

COMMITTEE ON PETITIONS

(SEVENTH LOK SABHA)

FIRST REPORT

[Presented to Lok Sabha on the 19th December, 1980]



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COMPOSITION OF THE COMMITTEE ON PETITIONS (1980-81)

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MEMBERS

2. Shrimati Vidya Chennupati
3. Shri A. C. Das
4. Shri Bindeshwari Dubey
**5. Shri Udaysingrao Gaikwad
6. Shri D. M. Putte Gowda
@7. Shri Seth Hembram
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14. Shri Suraj Bhan
15. Shri Raghunath Singh Verma

SECRETARIAT

Shri Gian Chand—*Additional Secretary*

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

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

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

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

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

**FIRST REPORT OF THE COMMITTEE ON PETITIONS :
(SEVENTH 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 First Report of the Committee to the House on the following matters:—

- (i) Petition No. 2 regarding changes required in rape law.
- (ii) Petition No. 5 regarding conversion of Latur-Miraj narrow-gauge railway line into a broad-gauge line.
- (iii) Representation from Shri Nadhan Singh, Secretary, K.G. & Junior School Parents' & Teachers' Association, R. K. Puram, New Delhi, regarding allotment of suitable land for School under the terms and conditions made in 1976.
- (iv) Representation regarding grievances and demands of workers of Government Opium and Alkaloid Works Undertaking, Neemuch.

1.2. The Committee considered the above matters at their sittings held on the 12th November and 4th December, 1980.

1.3. The Committee considered their draft Report at their sitting held on the 15th December, 1980 and adopted it.

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

R. L. BHATIA,

Chairman,

Committee on Petitions.

NEW DELHI;

Dated the 15th December, 1980.

II

PETITION NO. 2 REGARDING CHANGES REQUIRED IN RAPE LAW

2.1. Petition No. 2 (See Appendix-I) signed by Shrimati Lata Mani of Forum against Rape, Bombay and others regarding changes required in rape law was presented to Lok Sabha on the 17th March, 1980 by Shrimati Geeta Mukherjee, M.P.

A—Petitioners' Grievances and Demands

2.2. In their petition, the petitioners have *inter alia* made the following demands:—

- (1) *That the Mathura case i.e. Thukaram vs. State of Maharashtra be re-opened.*—This demand is supported by thousands who have signed a mass signature campaign about this case.
- (2) The immediate suspension of and disciplinary proceedings against policemen and other officials of the armed forces who are accused or charged with having committed rape.
- (3) *Amendments in the rape law.*—Some of the reforms urgently called for are:—
 - (a) The definition of rape must clarify that consent given on an apprehension of fear of death or hurt is no consent.
 - (b) Consent under undue influence or coercion must be no consent.
 - (c) If the person alleged to have committed rape is a police functionary, once it is established that sexual intercourse took place with a policeman on duty, the burden of proving that the woman consented will be on the accused (i.e. the police). Police personnel misuse their authority and turn it into a weapon of power to subjugate helpless and defenceless woman. In order that we can talk of defending the rights of women, those responsible for enforcing law and order must be made accountable for misuse of power.

- (d) When a woman reports rape to a police station, she must be questioned by a *woman* police officer.
- (e) The definition of rape must make it clear that the crime can take place without overt violence, or when the man does not care whether the woman consented or not.
- (f) Once a woman has reported rape, it must be illegal to publish her name or give any information that is likely to identify her.
- (g) The woman must not be questioned in court about her sexual reputation or sexual experience with men other than the accused, nor may the accused man give evidence about this. There may be two exceptions to this:—
 - (i) When the man's lawyer can persuade the judge that he has evidence to show that the woman behaved in a way which is similar to the way she behaved at the time of the alleged rape and that this evidence is crucial because it shows that the woman has particular sexual habits that are relevant to the defence.
 - (ii) If the woman or another prosecution witness claims that she, the alleged victim, is of 'good character' in sexual matters, then the man's lawyer can bring evidence to show that this is not true.
- (h) Steps should be taken to ensure that women prisoners are not sexually abused whilst in police and judicial custody.
- (i) The trial of rape case must be held in camera if the woman so requests.
- (j) Separate courts or tribunals should be constituted to deal with cases relating to rape.

The changes suggested in items e. f. g. have been made in the U.K. by the Sexual Offences (Amendment) Act of 1976.

- (4) We further demand that a *National Committee* be appointed by the Ministry concerned, with representation of the Forum against Rape, other women groups, lawyers and civil liberties groups. The Committee should investigate the matter of rape, reported and unreported, in the country; study the functioning of the medical and legal institutions which deal with rape and recommend further amendments in the law."

B. Comments of the Ministry of Home Affairs

3. The petition was referred to the Ministry of Home Affairs for furnishing their factual comments thereon for consideration by the Committee on Petitions. The Ministry of Home Affairs *vide* their communication dated the 1st July, 1980 furnished their factual comments on the demands made in the petition as follows:—

Demand No. 1: That the Mathura case, i.e., *Thukaram .vs.* State of Maharashtra be re-opened.

Three review petitions have been filed in the Supreme Court seeking review of the judgement of the Supreme Court in case of *Tukaram vs. State of Maharashtra*. One of the review petitions has been filed by the Maharashtra Government, which has been entertained and is at present sub-judice before the Supreme Court.

Demand No. 2: The immediate suspension of and disciplinary proceedings against policemen and other officials of the armed forces who are accused or charged with having committed rape.

The Government of Maharashtra in March, 1980, informed that the two Constables involved were dismissed after their conviction by the High Court on 18th April, 1977. They have recently requested for re-instatement on their acquittal by the Supreme Court. Their request is under consideration of the State Government.

Demand No. 3: Amendments in the rape law.

The question whether any amendments are required in the law relating to rape or any other provision of criminal law was referred to the Law Commission. The Commission has since submitted its 84th Report on Rape and Allied offences. The Government have already announced their intention to bring in fresh legislation on the subject.

Besides the above three demands, another demand made in the petition relates to the constitution of a National Committee to investigate the cases of rape, reported and unreported in the country, study the functioning of medical and legal institutions which deal with rape and recommend further amendments in the law. The Government are not in favour of entrusting investigation of cases to such a Committee. Further the Law Commission has already submitted a comprehensive Report on Rape and Allied

Offences, which is under the active consideration of the Government.

The statement made in the penultimate para of the petition that a petition was also submitted to the President by the National Federation of Indian Women in 1976 does not appear to be correct, as the President's Secretariat, who were consulted, have informed that they have not received any such petition."

2.4. The Ministry of Home Affairs *vide* their communication dated the 19th August, 1980 have stated that "the main recommendations made in the 84th Report of the Law Commission pertaining to the law relating to rape have been examined and the Criminal Law (Amendment) Bill, 1980, seeking to amend the Indian Penal Code, the Code of Criminal Procedure, 1973, and the Indian Evidence Act, 1872, introduced in the Lok Sabha on 12th August, 1980."

C. Observations of the Committee

2.5. The Committee considered the petition along with the factual comments of the Ministry of Home Affairs thereon at their sitting held on the 12th November, 1980.

2.6. The Committee noted that demands made in the petition relating to amendments in the rape law had been examined by the Law Commission of India in their 84th Report on Rape and Allied Offences. The main recommendations made by the Law Commission in the said Report had been considered by the Government and the Criminal Law (Amendment) Bill, 1980, seeking to amend the Indian Penal Code, the Code of Criminal Procedure, 1973 and the Indian Evidence Act, 1872, introduced in the Lok Sabha on 12th August, 1980.

The Committee also noted that in the Statement of Objects and Reasons to the Criminal Law (Amendment) Bill, 1980, the Minister of Home Affairs had referred to the presentation of petition to Lok Sabha on the matter.

2.7. The Committee directed that as the Criminal Law (Amendment) Bill, 1980 had been introduced in Lok Sabha and the House was seized of the matter, the petition might be circulated* *in extenso* to the members of Lok Sabha under rule 307(1) of the Rules of Procedure and Conduct of Business in Lok Sabha.

*The petition was circulated *in extenso* to all members of Lok Sabha on the 17th November, 1980.

III

PETITION NO. 5 REGARDING CONVERSION OF LATUR-MIRAJ NARROW-GAUGE RAILWAY LINE INTO A BROAD- GAUGE LINE

3.1. Petition No. 5 (See Appendix II) signed by Shri G. S. Rahirkar and others regarding conversion of Latur-Miraj narrow-gauge railway line into a broad gauge line was presented to Lok Sabha on the 1st July, 1980, by Shri R. K. Mhalgi, M.P.

A. Petitioners' Grievances and Prayer

3.2. In their petition, the petitioners stated *inter alia* as follows:—

“This is the long standing request of millions of pilgrims and others, who visit Pandharpur, which is situated on the Latur-Miraj line of the Central Railway. Pandharpur is the holiest religious centre in Maharashtra and is regarded as the holy Kashi of the South. During the four fairs held at Pandharpur and through out the year, millions of pilgrims visit this holy place. They are put to great hardship and inconvenience because they have to change for the narrow-gauge line at Kurduwadi Junction on the Central Railway.

* * * * *

Scores of representations were made to them over the years but with no results. Even the Government of Maharashtra supported this legitimate demand of the people but even its appeal has fallen on deaf ears.

* * * * *

“Since the railway management is taken over by the Government, there has been rapid industrial development. In this region, several sugar factories and industries have been started. In fact, the narrow-gauge line is not able to cope with the ever-increasing needs and requirements of this region of cheap and efficient transport of passengers and goods. Thousands of State Transport buses and thousands of private trucks are mainly shouldering the responsibility of carrying millions of people and goods to different destinations in this area every year. Latur, Barsi, Sangola, Akluj, Malsiras and Pandharpur are some of the big and developing towns on or near Latur-Miraj line and the

narrow-gauge line is not able to render efficient and economical service to the people.

* * * * *

We are caught in a vicious circle. There is no broad-gauge line because the region is not sufficiently developed, and the region is not developing fast because it is lacking in efficient and economical means of communication and transport. This vicious circle can be broken only by effective, prompt action of broad-gauging the Latur-Miraj railway line."

3.3. The petitioners prayed that "as no other remedy is now open for the petitioners to press their legitimate and urgent demand the Lok Sabha through its Committee on Petitions may investigate into the question of converting narrow-gauge Latur-Miraj (Maharashtra) line into a broad-gauge line and reach their conclusions and further necessary immediate action."

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

3.4. The petition was referred to the Ministry of Railways (Railway Board) for furnishing their factual comments thereon for consideration by the Committee on Petitions. The Ministry of Railways (Railway Board) have furnished their factual comments *vide* their communication dated the 29th August, 1980 stating as follows:—

"Several representations have been received from Members of Parliament and public bodies for conversion of the Miraj-Kurduwadi-Latur narrow-gauge line into broad-gauge. The primary justification for the conversion of Miraj-Kurduwadi-Barshi-Latur narrow-gauge lines into broad-gauge, is the avoidance of transshipment at Kurduwadi. The projected extension of the line will close the existing gap between Latur and Latur Road will connect the sections to the existing broad-gauge system towards South and East, provide an alternate route for transport of goods and passengers and make the operation more flexible.

This is one of the uneconomic branch lines of the South Central Railway. The general question of viability of the uneconomic branch lines on the Indian Railways was examined by the Uneconomic Branch Lines Committee, 1969, which went into this question in depth. In their recommendation, the Committee felt that there could be no question of closure of the Section from Kurduwadi to Miraj which had sufficient normal traffic in normal times. They felt that this section had to be converted into broad-gauge,

sooner or later. They accordingly concluded that the portion beyond Kurduwadi to Pandharpur should be converted into broad-gauge as a first step, and in regard to the Kurduwadi-Latur section, a Survey should be made of feasibility of converting it into broad-gauge and extending the line from Latur to Latur Road.

As a sequel to this recommendation, the South Central Railway was directed to carry out a traffic survey for the conversion of the Kurduwadi Pandharpur section from narrow-gauge to broad-gauge. The findings of the survey report submitted in 1971 revealed that additional passenger traffic on the line could be met by the road transport services more economically as it is mostly short lead traffic and also seasonal in nature. Freight traffic, too, is very low on this narrow-gauge route. In view of the not-too-bright traffic prospects, the report did not recommend the conversion of Kurduwadi-Pandharpur section to broad-gauge.

Although the conversion project was not approved as such, Minister for Railways announced in the Parliament in 1973 that earth work would be taken up, as drought relief measure on such reaches of Miraj-Latur section where this would be made use of in conversion of track later on. Side by side, a Preliminary Engineering-cum-traffic Survey for conversion of the section Miraj-Kurduwadi-Barshi-Latur from narrow-gauge to broad-gauge, and providing a broad-gauge link between Latur and Latur Road was also ordered.

The survey work was completed in 1975. The length of the proposed line is 359 kms. involving conversion of 326 kms. and new construction of 33 kms. Estimated cost of project was about Rs. 43 crores (Gross). In view of the heavy construction costs and low traffic prospects, the project was not found financially justified. The area through which the line passes has no resources for development of major industries likely to generate traffic of this order. The anticipated production of agricultural products and also the requirements of small scale industries, likely to come up in the area, have been ascertained from the Government of Maharashtra, which also do not promise sufficient traffic to make the project viable.

In view of the unremunerative nature of the project, the investment on this project cannot be viewed favourably, particularly in the present context of economy, and severe con-

text of economy, and severe constraints regarding availability of funds even for projects which are in progress. It has, therefore, been decided that the conversion project Miraj-Kurduwadi- Barshi- Latur from narrow-gauge to broad-gauge and providing a new broad-gauge line between Latur and Latur Road may be deferred.

- A high level Committee known as the National Transport Policy Committee appointed by the Planning Commission for evolving a rational policy for the construction of new railway lines, including lines in backward areas of the country, has recently submitted its report to the Planning Commission, and the report is under examination by the Commission. It will be possible for the Ministry of Railways to take further action regarding the formulation of the policy for construction of new railway lines, in the light of the accepted recommendations, when available."

C. Observations of the Committee

3.5. The Committee note from the factual comments furnished by the Ministry of Railways (Railway Board) that according to the Engineering-cum-Traffic Survey which was completed in 1975 in connection with the demand for broad-gauging of the Latur-Miraj narrow-gauge Railway line, whereas, the cost of the project involving conversion of 326 Kilometers and new construction of 33 Kilometers line had been estimated to be of the order of Rs. 43 crores, the traffic prospects were low as the areas through which the line passes were reported to have not much potential for either development of major industries or for any significant increase in agricultural produce and any large scope for development of small scale industries.

3.6. The Committee also note that the Report of the high level Committee known as the National Transport Policy Committee appointed by the Planning Commission for evolving a rational policy for the construction of new railway lines, including lines in backward areas of the country, is under examination by the Commission and the Ministry of Railways have indicated that they would take further action regarding formulation of the policy for construction of new railway lines in the light of the accepted recommendations, when available.

The Committee hope that Government would give due consideration to the petitioners' demand regarding conversion of Laur-Miraj narrow-gauge railway line into a broad-gauge line while formulating policy for construction of new railway lines in the light of the accepted recommendations of National Transport Policy Committee.

IV

REPRESENTATION FROM SHRI NADHAN SINGH, SECRETARY, K.G. AND JUNIOR SCHOOL PARENTS' AND TEACHERS' ASSOCIATION, R. K. PURAM, NEW DELHI, REGARDING ALLOTMENT OF SUITABLE LAND FOR SCHOOL UNDER THE TERMS AND CONDITIONS MADE IN 1976.

4.1. Shri Charanjit Singh, M.P., forwarded a representation dated nil from Shri Nadhan Singh, Secretary, K.G. & Junior School Parents' and Teachers' Association, R. K. Puram, New Delhi, regarding allotment of suitable land for school under the terms and conditions made in 1976.

A—Petitioner's Grievances

4.2. In his representation (See Appendix—III), the petitioner stated *inter alia* as follows:—

“That the K.G. and Junior School, was being run by the K.G. and Junior School Parents' and Teachers' Association in Sector IV, R. K. Puram, New Delhi, from 1969 onwards on a plot of land ear-marked for a K.G. School in the official plan.

* * * * *

That unfortunately, in 1975, the very site on which our K.G. and Junior School had been functioning for over seven years and for which we had been paying the necessary charges when demanded, was allotted to the Sarda Sangh, which was not an educational society and which was being run by one, Mrs. Balamma, who had no School of her own, in complete disregard of our more just and legitimate claims.

* * * * *

That on the strong representation of hundreds of parents and residents of R. K. Puram, our Association was allotted land in September, 1976, in Sector III, R. K. Puram, New Delhi, *vide* Ministry of Works and Housing, Land and

Development Office letter No. L-II-3—5(185)/75/1719, dated 22nd January, 1976, to restart a School, in view of our past services to the community.

* * * * *

That, unfortunately, the promised expeditious exchange turned out to be a belated new allotment, vide Ministry of Works and Housing, Land and Development Office letter No. L. II-3-5(185)/75/11606 dated 21st August, 1978, which totally ignored the assurances given by the Engineer Officer, was a most disadvantageous offer of the most unsuitable part of the open land meant for Schools including deep ravines, slopes and ditches running into the Nala nearby, which is dangerous for the little children and, to top it all, at the three times the rate of the original allotment for which we had already paid up the full amount demanded as far back as October, 1976"

4.3. The petitioner had *inter alia* prayed that—

"Our grievances may kindly be looked into sympathetically and appropriate relief given to us by ensuring that early and equitable offer of site is made to us on priority basis and the land offered in exchange of the previous site is of the same area and at the same rate and equally flat at the more level corner of the open space which has been earmarked for schools in the official plan and on a patch of which our two tents, along with some other jhuggis, are at present standing."

B—Comments of the Ministry of Works and Housing

4.4. The representation was referred to the Ministry of Works and Housing for furnishing their factual comments thereon for consideration by the Committee. In their factual note dated the 12th March, 1980, the Ministry of Works and Housing have stated as follows:—

"(i) It is a fact that 'Parents and Teachers Association' had been un-authorisedly running K.G. and Junior School in Sector IV, R. K. Puram since 26th September, 1968 on the land earmarked for a K.G. School as per the layout plan. The said association had applied for allotment of land to the then Hon. Minister on 26th October, 1968 and were informed in July, 1969 to apply through the Director of Education in prescribed proforma. The recommendations

of the Director of Education, Delhi Administration were not received and in the meantime a request for allotment of land from Sharda Sangh a recognised and registered body was received duly recommended by the Delhi Administration. Representations were also received from the residents of the area against the location of the K.G. and Junior School run by the 'Parents and Teachers Association' and after due consideration of the matter it was decided by the then Hon. Minister for Works and Housing that the land may be allotted to Sharda Sangh on the written understanding that they will absorb on priority basis the students of the existing school run by K.G. and Junior School unauthorisedly on Government land.

- (ii) There being representations against the location of the K.G. and Junior School, the site was allotted to Sharda Sangh and the same was handed over to the Sharda Sangh after demolition of the structure put by K.G. and Junior School unauthorisedly, after obtaining the orders of the then Lt. Governor, Delhi.
- (iii) On their eviction, the K.G. and Junior School approached the Ministry requesting that another site may be allotted to them in Sector IV, R. K. Puram. The request was examined. There was, however no site available in Sector IV and a plot of land measuring 0.5 acres in Sector III, R. K. Puram was temporarily allotted to the institution in August, 1976 on purely temporary (year to year) basis from the date the site in question was handed over to the association. The rates prescribed for temporary allotment in such cases were applied.
- (iv) Temporary Lease Deed in respect of the aforesaid site was registered on 20th March, 1978 and the site was handed over to the school on 22nd June, 1978.
- (v) The site was temporarily allotted to the institution at the then prevailing rates and Clause 3 of the Temporary Lease provided for revision of land rates as and when rates of land were revised by the Government in the case of recognised and un-aided institutions. The rates have now been revised from one lakh to three lakhs w.e.f. 14th September, 1977. The request of the institution/all such institutions for allotment of land are being considered on the basis of revised rates only.

(vi) So far as the position of land is concerned it may be stated that there are no deep ravines, slopes and ditches etc. There are only a few rain cuts which could be filled by only a few truck-loads of earth.

(vii) In the matter of allotment of land on temporary basis, the Government is guided by the land rates as fixed from time to time subject to revision as when the rates are revised. In the instant case allotment having been made on temporary basis the institution was not required to pay any premium for the land and was required to pay only the ground rent which could be termed as a licence fee only and does not entitle the party for permanent allotment of land at the rates prevailing at the time of temporary allotment. In case this institution fulfils the requisite terms and conditions for the allotment of land, their request could be considered for permanent allotment of land at the present rates i.e. Rs. 5000 as premium and 5 per cent thereof as ground rent only in the case of recognised and aided schools. In the case of the recognised but un-aided schools, the land is allotted at the rate of Rs. 3 lakh per acre as premium plus $2\frac{1}{2}$ per cent thereof as ground rent."

C—Observation of the Committee

4.5. The Committee note the position stated by the Ministry of Works and Housing on the points raised in the representation. The Committee feel that in view of the position stated by the Ministry, no further intervention by the Committee is called for in the matter.

REPRESENTATION REGARDING GRIEVANCES AND DEMANDS OF WORKERS OF GOVERNMENT OPIUM AND ALKALOID WORKS UNDERTAKING, NEEMUCH.

5.1. Shri Sunil Maitra, M.P., forwarded a representation dated the 6th March, 1980 signed by Shri Rishi Kumar Pathak and other members of Government Opium and Alkaloid Employees Sangh, Neemuch regarding grievances and demands of workers of Government Opium and Alkaloid Works Undertakings, Neemuch.

A. Petitioners' Grievances and Demands

5.2. In their representation, the petitioners stated as follows:—

“We are working in the Government Opium & Alkaloid Works Undertaking, Neemuch. However, we are not treated as industrial workers and hence we are not given any benefits that are available to other industrial employees. Though the factory is having sophisticated machines we are paid only wages as per Third Pay Commission Report. There has been no wage revision in our wages though our wage revision is long over due. Several departmental undertakings are paid *ex gratia* payment every year. However, the same has been denied to us. There are several complaints of the workers but the authorities have not paid any attention to us.

The workers went on tool down strike from 3rd December, 1979 to 11th January, 1980 which was withdrawn on the assurance of the management that the demands would be looked into by the Finance Ministry. However, we regret to say that no attention has been paid to our demands.”

5.3. The petitioners prayed as follows:—

- “(i) We should be treated as industrial workers and benefits of these workers should be made available to us;
- (ii) We should be given bonus every year; and
- (iii) Machinery should be created to settle the grievances of the workers amicably.”

B. Comments of the Ministry of Finance

(Department of Revenue)

5.4. The representation was referred to the Ministry of Finance (Department of Revenue) for furnishing their factual comments thereon for consideration by the Committee. The Ministry of Finance (Department of Revenue) furnished their factual comments dated the 2nd August, 1980 stating as follows:—

“The Government Opium and Alkaloid Works, Neemuch, is being run as a Departmental Undertaking of the Ministry of Finance (Department of Revenue), and not as a *Public Sector Undertaking*. The employees of this Undertaking are governed by all the Government rules and regulations applicable to the Departmental Undertakings.

Factual comments on the points raised in the petition of Shri R. K. Pathak and others employed in the Government Opium and Alkaloid Works, Neemuch, are as follows:—

- (i) *Point Raised: Petitioners are not being treated as Industrial Workers and they are not given benefits available to industrial employees.*

The contention of the petitioners is not correct that the employees of the Government Opium and Alkaloid Works, Neemuch, are not being treated as industrial workers. They are treated as workers within the meaning of Section 2(1) of the Factory Act, 1948. They are covered under various labour enactments such as Factories Act, 1948, Industrial Disputes Act, Workmen Compensation Act, Payment of Wages Act, etc. The following benefits are also admissible to the workers of the Undertaking:—

- (i) General Provident Fund including Deposit Linked Insurance Scheme.
- (ii) Death-cum-retirement gratuity and other pensionary benefits.
- (iii) Central Government Employees Insurance Scheme.
- (iv) Children Education Allowance and Reimbursement of tuition fees.
- (v) Medical Re-imbusement Scheme.
- (vi) Leave Travel Concession.

- (vii) They are also eligible for loans like Cycle Advance, Scooter Advance, Fan Advance, Festival Advance and other advances.
- (viii) Scheme for immediate relief in case of death of a Government servant.
- (ix) All other benefits as are admissible to Industrial employees extended by the Government from time to time.
- (ii) *Point Raised: Non-revision of wages of workers*

The scales of pay of the employees were prescribed on the basis of the recommendations of the 3rd Pay Commission. As in the case of employees of the other Departmental Undertakings of the Government of India, the orders regarding enhancement in the rates of Dearness Allowance sanctioned by the Government of India from time to time for Central Government employees are applicable to the employees of this Undertaking also. It is, therefore, not correct on the part of the petitioners to say that there has been no wage revision.

- (iii) *Point raised: Payment of Bonus*

Bonus Act is not applicable to the Government Opium and Alkaloid Works, Neemuch as it is Departmental Undertaking of the Government of India. However, the employees of the Undertaking are paid ex-gratia Production Award subject to fulfilment of certain prescribed norms of production, profitability, etc. Although the employees of the Undertaking were not strictly eligible for ex-gratia payment in terms of the prescribed norms, they were paid the same for the year 1977-78 and 1978-79 in relaxation of the norms as a special case.

- (iv) *Point Raised: Tool-down strike by the Workers Setting up of machinery for settling of grievances of workers amicably.*

Some of the workers owing allegiance to the Government Opium and Alkaloid Employees' Sangh, Neemuch, went on tool-down strike from 25-10-1979 to 28-10-1979 and again from 3-12-1979 to 11-1-1980. They called off the strike unconditionally after meetings/discussions with the management.

Discussions at various levels are held from time to time between the management and the workers regarding the

demands/grievances of the workers and effort is made to meet their genuine demands.

A labour officer as provided in the Factories Act, 1948 is also posted in the Government Opium and Alkaloid Works, Neemuch who *inter-alia* attends to the problems of the workers.

The question of constituting a regular machinery to mutually discuss and settle the demands/grievances of the employees of the Government Opium and Alkaloid Works, Neemuch, is at present under consideration of the Chief Controller, Government Opium and Alkaloid Factories.

Inadidentally, it may be pointed out that Shri R. K. Pathak (petitioner) has been under suspension for gross misconduct for indulging in physical assaults on the Plant Superintendent and the Shift Chemist within the Factory's premises. Some criminal cases in the local courts of law are pending against him and he has been using all possible ways and means to pressurise the management to withdraw the same."

C. Observation of the Committee

5.5. The Committee note the factual comments furnished by the Ministry of Finance (Department of Revenue) on the demands made in the representation. The Committee feel that no further action is called for in the matter on their part.

NEW DELHI;

Dated the 15th December, 1980.

R. L. BHATIA,

Chairman,

Committee on Petitions.

APPENDIX I

(See Para 2.1 of the Report)

[Petition No. 2 regarding changes required in rape law]

LOK SABHA

Petition No. 2

(Presented to Lok Sabha on 17-3-1980)

[Considered by the Committee on Petitions, Lok Sabha at their sitting held on the 12th November, 1980, and circulated in pursuance of the Committee's direction under Rule 307(1) of the Rules of Procedure and Conduct of Business in Lok Sabha.]

To

LOK SABHA

NEW DELHI.

The humble petition of Shrimati Lata Mani of Forum Against Rape, Flat No. 13, Carol Mansion, 35 Sitaladevi Temple Road, Mahim, Bombay-400016 and others regarding a serious issue concerning the rape case on Mathura a 14—16 year old farm labourer.

SHEWETH

We think that this is not an isolated example. There have been numerous instances of rape cases in Bailadilla, Narainpur, Pimpri, Assam, Hyderabad and other States of India. We are concerned because in many cases the girls were raped in police lock-up and by police personnel who are supposed to guard and give protection. Thus when the representatives of Government administration are involved, we do not think that the woman get justice in the hands of law. There are lacunae also in the Act where the girl has to prove that it was against her will and that there was resistance on her part. Not only this, in the court cases there is always an attempt to prove that the raped girl herself was of bad character. Publicity is given to the woman and society ostracises her whilst the culprits go scot free.

We are, therefore, bringing before you the following facts about the Mathura case and request you to please take up the issue about the Supreme Court verdict and the general situation of rape in the country.

The status of women is concerned and a proper attitude towards women has to be determined. The following facts are self explanatory.

Mathura, a 14—16 year old farm labourer was raped by a policeman in a police station in Maharashtra. The Bombay High Court (Nagpur Bench) sentenced the two accused. The Supreme Court reversed this decision letting the policemen go scot free [Thukaram vs. State of Maharashtra (1979) 2 S.C.C. 143].

The Supreme Court maintained that the 'stiff resistance' put up by the girl was 'a tissue of lies' and the 'alleged intercourse was a peaceful affair. The Supreme Court expected the girl to put up stiff resistance with two policemen in the middle of the night in a police station.

Angered by the Supreme Court decision, four eminent lawyers wrote an open letter to the Chief Justice of India demanding a re-opening of the case maintaining that 'this is an extraordinary decision sacrificing the human rights of women under the law and constitution'. They also brought to attention that 'there is not a single word in the judgement condemning the use of the police station as a theatre of rape or submission to sexual intercourse'.

The Supreme Court judgement is not a judgement against Mathura alone—but a judgement against all the women of India. Because though rape occurs on an individual woman it is a means by which all women are kept in a state of total fear and submission.

Angered by this reversal; angered by the growing incidents of rape in this country by the police and armed forces; angered by the treatment given to raped victims, and recognising that the struggle against rape is the collective struggle of all women—a broad based organisation 'FORUM AGAINST RAPE' has been formed in Bombay. The Forum consists of women organisations, women in the trade unions, lawyers, civil liberties groups, teachers, journalists, students, housewives and workers.

The Forum draws notice to the fact that the majority of rape cases are unreported and the culprits go unpunished. The women from the poor classes have to suffer rape in fear and silence. The rape of women workers and the wives of those on strike; and the rape of tribal, dalits and agricultural landless labourers by landlords; and in

almost every caste, class or communal riot women are raped to create a reign of terror. The streets are no longer safe to walk on and every women fears rape.

And if the Supreme Court decision is any indication then women cannot expect to get justice within the Law. Because society thus who make and give justice treat the woman who goes to court as the guilty party. They point their finger at the woman making her the accused of this brutal crime.

The Forum has organised a largely attended public meeting in Bombay on February 23, 1980 to draw public attention on the issue of rape in the country. And in various other centres in India, e.g. Kolhapur, meetings are being held to raise public awareness. And on March 7/8, 1980 on International Womens day all over the country—in Bombay, Delhi, Pune, Kolhapur, Patna to mention a few thousands of women are demonstrating to demand that action be taken in rape cases.

We call upon Lok Sabha to consider this serious issue and take immediate steps to ensure that the demands being made by women all over India be met. These demands are:

1. *That the Mathura case i.e. Thukaram vs. State of Maharashtra be re-opened.* This demand is supported by thousands who have signed a mass signature campaign about this case.
2. The immediate suspension of and disciplinary proceedings against policemen and other officials of the armed forces who are accused or charged with having committed rape.
3. *Amendments in the rape law.*—Some of the reforms urgently called for are:
 - (a) The definition of rape must clarify that consent given on an apprehension of fear of death or hurt is no consent.
 - (b) Consent under undue influence or coercion must be no consent.
 - (c) If the person alleged to have committed rape is a police functionary, once it is established that sexual intercourse took place with a police man on duty, the burden of proving that the woman consented will be on the accused. (i.e. the police), Police personnel misuse their authority and turn it into a weapon of power to subjugate helpless and defenceless women. In order that we can talk of defending the rights of women, those

responsible for enforcing law and order must be made accountable for misuse of power.

- (d) When a woman reports rape to a police station, she must be questioned by a *woman* police officer.
- (e) The definition of rape must make it clear that the crime can take place without overt violence, or when the man does not care whether the woman consented or not.
- (f) Once a woman has reported rape, it must be illegal to publish her name or give any information that is likely to identify her.
- (g) The woman must not be questioned in court about her sexual reputation or sexual experience with men other than the accused, nor may the accused man give evidence about this. There may be two exceptions to this:—
 - (i) When the man's lawyer can persuade the judge that he has evidence to show that the woman behaved in a way which is similar to the way she behaved at the time of the alleged rape and that this evidence is crucial because it shows that the woman has particular sexual habits that are relevant to the defence.
 - (ii) If the woman or another prosecution witness claims that she, the alleged victim, is of 'good character' in sexual matters, then the man's lawyer can bring evidence to show that this is not true.
- (h) Steps should be taken to ensure that women prisoners are not sexually abused whilst in police and judicial custody.
- (i) The trial of rape case must be held in camera if the woman so requests.
- (j) Separate courts or tribunals should be constituted to deal with cases relating to rape.

The changes suggested in items e.f.g. have been made in the U.K. by the Sexual Offences (Amendment) Act of 1976.

4. We further demand that a *National Committee* be appointed by the Ministry concerned, with representation of the Forum against Rape, other women groups, lawyers and civil liberties groups. The Committee should investigate the matter of rape, reported and unreported, in the country; study the functioning of the medical and

legal institutions which deal with rape and recommend further amendments in the law.

We draw attention to the fact that in 1978 a petition was submitted to the Rashtrapati by the National Federation of Indian Women at which time 100 cases of rape were documented and the need for action stressed. Unfortunately no action was taken.

Accordingly, your petitioners pray that the Lok Sabha may consider the above proposals and recommend to the Government of India to take necessary steps and action in order to protect the honour of women.

And your petitioners as in dutp bound will ever pray.

Name of petitioners	Address	Signature or Thumb impression
1. Smt. Lata Mani . . .	5, Om Shanti, 16th Rd., S Cruz, Bombay-400054.	Sd/-
2. Smt. Ahilya Rangnekar .	Bhan Daji Rd., Bombay-400019	Sd/-
3. Smt. Anuradha Chandy .	8, Swastkic Court, 1st Pasta Lane, Colaba, Bombay-5.	Sd/-
4. Smt. Manju Gandhi . . .	Bal Bhavan, 11th Rd., Khar, Bombay-400052.	Sd/-
5. Smt. Mrinal Gore . . .	Topiwala Bungalow, S. V. Rd., Goregaon, Bombay-400052.	Sd/-
6. Smt. M. Sawane . . .	28, Allamount Rd., Bombay-26	Sd/-
7. Smt. S. Sathc . . .	29/6, Hind wale Blocks, Sant Tukaram Path, Thane (East)	Sd/-
8. Smt. Indira Jaisingh . .	Room 6, 1st Floor, Stock Exchange Building, Appollo Street, Bombay.	Sd/-
9. Smt. Gayatri Singh . . .	Ramdoot Bldg. No. 2, Room No. 190, Near Curry Rd. St. Lower Parrel, Bombay-13.	Sd/-
10. Smt. Chhaya Dafa . . .	1, Mallika, Makarand Society, Vcersavarkar Marg, Mahim, Bombay-16.	Sd/-

COUNTER SIGNED BY :

Geeta Mukherjee, M.P.

Suseela Gopalan, M.P.

Promila Dandavate, M.P.

APPENDIX II

(See para 3.1 of the Report)

[Petition No. 5 regarding conversion of Latur-Miraj narrow-gauge railway line into a broad-gauge line].

LOK SABHA

Petition No. 5

[Presented to Lok Sabha on 1-7-1980]

To

LOK SABHA,
NEW DELHI.

The humble petition of elected representatives and pilgrim-passengers of Maharashtra.

SHEWETH

1. We have the honour to place before the Honourable House for kind consideration and prompt action, the problem of conversion of the narrow-gauge Latur-Miraj line in Maharashtra into a broad-gauge line. This is the long standing request of millions of pilgrims and others, who visit Pandharpur, which is situated on the Latur-Miraj line of the Central Railway. Pandharpur is the holiest religious centre in Maharashtra and is regarded as the holy Kashi of the South. During the four fairs held at Pandharpur and through out the year, millions of pilgrims visit this holy place. They are put to great hardship and inconvenience because they have to change for the narrow-gauge line at Kurduwadi Junction on the Central Railway. The hardship and inconvenience of the millions of pilgrims and passengers have to be seen if they are to be believed, because of the tremendous rush during the fairs. But this public grievance has never received sympathetic consideration and people have been made to suffer for more than four decades.

2. For the acceptance of the most urgent public demand many delegations have met the Railway Ministers and the railway authorities. Scores of representations were made to them over the years but with no results.

3. Even the Government of Maharashtra supported this legitimate demand of the people but even its appeal has fallen on deaf ears. The Members of Parliament have raised this question in the Parliament and have tried to draw the attention of the Government of India to this burning problem which has been agitating the minds of millions of people over a long period of time.

4. Various railway authorities, the Railway Ministers and even the former Prime Minister have raised the people's hopes and expectations about this demand only to be shattered in course of time. The usual ritual of appointing commissions for considering the question of economic viability of the project, has been observed and reports favourable to the proposal of broad-gauging the Latur-Miraj track have been made. The only thing that remains to be done is to begin the implementation of the project and to carry it to completion.

5. The authorities had passed orders to the work immediately and accordingly it was begun right earnestly as a famine-relief work in 1973. But after the expeditious start the work was suspended and finally completely stopped.

6. The first and the foremost stumbling block in undertaking the work of conversion of the Latur-Miraj narrow-gauge line into a broad-gauge line is that the railway authorities think that the project is not economically viable. On 10th March 1970 when the question was raised in the Parliament, the Government's response was that the survey in this behalf is being made and the Government was going to take action after the survey. No action has still been taken even though eight long years have passed. One of the former Ministers of State for Railways who headed the narrow-gauge Economical Committee, had recommended the conversion of the Latur-Miraj line into the broad-gauge, with priority. This shows that the problem of viability is the bogey raised to stem the work that had begun after due consideration regarding its viability and urgency.

7. The Latur-Miraj narrow-gauge line was formerly managed by the Barsi Light Railway Company which was incorporated in Great Britain. This Company paid dividend ranging from 9 per cent to 12 per cent even in those days to its shareholders in Great Britain. The said Company incurred no loss in any year and no problem regarding its economical viability stood before them. In 1954 the Company was taken over by the Central Railway. Since the railway management is taken over by the Government, there has been rapid industrial development. In this region, several sugar factories and industries have been started. In fact, the narrow-gauge line is not able to cope

with the ever-increasing needs and requirements of this region of cheap and efficient transport of passengers and goods. Thousands of State Transport buses and thousands of private trucks are mainly shouldering the responsibility of carrying millions of people and goods to different destinations in this area, every year. Latur, Barsi, Sangola, Akhuj, Malsiras and Pandharpur are some of the big and developing towns on or near Latur-Miraj line and the narrow-gauge line is not able to render efficient and economical service to the people. So they are required to pay higher fares and charges of S. T. buses and private trucks. When the narrow-gauge is not able to cope up with even 25 per cent of the work of transporting passengers and goods, it continues to lament that the line is not economically sound.

8. The Railway authorities are trying to increase the efficiency by changing from coal engines to diesel engines but that will neither solve the problem of efficiency nor the economic condition of the line.

9. We are caught in a vicious circle. There is no broad-gauge line because the region is not sufficiently developed, and the region is not developing fast because it is lacking in efficient and economical means of communication and transport. This vicious circle can be broken only by effective, prompt action of broad-gauging the Latur-Miraj railway line.

10. The present Ministry for Railway has planned for the rapid development of backward regions and religious centres. Laying new railway lines and broad-gauging the narrow lines are some of the measures contemplated for realising those ends. The bogey of economical viability should not come in the way of development of those areas and religious centres.

11. We hereby also request to allow some of us to place personally the facts and figures with regard to the above said demand.

And accordingly your petitioners pray that as no other remedy is now open for them to press their legitimate and urgent demand the Lok Sabha through its Committee on Petitions may investigate into the question of converting narrow-gauge Latur-Miraj (Maharashtra) line into a broad-gauge line and reach their conclusions and further necessary immediate action:

And your petitioners as in duty bound will ever pray.

Name of petitioner	Address	Signature or Thumb impression
Shri G. S. Rahirkar and others	General Secretary, Werkari Mahamandal, H. No. 2983A, Pandharpur, Distt. Sholapur (Maharashtra).	Sd/—

Countersigned by R. K. Mhalgi, M. P.
26-6-1980

APPENDIX III

(See para 4.2 of the Report)

[Representation from Shri Nadhan Singh, Secretary, K.G. and Junior School Parents' and Teachers' Association, R. K. Puram, New Delhi, regarding allotment of suitable land for school under the terms and conditions made in 1976.]

To

The Hon'ble Chairman,
Committee on Petitions (Seventh Lok Sabha),
Parliament of India,
NEW DELHI-110001.

The Petition of Shri Nadhan Singh, Secretary, K. G. and Junior School Parents' and Teachers' Association (Regd.) Sector III, R. K. Puram, New Delhi-110022, sheweth:—

1. That the K.G. & Junior School, which was being run by the K.G. & Junior School Parents' and Teachers' Association in Sector IV, R.K. Puram, New Delhi, from 1969 onwards on a plot of land earmarked for a K.G. School in the official Plan, had by 1973-74 gained much popularity and had acquired a student strength of over 300. The Parents' & Teachers' Association had applied for allotment of the site and recognition of the School, since the site on which the School was functioning and had been functioning for many years was meant for a K.G. School and the standard of education imparted was universally acclaimed as good;

2. That, unfortunately, in 1975, the very site on which our K.G. and Junior School had been functioning for over seven years and for which we had been paying the necessary charges when demanded, was allotted to the Sarda Sangh, which was not an educational society and which was being run by one, Mrs. Balamma, who had no School of her own, in complete disregard of our more just and legitimate claims;

3. That when information of this allotment leaked out, there was much resentment among the public. Fearing a reversal of the allotment, the interested party hurriedly got our School demolished; without any intimation or notice, on 24-10-75. Our structures were

razed to the ground and our children were dispersed, causing us great financial loss, disrupting the education of the children and placing the teachers and the parents in a quandry;

4. That on the strong representation of hundreds of parents and residents of R.K. Puram, our Association was allotted land in September, 1976, in Sector III, R.K. Puram, New Delhi, *vide* Ministry of Works and Housing, Land and Development Office letter No. L-II-3-5(185)/75/1719 dated 22-1-76, to restart a School, in view of our past services to the community;

5. That after meeting certain belated objections raised by the Land and Development Office and complying with time-consuming formalities, the lease deed was finalised in June, 1978, on payment of all dues and fees, etc., asked for by the Government;

6. That when the land was being demarcated for our School, certain residents, instigated by hostile elements, irrationally opposed the demarcation of the site and physically obstructed the work of the surveyor of the Land & Development Office. The matter was immediately reported to the Police on 22-6-78, but they did not take any action to help our Association, or prevent illegal interference in Government work;

7. That the objectors and obstructionists brought the Engineer Officer of the Land and Development Office the next morning, *i.e.* 23-6-78, to the spot and the latter, in deference to the wishes of the former, proposed an exchange of site for us, telling us to pitch our tents on the open land across the Nala (rain drain) and away from the allotted site, till the exchange materialised. In the interest of harmony and peace, we agreed to his suggestion but on the clear understanding that the exchange would be an equitable one and in lieu of the allotted and demarcated plot, whose possession had been physically obstructed by some Government servants of the area. We also made it clear that the terms and conditions would remain the same and the exchange should be offered immediately so that our admissions do not suffer;

8. That the Police, to cover their inspired inaction in the matter, drew up a *status quo* document at the Police Station, Nanakpura, and got the obstructionists on the one hand, and the President and Secretary of the Association on the other to sign it as a sign of truce;

9. That, unfortunately, the promised expeditious exchange turned out to be a belated new allotment, *vide* Ministry of Works and

Housing, Land and Development Office letter No. L.II—3-5(185) [75] 11606 dated 21-8-78, which totally ignored the assurances given by the Engineer Officer, was a most disadvantageous offer of the most unsuitable part of the open land meant for Schools including deep ravines, slopes and ditches running into the Nala nearby, which is dangerous for the little children and, to top it all, at three times the rate of the original allotment for which we had already paid up the full amount demanded as far back as October, 1976;

10. That we immediately protested to the Land and Development Office and the Ministry of Works and Housing against this grave injustice done to us, but since no reply was forthcoming and the whole issue was bedevilled by interference of certain politicians and the consequent apathy of the Police, we had, perforce, to take the matter before the Committee on Petitions, Sixth Lok Sabha, which we did on 26-8-78;

11. That unfortunately, again, the Ministry of Works and Housing and the Ministry of Home Affairs dilly-dallied in sending up the relevant files to the Petitions Committee and nothing was done to give a fair hearing to our Association till the dissolution of the Sixth Lok Sabha, even though several M.Ps., who were on the Petitions Committee itself, recommended early hearing of our case; and

12. That, in spite of our persistent efforts, no written reply was received from the Sixth Lok Sabha, regarding the fate of our case. However, after the dissolution of the Sixth Lok Sabha, we were, on making enquiries, verbally told that our case had lapsed because of the dissolution of the Lok Sabha and we would have to move a fresh prayer to the new Committee on Petitions when the new Lok Sabha came into being, if we so desired. In view of this, we have placed our case before the Committee on Petitions, Rajya Sabha, filing it on 15-11-1979, and are herewith also submitting our case before the Committee on Petitions, Seventh Lok Sabha, in the hope that our long-delayed case will be looked into at an early date and just relief granted to our Association to enable us to revive and rehabilitate our School. Delay has done us immense harm already and continued uncertainty is gravely jeopardising our plans to revive our shattered institution.

13. And, accordingly, your petitioner prays that our grievances may kindly be looked into sympathetically and appropriate relief given to us by—

- (1) Ensuring that early and equitable offer of site is made to us on priority basis and the land offered in exchange

of the previous site is of the same area and at the same rate and equally flat at the more level corner of the open space which has been earmarked for Schools in the official plan and on a patch of which our two tents, along with some other jhuggis, are at present standing;

- (2) Ensuring early handing over of the possession of the exchange site, since full payment was made as far back as 1976 for the site allotted in Sector III, R.K. Puram, New Delhi, so that we are able to utilise the land before the next academic session for Schools starts, i.e. April, 1980, and we do not again suffer loss in admissions;
- (3) Extending to us financial assistance for all the losses we have suffered for no fault of ours due to the demolition of our previously popular School by the payment of suitable grant-in-aid/compensation or by waiving ground rent charges or making a nominal charge only for the site given to us till we have the same student strength of about 300 as at the time of demolition of our School;
- (4) Ensuring that the Police Department recover for us our stolen poles and fencing wire as reported to them a long time ago and also prevent interested and motivated elements from interfering again, if at all, in the demarcation and possession of the exchange site to be offered to our School; and
- (5) Ensuring that the Government Servants' Residents' Welfare Associations function in the interest of harmony and goodwill of people in the area they represent instead of indulging in inspired intrigues and motivated obstruction of educational institutions for narrow, selfish or political ends.

For the above kindness, your petitioner and the K.G. and Junior School Parents' and Teachers' Association shall remain ever grateful.

NAME & DESIGNATION	ADDRESS	SIGNATURE
SHRI NADHAN SINGH, Secretary, K. G. & Junior School Parents' & Teachers' Association (Regd.), Sector III, R. K. Puram, New Delhi-110022.	S. VIII/1259, R. K. Puram, New Delhi-110022.	Sd/- (Nadhan Singh)