

# COMMITTEE ON PETITIONS

(SIXTH LOK SABHA)

## ELEVENTH REPORT

*(Presented to Lok Sabha on 18-5-1979)*



**LOK SABHA SECRETARIAT  
NEW DELHI**

*May, 1979/Vaisakha, 1901 (Saka)*

*Price : Rs. 3.00*

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# COMPOSITION OF THE COMMITTEE ON PETITIONS (1978-79)

## CHAIRMAN

Shri Hari Vishnu Kamath

## MEMBERS

2. Shri Aghan Singh Thakur
3. Shri M. Arunachalam
4. Shrimati Kamala Bahuguna
5. Shri Manoranjan Bhakta
6. Shri Haren Bhumij.
7. Shri Ahsan Jafri
8. Shri Kishore Lal
9. Shri Lalji Bhai
10. Shri Nanubhai N. Patel
11. Shri Balwant Singh Ramoowalia
12. Shrimati Rano M. Shaiza
13. Shri Pius Tirkey
14. Sardar Raghbir Singh Virk
15. Shri Yuvraj

## SECRETARIAT

Shri Y. Sahai—*Chief Legislative Committee Officer.*

Shri S. D. Kaura—*Senior Legislative Committee Officer.*

# **ELEVENTH REPORT OF THE COMMITTEE ON PETITIONS (SIXTH LOK SABHA)**

## **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 Eleventh Report of the Committee to the House on the following matters:—

- (i) Representation regarding construction of an over-bridge over the railway crossing in District Morena Head-quarter.
- (ii) Representation regarding construction of broad-gauge railway line between Swaimadhopur to Etawah via Sheopur, Morena, Gwalior and Bhind.
- (iii) Representation regarding re-imbursement of 'renal failure' treatment of Shri Ram Lal Mittal, Agriculture Officer, Bank of Baroda, Alwar.
- (iv) Representation regarding amendment of certain provisions of the Customs Act, 1962.
- (v) Representation from Shri H. M. Patil, Virar, regarding claim for compensation for injuries caused due to derailment of 20 Up Dehra Dun Express at Virar on 26-11-1975.
- (vi) Representation from Shri M. N. Chatterjee of Hazaribagh regarding return of movable and immovable properties taken over by the Coal Mines Authority Ltd. (now Coal India Ltd.).
- (vii) Representation from Shri R. D. Mukherjee, Retd. Telegraph Inspector, N.E. Rly., Varanasi, regarding payment of certain dues etc.
- (viii) Action taken by Government on the recommendations of the Committee on Petitions contained in their Twenty-seventh Report (Fifth Lok Sabha) on the representation regarding taking over by Government of Shri Ram Institute for Industrial Research, Delhi.

1.2. The Committee considered the above matters at their sittings held on the 16th July, 1977, 16th and 17th January, 6th and 7th February, 9th March, 26th June, 29th September and 16th November, 1978, 18th and 30th January and 14th February, 1979.

**1.3. The Committee considered their draft Report at their sitting held on the 16th May, 1979, 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 16th May, 1979.***

**H. V. KAMATH,**  
***Chairman,***  
***Committee on Petitions.***

## II

### REPRESENTATION REGARDING CONSTRUCTION OF AN OVER-BRIDGE OVER THE RAILWAY CROSSING IN DISTRICT MORENA HEADQUARTER

#### *A. Petitioners' Grievances*

2.1. Shri Chhote Singh and others, District Morena, submitted a representation praying for construction of an over-bridge over the railway crossing in District Morena Headquarter, Madhya Pradesh.

The representation was countersigned by Shri Chhabiram Argal, M.P.

#### *B. Comments of the Ministry of Railways (Railway Board)*

2.2. The representation was referred to the Ministry of Railways (Railway Board) for furnishing their factual comments thereon for consideration by the Committee. In their factual comments dated the 12th April, 1977, the Ministry of Railways (Railway Board) stated as follows:—

“A proposal for the construction of a road over-bridge in replacement of existing level crossing No. 450 at km 1263/8-9 near Morena Station on Central Railway was included in the Railway's Works Programme for 1965-66. The State Government subsequently desired that the level crossing should also be retained after the completion of the road over-bridge which was against the usual practice of closing the level crossing after opening the Railway over-bridge for vehicular traffic. In view of this development, the entire cost of the proposed over-bridge was asked to be borne by the State Government (Road Authority). An estimate was accordingly prepared by the Railway and sent to the State Government for acceptance during April, 1968. The State Government thereafter advised in July, 1969 that the proposal for the construction of road over-bridge at Morena might be dropped for the time being. No information has since been received from the State Government for reviving the proposal.”

2.3. The Committee, at their sitting held on the 16th July, 1977, considered the above representation along with the factual comments of the Ministry of Railways (Railway Board) thereon. The Committee directed that the Ministry of Railways (Railway Board)

might be asked to obtain the views of the State Government for reviving the proposal for construction of an over-bridge over the Railway crossing in District Morena and furnish the same to the Committee along with the comments of the Ministry of Railways thereon.

2.4. The Ministry of Railways (Railways Board) with whom the matter was taken up, in their reply dated the 1st November, 1977, stated as follows:—

“The State Government of M.P. whose views had been sought for reviving the proposal for construction of a ROB at Morena have advised that the site for proposed Road Over-Bridge at Morena is yet to be selected by their PWB and that no provision has been made by them in their budget for the current financial year.

The proposals for the construction of road over/under-bridges in relacement of existing level crossings are considered by the Railway as and when these are sponsored by the State Govts. who have also to agree to share about 50 per cent of the cost of their construction. A firm proposal from the State Govts. for the construction of a road over/under-bridge at Morena is still awaited even though this matter was persued by the Railway with the State Government.”

### *C. Evidence before the Committee.*

2.5. At their sitting held on the 6th February, 1978, the Committee examined the representatives of the Ministry of Railways on their policy regarding construction of over-bridges, foot crossings, level crossing etc.

2.6. Explaining the Government policy in regard to the Railway's liability to provide accommodation works such as road over-bridges, level crossings, and road under-bridges, the Director, Railway Board, stated that whenever a railway line crossed a piece of land, it cut off communications on both the sides. To provide for these facilities, Railways provided culverts, bridges, level crossings, road over-bridges, road under-bridges etc. According to the provisions of the Indian Railways Act, 1890, in this regard, the initial cost of these accommodation works at the time of construction of a railway line and also within 10 years of the opening of the new railway line for traffic, was to be borne by the Railways.

If a similar work was required to be undertaken after 10 years of opening the line for traffic, the cost of such works was to be borne by the authority who wanted it. This was the general procedure

adopted in providing those accommodation works. The witness further stated that after opening the line for traffic, if the rail traffic increased, or the road traffic increased at the railway level crossing and it became necessary to replace the level crossing by a road over-bridge or a road under-bridge to avoid accidents and detention to road traffic, the State Government or the local authority, which wanted such a facility to be provided by the Railways, would have to share the cost, excluding the cost of acquisition of land for such accommodation works in a ratio of 50-50 with the Railway. Before 1969, the approach roads were built by the State Governments and the bridge portion by the Railways.

2.7. Explaining the general policy with regard to manned and unmanned level crossing, the Director, Railway Board stated that the level crossings were of various types—'A' Class which was manned; 'B' Class which was also manned; 'C' Class which were manned or unmanned; and 'D' class which was pedestrian or cattle crossing and their number as on 31-3-1977 was as follows:—

Special Class (Higher than 'A') 255.

A Class	1,191
B Class ..	3,801
C Class (Manned)	8,961
„ „ (Unmanned)	22,121

The Director, Railway Board, informed the Committee that once in every five years they conducted a periodical census of the various traffic using the level-crossings and depending upon the census and job analysis, they decided whether grading up was necessary or not.

2.8. On an enquiry by the Committee, the Director, Railway Board, stated that if the under-bridge had been in use for vehicular traffic in the past, if the traffic had increased and the width was found to be inadequate, then the State Government would approach them for widening the bridge. The cost of widening the bridge had to be born entirely by the State Government, be a use the increase in traffic was not on account of railway traffic, but on account of road traffic.

2.9. When asked to state the normal procedure for sanctioning over-bridges, under-bridges and level crossings, the Director, Railway Board, stated that if it was an over or under bridge—in lieu of an existing level crossing, the State Government must approach them with a proposal. They would prepare the estimate for bridge



portion and send it to the State Government for its acceptance. They would consider their estimates for approaches also. Finally, the Ministry and State Government concerned shared the cost in 50-50 ratio. Later on, the State Government got reimbursement from the Railway Safety Works Fund and they did not actually spend any money.

If there was no level crossing at all anywhere, if the State Government or a Municipality wanted a new road over-bridge or a level crossing across the railway line, then the entire cost of its construction and maintenance had to be borne by that authority who wanted that facility, provided that was after ten years of the opening of the railway line for traffic.

2.10. The Director, Railway Board, informed the Committee that the Railway Safety Works Fund was created by the Government of India in 1966 by increasing the dividend payable by the Railways to the general revenues by one per cent on the capital-at-charge existing prior to 1-4-1964. The amount was usually Rs. 18.25 crores a year. Of this, Rs. 16.25 crores were given to the States in lieu of the passenger taxes which they were originally levying, any the balance was for reimbursement to the State Governments for financing such projects as road over-bridges in lieu of level crossings. Manning and upgrading of level-crossings was also chargeable to that fund.

2.11. In reply to a question, the Director, railway Board, informed the Committee that the amount of money allotted to the various States from the Railway Safety Works Fund was approximately Rs. 2 crores. The expenditure from the Ministry side was about Rs. 3.5 crores. So, about Rs. 5 crores was available every year for starting and completing various road over-bridges, and under-bridges in lieu of level crossings. Thus, finance was one of the constraints which prevented them from taking up too many works.

2.12. The Committee asked the representatives of the Railway Board to state the procedure for discussion with the State Governments and the public before taking a decision whether or not to have a road over-bridge at a particular level-crossing. The representative of the Ministry of Railways stated that they knew the traffic at all level-crossings as a result of census-cum-job analysis every five years, and they had also got an idea of the rail traffic, the detention time, accident-proneness of the place etc. The State Government sent their proposals, which were examined to see whether they were really busy level-crossings. Then they made out a list

of the level-crossings, to be replaced, and the road authorities gave them the priority about their replacement in each State.

2.13. On an enquiry, the representative of the Railway Board informed the Committee that the cost of manning all the 22,000 'D' Class unmanned level-crossings would be not less than Rs. 100 crores.

2.14. The Director, Railway Board, informed the Committee that the Railway Accident Enquiry Committee had made the observation that the manning of level-crossings did not provide a complete satisfactory remedy against accidents at level-crossings because sometimes the truck drivers hit the gates and went on the line and then accidents took place. All efforts were being made to man the level-crossings but to eliminate entirely the unmanned level-crossings was a difficult proposition. The witness said that in 1974-75, 50 level-crossings had been manned, 87 had been upgraded and provided with lifting barriers. In 1975-76, 25 had been manned, 189 upgraded and 60 had been provided with lifting barriers. In 1976-77, 20 were manned, 82 upgraded and 82 were provided with lifting barriers.

2.15. When asked to state that the position in other countries, the Director, Railway Board, stated that there they provided half barriers. If the road user thought that without any danger he could go through, he could do so. Nobody prevented him. The Ministry of Railways were also trying that thing here. At Unnao Station, they had provided this on an experimental basis to see how it worked under Indian conditions. It was working satisfactorily there. When the train was one kilometer away, there was a switch which was operated by the passing train there and immediately the barrier fell down. Then it was left to the road user to take a chance to go through. The time taken from that switch point was a definite time. In reply to a query, the witness stated that Unnao Station was selected in consultation with the State Government and traffic condition was found suitable there for conducting the experiment.

2.16. The Director, Railway Board, further stated that to prevent accidents at unmanned level-crossings, they had taken certain steps. They had provided "danger" signals both on the railway lines as well as on the approach roads. At a certain distance from the level-crossing, there was a signal to the engine driver "Unmanned level-crossing ahead" and the driver was asked to whistle continuously from that sign-board till he crossed the level-crossing. Usually, he did it. That was by way of precaution to the road users that the train was coming. In the case of a bus or any other vehicle, they

were supposed to stop the vehicle. In the case of a bus, the conductor was supposed to get down and see on both sides whether a train was coming or not and then he asked the driver to cross the railway line cautiously or at slow speed. The Railways were also providing speed barriers across the road to prevent fast speeding of the vehicles at unmanned level-crossings. If the road users observed all these precautions, the number of accidents at unmanned level-crossings could be very much minimised.

2.17. The Committee asked the representatives of the Ministry of Railways to state whether it was possible for the Ministry of Railways to construct over-bridge without requiring the State Government to share the cost of construction at Morena Headquarter. The Chief Engineer of Bridges, Central Railway, stated that he personally met the Deputy Secretary of the State Government who was dealing with that subject and also Engineer-in-Chief and requested them that this project should be taken up. The State Government had to review the priority, and unless they gave priority, the Railways would not take the project.

2.18. The Chief Bridge Engineer, Central Railway further stated that since August, 1977 they had been consulting the officer concerned once a month. They had received their latest letter dated the 20th January, 1978, wherein they had taken a policy decision. The Madhya Pradesh Government had asked the municipality if it was prepared to share 50 per cent of the cost with the State Government, they would give priority to over-bridge at that place. They were awaiting a reply from the Municipality of Morena. A firm proposal from the Government of Madhya Pradesh was still awaited by the Ministry of Railways. The witness, added that if the State Government spent money, they could get reimbursement from the Railway Safety Works Fund.

2.19. The Director, Railway Board, suggested that the road-over-bridge at Morena be built in lieu of the level-crossing at a place at a distance of half or one kilometre from the present level-crossing. Then the level-crossing might be closed and at that place foot over-bridge might be provided. The Chief Bridge Engineer, Central Railway stated that such arrangements were working very well in Maharashtra.

2.20. In case of national highway, the Director, Railway Board informed the Committee that where the railway line crossed a national highway and there was an existing level-crossing, if the State Government wanted to have a road over-bridge in lieu of the existing level-crossing, then their portion of amount would be re-

imbursed by the Ministry of Transport and the remaining 50 per cent was borne by the Railways.

2.21. The Ministry of Railways (Railway Board) *vide* their communication dated the 29th May, 1978 have furnished the following information as desired by the Committee.

- (i) Statement showing the estimated cost of the conversion of all the unmanned level crossings into manned level crossings, State-wise (See Appendix-I) and.
- (ii) A note on the operation of the Railway Safety Works Fund and the disbursement/money withdrawn by the various State Governments during the last three years (See Appendix-II).

#### *D. Observation/Recommendation of the Committee*

2.22. The Committee peruse 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 re-imbusement 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/under-bridges in replacement thereof. The Committee feel that for an expeditious 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-imbusement from the Railway Safety Works Fund.

2.23. 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-imbusement.

### III

## REPRESENTATION REGARDING CONSTRUCTION OF BROAD-GAUGE RAILWAY LINE BETWEEN SWAIMADHOPUR TO ETAWAH VIA SHEOPUR, MORENA, GWALIOR AND BHIND.

3.1. Shri Chhabiram Argal and twenty-four other members of Lok Sabha, submitted a representation regarding construction of broad-gauge railway line between Swaimadhopur to Etawah via Sheopur, Morena, Gwalior and Bhind.

### *A. Petitioners' Grievances and Prayer*

3.2. In their representation, the petitioners stated:—

“Chambal Division, Morena and Gwalior Division have been dacoit-infested areas for thousands of years. This area has remained a backward area due to terror of dacoits. For the development of Chambal, Morena and Gwalior Division, a broad-gauge line should be constructed from Swaimadhopur to Etawah via Sheopur, Morena, Gwalior and Bhind and the survey work should be started immediately and construction work undertaken.”

### *B. Comments of the Ministry of Railways (Railway Board)*

3.3. The representation was referred to the Ministry of Railways (Railway Board) for furnishing their factual comments thereon for consideration by the Committee on Petitions.

In their factual note dated the 19th October, 1977, the Ministry of Railways (Railway Board) stated as follows:—

“Shri Chhabiram Argal and other M.Ps have proposed construction of a broad gauge line from Swaimadhopur to Etawah, Shivpuri, Morena, Gwalior and Bhind. There is already a narrow gauge line from Sheopur Kalan to Bhind via Gwalior. The proposal therefore involves conversion of this narrow gauge line into broad gauge and its extension from Bhind to Etawah on one side and Swaimadhopur on the other side. An index map is enclosed indicating the proposed conversion of the existing narrow gauge line into broad gauge between Shivpuri Kalan and Bhind via Gwalior and its extension to Sawai-

madhopur on the one side and Itawah on the other. The project involves conversion of 284 Km. of existing NG track into broad gauge and construction of new BG line involving a length of 92 Kms. The total cost of the proposal will be approximately Rs. 45 crores.

The existing narrow gauge sections between Gwalior and Shivpuri (120 Kms. in length) and Gwalior and Bhind (84 Kms.) and Gwalior to Shivpur Kalan (200 Kms.) are on narrow gauge of 2' 0" while all the other narrow gauge lines in the country except Darjeeling-Himalayan and Neral-Matheran Hill Railways are on the 2' 6" gauge. These lines are situated in Madhya Pradesh.

The Uneconomic Branch Lines Committee 1969 had specifically reviewed these three narrow gauge lines in Madhya Pradesh and the relevant extracts from the report of this Committee are reproduced below:

'During 1966-67 the net deficit (excluding interest) had been Rs. 11 lakhs in the case of Gwalior-Shivpuri line, Rs. 4.9 lakhs in the case of Gwalior-Bhind line and 11.3 lakhs in the case of Gwalior-Shivpur Kalan. In regard to the Gwalior-Shivpuri Line, the State Government explained that, apart from forest produce, there is considerable scope for improvement of foodgrain traffic provided the services are improved. Gwalior-Bhind line serves a very difficult area, infested with dacoits. The main traffic on the line is in foodgrains, production of which is likely to increase in future on account of intensive agricultural schemes which are under way. The passenger traffic has tended to increase. The State Government are expecting considerable development along with Gwalior-Shivpur Kalan line and consequently the traffic on the line may be expected to increase in future. At one time, the State Government had expressed agreement to the Gwalior-Shivpuri line being dismantled, provided the Centre financed the improvement of National Highway No. 3, which runs parallel to the line. During the discussions with the Committee, however, the State Government withdrew this concurrence and stated that the line should continue.

The Madhya Pradesh Chamber of Commerce have suggested:

- (1) Conversion of the Gwalior-Shivpuri line into BG and extension to Guna on the Bina-Kota section of Western Railway;

- (2) Conversion of the Gwalior-Shivpur Kalan into BG and its extension to Sawaimadhopur on the Western Railway; and
- (3) Conversion of the Gwalior-Bhind line into BG and its extension to Itawah on the Northern Railway.

The Committee do not find enough justification, at present, for recommending examination of any of these proposals.

During the discussions with the State Government, a suggestion was made to the Committee that the lines may be converted to 2' 6" gauge. The policy at present followed, as stated in the note under para 116 of the Indian Railway General Code, is that no narrow gauge line is converted to a narrow gauge line of a different gauge, but only to the gauge of the main system here, broad gauge. While there are certain advantages of inter-changeability, in converting these lines also to 2' 6" gauge, we consider on that the lines should be allowed to continue on the 2' 0" gauge as at present, as three lines together form a compact system and the performance with the 2' 0" the gauge can be as good as with 2' 6".

The financial results of Gwalior-Bhind, Gwalior-Shivpuri and Gwalior-Shivpur Kalan narrow gauge lines for 4 years 1972-73 to 1975-76 are given in Appendix III. It will be seen from the appendix that while Gwalior-Bhind branch line had been running in profit, Gwalior-Shivpur Kalan is consistently running at loss since many years and the quantum of loss is progressively increasing. Gwalior-Shivpuri branch line had been consistently running in loss and had to be closed down and dismantled because it suffered from severe road competition due to National Highway No. 3 running parallel to the railway line. Further Gwalior Bhind and Gwalior-Shivpur Kalan NG lines offer only a very small amount of traffic. The conversion of these lines into broad gauge and their extensions to Itawah and Sawaimadhopur have not been examined in detail as they are not likely to be viable.

References have been received from time to time from Shri Chhabiram Argal and others on this subject and they have been advised of the position. It may not be out of place to mention in this connection that the Ministry of Railways have been receiving a number of proposals for construction/conversion of railway lines from various quarters and it has been estimated that construction/

conversion of these lines will cost approximately Rs. 1500 crores. In view of shortage of resources as was specifically mentioned by the Minister of Railways during the discussions on the Railway Budget for 1977-78, it is essential to fix certain priorities for taking up these projects. A draft policy for taking up construction of lines in backward areas have been formulated and it has been circulated to the Planning Commission and other Ministries for their views."

3.4. At their sitting held on the 17th January, 1978, the Committee considered the matter and directed that the Ministry of Railways (Railway Board) might be asked to furnish for consideration of the Committee a copy of draft policy for taking up construction of railway lines in backward areas along with the views of the Planning Commission and other Ministries concerned in the matter.

3.5. In their communication dated the 2nd March, 1978, the Ministry of Railways (Railway Board) stated that the Memo. regarding the policy on construction of new railway lines prepared by the Ministry of Railways and the comments of the Planning Commission and other Ministries thereon are being treated as secret documents in accordance with the normal practice so that the concerned Ministries are not inhibited to express their views frankly. It may, therefore, not be in public interest to make these documents available to the Committee at this stage.

The Railway Ministry will, however, take the earliest opportunity to communicate the final decision of the Government on the subject to the Committee as soon as it is reached.

3.6. At their sitting held on the 9th March, 1978 the Committee noted the above position stated by the Ministry of Railways (Railway Board) and directed that the Ministry of Railways (Railway Board) might be asked to expedite the final decision of the Government on the matter and also to intimate to the Committee the approximate date by which it would be done and communicated to the Committee.

3.7. In their communication dated the 20th April, 1978, the Ministry of Railways (Railway Board) stated as follows:—

"...the matter regarding formulation of a policy regarding construction of new lines was discussed by the Cabinet Committee consisting of the Minister of Finance, Minister of Railways, Minister of State for Shipping and Transport and the Deputy Chairman of Planning Commission. The



Cabinet Committee has *inter alia* decided that a Transport Study Committee should be appointed to examine the entire transport sector including the Railways. The Study Committee is expected to be appointed shortly by the Planning Commission. Further action regarding formulation of the policy on new lines would be possible after the receipt of the report of the Transport Study Committee. It would be seen from the above that formulation of a policy regarding construction of new lines may take considerable time. In the circumstances, it will not be possible to indicate at this stage the date by which the final decision of the Government on the subject will become available for being placed before the Committee on Petitions, Lok Sabha. The policy when finalised will be announced in the Parliament in pursuance of the recommendations of the Public Accounts Committee in their 191st report for 1975-76."

3.8. In their latest communication dated the 28th September, 1978, the Ministry of Railways (Railway Board) have stated as follows:—

"A High Level Committee of Experts has been appointed by the Planning Commission to go into the transport needs of the country as a whole and this Committee will evolve a policy for construction of new Railway lines in the country. Further consideration to the suggested railway line will be given only after the report of the Committee becomes available."

#### C. Observation of the Committee

3.9. The Committee note that a high level Committee of Experts has been appointed by the Planning Commission to go into the transport needs of the country as a whole and that this Committee will evolve a policy for construction of new railway lines in the country. Further consideration by Government of the matter pertaining to the Railway line raised in the representation will follow after the Report of the Committee becomes available. The Committee hope that the Committee of Experts will expeditiously submit its report so that suitable new railway projects, including the one raised in the representation, could be undertaken at an early date for the uplift of backward regions.

# REPRESENTATION REGARDING RE-IMBURSEMENT OF 'RENAL FAILURE' TREATMENT OF SHRI RAM LAL MITTAL, AGRICULTURE OFFICER, BANK OF BARODA, ALWAR

4.1. Shri Shivlal Patwari, Distt. Bharatpur, had submitted a representation, regarding reimbursement of 'renal failure' treatment of his son—Shri Ram Lal Mittal, Agriculture Officer, Bank of Baroda, Alwar.

## *A. Petitioner's Grievances and Prayer*

4.2. In his representation, dated nil (received in the Secretariat on the 24th August, 1977), the petitioner submitted as follows:—

"My son Ram Lal Mittal is an Agriculture Officer in the Bank of Baroda, Alwar (Rajasthan). He had suffered renal failure before one year in the month of March, 1976 and his kidney was transplanted on 16th June, 1976 at C.M.C. Hospital, Vallore (Madras). His mother donated the kidney.

But unfortunately the said transplanted kidney again failed to work and the Doctors have advised for retransplantation. Formerly the expenditure was met by taking loans from my brothers, relatives and all the property and ornaments have been disposed off in the treatment of former transplantation. The bank authorities have accorded their sanction for 10000/- and for the rest amount a Committee was constituted to consider the case. Six months have been passed but nothing has been heard up to this time.

My son is on death bed and now I am not in a position to expend any amount upon his treatment. In such a condition I request your honour that a financial help is utmost necessary to save his life. In the absence of financial help it will not be possible to save his life.

As it is well known fact that the renal failure is such a disease upon which the heavy amount is required for its treatment. Respected Jai Prakash ji is also suffering by the same disease.

At present for all disease bank provides limited medical facility to their employees and 80 per cent amount of the medical treatment is being reimbursed for some special disease like, T.B.; Cancer; Leprosy; Mental disease; but the renal failure which is the most expensive disease, is not been included in the list of serious disease.

In such circumstances I humbly request that the authorities of the Bank of Baroda may be persuaded to include the Renal Failure as a special disease so that financial help may be granted to save one's life."

**B. Comments of Ministry of Finance (Deptt. of Economic Affairs)**

4.3. The representation was referred to the Ministry of Finance (Department of Economic Affairs) (Banking Division) for furnishing their factual comments thereon, particularly with regard to the scope of financial assistance by Public Sector Banks to their sick employees for consideration by the Committee.

In their factual comments dated the 14th November, 1977, the Ministry of Finance (Department of Economic Affairs) (Banking Division) have stated as follows:--

"The Bank of Baroda has reported that Shri Ram Lal Mittal had approached the Bank for his first operation, for medical aid to the tune of Rs. 50,000/- to Rs. 60,000/- to meet the expenses for transplantation of kidney. Officers of the Bank are covered under the Bank's Health Insurance Scheme. For this operation, Shri Mittal was reimbursed by the Insurance Company to the extent permissible under the Insurance Scheme.

Besides Insurance Scheme, the Bank also considers reimbursement of expenditure incurred towards hospitalisation treatment for the following five diseases as *ex-gratia* medical aid:

- (i) Cancer (ii) Tuber-Culosis (iii) Cardiac Ailments (iv) Brain Tumour and (v) Major accidents.

The reimbursement is considered by the Bank to the extent of 75 per cent of the balance amount not reimbursed under the Health Insurance Scheme by the Insurance Company.

Shri Mittal's case was not covered under the *ex-gratia* medical aid scheme as Renal Failure is not one of the specified

diseases for which such aid is considered by the Bank. The matter was considered by the Board as a special case and the Board sanctioned ex-gratia medical aid of Rs. 10,000/-. The Bank has also transferred Shri Mittal to Vallore to facilitate his treatment at the Vallore Hospital. Shri Mittal's father has again approached the Bank for further medical aid for second transplantation of kidney. As the present medical aid rules of the Bank do not permit any ex-gratia medical aid for Renal Failure, the Bank could not consider the second request for further medical aid.

So far as Public Sector Banks are concerned, each Bank provides medical aid to its employees in accordance with its rules."

4.4. The Committee at their sitting held on the 7th February, 1978, considered the above matter. The Committee noted from the factual comments furnished by Ministry of Finance (Department of Economic Affairs) (Banking Division) that the officers of the Bank of Baroda were covered under the Bank's Health Insurance Scheme. Besides the Insurance Scheme, the Bank also considered re-imbursement of expenditure incurred during the hospitalisation treatment for the following five diseases as ex-gratia medical aid:—

- (i) Cancer
- (ii) Tuberculosis
- (iii) Cardiac Ailments
- (iv) Brain Tumour, and
- (v) Major accidents.

The reimbursement was considered by the Bank to the extent of 75 per cent of the balance amount not reimbursed under the Health Insurance Scheme by the Insurance Company.

Shri Mittal was not covered under the ex-gratia medical aid scheme as 'renal failure' was not one of the specified diseases for which such aid was considered by the Bank.

The Committee also noted that the Ministry of Finance had stated that so far as public sector banks were concerned, each bank provided medical aid to its employees in accordance with its rules.

The Committee felt that 'renal failure' and other serious kidney diseases should also be included in the list of diseases for which the banks (public sector as well as private sector banks) considered

re-imbursement of expenditure incurred towards hospitalisation treatment.

The Committee desired that the present state of health of Shri Ram Lal Mittal might be ascertained.

The Committee also directed that the Ministry of Finance might be asked to furnish copies of the medical rules of all the Nationalised Banks for the information of the Committee.

4.5. The Ministry of Finance (Department of Economic Affairs) (Banking Division) have *vide* their communication dated the 30th March, 1978, stated as follows:—

“Bank of Baroda who was asked to report on the present state of health of Shri Ram Lal Mittal, Agricultural Officer, Bank of Baroda has reported that after the kidney transplantation done on Shri R. L. Mittal, in June, 1976 its malfunctioning was detected in February, 1977. Shri Mittal has now been advised by the doctors for retransplantation of kidney, which depends upon availability of a healthy kidney. It appears that although advertisements to that effect were made, no donor has been found so far.”

4.6. The Ministry of Finance (Department of Economic Affairs) *vide* their communications dated the 13th and 27th June, 1978, furnished a copy each of medical aid rules of all the Public Sector Banks.

4.7. In their communication dated the 26th October, 1978, the Ministry of Finance (Department of Economic Affairs) have stated as follows:—

“On getting a representation from Shri Shivilal Patwari, father of Shri Ram Lal Mittal, this Department took up the matter with Bank of Baroda again. The bank has informed this Department that the request made by Mr. Ram Lal Mittal, Agricultural Officer for reimbursement of medical expenses for second transplant of his kidney, was referred to the Board of Directors of the Bank. The Board has decided to sanction to Mr. Mittal, as a special case:

- (1) Rs. 15,000/- (Rupees Fifteen thousand only) as *ex-gratia* medical aid; and

- (2) Rs. 15,000/- (Rupees Fifteen thousand only) as interest free loan, to be recovered in easy instalments starting two years after Mr. Mittal resumes duty:

provided Mr. Mittal undergoes the second transplant of his kidney."

*C. Observation of the Committee*

**4.8. The Committee note that as a result of intervention by the Committee, the Board of Directors of the Bank of Baroda has sanctioned to Shri Ram Lal Mittal, a sum of Rs. 15,000/- as ex-gratia medical aid and a further sum of Rs. 15,000/- as interest free loan, to be recovered in easy instalments starting two years after Mr. Mittal resumes duty.**

## REPRESENTATION REGARDING AMENDMENT OF CERTAIN PROVISIONS OF THE CUSTOMS ACT, 1962

5.1. Shri Baldev Singh Jasrotia, M.P., forwarded a representation signed by Shri C. P. Agrawal, Hon. Secretary, the Tobacco Merchants Association, Kaimganj (U.P.) regarding amendment of certain provisions of the Customs Act, 1962.

### *A. Petitioner's Grievances and Prayer*

5.2. In his representation, Shri C. P. Agrawal stated as follows:—

"In the Bill to Customs Act No. 52 of 1962, under objects and reasons, it was stated that the Sea Customs Act, being an old one, some of its provisions had become obsolete, difficulties had been experienced in its implementations that trade has been pressing hard for certain changes and facility, that smuggling had presenting new problems, and to meet such requirements, a consolidate Act in place of Sea Customs Act, Land Customs Act and Indian Aircraft Act, is to be enacted.

- (2) During the course of evidence before the Select Committee on the Customs Bill, 1962, the then Finance Minister Shri Morarji Desai stated that 'he has to give his reasons in writing before he seizes the goods'. This statement pertains to clause 110 of the Bill corresponding to section 181 of the Sea Customs Act, 1878, but despite the fact there being provision of giving reason in writing regarding seizure and arrest in the old Act, no such provision has been made in section 110 of the Customs Act, and in this way despite clear statement of the Finance Minister, it was not enacted in the Act.
- (3) No safeguard is provided in section 105 of the Customs Act and even no such corresponding provision like section 172 of the Sea Customs Act has been provided in the new Act.
- (4) While section 105 invests power in the Assistant Collector of Customs to issue search warrant to search premises adjoining the land and sea frontiers, but in actual practice

this is utilised for every place irrespective whether it is adjoining the land and sea frontiers or not. This provision invests blanket power in the Customs Officer without providing proper safeguard leaving wide scope of misuse of this power by the Customs Officer.

- (5) In this connection it is worthwhile to refer to Minutes of Dissent I & II of Shri Narendra Singh Mahida, Shri Ram Chandra Vithal Bade and Shri Hari Vishnu Kamath given in the Select Committee Report to Customs Bill, 1962.
- (6) Human nature being what it is, and power being often an inebriating thing, there should be a safeguard against possible abuse of authority.
- (7) In this connection it is rightly reiterated by learned Shri C. K. Dhaphtry that it is not necessary to recall or relate instances of such misuse of power by the Executive during the recent emergency as power is itself so easily capable of being put to wrong use, that it is always unsafe to leave it in the hands of the Executive.
- (8) No amount of labour will serve any purpose and prevent hardship, corruption, and mal-practice in case laws of the country are not revised to enable the people to stand by them and save them from all such consequences. In democracy law should progress in favour of the subject, but here contrary is the position. During dependence there was safeguard provision in the law (refer to section 172, 181 etc. of Sea Customs Act, 1878), but under the garb of law this has been taken away in democracy and the fate of the people is left at the mercy of the Executive and its Officers to do what they like with the result that there has been large scale of misuse of power and function under this provision of law.
- (9) Certain other provisions of law also require revision and the offences by the public as well as by the Customs Officer should be at par and not otherwise, and in the present case, position is quite contrary. All such provisions of law should be suitable revised and sooner the better this is done as it is very necessary in the public interest.
- (10) Necessary provision to this effect is to be made in the Act including section 105 of it, that there should be wholesome restraint to the effect that no such search shall be made without a magisterial warrant.



- (11) Area of the operation of the Customs Act should be confined to the border areas of land and sea, and it should be clearly laid down in the Act.
- (12) There should be some independent body, authority or tribunal to discharge 'judicial function' under the Act and it should not be left in the hands of the Executive and its Offices, and accordingly your petitioner prays for an early consideration of the above submissions."

*B. Comments of the Ministry of Finance (Department of Revenue)*

5.3. The representation was referred to the Ministry of Finance (Department of Revenue) for furnishing their factual comments thereon for consideration by the Committee on Petitions. In their factual comments, the Ministry of Finance (Deptt. of Revenue) have stated as follows:—

- "(a) In para 1, reference has been made to the statement of objects and reasons of the Customs Bill. It calls for no comments.
- (b) In para 2, reference has been made to the statement made by the then Finance Minister to the effect that reasons in writing will have to be given before the goods are seized and it requested that a provision corresponding to section 181 of the now repealed Sea Customs Act, 1878, be introduced in section 110 of the Customs Act, 1962.

The report of the Select Committee does not make any specific recommendation on this aspect. Presumably, it did not consider this measure necessary with reference to the text of the new provisions.

It may however, be mentioned that Section 181 of the Sea Customs Act, 1878 had stipulated that when anything is seized give him in writing the grounds of such seizure. This section did not provide for any other restriction in the matter of the nature of the type of the goods which could be seized. Also the grounds of seizure were required to be given only on demand.

The powers of seizure under section 110 of the Customs Act, 1962 are, however, more restrictive in as much as—

- (i) the proper officer making the seizure should have reason to believe that the goods are liable to confiscation; and
- (ii) only such goods which are liable to confiscation under the Customs Act, 1962 could be seized.

Thus it appears that there are inbuilt safeguards in the provisions of section 110 of the Customs Act, 1962.

- (c) In paragraphs 3 to 8, certain short-comings in the existing provisions of section 105 of the Customs Act, 1962 have been pointed out. The entrusting of power to issue search warrant to the Assistant Collector of Customs has been criticised. The minutes of dissent to the report of the Select Committee, recorded by S/Shri N. S. Mahida, C. V. Bade and H. V. Kamath have also been referred to in this context. The need for making the law stringent to ensure that the executive administering the law do not explicit the provisions of the law to harass the public has also been emphasised.

It may be mentioned that in actual practice, the Assistant Collector issuing the warrant of search is required to apply his mind to the facts and circumstances of the case. In the general run of cases, information is brought by the intelligence officer. Then it is checked by the supervisory officer for its credibility. In practice, the Assistant Collector is not involved in the individual case and has to exercise his mind independently.

The reasons for empowering the Assistant Collectors to issue the warrants of search were clearly explained during the discussions of the Select Committee. The need for speed and secrecy in action necessitated the entrusting of these power to senior officers of the Customs Department. Generally, the power to issue warrant for search is required to be exercised by a senior officer of the level of Assistant Collector or in certain situations by an officer slightly below in rank.

- (d) In paragraph 9, it has been suggested that all provisions of law should be revised to bring them at par so that the offences by the public as well as by Customs Officers are not treated differently. The existing provisions under section 136 of the Customs Act is adequate in this regard.

The bonafide action taken by the officers of the Customs are alone protected and they are, otherwise open to punishment as any other member of the public.

- (e) In paragraph 11, it has been suggested that the area of operation of Customs Act should be confined to the border areas of land and sea alone. This is not acceptable for

obvious reasons. The anti-smuggling measures are not confined to the border areas. Goods reaching the interior places after they are smuggled across the border have also to be dealt with under the Customs Law.

- (f) The Government has been considering from time to time proposals to set up Appellate tribunals to consider appeals and revisions under the Customs Act, 1962. Recently the Indirect Taxation Enquiry Committee (popularly known as Jha Committee) has in its report, *inter alia* recommended that a two tier appellate machinery with a Tribunal independent of Board for hearing appeals both on facts and law from the Court of appeal should be established. The Government is carefully examining this report and its recommendations.

In view of what is stated above, there does not seem to be any need to consider further amendment of sections 105 and 110 of the Customs Act, 1962."

#### *C. Observation of the Committee*

5.4. The Committee note the comments furnished by the Ministry of Finance (Department of Revenue) on the various points raised in the representation. The Committee feel that in view of the position stated by the Ministry, the matter does not call for any further intervention by the Committee.

## VI

### REPRESENTATION FROM SHRI H. M. PATIL, VIRAR, REGARD- ING CLAIM FOR COMPENSATION FOR INJURIES CAUSED DUE TO DERAILMENT OF 20 UP DEHRADUN EXPRESS AT VIRAR ON 26TH NOVEMBER, 1975

6.1. Shri H. M. Patil, Virar, submitted a representation dated the 21st July, 1977, regarding claim for compensation for injuries caused to him due to derailment of 20 UP Dehradun Express at Virar on 26th November, 1975.

#### *A. Petitioner's Grievances and Prayer*

6.2. In his representation, the petitioner stated as follows:—

“That on 26th November, 1975, I was to go to our Rose Garden from Virar West to Virar East at 4/40 hours early hours of morning. There is a level crossing gate at Virar Station and I reached this level crossing gate. The gate was closed to pedestrain traffic as 20 Up Dehradun Express was to pass. The train was given advance signal to run through Virar station.

The train appeared from Palghar side approaching and about to pass Virar when suddenly it met with an accident and derailed and coaches capsized. Due to accident, the parts of the coaches flew in air. As a result of this, one person waiting at the level crossing gate was killed and I was injured by sharp weapon like parts of the coach.

This accident to train occurred due to gross negligence on the part of the concerned staff or Administration. An open enquiry was ordered by Government of India and the Enquiry Officer who conducted the enquiry has described the scene of the accidents in several paras.

He has recorded during the process of enquiry that parts of the coaches flew. This is sufficient evidence as also the enquiry report as a whole should prove this mishap.

While I was awaiting at level crossing gate, for train to pass, and gate being closed to pedestrain traffic, I was injured by flying parts of the coach|train. I was taken to Sanji-

vani Hospital at Virar, where I was treated by local Doctors. Being a case of compound fracture, Dr. Mukadap, from Goregaon, Bombay, a specialist was consulted, who operated me on my right leg. This caused me injury, mental agony, loss of wages, loss due to expenses on treatment, loss of earnings of my wife who attended me for over five months i.e., from 26th November, 1975 to 30th April, 1976.

I submitted my claim for Rs. 49,051/73, as per details in prayer column to the Chief Commercial Supdt., Western Railway, Churchgate, Bombay and I was directed to approach the *Ex-officio* Claim Commissioner and Civil Judge, Thana. An inspector from Claims Office, also visited me in the Hospital and he verified my condition.

Because the Railway Administration forwarded my application to the Claims Commissioner, it was registered *vide* application No. 5/76 by Court. On being summoned I attended Thana Court but learned Judge had not awarded me compensation, as I was not a passenger of the train but standing at the gate, and ordered that the application be withdrawn from the Court. The claims application thus stands transferred back to the Chief Commercial Supdt., Western Railway, Bombay-20. Because the application has been ordered to be withdrawn by the learned Judge, it does not mean that I am not entitled to claim for compensation. I have submitted my application to Western Railway, and I should be paid compensation by Railway.

The contention of the Court (Being *Ex-officio* Claims Commissioner) may be correct, as the powers of Commissioner are limited to award to persons who are bonafide train passengers but the Railway Administration has to deal with the application for claim in general i.e., Indian Railway Act, and/or Law of Torts and any other act applicable to the claim.

The petitioner is therefore not awarded just and fair decision firstly by Western Railway Claims Office and secondly by Civil Judge and Claims Commissioner, Thana, and therefore look to your goodself for Just and fair award as per circumstances.

I have forwarded 20 bills in original to Western Railway under cover of my letter dated 10th February, 1976 which may kindly be called for from there for verification.

The petitioner therefore pray for award as under:—

- |                 |                                                              |
|-----------------|--------------------------------------------------------------|
| (1) Rs. 1001 73 | compensation towards medical charges as per bills submitted; |
| (2) Rs. 50      | towards crouches;                                            |
| (3) Rs. 1000 -  | food charges—nutritious food as per medical advice;          |
| (4) Rs. 1000 -  | compensation towards travelling expenses;                    |
| (5) Rs. 6000 -  | compensation towards loss of earnings of my wife and self;   |
| (6) Rs. 10000 - | Compensation for mental torture, pains agony and sufferings; |
| (7) Rs. 30000 - | Compensation for physical disability.                        |

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Rs. 49,051 73	TOTAL. "
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#### B. Comments of the Ministry of Railways (Railway Board)

6.3. The representation was referred to the Ministry of Railways (Railway Board) for furnishing their factual comments thereon for consideration by the Committee. In their factual note dated the 23rd February, 1978, the Ministry of Railways (Railway Board) stated as follows:—

“The case has been reviewed as desired by the Chairman of the Committee on Petitions. Though no compensation was due to Shri H. M. Patil, under the provisions of Indian Railway's 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 Railway has been asked to arrange the payment to the party immediately.”

#### C Evidence before the Committee

6.4. The Committee at their sitting held on the 9th March, 1978, considered the representation and the factual comments of the

Ministry of Railways (Railway Board) thereon, and decided to examine the representatives of the Ministry of Railways (Railway Board) on the matter.

6.5. The Committee at their sitting held on the 26th June, 1978 examined the representative of the Ministry of Railways (Railway Board) on the points arising out of the representation from Shri H. M. Patil of Virar regarding his claim for compensation for the injuries caused due to derailment of 20 UP Dehra Dun Express at Virar on 26th November, 1975.

6.6. Explaining the facts and circumstances of the accident case of Shri H. M. Patil of Virar and his claim for compensation therefor, the Joint Director, Ministry of Railways (Railway Board), in his evidence stated that on 26th November, 1975, Shri H. M. Patil who happened to be their staff member was standing near the Railway crossing, Virar. At that time, 20 UP Doon Express came and there was an accident near the level crossing. This accident was due to breakage of the journal and the seizure of the roller bearing. This resulted in the death of three persons and injury to 15 others. Shri Patil who was standing near the gate, was hit by some flying objects of the train below his knee which caused compound fracture. That Railway accident was inquired into by the Additional Commissioner of Railway Safety. In his opinion, no railway staff was responsible for that accident because the seizure of the roller bearing was rather uncommon. Since that was a minor accident, an *ex-officio* Claims Commissioner was entrusted with the responsibility of determining claims. Shri H. M. Patil also submitted his claim for Rs. 7485/-. Subsequently, he revised it to Rs. 49,051.73. But under the Indian Railways Act, only the passengers could be given compensation for rail accidents. When the *ex-officio* Claims Commissioner was going to dismiss his claim, Shri Patil withdrew the claim. Then, he sent the application to the Chief Commercial Superintendent, Western Railway. They tried to find out whether he could be covered under the Workmen's Compensation Act. But his case was not covered under that Act either. Then they consulted their Legal Adviser if he could be given some compensation under the Law of Torts. But that law is applicable only when the negligence of the Railways is established. In this case, the opinion of their Legal Adviser was that since the accident was not due to the negligence of the Railways, no compensation could be paid to Shri Patil under the Law of Torts. Shri Patil had not gone to the court for the same reason. When the case was received by the Petitions Committee, the Ministry of Railways had first informed the Committee that no compensation could be

given. But after the new Government had come, they again examined the case and the case was put up to the Minister of Railways. The Minister had sanctioned Rs. 3,000/- to be given to him on humanitarian grounds. This amount had already been given to him.

6.7. When asked to state the legal provisions regarding payment of compensation to persons who got injured in Railway accidents, the Joint Director of the Railway Board stated that insofar as the compensation under the Accidents Compensation Act was concerned, they were governed by Section 82A of the Indian Railways Act, 1890 which applied to passengers. As far as their staff was concerned, slabs they were covered under the Workmen's Compensation Act under which there were elaborate rules according to the pay slabs etc.

In reply to a query, the representative of the Railway Board informed the Committee that that was solitary case so far as their staff getting injured at a railway level crossing accident was concerned. They had paid compensation to persons who had been murdered in train while encountering dacoits. Though those cases were not governed under the rules yet in those cases also, they had paid maximum of Rs. 10,000 as *ex-gratia* payment.

6.8. When asked to state the factors which had been taken into consideration for sanction of *ex-gratia* compensation to Shri Patil, the representative of the Railway Board stated that out of Rs. 3,000/-, Rs. 1,000/- was for his doctor's bills, Rs. 1,000/- for nutritious food and Rs. 1,000/- towards travelling expenses etc. In reply to a question, the witness stated that that amount was the maximum that the Railway could give.

6.9. The Committee asked the representative of the Railway Board to state the practice or procedure followed for compensating those victims of Railway accidents whose cases were not strictly covered under the provisions of the Indian Railways Act or any other law of the land. The Joint Director, Railway Board, stated that in such cases, they paid compensation only on compassionate grounds.

In this connection, the Joint Director of the Railway Board further stated that they had got the matter examined *vis-a-vis* compensation paid under the Motor Vehicle Act. In case of death of a person by accident, a compensation of about Rs. 8,000/- was paid under that Act.

6.10. On being asked to state whether any rules or guidelines had been laid down for payment of compensation to victims of Railway accidents whose cases were not covered under any law of the land



or whether there was any proposal under consideration of the Government to make such statutory provisions, the representative of the Railway Board stated that no definite rules had been framed. They paid compensation in such cases only on compassionate grounds.

The representative of the Railway Board further stated that the Indian Railways Act, 1890 was under revision in consultation with the Ministry of Law. They had already increased the amount of compensation from Rs. 20,000/- to Rs. 50,000/- in case of death of a passenger. They constantly reviewed the provisions of the Railways Act and whenever they noticed any deficiencies, those were rectified.

6.11. The representative of the Railway Board promised the Committee to furnish the following information:—

- (i) Leave availed of by the wife of Shri H. M. Patil in connection with the treatment of Shri Patil; and
- (ii) Leave availed of by Shri H. M. Patil in connection with his treatment for the injuries caused due to derailment of 20 UP Dehradun Express on 26th November, 1975 at Virar.

6.12 The Ministry of Railways (Railway Board) vide their communication dated the 1st July, 1978, have furnished details of leave availed of by Shri H. M. Patil and Shrimati H. M. Patil in connection with the treatment of Shri Patil as follows:—

“The position regarding leave availed of by Shri H. M. Patil and his wife in connection with the treatment of Shri Patil who sustained injuries due to derailment of 20 UP Dehra Dun Express on 26th November, 1975 is as under:—

Shri H. M. Patil :	Period of hospitalization, etc.
In Hospital	From 26-11-75 to 8-12-75 = 13 days
In Plaster	From 26-11-75 to 24-2-76 = 91 days.
Nature of leave availed of	Period
12 days L.A.P.	From 26-11-75 to 7-12-75
145 days L.H.P. (leave with half average pay)	From 8-12-75 to 30-4-76.
Mrs. H. M. Patil :	

- (ii) Maternity leave after delivery . 56 days  
from 10-10-75 to 4-12-75.
- (iii) L.A.P. (leave with full average pay) 27 days from 5-12-75 to 31-12-75.
- (iv) Commuted leave (leave with half average pay) 31 days  
from 1-1-76 to 31-1-76.
- (v) L.A.P. (leave with full average pay) 28 days  
from 1-2-76 to 28-2-76.

#### *D. Observation/Recommendation of the Committee*

**6.13.** 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, 1960, 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.

**6.14.** 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.

## VII

### REPRESENTATION FROM SHRI M. N. CHATTERJEE OF HAZARIBAGH REGARDING RETURN OF MOVABLE AND IMMOVABLE PROPERTIES TAKEN OVER BY THE COAL MINES AUTHORITY. (now Coal India Ltd.)

#### A. *Petitioner's Grievances and prayer*

7.1. Shri M. N. Chatterjee, Pugmill Road, Hazaribagh, addressed representations regarding return of movable and immovable properties taken over by the Coal Mines Authority.

7.2. In his representation dated the 6th May, 1976, Shri Chatterjee stated as follows:—

“That on 31st January, 1973 my collieries were taken over. The same day Custodian Shri R. D. Roy took over my Factory and Personnel Office and residential house with personal bed and bed-room etc. at Kuju situated on the National Highway 7 miles away from the Collieries on the false information given by my dismissed Manager, Shri B. Ojha. I immediately raised an objection to this action of the Custodian in my letter to him being No. Custodian/73-3, dated 31st January, 1973 to which no action was taken by him.

That on 5th February, 1973, he had told me that on 31st January 1973 he had to take over all movable and immovable properties which on local information seemed to him to be properties belonging to Collieries as he had to complete the Take-Over and there was no time available to verify any claim of title etc. He had, however, assured me on both the dates mentioned above that those properties will be handed back to me which to his satisfaction be proved by documents to be not belonging to my Collieries. Besides, he would pay reasonable rent for the duration of his occupation of these houses.

That surprisingly on 6th February, 1973 the Custodian got the Sign Board of 'Kuju Foundry and Engineering Work's removed by Shri B. Ojha which was set up at the instance of Bihar State Financial Corporation, Patna and was

standing at the entrance gate of my office, residence and the factory since April, 1971. The Plot No. 1699 together with the office and other buildings standing therein were pledged by a Registered Deed of Mortgage by me with Bihar State—Financial Corporation, Patna in May, 1971 against loan of Rs. 3,25,000/- for Kuju Foundry and Engineering Works, as owner. The houses were constructed by me between 1960—63 out of own income.

The Custodian promptly appointed both the discharged Managers Shri B. Ojha and M.M.L. Sethi and in collusion with them not only removed the Sign—Board on 6th February, 1973 but got various stores and machineries removed from the said premises belonging to other firms and companies to different collieries.

That the Custodian took possession of two Jeeps bearing No. BRB 5953 and BRV 5838 and one Ambassador Car No. BRM 1425 standing within the said mortgaged premises on 31st January, 1973.

That when all means of settlement by requests and approaches failed I filed one writ application on 28th April, 1973 which is still pending. It is not possible for a small—Colliery Owner like me bereft of all income at this old age of 58 years having been dislodged from my residence and with no place to stay or office to carry out any business to obtain my properties through Court Cases.

That I cannot afford to spend any more time and money and struggle that are required for carrying out this litigation and I am very much eager to settle the matter outside the Court. I would request you therefore to kindly get my case examined and enquired into by a Senior Officer and give me the relief by restoring possession of (a) my house properties at Kuju, situated at Plot No. 1699 and 982, (b) my vehicles, (c) stores and machineries mentioned above, (d) order for payment of rent of the period of occupation of my houses and (e) hire charges for the use of my vehicles."

#### *B. Comments of Ministry of Energy (Deptt. of Coal)*

7.3. The representation was referred to the Ministry of Energy (Department of Coal) for furnishing their factual comments there-

on for consideration by the Committee. In their communications dated the 26th November, 1977 and 1st February, 1979, the Ministry of Energy (Department of Coal) have stated as follows:—

“The points raised by Shri M. N. Chatterjee had been examined earlier and it was found that the assets in question had been taken over under the Coal Mines (Nationalisation) Act, 1973. At present the matters are *sub-judice* due to various suits|petitions filed by the petitioner which are pending final disposal in the court. This Department is, therefore, unable to offer any further comments on Shri Chatterjee's representation.”

The position in respect of various suits|petitions filed by Shri M. N. Chatterjee in the Court, as desired is indicated below:—

- |                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|---------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>(1) T. S. No. 68 of 75<br/>M.N. Chatterjee-Vrs.<br/>CMAL &amp; Ors. in the<br/>Court of Sub-judge,<br/>Hazaribagh.</p> | <p>In this suit, the Plaintiff Sh. M. N. Chatterjee has claimed that 850 acres of village Topa, which forms the part of Topa colliery and is in the possession of CCL, has not been nationalised and prayed for declaration that his title as a Mining lessee with respect to the said area subsists. He also prayed for permanently restraining the defendants, CMAL &amp; Others, from going upon the suit property and interfering with the plaintiff's possession thereon. The Plaintiff had also filed a Petition for temporary injunction on 30-9-75 on the ground that he has got right, title &amp; interest and possession over the aforesaid 850 acres of the suit property and has got a <i>prima facie</i> case and obtained <i>ex-parte ad-interim</i> injunction against the defendant.</p> |
|---------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

It was, however, claimed on behalf of CMAL and Ors. defendants that entire area of Topa Colliery including 850 acres has been nationalised *vide* item Nos. 313 (Mangardaha) and 327 (Topa) of the Schedule of the Coal Mines (Nationalisation) Act, 1973.

After hearing the parties, in the matter of injunction, the Court (Sub-Judge, Hazaribagh) held that 500 bighas against Topa Colliery and 65.50 acres, out of 850 acres against Mangardaha Colliery as shown *vide* items 327 and 313 of this schedule of the Coal Mines (Nationalisation) Act, 1973 respectively treated as nationalised. It was further held that so far as the remaining areas of 784.50 acres (850 acres minus 65.50) are concerned, the defendants would work

only those acres covered by the inclines and quarries and a separate accounts for the same should be maintained and the defendants were restrained from interfering with the working of the plaintiff over the rest of the area of 784.50 acres of the suit property which were networked by the defendants and the plaintiff was also directed to maintain separate accounts for the same. Title Suit No. 68 of 75 is still continuing in the Court of Sub-Judge, Hazaribagh. In the said suit on 17th March, 1978 Shri M. N. Chatterjee filed a petition against sale of 18000 tonnes of coal by CCL on the alleged ground that the same extracted by him and lying in the area of 784.50 acres of the suit property. Reply on behalf of SMAL and Ors. was filed on 28th April, 1978.

It may not be possible for us to state the approximate time this case will take for disposal. However, it is expected that this suit may be disposed off within about three months.

- (2) Misc. Appeal No. 284 of 1975 CMAL & Ors. Vrs. M.N. Chatterjee in the High Court, Patna. Against the order of Sub-judge, Hazaribagh, in injunction matter of T.S. No. 68 of 1975, as aforesaid Misc. Appeal No. 284 of 75 was filed by the Coal Mines Authority Ltd. & Ors. in the High Court, Patna and on preliminary hearing, the High Court restrained

both the parties from the working of 784.50 acres of the suit property.

The said Misc. Appeal came up for final hearing on the 27th August, 1976, before the Division Bench of High Court, Patna, Ranchi Bench and after hearing the parties, injunction granted against Coal Mines Authority Limited and Ors. was vacated specially in view of the enactment of the Coal Mines (Nationalisation) Amendment Act, 1976. Consequently, the Central Coalfields Ltd. resumed the mining operation in the said area of 784.50 acres also.

- (3) Civil Rule No. 12574 of 76 M.N. Chatterjee, Vrs. Union of India & Ors. in the High Court, Calcutta. This writ application has been filed by Sh. M. N. Chatterjee after the Judgement of the Patna High Court, Ranchi Bench in Misc. Appeal No. 284 of 75 referred to in Sl. No. (2) above. The writ application has been filed under Article 226 of the Constitution against the Union of India, CIL CCL and others, challenging, amongst others, the validity of the Coal Mines (Nationalisation) Amendment Act, 1976, Counter affidavits on behalf of the Respon-

dents are still to be filed. This petition may be disposed of within six months.

(4) Matter No. 328 of 73 (M.N. Chatterjee & Ors). Vrs. Union of India & Ors. in the High Court of Calcutta. This writ application Shri M. N. Chatterjee with 3 Ors. challenged the Vires of Coal Mines (taking over of Management) Ordinance 73 and thereafter the Act and claimed back properties, land, building, Vehicles etc. taken over.\*

(5) Writ Petition No. 403 of 77 M.N. Chatterjee Vrs. U.O.I. & others in the Supreme Court of India. In this writ petition Shri M. N. Chatterjee had challenged the Coal Mines (Nationalisation) Amendment Act, 1976. This writ Petition alongwith some others was finally heard by the Supreme Court during the months of March, April, 1978. The Supreme Court, by its order dated 5-5-78 has dismissed, this writ petition with cost and stay order vacated. The full Judgement is, however still to be pronounced by the Supreme Court.

#### *C. Observation of the Committee*

7.4. The Committee note from the factual comments furnished by the Ministry of Energy (Department of Coal) that Shri M. N. Chatterjee had filed five writ petitions/suits in the various Courts. The Committee also note that two cases filed by Shri M. N. Chatterjee are still pending in the Courts. The Committee observe that since the points raised by Shri M. N. Chatterjee in his representation to the Committee are also the subject matter of the writ petitions/suits filed by him in the Courts which have either been decided by the Courts or are pending before them, it is not a matter in which the Committee may intervene. The Committee, however, desire that the outcome of the cases still pending in the Courts may be intimated to the Committee by the Government in due course.

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\*The writ application was dismissed by the Hon. High Court, Calcutta on 14th February, 1978.

## VIII

### REPRESENTATION FROM SHRI R. D. MUKHERJEE, RETD. TELEGRAPH INSPECTOR, N.E. RAILWAY, VARANASI REGARD- ING PAYMENT OF CERTAIN DUES ETC.

#### A. Petitioner's Grievances

8.1. Shri R. D. Mukherjee, Retired Telegraph Inspector, N.E. Railway, Varanasi, addressed a representation (See Appendix IV) regarding payment of certain dues etc.

#### B. Comments of the Ministry of Railways (Railway Board)

8.2. The representation was referred to the Ministry of Railways (Railway Board) for their factual comments for consideration by the Committee. In their factual notes, dated the 20th November, 1976 and 17th October, 1977, the Ministry of Railways (Railway Board) have furnished their parawise factual comments as follows:

Points raised	Reply of the Ministry
•	
•	2
(i) LAP for 3 months applied on 8-9-60 w.e.f. 24-9-60 was not sanctioned in time and therefore he could not avail of the leave to his credit at the time of retirement in 1961. He may be granted refused leave to the extent of LAP at his credit at the time of his retirement and allowed pay for the the same.	(i) Shri Mukherjee applied on 8-9-60 for grant of 3 months LAP w.e.f. 24-9-60 for domestic reasons. The leave applied for was sanctioned w.e.f. 22-12-60. In the meanwhile, Shri Mukherjee applied for 10 days leave w.e.f. 12-12-60 to 21-12-60. 4 days leave was sanctioned and this availed of by him from 12-12-60 to 15-12-60.

Under the rules, a railway servant has to specifically apply for leave preparatory to retirement at least 2 months in advance of the date on which he desires to proceed on LPR. Only if this leave is refused by the sanctioning authority can an employee claim the benefit of refused LPR leave. The leave preparatory to retirement is refused only in exceptional cases and normally the leave applied for is sanctioned as a rule. His application dated 8-9-60 for grant of LAP under ordinary circumstances for domestic reasons could not, under the rules, be construed as an application for the grant of LPR, more so because he had applied for 3 months LAP from 24-9-60 whereas he was not due to retire until 23-1-61, i.e., one month after



the expiry of the leave. It is, therefore, evident that Shri R. D. Mukherjee had no intention to proceed on LPR ; nor had he applied for the same. His subsequent request, therefore, for the grant of privilege as available to those whose LPR is refused, is not tenable.

- (ii) *Promotion in higher grade.*—He may be deemed to have been promoted as Telegraph Inspector scale Rs. 370—475 (AS) from the date of his joining at Gorakhpur. Shri Mukherjee was transferred to Gorakhpur 9 months earlier to his retirement. Shri Mukherjee was selected and confirmed as a Telegraph Inspector, Gr. I in scale 250—380 (AS) in which he was working at the time of his retirement. The post of Telegraph Inspector either in scale Rs. 335—425 or in scale Rs. 370—475 did not exist on the N.E. Railway. Hence the question of Shri Mukherjee's selection or promotion to higher grades does not arise.
- (iii) There were discrepancies in his P.F. Account and Shri Mukherjee has presumed that full P. F. dues have not been paid to him. N.E. Railway have examined the case of Shri Mukherjee regarding payments on account of P.F. dues made to him. It transpired that his P.F. account was maintained under two different numbers. Arrangement for payment under one number amounting to Rs. 2417.58 was made in March, 61. At the time of payment under this account, the other account could not be traced. This was however, traced subsequently and a further amount of Rs. 2981.06 paise was passed for payment in November '61. Since the employee was a pension optee, the payment was made represented his own contribution to provident fund only.
- (iv) T.A. has not been paid to him for N.E. Railway for Rs. 135 for November '57 had been drawn through bill of 30-12-57 and sent to F.A. & C.A.O. for check and payment. Shri Mukherjee was asked by N. E. Rly. on 8-11-65 to confirm if he had received the payment but no reply could be received from him.
- (a) November '57 According to N.E. Railway, this had been drawn through bill of 17-2-61 and sent to F. A. & C.A.O., N.E. Railway for payment.
- (b) January '61
- (c) There is discrepancy in the payment of TA for Sept. '60. The Railway has stated that the records are not traceable.

(d) July '59

(e) 3 days pay, TA, DA and second class railway fares ex-Gorakhpur to Varanasi and back have not been paid to him. This, according to Shri Mukherjee, accrued to him as his services were utilised by the Administration after superannuation. Special contribution of Rs. 25/- deducted at the rate of Re. 1/- per month from his salary on account of "Bomber" fund during the Second World War is due to him.

(f) Shri Mukherjee was entitled to rent free quarter. On his transfer to Gorakhpur 9 months earlier to his retirement, no quarter was allotted and the house rent has also not been paid.

In their reply dated the 17th October, 1977, the Ministry stated as follows :—

"Further to this office reply to you vide d.o. of even number dated 20-11-1976, the matter has been examined. It is, however, regretted that due to non-availability of original records at this distant date, it has not been possible to verify the claims of Shri R. D. Mukherjee regarding non-payment of the T.A. Bills etc. which pertain to the period between 1957 to 1961. It may be stated that paid vouchers are kept only for 15 years and destroyed thereafter."

### C. Evidence before the Committee

8.3 The Committee at their sitting held on the 16th November, 1978, examined the representative of the Ministry of Railways (Railway Board) on the matter.

8.4 Explaining the background of the case, the Advisor, (Industrial Relations) of the Railway Board stated that Mr. Mukherjee entered service in 1925 in former Bengal North-Western Railway as a Signaller and in course of time he was promoted as Signaller-Incharge. In 1951, he became Telegraph Inspector in the then prevailing scale of Rs. 150-225. He was further promoted to the next higher grade of Telegraph Inspector in the scale of Rs. 200-300, which was replaced in 1959 by the scale of Rs. 250-380. The administration had undergone certain changes in the meantime. The Bengal North-Western Railway and the Rohilkhand Kumaon Railway were merged into one Railway called the O.T. Railway. Then in 1952, the O.T. Railway and the then Bengal Assam Railway were merged into the then North-Eastern Railway. He finally retired in the scale of Rs. 250-380 from Gorakhpur North-Eastern Railway in January, 1961. He made the first claim in 1961 to the local Railway administration regarding the payment for the leave which he applied for in 1960. On 8th September, 1960, he applied for 'three months' leave which was from 24th September on urgent domestic reasons. He was due to retire in 1961. But by the time leave was considered and sanctioned, it was December, 1960. Although the leave was sanctioned belatedly even that leave could not materialise.

Therefore, he wanted payment for the leave which was denied to him.

8.5 The representative of the Railway Board further stated that the people who came over from companies, due to merger, were permitted to opt for the company rules or the Indian Railway rules and Shri Mukherjee was governed by the Bengal North-Western Company Rules. According to the BNW Company Rules, they were entitled to leave at the rate of one month per 11 months' completed duty, that is, 1 1/11 of duty subject to accumulation of three months' leave. And there was another clause in the leave rules of Bengal North-Western Railway that it must be distinctly understood that no leave could be claimed by any employee as a matter of right, and that such leave would only be granted if in the opinion of the Railways, it could be given without detriment to the service. In the case of the employee with the company's service, no claim for compensation could be recognised in consequence of the employee not having taken the leave which he might have been granted under the rules. So he was not entitled to any compensation for the leave which he was, in fact, not able to enjoy while in the position.

8.6 The Advisor (Industrial Relations) of the Railway Board further stated that in case of Government Railways leave Rules, there was a provision for compensation for non-grant or refusal of leave. But there was no provision for grant of monetary compensation in the event of LPR being refused or being constructively refused by the reliever not being there in case BNW Company rules which provided as follows:—

“In the case of an employee leaving the Company's service, no claim for compensation can be recognised in consequence of the employee not having taken the leave which he might have been granted under these rules.”

8.7 The representative of the Railway Board further stated that in 1965, Shri R. D. Mukherjee made a number of representations that he should have been paid as Telegraph Inspector in the scale of 370-475 from the date of joining at Gorakhpur on 21-4-1960. But his successor as well as predecessor were all in this scale of Rs. 250-3-280. In 1964, the post was upgraded to the next higher scale, but that did not justify his claim. There was no justification in this claim. Then he mentioned certain discrepancies in PF Accounts. They had checked up and found that all his money had been paid to him. He drew pension and certain adjustments had to be made. In 1957, he opted for pension. From 1961 onwards, he had been getting pension.

8.8 In regard to payment of TA, the witness stated that that representation came in 1965. The November 1957 TA bill amounting to Rs. 135/- was drawn on 31st December, 1957 and he was asked to confirm that he had received the payment. TA for January, 1961 was also drawn on 17-2-1961 and he was also asked to confirm that the payment had been received by him. He from 1965 to 1973 neither confirmed nor gave any reply. In 1973, he revived that representation. And no wagon he had represented. They had no means of verification as the relevant record was maintained for not more than one year.

In reply to a question, the representative of the Railway Board further stated that it was not possible to reconstruct the record as Shri Mukherjee had expired.

8.9 The Advisor (Industrial Relations) of the Railway Board assured the Committee that he would re-examine all the claims of Shri Mukherjee and to make payment to Shri Mukherjee to the extent possible.

8.10 The Ministry of Railways (Railway Board) in their communication dated the 16th December, 1978, have stated as follows:—

“Having regard to the observations made by the Committee on Petitions, during the course of oral evidence of the representatives of the Ministry of Railways before them on 16-11-1978, it has been decided by the Railway Ministry that an *ex-gratia* payment of Rs. 800/- to satisfy the various claims made by Shri R. D. Mukherjee may be made to him. Accordingly, necessary sanction has already been issued to the Railway Administration to make the payment.”

#### *D. Observation of the Committee*

8.11. The Committee note that as a result of their intervention, the Ministry of Railways (Railway Board) have re-examined the claims of Shri Mukherjee and an *ex-gratia* payment of Rs. 800/- to satisfy the various claims made by Shri Mukherjee, has been made to him.

## IX

### **ACTION TAKEN BY GOVERNMENT ON THE RECOMMENDATIONS OF THE COMMITTEE ON PETITIONS CONTAINED IN THEIR TWENTY-SEVENTH REPORT (FIFTH LOK SABHA) ON THE REPRESENTATION REGARDING TAKING OVER BY GOVERNMENT OF SHRI RAM INSTITUTE FOR INDUSTRIAL RESEARCH, DELHI.**

9.1 In their Twenty-seventh Report (Fifth Lok Sabha) the Committee considered a representation regarding taking over by Government of Shri Ram Institute for Industrial Research Delhi and made certain recommendations.

9.2 The Department of Science and Technology were requested to implement the recommendations of the Committee. The recommendations of the Committee and the action taken replies dated the 7th February, 1977 thereon furnished by the Government are given below seriatim:—

#### *Recommendation made by the Committee in 27th Report*

"1.44. The Committee while noting the reasons given by the Department of Science and Technology for withdrawal of Government nominees from the Board of Governors of the Shri Ram Institute for Industrial Research because of their inability to function effectively and keep an eye as to what was actually happening inside the institute are unable to appreciate that the association of the Government nominees with the Governing Body of the Institute was 'more of a symbolic and prestigious nature rather than to control the activities and convert it into a public service organisation' and that the Government nominees were there more or less in an individual capacity and Government decided to withdraw them as their names

#### *Action taken by Government*

Shri Ram Institute for Industrial Research, Delhi was approved by the Council of Scientific and Industrial Research, as the then prescribed Authority for purpose of Section 35 (i) (ii) of the Income Tax Act, 1961. This approval enables the donations made or funds paid to the Shri Ram Institute for conduct of Scientific Research to be treated as expenditure in calculating the income tax liabilities of the concerned donors or assesseees. The approval does not, however, empower the Government to issue any directives to the Institute for conduct of its business in any particular manner, as long as the donations made or funds received are utilised for conducting results, or for the provision of facilities for scientific research. With regards to the grant

*Recommendation made by the  
Committee in 27th Report*

had been published as representatives of the Government or because the association of Government nominees with the Institute created a wrong impression in the minds of the employees that the Institute enjoyed Government patronage and support and also control.

The Committee feel that an impression should not be created that the Shri Ram Institute for Industrial Research or for that matter any other Research Institution is a private institution and the Government do not have any say in its efficient working. The Institute has in fact received several concessions from Government like income-tax exemptions, import licences, allotment of land, etc.

1.45. While the Committee would not like to comment upon the rationale underlying the decision of Government to withdraw all their nominees from the Board of Governors of the Shri Ram Institute for Industrial Research and other similar organisations in which Government had no financial participation, the Committee feel that Government should have devised an arrangement under which they could effectively watch the functioning of Shri Ram Institute which is said to be a premier research institute in the macro-molecular field. In the opinion of the Committee Government should function as a coordinator of research activities in order to avoid duplication and to lay down priorities in the larger national interest of import licences for equipment

*Action taken by Government*

and raw materials etc. for research purposes. Government policy in this behalf (which is announced by the Ministry of Commerce during April every year) has so far been not to make any distinction or discrimination between privately funded and public funded scientific research institutes.

As in the case of public and private sector industries, however, Government are, no doubt, interested in the efficient functioning of all scientific research institutions in the country irrespective of whether they are in the private or the public sector. The private investment in scientific research in India has so far been relatively meagre. It is to encourage more investments by the private sector in this direction that incentives are being offered by the Government.

As pointed out in our comments on para 1.44 above, scientific research institutions of the type of Shri Ram Institute for Industrial Research are largely set up by private philanthropists or industries by making use of the incentives provided for the purpose under the Income-tax Act, 1961. The provisions of the Industries (Development and Regulations) Act, 1951, cannot be amended to cover the activities of such institutions.

With regard to the view of the Committee that Government should function as a coordinator of research activities in order to avoid duplication and to lay down priorities in the larger national interest, it may be stated that the National Committee on Science and Technology has been

*Recommendation made by the  
Committee in 27th Report*

The Committee consider it desirable that for the orderly development of the industries, a clear policy should be laid down in regard to the Government role in the functioning of research institutions of this nature. If need be, the Industries (Development and Regulation) Act, 1951, may be suitably amended.

*Action taken by Government*

constituted by the Government primarily to prepare and continuously update Science and Technology Plan at the national level and to secure inter-sectoral co-ordination etc. While duplication in Government funding of research programme can be avoided and priorities of research laid down for general guidance in certain areas, it may not altogether be possible to avoid duplication of research programmes or impose rigid priorities from above, specially where direct Government funding is not involved. This is so because all research programmes are essentially risk bearing and some may fail while other succeed. As for the priorities for commercially viable research programmes, these are largely determined on the basis of user preferences and market considerations etc.

As regards the suggestion of the committee that Government should have devised an arrangement under which they can effectively watch the functioning of the Shri Ram Institute, it may be stated that annual research activities of this and other similar institutions are being now reviewed in the Department of Science and Technology with the help of a group constituted for the purpose and suitable suggestions to such institutions would be made within the ambit of the law, wherever necessary.

146. The Committee are not happy at the conditions and circumstances leading to the 98 days' strike from 3rd September to 10th December, 1973, by the employees of the Shri Ram Institute for Industrial Research. The Committee feel that had there been proper service conditions

1.46. to 1.49. The Labour Court to which the dispute between Shri Giraj Mal (employee) Vs. Shri Ram Institute for Industrial Research was referred, has held that the said Institute is an 'Industry' and its workers are 'Workmen' as defined in sub-section (i) and (s) of Section

*Recommendation made by the  
Committee in 27th Report*

a congenial atmosphere of understanding between the management and employees of the Institute, and ample opportunities for career prospects for employees the causes which led to the strike could have been eliminated.

1.47. The Committee feel that the service conditions in the Institute should be on the pattern of Council of Scientific and Industrial Research particularly in the matter of security of service and procedure for taking disciplinary action against the employees. They hope that the schemes for gratuity and contributory provident fund would be introduced expeditiously by the Management of the Shri Ram Institute for Industrial Research as assured by them in their Memorandum.

1.48. The Committee note that the Shri Ram Institute for Industrial Research have not printed and published their existing 'Recruitment Rules and Rules relating to Service Conditions'. The Committee consider it appropriate that the Recruitment Rules and Service Conditions of the Institute should be printed and published and copies thereof may be made available to the employees of the Institute for their guidance. While issuing appointment letters to both technical and non-technical persons, the terms and conditions of service should be fully described.

1.49. The Committee has been informed by the petitioners that the services of a number of employees of the Institute have either been terminated or they have been made to resign before and after the September 1973

*Action taken by Government*

2 of the Industrial Disputes Act. However, the management of the Institute has gone in writ to challenge the above decision *prima facie*, it appears that the Institute is covered under the Delhi Shops and Establishment Act. This Act does not provide for appeal against termination of services.

However, under section 30 of the Act, the employees can approach the Authority appointed under this Act for notice pay in case the prescribed notice is not given before termination of services. The provision of Gratuity Act will become applicable if it is held that it is covered under Delhi Shops and Establishment Act. There has been no judicial pronouncement on this point. However, the matter will be further exercised after the judgement of the writ petition has been decided.

The employees had Registered an association under the Trade Union Act having registration No. 1441 in the name and style of 'Shri Ram Institute Workers Association', 19, University Road, Delhi. The registration was, however, cancelled in March, 1976, for non-filing of returns. The Union can still raise industrial disputes under the law.



<b>Recommendation made by the Committee in 27th Report</b>	<b>Action taken by Government</b>
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strike. The Committee suggest that their cases may be reviewed by the Management.

1.50. The Committee suggest that the composition of the Board of the Governors of the Institute may be made more broad-based and it should truly reflect that it is being run by eminent Scientists in overall national interest.

1.50. For the reasons explained earlier, Government may not be in a position to issue any directives to the Institute for making its Board of Governors more broad-based or for including any particular member thereon. However, the Institute Authorities can perhaps be suitably advised in a matter in an informal fashion, if and when it is considered necessary in the larger national interest."

9.3. The Committee at their sitting held on the 16th January, 1978, examined the representatives of the Department of Science and Technology on the points arising out of the action taken replies furnished by Government on the matter.

9.4. The Committee asked the witnesses to state their views in regard to the functions and working of privately funded scientific research institutes like Shri Ram Institute for Industrial Research and how far they were fulfilling their objectives. In his evidence, the Secretary, Department of Science and Technology stated that there were more than sixty foundations or research institutes and apart from those, there were at least 400 industrial units having their own research departments. Annual investment on research by them was about Rs. 30 to 40 crores. The Government policy was to encourage the research and development activities through scientific research foundation and other in house research and development units doing applied research. The Central Government, under the Finance Act, permitted exemption of income-tax on money spent on the research and development and there was no upper limit for the purpose of spending money on research and development by the industries. In the opinion of the Government, Shri Ram Institute for Industrial Research was, by and large, fulfilling its objectives.

9.5. In reply to a question, the Secretary of the Department of Science and Technology informed the Committee that the industries had to maintain separate accounts for the purposes of income-tax for the money they spent on research and development. In this

connection, Government had given clear guidelines to the Central Board of Direct Taxes as to what was Research and Development. Testing, quality control, productivity management etc. were not covered under Research and Development. The witness added that an industry or foundation had a right of appeal to represent to the Department of Science and Technology against disallowing by the Income-tax Department exemption of income-tax on expenditure incurred on Research and Development.

9.6 The Committee wanted to know what control the Government exercised over the functioning of these institutes when they were giving to the research institutes exemption of income-tax on expenditure on Research and Development and other incentives like grant of import licences for equipment and raw materials, etc. The Secretary, Department of Science and Technology stated that there were over 60 foundations in the country which were recognised by Government. These foundations submitted their annual reports to the Department of Science and Technology. The publications on research were reviewed by a Committee to see what research was being done by the Institutes. If they did not do it, the Department recommended to the Ministry of Finance to cancel their approval. The witness added that these institutions were autonomous institutions. They could do certain types of research which they would not like to divulge even to Government. They also undertake research sponsored by people who paid for it. The Shri Ram Institute which not only did the research for themselves but they also did sponsored research for various industries. They did not divulge sponsored research results to anybody. They kept it to themselves. In reply to a question, the representative of the Department of Science and Technology informed the Committee that CSIR laboratories also did sponsored research for industries both in private and in public sectors. The results of research sponsored by their organisations were not divulged by CSIR and were given only to the sponsors.

9.7. The representative of Department of Science and Technology further stated that they did not give recognition to these Institutions for all time. They gave recognition for a period of three years at the maximum. In case of doubt they gave recognition for a period of one year only. Further they asked for returns and the number of scientists along with their qualifications. They also called for information as to the facilities available in the Institute. Then they had discussion with them about the research programmes.

In reply to a query, the witness stated that they did not have control over the pay scales of scientists in these institutes. But as

far as Shri Ram Institute for Industrial Research was concerned, their pay-scales were at par with those in other institutes and CSIR and in some cases these pay scales were even better than others.

9.8. On enquiry by the Committee whether they reviewed the reserach being done by these institutes, the representatives of the Department of Science and Technology stated that they had information on their programmes. They undertook periodic review and knew that there was over-lapping in research in some cases. Sometimes, they deliberately allowed overlapping because there were different projects.

9.9. In regard to complaints regarding diversion of resources meant for a particular project, the Secretary of Department of Science and Technology stated that if there was any complaint in this regard, they could visit the institution to see whether they were doing the research in an area which was not in the original plan. Even those industries which had their own research units, could do so only in their areas of manufacturing activities.

The Secretary of the Department of Science and Technology further stated that they had appointed a 4-Man Committee, purely an internal administrative Committee, to review the report of every foundation. In case any additional equipment or raw materials were required for research purpose by any of the foundations, and if foreign exchange was required for the same, under I.T.C. Act of 1977-78, an import to the extent of rupees five lakhs per annum was permissible without an import licence. In reply to a query, the witness informed the Committee that he was not aware of any instance where licence had been sought, but was utilised for some other purpose.

9.10. In regard to composition of the Committee, the Secretary, Department of Science and Technology stated that the 4-Man Committee consisted of (1) Project Coordinator, (2) Principal Scientific Officer, (3) A Deputy Secretary, Department of Science and Technology and (4) an Analyst. As far as they themselves were concerned they had in addition a Committee comprising of representatives from DGTD, CSIR, Department of Electronics and Department of Science to recognise in House R&D Units.

A query elicited the information that the 4-Man Committee was also authorised to take the services of additional experts in any particular areas as and when they were required.

9.11. The Secretary, Department of Science and Technology further stated that the 4-Man Committee submitted periodical reports to him about once in every two months for being processed in the Ministry. All these reports were referred to in the Annual Report of the Ministry presented to Parliament. In reply to a query, the witness informed the Committee there had been instances when they had made a further probe into a matter after receipt of the report of the 4-Man Committee.

9.12. The Committee asked the witnesses to state whether they had issued guidelines for the functioning of these research institutes. The representative of the Department of Science and Technology stated that these institutes were autonomous and they did not issue guidelines in their day-to-day working. All that they saw was whether they were engaged in the scientific research in the area in which they were supposed to be working. Replying to a query the witness informed the Committee that many scientists and University professors advised those institutions in the research projects. Some were taken as consultants.

9.13. In regard to terms and conditions of appointment and service conditions of scientists in Shri Ram Institute for Industrial Research the Secretary, Department of Science and Technology stated that they had asked the Shri Ram Institute to give them information as to what were the terms and conditions of their appointments and service conditions. They had furnished them that information, which would be furnished to the Committee. They had stated that appointment letters contained details of the probationary period, emoluments, duties and responsibilities, annual increments, residential accommodation, Provident Fund, Medical benefits, Retirement benefits, termination of service of all employees etc. Further the terms and conditions of service of all employees were put on the notice-board of that Institute. They made further enquiries about the Provident Fund and Gratuity. They had also introduced the gratuity for their employees in 1974. Regarding CPF, they had been contributing 8-1/3 per cent towards the contribution of the employer from the beginning. In reply to a question, the representative stated that they pay scales and other benefits in Shri Ram Institute were at par or similar to those obtaining in CSIR. In some cases, they were better.

9.14. On an enquiry by the Committee, the representative of the Department of Science and Technology stated that the National Committee on Science and Technology had introduced sectoral

plans in various areas. All these had been published and many of research institutes had made use of them.

9.15. The Committee desired to know from the witnesses whether Government had laid down a clear policy in regard to their role in the functioning of privately funded-scientific research institutes and Government role as a co-ordinator of research activities. The Secretary, Department of Science and Technology stated that the real problem was that the Industry had not been spending enough money on Research and Development except testing and evaluation. The National Committee on Science and Technology was seized of the matter and was examining in what manner industrial research by industries should be supported. After final examination by that Committee, they would be able to do something.

9.16. In regard to amending the Industries (Development and Regulation) Act, 1951, for the purpose, the representative of the Department of Science and Technology stated that it covered only manufacturing organisations and not registered societies. The Ministry of Industrial Development had opined that only Research and Development Department of manufacturing organisation came within the purview of the Industries (Development and Regulations) Act, 1951. The registered foundations did not come under that Act.

9.17. In regard to conditions of service of employees in private research Institutes, the Secretary, Department of Science and Technology stated that the Government was contemplating the enactment of an Employment Security and Miscellaneous Provisions Act, covering all these employees including those not covered by the Industrial Disputes Act.

9.18. The representatives of the Department of Science and Technology promised to the Committee to furnish the latest position regarding the implementation of the recommendations of the Committee contained in para 1.46 to 1.50 of the Twentyseventh Report (Fifth Lok Sabha).

9.19. The Department of Science and Technology, *vide* their communication dated the 18th March, 1978, have furnished information received by them from the Management of the Shri Ram Institute for Industrial Research, Delhi, indicating the action taken by them to implement the recommendations of the Committee on

Petitions contained in paragraphs 1.46 to 1.50 of their Twenty-seventh Report (Fifth Lok Sabha) as follows :

*"Recommendation in para 1.46*

The Committee are not happy at the conditions and circumstances leading to the 98 days strike from 3rd September to 10th December, 1973, by the employees of the Shri Ram Institute for Industrial Research. The Committee feel that had there been proper service conditions, a congenial atmosphere of understanding between the management and employees of the Institute, and ample opportunities for career prospects for employees, the causes which led to the strike could have been eliminated.

**ACTION TAKEN BY THE INSTITUTE**

The service conditions and pay scales of the Institute are comparable with those of CSIR and, in fact, in some cases better than of CSIR. It is felt that the service conditions prevailing at the Institute are comparable or better than those prevailing in other research institutions "not financed" by the Government and placed under similar circumstances as the Shri Ram Institute. There are ample opportunities for promotion and career-development for the employees of the Institute. It is, in fact, the stated policy of the Institute to first give chance to its own employees for all categories of jobs. The outside candidates are normally recruited only after reviewing the existing employees and giving them a chance in properly constituted Interview Boards with outside independent representatives.

It would be interesting to note that the present Director of the Institute joined the Institute as a Junior Scientist some two decades ago. Same was the case with the previous Director. One of the ex-Deputy Directors who served the Institute for about 20 years also joined as a junior scientist and rose to the position of eminence in the Institute. There are innumerable cases like this.

The record of the Institute shows that the atmosphere of understanding between the Management and the employees at the Institute has been most congenial right

from its inception. Unfortunately, the Institute experienced its first existing strike in September, 1973. The reasons for the strike were not far to seek. The vicious atmosphere generated in the country by certain political elements to meet their own selfish ends, was mainly responsible. Political agitations, strikes, gheraos, demonstrations and violence was the order of the day. All was happening in an organised manner and with the definite support of certain political elements. It was with this background that the Institute staff was misguided and misled by certain disgruntled, and politically motivated workers of the Institute. Political instigation added fuel to fire leading to violence in the campus and physical assault on the officers and colleagues including female members of the staff. The atmosphere of congeniality in the Institute has since been restored.

*Recommendation in para 1.47*

The Committee feel that the service conditions in the Institute should be on the pattern of CSIR, particularly in the matter of security of service and procedure for taking disciplinary action against the employees. They hope that the schemes for gratuity and contributory provident fund would be introduced expeditiously by the management of the Shri Ram Institute for Industrial Research as assured by them in their memorandum.

**ACTION TAKEN BY THE INSTITUTE**

It is felt that non-profit research institutions which are financed by their own efforts, without any regular grants from the Government or any other sources will not be able to follow the CSIR service conditions in toto for the simple reason that CSIR is a government body, having comparatively large financial resources at its disposal as contrasted with a private institution like Shri Ram Institute which is financed by a private charitable foundation and is run on "No-Profit" basis.

The service conditions as prevailing in the Institute and covering the various points are given in Annexures 1 to 13.\*

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\*Not enclosed.

*Recommendation in para 1.48*

The Committee note that the Shri Ram Institute for Industrial Research has not printed and published their existing "Recruitment Rules and Rules relating to Service Conditions". The Committee consider it appropriate that the Recruitment Rules and Service Conditions of the Institute should be printed and published and copies thereof may be made available to the employees of the Institute for their guidance. While issuing appointment letters to both technical and non-technical persons, the terms and conditions of service should be fully described.

**ACTION TAKEN BY THE INSTITUTE**

The Institute has a printed appointment letter for all categories of employees and the salient points of the service conditions are spelled out in the appointment letter. This is given to every employee before joining. All the rules and regulations concerning various service conditions and modifications therein are laid down in various office bulletins/orders and are circulated among the employees. Such orders and modifications are also put up on the notice board. These modifications in the service conditions are normally made after a consultation procedure with the employees.

*Recommendation in para 1.49*

The Committee have been informed by the Petitioners that the services of a number of employees of the Institute have either been terminated or they have been made to resign before and after the September, 1973, strike. The Committee suggest that their cases may be reviewed by the management.

**ACTION TAKEN BY THE INSTITUTE**

The above recommendation/observation of the Parliamentary Committee *inter alia* alleges that the services of a number of employees of the Institute were terminated before and after the September, 1973 strike. As suggested by the Committee, such cases terminated after 1st January, 1973 have been thoroughly reviewed and case-wise details are enclosed.



Various cases of termination of service during this period can be classified into the following categories :

- (1) Termination of service during the probationary period due to the work not being found satisfactory. As per our practice, no individual takes a decision. Properly constituted committees review all cases and depending upon the performance during the probationary period, the decision regarding confirmation or otherwise is taken by the committee.
- (2) Termination as a result of proven misconduct after disciplinary proceedings. On receipt of a complaint regarding a misconduct by an employee, the same is examined and if necessary a charge-sheet is issued. He is given an opportunity to give explanation to the charges. If the explanation is not found satisfactory, enquiry by an independent Enquiry Officer is initiated and action is taken depending on the findings of the Enquiry Officer.
- (3) Discharged due to the employees contacting contagious diseases. In one of the cases where it was found after thorough medical check up that an employee has contracted a contagious disease (Leprosy) he was discharged from the services.

After thorough examination and individual scrutiny of files of all cases of termination, especially the cases where disciplinary proceedings were instituted against employees, there is not even a single case where action of termination of service is not fully justified. In the case of termination of employees against whom disciplinary proceedings were instituted, it is found that there were serious charges of misconduct, violence and riotous and disorderly behaviour. The disciplinary proceedings were conducted in a proper manner giving ample opportunity to the concerned employees to defend themselves and to disprove the charges. In each of such cases it is found that the charges were proved beyond any doubt.

Therefore, it is felt that no further action in all these cases of termination of service from 1-1-1973 onwards is called for.

#### *Recommendation in para 1.50*

The Committee suggest that the composition of the Board of Governors of the Institute may be made more broad-based and it

should truly reflect that it is being run by eminent scientist in over-all national interest.

### ***ACTION TAKEN BY THE INSTITUTE***

The existing constitution of the Board of Governors as per the amended rules and regulations of the Shri Ram Scientific and Industrial Research Foundation, as amended on 29-3-1974, already provides for broadbasing the composition of the Board of Governors including therein one nominee of the Federation of Indian Chambers of Commerce and Industries, upto four technologists/scientists/educationalists, upto 4 nominees of any donors to the Foundation, and upto 4 co-opted by the other members for the time being on the Board.

The present Board includes several eminent scientists and technologists. Some of the prominent Board Members at present are Shri Dharma Vira, Ex-Governor, West Bengal and Karnataka, Dr. B. D. Nagchoudhry, ex-Scientific Advisor to the Ministry of Defence, Member of Planning Commission, and presently Vice-Chancellor of Jawaharlal Nehru University, Dr. R. S. Mehrotra, Vice-Chancellor, Delhi University, Mr. Chentsal Rao, Secretary-General, Federation of Indian Chamber of Commerce and Industry.

9.20. In this connection, Shri R. N. Singh, an ex-employee of the Shri Ram Institute for Industrial Research, Delhi, has addressed a letter dated the 16th March, 1978 (See Appendix V) in which he has prayed as follows :

- (1) That the reported matter may kindly be properly investigated.
- (2) That the Department of Science and Technology Government of India, may be directed to work more honestly in the interest of this great nation 'BHARAT'.
- (3) That the Department of Science and Technology may also be given power to take suitable action against the institutions on complaints or to authorise any other authority to take action where the Department is prescribed authority under the provisions of tax exemption under Income-tax Act, 1961.
- (4) That the Department of Science and Technology may also be directed to grant or recommend the Income Tax

exemption under the provisions of the Act, not on the basis of noble objects but on the basis of the actual activities of the institutions and it should have all authorities to examine the activities.

(5) That the Management of the Shri Ram Institute may also be directed to complete the statutory obligations under the various Acts, namely,—

- (a) The Societies Registration Act, 1860 under sections 4, 15 and 16. Also the Registrar of Societies Delhi may be given power to take suitable legal action against the erring societies.
  - (b) I. D. Act, 1947.
  - (c) The Shop and Establishment Act, 1954, Delhi.
  - (d) The Payment of Gratuity Act, 1972.
  - (e) The Income Tax Act, 1961, and
  - (f) The Twenty-Seventh Report of the Hon'ble Committee of Petitions (Fifth Lok Sabha) Parliament.
- (6) That the various facilities given by the Government to the mis-management of Shri Ram Institute may be withdrawn as it has deceived the Government and has acted against the faith put in it by the Government.
- (7) That the Management of Shri Ram Institute may also be strictly penalised for the breach of lease by the Government.
- (8) That the audited accounts of the management may also be checked by the proper authorities it does not give fair view in absence of any proper explanation.
- (9) That the management of Shri Ram Institute may be taken over by the Government with all properties and assets movable and immovable attached with it and also the money invested in D.C.M. group of mills as its shares.

*Observation of the Committee*

**9.21. The Committee note the action taken by Government on the recommendations of the Committee contained in their Twenty-seventh Report (Fifth Lok Sabha) on the matter.**

NEW DELHI;  
The 16th May, 1979.

H. V. KAMATH,  
*Chairman,*  
*Committee on Petitions.*

## APPENDIX I

(See para 2·21 of the Report)

[Statement furnished by Ministry of Railways (Railway Board) regarding cost of Manning of all the unmanned level crossings on the Indian Railways.]

(All costs are in Rupees)

Sl. No.	State	No. of unmanned level crossings	Initial cost/level crossing	Recurring and maintenance cost per annum
1.	Andhra Pradesh	1496	8,97,60,000	2,09,44,000
2.	Assam	571	3,42,60,000	79,94,000
3.	Bihar	1588	9,52,80,000	2,22,32,000
4.	Chandigarh	7	4,20,000	98,000
5.	Delhi	8	4,80,000	1,12,000
6.	Goa	5	3,00,000	70,000
7.	Gujarat	3780	22,68,00,000	5,29,20,000
8.	Haryana	390	2,34,00,000	54,60,000
9.	Himachal Pradesh	11	6,60,000	1,54,000
10.	Jammu & Kashmir	23	13,80,000	3,22,000
11.	Karnataka	1107	6,64,20,000	1,55,89,000
12.	Kerala	217	1,30,20,000	30,38,000
13.	Madhya Pradesh	1735	10,41,00,000	2,42,90,000
14.	Maharashtra	1313	7,87,80,000	1,83,82,000
15.	Nagaland	1	60,000	14,000
16.	Orissa	1075	6,45,00,000	1,50,50,000
17.	Pondicherry	14	8,40,000	1,96,000
18.	Punjab	1113	6,67,80,000	1,55,82,000
19.	Rajasthan	1699	19,19,40,000	2,37,86,000
20.	Tamil Nadu	1687	10,12,20,000	2,36,18,000
21.	Uttar Pradesh	2659	15,95,40,000	3,72,26,000
22.	West Bengal	1437	8,62,20,000	2,01,18,000
TOTAL			131,61,60,000	30,71,04,000

NOTE : The manning of unmanned level crossings involves both initial and recurring expenditure. The initial expenditure is involved in the widening of the level crossing and its approaches, provision of gates, construction of quarters and gate lodge for the gatemen, provision of signalling/interlocking arrangement where necessary etc. As per present day rates, the average initial cost of manning an unmanned level crossing is about Rs. 60,000·00. The recurring cost involves the pay and allowances of gatemen (a minimum of 2 gatemen is necessary for round the clock manning) and maintenance of the assets. Average recurring cost at present day rate is about Rs. 14,000/- per annum.

## **APPENDIX II**

(See para 2.21 of the Report)

[Note on the operation of Railway Safety Works Fund and disbursement/money withdrawn by various State Governments during the last three years]

### **RAILWAY SAFETY WORKS FUND**

The above fund was constituted with effect from 1-4-1966.

In terms of the commendations of the Railway Convention Committee, 1965, the Railways make an additional contribution @ 1 per cent of their capital-at-charge as on 31-3-1964 to the General Revenue in addition to the usual dividend payable to General Revenue. Out of this additional contribution, a sum of Rs. 16.25 crores is paid by the Ministry of Finance to the States in lieu of tax on Railway passenger fares under the repealed Railway Passenger Fares Tax, Act, 1957, and the balance is credited to the Railway Safety Works Fund. This Fund was set up for the purpose of assisting the State Governments to meet their share of the cost in carrying out safety works viz., manning of unmanned level crossings, upgradation of existing level crossings and provision or road over/under-bridges in replacement thereof.

2. The amount credited to the Railway Safety Works Fund is earmarked for distribution to the State Governments by Ministry of Finance (in the form of reimbursement of expenditure on Safety Works, as actually incurred by them) in the same proportion in which their share of the Passenger Fare Tax is determined as recommended by the Finance Commissions.

3. The procedure in regard to the reimbursement of the amount from the Railway Safety Works Funds has been prescribed in consultation with the Ministry of Finance, according to which, each State Government indicates, in consultation with the Railways, the works which are proposed to be taken up in the next financial year. The State Governments also indicate the provision proposed to be made by them in the annual budget. Based on this information, the revised and budget estimates of the assistance required from the Fund are finalised by the Ministry of Finance. On the basis of the approvals issued by the Ministry of Railways, reim-

bursement of audited expenditure incurred by the States on approved works is claimed by the State Accountant General from the AGCR, New Delhi, (now Principal Accounts Officer; Department of Economic Affairs). The final adjustment in the Central Government Accounts, of the expenditure so reimbursed, is carried out in the books of the Accountant General, Central Revenues, New Delhi (now the Principal Accounts Officer). The Ministry of Railways have issued approvals for reimbursement from the fund to the extent of Rs. 503.13 lakhs during the last three years i.e., from 1974-75 to 1976-77 as detailed in the Enclosure-I.

4. There has been a slight change in the method of operation of this Fund from 1-4-1974. The Railway Accidents Inquiry Committee, 1968, and the Railway Convention Committee, 1971, recommended that 10 per cent of the amount accruing each year under the Fund for each State should be made available directly to the Railways for manning of unmanned level crossings or upgradation of the existing level crossings. According the Railways have so far been authorised to directly spend Rs. 36.77 lakhs on such works and raised necessary debits against the Accountant General, Central Revenues. Details of these figures are also given in the enclosure.

5. The information regarding actual money withdrawn as obtained from Accountant General, Central Revenues, Ministry of Finance is shown in Enclosure II.

#### ENCLOSURE I TO APPENDIX II

Statewise statement showing the amount approved for re-imbursement from the Railway Safety Works Fund

(Figures in lakhs of Rupees)

Name of State	1974-75	1975-76	1976-77	Total
1	2	3	4	5
Andhra Pradesh	31.23	(2.19)	23.91 (2.58)	35.14 (4.77)
Assam			(1.22)	(1.22)
Bihar		67.01 (0.87)	(3.06)	67.01 (3.93)
Gujarat		(2.25)	(1.60)	(3.85)
Haryana	7.52	(1.15)	(0.08)	7.52 (1.23)
Himachal Pradesh	..	..	..	..

1	2	3	4	5
Jammu and Kashmir . . . . .	..	..	..	..
Karnataka . . . . .		68.48	..	68.48
Kerala . . . . .			(0.25)	(0.25)
Madhya Pradesh . . . . .			..	..
			(1.63)	(1.63)
Maharashtra . . . . .	114.14	..	..	114.14
		(0.45)	(3.19)	(3.64)
Nagaland . . . . .		..		
Orissa . . . . .		..	..	..
			(1.15)	(1.15)
Punjab . . . . .		58.92	18.78	77.70
		(2.65)	..	(2.65)
Rajasthan . . . . .		..		..
		(2.25)		(2.25)
Tamil Nadu . . . . .		..		..
Tripura . . . . .		..		..
Uttar Pradesh . . . . .		113.14	..	113.14
			(8.17)	(8.17)
West Bengal . . . . .		..	..	..
		(1.69)	(0.34)	(2.03)
TOTAL . . . . .	152.89	307.55	42.69	503.13
		(13.50)	(23.27)	(36.77)

NOTE : Figures in brackets indicate the amount authorised for direct expenditure by Railways from Railway Safety Works Fund on manning/upgrading unmanned level crossings out of 10% set apart from 1974-75.

#### ENCLOSURE II TO APPENDIX II

Statement showing the actual expenditure from Railway Safety Works Fund as intimated by A.G.C.R./Principal Accounts Officer, Ministry of Finance

State	1974-75	1975-76	1976-77
Maharashtra . . . . .	1,14,13,977	(—)18,05,186*	..
Kerala . . . . .	15,13,000		..
Tamil Nadu . . . . .	66,03,888	..	3,74.412†
Karnataka . . . . .		30,05,249	..
Punjab . . . . .	..	21,14,684	
Andhra Pradesh . . . . .	31,23,000	..	
Bihar . . . . .	..	67,01,000	..
TOTAL . . . . .	2,26,53,865	1,00,15,747	3,74.412

\*This represents excess adjusted.

†A.G.C.R./Controller of Accounts, Ministry of Finance have been requested to check up the position again.



### APPENDIX III

(See para. 3·3 of the Report)

[Financial results of Gwalior-Bhind, Gwalior-Sheopur Kalan and Gwalior-Shivpuri NG Sections for the Year 1972-73 to 1975-76 furnished by Central Railway]

Percentage of loss (—)  
or gain (+)

Name of the Section	1972-73	1973-74	1974-75	1975-76
Gwalior-Bhind . . .	+27·89	+32·74	+9·45	+17·82
Gwalior-Sheopur Kalan . . .	—32·25	—32·31	—64·34	—78·38
Gwalior-Shivpuri . . .	—20·13	—10·03	—37·00	—16·13

## APPENDIX IV

(See para 3.1 of the Report)

[Representative from Shri R. D. Mukherjee, Retd. telegraph Inspector, N. E. Rly, Varanasi, regarding payment of certain duties.]

R/APP/76,  
Dt. 17-3-76.

To

Shri J. R. Kapur,  
Senior Legislative Committee Officer,  
Lok Sabha,  
Parliament House,  
New Delhi-110001.

Sir,

Re. Injustices meted out by the N. E. Rly. administration to the applicant.

Ref: Your No. 54/CI/76 dt. 10-2-1976.

In obedience to your honour's above quoted letter on the above subject, most respectfully and humbly, as desired, I beg to submit the following for favour of your kind perusal and necessary action by meeting the justice undoing the injustices.

The injustices and grievances can be classified under the following items:—

- (a) Deprivation of hard-earned LAP/LPR at the time of retirement;
- (b) Ignored by the N. E. Rly. so far the post, scale grade;
- (c) Disputes in payment of P. E; and
- (d) non-payment in many items of T.A. etc.

Now I beg your honour to kindly permit me to elaborate the above item-wise.

*Depreciation of hard-earned LAP/LAP at the time of Retirement.*  
Several months of earned LAP had accumulated to my credit. My retirement was due on 24-1-61 (F.N.). As such I had first applied for three months LAP from 24-9-60 but there was no response or

orders, inspite of personal approach and through reminders. Then I had applied for LPR on 7-10-60. I was entitled to three months LPR as per Ex-B. & N. W. Rly. Leave Rules which I had opted. But there was no response to this also. According to orders under letter No. 54-E/4(T) Telegraph of 22-12-60 of the CoPS(P) which was shown to me by the then APO/T Shri R. R. Banerjee on the morning of 24-1-61 after I had made over charge on 23-1-61 (A.N.), showing the sanction of LAP/LPR. This was repeated under CoPS(P)'s letter No. E/R/Telegraph Inspector of 16-1-61. This sanction was neither ventilated to me earlier nor anybody else was advised to the pay bill section to draw any pay for the LAP/LPR. The sanction letter was dated 22-12-60 and I was to retire on 23-1-61 (A.N.). The LAP was applied for three months and LPR for three months. How one could avail of six months leave in a less than one month time? Thus I am entitled to six months leave and three months more LAP for 1961, from 24-1-61 as post retirement leave. The fault was with the administration for not processing my leave applications duly while I was on the verge of retirement. In the letter of CoPS(P) No. E/RDM/PN/61 of 8-12-61 it has been said that the three months LAP could not be taken as LPR though the office order No. 54-E/4(T) Telegraph of 22-12-60 shows the sanction of LAP/LPR, with a relief in my place. The order of 8-12-61 just after a year it was given to know that so far LPR was concerned it should be applied for two months ahead of retirement. But it was not given to me when such thing was on the anvil. I would like to point out that when there was earlier sanction of LAP/LPR how then this argument can carry any weight. It was represented by the N. E. Rly. to the Hon'ble Dy. Railway Minister that I had applied for LPR after my retirement which is too far from truth and this has reference to the CoPS(P)'s office order 54-E/(T) Telegraph of 22-12-60. And the question of my LAP was not ventilated at all. So, this deprivation of my hard-earned LAP/LPR deserve to be rectified by paying me six months full pay with an increment which would be payable from 1-4-61.

*Then the Question of deprivation in post and scale, grade:—*

Since long six vacancies of the Telegraph Inspectors were existing. At the same time there was no man to work as Telegraph Inspector. It so happened that Hon'ble Shri Sarju Pandey, M.P. had taken up the cause by putting some questions to the Railway Minister vide question No 9357 of 1958. The G.M., N.E. Rly. had accepted the vacancies of six posts of the Chief Telegraph Inspectors were existing vide his telegram No. Z/546/1-(476)-58 of 20-9-58. The Selection Board was constituted and completed on 9-1-59. A provisional result was issued as gr. I. but the grade was given for gr. II.

200-300 (P.S.) Later on, it was declared as non-selection post but instead of accepting the order of the Rly. Board, the N.E. Rly. had maintained the selection. Then the authorised scale was issued as 250-380 against 200-300 is gr. II. The final confirmation order was issued on 5-9/10-60 as gr. I. This scale was also declared as non-selection on 12-3-60. The N. E. Rly. Gazette No. 17 of 1959 dated 1-9-59 shows that scale grade for the selection post of the Telegraph Inspectors as 260-350 (P.S.) and the authorised scale was 335-425 for gr. I when the selection was maintained then there was no reason that scale 260-350 (P.S.) and corresponding scale 335-425 (P.S.) could not be given. I had applied for this through the D.T.S. Varanasi to the CoPS(P) but no reply or action was intimated.

The scale for the Chief Telegraph Inspector was given 370-475 (A.S.). At last the CoPS(P) stated that this scale of 260-350 could not be found in the said Gazette No. 17 of 1959. It is very amazing that this could not be found by the CoPS(P). The scale 260-350 is in the Gazette No. 17 of 1959. Thus I have been deprived of the scale (Sanctioned) 260-350 (P.S.) and 335-425 (A.S.) when opted for the Authorised Scale. I cannot be victim for over-look or non-implementation of the approved scale. This scale was also declared as non-selection one *vide* Rly. Board's order No. 5(NG) 63Pml|3.

Then comes the post of the Chief Telegraph Inspector, head quartered at Gorakhpur. The N.E. Rly. has said that there was no post of the Chief Telegraph Inspector and the Asstt. Superintendent of Telegraphs (AST). But there are proofs to prove about the existence of these posts. There were six posts of the Telegraph Inspector over the N.E. Rly. and two on the N.E.F. Fry. These posts were formerly carrying different scales but they were brought on a par under the CPR of 1949, but the post of Chief Telegraph Inspector was not touched at all. In the CITP was removed and the work of the CITP was entrusted to the CIWT of the CSTE branch who was only a maintainer. The operation of the Telegraph branch was entirely under the CoPS(P) but because the Asstt. Supdt. of Telegraphs (of the T.m. or CoPS) was taken over by the CSTF as DTE and non was placed as AST, so the said AST (DTE) was looking after the Telegraph branch. So he had made over to the CIWT who worked the double role of the CIWT and CIPT. None was taken from the CoPS's staff in that place depriving the betterment of the CoPS staff who was legal aspirant. Later on the work of the Telegraph branch started deteriorating which caused the CSTF to impress upon the CoPS to provide with his own staff. This has reference to the CSTE's Telegraph No. N/51/3/43 of 21-12-59 and the CoPS(P)'s

Telegram 54-E/4(T) Telegraph of 30-11-59. When only 9 months were left for my retirement I was transferred to Gorakhpur Head Quarter and this was carried out on 20-4-60. The CIWT (of the CSTE) who was given the scale 360-500 for his dual performance was reduced to 260-350 from 21-4-60 after my joining at Gorakhpur. Thus the post of the CIP was existing but as ill-luck would have it, I was not given the post of the CIP as such the scale too. When the CIWT was carrying on the duty of the CIP relinquished it on my joining there and downgraded then the post of the CIP should have been given to me and the advantage of the scale too. As such I am entitled to the scale 370-475 (A.S.) by giving the protection of the salary I would have drawn had the scale 335-425 (AS) been given to me from the date of my joining there on 20-4-60. So, it is clear that I have been deprived of my scale and post due to unscrupulous dealing by the authorities. This claim has been put forward because the N.E. Rly. had up-held the selection against orders of the Rly. Board by declaring both the scales 200-300 and 260-350. Thus the claim of the scale 370-475 (A.S.).

*Payment of P.F. Account:*—Three accounts were maintained so far my P.F. deposits were concerned with different amount. As for example—(a) P.I. Slip account no. 14077 for 1946 has shown subscription deposit as Rs. 1188/2, (b) P.I. Slip account no. 14765 of 1940 shows Rs. 1267/4, (c) P.I. Slip 303279 of 1-4-52 shows Rs. 104/1, against these I had approached to the F. A. & C. A. O. Gorakhpur through the CoPS and an advance copy on 15-10-60. I have been intimated that two accounts have been paid nor upto what date the P.F. accounts money has been paid to me. These deserve that proper assemblage of all accounts and paid in full.

*Non-payment of increment and T.A. and short payment etc.*

The T.A. for November 1957 has not yet been paid to me. The CoPS(P) has 'presumed' that I have been paid without giving any specific proof except of 'Presumption'. The T.A. for July, '59 is also under conflicts. Short payment of T.A. for September '60 has not been paid and the CoPS(P) has not taken any action towards the days pay, D.A., T.A. for January, '61 has not been paid yet. Three days pay, D.A. T.A., and the then II class Rly fares from Gorakhpur to varanasi and back and again the same from Gorakhpur to Varanasi for my return have not been paid. As my services were utilised by the N.E. Rly. after my retirement, I am entitled to these. Again an increment was sanctioned on 7-10-54 but the arrear has not been paid yet. An amount of Rs. 33/10- was deducted from the bill in April, '55. The CoPS(P) could not say if this amount was ever paid. This could have been found that since the incre-

ment was sanctioned and when it was adjusted and then the payment of arrear could have determined.

An increment had accrued on 1-4-60 when I was the staff under the then D.T.S. Varanasi but that was not drawn and adjusted. I was subsequently relieved to carry out my transfer to Gorakhpur, where I joined on 20-4-60. This was brought to the notice of the APO/T and the SPO/T Gorakhpur but nothing was intimated, as such, I think I am looser of one increment and the arrear too. I had apted for A.S. of Pay but the arrear between the P.S. and the A.S. has not been paid. During my stay at Gorakhpur, I was neither allotted any quarter nor the house rent. I had applied twice for the quarters but nothing was done. I was entitled to rent free quarters being the Ex-B&N.W Rly. For this I put forward my claim for house rent for 9 months. All details of my dues have already been submitted to the CoPS(P) Gorakhpur but to no effect, even the order of H.E. the Deputy Rly. Minister have been ignored. This reference to Deputy Railway Ministers' endorsement No. E (Rep)-65 A.F. 11-98 of 17-1-66.

I hope that I have been able to submit my grievances in brief which are my claims against injustices. Your honour would be graciously pleased to look into the points of genuine grievances and payments thereof and order favourably. The original order Gazettes, etc. as referred to by me may kindly be called for and perused.

I will remain ever grateful for your kind and generous sympathy to undo the above ills inflicted on a retired employee on his completion of 36 years. All these facts are quite genuine which the official original document will prove.

I remain,

Sir,

Yours most obediently,

Sd/-

(R. D. Mukherjee)

Retired Telegraph Inspector, N.E. Railway, D28/197 Panday Howli,  
Varanasi.

(See para 9.20 of the Report)

[Representation dated the 16th March, 1978, from Shri R. N. Singh  
ex-Employee of Shri Ram Institute for Industrial Research, Delhi  
relating to Shri Ram Institute for Industrial Research]

From

Shri R. N. Singh, M.Sc. (Anal Chem),  
Banaras Hindu University,  
A-2, S.R.I. Flats,  
19, University Road,  
Delhi-110007.

To

The Hon'ble Chairman,  
The Committee on Petitions,  
Lok Sabha, Parliament House,  
New Delhi-110001.

Ref: GSD|RNS|Misc.March|Par-As|I.1978, dated March 16, 1978.

SUBJECT.—*Department of Science and Technology and Shri Ram  
Institute for Industrial Research, 19, University Road,  
Delhi-110007.*

Respected Sir,

Kindly refer to my representation\* *vide* Ref. No. GSD/RNS/  
Misc. Oct./Par-As/3-1977 dated 24-10-1977 regarding the subject  
matter of unfair labour practice at Shri Ram Institute for Industrial  
Research, 19, University Road, Delhi/contempt of Parliament. In  
this representation I have already clearly mentioned the cause of  
action of the contempt of Parliament by the management of  
Shri Ram Institute as well as by the Department of Science and  
Technology, New Delhi, as no honour has been given so far to the  
findings of the Twenty-seventh Report of the Hon'ble Committee  
on Petitions (Fifth Lok Sabha), representation regarding taking  
over by Government of Shri Ram Institute for Industrial Research,

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\*Not enclosed.

Delhi, dated the 17th Nov. 1975 under the Hon'ble Chairmanship of Shri Jagannath Rao.

It is very respectfully further submitted as under:—

1. (a) That in the notification published in Part II Sec. (3) sub-section (ii) of Gazette of India, Department of Revenue, Income Tax, New Delhi, the 1st Feb. 1965 under the signature of Shri G. R. Desai, Deputy Under Secretary to the Government of India, the Council of Scientific and Industrial Research has been mentioned the "Prescribed Authority" for the purpose of clause (ii) of sub-section (1) of section 35 of the said Income Tax Act, 1961. Ref: Memorandum of Association and Rules and Regulations of Shri Ram Scientific and Industrial Foundation submitted as Annexure-1\* before the Hon'ble Committee of Petitions (Fifth Lok Sabha) dated 21st September, 1974.

1. (b) That the Department of Science and Technology is now the appropriate Prescribed Authority for the Income Tax exemption purposes of the Section 35(i) and (iii) of 1961 Act for the Scientific and Industrial Research Associations. (Shri Ram Scientific and Industrial Research Foundation, Delhi, Notif. 79, 10-12-1953; substituted Notif. S.O. 475, 1-2-1965).

Ref: The Law and practice of Income Tax by N. A. Palkiwala and B. A. Palkiwala, 7th Edition, Vol. II.

1. (c) That the Department of Science and Technology is now responsible for illegally helping the Management of Shri Ram Institute for renewing the tax exemption certificate as *ultra vires* act of the powers conferred to the Department of Science and Technology under the provisions of the Income Tax Act, 1961. In claim this illegality on the following grounds:—

- (a) The Department of Science and Technology is well aware of the fact that the Management is running a commercial section, Shri Ram Test House. The income of this section is very huge amount about 2 lacs per month and it is due to commercial testing of the samples of diverse type. The charging rates for various tests is very high as compared to National Test House, I.S.I., and ETALABS etc. This section is not doing any research and the income has been illegally exempted

\*Not enclosed.



from the Income Tax. Management also gives rebate as the trade and business house do generally. *Annexure No. 1\**.

- (b) That the Department of Science and Technology must note the rule of the Foundation as under:—

*Rule 11, page 5 of the Memorandum*

“The members of the foundation may alter, extend, or abridge any purpose or purposes of the Foundation, or modify any of its rules and regulations for the time being in force, in accordance with the procedure prescribed by the Societies Registration Act, 1860, or any Statutory modification thereof, with the approval of the prescribed tax or other statutory authority, if required:

Provided that no change shall be made in the rules concerning the Founder's successors without the consent of Founders' successor for the time being.”

In the above light my respectful submission is that when the Government nominees of the Governing Board of the Foundation either resigned or withdrawn in 1973 by the Department, the constitution of the Foundation had gone under radical change but no statutory formalities were completed and the Governing Board under the new constitution is totally responsible to keep the Government completely in dark. The constitution of the Foundation was amended by resolution No. (a) dated 29-3-1974. It is evident that this was done after a lapse of about a year and the Governing Board remained defunct during the year. Even since 1973 the list of the Governing Board members have not been filled with the Registrar of the Societies, Delhi under the Societies Registration Act, 1860 as the provisions of the Act clearly have the Statutory Obligations on the management under sections (4), (15) and (16) of the Act. *Annexure No. 2\**.

There is no provision in the Act as power to the Registrar that he may take suitable action against such irregularities and breaches of law.

2. That one of the objects for which the Foundation is established is given as under:—

(m) Purchase or acquisition on *lease* or in exchange or by way of gift or otherwise of any real or personal or immovable

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\*Not enclosed.

or movable properties and any rights or privileges necessary or convenient for its purposes" Ref. Memorandum of Association, Page (i).

In the light of the above objective my respectful submission is that for various facilities given by the Govt. to the Management, Para 11 of my representation dated 24-10-77 may kindly be referred. The ten acres land from Delhi University campus have been leased by the Ministry of Works and Housing, Land & Development Office, Govt. of India, Nirman Bhavan, New Delhi.

It is very evident from the Annexures as supplied herewith that the management had never honoured the *Lease* honestly and still the breaches continue. The Founder Sir Shri Ram himself was responsible for all these. *Annexure* Nos. 3, 4, 5, 6, 7 & 8\*. Because of influence over the erstwhile government, the matter was delayed and no strict action was taken and now let us see the attitude of the *Gratuity Act*, 1972.

3. That the Institute is working since 1950, it has premises and carries on Contract Research and Commercial Testing. The management has always violated the laws under the provisions of the Act, of the Hon'ble Parliament, namely the *Industrial Dispute Act*, 1947. *the Delhi Shops and Establishment Act*, 1954 and *the Payment of the Gratuity Act*, 1972.

Regarding the violation of Shops and Establishment Act Shri B. P. Jain, the Hon'ble Chief Inspector, Shop and Establishment 15 Rajpura Road, Delhi may kindly be referred to, as the detailed complaint has been filed by me in this regard in 1977.

4. That the Institute has the control over it by D.C.M. group of Industries and it is being used in various ways for their commercial gain as it is evident from the resignation letter of Dr. Sarup Singh, now Ex-V.C. of Delhi University, *Annexure* No. 9\*.

As on the face it is shown that management is a separate society distinct from the affairs of the D.C.M. and Shri Ram groups of mills, but the truth is contrary. The appointed Administrative Officer of the management of Shri Ram Institute was first transferred to Shri Ram College of Commerce, and when all employees of the college turned against this person in 1977, he was transferred to Head Office of D.C.M. Group. Thus real Administrative Officer of S.R.I. is working in the office of D.C.M. groups of mills and the management had/has deputationist from D.C.M. Chemical Works as A.O. and Manager of Test House at R.S.I.

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\*Not enclosed.

5. That the Income and Expenditure Accounts and the Balance Sheet of Management is audited, but it does not give the fair view of the accounts on the following grounds:—

1. Auditors' report is not being published in some annual reports.
2. Amounts shown in one year of the Income and Expenditure accounts have been changed/tampered arbitrarily without any explanation mentioned therein and the same thing is also with the annexures. (Annexure No. 10)\*.

On the basis of this annexure it is respectfully submitted that expenditures shown in the Annexures/Schedule—Research Operations are the final expenditure. As a normal rule of accountancy it should not be altered/tampered in the comparison table of subsequent years, but here we have contrary to this rule.

Moreover the total has also been changed one time to less amount and on the other time to the higher amount than the original itself. Thus in absence of the proper explanation the accounts of the management does not give fair view of the affairs.

5. That the other details of the irregularities in this matter may be exposed in detail before the Hon'ble authorities on an opportunity of personal interview regarding this subject.

#### *Prayer*

In the interest of justice it is most respectfully prayed as under:—

1. That the reported matter may kindly be properly investigated.
2. That the Department of Science and Technology, Govt. of India, may be directed to work more honestly in the interest of this great nation "BHARAT".
3. That the Department of Science and Technology may also be given power to take suitable action against the institutions on complaints or to authorise any other authority to take action where the Department is prescribed authority under the provisions of tax exemption under Income Tax Act, 1961.
4. That the Department of Science and Technology may also be directed to grant or recommend the Income Tax

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\*Not enclosed.

exemption under the provisions of the Act, not on the basis of noble objects but on the basis of the actual activities of the institutions and it should have all authorities to examine the activities.

5. That the Management of the Shri Ram Institute may also be directed to complete the statutory obligations under the various Acts, namely:—
  - (a) the Societies Registration, Act, 1860, under sections 4, 15 and 16. Also the Registrar of Societies, Delhi may be given power to take suitable legal action against the erring societies.
  - (b) I.D. Act, 1947.
  - (c) The Shop and Establishment Act, 1954, Delhi.
  - (d) The Payment of Gratuity Act, 1972.
  - (e) The Income Tax Act, 1961, and
  - (f) The Twenty-seventh Report of the Hon'ble Committee of Petitions (Fifth Lok Sabha), Parliament.
6. That the various facilities given by the Govt. to the mismanagement of Shri Ram Institute may be withdrawn as it has deceived the Govt. and has acted against the faith put in it by the Government.
7. That the Management of Shri Ram Institute may also be strictly penalised for the breach of lease by the Government.
8. That the audited accounts of the management may also be checked by the proper authorities it does not give fair view in absence of any proper explanation.
9. That the management of Shri Ram Institute may be taken over by the Government with all properties and assets movable and immovable attached with it and also the money invested in D.C.M. group of mills as its shares.

It is again prayed accordingly.

Sd/-

(R. N. SINGH)

Applicant

Delhi, 16-3-1978.

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PUBLISHED UNDER RULE 382 OF THE RULES OF PROCEDURE AND CONDUCT  
OF BUSINESS IN LOK SABHA (SIXTH EDITION) AND PRINTED BY THE  
GENERAL MANAGER, GOVERNMENT OF INDIA PRESS,  
MINTO ROAD, NEW DELHI.