

COMMITTEE ON PETITIONS

(FIFTH LOK SABHA)

FIRST REPORT

(Presented on the 9th December, 1971)



**LOK SABHA SECRETARIAT
NEW DELHI**

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**COMPOSITION OF THE COMMITTEE ON PETITIONS
(1971-72)**

Shri Anant Prasad Sharma—Chairman

Members

2. Shri Ziaur Rahman Ansari
3. Shri Tridib Chaudhuri
4. Shri G. Y. Krishnan
5. Shrimati T. Lakshmikanthamma
6. Shri G. S. Mishra
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13. Shri Ram Deo Singh
14. Shri Shiv Nath Singh
15. Shri Vijay Pal Singh.

SECRETARIAT

Shri P. K. Patnaik—Joint Secretary.

Shri B. K. Mukherjee—Deputy Secretary.

Shri J. R. Kapur—Under Secretary.

FIRST REPORT OF THE COMMITTEE ON PETITIONS

(FIFTH LOK SABHA)

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 First Report to the House.

1.2. The Committee was nominated by the Speaker on the 27th May, 1971.

1.3. The Committee held ^{seven} ~~six~~ sittings, on the 11th and 30th June, 2nd August and 2nd and 3rd September, and 8th December, 1971.

1.4. At their First sitting held on the 11th June, 1971, the Chairman welcomed the Members of the Committee and explained to them broadly the scope and functions of the Committee.

1.5. At their sittings mentioned above, the Committee *inter alia* considered the following matters which form the subject-matter of this Report:—

- (i) Action taken by Government on the recommendations of the Committee contained in their Seventh Report (Fourth Lok Sabha) on Petition No. 14 from Shri B. Saya Reddy of Nizamabad *re.* control on price, production and distribution of molasses.
- (ii) Action taken by Government on the recommendations of the Committee on Petitions (Fourth Lok Sabha) contained in their Sixth Report, on Petition No. 16 from Shri R. R. Diwakar, President, Gandhi Smarak Nidhi, *re.* grant of remission to prisoners on the eve of Gandhi Centenary.
- (iii) Action taken by Government on the recommendations of the Committee on Petitions (Fourth Lok Sabha) contained in their Eighth Report, on Petition No. 27 by Shri Baidhar Sethi and others for setting up a new steel plant in Orissa.

- (iv) Action taken by Government on the recommendations of the Committee on Petitions (Fourth Lok Sabha) on representations regarding extension of pensionary benefits to Railway staff who retired prior to introduction of pension system on the Railways on 1-4-1957 and who were granted *ex-gratia* pensions.
- (v) Action taken on the recommendation of the Committee on Petitions (Fourth Lok Sabha) contained in their Seventh Report, on the representation of Shri L. D. Jain and others regarding service conditions of Proof-readers of Government of India Press, New Delhi.
- (vi) Representations inadmissible as Petitions.

1.6. The Committee considered and adopted their draft Report at their sitting held on the 8th December, 1971.

1.7. The recommendation/observation of the Committee on the above matters have been included in this Report.

II

ACTION TAKEN BY GOVERNMENT ON THE RECOMMENDATIONS OF THE COMMITTEE CONTAINED IN THEIR SEVENTH REPORT (FOURTH LOK SABHA) ON PETITION NO. 14 FROM SHRI B. SAYA REDDY OF NIZAMABAD *RE. CONTROL ON PRICE, PRODUCTION AND DISTRIBUTION OF MOLASSES.*

2.1. In their Seventh Report (Fourth Lok Sabha) the Committee on Petitions, after considering the above Petition from Shri B. Saya Reddy and the comments and oral evidence of the Ministry of Petroleum and Chemicals and other concerned parties, had recommended as follows:

(i) *Sale of Molasses in open Market.*

"As regards the sale of molasses in the open market, the Committee note that there are two points of view. According to the petitioner, molasses is being sold in the open market at prices ranging between Rs. 50 to Rs. 70 per quintal. On the other hand, the Government have denied that molasses is being sold at such high prices for any lawful purposes. The Committee feel that an urgent enquiry is called for so as to prevent any sale of molasses for unlawful purposes at such high prices."

(ii) *Higher prices for molasses used for production of potable alcohol.*

"The Committee note from the evidence given by the representative of the Department of Chemicals that there is possibly a case to consider whether the potable liquor industry is capable of bearing a higher cost. The Committee hope that Government will examine this."

(iii) *Review of working of the Molasses Control Order, 1961*

"The Committee have given their careful consideration to all aspects of the matter. They recommend that Government may set up a Study Team consisting *inter alia* of representatives of concerned industries to undertake a comprehensive review of the entire working of the Molasses Control Order, 1961, in the light of the experience gained so far and keeping in view the interests of the industries concerned."

[Paras 2.37 to 2.39, Page 16, Seventh Report, Fourth Lok Sabha]

2.2. The Ministry of Petroleum and Chemicals, with whom the question of the implementation of the above recommendations of the Committee was pursued, have stated as follows:—

(i) *Sale of molasses in open market*

“The danger of molasses being used for unlawful purposes was discussed at the 2nd meeting of the Central Molasses Board held on 25-6-71. It was recommended by the Board that an Expert Committee should be appointed to examine the price of molasses. This recommendation is under consideration by the Government.”

(ii) *Higher prices for molasses used for production of potable alcohol*

“This point was discussed by the Central Molasses Board at its meeting held on 8-5-71. The majority of the States represented did not favour the suggestion. The relevant extract from the minutes of the meeting is reproduced below:—

‘On a suggestion made by the Secretary to the Central Molasses Board as to whether it would be possible to allow higher prices for molasses used for the production of potable alcohol, the majority of the States stated that they were not in favour of any differential prices of molasses based on the end-use of alcohol.’

Government does not, therefore, intend to take any action in this regard.”

(iii) *Review of working of the Molasses Control Order, 1961.*

“This matter has been considered by the Government. It is felt that the statutory provisions for control of molasses are adequate. Clause 3 of the Molasses Control Order, 1961, lays down that, for the quantity of molasses which is covered by the control (80 per cent of the production), the commodity cannot be sold without orders of the Molasses Controller. Clause 4 restricts the movement of molasses from the sugar factory without the approval of the Molasses Controller. Clause 7 lays down the price at which molasses can be sold. And, finally, Clauses 8, 9 and 10 vest certain authority in the Molasses Controller to carry out the operative parts of the order. Thus the authority vested in the Molasses Controller appears to be adequate. Practical difficulties in enforcement, however, arise because

there is a wide disparity between the statutory price and the open market price. As has been mentioned above, at the meeting of the Central Molasses Board held on 25-6-71, it was recommended by the Board that an Expert Committee should be set up to examine the question of the price of molasses. The recommendation of the Board is under consideration of the Government."

2.3. The Ministry of Petroleum and Chemicals, in their communication dated the 23rd November, 1971, have intimated that 'the Technical Committee to study the price of molasses is being set up in consultation with the concerned Ministries/Departments of the Government of India'.

2.4. The Committee note the action taken by Government to implement the recommendations contained in their Seventh Report (Fourth Lok Sabha). The Committee hope that an Expert Committee to study the price of molasses, as also recommended by the Central Molasses Board, would be appointed by Government at an early date.

III

ACTION TAKEN BY GOVERNMENT ON THE RECOMMENDATIONS OF THE COMMITTEE ON PETITIONS, FOURTH LOK SABHA, CONTAINED IN THEIR SIXTH REPORT, ON PETITION NO. 16, FROM SHRI R. R. DIWAKAR, PRESIDENT, GANDHI SAMARAK NIDHI RE. GRANT OF REMISSION TO PRISONERS ON THE EVE OF GANDHI CENTENARY

3.1. In their Sixth Report, presented to the House on the 24th December, 1969, the Committee on Petitions (Fourth Lok Sabha), had made the following recommendations on the above-mentioned petition:—

“The Committee are glad to note that the Government of India as well as the State Governments and the Union Territory Administrations have, as a token of homage to Mahatma Gandhi on the occasion of his birth Centenary, released prisoners or granted remissions in the sentences of their imprisonment.

The Committee, however, observe that the scale of remission granted to various categories of prisoners differs from State to State. The extent of remission ranges, say, in the case of life convicts, from 6 months in Haryana to 69 months in Gujarat. The Committee feel that the adoption of widely different scales of remission of sentences by different States is not desirable. The Committee are, therefore, of the opinion that there should be, as far as possible, some uniformity in the scale of remission of sentences of prisoners. To achieve this objective, the Committee desire that the Central Government may request all the State Governments to follow, as far as possible, a uniform scale of remission of sentences of prisoners, which should not be less than the scale adopted by the Central Government for the Union Territories.”

3.2. The Ministry of Home Affairs, with whom the above recommendations of the Committee were pursued for implementation, in their action taken notes, have furnished gists of replies received by them from the various State Governments, which are reproduced in Appendix I.

3.3. The Ministry of Home Affairs have also stated that "the subject of 'Prisons and Prisoners' is covered by Item 4 of List II—State List—of the Seventh Schedule of the Constitution of India..... it is entirely within the province of the State Governments to decide about the action which they would like to take on the recommendations of the Committee about the grant of remission to prisoners on the occasion of Gandhiji's Birth Centenary."

3.4. The Committee have perused the information furnished by the Ministry of Home Affairs and noted the action taken by the various State Governments regarding grant of remission to prisoners on the occasion of Gandhi Centenary. The Committee feel that the objective of the petitioner has been amply fulfilled and no further action is needed in the matter.

IV

ACTION TAKEN BY GOVERNMENT ON THE RECOMMENDATIONS OF THE COMMITTEE ON PETITIONS (FOURTH LOK SABHA) CONTAINED IN THEIR EIGHTH REPORT, ON PETITION NO. 27 BY SHRI BAIDHAR SETHI AND OTHERS FOR SETTING UP A NEW STEEL PLANT IN ORISSA

4.1. In their Eighth Report, presented to Lok Sabha on the 1st September, 1970, the Committee on Petitions (Fourth Lok Sabha) had made the following recommendations on the above-mentioned petition:—

“The Committee find that the demand for setting up a second steel plant in Orissa has been generally supported in both Houses of Parliament during discussions on the 4th and 6th August, 1970 in Lok Sabha and Rajya Sabha, respectively.

The Minister of Steel and Heavy Engineering has conceded in Lok Sabha on the 4th August, 1970 that ‘we do not deny the fact that Orissa’s resources and requirements are also there.’ He also assured that ‘in the future, in any site-selection studies, these things will come up’. In his statement laid on the Table of Rajya Sabha on the 30th July, 1970 also, he had said that ‘the Hon’ble Members and the people of Orissa may rest assured that full consideration will be given to the facilities in Orissa and in other States in the future programme of development of steel industry in the country’. In the subsequent discussion on the matter in Rajya Sabha on the 6th August, 1970, the Minister of Steel and Heavy Engineering restated the above position and said that ‘I know Orissa has large potentialitiesthere is absolutely no doubt that Orissa’s case will be considered, Orissa will then find a place....I can assure the Member that in the site-selection process during this Plan, we will certainly include Orissa and Orissa’s case will be considered along with others.’

The Committee hope that in view of the general support given to the demand for a new steel plant for Orissa, in both Houses of Parliament, Government will favourably consider the case of Orissa for a second steel plant and implement the assurance given by the Minister of Steel and Heavy Engineering in Parliament as early as possible.”

4.2. The Ministry of Steel and Heavy Engineering with whom the above recommendations of the Committee were pursued, in their action taken note, have stated *inter-alia* as follows:—

“Apart from the setting up of the three new steel plants already announced viz., Salem, Visakhapatnam and Hospet, there is no other proposal to set up a new steel plant during the Fourth Five Year Plan. This does not, as the Prime Minister stated in her statement made in the Lok Sabha on April 17, 1970, preclude either expansion of existing plants or erection of new plants at other sites in future. In fact, with the steel programme which the Government now envisages, of adding to the steel capacity of the country at the rate of at least one million tonnes a year, there will be need both for expansion of the existing steel plants and for erecting new ones. In this process, which will have to be continuous one, the advantages of locating a second plant in Orissa either at Rourkela itself to take advantage of the infrastructure that has already been created there or at another site will certainly be considered along with the advantages of alternative sites in other parts of the country.”

4.3. The Committee note the position stated by the Government and reiterate their hope that, in view of the growing need for steel in the country, the demand for a new steel plant in Orissa will be favourably considered by the Government while examining proposals for augmenting the steel capacity of the country.

ACTION TAKEN BY GOVERNMENT ON THE RECOMMENDATION OF THE COMMITTEE ON PETITIONS (FOURTH LOK SABHA), ON REPRESENTATIONS REGARDING EXTENSION OF PENSIONARY BENEFITS TO RAILWAY STAFF WHO RETIRED PRIOR TO INTRODUCTION OF PENSION SYSTEM ON THE RAILWAYS ON 1ST APRIL, 1957 AND WHO WERE GRANTED EX-GRATIA PENSIONS.

5.1. The Retired Railway Employees' Association, Tiruchirapalli, and All India Retired Railwaymen's Federation, Bombay, had submitted representations to the Committee on Petitions on behalf of the Railway employees who had retired from the Indian Railways on the Contributory Provident Fund System prior to the introduction of the Pension System on the Railways on 1st April, 1957, and who were granted *ex-gratia* pensions with effect from 1st January, 1967, at the following rates:—

Pay drawn by the Railway employee at the time of retirement		Amount of <i>ex-gratia</i> pension	
Rs.	p.m.	Rs.	p.m.
80 or less		15.00	
Above 80 and upto 130.		17.50	
Above 130 and upto 200.		20.00	
Above 200 and upto 500.		22.50	

The petitioners had *inter-alia* prayed that in view of the steep rise in the cost of living, they might also be given the benefit of *ad-hoc* increase of Rs. 10 granted to the pensioners of the Central Government with effect from September, 1969.

5.2. The Committee considered the representations, alongwith the comments of the Ministry of Railways, at their sitting held on the 29th September, 1970, and *inter-alia* decided to recommend "that an *ad hoc* increase of Rs. 10 (granted to the regular pensioners with effect from 1st September, 1969) might also be granted to the recipients of *ex-gratia* pensions who had retired from the Railways before the 1st April, 1957, in view of the abnormal rise in prices."

5.3. The relevant Minutes* of the sitting of the Committee, which were laid on the Table of the House on the 17th December, 1970, were forwarded to the Ministry of Railways on the 19th January, 1971, for taking necessary action.

5.4. The Ministry of Railways have since issued orders stating *inter alia* as follows:—

“The President is now pleased to decide that the rates of *ex-gratia* pension, referred to in para 1 above be increased by Rs. 10/- per month *w.e.f.* 1st September, 1969 *i.e.* in respect of *ex-gratia* pensions from the month of September, 1969. Accordingly the revised rates of *ex-gratia* pensions with effect from the above date will be as follows:—

Pay drawn by the Railway employee at the time of retirement		Amount of <i>ex-gratia</i> pension	
Rs.	p.m.	Rs.	p.m.
80 or less.		25.00	
Above 80 and upto 130.		27.50	
Above 130 and upto 200.		30.00	
Above 200 and upto 500.		32.50.”	

5.5. The Committee note with satisfaction that the Government have granted an increase of Rs. 10 per month in the *ex-gratia* pensions of the Railway employees, who had retired before the introduction of Pension System on the Railways on the 1st April, 1957, with effect from the 1st September, 1969, as recommended.

*The Fourth Lok Sabha was dissolved on the 27th December, 1970, before the decisions of the Committee could be presented to the House in the form of a Report.

VI

ACTION TAKEN ON THE RECOMMENDATION OF THE COMMITTEE ON PETITIONS (FOURTH LOK SABHA) CONTAINED IN THEIR SEVENTH REPORT, ON THE REPRESENTATION OF SHRI L. D. JAIN AND OTHERS REGARDING SERVICE CONDITIONS OF PROOF-READERS OF GOVERNMENT OF INDIA PRESS, NEW DELHI.

6.1. In their Seventh Report, presented to Lok Sabha on the 30th April, 1970, the Committee on Petitions (Fourth Lok Sabha) after considering the representation from Shri L. D. Jain and others regarding service conditions of the proof-readers of the Government of India Press, New Delhi and the comments of the Ministry of Works, Housing and Urban Development thereon, had recommended that "the case of proof-readers of the Government of India Presses, may be placed before the Third Pay Commission."

[Para 12.6, Page 47, Seventh Report]

6.2. The Ministry of Works, Housing and Urban Development, with whom the above recommendation of the Committee on Petitions was pursued, have intimated that "the case of proof-readers of the Government of India Presses, has been placed before the Third Pay Commission vide this Ministry's letter No. 30/16/69-PI, dated 7th October, 1970."

6.3. The Committee note with satisfaction the implementation of their recommendation by the Government on the matter.

VII

REPRESENTATIONS INADMISSIBLE AS PETITIONS

7.1. During the period under report, the Committee have considered six other representations and letters addressed to the House, the Speaker or the Committee, by different individuals, which were inadmissible as petitions.

7.2. The Committee observe that through their intervention, the petitioners have been provided expeditious, partial or complete relief or due redressal of their grievances, or that the Ministries/Departments concerned have explained satisfactorily, the grounds for not being able to remove the petitioners' grievances. (See Appendix-II).

ANANT PRASAD SHARMA,

Chairman,

NEW DELHI;
The 8th December, 1971.

Committee on Petitions.

APPENDIX I

(See para 3·2 of the Report)

Gists of replies received by the Ministry of Home Affairs from various State Governments regarding action taken by them on the recommendations of the Committee on Petitions (Fourth Lok Sabha on petition No. 16 from Shri R. R. Diwakar, President, Gandhi Smarak Nidhi Re. grant of remission to prisoners on the eve of Gandhi Centenary, and furnished to the Committee on Petitions.

Sl. No.	Name of State	Gist of reply
1	2	3
1	Andhra Pradesh	Special remission granted by the State Government on the occasion of Gandhi Centenary on 2-10-69 are very liberal when compared to the similar remission granted by the Government of India and other States.
2	Assam	The Government agree to the grant of a uniform scale of remission of sentences to the extent of 1 month for every year of imprisonment as was sanctioned by the Central Government.
3	Bihar	The State Government have already awarded remission to the prisoners convicted by the Courts of the State nearly at par with the scale adopted by the Central Government for Union Territories.
4	Gujarat	The State Government do not consider it desirable to make any change in the policy adopted in this connection due to the following reasons :— (i) Many of the prisoners have been released as a result of remissions granted by the State Government, (ii) The scale adopted by the State Government is more liberal than the scale adopted by the Central Government, (iii) If any change in the scale is adopted at this stage, it would amount to discrimination.
5	Haryana	The State Government regret their inability to re-open the matter at this stage.
6	Jammu & Kashmir	The State Government have awarded remission on the scale advised by the Central Government.
7	Kerala	The scale adopted by the State is not less than that adopted by the Central Government.
8	Madhya Pradesh	The remission granted by the State Government is on a higher scale than that allowed by the Central Government.

1	2	3
9. Maharashtra	The State Government see no justification to modify the scale of remission already granted by them on the occasion of Gandhi Centenary.	
10. Mysore	The scale of remission sanctioned by the State Government on the occasion of Gandhi Centenary is on the lines suggested by the Government of India and is fact more liberal in respect of certain categories of convicts. In view of this, the question of reconsidering the matter does not arise.	
11. Nagaland	The State Government have decided to grant 3 months' remission in a year only covering the two occasions (one month for Independence Day and 2 months for State Inauguration Day on 1st December). It was, therefore, not possible to grant any further remission to the prisoners on the occasion of Gandhi Centenary.	
12. Orissa	The scale of remission adopted by the State Government is not less liberal than that adopted by the Government of India as well as other States. It is accordingly, not advisable to revise the scale at this stage.	
13. Punjab	The State Government have awarded ample remissions to the prisoners on various occasions in the past 5 years. If any increase in the award of remission as recommended by the Lok Sabha Committee is made at this stage, it may lead to complications. The State Government are, therefore, not in favour of changing the orders already issued in respect of grant of remission to prisoners on the occasion of Gandhi Centenary.	
14. Rajasthan	Not only the remissions allowed by the Central Government were extended to the prisoners in the State but much more liberal concessions were given by the State Government in this matter. As regards bringing uniformity, since most of the State Governments have already granted remissions, it would not be possible to bring uniformity at this late stage. The State Government are, however, prepared to fall in the line with an All India Policy in this respect, in future.	
15. Tamil Nadu	The scale prescribed by the State Government for grant of remission to prisoners on the occasion of Gandhi Centenary is generous enough and the matter is over 18 months old. Accordingly any change in the Scale of remission will involve much scrutiny and re-calculations, in individual cases. The State Government, therefore, do not consider it desirable to revise the scale already prescribed in this connection, at this stage.	
16. Uttar Pradesh	The scale of special remission already allowed by the State Government on the eve of Gandhi Centenary is more liberal than the scale sanctioned by the Central Government. In the circumstances, the question of increasing the rate of remission to prisoners in the State jails does not arise.	
17. West Bengal	The State Government have since passed orders granting special remission to prisoners on the same scales, as far as practicable, as were allowed by the Government of India.	

APPENDIX II

[See para 7.2 of the Report]

Representations inadmissible as petitions

List of representations on which the Committee's intervention has procured speedy reply from the Ministry concerned meeting adequately the petitioner's points.

Sl. No.	Name and Address of the Petitioner	Points raised by the Petitioner	Facts pursued by the Committee
I	2	3	4
1	Dr. K.L. Choudhary, Manager, Anglo Bengali Girls Inter College, Rakabganj, Road, Agra-1.	In his representation, Dr. K. L. Choudhary, had submitted that their institution had purchased an evacuee property No. 3935/6012, Agra and its Sale Deed was duly registered by the Custodian on behalf of Union of India. Later on, one Shri Ramlal Lodha and others had challenged the Sale Deed of the said property in the Civil Court, Agra, and instituted a legal suit in 1968 making Union of India as a respondent. The petitioner had added that many representations were made to the Deptt. of Rehabilitation to defend the case as all details and documents of the said property were with the Deptt. of Rehabilitation but to no avail. The petitioner had requested to direct the Department of Rehabilitation to stand as a party in defence of the case.	In their comments, the Ministry of Labour and Rehabilitation (Deptt. of Rehabilitation) have stated as follows:— "Property No. 3935/6012, Agra, was transferred to the institution in the year 1963, for which the transfer document stands already executed. The property file of the case is, however, not forthcoming in his office, as the same appears to have been consigned by the Managing Officer, Agra, in the year 1963. He has, however, not been able to supply the particulars of the consignment of the file. From the litigation register maintained by him, it has been ascertained that the case was not contested because no interest of the Department was involved after issue of the transfer document. The Manager of the institution has, however, contended that since the property had been sold by the Department, they should have come forward to defend the civil litigation. From the report, it appears that the civil

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suit was filed in the year 1968 and on the decision of the Department not to contest the proceedings, the case must have been proceeded *ex-parte* against us. Under the circumstances, the question of Union of India contesting the case at this late stage does not arise. In case any record is required to be produced in support of the case of the Institution, they can summon the departmental official, who will appear as a witness, if not already done.

2 General Secretaries,
Hotel Workers,
Union & Hotel
Mazdoor Union
New Delhi.

In their representation, General Secretaries of Hotel Workers Union and Hotel Mazdoor Union, New Delhi had referred to the service conditions and other grievances of the hotel workers and demanded *inter-alia* as follows:—

- (i) Payment of withheld Wage Board award arrears and a larger share for workers in the service charges, with an increase in the service charge itself.

The Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) furnished a copy of factual report received by them from the Delhi Administration who it is stated, are primarily concerned in the matter. In this factual report, it has been stated *inter alia* as follows:

“ The employees of 13 restaurants of Connaught Place went on strike. The strike started on 11-6-71 in three restaurants and subsequently spread over to other restaurants on different dates. The Delhi shops and Establishments Act which governs the working hours of the employees including those working in hotels and restaurants is enforced from February, 1955. This Act provides for working hours, rest interval, leave facilities, weekly holidays, issue of appointment letters, etc. However, there is no provision for gratuity scheme in the Delhi Shops and Establishments Act. As regards the complaint

- | 1 | 2 | 3 | 4 |
|---|---|---|--|
| | | | of taking more hours of work than prescribed, there is nothing on record to show that there has been any such complaint. However, if any complaint was ever made that complaint must have been looked into and action taken in accordance with the provisions of law. |
| | (ii) Seasonal uniforms for all workers. | | |
| | (iii) 'D' class Wage Board Pay Scales to be paid by hotels and restaurant employing less than 20 workers. | | The Wage Board for hotels and restaurants, industry was constituted in 1964 to suggest the conditions of service for employees in respect of such hotels and restaurants where 20 or more workers were working. The Board submitted its recommendations in 1968 which were unanimous. In respect of the recommendations of the Wage Board, an agreement was arrived at on 15-11-68 between the Association of Restaurant Owners and the worker's union wherein it was agreed that service charges to the tune of 8 per cent shall be levied with effect from 20-11-68 and the tip system shall be abolished from that date. The wages of the employees were revised by the restaurants with effect from 20-11-68 i.e. the date from which the settlement was put into force and service charges were introduced. The worker's demands resulting in the present strike are arrears of wages according to Wage Board Recommendations from July, 1967 to November 1968 and increase in service charges. |
| | (iv) Bonus on food allowance. | | |
| | (v) Flat amount of Rs. 30 to all workers in all 'D' class hotels towards service charges. | | |

The other demands referred to in the General Secretary's letter namely seasonal uniforms, bonus, food allowance, 'D' Class Wage Board pay

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scales to be paid by hotels and restaurants employing less than 20 workers and flat amount of Rs. 20/- to all workers in all 'D' Class hotels has not so far been specifically raised in conciliation. It may be stated that in few hotels of Fatehpuri, a strike was sponsored by Hotel Worker's Union and a few of the above demands were pressed, but later on an agreement was arrived at whereby some managements of 'D' Class Hotels agreed to give some benefits to the workers but not to the extent demanded by the union.

As regards demand for arrears of wages, there is some mis-understanding among the parties as to the date of enforcement of Wage Board Recommendations. The employers are of the view that so far as the restaurants are concerned, the revised wage structure as proposed for restaurants was subject to the introduction of system of service charges and its distribution and abolition of tips. As the service charges were introduced with effect from 20-11-68, the employers feel that they are not bound to give arrears of wages for the period from 11-7-67 to 20-11-68. The employees, on the other hand, are of the view that the recommendations came into effect from July, 1967 and as such they are entitled to arrears of wages and therefore revised wage structure was not dependent upon the introduction of service charges. Efforts were made to find out a solution and a proposal was made that the confusion arising out of the Wage

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Board Recommendation may be sorted out by getting an opinion of the then members of the Wage Board as to whether the employers of the restaurants were supposed to give revised wage structure with effect from July, 1967. While the employers were inclined to accept this suggestion, the employees' representatives refused to do so. The employees' representatives were also not inclined to the suggestion of referring the matter to arbitration or adjudication. The dispute, therefore continues.

As regards the demand for increase in service charges, it may be stated that the wage Board recommended that the service charges in restaurants should be 5 to 10% depending upon the unit and it was for this reason that a settlement levying service charges to the tune of 8% was arrived at between the parties on 15-11-68. It was also agreed that tip system shall be abolished with effect from 20-11-68. In these circumstances, the demand for increase in service charges from 8 to 15% which is beyond the scope of the Wage Board Recommendations does not appear to be justified. As regards the utilisation of service charges a scheme was framed by the Board itself and incorporated in the Recommendations. According to that, the service charges are to be utilised as under:-

- (i) 10 per cent towards the Welfare Fund.
- (ii) 15 per cent towards breakages, to be retained by the management.

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(iii) 45 per cent to be distributed to workmen employees of the establishment. Of the amount so set apart 60 per cent will be distributed to waiters and others who used to receive direct tips and the rest (40 per cent) to the remaining employees. In all cases, the distribution will be in proportion to the salary of the employees.

(iv) the remaining 30 per cent to be allocated to the wage bill.

Since the utilisation of the service charges is in accordance with the uniform recommendation of the Wage Board, it is not reasonable to argue that the management keeps 45 per cent of the service charges. Further this amount, as will be observed from above, has to be spent by the management against the damage to the crockery and as a part of compensation towards the increase in wage structure caused by the Wage Board Recommendations. There is no information available with us as to the number of times the prices were raised by the restaurants. It may, however, be added that in the Recommendations, it is specifically stated that the managements would be at liberty to increase the menu rate to meet the extra expenditure on account of revised wages. It may also be stated that the welfare fund of 10 per cent for which a regular scheme was to be framed was later on taken by the workers on the persistent demand that the same should be distributed to them equally, as, sooner or later that has

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to go to the workers. As such the welfare fund is now being distributed to all the workers.

The Committee have noted that in reply to Unstarred Question No. 235 in Rajya Sabha on the 23rd July, 1971, the Minister of Labour and Rehabilitation stated *inter alia* as follows:—

“The Employers’ Association is reported to have terminated the 1968 Agreement in February, 1970. The managements are also reported to have served notice under Section 9 (A) of the Industrial Disputes Act indicating that they would discontinue levying service charges on the customers.

The Industrial Relation Machinery of the Delhi Administration has already held a number of meetings with the parties but no settlement has been possible so far. The Administration is considering the question of referring the disputed issues to adjudication.”

The Committee have also noted that an agreement has been reached between the hotel managements and hotel workers and the strike called off in the last week of August, 1971.

In view of the above, the Committee have decided that no further action is necessary in the matter.

3. Shri Varandmal Mawaldas, 7-195, Kumbh Nagar, Sardarnagar, Ahmedabad.

Issue of Conveyance in respect of Ten. No.G-195, Kumbh Nagar, Ahmedabad.

Ministry of Labour and Rehabilitation (Deptt. of Rehabilitation).

Shri Varandmal was called on 10-6-71 and explained his case regarding adjustments from his CAF. He was informed that only Rs. 1212 were

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adjusted towards cost of Block leaving a shortfall of Rs. 394/- still payable by him (cost of block being Rs. 1606/-). A fresh notice of shortfall was served upon him in person for Rs. 394/-.

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| <p>4. Shri Kodumal Metharam S-37, Sindhi Market, South Revdi Bazar, Ahmedabad.</p> | <p>Issue of Sale Certificate in respect of Ten. No. 494-A, Sardarnagar, Ahmedabad.</p> | <p>The required Sale Certificate has been sent to Shri Kodumal Metharam by Registered Post on 28-8-71 by the Regional Settlement Commissioner, Bombay.</p> |
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| <p>5. Shri Chandra Prakash Agarwal, Kaimganj (U.P.)</p> | <p>Shri C.P. Agarwal, Kaimganj, had submitted a representation in which he had stated that he had given a cheque for Rs. 2400/- on the State Bank of India Kaimganj, in the name of LIC, to the Local Field Officer of the LIC, as the initial premium for issuing a life policy of Rs. 50,000/- to him. While the above cheque was encashed immediately no intimation as regards the acceptance of the proposal for the policy was received by him. Later, on the 17th February, 1971, he had sent a registered letter to the Divisional Manager, LIC, Agra, stating that as he had not received the policy or the acceptance letter, he should be refunded the premium paid by him.</p> | <p><i>Finance (Dep't. of Revenue and Insurance)</i></p> |
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The proposal for Rs. 50,000/- from Shri C.P. Agarwal was introduced on 31st December, 1970 under Proposal No. 599271/80-71 and completed on the same day and subsequently the policy No. 26618724 was issued.

A cheque for Rs. 2,400/- to cover the premium was also received out of which Rs. 2,275.80 was taken towards the premium and the excess amount of Rs. 125/- was taken as deposit. Receipts for the amounts were also issued in due course and forwarded to the party by ordinary post. No exact date of despatching the same can be given as no specific entry is made in the despatch register for such receipts.

There has been some delay in issuing the policy on account of abnormal frequency of electricity breakdowns, December rush work etc. The policy bond was sent to the assured by registered post on 17-4-71 which was returned on 21-4-71 from the post office with the remark "Refused".

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He had prayed that as the LIC had neither issued him the policy nor had refunded the amount of premium to him, LIC might be directed to refund a sum of Rs. 2400/- to him.

In the meantime, on 17th February, 1971, the Divisional Manager received from the assured a letter by registered post stating that as the assured had not received the policy, he should be refunded the premium, particularly keeping in view the activities of the field officer. The Divisional Manager directed this correspondence to the Farrukhabad Branch and the Branch replied to the assured on 15th March, 1971 stating that as the proposal had already resulted into the policy, the amount of Rs. 2,2750.80 adjusted towards the first yearly premium could not be refunded. However, they enclosed with the reply a refund voucher for the excess amount received requesting the assured to return the voucher duly completed and signed on 10 P. revenue stamp. This voucher has not so far been returned by the assured to the Branch. After receipt of this letter and after refusing the policy document sent under registered post, the assured complained to the Chairman, Committee on Petitions, Lok Sabha Sectt. on 4th June, 1971. ■

Regarding the complaint against the development Officer to the Chairman alleging that the development officer had helped an accused person in attempt to murder one Shri Ram Kishan Agarwal of Kaimganj, our Branch Manager, Farrukhabad, has investigated into the matter by interviewing many disinterested parties from Kaimganj as well as the assured and reported as follows:—

“ There was a local dispute between two

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groups over some landed property wherein the assured's brother Shri Ram Kishan Agarwal is reported to have been shot in the shoulder by some member of the rival group. It appears that the complainant was informed that the development officer was friendly with the other group. The Divisional Manager has informed us that for this reason the complainant had a grouse against the development officer and that may be the reason for his petition to the Chairman, Committee on Petitions, Lok Sabha, Secretariat".

The Branch Manager now informs that the complainant is now convinced that the development officer has nothing to do with the dispute over the landed property and the policy holder has assured the Branch Manager to accept the policy refused earlier, which was lying in the Divisional Office. The Divisional Office in turn, have forwarded the policy to the branch Manager on 3rd August which we hope by now must be in the hands of the complainant.

From the factual position narrated above, it appears, that the complainant was motivated to write to the Chairman, Committee on Petitions, Lok Sabha Sectt. as a result of some local dispute. Now that the position has been made clear to the complainant and the complainant is accepting the policy the case may be treated as closed.

The Life Insurance Corporation has informed,

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that the proposal matured into a policy on 31-12-70 and the risk on the life was covered from that date. In view of this the premium cannot be refunded as requested though there was some delay in forwarding the policy document to the assured.

6. Shri A.K. Mukherjee, Retd. Principal Appraiser, Customs House, 7. Turf Road, Calcutta. Payment of gratuity and pension.

Shri A. K. Mukherjee retired Principal Appraiser was granted anticipatory pension and gratuity from the date of his retirement, by the Collector of Customs, Calcutta, who is the pension sanctioning authority in this case. There was some delay in finalising his pension case because, the service book of Shri Mukherjee was not available with the Collector as it was held up with Collector of Central Excise Delhi in connection with some other case. In October, 1970, his papers for final payment of pension were forwarded to Accountant General, Calcutta, after according necessary sanction. The Audit Office took some time for getting classification on certain points. It is understood from Collector of Customs, Calcutta that the final payment of pension and gratuity has since been made to Shri Mukherjee on 7-9-71. No further action is, therefore, called for.