

# COMMITTEE ON PETITIONS

(TWELFTH LOK SABHA)

## FIRST REPORT



*(Presented to Lok Sabha on 22.12.98)*

LOK SABHA SECRETARIAT  
NEW DELHI

*18. December, 1998/27 Agrahayana, 1920 (Saka)*

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(i)

**COMPOSITION OF THE COMMITTEE ON PETITIONS  
(1998-99)**

**Shri Ajoy Mukhopadhyay — *Chairman***

**Shri Prasanna Acharya**

**Shri Pankaj Chaudhary**

**Shri Gurdas Kamath**

**Shri C. Kuppusami**

**Shri Anand Ratna Maurya**

**Prof. Ajit Kumar Mehta**

**Shri Ravindra Kumar Pandey**

**Shri Dada Baburao Paranjpe**

**Shri M. Bagga Reddy**

**Shri Rajo Singh**

**Shri Sushil Kumar Singh**

**Shri Madhukar Sirpotdar**

**Shri Chengara Surendran**

**Shri Devji Bhai J. Tandel**

**SECRETARIAT**

**Shri G. C. Malhotra — *Additional Secretary***

**Shri Ram Autar Ram — *Director***

**Smt. Neera Singh — *Assistant Director***

# **FIRST REPORT OF THE COMMITTEE ON PETITIONS (TWELFTH LOK SABHA)**

## **INTRODUCTION**

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

- (i) Action Taken by the Government on the Recommendations of the Committee on Petitions (Tenth Lok Sabha) contained in their Thirteenth Report on the Petition No. 24 received from Koyla Kamgar Panchayat, Jahangirabad, Bhopal, Madhya Pradesh regarding problems of Coal Workers working in South Eastern Coal Fields Limited.
  - (ii) Action Taken by the Government on the Recommendations of the Committee on Petitions (Tenth Lok Sabha) contained in their Twenty Sixth Report on Petition No. 31 seeking permission for starting building activities on the land owned by members of the Jag Jiwan Cooperative House Building Society located at Vasant Kunj, Mehrauli, New Delhi.
  - (iii) Action Taken by the Government on the Recommendations of the Committee on Petitions (Eleventh Lok Sabha) contained in their Fifth Report on the Petition regarding exploitation of workers working under the private contractors for providing catering service at Katni Railway Station.
2. The Committee considered the draft Report at their sitting held on 18 December, 1998.
  3. The observations/recommendations of the Committee on the above matters have been included in the Report.

NEW DELHI;  
18 December, 1998  

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27 Agrahayana, 1920 (Saka)

AOJOY MUKHOPADHYAY,  
Chairman,  
Committee on Petitions.

## **CHAPTER I**

### **ACTION TAKEN BY THE GOVERNMENT ON THE RECOMMENDATIONS OF THE COMMITTEE ON PETITIONS (TENTH LOK SABHA) CONTAINED IN THEIR THIRTEENTH REPORT ON THE PETITION NO. 24 RECEIVED FROM KOYLA KAMGAR PANCHAYAT, JAHANGIRABAD, BHOPAL, MADHYA PRADESH REGARDING PROBLEMS OF COAL WORKERS WORKING IN SOUTH EASTERN COAL FIELDS LIMITED**

1.1 The Committee on Petitions (Tenth Lok Sabha) in their Thirteenth Report presented to Lok Sabha on 5 May, 1994 dealt with the Petition (No. 24 presented to Lok Sabha on 27.11.1992 by Shri Mohan Singh, M.P., signed by Shri Raghu Thakur, Acting President, Koyla Kamgar Panchayat, Jahangirabad, Bhopal, Madhya Pradesh) regarding problems of Coal Workers working in South Eastern Coal Fields Limited.

1.2 Action taken notes have been received from the Ministry of Labour and Ministry of Coal in respect of recommendations contained in the Report. The recommendations made by the Committee and the replies thereto furnished by the Ministry of Labour and Ministry of Coal are given in Appendices-I and II.

1.3 The Committee will now deal with the action taken by the Government on their recommendations.

#### **Recommendations/observations**

(Para 1.5, 1.6 & 1.7)

1.4 The Committee have perused the comments furnished by the Ministry of Coal and Ministry of Labour and note that payment of wages through banks to contract workers working in the Coal Sector is not feasible as it would contravene Rule 69 of the CL (R&A) Central Rules, 1971 under which all wages shall be paid in "Current Coin or Currency or in both."

1.5 The Committee note that inspections of the establishments of contractors are being carried out by the officers of the labour enforcement machinery and wherever it is detected that less wages have been paid to the workers, the claim applications are filed by the inspecting officers before the authority under the Minimum Wages Act, 1948.

1.6 The Committee consider it unfortunate that under-payment was being made to contract workers in violation of the provisions of the Minimum Wages Act, 1948. They, therefore, recommend that the Ministry of Labour should strengthen their labour enforcement machinery and make the rules stringent so as to ensure regular inspection of establishments of

contractors, proper maintenance of records and registers and supervision by senior officers.

### **Reply of the Ministry of Labour**

1.7 As per the standing instructions issued by CLC(C), the field officers are carrying out regular inspections as well as inspections under crash programmes for enforcement of the Minimum Wages Act, the Contract Labour Act and other enactments especially in informal sector, and as and when cases of less payments non-payments are observed action is taken to file claim applications.

### **Recommendations/observation**

(Para 1.8)

1.8 Any violation detected during such inspections should be dealt with expeditiously and defaulting contractors should be brought to book so that the problem of under-payment to contract workers is eliminated.

### **Reply of the Ministry of Labour**

1.9 During 1993, 8399 inspections under the Minimum Wages Act were carried out by field officers and 2040 claim applications were filed under the same enactment. Similarly, 3215 inspections were carried out under CL(R&A) Act and 3273 prosecutions were launched under the same enactment. However, the recommendations made by the Committee have been noted for guidance and compliance.

### **Recommendations/observations**

(Para 1.9)

1.10 The Committee also note that the Ministry of Labour are processing a proposal to amend the CL(R&A) Act, 1970, to provide for absorption of retrenched contract labour through re-employment subject to certain norms and tests to be laid down. In certain jobs-processes/operations in which they were employed earlier but these have now been shifted to the main establishment. The Committee hope that the proposal to amend the said Act would be expedited. They would like the Ministry also to modify the rules/norms in such a way that all the retrenched employees are absorbed.

### **Reply of the Ministry of Labour**

1.11 The recommendation made by the Committee has been noted and the proposal to amend the CL(R&A) Act, 1970 is being expedited.

### **Recommendations/observation**

(Para 1.10)

1.12 The Committee also recommend that both the Ministry of Labour and Ministry of Coal would take suitable steps for effective implementation of various provisions contained in the Workmen's Compensation Act, 1923 so as to ensure to the Contract workers in the Coal sector the statutory benefits like leave with salary, payment of compensation and expenses

incurred on treatment in the event of an injury/accident arising out of, or during their duty. The Committee suggested that the Ministry of Labour may examine the feasibility of providing group insurance benefits to contract workers in Coal Sector and, if necessary, with that object in view may suitably modify the provisions of the EPF & MP Act, 1952, and the Contract Labour (R&A) Act, 1970.

#### **Reply of the Ministry of Labour**

1.13 The recommendations of the Committee regarding effective implementation of provisions of the Workmen's Compensation Act, 1923 have been forwarded to all State Governments/U.T. Administrations, which are responsible for administering the Act, for taking appropriate action.

1.14 The Coal Mine workers are not covered under the EPF & MP Act, but are covered under the CMPF Act. Since the Ministry of Coal is administering the CMPF Act, that Ministry has been requested to take appropriate action on the suggestion made by the Committee.

#### **Reply of the Ministry of Coal**

1.15 So far the question of implementation of Workmen's Compensation Act is concerned, the same is being implemented faithfully in respect of Contractors Labour also. It was always ensured by CIL that whenever any contractor's labour is injured or meets with an accident, he is being paid due compensation under the Act by the Contractor or in his failure, the same is paid by the principal employer and the amount is deducted from the contractor's bill subsequently.

1.16 The contractor's labours are also being accorded the facilities of medical treatment etc., in the event of any injury or accident through the departmental hospitals/dispensary etc.

1.17 The management did not come across any such provision relating to grant of leave with wages/salary to the contractor's labourers either under CIL(R&A) Act, 1970 or any other Act. However, the management has no objection to such provisions being inserted in CIL(R&A) Act, 1970.

1.18 Regarding introduction of group insurance benefit to the Contractor labour is concerned, it will be difficult for the industry to accept this view because no such benefit is available to the workers of coal industry and as such any extension of such benefit will have a serious repercussion.

1.19 The Ministry of Labour were again requested to furnish their own comments on Para 1.10 of the recommendations of the Committee and on comments of the Ministry of Coal regarding leave with wages and provision of group insurance benefits to Contract Labour and also to clarify the position regarding leave with wages/salary to contractor's labours under Contract Labour (R&A) Act, 1970 or any other Act.

1.20 The further reply furnished by the Ministry of Labour are as follows:—

1.21 The provisions of the Workmen's Compensation Act are being implemented in respect of the Workers working in contractors establishments in the South Eastern Coalfields Ltd. and N.C. Ltd. which are subsidiaries of the Coal India Ltd. and medical facilities are also extended to the Contract Labour in the event of injury while on duty through the departmental hospital/dispensaries by the managements.

1.22 Regarding leave with wages to the workers employed by the contractor's that facility is extended only when the workers engaged by the contractors are doing the same and similar work as performed by the workmen directly employed by the principal employers.

1.23 Regarding Group Insurance Scheme, it is not available to the directly employed workmen of the principal employer and therefore workers of contractors are also not getting the benefit but many-contractors are having their own scheme of Group Insurance with Insurance Companies.

1.24 The Contract Labour employed in mining activity like transportation, construction of walling and stopping and white washing in underground mines are covered under the provisions of Mines Act, 1952 and these workers are entitled to the benefits of the Mines Act, 1952.

1.25 As regards leave with wages/salary, holidays, hours of work and other conditions of service of the workmen of the contractors, these are governed by Rule 25 of the Contract Labour (Regulation & Abolition) Central Rules, 1971, a copy of which is enclosed for perusal.

#### Observations of the Committee

1.26 The Committee are satisfied to note that in pursuance to their recommendations for strengthening the Labour Enforcement machinery to ensure regular inspection of establishments of contractors, CLC(C) has issued standing instructions and as per his instructions the field officers are carrying out regular inspections as well as inspections under crash programmes for enforcement of the Minimum Wages Act, the Contract Labour Act and other enactments, especially in informal sector and as and when cases of less payment/non-payments are observed, action is taken to file claim applications.

1.27 The Committee note with satisfaction the action taken replies furnished by the Ministry of Labour regarding proposal to amend the CL (R&A) Act, 1970. The recommendations made by the Committee to modify the rules/norms so that all retrenched employees are absorbed have stated to be noted by the Ministry for guidance and compliance. The Committee hope that prompt and sincere efforts would be taken in this regard.



1.28 The Committee are happy to note that the Ministry of Labour have taken appropriate steps for effective implementation of provisions of the Worker's Compensation Act, 1923.

1.29 The Committee note from the action taken replies furnished by the Ministry of Coal that Workmens' Compensation Act is being implemented faithfully in respect of Contractor's Labours. In case of any injury or accident occurring to the Contractor's Labour, due compensation is paid under the Act by the Contractor or on his failure the same is paid by the Principal employer and the amount is deducted from the Contractor's bill subsequently.

1.30 The Committee accept the reasoning given by the Ministry of Coal regarding introduction of group insurance benefit to the contract labour.

1.31 The Ministry of Labour in this regard have stated that the contract labour employed in mining activity are entitled to the benefits of the Mines Act, 1952. As regards leave with wages/salary, holidays hours of work and other service of the workmen of the contractors, these are governed by Rule 25 of Contract Labour (Regulation and Abolition) Central Rules, 1971.

1.32 The Committee are satisfied with the Replies of the Ministries of Coal and Labour and hope that endeavours would continue to be done in regard to the welfare of Coal Workers.

## CHAPTER II

### **ACTION TAKEN BY GOVERNMENT ON THE RECOMMENDATION OF THE COMMITTEE ON PETITIONS (TENTH LOK SABHA) CONTAINED IN THEIR TWENTY SIXTH REPORT ON PETITION NO. 31 SEEKING PERMISSION FOR STARTING BUILDING ACTIVITIES ON THE LAND OWNED BY MEMBERS OF THE JAGJIWAN COOPERATIVE HOUSE BUILDING SOCIETY LOCATED AT VASANT KUNJ, MEHRAULI, NEW DELHI.**

2.1 The Committee on Petitions (Tenth Lok Sabha) in their Twenty Sixth Report presented to Lok Sabha on 7 March, 1996 dealt with a petition (No. 31) presented to the House by Shri Pius Tirkey, M.P. on 31 March, 1993 (signed by Shri Raj Baldev and other Members of the Jagjiwan Cooperative House Building Society located at Vasant Kunj, Mehrauli, New Delhi) regarding seeking permission for starting building activities on the land owned by the members of the society.

2.2 The Committee had made certain observations/recommendations on the matter which are shown at Appendix-I. The Ministry of Urban Affairs & Employment were requested to implement those recommendations and furnish their action taken notes for the consideration of the Committee.

2.3 The main observation/recommendation of the Committee contained in para 1.21 of the report, is reproduced below:—

“The Committee, while agreeing with the policy of the Government and the DDA about the planned development of Delhi, felt in the circumstances of the present case that the Jagjiwan Cooperative House Building Society should be allowed to construct multi-storied flats on their land and then flats are allotted to their members. To achieve this objective the petitioners may also fulfil the necessary formalities such as conversion of the society into a group housing society, etc.”

2.4 The Ministry of Urban Affairs & Employment with whom the matter was taken up for implementation, have in their action taken reply dated 28 February, 1997, stated as follows:—

“The Registrar, Cooperative Societies, GNCTD, New Delhi, who was consulted in the matter with regard to the conversion of Jagjiwan Cooperative House Building Limited into a Group Housing Society, has intimated that the Jagjiwan Cooperative Society was registered on 28.4.1955 at S.No. 1312. The main object of the Society was to provide small plots to slum/jhuggi dwellers. The members of the Society, as per its bye-laws, had to be residents of Karol Bagh area.

The membership of the Society as on 17.12.61 was 146 which came down to 114 on 30.6.63. Smt. Savita Behn, the then President of the Society, *vide* her letter dated 12.11.77 informed that as the object of the Society was being fulfilled under different schemes of the Government for rehabilitation of slum/jhuggi dwellers, the Society had decided to return the money to its members. She had requested for appointment of a Liquidator."

The Ministry further stated that:—

"Subsequently, on 27.2.1979, the Registrar, Cooperative Societies, received a letter from Shri M.C. Gupta, the then Honorary Secretary of the Society, intimating that as per the resolution of the Managing Committee dated 6.3.77, the area of operation of the Society was extended from Karol Bagh to the Union Territory of Delhi and the Society's name be changed from Jagiwan Cooperative House Building Society Limited to Jagjiwan Housing Society. This letter was in total contradiction of the letter dated 2.11.77 of Smt. Savita Behn because had there been any resolution dated 6.3.77, the same would have been mentioned in the letter dated 2.11.77 of Smt. Savita Behn. The order for liquidating the society were passed on 9.8.90. The Society filed an appeal against this order and the case was remanded to the Registrar, Cooperative Societies, by Lt. Governor, Delhi, *vide* orders dated 8.1.92. According to this order, the Society was to produce all the documents within a period of 2 months, failing which the orders of winding up were to take effect. Since the Society failed to produce the record for examination, in accordance with the said orders the then Registrar, Cooperative Societies, ordered that the winding up orders should take immediate effect. The Society again approached the Lt. Governor by way of an appeal. In the meantime, the powers of the Lt. Governor were delegated to the Financial Commissioner. Against this delegation, the Society has filed a writ petition bearing No. 4040 of 94. The petition is yet to come up for hearing..... From the facts stated above, it would be appreciated that the very existence of the Society is dependent on the outcome of the writ petition pending in the High Court of Delhi. During the pendency of the Court cases it would not be possible to take any action on the recommendations contained in the report of the Committee on Petitions."

2.5 As regards liquidation/non existence of the society neither the Ministry nor the petitioners had informed the Committee. *vide* their different communications sent to the Committee and also while

tendering their oral evidence before the Committee during consideration of the original report (Twenty-Sixth Report—Tenth Lok Sabha) on the subject.

2.6 In order to have the factual position, the comments as furnished by the Ministry of Urban Affairs & Employment were forwarded to the petitioners, for furnishing their comments. The petitioners *vide* their letter dated 22 March, 1997 had furnished their detailed reply which is shown at Appendix-II.

2.7 Giving brief account about existence of the society the petitioners stated that the Jagjiwan Cooperative House Building Society Ltd. was registered on 28 April 1955 at Serial No. 1312 and is still functioning. It was primarily meant for the residents of Karol Bagh area and also those who had business in Karol Bagh area, though residing anywhere in the Union Territory of Delhi, as per bye-laws.

2.8 As regards request for appointment of a liquidator for liquidation of the society by Smt. Savita Behn, the then President of the society, *vide* her letter dated 12.11.77, the petitioners have stated as follows:—

“It is hereby denied that Mrs. Savita Behn was ever a legal member or President of the Society. As such a letter as claimed to have been issued by her on 2.11.77 is illegal and without any authority, and contrary to the letter of the Assistant Registrar Cooperative Societies himself *vide* his letter No. F. ARGH/NEW/85/1312 (HB) dated 20 May, 12 June, 1985, issued by Mr. Madhukar, Assistant Registrar (G.H.), addressed to Secretary, Jagjiwan Cooperative House Building Society Ltd. (Annexure “B”)... wherein it was assured by the Registrar Cooperative Societies that no action would be taken on the letter of Mrs. Savita Behn since it was illegal and without any resolution.”

2.9 The petitioners also denied of ever having the object of the Society to provide small plots to slum/Jhuggi dwellers. They further added that, as per bye-laws, approved in 1955, its aims and objects, II of the Bye laws and the membership clause III of the Bye laws do not mention anything either about small plots or about slum/jhuggi dwellers. It is the concocted allegations by the Office of the Registrar Cooperative Societies against the Society.

2.10 The petitioners further confirmed that the area of operation of the society was broadened from Karol Bagh area to whole of Union Territory of Delhi under the resolution of the General Body Meeting by the two-third majority which was subsequently adopted again in March, 1977 by the Managing Committee. A delegation of the society met Assistant Registrar in May or June 1985 and the Assistant Registrar *vide* No. F. ARGH/New/85/1312 (HB) dated 20 May/12 June, 1985 addressed to the Secretary Jagjiwan Cooperative House Building Society (as given in Annexure “B”) stated that, the status of the society as House Building

Society shall remain in fact and not to be affected in future by this office basing on any letter written by unauthorised persons.

**2.11 The petitioners further added that:—**

“Even in January 1989 another delegation met Mr. Ajay Kumar, Assistant Registrar (NGH), and presented a memorandum with two demands, firstly that the society to be converted into Group Housing and for that they had got the resolution of the General Body of the society, and secondly that the Society wanted to purchase land of their own. In reply thereto, Mr. Ajay Kumar, Registrar, *vide* his letter No. F. 47/1312/NGH/COOP./1312(OHB) dated 19.1.89 clarified all vital points, and stated as under:—

“Your application for the new registration of Group Housing Society from Coop. House Building Society cannot be accepted at present, for the reason that the new registration of the new Cooperative Group Housing Societies or their conversion from Cooperative House Building Societies has been closed for the time being, hence your society shall have to wait till the new policy of reopening of new registration of Group Housing Societies is announced, or revived. However, the Proceeding Registers and Membership Register submitted by your society shall be returned to your society in due course.

This office, however, has no objection to your functioning in the present form of Cooperative House Building Society, since you are having an old registration number of 1955, and after examining your books, it is seen that the society is functioning all right, though slow, under the Cooperative Act properly.

As regards your purchase of land within your own resources, if your society has already purchased its own land for members, or intends to purchase, in that case your President or Secretary, whosoever authorised by your Managing Committee, shall have to file an affidavit to the effect that your society does not need land from the DDA. Based on that an intimation shall be sent to the DDA to keep the affidavit on record for necessary action while allocating the land to the society.

Further to our doubt, you are at liberty to transfer the membership of one member to another person if the member wishes to relinquish his membership of his own. We have already cleared your earlier list of transferred members.”

**2.12** As regards passing of orders for liquidation of the society on 9.8.90 the petitioner stated that on 9.8.90, just in a few months all of a sudden, the Registrar, Cooperative Societies, ignoring all his previous letters, declared the society liquidated abruptly, as certain officers at lower level wanted some obligation, which was refused. As a result, they threatened

that they would get the society declared liquidated and defamed through media. This ultimately led to release of an advertisement in the *Hindustan Times* dated 4 February, 1990 (Annexure "F") alleging that the society has not been functioning for the last several years. The efforts made by this office to verify the facts were not successful due to the non-cooperative attitude of the society."

2.13 The petitioners further stated that—

"Aggrieved by the act of Registrar, Cooperative Societies, the society filed a case against the illwill and mala fide intention of the Registrar, Cooperative Societies in the court of Shri P.S. Ranga, Sub Judge, Delhi, *vide*. case No. 61/90, and is pending in appeal now."

2.14 The Ministry had also informed that against the orders for liquidation of the society, the society filed an appeal to the Hon'ble Lt. Governor, Delhi, who remanded the case to the Registrar, Cooperative Societies *vide*. order dated 8.1.92. According to this order, the society was to produce all documents within a period of two months, failing which the orders of winding up had to take effect. Since the society failed to produce the said documents, the then Registrar ordered winding up of society. To this the petitioners, *vide*. their reply stated that:—

".....it is correct that the society had to produce all the record before the Registrar, Cooperative within two months. The society was given to understand that the Registrar, Cooperative Societies would intimate the exact date and time when the documents were to be produced. On the last days of the stipulated period of 2 months *i.e.* on 4 March, 1992, the Society received a letter, in the afternoon from the Registrar, Cooperative Societies, Delhi to produce certain documents before him on 4.3.92 at 3 P.M..... On 4 March, 1992, four office bearers of the society presented themselves with the record, and placed before Mrs. Geeta Sagar, Registrar, Cooperative Societies, Delhi in time." Since the Registrar was in a hurry to go out, she asked the society office bearers to leave the whole record there. Mr. Jugal Kishore Sharma, who was the member of the society and who was also invited to accompany the other office bearers tried to explain to the Registrar, Cooperative Societies that in 1989 itself when the records of the society were handed over to the RCS office, that never was returned to the Society. This apprehension was made clear before the Lt. Governor, Delhi, who had directed the society just to show the documents, and whenever Registrar, Cooperative Society wishes, may call the Secretary for any number of times to produce the records for verification. The society office bearers waited there till 1745 hrs., but the Registrar, Cooperative Societies did not turn up. Several requests were made to show the records, but in vain, nobody wanted to listen to the society, as a result on 9 August, 1992, Mrs. Geeta Sagar, Registrar, Cooperative Societies, Delhi, passed an order against the

society reconfirming the liquidation status, based on which it is admitted that an appeal was filed before the L.G. against the order of 9.8.92 and since L.G. was over busy, he delegated his powers to the Financial Commissioner to decide the case of the society on his behalf. The Writ No. 404094 was admitted by the Ld. High Court and passed the order on 31.3.95 which is reproduced below:—

“In our opinion, it is not necessary to stay hearing of the appeal before the Financial Commissioner pending decision of the Writ Petition. The order that the Financial Commissioner may make would have, be subject to the decision of the writ petition.”

2.15 The petitioner further informed that:—

“The Ld. High Court directed the Registrar, Cooperative Societies to file their reply on two dates, but his Advocate has failed to do so. Even on 4 March 1997, his Advocate just sought two days time but further failed to file his reply.”

2.16 The reply as furnished by the Petitioners was contradictory to Ministry's comments, thus this reply was again forwarded to the Ministry of Urban Affairs & Employment to furnish their comments. The Ministry of Urban Affairs & Employment *vide* their O.M. No. J—130291/93—DDIIA dated 11 February 1998, reiterated their earlier stand stating therein as follows:—

“It has been mentioned by the Registrar that it is clear from the record of their office that the Society has been placed under liquidation and the Society has gone in appeal before the Financial Commissioner, Delhi and High Court of Delhi and the matter is *sub-judice*. In the light of this position no decision/action should be taken till matter is decided by the Court.”

2.17 The Committee in their Twenty-sixth Report (Tenth Lok Sabha) had recommended that Jagjiwan Cooperative House Building Society should be allowed to construct multi-storeyed flats after its conversion into Jagjiwan Group Housing Society. In reply, the Ministry have informed that they had consulted the Registrar, Cooperative Societies for conversion of Society, to which the Registrar had intimated that the orders of liquidation of the society were passed on 9.8.90. In response to the liquidation orders, the society has stated to have filed an appeal to the Lt. Governor, Delhi and the case was remanded to the Registrar *vide* orders dated 8.1.92. According to this order, the society was to produce all the documents within a period of two months, failing which the orders of winding up were to take effect.

2.18 The Committee are also informed by the Ministry that since the society failed to produce the records, as per orders, the Registrar ordered for winding up the society. The Committee note that finally the society has appealed before the Financial Commissioner Delhi and High Court and the petition is yet to come up for hearing.

2.19 The Committee further note from the reply as furnished by the petitioner that the office bearers of the society took the records to the Registrar on 4.3.92. The Registrar, asked the society office bearers to leave the whole record there. The office bearers did not leave the records as according to them in 1989 when the records of the society were handed over to Registrar, Cooperative Societies those were not returned to the society. However, on 4.3.92 the office bearers waited till 1745 hrs. and despite several requests the records were not seen but instead liquidation of the society was ordered on 9.8.92. Against that the petitioners filed a writ petition in the High Court.

2.20 The Committee is surprised to note that the liquidation of the Society was ordered on 9.8.92 against which the petitioners filed a writ petition in High Court, whereas both the Ministry of Urban Affairs & Employment and the petitioners did not at any stage bring this fact to the notice of the Parliamentary Committee, though the representatives of the Ministry also appeared in person before them for tendering evidence on 4 April, 1994 i.e. almost 2 years after the orders for liquidation of the society were passed. This amounts to concealing information from a Parliamentary Committee. The Committee take serious note of this and feel that the Ministries and the petitioners should be more careful in future about placing all the relevant facts before them as also about the authenticity of facts while tendering evidence before a Parliamentary Committee.

2.21 The Committee also note from the reply of the Government that being a *sub-judice* matter the Ministry cannot take any decision/action till the matter is decided by the Court, and feel that in the present circumstance of the case the Committee's recommendation of allowing the society to construct flats after conversion of Jagjiwan Cooperative House Building Society into a Group Housing Society may be kept in abeyance till the court gives its decision in the matter.



### **CHAPTER III**

## **ACTION TAKEN BY THE GOVERNMENT ON THE RECOMMENDATIONS OF THE COMMITTEE ON PETITIONS (ELEVENTH LOK SABHA) CONTAINED IN THEIR FIFTH REPORT ON THE PETITION REGARDING EXPLOITATION OF WORKERS WORKING UNDER THE PRIVATE CONTRACTORS FOR PROVIDING CATERING SERVICE AT KATNI RAILWAY STATION**

3.1 The Committee on Petitions (Eleventh Lok Sabha) in their Fifth Report presented to Lok Sabha on 2nd December, 1997 dealt with the Petition (No. 2 presented to Lok Sabha on 6 September, 1996 by Shri Sharad Yadav, M.P. signed by Shri Debidin Gupta and others, Kharhani Railway Station crossing. Mast Ram Akhara, Katni) regarding exploitation of workers working under the private contractors for providing catering service at Katni Railway Station.

3.2 Action taken note has been received from the Ministry of Railways (Railway Board) in respect of recommendations contained in the Report. The recommendations made by the Committee and the reply thereto furnished by the Ministry of Railways is shown below:—

#### **Recommendations/Observations (Para 1.9 and 1.10)**

3.3 The Committee note from the reply of the Ministry of Labour and Ministry of Railways that the Railway Administration has terminated the catering contract at Katni Railway Station on account of non-performance and default in providing services by the contractor. The Committee also note that the Railways have laid down certain details of procedure regarding basis of sanctioning the number of workers for catering stalls by Railways, appointing the catering contractor, service conditions of the workers serving under the contractors, renewal of catering contract etc.

3.4 The Committee note from the reply furnished by the Ministry of Railways that they initiated action for advertising for a fresh contract and inviting applications from eligible persons as per prescribed procedure. They have informed the Committee that all the eligible applicants including the Samiti would be considered on merits by Railway Administration as per extant norms.

3.5 The Committee are not satisfied with the reply of the Ministry of Railways as the main demand of the petitioners for giving catering contract to their registered Sahkari Samiti has not been accepted by the Ministry. The Committee feel that the catering contract should invariably be given to

the registered Sahkari Samities so that chances of their exploitation by the Private Contractor are eliminated completely.

### **Reply of the Ministry of Railways**

3.6. M/s. Khanpan Vendors Kamgar Sahkari Samiti Maryadit, Katni who had applied in response to the Notification issued by the Central Railway have been awarded two catering/vending licences at Katni Railway station on platform NO. 3/4 and 5/6 after following due process on merits.

### **Observations of the Committee**

3.7. The Committee are satisfied to note that in pursuance to their recommendations, catering/vending contract have been awarded to a registered Sahkari Samiti at Katni Railway Station after following due process, on merit. The Committee hope that the interests of Sahkari Samities would always be taken care of to save the workers from exploitation by private contractors.

NEW DELHI :

*Dated : 18 December, 1998*

**AJOY MUKHOPADHYAY,**

*Chairman,  
Committee on Petitions.*

## **APPENDIX-I**

### **ACTION TAKEN REPLIES FURNISHED BY THE MINISTRY OF LABOUR ON THE RECOMMENDATIONS OF THE COMMITTEE ON PETITIONS CONTAINED IN THEIR THIRTEENTH REPORT**

#### **Recommendations/observations**

**(Para 1.5, 1.6 & 1.7)**

1.5 The Committee have perused the comments furnished by the Ministry of Coal and Ministry of Labour and note that payment of wages through banks to contract workers working in the Coal Sector is not feasible as it would contravene Rule 69 of the CL (R&A) Central Rules, 1971 under which all wages shall be paid in "Current Coin or Currency or in both".

1.6 The Committee note that inspections of the establishments of contractors are being carried out by the officers of the labour enforcement machinery and wherever it is detected that less wages have been paid to the workers, the claim applications are filed by the inspecting officers before the authority under the Minimum Wages Act, 1948.

1.7 The Committee consider it unfortunate that under-payment was being made to contract workers in violation of the provisions of the Minimum Wages Act, 1948. They, therefore, recommend that the Ministry of Labour should strengthen their labour enforcement machinery and make the rules stringent so as to ensure regular inspection of establishments of contractors, proper maintenance of records and registers and supervision by senior officers.

#### **Reply of the Ministry of Labour**

As per the standing instructions issued by CLC(C), the field officers are carrying out regular inspections as well as inspections under crash programmes for enforcement of the Minimum Wages Act, the Contract Labour Act and other enactments, especially in informal sector, and as and when cases of less payments/non-payments are observed action is taken to file claim applications.

#### **Recommendation/observation**

**(Para 1.8)**

Any violation detected during such inspections should be dealt with expeditiously and defaulting contractors should be brought to book so that the problem of under-payment to contract workers is eliminated.

### **Reply of the Ministry of Labour**

During 1993, 8399 inspections under the Minimum Wages Act were carried out by field officers and 2040 claim applications were filed under the same enactment, similarly, 3215 inspections were carried out under CL(R&A) Act and 3273 prosecutions were launched under the same enactment. However, the recommendation made by the Committee have been noted for guidance and compliance.

#### **Recommendation/observation (Para 1.9)**

The Committee also note that the Ministry of Labour are processing a proposal to amend the CL(R&A) Act, 1970, to provide for absorption of retrenched contract labour through re-employment subject to certain norms and tests to be laid down, in certain jobs-processes/operations in which they were employed earlier but these have now been shifted to the main establishment. The Committee hope that the proposal to amend the said Act would be expedited. They would like the Ministry also to modify the rules/norms in such a way that all the retrenched employees are absorbed.

### **Reply of the Ministry of Labour**

The recommendation made by the Committee has been noted and the proposal to amend the CL(R&A) Act, 1970 is being expedited.

#### **Recommendation/observation (Para 1.10)**

The Committee also recommend that both the Ministry of Labour and Ministry of Coal would take suitable steps for effective implementation of various provisions contained in the Workmen's Compensation Act, 1923 so as to ensure to the Contract workers in the Coal sector the statutory benefits like leave with salary, payment of compensation and expenses incurred on treatment in the event of an injury/accident arising out of or during their duty. The Committee suggested that the Ministry of Labour may examine the feasibility of providing group insurance benefits to contract workers in Coal Sector and if necessary, with that object in view may suitably modify the provisions of the EPF & MP Act 1952, and the Contract Labour (R&A) Act, 1970.

### **Reply of the Ministry of Labour**

The recommendations of the Committee regarding effective implementation of provisions of the Workmen's Compensation Act, 1923 have been forwarded to all State Governments/U.T. Administrations, which are responsible for administering the Act, for taking appropriate action.

The Coal Mine workers are not covered under the EPF & MP Act, but are covered under the CMPF Act. Since the Ministry of Coal is

administering the CMPF Act, that Ministry has been requested to take appropriate action on the suggestion made by the Committee.

The provisions of the Workmen's Compensation Act are being implemented in respect of the Workers Working in contractors establishments in the South Eastern Coalfields Ltd. and N.C. Ltd. which are Subsidiaries of the Coal India Ltd. and medical facilities are also extended to the contract Labour in the event of injury while on duty through the departmental hospital/dispensaries by the managements.

Regarding leave with wages to the workers employed by the contractors that facility is extended only when the workers engaged by the contractors are doing the same and similar work as performed by the workmen directly employed by the principal employers.

Regarding Group Insurance Scheme, it is not available to the directly employed workmen of the principal employer and therefore workers of contractors are also not getting the benefit but many contractors are having their own scheme of Group Insurance with Insurance Companies.

The Contract Labour employed in mining activity like transportation, construction of walling and stopping and white washing in underground mines are covered under the provisions of Mines Act, 1952 and these workers are entitled to the benefits of the Mines Act, 1952.

As regards leave with wages/salary, holidays, hours of work and other conditions of service of the workmen of the contractors, these are governed by Rule 25 of the Contract Labour (Regulation & Abolition) Central Rules, 1971, a copy of which is enclosed for perusal.

## **APPENDIX-II**

### **ACTION TAKEN REPLIES FURNISHED BY THE MINISTRY OF COAL ON THE RECOMMENDATIONS OF THE COMMITTEE ON PETITIONS CONTAINED IN THEIR THIRTEENTH REPORT**

#### **Recommendation/observation (Para 1.10)**

The Committee also recommend that both the Ministry of Labour and Ministry of Coal would take suitable steps for effective implementation of various provisions contained in the Workmen's Compensation Act, 1923 so as to ensure to the Contract workers in the Coal sector the statutory benefits like leave with salary, payment of compensation and expenses incurred on treatment in the event of an injury/accident arising out of, or during their duty. The Committee suggested that the Ministry of Labour may examine the feasibility of providing group insurance benefits to contract workers in Coal Sector and, if necessary, with that object in view may suitably modify the provisions of the EPF & MP Act, 1952, and the Contract Labour (R & A) Act, 1970.

#### **Reply of the Ministry of Coal**

So far the question of implementation of Workmen's Compensation Act is concerned, the same is being implemented faithfully in respect of Contractors Labour also. It was always ensured by CIL that whenever any contractor's labour is injured or meets with an accident, he is being paid due compensation under the Act by the Contractor or in his failure, the same is paid by the principal employer and the amount is deducted from the contractor's bill subsequently.

The contractor's labours are also being accorded the facilities of medical treatment etc. in the event of any injury or accident through the departmental hospitals/dispensary etc.

The management did not come across any such provision relating to grant of leave with wages/salary to the contractor's labourers either under CL (R&A) Act, 1970 or any other Act. However, the management has no objection to such provisions being inserted in CIL(R&A) Act, 1970.

Regarding introduction of group insurance benefit to the Contractor labour is concerned, it will be difficult for the industry to accept this view because no such benefit is available to the workers of coal industry and as such any extension of such benefit will have a serious repercussion.

The Ministry of Labour were again requested to furnish their own comments on Para 1.10 of the recommendations of the Committee and on comments of the Ministry of Coal regarding leave with wages and

provision of group insurance benefits to Contract Labour and also to clarify the position regarding leave with wages/salary to contractor's labours under Contract Labour (R&A) Act, 1970 or any other Act.

### **APPENDIX-III**

**(See para 2.2 of the Report)**

#### **(OBSERVATION/RECOMMENDATION OF THE COMMITTEE)**

1.16 The Committee note that the Jag Jiwan House Building Cooperative Society had submitted the layout plans and applied for 'No Objection Certificate' on 18.4.1991 so as to start building activities at their land but the request of the Society could not be acceded to by the Delhi Development Authority as the same is not covered under policy of Government of India enunciated in 1961 regarding large scale acquisition, development and disposal of land in Delhi.

1.17 The Committee also note that because of shortage of land there is no policy at present for development of plots on the land in Delhi as such DDA has not been permitting the plotted development during the last one decade. 'Moreover there' is no policy of permitting the group housing schemes in isolated pockets by private individual groups.

1.18 The Committee further note from the comments furnished and evidence tendered by the Ministry of Urban Development (now Urban Affairs and Employment) that the DDA had rejected the lay out plans of the Society and this was also conveyed to the petitioners *vide* DDA letter dated 5 June, 1991 whereas the petitioners denied to have received such a letter. On confirmation, the Ministry have informed the Committee regretting that no such letter of rejection was issued to the petitioners due to some misunderstanding.

1.19 The Committee is unhappy to note that the Ministry of Urban Development (now the Urban Affairs and Employment) had not taken care to check the facts while appearing before a Parliamentary Committee for tendering evidence. The Committee feel that the Ministries should be more careful in future about the authenticity of facts while tendering evidence before a Parliamentary Committee.

1.20 The Committee further note that the land in question falls in the development area No. 176 in the residential zone in the Delhi Master Plan but the DDA could not develop it due to its non-acquisition by the Delhi Administration. The DDA had requested the Delhi Administration to acquire the land as far back as in the year 1986. But the land has not been acquired so far inspite of many reminders by DDA. In fact, the land has not even been notified for acquisition as yet. Moreover, the Delhi Administration, has not communicated any reason for not acquiring the land.



1.21 The Committee, while agreeing with the policy of the Government and the DDA about the planned development of Delhi, feel in the circumstances of the present case that the Jag Jiwan Cooperative House Building Society should be allowed to construct multi-storied flats on their land and then flats are allotted to their members. To achieve this objective the petitioners may also fulfil the necessary formalities such as conversion of the society into a group housing society, etc.

**APPENDIX - IV**  
(See Para 2.6 of the Report)  
(Reply of the Petitioners)

**THE JAGJIWAN CO-OPERATIVE HOUSE  
BUILDING SOCIETY LTD.**

(Regd. No. 1312)  
R-8/3, GREEN PARK, NEW DELHI-110016

SMT VEENA SHARMA  
ASSISTANT DIRECTOR  
LOK SABHA SECRETARIAT  
PARLIAMENT HOUSE ANNEXE  
NEW DELHI-110001

22 MARCH 1997

**SUBJECT: IMPLEMENTATION OF RECOMMENDATIONS MADE  
BY THE COMMITTEE ON PETITIONS (TENTH LOK  
SABHA) IN THEIR TWENTY SIXTH REPORT ON THE  
PETITIONS SEEKING PERMISSION FOR STARTING  
BUILDING ACTIVITIES ON THE LAND OWNED BY  
THE JAGJIWAN COOPERATIVE HOUSE BUILDING  
SOCIETY LOCATED AT VASANT KUNJ, MEHRAULI,  
NEW DELHI**

Dear Madam,

1. With reference to your letter No. 57/CI/7/96 dated 17 March 1997, the parawise reply of the comments made by Ministry of Urban Affairs & Employment, about the Jagjiwan Cooperative House Building Society Ltd., are given below alongwith the comments with documentary evidence, as desired by you:

**PARA 1**

- (a) That the Jagjiwan Cooperative House Building Society Ltd. was registered on 28 April 1955 at Serial No. 1312 is true and is still functioning.
- (b) That it is admitted that it was primarily meant for the people of residence of Karol Bagh area and also those who had business in Karol Bagh area, though residing anywhere in the Union Territory of Delhi, as per bye-laws.

- (c) That so far the question of No. of members of the society is concerned, it is a matter of record; the members always increase or decrease in societies. (Letter dated 27 March 1996 written by Mr. Plus Tirkey, MEMBER PARLIAMENT Xth Lok Sabha, through whom the society's case was presented, along with the complete list of members given as Annexure "A" (not enclosed) That shows there are about 257 effective members and the total enlistment throughout has been over 550).
- (d) It is hereby denied that Mrs Savita Behn was ever a legal member or President of the Society. As such a letter as claimed to have been issued by her on 2-11-77 is illegal and without any authority, and contrary to the letter of the Assistant Registrar Cooperative Societies himself *vide* his No. F.ARGH/NEW/85/1312 (HB) dated 20 May/12 June, 1985, issued by Mr. Madhukar, Registrar (G.H.), addressed to Secretary, Jagiwan Cooperative House Building Society Ltd., and the same is enclosed herewith as Annexure "B". An extract of this letter, para 5, is self explanatory and is reproduced below to the effect where in it was assured by the Registrar Cooperative Societies that no action would be taken on the letter of Mrs. Savita Behn since it was illegal and without any resolution:
- "The letter dated 2-11-77 purported to be written by Smt. SAVITA BEHN, a social worker, regarding your society asking for liquidation and refund of money of members of her own, is not traceable at our office. However, it has been noted that she was not the legal President holding any position legally, since she was not the member of the society, her letter mentioned in this para shall attract no action from our office."
- (c) The allegations claimed to have been levelled that the Society was meant to provide small plots to Slum/jhuggi-dwellers, is totally wrong and misleading.
- (f) As per bye-laws, approved in 1955, its aims and objects, II of the Bye laws and the membership clause III of the Bye laws do not mention anything either about small plots or about slum/jhuggi dwellers, copy of Bye-laws enclosed herewith as Annexure "C" (not enclosed) for reference. It is the concocted allegations by the office of the Registrar Cooperative Societies against the Society.

## PARA 2

- (a) It is wrong that the money was returned to members and they asked for liquidation of the society. Only a very few members who wanted to transfer their memberships were allowed to do so from time to time, as permissible under the cooperative law, which was also subsequently clarified by the Assistant Registrar Mr. Ajay Kumar, who further confirmed that the record of the society was examined and found that the society was functioning all right, though slow, under the cooperative act properly. See Annexure D. (Not enclosed).
- (b) It is also correct that the scope of enrolling members was broadened from Karol Bagh area to whole of the Union Territory of Delhi, under the resolution of the General Body Meeting by the two third majority which was subsequently adopted again in March 1977 by the Managing Committee. Letter dated 27-2-79 written to the Registrar Cooperative Societies by Mr. M.C. Gupta, the then Honorary Secretary of the society, is correct.
- (c) A delegation of the society met Asst. Registrar in May or June 1985 and the extract of the reply of the Assistant Registrar No. F. ARGH/New/85/1312 (HB) dated 20 May/12 June 1985 addressed to the Secy. Jagjiwan Cooperative House Building Society Ltd., given as Annexure "B" is reproduced below:

"I am directed to inform you that your request for converting this society from House Building to Group Housing cannot be accepted at present, since it is supported by a resolution of your Managing Committee dated 6-3-77. It should have been resolved by your General Body."

"To enable us to proceed further in getting your society converted into a Group Housing, you are required to apply with a fresh application along with a resolution of the General Body of Jagjiwan Cooperative House Building Society Ltd."

"As regards your query about the rule under which your society have extended the membership of your members from Karol Bagh Area to whole of Delhi (Union Territory of Delhi) is in order."

"However, the status of your society as House Building Society shall remain in tact and not to be affected in future by our Office basing on any letter written by unauthorised persons."

- (d) The status of the society was perfectly within law as seen from the above letter of the Assistant Registrar Cooperative Societies dated 20 May/12 June 1985, hence the question of liquidation could not arise.
- (c) Even in January 1989, another delegation met Mr. Ajay Kumar, Assistant Registrar (NGH), and presented a memorandum with two

demands, firstly that the society to be converted into Group Housing and for that they had got the resolution of the General Body of the society, and secondly that the society wanted to purchase land of their own.

- (f) In reply thereto, Mr. Ajay Kumar, Registrar, *vide* his letter No. F. 47/1312/NGH/COOP/1312 (OHB) dt. 19-1-89 clarified all vital points, stated as under:

"Your application for the new registration of Group Housing Society from Coop. House Building Society cannot be accepted at present, for the reason that the new registration of the new Coop. Group Housing Societies or their conversion from Cooperative House Building Societies has been closed for the time being, hence your society shall have to wait till the new policy of re-opening of new registration of Group Housing Societies is announced, or revived. However, the Proceeding Registers and Membership Register submitted by your society shall be returned to your society in due course."

"This office, however, has no objection to your functioning in the present form of Cooperative House Building Society, since you are having an old registration number of 1955, and after examining your books, it is seen that the society is functioning all right, though slow, under the Cooperative act properly."

"As regards your purchase of land within you own resources, if your society has already purchased its own land for members, or intend to purchase, in that case your President or Secretary, whosoever authorised by our Managing Committee, shall have to file an affidavit to the effect that your society does not need land from the DDA. Based on that an intimation shall be sent to the DDA to keep the intimation shall be sent to the DDA to keep the affidavit on record for necessary action while allocating the land to the society."

"Further to your doubt, you are at liberty to transfer the membership of one member to another person if the member wishes to relinquish his membership of his own. We have already cleared your earlier list of transferred members."

- (g) It may kindly be noted that the status of the society remained in tact right upto January 1989, and it may be seen from the above extracts of the letter of the Assistant Registrar of Cooperative Societies, who testified that the books of the society were examined and found that the society was functioning all right under the cooperative act.
- (h) On 9-8-90, just in few months after all of a sudden, the Registrar Cooperative Societies, ignoring all his previous letters, declared the society liquidated abruptly, for the following reasons:

- (i) In January 1990, certain officers at lower level wanted some obligation, which was refused. As a result, they threatened that they would get the society declared liquidated and defame through media. In this connection, an application to this effect was initiated by Mrs. Tripta Bhatia, the then member of the society, and she sent the same to Lieut Governor, of Delhi on 23-1-90, the extract of which is reproduced below, the full copy of the complaint addressed to the LG Delhi on 23-1-90 is enclosed as Annexure "E": (not enclosed)

"The society, though registered as old as 1955 had a number of problems relating to finance, hence its function slowed down.

"Instead of receiving proper sympathy for the collective cause of the people which of course extended by the Assistant Registrar Shri D.N. Singh, but one or two persons at lower level in the office of the Registrar G.P. Housing Societies started harassing and in fact went to the extent of blackmailing. They wanted gratification of a heavy sum, which was denied to them by our society, since neither we could afford, nor could we encourage such a practice, and this led to a trouble against us."

- (j) The refusal of giving gratification to the lower level of office of the Registrar Cooperative Societies ultimately led to release of an advertisement in the Hindustan Times dated 4 Feb 1990, an extract of which is enclosed as Annexure "F", wherein it alleged that there was no cooperation from the society, whereas upto January 1989, according to the Registrar Cooperative Societies Annexure "D", the status of the society according to him was okay and it was functioning properly. The extract of advertisement which is contradictory to their own letters of 1985 and 1989 are given below:

"Further the society has not been functioning for the last several years. The efforts made by this office to verify the facts were not successful due to the non-cooperative attitude of the society."

- (k) Aggrieved by the act of Registrar Cooperative Societies, the society filed a case against the illwill and malafide intention of the Registrar Cooperative Societies in the court of Shri P.S. Ranga, Sub Judge, Delhi, vide case No. 61/90, and is pending in appeal now.
- (l) As a result of the complaint to LG, Delhi and the case instituted by the society against the Registrar Cooperative Societies irked their office, or by other reasons best known to them, first they released a public notice against the society, which is totally wrong and fabricated, extract of which is given above under PARA 2, sub para (K), and the Registrar Cooperative Societies later on declared society as liquidate contrary to cooperative law.

- (m) After the above public notice by the Registrar Cooperative Societies, he declared the society under liquidation, inspite of the fact that repeated written assurances by the Registrar Cooperative Societies himself that the society's status would not be affected. The liquidation was illegal and without any authority of law, since it was violative of the principle of Natural Justice as no proper notice for liquidation was served on the society or to any authorised office bearer of the society.
- (n) The delegations of the society have been meeting the Assistant Registrar, from time to time; one record is that of 1985 and the other of 1989, and they are self explanatory and are already given above as Annexures "A" and "D", which expose the excessive negative attitude of the Registrar Cooperative Societies against the society all of a sudden.
- (o) The society went in for an appeal before the Hon'ble Lt Governor, Delhi against the Registrar of Cooperative Societies, Delhi. The Lt Governor, Delhi was pleased to hear the appeal and by examining various letters of the Registrar Cooperative office issued by them to the society from time to time and also by other unjustifiable highhandedness against the society, suspended the order of the liquidation of the Registrar Cooperative, Delhi on 8-1-92. Under this order, it is correct that the society had to produce all the record before the Registrar Cooperative within two months. The society was given to understand that the Registrar Cooperative Societies would intimate the exact date and time when the documents were to be produced.
- (p) That in this connection, on the last days of the stipulated period of 2 months i.e. on 4 March, 1992, the Society received a letter that too in the afternoon from the Registrar Cooperative Societies, Delhi to produce certain documents before him on 4-3-92 at 3 p.m. with the following remarks:
- (i) Only production of records
  - (ii) No further opportunity, last chance.
  - (iii) No hearing
  - (iv) Time constraint
- (q) From to above remarks, it is evident how negative attitude was metted out to the society and also shows the result would obviously be negative.
- (r) That on 4 March 1992, four office bearers of the society presented themselves with the record, and placed before Mrs. Geeta Sagar, Registrar Cooperative Societies, Delhi in time. It was admitted in the impugned order also.
- (s) Since the Registrar was in a hurry to go out, she asked the society office bearers to leave the whole record there. Mr. Jugal Kishore

Sharma, who was the member of the society and who was also invited to accompany the other office bearers tried to explain to the Registrar Cooperative Societies that in 1989 itself when the records of the society were handed over to the RCS office, that never was returned to the Society. This apprehension was made clear before the Lt. Governor, Delhi who had directed the society just to show the documents, and whenever Registrar Cooperative Society wishes, may call the Secretary for any number of times to produce the records for verification. As such the Secretary requested accordingly that the society was to show the record and he had come with the records as directed.

- (t) Even otherwise, to leave the record in the office of the society for an indefinite period would have stopped all the normal functioning of the society in respect of their members' day to day relationship. The Secretary made a request that they were willing to attend her office with the whole record any number of times desired or directed to complete the verification, but to no effect.
- (u) Registrar Cooperative Societies Mrs. Geeta Sagar said, she had no time and left the office. This particular point that the society brought the record to show within time on 4th March 1992 was recorded in the impugned order itself, which shows that the society obeyed the order of the Ld Lt. Governor, as directed and did not default, in any way.
- (v) The society office bearers waited there till 1745 hrs., but the Registrar Cooperative Societies did not turn up. Several requests were made to show the records, but in vain, nobody wanted to listen to the society, as a result on 9 August 1992, Mrs Geeta Sagar, Registrar Cooperative Societies, Delhi passed an order against the society reconfirming the liquidation status, which she could not do under the law. The liquidated status of the society was suspended, which means that the existence of the society was admitted upto the date when the suspension order by the Ld. Lieut. Governor, Delhi was passed, simply the society had to show the documents, which order the society obeyed. Can the Registrar declare the society liquidated twice? No, it was absolutely illegal and against the law.
- (w) The above shows that the order was made under an ulterior motto, arbitrarily and under haste without giving proper opportunity to the society, and it is ultravires of law of natural justice, equity and fairness based on which it is admitted that an appeal was filed before the L.G. against the order of 9-8-92 and since L.G. was over busy, he had wrongly delegated his powers to the Financial Commissioner to decide the case of the society on his behalf. The Writ No. 4040/94 was admitted by the Ld. High Court and the matter is pending.



- (y) The Hon'ble High Court passed the following order on 31-3-95, in Writ No. 4040/94, which is reproduced below:

"In our opinion, it is not necessary to stay hearing of the appeal before the Financial Commissioner pending decision of the Writ Petition. The order that the Financial Commissioner may make would have, be subject to the decision of the writ petition."

In view of the above order passed by the Ld. High Court, Delhi, the Financial Commissioner could have disposed of this matter in public interest or could have directed for the conversion of the society into a Group Housing under the recommendations of the Parliament Committee on Petition, since there is no bar from the High Court in this connection, he could very well pass the order.

### PARA 3

- (a) It is correct that in public interest Swamy Raj Baldev, the President of the Society, himself went in for a Public Writ Petition No. 3563/96 and 6255/96 seeking justice in public interest since the Registrar Cooperative Societies are alleged to be functioning in connivance with certain ex-office bearers of the society contrary to the interest of the society with high irregularities, and the members are suffering at their hands without any future. The Double Bench of the Ld. High Court issued notices to the Registrar Coop. Societies & others, copy of the court order enclosed as Annexure "G" (not enclosed).
- (b) The Ld. High Court directed the Registrar Cooperative Societies to file their reply on two dates, but his Advocate has failed to do so. Even on 4 March 1997, his Advocate just sought two days time but further failed to file his reply, which shown the continuing *malafide* intention of the office of the Registrar Cooperative Societies and their operating in connivance with certain ex-office bearers of the society with a view to damaging the cause of the innocent members for their shelters, for which they have been waiting for several years. The ultimate hope to them was the recommendation of the Parliamentary Committee on Petition that directed the society to build multi-storey flats for their members subject to first getting the society converted into a Group Housing. Though the society had submitted the application to the Registrar Cooperative Societies on 4 April 1996, but the same is now obstructed on false grounds, advanced by the Registrar Cooperative Societies through Ministry of Urban Affairs & Employment.
- (c) The Ministry of Urban Affairs & Employment was a party in the last proceeding when the Committee on Petition recommended the conversion of the society into Group Housing, they did not raise any objection. Now when the stage of conversion has come, they have come up with a new strategy of Registrar's plea, who has already

*malafide* intentions and has given the wrong information which the society has denied in earlier paras. Moreover, the society has already got the land for its members, and the Registrar himself has assured in writing two times that the states of the society shall remain in tact, now they are disrespecting the Parliamentary Petition Committee, knowingly well that it is against the principle of astople.

- (d) Last time, even the Ministry of Urban Affairs & Employment had misrepresented the case and the Committee on Petition passed certain remarks against them, even now they look to have repeated their wrong and false allegations just to deprive hundreds of innocent members of the society and thousands of their dependents, who are waiting for their dwelling units in this free country (Letter of Mr. Plus Tirkey dated 27 March 1996, along with the list of members, which are about 550, with effective membership of about 257 is already given as Annexure "B").

#### PARA 4

- (a) In fact, the conversion of the society as recommended by the Committee of Petition of Xth Lok Sabha, is out of the issue of the High Court, since it is within the vast discretionary powers vested in the Registrar Cooperative Societies to revive the society at any time with a view to serving the cause of Public Interest.
- (b) As regards the present status of the society the Ld. High Court had already given a free hand to the Financial Commissioner to pass an order, [See Para 2 (z) above]. Hence the plea of court cases taken by the Ministry of Urban Affairs & Employment is only to deny the rights to the members by making the process more and more delayed unnecessarily, particularly when the Parliamentary Committee of Xth Lok Sabha, has recommended to implement the conversion of the society into a group housing so that they may build multi storied flats for their members.
- (c) The main purpose of the Cooperative Movement is to help the members and not to damage their interest by taking an excuse of court cases which would mean only delay in the process of implementing the recommendation of the Parliamentary Committee against the public interest; this avoidable delay should be eluded to serve the cause of the people, who are involved in this dream of getting their shelters, and waiting for years together.
- (d) So far the court cases filed by the society against the Registrar Cooperative Societies are concerned, the society can undertake to withdraw the court cases within 10 days subject to the compromise by the Registrar of Cooperative Societies with the new managing committee of the society with a view to removing any hurdle of the court cases and to facilitate him to convert the society into group housing for which application dated 4-4-96 already pending with him

submitted by the newly elected Managing Committee of the society under the direction of Parliamentary Committee on Petition. (Copy of Application without enclosures is enclosed as Annexure "H". (not enclosed).

2. In this free country, the parliamentary system can only help the people, who bring them in Parliament to do justice to them in public interest when denied by the Govt. agencies. It is hoped that the report of the Xth Lok Sabha, Parliamentary Committee on Petition shall be respected with their parliamentary dignity for their recommendation which they made in their 26th Report, for the Jagjiwan Cooperative House Building Society Ltd. to build flats on their land at Vasant Kunj, Mehrauli, New Delhi, and shall be given proper honour to them by retaining their recommendation in favour of the society in public interest.

WITH PROFOUND REGARDS,

Yours Sincerely,

Sd/-

(SWAMY RAJ BALDEV)  
PRESIDENT

ENCL: AS ABOVE. (Total No. 38)

## ANNEXURE-B

OFFICE OF THE REGISTRAR COOPERATIVE SOCIETIES,  
OLD COURTS BUILDING, PARLIAMENT STREET, NEW DELHI

No. F. ARGH/New/85/1212(HB)

Dated 20-5-85

Secretary,  
The Jagjiwan Cooperative House Building Society Ltd.  
(Applied for conversion into Jagjiwan Cooperative House,  
(Society-proposed)  
F-5/22, Double Phatak,  
Gau Shala Marg, Delhi-6

Subject:— Registration of Jagjiwan Cooperative House Building Society  
Ltd. into Jagjiwan Cooperative Group Housing Society  
(Proposed)—Existing House Building Society.

Sir,

With reference to your letter dated 27-2-79 and also the memorandum of your delegation who presented in person.

I am directed to inform you that your request for converting this society from House Building to Group Housing cannot be accepted at present, since it is supported by a resolution of your Managing Committee dated 6-3-77. It should have been resolved by your General Body.

To enable us to proceed further in getting your society converted into a Group Housing, you are required to apply with a fresh application along with a resolution of the General Body of Jagjiwan Cooperative House Building Society Ltd.

As regards your query about the rule under which your society have extended the membership of your members from Karol Bagh area to whole of Delhi (Union Territory of Delhi) is in order.

The letter dated 2-11-77 purported to be written by Smt. SAVITA BEHN, a social worker, regarding your society asking for liquidation and refund of money of members of her own, is not traceable at our office. However, it has been noted that she was not the legal President or holding any position legally since she was not the member of the society, her letter mentioned in this para shall attract no action from our office.

However, the status of your society as House Building Society shall remain in tact, and not to be affected in future by our office basing on any letter written by unauthorised persons.

Your faithfully,

Sd/-

(MADHUKAR)  
Asstt. Registrar (G.H.)

**10. THE HINDUSTAN TIMES, NEW DELHI, SUNDAY,  
FEBRUARY 4, 1990.**

**ORDERS OF THE REGISTRAR  
CO-OPERATIVE SOCIETIES, DELHI  
OLD COURTS, BUILDING  
PARLIAMENT STREET  
NEW DELHI-110 001  
PUBLIC NOTICES**

It has come to the notice of this office that some persons are collecting huge amounts of money in the name of Jagjiwan Co-operative House Building Society Ltd. (Regn. No. 1312) by promising membership and plots in South Delhi. This Office has no information about the land owned by the Society. Further, the Society has not been functioning for the last several years. The efforts made by this office to verify the facts were not successful due to the non-cooperative attitude of the Society. The public is therefore hereby warned that any amounts deposited with the Society would be at their own risk.

**Sd/-  
(K.S. Mehra)  
Registrar,  
Co-operative Societies,  
Delhi Admn., Delhi.**

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