a year, so chillies in 10 acres can be of Rs. 10,000/-, grapes in one acre can be about Rs. 10,000, potato, brinjal and other vegetables also can be grown with much profit. Even in banana fields other vegetables can be grown.

6 & 7. To maximise the profit ability of agriculture special programmes for promotion mixed farming i.e. production of livestock, poultry and fisheries with crops are being developed. Programme for cultivation of vegetables, fruits, etc. are being given special emphasis especially in areas around towns and cities. Under these schemes also financial help is being rendered to the farmers by way of grants and loans.

8. For all minor irrigation schemes, like digging, wells, installation of pump-sets etc., loans are being granted to farmers in different States, the amount of loan being related to cost of digging of wells and installation of pump-sets.

9 & 10. Cultivation of crops like bananas, chillies, grapes, etc. requires considerable investment as well as care for protection against diseases and pests. Therefore, proper and adequate education of farmers and field demonstrations are necessary to induce them to take up such cultivation. Technical advice on the feasibility of cultivation of such crops is given by the technical staff of the Deptt. of Agriculture and wherever the raising of these crops has been found to be profitable, the cultivators are going in more and more for cultivation of such crops.

## APPENDIX XVIII

(See Para 30 of the Report)

### MINISTRY OF FOOD, AGRI., CD & COOPERATION

(Department of Agriculture)

#### BUDGET SECTION

**SUBJECT:—A note regarding the position of outlays available for agriculture and other allied schemes during the year 1966-67.**

In their Petition No. 28 five citizens of Delhi (S/Shri R. C. Agrawal, R. Saran, Satish Kumar, Namwar Singh and Anand Jain) have prayed that to make the country self-sufficient in food at least 51% of the budget should be reserved for food and agriculture. In support of their apprehension they have stated in their petition that in the current year's budget only 10.6% is allowed to be spent for all nation building activities and that the money allotted for Agriculture, Rural Development, Animal Husbandry, Cooperation and multi-purpose river scheme comes to only 6% of the total budget. According to the Budget in Brief for 1966-67 which has been circulated to Members of Parliament, the total developmental expenditure on revenue account provided in the current year's budget is about 16% and not 10.6% mentioned in the petition.

2. As regards the funds provided for Agriculture, Animal Husbandry, Community Development and Cooperation and major and medium irrigation, it may be mentioned that these are State subjects under the Constitution and the outlays to be incurred thereon find an important place in the States budgets. Provision made for these subjects in the Central budget largely relate to administrative expenditure Central Schemes, Centre's share in respect of Centrally sponsored schemes and loans and grants to States and Union Territories. As such only the combined provisions made by the Centre and State for agriculture and other allied subjects will reflect the correct picture and the points raised by the petitioners about the inadequate provision of funds for agriculture and other allied subjects has accordingly been explained below:—

3. The proportion of the outlays in the States and Union Territories which are being incurred in 1966-67 on Agriculture, Animal

Husbandry, Community Development and Cooperation and Irrigation etc. is indicated below:—

(Rs. in crores).

		Outlay in 1966-67	As % of total outlay.
1. Agricultural Programme . . . . .	233	23.5	
2. Community Development & Coop. . . . .	56	6.5	
3. Major and Medium Irrigation . . . . .	112	11.3	
4. Flood Control. . . . .	10	1.0	
5. Power . . . . .	288	29.0	
6. Other Sectors . . . . .	293	29.6	
	992	100.00	

From the above figures it would be clear that as much as 41.4% of the outlays for 1966-67 are for agricultural programmes, community development and cooperation, major & medium irrigation and flood control which will directly help to increase agricultural production against 38% of the anticipated outlays for 1965-66.

4. Besides these provisions, in the State Budgets, a provision of Rs. 24.08 crores on revenue account has been made for direct outlay by the Central Govt. in so far as agriculture and allied schemes are concerned and a further sum of Rs. 64.32 crores has been provided for giving grants to States and Union Territories for similar purposes making a total of Rs. 88.40 crores in current year as against a provision of only Rs. 84.73 crores in 1965-66. In addition to these provisions in the Revenue Account, following provisions have been made in the Capital Account pertaining to the Department of Agriculture in the current year:—

- (a) Rs. 168.54 crores against the provision of Rs. 107.40 crores in the year 1965-66 for giving loans to States.
- (b) Rs. 104.93 crores in the Capital budget of this Department for direct investment against only Rs. 81.17 crores provided in the last year.

5. Besides outlay for agricultural development mentioned above, the Reserve Bank of India and other institution such as the State Bank of India, Life Insurance Corporation and Land Mortgage Banks are increasingly supporting larger investment for agricultural development

In 1966-67, it is targeted that the level of short term and medium term advances from Cooperative Agricultural Credit Societies should rise to Rs. 450 crores (from Rs. 400 crores estimated) in 1965-66 and the level of long term advances by Land Mortgage Banks should also rise from about Rs. 40 crores in 1965-66 to Rs. 45 crores in 1966-67. The taccavi loans are also supplied by State Governments for agricultural needs and their level is presently estimated at about Rs. 35 crores per year.

6. Another important factor to be borne in mind in this connection is that the Govt. are trying to develop scientific agriculture which relies very heavily on industrial inputs like fertilisers, pesticides, tractors, bull-dozers, power tillers, pumping sets for irrigation, drilling rigs, seed and soil testing equipment etc. Outlay on these programme will be largely included in the industrial sector. However, the investment in these industries will result in positive and significant gains in agricultural production. Somewhat similarly, the investment on power generation will also make a contribution to agricultural progress by helping in rural electrification and providing electricity for pump sets, tubewells etc., and by helping in various aspects of agricultural production and marketing. Although the outlays for these programmes will not figure under the agriculture sector they are of vital importance for the development of agriculture sector.

7. Taking into consideration the various aspects, the outlays for agriculture cannot be said to be low as made out by the petitioners. In fact with the recent step up in outlays and attention being given to industrial inputs needed for agricultural development, it may be stated that agricultural development is receiving a very high priority.

## APPENDIX XIX

[See Para 35 of the Report]

### COMMENTS OF MINISTRY OF EDUCATION ON PETITION No. 29 OF SHRI MURLI DHAR PANDEY, SUBMITTED TO THE LOK SABHA

1. *Proper Status be given to 'Education & Teachers' Emoluments raised.*

Increased allotments have been made for Education in the successive Plans—Rs. 169·6 crores in the First Plan, Rs. 277·0 crores in the Second Plan, Rs. 560 crores in the Third Plan and Rs. 1,260 crores provisionally in the Fourth Plan. The allocations are based on overall national priorities determined by the Government on the advice of the Planning Commission. Both at the Central and State Governments awards are given to outstanding teachers. This recognition enhances the status of these teachers and the teaching profession.

(Teachers' Emoluments have been dealt with under Item No. 7).

2. *Higher allocation be made for education and no cut be imposed to meet even aggression or food crisis:*

From the foregoing paragraph it will be seen that due attention has been paid to education in the successive Plans by raising the Plan allocations. The position regarding Plan allocation in the Fourth Plan for education has been examined in detail in item No. 6 below.

It may not be possible for any Government to give a guarantee that in case of a National Emergency or a crisis no cut in Education will be made. Every sector has to bear the effects of such crisis. However, efforts are made to see that educational development suffers the least in such crisis.

3. *Free Universal and Compulsory Education:*

The Directive Principles of State Policy (Art. 45) envisaged that all children in the age-group 6—14 should get free and compulsory education by the end of 1960. Despite our efforts this goal could not, however, be achieved primarily for lack of financial resources. The time schedule was, therefore, revised and it was planned at least to bring all children in the age group 6—11 in schools by the

end of the Third Plan. According to the present estimates, however, about 79.8 per cent of the children in this age-group have been brought to school by the end of the Third Plan. The percentage is still lower in the case of those belonging to the age-group 11-14. The present estimates are that 93.5 per cent enrolment in the age-group 6-11 will be possible somewhere by the end of the Fourth Plan and 100 per cent later still. For those in the age-group 11-14, the targets will be achieved thereafter.

#### 4. Production oriented education and democratisation:

The importance of productive work as an integral part of school education has been recognised in all advanced countries. The children are not only taught basic skills but attempt is also made to inculcate the right type of attitude towards manual work. Mahatma Gandhi felt that in a poor country like India it was not possible to spread education unless the school pupils contributed a part of the expenses of running the school by engaging themselves in productive craft work.

The question of productive labour has been considered by the Central Advisory Board of Education which in 1963 appointed a Committee under the Chairmanship of late Sardar Partap Singh Kairon to work out the programme in clear detail which could then be put into operation on a nation-wide basis. The Committee was of the view that:—

- (i) Productive work should be introduced in all schools whether urban or rural for all children without any exception.
- (ii) At the primary stage, the programme should be largely based on the orientation programme towards the basic pattern and crafts introduced suitably. At the middle school stage, teaching of a craft should be compulsory and it should be taught by specialised teachers and provision should be made for good tools; emphasis being more on the production of articles of daily use rather than on routine teaching of craft. At the secondary stage, a craft should be compulsory upto the end of class X. It would be worthwhile to introduce the activity of camps on a large scale in Secondary schools.

The matter has been referred to the Education Commission for greater and detailed consideration.

In the Fourth Plan attempts will be made to link education effectively with economic development and to increase returns from investments made in education by plugging wastage and improving

quality of education imparted. Higher priority will be given to training of technical personnel required for production tasks. At the elementary stage emphasis will be on provision of facilities according to the directives of the Constitution and elimination of stagnation and wastage at this level, at the secondary stage on providing larger facilities for vocational education of a terminal character and science education.

Attempt will be made to increasingly secure the ends of social justice by increasing loan scholarships and giving greater attention to rural areas and to the education of girls and scheduled castes and scheduled tribes and provision of educational facilities in remote and inaccessible areas.

5. *Drastic reduction by some Rs. 81 crores in the ad-hoc one year plan for 1966-67 in comparison with the Plan Expenditure for the year 1965-66.*

The approved outlay for educational development programme for 1966-67 is Rs. 98.38 crores, against the anticipated expenditure of Rs. 180.00 crores during 1965-66. Thus there is a gap of Rs. 81.62 crores in the 1966-67 allocation for education as compared to 1965-66 level of expenditure. In this connection it may be pointed out that normally the outlay on education in the first year of a Plan is less than the outlay of the last year of the preceding Plan. But the gap is comparatively larger during 1966-67. This is because of the fact that during the 1966-67 Plan for education no new projects have been taken up, and all the construction programme has been withheld only continuing programmes have been sanctioned. Due to food shortage and emergency, more funds have been allocated to Agricultural Programmes and Defence.

6. *Plan allocation and Uniform pattern of Secondary Education*

The Fourth Plan proposes a sum of Rs. 1,260 crores on the head 'education' which is about 8.7 per cent of the total plan provision of Rs. 14,500 crores in Public Sector. It is also expected that an additional sum of about Rs. 400 crores would be provided for medical, agricultural education, scientific research, craftsman, training etc. Thus the total provision proposed to be provided for various educational programmes in the Fourth Plan is likely to be about Rs. 1,660 crores or so which is about 11.5 per cent of the total Plan outlay in Public Sector of Rs. 14,500 crores.

The first attempt towards a uniform pattern of secondary education was made when Government accepted the recommendations of

the Mudaliar Commission on Secondary Education in 1953. This Commission made the following recommendation for the reorganisation of the pattern of Secondary Education:—

- (i) Secondary Education should commence after four or five years of primary or Junior Basic Education and should include (a) the middle or senior basic or junior secondary stage of three years, and (b) the higher secondary stage of 4 years.
- (ii) As a consequence the first degree course should be of three years' duration.

While rigid uniformity is neither desirable nor has been attempted, nevertheless a fair amount of progress has been achieved in the direction of reorganisation of Secondary education, with suitable modification. The reorganised higher secondary school pattern has been introduced in Andhra Pradesh, Assam, Bihar, Jammu & Kashmir, Madhya Pradesh, Mysore, Orissa, Punjab, Rajasthan, Maharashtra and West Bengal.

*7. Better emoluments, uniformity of pay-scales and better service conditions of teachers:*

The Government of India realises that to attract better and right type of persons to teaching profession and to retain those who are already in it, it is necessary, to provide adequate emoluments for the teachers and suitable retiring benefits and other conditions of service. With this in view, the Government of India has been assisting the State Governments on 50:50 basis for improvement of salaries of teachers as a pattern scheme in the State sector of Third Plan. The Government of India has also been pressing upon those States in particular where emoluments are very low to take effective steps to raise them. As a result of this advice many State Governments have raised the pay scales of their teachers. The recent examples are those of Uttar Pradesh, Bihar and Assam. It will be of interest to note that as against Plan provisions of Rs. 8.34 crores and Rs. 3.03 crores for the improvement of emoluments of elementary and secondary school teachers in the Third Plan the State Government incurred about Rs. 22.94 crores and Rs. 14.63 crores for increasing the emoluments of elementary and secondary school teachers respectively. Apart from this plan expenditure, there has also been non-Plan expenditure on this head in some States.

The question of having uniform pay structure for teachers has been the most important thing from the point of view of teachers. After a careful and thorough examination of this problem the Government have come to the conclusion that it is not possible to have

a uniform pay structure for teachers all over the country. The pay scales of teachers in different parts will have to depend on (i) availability of personnel (ii) pay scales of corresponding posts in the State service and (iii) the financial resources of the States. For the same considerations it has not been possible to find it feasible to lay down even a national minimum pay scale, although this is the direction in which the Government are thinking.

Apart from the above, the Union and the State Governments have taken several other steps with a view to improve the service conditions of teachers. These include: triple benefit schemes, establishment of teachers' foundation for helping the teachers in distress, helping the teachers to improve their professional qualifications, educational facilities for teachers' children, rail concessions for educational tours to the teachers.

The teachers have been demanding the setting up of a Secondary Education Grants Commission on the lines of University Grants Commission at the Centre. The University Grants Commission, it might be added, has been set up as a statutory body to administer grants to the Universities because the Constitution of India provides for such action by the Central Government to ensure maintenance and coordination of standards of higher education. As there is no similar statutory provision for education at the Secondary stage, the Government of India have been advised by the Law Ministry that no statutory Commission can be set up for giving grants to secondary schools.

The Ministry of Education, however, has appointed a committee of officers drawn from the Union Ministries and the State Governments to advise them in regard to the grants to be given to States by the Central Government in the field of Secondary Education.

### **8. Retirement benefits:**

The Government of India have been stressing the need for the adoption of the triple benefit scheme (pension, provident fund and insurance) by the State Governments. Seven States viz., Andhra Pradesh, Rajasthan, Bihar, U.P., Kerala Madras and Mysore have made a beginning with this scheme and others are taking it up as and when funds permit.

### **9. Dearness allowance and linking of it with cost of living index:**

The competent authorities to raise the dearness allowances and improve other service condition are the State Governments. The

question of raising of emoluments and dearness allowance of teachers in view of the rising cost of living was considered by the State Education Ministers Conference held in June, 1965 at Srinagar. The Conference was unanimously of the view that there was an urgent need for raising the emoluments of teachers and also that it would not be possible to meet the additional expenditure involved from the State resources alone. It was also agreed that efforts made so far by making small, almost token provisions in the Plan for this purpose have proved to be inadequate and that the increase in the emoluments of teachers (not related to any specific new programme of re-orientation etc. to improve efficiency as a teacher) should be treated as a normal expenditure in the non-Plan sector. The money required for this programme will have to be found from the resources of the States and by special Central aid as non-Plan expenditure. The matter will be further examined on receipt of proposals from the State Governments.

**10. Setting up of Tribunals to ensure security of service of teachers:**

In regard to security of service, in all the States there are rules governing the terms and conditions of service of teachers in aided schools and those under the employment of the State Governments and these rules provide for appellate or reviewing authority by the State Departments of Education to ensure that no injustice is done to teachers. Education being a State subject, the Government, however, has no authority to set up such tribunals.

**11. Retention of Teachers' Constituencies:**

Education Ministry is not directly concerned with this matter but this question was raised in the meeting of the Central Advisory Board of Education in 1964. The Board was of the view that teachers constituencies should be abolished. A similar recommendation was made sometime ago by the Education Ministers Conference who reiterated this recently at their Conference held in Srinagar. The matter is, however, receiving the attention of the Ministry of Law and no final decision has so far been taken. Broadly speaking, the proposal to abolish the constituencies is based on the following grounds:—

1. Lack of justification for special treatment to only one profession;
2. Introduction of active politics in educational institutions; and
3. Virtual incapacity of teachers in Government Schools and local bodies; schools to seek election for those constituencies

cies under Art. 191(1) (a) of the Constitution and rules of conduct and discipline respectively.

**12. At least 6 per cent of our national income should be expended on education:**

The expenditure on education (including agricultural and medical education) as percentage of national income has increased from 1.2 per cent in 1950-51 to 3.0 per cent in 1965-66 and is likely to increase to a little over 3.5 per cent by the end of the Fourth Plan.

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## APPENDIX XX

(See Para 39 of the Report)

*Comments of Ministry of Home Affairs on Petition No. 30*

Points raised in the petition 1	Comments 2
<p>1. The decision to appoint one man Commission to go into boundary question between Maharashtra and Mysore, has caused a great unrest and disunity in the country in general and in Mysore and Maharashtra in particular.</p>	<p>Some agitation was started in Mysore following the announcement of the decision of the Congress Working Committee on 23rd May, 1966 about the appointment of a Boundary Commission to look into the Maharashtra-Mysore Border dispute. This agitation was called off on 5th July, 1966 following the resolution of the Congress Working Committee passed on that day calling upon the Chief Ministers of Maharashtra and Mysore to together work out the terms of references for the proposed Commission with a period of two months. The decision to appoint the Commission has not caused great unrest and disunity in the country at large as alleged in the petition.</p>
<p>2. States Reorganisation Commission has given a final decision and reopening of the same against the verdict of such a high powered Commission and against the decision of the Parliament of India, taken in 1956, is not only improper but also contrary to the accepted principles of natural justice.</p>	<p>The States Reorganisation Commission (1954-55) had recommended that the Karnataka (Mysore) State should comprise the following areas (<i>vide</i> para 239 of their report) :—</p> <p style="margin-left: 20px;">“(a) The present Mysore State, excluding the following portions of the Bellary district as now constituted, namely, the Siruguppa taluk, the Bellary taluk, the Hospet taluk and small area of the Mallapuram sub-taluk in which the dam and head works of the Tungabhadra project are situated (details of the area to be transferred from the Mallapuram sub-Taluk will have to be determined by the Government of India, in consultation with the State Government concerned);</p> <p style="margin-left: 20px;">(b) the four Kannada-speaking districts of the southern division of Bombay, namely Belgaum except for Chandragad Taluk, Bijapur, Dharwar and North Kanara;</p> <p style="margin-left: 20px;">(c) the districts of Raichur and Gulbarga;</p> <p style="margin-left: 20px;">(d) the South Kanara District except the Kasargod taluk;</p>

(e) the Kollegal taluk of the Coimbatore district of Madras; and

(f) Coorg.

The recommendations were discussed in Parliament and accepted with some modifications. During the course of the debate on the States Reorganisation Bill, 1956, in Parliament, several suggestions regarding precise fixation of boundaries of the proposed new States were made; some of them related to the retention of Marathi-majority areas of the areas specified at (b) above, in the former Bombay State (e.g. amendment No. 223 to S.R. Bill). While replying to the debate the late Home Minister (Shri C. B. Pant) said as under :

"I know that with regard to some of the territorial matters, there is still a strong desire for re-adjustment. I made an effort in the Joint Committee to secure some sort of an agreement between the Members representing the States concerned. Unfortunately we did not succeed. Then, similar attempts were also made while the Bill was under discussion in the House, but which no better results. Now, as Hon. Members are aware, the Zonal Councils have been authorised to deal with all these boundary matters pertaining to readjustment of territories lying on the common borders of the States. I hope that when the States are formed, the Zonal Councils will meet and endeavour to resolve the disputes, because after all, the goodwill of neighbours is of much greater value than a small patch of territory; and it should be possible for the States concerned to settle these minor differences between themselves." (Columns 2576-77 of Lok Sabha Debates, Vol. VI, No. 19-1956).

The question of settlement of Maharashtra-Mysore border dispute has been a subject matter of several interpellations in both Houses of Parliament. In reply to Starred Question No. 358 in the Rajya Sabha on 28-4-1960, the late Home Minister (Shri G. B. Pant) stated that....."the Government has been trying its best to bring about a settlement." Further while the Demand for Grants relating to Home Ministry were considered in 1961, Shri S. S. Moise and others made references to this issue

The late Home Minister in reply stated that "I cannot offer any solution immediately, but my feeling is that this matter should be discussed with the Chief Ministers of Maharashtra and Mysore. I am myself prepared to take the initiative..... But I can assure the House, and especially Shri S.S. More and Shri Nath Pai who have met me outside, and Shri Khadilkar, that I do not want that this should be considered as early as possible."

The question of settlement of Maharashtra Mysore border dispute has been before the Governments of the former Bombay (and now Maharashtra) and Mysore ever since 1957. The Bombay Government raised this issue at the second meeting of the Western Zonal Council. After some discussion, the Council decided to postpone further consideration of this item in view of the negotiations which were then taking place between the Chief Ministers of the two States. At the I.A.C.C. session held at Poona in the first week of June, 1960, the two Chief Ministers had talks with the late Home Minister (Shri G. B. Pant). As a result of these talks, the two Chief Ministers agreed that this dispute should be referred to a four-man Committee by the Chief Ministers of Maharashtra and Mysore. In pursuance of this decision, Shri Y. B. Chavan, the then Chief Minister of Maharashtra and Shri B. D. Jatti, the then Chief Minister of Mysore, made the following announcement on 5th June, 1960 :

"It is agreed that the Government of Maharashtra and the Government of Mysore will each appoint two representatives. These four representatives will study and discuss together in detail the cases put forwarded by the two States and report to the two Governments as to what extent there is an agreement and disagreement about the disputed border with reasons therefor. Their report with their entire opinions will be sent to the two Governments who may then consider the reports and take such steps as they deem fit."

The Government of Maharashtra nominated Sarvashri H. V. Pataskar and M. D. Bhat and the Government of Mysore nominated Sarvashri S. Channiah and S. S. Malimath as their representatives on the Committee. The four-man Committee held a number of meetings but failed to come to

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any agreement. In the middle of 1962, the representatives of Mysore and Maharashtra submitted separate reports on the subject to the Chief Ministers concerned. During the Bhubaneshwar session of the Congress in January, 1964, the late Prime Minister, (Shri Jawahar Lal Nehru) and the then Home Minister, (Shri Lal Bahadur Shastri) had a preliminary discussion regarding this matter with the Chief Ministers of Maharashtra and Mysore. It was felt that an effort should be made to evolve an agreed basis for resolving this dispute by further discussions with the two Chief Ministers. During his visit to Bombay and Bangalore in the first week of August, 1964, Home Minister met representatives of political parties, members of the Mysore Legislature from the border areas, Ministers of the State Governments including the Chief Ministers of the two States and also some of the members of the four-man Committee. The Home Minister had further discussions with the Chief Ministers of Mysore and Maharashtra on 10th August, 1964.

From the position explained above it will be seen that both the State Governments have recognised the existence of a dispute in this matter and efforts have been made from time to time to resolve it. The decision to appoint a one-man Commission is a step towards solving this problem and cannot be considered either improper or contrary to the accepted principles of natural justice as alleged in the petition.

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## APPENDIX XXI

(See Paras 43-44 of the Report)

### MINISTRY OF FINANCE

(Department of Economic Affairs)

**SUBJECT:** — *Petition No. 31 from Shri Saroj Chaudhari and others regarding ban on import and use of electronic computers and automation equipment in offices and factories.*

Will the Lok Sabha Secretariat kindly refer to their U.O. No. F. 21|C-I|66, dated the 31st August, 1966, on the above subject?

The subject matter of the petition concerns the overall employment potential which the petitioners apprehend would be adversely affected by the introduction of automation equipments in the Public and Private Sectors. The Ministry of Labour, Employment and Rehabilitation are responsible for the subject of employment, increasing employment potential, etc. It is also understood from that Ministry that they had already circulated a note on this topic to their Informal Consultative Committee.

The Ministry of Finance is primarily concerned with allocation of foreign exchange for the import of electronic computers which was allowed in the past in a limited way. The different considerations and priorities according to which Government determines its policy in the matter of giving permission for import of computers have been explained in the reply by the Minister in the Ministry of Finance to the Lok Sabha Starred Question No. 262 by Shri Inderjit Gupta and Shri Tridib Kumar Chaudhuri, answered on the 4th August, 1966. The relevant extracts are given below:—

“In order to keep pace with the fast growing technological advancement in the rest of the world, it will be of significant advantage to India to have computers, particularly for processing of data and certain types of scientifically worked out operations involving large scale data processing, working and programming inventory control for preparation of pay rolls in the case of large industrial enterprises. Likewise, computers can deal with technical

problems of complex nature as in the case of Atomic Energy Commission and research institutions, statistical organisations and big banks. These operations can be attended to efficiently and in time with the assistance of modern computers.

While giving permission to import computers, special consideration has been given to developing a manufacturing programme in this country."

Another question No. 534 posed in the Lok Sabha by S/Shri Tridib Kumar Chaudhuri, P. C. Borooah and Onkar Lal Berwa, on electronic computers was recently answered by Shri B. R. Bhagat, Minister in the Ministry of Finance.

We have no doubt that the Ministry of Labour, Employment and Rehabilitation would reply to the question regarding how the introduction of such computers has a bearing on the employment position. There are certain types of operations involving accounting, large-scale data processing, working and programming and inventory control and preparation of pay rolls of big enterprises which can be done more swiftly and effectively by these machines. It may be rightly said that in this age of competition, introduction of such machines will create more jobs for highly technical and specialised skill. Likewise to deal with the collation of data for several technical problems of complex nature that are faced by the Atomic Energy Commission, research institutions and statistical organisations, cannot be dealt with by ordinary people but require specialised expertise and for such experts it is also necessary to find jobs which are provided by these machines.

The Lok Sabha Secretariat have also enquired about the policy of the Government as to whether the Government have advised the private and public sector undertakings to change over to the use of automation equipment. While it is true that we have not advised anyone to take up to computers, the organisations themselves have come forward with the request, particularly because, in this age of competition, it is most necessary to be abreast of scientific and technological advancement. Besides our late Prime Minister Shri Nehru had often stressed the need for adopting such modern scientific machines to help raise production in this country and also to accelerate the technological revolution taking place here.

It may be stated in this connection that one unit has been licensed for manufacture of computers in this country, and the Ministry of

Industry are concerned with the policy regarding indigenous manufacture of computers. That Ministry is being requested to furnish directly to the Lok Sabha Secretariat any information in this regard which may have a bearing on the issues raised in the petition under consideration.

Sd/- S. G. RAMACHANDRAN,

*Joint Secretary.*

13-9-1966.

*Lok Sabha Secretariat (Shri M. C. Chawla, Deputy Secretary)  
Min./Finance (DEA) U.O. No. F. 7/16/66-CIE(1), dated 13-9-1966.*

## APPENDIX XXII

(See Paras 43-44 of the Report)

GOVERNMENT OF INDIA

MINISTRY OF LABOUR, EMPLOYMENT & REHABILITATION

(Department of Labour and Employment)

**SUBJECT:**—Petition No. 31 from Shri Saroj Chaudhary and others regarding ban of import and use of Electronic computers and automation equipment in offices and factories.

Will the Lok Sabha Secretariat kindly refer to the Ministry of Finance (Department of Economic Affairs) U.O. No. F. 7/16/66-CIE(1), dated the 13th September, 1966 on the above subject.

2. A brief, along with 35 spare copies, giving objects of introduction of automation in offices and factories, its effects on employment position, decisions taken at the 15th and 24th Sessions of the Indian Labour Conference with regard to rationalisation, automation, etc., is enclosed. A copy of the note prepared for discussing this item in the meeting of the Informal Consultative Committee held in August, 1966, is also attached herewith.

3. The question of automation has been raised in the Parliament on several occasions. In this connection, attention is invited to the Starred Question No. 71 by Shri Shree Narayan Das answered in the Lok Sabha on 27th July, 1966. Several questions on the subject have also been replied to by the Minister of Finance in the Lok Sabha.

Sd/- B. R. SETH,  
Deputy Secretary.

Lok Sabha Secretariat (Shri M. C. Chawla, Deputy Secretary)  
Dept. of Labour & Employment U.O. No. 31/6/66-LR. I, dated the  
20th October, 1966.

*Enclosure to Appendix XXII*

**BRIEF RELATING TO THE INTRODUCTION OF AUTOMATIC MACHINES IN OFFICES AND FACTORIES AND ITS BEARING ON EMPLOYMENT POSITION:—  
PETITION No. 31 FROM SHRI SAROJ CHAUDHARY AND OTHERS.**

***AUTOMATION IN INDUSTRIES***

***Objects of Automation.***

Automation consists of introduction of mechanical labour-saving devices including computers. The object of automation, however, need not directly be the saving of labour. In many cases these contrivances are introduced in order to produce results which cannot be obtained otherwise at all; for example, in a scientific establishment the amount of calculations involved may have to be counted in terms of hundreds of man-years and these results may not be available at all except with the use of modern computers. Similarly, the object in another establishment may be the saving of time or the reduction of time-lag. Thus on the railways or in the Life Insurance Corporation a particular statement or account necessary for policy formulation may take several months to prepare by manual labour, while for the actual purpose in view it may have to be obtained in a matter of days. The object of introducing modern mechanical devices may be to obtain the statement readily. Generally, therefore, the object of introducing an automatic device may be either to reduce labour or to reduce time-lag or to do a job which could not have been done through manual labour.

***Effects of Automation on employment position.***

2. It is quite true that in considering the particular job the man-hours utilised in producing the result with the aid of automatic machines may be far less than the man-hours required in getting the work done through manual labour. But the effect of introduction of these machines in creating surplus labour in the establishment has to be computed in terms of the entire establishment and all the operations done in the establishment. Thus in the Life Insurance Corporation they have recently explained that what they are attempting to do is to introduce more efficient machines in place of older punch card type machines they are using now and that although there is a small saving of men employed on this particular

job, they will be more than absorbed in other jobs which they could very well do and that in terms of total employment in the Life Insurance Corporation there will be no reduction of employment. The Reserve Bank, the State Bank and the Unit Trust, all the three organisations, have introduced some measure of automation in their working, but this has not resulted in any loss of employment. These organisation even hope that contrary to the curtailment of employment, the automation introduced in its working would lead to the expansion of employment.

3. There is no comprehensive information available with us regarding all kinds of automatic devices employed in Life Insurance Corporation, Banks, industrial establishments etc. We are also not aware of any body of workers having been rendered surplus specifically on account of the introduction of automatic machines in any establishment, although the workers in the Oil Companies have been complaining that surplus in those Oil companies have been created specifically on account of introduction of computers. The Companies, on the other hand, argue that it is not the introduction of computers that have created the surplus, but the various measures of rationalisation. If there is any dispute between the employer and workers on this subject, the issues could form the subject matter, of an industrial dispute and be settled by two parties according to the provision of the Industrial Disputes Act.

*Decision of the 15th Indian Labour Conference*

4. The decision of the 15th Indian Labour Conference on rationalisation is reproduced below:—

The question of rationalisation was discussed at the 15th Session of the Indian Labour Conference held on the 11th and 12th July, 1957. The following conditions were accepted as *sine qua non* in any scheme of rationalisation:—

- (i) There should be no retrenchment or loss of earnings of the existing employees, i.e. existing complements should be maintained barring cases of natural separation or wastage.
- (ii) There should be an equitable sharing of benefit or rationalisation as between the community, the employers and the workers.
- (iii) There should be a proper assessment of work-loads by experts, mutually agreed upon and also suitable improvements in the working conditions.

For purposes of carrying out a scheme of rationalisation the following working arrangements might be entered into by the union or unions and employer concerned:—

- (i) The company may seek to make such changes in machinery, layout and organisation as it seems necessary for efficient operation of machinery and rational use of labour and material without prejudice to the provisions of any law, for the time being in force and subject to the provisions of the working arrangements.
- (ii) Before any such change is effected, the company shall give reasonable notice, ranging from three weeks to three months, to the union(s) of its intention to effect the change. The notice shall contain full information regarding the nature of the proposed change, approximate date of such change, proposed duties for workers concerned and their job assignment and the expected earnings. Where, however, an appropriate procedure for notice of change exists under the current legislation the same should be observed in preference to the above.
- (iii) The employer shall also furnish information regarding the change and the reduction in the number of jobs and also the effect of the change on the number of jobs in other departments affected by the same change.
- (iv) The employer and employees shall meet and discuss the proposal, as soon as possible, after the notice referred to in paragraph (ii) above has been given and the former shall furnish all information necessary for a complete understanding of the proposed change and shall explain the contemplated change to the union(s).
- (v) The union(s) shall, within a week after the discussion with the employer, present its views or proposals to the employer. In the case of an agreement between the parties the employer may introduce the change on the due date in accordance with the agreement.
- (vi) The union(s) shall be given adequate opportunity to study the new change so as to enable it to gauge the workloads and the earnings of the employees engaged in the new operation.
- (vii) If there are differences between the parties on any matter covered by this working arrangement, the matters in dispute shall be referred for arbitration or adjudication.

These decisions were communicated to all State Governments and employing Ministries for guidance.

*Decisions of the 24th Indian Labour Conference.*

5. The item pertaining to automation was also discussed at the 24th Session of the Indian Labour Conference held on 29-30th July, 1966. It was generally considered that what was called for was a regulation of the pace of technological change to facilitate a smooth and orderly transition with the minimum of social costs. It was agreed that the requirement of the model agreement on the rationalisation adopted at the 15th Session of the Indian Labour Conference should be fully complied with while introducing automation also. It was also agreed that Government policy in regard to automation should be a selective one and should ensure social good.

*Discussions at the India International Centre, New Delhi, in March, 1966.*

6. The Declaration of Social Responsibilities of Trade Unions at the India International Centre, New Delhi, in March, 1966, in which Trade Unions also participated, had this to say regarding the introduction of technological change, which includes the introduction of automatic machines.

"Economic development is accompanied by extensive technological change involving human problems, such as the acquisition of new skills, the displacement and deployment of workers, the sharing of benefits and so on. The trade unions will have to study and tackle the problems of technological change at the unit level, each on its merits, and will have to guard the interests of their members consistent with the need of development."

*Comments of the Ministry of Industry and the Directorate General of Technical Development.*

7. Copies of communications received from the Ministry of Industry and the Directorate General of Technical Development are enclosed.

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No. LEI (A)-13 (6) /66

GOVERNMENT OF INDIA

MINISTRY OF INDUSTRY

Dated New Delhi, the 10th June, 1966.

OFFICE MEMORANDUM

SUBJECT:—Automation in industries—Unstarred Question in the Lok Sabha—Follow-up action regarding:

The undersigned is directed to refer to O.M.O. No. 59/14/66-LRI dated the 4th April, 1966, from the Ministry of Labour, Employ-

ment & Rehabilitation (Department of Labour & Employment) and to say that there are two kinds of machines involved in this question. The first are the computers and data processing machines. The use of these machines in offices would reduce the number of white-collar workers. That is why there has been a protest from the Life Insurance Corporation employees union and others. This Ministry have already permitted M/s IBM to manufacture Computers in India. Letter of indent has been given to another U.K. Company, M/s IBM and M/s ICT manufacture data processing machines in India. There is, therefore, no question of allowing any imports of these machines and therefore it would not be possible for this Ministry to examine the point as to whether the offices who buy or take on rent these machines were observing the principles evolved in the Labour Conference.

2. The other type of machines are factory machines such as automatic looms. The use of such machines reduces the number of factory workers. So long as such machines are imported perhaps, theoretically, it should be possible to restrict the import licences. But in many cases the improvements in the machines are gradual and all these new machines reduce the number of workers. For instance, formally cotton spinning mills required nearly 15 persons per one thousand spindles. Gradually the machines have been improved and now only two or three persons are required per one thousand spindles. If the older mills now want to renovate their machines it will be difficult to stop them because otherwise they would not be able to stand competition of the new mills. Also many of these better machines are being produced in the country. In other words, it is felt that automation whether in the factories or in the offices cannot be stopped by any administrative means. In order to protect the interest of the labour what has to be done is to see that the employers observe the principles formulated in the 15th Session of the Indian Labour Conference. Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) would no doubt seek the co-operation of the employers to achieve this.

Sd/- K. S. RANGAMURTI,

*Deputy Secretary to the Government of India.*

To

The Ministry of Labour, Employment and Rehabilitation  
Department of Labour and Employment, New Delhi.

No. 13 (19) /66-A.L.Ind. (I)

GOVERNMENT OF INDIA

## MINISTRY OF INDUSTRY

New Delhi, the 24th June, 1966.

## OFFICE MEMORANDUM

**SUBJECT:—Automation in industries—Resolution passed by Conventions of employees against the—**

The undersigned is directed to refer to the Ministry of Labour, Employment and Rehabilitation O.M. No. 59/14/66/LRI dated the 4th April, 1966, on the above subject, and to say that D.G.T.D. are of the view that much of the criticism of computers and automation equipments is carried on notional plane without proper examination of the underlying facts. In a country like India where a wide variety of technology is practised in small, medium and large scale sectors-automation equipment or computers are likely to be used in only highly mechanised large units practising advanced technology. As the level of technology and export earnings go up, the use of automatic devices, data processing and precision control by computers would also go up. But the impact of this would require at least a couple of decades before spreading to upper layers of industrial activities in India. In the meantime, if serious efforts are not made to popularise these, the cause of progressive improvements of industrial products of India and establishing their competitive stratum in the world market would be seriously compromised.

This Ministry feel what is stated above is a proper perspective from which the problem should be viewed.

Sd/- I. V. CHUNKATH,  
Under Secretary to the Government of India.

To

The Ministry of Labour, Employment and Rehabilitation  
(Department of Labour and Employment), New Delhi.

*Note prepared for Informal Consultative Committee meeting held in August, 1966.*

*Item 9.*

- (i) Impact of the introduction of the electronic computers on the employment potential of the L.I.C.
- (ii) Opinion of the Government on the Memorandum submitted by the All India Insurance Employees' Association opposing the automation measures.
- (iii) Reported agreement between the Government and Honeywell Corporation regarding the supply of electronic computers.

By Shri R. Umanarh

*(i) and (ii):*

The Life Insurance Corporation has decided to install two Electronic Computers, one at Bombay and the other at Calcutta. The computer at Bombay was installed in November, 1965, and the other at Calcutta would be installed by the end of 1966. The Corporation does not expect to retrench even a single member of its staff as a result of installation of these computers on the contrary they are of the view that installation of Computers would in course of time create additional jobs.

Mechanisation is not new to Life Insurance in India. Even from pre-nationalisation days a number of Office jobs have been mechanised with the help of punch card machinery. For the purpose of ensuring efficiency in administration and rendering effective service to the policy holders, it is considered advisable to adopt a higher form of mechanisation, *viz.*, mechanisation by Electronic Computers.

The All India Employees Association addressed a Memorandum to the Ministry of Finance of January, 1966, against the introduction of electronic computers. The Finance Minister assured them that there would be no retrenchment consequent on the introduction of computers.

(iii) A statement was made by the Finance Minister in the Rajya Sabha on 5th August, 1966 in reply to a calling attention notice by Sarvashri Niren Ghose and Arun Prakash Chatterjee explaining the position in regard to the supply of computers by Honeywell Corporation. A copy of the Statement is attached.

The item pertaining to automation was also discussed at the 24th Session of the Indian Labour Conference held on 29-30th July, 1966.

It was generally considered that what was called for was a regulation of the pace of technological change to facilitate a smooth and orderly transition with the minimum of social costs. It was agreed that the requirements of the model agreement on the rationalisation adopted at the 15th Session of the Indian Labour Conference, should be fully complied with while introducing automation also. It was also agreed that Government policy in regard to automation should be a selective one and should ensure social good.

*Calling Attention*

**CALLING ATTENTION NOTICE FOR 5TH AUGUST, 1966 IN  
RAJYA SABHA**

**"SHRI NIREN GHOSH AND SHRI ARUN PRAKASH CHATTERJEE**  
to call the attention of the Minister of Finance to the recent agreement signed by Government with M/s. Honeywell Corporation of USA for supply of electronic computer machines."

Sir,

I would like to make the following statement in respect of the Calling Attention Notice in respect of the recent agreement with Messrs Honeywell Corporation of USA for the supply of electronic computers.

2. In February 1966, our Embassy in the U.S.A. brought to our notice the intention of Messrs Honeywell Corporation, USA to make available to one or more developing countries on a concessional basis upto ten of their electronic computers. The US firm also informed the Government of India directly also about their intention. It was also brought to our notice that due to the concessional nature of the offer, other underdeveloped countries were also interested and that, in order to maximise the efficiency of maintenance etc. The rational way would be to concentrate the supply rather than diffuse it.

3. The Honeywell computer model that was thus offered is a medium size and versatile computer suitable for data processing in Government offices, commercial establishments and scientific institutions. Coming to know of the possible availability of these machines, a number of Government Departments as also the Reserve Bank of India indicated that they needed computers for handling special and complex problems of data-storage, data processing, analysis and calculation. The various indentors for these Honeywell machines were:

- (a) the Reserve Bank of India.
- (b) the Central Statistical Organisation.
- (c) the Central Water and Power Commission.

- (d) the Council of Scientific and Industrial Research.
- (e) the Oil and Natural Gas Commission.
- (f) the Department of Defence Production.
- (g) the Central Board of Revenue.
- (h) the Director General of Technical Development.

Of these, the CSIR and the Department of Defence Production indicated that they needed a minimum of two and three machines respectively.

The total book value of the ten computers together with a bank of spare parts that would be required for five years was approximately \$7.5 million. The firm was prepared to make these available at a cost of \$125,000 per computer with spares or \$1.25 million in all. We thus get the equipment with spares for five years at no more than one sixth of the total cost. Since this represented in fact a concession in value in excess of \$6 million, since it gave a considerable opportunity for advance in essential computer techniques in India, and since there was a demand from the Reserve Bank of India and Government establishments for these machines, the Government of India felt greatly interested in the offer and accepted it. An agreement has, therefore, been concluded between M/s Honeywell Corporation and the Government of India on the 28th June 1966 by which the Government of India has accepted ten computer systems at concessional terms.

5. Under the agreement M/s Honeywell will deliver at their factory in Boston in USA the ten computer systems with spare, according to a time schedule that will have to be mutually agreed upon. Additional spares for normal maintenance and replacement required for a period of five years of use will also be supplied by the firm. The payment for the equipment and spare will be made as and when deliveries take place, subject to the total agreed price for all the ten machines and spares being US \$1,250,000. The firm will also provide in India training to Indian personnel in maintenance, programming installation and system design of the computers. In respect of the firm's experts coming to India to give training, India will defray only the local costs in India.

6. The exact distribution of the machines between the various indentors has not been decided finally yet since the demand is more than the supply. We have however made one point clear before approving of the acceptance of the Honeywell offer and that is that the use of these machines will be in such manner as not to bring down

the employment potential but only to keep the correct processing of data. I should make it clear to Hon'ble Members that this basic point will be observed in deciding which of the competing claimants for the computers will actually get them. Subject to this provision, namely that their use does not bring down the employment potential, the next criterion for their use will be the data-processing needs of the claimants. I need not point out to Hon'ble Members that the complexity of data analysis has been increasing in a number of fields and that, simultaneously, it is becoming more and more necessary to have the data analysis done quickly in order to improve the statistical basis for decision making. In short, these machines have been accepted primarily on the basis (a) that they will not be so used as to reduce employment potential, (b) that they will improve the efficiency and speed of data processing in important offices and (c) that they will be available to us at no more than a sixth of their cost. I may also add that we have arranged that the Secretary of the Ministry of Labour (who has also been concerned in the past with the Central Statistical Organisation) will be our Chief Adviser on the deployment of these machines.

## APPENDIX XXIII

(See Paras 43-44 of the Report)

### MINISTRY OF INDUSTRY

[LEI(A) Section]

**SUBJECT.—Petition No. 31 from Shri Saroj Chaudhuri and others regarding ban on import and use of electronic computers and automation equipment in offices and factories.**

Will the Lok Sabha Sectt. kindly refer to their u.o. No. F. 21[C-I] 66 dated 31st August, 1966, addressed to the Ministry of Finance (DEA) and Ministry of Finance (DEA)'s u.o. No. 7/16/66-CIE(I) dt. 13th September, 1966, on the above subject? There is no ban as such on the manufacture of Electronic Computers. As a matter of fact one firm, M/s. I.B.M. World Trade Corporation, New Delhi have already been granted an Industrial Licence for manufacture of these Electronic Computers. Besides, a "letter of intent" has also been issued to a U.K. firm viz., M/s. Elliot Automation Ltd., London for manufacture of Electronic Digital computers and another application from M/s. K.C.P. Ltd., Madras for manufacture of Analogue Computers is under consideration. This Ministry fully endorse the view expressed by the Ministry of Finance (DEA) in their U.O. cited above and have nothing further to add.

Sd/- N. SIVARAMAN

*Under Secretary to the Govt. of India.*

Lok Sabha Sectt. (Sri M. C. Chawla, Dy. Secretary).

Ministry of Industry U.O. No. LEI(A) 13(6)/66 dated 25th October, 1966.

## APPENDIX XXIV

(See Para 56 of the Report)

GOVERNMENT OF INDIA

MINISTRY OF PETROLEUM AND CHEMICALS

(Department of Petroleum)

SUBJECT.—Petition No. 36 from Shri B. R. Gala and others—  
Payment of commission on Kerosene.

Will the Lok Sabha Secretariat kindly refer to their U.O. No. F. 21/C-I-66 relating to Petition No. 36 from Shri Bhawanji Ramji Gala and others asking for an increase in the payment of commission on the retail sale of kerosene. The factual position is as follows:—

- (a) The petitioners' main request is that the retailers' margin may be increased from 1·5 paise to 5 paise per litre without increasing the price payable by the consumer, by debiting the increase to the profit margin of the oil companies.
- (b) The prices of major Petroleum Products (including Kerosene) are based on the principle of import parity. On this basis Government of India determine the basic ceiling selling prices of bulk refined petroleum products ex-oil companies storage points at main ports like Bombay. In addition, the following charges are admissible for deliveries in a main port station like Bombay (where no rail freight is involved)—
  - (i) Delivery charges at actual rates effective for deliveries beyond the oil company storage points.
  - (ii) Fixed commission to agents @ Rs. 7·70 per Kl. together with any extra cost at actual rates incurred by them for sales ex-agents' godown.

Thereafter the retail selling price of Kerosene including margin for the dealers is determined by the State Government. For example the present retail selling price of 47 paise per litre at Bombay is fixed by the State Government and not by the Government of India.

It will be seen from the following tabular statement that although the ceiling selling price of kerosene storage point at Bombay has increased from Rs. 265·49 per Kl. on 1st October, 1961, to Rs. 420·92

per Kl. on 5th June, 1966, the price ultimately accruing to the oil companies has actually gone down if the surcharge from 1st February, 1966, of Rs. 10 per Kl. on account of Bombay octroi is taken into account.

As on	Ceiling selling price ex-storage point Bombay	Basic duty	Duty free price
	Rs./Kl	Rs./Kl	Rs./Kl
(1)	(2)	(3)	(4)=(2)-(3)
I-I0-61	265.49	78.79	186.70
	420.92*	231.80	189.12*

\*Inclusive of Rs. 10 per Kl. as surcharge to compensate for the levy of octroi charged by Bombay Municipal Corpn.

N.B. Subsequent to devaluation of the rupee, the basic duty was reduced to Rs. 167.05/Kl. to provide for increase in C.I.F. values of Products arising from devaluation without altering the ceiling selling price and the profitability of the oil companies.

2. From the foregoing it is clear that the oil companies have not gained financially by the increase in the price of kerosene and so it is not possible to increase the margin payable to the dealers by reducing the profit margin of the oil companies. In this connection it may be mentioned that on the recommendation of the Oil Price Enquiry Committee and subsequently the Working Group on Oil Prices, a profit margin of 12 per cent on capital employed has been allowed to the marketing companies. The profit margin of the oil companies has not been increased as alleged by the petitioners. Besides it has nothing to do with the increase in the selling price of kerosene between 1961 and 1966 which is entirely due to increase in the basic duty levied on this product.

3. Since the retail price including the margin to the dealers and the Maharashtra Kerosene Dealers' Licensing Order are all matters falling within the purview of the State Government, the petitioners may be advised to take up the matter with the State Government.

Sd/- B. S. S. Rao  
Under Secretary to Govt. of India.

Lok Sabha Secretariat (Shri M. C. Chawla), New Delhi.

Min. of P&C U.O. No. 105(21)/66-PPD dated the 7th Oct., 1966.

## APPENDIX XXV

(See Para 67 of the Report)

Copy of the U.O. No. 9(1) (21)/L&R-65, dated the 6th November, 1965 of Ministry of Rehabilitation.

**SUBJECT:** *Allotment of sub-urban evacuee land to displaced persons who owned such land in Pakistan. Petition from Shri Ramdas T. Chugani.*

Will the Lok Sabha Secretariat please refer to their U.O. No. F. 23|C|65|R|427 dated 27-7-1965 on the above subject?

Government's policy regarding allotment of evacuee agricultural land is contained in the D.P. (C & R) Act, 1954, or the Rules made thereunder. These do not provide for allotment of urban agricultural land in India against similarly situated land in West Pakistan. The claims for urban land left in Pakistan have been verified in terms of money and compensation on these claims have been paid according to the rules. As already intimated *vide* this office U.O. of even number dated the 29th June, 1965, the disposal of urban evacuee land in India is governed by Chapter VA of the D.P. (C&R) Rules, 1955.

In so far as Shri Ramdas T. Ghugani's case is concerned, it may be stated that he had a verified land claim for 1043/std. acres. He was originally allotted 10 std acres of land in village Azadpur, Delhi treating the land to be rural agricultural land. Subsequently this village along with some other villages of Delhi was declared as urban because of the potential building value of the land situated in these villages, and a notification in this regard was issued under Rule 2(b) of the D.P. (C&R) Rules, 1955. Accordingly Shri Chugani was informed that land allotted to him in village Azadpur could not be transferred to him as rural land in lieu of the land owned by him in Pakistan. He was, however, given the option of purchasing 32 Bighas and 19 Biswas out of this land at the reserve price of Rs. 67158. The remaining area of this land constituted a garden which could not be transferred to him as per policy of the Government, Shri Chugani opted to purchase the land at the reserve price and after the amount had been recovered from him, partly in cash and partly through adjustment against his claims, the transfer deed was issued to him on 22-5-1964.

An examination of C.A.F. No. ND/15(IVNTA) filed by Shri Chugani shows that in addition to agricultural land claim referred to above, he had building claim verified for Rs. 80,000 which was subsequently reduced to Rs. 15,000 in *suo moto* revision. The compensation due to him for both these claims came to Rs. 68,258.72 and this was adjusted as below:—

(1) Towards part price of 32 Bighas and 19 Biswas of land in Village Azadpur .. ..	Rs. 59,389.41
(2) Towards price of Quarters Nos. 281 and 282 in Indra Nagar Colony .. ..	Rs. 3,264.00
(3) Arrears of rent .. ..	Rs. 5,605.31
	<hr/> Rs. 68,258.72

Since no more compensation is now due to Shri Chugani, the question of allotting any land to Shri Chugani does not arise. Shri Chugani himself had opted to purchase the urban land which had been allotted to him and it is not understood how he can have any grievance against the sale of the same to him.

Sd/- H. R. NAIR,  
*Deputy Chief Settlement Commissioner.*

## APPENDIX XXVI

(See Para 69 of the report)

Copy of U.O. No. 9(21)/65-L&R dated the 2nd February, 66 from the Ministry of Labour, Employment & Rehabilitation.

**SUBJECT:** *Allotment of suburban evacuee land to displaced persons who owned such land in Pakistan—Petition from Shri Ramdas T. Chugani.*

Will the Lok Sabha Secretariat kindly refer to their U.O. No. F.23/C/65R. 427 dated 27-11-65 on the subject noted above.

2. The policy being followed by the Government regarding allotment of urban evacuee agricultural land in India has already been intimated to the Lok Sabha Secretariat in this Office U.O.'s No. 9(1)-(21)/65-L&R dated 29th January 1965 and 6th November 1965. As regards the action taken to implement the Committee on Petitions recommendation contained in their Fifth Report, it may be stated that the old file where this recommendation were personally considered is not forthcoming. However, the matter has been considered now but in view of the policy followed in this behalf as contained in Chapter VA of the Displaced Persons (Compensation and Rehabilitation) Rules, 1955, a copy of which has already been forwarded, it has not been found possible to accept the said recommendation of the Committee. Moreover all land available for allotment has already been allotted, and no new allotments are now being made.

Sd/- G. D. KSHETRAPAL,  
*Joint Secretary to the Govt. of India &  
Chief Settlement Commissioner.*

## APPENDIX XXVII

(See para 76 of the report)

GOVERNMENT OF INDIA

MINISTRY OF LABOUR, EMPLOYMENT & REHABILITATION

(Department of Rehabilitation)

*Office of the Chief Settlement Commissioner, Jaisalmer House, New Delhi*

**SUBJECT: Supply of copy Jamabandi Record received from Pakistan.**

Will Lok Sabha Secretariat (Committee Branch) kindly refer to their U.O. No. F.23|C|65|R.457 dated the 8th November, 1965 on the above subject?

The required information is furnished seriatim as under:—

**Para 2(i) to (iii).**—Prior to 7th March, 1963, copies of the “certified copies of the jamabandis received from Pakistan” were supplied to the claimants but the judicial officers, while deciding the claim cases based their judgments on the entries in the copies of the jamabandi received from Pakistan, available with this office. No use was made of the copies in possession of the claimants. This question was, therefore, examined in 1963 and it was decided on 7th March, 1963 that since copy of certified copy of jamabandi is not admissible in evidence, the practice of supplying such copies to the claimants should be discontinued.

**Para 2(iv).**—Even prior to 7th March 1963, the judicial officers admitted or rejected claims of the displaced persons on the basis of certified copies of jamabandi available in this office and no use whatsoever was made by them of the attested copies of the documents in possession of the claimants, as already mentioned.

The matter has however been re-examined in consultation with the Ministry of Law and it has been decided that the copies of the jamabandi may be made available to Shri Teju Mal who has made a request in this regard and also to any other claimant who asks for

such copy here-after. Shri Teju Mal has therefore, been asked to make a fresh formal application to this office for the supply of the copy of jamabandi required by him alongwith the prescribed fee in the shape of postal orders.

Sd/- H. R. NAIR,  
*Joint Chief Settlement Commissioner.*

Lok Sabha Secretariat (Committee Branch)

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CSC U.O. No. 47/CRA/CSC/66 dated 23rd July, 1966.

## APPENDIX XXVIII

(See para 79 of the report)

Copy of Ministry of Home Affairs U.O. No. 42/79/66-POLL-I(A), dated the 21st May, 1966.

The facts on the points raised therein are given below:

- (1) The Government do not agree that there is any case for invoking the powers of the President under article 356 of the Constitution, namely that the Government of the State cannot be carried on in accordance with the provisions of the Constitution.
- (2) During the discussion in the House on 28th March 1966 on Motions for adjournment and Calling Attention Notices on Bastar incidents, a demand was made by certain Members for entrusting the inquiry to a Supreme Court Judge. As the demand was tantamount to questioning the impartiality of the Judge nominated by the Chief Justice of Madhya Pradesh, who had been appointed to hold the inquiry, the Home Minister turned it down in his reply on 30th March 1966. There is, therefore, no question of associating any Supreme Court Judge or any High Court Judge from outside with the Commission.
- (3) As regards the transfer of officers etc., if the Commission of Inquiry feel that any step is necessary in the interest of inquiry the State Government would be requested to create all possible conditions necessary to facilitate an impartial inquiry.

## APPENDIX XXIX

(See Para 84 of the 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.**

### PART I—CASES PERTAINING TO THE MINISTRY OF LABOUR, EMPLOYMENT AND REHABILITATION (DEPTT. OF REHABILITATION).

Sl. No.	Name of Petitioner	Brief Subject	Facts pursued by the Committee.
1	2	3	4
1.	Shri Namomal Lekhrajmal, Amravati.	Payment of compensation against verified claim for 11 Std. acres and 4-9/20 annas.	As the claimant died, on a representation received from claimant's son, Shri Khubomal, an order under Section 9 of the Displaced persons (Compensation & Rehabilitation) Act, 1954, was passed on 6th August, 1964, declaring Shri Khubomal as sole heir and legal representative of the deceased. The balance compensation of Rs. 5,778/- was paid to him on 21st June, 1965.
2.	Shrimati Lachhimbai Nandmal, Agra.	Adjustment of statement of account of compensation due to her issued against cost of seven properties at Agra pending since February, 1962.	After adjustment of compensation due to her in respect of 6 properties in Sept. 1964 the balance compensation left at her credit, to Rs. 60.48 paise was also adjusted towards quarter No. 68, Netaji Nagar, Nannair, Agra. This exhausted the compensation fully and hence no adjustment could be carried out towards the 7th property No. 1542, Kamail Gali, Moti Katra, Agra.
3.	Shrimati Radhibai d/o Assumal, Agra.	Condonation of delay in submission of her Compensation Application.	The C.S.C. had condoned the delay in submission of compensation application by Smt. Radhibai and ordered that the application form might be registered and processed and applicant had been informed.

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4. Shri Goumal Pritomal, Badnera. Payment of compensation for claim assessed for Rs. 877/- The C/S/C, had condoned the delay in inclusion of omitted claim for Rs. 877/- in C.A.F. of Shri Goumal and issued necessary instructions to R.S.C., Bombay, who had also apprised Shri Goumal on 15-2-1966.

5. Shri Liomal Khetumal & Allotment of area attached to Room Nos. 4-7 Bk. No. 532, Ulhasnagar Camp-2, allotted to them and for which they had received conveyance deed. The Administrator, Ulhasnagar had given demarcation of the area according to the Saned and allotment order for compound walls had been issued to the parties, on 9-4-1966 and 15-4-1966 respectively.

6. Shri Khemchand Sobhraj Payment of balance compensation in cash. Bhatia, Ahmedabad. Payment of compensation to him had since been made on 27th November, 1965.

7. M/s. Shewakram & Sons, Ahmedabad. Adjustment of claim of associate upto Rs. 2,300/- towards loan advanced to him by the Rehabilitation Finance Administration, against loan account No. 407. The required adjustment had since been made and recovery proforma sent to R.F.A., Unit, New Delhi on the 11th July, 1965 and petitioner apprised on the 15th March, 1966.

8. Shri Nanikram R. Nathani, Naurangpura, Ahmedabad. Alleged erroneous deduction of Rs. 530/- from his C.A.F. The necessary adjustment of Rs. 618/- towards GBP tenements Nos. 7-8 Ward-G, Kuberanagar Colony Ahmedabad, had since been made and the recovery, schedule forwarded to the concerned authority on 8-12-1963 under intimation to the petitioner.

9. Shri Sabumal Assandas, Ahmedabad. Refund of Rs. 563.75 paise deducted in excess from his compensation. After erroneous adjustment of Rs. 2,244/- from compensation of Shri Sabumal towards his son's urban loan, the latter filed a suit claiming refund of Rs. 563.75 excess adjusted. The suit was compromised by agreeing to pay the same in cash. Under the Compensation Rules, Shri Sabumal was entitled to payment in Z. A. Bond and not cash. A special sanction

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was, therefore, to be received from the Ministry of Finance. Further, accounts were to be linked up in the offices of the Collector, Ahmedabad, Pay & Accounts Officer, Bombay and the concerned Accountant General. This had now been done and Shri Sabumal Assandas had been requested to receive the payment from our Regional office at Bombay.

10 Shri Ishardas Thakurdas, Ulhas Nagar.

(1) Allotment of the plinth area of room No. 8 Barrack No. 374/1, and the open area attached to it, as stipulation in the deed of conveyance, had not been issued ; and

(2) the unauthorised construction of Godown khati Bursa and Foder behind BK No. 334, Camp, Ulhasnagar made by one Shri Tekchand Gidumal on the land belonging to Shri Ishardas Thakurdass and others as also on the Govt. land should be removed.

(1) Necessary allotment order had since been passed and Shri Ishardas Thakurdass had been informed of the same.

(2) In so far as the encroachments complained are concerned, it had been decided that the encroachments made by displaced persons prior to 11-5-196 on the Govt. lands, in Ulhasnagar Township should not be disturbed till their survey was completed. As regards the encroachments made by Shri Gidumal on the land belonging to Shri Ishardas Thakurdass and others, it was for the owners of the land to get the encroachments vacated through normal remedies. It appeared that Shri Ishardas Thakurdass had moved the matter in the Civil Court for the removal of unauthorised construction made by Shri Tekchand Gidumal and the Distt. Court had passed orders in his favour. However, the order of the Distt. Court could not be enforced as the allotment order had not been issued. Now that the allotment order had been issued to Shri Ishardas, there would

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			be no difficulty to get the order of the Distt. Court enforced.
11	Shri Assudomal Udhaw-dass, Agra.	Adjustment of Rs. 16,636 from C.A.F. towards cost of Evacuee property No. 45-E, Civil Lines, Agra.	The sale certificate in respect of the above-mentioned property had since been issued in favour of the purchaser.
12	Mukhi Tek Chand Naraindas Lulla, Ajmer.	Adjustment of total area against his garden claim.	Shri Mukhi Tek Chand was allotted agricultural land as well as groves. The cost of both these properties had since been adjusted against his verified claim. In addition to the above adjustments, there was a balance of Rs. 576.67 due to him under Rule 70-A in respect of his grove claim as per order dated 24-3-1962 of Deputy Chief Settlement Commissioner and the statement of account for this amount had also been issued to him. Since the full cost of the allotted land and groves had been recovered, action for the issue of sanad and deeds respectively was being taken by the Assistant Settlement Commissioner Incharge, Lucknow.
13	Shri Parasram <i>alias</i> Gobind-ram Agyaram, Ulhasnagar.	Alleged re-assessment of his claim at Rs. 59,652/- when his brother's claim for same area of immovable plots (as a Co-sharer) was verified for Rs. 2,59,182/-.	The claim files of the applicant Shri Gobindram and his brother Shri Chataram have been examined and it is found that Shri Gobindram filed claim in respect of 3 plots bearing survey Nos. 29, 124 and 30 in the town of Hyderabad (Sind) which were verified for Rs. 1134/8, Rs. 19057/8, Rs. 29160/- respectively i.e. for total of Rs. 59652/- whereas his brother Shri Chataram had filed claim in respect of only one plot

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bearing survey No. 27 in the above town which was verified for Rs. 2,59,182/- It would thus appear that both the brothers were not cosharers in the same plots as alleged by the applicant Shri Gobindram. The amount of Rs. 59652/- shown by the applicant in his present representation the verified amount in respect of all the 3 plots bearing survey Nos. 29, 124 and 30 claimed by him.

14. Shri Tara Chand Sahijram Issue of sale deed for Firozabad, Agra. property(Shop No.49 and one room No. 589) in Ramnagar Colony, near Randher at Surat. (i) The entire price of shop No. 49 had been adjusted and sale deed issued in favour of allottee on 4-2-66; and  
(ii) Room No. 589 stood transferred to the Govt. of Gujarat. However, the R.S.C., Bomhay, had requested the Collector of Surat that, in case no other action for disposal of the tenement had been made by the State Government, the sum of Rs. 1150.18 adjusted by the Assistant Settlement Commissioner i/c. U.P., Lucknow might be credited to allottee's account, balance recovered from and deed of conveyance issued to him.

15. Shri Sabhumal Bikhomal, Ahmedabad. Adjustment of associate's claim towards cost of tenement No. 240/A, Sardarnagar, Ahmedabad. The adjustment of Rs. 566/- had since been carried out from CAF of Shrimati Bhagwantibai Bhamnholmal in favour of Shri Sabhumal and relevant papers transferred to Gujarat Government under the scheme of transfer of residual work, and the petitioner advised to contact the Administrator, Sardarnagar, Ahmedabad for further action in the matter.

16. Shri Vadhjanal Budhram Ahmedabad. Adjustment of Rs. 2,200/- from C.A.F. of his associate Shri Ram Out of the total compensation of Rs. 10,314.00 payable to Shri Ram Chand Tehil Ram, a

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Chand Tehil Ram towards repayment of small urban loan taken and cost of a tenement purchased by the farmer.

sum of Rs. 9,257.075 had already been adjusted towards public dues from him and the balance viz. Rs. 1056/- had been adjusted towards cost of tenement No. 88-A, Udhav Nagar Wadeli, Ahmedabad, allotted to petitioner Shri Wadhmal. Since the total Compensation of Shri Ram Chand had already been utilised the question of adjustment of balance cost of Rs. 1,144/- did not arise. The petitioner grievance had been redressed to the extent possible.

17. Shri Jagatrai Kohrimal, Issue of sale deed for tenement Nos. B-15-16, Kubernagar Colony Ahmedabad.

The sale deed of the tenements was issued to applicant's father Shri Kohri Mal Sabhumal on 15-11-60. The applicant might be advised to get a copy of the sale deed already issued in favour of his father from the R.S.C., Bombay, on payment of prescribed fee.

18. Shri Gerimal Rangumal, Issue of conveyance deed for G.B.P. Tenement No. 226-A Sardarnagar Colony, Ahmedabad.

The Conveyance Deed in respect of the property had been issued to Shri Gulatmal, the allottee, and Shri Gerimal Rangumal had also been apprised of the position by the R. S.C., Bombay on the 24th March, 1966.

19. Shri Guraldas Ramandas, Refund of amount of compensation adjusted in excess towards public dues.

The amount of rent arrears actually recoverable from the complainant Shri Guraldas was only Rs. 1170.59 paise as against Rs. 1751.59 paise actually recovered from him inadvertently. Hence he is entitled to a refund of Rs. 581/- only. Accordingly, his compensation case has been reprocessed with a view to refunding him the aforesaid amount. The Amount will be disbursed to him as soon as

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			the bill is passed by the Pay and Accounts Officer, Bombay.
20	Shri Hola Ram Adumal, Agra.	Refund of amount from CAF towards the cost of agricultural land since allotted to Shri Ramdas Ishardas.	The Deputy Commissioner, Nainital has not yet forwarded 'Not Refund Certificate' to him. As soon as the required certificate is received by the Asstt. Settlement Commissioner I/C, necessary steps will be taken to refund the amount involved to the party concerned.
21	Shri Jhamumal S/o Shri Harumal, Agra.	Payment of compensation to petitioner in respect of his 1/3rd share viz. Rs. 1983.33 and Rs. 8266.33 in 2 claims bearing Index No. S/HB-1/2476 and S/HB-8/2124.	The entire compensation of Rs. 2445.25 payable to him has been adjusted towards the cost of properties No. 2408, Jiwan Mandi, Agra and No. 2427/4-6, X-Suban Katra Agra, purchased by S/ Shri Waheedulla and Kesumal with whom the claimant had associated his compensation.
22	Shrimati Kimathai Jumromai, Ulhasnagar.	Finalisation of CAP No. B/7/U/282/IV NT.	The total compensation admissible to the applicant works out to Rs. 3142.00. After adjustment of public dues, the net balance payable to the applicant works out to Rs. 2852.17 paise which also includes refund of Rs. 1,870.00 as claimed by her, the bill regarding payment of Rs. 2852.17 has since been passed by the Pay and Accounts Officer and the applicant has also been informed of the position on 8-2-66 by Regional Settlement Commissioner Bombay.
23	Shri Lok Chand Raman Dass, Ahmedabad.	Adjustment of Rupees 1440.50 NP from CAF No. B/A/S/461/IV NT towards the "cost of property No. A-58-59 Kubernagar, Ahmedabad.	On examining the record of the case it has been found that only a sum of Rs. 1330/- was adjusted from the above cited Compensation. Application Form and necessary recovery schedule was sent to the Administrator Sardar Nagar to whom the allotment file was transferred. The Administrator Sardar Nagar has now reported that the allottee has still

to pay an amount of Rs. 110.50 towards the cost of the above property plus interest thereon. The applicant may, therefore be advised to make the payment of this balance amount so that further necessary action for issue of conveyance deed may be taken up by the Administrator.

24. Shri Trambaklal Panachand, Bombay.

Grant of compensation under rule 20 of the Displaced persons (Compensation & Rehabilitation) Rules, 1955.

Claim Index No. 8/KR-10/365 was assessed for Rs. 57040/- in favour of the applicant as Manager of the Joint Hindu Family consisting of himself, his three brothers and his mother. In the Compensation Application Form also, it had been clearly admitted by each Co-sharer that they were members of a Joint Hindu Family in Pakistan, and that the claim was also filed on behalf of the Joint Hindu Family. Obviously therefore, the family was entitled to receive compensation under the provisions of Rule, 19(2) (b) and not rule 20 as contended by Shri Trambak Lal Panachand. The Regional Settlement Commissioner, Bombay, has intimated that the case of Shri Trambak Lal and his co-sharers has already been finalised long ago by payment of compensation to them.

25. Shri Sobh Raj, New Delhi.

Adjustment of Rs. 3225/- towards the balance cost of quarter No. 28/2, West Patel Nagar, New Delhi from compensation application bearing Regn. No. Bhopal /S/RA/619/IV(NT).

The adjustment of Rs. 3225 towards G.B. Quarter No. 28/2, West Patel Nagar New Delhi, has since been carried out from compensation application bearing, registration No. BH/S/619 IV NT and necessary recovery schedule has also been forwarded to the Regional Settlement Commissioner, New Delhi on 24-2-1966. The petitioner is being informed of the position separately.

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26. Shri Lilaram Kewalram, Settlement of the Compensation case bearing C.A.F. Reg. No. M/M/A/AA/(D)312/ XXI(L).

Shri Lilaram Kewalram was allotted 4.8 std. acres of land in S. No. 497 at village Kadodara of Taluka Kodinar in Amreli District *vide* allotment Order No. AMR-124 dated 11-1-58 and a sanad was also issued to him on 7-10-60. His balance land claim was converted in terms of money amounting to Rs. 1,971/- and the same adjusted towards his small urban loan taken from Deputy Commissioner, Nagpur. His rural building claim verified for less than Rs. 20,000 was rejected because the area allotted to him was more than 4 acres. Shri Lilaram is, however, reported to be deliberately avoiding taking possession of the land allotted to him. He may be advised to approach Regional Settlement Commissioner, Bombay for taking possession of the allotted land immediately failing which his land claim will be deemed to have been satisfied under Rule 61 of the Displaced Persons(C&R)Rules, 1955.

27. Shri G.R. Nathani, Thana.

Allowing benefit of Rule 10 at the Displaced Persons (Compensation & Rehabilitation) Rules, 1955.

In view of the judicial order already passed by the Deputy Chief Settlement Commissioner, the adjustment of cost of tenement No. B-12/48 Warship Colony, Baroda against the rural building claim cannot be made. If the claimant was not satisfied with the above order he should have sought legal remedy. As regards benefit of Rule 19 in respect of agricultural land claim, his case has since been processed and a sum of Rs. 943.57 admissible to him under Rule 19, has been adjusted towards the cost of the said tenement and the re-

covery schedule intimating the above adjustment has already been sent to the authority concerned on 5-4-66.

28. Shri Hiromal Mohandas, Claim for building properties and agricultural land in Och. Sial Taluka Dadu (Sind) Claim Index No. S/BP —3/181-C.

There were two claim orders passed in favour of Shri Hiromal—one for urban property of Rs. 9,044/- in favour of Shri Hiromal Mohandas as Katra of the Joint Hindu Family consisting of himself and his brother Shri Rochandmal Mohandas and the other rural property for Rs. 10,000/- in favour of the claimant Shri Hiromal. Though the latter claim stands exclusively in the name of Shri Hiromal, yet this claim was taken as of Joint Hindu Family and Shri Hiromal was accordingly paid 1/2 share of the compensation for both the claims under Rule 19. As regards the other 1/2 share it is not known whether his brother filed a compensation application. The share of compensation still remains to be paid which can only be disbursed if his brother has not filed any C.A.F. and in that case Shri Hiromal should give the consent letter of his brother along with the affidavit regarding public dues, etc.

As regards the agricultural land, the applicant did not claim compensation for his verified land claim in his compensation application and as such he could not be paid anything for the land claim. The applicant even afterwards does not appear to have applied to Regional Settlement Commissioner, Bombay, for inclusion of his verified land claim in his compensation application within

the prescribed period of 90 days of the amendment of the claim order.

29 Shri Jiwanram Gindamal, Adjustment of Rs. 2,384 towards the cost of property Nos. 143 and 53/23, old 1 Krishna Nagar Colony, Bhavnagar from CAF No. B/B/B/599-XXIV(CS) of Shri Parasram Jethanand.

The compensation admissible (Rs. 4,874) was paid to him on 27-1-56. Since there is no more compensation due to the claimant, the desired adjustment can not be carried out. The applicant has already been informed about this position on 2-6-66 by the Regional Settlement Commissioner, Bombay on receipt of a similar representation from him.

30 Smt. Mallawibai and Ram Piyari, Patiala. 'Compensation claim'.

The applicants have stated that they filed R.G.As under Rule 95 in the year 1955. Their R.G.As must have been rejected for want of documentary evidence at the initial stage by the Regional Office, in which they may have filed them. However, they may also indicate the particular office of this organisation in which they filed the same to enable us to ascertain facts about their R.G.As from the offices concerned.

The applicants appear to have applied on 27-12-63 for condonation of delay in filing their R.G.As in response to the Press Note issued by this Ministry in November, 1963. The question of granting condonation cases of applications received in pursuance of the Press Note was considered and it was decided not to condone delay in such cases. No action, therefore, was taken on the applications submitted by Smt. Mallawi Bai and Ram Piyari on 27-12-1963.

As regards the claim alleged to have been filed by Smt. Mallawi Bai in 1948, the

position is that the claims filed by the displaced persons in the year 1948-49 were not considered. Claims were again invited under the Displaced Persons (Claims) Act, 1950. As Smt. Mallawi Bai did not file the claim under that Act, it would not be possible to help her in the matter.

31. Shri Tahilram Saiwan Dass, Ahmedabad. Adjustment of Rs. 558/- from the CAF No. B/A/A/519/XXXX(L) towards C.B.P. Tencement No. G. 229, Kuberanagar, Ahmedabad.

The adjustment of Rs. 558/- has already been carried out towards the cost of property No. G-229, Kuberanagar, Ahmedabad. However, the Regional Settlement Commissioner has further reported that the Administrator Sardarnagar has intimated that a sum of Rs. 400/- towards the balance price of the above property and the interest thereon is still recoverable from the applicant. Necessary action for issue of sale deed will be taken by the Administrator Sardarnagar as and when the applicant has paid the entire price of the Settlement.

32. Shri Dilaram Jamandass, Betal. Settlement of Shop No. 14, situated at Betul Ganj, Betul (M.P.) The compensation case of applicant has been re-processed and a sum of Rs. 482.83 payable to him has been adjusted towards the price of the above Shop and necessary intimation to this effect was sent to petitioner on 6th May, 1966.

33. Shri Krishan Dev Khera, Execution of sale deed Subhadra Colony, Sarai in respect of property Rohilla, Delhi-7. No. C. 21, Sarai Rohilla, Delhi. The position is that Shri Krishan Dev Khera, allottee of Qr. No. C-21 Sarai Rohilla, Delhi paid 1/5th cost amounting to Rs. 1156.80P on 16th August, 1958 and the balance of 4/5th cost amounting to

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Rs. 4627.00 was paid  
by him as under :—

- (i) Rs. 4558.00 associated with Mchar Chand C.A. F. No. UP/MT/334767/ 567/4 on 19th October 1959.
- (ii) Rs. 50.00 credit adjustment of rent.
- (iii) Rs. 19.20P. paid in cash on 20th November, 1961.

Under the Rules Shri Krishan Dev Khera is liable to pay interest @ Rs. 2/- per annum on the balance of 4/5th cost upto the last date of next following month in which he associated and on the remaining amount upto the date he paid the balance cost. The amount of interest has been charged as under :—

- (i) Interest @ Rs. 2/- per annum as balance cost viz. Rs. 4577.20 P. from 16th August, 1958 to 30th November, 1959, for the period of one year 3 months 15 days.....  
Rs. 116.34 P.
- (ii) Interest @ Rs. 2/- per annum on 19.20 P. from 1st December, 1959 to 20th November, 1961....Rs.0.76 P.

TOTAL Rs.117.01 P.

Shri Krishan Dev Khera was informed by the Office of Regional Settlement Commissioner, Delhi, from time to time to pay the interest and the balance cost and was also explained the accounts position in detail when he attended that office. The fault lies with Shri Khera in not paying the amount within time and as such under the Rules

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			he cannot be exempted from payment of interest.
34. Shri Sitaldas Mangatmal, Ahmedabad.	Adjustment of Rs. 460/- from CAF No. RG/95/B/A/29 towards Block No. 649-1, Ambawadi, Ahmedabad.	Shri Sitaldas Mangatmal is not the allottee of Ten. No. 649-1 Ambawadi, Ahmedabad but that of G-180, Kuber Nagar Colony, Ahmedabad and the necessary adjustment has already been carried out by the Regional Settlement Commissioner, Bombay <i>vide</i> bill No. 59/Dec-62/296. Thus the grievances of the applicant stands redressed and the case has been treated as closed.	
35. Shri Jagumal Topandas, Ahmedabad.	Finalisation of CAF No. B-A. 17844-1844.	Shri Jagumal Topandas filed his Compensation Application Form under general category and arrears of rent upto 30th September, 1953 has rightly been deducted from his compensation towards the arrears of rent in respect of tenement No. 762/5, Ambawadi, Sardar Nagar, Ahmedabad.	
36. Shri Sajandas Rewachand, Ahmedabad.	Finalisation of CAF No. B/A/17848/848.	The position in detail had already been explained to Shri Sajandas Rewachand by the Regional Settlement Commissioner, Bombay, on 25th August, 1965. The letter is reproduced below :	<p>"I am to refer to your application dated 20th July, 1965 and to say that the Administrator Sardarnagar, Township Ahmedabad has, <i>vide</i> his letter No. RHBWS/R, dated 9-8-65, intimated that the plot mentioned by you at Azad Maidan of Kuber Nagar Colony is in your unauthorised occupation. As such the question of any adjustment towards</p>

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that property to the extent of Rs. 269/- remaining amount of your S/A does not arise. You are once again requested to intimate the alternative utilisation or send the consent for the issue of Z. A. bonds for the balance S/A amount within 15 days of the receipt of this letter failing which the case will be consigned to record without any further notice to you."

37. Shri Pohumal V. Atal, Supply of copy of Veri-  
Block No.. 16, fication order *re* : his  
Room No. 557,  
Wadia Estate, Khurla,  
Bombay-70.

Forward a copy of letter No. S/KR16/167/ Copying CSC/66, dated 11-7-66 to Shri Pohumal enclosing a copy of judgement order passed in case bearing Index No. S/KR16/167 by Shri N.P. Jaisinghani, Settlement Commissioner, with delegated powers of Chief Settlement Commissioner dated 11-11-1965.

38. Shri Mewaldas, New Settlement of Index No. S/LK-15/1018. Shri Alumal filed a claim in respect of 5 residential properties and for agricultural land. Claim for 4 residential properties was rejected by the Claims Officer, Shri Narain Tejumal *vide* his order dated 23-2-53.

Subsequently, Shri Alumal died and Shri Mewaldas filed an application for the verification of claim to which he was informed on 10-6-60 that in the absence of timely application, the case could not be reopened.

Shri Mewaldas filed a representation and his case was examined and sent for verification to Shri K. L. Wason, Additional Settlement Commissioner, who *vide* his order dated 22-4-63 rejected his claim in respect of the

remaining 5th residential property which had remained unverified till then. He however did not deal with his claim in respect of 4 residential properties and agricultural land which was rejected earlier on the ground that there was no timely application from the applicant for the re-opening of the case.

Being dissatisfied with the order claimant filed a revision petition and the same was rejected *ex parte* by the Authorised Chief Settlement Commissioner, *vide* his order dated 16-8-1963 as the claimant failed to appear on the date of hearing though served.

Claimant then filed a review petition and the same was also rejected by the Authorised Chief Settlement Commissioner on 17-10-1963 and petitioner was informed of the position.

39. Shri Mool Chand Lal Payment of compensation C. A. F. No. B/A/B/615 IVNT.

The Compensation payable to the applicant works out to Rs. 1645/- and the amount was adjusted towards the Small Urban Loan etc. having a balance of Rs. 366/- Since this balance did not cover the 1/5th cost of the property in his occupation at Sardar Nagar, Ahmedabad, his case was processed for cash payment. A registered notice was issued to the applicant, but it was received back un-delivered as he had left Ahmedabad. Thereafter another representation was received from the applicant by the Regional

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Settlement Commissioner, Bombay in which he gave his address of Ulhasnagar and requested that the cost of room in his occupation in Ulhasnagar Township may be adjusted from his compensation. The Regional Settlement Commissioner, Bombay had made certain enquiries from the Administrator, Sardar Nagar as well as Administrator, Ulhasnagar in the matter and their reply is still awaited. The applicant has already been advised *vide* our letter No. 4 (110) Com. & Prop/66 dated the 12th September, 1966 (Copy reproduced below) to contact Regional Settlement Commissioner, Bombay in the matter:—

“I am directed to refer to your letter dated the 25th July, 1966 on the above subject and to state that the Regional Settlement Commissioner, Bombay has reported that the total compensation admissible to you works out to Rs. 1645/- against your verified claim of Rs. 2665/-. The following recoveries were made from the compensation payable leaving a balance of Rs. 366/- to be paid to you from the compensation payable leaving a balance of Rs. 366/- to be paid to you.

1 Rs. 250.00  
30.75

Small urban loan.  
Interest.

2 Rs. 997.44  
Total Rs. 1278.19

Arrears of rent up to 10-11-55 in respect of property No. 419-A, Sardar Nagar.

Since the balance compensation did not cover the 1/5th cost of the

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Government Property Block No. 419-A, Sardar Nagar in your occupation your case was processed for cash payment of Rs. 366/- A Registered notice was issued to you, but the same was received back undelivered. Thereafter another representation was received from you by the Regional Settlement Commissioner, Bombay on 14th February, 1964 wherein you requested that cost of room occupied by you in Ulhasnagar may be deducted. The Regional Settlement Commissioner, Bombay has made certain enquiries from the Administrator, Sardar Nagar and Ulhasnagar in the matter and their reply is still awaited".

40. Shri Jagjit Singh, Malviya Nagar, New Delhi. Payment of compensation in respect of claim CAF No. D/GM/ 52623-27. Shri Jagjit Singh and his other co-sharers have since been declared as successors for their respective shares by the Settlement Officer, (Judicial) vide his order dated 1-8-66. The bills are being prepared and as soon as they are passed, payment under the rules would be made to them. Shri Jagjit Singh may be advised to approach Regional Settlement Commissioner, Delhi for further action in the matter.

41. Shri Topandas in Manamal, Kumarnagar, Dhulia. Settlement of CAF claim Index No. S/KS- 3/466. Shri Topandas filed a claim in respect of 3 properties, two plots, and otak all situated at Mad District Khairpur, and agricultural land in Deh Mad claiming Rs. 20,000/- in all. Claim for the two plots was verified for Rs. 1638/- by the Claim Officer.

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Subsequently, on an objection that the claims for plots were not verified *vide* notification No. 3 (14) Genl/50-II, dated 27th May, 1950 as amended by notification No. 3 (25) Genl/50 dated 13th September, 1950, the case was taken up in *suo motu* revision by the Claims Commissioner, Shri B. S. Sethi who issued notice to the claimant and as claimant failed to appear on the appointed date, the learned C. C. *vide* his order dated 29-1-53 rejected the claim for the two Plots.

Claimant filed a claim for 4 acres 20 ghuntas in respect of agricultural land and the same was rejected by the claims officer for want of evidence.

Subsequently, on receipt of revenue record from Pakistan, case was taken up in *suo motu* revision by the Additional Settlement Commissioner, Shri G. L. Ajwani, who *vide* his order dated 27-9-57 confirmed the rejection order of the C. O. on the ground that the official record showed the name of one Shri Kirpaladas and claimant failed to produce affidavit of widow (heir) of Kirpaladas to the effect that claimant had 1/6th share though promised.

Being dissatisfied with the above order, claimant filed an appeal on 14-12-60 and the case was submitted to A. S. C. (J) whose order is reproduced as under:—

"I have gone through the petition and find that no ground has been made out for any

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interference at this very late stage. Petition is rejected. Claimant to be informed. The claimant was informed accordingly on 23-5-1962.

42. Smt. Bhuri Bai Wd/o Settlement of Compensation Claim. Naina, Ahmedabad. The case has been examined and the facts are

that Smt. Bhuri Bai's deceased husband, Shri Naina Nath filed claim in respect of a residential house situated at Mirpurkhas and the same was indexed at No. S/TP-12/926. At the time of verification of claim, the claimant, Shri Naina Nath was duly heard and his statement was also recorded. Since he made statement full of contradictions, the same was not believed and the Claims Officer, Shri K.T. Israni *vide* his order dated 29-11-51 rejected the same. A copy of this order is enclosed for perusal. The claim has thus been rejected on merits.

In the D.Ps. (Claims) Acts, 1950 there was a provision for revision within 30 days of the order if the claimant felt aggrieved. In the present case, no such revision petition appears to have been filed and the present applicant Smt. Bhuri Bai as such cannot be helped.

43. Shri V. D. Chandnani and others, Ulhasnagar.

Alleged rejection of agriculture and claim for total acreage of 999-7-3/8 Gh..... in Dehs Sakro, Aruni, Khanwah of Johi, Taluka and Distt. Dadu.

The cases have been examined and the claims in respect of these Dehs have been finally assessed on the basis of revenue record received from Pakistan after duly considering the documentary evidence now cited by the applicant in his aforesaid representation.

The applicant has also been informed *vide* letter No. S/DD-ii/613/CRA/

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CSC/66 dated 3-10-1966  
in reply to a similar  
representation dated  
13-8-1966.

44. Shri Bhugromal Tara-  
chand;

Payment of Compensation  
to the legal represen-  
tatives of Shrimati  
Pounch Bai widow of  
Shri Tekumal.

Of the five legal represen-  
tatives viz. (i) Shrimati  
Bhagi Bai alias Rukmani  
Bai wife of Bhugromal  
(ii) Krishna Bai wife of  
Sobmajm, (iii) Kslerai  
wife of Hotchand (iv)  
Hari Bai wife of Gagan-  
das and (v) Kumari  
Pushpa Teckumal, of late  
Shrimati Pounch Bai  
wd/o Shri Tekumal,  
the first four were paid  
compensation to which  
they were found entitled,  
quite sometime back.  
So far as the payment  
of compensation to the  
fifth legal representatives  
viz., Kumari Pushpa is  
concerned, it may be  
mentioned that she being  
minor, her compensation  
amounting to Rs. 12577/-  
(Rs. 2/- in cash plus Rs.  
25/- N.P.S.C. plus Rs.  
12550/- UPZA Bonds)  
is required to be paid  
to her through the  
Collector, Ahmedabad as  
required by the pro-  
visions of Rules 77 and  
78 of the Displaced Per-  
sons (Compensation &  
Rehabilitation) Rules,  
1955. Accordingly, cash  
drafts/bonds have since  
been sent to the Collec-  
tor concerned for dis-  
bursement to Kumari  
Pushpa on her attaining  
majority. Thus it  
would be seen that the  
compensation payable to  
all the five legal represen-  
tatives of late Shri-  
mati Pabunchi Bai has  
since been disbursed in so  
far as the Settlement  
Organisation of this de-  
partment is concerned.

[Note—This case was sent  
in original to the Minis-  
try, in pursuance of  
Chairman's directions,  
for disposal and intima-  
tion of action taken.]

PART II—CASES PERTAINING TO MINISTRIES/DEPARTMENTS OTHER THAN  
THE DEPARTMENT OF REHABILITATION

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1 Shri Nathu Bala, Retired Fitter, Loco Shed, Nagpur.	Alleging that though he had passed Central Railway Nagpur, since he ceased to be in service, Govt. had neither decided his case nor paid up amount due to him.	[Railways (Railway Board)] Shri Nathoo Bala, ex. Fitter, Loco Shed, Nagpur was removed from service by the Divisional Superintendent, Nagpur on 27-3-1961 for having been found guilty of the following two charges for which two separate charge-sheets were served on him :—	<p><b>Charge No. 1</b>—Serious misconduct in that he did not utilise the amount of advance from provident Fund for the purpose it was sanctioned by the Divisional Superintendent.</p> <p><b>Charge No. 2</b>—Unauthorised absence.</p> <p>While the disciplinary cases were in progress, he submitted his resignation on 17-8-60, which was not initially accepted as it was conditional. On his appeal against the orders of his removal from service, the appellate authority, taking into consideration the circumstances of the case decided to accept the resignation instead of allowing the removal orders to stand. Accordingly, the Divisional Superintendent, Nagpur accepted the resignation of Shri Nathoo Bala with effect from 17-8-60. He was paid his settlement dues in full.</p> <p>Shri Nathoo Bala claimed payment of arrears of pay in the higher grade of Engine Examiner. No post of Engine Examiner existed at Loco Shed, Ajni, nor was he ever called upon to work as an Engine Examiner. He also filed a Civil Suit in the Court of Nagpur and the learned judge decided on 7-9-61 that the party had worked as a Fitter and not</p>

as an Engine Examiner. The Suit was dismissed with costs. Subsequently he filed a Revision Application No. 476 of 1961 in the High Court at Nagpur claiming Rs. 1425/- as arrears for the period from 5-7-1958 to 2-4-60. But the Suit was dismissed with cost on 21-2-1963.

Shri Nathoo Bala filed another application No. 42 in the Payment of Wages Court at Nagpur on 20-2-62 against the recovery of House Rent at penal rate from him for retaining the railway quarter at Ajnitali till 31-3-61. This suit was also dismissed with costs.

Thus no amount was due to Shri Nathoo Bala. In fact a sum of Rs. 109.62p. being the cost of suits awarded by the Court to the Railway, was to be recovered from him. As he had already drawn the settlement dues, the recovery of the amount had been waived under the General Manager's sanction.

2 Shrimati Pritam Kaur, W/o late Lt. Col. Ahluwalia, New Rajinder Nagar, New Delhi.

Settlement of pension claim of her late husband as a person belonging to Bhawalpur State Forces, West Pakistan.

[Defence (D/Pensions/Services)]. The deceased officer served in the Bahawalpur State Forces in the rank of Lt. Col. during the period from 13-6-30 to 29-2-48 was drawing a pay of Rs. 600/- p.m. at the time of retirement, and he was eligible for a pension of Rs. 160.69 p.m. He was granted a Short Service Regular Commission in the Indian Army and was serving as a Captain from 4th June, 1948 to 31st December, 1956. He died of heart failure on 4th May, 1957. For his Indian Army Service of 8 completed years, he was entitled to a terminal gratuity of Rs. 7,200/-; and after

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deducting income tax from this gratuity, a net amount of Rs. 6,893.74 was paid to Mrs. Pritam Kaur in October, 1958 on her producing a succession certificate from a Court of Law.

The Pakistan Government was addressed in January, 1964 to accept the liability for the pension, as Bahawalpur forms a part of Pakistan; in order that lifetime arrears of pension due to the officer might be paid to his widow. A reply to this communication had not been received despite reminders. The Central Claims Organisation under the Govt. of India Ministry of Rehabilitation, had also forwarded the pension claim preferred by the late officer against the erstwhile Bhawalpur State, in May 1962 to the Central Claims Organisation, Pakistan, for verification and issue of payment authority. Since then, the claim was under correspondence by the Central Claims Organisation with the Government of Pakistan, but the payment authority was not received. In the circumstances, it had not been possible for the Government of India to pay any part of the arrears of pension in respect of the service rendered by the late officer under the Bhawalpur State Forces.

After consideration of the matter in consultation with the Ministry of Finance, Shrimati Pritam Kaur was informed by the Defence Ministry in August, 1965 that the payment of any pension from the Government of Pakistan was not admissible in addition to the Indian Army pay, during

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the period of the officer's re-employment in India as a SSRC Officer.

The case had not been decided under the normal rules, but under the specific orders issued in July 1950 and in July, 1960 by the Ministry of Finance in respect of displaced Government servants who were employees of any of the Governments in Pakistan and who on migration to India secured employment under the Govt. of India. Those orders provided that the pension of such employees would be adjusted and their pay fixed in the same manner as for an employee of a State in India who was re-employed under the Government of India while in receipt of pension. [See Government of India Decisions No. (6) and (12) under Article 509 A of Chowdhury's Compilation of the Civil Service Regulations].

The case could not be considered for payment under the *Ad hoc* Scheme introduced by the Ministry of Rehabilitation, as the late Capt. Ahluwalia was *re-employed* in the Indian Army after his migration from Pakistan, and since such displaced Government servants were not entitled to draw pension over and above the pay drawn by them during the period of re-employment in India, under the provision of the said Scheme.

3 Shri Jodh Singh, President: Gurudwara Shri Guru Nanak Satsang Sabha, Railway Colony, Kishengunj, Delhi. Stay of eviction orders issued by the Estate Officer, Northern Railway. [Railways (Railway Board)] After due examination of the request, the General Manager, Northern Railway had been advised not to take action to remove the Gurudwara, which was an encroachment on Railway land, but, in

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order to protect Railway property from any further encroachment that was likely to take place in future, to provide suitable fencing to the Gurudwara proper leaving an opening for the devotees to enter the Gurudwara. Any other unauthorised structures which might exist on Railway land, however were proposed to be demolished.

4 Shrimati Beant Kaur, Non-payment of Rs. 480.60 due to her deceased husband, Shri Jagit Singh, Ex-Boiler Inspector, East Indian Rly. from the East Indian Railway Employees Cooperative Credit Society, Ltd., Calcutta.

[Railway Board] Enclosed a copy of the General Manager, Eastern Railways letter No. E. 257/11 (Coop) Pt. III, dated 8-3-1966, addressed to Shrimati Beant Kaur, in which he had referred to the fact that Rs. 482.75p less m. o. commission of Rs. 7.25 sent by the society on 31-12-65 under M.C Receipt No. 9132 (Calcutta G.P.O.) was duly received by her at Amritsar on 5-1-66.

5 Shri C. Abdul Hameed Sahib & Co. and other members of the Vaniyambadi Tanner's Association, Vaniyambadi, North Arcot, Madras.

Restoration of the stops at Vaniyambadi of the Additional Express Train(s) or of the West Coast Express to meet the requirements of the trading public thereof.

[Railways (Railway Board)] Vaniyambadi was a small way side station between Madras and Jalarpet. The traffic offering at this station was mostly short distance in character. In addition to two passenger trains each way, Nos. 7/8 Madras-Bangalore Mails and 23/24 Madras-Bangalore Expresses were scheduled to stop here. These services met the requirements of all short as well as long distance traffic offering at Vaniyambadi.

As regards the request of the Association, the Brindavan, West Coast or other Express trains referred to were long distance trains intended primarily for passengers travelling over long distances, hence halts were provided at a limited number of important stations. The Brindavan Expresses and

the West Coast Expresses running between Madras and Bangalore and Madras and Mangalore respectively were not given stoppages at important junction stations like Arkonam, and Walajah Road. In the circumstances, the provision of halts to long distance trains at Vaniyambadi was not justified; as there were other stations of equal or greater importance where those trains were not scheduled to halt and the provisions of halts at Vaniyambadi would lead to requests for stoppages at such stations of similar or greater importance which it would be difficult to resist; and if given would slow down these trains considerably.

In the circumstances explained above, it was not in the larger interests of the long distance users of West Coast Expresses and Brindavan Expresses that these services were decelerated by adding to their stoppages at stations like Vaniyambadi. This would not be correct in the face of persistent demand for speeding up of these trains.

6 Civil Accounts and Audit Associations, Gwalior, Jaipur and Madras' Non-Gazetted Civil Accounts Officer's Association, Madras.

Restoration of recognition to the All India Audit and Accounts Association withdrawn on the 16th May, 1959 by the Ministry of Finance / Comptroller & Auditor General of India.

[Finance (Dept. of Expenditure)] Invited attention to the Statement made by the Finance Minister on the subject in Lok Sabha on the 9th March, 1966. There had been no further development except that the question of grant of *de facto* recognition to the All India Audit and Accounts Association was under consideration. As regards the draft scheme of the C & A. G. for Joint Consultation and Arbitration in respect of the Indian Audit and Accounts Department, referred to in

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para 6 of the representations, the position was that the scheme envisaged had not been finalised by the C.&A.G. so far. It was, therefore, premature to offer any comments in the matter. It might however be mentioned that most of the Accountants General consulted the staff Associations of their offices either formally or informally regarding the scheme.

In the Statement made in the House the Minister had referred to a token fast organised by the members of the Association on 3rd and 4th March last and had stated that as the Association was found indulging in activities inconsistent with their constitution as approved by Government, their recognition was withdrawn after due notice, in May 1959 by the Cr. & A. G. The reply submitted by the Association thereafter was not found satisfactory.

As a result of the decision of the Supreme Court in October, 1962, declaring Rule 4(B) of the Central Services (Conduct) Rules 1955, as being repugnant to the provisions of Article 19(1) (c) of the Constitution, the Central Civil Services (Recognition of Services Association) Rules, 1959, framed with reference to Rule 4(B) of the Conduct Rules also became automatically void and unenforceable. Hence, at present Government have no residuary power for grant of recognition to service associations.

However, in pursuance of Government's decision in May, 1965 that Associations conforming to existing rules should be allowed opportunities for

presenting their grievances and discussing them with the administrative authorities, irrespective of their formal recognition or not, three other Associations of the Indian Audit & Accounts Department which had been recognised, had been permitted to present their grievances. The question of recognition of the All India Non-gazetted Audit and Accounts Association was under consideration of the Cr. & A.G. The fact that the working Committee members of the Association, instead of being elected annually as per its constitution, were elected in 1963 last, and other relevant facts were being duly taken into account by the Comptroller & Auditor General in reaching a decision.

7. Shri Gurbaksh Singh, Fixation of his pay in [D.G. P. & T.] Retired Office Supdt. the revised higher Circle Office, Hyderabad. scale of pay from 31-7-50.

Shri Gurbaksh Singh originally belonged to the Punjab Circle Office. When the Federal Financial Integration took place he volunteered to go to Hyderabad. At that time a Sub Circle under Madras Circle existed with the head quarters at Hyderabad. There was a post of Office Supdt. in the Higher Selection Grade scale of Rs. 250-15-325 at Hyderabad. Shri Gurbaksh Singh joined that post of Office Superintendent on 31-7-1950.

Later, the then Director of Posts and Telegraphs, Hyderabad came up with a proposal to upgrade the post of Office Supdt. to the scale of Rs. 280-15-370 as the Hyderabad Circle Office was functioning like other minor Circle Offices. The matter was considered by the

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Government and the post of Office Supdt. was sanctioned in the scale of Rs. 280-15-370 with effect from 27-5-52.

Petitioner's request was on the ground that the Manual of Appointments and Allowances of the Officers of the P & T Department prescribed a scale of Rs. 280-15-370 only from 1-1-47 for the post of Office Supts. in Minor Circles. His request could not be acceded to because when he joined the Circle Office, Hyderabad, that Circle was only a Sub-Circle under the Madras Circle and the post of Office Supdt. was only in the Higher Selections Grade scale of Rs. 250/325. It was on 27-5-52 that orders were issued for the revision of pay scale to Rs. 280/370. These orders could not be given retrospective effect from 31-7-50.

The petitioner had also represented his case in 1958 to Shri Hukum Singh who was then the Deputy Speaker, Lok Sabha. The Dy. Speaker had written to Shri Raj Bahadur, the then Minister of Communications *vide* his letter dated 16-6-58. The Minister gave a reply on 23-7-58 *vide* letter No. PE. 18-126/55-P&A dated 27-3-58 explaining the grounds for not acceding to petitioners' request.

5 Five Assistant Station Masters/Station Masters belonging to All India SMs/ASMs Association, Delhi (Countersigned by Shri U.M. Trivedi, M.P.)

(a) Recognition of the two Associations by the Government, and

[Railways (Railway Board)] In so far as the question of recognition of the All India SMs and ASMs Association is concerned it may be stated that, as had been clarified even on the floor of the Parliament on many occasions in the past, it is not Government's policy to recognise Associations which cater to one category or limited

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categories of Railway employees. Only unions composed of all categories of staff are recognised on Railways on Zonal basis. In accordance with this declared policy, the All India SMs and ASMs Association is not eligible for being considered for recognition as it is sectional in character. Shri U.M. Trivedi, M. P., addressed the Minister for Railways in this connection recently and he was apprised of the correct position.

**(b) Alleged interpolation of Railway employees of other categories.**

Regarding the grievances of the Association about interpolation of persons belonging to other categories, it may be stated that at present Guards in different grades are allowed to seek further avenue of promotion in the category of ASMs in scales of pay Rs. 205-280/- Rs. 250-380 on different Railways with a view to maintain operational efficiency. The question of making this procedure uniform on all Railways is, however, under consideration of the Board.

9 Shri R. L. Gupta, Spokesman, Hindustan Lever Mazdoor Sabha, Calcutta (received through Shri S.N. Dwivedy, M. P.) Grievances of workers of Hindustan Lever Ltd. [Labour, Employment and Rehabilitation (Dept. of Labour & Employment)] The letter dated 4th August 1966 addressed by Shri R. L. Gupta, a spokesman of the Hindustan Lever Mazdoor Sabha addressed to the Speaker, Lok Sabha and the memorandum submitted on behalf of the Mazdoor Sabha contain an appeal to the Speaker and the members of the Parliament to enlist their support for the redress of certain grievances and also to bring to their notice certain alleged malpractices adopted by the management of

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Hindustan Levers Ltd.,  
briefly they are:—

- (1) Fringe benefits like education, housing, leave travel and medical facilities; increments etc., have not been given to non-managerial employees over the last three years;
- (2) the company has expanded its capital base from Rs. 7.55 crores in 1956 to Rs. 15.68 crores in 1965 with a view to:—
  - (a) bring down the profit capital ration which otherwise would be about 45%; and
  - (b) deprive the workers of the company of their due available surplus for payment of bonus.
- (3) the employees find that while the company grows their employment shrinks.
- (4) engagement of contractual labour for perpetual work.
- (5) introduction with effect from the 18th July, 1966 of the scheme of 'Integration' which the employees call a programme of human rationalisation according to which permanent employees of the company face gradual replacement with contractual labour.

The State Governments are the appropriate Governments to deal with such disputes under the Industrial Disputes Act, 1947, as well as the Payment of Bonus Act, 1965. It is understood that no formal disputes has so far been raised by the Union with the Labour Commissioner

of Maharashtra where the headquarters of this establishment is situated. No such dispute has also been raised before the Labour Commissioner, Delhi.

*(Home Affairs)*

10 S/Shri C.P. Agarwala and P.L. Lakhanpal, Cen- and 30(1) of the De- tral Jail, New Delhi. Amendment of Rules 30-A fence of India Rules, 1962.

(a) Shri C.P. Agarwala was detained under the Defence of India Rules on the 14th August, 1965, as he was engaged in prejudicial activities which constituted a danger to public safety defence of India, etc. His detention order was reviewed by the Reviewing Authority at regular intervals. Shri Agarwala has since been released from detention.

(b) Shri P. L. Lakhanpal son of late Shri Dewan Chand Sharma, Editor of the "Evening View" was detained on 10th December, 1965 under Rule 30 of the Defence of India Rules with a view to preventing him from acting in a manner prejudicial to the defence of India and civil defence, public safety and maintenance of public order.

2. As required by sub-rule (9) of rule 30-A of the Defence of India Rules, 1962 Shri Lakhanpal's case was reviewed by the Government of India on 7th June, 1966 within the required period of six months. On review it was ordered to continue his detention only on grounds of defence of India and Civil defence, as it was not considered necessary to continue his detention on the two other grounds of public safety and maintenance of public order.

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(c) As regards the general policy, the Home Minister's statements in the Parliament on February 28th and April 27th, 1966, have been implemented and most of the detentions which were not relatable to defence of India and civil defence were cancelled, as was done in the case of Shri C. P. Aggarwala. Further, a new rule 3A was framed under the Defence of India Rules and three statutory orders issued under this rule on the 19th May, 1966, whereby the State Governments were required to obtain prior approval and sanction in respect of fresh detentions, and specific instructions of the Central Government for continuance of detentions which had been made prior to 20th May, 1966. In accordance with these instructions, all the detention cases, excepting those in the border States of Assam, Jammu and Kashmir, Manipur, Tripura, Nagaland and NEFA, have been scrutinised by the Central Government and appropriate orders issued before the 10th June, 1966. It would, therefore, be seen that the Home Minister's policy statements have been implemented to the fullest extent possible, as is evidenced by the very large number of persons released after February 28th, 1966.

Considering the fact that the powers of detention of most of the States have been restricted by new rule 3-A, of the Defence of

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India Rules, and that it is proposed to amend the Defence of India Act and Rules to apply it only to some border States and for the rest of the country to confine the powers to the Central Government only and that too for certain specific purposes, it is not considered necessary to provide for a three monthly review by law.

11 Shrimati Nirmala Bai, Grant of family pension, widow of late Shri M. M. Khemani, New Delhi

[Home Affairs]

The late Shri M. M. Khemani was appointed as Assistant Sub-Inspector in the Special Police Establishment (now Central Bureau of Investigation) on the 14th July, 1949. He died on 1st October, 1954. He could not be appointed to a permanent post in that organisation as the organisation itself was sanctioned on a permanent basis only with effect from the 12th August, 1960. The widow of the officer had already received a grant of Rs. 840.00 from the Compassionate Fund of the Government of India. One of the conditions for a grant from that Fund is that the dependent of the Government servant is not eligible for family pension or death-cum-retirement gratuity. In the circumstances the question of granting any family pension to the widow of Shri Khemani does not arise.

12 Thirty Employees of Eastern Railway.

Central Pay Commission scales of pay and abolition of the existing commission system.

[Railways (Railway Board). The representation forwarded by the Lok Setha Secretariat deal with the following matters:—

(a) request for abolition of the system of employing bearers on commission basis in the departmental catering establishments and

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absorption of such employees on regular pay scales; and

(b) request for absorption of cleaners engaged as casual labour in the departmental catering as railway employees on regular pay scales;

2. Position in respect of the above points is given below:—

*Regarding (a):* Since the extension of departmental catering on Railways, provision had been made for appointment of staff on Commission basis for scale of food, beverages etc. in all catering/vending establishments to the extent considered necessary, the object being to improve the service to passengers. There is no bar to such of the staff as are now working on commission basis being appointed on salary basis, as and when normal vacancies arise, provided they are suitable otherwise.

In view of certain representations received in regard to poor commission earned by bearers working in the mobile units the matter has been examined and it has been decided to pay these employees a fixed salary of Rs. 70/- per month and other allowances plus a commission of 8% on sales in excess of Rs. 1,600 a month. As the special circumstances that apply to the case of bearers of mobile units do not arise in the case of bearers working in the static establishments, it is not proposed to extend the system of payment of salary-cum-commission to the latter.

**Regarding (b):** Extent instructions provide for cleaning work in the departmental catering establishments being executed through contractors or regular employees, depending upon local conditions. The position is being reviewed by the Eastern Railway so that appropriate further action can be taken.

**[Education]**

13 Shri Tula Ram, provisionally S.V. teacher, Municipal Corporation Middle School, Morigate, Delhi.

Alleged retirement without any decision regarding the right of pension and gratuity and leave benefits.

According to the report received from the Education Officer, Delhi Municipal Corporation, the service book of Shri Tula Ram is not available and steps are being taken by the Corporation authorities to reconstruct a new Service book. His pension and payment of arrears will be decided after the preparation of his service book.

The Education Officer, Delhi Municipal Corporation has been requested to complete the service book of Shri Tula Ram without delay and decide his case expeditiously.

**[Home Affairs]**

14 12 permanent citizens of Delhi.

Demand for the formation of Greater Delhi.

(a) The demand for the creation of a State called Greater Delhi comprising areas to which a reference has been made in the representation was placed before the States Reorganisation Commission but was rejected.

(b) From para 70 of the Report of the Parliamentary Committee on the demand for Punjabi Suba it will be seen that a view was expressed before the Committee that a Vishal Haryana Prant be formed by bringing together certain areas of Rajasthan,

Uttar Pradesh, Delhi and the Haryana areas of Punjab. The Committee, however, refrained from expressing opinion on these view points.

(c) In the same paragraph the Parliamentary Committee have also referred to another suggestion that the Haryana area of Punjab might be joined with Delhi. The Committee, however, left it to the Government to consider in due course whether after retaining the New Delhi Municipal Committee area intact under the first administration of Central Government, it is feasible to join Delhi Municipal areas with the Haryana Prant.

(d) The observations made by the Parliamentary Committee were given careful consideration and in his statement dated the 18th April 1966 (Copy enclosed) the Home Minister apprised the Lok Sabha of Government's decision in the matter in the following terms:-

"Old Delhi and New Delhi constitute one close integrated administrative unit which is the seat of National Parliament and National Government. It will not be at all feasible or desirable to break up in any manner the territorial integrity of the Union territory of Delhi".

(e) In reply to Unstarred question No. 5189 in the Lok Sabha on the

11th May, 1966, the Minister in the Ministry of Home Affairs stated that Government did not favour the suggestion for the division of the State of Uttar Pradesh.

In view of the position stated above, namely, that it is not feasible or desirable to break-up in any manner the territorial integrity of the Union territory of Delhi and that Government do not favour the division of U. P., it is clear that Government do not favour the creation of a single State comprising the areas referred to in the representation.

It is noticed that the demand for Greater Delhi has been put forward primarily on historical and cultural considerations. The arguments adduced in the representation are of a general nature and it is not possible either to comment on their accuracy in so far as historical and cultural aspects are concerned or their relevance to the demand made therein. The plea that people of Delhi are being deprived of their political rights, however, is not correct. Delhi being a Union territory is directly administered by the Central Government and has got representation both in the Lok Sabha and Rajya Sabha. It is also proposed to constitute soon an Interim Metropolitan Council for Delhi under the Delhi Administration Act, 1966.

(Note : The Interim Metropolitan Council for Delhi has since started functioning).

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15 Sarvashri L. S. Purushotham and H. Ramaswamy, Engineers & Contractors, Bangalore. Alleged refusal of HSL, Bangalore to give 16 mm category of steel, unless the petitioners purchased the higher categories. [Iron & Steel]

The matter has been investigated and the position is explained below to clarify the whole position. The subject items fall under the decontrolled category of steel.

Since the supply position of 12 mm and 16 mm rounds is critical, the available supplies have to be distributed equitably. As a matter of policy, HSL distribute these critical sections from their stockyards, among others, to genuine actual users who produce certified plans of their buildings/houses from the Municipal/Corporation authorities and establish their bonafides and whose requirements are for small quantities amounting to one or two tonnes. HSL have thus helped some genuine small consumers. Further the prime quality steel materials are sold from HSL's stockyards at prices fixed by Iron & Steel Controller/Joint Plant Committee plus stockists' margin. Stocklists indicating materials available in stock are issued every fortnight to all of the HSL's consumers.

The party approached HSL Bangalore Office stating that they required a large quantity of 16 mm rounds for construction of various buildings for State Bank of India, B.M.S. College of Engineering and other Government Departments. The Party promised to furnish a letter from the S.B. I and other Government Departments concerned about the genuineness of their requirements. In fact, they

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themselves suggested that they would ask the S.B.I. and other Government Departments to place their orders directly on HSL's Bangalore stockyard for supply of 16 mm rounds tested to IS:226/62 quality.

At the time the party approaches HSL's Bangalore Office, their stockyard had only a very small quantity of 16 mm rounds in stock and that too in off-grade quality. The party was informed by HSL that it would not be correct on their part to offer off-grade materials to Government Departments as required by the Contractor as experience had shown that these contractors usually inform the parties, whose work was entrusted to them, that they have used tested materials obtained from HSL. Later on, if there is any flaw in the construction or any damage to the structure put up by them, HSL's reputation in the market will suffer.

The party has not till now produced any letter from the Government Departments nor have they placed their order for 16 mm off-grade rounds.

It is understood that the party was throughout treated with utmost courtesy by the HSL's Bangalore Office.

It may be mentioned in this connection that HSL's Bangalore stockyards supplied about 30 tonnes of mm rounds when the party needed the materials badly and they were not readily available in the market.

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[*Works, Housing & Urban Development (Works Division)*]

16 Shri Govind Sahai, Jaipur. Payment of outstanding dues of pension/gratuity and provident fund of Shri Gopi Ram, Stone Cutter, Central P.W.D.

The facts, in brief, of the case are that Shri Gopi Ram, Stone Cutter, who was working in the Parliament Works Division of the Central P.W.D. expired on the 16th June, 1960. His nephew, Shri Govind Sahai, who has sent a representation to the Lok Sabha Secretariat, produced a succession certificate from a Court and requested payment of the dues of the deceased. Subsequently, the wife of the deceased petitioned the Court which on the 14th September, 1962 cancelled the succession certificate issued in favour of Shri Govind Sahai and advised the Executive Engineer, Parliament Works Division, to keep the claim in abeyance till further orders from the Court. Later the appeal of the wife was dismissed as she did not appear before the Court.

Shri Govind Sahai then produced the old succession certificate on 2nd May, 1964 and requested payment. The Accountant General has advised the Executive Engineer that Shri Govind Sahai is not entitled to receive payment of dues of Shri Gopi Ram as "nephew" is not included in the list of family members who are entitled to receive pension, gratuity etc. The case was, therefore, closed.

The widow again requested the Executive Engineer

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on the 7th September, 1964 that the question of payment of the dues of her late husband should be kept pending till a decision was given by the Court to whom she had preferred an appeal.

It will therefore be seen that Shri Govind Sahai is not eligible to receive payment of the outstanding dues.

17 Shri E. Nageshwar Rao, Inadequate train services Vidhya Nagar, Bilaspur, for Bilaspur. M.P.

[*Railways (Railway Board)*] An assessment of the volume of through traffic offering between Bilaspur and Jabalpur has revealed that there is no justification for provision of an additional train between these points. However, a direct fast service is already available between Bilaspur and Jabalpur in 34 Up/33 Dn. Bilaspur-Indore Expresses/Passengers to the following abstract timings:—

34 Up Exp. 33 Dn. Exp

10.25 D Bilaspur A 19.00  
21.10 A Jabalpur D 07.53

The timings of these services have been framed after taking into consideration a number of factors, such as, the availability of path on different sections, suitability of timings at the starting and destination stations, terminal facilities and also the connections at the starting and destination as well as intermediate Junction Stations. It is not feasible to alter their schedule drastically, as suggested, for the reasons indicated below:—

(a) No. 34 UP Express which is scheduled to

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leave Bilaspur at 10.25 hrs. maintains connection with 321 UP Nagpur-Kharagpur Passenger (Arr. 08.15 hrs.), 328 Dn. Nagpur-Chakradharpur Passenger (Arr. 08.20 hrs) and 2 Dn. Howrah-Bombay Mail (Arr. 08.55 hrs). If the timings of 34 Up were to be altered to time its departure sometime in the evening, the waiting period for the passengers arriving by the above mentioned 3 trains at Bilaspur and travelling onwards by 34 Up Express will increase considerably which will lead to inconvenience to present users.

(b) No. 33 Dn. which is scheduled to arrive Bilaspur at 19.00 hrs. maintains connections with 327 UP Chakradharpur-Nagpur Passenger (Dep. 20.05 hrs.) and 1 Dn. Bombay-Howrah Mail (Dep. 20.11 hrs.) A later departure of this train will result in sacrificing both these important connections.

The timings of Nos. 35 Dn/36 Up Bilaspur-Bhopal Passengers/Expresses and 509 and 389 Dn. Passengers, to which a reference has also been made by the petitioner, are indicated below :—

36 Up Pass. 35 Dn. Pass.

22.30 D Bilaspur A 05.45  
08.40 A Katni D 19.05

509 Up Pass. 389 Dn. Pass.

06.20 D Katni A 18.15  
09.05 A Jabalpur D 14.55

If a connection between 36 Up and 509 Up were

to be formed, the former will have to be started about 3 hours earlier than at present ex. Bilaspur. With the existing schedule, 36Up maintains important connections with 327 Up Chakradharpur-Nagpur Passenger (Arr. 19.50 hrs.) 1 Dn. Bombay Howrah Mail (Arr. 20.00 hrs.) and 322 Dn. Nagpur-Kharagpur Passenger (Arr. 21.35 hrs.) by which train Raipur-New Delhi through coach runs. An earlier departure ex. Bilaspur will result in sacrificing all these important connections. Alternately, it is not feasible to accelerate 36Up since this is an all-stopping train on the Bilaspur-Katni Section.

Similarly, a later departure of 389 Dn. Passenger at 23.00 hrs. ex-Jabalpur will result in missing connection with 35 Dn. Passenger at Katni.

In this connection, it is stated that the timings of three pairs of trains on Bilaspur-Katni section have been framed after taking into consideration the overall requirements of passengers on the section connections at both Bilaspur and Katni etc. Any drastic change in their schedule is neither operationally feasible nor is it justified having regard to the overall needs of traffic served by the trains in question.

18 Shri M.S. Helawar, Advocate, Chikmagalur, Mysore.

Arrears of grant due to be paid to Mysore State Branch of Bharatiya Ghumantra Jan Sevak Sangh.

[Department of Social Welfare]

The Govt. of India is not directly concerned with the subject matter of the petition on the following grounds:—

(a) The appointment of Shri M.S. Helwar as Regional Organiser of

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the Bharatiya Ghumantra Jan Sevak Sangh was not made by the Govt. of India. Such appointments are not subject to the approval of the Govt. of India.

- (b) The day to day working of the Sangh is governed by their Articles of Association and Memorandum of Association and directed by the Executive Committee of the Sangh and the Govt. of India is not concerned with it.
- (c) The Government of India is not concerned with the sanction of a grant of Rs. 1,000 to the Sangh by the Mysore Government.
- (d) The Govt. of India have not fixed the share of any State Branch out of the grants sanctioned by them.

Some representations were received from Shri Helawar regarding non-payment of his dues by the Central Office of the Bharatiya Ghumantra Jan Sevak Sangh. The committee of the Central Office of the Sangh were invited on the representation made by Shri Helawar and after considering the whole matter, the Govt. of India came to the conclusion that it was for Shri Helawar and the Sangh to decide the matter among themselves.

19 Shri P.S. Gupta, Ghaziabad. Complaint against Directorate of Social Welfare, Delhi Administration, regarding offer of post. [Home Affairs] Applications for the post of Craft Instructors (Cane Work) in the pay scale of Rs. 130-300, were

invited by the Delhi Administration in 1962. The essential qualifications were (a) Diploma or certificate in cane craft, (b) two years' experience in the craft and (c) capacity of supervising work and imparting instructions to the inmates of the institution. The minimum age prescribed was 25 years and the maximum 40 years. Shri P. S. Gupta was called for interview with other candidates but was not selected.

The post remained unfilled and was advertised in 1963 in the pay-scale of Rs. 118-225, with the same qualifications as given above. Shri Gupta again applied for the post and was put through a preliminary practical test. He was not called for interview as he was below the prescribed age of 25 years.

Shri Gupta was informed by the Delhi Administration that he had not been selected for the post, *vide* letter No. F. 1(4)/64-DSW/19366 dated the 10th November, 1964. The post was again advertised recently and candidates were called for interview in September, 1966. Shri Gupta was not called for interview as he was below the prescribed age. No suitable candidates appeared for the interview and the post remains unfilled.

It may, therefore, be seen from the above that Shri Gupta was called for the first interview, though he was under-age, by a mistake. He was, however, not selected. Thereafter, he was not called for subsequent interview, as he was under-age.

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[The Committee, however, feel that this is a hard case and there is no point in strict observance of the regulations. The Committee recommend that this case might be re-considered sympathetically].

[Department of Social Welfare].

20 Shri A. N. Venkatasubramanian  
Taruvalai, Malapalyam  
Post, Madras.

Renewal petition regarding grievances of blind. The petitioner seems to have raised the following points :—

- (a) that social integration is possible overnight as human beings are gifted with common sense;
- (b) that young blind children should be taught in special State schools alongwith sighted children;
- (c) that economic integration is possible through legislative measures only;
- (d) that every blind man can secure open employment;
- (e) that sheltered workshops are not worth having;
- (f) that the work of employing the blind should be transferred to ordinary employment exchanges;
- (g) that the training at present imparted in the institutions for the blind is useless and new subjects should be introduced.

The comments of the Department of Social Welfare in regard to the above points may be summarised as follows :—

- (a) The main barrier to the social integration of the blind is the prejudices which have become an integral part of man's cultural heritage. Such deep-rooted prejudices can

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hardly be removed except through a long process of public education.

- (b) This proposal cannot be accepted because every blind child is not capable of being educated with sighted children. Moreover, the interests of sighted children have also to be borne in mind.
- (c) Legislation, although important, cannot by itself bring about integration. Moreover enactment and effective enforcement of Laws depend on a variety of factors particularly a favourable climate of opinion which is still to be created.
- (d) Experience has shown that for a variety of reasons it is not possible for every blind person to be placed in ordinary industrial, commercial or other establishments.
- (e) Sheltered workshops have been of considerable value for many blind persons not only in this country but even in the more developed countries.
- (f) Normal employment exchanges have a heavy load to carry. The placement of blind persons requires concentrated attention. Thus implementation of this proposal may in fact effect adversely the placement of the blind.
- (g) The Department is aware of the need to improve and diversify the training facilities. As a first step, training in light engineering has been introduced in the Training Centre for the Adult Blind, Dehra

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Dun, administered by this Department. A small pamphlet giving full particulars of this course has been published and supplied for the guidance of all institutions for the blind.

[Home Affairs]

21 Shri M.S. Helawar, Advocate, Mysore. Special concessions to Nomadic Tribes in Government services such as relaxation of age etc.

The request in the representation of Shri Helawar referred to therein is not quite clear. It, however, appears that the petitioner wants relaxation of age-limit, and reservation of posts for Nomadic Tribes in the services under Government. In Central Government services, there is a reservation of 12½% of the vacancies for Scheduled Castes and 5% of the vacancies for Scheduled Tribes in posts filled by direct recruitment on an all India basis by open competition. Where recruitment is made otherwise than by open competition, the reservation is 16½% for Scheduled Castes and 5% for Scheduled Tribes. Where recruitment is made on a regional basis, the percentages of reservation have been fixed on the basis of ratios which the population of the Scheduled Castes and Scheduled Tribes bears to the total population of the area or region, subject to a minimum reservation of 5% for Scheduled Tribes. From 8-11-1963, reservation has been provided at 12½% for Scheduled Castes and 5% for Scheduled Tribes in Class III and IV posts filled by promotion by selection or through departmental competitive examinations, in grades or services to which

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there is no direct recruitment whatever. The Government of India have not recognised any classes other than the Scheduled Castes and Scheduled Tribes as backward for purpose of reservation in services. However, some of the Nomadic Tribes are already included in the existing lists of Scheduled Castes and Scheduled Tribes. Members of those Nomadic Tribes, which are included in the lists of Scheduled Castes and Scheduled Tribes, are thus already entitled to be appointed to posts reserved for Scheduled Castes and Scheduled Tribes in Central Government Services.

As regards relaxation of age limit, the maximum age limit prescribed for appointment to a service or post under the Central Government is already being relaxed by 5 years in the case of candidates belonging to Scheduled Castes and Scheduled Tribes. Those Nomadic Tribes which are included in the existing lists of Scheduled Castes and Scheduled Tribes are, therefore, already entitled to the benefit of age relaxation.

In view of the above position and the present policy of the Government of India to make reservations for Scheduled Castes and Scheduled Tribes only in services under them, it is not possible to reserve posts for, and allow age concessions to, members of these Nomadic Tribes, which are not included in the lists of Scheduled Castes and Scheduled Tribes.

Reservation in the services under the State Governments is the concern of the respective State Governments.

### APPENDIX XXX

(See Para 85 of the Report)

*Statement showing the Particulars of Representations on which final replies of Ministries/ Departments concerned are yet awaited.*

NOTE :—Dates of first reference for facts given in brackets.

Sl. No.	Ministry/Department concerned	Particulars of Representations under reference
1	Ministry of Labour Employment & Rehabilitation (Deptt. of Rehabilitation).	146 cases of grievances of Displaced Persons, of which the following are more than four years old : (i) Shri Sahijram Manghirmal. (ii) Shri Khanchand Bodomal. (iii) Shri Keshavdas Jamnadas (iv) Shri Ladharam Ramchand. (List of such cases have been supplied to the Ministry from time to time)
2	Ministry of Education	Representation from Shri Poorn Singh Negi, Waterman Diwan Chand Arya Higher Secondary School, New Delhi. (4-3-66)
3	Ministry of Health & Family Planning	Representation from R. A. Bandhani, Khedepur, Dt. Broach (30-9-65)—Original Repn. not returned by Ministry despite repeated reminders.
4	Ministry of Home Affairs	Four Representations from : (i) Shri B. K. Patwardhan, Kharagpur (2-6-66) ; (ii) Mirza Mohammed Bedar Bakht, Calcutta (18-7-66) ; (iii) Shri Amiya Deb Roy, Agartala (19-9-66) ; and (iv) Shri Ramesh Chandra Chanda (19-9-66), respectively.
5	Ministry of Labour & Employment & Rehab. (Deptt. of Labour & Employment) ;	Representation from Shri K. V. Chacko, New Delhi (30-12-65).
6	Ministry of Railways (Railway Board) :	Representations from (i) Shri Devnath Sardar & 30 others, Kamrup ; (2-9-1965), (ii) Secy., Dt. Fruit Merchants Association, Muzaffarpur (30-12-65) ; and (iii) Shri P. N. Parikh, Mehta Corporation Pvt. Ltd., Bombay (16-8-1966).
7	Department of Posts & Telegraphs.	Representations from (i) Shri Himatlal Jaisukhlal Shah, Bombay (14-3-66) ; (ii) Shrimati Hiranmayee Dutta, Darjeeling (19-9-66) and (iii) Sarvashri K. R. Guly, Sadhu Singh, Sohanlal & Hiranan Girdhar of Agra (Depositors in Boileauganj Post Office, Agra Savings Bank Account in which fraud was committed by the Postmaster concerned who has since been arrested (19-9-66).

Sl. No.	Ministry/Department concerned	Particulars of Representation under Reference
8	Department of Social Welfare.	Representations from (i) Shri R. Ramakrishnan & others North Cheralaik, Cochin (2-9-1965) ; and (ii) Shri I. D. Gour, Bhangrapara, PO Ranaghat, W. Bengal (14-3-66).
9	Ministry of Industry	Representation from Industrial Estate Manufacturers' Association Sanatnagar, Hyderabad (30-9-1965).
<i>Total number of representations yet pending final receipt of final replies from ministries concerned</i>		
(i) Ministry of Labour, Employment & Rehabilitation (Rehabilitation)	Dep't. of	146
(ii) Other Ministries	•	16
<b>GRAND TOTAL</b>		<b>162</b>

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