

# COMMITTEE ON PETITIONS

(SEVENTH LOK SABHA)

## THIRD REPORT



*[Presented to Lok Sabha on 2-4-1981]*

**LOK SABHA SECRETARIAT  
NEW DELHI**

*April, 1981/Chaitra, 1903 (Saka)*

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Corrigenda to the Third Report of  
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COMPOSITION OF THE COMMITTEE ON PETITIONS  
(1980-81)

CHAIRMAN

\*1. Shri R. L. Bhatia

MEMBERS

2. Shrimati Vidya Chennupati
3. Shri A. C. Das
4. Shri Bindeshwari Dubey
- @5. Shri Udaysingrao Gaikwad
6. Shri D. M. Putte Gowda
- £7. Shri Seth Hembram
8. Shri Ghulam Rasool Kochack
- \$9. Shri K. Mallanna
10. Shri Muzaffar Hussain
11. Shri N. Kudanthai Ramalingam
12. Shri Navin Ravani
13. Shri N. Soundararajan
14. Shri Suraj Bhan
15. Shri Raghunath Singh Verma.

SECRETARIAT

Shri Gian Chand—*Additional Secretary*

Shri R. D. Sharma—*Senior Legislative Committee Officer.*

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\*Appointment w.e.f. 9th October, 1980 vice Shri Jaideep Singh resigned.

\$Nominated w.e.f. 9th October, 1980 vice Shri Mallikarjun ceased to be a member of the Committee on his appointment as a Deputy Minister.

@Nominated w.e.f. 25th October, 1980 vice Shri Nagina Rai resigned.

£Nominated w.e.f. 4th November, 1980 vice Shri Tariq Anwar resigned.

**THIRD REPORT OF THE COMMITTEE ON PETITIONS  
(SEVENTH LOK SABHA)**

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**I**

**INTRODUCTION**

1.1. I, the Chairman of the Committee on Petitions, having been authorised by the Committee to present the Report on their behalf, present this Third Report of the Committee to the House on the following matters:—

- (i) Petition No. 11 regarding take-over of wholesale food-grains trade, strengthening of public distribution system, remunerative prices for agricultural produce and nationalisation of sugar, cotton, textiles and drugs industries.
- (ii) Representation regarding demands of the Ministerial staff of Indian Railways.
- (iii) Action taken by Government on the recommendation of the Committee on Petitions contained in their Seventh Report (4LS) on the representation regarding inclusion of non-teaching employees of Universities and other educational institutions within the purview of Industrial Legislation.
- (iv) Action taken by Government on the recommendations of the Committee on Petitions contained in their Thirty-second Report (5LS) on the representation re. apprehended closure of Arrah-Sasaram Light Railway.
- (v) Action taken by Government on the recommendations of the Committee on Petitions contained in their Fourth Report (6LS) on Petition No. 6 regarding export of groundnut solvent extraction and groundnut handpicked and selected.
- (vi) Action taken by Government on the recommendations of the Committee on Petitions contained in their Fourth Report (6LS) on the representation regarding settlement of claim of a consignment of G. N. Seeds booked ex. Chandausi to Latur.

- (vii) Action taken by Government on the recommendations of the Committee on Petitions contained in their Fourth Report (6LS) on the representation regarding repatriation of Indian nationals detained in Pakistan.
- (viii) Action taken by Government on the recommendations of the Committee on Petitions contained in their Sixth Report (6LS) on representations from (i) Shri Chatrumal Assumal re. finalisation of CAF No. B|B|12238-I|P.C. No. 48002; and (ii) Shri Narumal, Ulhasnagar, re. non-adjustment from CAF No. BT|UT|4772|IV|NT.
- (ix) Action taken by Government on recommendation of the Committee on Petitions contained in their Seventh Report (6LS) re. provision of suitable facilities for inservice training to unqualified pharmacists for registration.
- (x) Action taken by Government on recommendations of the Committee on Petitions contained in their Seventh Report (6LS) on the representation regarding export of onions.
- (xi) Action taken by Government on recommendations of the Committee on Petitions contained in their Eighth Report (6LS) on the representation regarding repeal of the Metal Corporation (Nationalisation and Miscellaneous Provisions) Act, 1976.
- (xii) Action taken by Government on recommendation of the Committee on Petitions contained in their Tenth Report (6LS) on Petition No. 1 regarding conduct of former Chief Minister, certain Ministers and Government Officials of Andhra Pradesh.
- (xiii) Action taken by Government on the recommendation of the Committee on Petitions contained in their Eleventh Report (6LS) on the representation regarding construction of an over-bridge over the Railway crossing in District Morena Headquarters.
- (xiv) Action taken by Government on the recommendation of the Committee on Petitions contained in para 6.14 of the Eleventh Report (6LS)—framing of rules governing compensation to victims of train accidents whose cases are not governed by the provisions of the law of land.
- (xv) Other Representations.



1.2. The Committee considered the above matters at their sittings held on the 23rd and 24th March, 1981.

1.3. The Committee considered their draft Report at their sitting held on the 31st March, 1981 and adopted it.

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

NEW DELHI;  
*Dated the 31st March, 1981.*

R. L. BHATIA,  
*Chairman,*  
*Committee on Petitions.*

## II

**PETITION NO. 11 REGARDING TAKE-OVER OF WHOLESALE  
FOODGRAINS TRADE, STRENGTHENING OF PUBLIC DISTRI-  
BUTION SYSTEM, REMUNERATIVE PRICES FOR AGRICUL-  
TURAL PRODUCE AND NATIONALISATION OF SUGAR,  
COTTON, TEXTILES AND DRUGS INDUSTRIES.**

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2.1. Shrimati Geeta Mukherjee, M.P. presented to Lok Sabha on the 9th March, 1981 a petition (See Appendix I) signed by Shrimati Vimla Farooqui, General Secretary, National Federation of Indian Women, New Delhi and others regarding take-over of wholesale food-grains trade, strengthening of public distribution system, remunerative prices for agricultural produce and nationalisation of sugar, cotton, textiles and drugs industries.

2.2. The Committee considered the petition at their sitting held on the 23rd March, 1981.

2.3. The Committee directed that the petition be circulated\* in extenso to the members of Lok Sabha under rule 307 (1) of the Rules of Procedure and Conduct of Business in Lok Sabha.

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\*The petition was circulated *in extenso* to all members of Lok Sabha on the 30th March, 1981.

### III

## REPRESENTATION REGARDING DEMANDS OF THE MINISTERIAL STAFF OF INDIAN RAILWAYS

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3.1. Shri C. M. Singh, General Secretary, All India Railways Ministerial Staff Association, Dhanbad, and others submitted a representation dated the 8th August, 1980, duly counter-signed by Sarvashri Samar Mukherjee and Ramavtar Shastri, M.Ps., regarding demands of the Ministerial staff of Indian Railways.

### *A—Petitioners' Grievances and Demands*

3.2. In their petition, the petitioners made the following demands:—

- (a) Total withdrawal of ban on creation of posts as well as recruitment in the Ministerial cadre;
- (b) Restructuring of the Grades of the Ministerial cadre;
- (c) Restoration of incentive increments to the qualified Appendix II IREM Accounts Staff;
- (d) Removal of disparity between the Ministerial staff of Administrative office and those working in sheds. Depot and workshops including implementation of Board's decision for payment of overtime and split duty allowance;
- (e) Implementation of proposed 15 per cent upgradation to all Ministerial cadre without any discrimination;
- (f) Withdrawal of penal measures imposed against Trade Union Leaders and workers for Trade Union activities;
- (g) Full neutralisation of the rise in cost of living Index;
- (h) Supply of essential commodities at subsidised rates.

3.3. The petitioners requested that the Ministry of Railways (Railway Board) might be directed to effect necessary changes in the rules/statutes concerning service conditions of the Railwaymen made under article 309 of the Constitution.

**B—Comments of the Ministry of Railways (Railway Board)**

3.4. The representation was referred to the Ministry of Railways (Railway Board) for furnishing their factual comments thereon for consideration by the Committee on Petitions. The Ministry of Railways (Railway Board) have furnished their demand-wise' factual comments *vide* their communication dated the 20th October, 1980, stating as follows:—

**“Demand No. (a):** Total withdrawal of ban on creation of posts as well as recruitment in the Ministerial cadre. The ban on creation of posts and filling up of vacancies in Ministerial categories was imposed for the first time in the year 1960 under instructions from the Ministry of Home Affairs. This ban continued to operate and certain relaxations, where considered necessary, were provided. Subsequently, the position was reviewed by the Ministry of Finance and in August, 1974 with a view to achieve the maximum economy in the administrative expenditure a complete ban on the creation of posts, except for operational and technical staff directly connected with the execution of new plan projects and/or security or vigilance sector was imposed. A complete ban was also imposed on filling up of vacancies (except/typists and stenographers) in non-technical and non-operational posts arising in the normal course except by transfer/promotion/deputation or adjustment of staff rendered surplus due to work study reports or otherwise. Any relaxation to this general ban was subject to the Cabinet approval.

(2) In October, 1975 the matter was examined in great detail and the scope of the ban on creation of posts was clarified to the Railways as under:

- (i) There is a complete ban on creation of posts chargeable to Grant No. 4 (Now Grant No. 3);
- (ii) Posts chargeable to other revenue grants can be created only if they were required for operation and/or maintenance of new plan assets. Additional posts under this clause could be created only for assets commissioned in the 5th Plan period;
- (iii) An exception to (i) and (ii) above posts could be created if the cost could be met through matching surrender and there was no increase in the man-power as a consequence of this.

(3) In August, 1977 there was a further review of the position of ban by the Ministry of Railways and Limited relaxation

was given in the creation of posts chargeable to Demand No. 4 in connection with new plan assets. It was decided that if post chargeable to Demand No. 4 is required in the field for a new project (as for example new line, workshop or shed) commissioned on or before 1.4.77 and it was considered that the post is required directly for the proper functioning of the project, the required posts could be sanctioned treating the post as operational. The ban on the creation of the Ministerial posts has, however, been extended by the Ministry of Finance *vide* their letter of 7-9-1979.

- (4) It is admitted that staff strength in Ministerial staff has been frozen since a long time and while there has been expansion in the activities of the Railways in all fields there has been no matching increase in the staff strength in clerical cadre with the result that existing men are not in a position to promptly deal with all staff problems including the payment of wages, allowances, settlement dues etc. thus causing resentment amongst staff. In order to assess the extent to which augmentation was called for in the personnel and accounts departments on the Railways a study was undertaken by the Efficiency Bureau. Pending determination of uniform yardstick on the basis of the studies to be conducted by SIU, the Ministry of Railways decided to authorise creation of additional clerical posts in the personnel and accounts departments of the zonal Railways to the extent of 5 to 10 per cent of their existing strength as an *ad hoc* interim relief. This relief is indicated below:

Railway	Personnel Department		Accounts Department	
	(Pay Bill, Cadre and Union Sections only)		(Establishment, P.F. and Pension Sections only)	
	In Head-quarters	In Divisions	In Head-quarters	In Division
1. Central . . . . .	Nil	5%	Nil	Nil
2. Eastern . . . . .	10%	10%	Nil	Nil
3. N.E. . . . .	5%	5%		
4. N.F. . . . .	5%	5%	Nil	Nil
5. Southern . . . . .			10%	10%
6. S.C. . . . .	5%	5%	10%	10%
7. S.E. . . . .	Nil	5%	5%	5%
8. Western. . . . .	10%	10%	10%	10%
9. D.L.W. . . . .	Nil		6 posts	For Bill, Auditing, PF, Pension, Gratuity Section.
10. I.C.F. . . . .	8 posts kept in abeyance may be revived.		3 posts	

After the study is completed it may be possible to meet the requirements of staff to cope with the increased workload to the extent it is considered justified keeping in view the extent economy instructions of the Ministry of Finance for restricting the non-plan expenditure.

- (5) Staff side of the National Council under JCM had also raised the question of total withdrawal of ban on creation of posts in the Ministerial posts in field offices where there was already reduced strength of Ministerial staff. The Ministry of Railways recognised that the restriction on creation of Ministerial posts had an adverse effect on the efficiency of work in field offices and therefore, they had taken a view that some relaxation in the ban on creation of Ministerial staff on the basis of recognised yardstick was called for. No further instructions in this regard have been received so far from Ministry of Finance. On the contrary, the ban has further been tightened up by the Ministry of Finance *vide* their letter of September, 1979 referred to above.

**Demand No. (b)—Restructuring of the Grades of the Ministerial Cadre.** Having regard to various factors like duties and responsibilities, difficulty and complexity, degree of supervision attached to the posts, the Third Pay Commission recommended the following pay scales for the Ministerial staff and Typists in the non-Secretariat Organisations:—

Ministerial Staff	Typists
Rs. 260—400	Rs. 260—400
Rs. 330—560	Rs. 330—560
Rs. 425—700	Rs. 425—700
Rs. 550—750	
Rs. 700—900	

The above recommendations have been accepted and implemented for both the categories. In addition, a new scale of Rs. 550—750 has been introduced at the apex of the Typists category with effect from 1-1-1979 as a result of deliberation in the Departmental Council. The demand now made for reducing the number of grades in the categories of Ministerial staff and Typists is not feasible in

view of the fact that these are common categories available throughout the Government of India and the demand to reduce the scales, if agreed to, will have wide repercussions in other departments.

*Demand No. (c)*—Restoration of incentive increments to the qualified Appendix II IREM Accounts Staff. In the Accounts Deptt., of the Railways the two lowest grades in the clerical cadre were viz. Clerk Grade II and Clerk Grade I. In the year 1968, it was decided that an incentive in the shape of three advance increments should be provided to clerks grade II, who after passing the App. II-A examination, have to wait for promotion as Clerk grade I. These advance increments were withdrawn at the time of their promotion as clerk grade I and their pay fixed as clerk grade I without taking into account the 3 advance increments. Thereafter, they were given 4 advance increments in the scale of clerk grade I.

- (2) The Third Pay Commission (in para 24 of Chapter 10-Vol. I of their report) had recommended discontinuance of grant of advance increments to directly recruited Upper Division Clerks and to Lower Division Clerk on promotion as Upper Division Clerk in the Indian Audit & Accounts Department. Taking into consideration the possible repercussions, it was decided by Ministry of Finance not to allow the Railways to restore the system of grant of advance increments in the revised scale of pay in the face of the recommendations of the Pay Commission against the continuance of such advance increments.
- (3) In the meantime, staff side of the National Council (JCM) pressed for the continuance of the system of advance increments as an incentive to the employees of Indian Audit & Accounts Deptt. and Railway Accounts Deptt. The matter was referred to a Committee of the National Council. No agreement could be reached and disagreement was to be recorded on the issue of restoration of the scheme. However, from the Railways side, the matter was taken up again with the Ministry of Finance in April '80 and while explaining the basic distinction in the nature of incentive given to Clerks in the Indian Audit Department and those in the Railway Accounts Department, a proposal for the grant of qualification pay of Rs. 15.00 p.m. to Clerk grade II of Rail-

way Accounts Department who qualify Appendix 2 examination was pressed.

- (4) As a matter of fact, after our efforts to persuade the Ministry of Finance at the official level fail, the matter was taken up at the level of M.R. and F.M. The Minister of Finance while up-holding the earlier stand has *inter alia* communicated as under:—

“It was apprehended that once the proposal to grant qualification pay is introduced in the Railway Ministry, it would be difficult to resist similar demands from Indian Audit and Accounts Deptt., Controller General of Accounts & Accounts Deptts. of other Ministries/Departments like P&T, Defence, Central Board of Excise and Customs....”

After receipt of FM's reply, Adv. (F) has held discussions with the Finance Secretary and impressed upon him the essential distinction between the Scheme prevalent earlier in the Audit Deptt. and Railways. It is understood that although Cabinet approval for recording disagreement has been obtained, Finance Secretary has agreed to reconsider the matter.

**Demand No. (d)**—(1) Removal of disparity between the Ministerial staff of Administrative office and those working in sheds, Depots and Workshops and (ii) implementation of Board's decision for payment of overtime and split duty allowances.

- (1) The Ministerial staff in the administrative offices on the Railways, i.e. headquarters, divisional offices etc. generally work for 6-1½ hours a day and 39 hours a week, while the railway staff in workshops, sheds, depots, stations, yards, etc. who are classified as 'continuous' generally work for 8 or 8-1½ hours a day and 48 or 51 hours a week. The clerical staff working along with the other railway staff in workshops, sheds, stations, etc. have generally to work for the same hours as are observed by the other categories of railway staff in each establishment.
- (2) The 2nd Pay Commission which had gone into this aspect had recommended that uniformity in the weekly working hours according to the groups of employees was neither necessary nor feasible and that in the establishments, in which industrial and non-industrial workers work together, the latter should observe the same hours as the for-



mer when the nature of their duties is such that their presence is necessary for the efficient working of the industrial staff.

- (3) The question of removal of disparity between the hours of work, annual holidays prescribed for clerks at stations, sheds, depots, etc. on the one hand and those prescribed for clerks in the administrative offices on the other, by granting the former the privileges available to the latter and if this was not possible by monetarily compensating the former for the extra hours of work done by them, was considered by the Railway Labour Tribunal, 1969 presided over by Shri N. M. Miabhoy, retired Chief Justice, Gujarat High Court. In its report submitted to Government in August 1972 the Tribunal rejected the demand for removal of disparities in the hours of work and holidays observed by the clerical staff of the various railway establishments, like stations, sheds, depots, workshops etc. and those of the administrative offices on the Railways. The Tribunal recommended that having regard to the orders of the Railway Board that the field staff may, if necessary, be required to work the same hours as the other staff in the concerned establishments when duties of clerks are such that their presence throughout is necessary for efficient working of the entire staff, the officers controlling the field offices should examine the question as to whether the presence of the clerical staff of their offices is or is not necessary for efficient working of their other staff.

The Tribunal also observed that the disparities in existence in regard to the hours of work, holiday entitlements, if they are inevitable must be shared equitable by the staff as a whole and the burden thereof should not fall upon a section of the Staff only and means may be devised by which the concerned clerks are rotated between the field and non-field offices in such a way that none of them has to put in inordinately long period of service in the field offices or none of them had entire period or unnecessary long period of service in the non-field offices.

- (4) The 3rd Pay Commission was in complete agreement with the recommendations made in this regard by the Railway Labour Tribunal 1969 as mentioned above. The Pay Commission disfavoured the approach to link differences in

the hours of work to the scale of remuneration as it considered that would tend to disturb unduly the structure of emoluments devised for the employees.

- (5) The issue was further raised by the Staff side at the meeting of the Departmental Council for Railways under the J.C.M. on 1/2-6-78 but no agreement could be reached. In December 1978 the issue was again raised by the All India Confederation of Railway employees and it was explained to them that in view of the recommendations made on this issue by the Second and Third Pay Commissions as also by the Railway Labour Tribunal 1969 as well as the consideration given by the Departmental Council for Railways under J.C.M. the demand could not be accepted by the Ministry of Railways.
- (6) In the Light of the foregoing, the demand for the removal of disparity between the working hours and holidays observed by the Ministerial staff of the administrative offices and those working in sheds, depots, workshops, etc. cannot be accepted.

(ii) Payment of overtime and split duty allowance.

- (1) As regards the demand for payment of overtime and split duty allowances, it may be mentioned that in the Railway Board's letter No. PC-60 HW/2-4, dated 28-8-1961 the Railway Administrations were advised that where the spells of duty were two or three and the employees, whose place of residence was beyond a distance of 1.6 Kms. from their place of work, their duty hours should be so regulated that 7 hours of split duty was treated as 8 hours of normal duty in the case of railway employees classified as 'continuous' under the Hours of Employment Regulations. It was specifically clarified subsequently in Railway Board's letter No. PC-60 HW/2.4 dated 5-9-1962 that the concession of 7 hours of split duty being treated as 8 hours of normal duty would not be applicable where duty rosters of staff had been framed in such a manner that the shifts were split for the convenience of the staff themselves (e.g. to give them a lunch break) and not in the interest of the Administration, even though the distance between their place of residence and work exceeded 1.6 Kms.
- (2) In the light of the clarifications given to the Railways in the Railway Board's letter of 5-9-1962 mentioned above,

it would appear that the clerical staff who work according to the shop timings observed by the artisan staff and who observe the same timings for their hours of work as also their lunch interval along with the artisan staff of the workshops, are not entitled to claim the concession of 7 hours of split duty being treated as 8 hours of normal duty in terms of the Railway Board's letter No. PC-60/HW/2-4, dated 28-8-1961 read with the clarification given in their letter of 5th September 1962. Accordingly the clerical staff employed in the Railway workshops according to the workshop timings including the timings prescribed for the observance of lunch interval for all categories of employees in a particular workshop are not entitled for the split duty allowance or any overtime payment on that account.

*Ministry of Railways (Railway Board) Communication dated 19-3-1981.*

The position obtaining in other Central Government Departments in regard to payment of overtime and split duty benefits in the case of Ministerial staff is not available and the same has been called for from the P&T Board, Ministry of Defence, Ministry of Works & Housing, which is likely to take sometime as these Ministries/Departments have to collect the said information from the field establishments.

Demand No. (e)—Implementation of proposed 15 per cent upgradation to all Ministerial cadre without any discrimination.

This is a proposal for the restructuring of the Ministerial cadre of Personnel Deptt., which is linked with direct recruitment of Graduates at the level of Senior Clerks in scale Rs. 330-560. The proposal is under consideration of the cadre Restructuring Committee of the Departmental Council under the scheme of Joint Consultative Machinery. The final outcome of this consideration may be awaited.

*Ministry of Railways (Railways Board) communication dated 19-3-1981.*

The upgradations and restructuring of Ministerial staff of various cadres in the railways was considered by a Committee set up under the JCM scheme which has represen-

tatives of the organised labour also. While deciding on restructuring, various aspects like existing structures of the cadre, its functions and requirements of jobs and administrative considerations as also avenues of promotions are taken into consideration. Restructuring for Ministerial staff of Personnel Department and other departments have been ordered accordingly. This provides higher percentage of upgradations for the Personnel Department, as it also provides for direct recruitment at intermediate grades which, to that extent, will adversely affect the avenues of promotion of existing staff. Incidentally, the JCM Scheme also provides for grievances, if any, to be discussed and issues re-examined.

*Demand No. (f)*—Withdrawal of penal measures imposed against Trade Union leaders and workers for Trade Union activities.

It may be stated at the outset that nobody is punished for legitimate trade union activities. It is only for the specific acts of omission and commission that the staff are taken up under the normal rules applicable to them.

So far as the specific cases of 92 employees of Jhansi Division are concerned, there are four such cases involving 69 railway employees, one of which relates to murder and the other three relate to violence and damage to railway property. Since these cases were filed by the State Government of U.P., the Ministry of Railways cannot take any action and it is only the State Government who can do so. Efforts have, however, been made from time to time to expedite the disposal of these cases by contacting the Ministry of Home Affairs who have already requested the U.P. State Government to expedite finalisation of these cases as early as possible.

*Demand No. (g)*—Full neutralisation of the rise in cost of the living Index.

The Pay Commission has recommended neutralisation of price rise from 95 per cent in the case of lowest paid employees to about 56 per cent in the case of highest paid Class III employees for every 8-Point rise in the average price index for 12 months (base 1960—100). Government has improved the recommended Dearness Allowance formulae so as to ensure neutralisation of price rise to the

extent of 100 per cent in the case of low salaried staff drawing upto Rs. 300|- and 75 per cent in the case of those drawing pay from Rs. 301|- to Rs. 900|-. The limit of Rs. 900| has been further extended to Rs. 1000|- so as to ensure neutralisation of price rise in their case upto 75 per cent.

Based on this formulae, 20 instalments of Dearness Allowance have so far been granted for the increase in the price index average upto 360 points.

This is a matter of policy which is within the purview of the Ministry of Finance.

**Demand No. (h)**—Supply of essential commodities at subsidised rates.

Between 1942 and 1949, the Railways were running grainshops for supply of foodgrains and other essential commodities to Railway employees at subsidised rates. Apart from the serious losses and various malpractices that were noticed, the large scale of operation, the geographical spread of these units etc. presented innumerable difficulties in running the scheme. In view of the magnitude of losses incurred in the process of running these grain shops, the Grainshop Enquiry Committee (1948), which enquired into the matter, recommended the gradual closure of shops and introducing of a network of Consumer Cooperative Stores among the Railwaymen with such concessions and facilities as may ensure their orderly growth. In the circumstances, reverting to as scheme which was once tried and given up for valid reasons would not be prudent. In pursuance of the recommendations of the Grainshop Enquiry Committee, the Railway employees are encouraged to set up and run Railwaymen's Consumer Cooperative Societies by extending them various facilities and concessions.

- (2) In the context of Railway strike of May 1974, one of the demands of the organised labour was for the supply of foodgrains to railway employees at subsidised rates through grainshops. During the course of discussions with the organised labour, it was agreed that arrangements will be made to open as many fair price shops as necessary so that all points on the Railways with a concentration of 300 and more staff are provided with fair price shops to ensure the availability of grains to railway staff

on the same scale and rate as was made available by the State Governments to other citizens. Accordingly, the Railways were directed to initiate necessary action to increase the number of fair price shops wherever needed, in addition to those already run through the agencies of either the Railwaymen's Consumer Cooperative Societies or the State authorised dealers. As an inducement, it was decided to extend the following facilities to the Railwaymen's Consumer Cooperative Societies for opening of more fair price shops:

- (i) Granting of interest bearing working capital loans at the rate of Rs. 10,000/- per fair price shop instead of Rs. 10,000/- for the Society as a whole, in addition to the matching share capital contribution of Rs. 2,500/- and subsidy;
  - (ii) Charging of token rent @Re. 1/- per year for accommodation provided to Railwaymen's Consumer Cooperative Societies wherever provided by the Railways, instead of Rs. 20/- per year; and
  - (iii) Extending the concession referred to in item (ii) above, to fair price shops set up by the State Authorised dealers also.
- (3) As on 30-9-78, 375 fair price shops were run by Railwaymen's Consumer Cooperative Societies. In these fair price shops controlled commodities like wheat, rice etc. are available at control rates, which are below the ruling open market rates. In addition, these articles are also available in a large number of fair price shops run by the State Authorised Dealers at controlled rates."

#### *C—Observations of the Committee*

**3.5. From the factual note which had been called from the Ministry of Railways in respect of each of the demands of the Ministerial staff of Indian Railways, the Committee find that each of the demands has been duly considered by the Ministry and action at various stages is pending in respect of most of the demands. The Committee have noted that Ministry of Railways are not able to take final decision in respect of these demands as the issues raised are such as would have wider repercussions on other categories of the Government employees in other Ministries. The Committee also note that in some of the cases the demands are already under consi-**

deration of the Joint Consultative Machinery. Under the circumstances, the Committee feel that as most of the demands are mainly in the nature of staff matters which could more appropriately be considered by a pay body, there is no case for intervention by the Committee on the demands made in the representations.

However, in regard to demand for 15 per cent upgradation, the Committee feel that there is a case for favourable consideration of the demand for 15 per cent upgradation to all Ministerial cadres without any discrimination. The Committee would like that an early and favourable decision in the matter is taken by the Ministry.

In regard to demand for withdrawal of penal measures imposed against trade union leaders and workers for trade union activities, the Committee note from the reply by the Ministry of Railways (Railway Board) that nobody is punished for legitimate trade union activities. Four cases—one of which relating to murder and other three relating to violence and damage to Railway property involving 69 Railway employees out of 92 employees of Jhansi Division—were filed by the State Government of U.P. The Ministry of Home Affairs have already requested the U.P. State Government to expedite finalisation of these cases as early as possible.

The Committee trust that cases of remaining 23 railway employees whose details have not been given in their factual comments to the Committee, would be disposed of finally if not already done so.

## IV

### ACTION TAKEN BY GOVERNMENT ON THE RECOMMENDATION OF THE COMMITTEE ON PETITIONS CONTAINED IN THEIR SEVENTH REPORT (FOURTH LOK SABHA) ON THE REPRESENTATION RE. INCLUSION OF NON-TEACHING EMPLOYEES OF UNIVERSITIES AND OTHER EDUCATIONAL INSTITUTIONS WITHIN THE PURVIEW OF INDUSTRIAL LEGISLATION

4.1. In their Seventh Report (Fourth Lok Sabha) presented to Lok Sabha on the 30th April, 1970 the Committee considered a representation regarding inclusion of non-teaching employees of Universities and other educational institutions within the purview of Industrial Legislation and the factual comments of the Ministries of Labour and Education and made the following recommendation on the matter:—

“The Committee have carefully considered this matter in all its aspects. The Committee are in agreement with the views expressed by the National Commission on Labour in recommendation No. 159 of their Report (1969) that the non-teaching staff of the Universities and other educational institutions should be brought within the purview of the Industrial Disputes Act, 1947. The Committee, therefore, recommend that Government should initiate suitable legislative and administrative measures to make this Act applicable to this class of employees.”

[Para 11.8 pages 42-43, Seventh Report (Fourth Lok Sabha)]

4.2. The above recommendation of the Committee was taken up for implementation with the Ministry of Labour. During the last ten years when the matter was being pursued with the Government, the Ministry of Labour had *inter alia* stated that the Government were examining the question of separate legislation for covering the aspect of security of service of non-teaching employees of Universities and other educational institutions.

4.3. In their communication dated the 24th April, 1976, the Ministry of Labour stated “the matter continues to be under consideration of this Ministry and it may take some more time for a final decision to be taken”.



4.4. *The Committee on Petitions at their sitting held on the 19th June, 1976, noted the above position stated by the Ministry of Labour and observed in their Thirty-second Report (Fifth Lok Sabha) that "the Ministry of Labour have not been able to process this matter during the last six years. The Committee urge the Ministry of Labour to expedite the implementation of their aforesaid recommendation and communicate the final decision of the Government on the matter to the Committee at the earliest."*

[Para 3.4, page 7, Thirty-second Report (Fifth Lok Sabha)]

4.5. Subsequently, the Industrial Relations Bill, 1978, the Hospitals and Educational Institutions (Conditions of Service of Employees and Settlement of Employment Disputes) Bill, 1978 and the Employment Security and Miscellaneous Provisions (Managerial Employees) Bill, 1978 were introduced in the Lok Sabha on the 30th August, 1978. However, these Bills lapsed consequent upon dissolution of the Sixth Lok Sabha on the 22nd August, 1979.

4.6. In their latest communication dated the 22nd September, 1980, the Ministry of Labour have stated as follows:—

"The Committee on Petitions had recommended in 1970 that, as suggested by the National Commission on Labour, non-teaching staff of universities and other educational institutions should be brought within the purview of the Industrial Disputes Act, 1947. This recommendation was made at a time when, in view of the decision contained in the University of Delhi case (1961-2-CR 703), educational institutions were not treated as 'industry' for purposes of the Industrial Disputes Act. However, the Supreme Court reviewed the scope of the term 'industry' in February, 1978 in the case of Bangalore Water Supply and Sewerage Board etc. vs .A. Rajappa and Others and established a clear-cut case law. It would be seen from the Judgement (pages 51 and 66 of the printed copy of the Judgement) that educational institutions fall within the ambit of the term 'industry' defined in section 2(j) of the Industrial Disputes Act, 1947; as a result, the Judgement in the University of Delhi case was reversed. In view of this legal position, it is felt that no fresh legislative proposals are necessary for giving effect to the aforesaid recommendation of the Committee on Petitions.

In view of this position, the long standing recommendation of the Committee may be treated as having been implemented."

4.7. The Committee note from the action taken reply of the Ministry of Labour that the Supreme Court in their judgement in the case of Bangalore Water Supply and Sewerage Board etc. vs. A. Rajappa and Others have established a clear cut case law. As a result of the Supreme Court Judgement, educational institutions fall within the ambit of the term 'industry' defined in section 2(j) of the Industrial Disputes Act, 1947, and no fresh legislative proposals are necessary for giving effect to their recommendation on the matter.

**ACTION TAKEN BY GOVERNMENT ON THE RECOMMENDATIONS OF THE COMMITTEE ON PETITIONS CONTAINED IN THEIR THIRTY-SECOND REPORT (FIFTH LOK SABHA) ON THE REPRESENTATION REGARDING APPREHENDED CLOSURE OF ARRAH-SASARAM LIGHT RAILWAY**

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5.1. In their Thirty-second Report (Fifth Lok Sabha), the Committee, after considering the action taken reply of the Government on the recommendations of the Committee contained in their Twenty-fourth Report (5LS), regarding apprehended closure of Arrah-Sasaram Light Railway, had observed as follows:—

“The Committee note that steps are being taken by the Ministry of Railways to improve the train services on the Arrah-Sasaram Railway Line. The Committee also note that the Government of Bihar are taking measures to stop plying of unauthorised road vehicles on this route. The Committee are, however, of the view that unless the efficiency and speed of the trains on this line are increased, there would continue to be a severe competition to these slow moving trains from the speedier road traffic. The Committee, therefore, urge that in order to improve the functioning of this Railway, urgent steps should be taken by the Ministry of Railways to increase the efficiency and speed of the trains running on the Arrah-Sasaram Railway line. The Committee also desire that the feasibility of the conversion of this narrow-gauge railway line into broad-gauge line may be considered by the Government of India. The Committee would like to be informed of the final decision taken on this matter in due course.”

[Para 4.3, page 9, Thirty-second Report (5LS)]

5.2. In their action taken reply dated the 19th May, 1977, the Ministry of Railways (Railway Board) stated as follows:—

“Two specific points, as enumerated below, were raised in para 4.3 of the Report:—

- (i) The Ministry of Railways should take urgent steps to increase the efficiency and speed on the trains of Arrah-Sasaram Railway Line.

- (ii) The Ministry of Railways should examine the feasibility of the conversion of the narrow-gauge line into a broad-gauge line.

As regards the efficiency and speed of the trains, this has been brought to the notice of the Company. Further the Ministry of Railways already has a Senior Administrative Officer of the Eastern Railway on the Board of Directors of the Company who, as the Government nominee, looks into the working of the railway. Under an agreement entered into with the Company the Ministry of Railways has been providing subsidies to meet the working losses of the Company. Part of the subsidy is also released in advance in suitable instalments. This arrangement is due to expire on 31-3-1978. It is hoped that with the assistance given by the Ministry, the efficiency of the Light Railway will improve.

As regards conversion of the Light Railway, this was examined as early as 1956 when it was found that conversion was not financially viable. The issue of conversion came up again for consideration in 1964. The Eastern Railway was accordingly asked to make an assessment of the traffic potential and cost of conversion afresh. On the basis of the report submitted by the Railway the gross earnings of the proposed Broad-Gauge line in the year 1970-71 (presumed to be the first year of opening of traffic) were estimated at a little over Rs. 20 lakhs, including Rs. 17 lakhs from passenger traffic. The working expenses of the line were estimated at about Rs. 27 lakhs thus leaving a deficit of about Rs. 7 lakhs per annum. The cost of conversion into Broad Gauge was estimated at Rs. 5.76 crores, inclusive of Rs. 42 lakhs, the purchase price of the Narrow-Gauge line. Dividend on this amount at the rate of 6 per cent comes to about Rs. 34 lakhs a year. The total recurring loss was thus estimated to be of the order of Rs. 41 lakhs per year; the purchase was thus found to be heavily unremunerative.

The present day cost of construction etc. has gone up manifold and because of the increase in road competition, the financial viability of conversion would be still worse today compared to the previous estimations. The Ministry of Railways, therefore, feel that till such time as the Light Railway is not able to function on its own finances, it may not be worthwhile to examine the question of conversion."

5.3. The Committee at their sitting held on the 3rd October, 1977, examined the representatives of the Ministry of Railways (Railway Board) on the points arising out of the action taken replies furnished

by the Ministry of Railways (Railway Board) on the recommendations of the Committee on the matter.

5.4. In his evidence, the Director, Railway Board, stated that they had examined this problem in great detail. There were representations from the employees, the State Government and from Members of Parliament that the Government should take over and later on convert that line into broad-gauge. They had worked out the cost of taking over the line which would come to Rs. 40 to 50 lakhs. Converting that into a broad-gauge line would be an expensive proposition. The main consideration which the Railway Ministry had in mind was that supposing the railways did not continue the existing arrangement of giving the subsidy, because this agreement was for three years, it would be better to terminate the agreement. That was their intention not to extend the agreement at the end of the current year. The Railway Minister had assured on the floor of the House and individually also he had told the workers' union that in case the railway was closed, the employees would be absorbed in the Indian Government railway system as fresh entrants. The employees' problems would thus be solved.

As regards local problem of transport, that was not so important. They were plying 200 buses. Obviously, the problem was being solved by road transport, providing thereby adequate transport facility.

5.5. The Committee on Petitions at their sitting held on the 28th June, 1978 considered the matter again and directed that the Ministry of Railways (Railway Board) might be asked to state whether in view of the recent closure of the Arrah-Sasaram Light Railway, all the employees of that railway had been absorbed in the Indian Government railway system and whether adequate road transport facility was available to the people of that area and also whether there was any proposal regarding taking over of the Light Railway Company by the Government to solve the transport problem of the people of that area.

5.6. In their communication dated the 6th September, 1978, the Ministry of Railways (Railway Board) have stated as follows:—

“The Arrah-Sasaram Light Railway Company closed down its operations w.e.f. 15-2-78 and issued termination notice to its employees effective from that date. The Minister for Railways, to mitigate hardship to the retrenched employees of the Light Railway as far as possible, decided

that all of them may be appointed by offering them jobs in categories for which they were found suitable, as fresh entrants. Instructions to this effect were issued on 17-3-78. As per information received from Eastern Railway, 260 candidates have been screened so far, and 235 found suitable. Out of those 235 found suitable, 32 have already been given orders of appointment. Action in respect of others is in progress.

The entire line was on one side of the all weather metalled road on which all public and private buses etc. are plying. This being the case, road transport facility is considered adequate. In fact, one of the reasons why the line ended up in a financial crisis was the stiff competition from the road. Requests made to State Government to control unauthorised plying of vehicles on this road and to restrict issue of permits to road vehicles on this route did not yield results.

The subject of take over of Arrah-Sasaram Light Railway by the Government has already been considered earlier. The view taken was, not to purchase this line as this was not expected to be financial viable. This position continues and so there is no intention at present to acquire this Railway."

5.7. In their communication, dated the 5th May, 1980, the Ministry of Railways (Railway Board) have stated the latest position regarding absorption of retrenched employees of erstwhile Arrah-Sasaram Light Railway, as furnished by the Railways is indicated below:—

Railway	Recom- mended for appoint- ment	Appoin- ted Joined	Appoin- tees not reported	Declared medically unfit	Awaiting clearance from IG/ R.P.F.
Eastern	126	116	9	..	1
South Eastern	122	71	43	8	
North Eastern	121	101	15	5	
Northeast Frontier	121	105	16	..	..
TOTAL	490	393	83	13	1

**5.8. The Committee note the position stated by the Ministry of Railways (Railway Board) regarding closure of the Arrah-Sasaram Light Railway and absorption of retrenched employees of that Railway.**

**ACTION TAKEN BY GOVERNMENT ON THE RECOMMENDATIONS OF THE COMMITTEE ON PETITIONS CONTAINED IN THEIR FOURTH REPORT (6LS) ON PETITION NO. 6 REGARDING EXPORT OF GROUNDNUT SOLVENT EXTRACTION AND GROUNDNUT HANDPICKED AND SELECTED**

6.1. In their Fourth Report (Sixth Lok Sabha), the Committee on Petitions considered Petition No. 6 regarding export of groundnut solvent extraction and groundnut handpicked and selected and made certain observations and recommendations.

6.2. The Ministries of Commerce and Civil Supplies (Departments of Commerce and Civil Supplies) and Agriculture (Departments of Commerce and Civil Supplies) and Agriculture Departmentations of the Committee. The observations/recommendations of the Committee and the action taken replies thereon furnished by Government are given below seriatim:—

Observations/recommendations made by the Committee in Fourth Report (6 LS)	Action taken by Government
1	2
<p>2.20. The Committee note that the question of fixation of quota for export of groundnut solvent extraction for the calendar year 1978 is under consideration in consultation with other concerned Ministries and State Governments. Pending final decision in the matter, an ad hoc quota of 2.5 lakh tonnes has been authorised for exports against the ceiling for 1978 to be decided by Government. The Committee hope that Government will finalise expeditiously the fixation of quota for export of groundnut solvent extraction after taking into consideration the bonafide requirements of the poultry-breeders and other interested parties.</p>	<p>Ministry of Commerce and Civil Supplies (Department of Commerce) Note dated the 16th September, 1978: "Government have released a further quota of 3 lakh tonnes of groundnut extractions for export during the current year. Out of the additional quota, 30,000 tonnes will be allocated to the units in the cooperative sector through National Agricultural Co-operative Marketing Federation and 54,000 tonnes to the new units set up on or after 1-1-77. Export is canalised through Groundnut Extraction Export Development Association, Bombay. They had been allocating quota to the different units. However, a Committee comprising of Joint Director (Export Promotion), Bombay, Deputy Chief Controller of Imports and Exports, Bombay and</p>



Secretary, Groundnut Extractions Export Development Association, Bombay has been set up on 16-8-1978 for allocation of the balance quota which has not yet been allocated by GEEDA. GEEDA has undertaken to supply 20,000 tonnes of groundnut extractions per month to domestic consumers till December, 78 @ Rs. 1,000/- per tonne."

2.21. In regard to removal of restriction on export of groundnut hand-picked and selected (HPS), the Committee note that the question of allowing quota against 1977-78 crop had been considered by Government. But in view of the present situation of availability and prices of groundnuts and groundnut oil, the Government had decided not to allow the export of HPS groundnut against 1977-78 crop. In this connection, the Minister of State in the Ministry of Commerce, Civil Supplies and Cooperation, in response to Unstarred Question No. 2451 answered in Lok Sabha on the 10th March, 1978, stated that "it has been decided not to allow the export of HPS groundnut against 1977-78 crop."

2.22. The Committee, however, find that there is lack of proper advance planning and forecasting by the Government regarding production, internal consumption and export of agricultural products as a result of which the farmers suffer. Nor are accurate statistics of agricultural products available with Government. The Committee recommend that Government should maintain complete and up-to-date data and proper statistics regarding production, likely internal consumption and availability for exports of agricultural products such as groundnuts and the like. In the light of such statistics and data, Government should formulate and declare their policy in such matters well ahead so that the interests of the growers may be safeguarded and they are assured of reasonably remunerative prices for their produce.

Ministry of Agriculture (Department of Agriculture) Note dated the 28th March, 1979:

"Arrangements already exist in Directorate of Economics and Statistics for timely collection and compilation of reliable statistics of area and production of principal crops including groundnut. As procedures go, India has one of the best systems for the collection of Agricultural statistics. Estimates of area under groundnut are obtained by field-to-field enumeration by whole-time village level officers of the State Governments. There is an elaborate machinery, both departmental and statistical to ensure that recording of area is done timely and reliably by the primary staff. Estimates of per hectare yield which form the other component for working out estimates of production are obtained on the basis of objective procedure of crop-cutting experiments by the random sampling method. At the all-India level, 95% of the production of groundnut is based on the scientific procedure of crop cutting experiments.

In order to meet the requirements of reliable data in advance of the availability of data on area under groundnut based on complete enumeration of all fields, a scheme is being implemented in all the major States for obtaining estimates of area under principal crops including groundnut on the basis of priority enumeration in a sample of 20% of the villages. This scheme provides estimates of area for kharif groundnut, by 30th November and for summer groundnut, by 31st March. The State Governments, have also been persuaded to undertake a quick tabulation of the results of crop-cutting experiments as the bulk of the harvesting of groundnut is over, to provide preliminary estimation of per-hectare yield. Thus, a reliable picture emerges on the likely levels of production of groundnut even before complete data become available.

1

2

Efforts are also under way to explore the possibility of forecasting yields of groundnut through a study of crop-weather relationship as also of relationship between yield and biometric characteristics. These are still in an exploratory stage.

With a view to safeguarding the interests of the producers, the Govt. have been fixing minimum support prices of certain commercial crops (cotton, jute, groundnut, soyabean, sunflower seed, rapeseed and mustard and potato). These prices are in the nature of a long term guarantee intended to enable the producers to pursue their production efforts with the assurance that in the event of glut in the market, the market prices of their produce will not be allowed to fall below the prescribed minimum levels.

Thus adequate arrangements already exist in the Ministry of Agriculture and Irrigation for collection of accurate information of area, production, yields, wholesale and retail prices, market arrivals, etc."

32.2. The Committee trust that the proposal for setting up a separate Edible Seeds and Oil Corporation recommended by the Planning Commission and reiterated by the Indian Institute of Public Administration, will be expeditiously considered by Government so that the task of maintenance of accurate statistics and planning etc. regarding edible seeds and oil may be facilitated.

Ministry of Commerce and Civil Supplies (Department of Civil Supplies) Note dated the 11th October, 1979:

"It has been decided not to pursue for the present the proposal for setting up of a Corporation for handling matters relating to edible oils and oilseeds."

**6.3. The Committee note the action taken replies furnished by Government on the recommendations contained in their Fourth Report (Sixth Lok Sabha) on the matter.**

## VII

### ACTION TAKEN BY GOVERNMENT ON THE RECOMMENDATIONS OF THE COMMITTEE ON PETITIONS CONTAINED IN THEIR FOURTH REPORT (6 LS) ON THE REPRESENTATION REGARDING SETTLEMENT OF CLAIM OF A CONSIGNMENT OF G.N. SEEDS BOOKED EX-CHANDAUSI TO LATUR

7.1. In their Fourth Report (6 LS), presented to Lok Sabha on the 11th May, 1978, the Committee after considering a representation regarding settlement of a claim in respect of a consignment of G.N. Seeds booked ex-Chandausi to Latur, had recommended as follows:—

“3.15. The Committee note with satisfaction that the Ministry of Railways have, as a result of intervention by the Committee, settled the original claim of the petitioners amounting to Rs. 1456/- for Rs. 1100/- and that the petitioners have accepted that amount in full and final settlement of the claim.

3.16. The Committee are, however, greatly concerned at the inordinate delay in settling the claim of the petitioners by the Ministry of Railways. The Committee note that the claim in question was filed by the petitioners, M/s. Khimji Bhanji and Co., Bombay, on the 4th April, 1973 but it was finally settled by the Ministry of Railways after a long and protracted correspondence by the petitioners and the evidence of the representatives of the Ministry of Railways before the Committee, in November, 1977. This is a typical instance of unconscionable procrastination and delay in settling claim cases by the Railways. The Committee note that for the expeditious settlement of claim cases, the Minister of Railways has now directed that no claim case should be delayed for more than 42 days.

The Committee are, however, of the opinion that the time limit for the settlement of claims should be statutorily laid down by the Ministry of Railways in the relevant rules and a suitable machinery, more or less on the

pattern of Income-tax Tribunals, should be set up by Government where the claimant can appeal against the rejection of his claim by the concerned officers of the Railways. A suitable time-limit should also be prescribed by Government for the settlement of claims by these Tribunals.

- 3.17. The Committee also desire that the procedure for dealing with claim cases should be streamlined and strict instructions issued to ensure that every claim case is registered on receipt and suitable replies are sent promptly to the communications received by the Railways from the claimants and there is no harassment to them in pursuing their claim cases."

[Paras 3.15 to 3.17, pages 18-19, 4th Report (6 LS)]

7.2. The Ministry of Railways (Railways Board) with whom the matter was taken up, have in their communication dated the 17th June, 1978, stated as follows:—

**"Reply of Government:**

3.15. The observation of the Committee has been noted.

**3.16 *Laying down of statutory time limit for settlement of claims***

By and large compensation claims are settled at reasonable speed. However, in the following types of cases, settlement is sometimes unavoidably held up:

- (1) Claims arising from traffic booked over a number of Railways in succession and involving transshipment;
  - (2) Cases where criminal interference or fraud is suspected;
  - (3) Necessitating detailed enquiries where essential documents such as original railway receipt, beejuck, letter of authority etc. are not submitted by the claimants.
- (2) A special drive has been launched by the Zonal Railways for expeditious settlement of claims. The powers of claims settling officers, Station Masters of selected important stations and Claims Inspectors have been enhanced. Mobile Claims Offices have been set up to visit important stations to settle claims on the spot. With a view to expediting settlement of compensation claims, monetary limit of compensation claims which could be settled by payment

without prior financial concurrence has been raised from Rs. 4,999 to Rs. 7,999. Special instructions have been issued to expedite settlement of claims and clear the backlog, if any. As a result of these measures, there has been a substantial improvement in this direction. The average time taken in settlement of claims has been reduced from 55 days in 1976-77 to 42 days in 1977-78. It is the constant endeavour of the Railways to settle claims as early as possible.

- (3) In view of the position explained above it will be appreciated that it is not feasible to lay down any statutory time limit for settlement of claims.

**(4) *Constitution of Tribunals on the pattern of Income-tax Tribunals for settlement of compensation claims.***

The issue relating to setting up of Claims Tribunals on the pattern of Income Tax Tribunals to substitute the jurisdiction of Civil Courts in the matter of claims for compensation against railway administrations was examined and the setting up of claims tribunals was not favoured on account of the following reasons:—

- (i) Suits for compensation are simple money suits. They do not require any special knowledge of law. As such, ordinary Civil Courts are quite competent to deal with such matter.
- (ii) Civil Courts are available in every town and, as such, claimants can seek legal remedy in the vicinity of their residence/business locations. If Tribunals are set up in a few important cities, the claimants will have to travel long distances to file and pursue their applications before such tribunals.
- (iii) Constitution of Tribunals all over the country will result in extra expenses to be borne by the Central Government (Zonal Railways), without any corresponding decrease in the expenses of the Civil Courts which are borne by the State Governments.

3.17. The liability of the Railways in respect of loss, destruction, damage, deterioration or non-delivery of goods carried by them are claims for compensation arising thereof has been clearly laid down in the Indian Railways Act, 1930. On the basis of the recommendation made by One-Man Expert Committee on Compensation Claims, suitable instructions have been issued to the Zonal Railways in the matter.

Also instructions to the Railways already exist that on receipt of the letters preferring compensation claims, files should be opened in claims office within 72 hours and that claims letters should be promptly acknowledged. This apart, Information Counters have been set up in all the Claims Offices to give information about the position of claims to the claimants."

**7.3. The Committee note the position stated by the Ministry of Railways (Railway Board) in their action taken reply on the recommendations contained in their Fourth Report (Sixth Lok Sabha) on the matter. The Committee note from the Ministry's reply stating that setting up of claims tribunals on the pattern of Income-tax Tribunals was not favoured for various reasons. The Committee are, however, of the opinion that there is need to set up a suitable machinery within the Department for periodical review to ensure expeditious disposal of claim cases.**

### VIII

#### ACTION TAKEN BY GOVERNMENT ON THE RECOMMENDATIONS OF THE COMMITTEE ON PETITIONS CONTAINED IN THEIR FOURTH REPORT (6LS) ON REPRESENTATION REGARDING REPATRIATION OF INDIAN NATIONALS DETAINED IN PAKISTAN.

8.1. In their Fourth Report (Sixth Lok Sabha) the Committee on Petitions considered a representation regarding repatriation of Indian nationals detained in Pakistan along with the factual comments of the Ministry of External Affairs thereon and made the following observations/recommendations:—

“The Committee note that the Government of India are alive to the problem of securing release of all Indian detainees in Pakistan and that they are in constant touch with the Government of Pakistan in this regard. The process of regular exchange of detainees between India and Pakistan commenced as a result of meetings between the Foreign Secretaries of the two Governments held at Islamabad in 1976 for quickening the process of normalisation envisaged under the Simla Agreement. Since April, 1976, several exchanges of Indian and Pakistani detainees have taken place between the two countries. However, still there are some Indians under detention in Pakistan and some Pakistanis detained in Indian jails.

The Committee observe that the time is now ripe when there are no political impediments to expeditious repatriation of prisoners held by either Government. In principle, both the Government of India and the Government of Pakistan have agreed to expedite and complete the exchange of each other's detained nationals.

The Committee hope that in view of the improved climate of amity and friendliness between the two countries, the process of exchange of detainees of various categories between the two countries will be accelerated, keeping in view the essentially humanitarian aspect of the problem.

The Committee desire that these observations and views of the Committee may be conveyed to the Government of Pakistan."

[Paras 4.12 to 4.15, pages 24-25, Fourth Report (6LS)]

8.2. The Ministry of External Affairs, with whom the matter was taken up, have stated in their action taken reply dated the 1st April, 1980, as follows:—

"According to the information received by the Government from various official and private sources, about 331 Indian nationals are believed to be confined in various jails in Pakistan. Two of these detainees, namely, Shri Lacey Ahmed and Shri Ashok Verma have been offered for release by the Government of Pakistan. The offer is, however, yet to materialise. These detainees broadly fall under the following categories:

- (a) Civilian detainees,
  - (b) Defence personnel detained in Pakistan; and
  - (c) Members of crew of Indian Boats seized in Pakistan.
- (2) In accordance with the joint statement issued at the conclusion of talks between Foreign Secretaries of India and Pakistan held in May, 1976 in Islamabad for resumption of the process of normalisation envisaged under the Simla Agreement the two Governments agreed to make efforts to locate persons still untraced and repatriate them at the earliest. Consequently, during six exchanges of detainees between the two countries which took place on 5-4-1976, 30-11-76, 1-2-77, 27.10.77, 3.1.78 and 29.4.78 Pakistan released a total number of 263 Indian detainees while India released 458 Pakistan detainees. Afterwards the process of release of detainees slowed down. As far as India is concerned, after the repeal of maintenance of Internal Security Act (MISA), only those Pakistan nationals who are convicts or are under trial on various offences are detained in India.
- (3) In May, 1979, the Pakistan Government had offered to release 5 Indian security prisoners as against 15 of their security prisoners. Since this exchange was found inequitable, we did not accept it and asked the Pakistan Government to furnish us details of all the Indian security prisoners held by them.



- (4) Forty Defence personnel who took part in the Indo-Pak conflict of 1971 have been missing since then and are also believed to be held in Pakistan. The Government of Pakistan's reply has been that they do not have any such persons in their custody. We have not accepted this plea of that Government and have given to them some evidence suggesting the detention of some of these officers in that country.
- (5) The overall question of release and repatriation of Indian detainees from Pakistan was also discussed during the visit of our Foreign Secretary to that country in early February, 1980. During the discussions the Pakistan side pointed out that they were trying to obtain complete lists of our security prisoners and also hinted that crew members of an Indian fishing boat V.J. Saghar were likely to be offered for repatriation soon. They wanted certain fresh details about the Defence detainees. As a follow up of these discussions, we have handed over an Aide Memoire to the Pakistan Embassy on 5th March, 1980, urging that Government to release our detainees at the earliest. The response from that Government is awaited."

**8.2. The Committee note the action taken by Government on the recommendations of the Committee contained in their Fourth Report (Sixth Lok Sabha) on the matter. The Committee hope that the Government of India would continue to make efforts for early release of Indian nationals detained in Pakistan.**

## IX

ACTION TAKEN BY GOVERNMENT ON THE RECOMMENDATIONS OF THE COMMITTEE ON PETITIONS CONTAINED IN THEIR SIXTH REPORT (SIXTH LOK SABHA) ON REPRESENTATIONS FROM (I) SHRI CHATRUMAL ASSUMAL RE. FINALISATION OF CAF NO. B/B/B/12238-I/P. C. NO. 48002; AND (II) SHRI NARUMAL, ULHASNAGAR, RE. NON-ADJUSTMENT FROM CAF NO. BT/UT/4772/IV-NT.

9.1. In their Sixth Report (Sixth Lok Sabha), the Committee on Petitions considered the following factual comments dated the 24th August, 1978, of the Ministry of Supply and Rehabilitation (Department of Rehabilitation) on the representation from Shri Chatrumal Assumal, Bombay, regarding finalisation of CAF No. B/B/B/12238-I/P.C. No. 48002:—

“The Settlement Wing of this Department to whom the matter was referred, has intimated that the case was finalised as early as on 23-11-1957 but the claimant did not file any appeal or apply for re-finalisation of his case under Rule 19 against the same. In view of this no further action is possible at this late stage after 21 years. The claimant, if so desire, may seek legal remedy.”

[Appendix V, Item 8, page 43, Sixth Report (6LS)]

The Committee desired the Ministry of Supply and Rehabilitation (Department of Rehabilitation) to send to the petitioner their decision dated the 23rd November, 1957, by Regd. Post with an endorsement to Lok Sabha Secretariat.

9.2. In their communication dated the 3rd February, 1979, the Ministry of Supply and Rehabilitation (Department of Rehabilitation) have stated as follows:—

“The Settlement Wing of this Department has since intimated that the position of the case has since changed. Shri Chatrumal Assumal was informed of the position on 10-8-1978 and he, being aggrieved, filed a petition before the Deputy Chief Settlement Commissioner with delegated

powers of the Chief Settlement Commissioner. His petition has been allowed by the authority concerned *vide* order dated 16-10-1978. A direction has been given to reprocess the case under Rule 19 of the DP(C&R) Rules, 1955. Accordingly the CAF of the Complainant has been reprocessed and a bill has been sent to the Deputy Controller of Accounts (R) on 19-12-78 for Rs. 5117/-. Necessary payment will be made to the party as soon as the bill is admitted by the Deputy Controller of Accounts."

In their further note dated the 13th June, 1979, the Ministry have stated:—

"Necessary Cheque was delivered to the party concerned on 24-4-1979 at Bombay by the officials of the Settlement Wing of this Department, who were on tour to Bombay.

9.3. The Committee also considered a representation from Shri Narumal Radhakrishandas regarding non-adjustment from CAF No. BT/UT/4772/IV-NT, towards property No. 1940/7, Camp No.5, Ulhasnagar and issue of Conveyance Deed in lieu thereof along with the factual comments of the Ministry of Supply and Rehabilitation (Department of Rehabilitation) thereon.

The Committee recommended that the duplicate copies of the relevant papers might be supplied by the Department of Rehabilitation to the petitioner and the Administrator, Ulhasnagar Township also be intimated by them about the adjustment done. Further the claim of the petitioner's mother might also be settled if not already done.

[Appendix V, Item 12, page 48, Sixth Report (6LS)].

9.4. The Ministry of Supply and Rehabilitation (Department of Rehabilitation) with whom the matter was taken up, have stated in their communications dated the 3rd February, 1979 and 11th February, 1980, as follows:—

"The petitioner (Shri Narumal Radhakishindas) has been informed of the position *vide* Settlement Wing of this Department's letter No. SW/ASO/PG/LCP/LSS/May/18 78/1736 dated 17-1-1979 about the finalisation of the Claimant's CAF No. B/T/UT/4772/IV-NT and his mother's CAF No. B|T|UT|173|VII as recommended *vide* Item No. 12 of Appendix VI of the Sixth Report of the Committee on Petitions (Sixth Lok Sabha).

A copy of the letter sent to the petitioner has also been endorsed to the Administrator, Ulhasnagar."

"The Conveyance Deed in respect of property No. 1940/7 Ulhasnagar, has been issued to the complainant."

**9.5. The Committee note with satisfaction the implementation by Government of their recommendations on the matter contained in their Sixth Report (Sixth Lok Sabha).**

**ACTION TAKEN BY GOVERNMENT ON RECOMMENDATIONS  
OF THE COMMITTEE ON PETITIONS CONTAINED IN THEIR  
SEVENTH REPORT (SIXTH LOK SABHA) REGARDING PRO-  
VISION OF SUITABLE FACILITIES FOR INSERVICE TRAINING  
TO UNQUALIFIED PHARMACISTS FOR REGISTRATION**

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10.1. The Committee on Petitions in their Seventh Report (Sixth Lok Sabha) presented to Lok Sabha on the 22nd December, 1978, after considering the representation regarding amendment of certain provisions of the Pharmacy Act, 1948 and implementation of Hathi Committee Report on Drugs, had recommended as follows:—

“The Committee note that Shri H. N. Bahuguna, Minister of Petroleum, Chemicals and Fertilizers had laid a statement on the Table of Lok Sabha on the 29th March, 1978, containing decisions of the Government on the Report of the Hathi Committee on Drugs and Pharmaceuticals Industry.

The Committee note from the factual comments furnished by the Ministry of Health and Family Welfare (Department of Health) that the unqualified but experienced pharmacists have already been provided with a number of opportunities to get themselves registered and that the Government are not in favour of lowering of the prescribed educational standard for dispensing and compounding of drugs under the provisions of the Pharmacy (Amendment) Act, 1976. The Government of India have further written *vide* their letter dated the 25th August, 1976 to the State Governments/ Union Territories suggesting to them that they should provide facilities to unqualified Pharmacists already in employment to enable them to get inservice training outside duty hours so that they get themselves duly qualified.

The Committee recommend that the Central Government should urge the State Government|Union Territories to extend suitable facilities to unqualified persons already

in employment to enable them to get themselves duly registered. The problems of such trainees who do not reside in towns where training facilities are available, may be sympathetically considered so that no hardship is caused to them. This matter may be reviewed by the Central Government in 1980 to watch the progress made in the matter and to find ways and means to ensure that pharmacists already in service are not rendered jobless in 1982, due to the provisions of Section 42 of the Pharmacy Act."

[Paras 2.7 to 2.9, page 6, 7th Report (6LS)]

10.2. The Ministry of Health and Family Welfare (Department of Health) with whom the above recommendation of the Committee was taken up for implementation, have in their action taken reply dated the 15th July, 1980, stated as follows:—

"The recommendations of the Committee have already been brought to the notice of the State Governments/Union Territories urging them to extend suitable facilities for registration of unqualified pharmacists. The Pharmacy Council of India have also amended regulation 6 of the Education Regulations enabling the eligible persons to appear at the preliminary and the final examinations for Diploma in Pharmacy (Pt. I) at intervals of six months. The special provisions for training of pharmacists which can be availed of for the present upto 31-8-81 have also been brought to the notice of the States/Union Territories requesting them to plan effective training programmes so as to enable a large number of pharmacists to qualify for registration. Copies of the relevant letter addressed to the State Governments etc. by the Pharmacy Council of India and the notification amending Regulation 6 of the Education Regulations are enclosed (See Appendix II).

It may be stated that as per Section 42 of the Pharmacy Act no person other than a registered pharmacist shall compound, prepare, mix or dispense any medicine on the prescription of a medical practitioner beyond 31st August, 1981. The question relating to enforcement of Section 42 of the Pharmacy Act came up for consideration at the 6th Joint Conference of the Central Council of Health and Central Family Welfare Council held in April, 1979.

It was considered that although States have taken steps to augment the facilities for imparting courses of study in diploma in pharmacy. It was unlikely that the country's requirement of pharmacists would be adequately met by 1st September, 1981 and that it would be necessary to extend the date of enforcement of Section 42 of the Act by a period of 3 years which would enable the States to train an adequate number of pharmacists during this period. In accordance with the above recommendations, the Pharmacy Act is proposed to be amended."

10.3. The Committee note from the action taken reply furnished by the Ministry of Health and Family Welfare (Department of Health) that the question of enforcement of Section 42 of the Pharmacy Act, 1948 came up for consideration at the 6th Joint Conference of the Central Council of Health and Central Family Welfare Council held in April, 1979. It was considered that although States had taken steps to augment the facilities for imparting courses of study in diploma in pharmacy, it was unlikely that the country's requirement of pharmacists would be adequately met by 1st September, 1981 and that it would be necessary to extend the date of enforcement of Section 42 of the Act by a period of 3 years which would enable the States to train an adequate number of pharmacists during this period. In accordance with the above recommendations, the Pharmacy Act was proposed to be amended. The Committee hope that the Government of India would take immediate steps to bring a Bill before Parliament for amendment of the Pharmacy Act, 1948 in this regard. . . . .

## XI

### ACTION TAKEN BY GOVERNMENT ON THE RECOMMENDATIONS OF THE COMMITTEE ON PETITIONS CONTAINED IN THEIR SEVENTH REPORT (SIXTH LOK SABHA) ON REPRESENTATION REGARDING EXPORT OF ONIONS.

11.1. In their Seventh Report (Sixth Lok Sabha), the Committee on Petitions after considering representation regarding export of onions and the factual comments of the Ministry of Commerce thereon, recommended as follows:—

“The Committee note the position stated by the Ministry in their factual comments on the representation.

The Committee recommend that suitable machinery may be set up by Government to enable them to take quick decisions in advance regarding the export of a particular vegetable, in the interest of growers, based on upto date and proper estimates of production, likely internal consumption and quantity available for export or to stop its export, commensurate with Government's contractual commitments, in the event of shortage and inordinate rise in prices, in order to protect the interests of consumers.”

[Paras 5.4 and 5.5, Page 18, Seventh Report (6 LS)].

11.2. The Ministry of Commerce and Civil Supplies (Department of Commerce) with whom the recommendation was taken up for implementation, have stated in their reply dated the 10th July, 1979, as follows:—

“The export policy in respect of vegetables has been revised in order to safeguard the interest of the growers as well as those of the consumer. The State Governments have been asked to set up suitable machinery for this purpose and identify projects for developing additional production of vegetables. Export of vegetables is permitted upto 50 per cent of the additional production achieved under the specific projects undertaken by the State Government through State Government agencies. Thus exports are directly linked with the additional production without



affecting the existing demand and supply position. On the other hand, the export policy provides for additional availability of vegetables for internal consumption.”

**11.3. The Committee note the action taken by Government on the recommendations on the matter contained in their Seventh Report (Sixth Lok Sabha).**

## XII

### ACTION TAKEN BY GOVERNMENT ON THE RECOMMENDATIONS OF THE COMMITTEE ON PETITIONS CONTAINED IN THEIR EIGHTH REPORT (SIXTH LOK SABHA) ON THE REPRESENTATION REGARDING REPEAL OF THE METAL CORPORATION (NATIONALISATION AND MISCELLANEOUS PROVISIONS) ACT, 1976.

12.1. In their Eighth Report (Sixth Lok Sabha), the Committee on Petitions considered a representation regarding repeal of the Metal Corporation (Nationalisation and Miscellaneous Provisions) Act, 1976 along with the factual comments of the Ministry of Steel and Mines (Department of Mines) thereon and recommended as follows:—

“2.46. The Committee note that the undertaking of the Metal Corporation of India Limited, Calcutta was first acquired by the Central Government with effect from the 22nd October, 1965 under an Ordinance. On the 29th November, 1971, a one-man Tribunal was constituted under Section 11 of the Metal Corporation of India (Acquisition of Undertaking) Act, 1966, to determine the amount of compensation payable to the Metal Corporation of India. The term of the Tribunal was extended from time to time, and the last extension was upto the 28th February, 1977. In the meanwhile after the amendment of Article 31(2) of the Constitution by the Constitution (Twenty-fifth Amendment) Act, 1971, the Ministry of Steel and Mines took up the question with the Ministry of Law, as to the lines on which the Metal Corporation of India Act, 1966, could be modified. The Solicitor-General of India, however, expressed the opinion in September, 1973 that, as the amendment of Article 31(2) was not retrospective, it could not afford protection to a law made prior to the Constitution (Twenty-fifth Amendment) Act, 1971.

2.47. On the 2nd August, 1976, however, an Ordinance was promulgated by the Government which was later replaced by the Metal Corporation (Nationalisation and Mis-

cellaneous Provisions) Act, 1976, under which the undertaking of the Metal Corporation of India which was originally acquired in 1965, was notionally retransferred and re-invested in the same Company with retrospective effect from the 22nd October, 1965, and was then immediately thereafter deemed to be notionally under the 22nd October, 1965, and acquired from the date of promulgation of the Ordinance i.e. 2.8.1976, and an amount of Rs. 1.98 crores was specified in the Ordinance as compensation for the acquisition of the undertaking of the Company. Besides, an amount of Rs. 122.79 lakhs was also paid to the Company for deprivation of the management of its undertakings. Thus a total amount of Rs. 320.79 lakhs was paid to the Corporation in October, 1976 by Government. The Ordinance had been duly replaced by an Act of Parliament on the 9th September, 1976.

- 2.48. The Committee feel that the compensation was fixed by Government in somewhat peculiar circumstances. The Committee are of the view that the contention of the petitioners that a just compensation has not been paid to them, needs re-examination by an Expert Committee consisting of independent financial and legal experts. The Committee, therefore, recommend that Government may expeditiously consider the appointment of such an Expert Committee which should submit its report within a fixed time to the Government for further consideration of the matter, and necessary action, if any."

[Para 2.46 to 2.48, pages 27.28, Eighth Report (6 LS)]

12.2. The Ministry of Steel and Mines (Department of Mines) with whom the recommendation of the Committee was taken up for implementation, have furnished their action reply dated the 4th June, 1979 stating as follows:—

"The recommendations of the Committee on Petitions contained in their 80th Report (Sixth Lok Sabha) on the representation of Shri A. C. Datta of the Metal Corporation of India regarding inadequacy of the compensation paid to the Metal Corporation of India has been examined in great detail by this Ministry. The facts concerning the issue of the Metal Corporation (Nationalisation and

Miscellaneous Provisions) Act, 1976, are briefly mentioned below:—

**Writ Petitions filed by the MCI challenging the vires of the MCI Act, 1965.**

- (i) Immediately, after the take over of the undertaking of the Metal Corporation of India (MCI) by the Government on 22.10.65, the MCI filed two writ petitions in the Punjab High Court challenging the vires of the legislation acquiring the undertaking. In both the writ petitions, the High Court held that the MCI Act, 1966 was violative of Article 31(2) of the Constitution on the main ground that the principles laid down in determining compensation did not ensure a "just equivalent". The decision was upheld by the Supreme Court and MCI 1966, Act, was passed.

**Meeting to discuss the broad guidelines for the use of HZL**

- (ii) Soon after the judgement of the Supreme Court and coming into force of the new MCI 1966 Act, a meeting was held in the Deptt. of Mines on 11.1.1967, to discuss the broad guidelines for the use of Hindustan Zinc Ltd. in the valuation of assets and liabilities of the acquired undertaking in accordance of the provisions contained in the 1966 Act and was attended by the representatives of the:—

- (a) Govt of Rajasthan.
- (b) Ministry of Finance.
- (c) Ministry of Law.
- (d) Directorate General of Technical Development.
- (e) Hindustan Zinc Ltd.
- (f) Department of Mines.

and it was decided that the work of the valuation of assets and liabilities of the MCI be entrusted to a team of officers of the Hindustan Zinc Ltd.

*Members of the Valuation team constituted by Hindustan Zinc Ltd. and the assessment of the team*

(iii) As decided in the above meeting, the Valuation Team constituted by the Hindustan Zinc Ltd. consisted of the following:—

- (a) Shri K. Rudra, Chief Engineer, Hindustan Zinc Ltd.
- (b) Shri C. V. Sahajwala, Executive Engineer, (Civil Engineer from CPWD).
- (c) Shri C. V. Subramanayam, Electrical Engineer from Bhilai Steel Plant.

The Valuation Team worked out a net compensation of Rs. 1,85,98,178 as per details given below:—

- (i) Value of total assets Rs. 10,68,58,765.
- Less (II) liabilities Rs. 8,82,60,587
- difference between (i) and (ii) Rs. 1,85,98,178.

*Meeting to discuss the report of the Valuation Team*

(iv) The report of the Valuation Team was discussed in detail at an inter-Ministerial meeting held on 15-11-1967, attended by the representatives of the following:—

- (a) Ministry of Finance.
- (b) Ministry of Law.
- (c) Ministry of Industrial Development.
- (d) Department of Company Affairs.
- (e) Hindustan Zinc Ltd., and
- (f) Department of Mines.

*Reference to the Committee of Economic Secretaries*

(v) As decided at the above meeting, the matter was referred to the Committee of Economic Secretaries who considered the matter in detail and decided that it was not necessary to engage any private agency and the report of the Valuation Team of the Hindustan Zinc Ltd. should be further reviewed by the Financial Adviser & Chief Accounts Officer of the Hindustan Zinc Ltd.

*Recommendations of the two financial experts*

(vi) Accordingly, the report of the Valuation Team was further reviewed by these two financial experts who in their report increased the amount payable to the MCI

to Rs. 2,11,68,662 as per the details given below:—

(i) Value of total assets Rs. 11,24,06,817

Less (ii) Liabilities Rs. 9,12,36,155

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Rs. 2,11,68,662

*Examination of the report of two financial experts in the Department of Mines.*

- (vii) After the reviewed report was examined in the Department of Mines, Ministries of Finance and Law and with the approval of Minister of State (SC&MM), an offer of compensation was made to the MCI on 26.6.1968 which was not accepted by them.

*Filing of a Writ Petition by the MCI in Calcutta High Court . . .*

- (viii) On 20.8.1968, Shri A. C. Dutta, a share holder for self and on behalf of all the share-holders filed writ petition in the Calcutta High Court.

*Negotiations with the MCI*

- (ix) Since the Government was very anxious for the payment of compensation, on 26.8.68 the MCI was invited for negotiations on the basis of the offer but they replied that in view of pending writ petition in the Calcutta High Court no negotiations could be proceeded on the basis of 1966 Act. In March, 1969, the offer of compensation was withdrawn after consulting the Ministry of Law.

*Offer of compensation made to the MCI after the judgement of the Calcutta High Court*

- (x) Based on the judgement of the Calcutta High Court on the writ petition filed by the MCI, the question on payment of compensation to the MCI was examined afresh in consultation with the Ministry of Law and Finance and as decided by the Cabinet a fresh offer of compensation of Rs. 1.98 crores was made to the MCI on 26.3.71.

*Constitution of one-man Tribunal*

- (xi) As there was no response to the offer from the MCI, within the time limit, a one-man Tribunal consisting of Mr. Justice J. R. Mudholkar, Former Judge of the Supreme Court was constituted on 29.11.1971 to determine the amount of compensation payable to the MCI. In the meanwhile some shareholders of the MCI filed another writ petitions in the Calcutta High Court on 15-9-1971 which was withdrawn in July, 1972. Though the Tribunal was constituted on 29-11-1971, it could frame issues only on 15.5.1976.

*Amendment to Article 31(2) of the Constitution*

- (xii) In the meanwhile the entire concept of compensation for property compulsorily acquired by special legislation had undergone change since the acquisition of the undertaking of the MCI. After an amendment to Article 31(2) of the Constitution and in the light of pronouncements of the Supreme Court in various matters, the matter was again examined in consultation with the Ministry of Law, Attorney General of India etc. and it was observed that in the case of acquisition of coal mines, the principles of Bank Nationalisation were not followed for determination of compensation, neither was any Indian nor foreign valuers appointed to determine the value of the coal mines and other assets of the different coal companies. In the case of the undertaking of the MCI acquired by the Government, same principles should be adopted.

*Recommendation of COPU*

- (xiii) Meanwhile, the Committee on Public Undertakings (Fifth Lok Sabha) which had taken up since 1975, examination of the performance of the Hindustan Zinc Ltd. in its 88th Report presented to the Lok Sabha on 29.5.1976, observed that too long a time had been taken in coming to any final decision about the amount payable to the MCI. The Committee felt that when a private enterprise is acquired in Public interest it might be more appropriate if the amount payable in such cases is mentioned specifically in the legislation itself. In the case of the undertaking of the MCI acquired by the Government, the Committee desired that the Government should examine the question of paying an amount which may not be more than the book value of the assets less the liabilities of the unit at the time of taking over.

*Promulgation of Metal Corporation (Nationalisation) & Miscellaneous Provisions) Ordinance, 1976.*

- (xiv) In the circumstances explained in sub-para (xii) and positive recommendation made by Committee on Public Undertakings it was decided with the concurrence of the Ministries of Law, Finance and with the approval of the Cabinet, to promulgate an Ordinance on the 2nd August, 1976, which was replaced by the Metal Corporation (Nationalisation and Miscellaneous Provisions) Act, 1976. As

provided in 1976 Act, an amount of Rs. 320.79 lakhs was paid to the MCI in October, 1976, as per details given below:—

(i) Amount for depreciation of the Metal Corporation of the Management of the Undertaking . . . . .	Rs. 122.79 lakhs
(ii) Amount for the acquisition of the Undertaking of the MCI . . . . .	Rs. 198.00 lakhs
Total . . . . .	Rs. 320.79 lakhs

(2) It will be seen from the preceding paragraphs that the 1976 Act is based on the principles followed in the case of acquisition of coal mines and specific recommendations of the Committee on Public Undertakings of the Parliament and the amount determined is in line with the said Committee's views/observations.

(3) It may be further added that the amount paid to the MCI is based on the detailed report of the assets and liabilities of the undertaking of the MCI by a Team of Experts of the Hindustan Zinc Ltd. Further, as desired by the Committee of Economic Secretaries, this valuation report was further reviewed by the Financial Experts after which the reviewed report was also approved/concurred in by the Ministry of Finance and the Ministry of Law before a final offer was made to the MCI.

(4) In this connection, it may also be stated that the amount of Rs. 320.79 lakhs paid to the MCI is not only reasonable but generous when viewed in the light of the value of shares of the company around the time of acquisition. The paid up capital of the Company as on the date of acquisition was Rs. 246.64 lakhs. The equity share of the Corporation of the face value of Rs. 10 had been declining and was quoted as low as Rs. 4.25 around the date of acquisition. On this basis the company would normally be entitled to a compensation of Rs. 160 lakhs. However, the Government have been generous in paying a sum of Rs. 122.79 lakhs to the Metal Corporation for deprivation of the management of its undertaking in addition to Rs. 198.00 lakhs for the acquisition of the undertaking of the Metal Corporation of India.

(5) Further payment of any large amount to the Corporation which has ultimately to be capitalised in the acquired undertaking will make zinc production uneconomic and frustrate the very purpose of nationalisation.



(6) The Government have very carefully considered the recommendation of the Committee on Petitions and have come to conclusion that the amount paid to the company is adequate and the matter had been examined by this Ministry in consultation with the Ministries of Finance and Law a number of times during the last 14 years and as such there appears no need to examine the case again as recommended by the Committee on Petitions of the Parliament."

**12.3. The Committee note the position stated by the Ministry of Steel and Mines (Department of Mines) in their action taken reply on the recommendations of the Committee contained in the Eighth Report (Sixth Lok Sabha) on the representation regarding repeal of the Metal Corporation (Nationalisation and Miscellaneous Provisions) Act, 1976.**

### XIII

#### **ACTION TAKEN BY GOVERNMENT ON THE RECOMMENDATION OF THE COMMITTEE ON PETITIONS CONTAINED IN THEIR TENTH REPORT (SIXTH LOK SABHA) ON PETITION NO. 1 REGARDING CONDUCT OF FORMER CHIEF MINISTER, CERTAIN MINISTERS AND GOVERNMENT OFFICIALS OF ANDHRA PRADESH.**

13.1. In their Tenth Report presented to Lok Sabha on the 9th May, 1979, the Committee on Petitions after considering Petition No. 1 regarding conduct of former Chief Minister, certain Ministers and Government Officials of Andhra Pradesh and the factual comments of the Ministry of Home Affairs thereon, had made the following recommendation:—

“The Committee note that the First Report of the Vimadalal Commission of Inquiry which enquired into the matter, was laid on the Table of Lok Sabha on the 21st July, 1978, and that the Second and Final Report of the Commission had also been submitted to the Government. The Committee also note that both these Reports have been remitted by the Government of India to the Government of Andhra Pradesh for taking necessary follow-up action according to law in the light of the findings of the Commission contained in their Reports.

The Committee recommend that the final action taken by the Government of Andhra Pradesh on the findings and recommendations of the Vimadalal Commission of Inquiry may be intimated to the Committee in due course.”

[Paras 2.7 & 2.8, page 3, Tenth Report (6 LS)]

13.2. The Ministry of Home Affairs with whom the recommendation of the Committee was taken up, have stated in their communications dated the 13th August, 1979 and 20th June, 1980 as follows:—

“So far as the First Report of the Vimadalal Commission of Inquiry is concerned, the Government of Andhra Pradesh

have reported as follows:—

‘The State Government have carefully examined the Report of the Commission in consultation with the Advocate-General of this State. The State Government agree with the opinion of the Advocate-General that the findings of the Inquiry Commission establish certain breaches of the Company Law. The State Government feels that the Government of India in Ministry of Law, Justice and Company Affairs are the competent authority to deal with this matter.’

The Department of Company Affairs (Ministry of Law, Justice and Company Affairs) are already seized of the findings of the Commission with regard to the breaches of the Company Law and are examining the matter with a view to determining the legal action that could be initiated under the Companies Act, 1956.”

“As regards the 2nd Report of the Vimadalal Commission of Inquiry, the Government of Andhra Pradesh have reported as follows:

‘The final report of the Vimadalal Commission of Inquiry has been duly scrutinised by this Government. It is seen that no adverse comments or remarks against any officer of the State Govt. have been specifically made by the Commission. The only aspect which could, perhaps, be mentioned is the observation of the Commission regarding the reason for not constructing the building complex to house the Handloom, Powerloom and Textile Sectors of the entire State under one roof, referred to in allegation No. 5 pertaining to the former Handloom Minister, Shri K. V. Kesvavulu. The Commission in the course of its observation commented that the reason why the building complex has not come up remained a mystery unsolved by the evidence on record. Though there seems to be nothing adverse in the observation of the Commission, the Government have ordered a thorough probe to have this matter cleared (See Appendix III) so that there is no scope for any future criticism from any source or adverse inference from the observation of the Commission.’”

13.3. In their communication dated the 22nd October, 1980, the Ministry of Home Affairs (Department of Personnel and Administrative Reforms) have stated as follows:—

“.....the Department of Company Affairs have now intimated that on examination of the findings of the Vimadalal

Commission of Inquiry, in consultation with the Department of Legal Affairs, with regard to the alleged breaches of the Companies Act by the Singareni Collieries Company Limited, they have come to the conclusion that there has been no contravention of the Companies Act and the facts of the case also do not justify the ordering of an investigation *suo moto* by the Company Law Board. Any other alternate course of action by the concerned Department, namely the Department of Coal, has also not been found feasible. Accordingly the matter has been treated as closed by the Department of Company Affairs, with the approval of the Minister of Law, Justice and Company Affairs."

13.4. The Committee note the action taken by Government on their recommendation contained in their Tenth Report (Sixth Lok Sabha) on the matter.

#### XIV

### ACTION TAKEN BY GOVERNMENT ON THE RECOMMENDATION OF THE COMMITTEE ON PETITIONS CONTAINED IN THEIR ELEVENTH REPORT (6 LS) ON THE REPRESENTATION REGARDING CONSTRUCTION OF AN OVER-BRIDGE OVER THE RAILWAY CROSSING IN DISTRICT MORENA HEADQUARTERS

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14.1. In their Eleventh Report (Sixth Lok Sabha), the Committee on Petitions considered a representation regarding construction of an over-bridge over the railway crossing in District Morena Headquarter along with the factual comments of the Ministry of Railways (Railway Board) thereon and recommended as follows:—

“The Committee pursue the note furnished by the Ministry of Railways regarding the operation of the Railway Safety Works Fund and the disbursement/money withdrawn by the various State Governments during the last three years.

The Committee observe that the procedure regarding reimbursement of the amount from the Railway Safety Works Fund to the State Governments is rather complicated and cumbersome. The Committee recommend that the Ministries of Railways and Finance may consider the question of simplifying the procedure regarding expenditure to be incurred from the Railway Safety Works Fund in carrying safety Works *viz.* manning of unmanned level crossings, upgradation of existing level crossings and provisions of road over/underbridges in replacement thereof. The Committee feel that for an expenditure implementation of the Safety Works, it is essential that it should be the direct responsibility of the Ministry of Railways to carry out the Safety Works from the Railway Safety Works Fund in consultation with the State Governments, wherever it is considered necessary, instead of requiring the State Governments first to spend their share of the expenditure and thereafter seek its re-imbursement from the Railway Safety Works Fund.

The Committee also recommend that in the present case of construction of an over-bridge over the railway crossing

in District Morena Headquarter, the project may be executed by the Ministry of Railways straightaway without any further delay and without first requiring the State Government to incur their share of expenditure and thereafter to seek its re-imbursement."

[Paras 2.22 to 2.23, page 9, Eleventh Report (6 LS)]

14.2. The Ministry of Railways (Railway Board) with whom the recommendation of the Committee was taken up for implementation, have in their reply dated the 30th July, 1979, stated as follows:—

"As per para 2.23 of the above-mentioned report, the Committee have recommended that the construction of road over bridge at Morena (in Madhya Pradesh) may be taken up by the Railway straightaway, without delay, and without first requiring the State Government to incur their share of the expenditure and thereafter to seek its reimbursement. The construction of a road over-bridge in replacement of any busy level crossing, is taken up on a cost-sharing basis with the State Government (Road Authority) and the cost is broadly shared on a 50:50 basis between the State Govt. (Road Authority) and the Railway. After that the construction of approaches is to be done by the State Government and the construction of ridge by the Railway. Further, the share of cost to be borne by the State Government will be reimbursable to them to the extent of the amount lying to their credit in the Railway Safety Works Fund. The construction of such road over-bridges is thus jointly financed and executed by the Railway and the State Government (Road Authority).

In view of the foregoing, the Committee on Petitions will kindly appreciate that it is not possible for the Railway to take up construction of the road overbridge unilaterally. The site, alignment, drawings, designs and estimates for the same are to be finalised and mutually accepted by the State Govt. (Road Authority) and the Railways. The Railway will, however, continue to maintain close and pursue the matter with the State Govt., to complete the

necessary preliminaries/formalities in this regard, so that the construction of road over-bridge is taken in hand as early as possible."

**14.3. The Committee note the position stated by the Ministry of Railways (Railway Board) in their action taken reply on the recommendation of the Committee contained in Eleventh Report (Sixth Lok Sabha).**

u.

**ACTION TAKEN BY GOVERNMENT ON THE RECOMMENDATION OF THE COMMITTEE ON PETITIONS CONTAINED IN PARA 6.14 OF THE ELEVENTH REPORT (SIXTH LOK SABHA)—FRAMING OF RULES GOVERNING COMPENSATION TO VICTIMS OF TRAIN ACCIDENTS WHOSE CASES ARE NOT GOVERNED BY THE PROVISIONS OF THE LAW OF LAND**

15.1. In their Eleventh Report (Sixth Lok Sabha), the Committee on Petitions considered a representation from Shri H. M. Patil of Virar, regarding claim for compensation for injuries caused due to derailment of 20 Up Dehradun Express at Virar on the 26th November, 1975 along with comments of the Ministry of Railways (Railway Board) etc. thereon and recommended as follows:—

“The Committee note that consequent upon intervention by the Committee, though no compensation was due to Shri H. M. Patil, under the provisions of Indian Railways Act, 1890, and the Workmen Compensation Act, 1923, the Minister of Railways has sanctioned an *ex gratia* compensation of Rs. 3,000/- as a very special case to Shri Patil.

The Committee, however, recommend that definite rules should be framed for payment of compensation to those victims of railway accidents whose cases are not covered under any extant law of the land, instead of granting them an *ex gratia* payment.”

[Para 6.13 and 6.14, page 31, Eleventh Report (6LS)]

15.2. The Ministry of Railways (Railway Board) with whom the recommendation of the Committee was taken up for implementation, have stated in their communication dated the 2nd January, 1980, as follows:—

“The Ministry of Railways have examined the recommendation in consultation with their Legal Adviser.

The question of framing rules on any subject can arise only if there is a provision in the statute enabling the framing.



of such rules. In the case of Shri H. M. Patil, which was considered by the Committee on Petitions (Sixth Lok Sabha), the payment made by the Railways was not pursuant to any provisions in the Indian Railways Act, 1890 or the Workmen's Compensation Act, 1923. In fact, the Railways were not liable to make any payment to the party under the provisions of any extent law of the land and could have very well avoided it. However, on humanitarian consideration a payment of Rs. 3,000/- was made to Shri Patil *ex gratia*, as a very special case.

Normally *ex gratia* payment is made in cases where the railway is not bound by law, only as a grace on compassionate grounds. Such incidents of injuries and deaths are many on the railways and *ex gratia* payment is made in very few deserving cases. The compensation being *ex gratia* and discretionary no hard and fast rules can be made neither any guidelines can be laid except that the amount of compensation should not be excessive.

In view of the position explained above, the question of framing any rules to govern payment of compensation in similar cases does not arise.

This issues with the approval of the Minister of Railways."

**15.3. The Committee note the action taken reply furnished by the Ministry of Railways (Railway Board) on their recommendation contained in the Eleventh Report (Sixth Lok Sabha) in the matter.**

## XVI

### OTHER REPRESENTATIONS

16.1. During the period under report, the Committee have considered nine other representations and letters (See Appendix IV) addressed to the House, the Speaker or the Committee by different individual which were inadmissible as petitions.

16.2. The Committee note with satisfaction that through their intervention, petitioners have either been provided partial or complete relief or the Ministries/Departments concerned have adequately explained the position factual, legal or otherwise in respect of those representations. . .

16.3. In case of item No. 3 on the representation from Shri Khanchand, Ulhasnagar regarding Sale Deeds in respect of properties No. B-1, A-9, A-30 and A-31, Sukhadia Nagar, Ajmer, the Committee desire the Ministry of Supply and Rehabilitation (Department of Rehabilitation) to impress upon the State Government to help the petitioner in getting possession of his properties.

In case of item No. 5 on the representation regarding non-payment of compensation by Railway authorities due to damages to consignments of rice booked ex-Nellore to Wadi Bunder, the Committee observe that the Railway authorities should not allot non-water tight wagons for carrying goods that are likely to be damaged during transit.

In case of item No. 7 on the representation from Shrimati Santosh Kumari regarding non-payment of salary by the management of Arya Putri Pathshala, Prathmik Vidyalaya, Gandhi Nagar, Delhi, the Committee note the position stated by the Ministry of Education and Culture (Department of Education). However, the Committee feel that as Shrimati Santosh Kumari had worked in the school, she should be paid her salary by the management of Arya Putri Pathshala, Prathmik Vidyalaya, Gandhi Nagar, Delhi. The Committee, therefore, desire the Ministry of Education and Culture (Department of Education) to direct Delhi Municipal Corporation authorities to impress upon the school management for making payment of salary to the petitioner.

NEW DELHI;

*Dated the 31st March, 1961.*

R. L. BHATIA,

*Chairman,  
Committee on Petitions.*

## **APPENDIX I**

**(See para 2.1 of the Report)**

[Petition No. II regarding take-over of wholesale foodgrains trade, strengthening of public distribution system, remunerative prices for agricultural produce, and nationalisation of sugar, cotton, textiles and drugs industries]

### **LOK SABHA**

#### **PETITION NO. 11**

**(Presented to Lok Sabha on 9-3-1981)**

[Considered by the Committee on Petitions, Lok Sabha at their sitting held on the 23rd March, 1981 and circulated in pursuance of the Committee's direction under rule 307(1) of the Rules of Procedure and Conduct of Business in Lok Sabha]

To

**LOK SABHA,**

**NEW DELHI.**

The humble petition of Shrimati Vimla Farooqui, General Secretary, National Federation of Indian Women (NFIW), New Delhi and others.

**SHEWETH**

That tremendous rise in the prices of essential commodities is throwing millions of households in great distress. Women who are homemakers and are mainly responsible for running the households are the most acute sufferers due to this price rise. Unless some effective steps are taken in supplying essential commodities to all families at fair price the situation will become increasingly unbearable to women. On the other hand, the peasant households do not get fair price for their produce. This again affect a vast number of rural families.

Therefore, we consider that the following steps must be immediately taken for alleviating the acute distress caused by price rise:

- (1) Government should take over physical control of stocks of all essential commodities and take over wholesale trade of foodgrains.

- (2) Nationalise sugar, cotton, textiles and drugs industries; public sector should enter in essential consumer goods industry.
- (3) A well organised country-wide public distribution system supplying all essential commodities like foodgrains, cloth, edible oils, sugar, soap, kerosene be established. Ration cards be issued to every family in urban and rural areas. Adequate quantities of foodgrains and other essential commodities at fair price be assured. Discrepancy of supply between rural and urban areas be removed.
- (4) Remunerative price for peasantry's produce and supply of agricultural inputs like fertilizers, pesticides, diesel etc. at reasonable prices be guaranteed. At the same time, fair minimum wage to agricultural labourers be assured.
- (5) Prices of food in public eating houses be fixed at reasonable rates.
- (6) Steep rise in public transport fares be checked.
- (7) Text Books and exercise books for children be supplied at concessional prices.
- (8) Stringent and effective measures against black money and hoarders and black marketeers be adopted.

Accordingly your petitioners pray that urgent attention will be given to the steps suggested above.

And your petitioners as in duty bound will ever pray.

Name of petitioners	Address	Signature or Thumb impression
1	2	3
1. Shrimati Vimla Farooqui	General Secretary, National Federation of Indian Women (NFIW) 1002, Ansal Bhavan, Kasturba Gandhi Marg, New Delhi-110001.	Sd/-
2. Shrimati Bani Das Gupta	Joint Secretary, National Federation of Indian Women, 1002, Ansal Bhavan, Kasturba Gandhi Marg, New Delhi-110001.	Sd/-
3. Shrimati Sarla Sharma	Vice-President, National Federation of Indian Women, 1002, Ansal Bhavan, Kasturba Gandhi Marg, New Delhi-110001.	Sd/-

1	2	3
4. Shrimati Anima Chatterjee	Treasurer, National Federation of Indian Women 1002, Ansal Bhavan, Kasturba Gandhi Marg, New Delhi-110001.	Sci/.
5. Shrimati Primla Loomba	Asstt. Secretary, National Federation of Indian Women, 1002, Ansal Bhavan, Kasturba Gandhi Marg, New Delhi-110001.	Sd/.
6. Shrimati Kausalya Nayar	Asstt. Secretary, National Federation of Indian Women, 1002, Ansal Bhavan, Kasturba Gandhi Marg, New Delhi-110001.	Sci/.

Counter-signed by : Geeta Mukherjee, M.P.  
Div. No. 459.

## APPENDIX II

(See para 10.2 of the Report)

[Letter dated 24-10-1978 from the Pharmacy Council of India to State Governments etc. and the notification amending Regulation 6 of the Education Regulations regarding special provisions for training pharmacists]

### PHARMACY COUNCIL OF INDIA

(Constituted under the Pharmacy Act, 1948)

Telegrams: "FARMCOUNCIL"

Post Box No. 337

Telephone: 274647

Combined Councils Building  
Temple Lane, Kotla Road,  
New Delhi-110002.

Ref. No. 14-55/77-Pt. II-PCI/9021-9250      dated the 24th October, 1978

To:

1. Secretary to Health & Education Deptts. of all the State Governments/Union Territories.
2. All the institutions imparting Diploma course in Pharmacy.
3. President/Registrar of all the State Pharmacy Councils.

SUBJECT:—*Special provision for training pharmacists—Notification amending rule 6 of the Education Regulations.*

Dear Sir,

I am happy to inform you that considering all aspects and more particularly on the representations about acute shortage of trained pharmacists, the Pharmacy Council of India with the consent of the Central Government has amended rule 6 of the Education Regulations which covers the training of pharmacists. A copy of the above notification is enclosed for your kind reference (See Annexure).

It may be kindly seen that a specific provision is now introduced with a view to enable the eligible pharmacists to be trained immediately. All that is necessary will be that:—

- (1) pharmacists must appear at the preliminary and final year examination at the diploma in pharmacy at an interval of 6 months if they have entirely to the satisfaction of the head of the institution, attended, in substance, the regular course;

- (2) part time provision by way of evening classes can be arranged;
- (3) this provision can only be applicable not later than 31st August, 1981.

In brief, this special provision will enable the training of large number of pharmacists in all the States in country before 31st August, 1981 so that adequate number of trained, properly educated and experienced pharmacists shall be available in all fields of pharmacy including the retail pharmacy.

As you are aware that the Pharmacy (Amendment) Act, 1976 has prescribed a dead line of 1st September, 1981 on which date section 42 of the Pharmacy Act, 1948 shall come into force automatically. Consequently the profession of pharmacy can only be carried out by a registered pharmacist after the period and to be eligible for registration such a candidate is required to undergo a course now contemplated in the above provision or, of course, the regular two year diploma course as prescribed. Further this training will definitely improve the status and the responsibility of the pharmacists and make them better equipped for discharging the duties in the total health care programme which are being planned on a massive scale, by the Governments

The Pharmacy Council of India has been and shall also in future be willing to give all necessary advice and guidance in this regard and it is hoped that this chance which has been now made available will be fully utilised for the purpose envisaged in this amendment.

Kindly acknowledge the receipt of this letter and please inform the Council about the action taken.

Yours faithfully,

Sd/

(K. N. Shanbhogue)  
Acting President.

Encls: As above.

Copy, with compliments is forwarded to:—

1. The Secretary to the Government of India, Ministry of Health F. W. (Deptt. of Health), New Delhi.
2. The Secretary of Health to Jammu & Kashmir and Sikkim.
3. The Director of Health Services of all the State Governments.
4. All the State Drugs Controllers.
5. Members of this Council representing the States.

## ENCLOSURES TO APPENDIX II

Published in the Gazette of India Part III—Sec. 4. dated 14. 10. 1978.

### PHARMACY COUNCIL OF INDIA

New Delhi—110002, the 28th September 1978.

No.14-55/77(Pt. II)/PCI.—In exercise of the powers conferred by section 10 of the Pharmacy Act, 1948 (8 of 1948), the Pharmacy Council of India, with the approval of the Central Government hereby makes the following amendments in the Education Regulations as published in the Part III, Section 4 of the Gazette of India; No. 1 dated 6th January, 1973, namely:—

examination for Diploma in Pharmacy (Part I) at intervals of six months only if they have to the satisfaction of the head of the institution attended, in substance, the regular course in an approved institution imparting full time or part time tuitions by day or evening classes."

In the said Regulation :—

- (1) At page 11 of the Gazette of India aforesaid, for Regulation No. 6, the following Regulation shall be substituted, namely:—

- (2) On page 14 of the Gazette of India aforesaid, for Regulation No. 17, the following Regulation shall be substituted namely:—

"17. Transitory Provision:

"6. Special Provision relating to certain pharmacists; Irrespective of the date of the Education Regulations, having come into force in any State but not later than 31st August, 1981, the pharmacists practising for not less than two years in hospitals, dispensaries and other institutions where regular dispensing of drugs is done and possess matriculation or other equivalent qualification and are desirous of taking up the course of training for Diploma in Pharmacy (Part I) shall be permitted to appear at the preliminary and the Final

Irrespective of the date of the Education Regulations having come into force in any State but not later than 31st August 1981, the experience gained by the pharmacists practising for not less than two years in hospitals, dispensaries and other institutions where regular dispensing of drugs is done shall be treated as being equivalent to the practical training under these Regulations.

DEVINDER K. JAIN,  
*Asstt. Secretary.*



### APPENDIX III

(See para 13.2 of the Report)

[Government of Andhra Pradesh letter dated 14-5-1980 regarding probe into reasons for not constructing building complex to house the Handloom, Powerloom and Textile Sectors, under one roof.]

CONFIDENTIAL

K. JAYARAMAN

HYDERABAD

Dy. Secy. to Govt of A. P.

D/14th May, 1980.

CENTRAL ADMINISTRATION (SC. E) DEPARTMENT

D.O. Lr. No. 867/IIInd Report/SCF/78-9

Dear

Sub: Vimadalal Commission of Inquiry—Second and final report—Collection of funds for a building complex to house the Handloom, Powerloom and Textile Sectors—Probe—Requested.

I am to inform you that the Government of India, appointed a Commission of Inquiry consisting of a single member, namely, Shri J. R. Vimadalal, a retired Judge of the Andhra Pradesh High Court under the Commissions of Inquiry Act, 1952 to enquire into certain allegations made against Shri J. Vengal Rao, former Chief Minister and some members of his Cabinet etc. The Commission submitted its second and Final Report, which has been duly scrutinised.

Though there are no adverse comments or remarks by the Commission against any Officer of the State Government, the only aspect which could be mentioned in the observation of the Commission regarding the reason for not constructing the building complex to house the Handloom, Powerloom and Textile Sectors of the entire State under one roof, referred to in allegations No. 5 pertaining to the former Handloom Minister Shri K. V. Kesavulu. The Commission in the course of its observation commented that the reason why the building complex has not come up remains a mystery unsolved by the evidence on record.

Though there seems to be nothing adverse in the observation of the Commission it has been resolved to have this cleared up by the Industries and Commerce Department so that there is no scope for any further criticism from any source or adverse inference from the observation of the Commission. This has been approved by Cabinet at its meeting on 9-5-1980.

The relevant extracts of the report with reference to the allegation No. 5 is enclosed. I am to request you to cause a thorough enquiry in the above matter and furnish a report to this Department immediately.

Yours sincerely,  
Sd/-

Shri T. L. Sankar, IAS,  
Secretary to Government,  
Industries & Commerce Department (w.e.)

## APPENDIX IV

### OTHER REPRESENTATIONS

[Other representations on which the Committee's intervention has procured expeditious, partial or complete relief to petitioners or the Ministries/Departments concerned have explained the position satisfactorily.]

S. No.	Name and Address of Petitioner	Brief subject and points raised	Facts pursued by the Committee
1	2	3	4
			<i>Ministry of Supply and Rehabilitation (Department of Rehabilitation)</i>
1.	Sh. Sadoromal Parchomal, Bk. No. 87, R.No. 11, Ulhasnagar-1, Distt., Thane, (M. S.)	<p>Issue of intimation of adjustment of cost and rent adjusted towards R. No. 10 and Room No. 11, Bk. No. 87 Ulhasnagar-1 from CAF No. B/T/UT/RB/2267/IV/NT.</p> <p>In his representation dated the 27th May, 1980, the petitioner stated as follows:</p> <p>“That I am claimant of Room No. 10 &amp; Room No. 11, Bk. No. 87, Ulhasnagar-1 and amount of rent and cost was adjusted from above compensation.</p> <p>That I have applied for issue of Conveyance Deed for above mentioned rooms to Managing Officer, Ulhasnagar, but he says that he has not received intimation of adjustment regarding cost and rent of my rooms.</p> <p>I further state that he has also sent letter to Asstt. Settlement Officer (Records), vide letter No. Adm/C-1/Bk. No. 87, dt. 25-2-80 but he has not received any reply till day.</p> <p>I now request your honour to pursue this matter with Chief Settlement Commissioner, Jaisalmer House, Ministry of</p>	<p>In their reply, dated the 14th August, 1980, the Department of Rehabilitation stated as follows:—</p> <p>“The Managing Officer-cum-Asstt. Administrator, Ulhasnagar Township, has been informed in this Department's letter No. SW/ASO/PG/DCC/130/80/PC/No. 26696/D/343, dated 25-7-1980, that a sum of Rs. 1100/- was adjusted against GPP Bk. No. 87, Qalyan Camp I, vide Bill No. 19/April, 57/150 and the recovery schedule sent to him for further necessary action. It is now for the Managing Officer to issue the Conveyance Deed to the petitioner.</p>

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	<p>Rehabilitation, New Delhi and get intimation of adjustment of my rooms as early as possible."</p>		
<p>2. Sh. Gopaldas Salamatrai Nagwani, Nagwani Cloth Stores, Cloth Market, Opp. Main Hospital, Yeotmal (M.S.)</p>	<p>Non-settlement of claim in respect of agricultural land bearing Index No. S/DD-6/582.</p>	<p>In their reply, dated the 10th July, 1980, the Department of Rehabilitation stated as follows:—</p>	
	<p>"Shri Gopal Das had filed a claim for compensation in respect of agricultural land left behind in Pakistan. The claim was rejected by the competent authority <i>vide</i> his Order dated 29-10-1952 on the ground that the claimant had not produced documentary evidence in support of his claim.</p> <p>Subsequently, in March, 1953, this matter was taken up in a <i>suo-moto</i> revision and the rejection order of the Claims Officer was confirmed by the competent authority.</p>		
	<p>After the exchange of revenue record between Pakistan and India, the matter was again taken up in <i>suo-moto</i> revision by the Authorised CSC who recorded the statement of the claimant. After taking into consideration the revenue record and the evidence of the claimant, he too passed an order rejecting the claim. This order has now become final. The claimant may seek legal remedy under the provisions of law, if he is so advised."</p>		
	<p>It was decided once on 29-12-52, by Shri Thakurdas M. Jotsinghani, Claims Officer and on 24-3-1953, by Shri V. N. Gidwani, Additional Claims Commissioner. The decision is taken behind my back, without perusal of documentary evidence, which action is bad in law.</p>		
	<p>The details of the properties of agricultural lands are already given in my claim application forms, already on record in the prescribed forms. Government of India, have obtained records of rights from Sindh, Pakistan. The claim of agricultural lands according to the decision of Ministry of Rehabilitation, is to be decided in <i>suo-motu</i> revision with reference to the Jamabandi so received from Pakistan. In other cases, the <i>suo-moto</i> revisions have since been accepted and claimants have been given assessment orders. In my case, the Government has not opened my claim case. This is indeed up un-equity of justice."</p>		

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| 3 | Sh. Khanchand, Bk. N . 2074, Sec-35, Ulhasnagar-5, Distt. Thane. | Sale Deeds in respect of properties B-1, A-9, A-30 & A-31, Sukhadianagar, Ajmer. | In their reply, dated the 12th September, 1980, the Department of Rehabilitation stated as follows:— |
|---|--|--|--|

The petitioner stated as follows:

"I received the sale deed in 1976, but there is no such property. We have declared article in *Hindu Daily Paper* at Ajmer and met with the Municipality and also the Collector of Ajmer that we requested them that the Central Government has sent sale deed copies. Kindly make enquiry into this matter that where are these plots. I have received a letter of Municipal Commissioner of Ajmer for boundary of plots, but we have sent the boundary of plots, but no such any enquiry has been made up to this day. We have written to C.S. Commissioner of Jaiselmer, New Delhi, that kindly give the vacant plots of my Sale Deed and your any Officer may come on the site and show the vacant plots, you have received full payment of these plots. Therefore, you are bound to give the same plots to us, if you will not give the same plots whenever the sale deed given to us. This is forgery case and also for Criminal case."

"Sarvashri Jamandass, Lalchand, Bhagwandass, Mamlai Bai, Lila Bai legal heirs of Smt. Nemibai wd/o Shankerdass had purchased evacuee plot Nos. A-30, A-31 for Rs. 700/- and 540/ respectively. The total cost of the plots was deposited by the auction purchasers and thereafter Sale Certificate in their favour were issued by this Department on 10-8-1976.

The auction purchasers have represented that plot Nos. A-30 and A-31, Sukhadianagar which were purchased by them do not exist on the spot. As per verification of our record, these plots are entered in our Basic Register. From the representation of the auction purchasers, it appears that they have already taken up the matter with the local State authorities for getting the possession of the aforesaid plots. It also appears that aforesaid plots purchased by the applicants have been unauthorisedly encroached upon by the adjacent plot holders, which needs verification and spot enquiries by the local State authorities.

Since this Department has issued the Sale Certificate of the plots, it has become functus-officio in the matter as the properties have gone out of the compensation Pool. The applicant may, therefore, be advised to seek remedy from the local authorities under the local laws of the State Government."

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*Ministry of Petroleum, Chemicals  
and Fertilizers (Department of  
Petroleum)*

4 Dr. Vijay  
Krishan Tiwari,  
C/o Civil Asst.  
Surgeon, Gen.  
Hospital, Kotz.

Sanction of a Cooking gas connection.

In their reply, dated the 4th September, 1980 the Ministry of Petroleum, Chemicals and Fertilizers (Department of Petroleum) stated as follows:—

In his representation dated the 2nd May, 1980, Dr. Tiwari stated as follows:—

“I was sent on deputation to Iran by Government of India and after spending three and half years there, I returned to India two years ago. After my return from Iran I have been approaching Divisional Office of Indian Oil Corporation, Jaipur and its regional Office at New Delhi as well as the Office of the Chairman of the above Corporation for a cooking gas connection on the basis of the documents obtained from Indian Embassy at Iran but none of my letters has been replied to by the Indian Oil Corporation despite the fact that the Ministry of Petroleum has allotted a quota of Gas connection on priority basis for the foreigners and the Indian returning from abroad as also the employees of foreign embassies. But the Officers of the Office of the Chairman, Indian Oil Corporation have allotted the Gas connections arbitrarily without following any regular policy. Though the Petroleum & Chemicals Minister has banned the allotment of new Gas connections after September, 1979, except on priority basis and an announcement to this effect was made by him in the Parliament also yet many Gas connect-

“Indian Oil Corporation was allowed to release 150 L.P.G., connections per month, *vide* this Ministry's letter No Q-12015/4 77-Dist. (P) dated December 13, 1977. This included priority connections on compassionate grounds as well as to foreign diplomats, Indian diplomats returning to India, request from Oil and Natural Gas Commission (ONGC), Madras Refineries Ltd. (MRL) Cochin Refineries Ltd. (CLR) and important business contracts. On 21st August, 1979 with the approval of the then Minister of Petroleum, Chemicals and Fertilizers, instructions were issued for immediate suspension of all priority connections. In accordance with these instructions, no priority connections were issued by the Indian Oil Corporation thereafter. This ban was, however, lifted on 2nd November, 1979 IOC was again allowed to release a maximum of 150 LPG connections per month on priority for domestic use on compassionate grounds, to foreign diplomats and Indian diplomats returning from abroad and important business contacts. It was also decided that IOC may maintain some reservations, as before, for ONGC, MRL and CRL. In January, 1980, IOC was further advised that foreign nationals coming on the request of Govt. of India /State Governments/ Public Sector undertakings may be treated

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tions have been allotted by the Indian Oil Corporation.

at par with foreign diplomats, LPG connections on priority basis are being released by IOC since November, 1979 accordingly.

Therefore, you are requested to have the matter enquired into by the Petitions Committee in order to find out as to whom the Gas connections have been given by the Chairman of Indian Oil Corporation, Divisional Office Jaipur and Regional Office, Delhi in violation of the prescribed policy. The relevant record along with the applications may please be called for by the Petitions Committee so that justice could be done to the persons like me and many others and the irregularities made by the Officers may be brought to light.

Dr. V. K. Tiwari approached the Office of the Chairman, Indian Oil Corporation Ltd. for an LPG connection on priority *vide* a letter addressed to the latter on 23rd February, 1980. It was observed from his papers that he had been sent to Govt. of Iran on deputation from the Govt. of Rajasthan. Dr. Tiwari was therefore, not covered within the category of Indian diplomats returning from abroad. IOC could not trace any earlier application made by Dr. Tiwari to the Chairman's Office.

In his present representation Dr. Tiwari has mentioned that he had applied also to their Jaipur Divisional Office and to IOC's Regional Office, New Delhi. IOC have not been able to trace any copies of his applications.

There is no quota reserved for Indians, other than diplomats returning from abroad. On compassionate grounds, however, a few connections have been issued from time to time, depending upon whether there is any scope within the monthly quota. The same is true, also in case of foreigners other than foreign diplomats. LPG availability is expected to increase substantially from March, 1981 onwards and the IOC will be then in a position to give a large number of LPG connections to interested parties. Dr. Tiwari was advised by the Chairman's Office in May '80 to register his name with the nearest distributor so that an LPG connection may be issued to

him at the appropriate time."

*Ministry of Railways (Railway Board)*

5. M/s. Jagdish Trading Co., 88-89/306, Surat Sadan, Surat Street, Dana Bunder, Bombay 400009. Non-payment of compensation by railway authorities due to damages to consignments of rice booked ex. Nellore to Wadi Bunder. In their reply dated 1-9-1980, the Ministry of Railways (Railway Board) stated as follows:—

In his representation, dated the 19th April, 1980, the petitioner stated *inter alia* as follows :—

"The petitioners are Grain Merchants and are running the trade at Bombay. During the course of business, the petitioners received several railway receipts from different parts of the country in India from the traders who despatched the consignments to Wadi Bunder (Bombay) for trading in Bombay. The consignments continued to arrive and deliveries thereof claimed by the petitioners from time to time.

"The complaint made by M/s. Jagdish Trading Co. Bombay had been enquired into in consultation with the Central and South Central Railways. The enquiries reveal that all the 26 consignments of broken rice booked from Nellore were received at Wadi Bunder in original wagons as loaded by the sender. At the time of unloading some bags in all the consignments were found damaged due to wet and these were delivered on assessment of damage to various extents. The relevant Railway Receipts in all these 26 cases were found to bear the following endorsement :—

During this era, the Central Railway Administration delivered as many as 26 consignments of rice in damaged condition and damages were caused by rain water. These consignments were booked from one single station, Nellore, of course, on different dates. Because the consignments were received damaged by rain water, the damages were open to naked eye and the damages were assessed by the Railway Authorities in each case. The petitioners, thereafter, lodged claims in each case as required under the Section 78-B of the Indian Railways Act. These claims have been rejected by the Railway Administration without making any enquiries on the plea loaded in 'Non-Water Tight Wagon as per Senders request'. The petitioners also lodged protests with the Railways, but the Railway Administration struck to their earlier decision and maintained a repudiation.

'Non -Water Tight, Unsuitable wagons selected by sender at Owner's Risk and Responsibility. P-7/8 not complied with. Baging single and odd. Contents liable for spillage and droppage in transit. Bags directly loaded from lorries into wagon. 18" space not left near doors'. Since Non-Water Tight Wagons were accepted by the sender at his own risk on his responsibility knowing fully well that the bags loaded therein were liable to be damaged by wet during Transit, all the claims for compensation preferred by the party were repudiated on the basis of the above remarks as per practice.



Because the Railway Administration have not done justice and have deliberately done injustice to the petitioners without giving the correct facts and merits of the case, and the petitioners are compelled to approach the Petitions Committee of the Parliament and submit this petition by arguing and bringing the facts and merits of the case as under:—

*Liabilities of the Railway:*

As per Section 72 of the Indian Railways Act, the responsibility of Railway for loss, destruction, or deterioration of animals or goods handed over to the Railway Administration for carriage, shall, subject to other provisions of the Act, is that of a bailee under Sections 151, 152 and 161 of the Indian Contract Act—Act 9 of 1872. The responsibility of the Railway Administration has also been described in Section 73 of the Indian Railways Act. There is a special mention about the degree of care required to be taken, the general principle is that of bailee, to take such care as a man of ordinary prudence would take of his own goods. The bailee is liable for the Servant's act done during the course of employment, the conduct of Railway Administration with reference to such consignment in general should be considered.

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*Merits of the case:*

The petitioners received railway receipts from the trading parties and as many as 26 consignments booked ex. Nellore to Wadi Bunder during the monsoon period of '78 were received damaged by rain water. Surely, the consignors must have registered their indents for supply of suitable wagons for transporting the consignment to the destination station. These indents

It may be appreciated that *prima facie* there is no wilful neglect on the part of the railway administration. As regards the various issues raised by the claimant in their representation, a note is enclosed explaining the position (*See Appendix*)."

cannot be normally for supply of 'non-water tight wagons/unsuitable wagon' against the indents for wagons 'which is generally a normal wagon' and the railways have, therefore, failed in their duty by supplying unsuitable wagon against the indents for a normal wagon. This is a wilful neglect of duty. Even if the respective senior have subsequently passed a remark upon unwielded threat which is a weapon used by railway staff when they deliberately shirk responsibility on users of railways. The railways are common carriers and they sell transport on rails, which is their monopoly. Monopolistic patterns always dictate terms and this act is against and/or in violation of principle of equity and justice which is guaranteed under the Constitution of India. If the railways were not having standard wagons in sound condition, they should have refrained from loading the rice consignment in non-water tight wagons, but in their eagerness to make more money like greedy persons causes loss to the petitioners, for which the greedy persons, here the railways should bear the loss of the petitioners.

\* \* \*

*Issues :*

The important issue required to be examined thoroughly are:—

- (1) why as many as 26 wagons were supplied by railways at one single station i.e. Nellore during July '78.
- (2) from where these 26 wagons were brought to Nellore.
- (3) whether these 26 wagons were examined by technical staff for loading rice.

- (4) whether these 26 wagons were earlier examined by technical staff before they were brought to Nellore station for loading rice and if so, with what result and also what action was taken by the railways to make them fit and water tight.
- (5) whether the indents was placed for a wagon, 'normal wagon as is normally done' or subsequently for non-water tight wagon.
- (6) if the indent is registered for a wagon why unsuitable and/or non water tight wagon was supplied against indent for a normal wagon.
- (7) whether the particular wagon used in each railway receipt was examined at Nellore by technical staff and if so, with what results?
- (8) whether monsoon precautions as prescribed were observed for loading damageable goods in non-water tight wagon, if so details thereof?
- (9) whether precautions to be taken when loading non-water tight covered a wagon as prescribed in Para 1509 of Indian Railway Commercial Manual, Volume II was observed, if not, why?
- (10) whether the railway is liable to pay compensation in this case of gross negligence and/or wilful neglect particularly, because the consignments having been booked at railway risk.
- (11) how many wagons were used for loading the consignment ex. Nellore in July, 1978 and how many of these were water tight and how many non-water tight and whether all were examined by technical staff.

- (12) whether the Central Railway Administration have paid compensation in such cases in past or suit if filed have been amicably settled in past i.e. during the period 1975, 1976 and 1977 and thereafter.

The petitioners again state that all these 26 claims have been rejected by the railway administration on flimsy grounds and reasons brought forward for rejecting the liability are not tenable under a law. The petitioners state that railway administration have caused loss to the goods because the railway administration failed to use reasonable foresight and care and/ or railway staff failed in all norm or their duty and hence the railway administration is liable. The consignments as having been accepted for carriage by railway administration at railway risk and damages to the goods have been caused while the same was in the custody of the railways.

The petitioners state that their claims are payable on merits. The Petitions Committee in general, and Chairman of the Committee, in particular, are therefore, requested to order through probe, examine the petition of facts mentioned hereinabove and award the amount of compensation due in each case.

All these 26 consignments have been booked in July, 1978 and limitation shall run upto July, 1981. The petitioners, therefore, request that the matter may kindly be dealt on priority basis giving further consent to the petitioners to refer these cases to the Court of law for such decision by the Court."

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6. Shri C. R. Sharma, 65-Arjun Nagar, New Delhi.	Allotment of plots in lieu of certain houses demolished by D.D.A.	Ministry of Works and Housing Reply dt. 14-8-1980.	
	In this representation dated 28-3-1980, the petitioner stated as follows : —	In pursuance of the policy of rehabilitation of the evictees at their original place offers were sent on 22-9-79 to S/Sh. Ved Prakash, Sat Prakash & Om Prakash sons of Shri C. R. Sharma for allotment of alternative plots at Arjun Nagar. The terms and conditions of allotment <i>inter alia</i> provided that the offer was in full and final settlement of the claims of the applicants filed with DDA. They were to communicate acceptance of the offer by 26-9-78.	
	“At the time of Demolition of Arjun Nagar, the people of Arjun Nagar made a petition of Shri Bali Ram Bhagat, the then Speaker of the Lok Sabha who took necessary action on the said petition but in the mean time the Lok Sabha was dissolved and we could not get justice. You are the supreme representative of the people being the Head of Lok Sabha. I, therefore, approach your goodself to seek justice which I could not get for the last 4 years inspite of my representations to various authorities. I beg to state as under :—	The applicants sent their conditional acceptance on 27-9-78 stating <i>inter-alia</i> that their claims for damages for the demolition of super structure would not be affected by the Committee which had been appointed for the implementation of this scheme. The Committee decided that no allotment should be made at this stage to those persons who not willing for a full & final settlement on the basis proposed by DDA and that their land excluded from the lay out plan of the area. The possession of the land continues to be with the applicants though an appeal against the order of the Honourable High Court for releasing the land from the purview of acquisition is pending in Hon'ble Supreme Court. Hence the matter is <i>Sub-judice</i> . Therefore, the names of the persons who did not give their unconditional acceptance were excluded from the draw held on 30-9-78. Allotments have been made to 141 persons so far, who had accepted the allotments unconditionally. A suit has also been filed by this family in High Court claiming damage for demolition a decision on which is still pending. As the matter is already engaging the attention of	
	(1) That I had build House Nos. 32-A, 32-B, 233-B, & 233-G in Arjun Nagar, New Delhi for the use and occupation of my sons Ved Prakash, Sat Prakash & Om Prakash. These houses were illegally demolished by Delhi Development Authority and thus my sons were rendered homeless and they have not been rehabilitated so far.		
	(2) That my sons are owners of the land of the plots on which these houses were built as per the decision of the High Court which is already available with the Delhi Development Authority.		
	(3) That D.D.A. has allotted plots to all the persons whose houses were demolished in Arjun Nagar and they have built houses on it. Even those who were illegal occupant of Govt. acquired land were allotted plots free of cost.		
	(4) That my sons were also declared eligible for the allotment of plots <i>vide</i> letter Nos. F.A.C(S)(84)/		

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		Arjun Nagar/7 dated 22-9-78 letter No. F.A.C.(S)85 and letter No. F.A.C(S)/86/7 dated 22-9-78 but no plot has been allotted to my sons so far though they had accepted the said allotment as per acceptance letters of my sons. No intimation has been received from D.D.A. thereafter.	Courts, any interference by DDA at this stage would complicate the matter further
	(5)	That when the plots have been allotted & possession given and construction allowed to those who were occupying Govt. acquired land then there should be no reason to deny the allotment of plots to my sons in lieu of their own freehold land or D.D.A. should allow construction of houses to my sons on their own land.	
		Under the above circumstances, I pray you to kindly give necessary directions to the Delhi Development Authority to allot three plots to my three sons S/Shri Om Prakash, Satya Prakash and Ved Prakash in lieu of their own plots in terms of the allotment letter Nos. F.A. (S) (84) Arjun Nagar/7 dated 22-9-78. Letter No. F.A (S)/85 Arjun Nagar/7 dt. 22-9-78 and F.Ac.(S)(86)/Arjun Nagar/7 dated 22-9-78."	
			Ministry of Education and Culture (Department of Education) Reply dt. 27-9-1980.
7	Smt. Santosh Kumari, C-7/222, Lawrance Road, Delhi-35.	Non-payment of certain dues by the management of Arya Putri Pathshala, Prathamik Vidyalaya, Gandhi Nagar, Delhi.  In her representation dated 14-6-80, the petitioner stated <i>inter alia</i> as follows:— "Shri J. P. Pati, Under Secretary of the Ministry	According to the post fixation the school was allowed one post of Headmaster and three posts of Asstt. Teachers at the time of initial grant. The management of the school forwarded the names of the following teachers for these posts for approval for purposes of grant-in-aid by the Corporation:—

of Education in his letter No. (1) Smt. Jai Devi Sethi, Head-  
F5. 147/79 Sch. 6 dt. 27-2-1980 has informed me that (2) Smt. Swaran Kanta Maha-  
the matter was referred to the jan, Asstt. Teacher.  
Education Officer, M.C.D. (3) Smt. Chandra Kanta Mahan-  
who has informed that my tani, Asstt. Teacher.  
appointment as Teacher in the (4) Smt. Gope Kumari, Asst  
aforesaid school, was never Teacher.  
approved by the  
Corporation and that the  
School management was  
never given the grant-in-aid  
for my salary. My appoint-  
ment as Teacher therefore is  
illegal.

It is not understood why my appointment was not ap-  
proved and declared illegal by the Corporation with no fault of mine whereas the appoint-  
ment of my colleagues who were working with me at that time had been approved and the grant-in-aid for disburse-  
ment of their salaries was given to the school management.

As the name of Shrimati Santosh Kumari did not exist in the list and she was engaged by the school management with-  
out the approval of the Department, the question of payment of granting-in-aid by the Corporation did not arise.

If you please call for my papers, you will find that the Cor-  
poration and the school man-  
agement are only shifting their responsibilities to each other with the result the poor lady has been suffering since last  
ten years.

It is my earnest request to you that you please to go through my case personally and find out the flaws of the case and give me justice."

8 Shri B. R. Shinde, Debachi, Chawl, Near Virar 'B', Cabin, P.O. Virar Distt. Thane.

Claim for injuries sustained in Railway accident due to 20 Up at Virar on 26-11-75.

Ministry of Railways (Railway Board) Reply dated Feb. 1981.

In his representation dt. 6-8-80, the petitioner stated as follows:  
"Dehradun Express 20 Up train met with an accident at Virar on 26-11-75. Some parts of the train which broke flew and injured the persons even wait-  
ing at level crossing gate. Some of the train passengers were also injured. I am one such person injured due to the said accident.

As per directives of the Western Railway, the claim has been lodged with the Railway. This was forwarded to Claims Com-

"Shri Shinde's claim for com-  
pensation for injuries received by him in the above accident has been considered in detail and it is found that the above accident occurred due to cause beyond the control of the Railway Administration. Moreover, Shri Shinde was not a passenger travelling in the ill-fated train. As such, his claim for compensation is not admissible under the provi-  
sions of the Indian Railways Act, 1890.

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missioner, Thana by Railway. However, the Claims Commissioner refrained from deciding my application and that of Shri Harishchandra Patil, the other injured person. As a result of this, I had no alternative but to pursue the matter with the Western Railway Administration. Shri Harishchandra Patil also pursued the claim with the Railway and he was paid the sum of Rs. 3,000/- in Feb./ March, 1978. Whereas I have not been paid although the Railway has collected all the required particulars and data required for the purpose.

However, Shri Shinde has been sanctioned an *ex gratia* amount of Rs. 1,000/- on humanitarian and compassionate grounds."

My case is much more deserving than that of Mr. Patil. I was injured due to this accident and had injuries viz. CLW Chin, confusion left forearm and elbow and hameatoma left him joint. I was taken to Jagjivanram Hospital of Railway where I was indoor patient from 26-11-75 to 29-11-75 (both days inclusive). I then took medical treatment from my Doctor as the Railway did not take care after discharge. None came to my place to see and enquire whether I was on duty or bed ridden. I have sufferings and even submitted certificate from a leading doctor of permanent partial disability. I am not able to do same duties as before on account of this disability. As such on all counts, I have requested for compensation amounting to the sum of Rs. 30,000/- (Rupees thirty thousand only).

In addition to normal applications, I submitted letters dated 21-7-77, 24-5-78, 24-5-79 all addressed to Shri Madhu Dandavate, the then Minister for Rlys. but all in vain. Perhaps this is because my applications were not endorsed by any Political person and if this is so, I am afraid, the Govt. has not been functioning on principles of 'Equity and Justice'. It is also un-demo-



cratic and against moral duty of the Government towards common man in the country.

I, therefore, request the Chairman and Committee Members to be kind enough to examine my petition and be pleased to order payment of compensation due to me as a result of this accident."

5 Shri Tarachand,  
Village Bhachbar  
Station, Dist.  
Barmer.

Provision of a new level crossing near village Bachber of Munabao-Barmer Section of Northern Railway.

Ministry of Railways (Railway Board) Reply dt. 6-2-81.

In the representation forwarded by Shri Virddhi Chander Jain, M.P., the petitioner stated as follows :

- (1) Our village Bachbar is situated on both sides of railway line i.e. there are houses and shops on both sides of the line because Bhachbar railway station is situated in between the populated area. Bhachbar Station is situated on Barmer-Munaba railway line.
- (2) In all villages which are situated on both sides of the railway lines Railway Department have provided Level Crossings so that people can cross the line easily without any difficulty. In the absence of a Level Crossing people find it difficult to cross the line and their movement is hindered.
- (3) We, the villagers have made a number of requests to the Railway authorities but we requests to state that our requests have fallen on deaf ears so far and our problem stands unsolved.
- (4) As the railway line runs through the populated area, it is obligatory on the part of the Railway Department to provide the facility of a level crossing to avoid accidents.
- (5) We, therefore, request you kindly to look into our legitimate demand immediately and provide a level crossing at Bhachbar village without any delay.

"The demand of the villagers of Bachbar is for the provision of a new level crossing near village Bachbar on Munabao-Barmer Section. As per extant rules, the entire cost (both initial as well as annual recurring) of a new level crossing is required to be borne by the State Govt./ Local Authority concerned. The initial cost of construction has been estimated to be about Rs. 1,300/- and the recurring annual charges would be to the tune of Rs. 900/-. This position has already been explained to the Gram Panchayat, Bachbar by the Northern Railway vide their letter No. W. III/205-W/L-xing/ West dated 27-12-80.

As soon as a firm proposal for this new level crossing is received from the State Govt. together with their acceptance to bear the cost involved, the Northern Railway Administration would progress the proposal expeditiously."

## ANNEXURE TO ITEM NO. 5

Note containing the remarks of the Ministry of Railways in regard to the different issues contained in page 5 of the Representation from M/s. Jagdish Trading Company.

- (i) During July 1978 there were 66 indents for covered wagons in 'D' priority out of which 36 indents which were for broken rice for Wadi Bunder were met. The 26 wagons were among the 36 indents for broken rice.
- (ii) The 26 wagons were received at Nellore as inward loads and on release were allotted for loading the 26 consignments under reference.
- (iii) No technical staff was posted at Nellore station. Hence, these wagons were visually tested jointly by the Railway staff and the party and found to be non-water tight.
- (iv) The question of examination of 26 wagons earlier by technical staff before they had reached Nellore did not arise as they were received at Nellore as Inward Loads from different stations during July 1978. No damages, however, were noticed in the Inward loads.
- (v) and (vi) Allotment of wagons are done by the divisional authorities and priority is given to Government consignments and high-rated traffic. The subject consignments fall in the category of priority 'D'. No suitable wagon was available for allotment as per priority list after meeting the demands of the high-rated commodities in the higher priority category i.e. priority 'C'. At Party's request these non-water tight wagons, on release, were allotted. The consignors had executed forwarding Notes with suitable remarks indicating acceptance of unsuitable wagons at their risk and responsibility. Monsoon precautions to the extent possible were taken by the Railway Staff.
- (vii) As no technical staff are based at Nellore, the question of getting the wagons technically examined by the staff did not arise.

- (viii) Prescribed monsoon precautions such as application of bitumanised gunny strips to wagon doors and plugging of doors with roofing compound were complied.
- (ix) Non-water tight wagons were selected by the sender at their risk and responsibility after visual examination.
- (x) No gross or wilful negligence or neglect is involved in these cases. *Prima facie*, the Railway are not liable for damage or deterioration etc. when the Railway Receipts bear remarks to the effect that non-water tight wagons were selected by the senders.
- (xi) During July 1978, 140 wagons were loaded out of which 87 were water tight and 53 were non-water tight. The 87 water tight wagons were supplied to Food Corporation of India for loading rice under priority 'B' and the non-water tight wagons were loaded with rice and other commodities including the subject consignments. The wagons were not examined by technical staff as no technical staff are posted at the station.
- (xii) The settlement of compensation claims is being done by the Railways on the merits of each case having regard to the circumstances/conditions under which the consignments were booked, the remarks or endorsement on the Railway Receipts etc. It will be appreciated that no useful purpose will be served by extracting information about the compensation paid in cases of bookings during the year 1975, 1976, 1977 and thereafter as desired by the party.