

COMMITTEE ON PETITIONS

SECOND REPORT

(FOURTH LOK SABHA)

(Presented on the 26th March, 1968)



**LOK SABHA SECRETARIAT
NEW DELHI**

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CORRIGENDA TO THE
SECOND REPORT OF THE COMMITTEE
ON PETITIONS,
FOURTH LOK SABHA.

Page 3, line 2, for "appended to this Report", read "laid on the Table"

Page 7, line 11 from bottom, after "December", insert "1967"

Page 9, line 11 (i) for "soyabeen" read "soya bean"
(ii) for "balance" read "balancing"

Page 13, line 4 from bottom, for "per ton" read "per tonne"

Page 14, (i) line 1, for "price" read "prices"
(ii) line 6, for "wholesale" read "wholesale"

Page 21, line 7, for "Bigteenth" read "Eighteenth"

Page 22, line 16, for "part" read "apart"

Page 52, line 7, for "has" read "hits"

Page 54, line 3 from bottom, for "elminated" read "eliminated"

Page 55, line 6 from bottom, for "mater" read "matter"

Page 62, Column 2, line 3, for "Sabaidas" read "Sabaldas"

Page 70, Column 4, line 15, for "Ramchand" read "Ramchand's"

Page 71, Column 4, line 5 from bottom, for "Committee" read "Committee's"

Page 82, Column 4, line 14, for "Import Control Tariff" read "(Import Control Tariff)"

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**COMPOSITION OF THE COMMITTEE ON PETITIONS
(1967-68)**

Shri Diwan Chand Sharma—*Chairman*
2. Shri Sonubhau Dagadu Baswant
3. Shri Onkar Lal Berwa
4. Shri C. T. Dhandapani
5. Shri George Fernandes
6. Shri Jugal Mondal
7. Shri K. Ananda Nambiar
8. Shri A. Nesamony
9. Shri Bhola Raut
10. Shri R. Dasaratha Rama Reddy
11. Shri S. C. Samanta
12. Shri Prakash Vir Shastri
13. Shri R. K. Sinha
14. Shri N. K. Somani
15. Shri Ram Chander Veerappa.

SECRETARIAT

Shri M. C. Chawla—*Deputy Secretary.*

REPORT

I

INTRODUCTION

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

2. The Committee, after the presentation of their First Report, held eleven sittings during the Third and Fourth Sessions of Lok Sabha and during the inter-session period preceding the Fourth Session, *viz.*, on the 1st, 11th and 21st December, 1967, 3rd, 4th, 27th, 29th and 30th January, 1968, 22nd February, 1968, 4th and 13th March, 1968.

3. At their sittings mentioned above, the Committee considered the following petitions/representations and other matters referred to them:—

- (i) Petition from Shri V. B. Worlikar, President, Maharashtra Pradesh Adivasi Seva Mandal, Bombay and two others relating to the Scheduled Castes and Scheduled Tribes Orders (Amendment) Bill, 1967. (Petition No. 2—Appendix—I)
- (ii) Petition from Major General (Retd.) U. C. Dubey and others on behalf of Cultural Organisations of the people of the Dogra-Pahari Region relating to the Constitution (Amendment) Bill, 1967 (*Amendment of the Eighth Schedule*) by Shri Inder J. Malhotra, M.P. (Petition No. 3—Appendix—II).
- (iii) Representation from Shri Bhawanji Ramji Gala, 122-130, Parel Road, Bombay and other Retail Shopkeepers of Bombay regarding regularisation of consumer prices of Vanaspati, margin of commission to Retail Dealers and colourisation of Vanaspati to curb adulteration of Ghee (Appendix—III).
- (iv) Representation from Shri M. M. Dave, Bhavnagar, *re:* amendment of the Central Civil Services (Conduct) Rules, 1964 (Appendix—IV).
- (v) Representation from the All India Cotton Seed Crushers' Association, Bombay regarding the fixation of maximum colour limit for Vanaspati under the Vegetable Oil Products Control Order 1967 issued on 16-12-67 (Appendix—V).

(vi) 32 other representations, letters etc. from various individuals, bodies or associations, which were inadmissible as petitions.

4. At their 16th, 18th, 19th, 20th and 24th sittings held on the 11th December, 1967 and 3rd, 4th and 27th January, 1968, and 4th March, 1968, respectively, the Committee examined the following witnesses in connection with the Representation from Shri Bhawanji Ramji Gala and others *re*: regularisation of consumers' prices of Vanaspati, margin of commission to the Retail Dealers and Colourisation of Vanaspati [para 3, item (iii) *supra*]:

- (a) Representatives of the Ministry of Food, Agriculture, Community Development and Cooperation (Department of Food).
- (b) Shri Bhawanji Ramji Gala and 5 other representatives of the Bombay Retail Dealers Association.
- (c) Shri P. L. Tandon, Chairman, Vanaspati Manufacturing Association of India, Bombay and 3 others.
- (d) Representatives of wholesale dealers in Vanaspati from Delhi, Ahmedabad and Bombay.
- (e) Representatives of Ministries of Finance and Food & Agriculture, Community Development and Cooperation (Department of Food).

At their 19th sitting held on the 4th January, 1968, the Committee had decided that a Press Communiqué (See Appendix VI), be issued inviting views of some of the recognised or registered Associations of wholesale dealers in Vanaspati products who might be interested in the matter.

5. At their 22nd sitting held on the 30th January, 1967, the Committee had decided to undertake an on-the-spot study of some Vanaspati manufacturing units in Delhi and Ghaziabad with a view to acquaint themselves with the processes involved in the hydrogenation of oils and manufacture of Vanaspati in the context of its colourisation.

6. The Committee have decided that the evidence given before them and in respect of which verbatim record had been kept (vide para 4 *supra*) should be printed and laid on the Table of the House *in extenso*.

The Committee have also decided that the Minutes of the Sittings covered by this Report should be appended to this report.

7. The Committee considered and adopted the Report at their sitting held on the 13th March, 1968.

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

II

PETITION NO. 2 FROM SHRI V. B. WORLIKAR, PRESIDENT,
MAHARASHTRA PRADESH ADIVASI SEWA MANDAL AND
TWO OTHERS RE: THE SCHEDULED CASTES AND
SCHEDULED TRIBES ORDERS (AMENDMENT) BILL, 1967.

9. The Petition (Appendix I) was presented to Lok Sabha by Shri George Fernandes, M. P. on the 21st December, 1967.

10. The Committee considered the petition at their 17th sitting held on the 21st December, 1967. The petitioners had prayed for:

- (a) inclusion of Dhiwar (Dhimar), Koli Communities of Vidarbha in the list of Scheduled Tribes;
- (b) inclusion of Reigond Media (Maria) Burad as Sub-Tribe of Gond Tribe in the Schedule; and
- (c) removal of Region or District restriction for Gowari and Dange—Dhanger Tribes.

The petitioners had also prayed that, to meet their grievances, necessary amendment might be made in the Bill when the Lok Sabha took it up for consideration and passing.

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

12. The petition was accordingly circulated on the 21st December, 1967.

III

PETITION NO. 3 FROM MAJOR-GENERAL (RETD.) U. C. DUBEY
AND 10 OTHERS RE: THE CONSTITUTION (AMENDMENT)
BILL, 1967 (AMENDMENT OF THE EIGHTH SCHEDULE)
BY SHRI INDER J. MALHOTRA, M.P.

13. The Petition (Appendix II) was presented to Lok Sabha by Shri Inder J. Malhotra, M. P. on the 23rd December, 1967. The petitioners had prayed that the Bill seeking to include "Dogri" in the Eighth Schedule to the Constitution might be proceeded with expeditiously by Lok Sabha.

14. The Committee considered the petition at their sittings held on the 3rd and 29th January, 1968.

15. Since the Bill was pending before the House, the Committee directed circulation of the petition *in extenso* to all Members of Lok Sabha under Rule 307 of the Rules of Procedure and Conduct of Business in Lok Sabha, on the eve of the commencement of the Budget Session, 1968.

16. The petition was accordingly circulated on the 12th February, 1968.

17. The Committee note, in this connection, that a similar Petition (No. 35) from Major-General (Retd.) U. C. Dubey and the same 10 other petitioners had been presented to the Third Lok Sabha by Syed Nazir Hussain Samnani which related to the Constitution (Amendment) Bill, 1966 (*Amendment of the Eighth Schedule*) by Shri Abdul Ghani Goni, M. P. This petition could not be considered by the Committee on Petitions (Third Lok Sabha), because of the dissolution of the Third Lok Sabha earlier than as scheduled in 1967.

18. The Committee further noted the comments of the Ministry of Home Affairs (See Appendix VII) on this Petition. The Ministry of Home Affairs have nothing further to add to their comments on Petition No. 35, Third Lok Sabha (See Appendix VIII). The Ministry had then proposed to oppose the Bill of Shri Abdul Ghani Goni whenever it came up before the House and had clarified that the inclusion of a language in the Eighth Schedule had no bearing on the question of safeguarding the rights of linguistic minorities. Further,

the adoption or recognition of a language or languages for official purposes of the State or any part thereof was not conditional on its inclusion in the Eighth Schedule. In this connection, the Ministry had invited attention to Articles 345, 347 and 350 of the Constitution.

19. The Ministry have now stated that "it is the considered judgment of the Government that in the wider national interest, the Eighth Schedule to the Constitution should not be enlarged. This policy has been announced in Parliament in reply to several questions."

20. The Committee feel that the object of the prayer of the petitioners has been adequately served by the circulation of their petition in extenso on the eve of the Fourth Session..

21. As regards the merits of the petitioners' grievance, the Committee are of the view that this is a matter of State Policy and there is, therefore, nothing that the Committee can do in the matter.

.22. The Committee have, therefore, decided not to pursue this matter any further.

REPRESENTATION FROM SHRI BHAWANJI RAMJI GALA AND OTHERS, BOMBAY, RE: REGULARISATION OF CONSUMER PRICES OF VANASPATI, INCREASE IN MARGIN OF COMMISSION OF RETAILERS AND COLOURISATION OF VANASPATI.

23. This representation (See Appendix III) was forwarded by Shri George Fernandes, M.P. for presentation to the House, but the Speaker withheld his consent to its presentation to Lok Sabha under Rule 160 and referred it to the Committee on Petitions as a Representation under Direction 95.

24. The petitioners have represented against the inadequacy of margin of commission allowed to them, which, they state, is static for a number of years, while manufacturers' profits are rising. The petitioners have also prayed for the stabilisation of consumer prices of Vanaspati and suggested colourisation of vanaspati as a means to check adulteration of Ghee.

25. The Committee considered the representation (See Appendix III) at their 15th to 21st and 23rd and 24th sittings held on the 1st, 11th and 21st December, 1967, and 3rd, 4th, 27th and 30th January and 22nd February and 4th March, 1968.

26. At their 16th, 18th to 20th and 24th sittings held on the 11th December, 3rd, 4th and 27th January, 1968, 22nd February, 1968 and 4th March, 1968, the Committee heard the evidence of the following witnesses:—

- (i) Representatives of the Ministry of Food, Agriculture & Community Development (Dept. of Food);
- (ii) Shri Bhawanji Ramji Gala and 5 other representatives of the Bombay Retail Dealers' Association;
- (iii) Representatives of the Vanaspati Manufacturers' Association of India, Bombay and of M/s. Hindustan Lever, Ltd.;
- (iv) Representatives of wholesale dealers in vanaspati from Delhi, Ahmedabad and Bombay; and

(v) Representatives of the Ministry of Finance (Cost Accounts Branch and Associated Finance) along with the representatives of the Ministry of Food, Agriculture, Community Development & Cooperation.

Regularisation of Consumer Prices of Vanaspati

Views of the Govt.

27. While furnishing written comments on the Representation, the Ministry of Food, Agriculture, Community Development & Co-operation (Department of Food) intimated that except for a brief period of a little over 3 months (from 1st March, 1963 to 21st May, 1963), there had been no statutory control on prices of vanaspati during any of the four years referred to in the representation. However, since May, 1963, an informal control had been exercised by Government over vanaspati prices, in as much as the prices chargeable during any month were linked with the prevailing price of raw vegetable oils according to a formula which provided for the addition of a fixed amount over the price of raw oil to cover processing, packing and other incidental charges. A return of 12 per cent on the capital employed was allowed to the manufacturers from which the industry had also to meet the interest on borrowings.

In elaboration of the main steps stated to have been taken by the Government to regularise prices of vanaspati, it was submitted by the representatives of the Ministries of Food, Agriculture, Community Development & Co-operation and Finance in the course of their evidence as follows:—

- (i) There being no statutory control on pricing by Government, prices of Vanaspati are fixed by the manufacturers every month, zone-wise (North, West, East and South Zones), purely on a *voluntary* basis and the prices are notified by Government after calculating them on the basis of cost per ton and then reducing them into units, in consultation with the Cost Accounts Branch of the Ministry of Finance. All this is done by Government in cooperation with the manufacturers and traders.
- (ii) According to the recommendations of the Cost Accounts Branch of the Ministry of Finance made in 1963, a certain uniform processing margin is allowed to the Vanaspati industry, which is added to the oil base which varies from month to month and time to time. This margin represents the average of expenses based on the Report of the Cost Accounts Branch of the Ministry of Finance. The variation in oil loss due to free fatty acid content is also aver-

aged on a uniform basis for the industry as a whole at 1.5 per cent of the oil cost.

- (iii) Regarding the different charges involved in 16.5 kg., 4 kg. and 2 kg. packs of Vanaspati, viz., processing, salary & distribution, refining, packing, excise duty, freight and return of capital, it was stated that with a view to reduce the high packing costs years back Government had banned the use of 1 kg. tin.
- (iv) As a further measure towards stabilising prices of oil which has a bearing on Vanaspati prices, Government were retaining a small quantity of soyabean oil as a balance factor keeping the industry guessing as to how much of that oil would be imported, buffer-stocked and released every month.
- (v) In view of the shortage of groundnut oil in the last 1-2 years, Government had permitted the Industry to use cotton seed oil, which was equally good in nutrition. This had also relieved pressure on groundnut oil. To encourage its production, excise rebate was allowed.

28. In their further evidence before the Committee on the 4th March, 1968, the representatives of the Ministry of Food, Agriculture, Community Development & Co-operation stated that in view of gradually falling prices of Vanaspati, the Government, as an experimental measure, were thinking of not fixing prices of vanaspati from month to month, in accordance with the aforesaid formula, and, instead, allowing the industry to fix its own prices. According to the witnesses, the whole proposition of decontrol was based on the assumption that there was larger supply than demand, and that the operation of the free market mechanism would benefit the consumer. It was also stated that if at any stage, it was found that the free market mechanism had operated against the interest of the consumer, Government would step in and re-impose 'voluntary control' and, if necessary, even 'statutory control'.

In reply to a question, it was, however, admitted that the prices under the free market mechanism might be a little higher than the Zonal prices fixed, in accordance with the aforesaid formula.

Views of the Industry.

29. According to Shri P. L. Tandon, Chairman, Hindustan Lever Ltd. and Chairman of the Vanaspati Manufacturers Association of India, the prices of Vanaspati were controlled by Government. He clarified that the new system of price-control was imposed upon the industry by the Ministry. He added that this control was no longer voluntary, as the prices fixed by Government were notified in the Gazette and in the press every month. While not joining issue with the Department of Food on the question of Voluntary Price Control Shri Tandon welcomed the steps taken by Government regarding the admixture of cotton seed oil in vanaspati and gradual reduction of vanaspati prices e.g. 5 paise per kg. on a 4 kg. tin w.e.f. 1st January, 1968.

According to Shri Tandon, the rise in vanaspati prices was caused by speculation in oil seeds. He suggested that Government should build up buffer stocks of soya bean oil and groundnut oil to reduce price fluctuations.

30. Pleading for decontrol, Shri Tandon urged that in the context of the excellent crop of groundnut during the year 1967-68, control in any form would bring in distortion. He pointed out that there was unutilised capacity to the tune of 250,000 tonnes in the factories for production of vanaspati. He also pointed out that for most of the time vanaspati had been selling below the controlled price. Shri Tandon, therefore, suggested complete decontrol of vanaspati prices (Voluntarily or statutorily) which would ensure freer supplies to the consumer. He assured the Committee that on decontrol, there would be no increase in manufacturers' price, though there might not be uniformity in the sale price of vanaspati of all brands, prices varying from Rs. 30 to Rs. 40 per tonne or about 50 paise per tin.

31. As a further measure for reduction in the prices of smaller packings of vanaspati of 1, 2 or 4 Kgs. tins, Shri Tandon mentioned that they were experimenting with plastic packing. He felt that with the advantage of low prices and indigenous production of plastics as compared to costly imported tin used in tin plates, the ban imposed by Government on sale of smaller packings could also be lifted.

Views of Retail Dealers

32. The retailers did not put forth any concrete suggestions before the Committee in regard to regularisation of consumer prices of vanaspati. They, however, stated that they would welcome any step for the benefit of the consumer.

Recommendations of the Committee

33. While the Committee note that the prices of Vanaspati have of late been showing a down-ward trend due to a fall in the prices of vegetable oils, they feel that a further reduction in the prices can be effected by a fuller utilisation of the installed capacity of the factories. They are concerned to observe in this regard that nearly 40 per cent of the industry's capacity remained unutilized due mainly to the lack of demand in the country. In the circumstances, the Committee would suggest to Government to explore the export prospects of Vanaspati. In such a case, the Committee would like to point out that there would not only be a heavy reduction in the overhead charges, but the country will also be able to earn foreign exchange, so badly needed for its development.

34. The Committee would also suggest that vigorous steps should be taken for the early replacement of tinpacks by plastic containers, if technically and physically possible, in the context of the varying atmospheric temperature in the various parts of the country at different periods during the year with a view to not only reducing the prices of vanaspati packs but also promoting the indigenous synthetic industry. This would also enable the country to save considerable foreign exchange involved in importing tin-plate for making tin-containers.

35. The Committee also feel that the existing procedure of fixing prices of vanaspati on a voluntary basis, in cooperation with the manufacturers and traders, has, on the whole, worked quite satisfactorily. They would, therefore, not like the Ministry to deviate from this system unless the Ministry were convinced that, in the interest of the consumer, it had become absolutely necessary to adopt some other course. The Committee trust that no black-marketing in Vanaspati would be allowed at any stage.

Increase in the margin of Commission of Retail Dealers

Views of the Retailers

36. The Retail Dealers who were also the petitioners (Shri Bhanwani Ramji Gala and others) complained that their gross margin had come down from 9.9 per cent to 1 per cent while the wholesale price of vanaspati had increased ten-fold during the last 30—40 years. They stated that the practice of refund of excess prices charged from them by the wholesalers, operative till six years back, had also been stopped and they were incurring losses. As they were small traders with little capital invest, they were trading mostly in smaller packings. They, therefore, desired that their margin of commission

should be on the basis of *value* and not on *weight*, as they had to meet increased expenses on shops, servants, electricity etc. They pleaded for an increase of at least 2 per cent in their margin of commission.

37. In regard to the desirability of forming a cooperative wholesale society, the Retail Dealers stated that the industry and wholesalers were not agreeable to make direct supplies to the Federation of seven Associations in Bombay called the Federation of Retail Dealers of Bombay, though that Federation had been in existence for the past fifty years or so. In reply to a question, it was, however, stated that the association was a Trust and not a registered co-operative society.

Views of the Manufacturers' Association

38. Shri P. L. Tandon, Chairman, Vanaspati Manufacturers' Association agreed that the retailers' margin was small, but he attributed that to the reduction in the overall trade margin from Rs. 200/- to Rs. 140/-. He, therefore, desired that the trade margin might be restored to the previous level of Rs. 200 per tonne under the original Price Control, with a view to increasing the retailers' margin.

39. Shri Tandon further stated that the industry would be prepared to supply goods to a wholesale co-operative society, formed by the Retailers, if it was recognised by Government and it satisfied the industry. He was, however, not in favour of the total elimination of wholesalers as a first step in the formation of wholesale registered co-operative societies. Nor was he in favour of reduction of margin allowed to the wholesalers. In reply to a question, Shri Tandon stated that the Association was not in favour of fixation of retailers' margin on percentage basis and suggested a periodic review of margins every 6 months or a year. According to him, a drop in vanaspati price did not reduce the expenses of retailers, which were fixed, while his profits varied every month.

Views of the Wholesale Dealers

40. The representatives of wholesale dealers in Vanaspati from Delhi, Ahmedabad and Bombay stated that they had no objection to the increase in the Retailers' margin, but that they would like an increase in their own margin of profit to about Rs. 120 per tonne from Rs. 80 per tonne in case of Bombay, and Rs. 70 per tonne in case of Delhi and other places.

41. The wholesale dealers did not favour the channelling of the wholesale trade through cooperatives of Retail Dealers as, in their view, the existing co-operatives did not function properly and had proved a failure. They stated that while wholesalers kept stocks to ensure equitable distribution, the retailers or their co-operatives would not hold stocks if prices fell.

42. The wholesalers also favoured de-licensing of the Vanaspati industry and adjustment of respective margins by the trade. They did not favour the fluctuating margins correlated to prices of Vanaspati.

Views of the Government

43. According to the representatives of the Ministry of Food, Agriculture, Community Development and Cooperation (Department of Food), the price formula provided for a combined trade margin of 14 paise per kg. covering both wholesale and retail commission. While the manufacturers were free to allocate this amount between their wholesalers and retailers at their discretion, it was not open to them to increase the overall trade margin beyond 14 paise per kg. Elucidating this point, the representatives of the Cost Accounts Branch of the Ministry of Finance told the Committee that the existing formula was based on the "Oil price plus reasonable wastage margin in the actual processing plus the processing charges plus reasonable profit margin to the manufacturers". For small packings of 4 and 2 kgs., certain extra differentials were added as small packings involved some extra cost.

44. As regards the channelling of wholesale business in vanaspati through the Retailers' co-operatives, Shri Dias, Secretary, Department of Food, stated that some-time back when the representatives of the Federation of Retail Dealers of Bombay had met him, he had suggested to them that the retailers should form a registered co-operative society and make direct purchases from the factories and thereby earn the full margin of 14 paise per kg. While he had assured them help in getting accommodation etc. he had also told them that they would have to pool their resources to have sufficient working capital.

45. Shri Dias felt that there was a strong case for increasing the margin allowed to the retail dealers. He, therefore, readily agreed to the suggestion that the total margin of commission of Rs. 140 a tonne might be raised to Rs. 150 per ton and distributed in the ratio of 70:80 among the wholesalers and Retail Dealers. According to him, it would mean an increase of only Rs. 10 per tonne to the consumer. Shri Dias felt that actually the consumer might not feel

this increase for the simple reason that the price of Vanaspati were falling.

Recommendations of the Committee

46. The Committee note that not only the Government but also the Industry are in favour of increase in the Retailers' margin. The wholesale dealers have also no objection to the margin of retailers being increased. The Committee, therefore, suggest that the total margin of commission allowed to Vanaspati trade may be increased from Rs. 140 to Rs. 150 per tonne and the total margin, thus increased, be re-allocated between the wholesale and retail trade in the proportion of 70:80. The Committee feel that this would go a long way in redressing the grievance of the petitioners. They also feel that in view of the present downward trend in the prices of vanaspati and the suggestions for further reduction of prices made by the Committee in paras 33-34 above, the increase in the total commission allowed to the trade, (1 paisa per kg.), negligible as it is, would hardly cause any burden to the consumer.

47. The Committee would also observe that in case the retailers desire to earn the full margin of commission allowed to the trade from time to time, the Retail Dealers might also consider the advisability of forming a wholesale co-operative society and after getting it duly registered approach the Industry to make direct supplies of vanaspati packs to that society, instead of through the wholesalers.

Colourisation of Vanaspati

48. The petitioners (Shri Bhawanji Ramji Gala and others) have submitted that in order to avoid adulteration of Ghee it had become necessary to colour the Vanaspati before it was marketed and that the Government of India should take necessary steps in that direction.

49. In this connection the Committee heard the views of the representatives of:

- (i) The Ministry of Food, Agriculture, Community Development and Cooperation (Department of Food—Directorate of Vanaspati and Sugar);
- (ii) Vanaspati Manufacturers Association of India, Bombay;
- (iii) Wholesale Dealers in Vanaspati from Delhi, Ahmedabad and Bombay; and
- (iv) Retail Dealers in Vanaspati (Shri Bhawanji Ramji Gala and others).

Views of the Government

50. The representatives of the Ministry of Food, Agriculture, Community Development and Cooperation informed the Committee that this question has been engaging their attention for a considerable time and that the "Report of Co-ordinating Committee for Intensifying Researches for Finding a Colour for Vanaspati" was still under examination.

51. In this regard the Committee note that the conclusions of that Expert Committee are "that colouring of Vanaspati is neither practicable nor desirable and that alternative methods like the more rigorous enforcement of the anti-adulteration laws, and the marketing of ghee in small containers preferably under AGMARK seal, should be used for achieving the end in view". The Expert Committee also feel that "the latent colourisation of Vanaspati with sesame oil currently in force should amply serve the purpose but the inspection and checking work should be intensified to ensure that all Vanaspati contains sesame oil. It should be accompanied by large-scale sampling of ghee and its testing for response to the Baudouin Test and suitable punitive action taken against offenders".

52. In their evidence, while referring to the findings of the Expert Committee, the representatives of the Department of Food informed the Committee that experiments have proved that alcoholic extract of turmeric, ratanjot and carotene oil are all unsuitable as, apart from imparting colour and odour, they disappear on use of ordinary bleaching stuff. Besides ratanjot has a certain toxicity. The findings of researches conducted at a number of laboratories are that a stable non-toxic colour is still not in sight.

53. The Committee note that at present, Government continue to insist on compulsory incorporation of 5-6 per cent sesame oil in vanaspati, which gives a certain latent colour and helps to detect adulteration. Adulteration of Ghee with Vanaspati gives a positive response to the Baudouin Test, viz., it gives a pink colour, while pure ghee gives a negative response to it.

54. The Government representatives felt that the existing powers of Government under the Essential Commodities Act, 1955 and the stricter penalties provided for in the Essential Commodities (Second Amendment) Act, 1967, were adequate for prevention of ghee adulteration.

Views of the Other Witnesses

55. The other witnesses from the trade appearing before the Committee could not, however, offer any concrete proposals in this

regard. The manufacturers of Vanaspati in Delhi and Ghaziabad, whose factories the Committee happened to visit, were not in favour of colourisation of Vanaspati. The retail-dealers, while welcoming any step to prevent adulteration of ghee, pointed out the possibility of adulteration of vanaspati itself at the time of packing at the factory with some foreign matter. They wanted strict supervision at the factory-stage. Shri P. L. Tandon, Chairman of the Vanaspati Manufacturers Association of India submitted to the Committee a Note on colourisation in which he agrees with the Expert Committee's findings and suggests proper enforcement of anti-adulteration laws as a measure to check adulteration. The wholesale dealers from Delhi also welcomed any step in this regard in the national interest.

Recommendations of the Committee

56. The Committee note that, although the question of colourisation of Vanaspati has been engaging the attention of Government and their research organisations for quite a long time, it has not yet been possible for them to find a suitable colour so far. It is hardly necessary to emphasize the imperative need to put an immediate end to the adulteration of ghee and, with this end in view, the Committee would like the Government to intensify their research efforts in the matter. In the meanwhile, the Committee suggest to Government to make full and effective use of the wide powers conferred upon them by the existing anti-adulteration laws including the Essential Commodities (Second Amendment) Act, 1967, under which deterrent punishment could be inflicted on persons contravening these laws. The Committee note that there was almost a unanimity of opinion among all the witnesses, official and non-official, examined by the Committee in this behalf.

57. The Committee also desire that every trader in ghee should be required to keep the apparatus of Baudouin Test at his selling counter with a view to enable the buyers to test the ghee in case they choose to do so. The Committee trust that immediate steps would be taken by the Government in this behalf.

**REPRESENTATION FROM SHRI M. M. DAVE, BHAVNAGAR,
RE: AMENDMENT OF THE CENTRAL CIVIL SERVICES
(CONDUCT) RULES, 1964.**

58. The Committee considered the Representation of Shri M. M. Dave of Bhavnagar (See Appendix IV) at their fifteenth sitting held on the 1st December, 1967. Shri Piloo Mody, Member, Lok Sabha, while forwarding a countersigned copy of the petition of Shri M. M. Dave had desired to present it to Lok Sabha. But the Speaker, Lok Sabha withheld his consent, under Rule 160, to its presentation to Lok Sabha and referred it to the Committee to be treated as a Representation under Direction 95.

59. Shri Dave had submitted *inter alia* that the provision of Section 165 of the Indian Penal Code, 1860, which "prohibits the acceptance of any gift by a public servant irrespective of the fact as to whether the giver is a relative or personal friend of the public servant" had been materially diluted by the provisions of Rule 13 of the Central Civil Services (Conduct) Rules, 1964. He had illustrated his argument by reference to the alleged actual practice as follows:—

- (i) Under Note (I) below Rule 13, "a casual meal, lift or other social hospitality shall not be deemed to be a gift. The Note, therefore, allows freedom to Government servants to dine at the places of the persons whose cases they had to deal with, or were likely to deal with. It also grants them freedom to use their vehicles."
- (ii) Sub Rules (2)* and (3)* of Rule 13 link "the gift value with the position of the recipient", when offered on oc-

*Sub-rules (2) and (3) of Rule 13 read as follows:

"(2) On occasions, such as weddings, anniversaries, funerals or religious functions, when the making of a gift is in conformity with the prevailing religious or social practice, a Government servant may accept gifts from his near relatives but he shall make a report to the Government if the value of any such gift exceeds—

(i) Rs. 500.00, in the case of a Government servant holding any Class I or Class II post;

casions such as weddings, anniversaries, funerals or religious functions. As "the value of the gift depends on the nearness of relation and not on the status of the recipient it is wrong for the Government to fix a higher limit for Government servants in the higher class and lower limits for those in the lower class."

- (iii) "The gifts made by relations and personal friends are for love and affection or on the basis of reciprocation. Both these are 'consideration' in law and would not be attracted by Section 165 of the Indian Penal Code. Rule 13 made by the Government is *ultra vires* and uncalled for."
- (iv) Sub-rule (4) of rule 13, while permitting the Government servants to accept gifts from those having dealings with Government, permitted them to do so without any over-all limit, the only restriction being as regards the amount received from any one person on any one occasion. Even if this limit was exceeded, the Government servant had merely to report it to Government.

The petitioner had prayed *inter alia*:-

(i) That the Ministry of Home Affairs be directed to repeal Rule 13 of the Central Civil Services (Conduct) Rules, 1964, forthwith;

(ii) that the Ministry of Home Affairs should further declare that the prosecution of a Government servant would be

(ii) Rs. 250.00, in the case of a Government servant holding any Class III post; and

(iii) Rs. 100.00 in the case of a Government servant holding any Class IV post.

(3) On such occasions as are specified in sub-rule (2), a Government servant may accept gifts from his personal friends having no official dealing with him, but he shall make a report to the Government if the value of any such gift exceeds—

(i) Rs. 200.00, in the case of a Government servant holding any Class I or Class II posts;

(ii) Rs. 100.00, in the case of a Government servant holding any Class III post; and

(iii) Rs. 50.00, in the case of a Government servant holding any Class IV post."

sanctioned when it was *prima facie* shown that the Government servant has received a free gift or had availed of any free service like meals, lift, etc. without consideration from any persons from whom the recipient of such gift etc. was prohibited under Section 165 of the Indian Penal Code and that the declaration would apply to all public servants within the meaning of the Penal Law of the country and the Ministers, Directors, Executives and employees of Banks and Public Corporations etc. would also be covered thereby;

- (iii) that those who abetted the offence under Section 165 of the Indian Penal Code would also be liable to prosecution; and
- (iv) if the Committee on Petitions were not inclined to recommend action as requested in the petition, the petitioner might be allowed an opportunity to be heard in person and his expenses for the journey to New Delhi paid to him.

60. The representation of Shri Dave was forwarded to the Ministry of Home Affairs. But the Ministry of Home Affairs had sent it, in turn, to the Ministry of Law for their comments.

61. The Committee have perused the comments of the Ministries of Law and Home Affairs on the Representation of Shri Dave. (See Appendix IX). The Ministry of Law in their reply have stated that Shri Dave had made his suggestions without specific facts of any case in respect of which he might have submitted his prayer. It was clear that under Rule 13 of the C. C. S. (Conduct) Rules, a public servant did not have the freedom to accept the gift from a person who had or who was likely to have any official dealings with him. The Ministry had also clarified that if a personal friend or a near relative had official dealings with the Government servant, he was debarred from enjoying any hospitality whatsoever from such persons. That Rule further restricted the freedom of the Government servant even in respect of his dealings with his personal friends or near relatives. As regards the report of gifts received by a Government servant on occasions like marriage etc., the Ministry have pointed out that such a report was bound to be scrutinised and it was open to Government to embark upon an inquiry and to satisfy itself as to whether the donor had any official dealing with the Government servant or acceptance of such a gift was in any way likely

to be abused by the Government servant in the discharge of his official duties.

62. The Ministry of Law felt that Rule 13 of the CCS (Conduct) Rules, 1964, did not in any way hit at the provisions of Section 165 of the I.P.C. That Ministry also felt that if the facts of any specific case were explained to them, it would be possible for them to examine the matter still further.

63. In the light of the above comments of the Ministries of Law and Home Affairs, the Committee are inclined to feel that Shri Dave had based his Representation on presumptions and conjectures. In case Shri Dave had any specific cases in view, he could have sought a remedy under the Rules by writing to Government direct, failing which, he could have brought the cases to the notice of the Committee on Petitions, and sought a remedy from them. The Committee, however, note that even though Shri Dave was asked to furnish documentary or other evidence in his possession to substantiate his allegation that Rule 13 of the CCS (Conduct) Rules, 1964 was ultra vires of Section 165 of I.P.C., he could not bring any specific case to the notice of the Committee. In view of this, the Committee have no alternative but to treat the matter as closed.

TELEGRAM FROM AICOSCA (ALL INDIA COTTON SEEDS CRUSHERS' ASSOCIATION), BOMBAY REGARDING FIXATION OF MAXIMUM COLOUR LIMIT FOR VANASPATI UNDER THE VEGETABLE OIL PRODUCTS CONTROL ORDER, 1967

64. The Committee considered the telegram (See Appendix V) at their Eighteenth and Twenty-second sittings held on the 3rd and the 30th January, 1968.

65. The AICOSCA, Bombay had alleged that with the fixation of maximum colour limit for Vanaspati under the Vegetable Oil Products Control Order issued by the Directorate of Sugar & Vanaspati on the 16th December, 1967, the Cotton Seed Oil Industry would be affected *vis-a-vis* the Vanaspati Industry. Cotton Seed Oil consumption by the Vanaspati manufacturers would also be reduced to less than 10 per cent and Vanaspati prices would go up. Cottonseed crushing would be reduced and would affect oil supply and export of cottonseed cake. The petitioners had, therefore, requested for re-consideration of the new specifications notified under the said order.

66. A copy of the telegram was sent to the Ministry of Food, Agriculture, Community Development and Cooperation (Department of Food Directorate of Sugar and Vanaspati) for their factual comments.

67. The Ministry have explained (See Appendix X) that the telegram from AICOSCA, Bombay referred to their Order No. S.O. 4452 dated 11-12-1967 prescribing *inter alia* a maximum limit for colour of Vanaspati *viz.*, 5.0 yellow units plus 1.0 red unit in a one inch cell on a Lovibond scale. With the increasing use of cottonseed oil in Vanaspati manufacture in recent years and the difficulty of completely eliminating the colour of this oil in the bleaching process, some residual colour in Vanaspati could not be entirely avoided. But, as a rule, the colour of the product has been reasonably light in spite of the fact that the substantial quantities of cottonseed oil have been used by the industry during the past several years. In view of this, beyond prohibiting the addition of any harmful colouring matter to Vanaspati no limit had been prescribed in regard to the colour of the product.

68. The Ministry further stated that a number of complaints both from the Army authorities and the civil market re: the brownish yellow colour of Vanaspati being marketed by some of the factories were examined and it was found that that colour could be partly attributed to inadequate bleaching, and partly to the use by the factories, of a large percentage of poor quality cottonseed oil in the product. In the vanaspati marketed by the factories in the past few years, the limit of 5.0 yellow units plus 1.0 red unit in a one inch Lovibond cell and the level of incorporation of cotton seed oil therein was considered adequate for the purpose and therefore S.O. 4452 dated 11-12-1967 (See Annexure I to Appendix X) prescribing the same limit had been issued for inserting clause (3-A) in the S.O. 3376 dated 30-12-1962. According to the Ministry, the colour limit prescribed for Vanaspati would not preclude use of cotton seed oil of good quality in vanaspati at a level of 30-35 per cent.

69. The Ministry also stated that part from the representation from the Cotton seed Crushers' Association under reference, the Vanaspati Manufacturers' Association had also expressed misgivings in regard to the availability of cottonseed oil of proper quality etc. Therefore, they reconsidered the matter in the context of the uncertain supply position of edible oils in the country and the need to maximise production of cottonseed oil. Considering that Vanaspati industry was one of the major outlets for cottonseed oil accounting for about 75 per cent of the production and that the colour limits now imposed might act as a disincentive to the increased production of this oil, Government have since decided to withdraw the Order 'fixing maximum colour limit for Vanaspati for the time being and issued a fresh Order on 15-1-1968 (See Annexure II to Appendix X) omitting clause (3-A) inserted in the S.O. 3376 dated 30-10-1962 by S.O. 4452 dated 11-12-1967. They have also advised the industry to take urgent steps for resolving the technological difficulties to enable the Government to re-examine the question of fixing colour limit for Vanaspati.

70. The Committee are glad to note that the petitioners' grievance has been removed speedily on their intervention. The Committee, therefore, feel that now no further action is necessary in this case.

VII

REPRESENTATIONS INADMISSIBLE AS PETITIONS

71. During the period under report, the Committee have also considered 32 representations and letters addressed to the House, the Speaker or the Committee by various individuals and associations etc. and which were inadmissible as petitions.

72. The Committee observe with a sense of gratification that, through their intervention during the period under report, all the 32 petitioners (of whom 28 were displaced persons) had either been provided expeditious, partial or complete relief or due redressal of their grievances, or that the Ministries concerned have explained satisfactorily the grounds for not being able to remove the petitioners' grievances (See Appendix XI—Parts I and II). ..

73. The Committee further note with satisfaction that, of these settled cases, 19 were shown as still pending receipt of final replies from the Ministries/Departments concerned in the Fifth and last Report of the Committee to Third Lok Sabha (Vide para 85 *ibid* and Appendix XXX List of 162 pending cases).

74. The Committee, however, regret to observe that the progress made in the implementation of their recommendations contained in paras 93 and 94 of their First Report (Fourth Lok Sabha) has not been satisfactory. The Committee would once again impress upon the Ministries/Departments concerned (especially the Department of Rehabilitation) to expedite the settlement of all the pending cases by the 30th June, 1968, at the latest.

DIWAN CHAND SHARMA,

NEW DELHI;
The 13th March, 1968.

Chairman,

Committee on Petitions.

APPENDICES

APPENDIX I

PETITION No. 2

[Presented by Shri George Fernandes, M.P. on the 21st December, 1967]

..

(See Para 9 of the Report)

To

The Lok Sabha,
New Delhi.

The humble petition of Shri V. B. Worlikar, President, Maharashtra Pradesh Adivasi Seva Mandal and others.

SHEWETH:

On 12th August, 1967, the Government introduced in the Lok Sabha a Bill titled "The Scheduled Castes and Scheduled Tribes Orders (Amendment) Bill" with a view to provide certain protection to the members of the scheduled castes and scheduled tribes communities. Your petitioners respectfully submit that the averments made in this petition may please be taken into consideration while discussing the Bill referred to herein above.

I. *Inclusion of Dhiwar (Dhimar), Koli communities of Vidarbha in the list of Scheduled Tribes.*

2. Dhiwar (Dhimar), Koli communities were included in the list of Scheduled Tribes in the old Madhya Pradesh State including Vidarbha region before 1950. Subsequently these communities have been descheduled. This Organisation in its first Memorandum submitted to our beloved Prime Minister of India, late Pandit Jawaharlal Nehru on 26-11-1963 had demanded for inclusion of these tribal communities including the subtribes such as Bhoi, Kahar, Kewat, Palewar, Bhanare, Bhanari, Bendor, Machindra, Bestalu etc. in the list of Scheduled Tribes.

3. The mode of life, custom, profession, culture and characteristics of Koli, Dhiwar (Dhimar) communities and its sub-tribes mentioned above are just the same as that of Malhar Koli, Mahadeo Koli, Dongar Koli etc., which are already in the list of Scheduled Tribes of Western Maharashtra now being declared throughout the State as per the new Scheduled Castes and Scheduled Tribes Orders (Amendment) Bill, 1967. The only difference that can be made out is that these proposed tribes are named as Dhiwar (Dhimar) Bhoi etc. in the Vidarbha region.

4. Besides, the social, economical and educational standards of these proposed tribes and its sub-tribes are so pitiable and backward that unless they are scheduled in the list of Scheduled Tribes and facilities thereunder are made available to them also, they will never have any chance in their life to get themselves uplifted in all spheres.

5. Moreover, the evidence of the facts that these proposed communities are to be recognised as Tribal Committees are given in the Book "Castes and Tribes of Central Provinces of India." Volume II and III by Shri R. V. Russel and Shri Rai Bahadur Hiralal published in 1916. The illustrations are regards relationship, marriages, religion etc., of these proposed communities with that of Scheduled Tribe communities such as Gond, Kol, Korku and Bhaiga are cited in the above reference book.

6. Your petitioners, therefore, propose and request you kindly to include the Dhiwar (Dhimar), Koli Tribes of Vidarbha with its sub-tribes as shown below in the list of Scheduled Tribes before the Scheduled Castes and Scheduled Tribes Orders (Amendment) Bill 1967 is passed by the Lok Sabha.

Tribe	Synonym.	Sub-Tribe
Dhiwar (Dhimar)	Bhoi, Kahar Koli, Palewar, Kewat.	Bhanara Bhanari Bhendora, Mech- nidra Bestalu

II. Inclusion of Reigond, Madia (Maria) Burad as Sub-Tribe of Gond Tribe in the Schedule.

7. The Scheduled Tribes Orders, 1950 and 1956 include Reigond, Madia (Maria) as Sub-Tribe of Gond Community in the list of Scheduled Tribes. These sub-tribes of Gond tribe do not find place in the list appended to the Scheduled Castes and Scheduled Tribes Orders (Amendment) Bill, 1967. In the Scheduled Tribe list of Andhra Pradesh, Gujarat, Madhya Pradesh and Uttar Pradesh, Rajgonds are shown as sub-tribe of Gond Tribe and thus there seems no cause for their de-scheduling in Maharashtra State. As regards, Madia (Maria), its sub-sections such as Chhota-Madia, Kucha Madia, Kuchaki-Madia, Machalir, Madia etc. are shown as sub-tribe of Gond Tribe whereas main popular name 'Madia (Maria)' is omitted. All sub-sections of this sub-tribe call themselves by

name as Madia (Maria) only. The omission of the particular and specific word Madia (Maria) will create confusion amongst these sub-tribes and officers as well in Ghanda District of Vidarbha Region. All the above sub-tribes are most backward and thus need not be de-scheduled.

8. In Chanda and Bhandara District of Vidarbha Region, most of the population of Gond Tribe has undertaken the profession of Burad Community, viz., winding bamboos, making mats, baskets etc. The people, therefore, regard them as Burad owing to the above profession. Most of the Gond tribes have named themselves as Burad because of the profession and formed a group as sub-tribe of Gond Community. The culture, custom, marriage system, surnames, and other characteristics are just the same as that of Gond Tribe. Because the Buread as such specifically is not shown as sub-tribe of Gond Tribe in the list of Scheduled Tribe, they are being deprived of all the privileges. Your petitioners, therefore, earnestly request your kindself to include 'Burad' as sub-tribe of Gond Tribe in the list of Scheduled Castes and Scheduled Tribes Order (Amendment) Bill, 1967.

III. Removal of Region or District restrictions for Gowari and Dange—Dhanger Tribes.

9. In the Schedule appended to the Scheduled Castes and Scheduled Tribes Orders (Amendment) Bill 1967 on page 59 at Serial Nos. 9 to 15, the Gowari Tribe of Vidharbha and Dange Dhanger of Dolhapur District only have been proposed to be declared as Scheduled Tribe throughout the Maharashtra State. About 40,000 population of Gowari Tribe are residing in Aurangabad Division, Nasik District and Poona Division for the last many years. Similarly about 20,000 persons belonging to Dhang—Dhanger Tribe reside in Nagpur and Bhandara District of Vidharbha Region. Owing to the region or District restrictions as cited above, the persons belonging to the said tribes but living outside the region or District will not be benefited with the privileges since they would not be recognised with the privileges since they would not be recognised as scheduled Tribes.

10. The other Tribes or tribal communities part of groups within the Tribes are proposed for inclusion in the list of Scheduled Tribes throughout Maharashtra State irrespective of any Region or District restrictions. As such your petitioners humbly request that the same principles may be applied for the above tribal communities and the region or District restrictions enforced upon them in the Scheduled Castes and Scheduled Tribes Orders (Amendment) Bill, 1967 may be removed, and accordingly your petitioners pray that the neces-

mary amendments be made in the Bill to meet the grievance of your petitioners and your petitioners as in duty bound shall every pray.

Names of Petitioners	Full Address	Signature with date
1. Shri V. B. Worlikar	98 Worli Koliwada Bombay 18.	Sd/- V. B. Worlikar 14-12-67.
2. Shri Baburao Madavi	Chincholkar House, Vithal Mandir Ward, Chandrapur, Chanda Dt.	Sd/- Baburao Madavi 14-12-67.
3. Shri Krishnarao Chacherkar	Umrer, Nagpur Dt.	Sd/- Krishnarao Chacherkar 14-12-67.

Countersigned by George Fernandes,
Div. No. 378.

APPENDIX II

PETITION No. 3

[Presented by Shri Inder J. Malhotra M.P. on the 23rd December, 1967]

(See Para 13 of Report)

To

The Lok Sabha,

New Delhi.

The humble petition of Major-General (Retired) U. C. Dubey and others on behalf of representative Cultural Organisations of the people of the Dogra-Pahari Region.

SHEWETH:

The Constitution (Amendment) Bill, 1967 (*Amendment of the Eighth Schedule*) by Shri Inder J. Malhotra, M.P. is now pending before Lok Sabha. India is a multi-lingual nation, and its Constitution has expressed itself most democratically by according recognition to fifteen languages of the land in Schedule VIII thereof.

2. THE DOGRI LANGUAGE or Pahari, as some may call it, which is a major language of great antiquity of the north-western Himalayan region, spoken and used as a medium of literary expression by over 4,000,000 people living in an area of more than 33,000 square miles spreading south-east from Poonch (J & K State) to Sirmur Himachal Pradesh), has not found its rightful place in the said Schedule. For want of this recognition the DOGRAS, a community known for and proud of its contribution to the armed forces of the country, feel discriminated against and are deprived of equal opportunities of fuller participation in the national life, economic development, social and cultural advancement enjoyed by their countrymen.

3. Since fifteen regional languages already been recognised under Schedule VIII of the Constitution, affording them chances for growth and development under the State patronage, Dogri has lagged behind. With the passage of time all those whose language is Dogri, are not only being isolated from the national scene but have become victims of a law which has restricted their right to State patronage. This is a completely retrograde social situation amounting to gross discrimination.

4. Both to the north and to the south of the Dogra-Pahari region, the mother-tongues of the people, *viz.*, Kashmiri, numerically less spoken than Dogri, and Punjabi, not in any way more ancient than Dogri, have already been enumerated as national languages in the said Schedule VIII of the Constitution of India. The region inhabited by the Dogri-speaking people is thus placed at a great disadvantage.

5. This region, your petitioners would like to submit, is by no means of small unit. It comprises of the province of Jammu in the Jammu and Kashmir State, the Union Territory of Himachal Pradesh, and other contiguous areas lying in the districts of Gurdaspur and Hoshiarpur of Punjab. These people, besides facing difficult political and communal equations with the neighbouring speech communities, live under constant fear of cultural, literary and linguistic effacement because their mother-tongue does not find any mention in the Constitution of India. This is a situation in which darkness is deepening in the hearts of the Dogra-Pahari people, but they too can be filled with joy if their democratic birthright is fulfilled and equality of status for their mother-tongue Dogri is accepted by Parliament.

6. Speaking from the regional as well as the national points of view, the Dogri language is a great cementing force. It is a standardizing influence and medium of literary expression in the midst of numerous Pahari (Western) dialects which are known after the specific principalities of the aforesaid hill region. Dogri is exactly what the 'Khari-boli,' is to the variety of tongues grouped under the term 'Hindi' and is thus truly a *lingua franca* of the homeland of the Dogra-Pahari people. It is highly syncopative in character, and structurally different from its neighbouring languages.

7. Dogra and its various Pahari dialects or colloquia have an antique mould, for according to the researches of modern linguists it has retained a good measure of traces of pre-Aryan and pre-historic (like Austro-Dardic) influences. At the same it has not lost its close relationship with other neighbouring languages as well as Sanskrit. It has been testified by the great linguist Padma Shri Dr. Siddheshwar Varma that "Dogri is an independent Frontier language and cannot be called a dialect of any language".

8. Dogri possessed its own script, known as Takari, and till fairly recent times this was widely used in this hilly region for trade and correspondence as well as for official purposes by the various former princely States that existed in the region. The States of Chamba and Jammu and Kashmir had set up printing presses which publish-

ed Dogri literature in this script, and they also attempted to bring it closer to Devanagari characters. Numerous inscriptions, manuscripts and official records are extent in various museums and other collections.

9. Dogri takes its little after the present nomenclature of a people of this region, its script does so from another ancient one—the Takas—whose writ ran up to the Central Punjab in the golden age of the great Guptas. This partly explains its wider contacts with and influence of Punjabi and *vice-versa*. Some 1,000 years ago the Sanskrit grammarians also knew a dialect (Prakrit) by this name. Though the Takari script is not yet altogether extinct, modern Dogri writers are now using the Devanagari in its place. Dogri is thus carrying the torch of Hindi, the national language, to this far-flung region. Your humble petitioners are of the view that the early recognition of Dogri will thus also greatly help the cause of spread and enrichment of Hindi as envisaged in Article 351 of the Constitution.

10. Dogri has survived the competition of neighbouring languages through centuries of continuous usage, and despite its not being recognised as a national language it has made headway over the last two or three decades. Today Dogri has to its credit a considerable volume of modern literature printed in Devanagari characters and it can be favourably placed alongside with literary creations of many of the present-day regional languages of the country. It has produced high-ranking poets, novelists, story-writers and playwrights who enjoy the patronage of the people and are no less popular than their contemporaries in other language.

11. The Constitution of Jammu and Kashmir recognizes Dogri and a decision has recently been taken to introduce it as the medium of instructions in schools. The University of Jammu and Kashmir has for the last few years been conducting language examinations in Dogri. However, due to non-inclusion in the Indian Constitution, the large Dogri-speaking population outside the State is deprived of this fundamental democratic facility.

12. Realizing its intrinsic worth and ever-growing popularity with the masses, the Jammu and Kashmir State Academy of Arts, Culture and Languages, has recently published a comprehensive History of Dogri Literature and also a modern grammar. It has also undertaken to produce an up-to-date dictionary of this language. On the occasion of the Tagore Centenary some of Tagore's famous works were got translated into Dogri by the Academy. Scriptures like Bhagvad-Gita, the Ramayana, the New Testament and a number

of other Sanskrit classics have of late been translated into Dogri. It is also being used, though in a limited sense, by All India Radio for its news and other cultural broadcasts. Dogra-Pahari music is among the most melodious folk music in India.

13. With these achievements, its sweetness as a spoken language and its power of adaptability and assimilation, Dogri has been and still is the inspiration behind the valuable contribution made by the Dogra-Pahari people to the national heritage of India, both in the arts of peace and the arts of war. Pahari miniature paintings are treasured throughout the world, and the material reputation that the Dogra-Pahari speaking people enjoy and their proud contribution to the armed forces of the country is well known.

14. This rich heritage has naturally given the Dogras a sense of belonging and pride. But they feel slighted and belittled when the Constitution of the country does not recognize Dogri which, when adjudged by all known standards, possesses the requisite qualification of a full-fledged language to be placed along with any of the 15 recognized languages. It is as if not only has Dogri been excommunicated but its speakers themselves have been forsaken by the Constitution, so that they have no place left to satisfy their urges and aspirations in the field of literature, education, culture and administration, in the country.

15. We, your humble petitioners, ask therefore, only for what has already been the privilege of other regional peoples. Since the language of the Dogra-Pahari people has been omitted it becomes incumbent on us, as cultural representatives of these people, to bring this matter to the notice of the august House with a view to seek early redress through an amendment to the Constitution, adding Dogri to Schedule VIII thereof. This is not a matter of academic discussion alone but a question of sharing experience, emotional and intellectual, of fundamental rights of equality of justice for all, in building the unity of a multi-racial and multi-lingual country into a composite nation of India. The Constitution of India has been framed in this enlightened spirit of equal opportunities for all, and we in its sacred name seek from this esteemed House the same treatment to the Dogra-Pahari people and status for their language as is being offered to others and accordingly your petitioners pray that the Constitution (Amendment) Bill, 1967 (*Amendment of the Eighth Schedule*) introduced by Shri Inderjit Malhotra be proceeded with expeditiously by the Lok Sabha.

and your petitioners as in duty bound will ever pray.

S. No.	Names of Petitioners	Full Address	Signature with date.
1	2	3	4
1.	Maj. Gen. U. C. Dubey (Retired).	President, Dogra Hima- chal Sanskriti Sangam, 3E/2, Jhandewalan Extn. New Delhi.	Sd/- Maj. Gen. U. C. Dubey (Retired) 12-12-67.
2.	Smt. Shakuntla Saran	President, Dogra, Mandal Delhi(Regd), 131, Jor Bagh, New Delhi.	Sd/- Smt. Shakuntla Saran 12-12-67.
3.	Sh. Daya Ram Shastri	President, Himachal Bhatri Mandal (Regd), 6590/9 Dev Nagar, New Delhi.	Sd/- Daya Ram Shastri 12-12-67.
4.	Sh. Saligra n Sharma	President, Kangra Jan Sudharak Sabha (Redg). F-101, Moti Bagh, New Delhi.	Sd/- Saligram Sharma 12-12-67.
5.	Sh. Dulo Ram Sharma	President, Kangra Sabha (Regd), E-80, Netaji Nagar, New Delhi.	Sd/- Dulo Ram Sharma 12-12-67.
6.	Shri C.D. Khanna	President, Kangra Sewak Sabha (Regd) 97, Baird Road, New Delhi.	Sd/- C. D. Khanna 12-12-67.
7.	Capt. Dewan Singh	President, Amar Khastriya Rajput Sabha, Rajtilak Road, Jammu.	Sd/- Capt. Dewan Singh. 12-12-67.
8.	Shri Shyam Lal Sharma	President, Dogra Brahman Pratinidhi Sabha, Prade Ground Jammu.	Sd/- Shyam Lal Sharma 12-12-67.
9.	Sh. Anant Ram Shastri.	President, Dogra Mandal, Pacci Dhakki, Jammu.	Sd/- Anant Ram Shastri 12-12-67.

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10. Sh. R. N. Shastri . President, Dogri , Sd/- R. N. Shastrī
 Research Institute 12-12-67.
 (Regd), Raghunath
 Bazar, Jammu.

11. Sh. D. C. Prasant . President, Dogri Sd/- D. C. Prasant
 Sanstha, Pacca Danga, 12-12-67.
 Jammu.

Countersigned by:

1. Shri Inder J. Malhotra (Division No. 290)
2. Shri Kushok Bakula (Division No. 228)
3. Shri Hem Raj (Division No. 306)
4. Shri K. Lakkappa (Division No. 383)
5. Shri Syed Ahmed Aga (Division No. 124)
6. Shri Balraj Madhok (Division No. 448)

APPENDIX III
(See Para 23 of the Report)

To

Lok Sabha,
New Delhi

The humble petition of Shri Bhawanji Ramji Gala and two others who are retail shopkeepers of Bombay.

SHEWETH

Your petitioners are owners of small shops selling provision store including Vanaspati Ghee.

2. As pure ghee has become very costly and as its production has become very costly and as its production has not increased during the last two decades, vegetable ghee (i.e., hydrogenated oil) has taken its place and has become a basic part of common man's diet and demand for vegetable ghee is on increase.

3. Your petitioners submit that the production of vanaspati was 17363 metric tonnes in 1935 and has risen to 4 lac tonnes in 1965. Many entrepreneurs include such foreign companies, such as Hindustan Lever Ltd.

4. Your petitioners submit that the manufacture of Vanaspati is one of the major industries undertaken by M/s. Hindustan Lever Ltd. It produces 20 per cent of the total production of vegetable ghee in India. It's original capital was Rs. 2.04 crores. It was subsequently increased to Rs. 8.24 crores by transferring reserve fund and by issuing bonus shares, i.e., by transferring profit.

It has earned annual profits as shown below:—

Year	Profit in crore Rs.
1956	1-03
1957	1-00
1958	1-28

Year	Price in crore Rs.					
1959	2-08
1960	2-49
1961	2-25
1962	1-45
1963	1-48
1964	1-64
1965	1-71
1966 (Half Year)	1-17

5. The Hindustan Lever Ltd., has increased the price of its vanaspati product known as 'Dalda' during last four years as under:—

Year	Price in Rs. per kg.
	Rs.
1963.	3.70
1964.	3.90
1965.	4.80
1966.	6.50

6. Your petitioners submit that in spite of making huge profits, the company pays Rs. 0.06 as commission per kg. to retail dealers for last 13 years. As the company has a complete grip over the market and it has consistently refused to increase retailers commission.

7. Your petitioners submit that in the interests of millions of consumers and to prevent losses incurred by small shopkeepers, the Government of India should investigate profits of manufacturers of vanaspati and should regulate the consumers' prices and commission of retail dealers.

8. Your petitioners also submit that in order to avoid adulteration of ghee, it has become necessary to colour the vanaspati before it is marketed and the Government of India should take necessary steps in this direction also.

and accordingly your petitioners, therefore, pray that the LOK SABHA may direct the Government of India to take suitable steps

to regulate the consumers' price of vanaspati and commission of retail dealers, and also to curb adulteration

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

Name of the first Signatory	Full Address	Signature
Shri Bhawanji Ramji Gala	122-30, Parel Road, Chinsapokhali, Bombay	Sd/- Bhawanji Ramji Gala

Countersigned by George Fernandes, M.P.

Division No. 378.

APPENDIX IV

(See Para 58 of the Report)

To

Lok Sabha,

New Delhi.

The humble petition of Shri M. M. Dave residing at Gita 2, Dawn area, in the town of Bhavnagar in Gujarat.

SHEWETH:

1. Your petitioner is a citizen of India and as such is interested in the enforcement of the laws of our country without any discrimination, and especially of Section 165 of the Indian Penal Code, 1860, which reads as under:—

“165. Whoever being a public servant accepts or obtains, or agrees to accept, or attempts to obtain for himself or for any other person any valuable thing without consideration or for a consideration which he knows to be inadequate,

or from any person whom he knows to have been, or to be, or likely to be concerned in any proceedings or business transacted or about to be transacted by such public servant, or having any connection with the official functions of himself or any public servant to whom he is subordinate,

from any person whom he knows to be interested in or related to the person so concerned,

shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.”

2. This section unequivocally prohibits the acceptance of any gift by a public servant irrespective of the fact as to whether the giver is a relative or personal friend of the public servant concerned or not.

3. The ingredients of the offence are:

(i) the gift should be without consideration, and

(ii) the giver is concerned with the proceedings etc. or is likely to be concerned.

4. The Ministry of Home Affairs has, however, by Departmental rules materially diluted this provision of the law by making Rule 13 of the Central Civil Services (Conduct) Rules, 1964, which reads as under:

“13. Gifts: (1) Save as otherwise provided in these rules, no Government servant shall accept or permit any member of his family or any person acting on his behalf to accept any gift.

Explanation.—The expression ‘gift’ shall include free transport, boarding, lodging, or other service or any other pecuniary advantage when provided by any person other than a near relative or personal friend having no official dealings with the Government servant.

NOTE (1)—A casual meal, lift or other social hospitality shall not be deemed to be a gift.

NOTE (2)— A Government servant shall avoid accepting lavish hospitality or frequent hospitality from any individual having official dealings with him or from industrial or commercial firms, organisations etc.

(2) On occasions such as weddings, anniversaries, funerals or religious functions when the making of a gift is in conformity with the prevailing religious or social practice, a Government servant may accept gifts from his near relatives but he shall make a report to the Government if the value of such gift exceeds—

(i) Rs. 500 in the case of a Government servant holding any Class I or Class II post;

(ii) Rs. 250 in case of a Government servant holding any Class III post; and

(iii) Rs. 100 in case of a Government servant holding any Class IV post.

(3) On such occasions as are specified in sub-rule (2) a Government servant may accept gifts from his personal friends having no official dealing with him but he shall make a report to the Government if the value of such gift exceeds—

(i) Rs. 200 in case of a Government servant holding any Class I or Class II post;

- (ii) Rs. 100 in case of a Government servant holding any Class III post; and
- (iii) Rs. 50 in case of a Government servant holding any Class IV post.

(4) In any other case, a Government servant shall not accept any gift without the sanction of the Government if the value thereof exceeds—

- (i) Rs. 75 in the case of a Government servant holding any Class I or Class II post; and
- (ii) Rs. 25 in the case of a Government servant holding any Class III or Class IV post."

5. Note (1) below the rule reproduced above states that a casual meal, lift or other social hospitality shall not be deemed to be a gift. According to the dictionary meaning "casual" means not regular or permanent. The Note therefore allows freedom to Government servants to dine at the places of the persons whose cases they have to deal with, or are likely to deal with. It also grants them freedom to use their vehicles. When freedom to avail of such facilities is allowed to the Government servants, it would be almost impossible for the persons whose cases are to be dealt with by them to omit to arrange for their meals and lifts. Further when such facilities are enjoyed by the Government servants very frequently from different persons each such enjoyment by itself would be only casual and under the rule the Government servants are thus allowed to have free meals and free lifts all the year round if they can arrange to have the same from different persons at different times.

6. With regard to sub-rules (2) and (3), your petitioner submits that in our country there is no religious practice in any community to which any Government servants belong, in conformity with which gifts to the extent of Rs. 500/- have to be made by any relative without any obligation for reciprocation. In any case, there is no community or class or persons in our country in which the practice of linking the gift value with the position of the recipient prevails. If any citizen in India has three brothers, one of Class I, the other of Class II, the third of Class III or IV status of Government servants, his gifts do not vary with the status of these brothers. He generally makes a gift of equivalent amount to all. The value of the gift depends on the nearness of relation and not on the status of the recipient. It is, therefore, wrong for the Government to fix a higher limit for a free gift for the Government servants in the higher class

and lower limit for those in the lower class. In any case, acceptance of a free gift by a Government servant without consideration is an offence under the law of the land and Government cannot legally permit acceptance of any such gifts by its servants as it has attempted to do under this rule.

7. Your petitioner further submits that the gifts made by relations and personal friends are for love and affection or on the basis of reciprocation. Both these *viz* love and affection and obligation to reciprocate are consideration in law and where the gifts are received on that basis they would not be attracted by the Indian Penal Code. Section 165 of this code has been on our statute book for more than a century of years but no inconvenience has been ever caused to any Government servant in respect of his right to freedom to accept gifts from his relations and friends on the basis of love and affection and or of reciprocation. It is not, therefore, necessary to make rules for permitting the Government servants to accept such gifts. Your petitioner submits that the rule made by the Government is *ultra vires* and uncalled for and in breach of the law of the land and requires to be repealed.

8. Your petitioner further submits that the sub-rule (4) reproduced above even permits a Government servant to accept gifts from those who have dealings with the Government and it enables a Government servant of Class I or Class II to accept gift of Rs. 75 at any one time from any one person and Rs. 25 to any Government servant of Class III or IV.

9. Your petitioner further submits that though this rule pretends to prevent Government servants from accepting free gifts in effect and in substance it permits them gifts and that too without any overall limit. It does not anywhere provide the limit beyond which a Government servant should not make his income from gifts. The only limit is in respect of the amount to be received from any one person on any one occasion. Even where this limit is exceeded, the only thing a Government servant is required to do is to make a report to the Government.

10. Your petitioner submits that this rule being *ultra vires* and in breach of the law of the land requires to be repealed with immediate effect and the Government servants unequivocally informed that any acceptance of a free gift by them (which would include free transport, boarding or lodging or any other service whatsoever except such as may be considered by a court of law to be of a trifling nature) would continue to be an offence and render them liable to prosecution.

11. Your petitioner further submits that, for enforcement of the penal law of the land and rooting out corruption from public servants, a specific declaration by the Government is necessary,

and accordingly your petitioner prays as under:

- (i) The Ministry of Home Affairs be directed by the Lok Sabha to repeal the Rule 13 of the Central Civil Services (Conduct) Rules, 1964, forthwith.
- (ii) The Ministry may further declare that prosecution of a Government servant will be sanctioned when it is *prima facie* shown that the Government servant has received a free gift or has availed of any free service like meals, lift, etc. (the value whereof cannot in the economic conditions prevailing in India be considered as trivial,) without consideration from any person from whom the receipt of such gift etc. is prohibited under Section 165 of the Indian Penal Code, 1860.
- (iii) The above declaration will apply in case of all public servants within the meaning of the Penal Law of the country, and the Ministers, as well as the Directors, executives of Banks and public Corporations and others falling within the definition of the terms "Public servant" will also be covered thereby.
- (iv) Those who abet the offence under the aforesaid Section 165 of the Indian Penal Code by voluntarily making available free gifts or services etc. to any public servant as defined above, will also render themselves liable to prosecution as abettors.
- (v) If, for any reason the Committee on Petitions is not inclined to recommend action as requested by your petitioner, he may kindly be allowed an opportunity to be heard in support of his petition and to enable him to do so a suitable date be fixed and orders be passed to pay him the expenses he may have to incur on his journey to New Delhi for this purpose.

Your petitioner trusts that in the interest of upholding the rule of law and guaranteeing purity in administration, his prayer will

be accepted by the Lok Sabha,
and your petitioner as in duty bound will ever pray.

Name of Petitioner	Full Address	Signature with date
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Shri M. M. Dave	Gita 2, Dawn Area, Bhavnagar.	Sd/- M. M. Dave 11-3-1967
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Countersigned By J	Piloo Mody, M. P. Div. No. 505
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APPENDIX V

(See Paras 64-65 of the Report)

INDIAN POSTS AND TELEGRAPHS DEPARTMENT TELEGRAM

PETITIONS COMMITTEE LOK SABHA ND

01828

X 1325 496 BOMBAY 28

.....Reference Order No. 4-VP/1/65/5470 dated 16th December, 1967 issued by Directorate of Sugar and Vanaspati fixing the Maximum Colour Limit for Vanaspati under Vegetable Oil Products Control Order 1967 stop Arbitrary fixation of Colour Limit without taking into consideration practical position would affect Cottonseed Industry *vis-a-vis* Vanaspati Industry./. Cottonseed Oil consumption by Vanaspati manufacturers would be reduced to less than ten per cent to maintain specification./. Price of Vanaspati would go up./. Cottonseed crushing would be reduced and will affect oil supply and Export of Cottonseed cake./. Request consideration of specification immediately. AIRCOSCA.....

APPENDIX VI

(See Para 4 of the Report)

LOK SABHA SECRETARIAT

PRESS COMMUNIQUE

The Lok Sabha Committee on Petitions are at present seized of a Representation made to them by some party in Bombay dealing *inter alia* with colourization of Vanaspati, regularization of the consumers' prices, and increase in the retailers margin of commission etc. The Committee on Petitions are now hearing the evidence of certain parties interested in the points raised in the representation. The Committee have, at their sitting held today, decided that the views of some of the recognised or registered Associations of Whole-Sale Dealers in Vanaspati Products, who may be interested in the matter may also be heard. Such Associations are, therefore requested to intimate their desire to appear before the Committee for tendering evidence to the Lok Sabha Secretariat by the 15th January, 1968 at the latest.

NEW DELHI,

Dated the 4th January, 1968.

No. 23/CII/67

4th January, 1968.

Copy forwarded for information to the News Editor, A.I.R., New Delhi.

It is requested that this may be broadcast from the A.I.R., on three successive days.

Sd./- M. C. CHAWLA,
Deputy Secretary.

APPENDIX VII

IMMEDIATE

(See Para 18 of the Report)

MINISTRY OF HOME AFFAIRS

(O.L. SECTION)

Sub.—Petition No. 3 from Major-General (Retired) U.C. Dubey and others relating to the Constitution (Amendment) Bill, 1967, (Amendment of the Eighth Schedule), by Shri Inder J. Malhotra, M. P.

Will the Lok Sabha Secretariat refer to their U.O. No. F.21/CII/67, dated 23rd December, 1967, on the subject noted above.

2. The Petition No. 3 from Maj. Gen. (Retd.) U.C. Dubey and others relating to the Constitution (Amendment) Bill, 1967 (Amendment of Eighth Schedule) by Shri Inder J. Malhotra has been carefully reconsidered. This Ministry has nothing to add to their comments forwarded to the Lok Sabha Secretariat in d.o. No. 4/5/66-OL, dated 7th February, 1967. (See Appendix VIII). It is the considered judgment of the government that in the wider national interests the Eighth Schedule to Constitution should not be enlarged. This policy has been announced in Parliament in reply to several questions.

Sd./- P. N. KAUL,

Deputy Secretary.

LOK SABHA SECRETARIAT (Shri M. C. Chawla—Deputy Secy.)
Ministry of Home Affairs u.o. No. 4/5/66/OL, dated the 4th Jan., 1968.

APPENDIX VIII

COPY OF NOTE FROM MINISTRY OF HOME AFFAIRS CONTAINING FACTUAL COMMENTS ON PETITION NO. 35, THIRD LOK SABHA

(See Para 18 of the Report)

SUBJECT:—Petition No. 35 from Major General U.C. Dubey (Retired) and ten others relating to the Constitution (Amendment) Bill, 1966 introduced by Shri Abdul Ghani Goni, M.P. in the Lok Sabha.

The Constitution (Amendment) Bill, 1966 in the name of Shri Abdul Ghani Goni, M.P., was introduced in the Lok Sabha on 16th May, 1966. In the present petition presented to Lok Sabha, it has been urged that Dogri Language or Pahari should be included in the Eighth Schedule to the Constitution.

2. The Eighth Schedule of the Constitution has reference to Articles 344(1) and 351 only.

Article 344(1) provides for appointment, at the expiration of the five years and thereafter at expiration of ten years from the commencement of the Constitution, of an Official Language Commission consisting of such members representing the different languages specified in the Eighth Schedule as the President may appoint, to make recommendations as to the progressive use of Hindi and allied matters. The period of ten years from the commencement of the Constitution has already expired. This article has therefore hardly any significance now.

Under Article 351, the enrichment of Hindi has to be secured (a) by assimilating without interference with its genius the forms, style and expressions used in Hindustani and the other languages of India specified in the Eighth Schedule; and (b) by drawing wherever necessary or desirable for its vocabulary primarily on Sanskrit and secondarily on "other languages". The phrase "other languages" covers all languages including Dogri. In the words of the Official Language Commission the source of Hindi vocabulary that is predicated here is much wider and covers "all languages whether included in the Eighth Schedule or not".

3. The inclusion of a language in the Eighth Schedule has also no bearing on the question of safeguards for linguistic minorities. Article 29(1) expressly provides that "any section of the citizens residing in the territory of India or any part thereof having a distinct language, script or culture of its own shall have the right to conserve the same." All the provisions of the Constitution relating to safeguards for linguistic minorities (e.g. Articles 29, 30, 350-A) apply as much to the speakers of Dogri, as to speakers of languages included in the Eighth Schedule.

4. The adoption or recognition of a language or languages for the official purposes of State or any part thereof is also not conditional on its inclusion in the Eighth Schedule. Thus, under Article 245, any one or more of the languages in use in the State may be adopted by the State Legislature for official purposes. Article 347 empowers the President, to direct that a language spoken in the State may be recognised throughout that State or a part thereof for purposes specified by him if he is satisfied on a demand made in that behalf that a substantial portion of the population of the State desire the use of that language to be recognised. Under Article 350, representations may be submitted in any of the languages used in the Union or the State as the case may be.

5. From what has been stated in the foregoing paragraphs, it would appear that it is not necessary to include Dogri in the Eighth Schedule either for the protection of the interests of the Dogri-speaking minorities or for the recognition of Dogri for different purposes in the areas where it is prevalent. According to the 1961 Census, 8.8 lakhs of people have retained their mother-tongue as Dogri in the country out of whom, 8.7 lakhs are residing in the Jammu & Kashmir State while the rest are spread over in different areas in Punjab and Himachal Pradesh.

6. It has been the policy of the Ministry of Information & Broadcasting to project the linguistic and cultural traditions of each area of the country and in this context, the Jammu Radio Station devotes the bulk of its time to programmes in Dogri language, covering all categories—talks, features, plays, music and broadcasts for rural listeners, women and children. News bulletins in Dogri broadcast by the News Services Division are relayed by the Jammu Station. The role of the Station in developing and reflecting the best traditions of Dogri language, literature and culture has been substantial and significant. Persons from the hill areas are frequently invited to participate in the Dogri programmes. Recording parties at the Station also visit the interior for on-the-spot recordings of their music and other useful material for featuring in programmes.

In view of the limited financial resources, the Sahitya Akademi has not been in a position to extend recognition to any other language excepting the fourteen languages mentioned in the Eighth Schedule and English, Sindhi and Maithili. The other Akademies like the Lalit Kala Akademi and the Sangeet Natak Akademi do not plan their activities on linguistic basis. The Lalit Kala Akademi's programmes—exhibitions, publications etc. are decided purely on merit, rather than on any regional or other considerations and in promoting the cause of Indian Art as a whole, emphasis is always laid on its mainstream.

7. Government have accepted the demand for the inclusion of Sindhi language in the Eighth Schedule to the Constitution. The Constitution (Twenty-first Amendment) Bill, 1966 for inclusion of Sindhi language in the Eighth Schedule was passed by the Rajya Sabha on 9th December, 1966. During his reply to the debate in the Rajya Sabha on the said Bill, the Home Minister observed: "Sindhi is not a new national language. It is a national language accepted in the national life of India. Only in the process of the independence movement, as a result of partition, it was legally lost. We are only accepting what is really existing in our national life."

8. As has been stated above, the population of Dogri speakers constitutes 8.8 lakhs, according to the 1961 Census. Demands have been received for the inclusion of other languages viz. Maithili, Santhali, Manipuri, Nepali etc. in the Eighth Schedule, the Speakers of some of these languages are more numerous than the Dogri speakers, as would be observed from the following figures:

Maithili Speakers	4,984,811
Santhali Speakers	3,130,829
Manipuri Speakers	621,244
Nepali Speakers	1,004,026

9. A question was also raised in the last session of the Parliament about the decision taken by the Government regarding the inclusion of languages in the Eighth Schedule. It has been stated in reply to that question that Government have decided to include only the Sindhi language in the Eighth Schedule to the Constitution.

There is no proposal for the inclusion of Dogri language in the Eighth Schedule Under Government's considerations. Government would oppose Shri Abdul Ghani Goni's Bill, if it comes up for consideration before the next Session of Parliament commencing on 13th March, 1967.

APPENDIX IX

(See Para 61 of the Report)

MINISTRY OF LAW

DEPARTMENT OF LEGAL AFFAIRS

Advice (F) Section.

The petitioner Shri Dave in his representation has suggested that rule 13 of the CCS (Conduct) Rules, 1964, is *ultra vires* as it has at the provision of section 165 of the I.P.C. and has, therefore, suggested that the CCS (Conduct) Rules should be repealed.

No specific facts of the case in respect of which it has been suggested that Rule 13 is *ultra vires* of section 165 of the I.P. Code have been explained or mentioned by Shri Dave in his representation. According to him a casual meal, lift or other social hospitality which shall not be deemed to be a gift as per the note under rule 13 of the CCS (Conduct) Rules but if a public servant accepts a meal from each of the persons, then it may be casual from the point of view of the host, it may be a regular course of free meals and free lifts in so far as the public servant is concerned. He also states that so far as the acceptance of gifts on occasions like marriages, funerals etc. are concerned acceptance of gifts on these occasions of a specified limit has been sanctioned by rule 13 whereas under section 165 of the I.P. Code a public servant who accepts a gift or a valuable thing without consideration or for a consideration which is inadequate is liable to be prosecuted and punished under section 165 I.P. Code. In this connection it may be pointed out that section 165 of the I.P. Code specifically prohibits a public servant from accepting or from agreeing to accept any valuable thing without consideration or for a consideration he knows to be inadequate from any person who is known to have been or is likely to be concerned in any proceedings or business transaction, such a public servant is liable to be punished in accordance with the provisions of section 165. Rule 13 of the CCS (Conduct) Rules does not allow a public servant the freedom to accept the gift from a person who has or who is likely to have any official dealings. Rule 13 specifically states that a Government servant may accept gifts from his near relations but in that case he has to make a report to the Government if the amount exceeds a specific sum. Rule 13 also enables a Government servant to accept

a gift or a casual hospitality from his personal friends or a near relative if that personal friend or relative may not have official dealings with the Government servant. It, therefore, means that in case a personal friend or relative has any official relations with the Government servant he is debarred from enjoying any hospitality whatsoever from such person even though he happens to be his near relative or personal friend. From this point of view it may be stated that rule 13 ~~further restricts the freedom of the Government servant even in respect of his dealing with his personal friends or near relatives.~~

Shri Dave further states that all that a Government servant is required to do when he accepts a gift on occasions like marriages etc. is that he has only to make a report to the Government. But certainly the matter cannot be allowed to rest at that stage. If he makes a report, that report is bound to be scrutinised and it is open to the Government to embark upon an inquiry and to satisfy itself as to whether the donor had any official relation with the Government servant or the acceptance of such gift is in any way likely to be abused by the Government servant in the discharge of his official duties.

It, therefore, appears to me that rule 13 does not in any case hit at the provisions of section 165 of the L.P. Code. If the facts of any specific case are explained it will be possible to examine the matter still further in the light of the observations made above.

Sd./- G. K. PURANIK,
Deputy Legal Adviser,
 Tele. No. 40622

Ministry of Home Affairs

M/Law U.O. No. 22168/67 Adv. (F) 6/11/67

MINISTRY OF HOME AFFAIRS
Est. (A) Sec.

We may now forward the comments of Law Ministry to the Lok Sabha Sectt.

Lok Sabha Sectt. may please see notes from page 3/N ante.

<i>itd.</i>	<i>Sd./-</i>
<i>18-11-67.</i>	<i>21-11-67</i>
	<i>Sd./-</i>
	<i>R. M. SHROFF</i>
	<i>22-11-67.</i>

Lok Sabha Sectt.

M.H.A. F. No. 25/32/67 Est (A) dt. 23-11-67

APPENDIX X

(See Para 67 of the Report)

GOVERNMENT OF INDIA

MINISTRY OF FOOD, AGRICULTURE, COMMUNITY
DEVELOPMENT & COOPERATION

(DEPARTMENT OF FOOD)

Directorate of Sugar and Vanaspati

SUBJECT:—*Telegram dated 28th December, 1967 from AICOSCA, Bombay regarding Fixation of Maximum Colour Limit for Vanaspati.*

Will the Lok Sabha Secretariat please refer to their U.O. No. F. 23/C. II/68, dated 1st January, 1968 on the above subject? The telegram from AICOSCA, i.e. All India Cottonseed Crushers' Association, Bombay has reference to this Ministry's Order No. S.O. 4452 dated 11th December, 1967 prescribing, *inter alia*, a maximum limit for the colour of vanaspati, *viz.*, 5:0 yellow units plus 1:0 units in a one inch Lovibond cell. It has been urged that this would reduce the consumption of cottonseed oil by vanaspati factories to 10 per cent, and that in consequence the price of vanaspati would go up, cottonseed crushing would be reduced, thereby affecting the supply of oil and export of cottonseed cake. In this connection, copies of the following papers are enclosed:

- (1) This Ministry's Order No. S.O. 4452 dated 11th December, 1967 (Annexure I).
- (2) This Ministry's Order No. S.O. 337 dated 30th October, 1962, referred to in (1).
- (3) The Vegetable Oil Products Control Order, 1947, under clause 4(1) of which the above Orders were issued.

2. Vanaspati, i.e. edible hydrogenated vegetable oil has been conventionally marketed in this country, as well as abroad, as a white and odourless product—the original colour and odour of the raw vegetable oils from which it is manufactured being eliminated by the processes of bleaching and deodorization which are an integral part of the processing of vegetable oils into vanaspati. With the

increasing use of cottonseed oil in vanaspati manufacture in recent years, and the difficulty of completely eliminating the colour of this oil in the bleaching process, some residual colour in vanaspati could not be entirely avoided. But, as a rule, the colour of the products has been reasonably light in spite of the fact that substantial quantities of cottonseed oil have been used by the industry during the past several years. In view of this, beyond prohibiting the addition of any harmful colouring matter to vanaspati, no limit had been prescribed in regard to the colour of the product.

3. However, a number of complaints were received by the Government in recent months, both from the Army authorities as well as from the civil market, in regard to the brownish-yellow colour of vanaspati being marketed by some of the factories. On examination of these complaints, it was found that this could be partly attributed to inadequate bleaching, and partly to the use of a large percentage of poor quality cottonseed oil in the product, by such factories. This pointed to the need for prescribing an appropriate maximum colour limit for vanaspati without restricting the use of cottonseed oil in its manufacture. On the basis of the analysis of vanaspati marketed by the factories in the past few years, and the level of incorporation of cottonseed oil therein, a limit of 5·0 yellow units plus 1·0 red units in a one inch Lovibond cell was deemed adequate for the purpose and the same was prescribed under Order at (1) above.

4. The statement contained in the telegram under reference, that the colour limit for vanaspati now prescribed would reduce consumption of cottonseed oil by vanaspati factories to 10 per cent is not in accord with our information which indicates that the said limit would not preclude the use of cottonseed oil of good quality in vanaspati at a level of 30 to 35 per cent. However, apart from the representation from the Cottonseed Crushers' Association under reference, the Vanaspati Manufacturers Association has also expressed misgivings in regard to the availability of cottonseed oil of the proper quality, particularly during the latter part of the season when the colour of the oil tends to get fixed and is difficult to remove, and the consequent inability of many of the factories to maintain their present level of incorporation of cottonseed oil in vanaspati, much less to effect any increase therein.

5. The matter has, therefore, been further considered in the context of the uncertain supply position of edible oils in the country, and the need to maximise the production of oil from cottonseed, a source of edible oil which currently remains largely unutilized. Considering that the vanaspati industry is one of the major outlets for cottonseed oil, accounting for about 75 per cent of the production

and that the colour limits now imposed might act as a dis-incentive to increased production of this oil, it has been decided to withdraw the Order fixing maximum colour limits for vanaspati, for the time being. The industry is being advised to take urgent steps in the matter of resolving the technological difficulties involved so that the question of fixing the colour limit for vanaspati may be re-examined at the earliest. A copy of the fresh Order issued in this connection on 15th January, 1968 is enclosed herewith (Annexure II).

Sd./- F. G. T. MENEZES,
Director.

Lok Sabha Secretariat (Committee Branch II)

Min. of FACD&C, Dte. of S & V.U.O. No. 20-VF (10) /67/183.

dated 17-1-1968.

ANNEXURE I TO APPENDIX X

(See Para 68 of Report)

MINISTRY OF FOOD, AGRICULTURE, COMMUNITY DEVELOPMENT AND COOPERATION

(DEPARTMENT OF FOOD)

ORDER

New Delhi, the 11th December, 1967.

In exercise of the powers conferred by sub-clause (1) of Clause 4 of the Vegetable Oil Products Control Order, 1947, as continued in force by sub-section (2) of section 16 of the Essential Commodities Act, 1955 (10 of 1955), the Vegetable Oil Products Controller for India hereby makes the following amendment in the Order of the Government of India in the Ministry of Food and Agriculture (Department of Food) No. S. O. 3376 dated the 30th October, 1962, namely:—

In the said Order,

(i) after clause (1), the following clause shall be inserted, namely:—

“(1-A) the oils shall be neutralised with alkali and bleached with bleaching earth or activated carbon or both, prior to and after the process of hydrogenation, and shall thereafter be deodorised with steam.”

(ii) after clause (3), the following clause shall be inserted, namely:—

“(3-A) the colour of the product shall not exceed 5·0 yellow units plus 1·0 red unit in a 2·5 cm. (1 inch) cell on a Lovibond scale”.

sd./- (K. L. PASRICHA)

Vegetable Oil Products Controller for India.

ANNEXURE II TO APPENDIX X

(See Para 69 of Report)

To be published in the Gazette of India Extraordinary Part II, Section 3, Sub-section (ii).

MINISTRY OF FOOD, AGRICULTURE, COMMUNITY DEVELOPMENT AND COOPERATION

(DEPARTMENT OF FOOD)

ORDER

New Delhi, the 15th January, 1968.

In exercise of the powers conferred by sub-clause (I) of clause 4 of the Vegetable Oil Products Control Order, 1947, as continued in force by sub-section (2) of section 16 of the Essential Commodities Act, 1955 (10 of 1955), the Vegetable Oil Products Controller for India hereby makes the following further amendment in the Order of the Government of India in the Ministry of Food and Agriculture (Department of Food) No. S. O. 3376 dated the 30th October, 1962, namely:—

In the said Order, clause (3-A) shall be omitted.

sd./- (K. L. PASRICHA)

Vegetable Oil Products Controller for India.

APPENDIX XI

(See Para 72 of the report)

List of representations on which the Committee's intervention had procured speedy, partial or complete relief, or elicited replies from the Department meeting adequately the petitioner's points

Part I : Cases pertaining to the Ministry of Labour, Employment & Rehabilitation (Department of Rehabilitation).

Sl. No.	Name of petitioner	Brief subject	Facts perused by the Committee
1			
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Third Lok Sabha Cases :

1 Shri Samannal Tejumal, Payment of balance compensation of Rs. 16,000 due. (Facts further to those appended to First Report of the Committee, *vide* item 70, page 144, Appendix XXVIII: Part I of the Report—furnished by the Department as promised by them *vide* p. 147 *ibid* Reply of the Department to *Point 1*).

It was stated earlier by the Department with their comments that the date on which the irrevocable power of attorney executed by Shri Samannal Tejumal in favour of Shri V.D. Advani was actually received in the Regional Office, Bombay, would be intimated on receipt of the relevant file from the Government Pleader.

It is now understood from the Regional Settlement Commissioner, Bombay that the power of attorney was executed by Shri Samanmal Tejumal in favour of Shri Vishandas Advani and Shri Avatravji Jiwatram on 30-10-1956. (He had given consent affidavit on the same date in favour of Shri Vishandas D. Advani stating *inter alia* that he had no objection if Shri Advani takes action to adjust the compensation payable to him and that he will have no right or interest in the property purchased by him against his claim). It appears that an attested copy of the said power of attorney was tendered in personally and as such it is not possible to furnish the exact date on which the power of attorney was produced in that office by Shri Advani. However, it can be presumed that power of attorney must have been produced by him after 30-10-1956 and before 29-11-1956 when the Indemnity bond was executed by Shri Advani for grant of provisional possession.

Note: As the case has already been treated as closed by the Committee, these facts are being appended to their 2nd Report, as decided by the Committee in their First Report.

2 Shri Holaram Adumai, Agra. Refund of amount from CAF towards cost of agricultural land since allotted to Shri Ramdas Ishardas.

3 Shri Wadhumal Chanchaldas, Agra. Payment of 1/3rd share of compensation against verified claim for building and agricultural land.

(Further facts to those appended to the Fifth Report of the Committee, 3rd Lok Sabha: *vide* item 20 P. 140, Fifth Report, 3rd Lok Sabha). * See below.

Shri Wadhumal had filed compensation application—Index No. S/LK-8/1052 which was assessed for Rs. 10,446/- Compensation on his 1/3rd share worked out to Rs. 1849/- which was adjusted towards loan due in the year 1958. Subsequently, claim Index No. S/LK-1/422 for 42 st. acres and 14 $\frac{1}{4}$ units was passed in his favour. The claimant had applied for inclusion of this claim within 90 days of the announcement of the claim order and, therefore, he became entitled to receive compensation of Rs. 4342/- on 1/3rd share of this claim. Of this, a sum of Rs. 961/- was adjusted towards the remaining amount of loan and the balance compensation was processed for Z.A. Bonds for which the payment has also been made to Shri Wadhumal on 4th March, 1966.

It will be observed from the above that the matter stands finalised.

*(The necessary bill claiming a sum of Rs. 1380/- for being refunded to Shri Holaram has been forwarded to the Pay & Accounts Officer, New Delhi for being passed. The amount would be disbursed to him immediately after it is passed.)

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4 Smt. Rukibai Dharamdas,
Ahmedabad.

Payment of Rehabilitation Grant
assistance of Rs. 2,500 notified
by the Government on 20-7-
1960, for displaced persons
from Kalar State (Baluchi
stan).

The applicant's mother, Smt. Chatur Bai, filed a Rehabilitation Grant application with the Settlement Officer, Agra on 30-12-1955, which was rejected initially for want of documentary evidence as it is a primary requirement for the entertainment of Rehabilitation Grant application under Rule 95 of the Displaced Persons (Compensation & Rehabilitation) Rules.

As regards Rehabilitation Grant Assistance of Rs. 2,500/-, it is stated that she is not covered under this category, as she hails from a place to which this assistance is not admissible under the rules.

5 Shri Doulatram
Ahmedabad.

Finalisation of 2 CAFs and
grant of benefit of Rule 19.

As the claimant had filed two CAFs the Small Urban Loan of Rs. 500/- plus interest came to be deducted twice. The claimant filed an appeal before the Deputy Chief Settlement Commissioner, who *vide* his order dated 27-2-61 held that the amount deducted for the second time may be refunded and that the non-substantial rural building claim had rightly been hit under Rule 65. The claimant was then allowed a refund of Rs. 559.37 and a sum of Rs. 504.14 was deducted towards the cost of the evacuee property in question for which the claimant had associated.

As regards the benefit of Rule 19, it may be stated that it cannot be given to the claimant in respect of the agricultural land claim, because this case is a fully paid one and cannot be opened for allowing this benefit at this stage. In view of this position the matter has to be treated as closed.

6 Shri Bhindurnal Mithumal, Ahmedabad
Adjustment of Rs. 983·60 paise from CAF No. A/A/487/VII (W).

The necessary adjustment of Rs. 983·60 paise has been carried out and the recovery schedule has also been forwarded to the authority concerned under intimation to the associatee, Shri Bindhumal on 14-7-67.

7 Shri Balarmal Gangaram, Lekhumar Pessumal
Adjustment of claims of Shri Lekhumar Pessumal towards cost of allotted tenement and issue of conveyance deed therefor.

Have endorsed a copy of Shri Gulab L. Ajwani letter No. 4(25)/Comp & Prop/67 GBP, dt. 28-10-67 to Shri B. C. Vanjani, Under Secretary (Public Grievances), Ministry of Home Affairs, reproduced below :—

“The case of Shri Balarmal Gangaram for refund of Rs. 487·94 and adjustment of that amount towards the cost of tenement No. 653/3, Ambawadi, Sardarnagar, Ahmedabad, was sponsored by you *vide* your d. o. letters No. 21/6/67-PG dated 9-1-67 and No. 21/69/67-PG dated 7th March, 1967. A report in the matter has been received from the office of the Regional Settlement Commissioner, Jaipur, and it has been stated that the desired adjustment has been made *vide* their bill. No. 13197 C.S. No. 2413 dated 28-9-1967 and that the necessary recovery schedules will be sent to the authority concerned as well as the applicant as soon as the bill is passed.

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8	Shri Kakumal Majnoma, Ulhasnagar.	Finalisation of agricultural land claim and refund of price adjusted in excess towards the cost of GBP No. 7 Brk. No. 1832, Camp, 5, Ulhasnagar.	So far as excess amount adjusted towards GPP No. 7, Brk. No. 1832, Camp 5, Ulhasnagar is concerned, the amount has been adjusted towards convenience charges as reported by the Administrator, Ulhasnagar, after obtaining the 'No refund certificate' from the Administrator.
9	Shri Virumal Dayaram, Bombay	Issue of Deed in respect of certain purchased property known as Sharif Building, Bombay.	The sale deed in respect of the above property has since been issued to the auction pur- chaser on 30-4-1966.
10	Shri Virumal Bodomal, Rajkot	Issue of Conveyance deed for allotted Tenement No. 72, Rajkot.	The conveyance deed in respect of the quarter has been issued to him through the Collector, Rajkot, vide his office letter No. RSCB/PPu/Tch. 72/Rajkor/3133-37 dated 9-8-1967.

11 Shri Jetha Lal Indra, Ahmedabad Issue of conveyance deed of tenement No. 21-B, Udhav-nagar.

The deed of the property was issued in favour of Sh. Jetha Lal Indra on 31-12-60. The Asstt. Settlement Commissioner Incharge Bombay has, however, written to the petitioner to file an affidavit that he did not receive the conveyance deed. On receipt of the affidavit a copy of the deed would be issued to him.

12 Shri Valiram G. Menghani (on behalf of his daughter-in-law Smt. Hekl Bai, widow of Shri Nainmal), Ramesh Nagar, New Delhi.

Adjustment of Smt. Hekl Bai compensation towards property No. R-24, Indra Market, New Delhi.

Alleged eviction of petitioners from cabins constructed by them on Azad Maidan, Kuber-nagar.

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The complaint of Shri Bhagwan Das etc. has been thoroughly looked into by the Regional Settlement Commissioner, Bombay. It is reported that Shri Bhagwan Das Budharmal has encroach

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ed upon Government land measuring 10'×10' by erecting a cabin in Azad Maden which is reserved for play ground as per Master Plan of Sardarnagar Township. After due enquiry under Section 19 of the Displaced persons (Comp. & Rehabilitation) Act, an order for the removal of the encroachment was passed by the Managing Officer concerned. The appeal filed by the applicant under Section 22 of the said Act before the Collector and Settlement Commissioner of Ahmedabad, was rejected. The applicant filed an appeal against the order before the Chief Settlement Commissioner and that too was rejected. Instead of removing the wooden cabin the applicant having lost all his remedies to get the un-authorised occupation regularised is approaching the higher authorities to achieve his object. The question of regularisation of the unauthorised occupation of wooden cabins by this person and others is under the consideration of the Government of Gujarat and the decision when taken will apply in this case also. The Department cannot interfere in the matter.

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The Committee recommend that the petitioners may, if they so desire, submit a petition to the State Legislature of Gujarat

for redress of their grievance. As the matter is primarily one for the Government of Gujarat to decide, the Committee cannot interfere in the matter any further.

14 Shri Chellaram Gobind Ram, Payment of compensation to Shri Chellaram Gobind Ram.
Bombay.

The applicant was entitled to payment of compensation amounting to Rs. 1260/- on account of refund as per Deputy Chief Settlement Commissioner order. In addition to this, he had Agricultural Land claim verified for 30 std. Acres 14.129.160 units. The total compensation payable to him worked out to Rs. 21778/61. The entire compensation has been adjusted against the cost of properties in Ulhasnagar, Baroda and Junagadh. He has also informed about the position of his case by Asstt. Settlement Commissioner (B) on 6th October, 1967.

15 Shri Sahib Singh N. Ailsinghani Allotment of GBP tenement No. 8/90 Warshia Colony, Baroda.
Pratapnagar, Baroda.

Have endorsed a copy of the Ministry Letter No. F. 3 (226) Comp. & Prop-64/GBP/L.S.S. dt, 11-12-67 to the Assistant Settlement Commissioner in-charge, Bombay (reproduced below):

“I am directed to refer to your letter No. RSC/PPU/Ten. No. 8/90/Warshia/43991/67, dated 28-10-67 on the above subject and to convey the approval of the Chief Settlement Commissioner to the transfer of the GBP tenement No. 8/90 Warshia Colony to Shri Sahib Singh N. Ailsinghani on negotiated basis at the market price of Rs. 3240/- (Rupees three thousand two hundred and forty only).

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The cost together with the arrears of rent/damages charges if any may be recovered in cash within a one month of the date of offer."

16 Shri Sirumal Popatmal, Ahmedabad. Adjustment of claims of 2 associates towards cost of GBP allotted and issue of conveyance deed.

A sum of Rs. 948/- from the Compensation application form No. B/B/B/13992/5992 of Shri Jethanand Jiwartram the associate of the applicant stands already adjusted in the year 1965. As regards the adjustment of Rs. 164/- from the compensation application form No. B/B/B/13989/5989 of another associate Shri Rattan Chand Jiwartram, it is stated that no amount could be adjusted as the agricultural land claim of the associate has been reduced in *suo-moto* Rs. vision.

17 Shri Gulabrai Gulumal, Ahmedabad. Adjustment of Rs. 1461/- from CAF No. B/B/B/5989 of Shri Rattan Chand Jiwartram, associate.

The Agriculture Land claim of the associate has been reduced in *suo-moto* revision and, therefore, a sum of Rs. 1079/- could only be adjusted towards the cost of GBP No. D-152 Kuber-nagar, and bill sent to the Ray & Accounts Officer, Bombay. After the bill is passed, necessary recovery schedule will be sent to the concerned authority.

18 Shri Pritamdas Sharmadas, Kuber-nagar. Adjustment of the cost of GBP tenement No. E/161, Kuber-nagar and re-assessment of CAF

The required adjustment of Rs. 1570/- has been carried out and the conveyance deed was issued in favour of allottee on 29-5-67.

19 Shri Thadomal Taonmal, Ahmedabad. Settlement of Compensation claim. The position of the case has been checked up with the Regional Settlement Commissioner, Bombay who has now intimated that Shri Thadomal Taonmal has not paid any amount in excess towards rent arrears of GBP No. 114/A Sardar-nagar, Ahmedabad and therefore, he is not entitled to get any refund. As regards the point regarding issue of conveyance deed for the said property, it may be stated that it was issued to the allDonee Shri Thadomal on 22nd August, 1966. In view of the position stated above the matter stands finalised.

Fourth Lok Sabha Cases :

20 Shri Jitmal Karmmal, Nagpur Payment of compensation bearing Regn. No. RG/96/M/N/295. The case of Shri Jitmal Karmmal has been processed and bill has been sent to the Pay & Accounts Officer, Bombay. The compensation will be paid to him as soon as the bill has been passed by the Pay & Accounts Officer.

21 Shri Rewa Chand and others, Kotwali Road, Mathura. Payment of compensation under Rule 19 of the Displaced Persons (Compensation & Rehabilitation) Rules, 1955. The applicants' request cannot be acceded to at this stage as their land claim had since been satisfied by way of adjustment of cost of properties as far back as 1960. The case being finalised one cannot be reopened at this stage.

22 Shri Ranchand Kewalram, President, Sindhi Panchayat, P.O. Vidisha, M.P. Condonation of delay in filing claim Index No. S/SLR-2/3078 re. Agricultural land bearing The complainant's request is for verification of agricultural land bearing S. No. 310 in Deh Abid Markhani, Taluka Garhi Yasin, Dt. Sukkur

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S. No. 310 Deh Abid
Markhani.

(Sind). It is submitted after due consideration of this case, that the same cannot be acceded to at this late stage, because the Displaced Persons (Claims) Act, 1950 expired on 17-5-53 and the delay in filing the claim cannot be condoned now.

The Committee observe that the Committee on Petitions, Third Lok Sabha at their 18th sitting held on 10-9-1965 had considered a similar representation from Shri Ramchand for condonation of delay on the analogy of the case of Shri Vidhomal, in the light of the following comments furnished by the Department :

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‘Shri Ramchand’s case was not similar to that of Shri Vidhomal cited by him. Shri Vidhomal had filed claim for 11 survey numbers in Deh Kothi Khokhar, and on receipt of revenue record from Pakistan, his claim was reviewed in respect of those survey numbers only. He was not allowed any fresh claim on receipt of Revenue Record from Pakistan. The case of Shri Ramchand was different, as he did not claim survey Number 310 at all in Deh Abid Markhani. He filed claim for other survey numbers—in the above Deh, but he

failed to include survey No. 310 in it. Thus allowing him claim for survey No. 310 now would amount to admission of a new claim which could not be done at this late stage. The last date prescribed for receipt of claims was 31st August, 1952 and thereafter no fresh claim had been admitted from any person. Applications for Rehabilitation Grant had, however, been entertained even after the above date, provided the person concerned had not filed any claim under the principal Claims Act, 1950. As Shri Ramchand had filed claim for residential houses and land under the above act, he was not found entitled to Rehabilitation Grant in respect of the above survey number.

The Committee had then directed that the representations might be filed and the petitioner was also apprised of facts and advised to seek legal redress.

Subsequently on his repeating such representations dt. 27-1-66, 21-2-66, 28-2-66 and 1-3-66, during 3rd Lok Sabha, these were acknowledged and his attention drawn again to the Committee decision. He was also advised to seek redress in a Court of Law or to address his correspondence on this matter direct to the Department if he so desired.

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Despite this, the petitioner continued to write to this Secretariat even after 4th Lok Sabha commenced. The Committee note that the Department's comments on two such representations, (obtained as desired by Chairman and reproduced above) repeat the same facts as given before.

The Committee feel that in view of the expiry of the period for which the statutes was to remain in force, there is nothing which the Committee can do to provide relief. The petitioner may, if he feels aggrieved, seek remedies in a Court of Law. The Committee have also decided to treat this matter as finally closed and not to entertain further representations from Shri Ramchand on this subject.

23 Shri Lekhrajmal Mirkhuma, Re-opening of claims in respect of properties left in West Pakistan, rejected earlier when petitioner was a minor.

The matter has been looked into. The applicant Shri Lekhrajmal had filed the above claim in respect of two properties a residential house and agricultural land. The claim for both these properties stands rejected vide orders dated 4-10-1952 and 9-5-53 of the Claims Officers. The applicant never put in any timely application for the re-opening of the claim within the prescribed period, i.e., before 1-11-56, and as

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such, it is regretted that the applicant cannot be helped now, after the lapse of such a long time.

24 Shri Pars Ram, Patiala Transfer of portion of property No. 103/2, Patiala. The complaint of Shri Pars Ram has been got looked into through the Regional Settlement Commissioner, Jullundur. It is understood that only portion of property bearing No. 103/2 Patiala had been transferred to Shri Pars Ram at a price of Rs. 963/- and the deed of conveyance, therefore, has correctly been issued for the portion actually transferred to him, and as such it needs no change.

73. As to the second portion of the property which was earlier occupied by a nephew of Shri Pars Ram, who sometime in the past vacated the property, it too is in the possession of Shri Pars Ram, the complainant. He has been advised that in case he is interested to have the same, he should apply for its transfer to the Regional Settlement Commissioner, Jullundur and his application would be considered under the rules.

The land claim to the extent of 0-1c¹ units was verified in favour of Shri Nihalmal by Shri Jamiarai Gobind Ram, Asstt. Settlement Commissioner on 28-7-62. Since the claimant did not apply for payment of compensation on this land claim within the prescribed time, he was advised by the Asstt. Settlement Commissioner I/C Lucknow to get the delay condoned from the General Office.

25 Shri Nihalmal s/o Sh. Siroomal of Firozabad. Condonation of delay for inclusion of land claim.

Shri Nihalmal *vide* his application dated 4-11-66 applied for condonation of delay. His request was examined, but it could not be acceded to as he was informed accordingly *vide* this office letter No. GII(193)(C&M)66-L&R dated 17-5-67. In view of the position explained, it is regretted that the claimant cannot be helped in the matter.

26 Shri Pritam Chand Puri, B.A. Transfer of evacuee land in Pathankot to the Improvement Trust in Pathankot.

The facts of the case are that the Chairman, Improvement Trust, Pathankot approached this office in December, 1966 that all the surplus un-allotted and unsold evacuee land within the jurisdiction of the Improvement Trust may be transferred to them for development of the city. He further stated that the land may be transferred at the rate charged from the lessees/sub-lessees of similar lands. In order to examine the matter a report was called for from the Regional Settlement Commissioner, Jullundur. It was intimated by him that the evacuee land of the admeasuring 338 kanals was available for transfer. The request of the Improvement Trust was examined and as the land was required for development of the city, it was agreed that the land may be transferred to them. However, their request for transfer of the land on payment of the price, as is charged from the lessees/sub-lessees, could not be acceded to as

According to the policy followed by this Department, market price is charged in respect of the properties sold on negotiated basis. The Regional Settlement Commissioner, Jullundur has accordingly been issued instructions that evacuee land admeasuring 338 kanals may be offered for sale to the Pathankot Improvement Trust on payment of the prevailing market price at Rs. 300/- per marla. It has further been stipulated that the Trust Authorities may be asked to make the entire payment within a period of 2 months from the date the land is offered to them. Further necessary action in the matter is now being taken by the Regional Settlement Commissioner, Jullundur.

The Committee note with satisfaction that this case has been speedily redressed on their intervention.

The complainant had migrated to India in 1961 whereas the Evacuee Properties Law in Pakistan had been abrogated *w.e.f.* 31-12-1956 which means that no property could be declared as evacuee property thereafter.

No Rehabilitation Grant Applications under Rule 96 could be accepted from the Displaced Persons who migrated after that date.

It is therefore regretted that the applicant cannot be helped under the rules.

**27 Sh. Hira Nand, Tejumal,
Gandhidham (Kutch).**

**Settlement of Rehabilitation
Grant Application on the ba-
sis of documents submitted in
1961.**

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28 Shri Chetan Dev K. Verma, Settlement of Pre-Partition
Agra. Claim for compensation.

In terms of the Government of India Press Note dated the 15th May, 1955 issued under the provisions of the Indo-Pakistan Movable Property Agreement, Shri Chetan Dev K. Verma registered his claim for refund of security deposit of Rs. 3,000/- deposited by him with the Sind Government on the 14th May, 1947 under the orders of the then District Magistrate, Hyderabad, Sind.

The claim was referred to the Government of Pakistan for verification and issue of payment Authority in terms of the Movable Property Agreement and agreed Arrangements between the two countries thereunder. After a protracted correspondence by the Central Claims Organisation (India) with its counter-part, the Government of Pakistan called for an attested copy of the documents available with the claimant. The same were called for from him and supplied to Pakistan Government on 26-4-1963.

After several reminders (including D.O. reminders) issued to Pakistan Government no tangible result has so far been achieved. From the correspondence received from Pakistan, it is observed that the C.C.O. (Pakistan) is also pursuing this claim with the Department concerned for verification under intimation to the Central Claims Orga-

nisation (India). The Pakistan Government were last reminded on the 28th November 1967 under intimation to the claimant Shri Verma. As explained above the claimant shall have wait till a payment authority is received from that Government.

It may be mentioned that liability for payment in this case devolves on the Government of Pakistan as the claim lies against the former provincial Sind Government.

Part II : Cases pertaining to Ministries/Departments other than Department of Rehabilitation.

(See Para 72 of the Report)

S. No.	Name of petitioner	Brief Subject	Facts perused by the Committee
1		2	3
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Third Lok Sabha Cases

1 Shri Dev Nath Sardar and others, P.O. Maligaon, Kamrup, Assam.

(Outstanding case *Vide Appendix XXX, item 6, Fifth Report, Third Lok Sabha*)

Alleged non-payment of dues.

A representation dated 5-6-65 was addressed to the Committee on Petitions, Third Lok Sabha, by Shri Dev Nath Sardar and thirty others in which the following points were made:

(i) Out of the 50 labourers removed from service from Pandu station only 15 were employed as casual labour at Jalukbari station.

(ii) An amount of Rs. 6620.11, in addition to Rs. 133C in respect of the work done at Pandu by the labourers has been outstanding.

2. The following are briefly the facts of the case.
The work of the handling of parcels and goods.

at Pandu, and Amingaon was previously being done through the Station Masters, who were working as 'handling contractors as well. With the construction of the Brahmaputra bridge and its opening for passenger traffic, both Pandu and Amingaon stations situated on either side of the river, were closed for all traffic and the goods handling work was transferred to New Gauhati and the parcels handling work to Gauhati. The labourers who were working with the Station Masters, Pandu and Amingaon were thus out of job. As they were not railway employees, there is no question of retrenchment by the railway administration nor of any compensation being paid to them. However, the administration with a view to helping them, in the first instance, offered alternative employment on the Brahmaputra project but they did not turn up for the job.

Later, the administration rendered assistance to the labourers in organising a Cooperative Society of their own and the handling contracts at Gauhati and New Gauhati were allotted to the Society with effect from 8-7-63. The Society did not function properly and ceased working after about 2-1/2 months.

It is learnt that some of the labourers are working at Jaiukbari stations as licensed porters.

In regard to the second point, *viz.*, the claim for the payment of outstanding amount, it may be

mentioned that the labourers were not engaged by the administration and their dues were paid by the Station Masters from their handling bills. The Station Masters paid on 31-8-61 ; Rs. 24146.89 out of Rs. 30,707.68 claimed by the labourers. The remaining sum of Rs. 6560.79 could not be paid as the Station Masters concerned have all retired from Service. The administration for their part had used their goods offices and made efforts to persuade the Station Masters to pay the remaining sum. Nothing more could be done in the matter as the Station Masters are no longer in the Railway Service.

Regarding the amount of Rs. 1330.00 of which a separate mention has been made, it may be explained that this pertains to the period May 61 to January 63. Shri D. P. Roy Choudhury, the Station Master, Pandu, had approached the General Secretary, of the Labourers' Society and the Labour Officer, Gauhati requesting them to furnish the addresses of the labourers so that he could disburse the amount to them. The General Secretary of the Labourers' Society sent a list of 58 labourers to Shri Roy Choudhury. After sending the amount due by money order to 35 labourers out of this list, Shri Roy Chou-

dhury detected that the list given to him did not corroborate with the names of the labourers who actually worked at Pandu at that time. He, therefore, withheld the balance amount and informed the General Secretary, Labourers' Society stating the fact. Since then he has not heard from the Secretary, Labourers' Society.

Fourth Lok Sabha Cases

2 M/s. R.N.K. Annamalai Mudaliar & Bros., Nagari, Chittoor District, Andhra Pradesh.

Settlement of Bill No. 153 dt. 26-5-64 for Rs. 1509.59 re one bale of Handloom cloth under PWB No. 114653 dated 28-5-64 to consigned ex-Nagri to Bargarh.

[Railways (Railway Board): The matter has been examined in consultation with the Central Railway administration. Enquiries have revealed that the bale in question was correctly received at Bargarh and was lying undelivered. The claimants were advised by the Railway under their letter No. CF/JBP/9/4150/65 dated 3-3-65 that the bale was available for delivery at Bargarh station since 4-12-64. This letter was acknowledged by the claimants, who, instead of arranging delivery with the consignee, represented that their claim should be settled for non-delivery as in the case of another two consignments in respect of which claims had been settled in their favour due to their non-receipt at destination. The claim for the consignment in question which was physically available for delivery at destination, was not due and could not be paid.

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Ministry of Finance (Department of Revenue & Insurance—Customs V Section).

3 Smt. Anusuya J. Katarmal, Waiver of penalty of Rs. 12,500 imposed by C. R. on M/s. Foto Flash Industries, Shri George Fernandes, M.P.)

Bombay (forwarded through
Bombay (forwarded through
Shri George Fernandes, M.P.)
Bombay.

M/s. Foto Flash Industries, Bombay imported post parcels containing *inter alia* 200 sets of Kakonet photo flash guns and 100 sets of Hijetoh flash guns in semi-assembled condition. The clearance of the goods was claimed against three import licences issued under different S. Nos. allowing specific *components* within specified value limits. Since the imported goods were ascertained to be photo-flash guns in semi-assembled condition, they were held as correctly classifiable under item 77(5) of the ITC Import Control Tariff requiring a licence for their release under S. No. 305 of Part IV of the ITC schedule. Since the importer had no such licence, the importation was held as unauthorised after obtaining the opinion of concerned Jt. Chief Controller of Imports and a fine of Rs. 15,000/- (Rupees fifteen thousand only) was imposed in lieu of confiscation.

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The records of the case show that the licences in question were granted by the licensing authority to the appellant firm on the basis of the essentiality certificate given to the firm on the plea that they wanted to manufacture photo-flash guns. The licences were,

therefore, issued for components so that the finished articles could be assembled from these components in the country. Having obtained the licences as above, instead of importing loose components and indigenously assembling them into complete articles, M/s Foto Flash Industries have in fact, imported almost fully assembled photoflash guns.

M/s. Foto Flash Industries have contended that (i) they had all along negotiated for the import of loose components and that the suppliers sent the goods hurriedly packed in plastic cases, arranging them otherwise merely for the convenience of freight and packing ; (ii) they would have been required to spend a huge amount on assembling and testing of the goods. The contentions of the Party have been found to be without any substance. The Collector of Customs has denied that the manufacturers had squeezed all components in plastic cases to save space. On the contrary most of these components were fitted up, and neatly packed in order to avoid further processing and assembling. The Collector has, however, having taken all the facts and circumstances into consideration, imposed a fine of Rs. 15,000 in lieu of confiscation of the goods valued at about Rs. 25,406/- . Having regard to the reported margin of profit at 100% of the value, the fine imposed is quite lenient. Since this was the first offence of the Party and having regard to the compassionate grounds urged by

the party the Central Board of Excise and Customs on appeal *has further reduced the fine to Rs. 12,500/- (Rupees twelve thousand and five hundred only).* The Revision application of the Party though filed along after the expiry of the period of limitation was entertained *on compassionate grounds* but after due consideration *was rejected* as there was no scope for any further relief.

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The Committee note that, considering the offence committed by the deceased, the relief provided to the petitioner is to the maximum extent possible and no further hope for relief exists. The Committee have therefore, decided to treat this aspect of the matter as closed.

The Committee would however suggest to Government that, in order to obviate undue hardship to the widow (who states that she has a large family), the payment of fine might be spread over into convenient instalments to be agreed upon by her with the C.B.R.

[Ministry of Education (BSE-5 Section)].
Request for justice to Drawing Teachers of Delhi who qualified
thoroughfully

with National Intermediate Certificate in Art are drawing pay in scale of Rs. 130—250, while new entrants draw Rs. 160—300 on appointment.

Herewith are sent factual comments on the points contained in the representation from Shri Ram Kishore, Secretary, S. D. T. Club, Delhi dated 22-4-1967 addressed to the Committee on Petitions Lok Sabha. (See Annexure).

It will be observed that the Delhi Administration has recognised the National Intermediate Certificate of All India Council of Technical Education, New Delhi, for purpose of appointment of Teachers in Schools recognised under Delhi Administration in the scale of Rs. 160—300/- and Rs. 170—380/- subject to the availability of sanctioned posts in these schools provided the said certificate is given after 3 years full time course. The cases of the eligible Drawing Teachers will be decided by the Delhi Administration accordingly.

The Committee note with satisfaction that this case has been speedily redressed on their intervention.

ANNEXURE TO APPENDIX XI: PART II, ITEM 4

(See Page 84 of Report)

Note giving detailed background regarding the recognizing the National Intermediate certificate.

While prescribing the minimum qualifications for Drawing Teachers the Govt. of India *vide* their letter No. F. 6-73/57-D. 5 dated 21-12-1957 prescribed Intermediate National Diploma Course in Fine Arts, Delhi Polytechnic (from 1955 onwards) as one of the approved qualifications for the scale of Rs. 100-250. The teachers of this qualification were accordingly, being employed in the recognised schools in Delhi. It seems that Polytechnic stopped this Branch and instead All India Council for Technical Education, New Delhi took up the job of training Drawing teachers, and issued National Intermediate certificate/Diploma under its seal and signatures. Since the name of the earlier Diploma and the later one i.e. Intermediate National Diploma issued by the two different bodies, were almost identical, the difference between the two could not be detected for some time. It was in the year 1965 that this difference was observed and immediately a reference was made to the Govt. of India for a clarification in the matter. The Govt. of India in Ministry of Education letter No. F. 8-17/65-BSE. 5 dated 24-6-1965 clarified that the National Intermediate Diploma Course of All India Council for Technical Education, New Delhi is not recognised for teaching Drawing upto Class XI including Geometrical and Mechanical Drawing. On receipt of this clarification, the appointments of the holders of the said qualification were discontinued.

The above said clarifications of the Govt. of India caused much anxiety among the trainees of the said course and the Principal of the Institute immediately took up the case with the Secretary, Central Board of Secondary Education, New Delhi and Govt. of India for recognition of the National Intermediate Certificate of AICTE for purpose of appointments as teachers of Drawing in schools recognised by the Board. The Secretary, Central Board of Secondary Education, New Delhi considered the request of the Principal and informed him *vide* his letter No. 3971-8-19 dated 27-10-1966 under intimation to the Director of Education that the recognition of National

Intermediate Certificate of AICTE for purpose of appointment of teachers in the schools recognised by the Board would stand as under:—

A. For Candidates who have already passed the examination 1966

Such candidates who have already passed the National Intermediate Certificate Examination of AICTE in or before 1966 with Geometrical and Mechanical Drawing as a subject and hold a special Certificate issued by the College of Arts to that effect, are provisionally qualified to teach Drawing including Geometrical and Mechanical Drawing to Higher Sec. Classes including class XI upto the year 1968. These candidates will be considered permanently qualified to teach the aforesaid subject provided they undertake a refresher course prescribed for the purpose. Teachers with 3 years experience are, however, exempted from the refresher course and they are, qualified to teach the subject straight away. Those who do not possess the required experience of 3 years as stated above, will have to qualify an examination to be held by the College of Arts at the end of the proposed refresher course.

B. For Candidates who will be taking the National Intermediate Certificate of A.I.C.T.E. after 1966

The holders of National Intermediate Certificate of A.I.C.T.E. with Geometrical and Mechanical Drawing as an additional subject will be considered qualified to teach Drawing including Geometrical and Mechanical Drawing to Higher Secondary Class i.e. upto class XI.

The Government of India in Ministry of Education letter No. 8-5/65-BSE. 5 dated 28-10-1966 desired that the cases of persons who hold the National Intermediate Certificate etc. may be decided in the light of the conditions laid down by the Central Board of Secondary Education in their letter dated 27-10-1966 referred to above. The orders were accordingly endorsed to all concerned for information and necessary action *vide* Dte. of Education letter No. DE. 65(4)/66-Genl. dated 9-11-1966. The Delhi Administration have accordingly recognised the certificate in question with effect from 27-10-66 for the purpose of appointment of Drawing Teacher in Govt. and Govt. Aided School under the Directorate of Education subject to the condition laid down in Board's letter dated 27-10-1966 *vide* their orders dated 1-9-1967. The holders of this Certificate would be entitled to the scale of pay of Rs. 160-300 and Rs. 170-380 subject to the availability of sanctioned posts in these scales provided the said certificate is given after 3 years full time course.

The cases of the eligible teachers will be decided accordingly.

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